



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.

Persons with disabilities include those who have a long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

This scheme combines the financial assistance with the needs of the person. Hence, 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 requires:-

“Applicant” means the person with a disability who applies for cash assistance under this scheme to carry out works in the ordinary residence. 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;

“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;

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

3. Application for assistance under this scheme

- (i) A person who qualifies for assistance under this scheme has to make an application either online which can be accessed from the Housing Authority website or on the prescribed form to the Authority. 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 Office 5 Level 3 74 George Borg Olivier Street Victoria Gozo or from the Housing Authority website. In case the applicant cannot come personally for reasons related to the disability, a relative could bring the application instead.
- (ii) The assistance available under this scheme shall consist of a cash grant for the requested works.

- (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 qualifies to apply for assistance under this scheme when, on the date of application or under clause 3 (iii) above, the applicant is the owner, the recognised tenant, the temporary/perpetual emphyteuta, does not possess title to the premises but is residing therein with the permission of the owner of the house in respect of which the request for assistance granted under this scheme is being made and must be:-

- (i) the applicant, or in the case of a married couple or two persons in a Civil Union, one of the couple, is a Maltese citizen, or a citizen of the European Union, or enjoys refugee status or subsidiary protection or possesses long term residence status or specific authorisation;
- (ii)
 - (a) in the case of married couples or two persons in a Civil Union 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 may 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/European citizen, or enjoys refugee status or subsidiary protection or possesses long term residence status or specific authorisation and an ordinary resident of Malta;
- (iii) the use of the premises for residential purposes is lawful and is not of a substandard and/or dangerous level;
- (iv) 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. 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 10.
- (ii) A person can apply more than once under this Scheme provided that:-
 - (a) 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;
 - (b) 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 10.

6. 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 certified 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/she deems necessary to substantiate this fact. It shall be discretionary of the Housing Authority to decide whether the documents submitted suffice to prove the *de facto* separation.

7. 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.

8. Administrative Charge and Abandoned Applications

- (i) The applicant shall pay the sum of twenty Euro (€20) as an administrative charge which is not refundable even if the application is not valid.
- (ii) Where any applicant under this Scheme fails to carry out the works approved under this scheme within twelve (12) months, 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.

9. Families with members with a disability who experience sensory challenges

Under this Scheme the Housing Authority will also assist families with members with a disability who experience sensory challenges and/or sensory overload. The aim of this is to give financial assistance to these families to cover part of the expense to purchase sensory equipment for the needs of these clients. The sensory equipment can help persons members with a disability who experience sensory challenges and/or sensory overload to relax, focus and calm down in a particular scenario or event. It helps them grasp things with decreased fear and discomfort and enables them to play naturally. Sensory toys for kids help them develop social learning skills like planning, negotiating and sharing. Financial assistance can also be granted to carry out alterations in sensory rooms. A sensory room is a specially designed room which combines a range of stimuli to help individuals develop and engage their senses. These can include lights, colours, sounds and aromas, all within a safe environment that allows the person using it to explore and interact without risk.

10. Adaptation Cash Grant

- (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) Bathrooms

Removal of bath/installation of walk-in shower;
Installation of adapted toilet and sink;
Installation of non-slip flooring;

(2) Lifts

Installation of Stair-Lift
Installation of Platform Lift
Installation of Passenger/Home Lift

(3) Sensory Items

(4) Mobility Assistance Aids

Bath-boards
Lifting aids
Grab rails
Hoists
Swing away grab rails
Shower chairs
Toilet Raiser

Notwithstanding the above, the Chairman, can approve assistance for those works which are not indicated in Clause 10.

- (b) Payments are made upon presentation of fiscal receipts and invoices of the works carried out.
- (c) The Cash Assistance shall not be awarded by the Authority 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:-

- (1) in the case of works in bathrooms, the sum shall not exceed the sum of €5,400;
- (2) in the case of Sensory Items, the sum shall not exceed the sum of €6,000;
- (3) In the case of mobility assistance aids, the sum shall not exceed the sum of €3,000;
- (4) In case of 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;
- (5) In case of Lifts in private houses of disabled people the sum shall not exceed €20,000;
- (6) In case of Stairlift and platform lifts the sum shall not exceed €7,000;

In the case of stairlift installation within blocks owned by the Government/Housing Authority, the Authority reserves the right to approve more than one stairlift in separate floors, in order to render the block fully accessible to the needs of the residents. In addition, the Housing Authority reserves the right to approve the full amount of a stairlift even when the amount exceeds the amount of €7,000.

11. Conditions for Assistance

- (i) The Authority is entitled to register a General Hypothec according to law in those case where a passenger lift in private houses is installed, 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. In the event that the person is unable to appear for the agreement due to disability, a person of his trust may appear on his behalf as long as a Power of Attorney is provided.
- (ii) Where the works applied for, are to be affected 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.

12. Payment of Financial Assistance

The financial assistance will be paid following the submission of fiscal receipts and invoices of the works indicated in the scheme and application. Works have to be completed within a year from the date of the approval letter issued by the Housing Authority to the applicant.

13. Random Checks

While the Housing Authority will not carry out inspections at every residence of applicants under this scheme, the Housing Authority reserves the right to carry out a number of random checks both to verify that applicants are still residing in the property on which they benefited from a grant and to verify that all works approved and paid for by the Housing Authority have been carried out.

14. 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.

15. Vacation of Premises on which a Subsidy has been granted and Repayment of 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.

16. 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.

17. 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.

18. Interpretation

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

19. 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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