



<b>DEVELOPMENT</b>
<b>HOME LOSS PAYMENTS POLICY</b>
<b>June 2022</b>
<b>June 2027</b>

<b>Policy on :</b>	<b>Home Loss Payments Policy</b>
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<b>Compliant with Charter :</b>	<b>1. Equalities</b> <b>2. Communication</b>
<b>Compliant with New Regulatory Framework:</b>	<b>Regulatory Standards of Governance and Financial Management: Standard 2 and 4.</b>
<b>Compliant with Tenant Participation Strategy:</b>	<b>N/A</b>
<b>Compliant with Equal Opportunities :</b>	<b>Yes</b>
<b>Compliant with Budget/Business Plan :</b>	<b>5. Viability</b>

<b>Date of Approval :</b>	<b>April 2017</b>
<b>Date for review :</b>	<b>April 2027</b>

<b>Responsible Officer :</b>	<b>Head of Housing</b>
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**POLICY:**

**HOME LOSS PAYMENTS : ELIGIBILITY AND CONDITIONS**

**1. Home Loss Payments**

- 1.1 A home loss payment is compensation paid because you have had to permanently leave your house, whether you own or rent it. It is intended to compensate for the upheaval and personal upset involved in an involuntary move.
- 1.2 A home loss payment is a form of compensation quite separate from, and may be payable in addition to, a disturbance payment.
- 1.3 Eligibility is as stated in the Land Compensation (Scotland) Act 1973. The law that is stated in this Act will govern all claims and this policy is designed to explain the Act and the means by which Paisley Housing Association (PHA) will implement its responsibilities under it.
- 1.4 Tenants/owners are referred to independent advice agencies, such as the Renfrewshire Law Centre, for advice on their entitlement.

**2.0 Eligibility**

2.1 To be eligible to receive a home loss payment you must meet all the following Qualifying Conditions and at least one of the following Qualifying Events.

2.2 You must satisfy all of the following Qualifying Conditions:

- a) you have lived in the house for more than one year as your sole residence at the date of moving . If you have lived in your home for less than one year but you were forced to move from your previous home as well, because of improvement/demolition/closing orders, without getting a home loss payment, you will be eligible for a home loss payment if your total combined residence in the 2 houses is more than 1 year;
- b) you have an “interest” in the house, this may be evidenced by you being one of the following types of occupier:
- a contractual tenant;
  - a statutory tenant;
  - an employee living in a tied house;
  - a spouse with occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981;
  - the owner of the property.
- c) If an owner is letting the property and living elsewhere, the home loss payment will be paid to the tenant, if said tenant is eligible.
- d) the move is a permanent one.
- e) the property is owned by or has been sold to PHA

2.3 In addition your move must be “in consequence of” one of the following Qualifying Events and not for any other reason.

- Compulsory acquisition of a property by a body with compulsory purchase powers.
- Demolition, improvement or closing order under the Housing (Scotland) Act 1987.
- Improvement or development of land acquired by an authority with compulsory purchase powers.
- Improvement/redevelopment or demolition by PHA.
- Demolition of a dangerous building.
- For Scottish Secure tenants only, where PHA has obtained a court order for recovery of possession under Ground 10 of Part 1 of Schedule 2 to the Housing (Scotland) Act 2001, where suitable alternative accommodation has been made available to the tenant.

### 3.0 **Amount**

3.1 The amount of your home loss payment will be in accordance with the rates currently set by relevant law.

At present if you are an owner occupier who is selling to the Association, the home loss will be equivalent to 10% of the selling price of your home. Currently the minimum payment is £1,500 and the maximum is £15,000. (Please note point 2.2a above)

At present if you are a tenant either of the owner or PHA, there is a 'flat rate' of £1,500.

3.2 A deduction will be made if the property has been damaged, if fixtures and fittings have been removed, for outstanding rent arrears, including former tenancy arrears and/or if any other monies are owed to PHA

### 4.0 **Payment of Home Loss**

4.1 Payment will be made as per the procedure below.

4.2 Where you are legally the joint tenants/owners of the property, and wish to be paid separately, any net amount due for the property will be split equally between all eligible tenants/owners. You must formally advise the Association that you require separate payments, before payment is made.

### 5.0 **Procedure for Applying For and Paying Home Loss**

5.1 The procedure for applying for and paying home loss is detailed below:

- (a) Information on eligibility and conditions will be issued by the Association to prospective applicants:
  - (i) where a property is part of a development project, when the first round of meetings with residents takes place, following the declaration of the Housing Action Area. This is usually 12 months prior to site start date.
  - (ii) where a property is part of a demolition project, within 1 month of the decision to demolish has been formally made by the Board .
- (b) An application form will also be issued to prospective applicants along with the information on eligibility and conditions. You should fill it in and return it to the Association
  - (i) If you are an owner or private tenant of an owner's you must complete and return your form after the sale of the flat to the Association has settled and you have permanently vacated the property.

- (ii) Tenants of PHA must complete and return the attached form after the association has formally advised you of our decision to demolish or amalgamate your property with another and you have permanently vacated the property

Application must be made within five years of the date of removal. Claims made outwith this period cannot be entertained.

- (c) You should also attach proof that you occupied the property as your sole or main residency for a period of at least one year prior to the date of your move.

For example a copy of the following:

- (i) leasing agreement/rent book if you have been renting the property from a private landlord, the Council or PHA
  - (ii) recent fuel bills or council tax evidence which will indicate your occupancy of the property for the last twelve months.
- (d) If the Association requires additional back up information, you will be informed of what you have still to provide within two weeks of the assessment
  - (e) Once we received a completed application form, including all necessary proof as noted above, we will assess your claim for eligibility within two weeks of receipt provided all the following criteria are met:-
    - (i) sale has settled or the formal decision to demolish has been approved by the Board
    - (ii) the property has been permanently vacated;
    - (iii) keys have been received by PHA.

Staff will visit the property to ensure that the property has not been damaged and that all relevant fixture and fittings are intact. In the case of sales to the Association this relates to fixtures and fittings which formed part of the sale. In the case of properties already owned by the Association this relates to all fixtures and fittings owned by the Association.

- (f) If the Association is satisfied that you are eligible and
  - (i) your property is not part of a grant funded development project, e.g. funded by Scottish Government, go straight to point (g); or
  - (ii) your property is part of a grant funded development project, e.g. funded by Scottish Government, a claim to the grant provider will be made within a further 4 weeks.
- (g) Unless we have a signed mandate to the contrary, a cheque made out in the name of all known tenants/owners will be available for collection within a further 2 weeks. You will be required to collect the cheque from the office, bringing identification with you. You will be required to sign a receipt for the cheque. Where we have been advised that payments require to be made separately to joint tenants/owners the total amount will be divided equally and separate cheques made available for collection, with each requiring to bring identification upon collection.
- (h) A deduction from the home loss payment will be made in the case of any of the following:-

- (i) fixtures and fittings which formed part of the sale or tenancy, as noted in section 5.1(e) above, have been removed;
- (ii) where there is a sale to the association the flat has been damaged since the valuation ;
- (iii) where you are a tenant of the association any damage caused to the property which is rechargeable under the terms of your tenancy agreement
- (iv) there are outstanding rent arrears, including former tenancy arrears; rechargeable repairs and any other monies due to PHA

(i) You will receive a written explanation if a deduction has been made.

## 6.0 **Refusal of payment**

6.1 When a home loss payment is refused, the reasons for this will be given to the applicant within four weeks of the decision to refuse being made.

## 7.0 **Appeal**

7.1 You have the right to appeal any decision we make in relation to you claim for a home loss payment as per our Complaints Procedure.

7.2 In particular where you are querying your eligibility for a home loss payment we will also take the advice of our solicitor and refer the matter to Scottish Housing Regulator.

## 8.0 **Equal Opportunities**

8.1 The Association promotes equal opportunities and will not discriminate between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

## 9.0 **Data Protection**

9.1 When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Association's approved Confidentiality Policy and the Data Protection Act 2018 (which includes GDPR)

In situations where there may be any doubt about the requirements of the Data Protection Act 2018 it is recommended that the Association seeks the views of its legal advisors.

## 10.0 **Complaints**

10.1 The Association aims to ensure that the service provided to residents is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

## 11.0 **Review**

11.1 This Policy will be reviewed every 5 years. Amendments to the policy will be made in the interim to respond to any changes in legislation.