



Policy: **Alternative Accommodation Policy**

Approved by: Leadership Team

Date Approved: Jan 2025

Last Full Review: Jan 2025

POLICY STATEMENT:

Temporary or permanent moves can be necessary when a property needs major repairs work or needs to be refurbished or modernised, this is also known within the sector or in law as a Decant. Temporary moves may also necessary when a property needs to be rebuilt or disposed of to enable effective asset management or because of development.

The main intention of the policy is to make sure that if we require tenants to move from their home temporarily or permanently, we consider the needs of the tenant, make sure they are adequately consulted and compensated for the inconvenience.

In accordance with the Land Compensation Act 1973 we will offer fair and reasonable Home Loss or Disturbance Payments in situations where tenants are required to decant to another property.

This policy has been developed to ensure BHA complies with current legislation, regulatory expectations, and good practice, and will be subject to ongoing review.

SCOPE:

- This policy is aimed at all tenants of Broadland Housing Association and will predominately be used by Local Delivery, Asset & Finance teams.
- This policy will comply with the Regulatory Framework and in particular in accordance with sections 29, 29A, 30, 32 37 and 38 of the Land Compensation Act 1973.
- This policy does not apply to BHA's commercial properties.
- This policy does not apply to Leaseholders, this policy needs to be developed to incorporate a separate process for Leaseholders.

The BHA Alternative Accommodation Procedure gives a detailed account of how this Policy will be implemented.

KEY STAFF RESPONSIBILITIES:

- **Leadership and Senior Managers**
Ensuring that the policy is adhered to, and we are effectively managing our homes.
- **Staff**

Ensure that Policy decision and procedures are followed.
Any query from the tenants is dealt with in a timely manner.

Neighbourhood Officers will predominately use this policy.

DEFINITIONS:

Decant – is a legal definition used to explain the process where tenants are required to move from their homes, due to the reasons stated in the Policy Statement, or an authority with compulsory purchase powers has redevelopment plans for their home. These plans may involve demolition, major repair, or improvement to the property (resulting in a significant change of character to the property, e.g., building an extra room) and will require to tenant/s to move out, either temporarily or permanently, for the works to be completed.

Permanent Decant: when a tenant/s is moved out of their property and there is no intention to return them to it.

Temporary Decant: when a tenant/s are moved out of their property, to enable work on the property to be carried out, with the intention of returning them to the property at the earliest opportunity this includes emergency situations.

Emergency Decant: Where an unexpected event has caused a property to become uninhabitable and a move is needed which is expected to be short term.

Home Loss Payment

Home loss payments are a legal requirement under the 1973 Land Compensation Act and the Planning & Compensation Act 1991, but only if tenant/s are required to move permanently from their home.

A Home Loss Payment is a fixed sum paid in recognition of the personal upset and distress caused to the customer by permanent displacement. It is for the trauma of losing the home. It is not a payment that is designed to pay for the actual removing and relocation

Disturbance Payment

By law a disturbance payment is to ensure a tenant is not financially out of pocket following the need to be decanted. You are only entitled to a disturbance payment if you are entitled to a home loss payment. If you are not entitled to a disturbance payment, there is a discretion to award a disturbance payment. The amount of the disturbance payment is the reasonable expenses in moving from the home the tenant is displaced from.

RELVANT KEY LEGISLATION AND RELATED DOCUMENTS: (not limited to)

Legislation	Documents
1973 Land Compensation Act ("LCA") section 29 (2) Planning & Compensation Act 1991	Tenancy Agreement Complaints Policy Rent Recovery Policy Allocations Policy Recharge Policy Safeguarding Policy

Policy Name: Decant

Latest Revision: January 2025

Policy No.

Revised by: Stephani Davis

Verified by: Leadership

	Self Neglect & Hoarding Policy Repairs Policy Asset Policy Compensation Policy
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EIA – EQUALITY IMPACT ASSESSMENT:

An Equality Impact Assessment has been completed to consider the positive and negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010.

IMPORTANT PRINCIPLES:

- The Home Loss payment is a set amount reviewed regularly by the government. More information can be found here [Part 1: Home loss payments - Land Compensation Manual Section 13: Loss payments - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/land-compensation-manual-section-13-loss-payments-guidance)
- To qualify for a home loss payment, tenants must have occupied their home as their only or principal home for 12 months up to the date of moving.
- If a tenant has not been in occupation for 12 months prior to the date of the move, BHA can use their discretion to award a home loss payment.
- If a tenant is entitled to a home loss payment, they may also be entitled to a disturbance payment
- The amount awarded for a disturbance allowance is discretionary and the types of items that are covered are found within the Temporary Move Procedure. .
- It is the tenants responsibility to apply for a home loss payment, this must be made within 6 years of moving.
- If tenants have permission to run a business from their home and they suffer losses which flow from the disturbance of that business, they may be able to claim for these losses.
- BHA will consult with tenant as early as possible and prior to submitting a planning application where we are considering remodelling homes to ensure we consider their feedback about what matters to them.
- BHA will offer additional support as a reasonable adjustment to any tenants who are required to permanently or temporarily decant their home to ensure they feel supported during the process. This may be through our Tenancy Support Team or Neighbourhood Officers or use of an independent advocate.
- If BHA is carrying out remodelling works, we will always try and carry out reasonable aids and adaptations during the work where possible so the tenant can return and ensure their future needs are met. This will be discussed during consultation.
- The tenant will continue to be liable to pay the rent charges on their principal home whilst they are temporarily living elsewhere. Similarly, subject to eligibility, Housing Benefit rules allow for any entitlement to continue for a defined period (check current HB regulations for length of time) in respect of the tenant's principal home.
- We will prioritise working and supporting tenants where a decant is required, recognising the legal interventions available to us and when we will use them.

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DATA PROTECTION

A Privacy Impact Assessment should be completed for all new policies or policy revisions which include any use of personal data (this will be the majority).

This policy (and associated procedures) requires a Privacy Impact Assessment (PIA) and one was completed on 10 May 2022 and appropriate risk mitigations implemented.

Please refer to the Tenant and Employee Privacy Notices, and the Data Protection Policy and Procedures, for details on Broadland's use, security, sharing and retention of personal data.

Please refer to the Data Protection Policy. This will inform you about BHG's approach to securing your data, the appropriate use of data, how long we store and retain your data, and your rights regarding your data.