



MOVING HOME - A permanent move for customers



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Introduction and Home Loss

Regeneration work or substantial repairs might mean that customers are required to move out of their home. On occasion, they may need to move home on a permanent basis.

This document defines our policy on permanent moves due to home loss

for customers of Rykneld Homes and North East Derbyshire District Council (NEDDC).

This policy is split into Home Loss Payments (pages 3-6), Compensation for Improvements (pages 6-9) and Disturbance Allowance (page 10-14).

Home Loss Payments

In the event of a permanent move and the need to be rehoused in another property, you may be entitled to compensation for the inconvenience caused by the move.

You will not be able to claim if you need to move out for a few months whilst work is being carried out, and are then allowed to move back into your original home.

It is designed to recompense for inconvenience, stress and upset caused by the move. It is not intended to cover the expenses of the move.

It is a legal right and the eligibility criteria is contained within section 30(5) of the Land Compensation Act 1973 (a). The compensation payment is set nationally.

When can I claim a Home Loss Payment?

You are eligible for a Home Loss Payment if:

- You have to leave your home permanently or you have to move as a result of certain circumstances (please see 'In which circumstances can I claim?' on page 4)

What is Home Loss?

Home Loss is a form of compensation that you are entitled to if you are required to leave your home in certain circumstances.

- You have lived in the property for at least 12 months before the date you have to leave.

You should still be entitled if you have been a tenant for less than a year but have lived in the property for more than a year. For example, if you lived with your partner for two years before your relationship broke down, and the tenancy was transferred into your name six months ago, you should be entitled to a Home Loss payment, even though you have held a tenancy for less than a year.

In which circumstances can I claim?

If you hold a tenancy with NEDDC or Rykneld Homes, you may be entitled to a Home Loss Payment if you lose your home as a result of any of the following situations:

- Your home is being redeveloped and you are unable to move back in once the work is done
- There is a court order to evict you because we are demolishing or carrying out substantial improvements to your home and you are required to leave

- If you can no longer occupy your home because a demolition order, improvement order, closure order or dangerous building notice has been issued
- If the Council or another public authority which has the power to obtain compulsory purchase orders is redeveloping the area your home is in (for example, by demolishing houses or building new facilities)
- If Rykneld Homes or the Council have voluntarily agreed to sell your home to another Council or other public authority which would otherwise have bought the property using a compulsory purchase order (CPO).

Who is entitled to claim a Home Loss Payment?

You may be entitled to claim Home Loss if:

- You have a tenancy or
- You are married or in a civil partnership with the tenant and, you have a statutory right to occupy the property but they (the tenant) no longer lives in the property.



How do I claim a Home Loss Payment?

In all cases we will work with you to help you claim a Home Loss payment. If you are confirmed as eligible, Rykneld Homes will make the payment directly to those who are entitled. There is no need for you to submit an application.

If you meet the criteria, you may need to provide proof that you have lived in the property for at least a year. For example; if you have lived in the property for more than a year but have not held a tenancy for the whole time, you may need to provide proof that you have lived there, for example utility bills or bank statements.

You will be supported to complete a claim form before you have to move home. If you have not claimed at the time of moving, you have a period of five years following the date you move to claim a Home Loss Payment. It is important to remember that if your

claim is rejected, and you decide to take the matter to court, the court appeal must also be made within five years of the date you move.

When will I receive the payment?

At the latest, you should receive the money within one of the following time frames:

- The date you have to move out, or
- Within three months of making your claim.

What if I do not meet the criteria?

If you do not meet all the criteria, Rykneld Homes may choose to make a discretionary award. This will be reviewed on a case by case basis. There is no right of appeal on the decision made on discretionary awards.

What if the person who was entitled to Home Loss has died?

If the person who was entitled to Home Loss dies before they receive the money, you may be able to receive Home Loss on their behalf, if you meet the legislative criteria. This includes:

- You are aged 18 or older
- You lived in the property for at least a year before you moved, and
- You are entitled to inherit the payment either through the will of the person who died or because you were married to them, in a civil partnership with them, or related to them.

Can more than one person receive Home Loss for the same property?

This may be possible if:

- Two or more people have a joint tenancy, or
- Two or more people are entitled to inherit the payment (see 'What if the person who was entitled to the payment has died?').

In this case, Home Loss will be divided equally between the claimants even if one of the claimants has been paying more rent or is entitled to a larger share of the inheritance.

What amount will be paid?

The amount payable to tenants and home owners is fixed by legislation. The applicable statutory amount payable will be applied at the time of the home loss. You will be informed of this amount by Rykneld Homes. Please be aware that any rent arrears with Rykneld Homes and/or NEDDC will be deducted from the payment.

Compensation for Improvements

If you are a tenant and you have carried out improvements to the property that you are moving from, as a result of a compulsory move, you may be entitled to compensation.



Who qualifies and what conditions must be met?

In order for you to qualify, the following will apply:

- You are a secure or assured tenant with Rykneld Homes or NEDDC
- You obtained appropriate written consent from Rykneld Homes or NEDDC to complete this work prior to the work being carried out
- You applied for and were granted any relevant planning or building consent that may be required from NEDDC before the work commenced
- A representative from Rykneld Homes has agreed the work has been carried out to an acceptable standard
- The 'notional life' has not expired
- The value of the improvement is above £50 (after allowing for the notional life of the improvement)
- You are able to provide documentation confirming proof of

purchase, such as receipts or invoices

- Compensation hasn't already been paid via Section 100 of the Housing Act 1985 under the 'Power to reimburse cost of tenants improvements'
- Claims are not made for anything other than materials and labour costs. For example, you cannot claim for the cost of appliances, such as cookers or fridges. Tenants cannot claim labour costs for work they have carried out themselves.

What improvements can be compensated for?

The improvements that can be claimed for and their notional life are contained in the table overleaf.

We do not compensate for outdoor fixtures and features, including, but not limited to; porches, garages, conservatories, greenhouses, landscaping and fencing.


Qualifying Improvement	Notional Life (in years)
Insulation of pipes, water tank or cylinder	10
Loft insulation	20
Cavity wall insulation	20
Rewiring or the provision of power and lighting or other electrical fittings (including mains operated smoke detectors)	15
Any object which improves the security of the dwelling/house, excluding burglar alarms	10
Installation of bath or shower	12
Installation of wash basin	12
Installation of WC	12
Fit kitchen sink	10
Fit kitchen units	10
Fit work surfaces for food preparation	10
Installation of space or water heating	12
Fit thermostatic radiator valves	7
Double glazing or other external window/doors replacement or secondary glazing	20
Draught proofing of external doors or windows	8

How is Compensation worked out?

Rykneld Homes will look at the cost of your improvements.

If you received financial assistance (a grant) to help make the improvements, Rykneld Homes will take off the grant amount from the cost of the improvements.

The value of any improvement will depreciate with time passed since completion of the installation due to wear and tear.



Rykneld Homes may give you less compensation if it is judged that the cost of improvement was excessive. Rykneld Homes may also adjust the compensation depending on the condition of the improvement when you claim i.e. If the improvement has deteriorated either faster or slower than under the notional life.

The amount of compensation payable is calculated using the following formula, which takes into account wear and tear and depreciation.

$$C \times [1 - Y / N]$$

C = Cost of improvement (financial assistance, such as a grant received, will be deducted)

Y = Number of complete years since installation (part of a year will be rounded up to a complete year), starting on the date the improvement was completed and ending on the date the compensation was claimed

N = The 'notional life' of the improvement (see Page 8).

For example, if replacement double glazed windows were put in fifteen years ago, costing £2000, this would be calculated as follows:

Number of complete years (15)

divided by the Notional life (20) = 0.75

Then 1 minus 0.75 = 0.25

Then 0.25 multiplied by the original cost (£2000)

= £500 (compensation payable)

When do I apply for compensation?

Tenants can claim for compensation in the 28 days leading up to the end of the tenancy and in the 21 days after.

Tenants can appeal the landlord's decision on compensation within 21 days of the decision being made.



Disturbance Allowance

This section explains what is covered by Disturbance Allowance and who can claim.

What is Disturbance Allowance?

In the event of a permanent move, you may be entitled to financial support to cover expenses associated with the cost of the move including:

- Financial support, regardless of the amount of time the owner has lived in the property
- Reasonable expenses arising directly from the need to move
- Essential unpaid time off work required to arrange the move
- Additional costs e.g. refitting carpets and curtains, different school uniforms, disability adaptations
- Any claim associated with your garden or outside storage will be dealt with on an individual basis and assessed prior to your move.

Who is entitled to claim?

You are entitled to claim for costs towards disturbance if you live in the property and are required to move out permanently as a result of the circumstances outlined below. You do not need your name on the tenancy agreement, you must have a right to live there and must be over the age of 18 years. For example, you could be:

- A relative of the tenant
- The partner of the home owner or tenant.

You can make a claim for disturbance in addition to a Home Loss Payment.

If you do not qualify for a Home Loss Payment because you have not lived in the property long enough or for other reasons, you may still be able to claim a Disturbance Allowance.

In which circumstances am I eligible?

You may be entitled to disturbance as a result of any of the following situations:

- Your home is being redeveloped and you are unable to move back in once the work is done
- There is a court order to evict you because we are demolishing or carrying out substantial improvements to your home and you are required to leave
- If you can no longer occupy your home because a demolition order, improvement order, closure order or dangerous building notice has been issued
- If the Council or another public authority which has the power to obtain compulsory purchase orders is redeveloping the area your home is in (for example, by demolishing houses or building new facilities)
- If Rykneld Homes or the Council have voluntarily agreed to sell your home to another Council or other public authority which would otherwise have bought the property using a compulsory purchase order (CPO)

- Substantial repairs/improvements are required and Rykneld Homes agree that a temporary decant is not suitable. This will be looked at on a case by case basis.

What is the 'relevant date'?

In order to be entitled to support towards disturbance, you need to be living in the property on the 'relevant date'. The relevant date varies, depending on the reason for your move.

If you have to move out as a result of a demolition order, improvement order, closure order or dangerous building notice issued by Rykneld Homes or NEDDC, you must have been living in the property on the date when the order was made, or the notice was issued.



Rykneld Homes have specified a maximum amount that can be paid for certain items that need to be replaced as a result of moving. For example where you have moved into a property with more floor space or where the carpets from your existing property won't fit.

- Removal costs
- Refitting of existing floor coverings (if feasible)
- Carpets - maximum of £15 per square metre (including underlay and fitting). You will be expected to choose and pay your own supplier and claim the relevant amount back from us. Proof of purchase will be required in the form of a receipt or an invoice stating the square meterage. In some cases where this is not possible, Rykneld Homes may be able to use our own contractor,

and pay the allowance directly to the contractor. You would be expected to pay the remaining amount directly to our contractor

- Curtains or blinds - where replacement curtains or blinds are required, Rykneld Homes will pay up to a maximum of £50 per room (where hallways and landings are considered to be one room). This includes curtain poles and fittings. Rykneld Homes will also cover the cost of refitting or adjusting curtains, where necessary. Proof of purchase will be required in the form of a receipt or an invoice.

We will always make a payment that we consider to be fair and will work with you based on your individual circumstances.

This policy will be reviewed regularly to ensure the maximum payments are reasonable.

Rykneld Homes will work with you to agree what removal arrangements will be made on your behalf and who will bear the cost. You will be expected to prepare for the move and carry out packing and unpacking and arrange for help from family or friends if required. If you are unable to pack, Rykneld Homes will assist with this. Rykneld Homes will assist you with transferring utilities/changing of address if required. The package offered may include but is not limited to:

- Disconnection and reconnection of:
 - Cooker
 - Washing machine
 - Dishwasher
 - Telephone lines or broadband
 - TV aerial or satellite dish
 - Light fittings (existing)
 - Keysafe
- (please note that if an appliance is deemed to be unsafe, it will not be re-connected):

Other costs that can be claimed:

- Removals
- Redirection of mail for up to one year

- Fittings and fixtures, for example wardrobes - this is only applicable if the property you are leaving had integral wardrobes provided and the home you are moving to does not have them
- Getting additional locks fitted to make your new home as secure as your old home
- Replacement school uniforms for your children if they have to change schools
- Loss of wages where you needed to take unpaid leave in order to move (proof of loss of earnings will be required)
- Any expenditure which, in the opinion of Rykneld Homes, has been unavoidably incurred because of the need to move. These will be considered on a case by case basis.

Rykneld Homes will, wherever possible, undertake all the above matters required for the move in order to make the move as easy and stress free as possible, and to ensure value for money. We will discuss and agree action to be taken with you beforehand.



Will I have to pay any costs upfront?

Where possible Rykneld Homes will arrange and pay associated costs directly to any companies involved in undertaking work. There may be occasions when you will need to pay for eligible services yourself. When paying for any qualifying item directly (e.g. postal re-direction) you must ensure that you retain copies of all receipts, as they will be required to claim for reimbursement from Rykneld Homes.

What if I need adaptations to my new home?

If you currently have or require adaptations, Rykneld Homes will discuss and assess your needs and ensure you are provided with appropriate housing, if you are applying to us for re-housing.

If you have adaptations that need to be transferred when you move we will conduct an inventory of these prior to your move. Upon moving, the cost of transferring this equipment will be met by Rykneld Homes, who will ensure that your new home is adapted to the same level as your old home.

Adult Care will need to instruct Mediquip about moving larger equipment to your new home.

Independent Legal Advice

Rykneld Homes will always try to help and support you by answering any questions you may have which fall within our legal obligations however, we encourage you to obtain independent legal advice to ensure you are fully aware of your individual situation.

You could do this by contacting a solicitor or Citizens Advice.

Contact Us



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