

# East Devon District Council

## Decant Policy

Issue details	
<b>Title:</b>	<b>Decant Policy</b>
<b>Version number</b>	<b>Version 1.0</b>
<b>Officer responsible:</b>	<b>Property and Asset Manager</b>
<b>Authorisation by:</b>	<b>Housing Review Board</b>
<b>Authorisation date:</b>	<b>08/03/2018</b>

### 1 Previous Policies/Strategies

N/A

### 2 Why has the council introduced this policy?

This policy outlines East Devon District Council's Property & Asset team approach to decanting (moving) tenants or leaseholders from their current property due to an emergency such as fire, flood, major repairs, and refurbishment, where there is a health & safety risk or where redevelopment works are needed to their home.

### 3 What is the council's policy?

#### 3.1. Introduction

This policy statement outlines East Devon District Council's Property & Asset team approach to decanting (moving) tenants or leaseholders from their current property due to an emergency such as fire, flood, major repairs, and refurbishment, where there is a health & safety risk or where redevelopment works are needed to their home.

#### 3.2. Scope

This policy sets out how the Property & Asset will implement such moves and what support will be available to tenants. It covers the following points and should be read in conjunction with the related documents as stated below:-

- Decanting tenants
- Keeping tenants informed
- Emergency decant
- Temporary decant
- Permanent decant
- Refusal to move out
- Leaseholders
- Security of tenancy
- Tenants' responsibilities
- Expenses

### 3.3. Related Documents

- a) Tenancy Agreement
- b) Tenancy Policy
- c) Devon Home Choice Scheme
- d) Allocation Policy
- e) Recharge Policy
- f) Adaptations Policy
- g) Complaints Policy and Procedure

### 3.4. Definitions

For the purpose of this policy, the following definitions apply:-

- **Decanting** is a legal definition used to explain the process when a tenant is required to move from their home due to major repairs, refurbishment or modernisation works. Decants may also be necessary when a property needs to be rebuilt or disposed of to enable effective asset management.
- **Permanent decant** is when a tenant is moved out of their property and there is no intention to return them to it.
- **Temporary decant** is when a tenant is moved out of their property, to enable work on their home to be carried out, with the intention of returning them to the property as soon as possible. There may be occasions when a temporary decant becomes a permanent decant (for tenants only), for example if the level of the work required is so great that the property has to be redeveloped or demolished, or the tenant has been moved on a temporary basis and it is later agreed by all parties that the new property is more suitable for them to remain in.
- **Emergency decant** is when a tenant is moved out due to an unexpected event that has caused a property to become uninhabitable. This may be due to fire, flood or where immediate work needs to be undertaken to safeguard the tenants' or neighbouring properties health and safety.

### 3.5. Decanting tenants

**3.5.1** There will be instances when the Council will need to move a tenant due to major repairs, refurbishment or redevelopment works to their home.

**3.5.2** Where there is a health and safety issue for example due to asbestos, or a fire risk to the tenants' property or the building they live in, the Council may require tenant's to move out whilst work is carried out to rectify the issue.

**3.5.3** A tenant will only be decanted if the Council feels that it is necessary. They may need to move because planned works are so extensive that it would not be practical for them to remain in their home for the duration of the project. However, it may also be because the tenant or a member of their household has ill health, vulnerabilities or special needs and the refurbishment may affect their welfare. In such cases, an offer of alternative accommodation may be appropriate.

**3.5.4** Decanting may also be needed if the tenant experiences a fire or flood. This may have been caused by accident, or deliberately.

**3.5.5** The Council will respond to situations such as the above in accordance with the provisions of the Devon Home Choice Scheme, which is used to allocate social housing in the District.

**3.5.6** Any complaints regarding the decant process will be dealt with in accordance with the Council's Complaints Policy and Procedure.

### **3.6. Keeping tenants informed**

**3.6.1** We will ensure that the tenant is kept informed throughout the decant process. The tenant's Estate Management Officer or Mobile Support Officer will be the first point of contact and will provide an update which will include the following:-

- Why the decant is necessary, what will happen and when;
- An estimation of the duration of the decant period; and
- Any other support that the Council can offer.
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**3.6.2** The Estate Management Officer or Mobile Support Officer will co-ordinate such moves and will take into account the tenant's circumstances, their needs, the timescales of the works and the availability of alternative accommodation.

### **3.7. Emergency decant**

**3.7.1** An emergency decant occurs when a tenant's property becomes uninhabitable, for example due to fire, flood, storm damage or another immediate health and safety risk. Tenants are always advised to take out their own home contents insurance as the Council will not be liable for any personal contents that may be damaged. In the event of fire, flood, storm damage or health and safety risk, the tenant will be encouraged to stay with family and friends where possible however if this is unable to happen then the tenant will be provided with temporary accommodation which may either a Bed and Breakfast (B&B), another available property or a holiday let.

**3.7.2** The tenant will be given appropriate support and advice with the intention of them returning to the property as soon as it becomes habitable again.

### **3.8. Temporary decant**

**3.8.1** A tenant may only need to move out of their home on a temporary basis, for example, for a week or two, whilst works are being carried out to their property or the building they reside in. Where works may last longer, for example several months, this will be taken into account when considering the various options available.

**3.8.2** If it is estimated that works will only take a few days, then it may be more cost effective to consider the following:

- Making arrangements for the tenant to stay with friends and family;
- Placing the tenant in B&B accommodation;

- Seeking respite care for the tenant; or
- Paying for the tenant to stay in a chalet, caravan or similar type accommodation.

**3.8.3** The tenant will be obliged to carry on paying rent for their permanent home as they would normally however they will not have to pay for the cost of their temporary accommodation. If they have transferred to alternative accommodation within East Devon District Council's own housing stock, the above will be confirmed in writing.

**3.8.4** There may be other occasions when it might be appropriate to offer suitable alternative accommodation to someone who is in need of a temporary decant. This may be because the tenant is vulnerable in some way or because their existing accommodation is no longer suitable for their needs. An example of this would be where someone needs adapted accommodation. In such cases, consideration will be given to making an offer of suitable alternative accommodation on a permanent basis.

### **3.9. Permanent decant**

In some situations, for example where major redevelopment work is being undertaken, a property may be demolished or significantly altered. Where this is the case, the tenant will be permanently decanted. This would result in a new letting. We will provide suitable alternative accommodation for a permanent move and work with the tenant to meet their requirements and preferences, where possible.

### **3.10. Refusal to move out**

There may be some cases where tenants refuse the offer of the work or refuse to move out, for whatever reason. If so, the Council will endeavour to work with the tenant to resolve any issues. However, if an offer of alternative accommodation is refused, the relevant Officer will consider all relevant information and will make an informed decision regarding what action will be taken. In some cases where the work is required to ensure the safety of tenants, employees of the Council or Contractors, legal action to enforce the tenant to move out by way of Court Injunction will be considered, in some exceptional circumstances the Council may choose to commence Court proceedings to recover possession of the property.

### **3.11. Leaseholders**

**3.11.1** There may be situations where it is necessary to temporarily decant a leaseholder or their subtenant from their property when there is a health and safety issue or where major refurbishment is required which the Council is responsible for.

**3.11.2** In these circumstances the Council will work with the leaseholder to provide them or their subtenant with suitable alternative accommodation whilst the work is undertaken.

**3.11.3** Leaseholders will normally be obliged to carry on paying the service charges for their permanent home as they would normally however they will not have to pay for the cost of their temporary accommodation.

**3.11.4** Should the leaseholder or their subtenant refuse to move to move out, for whatever reason. The Council will endeavour to work with the leaseholder to resolve any issues. However, if an offer of alternative accommodation is refused, the relevant Officer will consider all relevant information and will make an informed decision regarding what action will be taken. In some cases where the work is required to ensure the safety of tenants, employees of the Council or Contractors, legal action to enforce the leaseholder or their subtenant to move out by way of Court Injunction will be considered, in some exceptional circumstances the Council may choose commence legal proceedings for forfeiture of their lease.

### **3.12. Security of tenancy**

When a tenant is moved to alternative accommodation they will continue to have the same type of security of tenure as they did in their original home. If the tenant moves to a property belonging to another Registered Provider, the Council, in its role as the Strategic Housing Authority, will take steps to ensure that they will be given the equivalent type of tenancy.

### **3.13. Tenants' responsibilities**

**3.13.1** Where a tenant is being decanted, they will be expected to pack up their own belongings unless there is a valid reason they cannot, for example, they are vulnerable or have special needs, in which case a packing service or help will be arranged.

**3.13.2** If the tenant is being transferred to alternative permanent accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation for the value of them. The cost of clearance and disposal of any such items will be recharged to the tenant.

**3.13.3** If the decant is temporary, the Council or its Contractors may require access to the tenant's home whilst work is being undertaken. The tenant must ensure that a key to their property is left with the relevant Officer before work commences. The Council will of course inform the tenant prior to any work starting if access to their home is required.

**3.13.4** If the household has home contents or other insurance, the tenant is advised to notify their insurance company about the change of address.

**3.13.5** Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken. However, if any possessions are damaged in the course of carrying out repairs, compensation may be paid, although any responsibility for this may be passed onto the contractor or the third party who has

completed the work. The relevant Officer will endeavour to seek damages from the removal company if the tenant's possessions are damaged during the course of the move. Any claims will be considered by the relevant Senior Manager.

### **3.14. Expenses**

Where it is necessary for tenants to move into temporary accommodations the Council will ensure that the following expenses are covered: -

- The cost of removals and/or storage of belongings
- Redirection of mail if an alternative method of delivery is unavailable
- Reimbursement of extra costs related to work or education whilst in temporary accommodation i.e. additional travel costs
- Disconnection and reconnection of appliances and utilities, such as cookers, domestic electrical appliances, telephone lines and satellite dishes
- The cost of cattery or kennels for pets if they cannot be accommodated in any temporary accommodation
- Loss of wages where time off is unavoidable due to displacement
- Installation of disability aids and adaptations
- A set meal allowance if the Council is unable to provide you with alternative accommodation where you can cook

- 4 Equality impact considerations** – the policy is medium relevance to equality if it has a big impact on residents and users of the service

### **Medium**

**5 Appendices and other relevant information**

N/A

**6 Who authorised the policy/strategy and date of authorisation.**

Housing Review Board

**7 Related Policies/Strategies, Procedures and Legislation**

Council's Complaints Policy and Procedure

See also 3.3

**8 Policy date for review and responsible officer**

December 2020 - The Senior Technical Officer Day to Day Repairs & The Senior Technical Officer (Asset Management & Compliance)