



Decant Policy

Overview:	This policy sets out how ECHBA deals with the need to decant residents either temporarily or permanently.
Version:	V1
Approved by:	Eldonian Board
Approved date:	February 2022
Issued date:	February 2022
Review date:	February 2025
Champion:	Chief Executive Officer
Document owner:	Chief Operating Officer

Contents

Contents	2
1.0 Introduction/ Policy statement.....	3
2.0 Policy Aims & definitions	3
3.0 Policy	3
3.1 Why ECHBA may decant	3
3.2 Consultation	4
3.3 Keeping residents informed	4
3.4 Allocating property to decanting residents	4
3.5 Supporting residents to move	5
3.6 Tenancy implications	6
3.7 Returning residents to their substantive property	6
3.8 Home Loss compensation	6
3.9 Disturbance payments	6

1.0 Introduction/ Policy statement

1.1 ECBHA aim to maintain and improve our homes to a high standard, and to develop high quality housing. Sometimes we may need to decant (move) residents to another property because we must carry out repairs which cannot be completed with residents staying at the property.

2.0 Policy Aims & definitions

2.1 We know that decants can be disruptive and difficult for residents.

We will ensure that: Residents are consulted about decants.

- We provide residents with clear information and keep them informed throughout the decant process.
- We comply with the Land Compensation Act 1973 when making home loss and disturbance payments.
- The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England, responsibility of the Regulator for Social Housing:
- Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.
- Registered Providers shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

3.0 Policy

3.1 Why ECHBA may decant

Properties may require decanting for several reasons. ECBHA will decant properties, If necessary, in situations where:

- A building is unsafe or hazardous
- Work is required to a building that may be harmful to occupants e.g. Chemical work or large-scale removal of asbestos
- Gas/electricity/ or water will not be available for a prolonged period
- The building is due for re-modelling, demolition, or extended repair

3.2 Consultation

In non-emergency cases, ECBHA will consult with residents and leaseholders on options available.

The first option will always be to agree a voluntary move with residents, however where residents are unwilling to decant, and it is impossible to complete the planned works with residents remaining in the property, ECBHA will work with tenants to find an alternative home within its stock. Where all options have been exhausted, ECBHA may choose to pursue legal redress including a court application to seek possession.

3.3 Keeping residents informed

Communication is key to successful management of a decant process. ECBHA will provide a single point of contact for residents and will ensure residents:

- Understand why decant is necessary
- Are aware of the estimated duration of the decant period
- Are notified of what standard they can expect for their new property
- Are informed of the support ECBHA can provide and the compensation residents are entitled to
- Know how to appeal an ECBHA decision or complain about the level of service they receive

3.4 Allocating Property to decanting residents

Where decanting is required in exceptional circumstances ECBHA may directly allocate properties within its stock and in consultation with residents e.g., where residents are vulnerable or require an emergency move.

3.5 Supporting residents to move

In supporting residents to move, ECBHA will cover the reasonable expenses associated with moving this may include:

- Temporary storage of possessions and furniture
- Temporary redirection of mail
- Redecoration – this will be on a like for like basis and may include carpets (reasonable costs will be based on market levels determined by quotes obtained from approved companies)

All costs will be returned if agreed prior with ECBHA and upon receiving valid receipts of expenditure.

In exceptional circumstances, where a tenant is considered vulnerable and no alternatives is available, ECBA works on a tenant's behalf).

ECBHA will directly offer the following service where required:

- Disconnection and reconnection of appliances and utilities
- Where applicable, removals (including returning to the property)
- Installation of disability adaptations where ECBHA has failed to find a pre-fitting adapted property for the resident.

ECBHA will provide additional, specific support to those residents who need it e.g. elderly residents, those with young children, those with a disability. Additional support may include:

- Assistance with packing
- Arranging temporary storage of belongings, if needed
- Arranging the removal of items that are no longer wanted
- Assisting on the actual day of removal
- Helping resident's complete forms
- Providing a checklist to remind residents of things to do e.g. redirect mail, notify banks etc.

Residents will retain responsibility for notifying their insurers of their change of address.

3.6 Tenancy Implications

ECBHA will take every step to ensure that residents do not suffer a loss of tenancy rights through the decant process.

Residents who are taking part in a temporary decant will be provided with a 'Licensed Tenancy' for the duration of their stay at the decanted property.

The original tenancy agreement, at their substantive home, will continue throughout the decant process so that they return they will be on the same tenancy with the same security as before. Rent will be paid in respect of the substantive property and not the decant property.

ECBHA may serve tenants with a Notice-To-Quit (NTQ) in order to regain possession of the decant property, four weeks before they are due to return to their substantive property.

If a tenant is being permanently decanted to another ECBHA property, ECBHA will ensure this move does not result in a loss of security tenure to the tenant provided they are moving to an ECBHA property.

3.7 Returning residents to their substantive property

If a resident does not choose to move back to the original property, a new tenancy will be granted at the new address and the condition of new property will apply including but not limited to a rent level.

Residents will be asked to sign a 'Decant Agreement' confirming that they understand that the decanting will be temporary and the options to return to their home once works are complete and that the original tenancy will continue during the period of decant.

3.8 Home Loss Compensation

Residents are entitled to Home Loss Compensation under the Home Loss Payment (prescribed amount) (England) Regulations 2019, where a permanent decant is required.

This will be paid as a flat rate as set out by the Government and will only be paid where the resident has been residing in the property for a minimum of one year. Outstanding payments e.g., arrears and recharges will be offset against any Home Loss Payment offered.

3.9 Disturbance Payment

Residents who wish to claim Disturbance Payments should provide receipts for the acclaimed items and it in doubt ECBHA may ask for confirmation of tenure (estimates will not be accepted). A resident is not regarded as permanently displaced, if:

- There is intention to move the resident back to his/her original home on completion of works. A person has opted to stay in the decanting property rather than move back to his/her original home.