

Home Loss and Disturbance Allowance Policy

1.0 SCOPE

Purpose

- 1.1. whg may need to move customers; entitlement to Home Loss or Disturbance Payments is subject to the occupier being permanently displaced as a consequence of any improvement or redevelopment by a Housing Association which had previously acquired the land and which at the date of displacement was registered. This Policy covers how we will compensate customers in these scenarios and cover reasonable moving costs.
- 1.2 Compensation and moving costs are covered through two separate payments known as Statutory Home Loss and Disturbance. Both payments have different entitlement criteria. A displaced person may have entitlement to both Home Loss and Disturbance, although there can be instances where a claimant may have entitlement to only one of the payments.

Legal and regulatory framework

- 1.3 Registered Housing Associations are required to make Home Loss and Disturbance payments under the provisions of Part III of the Land Compensation Act 1973 (as amended). The value of these payments is governed by the Home Loss Payments (Prescribed Amounts) Regulations 2018.

2.0 POLICY STATEMENT

The aim of our Home Loss Policy is to:

- 2.1
 - Meet legislation covering compensation for home loss and the need to move from a permanent home.
 - Compensate customers required to leave their home permanently because of redevelopment works in recognition of the trauma and disruption of losing a home.
 - Ensure all customers who meet the home loss criteria, including the

need to move permanently due to plans to demolish or redevelop their home, receive the statutory amount of home loss payable at that time automatically.

- Recover debt owed to whg via the home loss payment.

The aim of our Disturbance Allowance Policy is to:

- 2.2
- Ensure reasonable costs a customer incurs due to moving home through whg redevelopment plans are covered by disturbance allowance payments and other options.
 - Ensure all customers in receipt of home loss payments or losing their home permanently due to redevelopment works receive disturbance allowance payments.
 - Ensure fair consideration is given to higher than normal moving costs where these can be justified.
 - Ensure customers are not caused financial difficulties or able to profit due to the need to move home.

2.3 **Eligibility**

- Entitlement to home loss or disturbance payments is subject to the occupier being permanently displaced as a consequence of any improvement or redevelopment by whg. Permanently displaced means that the occupier of the dwelling or land must be required to vacate by whg carrying out the improvement or redevelopment.
- A person cannot be regarded as permanently displaced if there is an intention to return him/her to his/her original home on completion of the works. Similarly, no entitlement will occur when, for reasons of personal preference, a person elects to remain in decanting accommodation rather than return to his/her former home.
- Home loss payment is compensation for the loss of a claimant's home as a result of certain actions by whg. The occupier for the purposes of eligibility is the person who has been in lawful occupation of the dwelling, or a substantial part of it, as his/her only or main residence throughout the period of one year ending with the date of displacement. In addition, the spouse of an occupier may have payment rights transferred to him/her when the occupier ceases to occupy the dwelling during the qualifying one-year period.
- Disturbance payment is compensation for losses or expenditure arising as a natural and reasonable consequence of being 'disturbed'. The occupier for the purposes of eligibility is the person who is in lawful possession of the dwelling at the time of displacement and at the time whg acquired the property.

(Commercial interests may also qualify, but not if an option for payment under the Business Tenancy Act (NI) 1964 has already been exercised).

- Where whg purchases a home by agreement from an owner-occupier he/she is not entitled to home loss or disturbance payment on vacating the property in consequence of the purchase. Similarly, there will be no entitlement to payment where an occupier voluntarily vacates following acquisition by a registered provider or on its behalf by a Developer.
- A consequence of any improvement or redevelopment – in this phrase the word ‘improvement’ means work carried out to alter and enlarge, whilst ‘redevelopment’ means work carried out to alter the use to which the land or dwelling has been put. In both instances, the displacement of the occupier must be in consequence of the works. Home loss and/or disturbance payments will only be made where whg requires the occupier to move permanently to facilitate the successful completion of a scheme.
- Previously acquired - there can be no entitlement to the home loss or disturbance payment where an occupant vacates a property in advance of its acquisition by whg, whether or not whg would have wished to displace that person permanently at a later date.

2.4 Payment of Home Loss

The liability for and the value of home loss payments is set out within government guidelines. Payment amounts are published annually in the Home Loss Payments Regulations.

2.5 Payment of Disturbance Allowance

whg will offer three options, providing standard disturbance payment packages to suit customer needs. It is the responsibility of the colleague arranging payment of either allowance to check the current published rates and communicate these to the customer from the outset in order that they can make an informed decision about their best option.

Lawyers have indicated that, although actual costs will be different for each customer, albeit not hugely different if the move is between similar properties, it is not unreasonable to offer a fixed sum by way of a disturbance payment to customers. This fixed sum is calculated as an estimate of the reasonable expenses incurred based on the average amounts of such payments for the relevant area. Accordingly, it would be in order for whg to make a standard payment to all customers by way of disturbance payment.

2.6 The Options for Customer Choice

Option 1: whg Standard Disturbance Payment Package A

(whg will arrange removal and cooker re-connection service *plus* standard cash payment for other costs of the move)

- For customers who prefer whg to make removal arrangements and arrange for reconnection of their cooker and prefer the simplicity and speed of a standard cash payment for other costs, without the need to produce receipts and/or provide evidence of costs incurred due to moving.
- This option reduces the stress of an imposed house move and has advantages for our more vulnerable customers who need direct assistance with making removal arrangements and those who would benefit from a financial package which did not require them to pay out and then await re-imburement.
- whg will provide a cooker reconnection service through its Asset Management Team at no cost to the customer.
- In addition, a standard cash payment will be set annually for other costs of the move. This is based on average payments for the relaying and adjustment of soft furnishings (and replacement where necessary), mail redirection and TV/cable reconnection.

Option 2: whg Standard Disturbance Payment Package B

(The customer will arrange furniture removal and cooker re-connection up to a maximum set payment plus standard cash payment for other costs of the move)

- For customers who prefer to make their own removal arrangements and arrange for re-connection of their cooker, but still prefer the simplicity and speed of a standard cash payment for other costs, without the need to produce receipts and/or provide evidence of costs incurred due to moving.
- They will be entitled to recover the costs they incur for removals and cooker reconnection subject to a maximum set payment - reviewed annually (the attributed value of the whg provided service).
- In addition, they will also receive the standard cash payment for other costs of the move. This is based on average payments for the relaying and adjustment of soft furnishings (and replacement where necessary), mail redirection and TV/cable reconnection.

Option 3: Disturbance Payment linked to production of receipts

- For customers who do not wish to take advantage of Options 1 or 2.
- Customers can submit a claim for reasonable legitimate expenses that qualify for disturbance allowance payments, but proof of every

cost incurred must be supplied and costs must be reasonable.

- The whg disturbance allowance checklist must be completed and all relevant invoices attached.
- The value of this disturbance payment package varies dependent on individual circumstances and claims made.
- Claims for payment must be made in writing to whg. Copies of the appropriate forms can be requested by contacting whg Contact Centre or any whg office.

2.7 Timelines of Payment

Home Loss Payment - claims for home loss payment must be made by the claimant before the expiration of the period of six months beginning with the date of displacement.

Disturbance Payment - no such restriction applies to claims for disturbance payment but it is administratively desirable to submit a claim as soon as possible after the date of displacement.

3.0 PERFORMANCE MEASURES

3.1. The Director of Housing will report to the Corporate Director of Operations when home loss or disturbance payments are required including:

- The number of residents entitled to home loss and/or disturbance
- The reason for home loss or disturbance payments
- The amount due

4.0 MONITOR AND REVIEW

4.1. This Policy will be monitored by the Director of Housing and reviewed every three years by the Policy Group.

5.0 ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES

5.1. Documents, policies and procedures associated with this Policy are:

- Land Acquisition and Compensation (Northern Ireland) Order 1973, as amended
- Home Loss Payment Regulations (updated annually)

Version control

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Document owner	Gary Brookes, Director of Housing
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