

# North Yorkshire Choice Based Lettings Partnership

# North Yorkshire Common Allocation Policy

*'To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live.'*



Reviewed 2013  
Implemented 26th September 2013

## Contents

Glossary of Terms	6
<b>Section 1 - Introduction and Background</b>	<b>11</b>
1.1 The North Yorkshire sub-regional Choice Based Lettings Partnership	11
1.2 Our vision for the service	12
1.3 Aims and objectives	12
1.4 Statement on choice	13
1.5 Meeting our obligations	13
1.6 Information sharing, confidentiality and data protection	14
1.7 Equality and fairness	14
<b>Section 2 - Joining the Common Housing Register</b>	<b>15</b>
2.1 The North Yorkshire Common Housing Register	15
2.2 Who can apply?	15
2.3 Who qualifies to apply to the North Yorkshire Home Choice register	16
2.4 Applications not qualifying due to unacceptable behaviour including rent arrears..	16
2.5 No local connection	17
2.6 Homeowners	18
2.7 Sufficient financial resources	18
2.8 Joint applications	18
2.9 Multiple applications	18
2.10 Persons from Abroad	19
2.11 Existing tenants and their household	19
2.12 Applications from employees/members and their close relatives	20
2.13 Fresh applications	20
2.14 How to apply	20
2.15 Verifying information	20
2.16 Confirming registration	21

2.17	Changes in circumstances.	21
2.18	Keeping the register upto date	22
2.19	Cancelling applications	22
2.20	Giving false information/deliberately withholding information.	23
2.21	Deliberate worsening of circumstances .	23
2.22	Notification about decisions and the right to a statutory review	24

### **Section 3 - Assessing Housing Need** 25

3.1	Legal background	25
	Reasonable Preference	25
	Additional preference	25
3.2	Assessing housing need	26
	Emergency Band	26
	Gold Band	26
	Silver Band	27
	Bronze Band	28
3.3	Additional Information	28
3.4	Tenancy Type	28
3.5	Withdraw of Banding	28

### **Section 4 - The Choice Based Lettings Scheme** 29

4.1	Advertising properties on the choice based lettings scheme	29
4.2	Adapted properties for people with disabilities	29
4.3	Housing with support schemes, including extra care schemes	30
4.4	The bidding cycle	30
4.5	Bidding from prison	30
4.6	Short-listing and selection	31
4.7	Tie Breaker 1 Housing Need	31
4.8	Tie Breaker 2 Assessed Bedroom Need	31
4.9	Tie Breaker 3 Debt	31
4.10	Tie Breaker 4 Time	32
4.11	Exceptions to Tie - Breaker Order	32
	Section 106	32

Planning or legal condition	32
Local lettings initiatives (LLIs)	32
Rural areas ..	32
Access for lower bands	32
Adapted properties	33
4.12 Overlooking bids	33
4.13 Direct offers	33
4.14 Viewing properties and receiving offers	34
4.15 Time allowed for accepting an offer	35
4.16 Monitoring	35
4.17 Publishing feedback on lettings	36
4.18 Future development of the scheme	36
<b>Section 5 - Other Housing Options</b>	<b>37</b>
5.1 Private landlords	37
5.2 Housing associations	37
5.3 Low cost home ownership	37
5.4 Mutual Exchange..	37
5.5 Sheltered housing extra care	37
Appendix 1 Partner landlord contacts	38
Appendix 2 Participating and Associate landlords	39
Appendix 3 Non qualifying Criteria ( serious unacceptable behaviour)	40
Appendix 4 Application Review Panel Process	44
Appendix 5 Homeless applicants	46
Appendix 6 Definition of at risk of homelessness	48
Appendix 7 Defining overcrowding and housing height	49
Appendix 8 The Good Tenant Scheme	50
Appendix 9 The Offender Initiative	51
Appendix 10 Property Need	52
Appendix 11 Overlooking a Successful Bid	54
Appendix 12 Monitoring Mobility	57
Appendix 13 Management Transfer.	58

Appendix 14	Resettlement..	59
Appendix 15	Young People Support and Trustees	60
Appendix 16	Armed Forces	62
Appendix 17	Health & Wellbeing	64
Appendix 18	Sensitive Lets	68
Appendix 19	Senior Management Decisions	69
Appendix 20	Hardship Grounds	70

## **Glossary of Terms**

### **Adapted properties**

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities, for example major changes to bathing facilities and/or access into or within the property.

### **Adopters and Fosterers**

Adopters must be approved by Local Authority and who are accommodating, or likely to accommodate a looked after child or a child who was previously looked after by a local authority

Foster carers must be approved by Local Authority or prospective foster carers where initial assessment of their suitability is positive, and who are accommodating, or likely to accommodate a looked after child or a child who was previously looked after by a local authority. It also includes extended family who are approved as foster carers for their relative under the Fostering Regulations, 2011 or where residence order granted by court under (1989 Children ACT) and supported by Children's Social Care or Special Guardianship cases (2002 Adoption and children Act) and supported by Children's Social care.

It does not include private foster carers or non-agency adoption arrangements

### **Advocate**

A responsible person who has been given approval to 'act' on behalf of an applicant such as a support worker or a family member.

### **Applicant**

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

### **Assisted bidding**

Where an appropriate person, with the consent of the applicant, submits bids on their behalf.

### **Associate landlord**

A landlord who allocates some of their properties through this policy (formal nominations via a local authority) but have their own allocations policy for their own lettings. See appendix 2 for full list

### **Automated bidding**

Where the computer system automatically submits a bid for an applicant.

### **Bands**

The system for setting out the different priorities of housing need.

**Bidding**

The way in which registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money.

**CBL - Choice Based Lettings**

A system for letting affordable housing, supported by the Government and the Homes and Communities Agency, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

**CBL Partnership Board**

A board made up of a representative from each of the original partner organisations listed on page 11, a representative from an independent housing association with properties across the partnership area and any new partner invited to join the board.

**Common allocation policy**

A shared set of rules on how properties will be advertised and let providing consistency between all partner landlords.

**Common Housing Register**

The single shared list of applicants eligible to use the Choice Based Lettings scheme. In order to bid for a property, the applicant must be on the Common Housing Register.

**Direct offer**

Where a property is offered to an applicant, which will not require an applicant to bid.

**Eligibility**

Assessment of whether an applicant has a right to access social housing in accordance with relevant legislation.

**Emergency Prohibition Order**

These are statutory notices served under the Housing Act 2004 where a local authority is satisfied a Category 1 hazard exists and that hazard involves an imminent risk of serious harm to the health and safety of the occupier/s.

**Essential Need (support)** – where a person is required (needs) to live close to a family member to provide / receive fundamental support regularly without which the person requiring support would need residential care or an enhanced package of support from social care which they could otherwise not receive.

**Flexible Tenancies**

Under Localism Act 2011 a Local Authority can utilise flexible tenancies. These are council tenancies let on a fixed term agreement (ie not secure and not for life)

**Good Tenant Scheme**

Incentive Scheme for tenants of partner landlord and participating landlords who meet the criteria specified in (Appendix 8)

**Housing Need**

Applicants are assessed as having a housing need if the accommodation they currently occupy is unsuitable – as result of ill health, overcrowding, lacking facilities or the applicant is deemed to be in a reasonable preference group. housing need is banded as Emergency, Gold, Silver or Bronze band.

**Housing Related Debt** Monies owed to a landlord, such as a local authority, housing association, arms length management company or temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court costs and support charges, prevention fund monies (eg bonds, rent in advance). Debts written off as part of bankruptcy will be disregarded.

DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular housing benefit payment or direct debit / standing order which clear the rent account. Housing related debt does not include council tax debts.

**Local connection**

Connection to a particular area because of residency, employment, family or a main source of support. With the exception of Armed Forces Personnel who are awarded local connection. (Point 2.5)

**Localism Act 2011**

Legislation which has amended powers and duties of a Local Authority regarding the allocation of properties.

**Locality.**

Local Authority area in which the applicant currently lives

**Local lettings initiative (LLI)**

A time limited policy, which is introduced to take account of local circumstances. Examples of this may be where a new housing development becomes available or where there is severe anti-social behaviour concentrated in a particular area. This means that these properties will be let outside of the policy. Each scheme will establish the criteria that will be used. These criteria will vary dependant upon the circumstances that has led to the LLI. Each new LLI must be signed off by the CBL Partnership Board and published by the relevant partner landlord.

**Low cost home ownership**

Options enabling home seekers that are unable to afford to buy a property on the open market to get on the property ladder. Schemes include part rent and part buy or buying a percentage of the equity at a discounted price.

**LSVT – Large Scale Voluntary Transfer**

Former council housing which has been transferred to a housing association or housing company.



**MAPPA (Multi Agency Public Protection Arrangements)**

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Common Housing Register for applicants subject to MAPPA can only happen when a senior officer has given authorisation based on a risk assessment.

**Mutual exchange**

Where two or more tenants swap their homes. Each tenant agrees to move into the others home on an 'as seen' basis.

**Nomination agreement**

An agreement which sets out the way in which local authorities and housing associations work in partnership to help those in housing need. They usually state a percentage of properties that the housing association will make available to applicants nominated by the local authority.

**Participating landlord**

A landlord who allocates 100% of their properties through the North Yorkshire common allocations policy.

**Partner landlord**

A landlord who was an original signatory to the North Yorkshire common allocation policy and will let their vacant properties in the North Yorkshire sub region through the choice based lettings scheme.

**Priority band date**

The date when the application changed bands, which maybe a later date than the date on which the application was originally made – this date may be used as a tie-breaker to decide who receives an offer of accommodation.

**Qualification**

Assessment of whether an applicant qualifies to join the register under the qualification criteria set by the North Yorkshire Home Choice Board

**Reasonable preference category**

The phrase used in the Housing Act 1996, Localism Act 2011 & Homelessness Act 2002 to describe those types of housing need that should be given priority in a local authority's allocations policy.

**Registration date**

The date a complete application, with all required supporting information, is received by one of the partner landlords – this date may be used as a tie- breaker to decide who receives an offer of accommodation.

**Resettlement programme**

A structured programme for rough sleepers and young people and people in mental health supported housing to develop independent living skills.

**Sensitive Let**

Where an individual property is advertised subject to additional checks. Appendix 18

**Sub-regional partnership**

A group of local authority areas working together; in this case the North Yorkshire area.

**Supported housing**

Specific accommodation schemes for particular groups of people, for example people with learning disabilities or mental health issues, whereby support is provided. Some schemes are short term (up to 2 years) with the aim of people moving on to live more independently.

**Support package**

Some applicants must have a support package in place, if they are to be eligible for the Common Housing Register. A support package enables a vulnerable tenant to live independently. The receiving landlord must be satisfied that the support package is sufficient to meet the applicant's needs and includes with it a strategy for non- engagement by the applicant.

**Tie-breaker**

The method used to decide between two or more applicants who have the same level of housing need.

## Section 1 – Introduction and background

### 1.1 The North Yorkshire sub-regional Choice Based Lettings Partnership

This document sets out the new housing allocation policy for the North Yorkshire Choice Based Lettings (CBL) Partnership, known as North Yorkshire Home Choice. This policy updates the existing allocation policies introduced in July 2011.

CBL is based on the public advertising of available properties, with applicants being able to express an interest (bid) for properties for which they qualify.

The policy, updated by the partner landlords, continues to give applicants an active role in choosing their potential new home. The partners (hereafter 'the partnership') are:

- City of York Council
- Craven District Council
- Hambleton District Council
- Richmondshire District Council
- Ryedale District Council
- Scarborough Borough Council
- Selby District Council
- Broadacres Housing Association (Large Scale Voluntary Transfer Landlord for Hambleton)
- Yorkshire Coast Homes (Large Scale Voluntary Transfer Landlord for Scarborough)
- Yorkshire Housing Group (Large Scale Voluntary Transfer Landlord for Ryedale and Craven)

The contact details for all of these organisations are listed in Appendix 1.

Other housing associations operating in the partnership's area, will be encouraged to advertise their vacant properties through the new lettings scheme in line with their current agreements. Should any Housing Association advertise all of their vacancies in accordance with the scheme, they will be viewed as a participating landlord<sup>1</sup>, associated Landlords for the purposes of operating this policy.

The partnership will work with these Housing Associations to improve and develop the policy so as to maximise the number of properties that are advertised to applicants in the future.

---

<sup>1</sup> A list of participating landlords -see appendix 2

## 1.2 Our vision for the service

*'To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live.'*

The partnership aims to ensure that new applicants, and existing tenants applying to transfer to a new home, are provided with a first class housing service, which gives them an active role in choosing a home which best suits their long-term housing needs and aspirations.

We will achieve this by working together to provide a comprehensive housing advice service, covering a whole range of housing options across North Yorkshire. Local authorities and housing providers will work in partnership to widen the housing choice that they are able to offer and to support all applicants, including those who are vulnerable, to choose where they want to live.

The partnership is committed to tackling homelessness across North Yorkshire. We believe this policy will have a positive impact in the creation of thriving, mixed, safe and sustainable communities across North Yorkshire, through a consistent, coordinated and joined-up approach to delivering a high quality lettings service.

## 1.3 Aims and objectives

This policy is a Choice Based Lettings policy.

The shared aims and objectives of this policy are:

- to meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) and Homelessness Act (2002) and Localism Act (2011) ensuring that those with the greatest housing needs have those needs met more quickly;
- to empower applicants to make their own choices about where they want to live;
- to encourage and support, balanced and sustainable communities;
- to make the process simple, transparent, fair and easy to use;
- to provide information about the availability of homes to enable applicants to make realistic choices about their housing options;
- to prevent homelessness and reduce placement in temporary accommodation;
- to ensure accessibility for all those in housing need, particularly the more vulnerable; and
- to make effective use of the affordable housing stock, extending choice and mobility across local authority boundaries.

Section 2 sets out who is eligible to join the Common Housing Register.

## **1.4 Statement on choice**

The policy has been drawn up to offer a choice of housing options to the widest number of housing applicants, including those with specialist needs.

Applicants will be given the opportunity to express their choice of accommodation and in time this choice will be maximised to cover a wide range of housing options.

The policy meets the statutory requirements for the allocation of social housing by ensuring that reasonable preference is given to those with the most urgent housing needs, while at the same time balancing the needs of the community.

The partnership will advertise the vast majority of their vacant stock through the choice based letting scheme and advice and assistance will be given to applicants to allow them to make informed choices about the type of accommodation which best meets their housing needs and aspirations.

Applicants will also be able to access information on bidding patterns and supply and demand; this will enable applicants to make informed decisions about which accommodation they want to be offered. The information on the website may also include links to other useful websites.

## **1.5 Meeting our obligations**

This policy has been developed with regard to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2) of the Housing Act 1996.

The partnership will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below; this list is not exhaustive.

- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2010

This policy also takes into consideration the following guidance:

- Equality and Human Rights Commission (Code of Practice on Racial Equality in Housing – September 2006)
- Allocation of accommodation: guidance for local authorities in England 2012

In addition, the partnership will ensure that the policy is compatible with local, sub-regional and regional housing and tenancy strategies, together with the North Yorkshire housing strategy.

## **1.6 Information sharing, confidentiality and data protection**

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998. Information will only be shared in accordance with each partner's Data Protection registration and the consent given by applicants as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent fraud. By submitting an application you are agreeing to information sharing with partner landlords, associated landlords and participating landlords.

## **1.7 Equality and fairness**

The partnership will ensure its policies and practices are non-discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The partnership will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

A sub group of the Partnership Board, the Equalities Monitoring Group (EMG) has been set up and will continue, to review the impact CBL will have on the above client groups and others. The EMG will oversee and develop the equality impact assessment for the scheme and will strive to ensure that all relevant equality legislation is considered by the scheme and the partnership Board.

Choice based lettings as an approach, strives to maximise information and support to applicants.

## Section 2 – Joining the Common Housing Register

### 2.1 The North Yorkshire Common Housing Register

The Common Housing Register (referred to as ‘the Register’ throughout this document) is a key part of the CBL scheme. The Register is a single list of all the applicants who have applied for and been accepted on to the CBL scheme. People who apply to join the register will have the benefit of applying to all the partner and participating landlords. In order to bid, an applicant must be on the register.

### 2.2 Who is eligible to apply?

Anyone aged 16<sup>2</sup> or over, may apply to join the register, subject to the following restrictions:

- Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions
    - they are looked after children under section 20 Children’s Act 1989 or are care leavers with a relevant support package and Trustee and are ready for independent living as agreed with Social Services and confirmed by LA Housing department

OR

  - They must have an appropriate support package in the area they wish to live to enable them to sustain their residency.
  - And they must have an identified trustee who can hold any tenancy on their behalf until the age of 18. Trustees can be a person or an organisation, and will not have a financial liability.
- 
- Applicants subject to some aspects of immigration control , who do not have recourse to public funds or who cannot prove they have recourse to public funds , or not habitually resident may be ineligible and may not join the register<sup>3</sup>

Applicants subject to high risk MAPPA arrangements may only be able to apply to join the register with the approval of a senior manager of the relevant local authority (see also 4.13).

---

<sup>2</sup> Applications from 16 & 17 years olds who are not known to the relevant social services authority, will result in a referral to said authority if in housing need.

<sup>3</sup> In accordance with relevant legislation, Allocation of Accommodation Code of Guidance and case law (See point 1.5)

### **2.3 Who qualifies to apply to the North Yorkshire Home Choice register?**

Certain applicants who apply including current tenants who wish to transfer may not qualify to join the NYHC register and these include persons:

- With anti social behaviour issues that has caused or is likely to cause serious nuisance to neighbours. Refer to Appendix 3
- Rent arrears. Refer to Appendix 3
- With no local connection to the partnership area, exceptions being HM Forces, those under the National Witness protection scheme via a senior manager and accepted homeless under part 7 of the Housing Act 1996
- Who own their own home or reside with a household member who is a home owner and are not in housing need.
- Who have a combined household income and/or savings of £60,000 pa
- Who have deliberately worsened their housing circumstances with the intent of increasing priority
- Provided false information and/or deliberately withhold information
- Refusal of a suitable property. This includes a direct offer or those persons who have refused 3 suitable offers following bidding
- MAPPA without the approval of a senior manager

### **2.4 Applications not qualifying due to unacceptable behaviour including rent arrears.**

The following applications may not qualify for North Yorkshire Home Choice because of unacceptable behaviour. Persons may not qualify for the register where (a) the behaviour of the person concerned or (b) behaviour of a member of his/her household, if s/he a tenant of the local authority or a tenant of a registered housing provider would have entitled the housing provider to a possession order under section 84 of the Housing Act 1985 (c.68) on any ground mentioned in part 1 of Schedule 2 to that Act (other than ground 8). This includes nuisance and rent arrears in all tenancies including the private sector. In the private sector a financial assessment may be necessary to establish if the property rent was deemed affordable and the applicant made every reasonable effort to pay. In the Armed Forces a dishonourable discharge may result in not qualifying to join the register.

The full policy for dealing with applicants who have a history of unacceptable behaviour is detailed in Appendix 3.



## 2.5 No local Connection.

The partnership has agreed to restrict access to the register to those people who have a recognised connection to the partnership area. Applicants will need to meet one of the following criteria.

- currently live in the partnership area and have been resident for at least 6 out of the last 12 months; or
- have lived within the partnership area for at least 3 years out of the last 5 years; or
- are employed in the partnership area. Employment is defined as meaningful permanent full or part time. Not casual or seasonal.
- have an essential need to live close to another person, to provide or receive care or support, who currently lives in the partnership area, and who has been resident for the last 5 years, In this case the applicant can only bid to a Local Authority where the family member resides.
- has a close family member residing in the partnership area that has done so for the last 5 years. (mother, father, adult son, adult daughter):
- one of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 part 7.
- People who need to move to a particular locality in the partnership area, where failure to meet that need would cause hardship (to themselves or others) and that will resolve this need. (Examples of hardship are given in Appendix 20). Applicants would be restricted to applying for accommodation in the Local Authority area where employment / training / family member resides.

Applicants who do not have a local connection may not qualify for access to the housing register.

Residence in hospital, prison, residential schools, student accommodation - where it is not their principal home, approved premises under licence do not gain a local connection.

The only exceptions to this being households accepted by a senior manager under National Witness Protection Scheme, accepted homeless under Housing Act 1996 for whom a Local Authority has accepted a full duty to house (and there is no referral to another Local Authority) or a member of the armed forces, bereaved spouses or civil partners of those serving in the regular forces as defined in Appendix 16. For the purpose of the North Yorkshire Home Choice register an application will be accepted and assessed for housing need based on the accommodation occupied and their situation as if they lived within the partnership area.

## **2.6 Homeowners**

The partnership recognises that there is a shortage of available housing in the sub regional area and those people who already own their own home or reside with a household member who is a home owner (either freehold, leasehold, under mortgage or shared ownership) with no recognised housing need (Bronze Band) or those persons who are able to resolve their own housing issues may not qualify to join the housing register.

NYHC recognises that some older people, aged 60 plus, cannot stay in their own home and need to move into specialist accommodation eg sheltered or extra care housing or their current home cannot be adapted to meet their needs, they will be assessed as to whether they have sufficient resources to meet their housing needs elsewhere.

## **2.7 Sufficient Financial Resources**

Applicants with a combined annual household income and/or savings of £60,000 or above and those with significant capital or assets <sup>4</sup> will not normally qualify to join the housing register. Such people will be offered advice on alternative housing options.

NYHC recognises that some older people, aged 60 plus, cannot stay in their own home and need to move into specialist accommodation eg sheltered or extra care housing or their current home cannot be adapted to meet their needs they will be assessed as to whether they have sufficient resources to meet their housing needs elsewhere

## **2.8 Joint applications**

Joint applications can be accepted. All applicants must be eligible, aged 16 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need. Any person aged 16 or 17 needs a trustee and support package. Under s.160ZA(1)(b) Housing Act 1996 applicants will not be granted a joint tenancy to two, or more people if anyone of them is a person from abroad who is ineligible. However where two or more people apply and one applicant is eligible a tenancy may be granted to the person who is eligible

## **2.9 Multiple applications**

Multiple applications are not allowed. If an application is already registered, the applicant must decide which application they want to keep. The other application will be cancelled. This will also apply to people who are registered as a joint applicant on more than one application.

---

<sup>4</sup> Excludes any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active duty.

## 2.10 Persons from abroad

A person may not be allocated accommodation under part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act.

(i) a person subject to immigration control-such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the secretary of state (s.160ZA(2)) and

(ii) a person from abroad other than a person subject to immigration control-regulations may provide for other descriptions of person from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))

## 2.11 Existing tenants and their households

Existing social housing and housing association tenants (excluding those in temporary accommodation), can apply to move and will have their priority assessed in the same way as other applicants. Tenants will, however, will not normally be allowed to move if:

- they owe rent to their landlord or any other housing debts;
- they are currently in breach of other tenancy conditions and their landlord has started formal action in respect of these breaches;
- their property has been adapted to their needs; unless someone in the household no longer requires the adaptation or the property they are moving to also includes all the adaptations that they require;
- they are introductory / starter / demoted tenants
- they are within the first year of a new tenancy unless there is a key change in circumstances which is assessed, supported and approved by a senior manager.

Existing tenants are encouraged to use Mutual Exchange and Home swapper.

The partners want to give an additional preference to existing longer standing tenants of the partner landlords that would enable them to move home if they want to. This is the 'Good Tenant' scheme which is explained in Appendix 8.

Some lettings of secure tenancies are exempt from the requirements of part 6 of the Housing Act 1996 and this allocations policy will not apply to:

- succession on the death of a tenant;
- assignment by way of exchange (a mutual exchange);
- assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment; or
- transfers of tenancy under the provisions of matrimonial and related domestic legislation.

All partners whether they issue assured tenancies may also have additional policies outside the provisions of this allocation policy, which allow people residing in the property to take over the tenancy where appropriate.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears or are in breach of temporary accommodation / licence / tenancy conditions where court action / eviction is imminent.

## **2.12 Applications from employees / members and their close relatives**

Applications can be accepted from employees, elected local authority members, housing association board members and their close relatives, provided they are eligible to apply. Applicants must disclose any such status or relationship at the time of applying.

## **2.13 Fresh Applications**

Applicants who have previously deemed not to be eligible and/or qualify, have been suspended or who have had an application cancelled from the register, may make a fresh application if they consider they should now be treated as eligible or qualifying. It will be the responsibility of the applicant to show that his or her circumstances have changed (s.160A(11)) Housing Act 1996 or that the relevant period of exclusion has elapsed.

## **2.14 How to apply**

Applicants can apply to join the Register by completing an on-line form. This can be done by accessing the website [www.northyorkshirehomechoice.org.uk](http://www.northyorkshirehomechoice.org.uk).

Alternatively an application form is available from any of the partner organisations.

Advice and support in completing the form can be provided, on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy.

The purpose of the application form is to correctly identify the priority band and establish whether the applicant has any needs that require additional support and help in applying for housing.

## **2.15 Verifying information**

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include:

- 2 x copies of identification for the main applicant and joint applicant, one of which must include confirmation of the National Insurance Number and proof of address

- Where appropriate (persons from abroad) proof of work permits / documentation
- Proof of child benefit / residency of child and principle home of the child where appropriate

Additional information and documentation must be provided if requested

The application must be complete and applicants will be required to send copies of the above to the partner dealing with the application within 28 days.

This may be supplemented by the partner landlords:

- seeking references from former landlords or other persons;
- obtaining supporting information from other organisations; and
- carrying out a home visit.

A failure to respond to a request for information as part of the initial verification process within 28 days will generally lead to cancellation of the application. The applicant will be notified in writing. Further verification may be required during the application / allocation process. Applicants will be advised of shorter timescales to provide additional information / documentation at point of offer. It is the responsibility of the applicant to provide the information / documentation

## 2.16 Confirming registration

Applicants will receive confirmation that their application has been registered together with:

- their registration date<sup>5</sup>
- the band they have been awarded;
- a priority band date if different from the registration date;
- confirmation of which type and size of properties they are eligible to bid for; and
- their username, unique reference number and password for the website

Applicants must check the accuracy of this information as it will be used to decide their priority for receiving an offer of housing.

## 2.17 Changes in circumstances

It is the responsibility of the applicant or their advocate to notify the partnership of any change in circumstances that could affect their application. The application will be re-assessed on the basis of their changed circumstances and placed in the band that reflects their current housing need.

---

<sup>5</sup> Date application received with **all** required supporting information.

If an application is moved to a higher band as a result of changed circumstances then the priority band date will be the date that the change was notified. This will be relevant for assessing any tie-break (see 4.7 – 4.10)

If an application is moved down a band, the priority band date will be the date the applicant entered the higher band or, if they had previously been in the new band, the date they originally entered that band.

If the band remains the same, the date of priority band will also remain the same.

An offer of a property may be withdrawn if it is evidenced that an applicant's circumstances have changed and would have resulted in a reduction of priority within the banding scheme. The applicant's new circumstances will be assessed and appropriate revised banding awarded. The applicant will be notified in writing.

## **2.18 Keeping the Register up to date**

All applicants who have not bid for any properties within a 12 month period will be contacted and asked if they want to remain on the Register. A failure to respond within 28 days will result in the application being cancelled. Applicants in the Emergency and Gold bands will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties when advertised.

Partners have discretion to remove/reduce banding where applicants are not bidding on all suitable properties.

## **2.19 Cancelling applications**

Applications will be cancelled in the following circumstances:

- A failure to provide verification information in the given time period
- A request has been made by the applicant (or their named advocate) to cancel the application
- No reply to the review letter in the given time period
- Applicant has been rehoused by one of the partners or completed mutual exchange
- Applicant has purchased a property / shared ownership property and is now a home owner
- Lost contact with applicant as they have moved address
- A sole applicant has died.
- Applicant does not qualify to join the scheme on the grounds of their serious unacceptable behaviour
- When it is clear and evidenced that an applicant has provided false information (the applicant must be notified of their right of appeal) or deliberately withheld information.
- An applicant has been found to have deliberately worsened their circumstances

- Verification: If it is identified that an applicant is no longer eligible to register with North Yorkshire Home Choice the application will be cancelled with immediate effect
- The applicant has declined three offers of suitable accommodation. If an accepted homeless (statutorily homeless under Housing Act 1996) refuses 1 offer of suitable accommodation the Local Authority will discharge the duty to house but the applicant can remain on the NYHC register and will be re-banded and can continue to bid for properties.
- Applicant no longer has a local connection

## **2.20 Giving false information / deliberately withholding information**

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application (Section 171 of the Housing Act 1996).

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information.

Applicants who are found to have made fraudulent claims will have their application cancelled and will not qualify to apply to join the register for a minimum period of 12 months. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing. Applicants can make a fresh application after this time period has expired. The new application will be assessed on current information. Banding date will be from the date of the new assessment. The partnership will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

## **2.21 Deliberate worsening of circumstances**

Whilst the policy is intended to make sure that those with urgent housing needs are housed more quickly, it does not want to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band; each case will be assessed individually.

Any applicant who deliberately worsens their circumstances will have their application cancelled and will not qualify to apply to join the register for a minimum of 12 months. Applicants can seek review as per section 2.22 Applicants can make a fresh application after this time period has expired. The new application will be assessed on current information. Banding date will be from the date of the new assessment.

## **2.22 Notifications about decisions and the right to a statutory review**

Applicants have the right to request a review against decisions made in the allocation process. These include;

- Those not eligible to join the register.
- Those who are not a qualifying person under Housing Act 1996 s.160A(7) including unacceptable behaviour
- A decision to cancel an application
- A decision to withdraw priority banding
- A decision in respect of any information which is being taken into account in considering whether to make an offer of accommodation.

The review will be carried out in the first instance by the partner organisation that made the decision. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will, subject to the next paragraph, be heard by an Application Review Panel, who will make recommendations to the local authority. Further rights of appeal will be outlined to the applicant in their decision letter.

This further right of appeal in respect of decisions made in application of the rules pertaining to a housing association's charitable status will not be heard by an Application Review Panel but will be dealt with under the housing association's complaints process.

(see appendix 4 for full details of application review panel process)



## Section 3 – Assessing housing need

### 3.1 Legal background

In framing this policy and to ensure that those in greatest housing need are given preference for an allocation of accommodation, the partnership has considered the categories of people that must be given reasonable preference by local authorities, as set out in s167(2) of the Housing Act 1996, the Homelessness Act 2002 the Localism Act 2011. These are:

#### Reasonable preference

- People who are homeless within the meaning of Part 7 of the 1996 Act
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).
- People who are owed a duty by any housing authority under section 190(2) 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under.192(3)

#### Additional preference

- Armed Forces (as defined in Appendix 16) who have urgent housing needs. Additional preference is deemed to be that the priority band date will be backdated by 6 months.
- Approved foster carers who need a larger home to accommodate a looked after child or a child who was previously looked after by a local authority.

The partnership will ensure that monitoring arrangements are in place in order to monitor letting outcomes and will review the policy in order to ensure that it meets our key aims and our legal duties.

## 3.2 Assessing housing need

Applicants will be assessed and given a priority band in accordance with the following categories of housing need:

### Emergency band

This band is intended to meet the needs of applicants in extreme circumstances only; it will only contain a small number of applicants at any one time and is subject to a time limit.

- Applicants unable to return to their home from hospital because their current home is permanently unsuitable<sup>6</sup>.
- Applicants unable to access key facilities in their home without **major** adaptation works<sup>7</sup>

**Note:** Only applicants with a connection to the partnership area will be considered for the Emergency Band. Applicants will only be considered for accommodation in their local authority area.

Any applicant in the Emergency band will have their case reviewed by the relevant partner organisation every four weeks, who will have discretion to re-band the applicant.

### Gold band

- Care leavers at point of leaving care home or supported housing.<sup>8</sup> with an agreed support package relevant to offer, and are ready for independent living.
- Applicants who need to move on from an approved accommodation based supported housing programme and the agency supporting them has provided evidence that their programme of support is complete and that they are able to live independently, either with or without support. (Resettlement category) (see Appendix 14)
- Applicants presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. They are moving to a property with at least two fewer bedrooms.
- Applicants who are a statutory homeless household under part 7 of the 1996 Housing Act who is owed the 'full duty'. (Applicants can be subject to a direct offer or auto bid if, after a minimum of four weeks of registration in this band,

---

<sup>6</sup> Written confirmation from the relevant Social Services Authority Chief Officer or nominated person will be required, setting out the reasons as to why the applicant can not return to their home.

<sup>7</sup> Joint assessment between the Social Services Authority and the LA / Partner Landlord will be required, signed off by the relevant officer.

<sup>8</sup> This is not applicable to care leavers in secure or assured non shorthold tenancies or other suitable accommodation.

they have not secured an offer of accommodation – see Appendix 5). Applicants will only be able to bid for a property in the Local Authority area which has accepted the duty to house<sup>9</sup>.

- Applicants who are overcrowded and require two more bedrooms to relieve the overcrowding. ( Appendix 7 provides a definition of overcrowding)<sup>10</sup>
- Applicants who are at risk of homelessness and in priority need (Appendix 6 provides a definition of homelessness) Applicants can be subject to auto bid after a minimum of 4 weeks if no secured offer of accommodation.
- Applicants with a serious and enduring illness whose health and/or well being is significantly compromised by their home or its environment, as assessed by the relevant trained Housing Officer. (Bids made on this basis must secure a direct health gain as a result of a move).
- Applicants who need to move to a specific locality so that proven hardship can be prevented. Applicants can only bid to a local authority area with close proximity/accessible to a family member or employment.

### **Silver band**

- Applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant, trained Housing Officer. (Bids made on this basis of priority must secure a health gain).
- Applicants who are homeless under part 7 of the 1996 Housing Act or are at risk of homelessness and meet potentially homeless criteria, but are not in priority need (see Appendix 5 and 6).
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding. (See Appendix 7).
- Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant.
- Applicants who share bathroom and/or kitchen facilities with separate households of people who will not be moving with them.
- Applicants who are presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area and who will move to a property with one less bedroom.
- Applicants who are intentionally homeless under Part 7 1996 Housing Act.
- Applicants placed in temporary accommodation under Housing Act 1996 and pending a decision.

---

<sup>9</sup> CBL Board decision July 2011

<sup>10</sup> Excludes applicants placed in temporary accommodation

- Applications from prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child.<sup>11</sup>

### **Bronze band**

- All other applicants.

### **3.3 Additional information**

Applicants of No Fixed Abode must give a contact address and following appropriate housing options advice and verification will be banded according to current situation.

Applicants who are classified as Good Tenants (see appendix 8) will be given one band higher than their assessed housing need subject to a maximum of Gold band.

Applicants from HM Forces or reserve forces with urgent housing need will be given additional preference by backdating the priority band date 6 months. They will automatically be considered to have a local connection.

### **3.4 Tenancy Type**

In general a local authority will offer introductory tenancies/secure tenancies. A registered social landlord will offer starter tenancies/assured tenancies under the localism Act 2011 a local authority can use flexible tenancies. Each partner will publish information on the type of tenancy offered.

### **3.5 Withdraw of banding**

Partner agencies have the right to withdraw (Emergency Band, Gold Band - Care Leaver, Resettlement, Good Tenant, At risk of homelessness, Proven Hardship) priority banding if applicants are not making every effort to bid for all suitable properties. Banding will then revert to assessed need at current accommodation.

---

<sup>11</sup> Legal documentation from relevant social service authority required. Applicants can only bid in the area the local authority operates. Tenancies may be subject to a flexible or fixed term.

## **Section 4 – The choice based lettings scheme**

### **4.1 Advertising properties on the choice based lettings scheme**

Choice Based Lettings works by allowing applicants to express interest in available properties, which are advertised each week. From those applicants expressing an interest (bidding), the successful applicant will be decided in line with this policy.

The partnership will advertise the majority of their vacant properties as part of the scheme, including properties that have been designed or adapted to meet the needs of disabled or older people.

Each of the partner landlords will have responsibility for preparing the property description and advertising their vacancies on the scheme. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can bid for it. A photograph will usually be included with the advert (this will illustrate the type of property being offered but may not be the actual property). If there is more than one property of the same type in the same location, for example a new development, only one property will be advertised. The advert will show how many of the same properties are available.

Properties may be advertised during the previous tenant's four week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

Applicants will be informed at registration what type and size of property they will be able to bid for. There will sometimes be other restrictions in the advert, for example where a property is designated for people over a certain age or for people with a particular assessed need for that type of accommodation, a rural settlement designation or section 106, planning or legal condition or a sensitive let<sup>12</sup> where additional checks will be carried out. Bids from applicants will only count if they can match the requirements in the advert.

### **4.2 Adapted properties for people with disabilities**

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice. This is consistent with the duty to promote disability equality.

Adverts will make clear if the property is adapted and will encourage bids from people who need an adapted home. Applicants with disabilities who wish to bid for an unadapted home are free to do so. However, the partner landlords reserve the right to

---

<sup>12</sup> Sensitive let; where there has been considerable nuisance and/or considerable problems in a block or area and it is necessary to prevent further detrimental issues. A standard policy operates see appendix 18.

overlook any successful bid if it is not practicable to adapt the property for the applicant or there is no funding to enable them to do so.

In selecting an applicant for an adapted property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

#### **4.3 Housing with support schemes, including extra care schemes**

Only general needs sheltered schemes will be advertised through North Yorkshire Home Choice. Properties that provide accommodation based support services will not be advertised as part of the scheme. Vacant properties will be directly matched to qualifying applicants who meet the eligibility criteria following a detailed assessment into their housing needs by their service providers.

#### **4.4 The bidding cycle**

Available properties will be advertised weekly on the scheme's interactive website. A weekly property sheet, which provides details of the advertised properties, will be made available for collection from the partner organisations' reception points or to download from the website. In some cases applicants will personally receive a suitably edited 'hard copy' of the adverts, on grounds of vulnerability or isolation.

Applicants (or their advocates) wanting to bid can:

- use the website;
- use the automated telephone bidding line;
- send a text message;
- return a coupon by post; or
- Contact a partner organisation in person.

Applicants can bid for up to three properties per week. Depending on the method of bidding, applicants can find out their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

#### **4.5 Bidding from prison**

Applications can be accepted from people in prison, but would normally not be made live as the applicant is clearly unable to take up a tenancy. When the applicant is within four weeks of release, the application will be updated to take account of the anticipated housing circumstances post release and the applicant placed in the appropriate band. The registration date for the application will be the date placed in the band.

The expectation of the partner organisations is that Offender Managers or prison resettlement services will work with clients prior to and after their release to assist in addressing any barriers to registering. The presumption is that the use of the statutory homeless route will be avoided and that the Prison Service or Contractor will have in place a re-settlement plan prior to release, which will be jointly developed with Housing Options staff. The details of prisoner release are covered by the 'York Offender Housing Protocol' and the 'North Yorkshire Offender Housing Protocol'.

Under certain circumstances, a tenant of one of the partner landlords, sentenced to more than 13 weeks imprisonment, can receive a 'Direct offer' on release from prison from the landlord who originally housed them. (Appendix 9 provides details of the offender initiative)

#### **4.6 Short-listing and selection**

#### **4.7 Tie breakers - 1 Housing need**

At the end of the advertising period, a short-list of eligible applicants who have bid will be produced.

Bids will be placed in band order. Applicants in Emergency band will be ranked first, followed by those in Gold, Silver and Bronze bands.

Bids received will first of all be prioritised according to priority band. This is the measure of an applicant's housing need; this scheme is therefore driven primarily by housing need.

There are four 'tie breakers' in total used to help determine priority between bids. They are; **housing need – assessed bedroom need - debt - time** in that order.

The 'tie-breakers' are only used as necessary, for example if only two applicants bid for a property, one in Gold, the other in Silver, then the offer goes to the (higher) Gold applicant. If both applicants are in Gold band then the process moves to the next 'tie-breaker'.

#### **4.8 Tie breaker 2 – Assessed Bedroom Need**

The principles of bidding allow applicants to generally bid for properties according to housing need. Criteria and exceptions are set out in Appendix 7 and 11. In certain circumstances affordability will also be taken into account.

#### **4.9 Tie breaker 3 – Debt**

Where bidders are 'equal' in terms of their need and occupation, previous financial conduct will be taken into account. The applicant with no housing related debt will be successful.

#### **4.10 Tie breaker 4 – Time**

If there is still more than one applicant ‘tying’ after band, assessed bedroom need and debt have been considered then the offer will be made to the applicant with the earliest registration or priority band date<sup>13</sup>.

#### **4.11 Exceptions to the tie-breaker order**

There may be restrictions on who can be allocated a property. When this is the case, applicants will be advised in the property advert of the specific conditions. Conditions include;

##### **Section 106**

When a property has been secured using the provisions of Section 106 of the Town and Country Planning Act 1990 there is usually a legal obligation that the successful applicant must have a clear connection to the specific neighbourhood in which the property is situated. This connection may be defined in different ways and will be clearly stated on the advert.

##### **Planning or legal condition**

There may be a planning or legal condition on the site which restricts who can live there and this will be clearly stated on the advert.

##### **Local lettings initiatives (LLIs)**

Where a partner landlord has established a local lettings initiative.

##### **Rural areas**

A partner landlord may restrict applications for rural properties (settlements of less than 3,000 population) to applicants with a connection to the parish<sup>14</sup> and this will be clearly stated on the advert. The first advert is a rural initiative, if there is no successful applicant from this initial advert the property will be advertised to the sub region as standard. Local connection for vacant properties not subject to a section 106 agreement will be based on criteria set out in 2.5 but specific to parish (eg an applicant must have lived in the parish for 6 out of the last 12 months or 3 out of the last 5 years)

##### **Access for lower bands**

The two lower bands (Silver and Bronze) will be monitored to identify what percentage of allocations they are receiving. The partnership Board can consider setting a quota

---

<sup>13</sup> Where the application relates to an applicant who has completed an accommodation based support programme, their time on the register will be backdated to the date they entered the support programme.

<sup>14</sup> Those listed in The Housing (Right to Enfranchise)(Designated Protected Areas)(England) Order 2009



for these bands within its annual review process, should customers in these bands be achieving little success in securing housing.

### **Adapted properties**

In selecting an applicant for an adapted property from the short list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances, priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

#### **4.12 Overlooking bids**

In certain, clearly defined circumstances the top bidder for a property may not receive an offer, and their bid will be overlooked. There are clear monitoring and reporting requirements for this – Appendix 11 gives further details.

#### **4.13 Direct offers**

In general applicants will bid for properties but in exceptional circumstances a property will not be advertised but will be offered directly to an applicant<sup>15</sup>. Such circumstances include:

- Statutory homelessness cases (full duty) in accordance with this policy (See Appendix 5 homeless applicants).
- MAPPA cases where deemed necessary by a senior manager to manage risk to the public and/or enable a move on from a high support unit if not appropriate for resettlement.
- The offender initiative described in Appendix 9.
- Management transfers in accordance with Appendix 13.
- Causes of flood or fire to the partner landlord's own properties, resulting in the tenant needing to be re-housed.
- Where, under the partner landlord's policy, a person can succeed to the tenancy but the property is inappropriate.
- Applicants whose home is subject to demolition or refurbishment by one of the partner landlords.
- Applicants who have fully completed a programme of re-settlement, with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely

---

<sup>15</sup> Direct offers will be approved by the relevant senior manager of each partner. Each partner landlord will provide details to the Partnership Board on a quarterly basis of all properties let under a direct offer including the reasons for the direct offer.

to sustain a tenancy unless they had been through a re-settlement process.

- Applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976.
- Applicants under the National Witness Protection Scheme or those at imminent risk.
- Any other management case where the issue is of a specialist nature including assisting Social Services and housing management and/or emergency.

Direct offers will be appropriate and suitable to the applicants needs<sup>16</sup> and should be in the local authority area unless agreed by partner landlords. Partner Landlords and participating landlords with accommodation in the local authority area can be approached for a direct let. An applicant will only receive one direct offer of accommodation.

Direct offers will be reported in lettings feedback (see 4.16).

#### **4.14 Viewing properties and receiving offers**

When an applicant has been short-listed, the relevant landlord will arrange an opportunity to view the property. In some circumstances, more than one applicant may be invited to view.

Further verification of circumstances will be undertaken to ensure the applicant is still eligible for the property prior to an offer being made. Applicants will be required to provide the information or documents within a specified time frame.

If applicants are successful for multiple properties on the same week they will be asked to express a preference prior to viewing. An applicant cannot accept 2 properties subject to viewing

Generally applicants will not be penalised if they refuse an offer of accommodation; however where more than 3 offers of suitable accommodation have been refused, the application will be cancelled and removed from the register for a minimum of 12 months. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing. Applicants can make a fresh application after this period of time has expired. The new application will be assessed on current information. Banding will be from the date of the new assessment.

In order to meet urgent housing need, accepted statutory homeless, potentially homeless, resettlement category are expected to bid for all suitable properties each week. The application will be reviewed after 28 days and failure to secure a property will result in one suitable direct offer being made or auto bid added to their application. The property offer can be either in the local authority or private rented sector.

---

<sup>16</sup> In respect of management transfers this will be a like for like offer.

**Note:** Statutory homeless applicants who are owed the main homeless duty will be offered accommodation in accordance with sections 193(7) and 202 of the Housing Act 1996. The statutory duty owed will be discharged where a suitable offer is refused in these circumstances.

#### **4.15 Time allowed for accepting an offer**

Applicants will be allowed 2 days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may time be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time, for example if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move. Once an offer has been matched and accepted an applicant cannot make any further bids without withdrawing the current offer

#### **4.16 Monitoring**

The partnership will monitor the scheme on an on going basis to ensure:

- the scheme is meeting its aims and objectives;
- the policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing;
- the scheme is providing equality of opportunity;
- applicants are satisfied with the scheme, and
- that partner organisations are not subject to disproportionate levels of net inward migration – See Appendix 12 monitoring mobility.

In addition:

- The partner organisations will routinely undertake specific monitoring of bid patterns, with a view to providing the best possible housing options service. Applicants in the Emergency and Gold bands, or who are inactive or consistently unsuccessful will receive targeted advice and support

Monitoring of the policy will be on going to develop and improve the scheme and will include formal regular review by the partnership.

#### **4.17 Publishing feedback on lettings**

Applicants will only be contacted if they are invited to view a property.

Lettings results will be published on the website and in the property sheet and will include the following information:

- The property type and neighbourhood.
- The total number of bids made for the property.
- The successful applicant's registration date and/or priority band date.
- Properties where a direct offer was made and the vacancy was not advertised.

Individuals can view the outcome of their personal bids on the website.

#### **4.18 Future development of the scheme**

The partnership is committed to continually reviewing its practices and procedures associated with this policy and the scheme, to ensure a consistent and joined up approach in the delivery of a first class lettings service for North Yorkshire. In doing so, the partnership will take account of best practice and feedback from applicants.

The partnership will strive to integrate the lettings process with access to emerging education, training and employment opportunities.

The partnership will strive to collect and publish data on general patterns of supply and demand to help applicants make informed decisions.

---

## **Section 5 – Other housing options**

---

The partnership is committed to offering other affordable housing solutions to those in housing need and to those who may have to wait a considerable time before being successful in receiving an offer of accommodation.

As social housing is in such short supply, the partnership will work with other housing providers to maximise the amount of vacancies advertised through the scheme.

### **5.1 Private landlords**

We will also encourage the advertisement of properties which are owned by responsible private landlords. The adverts will make clear that the partnership is not acting as an agent for private landlords; that the properties advertised will be offered as assured shorthold tenancies; and the basis on which successful bids will be considered if it differs from the way tenants for the partner landlords' are selected. Alternatively each local authority will provide advice on the private rented sector.

### **5.2 Housing associations**

Housing associations (apart from the partner housing association) will be encouraged to increase the number of vacant properties they advertise on the scheme. Housing association vacancies that are advertised for nomination will be clearly labeled to say which local authority is nominating the property. Some housing associations operating in the region will continue to maintain an independent waiting list. Please contact the local housing options/registration team for further information.

### **5.3 Low cost home ownership**

Properties for low cost sale will be advertised. Applicants will need to meet certain criteria.

### **5.4 Mutual exchanges**

Mutual exchanges can be advertised throughout the sub-region in order to give opportunities for tenants to move outside the North Yorkshire Home Choice scheme. Applicants for mutual exchanges may only exchange with their landlords permission. Home swapper is used by some partner landlords [www.homeswapper.co.uk](http://www.homeswapper.co.uk)

### **5.5 Sheltered Housing Extra care**

Each local authority will provide information about sheltered housing with extra care and maintain relevant waiting lists for individual schemes. Contact the Housing Registrations Team in your Local Authority area.

---

## Appendix 1: Partner Landlord Contacts

### **City of York Council**

West Offices  
Station Rise  
YORK  
YO1 6GA  
Phone: 01904 551550  
E mail: [housing.registrations@york.gov.uk](mailto:housing.registrations@york.gov.uk)

### **Scarborough Borough Council**

Town Hall  
St Nicholas Street  
SCARBOROUGH  
YO11 2HG  
Phone: 01723 232323  
E mail: [housingoptions@scarborough.gov.uk](mailto:housingoptions@scarborough.gov.uk)

### **Selby District Council**

Civic Centre  
Doncaster Road  
SELBY  
YO8 9FT  
Phone: 01757 705101  
E mail: [lettingsteam@selby.gov.uk](mailto:lettingsteam@selby.gov.uk)

### **Hambleton District Council**

Civic Centre  
Stone Cross  
NORTHALLERTON  
DL6 2UU  
Phone: 0845 1211555  
E mail: [housing@hambleton.gov.uk](mailto:housing@hambleton.gov.uk)

### **Craven District Council**

1 Belle Vue Square,  
Broughton Road  
SKIPTON  
BD23 1FJ  
Phone: 01756 700600  
E mail: [housing@cravencd.gov.uk](mailto:housing@cravencd.gov.uk)

### **Richmondshire District Council**

Swale House  
Frenchgate  
RICHMOND  
DL10 4JE  
Tel 01748 829100  
Email: [Susie.eales@richmondshire.gov.uk](mailto:Susie.eales@richmondshire.gov.uk)

### **Ryedale District Council**

Ryedale House  
MALTON  
YO17 7HH  
Phone: 01653 600666  
E mail: [housing@ryedale.gov.uk](mailto:housing@ryedale.gov.uk)

### **Yorkshire Coast Homes**

Brook House  
4 Gladstone Road  
SCARBOROUGH  
Phone: 0845 065 56 56  
E mail: [info@ych.org.uk](mailto:info@ych.org.uk)

### **Broadacres Housing Association**

Broadacres House  
Mount View  
Standard Way  
NORTHALLERTON  
DL6 2YD  
Phone: 01609 767900  
E mail: [info@broadacres.org.uk](mailto:info@broadacres.org.uk)

### **Yorkshire Housing**

Dyson Chambers  
12-14 Briggate  
LEEDS  
LS1 6ER  
Phone 0345 366 4404  
E mail [enquiries@yorkshirehousing.co.uk](mailto:enquiries@yorkshirehousing.co.uk)

---

## **Appendix 2: Participating and Associated Landlords**

---

### **Participating Landlords**

Home Group  
Tees Valley/Fabrick Housing  
York Housing Association  
Endeavour Housing Association  
Muir Housing Association  
Jephson Housing Association

### **Associated Landlords**

Sanctuary Housing  
Manningham Housing  
Chevin/Together  
Abbeyfield  
Lune Valley  
Tuke Housing  
Accent Foundation  
Anchor  
Joseph Rowntree  
Leeds and Yorkshire Housing Association  
Family Housing Association  
South Yorkshire Housing Association  
Places for People  
Railway Housing Association  
John Pease Cottages  
Hanover Housing Association  
Connect Housing  
Heap Parkinson  
John Knowles Trust  
Habinteg  
Housing 21  
Riverside

## **Appendix 3: Non Qualifying Criteria (serious unacceptable behaviour)**

### **1. Introduction**

- 1.1 The partnership recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants in housing need, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

### **2. Statutory and regulatory guidance**

- 2.1 The Code of Guidance (Allocation of Accommodation June 2012) and Localism Act 2011 explains that Local Authorities may wish to adopt criteria which would not qualify individuals who satisfy the reasonable preference criteria eg antisocial behaviour. NYHC has retained the principles of the previous 'unacceptable behaviour test.' In summary, an applicant or member of the household will not qualify for the register if the applicant or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered.

### **3. Assessing qualification**

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. The partnership recognises there is excessive demand on social housing and as such has certain categories of applicants that will not qualify for North Yorkshire Home Choice. Therefore, applicants will not automatically be non qualifying if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.

For the purpose of this document, not qualifying means that an applicant has been denied access to the Common Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour or personal/housing circumstances.

- 3.2 The partnership will consider an application to join the register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for assessing qualification is both fair and effective in the management of the housing stock. In reaching a decision on whether or not an applicant does not qualify on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.



3.4 Where an applicant's behaviour is not serious enough for them not to qualified for the register, it will still be considered in deciding the level of priority received within the priority band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not owe any money.

3.5 This policy applies to existing tenants applying to transfer and new applicants applying to join the Register.

#### **4. Examples of serious unacceptable behaviour**

4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the register include domestic violence, racial harassment, drug offences, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions, for example serious rent arrears, which would make the applicant unsuitable to be a tenant. Acts of antisocial behaviour that has or is likely to cause serious nuisance to neighbours. Use of a property for illegal or immoral purposes.

4.2 Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their qualification to join the Register. The partnership will work collaboratively with the police, probation, prison service or any other relevant support agency in an effort to resolve an applicant's non qualification and improve their chances of being integrated back into the community through a planned and managed approach.

4.3 Where an applicant (or a member of the household) has a history of antisocial behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made (as per section 2) regarding their qualification to join the Register. Where antisocial behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies, such as social services and health services, to try to resolve an applicant's non qualification.

4.4 Where a Local Authority accepts a duty to house under 1996 Housing Act (Part 7) but an applicant is excluded from the register then the applicant should be offered an alternative housing option (eg private rented sector, alternative Housing Association , supported housing) or can show that they have engaged to resolve the qualification criteria.

4.5 Significant rent arrears where the local authority would be likely to gain a possession order.

## **5. Grounds for lifting non qualifying status**

5.1 The basic principle for lifting the non qualifying status will be evidenced material change in the applicant's circumstances. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour.
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme.
- The relevant conviction has become spent.
- Addressing arrears and debts. An affordability assessment may be required.

5.2 A fresh application will need to be made by the applicant where they have previously been non qualifying and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## **6. Notifying the applicant of the decision and the right to review**

6.1 All applicants will be notified if they are not eligible or qualify, the reasons why, the period of exclusion and their right to request a review of the decision. Applicants will also be notified of what actions they can take to remedy their ineligibility or non qualification and a signposting/referral service to other support or independent advice agencies will be offered, if applicable.

All applicants have the right to have a review if not eligible for the register. Any request for a review must be made within 21 days of the notification of the decision.

The review will be carried out in the first instance by the partner organisation that received the original application. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision the decision will be made within 21 days of receipt of the request.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will be heard by an Application Review Panel.

Each of the ten partners who established the scheme shall provide a representative to the panel, who will consider whether any applicant can have their ineligibility or non qualifying status for the register lifted. The panel could be facilitated by one nominated officer, acting for all the partners; a local authority could be represented by its housing association partner and vice versa.

The panel will have regard to the Code of Guidance, Allocation of accommodation for local authorities in England 2012 and will consider each case as to its individual

merits. If the matter is a statutory one, the Panel will advise the relevant local authority, who will have to make a final decision taking the panel's view into account.

Human Rights legislation means there is a requirement for review processes to be independent. This can be satisfied by the withdrawal of any representative from the organisation that applied the decision under review.

The Application Review Panel can also consider non-statutory matters such as disputes on banding, worsening of circumstances, priority band etc, where these have not been resolved locally. Again, the panel will provide the relevant body with a recommendation.

## Appendix 4 Application Review Panel Process

### **Right of Review**

Under the North Yorkshire Home choice Common Allocation Policy applicants have a right of review in respect of a decision regarding their application.

### **Right of review (first review)**

Any applicant who disagrees with a decision regarding access to the register, banding or allocation of a property should contact the office holding their application to request a review. This will be carried out by the organisation that made the original decision. The person carrying out the review will be of senior rank to the person that made the decision and will have had no previous involvement in the original decision the decision will be made within 21 days of receipt of the request. Each partner agency will follow their internal procedures in respect of reviews.

An applicant will be informed in the first review decision letter about the review panel procedure and who to contact.

### **Request for a review panel (second review)**

If the applicant still disagrees with the decision after the first review they can request a review panel look at the case. The request for a panel review should be made to the office holding their application. The organisation will then advise the North Yorkshire Home Choice Co-ordinator about the request for a review. The Co-ordinator will identify the panel. The review panel will look at the decisions made in relation to the North Yorkshire Home Choice Register and can consider access to the register and other non-statutory matters such as disputes on banding, worsening of circumstances, priority band etc.

The North Yorkshire Home Choice Co-ordinator will administer the request, arrange the review panel and monitor the outcomes and Board involvement on the review panel.

The applicant has 21 days to submit a request for a review panel from date of the decision of the first review.

### **Review Panel**

Members of the Review Panel will comprise of representatives from each of the founding 10 partner organisations. Such representatives should be appropriate specialist or senior officers.

A review panel should comprise of a minimum of 1 independent representative from a partner body who has had no direct dealing with the case

A review panel would usually undertake a paper hearing but can arrange to speak to, meet with or invite the applicant to attend a review panel. This is at the review panel's discretion.

The applicant will be notified of the review process by the partner dealing with the application and given 14 days to provide any additional information in relation to the case. In cases where this is not possible to provide all the supporting evidence the applicant should notify the partner dealing with their application to request an extension to this time limit.

The senior staff member who undertook the first review would prepare the relevant file for the review panel's consideration.

The review panel will make a decision within 56 days of the date of the request but this can be extended with the consent of the applicant. The review panel will make recommendations to the relevant partner agency and Local Authority. On receipt of the review panel decision the Partner will have 5 days to notify the applicant.

The North Yorkshire Home choice Co-ordinator will record and monitor all review cases.

Any further reviews regarding accessing the register should be via Judicial Review and should be lodged within 3 months of the review panel decision or if relevant via a submission to the Housing Ombudsman

## Appendix 5: Homeless applicants

A key objective of the partnership is to assist the local authorities in preventing and reducing homelessness by providing a range of housing options through North Yorkshire Home Choice.

Where an applicant presents as literally homeless or threatened with homelessness, robust advice and information will be provided and every effort will be made to resolve their housing situation.

If an applicant is assessed as being homeless **within 28 days** and they are eligible for assistance, in priority need, locally connected to the partnership area and not intentionally homeless, they will be found to be statutorily homeless and will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. Applicants who are statutorily homeless will be placed in Gold band and will be expected to bid for all suitable properties within the locality that have been advertised.

Applicants who are statutorily homeless will be frequently reviewed to ensure they are bidding for suitable properties. If applicants have not been bidding, their officer will contact them within a suitable period of time to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to make one direct offer<sup>17</sup> to a statutorily homeless household after a minimum of 28 days if they have not been successful in securing a property through the scheme and / or add auto bid to their application.** In accordance with the Localism Act 2011 the offer may be in social or private rented accommodation. The homeless duty will be discharged if an offer is made as a result of a successful bid on a suitable property or the decline of a suitable direct offer. The local authority has the option to utilise the automated bidding process if applicants are found not to be bidding.

Applicants who have a statutory homeless decision that they made themselves intentionally homeless or who have been assessed as non priority homeless will be entitled to reasonable preference; the same will apply to those who are no longer owed the main homeless duty as a result of turning down a reasonable offer of accommodation that was made in writing and subject to the right of appeal; applicants in these categories will be placed in Silver band.

**Potentially homeless:** If an applicant is assessed as meeting all the relevant criteria for being statutorily homeless, but **within a 90 day period**, the partner organisation in the locality will explore a number of options to prevent homelessness from occurring. Applicants in these circumstances will be placed in Gold band as a homeless prevention category and will be frequently reviewed to ensure they are bidding for all suitable properties. If the applicant has not been bidding, the officer will contact them to establish the reasons why and to address any need for further advice or assistance

---

<sup>17</sup> To a landlord in the area of the local authority accepting homeless duty.

to enable them to participate effectively in the scheme. **The partnership reserves the right to withdraw this band if the applicant is not bidding for all suitable properties after 28 days where appropriate and/or utilise the automated bidding system.** The review will also highlight any changes in circumstances as a result of homeless prevention activity, which could alter their homelessness assessment and priority band. A homeless application could be completed at a later stage if the applicant's housing need is not resolved.

## Appendix 6: Definition of at risk of homelessness

### Risk of homelessness

The following are examples of when an applicant living in the partnership area is at risk of homelessness; evidence and engagement with the Housing Options/ Housing Advice services in their locality are required before an applicant can be seen as 'at risk'. Applicants who have negligently or deliberately placed themselves at risk of losing their home will be subject to the provisions in this policy for deliberate worsening of circumstances (2.21).

- They live in tied accommodation linked to their employment and that employment is coming to an end.
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options/Housing Advice Service. The Officer must be satisfied that the landlord intends to implement the notice.
- One party to a joint secure, introductory, assured or assured shorthold tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation.
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy.
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order.
- The applicant's home is due to be demolished.
- The applicant has lost their home due to their landlord having the property re-possessed.
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976.
- The applicant has been asked to leave by family or friends with whom they live.

All potentially homeless cases awarded gold or silver band should be managed to case work level in accordance with DCLG criteria (prevention statistics)



## Appendix 7: Defining overcrowding and housing at height

The following assumptions are made on overcrowding<sup>18</sup>:

The bedroom standard allocates a separate bedroom to each;

- Married or cohabiting couple
- Adult aged 21 years or more
- Pair of adolescents aged 10-20 years of the same sex
- Pair of children aged under 10 years regardless of sex

A room intended as a bedroom but used for another purpose will still be classified as a bedroom

Discretion can be exercised by staff to adjust the number of bedrooms required if: -

- The bedrooms in the property are particularly large or small
- A child requires their own bedroom due to disability.
- An applicant needs a bedroom for a carer or to facilitate specialist medical treatment.
- An applicant needs a bedroom for a fostered/adopted child.

In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.

In cases where any child has a home elsewhere but chooses to live with another adult (eg sibling) this will be discounted when considering overcrowding

If an applicant with children wishes to apply for a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice.

Further guidance on overcrowding can be found under the Housing Act 1985 (part 10) section 325 and 326

---

<sup>18</sup> Overcrowding: As directed by the Allocation of Accommodation: guidance for housing authorities in England

## **Appendix 8: The Good Tenant Scheme**

This is an incentive scheme for secure and assured tenants of the partner landlords and participating landlords listed in appendix 2 living in the North Yorkshire Home Choice partnership area who are accepted on to the Housing Register and who have not, in the past three years, breached their tenancy conditions (including having a clear rent account for that period). Such tenants can apply to be “Good Tenant Scheme” applicants. Good Tenant Scheme applicants will be awarded one band above their assessed housing need band subject to a maximum of gold band status.

To qualify for this standard the applicant must have lived in the same property for a minimum of 3 years, the applicants’ home must be in a good state of repair & decoration and suitable for re-letting without additional work (over and above the relevant safety checks). Tenants must agree to allow their landlord to show other applicants around the property prior to them moving out.

Applicants do not have to have a housing need to be granted good tenant status

## **Appendix 9: The offender initiative**

A tenant of one of the partner landlords, sent to prison for a duration longer than 13 weeks can receive a 'direct offer' on release from prison, provided they meet the criteria below.

- That the tenancy was given up promptly on their imprisonment.
- There were no rent arrears or damage to the property.
- There was no anti-social behaviour related to the conduct of their tenancy.
- That the individual satisfies the acceptable behaviour test on their release.

## Appendix 10: Property Need

The table shows the size of properties that applicants are eligible for based on their household composition.

Some flats and bungalows are classed as sheltered accommodation. This type of accommodation is generally intended for people who are aged 60 or over and/or need support to help them maintain their independence. Applicants will be assessed as to whether they need this type of accommodation.

The following table shows the household composition and property eligibility.

	Bedsit / Studio	1 bedroom flat / maisonette / house	1 bedroom bungalow	2 bedroom flat / maisonette / house	2 bedroom bungalow	3 bedroom flat / maisonette / house	4 bedroom house	5+ bedroom house
One adult.	✓	✓	✓					
Two adults*		✓	✓					
Three adults				✓	✓			
One / Two adults with one child.				✓	✓			
One / Two adults with 2 children, both the same sex and both aged less than 10.				✓	✓			
One / Two adults with 2 children of different sexes, one aged 10 years Or over.						✓		
One / Two adults with 3 children						✓		
One / Two adults with 4 children						✓	✓	
One / Two adults with 5+ children							✓	✓

Where partners have different housing stock profiles they may individually determine size criteria which will be shown on the advert. Generally this means that applicants will match the size criteria but in certain areas or for certain properties they will be

allowed to bid for larger property. A financial assessment may also be required to confirm affordability.

\*Joint tenancies between two adults not recognised as a couple for example a brother and sister would be eligible for a 2 bedroom property.

## Appendix 11: Overlooking a successful bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder. Allocations staff will be provided with procedural guidance on this.

### 1. The **mandatory grounds** for overlooking a bid are:

#### 1.1 **Debt**

This includes housing related debts

- Debts to other social landlords, temporary accommodation, hostel or supported housing (excluding council tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

A successful bid must be overlooked if the applicant has housing related debt. An exception to this can only be made if:

- the applicant has a re-payment agreement in place and that agreement has been maintained successfully for thirteen weeks prior to the successful bid being made, and
- the re-payment agreement is current

The guiding principle therefore is that applicants with debt must have a current re-payment agreement that has been sustained for at least 13 weeks, every time they bid.

Where debt is owed to a private landlord the applicant must evidence a willingness to repay.

In all cases a financial assessment may be required to confirm affordability.

#### 1.2 **MAPPA**

Such applicants can be overlooked if the property is not suitable on advice of North Yorkshire Police Public Protection Unit or North Yorkshire Probation Services and should then be dealt with by a direct offer as per 4.13. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff can overlook the offer.

#### 1.3 **Health and safety or illegality**

A successful bid that creates a risk to life, serious health and safety risk, or creates a situation that is illegal such as statutory overcrowding.

#### 1.4. **Charitable Status**

Some housing associations have charitable status which place restrictions on who can be housed. A successful bid will be overlooked if the applicant does not meet the charitable criteria of the housing association

#### 1.5. **Essential Need**

Where a person has an essential need to live close to another person who currently lives in the partnership area, the property must in the local authority area where the family member lives

#### 1.6 **Support**

Where there is no relevant support package in place if required.

#### 1.7 **Restrictions**

Where there are restrictions in place as outlined in the policy. For example where a band has been awarded to prevent hardship grounds for employment and the property is not close to the place of employment.

#### 1.8 **Application**

Where the applicant is found to be no longer eligible or qualify.

### 2. The **discretionary grounds** for overlooking a bid will include:

#### 2.1 **Existing tenants of social landlords**

Existing tenants will normally be overlooked if they are in breach of their tenancy conditions (and would generally include owing rent or any other debts to their landlord) or their property has been specifically adapted.

For example an exception could be made to rent arrears if the tenant is under-occupying the property and is affected by a reduction in Housing Benefit because of their under occupation and the landlord considers a move to a smaller property to be the best option.

Also those in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears. Contact with relevant manager should be made where arrears are low level.

#### 2.2 **Disability**

Where a household with disabilities; are potentially being let a property which can not reasonably be adapted for them. It may not be reasonable to adapt properties where a major structural alteration is required such as:

- an extension;
- a through floor lift; or
- door widening.

The need for minor adaptations such as stair lifts, adjustments to baths or showers, grab rail etc should generally not exclude the successful applicant from receiving the

offer, however staff will exercise their discretion if funding is not available for these adaptations.

### **2.3 Adapted properties**

Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for one further cycle in this instance.

### **2.4 Terms of the advert**

Where the successful bid does not comply with the terms of the advert.

Partners must record any instance when a successful bidder has been overlooked, and report regularly to the partnership Board.

If there is no bidder that meets the terms of the advert the property can be re-advertised.

### **2.5 Affordability**

Where, following an assessment, it is determined that the applicant will not be able to afford to sustain the tenancy.

### **2.6 Adopters/foster carers**

If not a suitable location for social services

In exceptional circumstances a senior manager can override both mandatory and discretionary grounds to allocate a property / rehouse an applicant.



## Appendix 12: Monitoring mobility

Applicants connected to the partnership area are permitted to bid for properties in all seven local authority areas.

This permits social and economic mobility, improves choice and is integral to the sub-regional scheme.

No other level of local connection is taken into account (other than that outlined below).

- Section 106 agreements and Rural Settlement in other conditions as outlined in 4.11
- The discretion to transparently establish Local Lettings Initiatives.

Mobility is framed here with some checks and balances:

- The Partnership Board will monitor the impact of mobility, linked to baseline data on the level of letting cross boundary in other sub regional schemes and the current level of cross boundary letting in North Yorkshire.
- The Partnership Board reserves the right to limit or restrict cross boundary mobility should a particular local authority area exceed a certain level of **net** inward migration. The Board will consider the impact of any net inward migration that exceeds the net level in 2009/10 by more than 5 percentage points, imposing a temporary restriction if it sees fit.

## Appendix 13: Management Transfer

### Management transfer (emergency move)

A management transfer can be agreed for persons in imminent danger and is subject to the discretion of the designated or senior manager within each partner organisation.

A management transfer will be considered for a tenant of the partner landlords if there is evidence to show that they are experiencing harassment of a serious, targeted and persistent nature (as defined in the table below) which the tenant could not reasonably have prevented or avoided through their own actions and where there are no other appropriate ways of resolving the problem without resulting in a serious risk of harm.

serious	<ul style="list-style-type: none"><li>• violence used; or</li><li>• threats of violence which is evidenced and likely to be enacted; or</li><li>• extensive property damage, making the property uninhabitable; or</li><li>• harassment based on race, sexuality or disability.</li></ul>
<b>and</b> targeted	<ul style="list-style-type: none"><li>• specifically aimed at the individual or household; or</li><li>• related exclusively to the property; or</li><li>• not experienced by others in the immediate neighbourhood.</li></ul>
<b>and</b> persistent	<ul style="list-style-type: none"><li>• a series of repeated and recent incidents over a defined period of time and / or a likelihood of repetition assessed by police / other agency.</li></ul>

The aim of a management transfer will be to move the household to a place of safety. If the request is accepted the applicant will be made one direct offer. The offer can be for any area within the current partner landlords stock.

The offer will usually be to a “like for like” property. Any further housing needs (usually overcrowding) will be addressed through the allocation policy and prioritisation in accordance with 3.2. If the tenant is already registered for a transfer on the basis of other housing needs they will retain their existing registration/priority band date.

## Appendix 14: Resettlement

### Definition

The resettlement criteria is defined as: *Where the applicants have completed an intensive/ approved resettlement programme (as determined by the nominated officer). This will usually be for 12 months, but in any case be for a minimum of 6 months.*

Re-settlement Projects in the partnership area are identified in the staff guidance notes and may on occasions change due to decommissioning / change of contracts.

Re-settlement activity is seen by this scheme as a distinct area of activity from accommodation based supported housing. Applicant who can evidence a **completed** programme of accommodation based supported housing attract a Gold Band status under this scheme as noted above.

The minimum standard required before a programme of re-settlement can be considered complete will include evidence of support around the following areas:

- Health and related issues
- Money Management
- Engagement , training and social inclusion
- Practical Skills,
- Personal Skills,
- Tenancies Work
- Making Safe

### Ongoing Support

If the applicant does not need long term support but would benefit from some support, in particular when they first move into independent accommodation they should be referred to the appropriate organisation and this should be noted in the request for resettlement criteria.

### Joint Applications

In the case of joint applications both applicants will need to meet the resettlement criteria.

A list of participating projects is available from Housing Options, these may change over time due to contractual/procurement changes.

## Appendix 15: Young People Support and Trustees

### Minimum Required Standard for Support Packages and Trusteeships (Young People 16 and 17 years old)

The housing support package must have been set up as a condition of access to the register, with the applicant attending regular support sessions prior commencement of tenancy and be provided until applicants 18<sup>th</sup> birthday or minimum 6 months whichever is longer. Support can be continued after this if necessary. Support must be available in the Local Authority area in which they live or where they are moving to.

#### Relevant Trustees:

Minors – including 16 and 17-year-olds - cannot legally be bound by contracts or hold a legal estate in land. The exception to this rule is that minors can be bound by a “contract for necessities” and a minor can be legally bound to pay rent. Therefore a minor can hold an *equitable* tenancy providing a trustee must be appointed to hold the legal estate. The Trustee is merely holding a legal estate on trust until the minor reaches 18 and is legally permitted to hold an estate in land.

All new applicants under 18 can only be offered an Equitable Tenancy provisional on a suitable Trustee and support package.

Trustees do not have a financial responsibility. Each locality is free to exercise discretion on the organisations or individuals able to exercise this function, provided the Trustee is

- A responsible adult
- An organisation, that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned
- A named individual within an organisation, that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned

Wherever possible a Trustee who is a responsible adult should:

- Be a friend or relative
- Have a stable 5 year housing history
- Have no debts to LA (Council Tax or rent) / Housing Association
- Be able to attend the tenancy sign up
- Will hold the legal estate on trust. This will expire on their 18<sup>th</sup> birthday.

An individual accepted as a Trustee must attend the sign-up stage of tenancies, along with the landlord and support worker and, obviously, the Tenant. An agency who is accepted as an individual should attend the sign-up stage of tenancies wherever possible, along with the landlord and support worker and, obviously, the Tenant. If the

Trustee is unable to sign they should complete the necessary paper work immediately following the sign up.

There is no obligation on the Trustee to attend any future events relating to the tenancy

The Trustee and tenant would be jointly served with any court proceedings and paperwork and invited to attend court, but they are not required to appear at court.

The trust would automatically end on a young persons 18<sup>th</sup> birthday, when the young person would sign for an appropriate tenancy, in accordance with the landlord's policy.

In case of Equitable tenants where both under 18: an individual Trustee is required for each equitable tenant until each tenant becomes 18.

## **ARMED FORCES: DEFINED AS;**

- a) is serving in the regular forces<sup>19</sup> or who has served in the regular armed forces including those existing members of the regular armed forces who are suffering from a serious injury, illness or disability as a result of their service who may need to move out of their existing accommodation to suitably adapted social housing before they complete their service or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- b) serving or has served in the reserve forces<sup>20</sup> who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- d) For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(2).”

The definitions a and b above extend to applications from former service personnel, where the application is made within 5 years following discharge.

It is recognised that bereaved spouses (as in c above) and civil partners of service personnel who are required to leave service families accommodation following the death of their spouse or partners are likely to experience similar issues to service families on discharge from the forces. The Regulations are intended therefore to protect bereaved spouses and civil partners **from the time they are required to leave service families accommodation until they are able to obtain alternative settled accommodation.**

---

<sup>19</sup> “the regular forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force

<sup>20</sup> “the reserve forces” means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force,

**Statutory Instrument 2012 No. 2989 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012**

Made

November 29<sup>th</sup> 2012

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 166A(7) of the Housing Act 1996(1).

In accordance with section 172(2)(2) of the Housing Act 1996 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 and come into force on the day after the day on which they are made.

**Amendment of section 166A(3) of the Housing Act 1996**

2. Section 166A(3)(3) of the Housing Act 1996 (Allocation in accordance with allocation scheme: England) is amended as follows—

(a) in the sentence following the end of paragraph (e) (beginning with “The scheme may also be framed”) for “people within this subsection” substitute “people within one or more of paragraphs (a) to (e)”;

(b) at the end of that sentence, insert—

“The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who –  
(i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service,

(ii) formerly served in the regular forces,

(iii) 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

(iv) 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.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(4).”.

## Appendix 17 Health & Wellbeing

Health and Wellbeing awards are to assist those with health issues to move to a property that more appropriately caters for their needs, any Health and Wellbeing award MUST secure a health gain.

The following simple rules apply when a CBL officer assesses if an application should be given a Health and Wellbeing award:

- No priority can be awarded if moving home will not secure a health gain, if a customer has a terminal illness and their accommodation suits their health needs they will receive no health award.
- The Emergency Band is for a narrow range of extremely severe health needs where the applicant housing is an issue for them.
- There will be no award of Gold band unless the applicants condition is severe and enduring (permanent) and the condition must be compromised by the home or its environment.
- Applicants who are already housed in an adapted property will not normally be banded on Health and Wellbeing grounds unless it is impractical to further adapt the property to meet their needs.
- Applicants who are given a health award based on them needing an adapted property can bid on un adapted properties without loss of priority provided that:
  - The property can be reasonably adapted for them
  - The funds are available for those adaptations (any assessment of this needs to be mindful of cross boundary movement).
  - Little or no prospect of the applicant's current home being adapted for them

and meeting these criteria would constitute a health gain.

- Applicants with disabilities are only restricted in the properties they can be considered for, where the property in question cannot be reasonably adapted for them. A successful bid on a property that can not be reasonably adapted or will not attain a health gain can be skipped in favour of the next applicant on the short list.

A minor adaptation will usually be seen as a preferable alternative to rehousing. A health and wellbeing award will not normally be given if the issues of the applicant can be successfully addressed in their current accommodation by minor adaptation. A minor adaptation could be successful installation of a stair lift, grab rails to external doors and bathing areas.



There are three categorisations of Health or Well Being need (plus support needs)

<b>Priority Band</b>	<b>Circumstances/Definition</b>	<b>Comments</b>
<b>Emergency</b>	<p>1. Applicant unable to return to their home from hospital because their current home is permanently un-suitable, this must be a long term issue.</p> <p>2. Applicants un-able to access key facilities in their home without major adaptation works.</p>	<p>We expect this to be confirmed in writing by a Social Services Authority Senior officer. If s/he provides this, the customer is fast tracked to the emergency band.</p> <p>A joint assessment by the local authority or RSL concerned with Social Services is required. The trigger question in the Health section of the application form is “Is it possible for all members of the household to access a bedroom and a toilet?”</p> <p>We expect that the possibility of informal adaptation will be considered in terms of ‘creating’ a bedroom and a bathroom where required</p> <p>Things that will be considered are:</p> <ul style="list-style-type: none"> <li>• Is the nature of the condition short term only?</li> <li>• Is there a downstairs WC and downstairs bedroom or space adaptable as a bedroom?</li> <li>• Can reasonable external access to the property be made?</li> <li>• Is it likely that the applicant’s home can be made suitable with a minor adaptation? If so, how to signpost applicant to help?</li> <li>• What can be achieved in terms of adaptation or provision of additional services to the home and what these might cost?</li> </ul>

<p><b>Gold Band</b></p>	<p>1. Applicants with a serious and enduring/permanent illness whose health and or well being is significantly compromised by its home or environment.</p> <p>2. Applicants who need to move to a specific locality so that proven hardship can be prevented.</p>	<p>A move must give a health gain, if there is no health gain then no gold band will be awarded. The illness must be of a serious nature and must be enduring/permanent/life long with no prospect of the condition improving. The condition must be likely to stay the same or deteriorate further.</p> <p>Things that will be considered are:</p> <ul style="list-style-type: none"> <li>• Is the illness serious and enduring?</li> <li>• Does the physical structure of the house or its environment significantly compromise the serious and enduring condition?</li> <li>• Is there any easier solution than re-housing the applicant, such as a minor adaptation?</li> <li>• Could any medical treatment that the applicant needs be brought to the applicant's home?</li> <li>• Can the customer reasonably access any on-going medical treatment (such as dialysis) having considered availability of patient transport</li> <li>• Will re-housing the applicant secure any improvement to their health or well being?</li> <li>• Will moving closer to a carer (or the carer move closer to them) achieve a health gain in respect of the serious and enduring illness?</li> </ul> <p>This 'stream' of housing need covers various circumstances. There is a clear health and wellbeing implication here, this priority can be justified if there is a clear health gain in the availability of support. A move to give or receive support is acceptable, <b>provided the condition is serious and enduring and a health gain will be secured.</b></p>
-------------------------	---	--

<b>Silver Band</b>	1. Applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant, trained CBL Officer.	Again, “does re-housing achieve a health gain?” is the key consideration.  Things that will be considered are: <ul style="list-style-type: none"> <li>• Can the applicant secure an improvement to their health or well being through re-housing?</li> <li>• If so, what form of housing (and where) will secure such an improvement</li> <li>• Could the health issue be eased or relieved by minor adaptation?</li> </ul>
--------------------	--	---

### Accommodation Panels

Some partners have specific partnership/working arrangements with cross agency bodies who typically consider the needs of groups with special needs such as:

- People with mental health needs
- People with learning disabilities
- People with physical disabilities

These arrangements may involve the agency nominating an applicant to the register. It may be that applicants such as these have a high health or well being need, the nominating body will have to provide substantial evidence outlining the level of need within the terms of the lettings policy, Emergency, Gold or Silver and why.

The receiving partner will have on a case by case basis the opportunity to initiate dialogue with the panel and be privy to all documentation surrounding the case if they feel the need appears to be over or under estimated.

## Appendix 18 Sensitive Lets

It is necessary on occasions for housing managers to allocate a property outside of the NYHC policy to facilitate the management and community cohesion of a specific property / area.

Sensitive lets relate to a property where for example;

- The previous tenant has caused significant neighbour nuisance for a variety of reasons and where it has taken considerable time to resolve the problems.
- Where there has been significant drug related nuisance or
- Where there has been significant noise nuisance within a block of flats or the immediate neighbourhood

Targeted allocation of a property could reduce such issues by ensuring the next tenant will be unlikely to cause a similar nuisance.

Where a senior officer feels that an individual property should be let outside the normal allocations policy, the property will be advertised as a Sensitive Let and the advertisement clearly annotated that the applicants will be subject to further checks.

---

## **Appendix 19 Senior Management Decisions**

---

Any decisions using management discretion should be recorded on a standard pro-forma and retained in the customer file.

Senior management decisions include direct offers, sensitive lets, mandatory and discretionary reasons for overlooking a bid.

Senior management decisions are reportable and each partner landlord will provide details to the partnership board on a quarterly basis.

## Appendix 20 Hardship Grounds

### People who need to Move on Hardship Grounds

If an applicant indicates they need to move to a particular location within the sub region to take up an offer of employment, education or training, or to be near family or friends to give or receive support, the CBL officer will ask the applicant to provide written confirmation of their housing need.

**Note:** applicants in this category will only be given a priority if it is unreasonable to expect them to commute from their existing home e.g. there is no reliable bus route or train service and they are experiencing unreasonable financial hardship travelling to work.

Evidence of employment, education or training opportunity is required and financial information.

Applicants who need to move to another location to give or receive support must provide written confirmation of the address of family members they need to live close to and their needs via another professional organisation e.g. health professional, social services. A health & wellbeing assessment may be required to determine the type of property that would best suit the applicant's needs. If the assessment concludes that priority should be awarded, then appropriate banding will be awarded under the Allocations Policy.

Examples of circumstances that may result in the award of Gold Band are:

1. The applicant has an identified need for sheltered accommodation and there is no such provision in the area in which they live. The applicant would require residential care or a higher level of care package unless they are re housed.
2. The applicant needs to receive essential daily care from a relative and without re housing they would require residential care or a higher level of care package.
3. The household includes a person who needs to access specialist medical treatment on a permanent or indefinite basis and they are either unable to do so, or it is unreasonable to expect them to do so from the area in which they currently live.
4. The household includes a person who is unemployed and they have been offered permanent employment in an area where they are unable to reasonably travel to.
5. The household provides essential daily care to someone in another part of the region and they cannot deliver that care effectively from their current location and without this residential care or a higher level of care package would be required.

6. The household includes a member with a disability or learning difficulty who needs to access specialist education or training facilities and cannot do so from their present home.

Applicants would be restricted to applying for accommodation in the Local Authority area where employment / training / family member resides.