

APPENDIX 4

Draft Secure Tenant Offer (“Offer”)- Regina Road – Consultation purposes

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1. INTRODUCTION

1.1 CONTEXT

This draft offer has been prepared for consultation purposes. Following the outcome of the consultation, the responses will be reported to Members for decision on the final resident offer which will be updated to have regard to the outcome of the consultation.

This draft offer sets out the Council's proposed approach to secure tenants who currently occupy the area identified as outlined in the plan below plan at Regina Road Estate. This draft offer provides for different offer options dependent upon whether the block in which the resident lives is to be demolished and redeveloped or its defects remedied via refurbishment.

The terms "regeneration" and "regeneration scheme" used within the offer refers to both the option of refurbishment and the option of demolition and redevelopment.

Draft Secure Tenant Offer has the following objectives:

- Ensure the delivery of the refurbishment or development proceeds on time by facilitating the moves of affected tenants from the estate into alternative suitable homes
- Fairly manage the rehousing and payment compensation process
- Use the refurbishment or development opportunity to improve housing conditions in the Regina Road Estate
- Create a sustainable community in the Regina Road Estate area

Appendix 2 - Plan number 1. Showing location of 3 tower blocks and surrounding medium and low rise development within a boundary



1.2 DEFINITIONS AND ELIGIBILITY

The Offer applies to the temporary and/or permanent rehousing of all Council tenants who are affected by the Refurbishment or Rebuilding at Regina Road (“the Regeneration Scheme”) in respect of the below site plan for the Regina Road Estate.

Residents in Temporary Accommodation within the Regina Road site plan will continue to bid for a permanent home or be offered accommodation in the private rented sector. There will be one suitable offer made. The Council will consider giving those in temporary accommodation a higher priority to move.

DURATION

The Offer will cease to apply upon adoption of a final or revised Offer or until everyone who is entitled to exercise a right to return under this offer has exercised that right as provided for in this offer. The Council’s main Allocation Scheme will continue to apply throughout and thereafter to all Council tenants.

COUNCIL TENANTS

For the purposes of the Offer, Council tenants are secure tenants who rent a home from the Council, including those who live in sheltered housing, as defined by the 1985 Housing Act

HOUSEHOLD MEMBERS

Subject to the exclusions below, all household members will be considered as part of the eligible tenant’s household for rehousing purposes.

This includes:

- Secure and joint tenants of the council
- Co-habiting partners and spouses living together in a settled relationship with the eligible tenant for a continuous period of 12 months before being considered as part of the household.
- Non-dependent children living continuously as part of the settled household since the start of tenancy or who have lived with the household since birth.
- Children born since the start of the tenancy or other dependent children where the eligible tenant has principal care of the child on a permanent basis. Birth certificates will need to be produced to confirm relationship and dependency.
- An adult relative who has become a settled member of the household because they are in need of support and cannot live independently. This may be an elderly relative or someone who is disabled. Such persons must have resided with the household for a minimum of 12 continuous months before being considered as

part of the household.

- Live-in carers providing full time care to a member of the household.

The following household members will be excluded from being rehoused:

- Unauthorised occupants including friends, lodgers and sub-tenants living with the Tenant.
- Licensees.
- Other non-secure occupants and persons included on applications for rehousing but who are not considered to be part of the tenant's household.
- Squatters.
- Any household member who has moved in and caused overcrowding.
- Children of the tenant whose main, principal home is elsewhere.
- Any other person deemed ineligible by the Housing Act 1996 and relevant regulations thereunder.

The Council will consider any exceptions not covered by the criteria above on a case by-case basis. Any exceptions will be subject to approval by the Corporate Director of Housing.

If the composition of any household changes or is expected to change (i.e. pregnancy) the main tenant is required to inform the Council as soon as reasonably possible. Evidence will be required to support any change to a household's composition. The Council reserves the right to refuse the addition of a household member or members if it considers, in its absolute discretion, the evidence submitted is considered insufficient

2 RE-HOUSING OPTIONS FOR COUNCIL TENANTS

2.1.1 The Council will rehouse any Council tenant being displaced from their home as a result of the Regeneration Scheme, with the following exceptions:

- The Council will not rehouse any tenant against whom an outright possession order has been made by a Court for breach of their tenancy conditions for example, due to rent arrears or anti-social behaviour.
- Tenants who have rent arrears will not be eligible to move into a new build property on any redeveloped site at Regina Road unless they have maintained payments of current rent plus their agreed arrears repayment plan for a continuous period of six months.

2.1.2 Tenants have a right to request a review undertaken by an Appeals & Reviews Officer against a decision not to rehouse.

The rehousing options available to Council tenants are set out below:

OPTION 1 – MOVE TO AN EXISTING COUNCIL PROPERTY ELSEWHERE IN THE BOROUGH.

O1.1. Council tenants who wish to move to an existing council property elsewhere in the borough will be given the opportunity to do so.

O1.2. Tenants will be entitled to **one** direct offer of alternative accommodation.

O1.3. For tenants who would like to move outside of London, the Council will identify suitable vacancies including through the Homefinder UK

OPTION 2 – MOVE TO AN EXISTING HOUSING ASSOCIATION PROPERTY ELSEWHERE IN THE BOROUGH.

O2.1. Council tenants who wish to move to a property owned and managed by a Housing Association elsewhere in the borough will be given the opportunity to do so.

O2.2. Tenants will be entitled to one direct offer of alternative accommodation.

O2.3. Tenants who choose this option will be supported by the Regeneration Housing Officer to ensure they understand the differences between the Council and Housing Association tenancies and can afford the rent.

OPTION 3 – MOVE TO A SHELTERED HOUSING OR EXTRA-CARE SCHEME PROPERTY ELSEWHERE IN THE BOROUGH (SUBJECT TO ELIGIBILITY FOR THE PARTICULAR SCHEME)

O3.1. Council tenants who are eligible and wish to move to a property in either a Sheltered or an Extra Care housing scheme elsewhere in the borough will be given the opportunity to do so.

O3.2. Dedicated scheme officers will also provide residents with on-site support including for the viewing and moving processes.

O3.3. Tenants who meet the following criteria will be eligible for offers in a sheltered scheme:

- 55 years and over; or
- Aged 55 to 59 years and in receipt of Personal Independence payments; and
- Single or joint applicants with no children; and
- In need of the housing support provided by the scheme.

O3.4. Tenants will be nominated for consideration by a Panel for Extra Care accommodation. Extra Care housing is for people who require a high-level support due to:

- Frailty;
- Ill-health; or
- Restricted mobility.

O3.5. Tenants will be entitled to two direct offers of alternative accommodation.

OPTION 4 – PURCHASE OF AN AFFORDABLE HOME ELSEWHERE THROUGH A LOW-COST HOME OWNERSHIP SCHEME

O4.1. Council tenants who are working and have savings will be supported in the process to purchase an affordable home.

O4.2. A number of affordable homes are being built in the borough under Shared Ownership and Shared Equity schemes and tenants can also be supported to purchase such properties, as well as properties on the open market.

O4.3. Officers will be able to provide housing advice on whether this is an affordable and viable option based on individual financial circumstances.

OPTION 5 – RENT A PROPERTY ELSEWHERE WITH A PRIVATE LANDLORD

O5.1. The Council can help tenants to move to a property in the private rented sector. This may be a good option for a tenant who would like to move near a support network in another borough or outside London.

O5.2. The Council can provide assistance about affordable private rented accommodation by liaising with landlords in or outside of the borough as well as offering financial assistance towards the required deposit and first month's rent.

OPTION 6 – MOVE TO A NEW PROPERTY IN ANY NEW DEVELOPMENT ON THE ESTATE ONCE COMPLETED

O6.1. If redevelopment is how the project progresses (rather than refurbishment), the Council is proposing to build new council housing across the site as part of the Project. Priority for the new build homes will be given to those who have had to move because of the regeneration scheme. If redevelopment is the option proceeded with, tenants who express an interest in moving back to one of the new homes within the redevelopment area once the properties are built will be given the opportunity to do so.

O6.2. This option will apply to tenants who have initially:

- moved to a council or housing association property elsewhere within the borough on a temporary basis
- moved to a sheltered housing property elsewhere in the borough on a temporary basis

O6.3. Tenants who have rent arrears will not be eligible to move into a new-build property in the redeveloped estate unless they have maintained payments of current rent plus their agreed arrears repayment plan for a continuous period of six months.

2.2 ALLOCATION & ELIGIBILITY PRINCIPLES AND PROCEDURES

- Officers will carry out one to one meetings with Council tenants to help with completing the relevant 1-2-1 & Decant Assessment Forms and establish the needs of the household including whether or not they would like to register an interest to return to a new build property in the redeveloped area if redevelopment is the option progressed and when they are become available.
- As part of this process, the following information will be gathered:
 - Proof of tenancy
 - Housing composition (verifying who lives at the home and that all household members are eligible for rehousing)
 - Rehousing option preference
 - Bed size requirement
 - Type of property preferences (floor level, block type and house type)
 - Location of property preferences (area preference in Croydon or out of borough)
 - Preference to be near to friends, family, current neighbours (as a group move) or support service
 - Any medical, health, mobility, social or risk factors that should be considered
 - Current location of children's schools and workplace
 - Preference of when they would like to move (i.e. as soon as possible, within a specific time frame)
 - Equalities information for monitoring purposes
- The information (excluding equalities information) will also be shared with any development partner for the project in accordance with the relevant privacy notice provided to residents, helping them to understand what existing tenant's accommodation needs are for the provision.
- The tenant will be notified of the outcome of the application following assessment of their eligibility and needs. This notification will:
 - Confirm the Housing Needs Band that the tenant has been placed in. (The Current Allocation Scheme provides that tenants will be placed in Band 1 if it is necessary for the Council to decant them due to refurbishment or redevelopment works such as are currently proposed)

- Confirm the size (and if applicable, the type) of property the tenant is eligible for
- Confirm the tenant's effective date. (The effective date will be based on the date their first Council tenancy commenced).
- Include a reminder about informing the Council of any change in the household's circumstances
- Provide details of the Review process
- The tenant will be awarded the Highest Priority Band (i.e. Band 1) based on the requirement for them to move as a 'decant' for regeneration purpose. The effective date will be based on the date their first Council tenancy commenced.

2.3 IDENTIFYING AND MAKING AN OFFER OF ACCOMMODATION

- Tenants will be entitled to a maximum of one direct offer (those eligible for either a Sheltered or an Extra Care housing scheme will be entitled to two direct offers) of accommodation.
- The Council will check whether a vacant property is suitable for a tenant on the regeneration decant waiting list.
- Once a suitable property has been identified, the Council will contact the tenant (usually by telephone) to give the details of the property that is being offered and make an arrangement for the tenant to view the property. This will be followed by a formal offer letter.
- The tenant will be asked to view the property within 14 days and then to sign the tenancy agreement. If they do not consider the property is suitable for themselves or their household, they will be asked to complete a form setting out their reasons for refusing the offer. If a tenant fails to view the property, then this will be deemed a refusal of the offer.
- A tenant can ask for a Review by a Reviews Officer of the suitability of the accommodation offered regardless of whether they accept the offer or not. The reasons will be considered as part of the Review and a decision will be made as to whether the offer was reasonable or not.
- If the offer is considered unreasonable, the offer will not count against the tenant. This means that they will still be entitled to one or two further offers (if eligible for either a Sheltered or an Extra Care housing scheme).
- If the offer is considered reasonable, it will count as the offer. If the tenant is eligible for either a Sheltered or an Extra Care housing scheme this will mean that the tenant will be left with one more offer to be made.
- Should the tenant refuse one/both direct offers of suitable accommodation; the Council may start early possession proceedings in order to obtain vacant possession of the property in time for potential demolition.

- Considering the long timescale of the programme and waiting times for rehousing, the Council will check the detail of the needs assessment at the point of making an offer to ensure that there has been no change of circumstances and the offer is suitable.
- The Council will liaise with other council services such as the Occupational Therapy Service, Adult Social Care, Children's Services etc. to ensure the tenant's health and support needs are addressed.

2.4 ESTIMATED WAITING TIME FOR AN OFFER OF ACCOMMODATION

- The timescales of when a tenant may be offered alternative accommodation will depend on:
 - The available supply of accommodation that is suitable to meet their housing needs
 - Offers of accommodation will be prioritised based on the following criteria:
 - A tenant from regeneration site will be matched to a vacant property
 - The housing needs and vulnerabilities of each tenant matched will then be assessed to determine which tenant has priority for the match
 - If there is more than one tenant whose needs are suitable for the vacant property, the offer will be made to the tenant who has been a council tenant the longest (based on the tenancy start date)

2.6 BEDROOM SIZE ENTITLEMENT

The size and type of property that an applicant could have will depend on the size of their household.

When assessing the size of accommodation suitable for your household we will provide either bedsit or one bedroom accommodation for single person households. For other households we will assess as requiring a separate bedroom for:

- Yourself and your spouse or partner
- Each adult in your household aged 21 or older
- Every pair of adolescents in your household of the same sex aged between 10 and 20
- Every pair of children in your household aged less than 10 years regardless of sex

Tenants needing larger homes – For households who require more than four bedrooms, the Council will work with them to consider alternative housing options on a case-by-case basis as there is limited supply of larger council-owned

accommodation. For example, the household might wish to consider separate housing for adult children. Such housing situations will be subject to approved by the Corporate Director of Housing

Downsizing – If a tenant chooses to move into a smaller property that meets their housing needs as part of the Regeneration Scheme, they may, subject to budget availability, be entitled to a downsizing payment for any subsequent room returned to the Housing Service

3 RIGHT TO RETURN AND REVIEW

3.1 Right to Return

3.1.1 Previous tenants of Regina Road will retain the Right to Return until one or more of the following has occurred:

- The tenant has informed the Council that they do not wish to return to their original home.
- The tenant has received an offer to return to their original home. This offer will be made regardless of their Housing Need.
- The tenant has received an offer of a suitable alternative property on the Regina Road Estate. This offer will be made on the basis of their Housing Need at the time of the offer regardless of the size of their temporary original home.
- The tenant's tenancy at their temporary home has been ended.

3.2 Right of review

3.2.1 Tenants have a right to request a review undertaken by a Reviews Officer against a decision under this offer. Details of the review process will be provided to Tenants and this draft offer will be updated to include the process before it is finalised.

4 PAYMENTS MADE TO TENANTS

4.1.1 This draft offer is specifically for Regina Road Estate residents impacted by decisions to refurbish or demolish and redevelop at the Estate.

4.1.2 Payments potentially available to secure tenants will be:

- Disturbance Payments
- Home Loss payments

Disturbance Payments – payments to tenants to cover the costs of moving home.

Home Loss Payments – payments to tenants to compensate them for the permanent loss of their home: – a flat rate payment determined by statute, currently £7,800

4.2 Disturbance Payments

4.2.1 Moving home can be costly and the Council is seeking to make sure that tenants do not incur any reasonable additional costs because of the move.

4.2.2 Examples of costs which *might* be considered reasonable include such matters as removal costs, telephone and internet disconnection and reconnection.

4.2.3 Secure Tenants could potentially also claim the following costs:

- Home improvements that have been notified and approved by the Council, less the cost of depreciation. Receipts are not required, but the improvement must have been approved by the Council, as improvements carried out without the Council's consent could amount to a breach of tenancy.

- Where the costs of adaptations in the old home were previously met by a tenant, the Council will reimburse the tenant subject to relevant receipts being available.

4.2.4 These payments will be made directly to the tenant and will only be made in respect of one replacement property on any move.

4.2.6 Details will be provided of the payment option/s in due course.

4.3 Home Loss payments to secure tenants

4.3.1 Subject to the tenant qualifying, these payments will be made when a decision is made to demolish a tenant's home. These payments will not be paid if a decision is made to repair the tenant's block, even if the tenant decides not to return to their original home.

4.3.2 Payments will normally be made only after the clearance of and return of the keys to the property the tenant is vacating. Any rent arrears the tenant owes will be deducted from these payments.

5. DRAFT LOCAL LETTINGS PLAN

5.1 Background and Need for Local Lettings Plan

This Draft Local Lettings Plan is made pursuant to the provisions of s.166A(6) Housing Act 1996 (as amended) and/or s.21 Housing Act 1985 and sets out the principles and procedures adopted by the Council for the allocation of housing to Council tenants who will be affected by the Regeneration Scheme

The Draft Secure Tenant Offer for Regina Road offers a Right to Return to all tenants in Regina Road estate who have been required to move due to refurbishment/redevelopment works. To honour this commitment, this draft Local Lettings Plan sets out the priorities for vacant homes on the Regina Road estate.

5.2 Application of the Plan as set out in the areas marked on the map above

5.2.1 This lettings plan will remain in place until there are no remaining tenants with the Right to Return.

This plan does not apply to lets where a property is unavailable due to successions or legal reasons.

This plan does not apply where decisions have been taken not to fill vacancies within Regina Road estate due to upcoming decisions regarding refurbishment or redevelopment and associated works.

5.3 Priority for vacant properties on Regina Road Estate

5.3.1 Each vacant property on the estate will be offered to households in the following order of priority. With the exception of those returning to their original home (priority a), priority will be given to household with the earliest Regina Road tenancy start date.

5.3.2 Where repairs have been completed on properties within Regina Road Estate

- a. The previous tenant of that particular property retains a Right to Return, regardless of their Housing Needs.

5.3.3 Where there remain tenants who need to be rehoused

- b. Tenants from these blocks who are vulnerable
- c. Tenants from these blocks with a local connection
- d. All other tenants from these blocks

5.3.4 Where a decision is made to demolish blocks at Regina Road Estate

- e. Tenants retaining a Right to Return and who have a Housing Need for this size property, with priority to those with the earliest Regina Road tenancy start date.
- f. Households as determined by the Allocations Scheme

5.4 Definitions

5.4.1 Housing Needs and suitability of properties will be determined by the Allocations Scheme in force at the time.

5.4.2 Tenants will have the right to appeal if they believe that the property is not suitable unless they are the original tenant of that property.

5.4.3 The start date for those who succeeded to their tenancy will be the start date of the original tenancy so long as the tenancy was also in the same property.

5.4.4 Previous tenants will retain the Right to Remain until one or more of the following has occurred:

- The tenant has informed the Council that they do not wish to return to their original home.
- The tenant has received an offer to return to their original home. This offer will be made regardless of their Housing Need.

- The tenant has received an offer of a suitable alternative property on the Regina Road Estate. This offer will be made on the basis of their Housing Need at the time of the offer regardless of the size of their temporary original home.
- The tenant's tenancy at their temporary home has been ended.

5.4.5 Vulnerable tenants are tenants (or members of their household) who are vulnerable, at high risk to themselves or the property, or who have specialist needs such as mobility requirements.

5.4.6 Local connection is taken to mean where a tenant or member of their household is attending a local school or have support services only available in the local area ("local" and "locally" meaning within the marked areas in the map above), or those who are working locally.

5.4.6 Tenants who need to be rehoused are those who need to move prior to any repair works or demolition and living in the Regina Road Estate.

5.5 Discretion

5.5.1 This plan cannot cover every eventuality and the Council reserves the right to make offers outside of this letting plan in exceptional circumstances and authorises the Corporate Director of Housing to do so.