



# Rechargeable Works Policy

Last reviewed November 2019

# 1.0 Rechargeable Works

## Policy overview

This policy is managed and adhered to by the housing service. This policy will be reviewed regularly to ensure compliance with government legislation, guidance and good practice.

## Contents

### 1.0 Policy overview

- 1.1 Introduction
- 1.2 Aim(s) of the policy
- 1.3 Links to the council's corporate aims
- 1.4 Equality and diversity
- 1.5 Policy statement

### 2.0 Rechargeable Works Policy detail

- 2.1 Circumstances for Recharging
- 2.2 Discretionary Circumstances
- 2.3 Responsive Repairs
- 2.4 Void Repairs
- 2.5 Recharge Payments
- 2.6 Review of Recharge Decision

### 3.0 Links to other corporate strategies and policies

### 4.0 Legislation

## 1.1 Introduction

Generally, the council is responsible for repairing and maintaining the structure of the property and any fixtures and fittings provided by the council. However, under some circumstances, recharges may be made to tenants. This policy sets out the circumstances under which tenants may be recharged.

## 1.2 Aim(s) of the policy:

The aims of this policy are to;

- Give clear guidance on the circumstances when a recharge will be made and where discretion will be exercised;
- Outline the policy on recharging for repairs and other works
- To inform tenants of the policy for payment arrangements and the action DBC will take if payment is not made

## 1.3 Links to the council's corporate aims:

This policy supports the council's corporate priorities which are set out in ['Delivering for Dacorum' – Corporate Plan 2020 - 2025](#) In particular:

- Providing good quality affordable homes, in particular for those most in need
- Delivering an efficient modern council

## 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

## 1.5 Policy Statements

We will recharge tenants for work under certain circumstances set out in this policy (see 2.1).

When considering a waiver of charges, we will take individual circumstances into account (see 2.2).

We will follow policy when recharging tenants for responsive repairs (see 2.3)

We will follow policy when recharging tenants vacating properties (see 2.4).

We will invoice tenants accordingly for recharges (see 2.5).

Tenants may seek a review of a decision to recharge for works undertaken by DBC (See 2.6).

*"The Council is required to respond to any local or national restrictions imposed by central government. The administration of this and other Council policies could, therefore, be impacted by a pandemic or other emergency for the period that such restrictions are in operation."*

# 2.0 Rechargeable Works Policy detail

## 2.1) Circumstances for Recharging

Tenants will be recharged for works that are:

- The tenant's responsibility. (The Tenancy Agreement, [Repairs Handbook](#) and [Tenant's Handbook Recharges fact sheet](#) detail tenants' repairing responsibilities.)
- Required when moving out of a property to bring it back to an acceptable re-letting standard.
- Caused (whether wilfully or accidentally) by the tenant, anyone living with them or visitors to the property. Examples of rechargeable repairs are:
  - Wilful damage - e.g. replacing smashed door
  - Neglect - e.g. clearing blocked/sink/drain/bath or lock changes for persistent loss of keys.
  - Misuse - e.g. replacing cracked toilet pan or smashed glass.

All tenants will be recharged for repairs and other works defined as their responsibility unless special circumstances exist concerning the individual tenant and/or the particular repair or other works.

## 2.2) Discretionary Circumstances

We will take individual circumstances into account and exercise some discretion where appropriate.

Examples of reasons we may waive recharges are:

- The tenant's age, health and any disability
- Evidence of previous rechargeable repairs

A recharge will not be made where:

- The damage has resulted from vandalism carried out by a person who is not a member of the tenant's household or an invited visitor. (Damage must have been reported to the police and the council as soon as it was discovered and a crime reference number obtained. If the perpetrator of such a crime is prosecuted, we will make an application to the court to reclaim the full costs of repair.)
- The damage was caused during a violent incident towards the tenant or a member of the tenant's family. (This must have been reported to the police and the council as soon as possible and a crime reference number obtained. If the perpetrator of such a crime is prosecuted, we will make an application to the court to reclaim the full costs of repair.)

## 2.3) Responsive Repairs

When a tenant reports a repair, we will assess the repair and identify:

- The time scale by which the repair must be completed
- Whether we or the tenant are responsible for the repair

Where information is incomplete or where a technical decision has to be made, the repair request will be passed to a Housing Surveyor to determine whether an inspection is required.

In the case of rechargeable emergency repairs needing to be carried out within a limited timescale, the council will complete the repair and the tenant will be recharged unless we agree to waive the cost as set out in section 2.2.

If the repair is the responsibility of the tenant, the tenant will be told the cost of the repair as soon as possible. Charges for rechargeable repairs are based on current repair costs, including materials and labour as listed in the Council's Schedule of Rates. In the case of emergency repairs, an additional fixed call out charge will also be made. A list of charges will be provided for tenants indicating types of rechargeable repairs and values.

If the repair does not fall into the "emergency repair" category, the tenant will have the opportunity to complete the repair themselves within a time-scale agreed by the Housing Surveyor. We will inform tenants that on completion, the repair will be inspected and must meet the council's required standard.

If tenants are unable or unwilling to carry out the works themselves, then - depending on the nature of the repair - the council will either:

- Carry out the work upon receipt of full payment.
- or;
- Complete the repair and subsequently recharge the tenant.

If a rechargeable repair that the tenant has agreed to carry out is inspected and has not been completed or does not meet the council's required standard, we will complete the repair and the tenant will be recharged.

# 2.0 Rechargeable Works Policy detail (continued)

## 2.4) Empty Homes Repairs

When a tenant gives notice to terminate their tenancy, arrangements will be made for a pre-termination inspection. This inspection will identify any aspects of repair or other works, such as rubbish clearance or cleaning that are the responsibility of the tenant. The tenant will then have the opportunity to rectify any repairs or other works that they are responsible for before the end of the tenancy.

If any works that are the tenant's responsibility are not completed before the end of the tenancy, or if the work is not of a satisfactory standard, a recharge will be made for the cost of the works needed to bring the property back to our [Standard for Letting Empty Homes](#). We do not charge for work that is regarded as 'fair wear and tear' during the course of the tenancy.

## 2.5) Recharge Payments

We will raise an invoice for payment as soon as possible (either before or after the repair is completed, depending on the nature of the work required).

We recognise that in some circumstances, immediate full repayment of the charge could cause financial difficulties for the tenant. In these cases, the Housing Service will arrange with the tenant a reasonable and affordable repayment of the debt by instalments, based on their financial circumstances.

If a tenant fails to settle an invoice or defaults on any agreed instalment arrangement, recovery will be sought in accordance with DBC's "Small Claims Procedure".

## 2.6) Review of recharge decision

The tenant (or tenant's representative) may seek a review of a decision to recharge for works undertaken by DBC by writing to the Property and Place Group Manager within four weeks of the date of the written notification to recharge, stating clearly the reason(s) for the request for review.

The review will be conducted within two weeks of receipt of the request.

The tenant (or tenant's representative) will be notified of the outcome within seven working days of the review being concluded.

## 3.0

### Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and other documents:

- Notice to Quit Procedure
- [Standard for Letting Empty Homes](#)
- Disposal of Goods Policy
- Gas Safety Policy
- Housing Allocations Policy
- Housing Improvement Plan
- Service Delivery Plan
- Tenant's Handbook
- Small Claims Procedure

## 4.0

### Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- The Housing Act, 1985
- Landlord and Tenant Act 1985
- Gas Safety (Installation and Use) Regulations 1998
- Building Regulations Approved Documents (2016)
- Regulatory Reform (Fire Safety) Order 2005