

Housing Tenancy Management Policy

Rehousing Policy - Regeneration Schemes

September 2025

Table of Contents

- 1 Introduction
- 2 Aims
- 3 Legal Basis
- 4 Rehousing Secure Tenants
- 5 Consultation
- 6 Individual Need
- 7 Bidding and Housing Need
- 8 Notice of Seeking Possession
- 9 Compensation and Costs
- 10 Fair and Inclusive Measures
- 11 Offer for Private Rented Tenants
- 12 Offer for Temporary Accommodation
Tenants

1 Introduction

- 1.1 This policy sets out the approach that Brighton & Hove City Council (BHCC) takes when secure and introductory tenants will lose their home because of the council's Housing Regeneration Programme.
- 1.2 This policy does not apply to Leaseholders who will be able to access a dedicated resource to help them through this process.
- 1.3 This policy also outlines the approach and support to private sector tenants and non-secure tenants living in temporary accommodation provided by the Council under its homelessness or homelessness prevention duties under Part VII Housing Act 1996 or Homelessness Reduction Act 2017, living in any affected block.

2. Aims

2.1 The aims of this policy for secure council tenants who will be rehoused permanently are:

- To deliver effective consultation with residents moving from their homes at the earliest opportunity and throughout the process.
- To enable residents to have influence over their rehousing options
- To minimise disturbance to residents.
- To support residents, both financially and practically.
- To make best use of stock to address needs and preferences of residents.
- To minimise rent loss to BHCC.
- To ensure that the buildings are decanted in line with regeneration timescales using a Local Lettings Plan (LLP).

3 The Legal Basis

3.1 The following key legislation is related to this policy:

Housing Act 1985. If rehousing is necessary, the Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with secure and introductory tenants when they are substantially affected. Consultation must be at a time when proposals are still at an early stage, and the Council will consult with all affected persons.

Housing Act 1988, Schedule 2, Part III of the Housing Act. 1988 provides a definition of suitable alternative accommodation. This should provide the tenant with equivalent security of tenure and be similar regarding rent, size and situation.

Land Compensation Act 1973. Section 30 of the Land Compensation Act 1973 sets out the provisions for the statutory Home Loss Payments and Disturbance Allowances.

Localism Act 2011, section 160ZA. This outlines persons not eligible to be rehoused. These include unauthorised occupants, sub-tenants, lodgers, licensees, and other non-secure occupants.

4. Rehousing secure tenants

4.1 A permanent move will be necessary where it is planned to dispose of, demolish and/or redevelop the property.

4.2 Secure council tenants who need to be moved from their homes permanently as a result of the Council's Regeneration Programme will be supported into a new home in a planned way.

4.3 A development will have a phased plan and timetable which will impact and influence the re-housing options available to secure council tenants. For example, it may mean that on some sites where regeneration or development

occurs, that this will happen in phases with some blocks being demolished before others.

4.4 Allocation and priority for rehousing secure council tenants will be in accordance with a Local Lettings Plan (LLP) in line with the Council's Allocation Policy 2025.

Returning to new build properties

4.5 There is no legal requirement for the council to give secure council tenants the option to return to the redeveloped site, however we are committed to helping those that wish to remain in the area or return to the regenerated blocks to do so, wherever possible.

4.6 Existing secure council tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate before they are made available to any other applicants, subject to housing need. This will form part of a local lettings plan (LLP).

4.7 For secure council tenants who want to return to one of the new-build properties, the construction phasing of the regeneration programme will mean that secure tenants are unable to move directly into a new home on the same site or scheme as new units may not be ready until later in the redevelopment process.

4.8 In these circumstances secure council tenants will be offered another secure tenancy elsewhere until the new-build property is ready.

5. Consultation

5.1 The council acknowledges that moving home can be a stressful experience, especially when the move is not voluntary. We aim to ensure that moves are carried out sensitively, appropriately, and efficiently with the minimum upset and difficulty to the tenant and their household.

5.2 When a vacant possession of property is necessary, the Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with tenants when they are substantially affected. Consultation must be at a time when proposals are still at an early stage, and the Council will consult with all affected persons sensitively and take account of any specific factors including (but not limited to) disability and vulnerability.

5.3 At the start of the process residents in every scheme affected by decommissioning, recommissioning, or redevelopment will have the opportunity to meet with council staff who will explain:

- What the proposed project is and why it is being undertaken.
- The timing of the project
- The rehousing policy and process

5.4 In cases of major redevelopment, and/or demolition of properties, authority will be sought from the council's Cabinet to proceed before detailed individual needs are assessed.

6 Individual Need

- 6.1 Once authority to commence with the moves has been acquired, a single point of contact (SPOC) from the Housing service will be assigned to each household. Where this involves redevelopment of more than one site, this will be done in a phased way, prioritising the buildings that need to be decanted first.
- 6.2 The SPOC will make an initial visit to meet with the secure council tenant to identify their housing needs and preferences.
- 6.3 The SPOC will identify and request such additional support as is required by the tenant during the rehousing process. This may include help with:
 - understanding legal rights
 - assisting with bidding for properties on Homemove
 - filling out forms - including for financial assistance
 - providing translators and/ or interpreters
 - help with removals and relocating
 - ensuring mobility and adaptation needs are met (see paragraph 3.5 of the Adaptations Procedure¹)
 - Accessing services in the new area eg GP/pharmacy etc
- 6.4 The SPOC will be available to answer ongoing questions from tenants and provide support throughout the moving process.
- 6.5 In cases where the tenant's affairs are dealt with by a third party, such as the Court of Protection, the SPOC should take legal advice, as an expedited application may be required.
- 6.6 The Tenant's Role. While BHCC will do everything possible to aid the tenant, especially where support needs have been identified, the tenant still has a responsibility to engage with this process.
- 6.7 When it comes to the move, the tenant will be expected to pack up their own belongings unless they need help in which case, a packing service will be arranged; to ensure pets are not left in the property/abandoned, and ensure that the property is left in vacant possession.

7 Bidding and Housing Need

- 7.1 Once an individual assessment of housing need has been made, secure council tenants will be assigned Priority Band B on Homemove. Assistance with bidding will be offered for those households who need support to do so. If bidding is not successful and in consultation with the tenant, an offer of a direct let will be made.
- 7.2 Suitable alternative accommodation refers to accommodation which provides the tenant with equivalent security of tenure and is similar regarding rent, size,

¹ [Housing \(Housing Management\) - Adaptations - All Documents \(sharepoint.com\)](#)

situation etc. as required under Schedule 2, Part III of the Housing Act 1988 and meets the tenants' needs.

- 7.3 If a secure tenant's current property doesn't meet their household's bedroom need a larger property than they currently occupy may be offered in line with the Council's Housing Allocation Policy 2025.
- 7.4 Secure tenants wishing to downsize to a smaller property may be eligible for the Transfer Incentive Scheme in line with the Council's Housing Allocation Policy 2025.

8 Notices of Seeking Possession

- 8.1 The Housing Act 1985 requires that the council serve Notices of Seeking Possession upon tenants prior to seek possession for the purposes of housing regeneration and development.
- 8.2. The council will rely upon Ground 10 Schedule 2 Housing Act 1985 which provides that it is a ground for possession where:

"The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—

 - (a) to demolish or reconstruct the building or part of the building comprising the dwelling-house, or
 - (b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house, and cannot reasonably do so without obtaining possession of the dwelling-house."
- 8.3 Depending upon the development scheme, the council may also rely upon Ground 10A: "The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State or the Regulator of Social Housing or Scottish Homes in accordance with Part V of this Schedule and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling-house in accordance with the scheme"
- 8.4 It is anticipated that Notices of Seeking Possession will be served up to 12 months prior to the Council requiring possession to commence the redevelopment.

9 Compensation and costs

There are two types of payments that secure council tenants who need to permanently move may be entitled to:

- Home Loss Payments
- Disturbance Payments

9.1 **Home Loss Payments for Secure Council Tenants.** A Home Loss Payment is a statutory payment made to compensate secure tenants for having to permanently move out of their home. This mandatory lump sum payment is fixed by Section 30 of the Land Compensation Act 1973. The Government reviews the figure annually.

9.2 This Home Loss payment is for an eligible secure tenant/joint tenants who has lived in the property as their principal home for at least 12 months prior to the date of agreement for the scheme and is required to move out of their home permanently as a result of the property being demolished, sold or the scheme remodelled to remove their property. In all circumstances the Home Loss payment is limited to one per household – joint tenants will therefore receive one payment between them.

9.3 Tenants who have any other housing related debt such as rent arrears, Council Tax arrears, Housing Benefit overpayment, court costs and rechargeable repairs will have these deducted directly from this lump sum payment.

9.4 **Disturbance Allowances.** Disturbance Allowances cover 'reasonable expenses' involved in moving.

They can either be statutory or discretionary, depending on how long the tenant has lived at the property.

- If the secure tenant has not lived in the property for twelve months, and therefore does not qualify for a Home Loss Payment, Disturbance Allowances are statutory for permanent decants/moves.
- If the secure tenant has lived in the property for over twelve months and qualifies for a Home Loss Payment, Disturbance Allowances are discretionary for a permanent decant/move.

9.5 BHCC will accept claims for disturbance allowance costs based on invoices and receipts supplied by the tenant or contractor.

9.6 Based on the tenant's identified needs, the SPOC will arrange for specialised contractors to carry out:

- a) The removal of furniture including storage and supply of storage boxes, where this support need has been identified by the SPOC. This includes clearing items out of lofts and sheds subject to a reasonable determination by the SPOC.
- b) The lifting and refitting of carpets at the permanent address; or alternatively, the provision and fitting of new good serviceable carpets at the permanent address from an approved supplier up to an agreed upper limit if carpets are damaged (for example when foam backed carpets are lifted) or are unable to be cut down/re-used to fit this property. Tenants can get an upgraded carpet by paying the additional costs themselves.

- c) The replacement and fitting of (if in accordance with policy) laminate flooring if tenants' existing flooring is unable to be re-used – payment will be up to the same approved upper limit per metre as set for carpets. Tenants can get upgraded flooring by paying the additional costs themselves.
- d) The provision of new curtains/blinds up to a reasonable cost per pair/blind where the existing curtains/blinds do not fit due to different window sizes
- e) The removal and refitting of existing curtain tracks.
- f) The disconnection and re-connection of any existing telephones, television aerials and satellite dishes (providing BHCC permission had been given for their original installation).
- g) The redirection of post for three months (following the tenants' completion of the postal redirection form).
- h) The disconnection and reconnection of existing kitchen appliances, or room heaters using Gas Safe or equivalent registered plumbers or electricians.
- i) Any other expense deemed 'reasonable'.

Disturbance Allowances, unlike Home Loss payments, can also be paid to tenants who are made to temporarily decant.

- 9.7 If tenants prefer to make arrangements themselves, they can use their own supplier (for example, for removals, carpets, and curtains). BHCC will reimburse all reasonable costs in line with the policy above, provided that: It is supplied with details of the proposed costs prior to work being ordered; the costs are in line with what BHCC would have paid had it made the arrangements itself.
- 9.8 Tenant requests for the payment of goods and services will need to be made within three months of their moving date. Payments will only be made against receipts.
- 9.9 Discretionary payments. Discretionary payments are payments made over and above the legal obligations and can be used as an incentive to move, for example, where a tenant does not qualify to receive a Home Loss payment as they have been resident for less than a year. The costs/benefits of making a discretionary payment will be balanced against those of taking legal action to secure a move.
- 9.10 Disputes over remuneration. If a tenant is not satisfied with the amount recompensed through this policy, they should contact the Council's Customer Feedback Team customerfeedback@brighton-hove.gov.uk or telephone the Customer Feedback team Monday to Friday between 9.30am and 1.30pm on 01273 291 229.

9.11 In addition, they may have the right of appeal under the Land Compensation Act 1973, and any claims should be made to the Upper Tribunal. Its address is:

**Lands Chamber
45 Bedford Square
London
WC1B 3DN**
Tel: 020 7612 9710
Email: lands@tribunals.gsi.gov.uk

10. Fair and inclusive measures

10.1 This policy aims to show that the tenant and their household's differing needs and preferences are considered. Central to this is the personal visit to carry out a needs assessment at the beginning of the rehousing process, which allows BHCC to:

- Identify those who may need more support
- Ensure residents are kept informed in the way most appropriate to them.
- Make suitable rehousing offers to secure tenants with full consideration made of adaptations required.

10.2 Where it is necessary for a tenant to move, we will consider the needs of each individual household – having particular regard to their protected characteristics, vulnerabilities, care and support needs, cultural differences, accessibility needs, child protection and safeguarding, and where required, a tailored Support Plan will be agreed with the tenant for the process. This will include details of any additional assistance required and involve a multi-agency approach where necessary.

10.3 Where tenants with high care and support needs that can no longer be met, or cannot currently be met within BHCC general needs accommodation and who require supported or residential care, the SPOC will liaise with the relevant services/partners to identify suitable alternative permanent or interim accommodation. In instances where interim accommodation is provided to a secure tenant, an offer of an alternative secure tenancy will be made once they are ready to move back in general needs accommodation.

11. Offer for tenants renting privately

11.1 Private tenants living in an affected block who are renting privately will be kept updated in relation to the plans for the block. They will be included in all communication channels including through written communication, resident meetings, and direct contact with assigned housing officers if they need help to find alternative accommodation when the time comes that they need to move.

Housing advice and support

11.2 When the time comes, each household will be assigned a named housing officer who will act as their main point of contact. They will receive personalised advice on their housing options, including access to the private rented sector, eligibility for social housing, and support available under homelessness legislation.

Officers will work with the household to understand their circumstances and help them make informed decisions.

Rehousing assistance

11.3 If help is needed the council will offer support tenants to secure alternative accommodation. This may include assistance in finding a private rented accommodation, guidance on financial support available such as deposits and rent in advance and help with moving costs where appropriate. Households may also need the support of partner agencies and to be provided with advice to widen their housing options.

11.4 Where a tenant is at risk of homelessness, the local authority will assess their individual situation.

Vulnerability and safeguarding

11.5 Additional support will be provided to private tenants who are vulnerable or have specific needs. We will consider the needs of each individual household having particular regard to their protected characteristics, vulnerabilities, care and support needs, cultural differences, accessibility needs, child protection and adult safeguarding.

The local authority will work with relevant teams and partner agencies to ensure that vulnerable private tenants receive appropriate care and support.

12. Offer for temporary accommodation tenants

12.1 The council recognises that some households currently residing in blocks scheduled for demolition/regeneration are placed there under temporary accommodation arrangements. These placements are made under statutory homelessness duties and are not intended to be long-term housing solutions. However, the planned demolition of these blocks requires a coordinated and compassionate approach to rehousing affected temporary accommodation tenants.

Rehousing assistance

12.2 Temporary accommodation tenants will be offered either settled or alternative temporary accommodation before they need to move.

Offer of alternative accommodation

12.3 Affected households will be offered one or more of the following, depending on their circumstances and legal status:

- A new placement in temporary accommodation.
- An offer of social housing or:
- A private rented sector offer.

12.4 All offers will be made in writing and will include information about the terms of the tenancy, the location of the property, and the support available.

Support during transition

12.5 Each household will be assigned a housing officer who will provide personalised support when it is time to move. This includes:

- Assistance with viewing and moving into new accommodation.
- Liaison with support services for households with additional needs.

Vulnerability and safeguarding

12.6 The council will take into account any vulnerabilities or safeguarding concerns when making rehousing decisions. Additional support will be provided to TA tenants/households who are vulnerable or have specific needs. We will consider the needs of each individual household having particular regard to their protected characteristics, vulnerabilities, care and support needs, cultural differences/barriers, accessibility needs, child protection and adult safeguarding.

