

TAMIL COMMUNITY HOUSING – HOME IMPROVEMENTS POLICY

Alteration and Home Improvement Policy

Purpose and Scope

This policy sets out the TCHA approach for tenant and home owner requests to make improvements to their home.

This policy applies to secure, assured and fixed term assured shorthold tenants and leaseholders (where applicable) in TCHA.

Tenants with periodic assured shorthold tenancies and licences are not eligible to make improvements to their home, other than for the installation of satellite dishes and antennas (where TCHA has granted written permission). This includes the following functions:

- Starter Tenancies
- Private rented sector (PRS)
- Community Landlord schemes
- Market Rent
- Intermediate/sub-market rent
- Fixed term tenancies

Separate policy and procedure guidance applies for any requests received for aids and adaptations.

Tenants of properties that TCHA manages on behalf of another organisation may be required to follow the Home Improvement policy of the owning landlord.

Policy Aims and Objectives

The overall aim of this policy is to ensure the social housing assets that TCHA owns are maintained and are to the best of standards and the value of the assets are optimised whilst meeting the statutory requirements and obligations.

The key aims are to:

- To meet statutory requirements and enforce the terms and conditions of tenancy and lease agreements.
- To deliver a consistent experience for our customers.

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- To achieve value for money in the delivery of repair and maintenance services.

Definitions

Improvements

Improvements are any alteration in, or addition to a home by the tenant or household member and includes:

- Any addition to or alteration in landlord’s fixtures and fittings.
- Any addition or alteration connected with the provision of services to the dwelling-house.
- The erection of a television antenna or satellite dish.
- The carrying out of external decoration.

It does not include works that alter the layout or structural integrity of the dwelling.

Secure Tenancy

Secure tenancy is a lifelong tenancy agreement which cannot be terminated unless there is a clear breach of tenancy.

Assured Tenancy

Assured tenancy is offered at the end of a starter tenancy, of which it is a lifelong tenancy

Fixed Term Tenancy

Fixed term tenancy is also offered at the end of a starter tenancy but it lasts for 5 years

Starter Tenancy

A starter tenancy agreement where there is a trial period of 12 months at the beginning of the tenancy. Once this trail period had ended, the tenancy is converted to either a secure tenancy or fixed term tenancy.

Leaseholders

Leaseholders have a temporary ownership right to hold land or the property. The lease is obtained from the freeholder (landlord) to use the home for a number of years.

London Living Rent

London rents, set by GLA based on average local incomes and ward-level house prices.

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Community Landlord

Private landlords within the community with a housing interest, who have provided their property assets to manage for a management fee.

Homes and Communities Agency (HCA)

The HCA took over responsibility from the Tenant Services Authority (TSA) for the regulation of social housing providers in England from 1st April 2012.

Housing Ombudsman service

The service for the investigation of complaints after the organisation's own complaints procedures have been exhausted.

Content

Tenants and leaseholders must not make any improvements to their home without TCHA's written permission. We will not refuse permission unreasonably.

Requests to make improvements to the home must meet the following conditions:

- The tenancy or lease must allow for the tenant to make improvements.
- The request must be made in writing by the tenant or leaseholder.
- The tenant or leaseholder must have gained any relevant statutory consent such as building control and planning permission prior to consent being granted.
- Where appropriate the tenant or leaseholder must provide plans, schedules of work and copies of statutory consents.
- The tradesperson carrying out the work must be suitably qualified and have their own public liability insurance.
- The tenant or leaseholder must notify any neighbours who may be affected by the work in advance of the work being undertaken.

We will refuse tenants' requests where we consider that the improvement would be likely to:

- Make the home or any other premises less safe.
- Cause TCHA to incur expenditure which we would be unlikely to incur if the improvements were not made.
- Reduce the price which the home would fetch if sold on the open market or the rent that we would be able to charge.
- Actual or likelihood of nuisance to be caused to any neighbours or landlords.

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- When sufficient evidence is not provided as per above conditions and failure in providing any reasonably requested information.

If we refuse to grant written permission then we shall explain our reasons for refusal.

Where applications are refused, TCHA takes no liability for reimbursing tenants' or leaseholders' charges or fees.

Where permission is granted it may be given subject to conditions. Where work is commenced and conditions are not satisfied then it shall be treated as a breach of tenancy or lease.

Residents and Leaseholders are charged a fee to cover the cost of administering their request.

Where TCHA is required to undertake work in relation to the tenant or leaseholder's improvement the tenant or leaseholder will be charged for any costs that TCHA incurs.

Compensation for tenant improvements shall be paid to secure tenants in accordance with Government guidance. Any payment of compensation will be used to pay off outstanding rent arrears or other debts.

Unauthorised Improvements

Tenants and leaseholder must not commence work until written permission has been granted.

Where improvements have been carried out without prior permission a retrospective request must be made. All work, other than that relating to health and safety, must be suspended whilst the request is assessed.

If permission is withheld then the tenant or leaseholder must return the home to the condition that it was in prior to the work commencing. If TCHA is required to undertake this work then the tenant or leaseholder will be charged for the cost.

Maintenance Responsibilities

Improvements will generally be considered as the tenants or leaseholder's fixtures and fittings and will be their responsibility to maintain.

Where TCHA incurs any costs in rectifying mismanaged tenants' improvements or returning the property to the condition that it was in prior to work commencing we will charge the tenant or leaseholder for the cost incurred.

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At the end of a tenancy, the tenant must return the property to the condition that it was in prior to commencing work. If TCHA is required to undertake this work the tenant will be charged for the cost. Any fixtures and fittings left in the home will become the property of TCHA.

Accountability

The Housing Service Manager is responsible for the implementation of this policy.

References

The **Housing Act 1985** states that it is a term of every secure tenancy that the tenant will not make any improvement without the written consent of the landlord and that consent shall not be unreasonably withheld.

The **Leasehold Reform, Housing and Urban Development Act 1993** gave secure tenants the right to compensation for certain qualifying improvements.

The **Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994** provides criteria for when compensation should be paid for improvements and sets a formula for calculating compensation for secure tenants.

Some versions of TCHA assured and fixed term assured short hold tenancy terms and conditions give tenants the right to request permission to make improvements.

The requirements for leaseholders requesting improvements are set out in individual leases.

Building Act 1984 empowers local authority to enforce the building regulations in their areas. These include a right of entry into buildings and prosecution and enforcement in relation to non-compliant building work.

Landlord and Tenant Act 1985 sets out the rights and responsibilities of Landlords and Tenants including repair responsibility of the rented premises.

Housing Act 1988 introduces the concepts of assured tenancy and assured shorthold tenancy and further governs the law between Landlord and tenants.

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Local Government and Housing Act 1989 introduced measures to regulate the employment of local authority staff. This includes the appointment and management of staff and the regulation of the employment terms and conditions.

Leasehold, Housing and Urban Development Act 1993 provides a collective right for leaseholders to purchase the freehold of their building (collective enfranchisement).

Party Wall etc. Act 1996 provides a procedure to resolve disputes between owners of neighbouring properties whom have intentions to carry out works affecting the party wall.

Building Regulations 2003 (as amended) provides the requirements for people to gain access to and use the building and its facilities. The needs of the disabled people are encompasses as well as those experiencing a temporary mobility impairment.

Equality Act 2010 consolidates previous legislations on discrimination for protected characteristics – age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

Localism Act 2011 devolves the existing powers within councils and neighbourhoods. Instead provides local communities with more control over planning and housing decisions.

Related TCHA Policies:

- Aids and Adaptation Policy

Review

This policy will be reviewed every two years or more frequently to take account of changes in good practice and/or legislation.

This policy must be approved by the TCHA Board.

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