



Decants Policy (Temporary and Permanent Moves)

Department of Community and Children's Services

Housing Division

Approved by:	<i>Housing Management & Almshouses Sub-Committee</i>
Original Approval Dates:	<i>2016 (v.1) November 2020 (v.2) November 2024 (v.3)</i>
Review Date:	<i>November 2024</i>
Re-Approval Date	<i>28 November 2024 (v.3 – this version)</i>
Next Review Date	<i>November 2027</i>

1. Introduction

- 1.1 This policy sets out our approach to managing the rehousing of residents (whether temporarily or permanently) when it is necessary to move them from their existing home to enable repairs, modernisation or redevelopment works.
- 1.2 As a landlord, the City Corporation is obliged to keep the structure and exterior of its residential properties, including communal areas, in good repair. The City Corporation also has repairing obligations to Secure tenants for the interiors of their homes.
- 1.3 Additionally, the City Corporation may elect to make improvements to the residential buildings it manages, or redevelop sites completely, to provide better quality homes for current and future residents.
- 1.4 Improvement works, including major repairs, will normally be carried out whilst the tenant remains in their home. There may be situations, such as those when the health and safety of the tenant would be at risk, or the works are extensive, when works cannot be carried out with the tenant at the property. Where this is the case, we will arrange to move the tenant and their household. This process is referred to as 'decanting', and this will be done on either a temporary or permanent basis, depending on the nature of the project.
- 1.5 The policy applies only to housing managed as part of the Housing Revenue Account.

2. Policy Purpose

- 2.1 The purpose of this policy is to outline the arrangements for the rehousing and financial compensation of residents to deliver either temporary or permanent vacant possession of affected properties, to allow for repair, modernisation or redevelopment works and ensure effective use of public funds.
- 2.2 The policy will help us to:
 - Ensure decants operate in a fair, equitable and reasonable manner
 - Provide tenants with a clear approach to temporary and permanent rehousing, to ensure their options are clearly explained and that they are aware of their rights and responsibilities
 - To enable decants to be carried out with the minimal disturbance to tenants.
 - To outline the support, both financial and practical, provided to tenants who are required to decant.
 - To minimise rent loss to the City Corporation and to ensure that the best use is made of our resources.
 - Ensure statutory compliance with relevant legislation, including the requirement for tenants to be compensated when home loss applies.

3. Service standards

- 3.1 Consultation with affected residents will be carried out prior to the Committee's consideration of the works. Consultation will continue throughout the decant programme where appropriate on the detail of the modernisation or redevelopment programme.
- 3.2 Programmes will be managed by dedicated officers who will manage communication and consultation with residents and provide the first point of contact for advice and support for all households affected by the decanting programme.
- 3.3 A housing needs survey will be undertaken of all affected residents and households prior to agreeing any temporary move.
- 3.4 The policy aims to ensure no person will receive less favourable treatment on the grounds of any protected characteristic (Equality Act, 2010).

4. Legislation and regulation

- 4.1 This policy will help us to comply with the following regulatory requirements:

- Decent Homes Standard
- Safety and Quality Standard

- 4.2 The main legislation which is relevant to decanting is:

- Housing Act 1985

We have a legal obligation to consult with tenants when they are substantially affected by a proposal. Consultation must be at a time when proposals are still at an early stage, and we will consult with all affected persons.

- Land Compensation Act 1973

The Land Compensation Act 1973 provides for Home Loss Payments to be made to tenants for having to permanently move out of their home, subject to certain eligibility criteria. This mandatory payment is set by the Home Loss Payments (Prescribed Amounts) England Regulations.

The Land Compensation Act 1973 Act also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving from their home.

5. Types of Decant

- 5.1 Decants will generally fall into one of the following categories:

- Emergency (for example, to allow urgent repairs)
- Planned (Temporary)
- Planned (Permanent)

Emergency Decant

5.2 An emergency decant is usually required when an unexpected event has caused the property to be uninhabitable and arrangements need to be made quickly to provide alternative accommodation. In these situations, we will assist the tenant in finding alternative accommodation. This may include but is not limited to:

- Encouraging them to stay with friends or family
- Sourcing bed and breakfast / hotel type accommodation
- Sourcing alternative City Corporation accommodation

5.3 In any emergency, the priority will be to secure alternative accommodation for the tenant affected. Once this has been resolved, a full assessment of the work required at the property and the future housing requirements of the tenant will be conducted.

5.4 We will ensure that the alternative accommodation is suitable for the tenant's needs and the duration of the decant. This will be reviewed if circumstances change (for instance, if a repair takes longer than originally estimated).

Planned (Temporary) Decant

5.5 It may be necessary to move tenants temporarily whilst works are being carried out. An example of works include:

- Extensive works to multiple rooms
- Repairs or improvements meaning that the household is unable to live in the property safely whilst works are being carried out

5.6 Where planned repair or improvement work is required that cannot be carried out with the tenant in occupation, but does not require them to leave immediately, temporary alternative accommodation will be arranged prior to the work being undertaken. In determining the type of accommodation to be used, we will consider the likely time to complete the repair/works, the availability of suitable accommodation, the household's personal needs and the relative cost of each option.

5.7 Options that will be considered for temporary accommodation will include:

- Encouraging them to stay with friends or family
- Sourcing bed and breakfast / hotel accommodation
- Sourcing alternative City Corporation accommodation

5.8 The temporary move will only last as long as it takes to complete the repair or improvement works. If we arrange the accommodation, we will assist in respect of the relocation, including helping to move essential items and making minor adaptations to make the decant property suitable, such as installing grab rails or a temporary ramp.

Permanent Decant

5.9 A permanent decant may be necessary where it is planned to dispose of, demolish, remodel or redevelop the property. In these circumstances, we will carry out extensive consultation and work closely with affected households at all stages to support them through the process and help find suitable alternative accommodation.

5.10 For these decants, the following principles apply:

- Tenants will be given urgent priority through the lettings process.
- Existing tenants will normally be offered a new tenancy in accordance with our Housing Allocations Scheme
- If the decant is for the purpose of enabling new housing development on the site, we will discuss with the tenant the option of being rehoused in the new scheme if the planned accommodation is suitable for their needs.
- We will provide a package of support tailored to meet each household's needs.

5.11 We will ensure that displaced residents are aware of their rights, including financial compensation and assistance with moving costs.

6. Accommodation Costs During Decants

- 6.1 When a tenant is decanted as an emergency, or as a planned temporary measure, they remain liable for rent, service charges and other bills (including council tax and utilities) on their permanent home. Rent will not be due on the decant property whilst there is an intention for the tenant to return to their tenanted home.
- 6.2 We will cover the cost of utilities used by our contractors while repairs are completed.

7. The policy approach

- 7.1 Decant programmes will be scheme specific. The approach to decanting will take into account scheme proposals, works requirements, residents' choices to be rehoused temporarily or permanently, and residents' rehousing needs and preferences.
- 7.2 Local Decants Policies may be implemented to address the requirements of specific projects. Any such policy will require Committee approval and will remain in force until the project is completed.
- 7.3 This policy applies to tenants and licensees of the City Corporation, however we may implement project-specific policies which extend assistance to leaseholders, sub-tenants and other classes of occupier depending on the nature of the project.
- 7.3 Whilst there is no legal requirement to allow residents to return to properties in a redeveloped site, the Corporation is committed to allowing residents who wish to return to be given priority to do so subject to availability of suitable properties which meet the identified needs and requirements of their household. Local lettings plans may be applied to the letting of new or redeveloped properties units to facilitate this.
- 7.4 Where residents are to move temporarily and return to their substantive home upon completion of works residents will:
- retain the tenancy of their existing substantive home
 - move temporarily with a licence to occupy their temporary decant property
 - pay the lower of the two property rents during the period of the works
 - have the right to return to their substantive home upon completion of the work.

8. Housing Needs Survey

- 8.1 For planned decants, all residents will be offered a visit or interview to assess their individual households' rehousing needs, preferences and support requirements, and determine their eligibility for help with rehousing and financial compensation.
- 8.2 Household details will be updated periodically throughout the duration of the programme and further visits will be undertaken prior to rehousing to check requirements and enable claims for financial compensation.

9. Eligibility – Qualifications and Exclusions

- 9.1 The following residents will be eligible for rehousing and assistance:
 - tenants living in affected property 12 months prior to the date of the Committee decision to proceed with the proposed scheme
 - family members including children living with the tenant at the property 12 months prior to the date of the Committee decision to proceed with the proposed scheme
 - partners and spouses living with the tenant 12 months prior to the date of the Committee decision to proceed with the proposed scheme

Proof that residents meet the eligibility criteria may be required. The City Corporation will not rehouse unauthorised occupants, sub-tenants, lodgers, licensees, children of the tenant whose main or principal home is elsewhere, or other non-secure occupants.

- 9.2 The Housing needs assessment and size of accommodation will be determined using the City Corporation's Allocations Scheme in the first instance.

Where necessary, estate-specific decant plans, or standalone policies, will allow flexibility and discretion to adapt requirements to the particular needs and circumstances of individual estates and works programmes.

10. Offers of accommodation

- 10.1 For planned permanent decants, residents will be notified in writing of the size of property they are entitled to, their priority for rehousing, and their stated preferences for rehousing. They will also be notified of their right to return to their substantive property.
- 10.2 Tenants have the right to refuse offers of accommodation. However, after two reasonable offers of accommodation have been made, we will make a final offer of suitable accommodation.
- 10.3 Where a tenant refuses to move or has refused the offers of other suitable alternative accommodation and other options are not feasible, we reserve the right to seek possession of the property.

11. Practical Support for tenants

11.1 Liaison with tenants affected will take place at the earliest opportunity in order to explain the process, including the support and options available. We will identify a dedicated officer who will be the tenant's key point of contact in relation to the decant and who will be responsible for making sure that the process runs as smoothly as possible.

11.2 The officer will discuss the level of practical support required and will agree an action plan to ensure all needs are met where reasonably possible. Support could relate to the following:

- General advice regarding our services, including housing allocations and benefit claims
- General advice and assistance on how to move home;
- Assistance to view the property offered to them;
- Assistance to move furniture and possessions
- Clearance of unwanted items;
- Additional support for vulnerable residents.

11.3 During the decant period the designated officer will keep in contact with the tenant, to advise them of progress with the work and confirm that there are no issues with their current home. How much can be planned and agreed in advance of a move will depend on whether it is an emergency or planned move.

12. Financial Support

12.1 Statutory Home Loss Payment and Disturbance Payment are two separate payments with different entitlement criteria. Both relate to tenants who are required to move permanently out of their home, those who move on an emergency or temporary decant basis are not eligible.

12.2 A Home Loss Payment is a fixed sum paid in recognition of the personal upset and distress caused to the customer by permanent displacement. Home Loss payments are a legal requirement under the Land Compensation Act 1973 and the Planning & Compensation Act 1991, but only if a customer is required to move permanently from their home. To be eligible for this payment, the following must apply:

- the secure tenant has been living in the property for one year before they have to be permanently decanted
- the tenant has been living in the property as their main or only residence
- the tenant is being required to move as a consequence of improvement or redevelopment (repairs, even if major, do not justify payment)

12.3 The amount payable is governed by The Home Loss Payments (Prescribed Amounts) (England) Regulations. Any outstanding rent arrears or other debts owed to us will be deducted from the Home Loss Payment and credited to the customer's rent or sub account.

12.4 Payment for Disturbance Allowance is governed by the Land Compensation Act 1973. For joint tenancies, one Home Loss payment will be shared between both tenants. No other people resident in the home or required to move will receive one.

12.5 If a permanent decant is a voluntary decision because the tenant has a preference to move because of the repair work, the tenant will not be entitled to a Home Loss payment.

13. Responsibilities, Monitoring and Performance

13.1 Overall responsibility for this policy and its implementation rests with the Head of Housing Management. The Head of Housing Management will ensure that staff receive the appropriate training and support to achieve the aims of this policy. Where needed we may establish appropriate operational procedures.

13.2 Monitoring of the implementation of this policy and our performance in temporarily decanting tenants will be the responsibility of the Housing Management and Almshouses Sub-Committee.

14. Associated policies or strategies

- Lettings and Transfers Policy
- Housing Strategy
- City of London Corporation Housing Allocation Scheme

15. Document management

Policy title	Decant Policy
Date created	25 April 2016 (v.1) October 2020 (v.2) April 2024 (v.3)
Policy owner	Head of Housing Management
Authorised by	Housing Management and Almshouses Sub-Committee
Date authorised	28 November 2024
Review period	3 years
Date of next review	November 2024

Document review history			
Version	Date amended	Date approved	Key changes
1.0	N/A	April 2016	Original document
2.0	October 2020	November 2020	Routine policy review.
3.0	April 2024	November 2024	Routine policy review. Changes made to expand policy to cover more situations in which decants may occur.

Appendix 1

Table 1
Schedule of disturbance payments

1.	Removal costs	To include packing/unpacking for vulnerable/older tenants where approved
2.	Redirection of mail	For three months
3.	Disconnection and reconnection of domestic appliances	Cooker, dishwasher, washing machine. Must be undertaken by industry approved tradesperson
4.	Disconnection and reconnection of telephone line, broadband, satellite dishes, aerials	
5.	Carpets, floor covering	Uplift, alteration and refitting of existing or disposal and replacement to Corporation-approved standard
6.	Curtains, curtain tracks, blinds	Alteration and refitting of existing or replacement to Corporation-approved standard
7.	Redecoration	Allowance or redecoration to approved re-let standards where Corporation is the landlord. Allowance for non-Corporation properties subject to deduction of any landlord decoration allowance
8.	Security devices	Special or additional alarms, locks where fitted by tenant
9.	Aids and adaptations	To be refitted/re-provided where previously approved by the Corporation; allowance or reimbursement for same where provided by the tenant subject to proof or approval of costs
10.	Fitted furniture	Dismantling and refitting of wardrobes and kitchens where provided by tenant
11.	Other home improvements	Compensation and reimbursement as per existing policy
12.	Sheds, garden furniture	Dismantling and reassembly; reimbursement for loss or replacement
13.	Loss of earnings	For up to two eligible members of household. Written proof required
14.	School uniforms	Where change of school required
15.	Storage	For temporary decants only
16.	Other	Other exceptional or special costs may be considered and approved by the Corporation

Table 2

Flat rate disturbance allowance – rates of payment

Flat rate disturbance payments are payable for items 1 to 6 as set out in Table 1 of this Appendix. Current rates are set out below. Rates will be subject to review.

Size of Property	Flat rate allowance
Studio	£1145
One bedroom	£1545
Two bedrooms	£1945
Three bedroom	£2345
Four bedroom	£2465

Table 3

Decoration allowance – rates of payment

Where properties are undecorated tenants can claim an allowance at the following rates:

Size of property	Decoration allowance
One bedroom	£274
Two bedrooms	£355
Three bedroom	£517
Four bedroom	£598

Shift allowance - rates of payment

The shift allowance (payable where tenants 'downsize' or give up a bedroom as they move) is payable as follows:

First bedroom released	£2000
Subsequent rooms	£1000