

Royal Borough of Kensington and Chelsea

Grenfell Rehousing Policy

Revision April 2019



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1. Introduction

This exceptional rehousing policy has been adopted pursuant to paragraph 1.11 of the Council's Housing Allocation Scheme, February 2017 revision.

The Grenfell Tower tragedy that occurred on 14 June 2017 was a humanitarian disaster on an unprecedented scale within the borough. The loss of life and harrowing events of the tragedy as well as its aftermath have devastated an entire community. The surviving residents have been offered emergency hotel (Stage 1) accommodation and self-contained (Stage 2) interim accommodation. It is right that the Council gives the highest priority to securing long-term rehousing for those in the community worst affected by this tragedy.

This policy reflects the Government's commitment to provide a new home in social housing for the former residents of Grenfell Tower and Grenfell Walk within the period of one year. The policy reflects the Government's stated commitment that all residents will have a choice and that their individual needs and wishes are taken into account in finding a new settled home for them.

The policy explains how the Council will prioritise residents for rehousing whose homes have been destroyed by the Grenfell Tower tragedy. It sets out the Council's priorities and procedures to be followed in allocating housing accommodation to this group.

The Director of Housing has the delegated authority in exceptional circumstances to amend or waive this policy.

2. Who is covered by this policy

This policy applies to anyone who immediately before the tragedy was living at Grenfell Tower or Grenfell Walk as their main home and falls within one of the following groups:

- Council introductory or secure tenants
- Resident leaseholders
- Subtenants or lodgers of the above
- Tenants of non-resident leaseholders

This policy does not extend to non-resident leaseholders.

Resident leaseholders will be offered support, confirmed under separate policies, to return to home ownership. However, for those who are not able to exercise their right to a new leasehold property, or would prefer to be rehoused into social housing, they will be entitled to rehousing in accordance with this policy.

3. Eligibility

The statutory rules on eligibility under section 160ZA of the Housing Act 1996 apply to the allocation of tenancies under this policy. There is no eligibility requirement in relation to granting a tenancy to a former resident of Grenfell Tower and Grenfell Walk who is already an introductory or secure tenant of the Council.

In relation to former residents of Grenfell Tower and Grenfell Walk who would otherwise be ineligible for the allocation of a tenancy, on 5 July 2017 the Minister of State for Immigration made a written statement in Parliament concerning the introduction of a policy on leave to remain outside the Immigration Rules for former residents of Grenfell Tower and Grenfell Walk. This was a public commitment to resolving their immigration status so that they could access public services, including housing.

4. Type of accommodation to be offered

4.1 Security of tenure

There is a range of landlord providers who will be offering homes to let to the residents covered under this policy. They include:

- The Council
- Registered providers (housing associations)
- Other neighbouring local housing authorities

For all Council and other local authority tenancies, these will be let as secure tenancies.

These will be lifetime tenancies and will not be subject to the flexible tenancy regime introduced under the Localism Act 2011.

For registered providers, all tenancies will be let on Assured Tenancies under the Housing Act 1988.

4.2 Rent charges and service charges

The rent charged for the new permanent tenancy to former council tenants of Grenfell Tower and Grenfell Walk will be whichever of the following is the lowest ^{*} :

- the actual rent paid for the tenancy at Grenfell Tower or Grenfell Walk
- the average rent charged at Grenfell Tower and Grenfell Walk for the size of property the resident requires
- the actual rent charged for the new permanent tenancy.

The rent charged for the new permanent tenancy to former residents of Grenfell Tower or Grenfell Walk who did not hold a tenancy will be whichever of the following is the lowest:

- the average rent charged at Grenfell Tower and Grenfell Walk for the size of property the resident requires
- the actual rent charged for the new permanent tenancy.

* In calculating the rent to be paid by residents on 1 July 2019, adjustments have been made to both the property-specific and average Grenfell Tower and Grenfell Walk rents in accordance with Government rent-setting regulation since 14 June 2017. In practical terms, actual rent and average rent calculations that will come into force on 1 July 2019 will reflect the 1 per cent cut in social rent for the financial year 2018 / 2019, and the further 1 per cent cut for the financial year 2019 / 2020.

The service charges on 1 July 2019 for the new permanent tenancy granted to former council tenants of Grenfell Tower and Grenfell Walk will be whichever of the following is the lowest:

- the actual service charges the tenant paid in the last year of their tenancy at Grenfell Tower or Grenfell Walk, minus any payments made for water, heating and hot water
- the average service charge raised at Grenfell Tower and Grenfell Walk for the size of property the resident requires
- the actual service charge for the new permanent tenancy.

The service charges on 1 July 2019 for the new permanent tenancy granted to former residents of Grenfell Tower or Grenfell Walk who did not hold a tenancy will be the average service charge raised at Grenfell Tower and Grenfell Walk for the size of property the resident requires and occupies.

All former residents of Grenfell Tower and Grenfell Walk will not be required to pay rent or service charges either for interim housing or permanent housing until 1 July 2019.

Residents can expect reasonable annual adjustments to future rent and service charges.

4.3 Succession

All former residents of Grenfell Tower and Grenfell Walk should enjoy the equivalent of pre-Localism rights of succession, in order to ensure that their succession rights will be at least as favourable as those under their previous tenancy.

Permanent social housing tenancy agreements granted to former residents of Grenfell Tower and Grenfell Walk will allow family members to succeed to the tenancy in the following three circumstances.

- i. If a joint tenancy has been granted, upon the death of a joint tenant the tenancy will automatically pass to the remaining tenant.
- ii. If a sole tenancy has been granted, upon the death of the tenant the tenancy will pass to tenant's spouse or civil partner as long as they were living in the property when the sole tenant died.
- iii. If a sole tenancy has been granted and the tenant does not have a partner/ spouse, upon their death the tenancy can pass to a member of their family (parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece) if:
 - that family member has lived in the property as their main home at the time of the sole tenant's death and
 - that family member has lived there for more than twelve months

Residents who rehoused to properties managed by a Private Registered Provider (housing association) will be provided with details of their new landlord's succession policy at the point of sign up to their new tenancy. The Council will seek to procure the grant of succession rights equivalent to those given under this policy to secure tenants.

Further offers of housing to household members who cannot succeed to the original tenancy

- iv. One further allocation of suitable housing will be granted to a member of the household (parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece) who cannot succeed to the original tenancy in the following two circumstances
 - if a succession has occurred through a joint to sole succession
 - if a succession has occurred through survivorship

where that family member

- lived with the tenant at the time of the Grenfell Tower tragedy, and
- has lived continuously with the tenant in the property as their principal home for twelve months before the death of the tenant, and
- who would otherwise be homeless as a result of not satisfying the conditions set out in section iii above.

Persons allocated housing under section iv above will not qualify for the Council's commitments to original tenancies granted under this policy to cap rent, service charges and council tax at 'Grenfell' levels.

5 Assessment of need

5.1 Needs assessments

This policy aims to provide all households with the best possible housing choice. To support the household in achieving their best housing option all households are being assisted to complete a housing needs assessment. In order for a full and proper assessment of housing needs to be made, all households are encouraged to provide accurate and detailed information as requested.

As part of the needs assessment process officers will ask households to provide Equality and Diversity information. The Council asks households to assist in this process in order to help to deliver the Council's commitment to equality of opportunity when applying this policy.

Officers will also ask for feedback from households in relation to their experience of the rehousing policy. The Council fully understands that this is an extremely painful time for the individuals and families affected by the tragedy. The Council asks households to engage in the feedback process to enable the Council to continually monitor, review and improve the delivery of this policy with the aim of ensuring that it meets the community's needs in the best way that it possibly can.

The applications shall be kept up to date and Dedicated Service Workers will assist households to include any changes in circumstances which affect the accommodation they require.

5.2 Bed size

The size of property each household requires will be assessed as set out below:

- We will offer properties of the same bedroom size as the one where the household was living, or
- If the household was overcrowded, one that currently meets the needs of their household.
- Flexibility will be exercised to reflect the household's needs as agreed with their family liaison officer and Dedicated Service Workers. For example, where additional bed space is required for care/support.

The same rules that are used for housing benefit purposes will be used to calculate bedroom size: this means that children of the same sex can share up to the age of 16 and different sexes up until the age of 10. Medical exemptions will also be considered when determining the number of bed spaces required.

5.3 Split households

Where it has been agreed (and included within the housing needs assessment) that a household will be split into two or more households, each household will be assessed separately and in accordance with this policy.

5.4 Adaptations

The property offered will be adapted to meet the needs of the household (as assessed by an occupational therapist) if there is a disabled household member.

6. Points and priority bands

Due to the compelling and exceptional circumstances, all former residents of Grenfell Tower and Grenfell Walk will be awarded 3,000 points resulting in the highest priority for rehousing. This priority for rehousing will be known as 'Category A'.

The Council is completely committed to long-term rehousing for all former residents of Grenfell Tower and Grenfell Walk within the period of one year. After the period of one year has ended, if any household has not been rehoused on a long-term basis, the Council will review the household's housing needs and requirements, including any barriers to their participation in the rehousing process or to meeting their housing needs. Similar reviews will take place at subsequent three month intervals if the household has still not been rehoused on a long-term basis.

The following priority bands will be applied when determining priority for properties made available to former residents of Grenfell Tower and Grenfell Walk.

If two or more households are within the same priority band, qualification for the next priority band will be considered as a tie break and after that qualification for the next priority band. If two or more households are still tied at the end of this process, length of residence will be used as the deciding factor.

- **First band priority** will be given to anyone who has been bereaved as a result of the tragedy. This means:

(a) anyone who lost a person who was living with them in the same flat on the date of the tragedy, or where that person is missing following the tragedy; or

(b) anyone who has lost a member of their family who was living in a different flat on the date of the tragedy, or where that family member is missing following the tragedy.

(1) A person is a member of another's family within the meaning of this provision if:

(a) he/she is the spouse or civil partner of that person, or

(b) he/she is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For these purposes:

(a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild of a person shall be treated as his/her child, and

(d) an illegitimate child shall be treated as the legitimate child of his/her mother and reputed father.

- **Second band priority** will be given to a household that has a member (i) with a serious physical or mental disability, (ii) a serious learning disability or (iii) who has needs for care and support or carer's needs for support, assessed as meeting the eligibility criteria under the Care Act 2014.
- **Third band priority** will be given to any household which includes dependent children.
- **Fourth band priority** will be given to all other former residents of Grenfell Tower and Grenfell Walk.
- **Length of residence** means that, in the event that two or more households have the same priority having regard to first, second, third and fourth band priority, preference will be given to the household that has lived in Grenfell Tower or Walk the longest.

The Council retains the discretion to allocate tenancies outside of the above priority bands, in particular:

- **Direct Offers**

Some properties have characteristics that mean that they should be reserved for households with particular needs, for example accessible properties will be allocated to households who need them because of restrictions on their mobility. Within that group, the Council will usually select the households to whom these specific properties are to be let using the above priority banding.

- **Converting Stage 2 interim accommodation into long-term accommodation**

Sometimes it will be possible to convert Stage 2 interim accommodation into long term social housing where the household wishes to remain living in that property. To minimise the disruption caused by having to move home several times, when this becomes possible, the accommodation will be allocated to the household currently occupying it as Stage 2 interim accommodation.

- **Exceptional cases**

It is not possible to set guidelines that are appropriate for every individual situation in advance. The Council will exercise discretion in exceptional cases.

7. The allocation process

7.1 Expressing an interest

Once a household has been included on the Council's Housing Register and assessed under this policy, they will be eligible to express an interest in properties. They can do this for properties that meet their specified needs as agreed through the needs assessment, including the number of bedrooms needed, any essential requirements concerning property type, floor level, location or mobility.

Normally households will be able to exercise choice by expressing an interest for properties advertised through the CBL (Choice Based Letting) scheme.

If there is an overriding need for a specific type of property as agreed with the family's Dedicated Service Worker or family liaison officer, a Direct Offer will be made.

7.2 Number of expressions of interest/offers

There is no limit to the number of expressions of interest a resident can make or to offers of accommodation made to any household under this policy.

Dedicated Service Workers will discuss the reason for any refusal to inform future offers.

7.3 Rehousing

If a household accepts a property, then their application under this policy will be closed.

8. Complaints and appeals

This policy aims to provide everyone to which it applies with a safe, settled and secure new home. If residents are not happy with the way their case has been handled in the first instance they should raise this with their dedicated housing advisor. Residents can contact the Housing Department direct by telephone on 020 7361 3008.

If a former resident of Grenfell Tower or Grenfell Walk wishes to submit a complaint or an appeal about the application of this policy to their own circumstances, they may contact the Grenfell Complaints Team in the following ways.

By email GrenfellComplaints@rbkc.gov.uk
In writing Grenfell Complaints Team
 Royal Borough of Kensington and Chelsea
 The Town Hall
 Hornton Street
 London W8 7NX

9. Equality and diversity

In adopting this policy, the Council has had due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council will continually monitor, review and improve the delivery of this policy with the aim of ensuring that it meets the community's needs in the best way that it possibly can.