



**Havering**  
L O N D O N B O R O U G H

## **London Borough of Havering Council**

### **Housing Allocations Scheme**

**July 2016**

| <b>SECTION</b> | <b>TITLE</b>  | <b>PAGE</b> |
|----------------|---|-------------|
| <b>1</b>       | <b>INTRODUCTION</b>   | <b>7</b>    |
| 1.1            | Legal context   |             |
| 1.2            | Aims of the Housing Allocation Scheme   | 8           |
| 1.3            | What is not included in the Housing Allocations Scheme  | 9           |
| 1.4            | The law – your rights, our responsibilities   |             |
| 1.5            | How can I get a copy of the Scheme?   |             |
|                |   |             |
| <b>2</b>       | <b>EQUALITIES STATEMENT AND MONITORING</b>  | <b>9</b>    |
|                |   |             |
| <b>3</b>       | <b>SUMMARY OF THE SCHEME</b>  | <b>10</b>   |
|                |   |             |
| <b>4</b>       | <b>ELIGIBILITY AND QUALIFICATION CRITERIA</b>   | <b>11</b>   |
| 4.1            | Eligibility Criteria  |             |
| 4.2            | Qualification Criteria  |             |
| 4.2.1          | <ul style="list-style-type: none"> <li>Age qualification criterion: Applicants must be 18 years of age or over</li> </ul>   | 12          |
| 4.2.2          | <ul style="list-style-type: none"> <li>Residency qualification criterion: An applicant must have lived in the Borough of Havering continuously for six years.</li> </ul>  | 12          |
| 4.2.3          | <ul style="list-style-type: none"> <li>Tenure qualification criterion: An applicant must not be the owner of a residential property</li> </ul>                            | 14          |
| 4.2.4          | <ul style="list-style-type: none"> <li>Financial qualification criterion: An applicant must not have enough income to be able to rent privately in the borough</li> </ul> | 14          |
| 4.2.5          | <ul style="list-style-type: none"> <li>Unacceptable behaviour: An applicant must not have un-tenant like behaviour</li> </ul>   | 15          |
| 4.2.6          | <ul style="list-style-type: none"> <li>Demonstrate housing need: An applicant must meet one of the housing need criteria</li> </ul>                                       | 17          |
| 4.3            | Summary Flowchart of Eligibility and Qualification Process  | 18          |
|                |   |             |
| <b>5</b>       | <b>HOUSING NEEDS CRITERIA</b>   | <b>19</b>   |
| 5.1            | Summary Guide of the Housing Needs Criteria   | 20 - 26     |
|                |   |             |
| <b>6</b>       | <b>ASSESSMENT OF HOUSING NEED AND DETERMINING PRIORITY</b>  | <b>27</b>   |
| 6.1            | Medical grounds   | 27          |
| 6.2            | Hardship and Welfare grounds  | 30          |
| 6.2.1          | <ul style="list-style-type: none"> <li>Leaving Care</li> </ul>  | 30          |
| 6.2.2          | <ul style="list-style-type: none"> <li>Move on from specialist or supported accommodation</li> </ul>  | 31          |
| 6.2.3          | <ul style="list-style-type: none"> <li>Management transfer</li> </ul>   | 32          |
| 6.2.4          | <ul style="list-style-type: none"> <li>Reciprocal agreement</li> </ul>  | 32          |
| 6.2.5          | <ul style="list-style-type: none"> <li>Foster carers and adoptive parents</li> </ul>  | 32          |

|           |  |                |
|-----------|--|----------------|
| 6.2.6     | • Need to move to receive or provide care/support  | 32             |
| 6.3       | Homeless households  | 32 - 34        |
| 6.3.1     | • Applicants for whom Havering Council has accepted a rehousing duty under the homelessness legislation and are in severe need |                |
| 6.3.2     | • Make best use of resources through a 'move on' programme   |                |
| 6.3.3     | • End of lease management  |                |
| 6.3.4     | • Applicants for whom Havering Council has accepted a rehousing duty under the homelessness legislation                        |                |
| 6.3.5     | • Other homeless households  |                |
| 6.4       | Overcrowding   | 34 – 36        |
| 6.4.1     | • The statutory overcrowding standard  |                |
| 6.4.2     | • Overcrowding based on bedroom standard   |                |
| 6.5       | Households living in unsanitary or unsatisfactory housing conditions   | 36             |
| 6.6       | Release of adapted property  | 37             |
| 6.7       | Decants – Major works to existing social housing properties  | 37 - 38        |
| 6.8       | Under-occupying social housing tenants   | 39             |
| 6.9       | Service tenants- in tied accommodation where there is a contractual obligation   | 39             |
| 6.10      | Succession right where a property is not suitable  | 39             |
| 6.11      | Council tenants with a fixed term tenancy coming to an end   | 39             |
| 6.12      | Housing for older people   | 40             |
| 6.13      | People living in mobile homes, houseboats or caravans  | 41             |
| 6.14      | Exceptional circumstances  | 41             |
|           |  |                |
| <b>7</b>  | <b>DETERMINING EFFECTIVE DATE</b>  | <b>41</b>      |
|           |  |                |
| <b>8</b>  | <b>COMMUNITY CONTRIBUTION REWARD: HOW PRIORITY IS AWARDED</b>  | <b>41 - 44</b> |
| 8.1       | Summary Guide of the Community Contribution Reward   | 45 – 48        |
|           |  |                |
| <b>9</b>  | <b>STATEMENT ON CHOICE FOR APPLICANTS</b>  | <b>49</b>      |
|           |  |                |
| <b>10</b> | <b>CHOICE-BASED LETTINGS AND OFFERING YOU A HOME</b>   | <b>49</b>      |
| 10.1      | • How will we decide who is offered each property?   |                |
| 10.2      | • Advertising available homes  |                |
| 10.3      | • Helping an applicant to make successful bids   | 50             |
| 10.4      | • Auto-bidding   |                |
| 10.5      | • Can an applicant bid for a home that is smaller than they need   | 50 - 51        |
|           |  |                |

|           |  |                |
|-----------|--|----------------|
| <b>11</b> | <b>BEDROOM SIZE ENTITLEMENT</b>  | <b>51</b>      |
| 11.1      | <ul style="list-style-type: none"> <li>• Shared care of children</li> </ul>                              | 53             |
|           |  |                |
| <b>12</b> | <b>SHORTLISTING OF INTERESTED APPLICANTS</b>   | <b>53 - 54</b> |
|           |  |                |
| <b>13</b> | <b>MAKING OFFERS OF ACCOMODATION</b>   | <b>54</b>      |
|           |  |                |
| <b>14</b> | <b>TRANSFER INSPECTIONS</b>  | <b>55</b>      |
|           |  |                |
| <b>15</b> | <b>MULTIPLE VIEWING OF AVAILABLE PROPERTIES</b>  | <b>55</b>      |
|           |  |                |
| <b>16</b> | <b>ASSISTED BIDS - ALLOCATION OUTSIDE CHOICE BASED LETTINGS</b>  | <b>56</b>      |
|           |  |                |
| <b>17</b> | <b>HOW MANY OFFERS I AM ENTITLED TO?</b>   | <b>56</b>      |
|           |  |                |
| <b>18</b> | <b>SITUATIONS WHERE AN OFFER MAY BE WITHDRAWN</b>  | <b>57</b>      |
| 18.1      | <ul style="list-style-type: none"> <li>• Unacceptable behaviour</li> </ul>                               |                |
| 18.2      | <ul style="list-style-type: none"> <li>• Breaches of tenancy</li> </ul>                                  |                |
| 18.3      | <ul style="list-style-type: none"> <li>• Fraudulently obtained tenancies</li> </ul>                      |                |
| 18.4      | <ul style="list-style-type: none"> <li>• Incorrect offer</li> </ul>                                      |                |
|           |  |                |
| <b>19</b> | <b>WHAT HAPPENS IF AN APPLICANT REFUSES AN OFFER OR DOES NOT TURN UP TO VIEW THE PROPERTY?</b>           | <b>57</b>      |
| 19.1      | <ul style="list-style-type: none"> <li>• Refusing an offer on the grounds of its condition</li> </ul>    | 58             |
| 19.2      | <ul style="list-style-type: none"> <li>• Refusing an offer on the grounds of the rent charged</li> </ul> |                |
| 19.3      | <ul style="list-style-type: none"> <li>• Refusing an offer on the grounds of its location</li> </ul>     |                |
|           |  |                |
| <b>20</b> | <b>HOUSING CIRCUMSTANCES AND CONSEQUENCES OF REFUSING A REASONABLE OFFER</b>                             | <b>58 - 60</b> |
|           |  |                |
| <b>21</b> | <b>FEEDBACK ON LET PROPERTIES</b>  | <b>60</b>      |
|           |  |                |
| <b>22</b> | <b>BIDDING ACTIVITY MONITORING</b>   | <b>61</b>      |
|           |  |                |
| <b>23</b> | <b>TYPES OF TENANCIES OFFERED</b>  | <b>61</b>      |
|           |  |                |
| <b>24</b> | <b>THE EFFECT OF CHOICES ON WAITING TIME</b>   | <b>61</b>      |

|           |   |                |
|-----------|---|----------------|
| <b>25</b> | <b>LOCAL LETTINGS POLICIES AND SENSITIVE LETTINGS</b>                     | <b>62</b>      |
| 25.1      | • Introduction  |                |
| 25.2      | • Local lettings policy   |                |
| 25.3      | • Sensitive lettings  | <b>63</b>      |
| <b>26</b> | <b>SPECIALIST ACCOMMODATION</b>   | <b>63 - 65</b> |
| 26.1      | • Accessible Homes – adapted properties                                   |                |
| 26.2      | • Sheltered housing   |                |
| 26.3      | • Extra care housing  |                |
| <b>27</b> | <b>MOBILITY WITHIN AND ACROSS THE COUNCIL'S BOUNDARY</b>                  | <b>65 - 68</b> |
| 27.1      | • Housing Moves   |                |
| 27.2      | • Seaside and country Scheme  |                |
| 27.3      | • Homeswap Scheme   |                |
| 27.4      | • Mutual exchange Scheme  |                |
| 27.5      | • Shared ownership Scheme   |                |
| 27.6      | • Other low cost home ownership schemes                                   |                |
| 27.7      | • Downsizing incentive scheme   |                |
| 27.8      | • Private renting options   |                |
| <b>28</b> | <b>APPLYING FOR HOUSING</b>   | <b>68 - 69</b> |
| 28.1      | • Help with making an application   |                |
| 28.2      | • Who can be included on an application                                   |                |
| 28.3      | • Who should not be included on an application                            |                |
| 28.4      | • Joint applications  |                |
| 28.5      | • Restricted persons  |                |
| <b>29</b> | <b>WHAT EVIDENCE IS NEEDED TO SUPPORT AN APPLICATION?</b>                 | <b>70 - 71</b> |
| 29.1      | To prove eligibility for housing  |                |
| 29.2      | To prove an applicant qualifies to go on the housing register             |                |
| 29.3      | To demonstrate housing need   |                |
| <b>30</b> | <b>CHANGE OF CIRCUMSTANCES</b>  | <b>71 - 72</b> |
| 30.1      | • What happens if an applicant does not notify us about a change          |                |
| 30.2      | • Why do I need to provide details about my gender, ethnicity or religion |                |
| 30.3      | • Will you share the information on my application with anyone else       |                |

|             |   |                |
|-------------|---|----------------|
| <b>31</b>   | <b>ANNUAL REVIEW OF APPLICATIONS</b>  | <b>72</b>      |
|             |   |                |
| <b>32</b>   | <b>CANCELLING AN APPLICATION</b>  | <b>73</b>      |
|             |   |                |
| <b>33</b>   | <b>REINSTATING A CANCELLED APPLICATION</b>  | <b>73</b>      |
|             |   |                |
| <b>34</b>   | <b>GENERAL INFORMATION AND APPEALING HOUSING DECISION</b>   | <b>73 - 76</b> |
| <b>34.1</b> | • General information   |                |
| <b>34.2</b> | • Decisions and reviews   |                |
| <b>34.3</b> | • Appeal procedure  | <b>75 - 76</b> |
| <b>34.4</b> | • The right to review an offer of accommodation to statutory homeless   | <b>76</b>      |
|             |   |                |
| <b>35</b>   | <b>FILE COPIES</b>  | <b>76</b>      |
|             |   |                |
| <b>36</b>   | <b>TACKLING FRAUD</b>   | <b>76 - 77</b> |
|             |   |                |
| <b>37</b>   | <b>CONFIDENTIALITY</b>  | <b>77</b>      |
|             |   |                |
| <b>38</b>   | <b>APPLICATIONS FROM MEMBERS OF STAFF, BOARD MEMBERS OF RELEVANT ORGANISATIONS, COUNCIL MEMBERS AND RELATIVES</b> | <b>78</b>      |
|             |   |                |
| <b>39</b>   | <b>COMPLAINTS</b>   | <b>79</b>      |
|             |   |                |
| <b>40</b>   | <b>OTHER THINGS APPLICANTS NEED TO KNOW</b>   | <b>79 - 80</b> |
| <b>40.1</b> | • Community safety  |                |
| <b>40.2</b> | • Prisoners   |                |
| <b>40.3</b> | • Telecare Service  |                |
| <b>40.4</b> | • People with physical disabilities   |                |
| <b>40.5</b> | • People with mental health problems or a learning disability   |                |
|             |   |                |
| <b>41</b>   | <b>TRANSITION TO THE NEW SCHEME</b>   | <b>80</b>      |
|             |   |                |
| <b>42</b>   | <b>CHANGES TO THE SCHEME</b>  | <b>81</b>      |

## 1. INTRODUCTION

Havering is an area with a very high demand for social and affordable housing, and unfortunately a limited supply of homes to rent from the Council or Housing Associations, (also known as Registered Providers and Registered Social Landlords).

The Council's policy has been designed to give real help to people in housing need. It also aims to reward those households who give something back to their communities through:

- working, or
- fostering, or
- adopting, or
- having served in the British armed forces, or
- volunteering, or
- carer; or
- by choosing to release a large council property and move to a smaller one.

Havering Council's Housing Allocations Scheme explains how we make decisions about who to let vacant properties to. It provides a framework for letting accommodation and assigning priority between those in need.

The Housing Allocations Scheme applies to existing tenants wishing to transfer from one tenancy to another and to new applicants, including homeless people. When we refer to 'applicant' in this document, it will refer to new applicants including homeless people and tenants wishing to transfer, (unless otherwise stated).

This Housing Allocations Scheme will be applied fairly to everyone who applies to join, or is already on the Housing Register, (sometimes known as the housing waiting list).

This policy will be effective from July 2016.

### 1.1. Legal context

This Housing Allocations Scheme meets the requirements of the Housing Act 1996, (as amended by the Homelessness Act 2002), and the Localism Act 2011.

The Housing Act 1996, (as amended), requires local authorities to give 'Reasonable Preference' in their allocation policies. This means that we have to give priority for housing to people with high levels of assessed housing need. This could include:

- Homeless people,
- People who need to move on welfare or medical grounds where their situation is being made worse by their current housing,
- People living in unsanitary, unsatisfactory or overcrowded housing, and
- People who would face hardship unless they move to another area.

The Act also requires local authorities to state within their policy what their position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 9.

This Housing Allocation Scheme complies with the requirements of:

- Housing Act 1996 (as amended)
- Government's Code of Guidance
- Localism Act 2011
- Equality Act 2010
- Havering Housing Strategy
- London Housing Strategy

## **1.2 Aims of the Housing Allocations Scheme**

It is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives. The Council is also committed to preventing homelessness and the Allocation Scheme focuses on supporting residents to actively pursue suitable alternatives to avoid becoming homeless.

The key objectives of this Housing Allocations Scheme are to:

- Provide a fair and transparent system by which people are prioritised for social housing.
- Help those most in housing need.
- Recognise residents who make a contribution to a local community.
- Make the best use of Havering's social housing including those of our partner Registered Social Landlords

In addition, the Housing Allocations Scheme has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation.
- The Council's statutory obligation to provide 'reasonable preference' to certain categories of applicants set down by law, such as those who must be given a 'head start' under the Council's Allocations Scheme.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with 'reasonable preference'.
- The general and specific statutory discretions the Council can exercise when allocating housing in support of its Community Strategy.
- The Council's participation in other mobility schemes including the Greater London Authority's Pan-London mobility scheme.

The Housing Allocations Scheme will be supported by a housing options approach giving applicants realistic advice and promoting other housing options.



Tenancies for council homes are allocated according to the Council's Tenancy Policy with the majority of the homes offered on fixed term tenancies. Other Registered Providers have to take account of the Council's Tenancy Strategy when setting their own policies.

### **1.3. What is not included in the Housing Allocations Scheme**

The following are not allocations under this scheme:

- Succeeding to a tenancy under the relevant Act
- A mutual exchange with another tenant
- Assigning a tenancy
- Transferring a tenancy in accordance with a court order under Family Law provisions or under the Civil Partnership Act 2004
- An introductory tenant becoming a secure tenant
- Use and occupation charge
- Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.

### **1.4. The law - your rights, our responsibilities**

Every council with housing responsibilities is required to publish a Housing Allocations Scheme under the 1996 Housing Act, (as amended, describing how it will assess applications for housing and select people to offer social housing to from its register. Each allocation of social housing must be made according to the scheme, apart from those housing decisions that are not regarded as allocations set out in paragraph 1.3 above.

### **1.5. How can I get a copy of the scheme?**

You are entitled to a summary of the housing allocations scheme free of charge. You can download a copy from the council's website [www.havering.gov.uk](http://www.havering.gov.uk).

## **2. EQUALITIES STATEMENT AND MONITORING**

Havering is home to a number of different communities. We are committed to delivering quality services to all by responding positively to the needs and expectations of all service users.

Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the policy to ensure that they are not disadvantaged in the process.

Confidential interview facilities are provided at all housing offices. There is full access to the Housing Options Office for people who use a wheelchair. Home interview services are available for applicants who are elderly or who experience mobility difficulties.

The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation or disability. The information provided will be kept confidential and treated with respect. The Council believes it is important to understand the different

communities who apply for housing and it is only by asking these questions can the Council check that it is operating a fair system.

All applicants for housing or re-housing will be asked to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of an application. However, such information will help monitor the number and types of protected characteristics seeking support and therefore applicants will be strongly advised to complete the relevant information. Equalities records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly. Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.

### **3. SUMMARY OF THE SCHEME**

The basis of the scheme is to have a priority system based on need. In order to achieve this, a definition of priority has been broken down into various categories of need and these are then grouped into one of five bands, with the Emergency Rehousing Band being the highest priority and the Reduced Priority Band the lowest.

It may be the case that applicants have more than one category of need. In these circumstances they will be placed in the category which is in the highest priority band.

The allocation policy will look to provide choice to applicants through the operation of Havering Council's Choice Homes choice-based lettings system. This will operate by the Council advertising the availability of properties to let on the internet at [www.ellcchoicetohomes.org.uk](http://www.ellcchoicetohomes.org.uk) (ELLC). Applicants who have been approved in one of the priority bands will then be invited to register an interest in a property by bidding. Once the bidding period is over then a shortlist of applicants will be drawn up. The shortlist will be produced by placing the applications in priority band order and then those with the same priority band will be placed in date order according to when they were approved in their priority band.

The final decision to award a tenancy will be based on the applicant who is in the highest priority band, according to date. However, other factors can be taken into account in making the offer. The other factors that can be considered include; former or current rent arrears, any history of anti-social behaviour and whether they are currently on a probationary tenancy.

There are also occasions where the Council will make direct offers to applicants rather than advertising on Havering Council's Choice Homes choice-based lettings system. This option will be used for applicants outlined in Section 15. The Council will also look to give priority to certain categories of need where it is considered that this is necessary in order to achieve broader council priorities. This can be through a local lettings plan for new build properties and on an individual case by case basis.

#### **4. ELIGIBILITY AND QUALIFICATION CRITERIA**

Any application to join the housing register will be assessed against the following three criteria:

- Criteria One – Applicants will be assessed to determine if they are eligible for social housing (such as not subject to immigration control)
- Criteria Two - Eligible Applicants will then be assessed to determine if they meet the Council's qualification criteria.
- Criteria Three – Eligible and qualified applicants will be assessed to determine if they are in housing need in accordance with the Council's policy.

Only applicants who meet the eligibility, qualification and housing need criteria will be able to join the housing register.

The statutory provisions regarding eligibility and qualification are set out in s60ZA of the Housing Act 1996 as amended by the Localism Act 2011.

A flow chart can be found in Section 4.3 but this is a very basic outline and each case will be assessed on the individual circumstances in line with the legislation and policy in force at the point of application.

##### **4.1. Eligibility Criteria**

The first assessment the Council makes when an application is received is to determine whether the applicant is eligible for social housing.

Any person who does not fall into one of the categories below will be a person subject to immigration control and will be ineligible for an allocation of accommodation.

- i. British citizens
- ii. Certain Commonwealth citizens with a right of abode in the UK
- iii. Citizens of a European Economic Area, (EEA,) country, ('EEA nationals), and their family members who have a right to reside in the UK that derives from EU law. The question of whether an EEA national, (or family member), has a particular right to reside in the UK, (or in another Member State), will depend on the circumstances, particularly the economic status of the EEA national, (such as whether he or she is a worker, self-employed, a student, or economically inactive),
- iv. Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK and some military personnel.

This means that people subject to immigration control and certain other people from abroad, (outside the categories identified above), will not usually be eligible for accommodation arranged by the Council. Further details can be found in Annex 1 on Page 75.

##### **4.2. Qualification Criteria**

The second assessment the Council makes is to determine whether an applicant qualifies to join the housing register.

The Localism Act 2011 has given local authorities greater freedom to set their own criteria about who qualifies for social housing, and therefore who can join the Housing Register for social and affordable housing in their area.

To be placed on Havering Council's Housing Register you must meet **each** of the four qualification criteria listed below.

**4.2.1. Age qualification criterion: Applicants must be 18 years of age or over**

The Council will not normally grant a tenancy to anyone under the age of 18 years unless another adult is prepared to act as their guarantor, and agrees to cover the rent or any arrears. In exceptional circumstances, the Council can grant permission to occupy a property to an applicant under 18 years by way of something known as an equitable agreement.

For an applicant to become a tenant of the Council and enter into a tenancy agreement, they must have the mental capacity to understand the contract. If an applicant does not have the capacity to understand the contract, an application should be made to the Court of Protection for an appropriate person to sign the tenancy agreement on their behalf.

**Exception**

The age qualification criterion will **not** apply where:

- a young person aged under 18 years is owed a rehousing duty by Havering Council under the homelessness legislation or Children Act 2004 but is unable to access suitable accommodation other than by being given an offer of council or housing association accommodation.

**4.2.2. Residency qualification criterion: An applicant must have lived in the Borough of Havering continuously for six years.**

Meeting a local residency qualification is a central tenet of this Housing Allocation Scheme. Local residency qualification within the terms of this scheme will normally mean that an applicant has lived in this borough continuously, through their own choice, (not through detention or hospitalisation), for a minimum of 6 years up to and including the date of their application. The applicant should remain resident in-borough in order to continue to qualify.

Accepted homeless households, Care leavers and those placed in specialised housing, (but continuing to receive services), outside the Borough will also meet the local residency qualification as long as they fulfil the continuous 6 year residential qualification. Time spent placed by Havering in designated temporary accommodation outside of the Borough will count towards time spent in Havering.

Those placed in Havering in temporary accommodation, residential or supported housing by another local authority will not normally be considered as having met the local residency qualification.

Time spent away from the main principle home being in Havering due to periods of study such as at university will count as time in the borough.

## Exception

- a) The residency qualification criterion will not be applied to the groups specified in *The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012*:
- Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
  - Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
  - Serving or former members of the Regular or Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- b) Homeless households where a full rehousing duty has been accepted by Havering Council under section 193 of the Housing Act 1996. However, they will be placed in the Reduced Priority Band (RP) until this condition is satisfied.
- c) People who are under-occupying their current social housing.
- d) Emergency cases where homes are damaged by fire, flood or other disaster - where it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- e) Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- f) Households who need to move to the Borough and where failure to meet that need would cause exceptional hardship to themselves or to others. Hardship grounds include:
- Applicant needing to move under the Right to Move scheme where there is a genuine intention of taking up an offer of work.
  - The need to move to specialist facilities where they receive care
  - The need to move to receive or give care/support (which could otherwise result in higher care costs or even the use of residential care for those who cannot move)
- (g) People who qualify for assistance through Housing Moves (Pan London Mobility Scheme)
- (h) Cases with exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered.

- (i) Applicants who the Head of Housing Services has decided, and at the very least one other statutory agency has agreed, are unable to access suitable accommodation other than by being given an offer of council or housing association accommodation.

#### **4.2.3. Tenure qualification criterion: An applicant must not be the owner of a residential property.**

People who singularly, jointly or part-own a property in this country or abroad which is reasonable to continue to occupy will not qualify to join the housing register.

People who have previously owned a property and have sold it within the last 5 years will be asked to provide proof of the sale, together with evidence of the proceeds received from the sale and what has become of them. Unless they are not able to meet their housing needs from their own resources **and** require an adapted or supported housing they will not qualify to join the housing register.

The tenure qualification will not apply to:

- Applicants where, at Housing Service's discretion, the Service is satisfied that the homeowner has exceptional circumstances, such as, though not limited to, instances where they have a serious medical condition **and** they are no longer able to remain in the property **and** are unable to afford suitable accommodation in the private market.
- Applicants aged over 60 years and have been assessed as being unable to meet their housing need from their own resources (asset rich but cash poor). The options for them will include the offer of being rehoused into sheltered or extra care accommodation and in turn agree to lease their property to the Council to use as temporary accommodation.

A decision on whether a property, in this country or aboard, is suitable and available to occupy will be made by a senior officer of Housing Services. An applicant may ask for this decision to be reviewed if they disagree with it.

**Note:** We will also carry out our own checks to satisfy ourselves the applicant does not own a property.

#### **4.2.4. Financial qualification criterion: An applicant must not have enough income to be able to rent privately in the borough:**

Applicants whose income, savings and assets are above the level set by the Council will not be able to join the Housing Register as they will be expected to meet their own housing needs. This is because of the severe shortage of social and affordable rented properties in the Borough.

The income threshold is set at £36,000 (2016/17), the level at which an applicant can afford to rent a private property with average rents in the borough. This will be reviewed annually.

We will ask applicants about their income and savings and other assets when they apply to join the Housing Register. We have to assess whether they can afford to privately rent in the borough.

Income assessments will take into account the incomes of both the main applicant and their partner, (or joint applicants). The income used will include both gross earned income and income from benefits (excluding disability benefits). Households will not normally be placed on the Housing Register or offered social housing if their total income is above the income level set.

Applicants who deliberately deplete savings or move them into the accounts of other family members may be disqualified under the financial qualification criteria.

An applicant who chooses not to complete the savings and income questions on the application form will be treated as having sufficient resources to rent privately in the Borough and will not be accepted on to the Housing Register.

### **Verifying your household income**

We will ask applicants to provide evidence of their household income, for example:

- Employed applicants – their last six months' payslips
- Self-employed applicants – their last 18 months audited accounts

We will ask applicants to provide evidence of their savings and details of any assets owned, this includes:

- Bank current account statements
- Building society, post office or any other savings accounts statements
- Details of any other financial assets (such as stocks and shares, premium bonds etc.).

**If an applicant cannot provide satisfactory evidence of their household income or savings and assets, they will not be able to join the housing register.**

### **Exception**

For members/former members of the armed forces, where financial compensation has been received due to injury sustained on active service, this will be disregarded from any financial assessment.

An applicant may have very exceptional circumstances where there is a real emergency need to move. Exceptions will be taken into account on a case by case basis. Decisions will be made by the Head of Housing in liaison with other partners.

### **4.2.5. Unacceptable behaviour: An applicant must not have un-tenant like behaviour:**

Applicants who have been guilty of unacceptable behaviour which makes them unsuitable to be a tenant will not be able to join the Housing Register. This is behaviour which, if the person

concerned were a secure tenant, would entitle the Council to take formal action against them. Such behaviour includes:

- Any person convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this may re-apply once this conviction is spent.
- Any person found guilty of sub-letting a Council or Housing Association property.
- A person who obtains a tenancy by deception.
- A person who threatens or uses violence towards Council employees, Contractors or Members. This includes behaviour where there is persistent abusive or racist language directed at Council staff, Members or other partner associations.
- Anti-social behaviour which causes nuisance by the applicant or a member of his or her household.
- Racial harassment
- Transfer applicants who have caused damage or not looked after their property.

The Council will normally only decide that an applicant has been guilty of unacceptable behaviour where the Council, or a current or former landlord of the applicant, has taken formal action against the applicant or a member of the applicant's household in respect of conduct, under any of the above headings by:

- the applicant,
- a member of his or her household,
- or a visitor to the applicant's property.

This formal action will have taken place within the period of 2 years before their application to join the Housing Register.

Formal action includes:

- the obtaining of any legal remedy;
- the service of a notice of seeking possession or any like notice or a pre-action protocol letter or other letter before claim;
- the entry into an agreement for the purpose of avoiding, or settling legal proceedings, including an acceptable behaviour agreement, and an agreement to undertake works

All applicants who do not qualify under this criterion may submit a new Housing Register application if their circumstances change and there has been a sustained period of change for at least the past year. Where, however, the applicant has not complied with the terms of the formal action taken, (such as complying with a suspended possession order, or with an agreement to avoid or settle legal proceedings), or where new unacceptable behaviour has, in the Council's view, arisen, (whether or not further formal action has been taken in respect of it), the Council will normally continue the disqualification.



## **Applicants already on the Housing Register**

If an applicant is already on the Housing Register when formal action is taken against them on one of the grounds set out above, any offer made to them will be withdrawn, any offer that would otherwise be made to them will be bypassed, and their application will be removed from the Housing Register.

### **Exception**

The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Before the Council will use its discretion in this way, the applicant will need to have demonstrated, as a minimum, that there is good reason for the Council to believe that the unacceptable behaviour will not be repeated. This could be seen in a change of circumstances or a change of the composition of the household. The Council is unlikely, however, to consider that the demonstration of this factor alone will be sufficient to amount to exceptional circumstances.

The discretion to waive this criterion in exceptional circumstances will be approved by the Head of Housing or delegated appropriate officer.

A person who is not permitted to join the Housing Register, or if they are removed from the Housing Register for these reasons, will have a right of appeal. Details on how to appeal can be found in Section 32.

### **4.2.6. Demonstrable housing need: An applicant must meet one of the housing need criteria.**

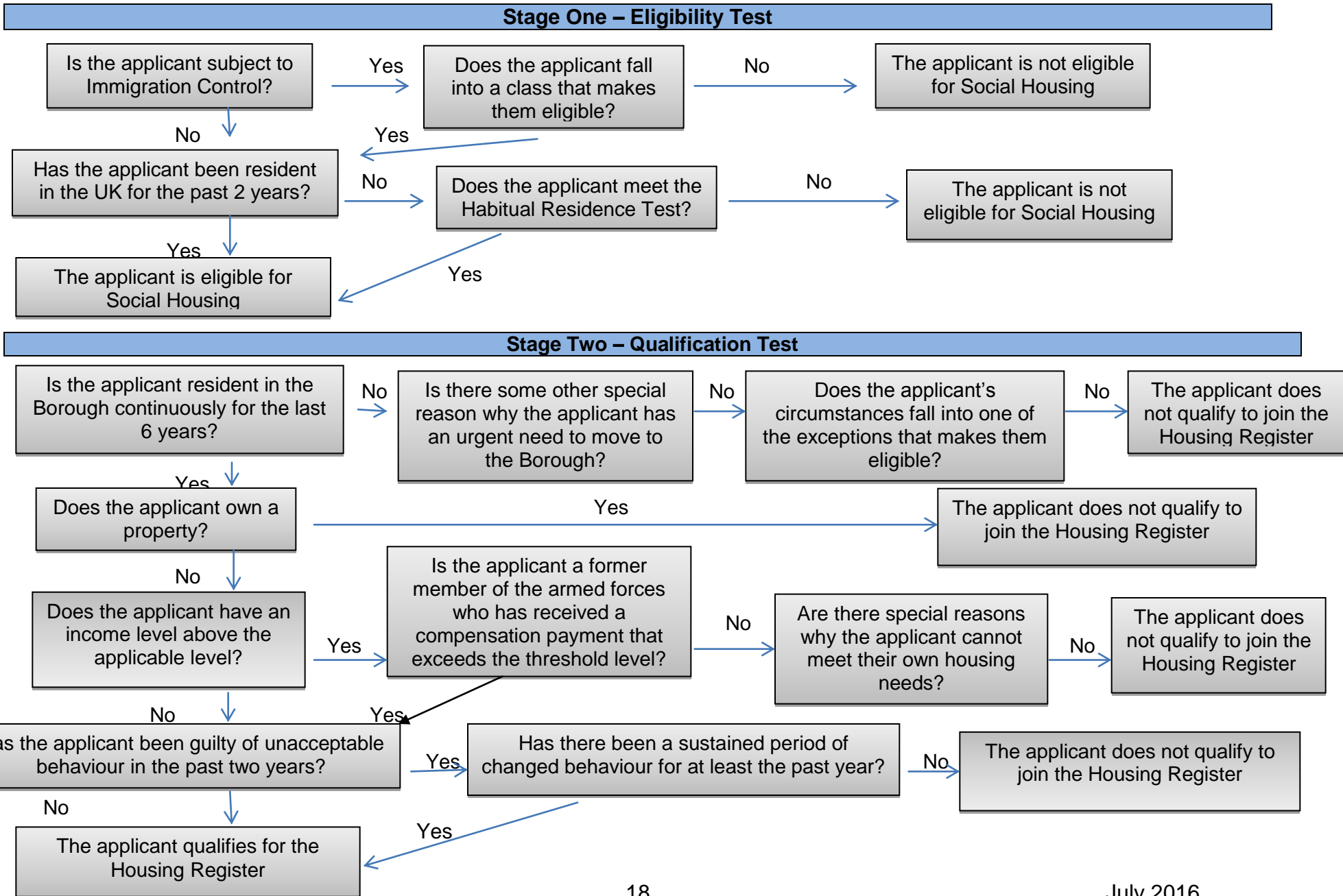
Applicants who are considered not to have housing need as set out in section 5.1 will not qualify to join the housing register.

It will help in managing unrealistic expectations as there will be little or no prospect of being allocated accommodation. They will be signposted and given relevant information and advice to solve their housing situation.

### **Exception**

Applicants who are eligible for sheltered housing.

### 4.3: Summary Flowchart of Eligibility and Qualification Process



## 5. HOUSING NEEDS CRITERIA:

The third assessment the Council makes is to determine whether an applicant has a housing need.

Havering Council's Housing Allocation Scheme has been framed to ensure that 'reasonable preference' is given to people with high levels of assessed housing need. Additional preference (priority) is given to applicants who are making a community contribution.

The housing banding system determines who will be prioritised for housing in the Borough and is summarised below with full details of the characteristics of individual cases:

a) Emergency Rehousing Band (ER)

People with an urgent need to move, this can include applicants with life threatening health or medical needs, fleeing domestic abuse, with critical safeguarding issues and housing in serious disrepair.

b) Community Contribution Reward 1 Band (CCR1)

People with an identified housing need **plus** Community Contribution for working. This includes an applicant who is in employment, ex-service personnel, or a council tenant wishing to downsize due to welfare reform impact.

c) Community Contribution Reward 2 Band (CCR2)

People with an identified housing need **plus** Community Contribution for fostering, adopting or volunteering, or council tenants needing to downsize, those caring for a Havering resident and disabled applicants unable to participate in work related activities.

d) Home-seeker Band (H)

People with an identified housing need but do not qualify for Community Contribution Reward.

e) Reduced Priority Band (RP)

- Accepted homeless households who do not meet the local residency criteria
- Other confirmed homeless households with no priority need or intentionally homeless.

**5.1: SUMMARY GUIDE OF THE HOUSING NEEDS CRITERIA**

| <b>1. Emergency Rehousing Band (ER): People who have an urgent need to move</b>                 |   |
|---|---|
| <b>Summary Guide of Criteria</b>  |   |
| <p><b>Emergency medical or disability</b><br/>(Reasonable preference category S.166A(3)(d))</p> | <ul style="list-style-type: none"> <li>• An applicant in hospital or residential care who cannot return home due to unsuitability of the property</li> <li>• An applicant or someone in their household's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care.</li> <li>• An applicant or someone in their household's condition is life threatening and their existing accommodation is a major contributory factor.</li> <li>• An applicant or someone in their household's health is so severely affected by the accommodation that it is likely to become life threatening (Domestic abuse, management transfer).</li> <li>• The applicant or someone in their household has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to the applicant or their carer. They will have an assessed need to move to accommodation that meets their needs.</li> <li>• The applicant needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which they, or a member of their household, has sustained as a result of service in the Armed Forces</li> <li>• The applicant or someone in their household is a wheelchair user and unable to use the wheelchair within their current accommodation and they have an assessed need to move to wheelchair suitable accommodation.</li> <li>• The applicant's accommodation is directly contributing to the deterioration of their health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>• Where overcrowding in the property leaves the applicant or someone in their household at risk of life threatening infection.</li> </ul> |
| <p><b>Hardship and Welfare Criteria</b><br/>(Reasonable preference category S.166A(3)(e))</p>   | <ul style="list-style-type: none"> <li>• There are circumstances or a combination of circumstances considered exceptional and the applicant's need to move is supported by health professionals, the Council's Housing and Social Services and/or a senior Police Officer or MARAC.</li> </ul>  |

|   |  |
|---|--|
| <p><b>(a) Leaving care</b><br/>(Reasonable Preference category s166A(3)(c))</p>   | <ul style="list-style-type: none"> <li>• The applicant has been accommodated by Havering Council’s Children and Young Adults Services and it has been confirmed by the service that they are now ready to move into independent or supported accommodation.</li> <li>• The applicant has been assessed as having the life skills to manage a tenancy including managing a rent account and the necessary support package is in place.</li> </ul>   |
| <p><b>(b) Move on from specialist accommodation</b><br/>(Reasonable Preference category s166A(3)(c))</p>  | <ul style="list-style-type: none"> <li>• The applicant is moving on from specialist accommodation provided by Havering Council’s Social Services Team, North East London Foundation Trust (NELFT) or another registered supported housing provider in line with an agreement with Havering Council’s Housing Service.</li> <li>• The applicant has been nominated as part of an agreement with a single homeless accommodation provider in Havering where they are in need of settled accommodation and unable to secure it yourself.</li> <li>• The applicant has been assessed as having the life skills to manage a tenancy including managing a rent account and the necessary support package is in place.</li> </ul> |
| <p><b>(c) Management transfer</b></p>   | <ul style="list-style-type: none"> <li>• The applicant is an existing social tenant with a need to move because there is demonstrable evidence to support imminent personal risk to the applicant or their family as a result of violence or harassment if they remain in the property OR</li> <li>• The applicant has had to leave their current home to move to a place of safety in temporary accommodation allocated by the Council and supported by a senior Police Officer.</li> </ul>   |
| <p><b>(e) Reciprocal arrangement</b></p>  | <ul style="list-style-type: none"> <li>• The Council will only agree to reciprocal requests from other authorities and Registered Providers where they can demonstrate that there is imminent personal risk to the tenant or their family and accommodation is required in Havering, and that the reciprocal property being offered will be beneficial to Havering residents with high priority to move.</li> </ul>  |
| <p><b>Homeless households owed a full homeless duty under section 193(2) or 195(2).</b><br/>(Reasonable Preference categories s166A(3) (a))</p> | <ul style="list-style-type: none"> <li>• The applicant is accepted as homeless and in severe need.</li> <li>• Where it is in the overriding interest of the Council to prioritise an allocation in order to make best use of Havering’s resources as approved by Head of Housing (Move on).</li> <li>• Where the landlord wants the temporary accommodation property back <b>AND</b> you have been in temporary accommodation for 3 years <b>AND</b> the council cannot find alternative suitable temporary accommodation (End of lease).</li> </ul>   |

|   |  |
|---|--|
| <p><b>Statutory Overcrowded</b><br/>(Reasonable preference category S.166A(3)(c))</p>   | <ul style="list-style-type: none"> <li>The applicant is considered to be statutorily overcrowded according to the relevant legislation.</li> </ul>   |
| <p><b>Unsanitary conditions where the conditions pose an ongoing and serious threat to health</b><br/>(Reasonable preference category S.166A(3)(c))</p> | <ul style="list-style-type: none"> <li>The applicant is an owner occupier or private tenant and the Council's Environmental Health Team has determined that the property poses a category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months, and as a result continuing to occupy the accommodation will pose a considerable risk to their health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period.</li> <li>The applicant is an owner occupier or private tenant where a statutory notice has been issued by the Environmental Health Team that an unfit property is to be demolished under the Housing Act 2004.</li> </ul> |
| <p><b>Release of adapted property</b><br/>(Reasonable preference category S.166A(3)(e))</p>   | <ul style="list-style-type: none"> <li>The applicant is a Havering Council tenant who is willing to transfer to a suitable non-adapted property and is releasing an adapted house or designated older persons property.</li> </ul>   |
| <p><b>Decants - Major works or demolition</b><br/>(Reasonable preference category S.166A(3)(c))</p>   | <ul style="list-style-type: none"> <li>The applicant is a Havering Council tenant required to move because their current home is due to be (a) sold, and/or (b) demolished or (c) have extensive works completed or (d) refurbishment or conversion work which means that they you need to move out either permanently or temporarily whilst the works are completed.</li> </ul> <p>NOTE: This does not apply to PSL properties.</p>   |
| <p><b>Service tenants where there is a contractual obligation</b></p>   | <ul style="list-style-type: none"> <li>The applicant is a Havering Council employee who has been living in tied accommodation provided to them as part of their work but needs to move out due to (a) retirement or (b) redundancy or (c) the Council is changing the terms of your employment or (d) because the property is due to be (i) sold and/or (ii) demolished, or (iii) have extensive works completed or (iv) refurbishment or conversion work which means that they need to move out either permanently or temporarily while the works are completed.</li> </ul>   |

|  |  |
|--|--|
| <b>Succession rights where property is not suitable</b>  | <ul style="list-style-type: none"> <li>The applicant lives in Havering Council property and has the right of succession following the death of the tenant, but the property is too large, has adaptations that they do not require and/or there is an age restriction which renders them ineligible to hold the tenancy of the property.</li> </ul>  |
| <b>Council tenants with a fixed term tenancy coming to an end</b>  | <ul style="list-style-type: none"> <li>Where the Council intends to grant a new tenancy of their current property but has decided to grant a tenancy of an alternative property.</li> <li>Refer to the tenancy policy</li> </ul>   |
| <b>2. Community Contribution Reward 1 Band (CCR1): People who have a need to move AND are given increased priority for their positive Community Contribution as a result of working, being an ex-service personnel or council tenant wishing to downsize due to welfare reform impact.</b> |  |
| <b>Summary Guide of Criteria</b>   |  |
| <b>Working</b>   | <ul style="list-style-type: none"> <li>The applicant is a working household (<i>this will not disadvantage applicants who may be unable to work for example, due to disability as this is considered under other criteria stated in the policy</i>)</li> <li>The applicant needs to move to take up (or continue) with an employment opportunity that is not available elsewhere and they do not live within reasonable commuting distance (Right to Move applicants).</li> </ul>  |
| <b>Ex- armed forces and reserve forces personnel</b>   | <ul style="list-style-type: none"> <li>The applicant is a member of the Armed Forces and former Service personnel, where they have made the application within five years of discharge.</li> <li>The applicant is a bereaved spouse and civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.</li> <li>The applicant is a serving or former member of the Regular or Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of service.</li> </ul> |
| <b>Under-occupation (PSL excluded)</b><br>(Reasonable preference category S.166A(3)(e))  | <ul style="list-style-type: none"> <li>The applicant is a Havering Council tenant who wishes to downsize because otherwise they would be liable for part of their rent under the size criteria for housing benefit/universal credit.</li> </ul>  |

**3. Community Contribution Reward 2 Band (CCR2): People who have a need to move AND are given increased priority for their positive Community Contribution as a result of fostering and adopting, volunteering, a carer for a Havering resident or wishing to downsize.**

**Summary Guide of Criteria**

|   |   |
|---|---|
| <p><b>Foster carers referred by the Council's Children's Service</b><br/>(Reasonable preference category S166A(3) (d) or (e))</p> | <ul style="list-style-type: none"> <li>The applicant is a foster carer approved by the Council and lack of housing prevents them from being able to start, or continue to provide foster care or adopt.</li> </ul>  |
| <p><b>Volunteer</b><br/>(Reasonable Preference category s166A(3) (c) and (d))</p>   | <ul style="list-style-type: none"> <li>The applicant is a volunteer in Havering with an identified housing need.</li> </ul>   |
| <p><b>Carer</b><br/>(Reasonable Preference category s166A(3) (c) and (d))</p>   | <ul style="list-style-type: none"> <li>The applicant gives care to a Havering resident that is substantial and on-going.</li> </ul>   |
| <p><b>Under-occupation (PSL excluded)</b><br/>(Reasonable preference category S.166A(3)(e))</p>                                   | <ul style="list-style-type: none"> <li>The applicant is a Havering Council tenant who wishes to release a home with more bedrooms by moving to a property with fewer bedrooms than they currently have.</li> <li>The applicant is a Housing Association tenant who wishes to release a home with more bedrooms <b>and</b> their landlord agrees that the vacated property can be used for a nomination by the Council.</li> </ul> |
| <p><b>Disabled Households</b></p>   | <ul style="list-style-type: none"> <li>The applicant is a disabled applicant under retiring age who has been assessed as eligible for the support element of Employment and Support Allowance due to a permanent disability which prevents them from participating in work related activities.</li> </ul>   |

**4. Home seeker Band (H): People who have a need to move BUT do not qualify for Community Contribution Reward.**

**Summary Guide of Criteria**

|   |  |
|---|--|
| <p><b>Homeless households owed a full homeless duty under section 193(2) or 195(2).</b></p> | <ul style="list-style-type: none"> <li>The applicant has been deemed homeless by Havering Council within the meaning of Part 7 of the Housing Act 1996.</li> </ul> |
|---|--|



|  |   |
|--|---|
| (Reasonable Preference categories s166A(3) (a)   |   |
| <b>Overcrowding</b><br>(Reasonable Preference category s166A(3)(c)   | <ul style="list-style-type: none"> <li>• The applicant is living in a property with a bedroom or more short of the bedroom standard.</li> </ul>   |
| <b>Applicants living in unsatisfactory housing lacking basic facilities</b><br>(Reasonable Preference category s166A(3)(c) | <ul style="list-style-type: none"> <li>• The applicant is living in a property without access at all to any of the following facilities:- <ul style="list-style-type: none"> <li>❖ a bathroom or kitchen</li> <li>❖ an inside WC</li> <li>❖ hot or cold water supplies, electricity, gas or adequate heating</li> </ul> </li> <li>• The applicant lives in private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</li> <li>• Applicants who only have access to shared facilities in shared accommodation will not qualify under these criteria.</li> </ul> |
| <b>Moderate medical grounds</b><br>(Reasonable Preference category s166A(3)(d)   | <ul style="list-style-type: none"> <li>• The applicant's housing is unsuitable for severe medical reasons or due to their disability, but they are not housebound or their life is not at risk due to their current housing, but the housing conditions directly contribute to causing serious ill-health.</li> </ul>   |
| <b>Hardship and Welfare Criteria (Reasonable preference category S.166A(3)(e)</b>  |   |
| <b>(a) Foster carers and adoptive parents</b><br>(Reasonable preference category S166A(3) (e)                              | <ul style="list-style-type: none"> <li>• The applicant is a foster carer or adoptive parent approved by the Council and lack of housing prevents them from being able to start, or continue to provide foster care or adopt.</li> </ul>   |
| <b>(b) Need to move for care or support</b> (Reasonable Preference category s166A(3) (c) and (d)                           | <ul style="list-style-type: none"> <li>• The applicant needs to move to receive care that is substantial and ongoing.</li> <li>• The applicant needs to move in order to access social services facilities, and is unable to travel across the Borough.</li> <li>• The applicant wishes to move to a certain locality where not doing so would cause hardship (Includes those approved under Right to Move Scheme).</li> </ul>  |
| <b>Under-occupation</b><br>(Reasonable preference category S.166A(3)(e)  | <ul style="list-style-type: none"> <li>• The applicant is a Havering Council tenant who wishes to release a home with more bedrooms by moving to a property with fewer bedrooms than they currently have.</li> <li>• The applicant is a Housing association tenant who wishes to release a home with</li> </ul>   |

|   |   |
|---|---|
|   | more bedrooms <b>and</b> their landlord agrees that the vacated property can be used for a nomination by the Council.   |
| <b>Housing for older people</b><br>(Reasonable Preference category s166A(3)(d))   | <ul style="list-style-type: none"> <li>• Older or disabled residents seeking sheltered or extra care housing</li> <li>• Older owner occupiers who are not able to meet their housing need from their own resources (asset rich but cash poor) with agreement to lease their property to the Council to use as temporary accommodation.</li> </ul> |
| <b>5. Reduced Priority Band (RP): People who have a need to move as a result of homelessness.</b>   |   |
| <b>Summary Guide of Criteria</b>  |   |
| Applicants in this band have reduced priority. <i>They are likely to wait longer for an offer and may be helped to find a home in the private rented sector.</i> Includes: <ul style="list-style-type: none"> <li>• Households who are accepted as homeless but do not meet the residency criteria (Reasonable Preference category s166A(3) (a))</li> <li>• Households found intentionally homeless (Reasonable preference category S166A(3)(a))</li> <li>• Households assessed as homeless but have no priority need (Reasonable preference category S166A(3)(a))</li> </ul> |   |

## **6. ASSESSMENT OF HOUSING NEED AND DETERMINING PRIORITY**

As the need for housing in Havering is very high and the supply of social housing available is only sufficient to meet a proportion of that need, we have to assess and determine which applications are considered to be in housing need.

When an applicant applies to join the Housing Register, we will ask them questions about where they are living, how big their current accommodation is, what facilities it has, any health problem or disability the applicant may have, whether their housing is making it worse, and any other reasons they may need to move. These questions help us assess whether the applicant has a housing need and what 'priority band' to place their application in.

The following paragraphs set out how the information we take into account in determining housing need priority.

### **6.1. MEDICAL GROUNDS**

A medical assessment does not examine how severe an applicant's medical condition or disability is. It looks at how their current accommodation affects the health or disability of a household member. The assessment is based on whether the applicant's health or a member of their household's health would improve by moving to alternative accommodation.

Therefore, medical priority will be awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing.

Applicants will complete a Medical Assessment Form to provide details of the medical condition and other supporting information. If additional information is required before a decision can be made, this will be obtained at the cost to the Council.

Applications for medical priority will be considered by the Housing Assessment Officers using information supplied by the applicant and as a result of further necessary enquiries. They will assess the extent to which the applicant's health is affected by their housing conditions and the expected benefits of providing suitable alternative housing. In some cases the application may be referred to the Council's Medical Advisor or Occupational Therapy team depending on what you have put in your application for assessment.

Extra information may be sought from landlords, housing officers, doctors, occupational therapists, health visitors and other parties.

#### **Mental Health**

Applicants purporting to have a severe and enduring mental illness will need to demonstrate that they are or have recently used Havering Mental Health Services. Their current accommodation should be presenting an evidenced high risk to their mental wellbeing. This can be evidenced by:

- People, requiring urgent/same day assistance such as those at risk of hospital admission whose present accommodation is detrimental to their mental wellbeing and/or physical/emotional/psychological needs or who pose an immediate risk/danger to themselves/others/carers;
- People who are in a crisis situation are highly vulnerable in mental health terms and for example are being discharged from hospital where their home is not suitable for them to return to.
- People experiencing repeated admissions to hospital as a direct result of their current accommodation being detrimental to their mental wellbeing;
- People currently residing in a supported housing/supported lodgings placement, or other residential setting, including mental health in-patient rehabilitation services.
- Applicant households with children receiving intervention from Council's Children Services or a looked after child in the household, where current accommodation has a significant impact on mental wellbeing and or family functioning.

Depending on the circumstance medical priority can be awarded under the Emergency Rehousing or Homeseeker Bands.

#### Emergency Rehousing Band

Applicants who have an urgent need to move because they have a critical medical condition or very serious disability that is being made much worse by their current housing will be placed in the Emergency Rehousing Band.

Although each application for medical priority is assessed on its individual merits, below are examples of the type of situation in which an applicant may be assessed as having a critical medical and therefore awarded Emergency Rehousing Band. This is because it is considered that the applicant or a member of the applicant's household has a life threatening condition that is seriously affected by their housing OR the applicant's current housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the applicant's household. Examples include:

- The applicant's life is at risk
- The applicant medical condition is expected to become terminal within a period of 12 months and re-housing is needed to provide a basis for the provision of suitable care
- The applicant is housebound, or unable to go out without help, and moving to alternative accommodation would allow you to go out
- The applicant re unable to move around their current accommodation, and cannot access kitchen or bathing facilities
- The applicant has a terminal illness and alternative accommodation would allow for suitable care to be provided
- The applicant has a severe medical condition which is exacerbated by poor housing conditions, and their accommodation cannot be repaired within the next six months
- The applicant has a medical condition that reduces their ability to resist infection( such as TB or AIDS), and they are overcrowded

- The applicant is in hospital or residential care and cannot be discharged because their current accommodation is unsuitable for their needs, following an accident or illness.

Home-seeker Band

If we agree that the applicant needs to move because the current accommodation is having a moderate or variable adverse effect on the medical condition of the applicant or a member of the applicant’s household, the application will be placed in the Home-seeker Band. Examples of this would be:

- The accommodation directly contributes to their medical condition , an example can be where the applicant has a severe chest condition that requires intermittent hospitalisation as a result of chronic dampness in their accommodation
- The applicant’s child has a severe condition (e.g. cerebral palsy) and their long term needs cannot be met in their current accommodation
- A member of the applicant’s household is disabled or has restricted mobility and they need to move into housing that is suitable for their needs
- A member of the household is severely disabled and needs substantial adaptations to help meet their needs, but they cannot be carried out in the applicant’s current accommodation
- The applicant has a terminal illness or long term debilitating condition and their quality of life would significantly improve if they moved to alternative accommodation
- The applicant has a mental health problem which would significantly improve if they moved to alternative accommodation

If we agree that the applicant has a medical condition but that this is not being significantly worsened by their current housing, no medical priority will be awarded and their application will not be placed on the Housing Register.

Medical priority may also be awarded if the applicant is asking to be rehoused so they can receive care or specialist support.

Accepted homeless applicants in temporary accommodation which is detrimental to their health will be assisted by being transferred to more suitable temporary accommodation in order to have a positive effect on their health.

The table below is used as a guide to medical priority:

| MEDICAL PROBLEM | EFFECT OF CURRENT HOUSING ON APPLICANT’S HEALTH |                  |                     |
|-----------------|---|------------------|---------------------|
|                 | Severe<br>1                                     | Moderate<br>2    | Low<br>4            |
| Serious         | Emergency Rehousing Band                        | Home-seeker Band | No medical priority |
| Moderate        | Home-seeker Band                                | Home-seeker Band | No medical priority |

### Request for separate bedrooms

- Where a 24 hour carer is required where the level of functioning has been assessed and funding agreed.
- Specialist equipment is required in the bedroom and this is impossible due to the lack of space.
- The management of a person with behaviour problems, due to a recognised medical condition where there is a confirmed diagnosis, is made more difficult due to the present accommodation, such as a child with ADHD, Autism or similar requiring their own bedroom. The criteria is as follows: where a child has a confirmed diagnosis of ADHD or Autism and their behaviour is such that another person within the family would be at risk if a bedroom was shared and there are no other arrangements that can be reasonably made within the accommodation.

## **6.2. HARDSHIP AND WELFARE GROUNDS**

Priority can be awarded under two headings for hardship or welfare reasons based on individual circumstances.

### Emergency Rehousing Band

Emergency Rehousing Priority will be awarded to applicants needing to move on welfare grounds in the following circumstances:

#### **6.2.1. Leaving Care**

If a young person has been looked after by Havering Council and they are ready to move into their own accommodation, they may be considered for housing on welfare grounds. This includes those placed out of the Borough. To qualify, the young person must have been a relevant child under the Children (Leaving Care) Act 2000, which means she/he would have been looked after by the Council for a certain period of time and have had a pathway plan drawn up.

In most cases young people leaving care will be ready to move into independent living with the support of Children Services. If the young person is ready to move-on and has developed the required life skills, such as managing a budget, cooking, cleaning, the Council will support her or him to find suitable private rented accommodation.

However, some young people are more vulnerable than others when leaving care and accommodation in the private rented sector would have a detrimental effect on their transition to independent living. Such applications will be considered by a Panel, (Care Leavers Panel), who will determine whether to award priority for social housing.

The Care Leavers Panel will consist of senior officers from Housing Services and Children Services. The panel assesses each referral individually to ensure the needs of any particularly vulnerable or at risk young person is addressed.

To be considered for social housing, the care leaver must meet one or more of the following criteria:

- Young person who has been a relevant child under the Children Leaving Care Act 2000, which means you have been looked after by Havering Council for a certain period of time and have had a pathway plan.
- Young people with moderate learning difficulties or disability, or those who are subject to a statement of educational needs or a psychological assessment.
- Young people with significant mental health issues – who have had involvement with Mental Health Team for a period of three months or longer and are continuing to receive treatment.
- Young people with complex needs placed in high cost placements where they no longer require that degree of support.
- Young people with significant offending behaviour, which limits access to other types of suitable accommodation.
- Young people leaving care who are also parents and also meet one other criteria listed (e.g. they or their baby are especially vulnerable).
- Those with other mitigating circumstances.

We will work together with social services and other agencies looking at supply and demand to identify clients currently in supported housing who are ready for independent living.

### **6.2.2. Move-on from specialist or supported accommodation**

In collaboration with Social Services and other agencies, residents placed in supported housing who are ready for independent living will be considered for move-on accommodation. This includes people in institutional care, for example, group homes and other forms of supported housing to help them achieve independence.

Applicants referred for move-on to independent accommodation will be considered for the full range of provision available, including private sector accommodation to meet their housing need. Only cases with a demonstrable need for long term settled accommodation will be prioritised for social housing. The referral will explain the current living arrangements and the impact it is having on the individual's transition to independence.

Move-on from specialist or supported accommodation relates to people receiving social care services for:

- a mental health problem
- a physical disability
- learning disabilities

### **6.2.3. Management transfer**

A management transfer will be considered for an existing social tenant where there is demonstrable evidence to support imminent personal risk to the tenant or their family as a result of violence or harassment if they remain in the property. The transfer will only be approved where the Council is satisfied that all other ways of resolving the problem have been exhausted and that it would not be reasonable to expect the tenant to continue living in their home.

The size of the accommodation offered will be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller.

#### **6.2.4. Reciprocal agreement**

Other housing associations and local authorities sometimes request rehousing on a reciprocal basis. The following criteria will be applied:

- The nominated person would be at risk in their present property, and
- The referring organisation is unable to intervene to mitigate the risk or to house the nominated people themselves.

Once accepted for housing, assistance will be on the following basis:

- Havering Council will have nomination rights to the resulting vacancy or another property of similar type or size;
- The application will be placed in the Emergency Rehousing Band as an exceptional case and be made one reasonable offer;
- The accommodation will be of a similar size and type to that occupied at present;
- The offer of accommodation will be at a safe distance to the present accommodation.

#### **Home-seeker Band**

Home-seeker Band Priority will be awarded to applicants needing to move on welfare grounds in the following circumstances:

#### **6.2.5 Foster carers and adoptive parents**

If the applicant is registered as a foster carer or an adoptive parent with Havering Council and they need to move to larger accommodation in order to accommodate a child looked after by Havering Council or a child who was previously looked after by Havering Council.

#### **6.2.6. Need to move to receive or provide care**

If an applicant needs to move to receive or provide care and support that is substantial and on-going and where not doing so would cause hardship.

People approved under the Right to Move Scheme will be covered within this provision.

### **6.3. HOMELESS HOUSEHOLDS**

This applies to people who are homeless within the meaning of Part 7 of the 1996 Act (amended by the Homelessness Act 2002).

The Council's first priority is to prevent people from becoming homeless by helping them to remain in their current accommodation or facilitate a move to alternative private rented accommodation. Where the Council believes that potential applicants are able to access market housing, such as private rented or low cost home ownership, the Council will provide advice as necessary.



The Localism Act 2011 has given local authorities the power to discharge duty to homeless households into the private sector and outside of local boundaries where possible. Therefore, the Council will use suitable and affordable private rented sector to discharge its homelessness duty. This will apply to homeless applicants who applied after 9<sup>th</sup> November 2012.

Where the Council has been unable to prevent homelessness and the main homelessness duty has been accepted, applicants will be placed in one of the following bands:-

#### Emergency Rehousing Band

##### **6.3.1. Applicants for whom Havering Council has accepted a rehousing duty under the homelessness legislation and are in severe need**

An 'accepted' homeless household will be regarded as being in 'severe need and may be placed in the Emergency Rehousing Band if any of the following situations applies to the applicant or a member of their household:

- They have a terminal or life-threatening illness
- They are permanent wheelchair users
- They are frail and elderly
- They have severe mental health problems and/or have been 'sectioned' under the Mental Health Act and have been unable (or are likely to be unable) to cope with living in temporary accommodation
- They have a critical medical or welfare need, including situations where there are critical safeguarding implications
- They are especially vulnerable and the Council is unable to provide them with suitable temporary accommodation.

##### **6.3.2. Make best use of resources through a 'move on' programme.**

This is when it is in the overriding interest of the Council to prioritise an allocation to an 'accepted' homeless household in order to make best use of Havering's resources as approved by Head of Housing Services.

##### **6.3.3. End of lease management.**

Where the landlord wants the temporary accommodation property back **AND** an 'accepted' homeless household have been in temporary accommodation for 3 years **AND** the Council cannot find alternative suitable temporary accommodation.

#### Home-seeker Band

##### **6.3.4. Applicants for whom Havering Council has accepted a rehousing duty under the homelessness legislation**

All homeless households for whom the Council has accepted a rehousing duty (which has not yet been discharged) under Part 7 of the Housing Act 1996 and meet Havering Council's 6 year residency criteria will be placed in the Home-seeker Band.

### Reduced Priority Band

#### **6.3.5. Other homeless households**

- All other homeless households for whom the Council has accepted a rehousing duty (which has not yet been discharged) under Part 7 of the Housing Act 1996 but do not meet Havering Council's 6 year residency qualification criteria.
- Other homeless applicants (including those who have no fixed address) or threatened with homelessness within 28 days who are not owed a rehousing duty under Part 7 of the Housing Act 1996 are still entitled to 'reasonable preference'. Therefore applicants who are not considered to be in priority need or found to have made themselves intentionally homeless will be placed in this priority band.

#### **6.4. OVERCROWDING**

When assessing overcrowding, the Council will only take into account those people who are part of an applicant's household.

If applicants need an extra room for medical reasons, they will instead be assessed for medical priority.

Where an applicant is pregnant and will be entitled to a larger property, priority will only be given for overcrowding when the baby is born.

Where the applicant is not the main person who cares for the children named on their housing application, the children may not be taken into account in the assessment of overcrowding.

The applicant's living room and kitchen will not be counted as bedrooms. However, if their accommodation has more than one living room, only one of the living rooms will be counted as a living room and the others will be counted as bedrooms.

If the applicant has a very small bedroom - less than 4.6 square meters (50 square feet) – it will not be taken into account when making the assessment.

Based on the level of overcrowding, the applicant will be placed in one of the following bands:-

### Emergency Rehousing Band

If an inspection by Havering Council's Environmental Health Team has determined that an applicant is statutorily overcrowded at the dwelling.

#### **6.4.1. The statutory overcrowding standard**

There are two standards in Part X of the *1985 Housing Act*, (which have remained unchanged since 1935), that are used to assess whether a home is 'statutorily overcrowded.' If either or both of these standards are breached a dwelling will be statutorily overcrowded.

### ***The room standard***

Section 325 of the *Housing Act 1985* provides that there is overcrowding wherever there are so many people in a house that **any two or more of those persons, being ten or more years old, and of opposite sexes, not being persons living together as husband and wife, have to sleep in the same room.** For these purposes children under ten may be disregarded and **a room means any room normally used as either a bedroom or a living room.**

A kitchen can be considered to be a living room provided it is big enough to accommodate a bed. When interpreting this definition a local authority looks at how the sleeping arrangements within the premises *could* be organised rather than how they *are* actually organised. Thus, a couple, with two children of opposite sexes and aged ten years old or more, with two living rooms (e.g. bedrooms), are not statutorily overcrowded because the couple could occupy separate rooms, with one each of the children (of the appropriate sex). There is no limit on the number of people of the same sex who can live in the same room although there may be a contravention of the space standard (see below).

### ***The space standard***

This standard works by the calculating the permitted number of people for a dwelling in one of two ways. The lower number thus calculated is the permitted number for the dwelling. One test is based on the number of living rooms in the dwelling (disregarding rooms of less than 50 square feet):

- One room = two persons
- Two rooms = three persons
- Three rooms = five persons
- Four rooms = seven and a half persons
- Five rooms or more = ten persons plus two for each room in excess of five rooms.
- A child below the age of one does not count and a child between the age of one and ten counts as a half person.

The other test is based on floor areas of each room size:

- Less than 50 square feet = no one
- 50 to less than 70 square feet = half a person
- 70 to less than 90 square feet = one person
- 90 to less than 110 square feet = one and a half persons
- 110 square feet or larger = two persons.

*Extract from House of Commons Standard Note on Overcrowding SN/SP/1013  
published on 26 July 2011  
Home-seeker Band*

#### **6.4.2. Overcrowding based on bedroom standard**

If an applicant is living in overcrowded accommodation and needs more bedrooms than they currently have based on the bedroom standard, their application will be placed in the Home-seeker Band.

To work out if an applicant is overcrowded we will need details of the size of the rooms in their current accommodation. But, as a rule of thumb an applicant can work out how much space their household needs by applying the property criteria in Section 11.

Based on the level of overcrowding, they will be placed in one of the following bands:-

#### **6.5. HOUSEHOLDS LIVING IN UNSANITARY OR UNSATISFACTORY HOUSING CONDITIONS.**

Havering has a large private housing stock and the majority is in good condition. Some however, are in poor condition. We will not be able to offer alternative accommodation to everybody living in poor quality housing, and in fact most people prefer to carry out repairs to their current accommodation than to move.

Landlords are required by law to carry out repairs to their tenants' homes and to ensure they are safe and in a satisfactory condition. Sometimes tenants are worried that asking for work to be done will make the relationship with their landlord difficult and that they may be asked to leave. The Council will give advice about this and can offer help in working with the landlord.

The Council's aim is to ensure that repairs are carried out and that tenants can remain in their property. Wherever possible, any repairs problems identified in applications will be dealt with by working with the person with the responsibility to make sure that repairs are carried out. In limited circumstances, a household may be rehoused due to disrepair problems.

Any complaint about disrepair in homes managed by the Council or a Registered Provider must be reported to the Repairs Service of the applicant's landlord.

A tenant is living in unsanitary housing if their current accommodation does not have:

- a bathroom or a kitchen
- an inside toilet
- hot or cold running water

A tenant is living in unsatisfactory housing their current accommodation:

- does not have electricity
- does not have gas
- does not have adequate heating
- is in disrepair
- is unfit for human habitation

The condition of their current accommodation will be verified by a member of our Environmental Health Team and must have at least one category 1 hazard that cannot be resolved by your landlord within 6 months. Examples of where this would apply include where your current accommodation:

- Has severe damp,
- Has a major structural defect including subsidence, flooding, collapsed roof

- has been issued with a notice of statutory nuisance by an environmental health officer
- Has been declared unfit for human habitation and is due to be demolished under the Housing Act 2004

Following inspection by the Environmental Health Team and based on their assessment, the application will be placed in one of the following priority bands:-

Emergency Rehousing Band

If the applicant lives in private sector accommodation that is unsanitary or unsatisfactory and it poses a severe on-going and serious threat to their health.

Home-seeker Band

If an applicant lives in private sector accommodation that is unsanitary or unsatisfactory that has an on-going moderate effect on their health, but does not pose an on-going and serious threat to their health.

If an applicant applies for housing and they are assessed as having a housing need as above due to the condition of their current accommodation, their application will be reassessed once any repairs have been carried out. The application will then be placed in the appropriate band, or cancelled if they are assessed as no longer having a housing need.

If an applicant's current accommodation only requires minor repairs we will provide advice about how they can work with their landlord, but we will not assess their application as having a housing need and we will not place your application on the Housing Register.

**6.6. RELEASE OF ADAPTED PROPERTY**

We have a small number of properties that are specifically adapted for disabled people. These properties are in short supply and we want to make sure they are given to people who really need them. We want to encourage council tenants who are currently living in adapted accommodation but no longer need it to move to suitable non-adapted accommodation. The application will be placed in the emergency Rehousing Band.

**6.7. DECANTS - MAJOR WORKS TO EXISTING SOCIAL HOUSING PROPERTIES**

Decants occur when the Council has decided that a transfer to alternative accommodation offers the best way of ensuring that development, modernisation, conversion or essential repair works go ahead without causing huge disruption or hardship to the tenants.

When reaching a decision on whether or not a tenant should be offered another property, the Council will consider the likely impact of the planned repairs and improvements and whether they will be so disruptive that it would be unreasonable to expect the tenant to remain in the property while the works are carried out.

It will also be considered whether or not, for technical or safety reasons, it is feasible for the tenant to remain in their home while the works are carried out around them.

For the tenant to be awarded decant priority, the Council will need to be satisfied that the work is so disruptive that it cannot be completed with the tenants remaining in occupation and either:

- The work is likely to take more than 3 months to complete; or
- The health of the tenant or a member of their household will be severely affected if they have to leave their home and then move back again at a later date.

### **Temporary decant**

If the work is estimated to take less than three months but cannot be completed with the tenants in occupation, the tenant will be expected to move into temporary accommodation and to return to their permanent home after the work has been completed.

In the event of the tenant refusing a reasonable offer of temporary accommodation, their decant priority will be removed and possession proceedings will be commenced.

If the work is estimated to take less than three months but then runs on for longer, the tenant will be awarded permanent decant priority.

### **Permanent decant**

If the work is likely to take more than 3 months to complete and/or it would not be reasonable for the tenant to have to leave their home and then move back again at a later date, the tenant may be awarded priority for a transfer to suitable alternative accommodation.

If a tenant does not want to be permanently decanted to alternative accommodation, they have the right to return to their existing home.

### **Decant Moves (for redevelopment/regeneration)**

Tenants that need to be decanted from their homes on a permanent basis as a result of redevelopment or regeneration will be moved in a planned way. Each redevelopment/regeneration scheme will be subject to consultation, equalities impact assessment and approval by Cabinet.

Once decant status is authorised tenants will be placed the Emergency Rehousing Band on a phased basis to bid for an alternative home. If the tenant has not bid for and been offered accommodation within twelve months prior to the Council requiring vacant possession, the Council will reserve the right to make a direct offer of accommodation to the tenant. If this offer is refused a further offer of accommodation will only be considered in exceptional circumstances and if none exist the Council may decide to take possession proceedings.

Under this allocations policy, existing secure tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with the provisions agreed for each estate, before they are made available to any other applicants.

Note: This does not apply to PSL tenants

## **6.8. UNDER-OCCUPYING SOCIAL HOUSING TENANTS**

We know there are quite a lot of family sized social homes only occupied by one or two people. While council tenants have the right to continue to live in a property even if it is too large for them, we want to encourage people to move, to make these homes available to younger families who need somewhere to bring up their children. For older under-occupiers, we also encourage you to move to somewhere which will suit your needs for the longer term.

We want to encourage council and housing association tenants who are currently under-occupying a family sized homes, particularly those affected by the introduction of reductions in housing benefit for working age social tenants under-occupying, to move into smaller accommodation.

If an applicant is a council or housing association tenant who is under-occupying by one or more bedrooms and they are willing to move to a property with fewer bedrooms we will accept their application.

## **6.9. SERVICE TENANTS - IN TIED ACCOMMODATION WHERE THERE IS A CONTRACTUAL OBLIGATION**

Employees of Havering Council who have a service tenancy associated with their employment may be re-housed in the following circumstances where the council has a contractual obligation to do so:

- on retirement
- redundancy or
- the council is changing the terms of their employment
- the property is due to be sold and/or demolished or have extensive works completed or refurbishment or conversion work is necessary which means they need to move out either permanently or temporarily whilst the works are completed.

## **6.10. SUCCESSION RIGHTS WHERE A PROPERTY IS NOT SUITABLE**

Where a person lives in a Havering Council property and has the right of succession following the death of the tenant, but the property is:

- Too large
- Has adaptations that you do not require and/or
- There is an age restriction which renders them ineligible to hold the tenancy of the property.

If an 'under age' spouse living in sheltered accommodation succeeds the tenancy on the death of the tenant, they must agree to move to non sheltered accommodation.

In exceptional circumstances, and at least where one other statutory agency agrees, the Head of Housing Services may decide that there are good reasons to grant a tenancy of the property currently occupied.

### **6.11. COUNCIL TENANTS WITH A FIXED TERM TENANCY COMING TO AN END**

Applies where the Council has decided not to grant a new tenancy of the tenant's current home but has decided to grant a tenancy of an alternative accommodation.

### **6.12. HOUSING FOR OLDER PEOPLE**

In Havering, there are 2 types of supported housing for older people – Sheltered and Extra Care Accommodation. The main difference between them being the facilities and the level of support provided:

#### **Sheltered housing schemes**

For people who require a medium or high level of support due to frailty, ill-health or restricted mobility. Communal facilities include a lounge and laundry, and a dedicated scheme manager provides residents with advice and support.

In order to be eligible for these schemes applicants must meet all of the following criteria:

- 60 years and over; or
- Aged 55 to 59 years and in receipt of Personal Independence payments
- Single or joint applicants with no children
- In need of the housing support provided by the scheme

In addition, applications may be considered from owner-occupiers aged over 60 and who have been assessed as being unable to meet their housing needs from their own resources (asset rich, cash poor). The Council can assist by offering supported accommodation on the basis that the owner agrees to lease their property to the Council to be used as temporary accommodation.

Applicants will be visited and assessed to ensure that they can live independently (with a care package, if required).

If the applicant's accommodation and support needs are considered too high for sheltered accommodation, the application will be referred for consideration for Extra Care Accommodation (see section 24.3)

#### **Transfer within Sheltered housing**

Where an applicant lives in Council owned sheltered accommodation, on the first or higher floor without a lift, priority can be awarded to facilitate a move to the ground floor due to medical needs.

The assessment is carried out by the Housing Assessment Team, in conjunction with information provided by the Scheme Sheltered Housing Officer and any medical information provided by the applicant. The decision to award the priority is made by the Housing Register Manager.

Applicants should identify why they need to move to a lower level – this will typically be as a result of deteriorating health and mobility issues. Where an urgent move is necessary, a medical assessment will be carried out in line with the criteria for Medical Priority.



### **6.13. PEOPLE LIVING IN MOBILE HOMES, HOUSEBOATS OR CARAVANS**

People living in a caravan, mobile home or houseboat will not qualify for inclusion on the Housing Register if there is no other housing need, reflecting parity with other private sector applicants.

### **6.14. EXCEPTIONAL CIRCUMSTANCES**

If having gone through all the different housing need categories an applicant does not believe that any of the categories apply to them, but they still believe that they should have an identified housing need, we will consider an application. If an applicant does not have any needs, we will not register them, but if they have an exceptional need that is not covered by this policy, the Head of Housing Services has the authority to award priority for housing where the application merits it.

## **7. DETERMINING 'EFFECTIVE DATE'.**

The 'effective date' of application is the date we will use when ranking the applicant's priority for housing. This will be used to compare the applicant's bid through Havering Council's Choice Homes choice-based lettings scheme against other bids.

The 'effective date' is the date that the applicant joined the Housing Register once they are approved.

If the application is re-assessed and the applicant achieves the Community Contribution Reward, they will be given a new effective date to reflect the date that they were given the Community Contribution Reward. This date will continue if the applicant successfully reapplies for a Community Contribution Reward. However, should the application be re-assessed and the applicant qualifies for Homeseeker only, the date will revert back to effective date the applicant had before being given the Community Contribution Reward. The applicant has a right to an appeal if they disagree with the changes made to their effective date.

## **8. COMMUNITY CONTRIBUTION REWARD: HOW PRIORITY IS AWARDED**

### **Community Contribution**

The Council believes that people who make a community contribution should have greater priority for accommodation allocated by the Council than those who do not. The Community Contribution priority scheme is a Havering Council policy which gives an applicant increased priority for housing.

An applicant can apply for a Community Contribution Reward when they make their application to join the Housing Register or at any time once they have been placed in the Homeseeker Band on the Housing Register including the 6 year residency. It will be their responsibility to apply for the reward and to provide proof to demonstrate that they meet the qualification criteria. Please refer to the table below.

A Community Contribution Reward will give you a priority over those in the Homeseeker Band without the Community Contribution Reward and those in the Reduced Priority

Band when you come to bid for a property. You will be rewarded with the Community Contribution Reward for 12 months. After 12 months, you will automatically join or rejoin the Homeseeker Band unless you successfully apply for another Community Contribution Reward before the end of the 12 months.

The Community Contribution Reward will only be given to applicants who also meet the Housing Register qualification criteria. Verification will be sought at point of application as well as point of offer under the same terms. These applicants can access increased priority for housing in the following eight ways:

## **Community Contribution Reward 1**

### **Reason 1: Working Households**

This policy aims to support the economic growth of Havering. We want to encourage people, who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and might therefore find difficulty in accessing outright home ownership or low cost home ownership. Applicants who have reasonable preference can receive increased priority by virtue of their "working" status.

### **Definition of Working Households**

Households where the applicant or their partner is in employment.

For the purposes of this Allocations Scheme employment is described as having a written contract. Employment is defined as having a permanent contract, working as a temporary member of staff or being self-employed. It does not include employment on a casual basis.

- Applicants will qualify if the worker has worked for at least 16 hours per week for 6 out of the last 12 month.
- Applicants aged 70 years or above who work for at least 5 hours per week for 6 out of the last 12 months.
- Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award.
- An applicant who is self-employed and can demonstrate that they have been so for at least 12 months the applicant must provide proof of their self-employed status.

Where an applicant loses employment they will no longer qualify for the Reward.

However, if further employment is gained within the next 6 months, the application can be reinstated with no loss of accrued waiting time.

### **Evidence required for working households**

Applicants must provide contract of employment, payslips, last P60, bank statements or a verifying letter on headed paper in order to qualify.

The Council will usually consider as satisfactory evidence a minimum of 12 months continuous documented tax returns containing reference to the self-employed activity. In case of maternity leave, we will need written evidence of statutory maternity pay.

### **Reason 2: Ex-Services Personnel**

The sole or one of the joint applicants who have served in the British Armed Forces, where they have made the application within five years of discharge will qualify for a community contribution award automatically, with the exception of those who have been dishonorably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

#### **Evidence required for ex-services personnel**

Original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation will need to be provided.

Service with the armed forces will be confirmed with the Royal British Legion.

### **Reason 3: Downsizing due to welfare reform**

If the applicant is a Havering Council tenant holding a secure tenancy who wishes to move to a property with fewer bedrooms because they otherwise would be liable for part of their rent under the size criteria for housing benefit/universal credit.

Note: This does not apply to Private Sector Leased (PSL) tenants

#### **Evidence required for downsizing due to welfare reform**

Confirmation of receipt of discretionary housing benefit payment or confirmation from a relevant statutory agency.

### **Community Contribution Reward 2**

#### **Reason 4: Foster carers and adoptive parents**

We recognise foster carers and adoptive parents are making a special contribution to our communities.

If an applicant makes a sole or joint application and has been accepted and registered as a foster carer or adoptive parent by Havering Council and they need larger accommodation to accommodate a child that is being looked after, (or has been looked after) by Havering Council, they will qualify for increased priority.

#### **Evidence required for foster carers and adoptive parents**

A letter from Havering Council's Children and Young Adult Service stating that the applicant(s) will be accepted as a foster carer(s) or adoptive parent(s) and will only be able to adopt or foster a child (and or children) if they move to another property.

### **Reason 5: Volunteering**

The sole or one of the joint applicants is currently volunteering within Havering for at least 16 hours per week. Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and continuously until the point of offer.

If the sole or one of the joint applicants is aged 70 years or above the time requirement is 5 hours per week for a continuous period of at least 6 months up to the point of application and continuously until the point of offer.

Volunteering must be for a not-for profit organisation that is recognised by the Council, or a charity that is registered with the Charity Commission or Havering Volunteer Centre (HAVCO) or is funded by the Council.

### **Evidence required for voluntary work**

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement and the hours volunteered. This person must not be related to the applicant in any way.

### **Reason 6: Carers**

An applicant who is providing full time care,(minimum of 35 hours per week), to an elderly person or disabled child and is in receipt of full carers' allowance, (except where carers' allowance is not payable because of the age of the carer or other benefit restriction, in which case, evidence will be required to prove the applicant's status).

### **Evidence required for voluntary work**

Confirmation of receipt of carers' allowance or other evidence from a statutory agency.

### **Reason 7: Downsizing**

- The applicant is a Havering Council tenant holding a secure tenancy who wishes to move to a property with fewer bedrooms.

Note: This does not apply to Private Sector Leased (PSL) tenants

**or**

- the applicant is a housing association tenant living in Havering who wishes to move to a property with fewer bedrooms

**or**

- the applicant is a housing association tenant not living in Havering who wishes to move to a property with fewer bedrooms *and Havering Council has a pre-existing nomination agreement with your landlord that enables the Council to nominate to your property if and when you move out. NOTE: So long as Havering Council has a pre-existing agreement to nominate someone to your property, you do not need to meet the residency in Havering qualification criterion to join the Housing Register and be given the Community Contribution Reward. Should you no longer need to downsize, the residency qualification criterion will apply again and you will not be able to stay on the Housing Register.*

### **Reason 8: Disabled Households**

A disabled applicant under retiring age who has been assessed as eligible for the support element of Employment and Support Allowance due to a permanent disability which prevents them from participating in work related activities.

**Evidence required for disabled households**

A letter from Department of Work and Pensions confirming receipt of Employment and Support Allowance.

## 8.1: SUMMARY GUIDE OF THE COMMUNITY CONTRIBUTION REWARD

| <b>Community Contribution Reward 1</b> | <b>Definition</b>   | <b>Verification – evidence you will need to provide as part of your application for Community Contribution Reward</b>  |
|--|---|--|
| <b>Working households</b>              | <p>The sole or one of the joint applicants:</p> <ul style="list-style-type: none"> <li>• Works at least 16 hours per week for 6 out of the last 12 months.</li> <li>• For those aged 70+ years, works at least 5 hours per week for 6 out of the last 12 months.</li> <li>• Has a permanent contract, temporary contract, or</li> <li>• Is self-employed and can demonstrate that they have been for at least 12 months.</li> </ul> <p><b>Breaks in employment</b></p> <p>Where an applicant loses employment they will no longer qualify for the Reward.</p> <p>However, we recognise that in the current economic climate, people can lose their job from time-to-time. If further employment is gained within the next 6 months, the application can be reinstated with no loss of accrued waiting time</p> <p><b>Pregnancy and maternity/paternity leave</b></p> <ul style="list-style-type: none"> <li>• Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award.</li> </ul> | <p>Original contract of employment, payslips, P60, bank statements or a verifying letter on headed paper, or can prove that you are registered at Company House in order to qualify.</p> <p>If the applicant is self-employed, we will need to see a minimum of 12 months continuous documented tax returns containing reference to the self-employed activity.</p> <p>In the case of pregnancy and maternity, we will need written evidence of statutory maternity pay.</p> |

|   |  |   |
|---|--|---|
| <b>Ex-services personnel</b>            | <p>The sole or one of the joint applicants:</p> <ul style="list-style-type: none"> <li>• Who have served in the British Armed Forces at any time in the two years prior to making an application or</li> <li>• Are close to leaving at present and</li> <li>• Was not dishonorably discharged.</li> </ul> <p>This includes people who have served in the Royal Navy, Royal Air Force and British Army.</p>   | <p>Original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation will need to be provided.</p> <p>Service with the armed forces will be confirmed with the Royal British Legion.</p>  |
| <b>Downsizing due to welfare reform</b> | <ul style="list-style-type: none"> <li>• The applicant is a Havering Council tenant holding a secure tenancy who wishes to move to a property with fewer bedrooms because otherwise you would be liable for part of your rent under the size criteria for housing benefit/universal credit.</li> </ul>   | <p>Confirmation of receipt of discretionary housing benefit payment or confirmation from a relevant statutory agency.</p>   |
| <b>Community Contribution 2</b>         | <b>Definition</b>  | <b>Verification – evidence you will need to provide as part of your application for Community Contribution Reward</b>   |
| <b>Fostering or Adopting</b>            | <p>Applicants living in Havering Borough who would like to foster or adopt a child (and or more children) but are unable to as they currently live in an inappropriate property. The property must be considered inappropriate either due to the property size or the tenure type. The applicant must have the support of Havering Council's Children and Young Adult Service and they must confirm that your current home is barring you from adopting or fostering a child (and or more children).</p> | <p>A letter from Havering Council's Children and Young Adult Service stating that the applicant(s) will be accepted as a foster carer(s) or adoptive parent(s) and will only be able to adopt or foster a child (and or children) if they move to another property.</p> |
| <b>Volunteering</b>                     | <p>The sole applicant or one of the joint applicants volunteers:</p>   | <p>An original letter on the organisation's headed paper from the manager responsible for volunteers</p>  |

|                   |   |   |
|-------------------|---|---|
|                   | <ul style="list-style-type: none"> <li>• For a minimum of 16 hours a week</li> <li>• For those aged 70+ years, for a minimum of 5 hours a week</li> <li>• For a not for profit organisation or group, including a charity, or community or faith group recognised by Havering Council's Active Living programme <b>or</b> registered as a charity with a premises in Havering <b>or</b> registered with Havering Volunteer Centre (Havco).</li> <li>• For a continuous period of at least 6 months up to the point of application and continuously until the point of offer.</li> <li>• Within the London Borough of Havering.</li> </ul> | confirming the applicant's involvement in the minimum hours per month of voluntary work for the past 12 months. This person must not be related to the applicant in any way.  |
| <b>Carers</b>     | <p>An applicant who is:</p> <ul style="list-style-type: none"> <li>• Providing full time care (minimum of 35 hours per week) to an elderly person or disabled child and</li> <li>• Is in receipt of full carers' allowance</li> <li>• Where carers' allowance is not payable because of the age of the carer or other benefit restriction, evidence will be required to prove the applicant's status</li> </ul>   | Confirmation of receipt of carers' allowance or other evidence from a statutory agency or relevant medical practitioners.   |
| <b>Downsizing</b> | <ul style="list-style-type: none"> <li>• The applicant is a Havering Council tenant holding a secure tenancy who wishes to move to a property with fewer bedrooms. NOTE: this does not apply to Private Sector Leased (PSL) tenants, <b>or</b></li> <li>• The applicant is a housing association tenant living in Havering who wishes to move to a property with</li> </ul>   | <p>A reference from the landlord (either the Council or a housing association) confirming that the applicant is living in a property that is too large for their needs.</p> <p>If you are a housing association tenant not living in Havering, we must have the association's agreement</p> |



|                                   |  |  |
|-----------------------------------|--|--|
|                                   | <p>fewer bedrooms, <i>or</i></p> <ul style="list-style-type: none"> <li>• The applicant is a housing association tenant not living in Havering who wishes to move to a property with fewer bedrooms and Havering Council can nominate someone to their current property if they move.</li> </ul> <p>If the applicant want to downsize you must move to a property with fewer bedrooms.</p> | <p>that we can nominate to your property if you move.</p>  |
| <p><b>Disabled Households</b></p> | <p>A disabled applicant under retiring age who has been assessed as eligible for the support element of Employment and Support Allowance due to a permanent disability which prevents them from participating in work related activities.</p>  | <p>A letter from Department of Work and Pensions confirming receipt of Employment and Support Allowance.</p> |

## 9. STATEMENT ON CHOICE FOR APPLICANTS

We aim to maximise the choice of accommodation open to those wishing to rent a social or affordable home in Havering by operating a choice-based lettings system called Havering Council's Choice Homes.

All those who are registered on the waiting list will be able to 'bid' for the home they are interested in. The 'bidding' system does not involve a payment for a property – placing a bid merely indicates that an applicant would like to be considered for that property

Although there may be circumstances when an applicant will not be allowed to bid if we are making them assisted offers – see section 15 for more details.

## 10. CHOICE-BASED LETTINGS AND OFFERING YOU A HOME

### 10.1. How will we decide who is offered each property?

When a property becomes vacant we will do the following:

- (a) Check whether the property is suitable for someone who needs an assisted offer. If it is, we will offer the property directly to someone without advertising it through Choice Homes
- (b) If we do not need to give anyone an assisted offer of the property, we will advertise it through Havering Council's Choice Homes choice-based lettings system.

### 10.2. Advertising available homes

The majority of council and housing association rented homes to which the Council has nomination rights will be advertised on the internet at [www.ellcchoicetohomes.org.uk](http://www.ellcchoicetohomes.org.uk). The means of advertising properties may change from time-to-time.

The Council will label the advertised homes in a way that provides as much information as possible about the property and which applicants are eligible to express an interest.

Advertisements will include:

- a description of the home like the size, type of property, the floor level, the type of heating
- the rent and/or service charge
- special facilities or adaptations
- and any other relevant information

In the advertisement, the home will be labelled to show whether it is restricted to any particular group of applicants. In choosing which property to bid for, an applicant should look at the details as some properties advertised may have restrictions such as:

- Properties subject to a local lettings plan (see section 23.2)
- Properties subject to a sensitive let (See section 23.3)
- Properties adapted for disabled applicants (See section 24.1)
- Properties designated for people over a certain age e.g. older people accommodation or sheltered housing (See sections 24.2).
- Pets - whether pets are allowed.

### **10.3. Helping applicants to make successful bids**

To be considered for an available home, applicants must bid for the home by the publicised deadline and meet the labelling criteria.

Applicants will generally be able to make expressions of interest each advertising cycle. The bidding cycle will be weekly. In each bidding cycle, applicants will be able to express an interest in up to two properties for which they are eligible.

Support will be offered to applicants who require assistance in using the scheme.

Applicants will be able to place a bid for a property by several methods:

- By telephone
- By Smartphone app
- By using the website
- By text (using a mobile phone)

For applicants with support needs and unable to bid, Council staff can set an 'auto-bid' so that the system can place bids on your behalf for all properties that have the number of bedrooms that you require.

To help applicants:

- The system will tell that applicant at the time of bidding how many other people with a higher priority have bid for the same property
- The applicant can withdraw their bid at anytime during the bidding cycle

Bids are not prioritised on a first come first served basis. They are prioritised by band, firstly Emergency Rehousing, then Community Contribution Reward 1, then Community Contribution Reward 2, then Homeseeker and then Reduced priority with applicants having the longest waiting time coming first in the band.

### **10.4. Auto-bidding**

The auto-bid system can place an automatic bid on properties for applicants who are considered to be vulnerable and may not be able to bid themselves.

The applicant specifies the area and type of property they are interested in and staff can set up the bidding system to automatically place bids on up to 2 properties matching their description every week.

### **10.5. Can an applicant bid for a home that is smaller than they need?**

Sometimes people are so keen to move that they say they will accept a property with fewer bedrooms than they qualify for. We urge applicants to think very carefully about this.

If an applicant bids for a property that is smaller than they need, we will normally offer that property unless one of the following applies:

- the applicant would become statutorily overcrowded in the new property – this is because this is against the law
- the only reason we have accepted an applicant on the Housing Register is because their current home is too small and an applicant bids for a property that is the same size as the one they are currently living in.

If an applicant wishes to move to a home which is smaller than one they are entitled to and (having considered the issues listed above) we agree to the move, the applicant must confirm in writing that they are willing to accept the offer of accommodation.

When an applicant accepts an offer, their application on the Housing Register will be cancelled and they will not be able to re-apply simply because they are overcrowded, unless their circumstances change.

**11. BEDROOM SIZE ENTITLEMENT**

The size and type of property an applicant could have will depend on the size of their household.

There will be no difference between existing Havering Council tenants and new applicants.

The table below sets out which types of household would be suitable for which sizes of property.

Please note that where we refer to a child in the table below, this can be a son or daughter of any age.

|  |
|--|
| <p><b>1 bedroom property or studio</b></p> <p>Single person or couple with no children</p>   |
| <p><b>2 bedroom property</b></p> <p>Single person / couple with any of the following:</p> <ul style="list-style-type: none"> <li>• one child of any age</li> <li>• two children of different sexes where both are under 10 years</li> <li>• two children of same sex where both are under 16 years</li> <li>• one other person (not the lead tenant’s partner or child) or couple</li> </ul>   |
| <p><b>3 bedroom property</b></p> <ul style="list-style-type: none"> <li>• Single person / couple with any of the following:</li> <li>• two children of different sexes, at least one of which is 10 years or over</li> <li>• two children of the same sex where one is 16 years old or over</li> <li>• three children of any sex or age</li> <li>• four children of the same sex</li> <li>• four children with 2 girls of any age and 2 boys of any age</li> <li>• four children with 3 of the same sex and one of the opposite sex, where one girl</li> </ul> |

and one boy are both under 10 years

- one person (not the lead tenant's partner or child), with or without a partner plus one child, or two children of different sexes who are both under ten, or two children of the same sex regardless of age

#### ***4 bedroom property***

- Single / couple with any of the following:
- four children where the need for a 3 bedroom property does not apply
- five children of any sex or age
- six children of the same sex regardless of their age
- six children with five of the same sex and one of the opposite sex where there is one girl and one boy both aged under 10 years
- six children with four of the same sex, two of the opposite sex regardless of the age of the children
- six children with three girls and three boys where all the bedrooms available to the children can be shared by either a girl and boy under 10 years or the same sex children of any age can share
- one of the reasons for being eligible for a three bedroom property plus one person (not the lead tenant's partner or child), with or without a partner

#### ***5 bedroom property***

Single / couple with any of the following:

- six children where the rules for a 4 bedroom home do not apply
- seven children of any sex or age
- eight children all of the same sex
- seven of the same sex and one of the opposite sex where one girl and one boy are both under 10 years
- eight children with five of the same sex and three of the opposite sex, where all four bedrooms available for the children can be shared by either a girl and boy who are both under 10 years or two children of the same sex regardless of age
- eight children with four girls and four boys
- one of the reasons for being eligible for a four bedroom property plus one person (not the lead tenant's partner or child), with or without a partner

### **11.1. Shared care of children**

Council accommodation is a scarce resource, and therefore ensuring that properties are not being under occupied is important.

Where an applicant shares the care of children, such as; he/she does not live with the applicant 100% of the time), a calculation will be made to determine whether or not the children will be included in the household for the assessment of bedrooms.

### **Less than 50% shared care**

Where an applicant has shared care of one or more children, and that care is for less than 50% of the week, the child/children will not be included in the assessment for bedroom entitlement.

### **50% or more shared care**

Where an applicant has shared care of one or more children, and that care is for at least 50% of the week, the Council will further assess whether or not the child/children will be included in the assessment for bedroom entitlement.

The starting point will be to determine whether or not the Council is already adequately accommodating the child/children in another of its properties or if they are adequately housed in private accommodation. "Adequately accommodating" means that the child either has his/her own bedroom or is sharing appropriately in line with the Bedroom Standard.

Where the child/children are already adequately accommodated the applicant may bid for one extra bedroom only, regardless of the number of children. This will enable the child/children to stay over whilst still being principally housed with the other parent.

If it is established that the child/children are not already adequately housed the child/children can be counted as part of the bedroom entitlement.

In all cases, applicants will need to provide evidence of the shared care of any child/children. Acceptable evidence includes:

- A copy of the child's birth certificate **and**
- Evidence of parental responsibility for the child/children **and**
- Proof of a Court Order or written agreement by the sharing parent evidencing shared care **and** evidence of benefits received for the children e.g. Child Benefit or Child Tax Credits. It is expected that parents with shared care will also share any State Benefit provided for the child.

When assessing an application, officers will need to inspect original documentation relating to the residence of the children. It may be necessary to interview the applicants and make further enquiries with other agencies.

## **12. SHORTLISTING OF INTERESTED APPLICANTS**

Once the advert deadline has passed, a shortlist of applicants expressing an interest in the home will be produced from those who are eligible and meet the labelling criteria.

We will:

- a) look at all applicants who have bid for the property
- b) list all the bids in the following order:
  - first, bids from applicants with the Emergency Rehousing Band, in descending order of effective date, that is, the bid with the oldest effective date is listed first, then

- second, bids from other applicants in the Community Contribution Reward 1 in descending order of effective date, then
  - third, bids from applicants in the Community Contribution Reward 2 in descending order of effective date, then
  - fourth, bids from applicants in the Home-seeker Band in descending order of effective date, then
  - fifth, bids from applicants in the Reduced Priority Band in descending order of effective date
- c) offer the property to the bidder at the top of the list – so long as they are eligible for the size and type of property.

**To be absolutely clear, for each property advertised applicants with the Community Contribution Rewards 1 and 2 will always have a priority for housing over others in the Homeseeker Band without Community Contribution Reward unless no households with a Community Contribution Reward have bid for that property.**

### **13. MAKING OFFERS OF ACCOMMODATION**

#### ***If an applicant has bid for the property through Havering Council's Choice Homes choice-based lettings system***

If an applicant has been successful through Havering Council's Choice Homes and we wish to make an offer, we will contact the applicant by telephone to arrange for them to view the property. This will be followed by a formal offer letter. The applicant must let us know whether they are going to accept the offer on the day of viewing or by no later than 10.00am the following day.

#### ***If we are making an assisted offer (direct let) to an applicant***

We will contact the applicant by telephone giving you the details of the property that is being offered to you and making an arrangement for you to view it. This will be followed by a formal offer letter. You must let us know whether you are going to accept the offer on the day of the viewing or by no later than 10.00am the following day.

#### ***If an applicant has housing-related debts***

If an applicant owes any amount of rent arrears or other housing debts, they will not be made an offer of accommodation. This includes temporary accommodation arrears, former tenant's arrears, council tax arrears and the costs of any repairs that have been recharged to them for damage caused to a former social housing property.

We can make an exception for example if you pay your rent in arrears and only owe one month's rent.

We may also disregard the arrears or debt if there are exceptional circumstances (including but not limited to):

- There is a threat to the life of the applicant or a member of the household

- A social housing tenant who is under occupying, and finding it difficult to meet the rent payments due to reductions in housing benefit entitlement. We will expect the tenant to agree a plan with the landlord to stop the arrears from increasing too quickly, and to be flexible about where they can move to.
- A private sector leased temporary accommodation tenant who is in employment and following a review of their circumstances, it is determined that the property is unaffordable.

If an applicant is made an offer with housing debts, they must make arrangements to maintain a clear rent account in future, including signing a direct debit mandate for paying your rent.

#### **14. TRANSFER INSPECTIONS**

Transferring tenants will be expected to give notice on their current tenancy and Havering council tenants will be required to pass a tenancy inspection before any new tenancy agreement is signed. Failure to pass the inspection will result in the offer being withdrawn.

Registered Provider tenants may also need to undergo an inspection and should advise their housing officer as soon as an offer is made.

#### **15. MULTIPLE VIEWING OF AVAILABLE PROPERTIES**

Following production of the shortlist, arrangements will be made by the relevant landlord (Havering Council or a Registered Provider), for the shortlisted applicants to see the property as soon as possible.

The Council will operate multiple viewing which means that a number of bidders will be invited to view the property at the same time. The number will be specified in the advert for the property.

Applicants must let us know before leaving the viewing whether or not they would accept the property if offered. If the applicant does not give us their decision during the viewing or do not come to the viewing, we will judge that they are no longer interested in the property or as a refusal.

Please note that when an applicant tells us they would accept the property it does not guarantee that we will offer them the property. We will offer the property to the highest ranking bidder among those who tell us before or at the viewing that they would accept the property if offered.

If no applicant accepts the property, we will make the offer to the eligible applicant who is highest in the bidding shortlist. The selected applicant will have up to 24 hours to make up their mind as to whether or not to accept the offer. In exceptional circumstances, this period of time may be increased.

During the viewing, applicants will be given further information about the property, the repairs to be carried out, the date when the property is expected to be available and any special conditions of tenancy.



## **16. ASSISTED BIDS - ALLOCATION OUTSIDE CHOICE BASED LETTINGS**

Most properties will be advertised through Havering Council's Choice Homes letting system. However in certain circumstances, the Council may allocate some properties through an assisted bid, which means that the Council will make a direct offer of that accommodation to someone who meets the requirement.

The list below gives some examples of where the Council might make an assisted bid (direct let). This list is not exhaustive:-

- Where a household urgently requires an adapted property
- Where vulnerable applicants are unable to participate effectively in the bidding system, or where they have specific accommodation needs.
- Where there is a recommendation from the police, social services or other professional agency for a specific type of accommodation to meet an individual need
- Where an applicant has been unfairly bypassed for a property.
- Where a household have succeeded to a tenancy but are under-occupying or do not need adaptations or specialised accommodation.
- Where a management transfer has been agreed. The size of the accommodation will be the same as their previous tenancy, or a size that meets their needs under the terms of this policy, whichever is smaller.
- Where a reciprocal arrangement has been agreed.
- Service tenancies
- Where an applicant needs to move immediately, for example, tenants being decanted to enable a major repair to the property to be carried out.
- Where a homeless household where the lease on their temporary accommodation has ended has failed to bid successfully and there is no alternative accommodation.
- Where it is in the overriding interests of the Council to prioritise an allocation of housing to a particular household as approved by the Head of Housing.
- Where no successful bids are received for an advertised property.
- Where service tenants entitled to re-housing have not bid successfully for a suitable home by the time they are required to leave their accommodation.
- Where special allocation arrangements through local lettings plan on new developments are in place in order to achieve a balanced community.
- Extra care housing

## **17. HOW MANY OFFERS AM I ENTITLED TO?**

All applicants are entitled to receive one offer of housing under this scheme. The majority of applicants we are able to make offers to have significant housing needs and must move urgently and we will therefore only make one offer of housing to all applicants.

## **18. SITUATIONS WHERE AN OFFER MAY BE WITHDRAWN.**

Written offer of accommodation can only be withdrawn from an applicant (before the tenancy agreement is signed) where one or more of the following situations applies:

### **18.1. Unacceptable behaviour**

We may withdraw an offer if at the point of offer we discover that:

- the applicant or others on their housing application are, or have been, guilty of unacceptable behaviour,
- and**
- the unacceptable behaviour is of a type and severity that would have entitled the Council to have obtained a possession order had we been the landlord.

### **18.2. Breaches of tenancy**

We may withdraw an offer if at the point of offer we discover that an applicant has breached a tenancy with the Council or another landlord owing through:

- fraudulent behaviour
- causing serious damage to property.

### **18.3. Fraudulently obtained tenancies**

We may withdraw an offer if at the point of offer we discover that an applicant has previously gained a tenancy, or attempted to do so, by means of:

- knowingly or recklessly giving false information in respect of any matter relating to their application
- withholding information or failing to notify us of any changes in their circumstances may affect their eligibility, qualification and/or priority for housing.

### **18.4. Incorrect offer**

The property details available at the time that the written offer was made were incorrect and it was subsequently discovered that the size and type of the property did not, in fact, match the applicant's needs.

**18.5.** The appropriate Officer decides that, taking all factors into account, the property should not have been offered to the applicant.

## **19. WHAT HAPPENS IF AN APPLICANT REFUSES AN OFFER OR DOES NOT TURN UP TO VIEW THE PROPERTY?**

There is very high demand for council and housing association properties in Havering. If an applicant does not turn up to view a property without telling us beforehand, we will assume that they have refused the property.

When an applicant has been made an offer, they will be asked to view the property and then to sign the tenancy agreement. If they do not consider the property is suitable for themselves or their household, they will be asked to complete a form setting out their reasons for refusing the offer. Please note that an applicant can ask for a review of the suitability of the accommodation offered regardless of whether they accept the offer or not.

If an applicant refuses an offer of social housing, they must explain why they are refusing it. We will consider their reasons for refusing the property offered and will either confirm the offer was reasonable or that the offer was unreasonable. If the offer is unreasonable the applicant will be entitled to a further offer.

If we look again and decide that it was a reasonable offer of suitable accommodation, depending on the applicant's circumstances, the Council's rehousing duty will end or their application will be cancelled and the applicant will be disqualified from reapplying for housing for 12 months.

### **19.1. Refusing an offer on the grounds of its condition**

- Social landlords are required to maintain their properties to at least the decent homes standard, and most will ensure that any vacant property is refurbished to a certain "lettable" standard before it is offered to an applicant. We will not consider it reasonable to refuse an offer if the property meets the decent homes standard and meets the council's or housing association's lettable standard unless there are exceptional circumstances.

### **19.2. Refusing an offer on the grounds of the rent charged**

- Social housing rents are considerably cheaper than market rents. Social housing "target" rents are around half the equivalent market rent, and new affordable rents are at least 20% cheaper than the equivalent market rents. We will not consider it reasonable to refuse an offer if the property is charged at a social housing "target" rent or at an affordable rent unless there are exceptional circumstances that justify the refusal.

### **19.3. Refusing an offer on the grounds of its location**

- We have a limited supply of social housing to offer and in some areas of the Borough social housing hardly ever becomes available to offer. As far as possible, we will take account of the applicant's choices as to the type of housing, area and landlord. However, in general we will not consider it reasonable to refuse an offer on the grounds of the location of the property unless there are exceptional circumstances that justify the refusal.

## **20. HOUSING CIRCUMSTANCES AND CONSEQUENCES OF REFUSING A REASONABLE OFFER**

Applicants must think carefully about whether to accept or refuse an offer as this could have a big impact on whether, and/or when we will make an applicant another offer.

The property will not usually be held vacant while the reasons for the refusal are considered – it will normally be offered and let to another applicant unless the offer is to an applicant that the Council is ending its rehousing duty to, for example, a homeless household, management transfer tenant etc. In such cases, the offer may be held for a short period, (usually no longer than 48 hours), while the reasons for the refusal is considered. The applicant will be advised of the possible consequences and given a chance to reconsider their decision to refuse.

The consequences of refusing an offer of accommodation depend on the circumstances in which the offer is made as shown in the table below.

| <b>Housing circumstances</b> | <b>Consequence</b>   |
|------------------------------|--|
| Homeless household           | <p>Following refusal of a reasonable offer, the Council's duty to accommodate the applicant under Part 7 of the Housing Act 1996 will cease.</p> <p>This means that, subject to the outcome of any review, the Council will stop providing the applicant with temporary accommodation. As well as losing their priority for housing (based on them being homeless), the applicant will have to make their own arrangements for housing.</p>  |
| Management transfer          | <p>Given the urgency of the situation, it is essential that the transfer takes place quickly. For this reason, the Rehousing Officer and the relevant tenancy management officer will work closely with the tenant to ensure they fully consider their options before refusing a reasonable offer.</p> <p>Following refusal of a reasonable offer, the tenant's high priority will be removed and if assistance is still required, they will be placed in the appropriate priority 'band' on the waiting list, for example, as a homeless applicant. The relevant housing manager will be informed</p> |
| Reciprocal arrangements      | <p>Following refusal of a reasonable offer, applicants will be advised that the council has fulfilled its reciprocal agreement to offer suitable re-housing. The applicant will be advised to seek help from their own provider/landlord.</p>  |
| Decants                      | <p>Following refusal of a reasonable offer, the relevant housing manager will be advised to commence possession proceedings.</p>   |
| Service tenants              | <p>Following refusal of a reasonable offer, the applicant will be advised to make their own housing arrangements and eviction proceedings from the tied accommodation will be started.</p>   |
| Succession                   | <p>Following refusal of a reasonable offer, the relevant housing manager will be advised to commence proceedings to recover possession, as allowed for in Schedule 2 of the Housing Act 1985.</p>  |
| All other circumstances      | <p>Following refusal of a reasonable offer, your application will be cancelled and you will be disqualified from reapplying for housing for 12 months.</p>   |

|   |   |
|---|---|
|   | When an applicant reapplies to go on the housing register, their application will be assessed and placed in a band that reflects their housing need at that time. No previous waiting time will be carried over to their new application.   |
| Other transfers:<br>Pan-London mobility scheme housingmoves | This is a London-wide scheme helping existing social tenants to transfer to other parts of London. All London Boroughs have adopted this scheme and it operates separately to our choice based lettings scheme. Details on the scheme, including adverts and how to bid for a property can be found at <a href="http://www.housingmoves.org">www.housingmoves.org</a> |
| Other transfers:<br>Seaside and Country Homes               | <a href="#">Seaside &amp; Country Homes scheme</a> is for households where the eldest member is 60 years of age or older. A link to the Seaside & Country Homes Scheme can be found at <a href="http://www.housingmoves.org">www.housingmoves.org</a>   |

If an applicant refuses a reasonable offer of housing we will write to the applicant to:

- Explain why we considered the offer was suitable for the applicant's needs and their refusal was unreasonable.
- Confirm that their application is cancelled and that the applicant will be disqualified from reapplying for housing for 12 months **or**
- Confirm that we have no further duty to provide accommodation in relation to the application.
- Explain that the applicant has a right to request a review of this decision and how to exercise this right.

## 21. FEEDBACK ON LET PROPERTIES

The Council will publish feedback on the outcomes of the bids it has received in respect of the social housing advertised through the choice based lettings scheme.

For each letting, the Council will provide the following information:

- The size, type and location of the home
- The number of applicants who bid for the property
- The band and effective date of the successful bidder

In order to ensure transparency, the feedback will also include any homes that were let as 'direct lets' and were not advertised through the choice based lettings scheme.

Feedback is important because it helps applicants to assess their housing prospects and make informed choices about their future housing.

## **22. BIDDING ACTIVITY MONITORING**

The Council will undertake monitoring of bidding activity. If an applicant fails to bid for suitable properties that have been advertised for six months from the date they are accepted on the housing register, we will contact the applicant to find out the reasons for not bidding and ensure that they understand their application can be suspended on the housing register for a period of six months. The applicant will be notified when this decision is made.

In making the decision whether to suspend an application we will take into account whether there have been no suitable properties advertised, or there are special circumstances for the applicant not bidding. In such cases, the application will not be affected.

## **23. TYPES OF TENANCIES OFFERED**

We will offer most applicants a fixed term flexible tenancy. Fixed term tenancies allow landlords to review the tenant's needs and situation with regularly. Details can be found in the Council's Tenancy Strategy/Policy available at [www.havering.gov.uk](http://www.havering.gov.uk)

### **Joint tenancies**

The Council will normally only offer joint tenancies to applicants (including existing tenants) who have satisfied the Council of their intention to live together on a long term basis.

The Council cannot offer a joint tenancy including an ineligible person as one of the joint tenants.

There is no right to a joint tenancy and a request for one will not be agreed in the following cases:

- Where there is a current Notice of Seeking Possession or Notice to Quit against the proposed joint tenant;
- Where the Council is contemplating serving or reserving a Notice of Seeking Possession or Notice to Quit upon the proposed joint tenant;
- Where there are management problems such as nuisance or anti-social behaviour on the part of the tenant or someone living with or visiting them;
- Where the proposed joint tenant is not maintaining an acceptable agreement in respect of rent arrears.

## **24. THE EFFECT OF CHOICES ON WAITING TIMES**

The length of time which an applicant can wait before getting an offer is affected by the choices they make on their housing application. It depends on how many properties become available, how the application has been assessed and how many other people bid for the properties that the applicant is interested in.

Some properties are in higher demand than others. This means that more people are likely to bid for them. Whether an applicant chooses to wait longer for a high demand property, or is willing to bid for a property that comes up more quickly in an area that is in lower demand, the applicant's decision. Applicants should be aware that there are

implications for them if they make a bid, are offered a property and then refuse it. Please read section 19 very carefully.

When an applicant sees a property that they are interested in, we strongly recommend that they visit the road, neighbourhood and consider local schools, shops, parks and other amenities (as appropriate) before placing their bid by the deadline. This will help an applicant decide whether they want to bid for the property. As with any decision about moving home, sometimes a compromise needs to be reached.

We will assist applicants in making an informed choice by providing information on the number of properties we let last year and where in the Borough the properties were located including average waiting times. This information will be published on the Council's website

**Note:** the average waiting time will be reviewed annually as it is likely to change depending on supply.

## **25. LOCAL LETTINGS POLICIES AND SENSITIVE LETTINGS**

### **25.1. Introduction**

It is important that, in most circumstances, priority for accommodation goes to those households in greatest need. Consideration needs to be given, however, to:

- Achieving a balance between meeting the housing needs of existing tenants and new applicants; and
- Promoting more sustainable and balanced communities by ensuring a mix of households and widening the opportunities for those who are not in greatest housing need.

In exceptional circumstances, the Council and its partners may decide to allocate properties on a slightly different basis from normal, in the interests of building strong and sustainable communities or to deal with particular local issues. This is done through a Local Lettings Policy.

### **25.2. Local lettings policy**

Local lettings schemes can be put in place for a specific area or estate on new developments which is agreed with the Provider in response to particular local circumstances. They will include a clear commitment to equality of opportunity, the provision of clear and accurate information to applicants and an appeals mechanism.

The aim of local lettings schemes is to work towards more balance within local communities to result in outcomes that reflect the wider community and address issues such as child density and the proportion of households in employment in any one area or estate.

Working towards more balanced communities may mean housing a mix of:

- a) Different household types;
- b) Households of different ages and/or with children of different ages;

- c) People who are in paid employment and those who are not in paid employment;
- d) Families which have one parent and those which have two parents;
- e) Households that have previously had a tenancy and those that have not;

The precise approach to be adopted will reflect the particular problems of an area or estate.

In order to implement the policy we may have to select applicants for an offer of social housing who are in a lower band than we would usually offer to.

We may also make targeted offers in order to identify suitable applicants in particular circumstances in order to implement a local lettings policy. In such cases the offer will be made to the applicant with the earliest priority date in the highest band that will meet the criteria within the local lettings policy.

### **25.3. Sensitive lettings**

On occasions it will be in the interest of residents and tenants that an individual property is let sensitively in light of the experience of neighbouring tenants. Where a request for a sensitive let is sought, this will be considered.

Sensitive lets will only be agreed where it can be demonstrated that:

- The neighbouring tenants have experienced either harassment, noise nuisance or un-tenant like behaviour over a period of time or of an excessive nature and
- Incidents have been recorded and
- Action has been taken by the landlord or
- There is a public protection issue that must be managed.

## **26. SPECIALIST ACCOMMODATION**

### **26.1. ACCESSIBLE HOMES - ADAPTED PROPERTIES**

Vacancies which are adapted or which are suitable for adaptation for applicants with a substantial disability may be advertised or offered directly to the most appropriate applicant. Where the housing has significant adaptations or is wheelchair accessible, this will be on suitability alone and outside any strict date order.

For homes which are not adapted, or have limited adaptations, there may be several applicants who could “fit” the vacancy, and we will allocate in band and then date order.



This may, depending on the characteristics of the property, include cases where a ground floor flat or other suitable dwelling becomes available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to be offered the property the council reserves the right to allocate to a high priority applicant in need of such accommodation. If the property is advertised, we will use three categories to identify the needs of those people who require a home with adaptations and as a guide to how accessible a property is likely to be.



The categories used are in line with the categories described by the London Accessible Housing Register (LAHR). The LAHR has been developed to help make better use of accessible homes and to enhance the choice of homes for people with mobility needs.


### **Mobility Categories**

#### **Assessment of Mobility Need**

A household's mobility needs will be assessed based on these categories and qualifying applicants will be advised of their mobility category in writing. A housing need band maybe given before a mobility category, to enable bidding for homes while mobility need is assessed.

People with mobility needs can have very different requirements for adaptations to a home. As a guide to help people make informed choices about bidding for suitable available homes, the Council will use the following categories to identify the mobility needs of those using Havering's Choice Homes website and to show the types of adaptations in homes:

| <b>Mobility Category</b>  | <b>Description of Person Category</b>  | <b>Example of Adaptations (Not exhaustive)</b>   |
|---|--|--|
| Mobility A<br> | The household has a member with significant mobility needs and who uses a wheelchair indoors and outdoors at all times         | <ul style="list-style-type: none"> <li>• Level access</li> <li>• No stairs</li> <li>• Property adapted to a wheelchair standard</li> <li>• Level platform at main entrance</li> <li>• No changes in level throughout (inside and outside), or adapted to include lift/ramp access</li> </ul> |
| Mobility B<br> | The household has a member with mobility needs who mainly uses a wheelchair outside and cannot manage steps or steep gradients | <ul style="list-style-type: none"> <li>• With level access throughout (inside and outside), or adapted to include lift/ramp access</li> <li>• Wide Main/Communal door/s</li> <li>• Bathroom containing toilet, basin and accessible bath/shower.</li> </ul>                                  |

|   |   |   |
|---|---|---|
| <p>Mobility C</p>  | <p>The household has a member with some mobility needs who is able to manage up to two steps to access the home</p> | <ul style="list-style-type: none"> <li>• On the ground floor with up to 2 steps access</li> <li>• Pathway/driveway/ramp from pavement level or parking space, no steep gradients</li> <li>• Bathroom suitable size to be adapted</li> </ul> |
|---|---|---|

## 26.2. SHELTERED HOUSING

If an applicant is over retirement age, we may be able to help them find a flat or bungalow in one of the Council's, or a housing association's, sheltered housing schemes. This allows an applicant to have their own flat and be as independent as they like.

Many of these schemes have a common room, which means residents can socialise with their neighbours if they wish. Sheltered housing is not a nursing or a residential home so it will not be suitable for those who need a high level of care. All our supported accommodation has access to our 24 hour Telecare Service to make sure help is always at hand.

## 26.3. EXTRA CARE HOUSING

The purpose of Extra Care Housing is for people who require a substantial amount of personal care and housing support, and who might otherwise have to move into residential care.

Applications for extra care housing can be made direct to the Council's Social Care or Housing Teams

Extra Care housing is allocated outside of the Choice Based lettings process. A separate eligibility criteria and process applies.

## 27. MOBILITY WITHIN AND ACROSS THE COUNCIL'S BOUNDARY.

### 27.1.



**Housingmoves** (known previously as the pan-London Mobility Scheme) is designed to enable social housing tenants to move around the capital for work, training or education, to free up larger homes or to care for a family member or friend. There is considerable pent-up demand for cross-borough moves and the scheme is designed to make this easier.

Our qualification rules do not allow someone to go on the housing register if they have not lived in Havering for at least six years. **However, we have made an exception for applicants that apply through *housingmoves*.**

To be eligible for the ***housingmoves*** scheme, an applicant must:

- be a current social housing tenant(s) with an assured or a secure tenancy, or a fixed term flexible or assured shorthold tenancy
- be resident (irrespective of landlord) in a borough that is contributing properties to the housingmoves scheme (Havering contributes to the scheme)
- be the sole tenant or both tenants (if the tenancy is joint)
- not be on an introductory or starter tenancy
- not be the subject of a Notice of Seeking Possession or Notice to Quit
- have had a clear rent account for the last 12 months, both at the point of application and at the point of letting, and
- not have, or be part of a household containing, individuals who have an on-going record of antisocial behaviour

*housingmoves* is delivered by the Greater London Authority and further information and an online registration form can be found at the housingmoves website <http://www.housingmoves.org> .

## **27.2. SEASIDE AND COUNTRY SCHEME**

Havering Council participates in the Seaside & Country scheme operated by the Greater London Authority (GLA) which enables social tenants in London to move out to desirable seaside and countryside towns.

## **27.3. HOMESWAP SCHEME**

Homeswap enables existing social housing tenants, (this means tenants of councils and housing associations) the opportunity to swap their home with another, often called 'mutual exchanges'. Such schemes help tenants to be closer to new places of work and/or friends and family. The Council supports the Government's 'Homes Swap Direct' initiative, bringing together the range of mutual exchange regimes that exist. The Council will make available facilities at its principal office to enable applicants wishing to review housing options using the 'homeswap' mechanism as well as promoting the initiative more widely.

Social housing tenants can also register on Homeswapper to find details of other households who they may be able to swap homes with: <http://www.homeswapper.co.uk/>

## **27.4. MUTUAL EXCHANGE SCHEME**

A mutual exchange is when two or more tenants swap homes once they have the permission of all landlords involved, whether Havering Council, a housing association or another council. Given the demand for and the shortage of social housing in Havering, The waiting time for a transfer can be lengthy and therefore, for many tenants a mutual exchange is their best prospect for moving.

Havering Council Tenants can register for a mutual exchange. A council tenant can advertise their property and search for prospective exchange partners. Full details will be displayed of matches found. Please contact us for details of schemes that are available.

We will only say no to a request to exchange for a limited number of reasons, which are defined by law (The Housing Act 1985 and the Housing Act 2004) these include, but are not limited to that:

- either tenant is moving to a home that is inadequate for their needs, for example on health grounds, or that it would be too small
- either tenant is moving to a home that is substantially too large for their requirements
- there is a current order for possession made by the Court in respect of any of the tenancies involved
- any of the properties are adapted, sheltered, warden-controlled or other special needs unit and the tenant moving in to the property is not eligible for or does not need it
- the accommodation is tied, that is it is given to the tenant as a consequence of his/her employment and the right to occupy the accommodation ceases upon the employment coming to an end
- any of the tenants has been issued with a Notice of Seeking Possession.
- A full list of reasons for not giving consent for a mutual exchange is available from the Housing Register Team. If we are unable to give consent for your mutual exchange, we will give the full reasons for this.

Due to the shortage of social housing we are unable to allow exchanges that would result in under occupation of accommodation. Therefore please refer to section 11 about the bedroom size entitlement. This will assist tenants in identifying their eligibility before they submit their request for an exchange. However, where a Havering tenant has registered to downsize to smaller accommodation, they will be permitted to exchange to accommodation that has one room in excess of their requirements.

A tenant may not be able to swap tenancies straight away if, for example, they owe rent, or there are repairs needed to the property that the tenant has to carry out. However, once these matters have been sorted out, the tenant should be able to move, so long as the factors listed above do not apply.

If we say no to the mutual exchange request, we will tell the tenant in writing the reasons for this. The tenant has the right to appeal this decision if they disagree in the first instance. They also have a further right to refer the decision to the County Court if they disagree with our appeal decision.

#### **27.5. SHARED OWNERSHIP SCHEME**

If residents are interested in buying a home but are on a low income, we may be able to help.

These schemes are available through housing associations.

Shared ownership is where a person can buy a share of a property, paying a mortgage on that share and rent on the remaining share. If someone is on a low income, this can give them a chance to own their own home in stages. When their income increases, they can buy further shares in the property until they own all of it. For more online information, please use the following link to access the First Steps website <http://www.firststepslondon.org/>

## **27.6. OTHER LOW COST HOME OWNERSHIP SCHEMES**

Section 166A(6) of the Housing Act 1996 enables local housing authorities to allocate particular accommodation to people of a particular description whether or not they are considered to be in housing need (fall within the reasonable preference categories). This enables the Council to set aside homes on a particular estate, or certain types of properties across the stock, for applicants who meet a certain criteria.

The eligibility and process by which applicants for the Council's shared ownership sales are prioritised as follows:

- Existing social tenants in Havering, serving and former military personnel
- Existing Havering residents
- Eligible applicants who work but do not reside in the Borough

## **27.7. DOWNSIZING INCENTIVE SCHEME**

The Council has a 'Downsizing Incentive Scheme' to enable council tenants to move to smaller accommodation that meets their needs. This will help meet the increasing demand from people living in overcrowded conditions who are on the housing register. This scheme is subject to change from time to time. Please contact the Housing Register Team for a copy of the scheme details on 01708 434343.

## **27.8. PRIVATE RENTING OPTIONS**

To help us keep up with the increasing demand for housing, we can help some people move into a home in the private sector. In recent years, we have been offering local landlords more-and-more incentives through a range of different schemes to rent or lease their properties to us which we can use to accommodate people who are in housing need or just struggling to find a home.

Residents can obtain more information by contacting the Housing Advice and Homelessness Team on 01708 434343.

## **28. APPLYING FOR HOUSING**

Residents can apply for housing online by filling in a housing application form on our website: [www.havering.gov.uk](http://www.havering.gov.uk)

Residents unable to access the internet at home can get free access at the Council's Public Advice and Service Centre (PASC) as well all council libraries in Havering.

The self-assessment questionnaire will ask some simple questions, including:

- Are you are homeless?
- Are you are experiencing domestic violence or harassment?
- Are you are currently sharing accommodation with someone else or renting privately?
- Are you are overcrowded in your current accommodation?
- Do you have a medical condition or disability which is made worse by your current accommodation?

### **28.1. Help with making an application**

If an applicant needs help to apply for housing, or a translation service they should contact the Housing Register Team on 01708 434343 and they will help an applicant to complete the application.

### **28.2. Who can be included on an application?**

The following people should be included on an application:

- The applicant's spouse, civil partner or partner
- Any close adult relative living with the applicant that is dependent on them or provides care and support to them
- The applicant's children, as long as they are aged under 18 and normally live with the applicant
- The applicant's carer, if they need to live with the applicant because they provide overnight support

The applicant will be asked to provide evidence that any child included on the housing application is their responsibility, for example child benefit notification, or a court order showing the applicant has caring or parental responsibility.

### **28.3. Who should not be included on an application?**

The applicant should **not** include any of the following people currently living with them on your application:

- Other adult relatives
- Friends or visitors
- Lodgers
- Sub-tenants
- Anyone else sharing the applicant's current accommodation
- Anyone who falls within legislation prohibiting them from having recourse to public funds.

### **28.4. Joint applications**

An applicant can make a joint application with their spouse, civil partner or partner or with another close family member that they have been living with for 12 months or more AND meet the qualification criteria set out in this Scheme.

If an applicant makes a joint application we will offer them a joint tenancy when we make an offer of social housing.

### **28.5. Restricted persons**

Although an applicant may be eligible to go on the Housing Register because they are not subject to immigration control, it may be that one or more members of their household are not eligible for housing. They are known as "restricted persons" and we will not assess the application as having reasonable preference if this is as a result of "restricted persons".

## 29. WHAT EVIDENCE IS NEEDED TO SUPPORT AN APPLICATION?

### Verifying an application

We will ask an applicant to provide supporting information, as follows:

#### 29.1. To prove eligibility for housing

An applicant's eligibility for social housing will be checked during the application process. If their eligibility changes at any time during the process and they become ineligible for social housing the application will be cancelled. We will need to see:

- The applicant's passport
- Their spouse/partner's passport if the applicant is making a joint application
- Home Office documents confirming the applicant's immigration status (if relevant)
- The applicant's full birth certificate
- The applicant's spouse/partner's full birth certificate
- The applicant's children(s) full birth certificate(s)

#### 29.2. To prove an applicant qualifies to go on the housing register

- Tenancy agreements for properties the applicant has lived in over the past six years. If these are unavailable, the applicant can prove their previous addresses with bills, bank statements, credit card statements or other official documents such as benefit letters showing where they have lived over the past six years
- If employed, payslips for the past 12 months
- If self-employed, audited accounts for the past 18 months
- If on benefits, details of benefits received
  - If receiving out of work or disability benefits, your proof of entitlement to benefits.

Where an applicant is considered to have sufficient resources to access low cost home ownership or other intermediate housing option, they will be offered advice or assistance, on home ownership products and offered the opportunity to join the Council's Home Buy Register.

#### 29.3. To demonstrate housing need

- Details of any medical condition, physical disability or sensory impairment that is affected by the applicant's current accommodation.
- The name and practice of the applicant's GP, or hospital consultant, if they are claiming medical or disability priority.
- The name and address of their social worker, key worker or therapist if relevant to their application.
- A certificate of discharge/service (Army form 108 or equivalent) or a statement of service from the British Armed Forces (if applicable)

All supporting information should be provided promptly. Any delays in providing the information will mean your application will not be placed on the housing register.

You will be notified of the outcome of your application within 28 days of receiving a completed application with all the supporting information required.



This letter will:

- Confirm what Housing Needs Band the applicant has been placed in. Some assessments (such as those relating to medical conditions) may take longer and may result in a change in banding)
- Confirm the size (and, if applicable, the type) of property the applicant is eligible for
- Confirm the applicant's effective date
- Include a reminder about informing the Council of any change in the household's circumstances
- Provide a registration number and unique pin number
- Provide details of the appeal and review process
- Explain the requirement for annual re-registration
- Provide information on how to apply for the community Contribution Reward Priority.

### **30. CHANGE OF CIRCUMSTANCES**

Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application.
- any additions to the family or any other person joining the application
- any member of the family or any other person on the application who has left the accommodation.
- any change in income and/or savings.
- any medical or mobility need which will affect the type of accommodation being offered deemed suitable

Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary.

The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant. Where the Council believes that information about the applicant's personal circumstances have been deliberately withheld or misleadingly presented, then the Council will reserve the right to withdraw any priority or offer of accommodation

#### **30.1. What happens if applicant does not notify us about a change?**

If the Council find an applicant's circumstances have changed as a result of the annual review of their application, or as part of the pre-offer verification checks and they have not notified us about the change, their application will be suspended from bidding while we investigate how the changes affect the applicant's eligibility and housing priority.

#### **30.2. Why do I need to provide details about my gender, ethnicity or religion?**

We have a legal duty to ensure that our housing allocations scheme does not discriminate against any applicant on the grounds of their sex, pregnancy or maternity, race, ethnicity, disability, age, religion or faith, marital status, sexual orientation or gender reassignment. This also applies to how we help people to apply for housing, as



well as the decisions we make about whether people are eligible, whether people qualify for reasonable preference for housing, what priority an applicant gets, and which applicants we choose for an offer of social housing.

We need all applicants to provide equality information so we can monitor how fair we are being in administering the scheme, in the decisions we make and who we choose to offer social housing on the grounds of age, sex, ethnicity, disability and other relevant equality information.

### **30.3. Will you share the information on my application with anyone else?**

We treat the information included on your housing application as strictly confidential. We will ask your consent to share some information with a landlord who is considering offering you a property.

The information included on your housing application is also protected by the Data Protection Act 1998. This means we cannot share the personal information provided on your application form without your consent, except in specific exceptional circumstances.

We can share personal information without your consent in the following exceptional circumstances:

- Where data sharing is allowed under the Crime and Disorder Act 1998
- Where there is a serious threat to council staff or to one of our contractors
- Where the information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff

## **31. ANNUAL REVIEW OF APPLICATIONS**

It is important we keep our housing register list up to date and regularly check applicant's need for social housing. It is important that we have an accurate picture of the overall housing need in Havering and we use this to inform our housing strategy and in particular the need for new social housing.

We will review all application every year on the anniversary of the application to join the Housing Register.

We will write to applicant's informing them that their application is due for review; asking them to complete a form to confirm either:

- that their housing circumstances have not changed, or
- their housing circumstances have changed; applicants will need to provide the details of the change

If an applicant fails to reply to our review letter within 28 days of receiving it we will assume that they no longer need social housing and we will cancel their application. We will write to the applicant explaining that we have cancelled their application because they failed to respond to our review letter.

After a renewal request has been issued, a reminder letter will be sent after 14 days. If an application is not renewed within 28 days of the issue of the renewal letter, the application may be cancelled without further notice.

### **32. CANCELLING AN APPLICATION**

We will cancel a housing application for the following reasons:

- If the applicant asks us to cancel the application
- If the applicant's circumstances change and they are no longer eligible under the scheme
- If the applicant's circumstances change and they no longer qualify under the scheme.
- If the applicant fails to respond to an application review within the specified time limit
- If the applicant has refused the offers of social housing that they are entitled to under this scheme. These are set out in section 19.
- If the applicant has accepted an offer of social housing under this scheme.
- If the applicant has been found to have made a false statement on their housing application.

Applicants will be notified in writing if the Council intends to remove them from the Housing Register and will be given reasons for their removal.

### **33. REINSTATING A CANCELLED APPLICATION**

Sometimes applications are cancelled where the household has a valid reason for not providing the information the Council has asked for or for not responding to a request. In cases where a household's application has been cancelled, as long as the applicant makes contact within 28 days from the date of the cancellation **AND** provides a valid supporting evidence, their application will be reinstated on to the housing register.

If an application is cancelled but the household does not make contact within 28 days from the date of cancellation, the application will not be reinstated. If the household still wants to remain on the housing register, they can make a new application which will be assessed based and if relevant, a new banding and priority date will be given.

### **34. GENERAL INFORMATION AND APPEALING HOUSING DECISION**

#### **34.1. General information**

An applicant has the right to request general information about making an application for housing and in particular about:

- how their application will be treated and whether they will be given any preference under the scheme
- whether housing accommodation appropriate to their needs is likely to become available and how long they will have to wait for an allocation of such accommodation

## **34.2. Decisions and appeals**

Applicants have the following further and specific rights to information about decisions and rights of review of decisions including:

- the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to the applicant
- the right, on request, to review a decision concerning eligibility for housing, qualifying to go on the register, whether an offer was suitable and whether a refusal of an offer was reasonable, and the right to be informed of the decision on the review and grounds for it.

Applicants have the right to information about certain decisions, which are taken in respect of their application, and the right to review those decisions.

## **34.3 Appeal procedure**

### Stage 1 - Notification in writing

An applicant will be notified of the decision in writing.

The notification will give clear grounds for the decision and must be based on the relevant facts of the case.

Where a notification is sent to an applicant at the given contact address, but the applicant does not receive it, it can be treated as having been received if a copy is available on the applicant's file

Where an applicant has difficulty in understanding the implications of a decision, the Council will make arrangements to advise the applicant verbally.

### Stage 2 - 21 Days to Appeal

The notification letter will advise the applicant that they have 21 days of being notified of a decision to appeal the decision.

Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is unreasonable. The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours

All requests for a review should be made in writing. Emails can be sent to: [housingapplicationappeal@havering.gov.uk](mailto:housingapplicationappeal@havering.gov.uk) .

Alternatively, a letter of appeal can be sent to:

Appeals Officer,  
Housing Register Team  
Housing Demand Service  
Mercury House  
Mercury Gardens  
Romford, RM1 3DT

In exceptional circumstances, we will extend this period. Any extension to the time limit and the reasons for it will be notified to the applicant.

We will determine the review **within 56 days** of the request being received. This may take longer where an applicant agrees that a longer period is appropriate given the complexity of the decision and their case.

Applicants may want to take independent legal or specialist housing advice, for example the Citizens Advice Bureau or other agency. Where an applicant cannot make a request in writing, they can ask someone else to do this on their behalf, or ask us to hear their case orally.

It will also be possible for a representative to submit an appeal on behalf of the applicant.

### Stage 3 - Reviewing Officer

An officer who is senior to the original decision maker will carry out the review of the decision. The review will be considered based on the Allocation Scheme, legal requirements and all the relevant information. Relevant information may include further information that was not available at the time of the original decision.

### Stage 4 - Notification of the outcome

We will notify the applicant of the outcome of the review including the reasons for confirming the original decision, or why the original decision should be changed.

There is no further mechanism to review the review decision; however, an applicant can take legal action to challenge the Council's decision through judicial review proceedings. An applicant may also complain to the Housing Ombudsman if they consider the Council's actions amount to maladministration.

Should an applicant's circumstances change, they will be able to make a fresh application but the onus will be on the applicant to outline the changed circumstances.

## **34.4. The right to review an offer of accommodation to statutory homeless**

If the Council has accepted a full statutory duty to house an applicant under Section 193 of the Housing Act 1996 (homelessness legislation), and they have refused a suitable property offered to them, (including an offer of private rented accommodation), the Council will end its statutory duty. The applicant can request a review of the decision to end the statutory duty and/or the Council's decision that the property is suitable – this is a right given by Section 202 of the Housing Act 1996. The applicant should request a review by writing to the Council within 21 days of receipt of the offer of accommodation, setting out why they think the property is unsuitable.

If an applicant makes a review request under s.202, the Council will aim to deal with it within eight weeks (56 days). All decisions will be given in writing.

Where a formal review is available to an applicant under s.202, greater detail about their right to review will be provided to them in the correspondence making the offer of accommodation. A formal review will be considered by a senior officer who was not involved in the original decision.

**If an applicant is dissatisfied with the Council's decision on review, or no decision has been made within the 56 days (unless there has been an agreed extension), the applicant may appeal to the County Court under section 204 of the Housing Act 1996 on a point of law. In outline, an appeal should be made to the County Court within 21 days of the applicant being notified of the review decision (or the date when you should have been notified). Appeals to the County Court, including the procedure and time limits are technical, and the applicant may wish to seek independent legal advice (e.g. from the Citizens Advice Bureau or from a solicitor) before doing so**

*Please note: Under the Housing Act 1996 (as amended), not all decisions are subject to the review process. If, for any reason, the right of review does not apply to the matter which is raised in a request, we will write and explain the reasons and advise of any other options available.*

### **35. FILE COPIES**

The Data Protection Act 1998 (DPA) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a "subject access request" and applies to personal data in housing files.

Subject access requests should be made in writing and must describe the information sought. Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.

Any applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.

The Council may charge a £10 fee to handle a subject access request. There is no charge for students, pensioners, staff, benefit claimants and those on Income Support.

Once the Council has received the information, documentation and fee (if charged), it must begin processing the request and respond within 40 calendar days. There is a limited range of exemptions from the right of subject access.

Under the DPA applicants may also have the right to challenge the information held on them and may request the correction of records which they believe to be inaccurate. Such challenges should be made in writing and addressed to the Head of Housing.

### **36. TACKLING FRAUD**

The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer of accommodation, and in other cases as resources allow. The enquiries will be made at any time and it can be at the time of application or subsequently, including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed. These checks may involve cross referencing information provided by applicants when they apply to the housing register with other data the Council holds, including information on housing and council tax benefit and the electoral roll.

Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.

For the reasons set above, the Council is keen to ensure that information submitted to support a housing registration application is truthful and accurate.

Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:

- Knowingly or recklessly give false information, or
- Knowingly withhold information which the housing authority has reasonably required the applicant to give

It is for individual housing authorities to determine when these provisions apply and when to institute criminal proceedings. However, the circumstances in which an offence is committed could include:

- Any false information given on an application form for social housing
- Any false information given in response to subsequent review letters
- Any false information given or submitted by applicants during the proceedings of a review

Ground 5 in Schedule 2 of the Housing Act 1985, (as amended by s 146 of the 1996 Act), enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenants or a person acting as the tenant's instigation.

Any tenancy fraud that may occur after the grant of a tenancy (such as tenancy passed on to a third party such as subletting of a tenancy); will be approached in a similar fashion.

In both instances - at application stage and tenancy stage – the Council will support and work with all Registered Providers to reduce and eliminate tenancy fraud.

### **37. CONFIDENTIALITY**

**The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.**

The disclosure of information about any housing application to a third party is prohibited except on a “need to know” basis in the following circumstances:

- to plan and provide assistance jointly with health and social services agencies in appropriate cases.

- for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
- to enable efficient administration of offers of re-housing, lettings, housing association nominations, and rent and benefit accountancy etc.
- where disclosure is a legal requirement.

### **38. APPLICATIONS FROM MEMBERS OF STAFF, BOARD MEMBERS OF RELEVANT ORGANISATIONS, COUNCIL MEMBERS AND RELATIVES**

This policy is designed to ensure that Havering Council, (and any relevant organisation), is transparent and equitable when letting homes to staff or board members or their relatives, or other people who live with them.

The Housing Allocations Scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.

Staff, board members, council Members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.

- a) An applicant who a member of staff, board member, council member or related to or living with one of these people, must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the register system or adding any priority at any time onto the application.
- b) Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative or other people they live with.
- c) Applications should be clearly marked on the housing management system to identify that the application is that of a staff member, board member, council Members or relative.
- d) When an offer is to be made, a 'record of interest' form must be completed and signed off before any offer of a property is made. The details of the offer must be detailed on the form, checked and signed off by the Head of Housing Services, or for allocations to council Members or their relatives, by the Group Director of Children, Adults and Housing.
- e) Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the shortlist from which the applicant is being offered, together with reasons for any applicants above them not being made the offer.

Applications where no disclosure is made will be referred to the council's Fraud investigations team for investigations and where appropriate, legal action will be taken.



## **39. COMPLAINTS**

We are committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

Where an applicant feels that we have not lived up to our own commitments to residents, they must tell the member of staff that they are dealing with or their supervisor. Often, that is the quickest and easiest way of dealing with things when we do get it wrong. When applicants are unhappy with the response given, or feel uncomfortable doing this, they can make a complaint.

The Council's formal complaints procedures can be found at [www.havering.gov.uk/complaints](http://www.havering.gov.uk/complaints).

## **40. OTHER THINGS APPLICANTS NEED TO KNOW**

### **40.1. Community safety**

The Council works in partnership with the Police, the Probation Service and other housing providers to manage risk to the community when, for instance, re-housing offenders. Re-housing an ex-offender is likely to have implications for community safety; and they may be refused housing in certain areas and may only be offered accommodation in specific areas or have their registration suspended.

Suspending their registration would be temporary only and would be subject to on-going review.

### **40.2. Prisoners**

Where a tenant receives a prison sentence of over 12 months and they are a council or housing association tenant in Havering without other family, they will be unlikely to receive Housing Benefit. They may need to give up their tenancy and apply to go on the Housing Register. This means we can consider them for re-housing when you are released.

There are arrangements under the Community Safety Partnership protocol and these may mean that we may need to exclude people from the Housing Register.

### **40.3. Telecare Service**

Havering Council's Telecare Centre provides a range of careline and telecare services including installation of equipment and 24/7 call monitoring with an emergency response service which is available to everybody including vulnerable residents to aid independent living. There is a weekly charge for the service but clients assessed by Social Services as having a substantial need may receive the service free of charge. For further information contact the Telecare Team on 01708 756047 or email [rjc@havering.gov.uk](mailto:rjc@havering.gov.uk)

### **40.4. People with physical disabilities**

If a tenant, or a member of your family, has a physical disability then there are a number of ways we can help you.

For example, if a Council tenant lives in a house but can no longer manage the stairs, then we may be able to help with the necessary adaptations to their home.



Where an owner-occupier is unable to manage the stairs, they may require an adaptation to allow access around their house. Housing Services may be able to help them with a Disabled Facilities Grant. For more information, please call the Grants Team on 01708 434070.

If appropriate, they require a move, and Housing Services may be able to offer them a specially adapted Council or housing association property.

Applicants may be awarded a higher priority on the Housing Register because of the unsuitability of their current property or because they may need to move nearer to relatives for support.

#### **40.5. People with mental health problems or a learning disability**

Where an applicant has always lived with their parents or carers but are now looking to move into their own accommodation, then we may be able to help assist. We may be able to give the applicant additional priority on our Housing Register and make sure that any support they need is in place before you they move into their new home. It may be that they will need to move into more supported accommodation before they can move into their own flat. We will always work with Social Services to make sure that an applicant will eventually have the home that best suits your needs.

If an applicant needs housing with support, we will need to work with Social Services and other relevant agencies to make sure that they are allocated appropriate accommodation and an appropriate support package.

## **41. TRANSITION TO THE SCHEME**

### **41.1. Areas of effective implementation**

The scheme applies with immediate effect to the following:

- All new applicants
- Existing applicants – applications will be reassessed and moved into the revised priority band criteria.
- One offer policy will be applied.
- Assisted bidding – every applicant including those on the Emergency Rehousing Band will be able to bid for advertised properties.
- Homeless applicants who applied after 9<sup>th</sup> November 2012 – duty will be discharged into the private rented sector.

### **41.2. Transitional arrangements**

Existing applicants who will no longer qualify due to:

- (a) Not meeting the 6 year residency criteria
- (b) Not demonstrating a housing need – tenants who do not have a housing need but are on the housing register because they have been in their accommodation for 5 years

Will be given a transition period of 6 months from the date of implementation of the new scheme. This means that they will remain on the register with their relevant priority and continue to bid for alternative accommodation. If after 6 months, they have not moved, the priority will be removed and their application will be closed and removed from the housing register as they will no longer qualify to remain on the housing register.

## **42. CHANGES TO THE SCHEME**

The Council reserves the right to expand, change or alter any element of the scheme, as and when required, to meet changes in housing need, capacity, resources and legislation.

### **ANNEX 1: ELIGIBILITY**

i.) As a local housing authority we must consider all applications made in accordance with the procedural requirements of our allocation scheme (Housing Act 1996 sections 166(3) and 166A (14)). In considering applications, we must decide:

- if an applicant is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

#### **Eligibility**

ii.) An applicant may be ineligible for an allocation of accommodation under s.160ZA (2) or (4). We will consider an applicant's eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

#### **Joint Tenancies**

iii.) Under s.160ZA (1) (b), we must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, we may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, we should take them into account in determining the size of accommodation which is to be allocated.

#### **Existing Tenants**

iv.) The eligibility provisions do not apply to applicants who are already our tenants. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

#### **Persons from abroad**

v.) A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

- a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
- a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))

vi.) The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

## Persons subject to immigration control

vii.) The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given). 3.8 The following categories of persons do not require leave to enter or remain in the UK:

- British citizens
- certain Commonwealth citizens with a right of abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement
- EEA nationals<sup>1</sup>, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)
- persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

viii.) Any person who does not fall within one of the four categories in paragraph x.) will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

xi.) If there is any uncertainty about an applicant's immigration status, we will contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at [LA@UKBA.gsi.gov.uk](mailto:LA@UKBA.gsi.gov.uk) . Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

x.) Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- a person granted refugee status: granted 5 years' limited leave to remain in the UK
- a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.

---

<sup>1</sup> European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland

- a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.
- a person who has humanitarian protection granted under the Immigration Rules<sup>6</sup>: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

### **Other persons from abroad who may be ineligible for an allocation**

xi.) By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)
- a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has
- 6 Inserted by the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').
- a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations
- a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

xii.) See Annex 2 for guidance on rights to reside in the UK derived from EU law.

Xiii.) The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised

by the Home Office to work until they have accrued 12 months uninterrupted authorised work)<sup>2</sup>

- a person who is a family member of a person referred to in (a) to (c) above
- a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there
- a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

xiv.) A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see annexes 2 and 3 for further guidance).

xv.) The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

xvi.) Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).

---

<sup>2</sup> As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a).

## ANNEX 2: RIGHTS TO RESIDE IN THE UK DERIVED FROM EU LAW

i.) EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control. This means that they will be eligible for an allocation of accommodation under Part 6 unless they fall within one of the categories of persons to be treated as a person from abroad who is ineligible for an allocation of accommodation by virtue of regulation 4 of the Eligibility Regulations.

### General

#### Nationals of EU countries

ii.) Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular *Directive 2004/38*), and the case law of the European Court of Justice.

iii.) Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self-employed, seeking work, a student, or economically inactive etc.).

#### *Nationals of Bulgaria and Romania - the A2 accession states*

iv.) A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states. *The Immigration (European Economic Area) Regulations 2006*

v.) The *Immigration (European Economic Area) Regulations 2006* ('the EEA Regulations'— SI 2006/1003) implement into UK domestic law *Directive 2004/38*. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK without the requirement for leave to remain under the Immigration Act 1971 for the first 3 months of their residence, and for longer, if they are a 'qualified person' or they have acquired a permanent right of residence. *Nationals of Iceland, Liechtenstein and Norway, and Switzerland*

vi.) The EEA Regulations extend the same rights to reside in the UK to nationals of Iceland, Liechtenstein and Norway as those afforded to EU nationals. (The EU countries plus Iceland, Liechtenstein and Norway together comprise the EEA.) The EEA Regulations also extend the same rights to reside in the UK to nationals of Switzerland. For the purposes of this guidance, 'EEA nationals' means nationals of any of the EU member states (excluding the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

#### Initial 3 months residence

vii.) Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore, during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the

right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

viii.) However, regulations 4(1) (b) (ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:

- his or her **only** right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations, or
- his or her **only** right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

### **Rights of residence for ‘qualified persons’**

ix.) Regulation 14 of the EEA Regulations provides that ‘qualified persons’ have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, ‘qualified person’ means:

a jobseeker  
a worker  
a self-employed person  
a self-sufficient person  
a student

### **Jobseekers**

x.) For the purposes of regulation 6(1)(a) of the EEA Regulations, ‘jobseeker’ means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.

xi.) Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker<sup>3</sup>. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.

xii.) Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:

his or her **only** right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or  
his or her **only** right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

### **Workers**

xiii.) In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another person in

---

<sup>3</sup>Regulation 6(2) of the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317).

return for monetary reward and is subject to the control of that other person as regards the way in which the work is to be done.

xiv.) Activity as an employed person may include part time work, seasonal work and cross-border work (i.e. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.

xv.) Provided the employment is effective and genuine economic activity, the fact that a person's level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a 'worker'.

xvi.) A person who is a worker is not subject to immigration control, and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

#### *Retention of worker status*

xvii.) A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

(a) is temporarily unable to work as the result of an illness or accident; or

(b) is recorded as involuntarily unemployed after having being employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:

(i) was employed for one year or more before becoming unemployed, or

(ii) has been unemployed for no more than 6 months, or (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or

(c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

#### *A2 state workers requiring authorisation who are treated as workers*

xviii.) By virtue of the *Accession (Immigration and Worker Authorisation) Regulations 2006* ('the Accession Regulations'), nationals of the A2 states (with certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.

xix.) An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:

- holds an accession worker authorisation document, and



- is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

xx.) We may need to contact the employer named in the authorisation document, to confirm that the applicant continues to be employed.

### **Self-employed persons**

xxi.) 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union.

xxii.) A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1) (c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident.

xxiii.) A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

xxiv.) A person who is a self-employed is not subject to immigration control and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

### **Self-sufficient persons**

xxv.) Regulation 4(1) (c) of the EEA regulations defines 'self-sufficient person' as a person who has:

- sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence, and
- comprehensive sickness insurance cover in the UK

xxvi.) By regulation 4(4) of the EEA Regulations, the resources of a person who is a self-sufficient person (or a student – see below) and, where applicable, any family members, are to be regarded as sufficient if (a) they exceed the maximum level of resources which a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system or, if (a) does not apply, (b) taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the council that the resources of the person or persons concerned should be regarded as sufficient.

xxvii.) Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1)(c) of the EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK.

xxviii.) Where the applicant does not meet the conditions of regulation 4(1) (c) but has previously done so during his or her residence in the UK, the case will be referred to the Home Office for clarification of their status.

xxix.) A person who is a self-sufficient person is not subject to immigration control, but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

### **Students**

xxx.) Regulation 4(1)(d) of the EEA regulations defines 'student' as a person who : (a) is enrolled at a private or public establishment included on the Register of Education and Training Providers<sup>4</sup>, or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and (b) has comprehensive sickness insurance cover in the UK, and (c) assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

xxxi.) A person who is a student is not subject to immigration control but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

### **Permanent right of residence**

xxxii.) Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently : (a) an EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years (b) a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years (c) a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity) (d) the family member of a worker or self-employed person who has ceased activity (e) a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease) (f) a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence). Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

xxxiii.) A person with a right to reside permanently in the UK arising from (c), (d) or (e) above is eligible for an allocation of accommodation whether or not he or she is

---

<sup>4</sup> Now known as the Register of Sponsors and held by the UKBA.

habitually resident in the Common Travel Area. Persons with a permanent right to reside by virtue of (a), (b), or (f) must be habitually resident to be eligible.

## **Rights of residence for certain family members**

### **The right to reside**

xxxiv.) Regulation 14 of the EEA Regulations provides that the following family members are entitled to reside in the UK:

- a family member of a qualified person residing in the UK
- a family member of an EEA national with a permanent right of residence under regulation 15
- a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition)

xxxv.) A person who has a right to reside in the UK as the family member of an EEA 38 national under the EEA Regulations will not be subject to immigration control. The eligibility of such a person for an allocation of accommodation should therefore be considered in accordance with regulation 4 of the Eligibility Regulations.

xxxvi.) When considering the eligibility of a family member, we will consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside under regulation 15 of the EEA Regulations.

### **Who is a ‘family member’?**

xxxvii.) Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below): (a) the spouse of the person (b) the civil partner of the person (c) a direct descendant of the person, or of the person’s spouse or civil partner, who is under the age of 21 (d) a direct descendant of the person, or of the person’s spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner (e) an ascendant relative of the person, or of the person’s spouse or civil partner, who is dependent on the person or the spouse or civil partner (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

### *Family members of students*

xxxviii.) Regulation 7(2) of the EEA regulations provides that a person who falls within (c), (d) or (e) above shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:

- in the case of paragraph 37(c) and (d) above, the person is the dependant child of the student, or of the spouse or civil partner, or
- the student is also a qualified person (for the purposes of regulation 6(1) of the EEA regulations) other than as a student

### *Extended family members*

xxxix.) Broadly, extended family members will be persons who: (a) do not fall within any of the categories (a) to (e) in paragraph 37 above, and (b) are either a relative of an EEA national (or of the EEA national's spouse or civil partner) or the partner of an EEA national, and (c) have been issued with an EEA family permit, a registration certificate or a residence card which is valid and has not been revoked 39

### **Family members' eligibility for an allocation of accommodation**

#### *Relationship with other rights to reside*

xxxx.) This section concerns the eligibility of an applicant for an allocation of accommodation whose right to reside is derived from his or her status as the family member of an EEA national with a right to reside. In some cases, a family member will have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence under regulation 15 of the EEA Regulations, as outlined in paragraph 32 (a) – (f) above. The eligibility for an allocation of accommodation of those with a permanent right of residence is discussed at paragraphs xxxii.) and xxxiii.)

#### *Family members who must be habitually resident*

xxxix.) For family members with a right to reside under regulation 14 of the EEA Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:

- a person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1)(d) of the EEA regulations
- a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations
- a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside
- a person whose right to reside is dependent on their status as a family member who has retained the right of residence

#### *Family members who are exempt from the habitual residence requirement*

xxxii.) A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2) (d) of the Eligibility Regulations. However, we note that an extended family member (see above) is not counted as a family member for the purposes of regulation 4(2) (d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

### **Family members of UK nationals exercising rights under the EU Treaty**

xxxiii.) There are some limited cases in which the non-EEA family member of a UK national may have a right to reside under EU law. Under regulation 9 of the EEA

Regulations, the family member of a UK national should be treated as an EEA family member where the following conditions are met:

the UK national is residing in an EEA State as a worker or self-employed person, or was so residing before returning to the UK, and  
if the family member of the UK national is his spouse or civil partner, the parties are living together in the EEA State, or had entered into a marriage or civil partnership and were living together in that State before the UK national returned to the UK

xxxiv.) Where the family member of a UK national is to be treated as an EEA family member by virtue of regulation 9 of the EEA Regulations, that person is not subject to immigration control, and his or her eligibility for an allocation of accommodation should therefore be determined in accordance with regulation 4 of the **Eligibility** Regulations.