



**North East  
Derbyshire**  
District Council

# **Choice Based Lettings and Allocations Policy**

**October 2020**

**Updated March 2022**



North East  
Derbyshire  
District Council

## *We speak your language*

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Polish

*Mówimy Twoim językiem*

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French

*Nous parlons votre langue*

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Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

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Chinese

我们会说你的语言

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## CONTROL SHEET FOR [Choice Based Lettings and Allocations Policy]

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## 1. Introduction

The Council's Choice Based Lettings Allocations Policy details how, Rykneld Homes, will allocate the Council's housing stock. The policy also covers the allocation of properties belonging to Registered Providers and Housing Associations where the Council has nomination rights or agreed lettings plans through the planning process, and some private rented accommodation as part of the Council's Landlord Accreditation Scheme, run by Decent and Safe Homes (DASH) East Midlands.

This policy applies to both new applicants and Council tenants who wish to transfer to another property and covers key areas such as:

- how people apply to join the housing register;
- the system of advertising and how 'bidding' operates;
- the priorities that will be used to determine successful applicants;
- eligibility criteria for properties.

## 2. Scope

As far as possible, this policy is designed to create a balance between:

- the Council as a landlord meeting housing need within the district by making best use of its properties in order to create balanced, sustainable communities;
- ensuring that applicants can exercise as much choice as possible within current supply and that homes are allocated in a clear, fair and transparent manner;
- the Council delivering its statutory duties under housing and related legislation.

To fulfil our legal and statutory obligations the policy also has due regard to current legislation and any subsequent amendments, for example;

- Housing Act 1985
- Housing Act 1996
- Immigration Act 1996
- Immigration Act 2016
- Localism Act 2011
- Homeless Reduction Act 2017
- Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019)
- Children Act 1989
- Welfare Reforms
- Equalities Act
- Human Rights Act

The Policy will also have due regard to Council and Rykneld Homes policies and strategies, including the;

- Corporate Plan
- Single Equality Scheme 2016-19
- Tenancy Strategy
- Housing and Economic Development Strategy
- Homelessness Strategy
- Anti-Social Behaviour Strategy
- Adaptations Policy
- Flexible Tenancy Policy
- All Rykneld Homes Policies as set out to the Board, including Risk Management, Value for money, ASB, Asset Management, 5 year estate delivery plans, equality and diversity, health and safety and tenant involvement

### 3. Principles

The policy will link to the Council's Corporate Plan aims by;

- Supporting Our Communities to be Healthier, Safer, Cleaner and Greener
- Providing Our Customers with Excellent Service

The policy will also link to the Council's Corporate Plan priorities by;

- Providing good quality social housing
- Champion equality and diversity
- Supporting vulnerable and disadvantaged people
- Increasing customer confidence and satisfaction with our services
- Contributing to improving health and well-being
- Ensuring financial sustainability and increasing revenue streams

The CBL and Allocations policy supports Community Lettings Plans for some homes and/or settlements and an age criteria will be taken into consideration when allocating flats in blocks to ensure communities are stable, viable and balanced.

### 4. Statement

The statement sets out the policy and procedures of the policy.

#### 4.1 Housing Register Eligibility Criteria

##### Eligibility

The Council operates a primarily open housing register, so anyone can apply, including existing North East Derbyshire District Council tenants. However, the following exceptions will normally apply:

- Applicants must be 16 or over to register and must be able to satisfy Rykneld Homes, the Council and (for young people aged between 16 and 17 years) Children and Young Adults Services that they are able to live independently, sustain a tenancy and have an identified package of support available to them where necessary. The only exception to this being where the applicant is a child who is subject to the provisions under the Children Act 1989 and Section 67 of the Immigration Act 2016. All young people aged 16 or 17 will be assessed under the Derbyshire Joint Protocol on Young People aged 16/17 Presenting with Accommodation Needs. This assessment will be initiated in all cases by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care;
- Applicants who are subject to immigration control, within the meaning of the Asylum and Immigration Act 1996 and are **NOT** eligible under Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, and subsequent amendments (Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 and the \*Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019), cannot be registered for choice based lettings. The Secretary of State may in the future prescribe other persons or classes of persons who are not qualifying persons.
- On 31 January 2020, the UK formally left the European Union (EU) and entered a transition period, which ended at 11pm on 31 December 2020. The Government has legislated to protect the rights, including to access benefits and services, of those EEA citizens who are lawfully resident in the UK at the end of the transition period under the EEA Regulations, for the duration of the grace period (1 January to 30 June 2021) and until the final determination of an application made by the deadline to the EUSS. The legislation also includes protections for their family members which may include a family member arriving in this grace period to join their EEA citizen 'sponsor' who was residing in the UK prior to the end of the transition period and is yet to apply to the EUSS.

When EEA applicants, alongside their family members, present to local authorities from 1 January 2021, they will need to provide evidence of their immigration status. Those who have applied and been granted status under the EUSS will be able to use their digital status to demonstrate their entitlement to access social housing or homelessness assistance, using the gov.uk web page: [Government Website Digital Status](#). For full eligibility details see **Appendix 7**.

- Eligibility for homeless help: the Ukraine Family Scheme and the Sponsorship Scheme.  
There are currently two schemes under which a person fleeing the war in Ukraine can be granted leave; the Ukraine Family Scheme, and the Homes For Ukraine Sponsorship Scheme.

A person given leave under either scheme is eligible for homelessness assistance. They do not need to be habitually resident.

The Allocation of Housing and Homelessness (Eligibility) England Regulations have been amended to include a new category of people who are eligible for homelessness assistance. People who left Ukraine because of the Russian invasion that began on 24 February 2022 are eligible for assistance if they:

- were residing in Ukraine immediately before 1st January 2022
- have been given leave in accordance with the Immigration Rules
- are not subject to a no recourse to public funds condition

From 30 March 2022, leave under the Ukraine Family Scheme or the Homes for Ukraine scheme is leave within the immigration rules.

Leave granted before 30 March was leave outside the rules. A person granted leave outside the rules is eligible for homelessness assistance unless they are subject to a no recourse to public funds (NRFP) condition. A person given leave under either scheme before 30 March is also eligible for assistance. See **Appendix 8** for further details.

- Applicants who have equity/assets or savings who can access funds to find alternative accommodation to alleviate their housing need (excluding existing NEDDC tenants and Extra Care specialist housing applicants).
- Applicants who are existing council tenants on an introductory tenancy (unless in exceptional circumstances as assessed by Rykneld Homes).
- Existing Council and Housing Association Tenants who have moved twice or more in the past 24 months with no priority may not be registered (assessments will be carried out to identify any extenuating circumstances and may be registered at Rykneld Homes discretion).

### **Obligation to be Truthful**

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council reasonably requires to assess an application, or to provide false information that leads to gaining a tenancy. We will take appropriate action, including possession proceedings, against anyone who gains a tenancy through knowingly providing false information. We will check if an applicant, or anyone in the household, is already registered. Only one application at any one time is allowed.

### **Deliberate worsening of circumstances**

If there are reasons to believe that an applicant has deliberately worsened their circumstances to either gain access to the housing register or get housing priority, then their application may be suspended while further investigations are undertaken. If the investigation cannot show deliberate intent, then their application will be reinstated from their original effective date, however any applicant who has deliberately worsened their circumstances will not be awarded additional priority or may not be able to gain access to the housing register or their application may be cancelled. If a property has already been allocated and let to the applicant in these circumstances we may take court action to evict them, under Ground 5 in Schedule 2 Housing Act 1985 (as amended by section 146 of 1996 Housing Act).

### **Checks and References**

On application we will make a number of checks at registration to verify that the details and information provided to us are correct and up to date. Before an offer of housing is made these details will be rechecked to ensure circumstances have not changed, these include;

- A reference on application from a current landlord for Council and Housing Association tenants, for private rented sector tenants a reference will be requested on offer of accommodation



- A reference from a previous landlord to show that they conducted the tenancy, sole or jointly in a satisfactory manner
- Proof of the applicants National Insurance number may be required, in some cases further checks may be made for verification purposes
- Verification checks on previous addresses
- Previous criminal convictions checks, within the provisions of the Rehabilitation of Offenders Act 1974
- Pre offer checks, which may include a visit to the place the applicant currently lives
- Appropriate checks to find out if the applicant or any person who will live with them has breached tenancy conditions in the past, including non-payment of rent and/or other charges
- Checks to make sure that the applicant has not purposefully worsened their circumstances to obtain more priority on their application
- All applicants will be asked for details of savings and/or equity/assets
- Work related checks will be carried out under the 'Right to Move' criteria

If getting a landlord's reference is likely to cause problems the applicant should contact Rykneld Homes for advice, they may ask for other information, for example, a rent book or Council Tax details.

For every applicant on the application form we must see proof of at least **one** of the following forms of proof of identity, and proof of current address:

- birth certificate;
- medical card;
- marriage certificate;
- driving licence;
- National Insurance card;
- passport;
- benefit entitlement letter

Proof of address can be made by providing a recent bank statement, Council tax bill, benefit letter or a recent utility bill or any documents as requested by Rykneld Homes.

On offer of a property and prior to the tenancy agreement being signed Rykneld Homes will discuss with applicants the financial implications of signing the tenancy, and at this point, a declaration will need to be signed stating that they are aware of the financial implications.

### **Ineligibility, Suspensions and Other Restrictions**

There are certain circumstances in which an application may have been made by a disqualified applicant, ineligible applicant or, more likely, an application may be suspended, all cases will be considered in their own right and special circumstances may be applicable on occasions. Rykneld Homes may not offer a property or put forward a nomination for a Registered Provider or Housing Association property, whilst an application remains ineligible or suspended or the applicant is disqualified.

Rykneld Homes may conduct further investigations and assessments if they believe that an applicant or member of their household may be responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant.

Existing Council and Registered Provider tenants who wish to transfer and who are not deemed to have a housing priority may be refused.

Assessments will have due regard to any current legislative and local and national policy guidelines, including (but not limited to) the:

- Housing Act 1996
- Localism Act 2011
- Homeless Reduction Act 2017
- Anti-Social Behaviour, Crime and Policing Act 2014

Rykneld Homes will consider whether the behaviour was unacceptable at the time of the application and if their behaviour has improved, as previous unacceptable behaviour may not justify a decision to consider the applicant unsuitable. Proof of improved behaviour may be requested, for example, letter from probation worker, support worker or other professional organisation.

### **Unacceptable Behaviour**

Unacceptable behaviour applies to current and former Council tenants and residents in Registered Provider, Housing Association and private rented sector homes. Each application will be determined on its own merits. Where Rykneld Homes is satisfied that special or exceptional circumstances exist, it may in its absolute discretion decide not to treat as ineligible a person whose behaviour falls within any category deemed as unacceptable behaviour.

### **Non-payment of rent or other charges**

Where there is currently a high amount of debt due to rent arrears or other charges the applicant would normally be excluded from the register and therefore is unable to bid for properties. Applicants who have maintained either an account clear of outstanding charges, or an agreement to pay off their outstanding charges, for a period of at least 6 calendar months would normally be admitted to the register. Any offer of accommodation would normally be withheld until all outstanding charges are paid in full, however each case will be considered on its own merits. The following conditions will normally apply:

- **Council/Housing Association Arrears current or former tenants** - arrears will need to be under £500 before applicants can bid on properties.
- **Private Rented Tenants** - Register but advise applicant of arrears, if arrears are over £1,000 the application will be suspended until below this limit

For statutorily homeless applicants where the Council has accepted a duty to accommodate, an agreement must be in place and payments made towards their outstanding charges before they would normally be admitted to the register and an offer of accommodation made. However each case will be considered on its own merits. The Housing Options Team will work with homeless applicants from the date of application to ensure that the period can commence at the earliest possible time. The following conditions will normally apply:

- **Homeless Applicants** - No set debt limit - Register in accordance with the Housing Options Team's assessment, normally a payment plan of 6 weeks will be required for any outstanding debt.

- **If the arrears is over £1,000** - the Housing Options Team can use their discretion, based on the applicants circumstances and housing need, to defer the application for 3 months and advise applicant to make an arrangement to pay off the arrears.

Where outstanding rent or charges are due to the non-receipt of housing benefit and this is through no fault of the tenant, an application would be admitted. Help will be provided to an applicant to complete the required benefit forms, where special needs exist.

The process for current/former tenancy related or use and occupation charges for housing applications can include:

- Rent
- Water
- Repairs
- Outstanding recharges (current tenants included) Process for current/former tenancy related charges for housing applications
- Use and Occupation charges / Mesne Profit

In all case discretion can be applied in priority cases where there is an emergency need to move.

### **Non-payment of rent accrued due to welfare reforms affecting those households on housing benefits and under occupying a property**

Transferring tenants can be accommodated outside of part 6 of the Housing Act and therefore outside of normal allocations rules regarding reasonable preference.

The Council has adopted a proactive approach for applicants wishing to transfer due to financial reasons and a shortfall in housing benefit. These tenants will be given priority banding and in some extenuating circumstances may be offered a direct let into a smaller property suitable to their needs. The offer will be in line with The Homelessness (Suitability of Accommodation) (England) Order 2012. This will be regardless of any rent arrears accrued from April 2013 due to the revised housing benefit regulations. Tenants who have accrued arrears prior to April 2013 will not be eligible for a direct offer. Each case will be assessed on its on merit by Rykneld Homes Limited.

If a direct let is offered and is refused then the tenant will be placed in band 3 and encouraged to pursue HomeSwapper or choose to meet the shortfall in rent. If rent arrears continue to accrue they will be subject to the normal rent arrears procedures and will also be referred to the Council's Housing Options Team for advice.

Where there is a shortage of suitable properties available within the desired area, applicants will be encouraged to consider moving to an alternative area to meet their housing need.

Tenants will have the right to appeal (see 4.10 for the Review and Appeals Procedure).

### **Tenancy Agreement Breaches**

Where an applicant has breached one or more conditions in their tenancy agreement, consideration will be given as to the nature, seriousness and circumstances of these breaches and the length of time the tenancy has been free from problems.

## **Anti-Social Behaviour**

Anti-social behaviour (ASB) can include relevant criminal convictions, any relevant breach of a tenancy agreement, nuisance or annoyance to neighbours or using a property for immoral or illegal purposes. When considering whether an applicant should be excluded, the following factors will be taken into account;

- The frequency and duration of the conduct
- The scale, severity and type of the anti-social behaviour and its effect on other people, including whether this has caused harm, harassment, alarm or distress
- Any actions in progress by the landlord to address the conduct, such as possession proceedings
- Unacceptable behaviour, which if the applicant was a tenant of the Council would entitle the Council to a possession order

The following are examples of unacceptable behaviour, but the list is not exhaustive;

- Causing anti-social behaviour, nuisance or annoyance to neighbours
- Criminal behaviour such as arson, drug dealing, violence or threats of violence
- Use of property for immoral or illegal purposes
- Behaviour which has resulted in a sanction against the applicant, or member of their household, including injunctions, possession orders, Community Protection Notices or criminal conviction
- Perpetrating Domestic Abuse
- Violence or threats of violence to staff or agents of any principal partners, previous landlords, the Police or other statutory or voluntary agencies
- Obtaining a tenancy by giving false information or failing to provide information that is reasonably requested

When considering behaviour due regard will be given to the 'Rehabilitation of Offenders Act 1974' and the ['Allocation of Accommodation – Code of Guidance for local housing authorities.'](#)

Where an applicant is known to have caused Anti-Social Behaviour but has not been convicted and where Rykneld Homes believes that they present a potential risk to the local community or officers from a professional service, the applicant will be subject to a risk assessment and may not be eligible to join the Housing Register.

## **Risk Assessment**

If deemed appropriate Risk Assessments may be conducted, they are person centred and will be carried out by Rykneld Homes on a case by case basis. The assessments can include checks and evidence from internal and external organisations, such as former tenancies, employee local knowledge, probation and Police information. Dependant on the outcome of the assessment applicants may be required to agree to a support plan or proof that they are already engaging with support services, which may involve external professional services.

Rykneld Homes will also take into account the assessments of housing and support needs completed by offender management services, or voluntary organisations acting on behalf of these agencies, to ensure the applicant is in receipt of the right support package to sustain a tenancy and minimise the risk of re offending.

Some high risk applicants, dependent on the nature of the risk to the community may not be able to join the housing register or the applicant may be restricted to the areas/properties they are eligible to bid for. Where an assessment has deemed the applicant may be at risk of becoming homeless a referral to the Councils Housing Options team will be made for further housing advice.

### **Review on Suspended Applications**

Suspended applicants will be able to request a review of their housing application after 12 months in suspension. The review will be based on the applicant's current circumstances, if the suspension can be lifted the applicant will be banded accordingly.

### **Tenant Transfers**

To improve tenancy sustainment for the long term and ensure applicants with a genuine housing need are given housing priority, restrictions to tenant transfers has been implemented. Each application will go through an in depth assessment to make sure the reason/s for wanting to move cannot be resolved without having to move.

### **Restrictions to tenant transfers are as follows;**

- Where a tenant wishes to move to the same property type and size, within the same area with no priority, and it is considered the applicant is reasonably housed under the Allocations Policy, they may not be registered.
- Tenants who have moved twice or more in the past 24 months with no priority may not be registered (assessments will be carried out to identify any extenuating circumstances and may be registered at Rykneld Homes discretion).
- Reasonable preference (priority) tenant transfer applicants - No change (register with relevant priority banding in accordance with the policy and current legislation). Transfer applicants who submit a Right to Buy application will be removed from the register.

## **4.2 Property Eligibility Criteria**

In order to reduce tenant failures and provide sustainability across our communities applicants will be:

- Assessed to determine what size properties are affordable and will be registered to bid for the assessed property type, for example:
  - Applicants not being able to bid on a property which they will be under occupying, and where applicable this will alleviate the under occupation charge

The under occupation charge does not apply to applicants over the qualifying age for state pension.

In extenuating circumstances restrictions on the eligible size criteria may not apply, for example, but not exhaustive;

- Lack of properties within the assessed property size criteria

- Applicants with a medical priority / in need of an adapted property

No applicant will be treated less favourably if they are in receipt of benefits to help with their housing costs.

Properties will be allocated to people with a range of different needs, therefore to create a balance across communities empty properties may be let subject to a property criteria, for example;

- Age
- General needs
- Specialist/adapted properties for disabled people

Right to Move applicants will be given 1% of all the lets in accordance with the The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015. **See Appendix 3**

### **Un Let Properties**

If a property remains un let after advertisement the property criteria may be relaxed and may be advertised by other means on a first come, first served basis, however the property will still be subject to eligibility.

## **4.3 Offering Choice**

Rykneld Homes will help customers to make informed choice by providing comprehensive, easy to understand information on the:

- total number of homes owned by the Council, by type and location (and partner landlords if relevant);
- total number and locations of properties currently available, including those undergoing development work and those for discretionary lets;
- outcomes of previous lettings;
- lettings criteria for each home (see 4.6 Property and Applicant Lettings Criteria)

In addition, all applicants will be encouraged to look at the whole range of housing options available to them, for example mutual exchange, transfer, private sector, shared ownership, low-cost home ownership schemes.

All applicants have the following choices;

- Area/s of preference for re-housing across the whole district.
- Up to 6 bids for individual homes per advertising cycle (number will be subject to regular review).
- To not bid (unless the applicant is a priority applicant with a time limit – see 4.5 Time Limiting and Banding Review)
- Option to bid on any type of home where the applicant and lettings criteria can be met (see 4.6 Property and Applicant Lettings Criteria)
- Option to bid only on eligible homes that meet their own aspirations, for example with garden, close to public transport or particular health amenities.

## **4.4 Making an Application to be Accepted onto the Housing Register**

Every applicant must complete and return an application form which can be obtained directly from Rykneld Homes, the Council and partner agencies or downloaded from Rykneld Homes' web site. The following support will be available to all applicants.

- Help to complete the application form.
- Written and verbal information to ensure customers understand how applications will be dealt with.
- Support with the review, appeal and complaints procedures.
- Assistance in accessing advertising and 'bidding' for properties.
- Liaison between CBL staff and relevant support agencies.
- Advice on affordability of properties, particularly for those households in receipt of housing benefits and assessed as under occupying a social tenancy as part of the Government's wider welfare reforms.

Rykneld Homes will use a number of ways to identify if an applicant has any support needs including, but not limited to, information from;

- the application form;
- a referral from a support provider such as social services, probation services or the Primary Care Trust or the Council's Housing Options Team;
- Community Mental Health Teams;
- CPN's (Community Practitioner Nurse);
- a member of the family;
- our monitoring of bidding;
- the applicant themselves, including affordability of property.

If support needs are identified we will make contact with the applicant for further information, to ensure we offer the most appropriate support such as:

- advice on the CBL Allocations scheme;
- availability of support agencies/networks, including Support Plans
- help with bidding and finding a home
- advice on budgeting and debt prevention

All information relating to this policy and accessing the system will be provided in a range of formats to meet applicant's particular circumstances. These may include audiotape, large print, symbols, Braille, different languages, interpreting services and sign language. If there are any other requirements the Council and Rykneld Homes will endeavour to meet them.

An application, whether new or due to a change of circumstances will be registered from the date it was received fully completed and with the correct documentation. All applications will be subject to the same process of assessment. The information given on the application form will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998 and Rykneld Homes Limited's Privacy Policy.

All applications will be reviewed annually, in line with the registration date, to ensure that the information is still up to date. At the one year anniversary each applicant will be written

to and invited to confirm their application status and details. If there is no response within 21 days, the application will be cancelled and a letter sent confirming this.

### **Homeless Applicants**

Any person who considers themselves homeless or threatened with homelessness will be referred to the Council's Housing Options Team who will carry out the investigations and assessments of the applicant. Once complete the team will inform Rykneld Homes' Choice Move team of the priority banding, eligible property criteria and required area to enable the housing application to be registered.

### **Joint Tenants Who Want To Be Re-Housed Separately**

Joint tenants of either the Council or a Housing Association will usually only be considered for re-housing with all other applicants, unless there are extenuating reasons, such as separation, divorce, relationship breakdown or their safety is threatened.

In cases where extenuating circumstances do exist, once a joint tenant is successful in seeking alternative accommodation without the other joint tenant, the joint tenancy must be terminated. An investigation will be carried out as to whether the remaining tenant should be granted a full tenancy for that property or moved to an alternative one. In all cases, support and assistance will be offered to help the remaining tenant be rehoused if deemed necessary.

### **Confirmation of Acceptance on to the Register**

When an application is accepted it will be confirmed by letter, which will include the:

- registration date and bidding reference number;
- any priority and banding awarded;
- assessed property type;
- detailed advice on how to bid.

This information should be retained for use during bidding and when contacting housing staff.

### **Appeals and Review of Suspended Applications**

Where an application is ineligible or suspended, applicants will be informed of the decision in writing with the reasons for this. The letter will also set out other options available to them and their right to a review in the first instance, followed by appeal if the applicant is not satisfied by the review outcome (see 4.10 Review and Appeal Procedure).

### **Cancellation of Invalid Applications**

Applications are no longer valid when a;

- Council tenancy or Housing Association nomination is accepted either as a sole or joint tenant;
- joint tenancy with an existing tenant is accepted;
- tenancy is assigned to an applicant;
- new secure tenancy is granted on the death of a successor;
- purchase or part-purchase of a property in a 'build for sale' or 'shared ownership' scheme results from a Council nomination;
- submission to purchase a Council property under the Right to Buy scheme is received



- if an applicant is assessed as having savings, equity and/or assets and are able to fund appropriate alternative accommodation to meet their housing need (excluding existing NEDDC tenants and Extra Care specialist housing applicants)

An application will therefore be cancelled if:

- it is no longer valid (see above)
- the applicant requests us to do so
- there is no response to a review letter or other correspondence
- the applicant moves and does not inform Rykneld Homes of the new address
- the applicant leaves the country and is subsequently prevented from being registered because of the restrictions within the Asylum and Immigration Act or any subsequent legislation
- we find that the applicant has supplied false or incomplete information connected with that application

#### **4.5 Housing Need and Priority Banding Scheme**

All applicants who are accepted on to the Housing Register will have their application assessed and placed into one of the four 'bands' summarised below, in line with their current housing need. There is no hierarchy of the categories within the bands.

Detailed definitions of each band's categories can be found in Appendix 1.

#### **BAND ONE – Emergency/Very Urgent Need**

##### **District connection normally required**

- Homeless applicants assessed by the Council's Housing Options team who are owed the Main Housing Duty under Section 193 of the Housing Act 1996
- Homeless applicants owed a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not.
- Homeless applicants in temporary accommodation provided by the council to meet a Section 188 Interim Accommodation Duty considered likely to be in priority need and unintentionally homeless.
- Statutory Overcrowding for private rented tenants as defined in the Housing Act 1985
- Domestic abuse, immediate risk of harm or serious safety concerns
- Critical and/or crisis medical needs
- Moves that release an adapted property
- Adaptations – Tenants Incentive Scheme (Adaptation Transfer)
- Special cases which require an urgent and immediate need for housing
- Hate crime cases where re-housing of the victim is appropriate
- Multiple band 2 needs

#### **BAND TWO - Urgent Need**

##### **District connection normally required**

- General medical needs or applicants with significant care needs
- Applicants with support needs
- Applicants providing support
- Anti-Social behaviour where re housing a victim is appropriate
- People living in temporary accommodation pending enquiries
- Young people and the Children Act 1989 to include Care Leavers, vulnerable homeless young people
- Vulnerable Young people aged 16 and 17
- Lacking in basic amenities
- People whose home is a property tied to their job, who are retiring or leaving employment
- Moves that release an under occupied property
- Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.
- Prevention of Homelessness Measures (Section 195(2) Following Investigations by the Councils Housing Options Team
- People Leaving Temporary Supported Accommodation
- Armed Forces (as defined in The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012)
- Ex-partners of Armed Forces Personnel leaving MOD accommodation
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015). See Appendix 3 for further guidance
- Non Statutory Overcrowding by 2 or more bedrooms – Definition Used by North East Derbyshire District Council, see Appendix 5
- Multiple Band 3 Needs

### **BAND THREE – Moderate needs (No time limit)**

- Private sector tenants with an assured shorthold tenancy
- Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2
- Priority homeless but no local connection following investigation by the Councils Housing Options Team
- Homeless Applicants found to be intentionally homeless and the section 189 (B) relief of homelessness duty owed to them has come to an unsuccessful end.
- Shared Amenities after a 6 month period
- Special circumstances
- No Fixed Abode/Sofa Surfing following investigation by the Councils Housing Options Team
- Non Statutory Overcrowding by 1 bedroom – Definition Used by North East Derbyshire District Council, see Appendix 5
- Children aged 5 and under living in upper floor flats/maisonettes
- Applicants who are deemed not to have made best use of their priority banding after a review.

## **BAND FOUR – General Needs (No time limit)**

- No Specific Housing Needs
- Homeless but no local connection **AND** no priority following investigation by the Councils Housing Options Team
- No local connection
- Applicants with equity, savings and/or assets who can secure accommodation in the private rented sector which meets the household's needs

### **Multiple Needs**

In order to classify as having multiple needs, the following rules apply:

#### **Multiple Band 3 Needs:**

In order to qualify as having multiple Band 3 needs, applicants must fall into the two of the following categories:

- Special circumstances, for example families with special needs children
- Private sector tenants living in an assured shorthold tenancy
- Non statutory overcrowding by 1 bedroom – Definition used by North East Derbyshire District Council

#### **Multiple Band 2 Needs:**

To qualify as having multiple Band 2 needs, applicants must fall into at least two of the following categories:

- Medical needs (general) or significant care needs, where re-housing would improve health
- Support needs – receiving or providing
- Anti-social behaviour cases where re-housing of the victim is appropriate
- Non statutory overcrowding by 2 bedroom – Definition used by North East Derbyshire District Council

### **Time Limiting and Banding Review**

Where Priority Bands 1 and 2 are awarded, the time an applicant can stay within them will be subject to a full review, which could result in a number of outcomes including:

- “housing options” advice being provided to the applicant;
- extra support to the applicant;
- change of priority banding (up or down)
- With valid reason bid on an applicants' behalf (See 4.8 - Bidding for Applicants in Priority Bands 1 and 2)

An offer of accommodation may be made to Homeless applicants placed in priority bands 1 and 2 in order to meet the statutory homelessness duty. The offer must be one which is appropriate under The Homelessness (Suitability of Accommodation) (England) Order 2012.

Priority Band 1 will be subject to a full review after 3 months with close monitoring between reviews, however homeless applicants will be reviewed in accordance with legislation stated in the Homeless Reduction Act 2017.

Priority Band 2 applications will be subject to a full review after 6 months.

Applicants registered in Priority Bands 3 and 4 will be asked to update their application details annually, with any substantial changes potentially leading to re-categorisation. The information given will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998 and Rykneld Homes Privacy Policy.

Where a change of banding occurs as a result of a review, applicants will be notified in writing with an explanation as to why the change has occurred.

In all of above cases, actual accrued waiting time is not limited and is a factor on which winning bids are determined within the bands.

### **Definition of 'District Connection'**

With the exception of some homelessness, domestic violence, hate crime cases, armed forces personnel (as defined in The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012) and Right to Move applicants, Priority Bands 1 and 2 require a district connection. For the purposes of this Allocations Policy, this is defined as applicants:

- living in the district for at least 6 months out of the last 12; or 3 years out of the last 5 years, unless they came to the area to attend a further education establishment;
- having a close family member (child, parent, brother or sister) who has lived in the district for at least the last 5 years;
- giving or receiving care/support from someone living in the district;
- who are children or young adults leaving care;
- moving to meet the needs for higher education/training purposes;
- moving to receive specialist medical treatment;
- moving to or from supported housing which is near family;
- who are key workers or similar; who are public sector employees such as;
  - Clinical National Health Service staff (except doctors and dentists)
  - Teachers and nursery nurses
  - Police officers, Community Support Officers and some civilian police staff
  - Prison officers and some other Prison staff
  - Probation Service staff
  - Social workers, educational psychologists, and therapists
  - Local Authority Planners
  - Firefighters
  - Connexions Personal Advisers
  - Some Ministry of Defence personnel
  - Environmental Health Officer
  - Highway Agency Traffic Officers
- with other special reason for living in the district, for example:-
  - children for whom the County Council (Social Care) is acting as corporate parent and who are placed outside the district will be deemed to have a connection with the district; and
  - people who need to move to the district, where failure to meet their need would cause hardship (to themselves or other family members).

In all the above cases, supporting documentary evidence will be required.

There is an exemption to the qualification rule for applicants to whom the Council has accepted a homelessness duty under section 189B(2) or 193 (2) of the Housing Act 1996 because either because;

- a) They have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996, but do not otherwise meet the local connection criteria for joining the register or
- b) they do not have a local connection with the Council, but do not have a local connection with any other area therefore remain the responsibility of the Council

### **Community Connection**

This is a system of preference for applicants wishing to live in the community or adjoining community where they:

- have been living for the last 12 months; or 3 out of the last 5 years
- have a close family member for example; child, parent/guardian, brother or sister, who has lived in the community for at least the last 5 years.
- give or receive care/support from someone living in the community
- receive specialist medical treatment
- need to move to or from supported housing which is near family
- 'Right to Move' applicants, see Appendix 3
- applicants not qualifying under Right to Move regulations but who need to move for employment purposes (assessments will still be based on the 'Right to Move' criteria Work Qualification Definition as stated in Appendix 3)
- employment purposes qualifying through homeless legislation as referred by the Housing Options Team
- education/training purposes (starting from children in Secondary school year 10 and above)
- people who need to move to the community, where failure to meet their need would cause hardship (to themselves or other family members)
- Care Leavers aged 16 – 21, or up to the age of 25 if still receiving support from a Personal Advisor see the statutory guidance in Appendix 1

In all the above cases, supporting documentary evidence would be required.

Applicants will be awarded an extra 1 year waiting time for those bids where they meet the above community connection requirements.

### **Discharge of Homelessness Duty**

Under the Localism Act 2011, Part 7 of the 1996 Housing Act and the Homeless Reduction Act 2017 the Housing Authority has the power to fulfill its main homelessness duty with an offer of private rented accommodation.

The Council may decide to end its homelessness duty with an offer from within its own housing stock, housing association stock or through an offer of private rented accommodation within or outside the district boundary. If an offer of private rented accommodation is made then it must be assessed against the Homelessness (Suitability of Accommodation) (England) Order 2012. This Act provides guidelines as to the suitability of accommodation in relation to Health and Safety standards, standard of landlord management and suitability in terms of location, such as proximity to employment, schools, GP or other support networks.

The housing pressures faced limit the degree of choice that the Council is able to offer along with the responsibility the Council has to some groups in urgent housing need and to reduce the financial impact of temporary accommodation on the Council. The Council through the Housing Options Team may make a direct offer to applicants owed a statutory homelessness duty to alleviate housing need, however the applicant's preferred choice of area may not be available.

Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area in order to meet the duty owed to any applicant under the section 189B(2) Relief of homelessness duty or the main section 193(2) duty under Part 7 of the Housing Act 1996.

Furthermore the Council may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. The offer of accommodation would be in any area of the district that the Council has assessed is suitable and safe for the applicant to live in.

A decision to make a direct offer of accommodation could be:

- Where an applicant is not bidding in areas where properties are available and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant, to reduce the financial burden on the Council of the cost of temporary accommodation

### **Armed Forces Personnel and their families**

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 states that Council's Allocations Policies and Choice Based Lettings schemes "must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ..." of the following:

- is serving in the regular forces and is suffering from a serious injury, illness mental ill health (including PTSD) or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

To support the Derbyshire wide Armed Forces Covenant, which the Council is committed, the priority will also include;

- ex partners/spouses who have to move out of a MOD property due to a relationship breakdown,

In relation to former armed forces personnel any application to register for Choice Move must be made within five years of discharge from the armed forces.

### **Medical Assessments**

If an applicant, support agency/carer thinks that the applicants' current home is unsuitable due to their medical or mobility needs they may ask to be assessed. If the state of repair of the home is adding to these problems, where possible the property should be repaired before re-housing can be considered. The ability to adapt a home, where appropriate, will also be taken into account.

Medical banding may be given to applicants where:

- They are being discharged from hospital and their home is totally unsuitable for their needs; or
- The design of their current home means they cannot use essential facilities within their home without significant difficulty or help; or
- The design of their current home means they cannot get into or out of their home without significant difficulty or help; and
- A move to a different type of property would resolve these difficulties or alleviate them significantly.
- There is a fully-assessed need to move on the grounds of disability or ill health
- There is an assessment by the Community Mental Health team for severe mental ill health and it is determined that urgent rehousing is required.

An applicant must apply to go on the housing register, and in the first instance their application will initially be awarded banding without the medical assessment. They will be able to bid on applicable homes whilst their medical assessment is being considered.

On application a medical assessment form will be sent to the applicant for them to complete or for their representative to complete on their behalf (family member, friend or support agency). Where necessary the applicant will be required to contact a medical professional or Community Mental Health Team support worker to provide evidence of their medical condition, for example a patient summary. Rykneld Homes may visit the applicant to obtain further information for verification and to clarify the applicant's circumstances.

The assessment will be carried out by Rykneld Homes', once the assessment has been concluded the applicant will be awarded priority banding as stated below.

Crisis/Critical:	Band 1
General:	Band 2

Details are contained within the banding definitions in Appendix 1.

Some applicants with mobility needs for a specialist or ground floor home may wish to move, although they are already suitably housed from a mobility perspective. If they are over 60 they will be advised to bid for ground floor flats and bungalows. If the applicant is under the age of 60 their registration will be amended to qualify them for these homes so they can bid on equal terms. However applicants under the age of 60 will be individually assessed against the risk to the community. This will include a scan of the area and profile of current residents. Rykneld Homes will have discretion on eligibility for those applicants who have shown evidence of current/previous ASB. Decisions will be made at the DHP if it is felt inappropriate to allocate to a particular applicant due to suitability and community cohesion.

Priority will only be given for a housing type that will resolve the housing need as assessed in the medical assessment.

In some instances the applicant may have specific needs for a specialist home (for example, a 3 bedroom disabled persons property or adapted house) that has not become available during the time limit. In these instances, the priority may be extended.

If the applicant or a member of their household requires a property with major adaptations or needs housing designed for a disabled person, they may be offered a Flexible Tenancy till such a time their circumstances change and no longer need an adapted property and can seek more suitable alternative accommodation. (See point 4.9 of the policy)

### **Relationship Breakdowns**

In situations where a co-habitation relationship has broken down there is no automatic banding. Rykneld Homes and the Housing Options Team will consider the circumstances on an individual basis to determine priority. Evidence of circumstances may need to be provided. In all cases, it is advisable to seek housing and legal advice as early as possible as some actions may result in the applicant being awarded a lower priority.

### **Applicants with the Ability to Meet Their Own Housing Needs**

There is an increasing demand for social housing in the district and while the Council feels it is important to operate an open housing register, it recognises that priority should not be given to those who have sufficient savings, equity and/or assets to meet their own housing needs.

As part of the application process applicants will be financially assessed and they will not be able to bid for any properties until the assessment has been completed and the appropriate band awarded. Should they be found to have equity, savings and/or assets to help secure/afford alternative accommodation in the private rented sector which will alleviate their housing need they will normally only be awarded Band 4. If the financial assessment concludes the applicant can afford to buy a suitable property to meet their housing need on the open market they will normally be ineligible to register. However in some circumstances where their funds cannot be accessed then they may register and if a successful bid is made they may be offered a property with a Flexible Tenancy as a housing solution until they are in a position to seek alternative accommodation. (See 4.9 of the policy).

In some cases, for example medical priority applicants, where there is a limited number of properties to alleviate housing need in the private sector, or due to circumstances where the applicant has no immediate access to their funds they will be placed in the relevant priority band as per the usual procedure.

If any applicant worsens their circumstances to gain social housing, for example by disposing equity, savings and/or assets then an investigation will be carried out by Rykneld Homes to determine the reasons for the disposal. For more information on this assessment see Appendix 6.

### **Discretionary Lets**

This criterion refers to a let being allocated which is not subject to the general Allocations Policy. Such a let will be considered on the rare occasions where needs cannot be met through the normal Allocation Policy and procedure, for example:

- temporary accommodation is required following a fire or flood, or other major incident and current property is uninhabitable;



- direct offer of accommodation through the homelessness legislation;
- substantial development or repair work is being carried out and the tenant cannot safely or reasonably be expected to remain in-situ;
- succession to the tenancy of a property built or specially adapted for a person with special needs and they do not need that home;
- referral by Police Authorities as part of their Witness Support programmes;
- re-housing required as part of the Council's Emergency Plan following a local disaster;
- other situations specified in this Policy or Appendices, or unspecified emergency situations;
- re-housing required as a result of regeneration activity directly affecting Council homes;
- potential use in a "tie" situation where two applicants with the same banding and waiting time are at the top of a short-list; and
- any cases deemed as being an exception to the allocations policy

The decision to make a Discretionary Let will be authorised by Rykneld Homes Limited.

### **Community Lettings Plans**

We may adopt plans under this criterion for specific estates/areas. These have either been or will be agreed with local residents and other stakeholders and will have considered the problems that need addressing, supported by evidence following wide consultation with stakeholders. Further details can be found in Appendix 4.

## **4.6 Property and Applicant Lettings Criteria**

Advertised properties will have a criteria which detail any priority rules that apply to the particular property and which applicant's will have priority, which may include;

- if any community lettings criteria apply (together with the detailed rules that apply);
- minimum age of applicant for any offer of a home;
- minimum age of applicant for some flats and bungalows;
- adapted property for people with mobility priority;
- Extra Care Housing Schemes (schemes aimed at older people where they can live independently and have 24-hour care and support on site when it is needed);
- four bedroom and larger homes

**Where homes have a minimum age limit**, every attempt will be made to offer the home to someone above the minimum age. If there is no one who meets the minimum age limit we may consider lets to younger applicants. People with mobility priority will be considered first for some ground floor flats, bungalows and adapted houses. Homes with aids and adaptations will be restricted to applicants with mobility needs in the first instance.

**Extra Care Housing Schemes for older persons** provide for tenants needing varying levels of onsite care and support. For vacant homes in these schemes, other agencies, including Social Services, will be involved in setting the lettings criteria and making the final offer decision. If an applicant only seeks this type of housing the equity, savings and/or assets restrictions will not apply enabling them to join the housing register and bid as appropriate, however they will not be eligible to bid for any other types of properties. Eligibility criteria will apply and will be detailed in the advert.

**Four bedroom and larger properties** are in short supply in most areas of the district. In order to make the best use of these 4 bedroom properties, households with a Band 1 and 2 priority and who need a 4 bedroom or larger home to resolve their housing need will be considered first. If applicants in band 1 and 2 have been exhausted priority will cascade to band 3 then 4 applicants with the most number of people in their households. Alternatively some applicants, dependent on the applicant's priority banding, may bid on 3 bedroom properties to help alleviate their immediate housing crisis.

**A woman with a confirmed pregnancy** will be counted as a household with a child upon the birth of that child and receipt of the birth certificate. If an applicant already has one child, the unborn baby will be treated as if it were the same sex.

**Access arrangements** for children can only be taken into account for children under the age of 16.

**When a person is being released from prison or other correctional institution** an application for housing can be accepted, however the application will not be activated until the applicants actual release date. Relevant evidence to support the application and circumstance of probation may be requested, for example, letter from probation worker or prison liaison officer. These applicants will be referred, at the point of application, to the Housing Options Team for assessment under the Homeless Reduction Act 2017.

**When a member of an applicant's household is in prison**, this person may be included in the household for the purposes of the letting criteria 4 weeks before their confirmed release date from prison.

### **Guidance to Property Size and Type Eligibility**

General guidance on property sizes and types that would normally be offered depending on the composition of the household and if affordable can be found in Appendix 2.

Allocation to a specific property will depend upon applicants fulfilling any 'property' or 'applicant' criteria linked to that property, as outlined in the policy.

In some areas and localities where there are shortages of particular types of housing, and where the applicant's circumstances do not fit the general guidance, discretion may be exercised by Rykneld Homes. Examples of this could be:

- Where particular types of properties are in short supply,
- Where there is a Community Lettings Plan; the advert may state that applications can be accepted if the criteria are not met, but people who meet the criteria will be considered in the first instance
- Single people with access arrangements to children
- Community lettings plans will also have other rules which may apply
- To ensure community sustainability, vacant flats may be profiled to take into account the composition of current tenants when advertised.

Homes may be let to households of a size or type that don't meet the usual lettings criteria; for example if this is a need identified through a Communities Lettings Plan, or where there are no applicants who fit the criteria.

### **Overnight Access**

If an applicant has access to one or more children under the age of 16 years for two or more nights a week and they have provided documentary evidence supporting their access arrangements, different property types and sizes may be possible, therefore under these circumstances assessments will be carried out by Rykneld Homes on a case by case scenario. However if the child/children's permanent residency is elsewhere the applicant will not get any housing priority for overcrowding.

Property types and sizes will depend on the number of children and the age and sex of those children. 'Property' and 'applicant' criteria will also have to be met when bidding for specific properties.

Affordability assessments will also be carried out to determine if the property is affordable in terms of the under occupation charge.

## **4.7 Advertising**

### **Advertisement of available homes**

All available Council homes will be advertised on a cyclical basis as follows:

- On the ChoiceMove website [www.choicemove.org.uk](http://www.choicemove.org.uk), with free access available at numerous points around the district including offices of the Council, Rykneld Homes and partner agencies.
- A lettings brochure produced weekly detailing all the available homes, available at various points across the District, including offices of the Council, Rykneld Homes and partner agencies.

The advertisements explain:

- how to bid for a home;
- the closing date for bids;
- the details of each property including rent/charge, number of bedrooms, special features;
- applicant eligibility criteria if applicable;
- feedback from previous lettings cycles.

The right is reserved to use other property online search portals to advertise un let properties and also withdraw properties at short notice, in some cases even after advertising. Withdrawal of properties will be kept to an absolute minimum.

### **Mutual Exchanges**

A Mutual Exchange is a swap of accommodation between two or more tenants, where each party moves permanently into their exchange partner's home. A tenant cannot exchange into an empty property. Council and Housing Association tenants can apply to exchange their accommodation, subject to certain conditions, with the consent of their landlords being required before moving. Within some of the advertising media will be a section detailing homes and tenants who wish to move under mutual exchange procedures.

Rykneld Homes is signed up to [HomeSwapper](http://HomeSwapper) which is a mutual exchange matching website for use by secure tenants.

## **4.8 Bidding for Homes, Offers and Feedback**

“Bidding” refers to the way applicants let Rykneld Homes know they are interested in a home. It doesn’t involve any money; it is an expression of interest only. Acknowledgements will be provided on request.

Bids can be made:

- in person or by post
- by telephone;
- on the website;
- on an applicant’s behalf by Rykneld Homes by prior mutual agreement (they will inform you if this is to be done on your behalf e.g. for priority applicants and in some circumstances vulnerable applicants);
- on an applicant’s behalf by a support agency/worker (by agreement).

With the exception of discretionary/direct lets applicants will normally be able to make up to 6 bids in each cycle of adverts. Before making a bid an applicant should seriously consider if the property:

- is in an area they would like to live in, information on areas is provided with the advert and application forms;
- is the type they would be happy with, the property details are on each advert; and
- has letting criteria they are eligible for.

If applicants consider the above points, waiting times can be kept lower as that reduces the chances of making offers that people don’t want.

### **Bidding for Applicants in Priority Bands 1 and 2**

Applicants in Priority Bands 1 or 2 (who are not offered a property directly) will need to search and bid for homes following the usual procedure, however, they will also need to be aware:

- That priority will only be given for homes that meet the applicant’s need. For example, if an applicant has mobility needs for level access, they will not be given priority to move from a house with stairs to another similar house.
- Applicants will be expected to bid on all types of homes for which they meet the letting criteria, for example 2 bedroom flats as well as houses, and may need to compromise on their ideal choice in order to move quickly.
- With valid reason we can make a bid on an applicants’ behalf or review or cancel a priority at any time.

### **Band 1 Relating to Statutory Homeless Duty**

Statutory homelessness duty awards may be eligible for a direct one off offer under their priority band award to accommodation that meets their housing need and enables their support need to be sustained.

Housing Association nominations will also be undertaken by ensuring that all nominations received from Housing Associations will first be considered against Band 1 statutory homelessness duty awards, thereby ensuring that all social housing providers are meeting statutory housing needs in the district.

Following legislative changes private rented accommodation can be utilised to discharge the homelessness duty and will be considered as suitable and appropriate accommodation where it meets the needs of individuals and households. Any offer of private rented accommodation will be in accordance with The Homelessness (Suitability of Accommodation)(England) Order 2012.

### **Sorting Bids**

All bids received by the closing date are placed in descending band order, giving Priority to Band 1, in line with any property and applicant criteria stated. Where two or more applicants are in the same priority band, **and** meet any additional eligibility criteria, then order will be determined by the longest application waiting time.

Where a property has adaptations, applicants who fulfil the eligibility criteria and who have been medically assessed to require those adaptations will be prioritised above applicants without those needs. Where two or more applicants require the adaptations the following sorting methodology will apply. If no applicants have been assessed to need the adaptations present in the property, the remaining eligible applicants will be shortlisted as below.

The procedure for sorting bids is as follows;

1. Applicants in Band 1 are considered first, where there are no suitable applicants within this priority Band, then the home will be cascaded through the other Bands, in priority order, highest priority being first.
2. Where there is more than one applicant, the longest waiting time is first. This date may be different from the original registration date as priority may have been awarded due to a later change in circumstances.
3. Where there are two or more applicants with the same waiting time, then the earliest registration date will be first (see note 2 above).
4. For homes with a minimum age limit we will make every attempt to offer the property to someone above the minimum age. However, if there are no suitable applicants we will consider offering it to other applicants who have bid but do not meet the minimum age limit.
5. Where there are no suitable applicants at all, homes may be re-advertised with a relaxation of any lettings criteria being considered.
6. Dependant on demand homes may be re advertised on other online property search portals.

### **General – short-listed applicants who are “tied” at the top of a band**

In the unusual circumstances of a “tie”; (that is, where two (or more) applicants are at the top of the same band and have exactly the same amount of waiting time and the same registration date) then the successful applicant will be determined by a panel of two senior officers, including the appropriate Rykneld Homes service manager. It may be appropriate, in such circumstances to offer the ‘unsuccessful’ applicant a ‘*discretionary let*’, if appropriate stock is available, although this will not always be possible or practical in every circumstance.

### **Homes Available in Community Lettings Plan Areas**

Homes in areas with these plans will be subject to additional lettings criteria which have been agreed and operate in specific localities.

### **Successful Bids and Offers**

Applicants banding and waiting times will be checked and verified to ensure the applicant is positioned correctly on the shortlist. Once the verification checks have been concluded the eligible top applicants are normally notified between five and ten working days of the bidding cycle closing. The top shortlisted applicant/s will then be invited to attend a viewing, however if the applicant/s cannot be contacted within 24 hours the next eligible person may be offered a viewing.

Following the viewing, the applicant will have up to 24 hours to make a decision as to whether to accept the property. Where this offer is refused, the next applicant on the list will be invited to view the property. All offers will be made once all checks and verifications are complete. This may be at the property and if the offer is accepted confirmed in writing the same day.

Each successful applicant will receive one offer only per cycle. If an applicant has bid on a number of homes and is successful for more than one, then their preferred property will be the only one offered to them in that cycle and Rykneld Homes will proceed down the list to find the next suitable applicant for the other homes.

Applicants are advised wherever possible to consider the location of the property and the property type prior to making a bid.

If Rykneld Homes find that information has not been provided and that a successful applicant does not in fact meet the lettings criteria then the offer can be withdrawn.

### **Feedback**

At the end of each cycle, a list of all properties that have been let, including discretionary lets, will be available to provide transparency and information, so that unsuccessful applicants can see the banding and waiting time of the successful applicant, and also get an indication of how long they may have to wait for a particular locality/dwelling type to help them to make more informed bids in the future.

This will be included within the advertising for the next round of available homes. Feedback will show the address of the property (not house/flat number), the band and waiting time of the applicant who was offered the property following the closing date. No personal information about the successful applicant will be shown.

### **Refusing Offers**

Offers can be refused, however reasons must be given for refusal and if the applicant's reasons are not considered reasonable, applications may be suspended for a period of three months. When an applicant has been offered and refused **3** homes their application will be re assessed and housing advice given including considering the property location and property type. If the applicant's reasons for refusal are not considered reasonable, applications may be suspended for a period of three months.

If an applicant owed any of the statutory homelessness duties under the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 refuses an offer of suitable accommodation, the homelessness duty owed to them will be discharged and they will lose any priority status afforded to them because of the duty owed to them. The Council reserves the right to withdraw any offer of accommodation where there is just cause. The Council's Housing Option Team will explain to the applicant why an offer has been withdrawn.

A statutory homeless duty includes the following:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

### **Non bidders**

If applicants on the Housing Register do not express an interest in any property over an extended period of time Rykneld Homes will contact them to see if they need any help using this system or if their circumstances have changed.

If homeless applicants are placed in priority banding and have not made a bid on any properties the Council's Housing Options Team will make contact, again so that any help and advice required can be offered and to determine the action to be taken in line with the Homeless Reduction Act 2017. (See page 22 Discharge of Homeless Duty)

## **4.9 Tenancy Types Offered**

Council homes will be offered on an Introductory tenancy in the first instance, followed by either a secure Lifetime Tenancy or fixed term Flexible Tenancy.

Flexible tenancies **do not** affect existing social housing tenants who wish to transfer and who currently have a lifetime tenancy.

Flexible tenancies may be offered to applicants who fit the criteria stated below where access to social housing would be for a fixed period until their circumstances change or they are able to find alternative accommodation, or in some circumstances more suitable social housing may be offered by Rykneld Homes;

- Owner Occupiers/applicants who have too much equity/savings/assets which they **cannot** access to secure alternative accommodation due to their current circumstances, for example; relationship breakdown, fleeing domestic violence
- Empty/Void properties can be used as a housing solution for applicants for a fixed term until the property can be developed/refurbished/regenerated, case by case assessments will be completed to determine which properties are offered under this criteria
- Properties with major adaptations or housing designed for a disabled person

***See the Councils Flexible Tenancy policy for further information.***

## **4.10 Review and Appeal Procedure**

If applicants are unhappy with any decisions that Rykneld Homes make, they can request a review in the first instance. Examples of where this may happen include:

- decisions relating to applications to join the Council's Housing Register including where applicants have been suspended or excluded unfairly in their view;
- Dissatisfaction with offers on properties made;
- if an applicant believes that they are in the wrong band, or that their band has been changed unfairly in their view after a time-based review;
- if an applicant believes that a property has not been allocated according to this Allocation Policy. For instance, if they expressed an interest for a home, and were in the same priority band and had longer waiting time than the successful applicant.
- An identified officer, who is independent of the original decision making process, will carry out these reviews. This will normally be the appropriate Rykneld Homes Senior Officer (non Homeless applicants).
- Appeals for Homeless applicants are in line with the Homeless Reduction Act 2017 and will be carried out by the Council's Housing Options Team.

### **Stage 1 – Review (non-homeless applicants)**

- A request for a review must be made within 21 days from:
  - the date on which you were notified of Rykneld Homes' decision and the reasons for it, or
  - the date of publication of feedback of properties let, where an applicant believes that a property has not been allocated according to this Allocation Policy

You can make this request in writing, in person, by telephone or by email. Your request will be acknowledged in writing within 3 working days of receipt.

- The reviewing officer will have up to 28 working days from the date of receipt to carry out the review. This may be extended by mutual agreement. The reviewing officer will take into account the relevant contents of the Council's Allocations Policy together with any legislative requirements, statutory instruments and any current Code of Guidance. They may seek information from any agency that supports the applicant. Applicants may be asked to provide a written explanation to describe the grounds of their review request.
- If the reviewing officer finds that applicants have given additional relevant information, which had not been taken into account when the original decision was made, the case will be referred back to the officer who originally dealt with the case. This officer will reconsider their original decision in view of the new information provided.
- When the review is complete, the reviewing officer will write to applicants within 3 working days to advise them whether the original decision is upheld or rejected, and their reasons for this outcome. Applicants will also be advised of their right of appeal at stage 2.

### **Stage 2 – Appeal (non-homeless applicants)**

Where applicants are not satisfied with the decision of the reviewing officer, they can appeal to Rykneld Homes within 21 days of the review decision.

A senior Rykneld Homes officer, who has not been involved in the first stage of the decision, will consider the request for an appeal. The decision on the appeal will be based on the facts known to Rykneld Homes at the date of the review. Rykneld Homes Service Manager may need to ask the applicant for more information to assist in making a decision.



This review and appeal process is over and above customers' general rights to complain about any Council service, either to the Council directly or via the [Housing Ombudsman Service](#).

### **Discretion**

Where a review or appeal made by an applicant, on the grounds that a property has not been allocated according to this Allocation Policy, is upheld, and the applicant has missed out on the offer of a property as a result of this, then consideration will be given to offering the applicant another property as a 'discretionary let'. This will be at the discretion of Rykneld Homes, depending on which stage of the procedure is being followed.

## **4.11 Policy Review and Monitoring**

### **Review**

A desk top review of this policy will take place on an annual basis through monitoring of the effectiveness of the policy. Reviews will take account of the following:

- outcomes of who is housed, the banding system and time limits
- lettings criteria and the categories within them
- advertising methods and media
- bidding methods, procedures, timescales and other criteria attached to the bidding process
- housing register information
- demand information

Performance will be assessed through the following framework, with detailed measures being developed for inclusion in future versions of the Policy appendices:

- National and local performance indicators
- Benchmarking exercises and peer review
- Service Standards: joining the housing register, advice and assistance, bidding, viewing and accepting a property
- Learning from customers, including customer satisfaction with the service, and with opportunities for involvement with developing and improving the service
- Cost and value for money information

This Policy will be subject to periodic review and amendment, based upon customer feedback, the ad-hoc trialling of different methods and relevant changes in government legislation. Following review it may be necessary to make adjustments to the Policy to facilitate the fair and efficient running of the CBL system. Where adjustments are made these will be communicated widely through the available CBL advertising methods.

### **Monitoring**

Through the Choice Based Lettings & Allocations and Welfare Reforms monitoring form the policy will be monitored on a quarterly basis and through the Governments Local Authority Housing Statistic annually. Examples of data to be collected for monitoring include:

- The number of applications, lettings and offer refusals
- Number of applicants in each band
- Applicants connected to armed forces

- 'Right to Move' applicants
- Owner occupiers and exclusions
- Bedroom requirements
- Lets per age band
- Lets per priority band
- Under occupation applicants
- Discretionary lets

## 5. Responsibility for Implementation

Through the Housing Strategy Team, the council owns the Choice Based Lettings and Allocations Policy. However, the implementation and delivery of the policy is the function of Rykneld Homes, primarily through its Choice Move Team, but also through the Neighbourhood Teams.

The council's Housing Options Team also uses the policy within its role to support homeless applications. In these cases it works closely with Rykneld Homes' Choice Move Team.

Through supporting applicants, other agencies have an indirect role in the delivery of the policy's content, such as DCC, Children's Services, Learning Disabilities Services, probation services, the law centre, P3 and SAFE.

Registered Providers and Private Rented Sector Landlords will also use this policy through properties being advertised via CBL and nominations from the Council's Housing Register list of bidders.

## 6. Glossary of terms

**Arms Length Management Organisation (ALMO):** Rykneld Homes, the organisation that is responsible for managing and maintaining the council's housing stock.

**Auto Bid:** This means bids will automatically be placed on properties that are advertised matching the applicant's criteria.

**Choice Based Lettings (CBL):** CBL allows applicants for social housing (and existing tenants seeking a move) to apply for available vacancies which are advertised widely (e.g. in the local newspaper or on a website).

**Housing Association and Registered Provider:** Independent, not-for-profit organisations which own or manage affordable homes, both social rented and intermediate.

**Ineligible application:** An ineligible application is one which may result in the applicant being restricted from participating in the CBL scheme as a result of the applicant being guilty of unacceptable behaviour.

**Decanting:** Is the process that takes place when works are required to a Council property and it is decided that it is not safe for the tenant to remain in the property whilst the work is being carried out, therefore the tenant will be moved to an alternative property on a temporary basis.

**Nomination rights:** This is where the Council has an agreement which allows Rykneld Homes to nominate applicants from its own housing register for properties managed by a partner registered provider or housing association.

**Notice to Quit:** This is a legal term which refers to the written notification given to the tenant of a property requiring the tenant to vacate the property and hand over possession to the landlord. In the case of this policy, Rykneld Homes will take possession of the property as they manage the Council's properties.

**Possession proceedings:** This is a legal term which refers to the process which can take place due to a dispute over the possession of a property. For example, where a tenant has failed to pay their rent or have accrued rent arrears and Rykneld Homes wishes to claim for possession of the property off of the tenant, possession proceedings will be undertaken.

**Possession order:** This is an order from the County Court that requires a tenant to vacate a property by a certain date and time. This order is obtained following possession proceedings being issued.

**Suspended application:** A suspended application is one that is registered but restricted from bidding.

**Transfer applicants:** A transfer applicant describes an applicant participating in the scheme who is a current tenant of North East Derbyshire District Council and who will be vacating their current property in order to occupy another property.

## 7. Appendices

## Appendix 1

### Detailed Definitions of Bandings

#### **Referrals**

Referrals for priority can be made directly by the applicant, an advocate, support worker, carer, other officer or anyone working in a professional or advisory capacity with the applicant.

#### **BAND ONE – Emergency/Very Urgent Need**

**(Review of priority is required after a 3 month time limit).**

**District connection normally required**

##### **1. Homelessness**

- **Main Housing Duty under Section 193 and Section 189b(2)**

Homeless applicants assessed by the Council's Housing Options team who are owed the Main Housing Duty under Section 193 of the Housing Act 1996 following investigation by the Council's Housing Options Team Priority banding and eligible property type will be assessed by the Council's Housing Options team who will advise Rykneld Homes' Choice Move Team accordingly.

- **Homelessness Temporary Accommodation**

Applicants assessed by the Housing Options team, who are in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty, and who are considered likely to be in priority need and unintentionally homeless whether a decision to that effect has been made or not.

If the applicant has been assessed by the Housing Options team in line with the Homeless Reduction Act 2017, and placed in band 1, at their discretion a one time offer of accommodation may be given. If the applicant refuses this offer (which must be reasonable) the priority will be cancelled and the Council's statutory duty discharged. However, the applicant has the right to request a review of the suitability of the property offered. This must be made either verbally or in writing, giving the reasons why they feel the property is unsuitable, within 21 days of the offer being made (even if the applicant has moved into the property). If the offer is found to be unreasonable, then priority will remain and a second offer will be made.

##### **2. Statutory Overcrowding as defined in the Housing Act 1985**

Where a private sector household is deemed to be living in Category 1 Hazards (Bands A-C) of the HHSRS where there is a serious and immediate risk to a person's health and safety and the Council has a duty to take action.

##### **3. Domestic abuse (immediate risk of harm or serious safety concerns)**

An applicant can be assessed for priority if it is essential that they move because:

- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse by their partner or someone else who lives with them; or

- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse at or near the property by a former partner or an associated person, and who does not live with them in the property.

The policy applies equally to men and women and to people in same-sex as well as heterosexual relationships. It also applies to applicants who are abused by household members other than spouses or partners. It applies equally to applicants in all tenures.

If the applicant is a Council tenant and the perpetrator is not a tenant (or eligible to be joint tenant) then the applicant must quit the home when they are re-housed. Anyone who remains in the home will be treated as an unauthorised occupier.

Where an applicant has been given priority banding due to being assessed as being at risk from domestic abuse, the applicant is restricted to applying for properties a reasonable distance from their existing home. Reasonable distance will be assessed in terms of the risk to the applicant of living in a certain location, along with the location of support networks, local services, availability of suitable alternative properties and access to transport.

#### **4. Critical and/or crisis medical needs**

Priority may be given if applicants suffer ill-health which is aggravated by their housing conditions and which would be helped by a move elsewhere as an emergency. Evidence is required from a medical professional as per the medical assessments criteria stated in the policy:

Circumstances will be assessed against the following criteria:

- Physical Health:
  - Crisis or volatile situation, requiring re-housing in the very near future in order to avoid serious repercussions on health.
  - Serious physical dysfunction or deterioration presenting a risk to life.
- Mental illness/learning disability:
  - High risk or actual breakdown including risk of or actual hospital admissions.
  - To live in ordinary housing is essential to avoid loss of life.
  - Serious mental ill health or deterioration (including severe PTSD caused by serving in the Armed Forces) where there is a clear and adverse link between the current accommodation and the health of the applicant or household member resulting in an emergency need to move
- Environment:
  - Life threatening situation developing if not re-housed away from existing home/neighbourhood.
  - Dangerous or unsafe physical environment

#### **5. Moves that release adapted property**

Moves that release adapted property and applications via the “Adaptation Transfer” route (more information can be found on the [Rykneld Homes website](#)).

#### **6. Special cases**

An applicant may be considered for special case priority if they have:

- a. an urgent and immediate need for housing, the circumstances of which are exceptional and are not covered by the allocations policy; or

- b. cumulative or multiple Band 2 needs; where the applicant (or a member of their household) has a number of needs which when assessed in isolation would not indicate a very urgent need; or
- c. the applicant's current home poses a significant risk to life or health and immediate re-housing is essential. Such a special case, will in practice, be deemed a "discretionary let".

## **7. Cases of hate crime where re housing a victim is appropriate**

Hate crime is defined by the Home Office as "any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic". The definition covers five main strands, in particular – disability, gender-identity, race, religion or belief and sexual orientation".

Hate crime can include;

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

A Police crime number will be required as confirmation of the hate crime.

## **BAND TWO - Urgent Need**

**(Review of priority is required after a 6 month time limit).**

**District connection normally required**

### **1. Urgent medical needs or applicants with significant care needs**

Priority may be given if applicants suffer serious ill-health, including mental ill-health as assessed by the Community Mental Health Team, where an applicant's housing situation is directly contributing to causing serious ill-health or a potential serious deterioration. Priority will only be considered where the ill-health severely restricts the applicant's ability to continue to live in their home. This includes applicants who are no longer at immediate risk of Domestic Abuse but moving properties will help manage their mental ill-health, evidence can be provided from, GP/consultants, Domestic Abuse agencies or specialist support workers.

Circumstances will be assessed against the following criteria:

- Some actual risk, or concern about potential risk, to physical safety and functional ability. Unable to be improved unless by alternative property design/ layout
- Where the current accommodation causes serious barriers to completing day to day activities including severe social isolation and restriction of independence. This will only be awarded if the ill-health is solely and directly related to the applicants current housing situation, their ill health is significantly affected and urgent re-housing is required to prevent serious deterioration.
- Clear evidence of significant health improvement if re-housed, particularly where poor surroundings may affect or worsen the illness and urgent re-housing would be the only way to improve the situation of the applicant.
- Potentially unsafe physical environment.

- Serious mental ill-health including survivors of domestic abuse. Evidence will be required to show the on-going effects living in the current accommodation, the support being received and that an urgent move is required to aid treatment and/or recovery.

Applicants with significant care needs may include people with chaotic lifestyles, mental health needs, learning disability, long-term health problems, community care or related health problems and people leaving supportive housing schemes; where re-housing would improve health or promote independent living.

Applicants may be assessed for priority if they are ready to leave hospital or other care institutions and they have:

- spent a long time in hospital or institutional care; or
- spent significant time in temporary or 'move on' accommodation; or
- had repeated stays in hospital or institutional care; **and**
- have no permanent accommodation to return to.

Where the applicant is leaving temporary or 'move on' accommodation, referrals will be considered using the Derbyshire Move On Protocol.

Applicants may also be assessed for priority if:

- They have been discharged into the care of their family but this accommodation is unsuitable for their needs; or
- They have been discharged into temporary accommodation other than a supportive hostel; or
- They have not been in hospital long term, but require a full needs assessment and care package to enable them to live independently in permanent accommodation; or
- They have an assessed severe mental health illness or other health problems that are being caused or exacerbated by their housing situation and this can be resolved by urgent re-housing.

In all such cases, priority will only be awarded if:

- Rykneld Homes is satisfied the applicant is capable of living independently; **and**
- any necessary support needed for the applicant to live independently will be provided

## **2. Applicants with support needs – receiving or providing**

Applicants may be assessed for priority if they need to move to be nearer to family or friends in order to give or receive a high level of essential support. Priority may only be given where a high level of support is both needed and will be given. Priority will only be given if:

- there is evidence that a high level of support is needed and, without that support, the applicant would have serious problems in their daily life; **and**
- the person giving the support confirms that they are already giving a high level of support or will give it if one of the parties moves nearer; **and**
- a move will greatly cut or ease the travelling time needed to give or get support.

Priority will not usually be given where a primary carer already lives with or near to the applicant. However, this can be considered where a move is essential in order to support a primary carer who has other people for whom they are responsible. For example, where one partner needs a high level of care and the spouse provides this but there are also young children in the household. In this case, priority will only be awarded to enable one

secondary carer's household to move. Priority cannot be awarded to more than one household.

If an applicant with a high level of support needs lives with others who provide that support, they can ask to be assessed for priority so they can live independently but remain within reach of supportive family and friends or of alternative agency support. This policy covers people who are not tenants (or eligible to be joint tenants) or owner-occupiers.

If the support is provided by an agency, the agency must confirm that the applicant needs a high level of support and will be given that support if they move. It must also be shown that the applicant cannot get this support where they live now.

An applicant cannot be awarded priority just so they can be near particular services or facilities.

Priority will only be given for an area that will resolve the housing need.

### **3. Anti-Social behaviour where re housing a victim is appropriate**

Anti social behaviour is any behaviour that unreasonably and adversely affects the quality of life of other members of society. More information on anti-social behaviour is available on the [Rykneld Homes Website](#).

For the purposes of this policy, this will include members of their household for whom they are responsible.

We will always tackle the perpetrator, and wherever possible support the victim in remaining in their home. However, if the anti-social behaviour is continuous, reported regularly to the landlord or Police, all appropriate actions have been attempted to resolve the issues and it is assessed by Rykneld Homes that it is more appropriate to re house the victim, re-housing priority may be given, in all cases a crime reference number or relevant supporting evidence will be requested to support the application.

### **4. People living in temporary accommodation pending enquiries**

Where applicants are living in bed and breakfast, Council owned homeless units, accommodation within Council stock, women's refuge and other supported accommodation as a result of a homeless application under investigation, after investigation the Housing Options Team will treat this in the same way as a prevention of homelessness and may make an offer of accommodation or change the banding priority as appropriate.

### **5. Young people and the Children Act 1989**

Care Leavers:

Young people under the age of 21 who have been or are still in the care of the Local Authority (Children's Services) and people aged from 21 up to the age of 25 who are receiving support from the Local Authority (Children's Services) as per the statutory guidance which can be found on the [Governments website](#).

Priority will be given to a care leaver if they are assessed as having a housing need. Evidence will need to be provided by their support worker from Derbyshire County Council's Children's Services.

Vulnerable Homeless Young People:



16 and 17 year olds, who have been assessed by or on behalf of Social Services as in need under the Children Act 1989, may be given priority on the same basis as care leavers (see above). All applicants aged 16/17 will be assessed directly by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care Team in line with the Derbyshire Joint protocol on Young People aged 16/17 Presenting with Accommodation Needs.

Priority will only be given for a home located in an area that will enable the necessary support to be provided.

## **6. Vulnerable Young people aged 16 and 17**

Any person over the age of 16 can apply to be on the housing register; however housing will not normally be allocated to anyone under the age of 18. 16 and 17 year olds will normally be re housed via a Children Act referral from social services under the terms of the agreed protocol or via a homeless application.

If a 16 or 17 year old is vulnerable and requires housing before their 18<sup>th</sup> birthday, an assessment will be made of the person's circumstances and an allocation may be made. However, adequate referral and support arrangements should be in place and all 16 and 17 year olds will require a guarantor both to accept responsibility for the tenancy and rent.

## **7. Lacking in basic amenities**

Applicants in self-contained accommodation which lacks the basic amenities of:

- Bath or shower
- Internal toilet
- Kitchen
- Hot water

## **8. People whose home is a property tied to their job, who are retiring or leaving employment.**

*Council and Rykneld Homes' Employees:*

These tenants are treated as being on the housing register from the date they began that job. If they were already on the housing register before becoming an employee, they will keep that registration.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
  - for redevelopment, demolition or sale where the site is being disposed of.
- If employment ends, and the home is not needed for a new employee, the former occupant may be allowed to stay in their home if they wish to do so, provided:
- the home would form part of the general housing stock; and
  - they meet the letting criteria for the property, returned to the general housing stock.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.

*People NOT Employed by the Council or Rykneld Homes, but with a Tied Tenancy:*

These tenants are treated as being on the housing register from the date that their application was approved.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
- for redevelopment, demolition or sale where the site is being disposed of.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.

### **9. Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.**

If a Council tenant's home is having major improvements, repair work or the property is included in the Council's Long Term Regeneration Programme, they may be moved temporarily into a decant property. The appropriately authorised Senior officer will withdraw from the letting pool, one or more properties. These will be dealt with as "Discretionary Lettings".

Temporary homes will be offered on the same estate or as near as possible to the tenant's home. These temporary moves may be arranged if:

- a) member of the household is a shift worker;
- b) there are strong medical reasons why the household cannot cope with the building works;
- c) a member of the household is under one year of age;
- d) the gas, electricity or water has to be disconnected for a long period;
- e) the size of the household and age of the people in it would make it difficult for them to live in the home during the work; or
- f) the home is in a block of flats, and the household will be unreasonably disturbed by work in other flats.
- g) if the property is being demolished to allow for redevelopment and the property is being re built

Once the work is finished, the tenant would normally be expected to return to their permanent home.

### **10. Prevention of Homelessness (Section 195(2) Measures Following Investigations**

Priority banding and eligible property type will be assessed by the Council's Housing Options team who will advise Rykneld Homes' Choice Move Team accordingly.

If the applicant has been assessed as having a risk of becoming homeless in the next 56 days by the Housing Options team under Section 195(2) in line with the Homeless Reduction Act 2017, and placed in band 2, at their discretion a one-time offer of accommodation may be given. If the applicant refuses this offer (which must be reasonable) the priority may be cancelled and the Council's statutory duty discharged. However, the applicant has the right to request a review of the suitability of the property offered. This must be made either verbally or in writing, giving the reasons why they feel the property is unsuitable, within 21 days of the offer being made (even if the applicant has moved into the property). If the offer is found to be unreasonable, then priority will remain and a second offer will be made.

### **11. People Leaving Temporary Supported Accommodation**

Residents of supported housing projects who have gained an acceptable level of independent living skills may be nominated by the Supported Housing Provider for priority housing status. This will enable service users to secure accommodation through the choice based lettings system as a priority in appropriate circumstances.

People leaving temporary supported accommodation is defined within the Derbyshire Move On Plans Protocol (MOPP), more information on the MOPP can be found on the [Derbyshire County Council website](#).

## **12. Armed Forces (no district connection required)**

The Housing Act 1996 (Additional Preference for Armed Forces) ( England) Regulations 2012 states that Council's Allocations Policies and Choice Based Lettings schemes must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ...” of the following:

- is serving in the regular forces and is suffering from a serious injury, mental ill health including PTSD or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

To support the Derbyshire wide Armed Forces Covenant, which the Council is committed, the priority will also include;

- ex-partners/spouses who have to move out of a MOD property due to a relationship breakdown.

In relation to former armed forces personnel any application to register for Choice Move must be made within **five** years of discharge from the armed forces.

## **13. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015).**

Applicants who are suffering prolonged hardship (physical, emotional, financial) which is worsened by their current housing situation and where a move could alleviate their hardship.

Right to Move applicants must be an existing Social Housing tenant (in England) and have;

- a 'need' to move and;
- reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and

- need to move because the tenant works in the district, or need to move to take up an offer of work (including apprenticeships and training) See Appendix 3 for further guidance.

#### **14. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are overcrowding their current property by 2 or more bedrooms, as assessed by Rykneld Homes using the Councils overcrowding definition and guidance in Appendix 5.

#### **15. Moves that release an under occupied property**

Applicants assessed by Rykneld Homes as under occupying their current property and the move will release that property for re-let. This includes:

- applicants eligible to pay the under occupation charge
- existing council tenant applicants wishing to downsize

#### **16. Cumulative Band 3 Needs**

Where the applicant (or a member of their household) suffers from a number of needs, which when assessed in isolation would normally result in an applicant being placed in Band 3, they may be considered for Band 2.

### **BAND THREE – Moderate needs (No time limit)**

#### **1. Private sector tenants with an assured shorthold tenancy**

Private sector tenants with an assured shorthold tenancy, evidence of tenancy agreement and/or status required.

#### **2. Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2 including Priority homeless with no local connection following investigation by the Councils Housing Options Team**

Applicants without any local connection who otherwise meet the criteria of Band 1 or 2, includes applicants wishing to be re-housed across local authority boundaries, for example for employment reasons or to give or receive support.

Direct applicants from outside the district will be assessed using the criteria and definitions as stated in the policy under Band 1 and Band 2 and if they would have otherwise have fitted either of these categories, then they will be awarded Band 3.

#### **3. Shared Amenities after a 6 month period**

Only people who have lived in the property as their permanent full time residence for at least 6 months and fit the following criteria;

- applicant must be a non-family member and;
- they do not have the exclusive use of a bedroom/one room, and;
- they share facilities. The council considers that shared facilities include;
  - kitchens, and;
  - bathrooms.

**(If households within households are sharing a property then the overcrowding criteria may apply).**

#### **4. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are assessed by Rykneld Homes, using the Councils overcrowding definitions and guidance in Appendix 5, as being overcrowded in their current property by 1 bedroom.

#### **5. Special circumstances**

For example, families with children with special needs who may need to be near a particular educational school, or foster parents who need a larger home to enable them to continue as fosterers. Also applicants with assessed mental ill health but does not need urgent re housing and other circumstances which may be determined by assessment.

#### **6. Children aged 5 and under living in upper floor flats**

Cases where children aged 5 and under are living in upper floor flats will be given priority band 3.

#### **7. No Fixed Abode/Sofa Surfing**

These applicants will be assessed by the Councils Housing Options team in line with the Homeless Reduction Act 2017, if they are satisfied that an applicant has no permanent home and is staying at various locations (sofa surfing), then priority Band 3 can be awarded. Each case will be assessed on their own merit, therefore the Housing Options Team may also award a higher priority band dependent on the applicants circumstances.

#### **8. Applicants from band 1 and 2 who are deemed not to have made best use of their priority**

After an applicant has had a review, if it is deemed that the applicant has not made best use of their priority banding, for example, have refused suitable offers or are not bidding on advertised properties, then their application will be placed in band 3.

#### **9. Intentionally Homeless Applicants**

Applicants who have been found to be intentionally homeless and the section 189B relief of homelessness duty owed to them has come to an unsuccessful end, these applicants will be assessed by the Council's Housing Options Team.

#### **10. Homeless Applicants Owed the Section 193C(4) Duty**

Applicants assessed by the Council's Housing Options Team, who are owed the section 193C(4) duty as a result of the relief duty coming to an end for deliberate non co-operation with the actions set out in their personal housing plan to help them relieve their homelessness.

### **BAND FOUR – General Needs (No time limit)**

#### **1. No Specific Housing Needs**

This band will include applicants with none of the specific housing needs included in Bands 1, 2 and 3, but who wish to be re-housed.

## **2. Applicants with equity, savings and/or Assets (not including existing Council tenants)**

Applicants with equity, savings and/or assets who are able to secure alternative accommodation in the private rented sector. (see Appendix 6 (NB applicants with equity, savings and/or assets who are assessed as able to buy a property on the open market will be ineligible to register, unless the applicant is already a council tenant wishing to transfer or only require Extra Care housing)).

## **3. Homeless but no local connection AND no priority following investigation by the Councils Housing Options Team**

The Councils Housing Options team will determine if an applicant assessed in line with the Homeless Reduction Act 2017 has no local connection and no priority need. Each case will be assessed on their own merit, therefore the Housing Options Team may also award a higher priority band dependent on the applicants circumstances.

## Appendix 2

### Framework to Property Sizes and Types and Qualifying Household Size.

**The table is for guidance purposes only and is based on full affordability, the actual eligible property type will be determined by the applicant's assessment as stated in 4.2 of the policy.**

**The property eligibility will be allocated in line with the bedroom criteria stated within appendix 5, However as 4 bedroom properties are in short supply, in some circumstances applicants, normally those placed in Band 1, may bid on 3 bedroom properties to help alleviate their immediate housing crisis.**

	Studio flat/Bed-sit	1 Bed Ground Floor	2 bed Ground Floor	1 Bed Upper Floor Flat/Maisonette	2 Bed Upper Floor Flat/Maisonette	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	2 Bed House	3 Bed Flat/ Maisonette	3 Bed House	4 Bed House
Single person aged under 60	✓	✓	✓	✓	✓							
Single person aged 60 or over	✓	✓	✓	✓	✓	✓	✓					
Couple with one applicant aged 60 or over		✓	✓	✓	✓	✓	✓		✓			
Couple with both applicants aged under 60		✓	✓	✓	✓				✓			
2 adults (not couple) where both applicants are aged under 60			✓		✓				✓			
2 adults (not couple) where one of the applicants is aged 60			✓		✓		✓		✓			
Household with 1 child (aged 5 and under )			✓						✓		✓	
Household with 1 child (Aged 6 and over)			✓		✓				✓	✓	✓	
Household or single person expecting a baby			✓						✓			
Household with 2 children (same sex) aged between 6 - 16 or (different sex) aged between 6 - 10			✓		✓				✓	✓	✓	
Household with 2 children criteria as above but at least 1 is aged 5 or under			✓						✓		✓	
Household with 2 children (same sex) over 16 or (different sex) aged over 10										✓	✓	

	4 Bed House	3 Bed House	3 Bed Flat/ Maisonette	2 Bed House	3 Bed Bungalow	2 Bed Bungalow	1 Bed Bungalow	2 Bed Upper Floor Flat/Maisonette	1 Bed Upper Floor Flat/Maisonette	2 bed Ground Floor	1 Bed Ground Floor	Studio flat/Bed-sit
Household with 3 or more children aged 6 and above		✓	✓									
Household with 3 or more children and at least 1 is aged 5 or under		✓										
3 (individual) Adults aged under 60		✓	✓									
3 (individual) Adults aged 60 or over		✓	✓		✓							
Household with 4 or more children or household of at least 6 people in total	✓	✓	✓									
Household with 4 or more children and at least 1 is aged 5 or under or household of at least 6 people in total	✓	✓										
Household with 5 or more children or household of at least 8 people in total	✓	✓										
Household with 5 or more children and at least 1 is aged 5 or under or household of at least 8 people in total	✓	✓										
Household with 2 or more children with evidenced medical problems					✓							



## Appendix 3

### Right to Move Procedure Guidance

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local connection with the area if the applicant is a tenant of social housing and who needs to move to take up a job or live closer to employment or training (including apprenticeships).

A local connection requirement is not needed for existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

Applicants will be treated as if they have a local connection in terms of waiting time and will be placed in priority band 2.

Rykneld Homes must be satisfied that the tenant needs, rather than wishes, to move which may include:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

The above is not an exhaustive list and other local circumstances may be taken into consideration.

### **Work Qualification Definitions (also refer to non Right to Move applicants)**

The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

The Secretary of State considers that the following are relevant considerations for exclusion and where possible Rykneld Homes will adhere to the following set definitions:

#### ***Short-term Definition***

- whether work is regular or intermittent
- period of employment and whether or not work was intended to be short-term or long-term at the outset

- A contract of employment that was intended to last for less than 12 months could be considered to be short-term

### ***Marginal Definition***

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- the level of earnings

However Rykneld Homes may take into account that if;

- a tenant only works 15 hours a week, for example, it may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial

### ***Ancillary Definition***

- If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations
- If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer
- A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations. However, there is nothing to prevent local authorities looking sympathetically on tenants seeking to move into their authority's district for this reason, if they choose to do so

### ***Voluntary Work Definition***

- Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred

### **Apprenticeship**

- The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service)

### **Verification and evidence**

Rykneld Homes will require proof that the work or job-offer is genuine and should seek appropriate documentary evidence, which could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)
- a formal offer letter
- additionally, the employer may be contacted to verify the position

**Rykneld Homes may consider whether an applicant qualifies both at the time of the initial application and when considering making an allocation.**

A set quota which the Council and Rykneld Homes feels appropriate for the proportion of properties that it expects to allocate each year to transferring tenants who need to move into their district for work related reasons is 1%. However this will be reviewed and revised as appropriate based upon supply and demand through monitoring channels.

## Appendix 4

### Community Lettings Plans

A Community Lettings Plan is an agreement between the Council, Rykneld Homes and local tenants and residents that restricts lettings in the area to certain households. This is done to tackle a specific issue or problem that has been identified locally, at block, street, estate or neighbourhood level.

Community Lettings Plans allow the Council and Rykneld Homes to:

- Identify and explore the barriers to accessing housing.
- Deliver better outcomes and improve life chances for current tenants and future residents.

The plans may consider:

- The proportion of people with formerly chaotic lifestyles
- Existing child density
- Adapted homes
- The need to create balanced and sustainable communities
- A maximum or minimum age limit for certain homes
- A requirement for a community connection
- The proportion of customers who do not rely solely on benefits for the payment of their rent
- Specific housing management reasons. For example, age designation of certain homes where particular problems have arisen.

Four key elements will be considered when developing a new Community Lettings Plan:

- Selective lettings. There may be some restrictions as to who can apply for certain properties or areas. For example this may involve age restrictions or a requirement to have a community connection.
- Making the best use of housing stock.
- Developing a balanced and sustainable community to promote community cohesion and balance the needs of existing and new tenants in order to create more inclusive neighbourhoods where people want to live. This may be in areas where there is a high turnover of homes either within an estate or amongst certain property types.
- Attract potential tenants - for example certain homes may be offered with a furnished or part-furnished package attached.

#### **Key stages of development**

- Developing a stock and demand profile of the area

This may include a breakdown of and information on:

- Property types and numbers
- Household type
- Voids and lettings within the last financial year
- The numbers of, and reasons for, refusals
- Reasons why tenants are leaving, and applying for the area
- The number of transfer requests to leave an area
- The level of demand for properties in the area
- How long tenancies are lasting
- How quickly vacancies are filled

- The layout of the area and services available
  - Any specific social issues within the area, including any multi-agency involvement, such as neighbourhood management approaches.
  - An estimate of vacancies expected
  - Local targets for performance
- **Involving and consulting customers**  
Rykneld Homes will consult with residents and existing tenants, and involve them in the development of any proposals for Community Lettings Plans. Partner landlords who have stock within the area will be consulted regarding the need or otherwise for a local plan.
- **Evaluating the information**  
Rykneld Homes and the Council will evaluate the information in the stock and demand profile and will take account of customer views when identifying recommendations to develop Community Lettings Plans. Diversity and equal opportunity issues of local communities will also be considered when formulating Community Lettings Plans, and an equality and diversity impact assessment will be carried out.
- **Making recommendations**  
Recommendations may include some of the following criteria:
    - Setting a maximum or minimum age limit for certain properties.
    - Preference to applicants with a community connection or who already live or work in that area.
    - Preference to applicants who are giving or receiving support to or from family, voluntary agency, day care, play groups or other locally based organisations.
    - Preference to people who are economically active
    - Preference to other household types who would not normally be eligible under the Council's Allocations Policy - e.g. this could be couples without children, where there is a high density already in the area of families with children.
    - Preference to specific groups of people for specific types of home or in specific localities where this would benefit the community.
    - Meeting the needs of certain groups of people to ensure most appropriate use of stock.
- **Impact of Community Lettings Plans on the Allocations Policy**  
In considering adoption of a Community Lettings Plan, Rykneld Homes and the Council will take into account the impact of overall lettings in the district. Any home subject to a community lettings plan will be clearly labelled within the advertisements.
- **Review of Community Lettings Plans**  
Rykneld Homes will ensure that Community Lettings Plans are publicised, monitored, and reviewed annually or bi-annually with the involvement of local tenants and residents.

## Appendix 5

### Non Statutory Overcrowding Assessment – Definition Used by North East Derbyshire District Council

Local Authorities can use their own definitions when assessing overcrowding for awarding priority housing, as stated in the *CLG's Allocations of Accommodation: Guidance for Local Authorities in England*. The definition which has been adopted is more lenient than the previous Statutory Overcrowding legislation, and has been brought in line with the welfare reforms bedroom criteria.

- each single adult
- each couple
- all children of the same gender under 16
- all children under 10 (regardless of gender)
- each disabled tenant (proven medical need)
- each partner needing an external overnight carer
- all foster children (also applies when no foster children live there as long as the room isn't empty for more than 52 weeks)
- each foster child that can't share a bedroom because of a disability or medical condition (with medical evidence)
- each adult child in the Armed Forces or each reservist
- all external carers who provide overnight care for tenant or your partner
- Children who are unable to share because of their severe disabilities (following medical assessment)

Overcrowding assessments will be carried out by Rykneld Homes using the following detailed guidance;

#### a) General

- If a member of the applicant's household applies for housing in his/her own right, they will no longer be considered as part of the applicant's household for rehousing
- Only people who have lived in the property as their permanent full time residence for at least 6 months, and babies born into the household, can be considered within the overcrowding assessment. Additionally, if any member of the household has given up suitable housing, they will not be included when an assessment of overcrowding is made
- Applicants who are overcrowded, but who's overcrowding can be resolved by one household within a larger household moving to another property to resolve their housing need will be excluded from the assessment

#### b) Children

- No more than 2 children should share a room
- A child up to the age of 10 can share a bedroom with 1 other child of either sex
- A child from the age of 10, and up to the age of 15, can share a bedroom with 1 other child of the same sex
- A child aged 16 years or more should have their own bedroom
- Adult children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant, otherwise the non-dependent criteria may apply

- Children are not considered as part of the household of the applicant if the children have a main permanent residence elsewhere
- Adopted children are treated in the same way as other children
- If the applicant acts as a foster parent enquires will be made with Social Services to ensure the foster parent has been approved, upon receipt of approval an additional bedroom will be assessed. With regards to the length of the fostering arrangements the room cannot have been empty for more than 52 weeks
- Children who are unable to share because of their severe disabilities (following medical assessment) can have their own bedroom

#### **c) Couples**

- The Council will treat families headed by a single parent in the same way as a family headed by a couple
- Married or co-habiting couples should have their own bedrooms and not share with children
- Couples can be treated as needing two bedrooms only if there is a medical need and a medical assessment agrees with this need

#### **d) Non-dependents**

- Children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant. If they have moved away and then moved back with the applicant, for example after a relationship breakdown they will be treated as a non-dependent (excluding members of the Armed Forces who continue to live with their parents but are away on operational duty and Students who are away on a temporary basis i.e. at university or college).
- Non-dependents will only be considered as a member of the household if they have been living with the applicant as their permanent full time residence for a period of over 6 months.
- Non-dependents who are a couple, regardless of marital status and sexual orientation, are able to share a bedroom.
- Commercial lodgers are never considered as non-dependents. (In this context Commercial Lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind)
- Other non-dependents who have lived with the applicants for less than 6 months will be disregarded
- Carers who provide frequent overnight care for the applicant or their partner will be eligible to have their own bedroom

#### **e) Pregnant Women**

- A woman with a confirmed pregnancy will be counted as a household with a child upon the birth of that child and receipt of the birth certificate
- Pregnant women will be required to provide proof of pregnancy for example a certificate of confinement or a letter from a GP
- In some circumstances, where the birth of the children would cause serious overcrowding (especially for multiple births) discretion may be used to decide to grant priority equal to that after the child(ren) is born. The priority will be removed if the pregnancy does not run its full term

**Note: For this purpose a room is either a bedroom or it is not, there is no such thing as a half-bedroom, or a bedroom deemed suitable for occupancy by one person but not two.**

## Appendix 6

### Owner Occupier/Financial Assessment

As part of the application process applicants will be assessed as to whether they meet the eligibility criteria. To enable this assessment to take place, all applicants must complete an equity and savings form in addition to their housing application form.

The financial assessment will determine affordability of alternative accommodation and will be based on;

- The annual market value of the districts average house price
- Affordability to buy a property on the open market including, deposit and potential mortgage payments
- The district's annual average private rented prices

Owner Occupiers must include copies of all property transactions including solicitor's completion forms/valuations surveys and bank/building society/lending organisation statements dating when and if the property was/is to be sold must also be enclosed. Failure to provide all necessary documentation within 14 days will result in the application being returned to the applicant as an incomplete form.

The assessment will include an investigation as to whether the applicant has sufficient funds to secure alternative suitable and appropriate housing to meet their housing need and may include:

- Ownership of any interest in a property, whether in the United Kingdom or outside the United Kingdom;
- Details of property currently owned or formerly owned within the last five years;
- Level of personal assets, savings, equity within existing or former home;
- Potential for securing grants including disabled facilities grants to enable adaptations to be undertaken to their existing home, use of existing income or capital from the owner occupied home, selling of existing accommodation to repurchase alternative accommodation to meet housing need;
- Any mobile homes/static caravans/motor caravans.

As part of the registration process if the applicant(s) are unable to meet their housing need through the release of financial resources and wider assets (as set out in the eligibility criteria), the applicant will be banded accordingly.

The applicant's level of savings, equity and/or assets will be assessed against any debt owed.

Applicants can appeal the decision within 21 days of notification and should do so by contacting the Choice Move Team and the normal appeals procedure outlined in Section 4.10 will apply.

Depending on individual circumstances, applicants may be required to provide information in addition to that set out above. These instances are outlined in the following sections.



**Negative Equity**

Within the Equity Form, applicants financial circumstances will be assessed to identify negative equity of assets. This will be assessed by the amount by which the market value of a property falls below the amount of the mortgage secured upon it.

**Owner Occupiers - Mortgage Repossession/Financial Hardship**

A referral will be made to the Council's Housing Options Team for homelessness duty investigations under the Housing Act 2002. This will be considered where it is deemed to help prevent homelessness or a homelessness application being made

**Owner Occupiers - Matrimonial Breakdown**

Owner Occupiers seeking re-housing due to matrimonial breakdown are required to provide information which demonstrates that they have no alternative but to seek access to social housing. This includes confirmation from a Solicitor that:

- the applicant cannot relinquish their share of the matrimonial home due to court decision
- that the applicant has no recourse to the family home as the mortgage or deeds are in the name of the former partner
- that due to safety and well being of the household that they are unable to pursue access to the family or matrimonial home
- that the individual is unable to support or maintain the costs associated with the family/matrimonial home

Following assessment confirmation that the applicant is unable to pursue retention of the family/matrimonial home, the application will be placed in Band 3 and the applicant will become eligible to place bids through the CBL system. Confirmation of the assessment decision will be provided in writing to the applicant within five days.

**Fleeing Domestic Violence/Harassment/hate crime**

Owner occupiers seeking re-housing due to fleeing domestic violence/harassment are required to provide information to support their circumstances. Confirmation from a Solicitor or Support Agency will be required as follows:

- background information relating to the incidence of violence and harassment
- level and nature of support being received and from whom

If there is a dispute regarding the ownership or sale of a jointly owned property or it would be unreasonable for the applicant to return to the property a referral will be made to the Council's Housing Options Team for advice and assistance on other housing options available including private rented.

If however, other housing options are not viable then confirmation that the applicant is unable to pursue other options will be required, and a decision will be made in conjunction with the Council's Housing Options Team and the applicant before allowing access to the housing register and being banded accordingly.

**Owner Occupiers - Medical Priority Applications**

Owner occupiers which include a person (or persons) with an illness (including assessed mental ill health) or disability which has been worsened by their current home and which is impacting on their health and well being are required to provide evidence that they have explored all housing options to address their housing need. This will include:

- Evidence that they have pursued a Disabled Facilities Grant to assist with the cost of any adaptations to enable them to live within their current home.
- Evidence that they do not have the personal funds to pay for any adaptations themselves.
- Evidence that their current home is not suitable to adapt due to layout, size or structure.
- Evidence of their need to move for care/support reasons.

In cases where a Disabled Facilities Grant is not available, the applicant does not have personal funds to pay for the adaptations or the applicant's home cannot be adapted to meet their housing need confirmation of this will be required from statutory agencies. In addition to this applicants will be required to provide:

- Proof that they cannot use existing income or capital or sell their existing accommodation to repurchase alternative accommodation to meet housing need
- A completion of a medical assessment form

An assessment of the information provided will be undertaken by Rykneld Homes.

In cases where it has been assessed that a move to alternative accommodation would be beneficial to the health and well-being of the applicant(s), the applicant will be placed in one of two bands. Where a general medical or support needs priority is granted then a **Band 2 award** will be given and the application date amended from the assessment date. In cases where critical medical priority is awarded then a **Band 1 award** will be given. Confirmation of the outcome of the assessment will be provided in writing to the applicant(s). Applicants will be able to place bids from the effective date on the assessed property types. A review of the applicant's bidding patterns will be undertaken every three months for Band 1 applicants, 6 months for band 2 and twelve months for the other two bands. Where no bids have been placed contact will be made with the applicant and consideration given to the removal of the band award.

### **Property, Equity, Savings and Assets disposals**

If an applicant has worsened their circumstances or have transferred their property or equity, savings and/or assets to another person within the last 5 years they will be required to provide additional information as to why the transfer was undertaken. Cross-checks with other agencies such as Department for Work and Pensions and HM Revenue & Customs may be carried out as to why assets were transferred.

Where it is determined that the applicant(s) deliberately worsened their circumstances in order to gain access to social housing the application will be awarded Band 4 status, however Rykneld Homes also reserve the right to cancel their application.

### **General Conditions**

Where an owner occupier has been re-housed in accordance with their housing application the applicant must undertake to place their property on the open market immediately and provide information that demonstrates how active they are in pursuing its sale, they may not rent the property or make any financial gain while waiting to sell. Reviews will be carried out accordingly and if Rykneld Homes believes false information has been provided then appropriate action will be taken, including possession proceedings.

As a general rule the following will apply. However, in each case the individual's circumstances will be assessed in line with the Allocations and Lettings Policy criteria.

**Applicants with Equity, Savings and/or Assets Procedures**

Applicants that have equity, savings and/or assets will be assessed using the Procedures table as guidance to determine eligibility and the relevant banding, (existing NEDDC tenants are excluded and assessed and banded as per the policy following the usual procedure).

### Eligibility for Social Housing and Homelessness Assistance

#### **Annex A – Managing applications for social housing or homelessness assistance from 1 January 2021**

1. When EEA applicants, alongside their family members, present to local authorities from 1 January 2021, they will need to provide evidence of their immigration status. Those who have applied and been granted status under the EUSS will be able to use their digital status to demonstrate their entitlement to access social housing or homelessness assistance, using the gov.uk web page: [Government Website Digital Immigration Status](#). Generally,

- EEA citizens, and their family members, granted settled status (also known as indefinite leave to enter or remain) will be eligible to access social housing and homelessness assistance (under provisions in Regulation 3 and 5 of the Eligibility Regulations); and
- EEA citizens, and their family members, granted pre-settled status (also known as limited leave to enter or remain), including EEA citizens frontier working in the UK, will be eligible on broadly the same terms as they are now (under provisions 4 and 6 of the Eligibility Regulations).

2. For those EEA citizens and their family members (including family members moving to the UK to join their sponsor EEA citizen) who are eligible to apply to the EUSS but have yet to do so during the grace period (from 1 January to 30 June 2021), local housing authorities will need to satisfy themselves that the applicant(s):

- was exercising a qualifying EU right to reside immediately before the end of the transition period on 31 December 2020 (or the family member has joined their sponsor EEA citizen during the grace period, and both have yet to apply). This evidence is required in order for the applicant to demonstrate they are part of the 'grace period' cohort and their rights are protected by the Withdrawal Agreement; and
- meets the relevant eligibility criteria 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.

3. You might like to signpost the applicants who have yet to apply to the EUSS gov.uk web page at: [www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status](http://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status); or suggest they contact the EU Settlement Resolution Centre, either online or by calling 0300 123 7379, for questions about how to apply.

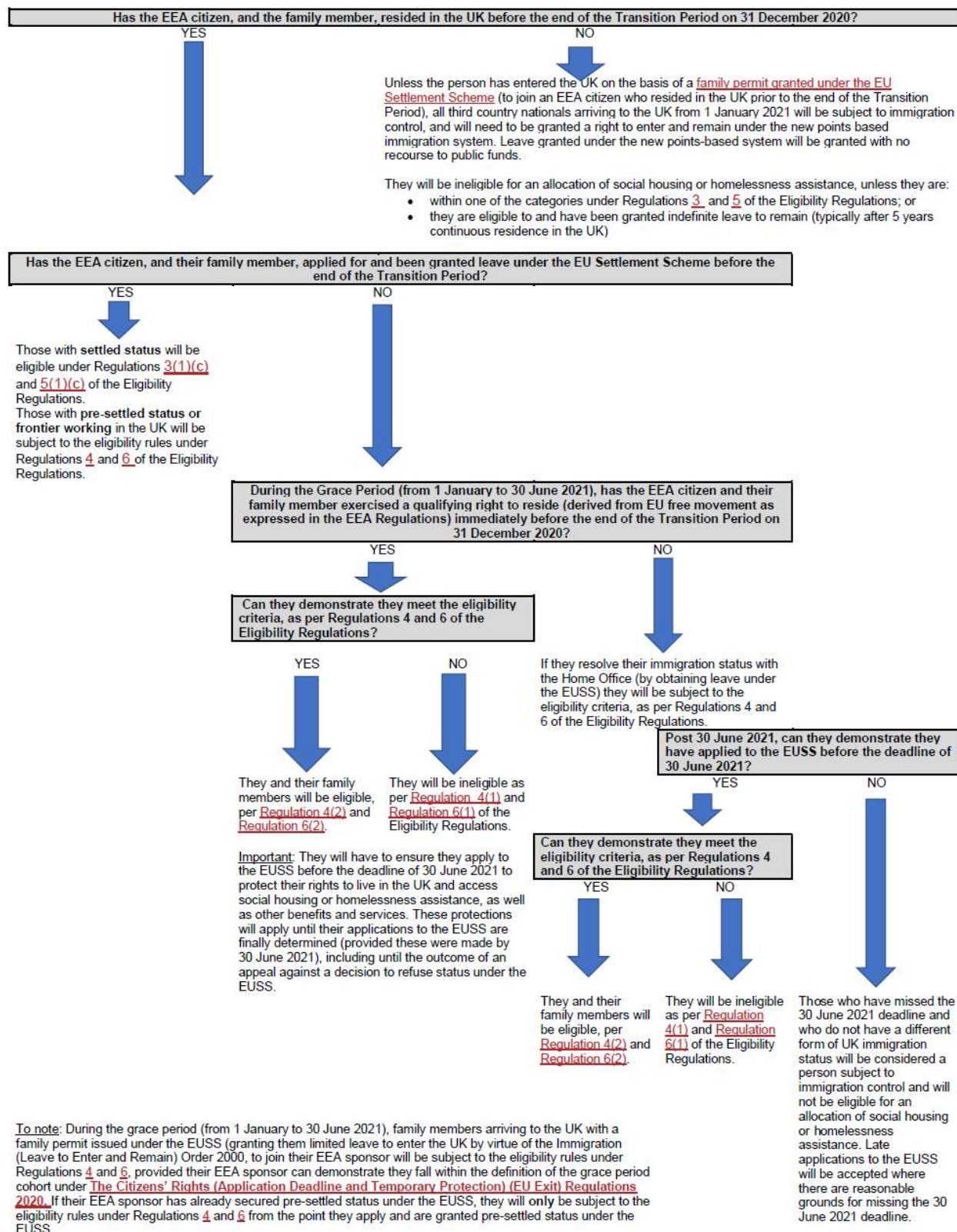
4. Those EEA citizens who miss the 30 June 2021 deadline and who do not have a different form of UK immigration status will be considered to have no lawful basis for remaining in the UK. They will need to obtain status under the EUSS or another UK immigration status to resolve this. In line with the Withdrawal Agreements, late applications to the EUSS will be accepted where there are reasonable grounds for missing the 30 June 2021 deadline.

5. Newly arriving EEA citizens and their family members who move to the UK from 1 January 2021 will (unless they are eligible to apply to the EUSS in another capacity, such

as being a joining family member) come under the new points-based immigration system. Under that system, access to benefits and services will be the same for EEA and non-EEA citizens. They will generally be considered eligible after indefinite leave to remain is granted, usually after five years of continuous residence; unless they are within one of the exempted categories in the Eligibility Regulations.

6. The table at Annex B outlines how the eligibility rules in the Eligibility Regulations will apply to EEA citizens from 1 January 2021.

**Annex B** - From 1 January 2021, when determining the eligibility of an EEA citizen, and their family member, for an allocation of social housing or homelessness assistance, the local authority should consider the following:



## Appendix 8

### **Support for people fleeing the conflict in Ukraine**

*(National Homelessness Service Guidance as at 31 March 2022)*

People granted leave under the Ukraine Family Scheme or the Homes for Ukraine sponsorship scheme are eligible for homelessness assistance. They do not need to be habitually resident.

### **Homeless applications and immigration conditions**

If a person who has come to the UK as a result of the war in Ukraine applies as homeless, the local authority must investigate whether they meet immigration and residence conditions.

The local authority must accept a homeless application and start making inquiries if there is reason to believe a person is:

- homeless or threatened with homelessness within 56 days
- eligible based on their immigration and residence status

If the authority also has reason to believe they have a priority need (for example if they have children or are vulnerable) then it must secure emergency accommodation while carrying out inquiries.

**Reason to believe is a low threshold and does not require proof.** Local authorities should be mindful of the fact that people who have fled their home and country as a result of conflict might not have relevant documents.

If the authority is satisfied that the person is eligible and homeless it must take reasonable steps to help the person secure accommodation.

Homelessness inquiries should be carried out with humanity and care. Local authorities should ensure that staff are able to deal with applicants in a sensitive manner.

### **Eligibility for homeless help: the Ukraine Family Scheme and the Sponsorship Scheme**

There are currently two schemes under which a person fleeing the war in Ukraine can be granted leave; the Ukraine Family Scheme, and the Homes For Ukraine Sponsorship Scheme.

A person given leave under either scheme is eligible for homelessness assistance. They do not need to be habitually resident.

### **Changes to the eligibility regulations**

The Allocation of Housing and Homelessness (Eligibility) England Regulations have been amended to include a new category of people who are eligible for homelessness assistance.

People who left Ukraine because of the Russian invasion that began on 24 February 2022 are eligible for assistance if they:

- were residing in Ukraine immediately before 1st January 2022
- have been given leave in accordance with the Immigration Rules
- are not subject to a no recourse to public funds condition

From 30 March 2022, leave under the Ukraine Family Scheme or the Homes for Ukraine scheme is leave within the immigration rules.

Leave granted before 30 March 2022 was leave outside the rules. A person granted leave outside the rules is eligible for homelessness assistance unless they are subject to a no recourse to public funds (NRFP) condition.

A person given leave under either scheme before 30 March is also eligible for assistance.

## **The Ukrainian Family Scheme**

The Ukraine Family Scheme allows Ukrainian nationals and their immediate family members can apply to join a family member living in the UK. The family member can be either:

- a British national
- someone settled in the UK - for example, with indefinite leave to remain, settled status or proof of permanent residence
- someone from the EU, Iceland, Liechtenstein, Norway or Switzerland who has pre-settled status and started living in the UK before 1 January 2021
- someone with refugee status or humanitarian protection in the UK

Applicants can be granted leave to enter the UK for up to three years with rights to work, study, and access public funds.

## **Homes for Ukraine**

The Homes for Ukraine scheme allows sponsors living in the UK to provide a home for Ukrainian individuals or families.

The scheme launched on 18 March 2022 and is open to Ukrainian citizens and their immediate family members.

Sponsors can be organisations or individuals of any nationality, providing they have at least six months leave to remain in the UK.

The accommodation can be a spare room or self contained accommodation. It must be available for at least 6 months, fit for people to live in, and suitable for the number of people.

## **Other circumstances where a person is eligible for homelessness assistance**



A person who has been affected by the war in Ukraine might come under another category of people who are eligible. These include someone with:

- refugee status
- indefinite leave to remain
- humanitarian protection
- leave granted under Article 8 of the Human Rights Convention
- EU settled status
- EU pre-settled status who is exercising a right to reside

Some family members of people with EU settled and pre-settled status might be entitled to join them in the UK. People in this situation should get immigration advice.

### **Returning British citizens and people with settled status**

Some groups of people are only eligible for homelessness assistance if they are habitually resident in the Common Travel Area. These include:

- British Citizens
- Irish Citizens
- people with indefinite leave to remain
- people with EU settled status

The Common Travel area is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

From 22 March 2022, people who left Ukraine in connection with the Russia invasion are not required to be habitually resident.

### **Claiming asylum**

A person who is in the UK might be able to claim asylum if they would be in danger in the country where they are from or normally live.

Anyone affected by the war in Ukraine who is considering claiming asylum should get immigration advice. A person claiming asylum is not eligible for homelessness assistance. They might be entitled to support from UK Visas and Immigration.