



Decant Policy

(Final Draft) Last reviewed March 2023

Policy for decanting tenants

This policy is managed and adhered to by the housing service.

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1.1 Introduction

The Council aims to maintain and improve its homes to a high standard and to develop high quality housing.

As a result, we sometimes need to move tenants out of their principal homes so that major repairs or improvements can take place. We refer to this as a 'decant'.

Sometimes we need to move tenants permanently where redevelopment or demolition of properties has been identified. In the case of an emergency which makes the property uninhabitable, such as fire or flood, we decant the tenant temporarily before deciding whether it will be possible to refurbish or rebuild the property.

Where a move is required to facilitate the redevelopment of a building or the regeneration of an area, affected tenants would be entitled to a statutory home loss payment, which does not fall within the scope of this policy.

1.2 Definitions:

This policy details the Council's approach to decanting tenants from their principal home into alternative accommodation for a period of time when necessary, until either they can return, or accept a suitable alternative.

This policy applies to customers who live in the Council's rented accommodation, leaseholders and shared owners

The definition of decanting and principal home are outlined below:

- Decanting: a legal definition used to explain the process where residents are required to move from their homes, due to reasons stated above, or if an authority with compulsory purchase powers has redevelopment plans for their home.
- Principal Home: the sole residential property that an individual occupies as the individual's primary residence.

1.3 Links to the Council's corporate aims:

This policy supports the Council's corporate priorities which are set out in ['Delivering for Dacorum' – Corporate Plan 2020 - 2025](#)

- A clean, safe and enjoyable environment
- Providing good quality affordable homes, in particular for those most in need

1.4 Equality and Diversity:

The Council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

1.5 Policy statement(s):

The Council has a right to decant tenants who are not leaseholders from their principal homes to enable major repairs or improvements to take place, or in some cases when redevelopment or demolition is required. The Council has no automatic right to decant leaseholders, including shared owners, however, there may be instances where decanting is essential, such as subsidence works.

1.6 Policy statement(s):

"The Council is required to respond to any local or national restrictions imposed by central government. The administration of this and other Council policies could, therefore, be impacted by a pandemic or other emergency for the period that such restrictions are in operation."

2.0 Decant policy detail

2.1 How we deliver the Decant Policy

We always aim to carry out necessary works without having to decant residents, but will determine when relocation is required by carrying out a full assessment of the tenant's household.

We will consult with those affected as soon as it is apparent that a decant may be necessary and aim to make sure that any disruption to their lives is kept to a minimum.

If it is decided that a decant is required, we firstly identify the needs of the tenant and their household in order to determine the most suitable available accommodation.

We make a disturbance payment where applicable, and will pay this promptly to alleviate possible financial hardship.

We will keep residents informed throughout the process, including informing them of likely timescales for works to be completed in their principal home.

In the case of redevelopment or demolition of properties, the Council will develop a decanting plan, which will include consultation with the affected residents so that their needs and wishes are taken into account.

If the tenant is deemed responsible for the damage to the property (e.g. candle catching fire, chip pan fires) the Council will recharge them once the claim is completed and they have returned to their principal home.

2.2 Permanent Transfer

A tenant may sometimes be rehoused into suitable alternative accommodation permanently. This usually happens if a property or block of flats is being demolished or disposed of. It may also be offered as an option if repairs or improvement works are likely to take a long period of time. This choice is intended to help the tenant as they would not have to move more than once. It could be more cost effective for all parties involved.

When a permanent transfer is necessary, we will always consult with the tenant to find out their preferences and meet their needs in line with the housing allocations policy.

If a tenant has any household pet for which they have obtained permission, it is the tenant's responsibility to take this into consideration and discuss with the officer responsible before accepting any offer of a permanent transfer.

We cannot guarantee tenants' requirements and preferences would be met when providing alternative accommodation.

If a tenant refuses to permanently transfer or refuses to take suitable alternative accommodation, we will work with the tenant to understand why the transfer has been refused. If we are unable to reach a resolution, we will consider taking appropriate action. As a last resort this could include obtaining a court order to gain possession.

2.3 Emergency Decants

An emergency decant is usually required when an unexpected event such as a fire or flood has caused a tenant's home to be uninhabitable and the household needs to stay elsewhere. In these situations, we will give support to find alternative accommodation. This may include but is not limited to:

- Staying with friends or family.
- Hotel accommodation.
- Other Council accommodation.

In any emergency, the priority will be the immediate safe relocation of the affected household. A full assessment will then be carried out to establish both the likely timescales for the property remaining uninhabitable and the housing need of the tenant and their permanent household members.

Each case will be considered individually to ensure appropriate steps are taken to address the tenant's needs and that suitable alternative accommodation has been found.

Whilst we consider factors such as schools, place of employment etc, we cannot guarantee that the emergency accommodation provided will meet every request.

The tenant must continue to pay full rent on their principal home. We will cover the rent for the alternate accommodation.

If the customer does not pay the rent for their principal home, we may take tenancy action on the grounds of non-payment of rent.

2.4 Planned Decant

A planned decant is where a tenant moves out of their principal home for a period of time to enable repairs, refurbishment or other major works to be carried out. After this work has been completed, the tenant is expected to return.

Where a decant results in a tenant moving into another Council property, then the tenant will be issued with a licence agreement and will be liable for the rent for that property, but this will never exceed the rent on the principal home. The tenancy for the tenant's principal home will continue to run throughout the period of the decant.

We may not be able to guarantee large households the option of being rehoused together in one temporary decant property.

If a customer refuses to be temporarily decanted, the Council may take legal proceedings to obtain a court order.

2.5 Household Members

The people authorised to live at the tenant's principal home at the time of the decant will be the only people eligible to be rehoused, and in some cases the Council may ask for evidence of residency. Visitors at the property will not be rehoused.

The Council is not responsible for finding alternative accommodation for household pets in the case of a decant, but will always make sure that assistance animals for which the tenant has obtained permission are accommodated.

2.6 Suitable Alternative Accommodation

When offering alternative accommodation, we will try to find a similar property. A permanent transfer should not provide tenants with a different size property to that of their principal home, except in cases where the tenant was statutorily overcrowded. If the tenant had been under occupying their home, we would offer a Help to Move payment in line with our policy, in addition to the decant assistance payment.

The Council will have regard to tenants' stated preferences, but an offer will be deemed as suitable if it is reasonably suited to the needs of the tenant and their household as per Ground 9, Schedule 2 of the Housing Act 1988.

If the offer is refused, no further offers will be made and the Council will take action to end the tenancy.

2.7 Financial help with move

The payments that the Council make to tenants that are being decanted are as follows, depending upon circumstances:

- Disturbance payments
- Home Loss Payments (Statutory)
- Home Loss Payments (Discretionary)

These payments are outlined in section 2.8.

2.8 Disturbance Payments (Statutory)

The purpose of disturbance payments is to ensure that tenant(s) are not financially disadvantaged due to an enforced relocation. The Council, in consultation with the tenant, will cover 'reasonable expenses', normally in the form of agreed quotes.

To qualify, the tenant must have a right to occupy the property at the time of the decision to 'decant'. In accordance with the purpose of statutory disturbance payments, if a tenants has rent arrears, disturbance payments will not be used to clear the account unless the tenant requests this.

2.9 Home Loss Payment (Statutory):

Home Loss is a one-off payment made to tenants who are required to move permanently out of their principal home and applies to all tenants.

The Council is legally obliged to make a payment if the following conditions are met: the permanent transfer was a direct result of work being carried out at the property or due to demolition, the move is permanent and the tenant/s has lived at the property for at least 12 months.

The amount of the payment is set by legislation - currently by [The Home Loss Payments \(Prescribed Amounts\) \(England\) Regulations 2017](#), which is normally reviewed annually. The payment must be claimed by those tenants directly affected and is subject to a maximum time period, this currently being within six years of the customer's displacement.

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If a tenant is in arrears, then the Council will deduct this amount from the Home Loss Payment. The Council will inform the tenant in advance when they intend to do this

2.10 Home Loss (Discretionary):

In recognition of the immediate disruption caused to a tenant by being asked to move from their home, we will make one 'Assistance Payment' of £400 to the tenant(s). (Joint tenants receive one payment only)

The Council will also consider making additional reasonable discretionary payments to tenants where a decant is required on a temporary basis, or where the customer may not be eligible for statutory payment and where additional costs are incurred.

Those wishing to be considered for additional reasonable discretionary payments will need to make an application explaining the reasons why they should be considered.

We do not provide financial support to tenants in those cases where it would be reasonably expected for a tenant to have household insurance and where the cost should be met from the policy's cover.

2.11 Right to return:

The Council will endeavour to help tenants to return to their principal home and/or neighbourhood wherever possible. This may not always be possible and so where this cannot be achieved the Council will work with, and support the tenant(s), to provide options for alternative suitable accommodation.

Tenants who must move due to major works will have a legal right to return to their home.

2.12 Decanting Leaseholders and Shared Owners:

The Council will consult with leaseholders and shared owners about any major works. If a need to move leaseholders is identified as part of the major works then we will start consultations at the earliest opportunity.

The Council has neither an automatic right nor any responsibility to decant non-tenants, so any compensation paid to them must be through negotiation and falls outside the scope of this policy. If the non-tenants are tenants of a Council leaseholder, then we will negotiate directly with the leaseholder.

3.0 Links to other corporate strategies and policies

This policy links to and should be read in conjunction with the following policies, strategies and other documents:

- Housing Strategy
- Housing Allocations Policy
- Housing Disposals Policy
- Pet Policy
- Tenancy Agreement
- Pet Permission Form

4.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Housing Act 1985
- Land Compensation Act 1973
- Planning & Compensation Act 1991
- Home Loss Payments (Prescribed Amounts) (England) Regulations 2008
- Human Rights Act 1998
- Data Protection Act 1998
- Equality Act 2010

5.0 Monitoring, reviews and evaluation

This policy will be kept up-to-date and amended accordingly to reflect any changes in legislation, standards and guidelines.

The policy update is scheduled for a three-year period and will also be reviewed when legislative changes are put in place.