

Home Loss and Disturbance Payments Policy

1.0	SCOPE
	Purpose
1.1.	This document sets out whg's policy towards compensating tenants who have been permanently moved out of their home as a result of improvement or redevelopment works carried out by whg.
	Legal and regulatory framework
1.2.	Land Compensation Act 1973 Section 29 If a housing association tenant has to leave their home permanently because their landlord is going to carry out an improvement to the property or redevelop the land that the property is on, the landlord needs to pay them a Home Loss Payment. This is a fixed amount that compensates the tenant for having to leave their home.
1.3.	Land Compensation Act 1973 Section 37 If a housing association tenant has to leave their home permanently because their landlord is going to carry out an improvement to the property or redevelop the land that the property is on, the landlord needs to pay them a Disturbance Payment. The Disturbance Payment needs to be equal to the reasonable costs of moving the tenant from their home.
1.4.	Home Loss Payments (Prescribed Amounts) (England) Regulations The regulations, updated annually, specify the value of the Home Loss Payment.
1.5.	Family Law Act 1996 Section 30 A spouse or civil partner of a tenant has 'home rights' to a property shared or intended to be shared as a matrimonial or civil partnership home.
1.6.	Tenancy Standard The Tenancy Standard allows for customers to be moved permanently in order for their landlord to carry out improvement works, but with the condition that the

	customer keeps the security of their existing tenancy agreement once they have moved to their new home.
2.0	POLICY STATEMENT
	Eligibility
2.1.	The tenant of a property may be able to claim a home loss or disturbance payment if they have to move permanently to another home so that whg can make improvements to the property or redevelop the land the property is on. For example, if we wanted to build new homes on land where we have homes that would need to be demolished, the customers in those existing homes may be able to claim a home loss and/or disturbance payment.
2.2.	The tenant must have been living in the property as their only or principal home for at least one year to claim a home loss payment, or living in the property as their only or principal home at the time they needed to be moved to claim a disturbance payment.
2.3.	We only make home loss or disturbance payments where the reason that the tenant has had to move out of their home is because we are improving the property or redeveloping the land. We do not make home loss or disturbance payments where we have rehoused a tenant due to repairs or emergency works.
2.4.	We will not make home loss or disturbance payments if the customer either left their home voluntarily, or if the customer was given the opportunity to return and chose not to.
2.5.	There are circumstances where someone who does not meet the criteria in 2.2 is entitled to home loss or disturbance payment. For example, a spouse or civil partner who has 'home rights' under the Family Law Act 1996 may be able to claim home loss payment if their spouse or civil partner does not live in the property. When reviewing any claim for home loss or disturbance payment, we will take into account the individual circumstances of the claim.
2.6.	We recognise that having to leave your home can be distressing and we seek to treat all our customers with sensitivity to the circumstances.
	Making a Home Loss Payment
2.7.	We will advise customers if we believe they may be entitled to a home loss payment, but customers will need to submit a claim. We will then review the claim to see whether it is valid.
2.8.	We will make a home loss payment to the customer within three months of receiving a valid claim.

2.9.	We will deduct any rent arrears or other costs owed to whg from the payment before we pay it.
	Making a Disturbance Payment
2.10	We offer customers different options if they need to move home permanently. The customer can choose which option they would prefer. The full details of these options are set out at Appendix 1 and summarised below.
2.11	Option 1: Customers can opt for whg to move their furniture and belongings into the replacement property, and reconnect their cooker. We will also make a cash payment to cover additional expenses such as redirecting post and reconnecting TV, phone and broadband. The amount of the cash payment is set annually.
2.12	Option 2: Customers can opt to arrange their own removals and reconnections, and then recover the costs for this from whg. We will also make a cash payment to cover additional expenses such as redirecting post and reconnecting TV, phone and broadband. The amount of the cash payment is set annually.
2.13	Option 3: Customers can opt to arrange their own removals and reconnections, and to pay additional expenses themselves. They can then submit receipts or invoices covering each expense to whg. We will then cover the costs of the expenses.
2.14	We will make cash payments, where requested under Option 1 or Option 2, in advance where possible. We will reimburse expenses as soon as possible after we have received all required receipts and invoices covering all expenses.
2.15	We will only cover costs that are reasonable. Where costs are higher than normal, we will only consider covering the increased costs if this is reasonable in the individual circumstances.
2.16	Where a customer has requested reimbursement for individual expenses under Option 3, we will not in general cover costs for new or replacement items such as carpets or furnishings. However, all cases will be reviewed with regard to the individual circumstances of the case.
2.17	Ultimately, we want to make sure our customers are not left out-of-pocket by having to move home, but we also have a duty to ensure that customers do not make a profit from their expenses or make unreasonable expense claims. This may mean it takes longer to review claims but we will always attempt to resolve claims as quickly as we can.
2.18	We recognise that having to leave your home can be distressing and we seek to treat all our customers with sensitivity to the circumstances.

3.0	PERFORMANCE MEASURES
3.1.	<p>The Director of Housing will advise the Corporate Director of Operations of all cases where home loss or disturbance payments have been awarded, including:</p> <ul style="list-style-type: none"> • The number of residents entitled to home loss and/or disturbance • The reason for home loss or disturbance payments • The amount due
4.0	EQUALITY AND DIVERSITY
4.1	<p>Through offering several options for assisting with disturbance to home, we are actively seeking to ensure customers with health, cultural and social needs are not disproportionately impacted by needing to move home permanently. Additionally, through advising customers where we believe there may be an entitlement to home loss or disturbance payments, we are seeking to ensure all customers are able to access payments that they are entitled to.</p>
5.0	TRAINING AND DISSEMINATION
5.1.	<p>Colleagues directly responsible for arranging alternative accommodation for customers as a result of improvement or redevelopment are trained in recognising the circumstances where home loss or disturbance payments may apply. Colleagues directly responsible for making payments for home loss or disturbance payments are trained in assessing claims.</p>
6.0	MONITOR AND REVIEW
6.1	<p>This Policy will be monitored by the Director of Housing and reviewed and approved every three years by the Policy Group.</p>
7.0	ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES
7.1	<p>Documents, policies and procedures associated with this Policy are:</p> <ul style="list-style-type: none"> • Disturbance Payment Checklist

APPENDIX 1

whg Standard Disturbance Packages

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 (replacement where essential only), postal redirection and TV/cable reconnection.

Option 2: whg Standard Disturbance Payment Package B

(The customer will arrange furniture removal and cooker reconnection 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 would prefer standard cash payment for other costs, without the need to produce receipts 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 (replacement where essential only), postal 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.
- Disturbance allowance checklist must be completed and 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 Customer Services.

Document author	Anna Paterson
Document owner	Gary Brookes
Legal advice	-
Consultation	Representatives from CDAP and Customer Voice
Approved by	Policy Group August 2022
Review Date	August 2025
Corporate Plan aim	<ul style="list-style-type: none">• Deliver High Quality Homes and Services to our Customers
Equality Assessment	-
Key changes made	Changes to format and wording