



Scheme for Persons With a Disability

1. Purpose of Scheme

The aim of the Housing Authority is to give assistance to persons with a disability to render their residence adequate for their needs or to convert part of the existing premises so that the person with a disability lives an independent or semi independent manner close to the family.

A person with a disability is a person who has a limited physical and/or intellectual ability, which effects in a substantial way, one or more, of his major vital activity.

This scheme provides that, prior to granting financial assistance, the Authority gives technical advice as regards the nature of adaptation works, which need to be carried out for the best benefit to the applicant or to the person with the disability.

This scheme combines the financial assistance with the needs of the person. Hence, all this assistance will only be given according to the needs of the persons with the disability.

2. Interpretation

In this scheme, unless the context otherwise require:-

“Applicant” means the person with a disability who applies for cash assistance under this scheme to carry out adaptation works in the ordinary residence. A disabled person will be considered as the main applicant when it comes to means testing and income if he or she is/are over the age of eighteen (18). Where a disabled person is under the age of eighteen (18), his parents or legal guardians will be considered as the main applicants. Where the application is made by two or more persons jointly, shall include all applicants;

"aggregate annual income" has the same meaning assigned to it in Clause 11 of this Scheme;

“Authority” means the Housing Authority established by section 3 of the Housing Authority Act, 1976 (Cap 261).

“Chairman” means the Chairman of the Housing Authority and any other person authorised to act on his/her behalf;

"basic year" means the calendar year immediately preceding the year in which an application under this Scheme is made and with reference to clause 11;

"Committee" means the Committee as composed under the Clause 14 of this scheme.

In this scheme, the singular shall implore the plural and the masculine shall implore the feminine.

3. Application for assistance under this scheme

- (i) A person who qualifies for assistance under this scheme has to make an application on the prescribed form to the Authority requesting assistance from the Authority to carry out adaptation works in the dwelling house occupied by him.
- (ii) The assistance available under this scheme shall consist of adaptation cash assistance.
- (iii) Only one application for each person will be considered and for the same works. In case that in one residence there resides more than one person with a disability and the needs of the disability of one person are different from those needs of the disability of the other persons, more than one application can be submitted on condition that the works in case of the needs of one person are not also adequate for the needs of the other person.

4. Qualifications to apply for assistance under this scheme

A person shall qualify to apply for assistance under this scheme when on the date of application or according to clause 3 (iii) above the applicant is the owner, the recognised tenant, the temporary/perpetual emphyteuta, possesses no legal title even though he has permission from the owner to occupy premises on which he is applying for assistance available under this scheme and must be;

- (i) the applicant is a Maltese citizen or an EU citizen. In the case of married couples only but not separated, one of the couple must be a Maltese or EU citizen; and
- (ii) applicants are residents in Malta and have been so resident continuously for not less than twelve (12) consecutive months immediately preceding the date of application;
- (iii) (a) in the case of married couples who are not legally or *bona fide de facto* separated, the application for assistance under this scheme must be made by both spouses jointly;
- (b) in the cases where, in the absolute discretion of the Housing Authority, the spouses are considered to be *bona fide de facto* separated the application made be filed by one of the spouses permanently who is actually residing in the premises concerned. In such a case, the spouse residing in the premises will qualify even in the cases where the rent receipts are issued in the name of the other spouse

and in this case the applicant must be a Maltese or European citizen and an ordinary resident of Malta.

- (iv) the use of the premises for residential purposes is lawful.
- (v) the applicant is the legal representative, parent, children or brothers/sisters of the person with a disability or he is himself suffering from a disability indicated in this scheme.

5. Disqualification

A person shall not qualify to make an application under the scheme if:

- (i) the dwelling house on which subsidy is being requested is in a slum area which eventually has to be demolished; and/or
- (ii) the dwelling house is substandard and/or in a dangerous state; and/or
- (iii) the aggregate annual income exceeds the sum stipulated in clause 12; and/or
- (iv) applicants possess capital assets exceeding €150,000 during the last year preceding the date of application till the approval of the grant of subsidy under this Scheme. These assets do not include furniture and cars. These assets might include immovables or shares in immovables in which case their valuation will be at the absolute discretion of the Housing Authority. Assets shall also include assets held by children of the applicants who are underage.

6. A Person who has already benefited

- (i) A person who has already benefited under another adaptation scheme for persons with a disability issued by the Department for Social Accommodation and/or the Housing Authority, shall not for this reason alone be disqualified from submitting an application under this scheme provided that:-
 - (a) the works on which grant is being requested under this Scheme are not the same works for which aid has been granted under any other previous Schemes for persons with a disability; and this provided that the benefits of the works are no longer of relevance to applicant for reasons not attributable to him.
 - (b) the total amount of the grant benefited from under any other Schemes mentioned in the previous paragraph, which the applicant has already benefited together with grant to be enjoyed under this Scheme, will not exceed together the amount as laid down in Clause 12.
- (ii) A person can apply more than once under this Scheme provided that:-
 - (1) the grant requested in the second and subsequent applications under this Scheme are not for the same works on which grant has already been given; and

this provided that the benefits of the works are no longer of relevance to applicant for reasons not attributable to him.

- (2) the total amount of the grant under this scheme and/or under any other Schemes for persons with a disability which the applicant has previously benefited from, does not exceed the amount as laid down in Clause 12.

7. Legally or *De Facto* Separated Applicants

- (i) An applicant who is legally separated from his spouse shall produce a copy of the final judgement of the competent court that pronounces the separation or a copy of the contract of separation.
- (ii) An applicant who is *bona fide de facto* separated person shall produce to the satisfaction of the Housing Authority proof that he/she is actually so separated and in this sense he/she has to produce all documents, sworn declarations, legal declarations and any other proof which he deems necessary to substantiate this fact. It shall be discretionary on the Housing Authority to decide whether the documents submitted suffice to prove the *de facto* separation.

8. Method of Application

- (i) A person qualified to make an application for Assistance under this Scheme shall submit an application in the prescribed form and shall deliver the same application personally to the Authority during the office hours. In case the applicant cannot come personally for reasons related to the disability, a relative could bring the application instead.
- (ii) The prescribed forms can be collected from the offices of the Housing Authority 22, Pietro Floriani Street Floriana, Malta and from the Housing Authority branch 25 Enrico Mizzi Street, Victoria, Gozo or from the Housing Authority website.

9. Information

The Authority may require the applicants to sign and confirm under oath any declaration the Authority may consider necessary for the carrying out of this Scheme and the applicant shall allow the Authority to inspect his ordinary residence and any other tenement held by him as the Authority may require.

10. Administrative Charge and Abandoned Applications

- (i) The applicant shall pay a charge to cover expenses on researches to be carried out by the Housing Authority on the applicant on his/her behalf together with the sum of twenty Euro (€20) as an administrative charge which is not refundable even if the application is not accepted.

- (ii) Where any applicant under this Scheme fails to appear on the agreement regulating the enjoyment of the subsidy when asked to do so by the Authority, his application shall be deemed to have been abandoned and any expenses incurred by the applicants in connection with their application shall not be recoverable by the applicants whether or not their application is successful. In case the applicant cannot be present for the final agreement for reasons related to the disability, a relative could represent the applicant as long as a Power of Attorney is submitted.

11. Aggregate Annual Income

For all purposes of the application, calculation of the aggregate annual income of applicant shall be as follows:-

- (i) the gross income from any occupation, pay and/or salary, overtime, pension and/or other social benefits (excluding children's allowance) earned by the applicants during the basic preceding calendar year.
- (ii) the applicant's income and those of his wife during the basic calendar year from capital assets such as; bank deposits, stocks, shares, loans, rents, investments in commercial enterprises, other investments in property, including capital gains;
- (iii) for the purpose of this application, the aggregate annual income of the applicants shall be the income of the applicant/s determined in accordance with the foregoing paragraphs of this article. Yet the Authority shall not be bound to accept any declaration, documents or information given to it by the applicants or beneficiaries under this Scheme, should it reasonably consider such declaration, documents or information incorrect or untrue.
- (iv) from the gross annual income of a separated person any amount paid to the other part as alimony will be deducted. This amount will be deducted after a document is provided, signed by the lawyers of both parties, with a declaration that the official amount as declared in the Deed of Separation is in fact being paid.
- (v) from the gross annual income will be deducted the National Insurance Contributions, any disability assistance and any social benefits which the Housing Authority may at its absolute discretion exclude from time to time.

The Chairman of the Authority may refuse to accept any declaration of income of the applicants if, in the Authority's absolute discretion decides that this is incorrect or untrue.

In this case the Authority is to refer the matter to the Appeals' Board of the Housing Authority appointed by the Housing Authority Board, in order to establish the income of the applicants/beneficiaries. The decision of the Appeals' Board will be final and shall bind both the Authority and the applicants/beneficiaries. The applicants/beneficiaries effected by this provision have the right to make written objections to the Appeals' Board.

12. Adaptation Cash Grant

(i) Percentage of Adaptation Cash Assistance

(a) The adaptation cash shall be based according to the following schedule:

Annual Income for Preceding Year €	Percentage of Grant
€0 – €25,182	100%
€25,182.01 – €35,182	75%
€35,182.01 – €50,182	50%
€50,182.01 and more	NIL

Annual aggregate income for the basic year indicated in the Table above shall be revised every year and increased according to the annual increase of the National Minimum Wage.

(ii) Adaptation Cash Assistance

(a) The Adaptation Cash Assistance may be granted only for the purpose of assisting the applicant in carrying out the following works or improvements, namely:

1. Access :

- 1.1 Modification - removal of steps/split levels and Ramp;
- 1.2 Widening of doorways and doors;
- 1.3 Installation of automatic main door & garage door opener;
- 1.4 Installation of intercom (video intercom in case of persons with hearing disabilities);
- 1.5 Installation of flashing lights in all rooms & lifts (in case of persons with hearing disabilities);
- 1.6 Installation of gates, rails and colour-contrasting, non-slip strips along stairway;
- 1.7 Lowering of window sills;

2. Bathroom :

- 2.1 Removal of bath/installation of walk-in shower;
- 2.2 Installation of adapted toilet and sink;
- 2.3 Installation of grab rails;
- 2.4 Installation of wall-mounted shower stool or bath board;
- 2.5 Installation of non-slip flooring;
- 2.6 Installation of emergency alarm;;
- 2.7 Fixed bath hoist;

3. Kitchen :

- 3.1 Installation of height adjustable work surfaces;
- 3.2 Installation of height adjustable cupboards;
- 3.3 Installation of non-slip flooring;
- 3.4 Installation of smoke alarm;

4. Water/Electricity works :

- 4.1 Installation of accessible/long-levered taps;
- 4.2 Lowering of light switches;
- 4.3 Installation of rocker-type switches
- 4.4 Installation of emergency lights
- 4.5 Installation of emergency alarms

5. Building Conversion/Extension :

These works have to be justified by the Housing Authority Architect and/or Occupational Therapist and should also be necessary and adequate so that part of the existing dwelling house be extended or converted into another dwelling unit in order that the person/s with the disability can live a semi independent or independent manner

6. Lifts

- 6.1 Installation of Stair-Lift
- 6.2 Installation of Platform Lift
- 6.3 Installation of Passenger/Home Lift

Notwithstanding the above, the Chairman, on the recommendations of the Committee can approve assistance for those works which are not indicated in Clause 12 (ii).

- (b) Payments are made upon presentation of fiscal receipts of the works carried out.
- (c) An adaptation Cash Assistance shall not be awarded by the Authority:
 - (i) for works already carried out prior to the approval of the application made in respect of such works, and unless such works are certified as necessary by persons appointed by the Authority for the purpose; and/or
 - (ii) if all permits required by law are not obtained.
- (d) The financial assistance for adaptation works approved under this scheme shall not exceed the total reasonable costs of the works to be carried out and approved by the Authority and in each case shall not exceed as indicated hereunder:-

- (i) in the case of works under sub-paragraph (ii) (a) (1 to 5) of Clause 12 the sum shall not exceed the sum of €6,000.
- (ii) in the case of:-
 - Stairlift and platform lifts the sum shall not exceed €5,000;
 - Lifts in private blocks of apartments where there is a person with disability, assistance is given in terms of the share of the applicant and the sum shall not exceed €7,000
 - Lifts in private houses of disabled people the sum shall not exceed €20,000.

(iii) Conditions for Assistance

- (a) The Authority is entitled to register a General Hypothec according to law, without prejudice to other rights at law and this to guarantee the refund of the cash assistance as well as the observance of all the conditions by the beneficiary.
- (b) Where the works applied for, are to be effected in a house that is not owned by the applicant, the latter shall be solely responsible to obtain the necessary permits from the owner to effect such works and changes. It shall be the responsibility of the applicant to ensure that the necessary works and changes shall not prejudice in any way the title of lease, emphyteuses or any other title that sustains his possession and occupation of the house. The Authority shall not be responsible if the applicant loses his title due works or changes carried out under this scheme. It is noted that any works effected by virtue of this scheme shall be deemed to be works effected by the applicant and not by the Authority that shall be merely subsidising the price of the works. Thus the Authority shall not be responsible for the works done, which responsibility shall fall solely on the applicant.

13. Payment of Financial Assistance

The financial assistance will be paid following the submission of fiscal receipts and following an inspection by the Housing Authority verifying that works have been carried out as indicated in the scheme and application. Works have to be completed within a year from the signing of the agreement between the Housing Authority and the applicant.

14. Committee

- (a) The applications will be vetted and passed for the approval of the Committee purposely set up by the Authority to verify the medical needs of the person with the disability and which will include amongst others, representatives of the CRPD (Commission for the Rights of Persons with a Disability), Occupational Therapists and a Medical Doctor, Before considering an application the Occupational Therapist

appointed by the Housing Authority is to verify the needs of the person with the disability and, gives advice as to the needs of the person with the disability. Afterwards, the application will be considered by the Committee as to the merit of the applicant.

- (b) This Committee or its representative has the right to inspect the applicant's home before and after the works are carried out.

15. Penalty for False Declaration

If at any time it results that applicants have made a false declaration or given incorrect information/documents for the purposes of this application, without prejudice to any penalty for which they may have become liable under any other law, applicants shall be liable to the payment to the Authority of a fine equivalent to the sum total of any subsidy from which applicants have benefited under the provisions of the Scheme. They will also be disqualified for a period of five (5) years from benefiting from any scheme made with the approval of the Minister responsible for Housing, and shall forfeit the right to any subsidy under this Scheme.

Incorrect or false declaration/documents may also lead the applicant to the commencement of criminal procedures against him.

16. Vacation of Premises on which a Subsidy has been granted and Repayment of Adaptation Cash Assistance

- (i) A dwelling house on which assistance has been granted under this Scheme shall be used and occupied by the owners/tenants exclusively as their ordinary residence for a period of not less than ten years from the date of the final payment on works carried out under this scheme. In the case of owners, a dwelling house on which assistance has been granted under this Scheme shall not be transferred under any title *inter vivos* before the lapse of ten years from the final payment on works carried out under this scheme.

Notwithstanding the above, the Authority may in its absolute discretion and only in exceptional circumstances in order to avoid or alleviate hardship to any beneficiary of a dwelling house on which assistance has been given under this Scheme, give its consent to the vacation of the dwelling house prior to the lapse of ten years, subject to any condition it may deem appropriate, including without prejudice to the generality of this scheme, a condition to refund any assistance granted and enjoyed by the beneficiary.

Except in case of transmission *Causa Mortis*, in case the dwelling house on which assistance has been granted under this Scheme is transferred under any title *inter vivos*, or will not remain in possession and/or occupied by the beneficiary prior to the lapse of ten years from the date of the final payment on works carried out under

this scheme, the grant given under this scheme should be fully refunded to the Authority.

- (ii) Subject to the provisions of paragraph (i) of this Article, any dwelling house on which assistance has been given under this Scheme shall not be transferred under any title, other than by transmission *causa mortis*. Where the transfer of the dwelling house on which assistance has been granted under this Scheme is to take place, the beneficiary shall give to the Authority one month notice of his intention to transfer the said dwelling house and the Authority shall thereupon terminate any arrangement for the subsidy under the scheme.
- (iii) Except in case of transmission *Causa Mortis*, if the stairlift/lift is installed in a dwelling house on which a grant was provided under this scheme, and the dwelling house is to be transferred under any title, the refund due to the Authority should be as shown in tables below:-

In case of Stairlift

Period After Final Payment of grant	Refund of Subsidy
Up to 1 year	90%
Between 1st and 2nd year	70%
Between 2nd and 3rd year	50%
Between 3rd and 4th year	30%
Between 4th and 5th year	10%
After 5th year	No Refunds

In case of Lifts

Period After Final Payment of grant	Refund of Subsidy
Up to 10th year	100%
Between 11th and 12th year	90%
Between 12th and 13th year	70%
Between 13th and 14th year	50%
Between 14th and 15th year	30%
After the 15th year and over	10%

- (iv) The provisions of sub-clauses (i), (ii) and (iii) of this article shall also apply *mutatis mutandis* when the beneficiary does not continue to occupy the dwelling house on which assistance has been given under this Scheme as his ordinary residence.

17. Right of refusal

Notwithstanding anything contained in the foregoing provisions of this Scheme, the Authority shall have the right, at its absolute discretion, to refuse any application and its decision will be final and not subject to scrutiny.

The Authority shall have a right to stop and, or withdraw this scheme and it shall have the right to change its conditions even retrospectively and thus this scheme does not bestow acquired rights. Such change shall not make the Authority subject to any action for damages. An application that has been accepted may be withdrawn and, or refused if the conditions of the scheme are changed after the acceptance of the application.

18. Duration of Scheme

This Scheme shall remain in force for a period of one year from the date of its publication in the Government Gazette, and shall be automatically renewed for further period of a year unless a Notice to the contrary is published in the Government Gazette indicating that the scheme has been withdrawn.

19. Interpretation

In case the Maltese text differs from the English text, the Maltese text will prevail.

20. Amendment of Scheme

The Authority shall have the right to make any amendments to this Scheme by publication of the said amendments in the Government Gazette. Such amendments may be made applicable retroactively. No amendments shall subject the Authority to an action for damages or any other legal action.

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