

A better deal for tenants

Your Right to Compensation for Improvements





Your right to compensation for improvements

If you are a **council** tenant (a resident, not a business tenant) and your tenancy is ending, you may be able to get compensation from your council for improvements you have made to your home. You can apply for compensation when your tenancy ends – which is usually when you move. You can also apply if you get a new landlord.



Who gets compensation?

The Right to Compensation applies to nearly all council tenants.

Where a tenancy ends because of the death of the tenant, or other special circumstances, you can still claim compensation. Your council can tell you if you qualify.

You will not get compensation if you are buying your home through the Right to Buy scheme, because improvements are not included in the purchase price.



Do you need permission to make improvements?

Yes. You should get written permission from your council before you make any improvements.

If you don't get permission first, you can apply for it when you claim for compensation. If the council refuses permission, you have a right to appeal to the county court.

But remember, you can't get compensation if the council refuses permission and the county court does not back you up.



What kind of improvements can you get compensation for?

The Right to Compensation applies to the following improvements if they were started on or after 1 April 1994:

- bath or shower, wash-hand basin
- toilet
- kitchen sink and work surfaces for preparing food
- storage cupboards in bathroom or kitchen
- central heating, hot water boilers and other types of heating
- thermostatic radiator valves
- pipe, water tank or cylinder insulation
- loft and cavity wall insulation
- draught-proofing of external doors or windows
- double-glazing or other window replacement or secondary glazing
- rewiring, or the provision of power and lighting or other electrical fittings (including smoke detectors)
- security measures (excluding burglar alarms).

Interior decoration (painting and wallpapering) **does not** qualify for compensation.



How do you get compensation?

You should make a claim for compensation when you tell the council you want to leave. You will have up to 14 days after your tenancy ends to make a claim. If you are not sure, ask your council how to claim. The council will need enough information to decide how much compensation you will get. It will need to know:

- your name and address
- what improvements you have made
- how much each improvement cost; and
- the date the improvements began and finished.



How is your compensation worked out?

The council will look at the cost of your improvements.

If you got financial assistance (a grant) to help make your improvements, the council will take off the amount your grant was worth from the cost of your improvements.

The value of any improvement will go down as it gets older and as you get more use out of it. The compensation you get will depend on how old the improvement is when you claim.

The council may give you less compensation if it thinks the cost of the improvement was too much or the quality is higher than it would have been if the council had done it themselves.

The council may also adjust your compensation – up or down – depending on the condition of the improvement when you claim.

The council can also deduct any money you owe it from the compensation you get when your tenancy ends.

You can get up to a total of £3,000 for any one improvement.

You will not get any compensation if the amount is below £50.



What can you claim compensation for?

You can claim compensation for:

- the cost of materials (but not appliances such as cookers or fridges); and
- labour costs (but not your own labour).

You will need to give the council an invoice to show how much your improvements cost. If you have not got an invoice, tell the council straight away and give them a rough idea of the total cost.

If you make a false claim (for example if you claim for an improvement you haven't actually made or you claim for more than the real amount), the council can take you to court.



What if the council won't pay any or part of your claim?

You can ask your council to reconsider its decision. Councils should have their own procedure for dealing with disputes or complaints.

You also have the right to take the council to court. But you should get advice from a solicitor or your local Citizens Advice Bureau first. You may be able to get legal aid.



How to find out more

Contact your council's housing department.

Further copies of this leaflet are available on the Communities and Local Government website:

www.communities.gov.uk

or from:

Communities and Local Government Publications
PO Box 236
Wetherby
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Alternative formats and transcriptions into other languages can be requested from:
alternativeformats@communities.gsi.gov.uk



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