

**Mid Devon District Council**

**Housing Allocation Policy**

Policy Number: 3

HSG – Housing & Property Services

**March 2016**

## Version Control Sheet

*Title:* Housing Allocations Policy

***Purpose:* To explain how the Council's Housing Service will label homes available for letting to make best use of the housing stock ....**

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***Consultation* This document was sent out for consultation to the following:**

Management Team

Cabinet Member

### Document History

This document obtained the following approvals.

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
Head of Service*		
Management Team*		
JNCC*		
PDG*		
Cabinet*		
Council*		

\*- Delete if not applicable

## 1. Introduction

- 1.1 Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Act (1996) and the Localism Act (2011)) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation
- 1.2 Mid Devon District Council (MDDC) has a housing stock of 3061 dwellings as at March 2016. In addition to this, there are a number of Registered Social Landlords (RSLs) operating within Mid Devon who have in excess of 2066 dwellings.
- 1.3 Devon Home Choice (DHC) is the model of Choice Based Lettings adopted by MDDC and the majority of RSLs operating within Mid Devon allocate housing through this jointly operated Choice Based Lettings Scheme.
- 1.4 The Housing Options team co-ordinates and maintains the Mid Devon DHC housing waiting list. The team is also responsible for the allocation of the Council's own housing stock in partnership with DHC and also works in partnership with other Registered Providers (RPs) of affordable housing within Mid Devon. Where appropriate, the Council will provide nominations to other RPs, where required following a bidding process.
- 1.5 The DHC scheme is very prescriptive and sets out how RPs will label (give preference to certain applicants where necessary) and let their own properties. It also sets out how the circumstances of housing applicants will be verified to ensure that they are eligible for an offer. Individual RPs have their own allocation policies and will verify applicant's details to ensure they meet the criteria contained within them.
- 1.6 This policy offers an explanation of when the preference labels will be used and methods for validation of the label. Each of these labels has a definition. Some properties may be excluded from the DHC Scheme for management reasons as listed in this policy. This policy will ensure that the procedures of MDDC are adhered to in line with the provisions of the DHC scheme and should be read in conjunction with it. Further information about DHC can be found
- 1.7 In delivering our Allocations Policy, the Council will seek to meet the following objectives:-
  - 1.7.1 To operate a scheme which is open, fair, and consistent within the District
  - 1.7.2 To improve accessibility and services for vulnerable applicants
  - 1.7.3 To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options
  - 1.7.4 To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs
  - 1.7.5 To prevent homelessness and to reduce the use of temporary accommodation through an effective prioritisation scheme
  - 1.7.6 To make best use of the housing stock within the District
  - 1.7.7 To be compliant with current legislation

## **2. Scope**

- 2.1 The Council also uses DHC to assess housing need. The system allows applicants to make a choice about the housing which will best meet their needs, from the options that are available, whilst still meeting the Council's statutory duties to those in greatest housing need.
- 2.2 When an applicant has been accepted onto the housing register, they will be able to view properties which landlords are advertising on the DHC system. The advertisements will provide details of the property, the rent to be charged and the tenure the property is offered under. Applicants will then be able to apply/bid for the property of their choice as long as they meet the relevant qualifying criteria.
- 2.3 Currently, properties are advertised on a weekly basis. At the close of the bidding round, the Landlord will consider the shortlist of applicants and select the applicant in the highest need, reflected by band, who has been waiting the longest period of time in that band. A check will be done to ensure that the allocation would make best use of the property.
- 2.4 Feedback on the bidding cycles is published on the DHC website at the end of each quarter of the financial year. This provides information on successful lets.
- 2.5 Under the Localism Act 2011, MDDC has taken the opportunity to restrict access to the housing register and to prioritise those in the most housing need. This is on the basis that the supply of affordable housing does not currently meet the demand. Housing is a limited resource which needs to be targeted at those in the greatest housing need.
- 2.6 Access to the housing register will be via an application through the DHC website. For potential applicants unable to utilise this facility a telephone application may be accepted. Special arrangements will be made for potential applicants unable to access Devon Home Choice through these routes. Housing Options Officers will be able to provide immediate advice and assistance in cases of urgent housing need.
- 2.7 The Housing Options team can provide guidance on a full range of housing options and will offer realistic advice in terms of the chances of success. Evidence of an applicant's housing history; income and family make up will be required.
- 2.8 On completion of the application form and the receipt of any additional information or supporting evidence relating to the applicant's eligibility and housing need, a relevant priority for the applicant will be awarded. The application will be reviewed by a Housing Options officer to ensure that the banding is correct. Further verification of the information provided by the applicant may be required.

## **3. Eligibility**

- 3.1 Anyone over 16 years of age and over can apply to the housing register if they are eligible. However this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be re-housed. An applicant's eligibility for the scheme will be assessed before access is given to complete an application. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history. Mid Devon cannot provide accommodation to ineligible applicants.

3.2 Under the Housing Act (1996) as amended by the Homelessness Act 2002 and the Localism Act (2011), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK. Some people will be ineligible, whether or not they are subject to immigration control. Regulations relating to this may be updated regularly.

#### **4. Who is not eligible?**

4.1 The Council cannot by law allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations.

4.2 In addition, the Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot. Please visit the DHC website for more information relating to non-eligible applicants.

#### **5. Other Further Restrictions**

5.1 Under the Localism Act, the Council can further restrict applicants from being included onto the housing register. These will include circumstances where:

5.1.1 Applicants or members of their household have been found guilty of unacceptable behaviour making them unsuitable to be a tenant at the time an application is made unless a proven sustainment of good behaviour for a period (normally 12 continual months) is provided. Behaviour is deemed unacceptable only if it is of a kind that would entitle a landlord to a Possession Order

5.1.2 An existing social housing tenant/licensee requests a transfer but has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges; or has proven instances of anti-social behaviour (ASB). Evidence of sustained debt clearance, good behaviour and engagement with a Landlord, normally for a period of 12 months will be needed. A letter of support for a transfer will need to be provided from the Landlord. Housing Options Officers will be considered Judges of Fact in the event of any dispute

5.1.3 An existing private tenant/licensee has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges; or has proven instances of ASB. Evidence of a sustained attempt at debt clearance and/or good behaviour and engagement with a Landlord, normally for a period of 12 months, may be taken into account. A letter of support for a transfer will need to be provided from the Landlord.

5.1.4 Applicants have current or former rent arrears or have accrued other property related charges unless there has been a sustainment of debt clearance for a period, normally 12 months

5.1.5 Applicant's assets and/or household income levels where it is assessed that the private housing market can provide for their housing needs. Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Devon at the time will normally be considered to be able to meet their housing need, through either renting privately

or owner occupation. Such households will be classed as No housing need band and removed from the Devon Home Choice register. (See income/saving levels)

<b>Income Levels</b> (LHA as of April 2015)		
Property Size	Max Income Levels	Assets/Savings
1 Bedroom	£33,372	£16,000
2 Bedroom	£41,796	£16,000
3 Bedroom	£49,464	£16,000
4 Bedroom	£64,620	£16,000
<b>Sheltered Accommodation</b>		
1 Bedroom	£33,372	£120,000
2 Bedroom	£41,796	£130,000

5.1.6 Applicants have been evicted from mortgaged properties where the property was deemed to be affordable for them

5.1.7 Applicants have been removed from DHC waiting list for 3 refusals and will remain excluded for a further 12 months

## **6. Notifying an ineligible or non-qualifying customer**

6.1 Applications from ineligible or non-qualifying applicants will not be accepted on to the Housing register. The applicant will be notified of the decision of ineligibility or non-qualification and the grounds for the decision.

6.2 If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be removed and the applicant notified. Under such circumstances, any offer of accommodation that may have been made will be considered null and void and rescinded. Applicants found to be ineligible or non-qualifying have the right to ask for a review of the decision.

6.3 Mitigation of behaviour that has led to exclusion or non-acceptance may be taken into account as will circumstances where applicants are excluded but are deemed to be at risk if they do not move. In both cases a sustained programme of monitored engagement with Housing Options Officers will be expected.

## **7. Assessment of housing need**

7.1 All applicants who are accepted onto the Housing Register will have their application assessed and be awarded an appropriate band based on an assessment of their housing need in accordance with the allocations scheme. The band categories are defined in the DHC scheme. See [www.devonhomechoice.com](http://www.devonhomechoice.com) for current policy. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) amended by the Homelessness Act (2002).

## **8. Reasonable Preference**

8.1 By law Local Authorities must award 'reasonable preference' to certain categories of applicant:

- 8.1.1 Applicants who are homeless within the meaning of Housing Act 1996, part 7
- 8.1.2 Applicants who are owed a duty by any Housing Authority under the Housing Act 1996 section 190 (2), 193 (2) or 195 (2) or the Housing Act 1985 section 65 (2) or 68 (2), or who are occupying accommodation secured by any such Authority under section 192 (3)
- 8.1.3 Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- 8.1.4 Applicants who need to move on medical, support or welfare grounds, including grounds relating to disability
- 8.1.5 Applicants who need to move to a particular locality in the district of the Authority where failure to meet that need would cause hardship to themselves or others
- 8.1.6 The DHC allocations scheme is based on a banded system which gives reasonable preference to the above categories of applicants along with additional preference given to current or former members of the armed forces, their spouses or civil partners, as set out below. Further additional preferences may be applied to meet local and/or other legislative priorities.

## **9.0 Additional Preference**

9.1 Under the provisions of The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional preference is given to applicants who fall within one, or more, of the statutory reasonable preference categories and are in urgent housing need: (These are detailed in the current Devon Home Choice Policy)

- 9.1.1 Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- 9.1.2 Former members of the regular forces
- 9.1.3 Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly, or partly, attributable to their service
- 9.1.4 Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly, or partly, attributable to their service
- 9.1.5 For the purpose of eligibility and assessment of financial status any compensation payment for an injury or disability sustained on active service will be disregarded.

## **10 Local connection**

10.1 Local connection for the housing register is deemed as an applicant who:

- 10.1.1.1 Has lived in the district for the least 6 of the 12 months or

10.1.1.2 Has lived in the district for at least 3 out of the last 5 years; or

10.1.1.3 Has a contract of permanent employment within the district; or

10.1.1.4 Has a close family connection\* with someone who currently lives in the district and has done so for 5 or more years. \*Parents, Siblings and Non Dependant Children.

## **11 Exceptions to Local Connections**

11.1 The only exceptions to these criteria are:

11.1.1 Homeless applicants (where-by the local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Act 2002 would apply)

11.1.2 The applicant was placed or relocated outside the district due to illness, need for temporary accommodation, military service, provision of care or other exceptional circumstances and needs to return to live in the district

11.1.3 The applicant needs to relocate from another district to escape violence or harm

11.1.4 The applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community

11.1.5 The applicant as defined by the Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI2012/1869) is

11.1.6 A person currently serving in the regular forces or who has served in the regular forces at any time in the five years preceding their application

11.1.7 A bereaved spouse or civil partner of a person serving in the regular forces where their entitlement to accommodation with the Ministry of Defence has ceased and the death of that person was wholly or partly attributable to that person's service

11.1.8 An existing or former member of the reserve forces who has suffered from a serious injury, illness or disability which is wholly or partly attributable to their service.

11.1.9 The applicant is an existing social housing tenant ( in England ) who is employed within Mid Devon, or who has an offer of employment within Mid Devon and a genuine intention to take up the offer, and has a reasonable preference to move to the area to avoid hardship

\*Close family connection is defined as a person who is a parent, spouse, civil partner, child or sibling of the applicant or someone who, in the opinion of a Housing Options officer, has a relationship with the applicant that can be construed as a close family connection even though not related by blood.

## **12. Application Review**



- 12.1 Regular annual reviews will be undertaken to check that applicants have been bidding for properties and that information provided is up to date. Applicants who wish to remain on the waiting list must complete the online form or complete a review with a Housing Options officer. If there is no response within 28 days of contacting an applicant who has not been bidding, the application will be deemed to have been cancelled and the customer notified of this in writing. Reviews will be implemented by using the Devon Home Choice review systems. Applicants who are subject to being cancelled/removed from the system will be check for any vulnerability.

### **13 Non-bidding Review**

- 13.1 Those applicants who have not bid on a property within the last 6 months will be contacted and advised that they are to be removed from the register if they do not bid on properties each month.
- 13.2 Applicants wishing to remain on the register must contact the Options team to explain why they have not been bidding. Only where there is a justifiable reason for non-bidding, for example, if someone needs an adapted property or has a requirement to be in a specific location and no properties having been available with in the 6 month period, the applicant will be allowed to remain on the register.

### **14 Refusal of offers**

- 14.1 An applicant's position within the register may be affected if they continually refuse an offer of accommodation which they have bid for and have successfully been offered. An applicant will have their banding reduced to the minimum band following the refusal of at least 3 properties in such circumstances unless there were acceptable reasons for those refusals or the application may be cancelled, the final decision will be referred to the Housing Options Manager.

### **15 Refusal of offers by homeless applicants**

- 15.1 Applicants who have been accepted as being owed a duty by the Council under the homelessness legislation will be awarded Band B. Applicants will be entitled to bid for properties in the same way as other applicants. If an applicant is not active in bidding for properties, the Housing Options team may make bids on their behalf on properties they deem suitable for the applicant.
- 15.2 Where a homeless applicant is allocated a property through the housing register process, MDDC has a responsibility to determine the suitability of the allocation. This will be determined in the light of the household's particular circumstances and with regard to the housing conditions prevailing in District at the time.
- 15.3 Where a homeless applicant is offered a property, but does not feel it is a suitable offer, they have the right to request a review of the offer. Applicants will be advised to accept the offer whilst the review is carried out. If, on review, the property is felt to be a reasonable offer, no further offers of accommodation will be made and the Council will discharge its duty. If the applicant is in temporary accommodation provided by the Council, the applicant will be given notice to leave that accommodation. If, on review, the property is felt to be unsuitable then a further offer of suitable accommodation will be made. The timescale for this will be dependent on the availability of accommodation.

### **16 Cancelling an application**

- 16.1 An application will be cancelled from the housing register in the following circumstances;
- 16.1.1 At the applicant's request
  - 16.1.2 If the applicant becomes ineligible for housing
  - 16.1.3 When the applicant has been adequately and appropriately re-housed including into the private rented sector
  - 16.1.4 Where an applicant fails to ensure that the information in their application is up to date
  - 16.1.5 When the applicant purchases a property/shared ownership property
  - 16.1.6 When an applicant fails to bid in a 6 month period and provides no justifiable reason for not bidding
  - 16.1.7 Where an applicant moves and does not provide contact details
  - 16.1.8 An executor or personal representative notifies the Council that an applicant is deceased (unless the rest of the household still needs rehousing)
- 16.2 When an application is cancelled, we will contact the applicant or their representative, either by email or letter, to notify them. Where an applicant has been highlighted as vulnerable, the customer's circumstances will be verified before an application is cancelled. The applicant has a right to ask for a review of the decision.
- 16.3 Where an applicant wishes to re-join the housing register at a later date, their application date will be the date they reapply.

## **17 Direct Lets**

- 17.1 In certain circumstances, the Council in agreement with a landlord may allocate properties directly to applicants without them being advertised.
- 17.1.1 Illustrative examples of direct lets are as follows:
    - 17.1.2 Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
    - 17.1.3 where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection Panel meeting or to fulfil agreements made with offender management services, or where a customer has been referred as part Allocations or where an applicant has been referred as part of the witness protection scheme
    - 17.1.4 where an applicant's home is being repaired and they need to be moved from the property on a temporary or permanent basis.
- 17.2 Direct lets will be agreed by a senior Officer at the Council and a senior Officer at the relevant Housing Association

## **18 Sensitive Lets**

- 18.1 On occasion, landlords may request some properties to be advertised as sensitive lets. This may be because of ASB problems and the need to ensure the right mix of tenants in an area. Sensitive lets will be agreed between the landlord and the Housing Options Manager or the Service Manager. This may result in applicants on the top of the short list being bypassed for a more appropriate applicant.

## **19 Adapted Properties**

- 19.1 Where properties have been adapted to meet the needs of disabled applicants, preference for allocations will be made to applicants who have a need for an adapted property. This may result in the property being offered to an applicant in a lower band.

## **18 Local Lettings**

- 20.1 Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria, as stated in the planning agreement. These agreements will be highlighted in the property advert. Full details of the agreement are listed in the Local Lettings Policy for the specific development site.

## **19 Over 55s and Sheltered Accommodation**

- 21.1 Sheltered properties have an age criteria set by the landlord who owns the scheme. Some properties are specifically developed for persons aged over 45 or 55 and will be prioritised to applicants over this age. In exceptional circumstances a younger person with particular support needs which are not able to be met elsewhere may be allocated such accommodation. This will be achieved via a direct let.

## **22 Departure from Local Connection Requirements**

- 22.1 Examples of such situations are detailed below although this is not an exhaustive list,
- 22.1.1 Allocation of specialist housing where there are a limited number of eligible applicants through the normal allocations process and where that accommodation would otherwise remain unused
- 22.2 Decisions in exceptional circumstances will be taken by the Housing Options Manager,
- 22.3 The following decisions are made outside of Part 6 of the Housing Act 1996, and are outside the scope of the Allocations Policy:
- 22.3.1 Succession on a tenant's death; or
  - 22.3.2 Assignment by way of a mutual exchange; or
  - 22.3.3 Assignment to a person who would be qualified to succeed to the
  - 22.3.4 tenancy on the tenants death; or
  - 22.3.5 Transfer of the tenancy by a court under family law provisions; or
  - 22.3.6 An order made under the Civil Partnership Act 2004, or
  - 22.3.7 Transfers initiated by the Local Housing Authority

22.3.8 Acceptance of a surrender and re-granting of tenancy to another partner

22.4 Individual RPs will have their own policies which will apply in the circumstances.

22.5 The provisions of part 6 of the Housing Act 1996 do not apply to an allocation of housing accommodation to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application.

### **23 Changes to the Allocations Policy**

23.1 The Council reserves the right to expand, change or alter any element of Mid Devon Allocations Policy as and when required to meet changes in housing need, capacity, operational exigencies, resources and legislation

### **24. Related Documents**

- a. Devon Home Choice Procedures Manual – [www.devonhomechoice.com](http://www.devonhomechoice.com)
- b. Devon Home Choice Scheme
- c. Local Lettings Policy