

## **Housing Allocations Policy**

### **Lettings Covered by the Allocations Scheme**

- This Allocation Scheme sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996 and related guidance, ie:
- the election of applicants to be offered secure or introductory tenancies by the Council.
- offers of secure or introductory tenancies from other councils, or other bodies able to grant secure tenancies.
- offers of assured tenancies from registered social landlords.

### **Equality**

The Council is committed to ensuring equal access and allocation of housing. No one will be treated any less favourably than anyone else because of race, colour, origin, religion, sex, disability, sexual orientation and age.

The Council operates an Equal Opportunities policy and copies are available from The Civic Centre, St Peters Street, St Albans, Herts, AL1 3JE, telephone number 01727 866100.

The development of a clear and consistent Allocation Scheme goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.

It is also important that the Allocation Scheme is understood by everyone who is part of it. Information leaflets and other communications that are easily understandable, audio and large print versions will be made available as appropriate. We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact our Housing Options Department.

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## **1. Introduction**

### **Your Home, Your Area, Your Choice**

- 1.1 St Albans District Council allocates homes through Choice Based Lettings.
- 1.2 The Allocations Policy enables the Council to consider the individual needs of applicants whilst making best use of the scarce housing resource. The policy sets out:
- How properties are allocated
  - How to apply for housing
  - Who is eligible to be accepted onto the housing register
  - Who is not eligible to be accepted onto the housing register
  - How priority for housing applicants will be given
  - How homes will be let
- 1.3 Many people who apply for housing will never be allocated a property by the Council because of the shortage of affordable housing in the district. Even if you have a high housing need you may have to wait for a considerable time before we are able to offer you a council or housing association home.

## **2. Aims and Objectives**

The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in the district. The policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of the housing stock.

- 2.1 The Council's Housing Allocations policy aims to:
- Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all.
  - Provide applicants with choice and give reasonable preference to those with the greatest housing need.
  - Offer applicants open and fair access to housing and recognise diverse needs.
  - Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time.

- Provide applicants with sufficient information to make informed choices about opportunities for re-housing and understand the criteria and processes adopted by the Council.
- Maximise the use of, and efficiently let, all housing stock available to the Council.
- Promote social inclusion, sustainable communities and ensure that applicants benefit from any future regeneration and development taking place within the district.

## 2.2 Prioritising housing

The Council is required by law to give priority to certain groups, these are defined by the current statutory reasonable preference categories which are set out in s.167(2) of the 1996 Act. These were rationalised in the Homelessness Act 2002 (and further refined by the Housing Act 2004) and are based on housing need.

These groups (reasonable preference categories) are:

(a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who do not have a priority need for accommodation.

(b) people who are owed a duty by any local authority under s.190(2), s.193(2) or s.195(2) of the 1996 Act (or under s.65(2) or s.68(2) of the Housing Act 1985) or who are occupying accommodation secured by any local authority under s.192(3).

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

(d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and

(e) people who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others).

As well as the groups the government says we must help, we have also decided to give priority to tenants who will release a family-size home so that we can make best use of our housing stock.

### 3. Statement of Choice

- 3.1 Choice-based lettings (CBL) allow eligible applicants to select properties that they are interested in, and the scheme follows an open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer.
- 3.2 The Council is fully committed to enabling applicants to play a more active role in choosing where they live, whilst continuing to house those in the greatest need.
- 3.3 The Council believes that social housing should be seen as one of a range of options available to applicants. Information on all available housing options can be obtained from The Customer Service Centre or the Housing Options Team at the Council. You can also access information directly via the web. Please refer to the end of this document for contact details.
- 3.4 When your housing application is assessed your application will be prioritised and if you do not have an assessed housing need (Band E), it is not likely that you will ever be offered a council or housing association home.**
- 3.5 In view of this, it is important to consider other housing choices that are open to you, these may include:
- Privately rented housing
  - Low cost home ownership
  - An exchange (the existing scheme is called 'Homeswapper', it applies to Council and Housing Association tenants)
  - Reducing your overcrowding by helping some members of your household move to their own accommodation
  - Moving to an area of the country where council and/or housing association properties are more freely available
  - Staying where you are, but getting help to make your property more suitable for your needs
  - A mutual exchange (swapping homes with another social housing tenant).

We will help and advise you on options that may be suitable for you.

**If you are already homeless, or think you may be going to lose your home**, you should contact the Council's Housing Options Service. It is important that you talk to us as soon as possible – we may be able to help you to keep your current home, at least for a time whilst you explore your housing options. If you do become homeless and the Council accepts a duty to house you, you face spending time in temporary accommodation and you will not necessarily be offered a

council or housing association property by us when we discharge our housing duty to you.

#### **4. Links to other policies**

4.1 The Allocations Policy will work in parallel with a number of other key policies and priorities of the Council and these include the strategies listed below.

- The Homeless Strategy
- The Housing Strategy
- Supporting People Strategy
- Private Sector Housing Strategies
- Equal opportunity/diversity and vulnerability
- Access and inclusion policy

## **5. Monitoring and review of the Allocations Policy**

5.1 The Housing Options Team will monitor the operations of the Allocations Policy by:

- Regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.
- Assessing the impact, if any, that offering choice has upon vulnerable, black and minority ethnic groups and all other groups.
- Publishing lettings statistics every six months.

## **6. Housing Register**

6.1 Whilst the Council still owns and manages housing stock, it works in partnership with a number of Housing Associations who also provide secure, good quality, affordable rented housing. We maintain a Housing Register and have nomination rights to a large number of properties managed by numerous Housing Associations.

6.2 SADC will operate a Housing Register which will include all applicants who apply and are approved for Social housing. Lettings will only be made from the Housing Register.

## **7. Who can apply to join the Housing Register?**

To join the Housing Register applicants must:

- be aged 16 years of age or over
- not be subject to immigration control or be an applicant from abroad unless the applicant is a 'qualifying person' as described by law
- be habitually resident in the common travel area (England, Scotland, Wales, Ireland, Channel Islands and the Isle of Man)
- not have a history of unacceptable behavior

### **7.1 Unacceptable behavior**

Applicants will be excluded from joining the housing register if the applicant or a member of their household is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

*What is unacceptable behaviour?*

Unacceptable behaviour is defined as behaviour which, if the person concerned were a secure tenant, would entitle the Council to seek a

Possession Order against them. (Please see Appendix One for further details). Examples of such behaviour include:

- Previous or current rent arrears
- Breaches in your tenancy agreement
- Previous or current property damage
- Harassment or anti-social behaviour
- Any relevant criminal activity

**Please note that this list is not exhaustive** and they apply regardless of who your landlord was at the time.

Any applicant must be aware that the above applies no matter who your landlord was (or is) at the time of the incidences occurring. You did not (do not) have to be a secure tenant of the Council (or any Council) at the time and neither does an eviction have to have taken place.

When making decisions regarding unacceptable behavior SADC will consider:

- When the unacceptable behavior took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.
- What action the landlord would have taken against the perpetrator of the unacceptable behavior. The behavior must be serious enough for SADC to be granted a possession order.
- Whether the unacceptable behavior is due to a physical, mental or learning disability.

St Albans District Council, its partner landlords and the residents of St Albans have a right to expect certain standards of behaviour. Therefore, before you are accepted onto the waiting list, or made an offer of a property, we may seek certain references to see if you are eligible to join the waiting list and will be a suitable tenant of the council.

Any household can be excluded from the register for unacceptable behaviour, not only those who were previously a local authority (council) or housing association tenant.

## **7.2 Notifying an ineligible applicant**

If the Council decides that an applicant is ineligible due to their immigration status or unacceptable behaviour the applicant will be notified in writing and be given clear grounds for the decision. Applicants have a right to request a review of the decision. Details of how to do this are detailed in section 27. If the review confirms that the applicant is to be treated as unsuitable the applicant will still be able to make a fresh application to the Council at a future date. The Council will consider this fresh application on its merits.

If you are a tenant with rent arrears, you will only be eligible to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months.

If we decide that you are not eligible for the Housing Register, we will write to you to explain the reason. You can ask us to review the decision. Every application is treated individually and we will take into account any extenuating or mitigating factors for which you can provide evidence

If you receive a letter advising that you are not eligible due to unacceptable behaviour then the Council will advise you as to how it expects you to show that your circumstances have changed, for example, cleared your arrears or have been paying arrears off on a regular basis for a considerable period of time.

### **7.3 Keeping applications up to date**

All applicants must notify the Council when their circumstances change. Any changes in priority or bedroom requirements will date from when the information, including supporting evidence is received. All applicants must inform us if their circumstances change and must provide us with up to date contact details.

Approximately every twelve (12) months the Council will write to applicants in bands A-D asking them if they still wish to remain on the housing register. Applicants will be asked to complete an application form setting out their current circumstances. **If you are in band E, you will not be asked to renew your application annually.** Reviews will be carried out approximately once every five (5) years and you will be contacted by the council and asked to complete a new application form.

The Council's review letter will give the applicant 28 days from the date of receipt to supply the information required. Applicants will be removed from the housing list if they fail to respond in the specified period, or if they no longer want to apply for housing.

### **7.4 Cancellation of Applications**

Applicants may be cancelled for one or more of the following reasons:

- (a) The applicant requests cancellation
- (b) The applicants circumstances change and they are no longer eligible
- (c) The applicant fails to return an update form or provide the verification documentation requested by the Council

- (d) The applicant is found to have made a false or deliberately misleading statement in connection with their application
- (e) The applicant is re-housed by a registered landlord (council, housing association, ALMO etc)

(This list is not exhaustive)

When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, SADC will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision. This must be made in writing and within 21 days of the decision.

Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply. Their date in band will be the date that they are placed in a housing needs band following assessment of the new application.

If however it is proven that an official error occurred or the applicant was unable to respond due to exceptional circumstances, we will reinstate the applicant on the scheme with their old registration date.

## **7.5 Reinstatement of Applications**

Applicants may be reinstated to the housing register on submission of written reasons confirming why their application elapsed. Individual cases will be considered on their merits by the Housing Options Co ordinator (CBL).

## **7.6 Local Connection**

For an applicant to be considered as having a local connection to SADC, one of the following criteria as defined by the Housing Act 1996 is:

- Applicant or joint applicant's usual residency is in St Albans District by the applicant's choice. This must have been for a minimum period of 12 (twelve) months consecutively
- Permanent employment in St Albans District
- Close family living in the District (parents, grandparents or brothers and sisters, sons or daughters who are over 18) and have lived in the district for the last 5 (five) years
- Where the Council agrees that there are special circumstances

## 7.8. Suitability Test

Not everyone who is entitled to join the housing register will be suitable to be a social housing tenant. When an application is registered, or while it remains on the housing register, the Council may withdraw the right to bid or any offer of accommodation.

Applicants who are not deemed suitable will have their application rejected or deferred. We will give due consideration on a **case by case basis** in the following circumstances

**Applicants will not normally be eligible for inclusion on the waiting list in the following circumstances:**

**Applicants have Rent Arrears:** If you are a tenant with rent arrears, you will only be eligible to join the Housing Register if you have been making regular payments towards your arrears for a minimum period, which is usually at least 6 months.. Discretion will be exercised if:

- An overpayment of housing benefit was due to an error by the Council;
- Arrears accrued due to monthly rent payments where the account is consistently clear when the rent is paid on a regular basis.

**The Applicant has neglected or caused damage to Property:**

The applicant and/or member of their household owe a debt to the Council, Housing Association or Private Landlord from a tenancy, because of damage to the property. Their application will be not be accepted until the debt has been paid in full. If the applicant's property is in a seriously neglected condition through the fault of the applicant, the application will be not be accepted until the condition of the property is brought up to an acceptable standard or any debt incurred is paid in full. This will include cases where the applicant has carried out unauthorised structural works to their property.

**Applicants have received funding for Aids & Adaptations:** The applicant has applied for and has been granted funding for aids and adaptations to the property valued at £1,000 or more or the adaptations were carried out in the previous 5 year period.

**Applicants are guilty of causing criminal or Anti-Social Behavior:** The application will be refused if the applicant's and/or a member of their household's behavior affects their suitability to be a social housing tenant. This will be decided on a case by case basis.

The application will also be refused if any member of the applicant's household has assaulted or harassed an employee or agent of SADC, a Housing Association or a private landlord and this was either:

- Proven by their convictions for an offence which happened during the tenancy, or
- Backed up by evidence which would have been presented in a court action for possession of the tenancy, if the tenancy had not ended before the court action could be taken.

**Applicants will normally be made inactive in the following circumstances**

- **Applicant is held in HM prison:** Applicants will have their applications made inactive until a period of 3 months before their release date, and official confirmation of this date will be required. If they do not have accommodation they may apply as homeless.
- **Applicants are serving Members of HM Forces:** Applications will be made inactive until a period of 3 months before their discharge date, and official confirmation of this date will be required. Those who occupy married quarters will also be required to submit confirmation that they are no longer entitled to occupy the married quarters.
- **Applicant is residing in supported accommodation.** In these case applicants will have their application made inactive until confirmation is received that the applicant has completed the necessary support program and is ready for move on to independent accommodation.

**7.9 Who decides on deferrals or rejections?**

The Strategy & Enabling Manager will decide when to defer/reject an applicant, giving:

- The reasons for deferring/rejecting the application to join the register
- The date the deferral will be reviewed

**7.10 Deferral/rejection reviews**

Applicants have the right to appeal against their application. Please refer to Section 27. (Appeals and reviews.)

## **8. How to apply to join the Housing Register**

- 8.1** To apply to join the housing register applicants are required to complete a housing application form. This can be obtained from:

Housing Department  
St Albans District Council  
Civic Centre  
St Peters' Street  
St Albans  
AL1 3JE  
Telephone: (01727) 866100

Or apply online at [www.hertschoicetohomes.org.uk](http://www.hertschoicetohomes.org.uk)

- 8.2** Once you have completed the form, you should return it or post it direct to the Council's Housing Options Team. If you have difficulty filling in the forms and cannot visit the office, we will arrange to visit you at home to assist you.
- 8.3** An application may include anyone that may reasonably be expected to live with the applicant as part of their household. (see 8.9)
- 8.4** An applicant can have only one active application as a main applicant on the housing register at any time.
- 8.5** On receipt of the application form, SADC will assess the application within 4 weeks of receiving the form; and will request additional information and supporting evidence so that the applicant's eligibility, suitability and housing need can be confirmed. SADC will verify the information provided which may include inviting the applicant for an interview or home visit.
- 8.6** The Council's policy is to ask all applicants to provide independent documentary proof of the following:
- Eligibility for an allocation
  - The applicant's identity via passport and full birth certificate, and/or letter from the Home Office
  - The relationship between the applicant and all those named on the application
  - The property currently occupied, via a tenancy agreement, council tax document, electoral register document etc.
  - Proof of address
- 8.7** And for each person on the application the Council will request the following documents:

- Proof of eligibility - Full birth certificate, passport and/or Home Office letter
- Marriage certificate (Where relevant)
- Adoption/foster certificate confirming main residency of any children in your application.
- Proof of address – tenancy agreement/utility bill
- Ownership/financial interest in all other properties either in the UK or abroad
- Proof of income – benefit letters/wage slips for all adults included in application
- Proof of pregnancy
- Any other documents requested
- Photo of applicant/joint applicant

**8.8** After assessment SADC will write to applicants confirming:

- Whether the applicant is eligible and suitable to join the housing register.
- The Priority Band in which the application has been placed
- The date that the application was placed in the band 'priority date'
- Whether an applicant is registered as a homeseeker or a transfer
- Their unique reference number
- How to have a decision reviewed

The Council will ensure that advice and information is available free to everyone on how to apply for housing.

Applications not properly completed will be returned to you. If the application is not accompanied by all the required supporting documents you will be requested in writing to supply these within 14 days. If the requested documents are not received within 14 days the application will be destroyed. The registration date of the applicant will be the date the fully completed form along with all the proof is received by the Council.

**8.9 Who can be considered as part of the Applicants household?**

In most cases only someone who is living with the applicants as part of their household on a permanent basis at the date of registration, or children born after registration, can be included in the application.

We assess the size of property you require based on who is included on your application. You can include only members of your immediate family who normally live with you (or who would live with you if it were possible for them to do so) or other people who have an extenuating need to live with you.

### **You can only include:**

- Yourself and your partner;
- Your children or your partner's children, if they are aged under 21 and live with you all the time
- Your carer who has been assessed by Social Care & Health as providing overnight care
- Dependent children (under 18 or in full time further education) joining the household, where it can be proved that the applicant is the sole legal guardian, will be considered as part of the household if they have lived as part of the family for a minimum of 12 months
- Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of the household. This will generally be because of age, disability or for medical reasons. Such cases will need to be referred to SADC's Independent Medical Adviser and/or the Council's Housing Review Panel

**Immediate family does not include you or your partner's: parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends, or lodgers – unless they have an extenuating need to live with you. Non dependant adults, whether related or unrelated, are generally expected to make their own housing application.**

If you have adult children, aged 21 or over, or children with their own family, living at home, they may apply to the Housing Register in their own right, but they may have more chance of success in moving to a property in the private sector. They will only be considered as part of your household if they have always lived with you on a permanent basis.

### **The following household applicants cannot be included in an application:**

Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant

Anyone who has moved into the current property without good reason and caused the household to be overcrowded

Anyone who does not intend to move to any accommodation offered to the applicant(s) or does not intend to live with them permanently

Such people will be disregarded for the purpose of assessing any overcrowding priority and the size of property that the household requires.

### **8.10 Joint Applications**

For a joint application both of the applicants have to qualify for housing.

### **8.11 Civil Partnerships**

Civil partners will have equal treatment with married couples in the Allocations policy, including:

- Parental responsibility
- Protection from domestic violence
- Immigration and nationality purposes

### **8.12 Date of Registration**

The registration date of an application form will be the date the housing application form is received fully completed at the office of SADC. If the form is completed over the Internet the date that all relevant information is supplied is the date of registration.

### **8.13 Homeseeker/Transfer applicants**

Applicants will be registered as a 'homeseecker' if they are an applicant on the Housing Register or are tenants of Registered Social Landlords outside the St Albans area.

Applicants will be registered as a Transfer applicant if they hold a tenancy with St Albans Council or a Registered Social Landlord within St Albans City and District.

### **8.14 Verification**

Applicants must have their circumstances and housing conditions verified before they are offered an assured or introductory tenancy. Verification may include a home visit where appropriate. All applications visited will be required to supply the following documents where relevant.

- Proof of identity and residence for all persons included on the application
- Proof of eligibility. Home Office letter or passport where applicable
- Proof of income or benefits
- Proof of entitlement to reside in the UK & eligibility for an offer of Social Housing.
- Proof that a local connection to the District still exists.
- Other proof as considered appropriate by the Council

Applicants, who do not have any settled accommodation, will be visited at the address/location provided on their application.

If the applicant has successfully bid on a property and the requested proofs are not submitted within five working days, or the applicant is not available or refuses a home visit within two working days the applicant will not be offered the tenancy. The property will be offered to the next applicant on the shortlist.

Should the applicant no longer be eligible for an offer or to be included on the Housing Register, they will be notified of the decision and the reasons in writing. Applicants have the right to ask for a review of the decision. This request must be made in writing within 21 days of receipt of the original decision and must include reasons for requesting the review.

Verification may be carried out by St Albans Council or the relevant Housing Association.

#### **8.15 False statement and withholding information**

It is the responsibility of every applicant to provide necessary information and documents that will assist SADC in carrying out enquiries into the housing application.

It is an offence (under Section 171, Housing Act 1996), for an applicant to knowingly or recklessly provide the Council with information that is materially false or deliberately withholds or misrepresents their housing circumstances.

The Council will consider legal proceedings against the applicant and support any application by a landlord to gain possession of accommodation gained by providing false or withholding information that may have affected an applicant's priority on the Housing Register.

Please note that we do carry out verification checks on the information you provide with other agencies, housing providers, and credit agencies. i.e. Experian and any inconsistencies will result in an application being deferred whilst an investigation is carried out.

#### **8.16 Deliberately worsening circumstances**

If the Council is satisfied that an applicant has deliberately worsened their circumstances to gain extra priority on the Housing Register, they will be assessed based on their circumstances before the situation changed. This will be reviewed after a 12 month period. It may include the following:

- An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into which it was reasonable for them to continue to occupy.
- Homeowners who have transferred their property to another family member within the last 5 years from the date of application.
- Applicants who have disposed of or deprived themselves of assets which reasonably could have been used to secure housing within the last five years from the date of application.
- Applicants who have moved family members or others into a property unsuitable for their needs when suitable accommodation was being occupied by them elsewhere.

## **9. Assessment of Housing Need**

All applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that SADC meets its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002). Housing needs bands could change if full application documentation is not provided.

Many applicants will not be given priority but will be offered advice and assistance in joining the housing register and in making bids for advertised properties. SADC will work with the applicant, their advocates and our partner agencies to provide this advice and assistance.

Applicants must be prepared to make bids within the Choice-based Letting Scheme and make appropriate choices in the context of the local social housing availability within the District and balance this against the urgency of their own situation.

### **9.1 Housing Needs Bands**

When an applicant's details are assessed, the applicant will be placed in one of five priority housing needs bands. Applicants in band A will have the highest priority, applicants in Band E the lowest priority.

The assessment will be made in order to meet the requirements of the Housing Act (1996) as amended by the Homelessness Act (2002) and other government guidance; whilst making best use of the housing nominations being made available to the Council including nominations to a RSL or other housing provider. Properties will be offered to applicants based on the following priorities:

1. Priority Banding
2. Local Connection – Band D only (does not apply to properties advertised in the cross partner pool)
3. Priority date (when registration into the current priority band took place)

Adapted properties advertised will be matched with applicants who need that type of adapted property whenever possible.

There is a very severe shortage of Council and housing association homes in St Albans and all applicants are advised to consider other housing options.

The examples given below are given only as a guide.

Priority Band	Description of housing need
	Applicants will be placed in Band A in circumstances where the applicant's current property poses a significant risk to life or health, and immediate re-housing is required. Applicants in Band A will be offered time-limited bidding (usually 4 cycles unless otherwise stated) and/or a direct let.
<b>Band A</b>	<p><b>Over-riding Medical Need</b>  Applicants with an over-riding medical priority awarded by the Local Authority in consultation with a Medical Advisor. The applicant's medical condition will be such that it is being so severely and adversely affected by their current housing situation as to warrant an emergency move.</p>
	<p><b>Over-riding Social/Welfare Need</b>  Applicants with an over-riding social/welfare priority. The applicant's social/welfare needs will be such that those needs are being so severely and adversely affected by the current housing situation as to warrant an emergency move. This priority may be agreed at the housing review panel or by at least two of the senior management team. (Head of Housing/ Tenancy Services and Performance Manager/Area Team Leader/Strategy and Enabling Manager/Principal Policy and Development Officer.)</p>
	<p><b>Imminent Danger</b>  Applicants needing to move urgently where there is a serious imminent personal risk if they remain. This will be where there is a threat of death or injury. This will need to be supported with police evidence. This priority may be agreed at the housing review panel or by at least two of the senior management team. (Head of Housing/Tenancy Services and Performance Manager/Area Team Leader/Strategy and Enabling Manager/ Principal Policy and Development Officer.)</p>
	<b>Applicant succeeding to a Tenancy</b>

	<p>Where an applicant has succession rights to a tenancy after the death of a tenant, the applicant may be required to move to alternative housing in line with their assessed housing needs. In processing requests for succession to a tenancy the Council recognises civil partnerships as conveying legal rights and recognition of a relation for same sex couples. Time limited bidding of 3 months will apply after which an assisted bid leading to a direct offer will be made.</p>
	<p><b>Releasing a property in need - Applicant releasing an adapted property</b>  The property has major adaptations, and there is a current need for a property with that adaptation</p>
<p>Applicants placed in Band B are deemed to need re-housing urgently. Applicants in the following situations and circumstances will be placed in this band. Applicants in this band must have a local connection to St Albans.</p>	
<b>Band B</b>	<p><b>Applicants suffering from harassment</b>  All cases of harassment will, in the first instance, be dealt with through our Anti-Social Behaviour Policy. Should the harassment reach a level where there is a recommendation from a senior officer of a relevant statutory or voluntary agency such as the police or HCC's Children, Schools and Families Department, that a move is necessary, the applicant will be awarded Band B priority.</p> <p>Where this priority refers to a transfer (<b>council and housing association tenants living in St Albans district</b>) this will be a property of a size that is appropriate for the applicants housing need.</p>
	<p><b>Homeless households (Main homelessness duty owed)</b>  A statutory duty house is owed where the authority is satisfied that the applicant is eligible for assistance, falls within a specified priority need group, is unintentionally homeless, and has a local connection with the authority (except where fleeing violence or harassment). Time limited bidding will apply (4 cycles) after which an assisted bid leading to a direct offer will be made. In some cases a direct let may be made.</p> <p>Please see Appendix Two for further explanation.</p>
	<p><b>Urgent Medical Need</b>  Applicants with an urgent medical priority awarded by the Local Authority Housing department in consultation with the Council's Medical Advisor. This includes cases where the applicants' medical condition will be such that adaptations are required at the current property but the need to carry out adaptations could be avoided or reduced by a move to more suitable accommodation..</p>
	<p><b>Urgent Social/Welfare Need</b></p>

	The applicants social/welfare needs will be such that, should the applicant be moved to a more appropriate property, this will be improved by alternative accommodation. For example a disabled child that needs to attend a <b>specialist</b> school. This will be approved by 2 members of the Senior Management Team or one member of the Senior management team and one Housing Options Co-Ordinator.
	<b>Referrals</b> In this band are placed applicants referred to St Albans District Council under arrangements it has with certain referral agencies, or those made through the Housing Forum. See Appendix One for details of these. These applicants will be subject to time limited bidding after which a direct offer will be made.
	<b>Applicant is under-occupying by one or more bedrooms (social housing tenants only in SADC area)</b> who are moving to a property that is the right size for their family in accordance with our bedroom eligibility.
	<b>Applicants with composite housing needs from Band C</b> This band also recognises applicants with a composite housing need. To qualify to move to Band B, an applicant should be assessed as having a high medical need or have two or more bedrooms lacking <u>plus at least one other factor from the list under Band C.</u>
Applicants placed in Band C are deemed to have a high need to move. Applicants in the following situations and circumstances will be placed in this band. Applicants in this band must have a local connection to St Albans.	
<b>Band C</b>	<b>High Medical Need</b> Applicants with a high medical priority awarded by the Local Authority in consultation with the Council's Medical Advisor. The applicant's current accommodation will be deemed as not appropriate for their medical needs.
	<b>High Social/Welfare Need</b> Applicants with a high social/welfare priority awarded by the Local Authority. The applicants' current accommodation will be deemed as not appropriate for their social/welfare needs. For example a disabled child who needs a garden for therapy. Priority awarded by at least one member of the Senior Management Team.
	<b>Applicant releasing an adapted property</b> An applicant releasing an adapted property (major adaptations) where there is not a current need for a property with that adaptation.
	<b>Applicant is assessed as lacking two or more bedrooms</b>
	<b>Retiring or Redundant Council Staff in Tied Accommodation (Service Occupiers)</b> A service occupier is someone occupying tied accommodation as a condition of their employment with one of the Council for the better performance of their duties. Service occupiers may be re-housed in suitable alternative accommodation (not like for like) in accordance with the conditions of their terms of employment.

	<p>They will be eligible to bid 6 months prior to their retirement The service occupier will be eligible for re-housing by the Council only if:</p> <ul style="list-style-type: none"> <li>• they meet stated requirements in their contract of employment</li> <li>• they meet the eligibility criteria to appear on the housing list including immigration status and unacceptable behaviour criteria</li> <li>• do not own another property elsewhere and do not have income or assets that would enable them to meet their own housing needs in the private sector</li> </ul>
	<p><b>Applicants releasing a one bedroom general needs property (only council or housing association tenants living in St Albans district)</b> An applicant releasing a one bed general needs property will be placed in Band C if they require sheltered accommodation or elderly designated accommodation only.</p>
	<p><b>Applicants with composite housing needs from Band D</b> This band also recognises applicants with a composite housing need. To qualify to move to Band C an applicant should be assessed as having either medium medical need or lacking one bedroom <u>plus at least one other factor from the list under Band D.</u></p>
<p>Applicants placed in Band D are deemed to have a medium need to move. Applicants in the following situations and circumstances will be placed in this band.</p>	
<b>Band D</b>	<p><b>No Local connection but identified housing need.</b> No local connection to the borough exists but the applicant has an identified housing need which constitutes a reasonable preference category, e.g overcrowding/welfare needs/medical needs as set out in Bands A-C.</p> <p><b>Or regardless of local connection the following:</b></p>
	<p><b>Recognised Medical Need</b> Applicants with a recognised medical priority awarded by the Local Authority in consultation with a Medical Advisor. For example a person reliant upon walking aids who lives in an area with no public transport.</p>
	<p><b>Recognised Social/Welfare Need</b> Applicants with a recognised level of social or welfare need as assessed by the Local Authority.</p>
	<p><b>Financial Hardship</b> Applicants will be awarded Band D priority where the Local Authority deems a move would help address exceptional financial hardship. Where an applicant feels they will qualify for Band D priority due to exceptional financial hardship, they should approach the Local Authority for further guidance. In order to</p>

	assess this, applicants will need to complete a financial disclosure form.
	<b>Reasonable Preference</b> This category includes other homeless applicants who are not owed a full duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002. Please see Appendix Three for further details
	<b>Unsatisfactory Conditions</b> Applicants will be awarded Band D priority where it is determined by the Local Authority that they are living in unsatisfactory conditions. This will have to be assessed by the Local Authority Housing Department. Examples could include caravans or trailers or sharing facilities with non family members. Applicants with children in insecure accommodation e.g with family or friends and lacking or sharing facilities where the applicant has no tenancy agreement or licence
	<b>Applicants lacking one bedroom</b>
Applicants placed in Band E are deemed to have an identified need to move. Applicants in the following situations and circumstances will be placed in this band.	
<b>Band E</b>	An applicant assessed as being adequately housed will be placed in Band E. This will include applicants with sufficient funds to secure appropriate housing. All applicants will be required to complete a financial disclosure sheet. Transfer applicants considered to have sufficient funds to secure appropriate housing will also be placed in this band.  This band will also include applicants where it is considered they have deliberately worsened their circumstances in order to gain social housing.

## 9.2 Time limited bidding

All priority Band A (Emergency Need) cases and some categories of priority Band B (does not apply to under occupying social housing tenants living in the SADC area) will be subject to time-limited bidding and/or direct lets. Applicants offered time limited bids will normally be able to bid in **4 consecutive cycles**. This acknowledges the urgency of the situation, both for the applicant and for the Council. All priorities will be monitored closely throughout this period. After 4 cycles each case will be reviewed on its own merits, and a decision will be made as to whether:

- The applicant should lose their emergency status if the circumstances under which they were placed in band no longer apply and they should be re-assessed and placed in a lower band
- SADC should allow the applicant to remain in the band until a further review

- SADC should make one direct offer of accommodation before re-assessing the applicant and placing in a lower priority band.

During the initial period applicants will be expect to bid for any suitable advertised properties. The Council will monitor this and if applicants do not make bids on properties the Council considers suitable, the Council will make bids on the applicants' behalf during the initial period if the applicant has not made 3 bids in that cycle. If applicants require help with bidding they should request supported bidding by contacting the Housing Options Coordinator (CBL).

Applicants must consider different property types (houses or flats) from those they currently occupy. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all their aspirations within the time available.

In conducting the review the Council will take into consideration the questions posed below.

- Have there been any properties advertised that would have met the applicant's need?
- If so, have they bid for them?
- Why have they been unsuccessful?
- Do they have a specific need for a property that has not been available and no other property will resolve their housing need? For example, do they have a disability and need a ground floor property in a specific area so they can get family support?
- Have they received appropriate support and help in accessing the choice-based letting scheme?
- Have the applicant's circumstances remained the same?
- Is the applicant holding out for something that is unlikely to become available in a reasonable timescale, even though their need could be resolved by a more readily available property?

If the Council decides not to extend the period for bidding, the Council will make a final offer by making a bid on behalf of the applicant and, if successful, offer the property to them. If the applicant refuses this offer they will be moved to a lower priority band. (The Council can discharge its housing duty to homeless applicants if they do not accept their final offer)

## **10. How the Council allocates Accommodation**

The Council allocates accommodation via choice based lettings- Herts Choice Homes. Applicants housing priority will be assessed and applicants will be placed in a priority band A - E. Within the priority bands, the length of time an applicant has been waiting will be the deciding factor in determining who is re-housed. In Band D local

connection will be considered then the length of time an applicant has been waiting.

We advertise available properties, inviting applicants to bid for them. By “bid” we simply mean apply for the property.

Up to 50% of properties advertised through choice based letting will be available to transfer applicants only. Applicants will be treated as transfer applicants if they are social housing (council or housing association) tenants living in the St Albans and City District. At least 50% of houses will be reserved for transfer applicants in order to promote stable communities and to help make best use of the affordable housing stock in the district. This will be reviewed periodically.

Additionally some of the properties may be advertised for a particular group of applicants. The properties will be advertised indicating this. This will be done in order to achieve best use of the housing stock or to comply with planning conditions. Examples include properties where there are disabled adaptations, larger 3 bedroom, 2 living room properties, supported housing schemes, sheltered housing, elderly designated properties and properties where a local lettings policy applies. This list is not exhaustive.

### 10.1 Bid Types

The majority of bids will be made by the applicant. However in certain circumstances the following may apply:

**Assisted bidding** – this may apply to applicants in band A or B. Assisted bidding is where the Council (or RSL partner) will bid on behalf of the applicant. For homeless cases this will count as a final offer and for succession cases this will count as a formal offer.

**Approved bidding** – This will apply for sensitive cases. The applicant may still bid themselves but the Council will need to approve the bid as suitable.

**Supported bidding** – This is where an applicant may be vulnerable and no third party has been identified to assist them. The Council (or RSL partner) will take responsibility in assisting the applicant to place bids.

If you wish for us to discuss your application with third parties we will need your signed agreement in order for us to disclose or accept information from your advocate.

### 10.2 Direct Lets

Direct Lets may apply in the following circumstances:

- Extra care properties

- If a property is needed to house someone in council property temporarily
- In cases where someone has to be moved immediately a direct let may be made
- In the case of a specially adapted property which is particularly suitable for a particular applicant
- Decants
- Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- If there is no alternative for temporary accommodation and the council would be breaching their duty
- Applicants over 60 who fall into a priority need category under Homeless legislation may be made a direct offer into one of our sheltered schemes as part of our Homelessness Prevention initiative.

### **Direct Lets will not be part of the choice based lettings scheme**

#### **10.3 Applicants subject to Multi-Agency Public Protection Arrangements**

Housing applications received from the Multi Agency Public Protection Panel will be considered by the Housing Review Panel and, if successful, will be subject to approved bidding as detailed above.

#### **10.4 Applicants who require an adapted property or other special requirement**

Where an applicant has been assessed by the Council's independent Medical Adviser as requiring a specific size, type or adapted property, they will be placed in the appropriate priority band. In some cases the applicant may be offered a direct let. Where SADC has identified a shortage of suitable properties for applicants with special requirement on the housing register, the Council will consider creating a 'chain move'. This is where the Council matches the applicant with a special requirement need, with a Registered Social Landlord (RSL) who has identified an applicant with an adapted property who has applied for a transfer. This is different from a Mutual Exchange whereby all applicants have a property to offer in the exchange.

Occasionally a property will be substantially adapted to make it suitable for applicants with a disability. In these cases priority will be given to bidders with an identified need for this type of property, providing that they are in Bands A – C. Some ground floor properties will be advertised with a preference for applicants within Bands A-C who require this on medical grounds.

#### **10.5 Local Lettings Policy**

SADC in partnership with Registered Social Landlords, may produce a local letting plan. These plans will outline any specific local letting initiatives for the neighborhood taking into account supply and demand and other management factors. Rural exception sites will be subject to permanent local lettings policies, however, other local letting plans are normally short term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

- increasing the number of people in employment
- training, or,
- reducing child density and anti-social behavior on estates

Local lettings plans may therefore over ride the 'rules of choice and the Council's normal letting policy' in specific neighborhoods or on local housing estates and over specific periods of time. Examples of some properties may have criteria based on age or household composition to address specific local issues or may over-ride occupancy level agreements and demand issues to address local management or supply.

Local lettings policies apply to elderly designated properties above ground floor (please see Appendix 5)

Local letting plans will be by definition dynamic documents monitored against and developed in line with changing situations and demands.

Copies of local letting plans will be available from the Council and the RSL.

The Council in these circumstances will ensure that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds. Local lettings policies will normally apply to new developments where over 10 affordable homes will be provided.

## **10.6 Cross-Boundary Moves**

SADC will introduce a number of cross-boundary schemes to facilitate mobility into and out of SADC areas. Moves and the exchange of properties between the various landlords will be monitored to maintain an equal balance between the number of applicants moving into an area and those moving out. SADC and its Partner Organisations will put into the pool a percentage of their stock to be able to promote mobility between different local authority areas.

## **10.7 Move on and Leaving Care**

The Council will have some agreements with organisations that provide specialist housing. These organisations deal in particularly with vulnerable homeless applicants or young people leaving care who may require move on accommodation usually for single applicants. The Council will endeavor to house an agreed number of applicants nominated from these organisations each year.

### 10.8 Management Priority

There are occasions when the Council must house applicants outside our normal procedure. Where necessary, supporting evidence from other agencies such as Police, Adult Social Care or Children Schools and Families and other groups is essential to achieve a Management Decision. Evidence of this nature needs to be countersigned by a Senior Manager.

Management Priority moves will be dealt with on a case by case basis. Cases that will be considered for management priority decisions include:

- Decants
- Nominations received from the National Witness Mobility Scheme
- Households who need to move for emergency reasons not covered in the bands.
- Cases referred through Multi-Agency Public Protection (MAPP).

In view of the urgency involved with Management priority offers, one reasonable direct offer of suitable accommodation may be made by SADC.

### 10.9 Bedroom Eligibility

The table below indicates the size and number of bedrooms that an applicant can bid for.

When calculating bedroom entitlement the following rules will apply.

2 children of the same sex are entitled to one bedroom if there is less than a 9 year gap between them

2 children of opposite sexes are entitled to one bedroom until one reaches the age of 8.

**Table of Bedroom Eligibility**

Household Size	
Single Applicant	Bedsit-Studio or One Bedroom
Single Applicant with staying access to 1 child	Bedsit –Studio or One bedroom
Single Applicant with staying access to 2 children	One bedroom
Couple without children	One bedroom

Pregnant (1 <sup>st</sup> Child)	One bedroom
Parent/s with 1 child	Two bedrooms
Parent/s with 2 Children same sex where there is an age difference of less than 9 years.  Parents with two children of opposite sexes where both are under 8 years of age.	2 bedrooms
Parent/s with 2 children same sex where there is an age difference of 9 years or more.	3 bedrooms
Parent/s with 2 children opposite sex (where one child is over the age of 8)	3 bedroom
Parent/s with 3 and 4 children	3 or 4 bedroom using the eligibility rules outlined above.
Parent/s with more than 4 children	4 bedrooms or larger 3 bedrooms with dining room and lounge.

All properties that are advertised through the CBL scheme will be clearly labeled to identify the household size eligible to bid for each property.

### **Unborn Child**

An unborn child does not count as part of an applicant's household.

### **Exception to our Bedroom Eligibility**

Due to the acute shortage of 4 bedroom properties, applicants registered for 4 bedroom properties or larger will also need to bid for large 3 bedroom properties, which will be identified.

## **10.10 Proof of Access to Children**

The Council will check to make sure that access does take place and will need to see proof. Such proof could include a letter from the separated (other) parent. This is not normally considered enough on its own, as the proof should be independent, therefore the Council will have the right to seek further supporting evidence such as a Solicitor's letter or Court papers as it deems appropriate or make appropriate enquiries.

Where an applicant has staying contact with children for less than 50% of the time, the children will not be counted as part of the applicant's household when assessing bedroom requirements.

Where two applicants have equal staying contact with children, evidence as to the child's main and principal home is required when assessing bedroom requirements.

#### **10.11 Medical Need for an extra bedroom or alternative accommodation**

If the applicant feels that there is a medical need for an extra bedroom, or alternative suitable accommodation, this will be considered by SADC. SADC will seek supporting evidence from the applicant that there is a need for an extra bedroom or alternative accommodation. The applicant will be required to complete a self-assessment medical form. The Medical Advisor will assess these forms and his recommendations will be considered by the Council, who make the final decision.

#### **10.12 Extra room for Carers**

It will be expected that Adult Social care or child care services should give supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client they would qualify for funding for a 'live in' carer.

Only one extra bedroom for a carer will be considered. Extra rooms for a carer's dependants cannot be considered.

Time limited bidding (4 consecutive cycles) followed by a direct let if the applicant is unsuccessful in obtaining a property before eviction will apply.

### **11. Choosing where you want to live**

Most properties which become empty will be advertised on a fortnightly basis on [www.hertschoicetohomes.org.uk](http://www.hertschoicetohomes.org.uk). You can also access the advertised properties via our web page at [www.stalbans.gov.uk](http://www.stalbans.gov.uk) and within the Council's offices. If you have a recognised housing need and do not have access to a computer you can request a freesheet which will be sent to you.

### **11.1. How to Bid**

Applicants can bid for any property that is of the appropriate size in accordance with their assessed need. Bidding is simple, it can be done either by:

- Telephoning the bidding line on 0870 998 2290
- Accessing the website [www.hertschoicetohomes.org.uk](http://www.hertschoicetohomes.org.uk) or via our website [www.stalbans.gov.uk](http://www.stalbans.gov.uk)
- Bidding via text message
- Postal Coupon

New properties are advertised every fortnight with a closing date for bids clearly shown. Applicants will be allowed to bid for 3 properties per cycle. Bids must be submitted before the closing date.

Each available property will have a short description that will include the number of bedrooms, floor level, rent, location of the property and information about facilities in the property and its neighborhood. Applicants must make sure they meet the criteria noted on the advert otherwise they will not be considered for the property and it will be a wasted bid.

The Council cannot guarantee precisely when an applicant will be successful in their bid, as this will depend on the type and location of the property they bid for, whether they have reasonable or additional preference and the number of applicants bidding for the property.

For those applicants seeking a move who are housebound, options such as directly mailing a freesheet or working with statutory and voluntary agency partners to provide personal customer support will be explored.

### **11.2 Viewings**

After bidding closes, the Council may short list between one (1) and five (5) applicants to view a property. This will depend on the demand for the property. Applicants will be contacted by telephone to inform them of the location of the property and the time for viewing.

Applicants are reminded that they must provide up to date contact details. If we are unable to contact a successful applicant within two

working days then the property will be offered to next applicant on the shortlist.

The purpose of viewing the property is to see the internal and external features of the property and seek any further clarification from the Landlord regarding the property. The top ranked applicant that has been shortlisted for a property will have their application deferred temporarily whilst they are under offer. This will mean that they any other bids placed will not be considered whilst they are under offer.

In some cases such as applicants transferring from one property to another, applicants may end up viewing a property with the current tenant in situ. All tenants will be notified of this before a viewing is conducted in their home.

The applicant at the top of the shortlist will normally be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the shortlist will be offered the property.

Some applicants may require longer than others to make a decision about a property depending on their circumstances:

- They may wish to take advice in making their decision particularly in the case of vulnerable applicants
- They may be unfamiliar with the property
- They may be in hospital

In these circumstances the landlord will agree a time with the applicant.

In exceptional circumstances the Council's Head of Housing may approve a decision not to offer a property to the applicant who tops a short list if in doing so the offer could put a vulnerable applicant at risk of any harm. Any such decisions will be given to the applicant in writing.

### **11.3 Accepting Offers**

Once the applicant has confirmed that they want to accept the offer of the tenancy, the Landlord of the property will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up, the CBL system will not allow the applicant to be considered for other properties.

The landlord of the property will normally start the tenancy sign-up on the Monday following viewing if the property is available. In some cases there may be a delay between acceptance of an offer and commencement of tenancy e.g. new properties awaiting final handover, properties undergoing maintenance for example

In cases where the new tenant is vulnerable, such as being an elderly person with no support or someone with learning difficulties, the Landlord may use discretion to allow a longer period before the tenancy start date.

#### **11.4 Withdrawal of Offers**

In the following very exceptional circumstances, the Landlord may withdraw an offer of accommodation:

- Where there has been a change in the applicant's circumstances
- Following verification, the applicant is not eligible for the property
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable applicant at risk of any harm
- Where the applicant does not meet a specific Letting Policy of the landlord

This list is not exhaustive.

#### **11.5 Refusing an Offer of Accommodation**

If an applicant refuses an offer of accommodation made, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, SADC will contact the applicant to verify their circumstances and may make their application inactive whilst enquiries are made.

### **12. Financial Assessment**

All applicants will be asked about their financial circumstances as part of the verification process. We will use Experian to verify details and as part of our policy to prevent/detect fraud/share information with other departments within the Council and other Housing Providers. By signing the Housing Register form you will be giving your consent for this.

An applicant who has sufficient resources to resolve their own housing need, either through renting or buying a suitable property, (whether on the open market or through one of the low-cost home ownership schemes) or by other means, will normally be given no preference on the Housing Register, this includes property owners and these applicants will be placed in Band E. Even if an applicant places a successful bid we may not make an offer if we consider them to have financial resources to be able to resolve their own housing need. In making this decision we will take into account any equity outstanding from the sale of a property, income, investment income and current property value. (for home owners.) This list is not exhaustive but gives an indication of what will be taken into account in the financial assessment.

### **13. Medical Grounds**

Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to complete a medical self-assessment form. This will usually be reviewed by the Council's Medical Adviser, along with any other medical reports or occupational therapy reports. The medical adviser will advise on the relative medical priority of the household and any other re-housing needs, such as a need for ground floor accommodation for consideration by the Council. The medical Advisers recommendation will be considered by the Council and will decide priority. Some applicants may be considered for bungalows if it is considered that this type of property is suitable for them even if they do not meet the age criteria.

Applicants can request a review of their medical priority; this must be put in writing within 21 days of notification of the decision. Whilst the Council may seek the opinion of a medical expert in determining whether priority will be awarded, the final decision rests with the Strategy and Enabling Manager or deputy.

**Where an applicant requests priority based on a medical condition, this will only be taken into account where the medical condition is being made worse by the particular accommodation that the applicant resides in or would be improved by a move to more suitable accommodation.**

### **14. Support/care needs**

It is essential to assess any support and care needs for applicants with approved medical priority. The Council may liaise with Adult Social care, Children Schools and families, the Supporting People team and other relevant agencies, as necessary, to ensure the allocation of appropriate accommodation.

The Council will also consider whether the applicant or member of their household needs would be better served by the applicant remaining in their current accommodation and, if appropriate, an application for aids and adaptations can be made.

### **15. Sheltered Housing**

Usually only applicants over 60 years of age will be considered but applicants with physical/learning disabilities who are suitable for and would benefit from sheltered accommodation will also be considered. Sheltered housing will only be available to householders who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by SADC to

establish the prospective applicants' support needs and suitability for living in their chosen Sheltered Housing Schemes.

Priority for allocations to ground floor sheltered and elderly designated accommodation will be given to current tenants on the Transfer list, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. Allocations thereafter will be allocated based on individual need. This will then free up a property for an applicant via CBL.

If the assessment indicates that the applicant requires a higher level of support than can be provided by sheltered housing, the applicant will be advised of this and referred to Adult Care Services.

#### **16. Bungalows and Elderly Persons designated ground floor accommodation**

Bungalows are primarily for applicants who are aged 60 years and over or for social housing tenants living in the district who are aged 50 years and over and are currently under occupying a Council or Housing Association home.

However some applicants (Bands A-C) below the ages listed above, who have a medical priority will be considered for adapted bungalows where the adaptation(s) will meet their recognised needs. All applicants not meeting the age restriction will need to be approved by the Council to bid on adapted bungalows.

In the case of adapted bungalows, applicants within Bands A-C requiring the adaptation in the advertised property will take priority over other applicants. Qualifying applicants will be prioritised as follows

- 1) Applicants ages 60 and over or applicants who are 50 and over who are under occupying in the district who require adaptations
- 2) Other applicants who have been approved by the Council to bid on adapted bungalows.

If there are no applicants within Bands A-C who require the particular adaptation then the normal bungalow lettings policy will apply.

#### **17. Under Occupiers**

In order to make the best use of our Council stock we will place tenants that are under occupying in Band B. Under occupiers who move to one bedroom accommodation from two bedrooms or larger will be entitled to a moving grant of £1250 and we will organise and pay for their removals. Under occupiers who are 50 and over will be eligible to bid for bungalows.

## 18. Social and Welfare Needs

This would include, for example, an applicant who needs to move to a different locality or District in order to give or receive care or to access specialized medical treatment. The term “welfare” is intended to encompass not only care or support needs, but also other social needs which do not require ongoing care and support, such as the need to provide a secure base from which a care leaver or other vulnerable person can build a stable life.

Housing may consult with Adult Social Care or Children Schools and Families before a decision on priority is made by the Housing team.

## 19. Allocations to Staff, Council Members and Families.

Members of staff, their close family and elected members who require housing through the Council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying. **Failure to disclose this may result in an application being deferred while investigations are undertaken.**

If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property, the Head of Housing will be informed and must approve the shortlist letting prior to the formal offer being made.

## 20. Priority Date

The ‘priority date’ is the date that an applicant was placed into their priority band. For some applicants their priority date will be the original date of application. If there are any significant changes in the circumstances of an applicant that may require changes in their priority or bedroom requirements, their priority date will change. For homeless applicants, the priority date will be the date the Council accepts statutory duty to re-house the applicant.

Where two applicants are placed first and second on the shortlist for a particular property, are in the same priority band and have the same priority date, the property will be offered to the applicant for whom the Housing Options Co-ordinator (CBL) considers the property most suitable.

Any property belonging to Registered Social Landlords (RSL) may hold additional criteria. For details you should refer to the policy of the specific RSL.

## 21. Change of Circumstances

All applicants must inform the Council of any change in the information provided on their application form. Changes in circumstances may mean the application will need to be reassessed. Examples of change of circumstances are detailed below, although this list is not exhaustive:

- Applicants joining or leaving the household
- Pregnancy/birth of a child
- Relationship breakdown
- Change to the medical circumstances of anyone included in the application
- Death of a joint applicant
- Change of address or contact number
- Change in medical condition

## **22. Tenancy Management outside the scope of CBL**

The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Registered Social Landlords:

- Mutual exchanges
- Persons transferring from introductory to secure tenancy in the same property
- Where a secure tenancy is assigned by way of succession to the same property
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Transfers that a landlord initiates for management purposes
- In the cases of joint tenants where there is a relationship breakdown and a decision is taken to create a new tenancy for one tenant.
- Where court orders are made under one of the following:
  - Section 24 of the Matrimonial Causes Act 1973
  - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - Paragraph 1 of schedule 1 to the Children Act 1989

## **23. Information**

An applicant has the right to:

1. Request general information as will enable the applicant to assess how their application is likely to be treated under the scheme and whether accommodation appropriate to their needs is likely to be made available.
2. Be notified in writing of any decision about whether the applicant is suitable to be a tenant of the Council.

## **24. Translation**

We can arrange a translation service for people who visit the Council Offices. If you need this service, please contact our Housing Needs Department.

## **25. Data Protection**

When an applicant applies for housing, SADC will seek only information that they require to assess the applicant's housing need. They will collect and keep data in accordance with the Council's guidelines on handling personal data. However, SADC may share this information with other landlords who may be able to meet the applicants housing needs.

As St Albans is allocating properties through the Herts Choice Homes scheme information on your application may be shared with other Herts Choice Homes partners (Local Authorities or Registered Social Landlords)

These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records, and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

## **26. Confidentiality**

Information about the applicant shall not be divulged (without consent) to any other member of the public. This applies apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where SADC is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol.
- 

## **27. Decisions and Reviews**

Decisions under the Allocation Scheme may be taken by officers of St Albans District Council who have been given appropriate delegated authority by the Head of Housing. Any discretion shown in the Allocation Scheme as belonging to the Head of Housing may also be exercised by officers of the Council with appropriate delegated authority.

Members of the Council do not make decisions on individual applications under the Allocation Scheme, whether or not they fall into a category prevented by regulation from doing so.

The Council will conduct allocation reviews in accordance with any

regulations issued by the Secretary of State. Currently, these require that the review be carried out by an officer not involved in the original decision and who is senior to the officer who made the original decision.

Requests for a review should be made in writing to the Housing Options Co-ordinator (CBL) within 21 days of the date of the decision. This may then be put before the Housing Review Panel. The Housing Review Panel is composed of senior managers in the Housing Department who will re-examine the case and any new material the applicant may put forward. Requests for a review can be referred and represented by a Councillor.

### **Elected Members Involvement**

The Allocations of Housing (Procedure) Regulations 1997 (SI 1997 No. 483) restricts a housing authority's elected members involvement in allocations decisions in certain specified circumstances. They prevent an elected member from being part of a decision-making body (i.e. the housing authority or any sub-committee) at the time the allocation decision is made, when either;

- the unit of housing accommodation concerned is situated in their electoral ward; or
- the person subject to the decision has their sole or main residence in the members electoral ward

Information on cases referred to the Housing Review Panel are sent to the Housing Portfolio holder after each meeting.

The applicant will be informed in writing of the decision made on review, and the reasons for it.

Reviews for decisions made under Part 7 of the Housing Act 1996 (homelessness) are outside the scope of this scheme.

### **Ineligibility to join the Housing Register**

Applicants who are considered ineligible to join the housing list because of unacceptable behaviour (see page 8), or who are refused authorisation for an offer for that reason will be informed of that decision, the reason for that decision, and their right to request a review. In either case, requests for a review must be made in writing to the Council, and should include the applicant's reasons for believing they are suitable to be a council tenant.

### **Authorisation for an Offer**

Applicants have the right to request information from the Council about decisions on the facts of their cases which are likely to be, or have been, taken into account in considering whether to allocate them accommodation. They will then be informed of any such decisions, their right to request a review and a recommendation to seek independent advice on the matter.

### **Suitability of an Offer**

Homeless applicants have the right to request a review of the suitability of any final offer of accommodation made to them. Requests for a review must be made in writing to the Council and should include the applicant's reasons for believing that the offered housing is unsuitable.

Reviews will be considered by the Housing Review Panel within 56 days and the applicant will receive a written response outlining the result of the review. If an applicant is still unhappy they may make a complaint through the Council's complaints procedure, contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.

An applicant will only be entitled to one officer review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the Council's complaints procedure, contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.

## **28. The Local Government Ombudsman**

The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
10<sup>th</sup> floor Millbank Tower  
Millbank  
London  
SW1P 4QP

Telephone: 020 7217 4620  
Email: [enquiries@lgo.org.uk](mailto:enquiries@lgo.org.uk)  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Appendix One**

### **Unacceptable behaviour**

Some applicants may be treated as ineligible by St Albans District Council on the basis of unacceptable behaviour.

Where the Council is satisfied that an applicant is guilty of unacceptable behaviour (or a member of the applicants household) serious enough to make him or her unsuitable to be a tenant, S.160A(7) they will be treated as ineligible for an allocation of housing.

The test which the council has to use is **had the applicant been a tenant of the council when the unacceptable behaviour occurred, would the Council have been entitled to a Possession Order granted by the courts?**

It does not matter whether or not the applicant had been a tenant at the time, but whether or not the Council would have been granted a Possession Order if the applicant had been a tenant. If the Council concludes that the behaviour would have warranted a Possession Order they then have to consider whether or not the behaviour makes the applicant unsuitable to be a tenant. For example, would the Court have suspended the Possession Order?

If it is shown that the behaviour has improved, the Council may not be able to treat that person as ineligible.

If the Council decides to treat a person as ineligible then they will be informed of this and the reasons why, in writing.

Under S.167(4A)(d) applicants have the right to request a review under the allocations scheme of any decision as to eligibility and a right to be informed of the decision on review and the grounds for that decision.

## **Appendix Two**

### **Groups of people classed as being in priority need as per the Homelessness Act 2002.**

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside

- A person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a Local Authority owes a duty under Section 20 of the Children Act 1989
- A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages 16 and 18 (except a person who is a 'relevant student')
- A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a relevant student)
- A person who is vulnerable as a result of having been a member of Her Majesty's regular Naval, Military or Air Forces
- A person who is vulnerable as a result of
  1. Having served a custodial sentence
  2. Having been committed for contempt of Court or any other kindred offence; or
  3. Having been in remanded in custody
- A person who is vulnerable as a result of ceasing to occupy accommodation because of threats of violence from another person or threats of violence from another person which are likely to be carried out
- A person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside
- A person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster

Enquiries will be carried out in all instances

### **Appendix Three**

#### **Reasonable Preference Groups as defined by the Housing Act 1996 (as amended by the Homelessness Act 2002)**

The following groups of people must be shown to be given reasonable preference over other members of the public when allocating social housing by the Local Authority

- People who are homeless

- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- People who need to move for medical or welfare reasons, and
- People who need to move to a particular location – for example, to be nearer to special training opportunities, or special medical facilities – and who would suffer hardship if they were unable to do so

#### **Appendix Four**

Referrals.

This relates to applicants who are referred to St Albans District Council under arrangements it has with certain referral agencies. Some of these cases may be considered at the Housing Forum. The agencies include.

- The Life Hostel
- Young Peoples supported accommodation with Aldwyck Housing Association in St Albans.
- Care leavers referred by the Independent Support Service.
- Emmaus,
- Martin House,
- Kent House.
- Stonham Housing

#### **Appendix 5**

Local lettings policy for above ground floor designated elderly properties

Vacant properties will be advertised and allocated in accordance with the following priorities

1. Applicants who are in Bands A – D who are aged 60 and over
2. Applicants who are in Bands A – D who are aged 50 and over
3. Applicants who are in Bands A to D who are aged 40 and over who do not have a history of anti social behaviour
4. If no one meets the above criteria then applicants in Band E will be considered in the same order as above. (60 and over, then 50 and over and then 40 and over)
5. From time to time additional criteria may be used. E.g if a property has adaptations that make it especially suitable for an applicant with mobility problems for example. These will be stated in the Herts Choice Home advertisement.