



**Brighton & Hove**

**ADULT SOCIAL CARE  
INFORMATION SHEET NO.4  
(April 2009)**

**Adaptations to Property: Legal Charges**

## **Financial Assistance for Adaptations**

Some people are entitled to financial assistance under a Disabled Facilities Grant (regulations set by Central Government) or Disabled Facilities Assistance. The grant may pay for the adaptation in full or an amount towards the cost, up to a maximum of £30,000 (review pending). The assistance is a loan which is secured against the equity in the home where the cost of the adaptation is higher than the maximum grant allows. Some people may not qualify for the grant or loan depending upon personal financial circumstances.

The City Council can also provide assistance if the Disabled Facilities Grant and Disabled Facilities Assistance does not cover the full cost of adaptations that have been agreed as necessary and appropriate to meet a disabled persons needs. This service is provided under Section 29 of the National Assistance Act 1948 and Section 2 of the Chronically Sick and Disabled Persons Act 1970 and allows the council to charge a reasonable

amount having taken account of your personal financial circumstances.

Firstly, there is an assessment of needs by you and the Adult Social Care Department and then an assessment of your financial circumstances to see if you will have to contribute towards the cost of any agreed adaptations. (*see information sheet no. 2*)

If you are assessed to pay all or part of the costs you may be able to pay by instalments. The length of time you are allowed and the amount you must pay each month (by standing order) depends on the result of your financial assessment.

### ***Taking a legal charge***

The City Council's policy is to take a legal charge in order to:

- safeguard its own contribution towards the cost of adaptations
- secure the repayment of any contribution that you must make.

A legal charge is similar to a mortgage, except that if you are not required to contribute to the cost of adaptations, you make no payment unless you decide to sell or lease the adapted property.

A legal charge is taken:

- when you have been assessed to pay all or part of the cost over a period of time
- when the adaptation increases the value of your property, even if you are not required to contribute towards the cost of the work. This ensures that no immediate financial gain in the value of the property passes to you.

During the period that the legal charge applies the City Council can reclaim a proportion of its contribution towards the cost of adaptations if:

- you decide to sell or lease the adapted property without the council's consent, or
- the person who benefits from the adaptations dies or moves out of the adapted property.

### *How long a legal charge applies*

The period over which a legal charge applies depends on the amount that the City Council has agreed to contribute. If this is less than £10,000 the period will be five years. If this is £10,000 or more the period will be ten years. However, Adult Social Care services

can decide, in exceptional circumstances, to extend these periods.

The amount of the legal charge reduces proportionately for each year that it remains in force. If you do not sell or lease the adapted property while the charge applies, it will be cancelled at the end of that period.

If you have been assessed to pay towards the cost of the adaptation, the legal charge will remain in force until you have completed your repayments to the City Council. If you decide to sell the property during this period, the City Council will recover the balance of payments due from you.

If you are assessed as able to pay for part of the cost of the adaptation a legal charge or charges would be taken to secure the repayment of your contribution and to safeguard the City Council's contribution.

### *Examples of calculations*

**EXAMPLE A** If the work cost £4,800 and you were assessed to repay the whole amount over 5 years at £80 a month, and you sold your house after 2 years, you would have to pay £2,880 to the City Council on the sale of the property to discharge (cancel) the legal charge. That is: £4,800 less repayments of £1920 = £2,880.

**EXAMPLE B**

If the work costs the council £12,000 and you are not required to contribute anything, and you sell your house after 2 years, you would have to repay £9,600 to the City Council from the proceeds of the sale.

That is: £12,000 less 20% reduction (2 years out of 10) = £2,400 leaves £9,600.

***Finally.....***

In most cases, the legal charge should not present a problem as most people, having had a property adapted, would not be looking to move within the period of the legal charge. If there should be a problem you should contact your local Social Care Occupational Therapy Team as soon as possible.

If you are in any doubt about the consequences of a legal charge being taken against your property you should seek your own independent legal advice.

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**Further information**

If you require further information, please write to:

**Income and Payments Section  
Adult Social Care  
3<sup>rd</sup> Floor, Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP**

**Telephone: (01273) 295660**

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**Duty of confidentiality**

Everyone working with you has a legal duty to keep your information confidential to the organisation and to only share it with other agencies when it is necessary to provide you with appropriate services or to enable us to carry out our statutory duties. There may also be exceptional cases where the law or public interest will override your right to confidentiality.

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**This information sheet is available in large print, Braille and audiotape on request.**

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**Help for non-English speakers**

Someone you know may need our help. If their first language is not English, they may benefit from an interpretation of this information sheet. For further information please ask your social worker or Occupational Therapist.