



## **BLABY DISTRICT COUNCIL**

# **CHOICE BASED LETTINGS ALLOCATIONS POLICY**

**Revised Edition October 2022**

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## 1.0 Introduction – Legal Background

- 1.1 Councils are required by law to have policies and procedures in place for the letting of properties. The Allocations Policy provides a framework for assessing housing need, priority and determining who will be nominated to Registered Providers (RP's) for housing.
- 1.2 A number of principles have guided the formation of this policy. Most important is the need to treat all Homeseekers fairly and to ensure compliance with the legal requirements of the Housing Act 1996 (Part VI) as amended by the Homeless Act (2002) and the Localism Act 2011.

This policy also has regard to the following:

- Allocation of accommodation: guidance for local authorities in England (June 2012)
  - Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013)
  - Right to Move Statutory Guidance (2015)
  - Blaby District Council Policy to Discharge Homelessness into the Private Rented Sector (2013)
  - Blaby District Council Housing Strategy (2015)
  - Blaby District Council Prevention of Homelessness Strategy (2014)
  - Blaby District Council Tenancy Strategy (2012)
- 1.3 Amendments to the law have been designed to give Homeseekers greater choice, to ensure that reasonable preference is given to Homeseekers in the greatest need and to create an Allocation Scheme that can easily be understood by Homeseekers. As such the main principles behind this policy are to:
- be transparent and easily understood by Homeseekers, staff, elected Members and partner organisations
  - help prevent homelessness and support the Council's homelessness strategy
  - widen choice and be more accessible
  - reflect local needs and encompass rural sensitivities
  - make the most effective use of the housing stock
  - ensure equality of opportunity in accessing the Housing Register
  - be easy to administer
  - to ensure Homeseekers are treated fairly, individually and in accordance with the commitment to equality and diversity.
  - promote mobility

- be open and accountable
- help tackle low demand
- promote sustainable tenancies by ensuring adequate support is available for vulnerable people
- to provide feedback to Homeseekers about homes let through the choice based lettings scheme

## **2.0 Statement on Choice**

- 2.1 Blaby District Council seeks to give every eligible Homeseeker choice in relation to accommodation.
- 2.2 The Allocations and Lettings Policy does ensure that those Homeseekers who are in urgent housing need are given reasonable preference within the choice-based lettings scheme.
- 2.3 The Council may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

## **3.0 Equal Opportunities**

### **3.1 Public Sector Equality Duty (PSED)**

The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.

- 3.2 Blaby District Council's allocations scheme promotes equal opportunities in the services it provides. Our aim is to implement and maintain services which ensure that no potential or current Homeseeker is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.
- 3.3 Our allocations scheme operates in accordance with the council's equal opportunities policy. A copy of the policy is available from the Council Offices, Desford Road, Narborough, Leicester LE19 2EP.

## **4.0 Data Protection**

- 4.1 Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection is available on the Council's website at [www.blaby.gov.uk](http://www.blaby.gov.uk).

## **5.0 The Housing Register**

## 5.1 Eligibility

In considering applications to join the housing register we will find out whether:

- A Homeseeker is eligible for an allocation of accommodation, and
- If he or she qualifies for an allocation of accommodation

We will do this by assessing in accordance with the regulations whether a Homeseeker is eligible to join the housing register.

## 5.2 Who is eligible?

Regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation and are contained in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No. 1294) and amendment regulations in respect of regulations 4 and 6.

Specifically, the Eligibility Amendment Regulations amend regulations 4 and 6 of the Eligibility Regulations and provide that the following persons are NOT eligible for an allocation of housing accommodation or homelessness assistance:

- Persons who have rights of residence in the UK as a result of regulation 15A(1) and (4A) of the Immigration (European Economic Area) (Amendment) (No 2) Regulations 2012 (the EEA Amendment Regulations)
- Persons who have a right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen

The Eligibility Amendment Regulations also make provision for persons who have equivalent rights of residence in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area).

Other Homeseekers **not eligible** to join the register include:

- People who would otherwise be eligible but who are not habitually resident in the Common Travel Area. This means that if you are not subject to immigration controls but are not currently living in the UK, Eire, Isle of Man or the Channel Islands, you are not eligible to join the register.
- People who may not be allocated accommodation under Part 6 of the Housing Act 1996 S.160ZA because they are persons from abroad who are subject to immigration control.
- They are people from abroad, who although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation.

## 5.3 Who does not qualify?

Even though a Homeseeker may be eligible, there are certain Homeseekers that do not qualify for an allocation of social housing under this scheme:

- Homeseekers without a local connection (see section 9).
- Homeseekers who are under 16.
- Homeseekers with the financial means to meet their own housing needs. Except for Homeseekers who demonstrate they have a support need for supported, sheltered housing or extra care which they cannot purchase/rent on the open market
- Homeseekers who are considered to be unsuitable to be a tenant or lack the capacity to sustain a tenancy. This decision will only be made in light of strong evidence and then only if such a decision is considered to be reasonable and proportionate by the local authority.
- Homeseekers who owe more than £300 in housing related debt (rent arrears, recharges, bond/deposit loans etc.) and who are not able to show that they have a payment plan in place that is up to date and shows at least 12 weeks consecutive payments. Debt through genuine hardship will not be included in this criteria
- Behaviour that is likely to result in the granting of an outright possession order on any ground. For example, anti-social behaviour such as causing nuisance and annoyance to neighbours
- Behaviour of a member of the Homeseeker's household which would entitle the landlord to gain an outright possession order
- Committing certain criminal offences in or near the home or posing a threat to neighbours, the community, staff from the Council, the Council's contractors or Registered Provider or their Contractors
- Has been convicted of violence towards a partner or members of the family
- Committing social housing or benefit fraud – such as illegal subletting or obtaining a tenancy by deception

## 6.0 Applying

### 6.1 Ways of applying:

Online – at [www.homes.blaby.gov.uk](http://www.homes.blaby.gov.uk)

In person at Council Offices, Desford Road, Narborough where vulnerable Homeseekers can access help with applying online

## 7.0 Advertising

7.1 Blaby District Council has its own property listing detailing the properties available for Homeseekers to bid for.

7.2 Properties are advertised each week.

7.3 The listing will contain the following groups of properties:

### **Local property for rent**

These are social rented properties which are in Blaby District Council's area. These are advertised to Homeseekers who have been accepted onto the Blaby housing register or who have a local connection to that district/borough.

7.4 All adverts will show a photograph of the property (if supplied by the landlord) and give details of the rent, number of bedrooms and facilities at the property.

### **7.5 Supported, Sheltered Housing and Extra Care**

Home-seekers will need to satisfy the advertised age rules for the scheme and/or be assessed as having a support need that can be met within supported or sheltered housing.

Elderly or disabled Homeseekers with assessed care and support needs who have been accepted onto the housing register will be eligible to bid for Extra-care, Supported and Sheltered Housing where they meet the advertised criteria and, in some circumstances, will be subject to a Social Care Assessment.

7.6 Property adverts may be restricted to certain types of Homeseeker. For example, property adverts may be restricted to Homeseekers:

- by Homeseeker type (Transfers only for example)
- by support needs (i.e. Sheltered, Extra-care and Supported)
- by Banding
- by Homeseeker age
- by household type and size (see the eligibility table in section 7).

## 8.0 Bidding

8.1 All properties are advertised online each week beginning on a Thursday at 12.01am and ending the following Tuesday at 11.59pm.

8.2 Homeseekers will be allowed two bids per advertising cycle. Home-seekers can cancel bids and place them on other advertised properties at any time during the bidding period. Home-seekers can see their position on the shortlist at the time of bidding, this position can change throughout the 6 day cycle as people in a with a higher priority may bid later in the bidding cycle (see 8.5).

8.3 Homeseekers will only be able to place bids on properties that are the right size for their household and where all other criteria as set out in the advert are met. Please see Appendix 2 for further details.

8.4 Homeseekers can place their bids in the following way:  
Online – by selecting the “Place bid” button and confirming your bid.

8.5 Where vulnerable Homeseekers are unable to bid for themselves, there are a number of options available. There is an option to choose “auto bidding” where the system will automatically make a bid on their behalf, up to the maximum of two. Where the Homeseeker is eligible for more than two properties, the system will randomly select two properties. Alternatively, auto bidding can be turned on per Homeseeker and per property.

### 8.6 Shortlisting

Homeseekers bidding for properties will normally be short-listed in the following order:

- 1) By local connection qualification
- 2) By Band
- 3) By effective date (= date of registration or more recent date of change of priority)

### 8.7 Refusals

Homeseekers who refuse/or fail to respond to four suitable offers of accommodation or fail to attend four arranged viewings will have their application suspended for up to six months.

### 8.8 Non-bidders

Homeseekers who do not place any bids in a 6 month period will have their application reviewed. Failure to respond to the review, give good reason for not bidding or fail to place bids in the following 6 months will lead to the application being closed.

### 8.9 Direct Offers

The Council may make a direct offer of accommodation to an Homeseeker, for example where an Homeseeker has a specialist need for adapted accommodation and the availability of suitable accommodation is limited or where an Homeseeker poses a risk to individuals or the community.

Such offers will be made:

- Where current accommodation is having a severe detrimental effect



upon the day-to-day living;

- an urgent move is essential to resolve or significantly improve the Homeseeker circumstances;
- the Homeseeker cannot reasonably be expected to secure suitable accommodation for their household;
- all potential alternative solutions have been explored and are not viable.

Cases considered to be urgent and serious enough to require a direct allocation to be made outside of the Council's normal policy and procedure are defined as follows:

- a) threats to life
- b) racial or homophobic harassment
- c) extreme anti-social behaviour
- d) vulnerable witnesses
- e) any other significant and/or immediate need for a move to more suitable, alternative accommodation (this could include move on from temporary accommodation where it has been agreed by the Housing Services Manager)

All potential alternative options must have been explored and assessed as not viable, making an urgent move essential in order to resolve or significantly improve the Homeseeker's circumstances. Urgent cases agreed through this policy will be awarded Priority Band, or if requested, by a direct let outside of the CBL system.

## **9.0 Local Connection**

9.1 Priority will be given to Homeseekers who have one or other type of 'local connection' to the District of Blaby as defined below.

9.2 A local connection is established by one or more of the following:

- Homeseekers living within the District of Blaby must be able to produce documentary evidence confirming that they have used a residential address within the District as their settled home for 2 consecutive years immediately prior to their housing application.
- They, or a member of their household is employed within the District for a minimum of 16 hours per week, on a permanent basis or a temporary contract running for a minimum of 12 months, (confirmation would be required from the employer).

Homeseekers who are able to demonstrate with evidence the need to move nearer to relatives who have lived in the District for the last 5 years, in order to receive, or give, support or care within the District. This is only available to Homeseekers whose main residence is outside the Blaby District Council boundary at the point of application. Such cases will be determined by taking into consideration a variety of factors such as, but not limited to;

- the level of care/support required
  - the impact the care/support will have
  - the distance that any relatives are currently travelling
- They have no other local connection but are fleeing violence or threats of violence from the district where they reside and they have declared themselves homeless and the council to whom they have made their declaration has accepted a full Statutory duty to assist with re-housing or they have been referred to another district authority under s.198 of the Housing Act 1996 (as amended) and that authority has accepted a duty to assist with re-housing. Households fleeing violence or the threat of violence and other households advised not to return to a particular area
  - A Homeseeker has no other local connection but are Armed Forces and former service personnel where the application is made within five years of discharge or are a bereaved spouse or civil partners of members of the Armed Forces leaving services accommodation following the death of their spouse or partner
  - A Homeseeker has no other local connection but is a serving or former member of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
  - A Homeseeker who has no other local connection but has a need to move to the District to avoid hardship if they do not move, and they are an existing social housing tenant and they either currently work in the district, or need to move to the District to take up an offer of work. These circumstances will be determined by taking into consideration the current 'Right to Move Guidance'.
  - Homeseekers to whom the Council has accepted the Main Housing Duty under section 193 (2) of the Housing Act 1996 (as amended)

9.3 Other special circumstances may exist, and all applications will be considered on their individual circumstances.

9.4 The following exceptions to the rule of establishing local connection will normally apply where a local connection cannot be established with another Local Authority:

- 1) Time spent in any prison or secure unit
- 2) Time spent in hospital
- 3) Time spent in any institution such as refuge, hostel or rehabilitation.
- 4) Armed forces personnel (see para. 9.2 above)

9.5 **Parish connection**

There are some villages housing schemes, known as rural exception sites, where there are planning restrictions requiring that available properties must be let in the first instance to people who have a connection with the village or parish.

- 9.6 The factors that determine a village or parish connection for these Rural Exception Site properties vary. The criteria for meeting local connection will be clearly displayed on the individual property advert.
- 9.7 Allocation of Rural Exception Site properties can only be made to the person with the strongest local connection, regardless of waiting time or band.
- 9.8 Each Homeseeker applying for a Rural Exception Site property will be assessed according to the published criteria for that property and may not be considered if no local connection is proved.

## **10.0 Homeseeker Types**

### **10.1 New Homeseekers**

All Homeseekers will be considered to be “new” Homeseekers. This includes Homeseekers in temporary accommodation, assured shorthold tenancies.

10.2 Some Social Housing providers may restrict some properties to “Transfer” Homeseekers only.

10.3 Transfer Homeseekers who are on Introductory/ Probationary/Starter/Fixed term tenancies with their social housing landlord are not usually able to register unless there are exceptional reasons which will need agreement from their landlord.

## **11.0 Banding Scheme**

11.1 The housing needs of each household will be considered and assessed. All Homeseekers who are eligible to join the housing register will be placed in one of four priority bands. The four bands are as follows:

- Low Housing Need
- Medium Housing Need
- High Housing Need
- Priority Housing Need

### **11.2 LOW HOUSING NEED**

Applications will normally be accepted but placed in the lowest band in the following circumstances:

### **11.3 Secure Housing**

The Homeseeker is an Homeseeker with security of housing and no welfare or medical need and or living in or outside of the District. This includes tenants (Tied, Secure, Assured or Assured Shorthold) of Local Authority or other Social Housing and Private Landlords, Shared Ownership owners, owner occupiers and Homeseekers who have property rights under family or matrimonial law.

### **11.4 Housing Related Debt**

The Homeseeker owes less than £300 to any landlord for a housing related debt and there is no satisfactory arrangement to repay the debt or where

regular payments are not being maintained in accordance with an agreed payment plan for at least twelve consecutive weeks (unless there is evidence of genuine hardship).

**OR**

The Homeseeker owes more than £300 to any landlord for a housing related debt and there is a satisfactory arrangement to repay the debt that is up to date and the Homeseeker can show that they have made payments for at least 12 consecutive weeks.

**Housing related debts include rent arrears on a current or former property, temporary accommodation and sundry debts such as court costs, rechargeable repairs, repayments required on rent deposit schemes or other homelessness prevention measures. Where the Homeseeker is able to demonstrate that they have maintained a payment plan for more than 12 consecutive weeks, they can contact the Housing Services to request that their housing need band is re-assessed.**

**11.5 Unacceptable behaviour**

The Homeseeker has been guilty of behaviour within the last twelve months which affects their suitability to be a tenant. The behaviour is serious enough that enforcement action would normally have been taken but does not warrant exclusion from the housing register. This relates not only to the Homeseeker, but also other members of their household and they will remain in the low housing need band for a period of 12 months. The application will then be re-assessed.

**11.6 Like for like transfers**

The Homeseeker is a transfer Homeseeker who is living in the District who requires a move to the same bedroom size of property and who does not have welfare, medical or other exceptional need to move. This is termed a 'like for like' transfer.

**11.7 Low cost homeownership only**

The Homeseeker only wishes to be considered for low cost home ownership schemes.

**11.8 Deliberate worsening of housing circumstances**

Homeseekers who have deliberately worsened their circumstances to gain an unfair advantage over other Homeseekers on the housing register will normally remain in the Low Housing Need Band for a period of 12 months. (E.g. Selling a property that is affordable and suitable for the Homeseekers needs, moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation, requesting or colluding with a landlord or family member to issue them with a notice to quit). The application will then be reassessed. If there is a relevant change in the household's circumstances during the twelve month period the Homeseeker can contact Housing Services to request that their housing need is re-assessed.

**11.9 Foster Carers or Adopters**

- Homeseekers who need to be rehoused or housed by a scheme landlord because they are either a Foster Carer who needs larger accommodation to foster more children or intend promptly to become a Foster Carer and requires larger accommodation in order to perform this role. Homeseekers must have approved Foster Carer status as approved by Leicestershire County Council's fostering service.
- Homeseekers who need to be rehoused or housed by a scheme landlord because they are intend promptly to adopt a child via Leicestershire County Council Council's adoption service and require accommodation in order to perform this role.
- Homeseekers who need to be rehoused or housed by a scheme landlord because they have taken a special guardianship order (SGO) and need larger accommodation to perform this role.

### 11.10 MEDIUM HOUSING NEED

Preference will be given to Homeseekers who fall into one of the following categories: -

#### 11.11 Homeless or at Risk of Homelessness

- Homeseekers who are at risk of becoming homeless and are owed the Prevention Duty under Section 195 of the Housing Act 1996
- Homeseekers who are homeless and are not owed (or have not been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Blaby District Council.

Applications are placed in Medium Band for an initial period of 12 months. After this period a reassessment will be completed to confirm whether the Homeseeker's circumstances have changed, whether they still have a housing need and whether they still qualify for the Housing Register.

#### 11.12 Poor housing conditions – households living in insanitary, overcrowded or otherwise unsatisfactory housing conditions.

This includes:

#### 11.13 Housing that is not in a reasonable state of repair

Housing failing on this point will be those where **one or more** key building components are old, in a poor condition **and** need major repair or replacement. This means external walls; roof; external windows/doors; chimneys; central heating boilers; gas fires; storage heaters; plumbing; and electrics

#### 11.14 Housing that does not have reasonably modern facilities and services

Dwellings failing on this point are those that lack three or more of the following;

- a reasonably modern kitchen
- a kitchen with adequate space and layout
- a reasonably modern bathroom
- an appropriately located bathroom and WC

- adequate noise insulation (where external noise/neighbourhood noise is a problem)
- adequate size and layout of common areas for blocks of flats

11.15 Housing that does not provide a reasonable degree of warmth  
Housing that does not have a heating system or other means of heating the property or the heating system at the property does not work or is in poor condition will fail this point.

*These criteria will be assessed in partnership with Environmental Health services. Where a home is found to not meet these standards, the Environmental Health officer will consider using the powers available to ensure that the property is made to meet acceptable standards.*

**11.16 Overcrowded housing**

This means a household that is one bedroom short of the assessed need for that household.

**11.17 Housing in other poor conditions**

Other poor housing conditions will be considered. These will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

**11.18 Medical need to move**

Households with a medical, disability or mobility problem. This could include:

- Verified high medical need where the Homeseeker's condition is currently directly affected by their accommodation and a move to alternative accommodation (which they are assessed as eligible to bid for) would resolve or ease their medical condition.
- Level access accommodation is required and there is no prospect of adaptations to the Homeseeker's current property within 12 months. Suitable proof will be required, i.e. confirmation from a local Occupational Therapist and Landlord. The Homeseeker may be referred to local agencies for assistance with adaptations.

**11.19 Welfare need to move**

This could include:

- Homeseekers suffering from harassment or neighbour nuisance, such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the Police for action, but a satisfactory conclusion not found. The harassment is not at a level whereby the Homeseeker has an emergency need to move.
- The need to be near relatives to give or receive assessed care/support. This would only apply where NOT moving would cause, physical, financial or emotional hardship to either party.
- An evidenced need to move closer to specialist educational or a similar organisation, agency or institution. This would only apply where NOT moving would cause physical, financial or emotional hardship to either

party.

- Where the Homeseeker has permanent employment within the District and needs to move closer to work, to prevent financial hardship. An assessment will be undertaken; this will involve contacting the Homeseeker's employer.

*Homeseekers who have been assessed for these reasons may be restricted to bidding only in areas they have demonstrated a need to move to.*

- Homeseekers who are suffering financial hardship and having difficulty in meeting their housing costs. Examples could include adverse impact from Welfare Reform, Benefit Cap, redundancy, bedroom tax etc.

#### **11.20 Insecure accommodation**

- Homeseekers living as a licensee/lodger or sharing accommodation with family, relatives or friends who do not have security of tenure

#### **11.21 HIGH HOUSING NEED**

Preference will be given to Homeseekers who fall into one of the following categories: -

#### **11.22 Multiple Need**

A Homeseeker who has been assessed as having two or more needs from the following sections of the Medium Housing Need Band.

1. Homeless households
2. Poor Housing Conditions
3. Medical Need to Move
4. Welfare Need to Move

Please note that Insecure Accommodation (11.19) cannot be combined in this way.

#### **11.23 Severe Overcrowding**

Homeseekers where there is overcrowding by two or more bedrooms short of the assessed need (the Homeseeker would not be considered eligible to bid for the same size property as currently occupied). An investigation will be carried out to ensure the overcrowding has happened as a result of natural growth of a family or through other reasonable circumstances.

#### **11.24 Serious Medical Issue**

A Homeseeker who has serious medical issue(s) which have a serious impact on their housing need or make it unreasonable to remain in their current accommodation.

#### **11.25 Transfers Under-occupying**

Transfer Homeseekers living in the District who are under-occupying a home which is in high demand from other Homeseekers and/or there is assistance available from a local Tenants Incentive scheme (the Homeseeker would not be considered eligible to bid for the same size property as currently occupied).

#### **11.26 Transfers affected by Social Size Criteria**

Transfer Homeseekers living in the District who are under-occupying a home and are affected by the Social Size Criteria (Bedroom Tax).

11.27 Homeseekers in a High Housing Need band category can remain in this category for up to 16 weeks. If no suitable properties come available during the period, or the Homeseeker has not been successful in bidding, their application will be reviewed.

11.28 Homeseekers in the High Need category retain the right to respond to properties of their choice. Homeseekers will be expected to consider all suitable properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation will be taken into account if the application is reviewed at the end of the 16 week period.

#### **11.29 PRIORITY HOUSING NEED**

Priority need to move will be recognised in the case of: -

#### **11.30 Homeless Households**

- Homeless Homeseekers who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Blaby District Council
- Homeless Homeseekers who are owed the Relief Duty under Section 189B(2) of the Housing Act 1996 by Blaby District Council and have been issued with a s184 Decision confirming that they will be owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Blaby District Council if the Relief Duty comes to an end after 56 days.

Applications will be placed in Priority Band for an initial period of 8 weeks. If a Homeseeker who has been placed in Priority Band does not bid for suitable properties that are advertised during the initial 8 weeks, the Council may place bids on their behalf for properties until an offer of suitable accommodation is made. If a Homeseeker who has been placed in Priority Band refuses an offer of suitable accommodation, their application will be reassessed and moved down to Medium Band.

If a homeless Homeseeker who has been placed in Priority Band and is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be reassessed and moved down to Medium Band.

#### **11.31 Emergency welfare need**

Circumstances could include (this is not an exhaustive list):

- Homeseekers who are subject to severe harassment, threats of violence or actual violence or threats of physical, emotional or sexual abuse.
- Homeseekers living in a property where the conditions are classified as



unsafe or risk of imminent harm which cannot be remedied within a reasonable time (not resulting from damage caused by the Homeseeker).

- Homeseekers living in a property that is statutorily overcrowded
- Young people leaving care and other vulnerable Homeseekers whose social or economic circumstances are such that they have difficulty in securing settled accommodation. The Homeseeker will have been through their housing options with the Council and all other options will have been exhausted.

#### **11.32 Emergency medical need**

Circumstances could include:

- A Homeseeker with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation
- A Homeseeker who is unable to be discharged from hospital to their current accommodation.

#### **11.33 Complex housing needs**

Includes a number of high need factors which taken together create an urgent need to move. This could, for example, be a combination of severe physical and learning disabilities combined with stress caused by harassment.

#### **11.34 Management need**

Circumstances could include (this is not an exhaustive list):

- Social Housing Tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
- Homeseekers succeeding to a tenancy that is not suitable to their needs who have lived in the property for at least the last twelve months
- Homeseekers who have no right in law to remain in their current RSL or council accommodation, i.e. there is no right of succession but the Homeseeker has lived in the property for at least the last twelve months.
- Tenants occupying a wheelchair adapted property they no longer need but which could be used by somebody else.

11.35 Displaced agricultural workers who qualify for assistance under the Rent (Agriculture) Act 1976

#### **11.36 Ready to Move On**

A Homeseeker who is living in supported accommodation and the Council has a move on agreement with the housing provider or their key worker has agreed that independent accommodation would now be appropriate.

11.37 Homeseekers who have been assessed as having an emergency need to move will be placed in the Priority Housing Need band. Homeseekers can remain in this band for a period of up to 8 weeks. If no suitable properties have become available during the 8 week period, or the Homeseeker has not been successful in their search for accommodation, their application will be reviewed. The length of the extension will be determined by the Housing Options Team Leader or Housing Services Manager.

11.38 Homeseekers in a priority need category retain the right to respond to properties of their choice, however, if they fail to bid in any cycle within the priority period the host authority reserves the right to place bids for the

Homeseeker on suitable properties to meet their housing need.

Homeseekers will be expected to consider all suitable offers of accommodation/properties. Failure to respond to suitable properties or refusal of an offer of suitable accommodation may result in priority not being renewed at the end of the 8 week period. However, the host district retains the right to discharge the authority's statutory homeless duty by one suitable offer of accommodation in week 7/8 of the priority period.

11.39 The relevant date for short-listing Homeseekers placed in the priority band will not be the date they joined the housing register, it will be as follows

- Homeless households – their date will be the date they presented as homeless
- All other priority households – their date will be the date a decision on priority was made

11.40 **Moving between housing need bands**

A Homeseeker's housing need band will change if their level of need changes.

When a Homeseeker moves up to a higher housing need band their effective date will change to the date they moved into the higher category. Homeseekers moving to the priority housing need band because the Council has a full homelessness duty to them will have their effective date in that band changed to the date the duty was accepted.

Homeseekers who move to a lower band will retain their current effective date or the date they were previously in that category.

## 12.0 Property Size and Type

### 12.1 Defining bedroom requirements

The following rules will normally be used to determine the minimum size of accommodation needed by a household:

A separate bedroom is normally needed for each of the following:

- Every adult married or cohabiting couple or single parent
- Every person aged 16 years or more
- Two children aged 10-16 years of the same sex (sharing a room)
- Two children aged under 10 years regardless of sex (sharing a room)

Rooms that are in use for other purposes but could be used as bedrooms (including dining rooms, living rooms, studies etc.) will also be included in the calculation.

The minimum size for a room to qualify as a bedroom is 6.5m<sup>2</sup>

- 12.2 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- 12.3 Households that include a pregnant woman are normally assessed as if the baby has already been born (i.e. the baby is counted as a child), where the expected date of delivery is within 3 months.
- 12.4 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed.
- 12.5 A child must live at the address as their main home in order for them to be classed as a permanent resident. Usually the care giver at this address will be the person in receipt of child benefit or tax credits. Exceptions will be considered, for example in circumstances where the child resides away from the Homeseeker on a temporary basis but their permanent home is with the Homeseeker.
- 12.6 Where a Homeseeker has care or support needs that require overnight assistance on a permanent or casual basis, then the need for an additional bedroom can be awarded to permit this. This can include prospective foster carers, on evidence that Children's services will approve the Homeseeker as a foster carer subject to availability of suitable size accommodation.
- 12.7 Homeseekers awarded priority on the basis of having a bedroom shortage may be by-passed if they bid successfully on a like-for-like property. For example, if a Homeseeker lives in a 3 bed house but only requires a 2 bed house and bids successfully on another 3 bed house, they will be bypassed on the shortlist for that property.
- 12.8 Large families (i.e. those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.

12.9 Homeseekers will be allowed to bid for the size and type of property as shown in Appendix 2. In some circumstances the opportunity may be given to bid for larger properties where they are in low demand.

## 13.0 Affordability Calculations

13.1 The following limits apply:

- 1) If the household has specialist needs that cannot be met within the local housing market, then these rules will not be applied. For example, if the need is for wheelchair standard housing, or the Homeseeker needs housing with support services, which is not available to buy or rent in the private sector.
- 2) If a household has support needs, the assessment will also take account of this in assessing the cost of meeting the household's needs in the local housing market. For example, if the Homeseeker needs sheltered housing, which is available, but the level of the service charges is prohibitive.

The following thresholds will be used to assess whether a household has sufficient means to meet their needs by renting or buying.

	Income limit – gross* £	Equity limit £	Savings limit £
Threshold	45,000	32,000	17,000

*Figures are based on evidence within the Leicestershire Housing and Economic Development Needs Assessment 2017.*

*\*Gross income includes all income including DWP benefits, child maintenance payments, pensions and wages before any taxation or other statutory deductions are made, this includes income that is regularly disregarded for certain local taxation, universal credit, housing benefit and other purposes.*

13.2 If the joint Homeseeker's income, joint savings or equity exceeds the threshold set for the district, the household will not be eligible to join the housing register.

*The threshold amounts will be reviewed annually to take account of changes in housing market prices.*

## 14.0 Mobility Needs

14.1 There is a separate assessment process for people with some form of mobility problem. For example, a member of the household:

- is no longer able to climb stairs or get into a bath

- has visual impairment
- had an accident or illness that has affected their mobility
- has a child whose mobility is restricted.

#### 14.2 **Mobility Needs Assessment**

Homeseekers with mobility problems are issued with a separate assessment form. It has questions about mobility problems, the type of property that would be suitable and any adaptations that would be required to the property.

There are six self-selection housing mobility categories:

- A)** My legs cannot support my weight and I need to use a wheelchair when inside the property as well as outside the property.
- B)** I use a wheelchair outside the property but can walk a short distance. I cannot climb steps and stairs.
- C)** I do not use a wheelchair but walk with difficulty. I cannot climb steps and stairs.
- D)** I do not use a wheelchair. I find it difficult to walk but can manage 1 or 2 steps.
- E)** I need a downstairs toilet
- F)** I have a disability or a medical problem where a step in or level access shower would ease or resolve my difficulties.

If the Homeseeker is a wheelchair user or needs a wheelchair accessible property, we may arrange for an assessment of need to be completed in order to verify that need, as properties assessed as suitable for A/B mobility key Homeseekers are a scarce resource and therefore matched on the basis of need. Where a property is advertised as having facilities meeting an F mobility key, preference may also be given to Homeseekers assessed as needing these facilities.

#### 14.3 **Advertising property suitable for people with mobility needs**

Properties that are suitable for people with mobility problems will have a housing mobility category (key) displayed on the property advert.

- A = A property that is suitable for a wheelchair to be used inside (may include widened doors, turning space, low threshold front door, ramps, level access/wheel in shower, kitchen adaptations or similar adaptations)
- B = A wheelchair accessible property e.g. ramped access, wide entrance door
- C = A property with street-level access – no steps at entrance
- D = A property with no stairs inside but which could have 1 or 2 steps
- E = A property with a ground floor toilet but which has stairs and steps
- F = A standard property suitable for Homeseekers who need a level access shower.

Because there is a limited supply of properties assessed as wheelchair accessible (A/B properties), preference will always be given to Homeseekers assessed as needing a category A/B property. There is no preference given to Homeseekers with mobility needs C-F over general needs Homeseekers for properties with mobility keys C-F (other than their assessed housing need

under the banding scheme).

## **15.0 Rural Lettings Schemes**

- 15.1 The Council is keen to take account of factors which would contribute to sustaining rural communities whilst ensuring that the Council continues to give due weight to the reasonable preference categories required by legislation.
- 15.2 To enable this, the Council will set a target for the proportion of lettings in villages to be let to Homeseekers with a local connection with the village where the letting occurs.
- 15.3 Where Homeseekers have a strong connection with a particular village, the Council will ask them to detail this on their application. This will enable them to be actively considered for any housing development, which takes place in areas where they hold such a connection, and to be considered under any established local letting policy.
- 15.4 Local connection with a specific village will be defined in the appropriate legal section 106 agreement but will be similar in content as:-
- living in the village for at least the previous five years; or
  - having permanent employment in the village; or
  - having at least ten years previous residence in the village if not currently residing there; or
  - Homeseekers over 55 or with a disability requiring support on medical grounds from relatives currently living in that village;
  - having close relatives living in the village for a period of at least five years. Close relatives are defined as parents, children, siblings, grandparents or grandchildren (including step relatives).
- 15.5 The above does not apply to rural exception sites where properties are let to local people only in accordance with the relevant planning agreement (Section 106 agreement) and in consultation with the specific Parish Council and Registered Provider. These schemes fall outside of the Council's Allocation Scheme and every endeavor is made to nominate those with a local connection in accordance with the section 106 legal agreement and the Council's Rural Exception Site Allocations procedure guide.

## **16.0 Local Lettings Plan**

- 16.1 Housing Associations may agree local lettings policies with the Council. Such policies should be for a defined period and for a defined and valid reason. All Homeseekers who wish to be nominated for homes in the estate or area concerned must be advised of the local lettings policy.
- 16.2 Local letting plans may be used to address hard to let homes, to address social problems or to promote balanced and sustainable communities. Local lettings policies should only be applied after consultation with relevant stakeholders (for example, parish or town councils, the police, social services

and other relevant statutory and voluntary agencies and local residents in the area of the proposed local lettings policy). There must be evidence that a local lettings policy is needed, that its use is supported by the local community and that it is likely to address the problems identified. Local lettings policies should be reviewed regularly and should be relinquished as soon as the reason for them no longer applies.

## **17.0 Exceptional Circumstances**

17.1 This policy may be departed from where the Housing Assessment and Private Rented Sector Team Leader or the Homelessness and Housing Systems Team Leader considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of the Housing Services Manager within Blaby District Council.

## **18.0 Appeals Process**

18.1 If a Homeseeeker does not agree with a decision made by the Council in respect of their application or in respect of any decision that affects their housing application, they have the right to appeal. Circumstances in which an appeal could be submitted include:

- Where a Homeseeeker has been advised they do not qualify/are not eligible to join the housing register.
- Where a Homeseeeker believes that their application has been assessed incorrectly and placed in the wrong housing need band.
- Where a Homeseeekers application has been cancelled and their request to have the application re-instated has been refused.

18.2 If a Homeseeeker has successfully been shortlisted for a property but has been refused the offer of accommodation by one of the Housing Association partners, they can ask the Housing Association to review their decision. Each partner operates its own appeal process.

18.3 Homeseeekers wanting to request a review of a decision made by Blaby District Council will need to submit a written request to the following person. The appeal will normally need to be submitted within 21 days of the original decision letter.

18.4 The appeal should be addressed to:  
The Housing Services Manager  
Blaby District Council  
The Council Offices  
Desford Road  
Narborough  
Leicestershire LE19 2EP

18.5 The officer considering the appeal will not have been involved with the original

decision.



## 19.0 Banding Summary

	<b>Banding category</b>	<b>Meaning</b>
	<b>PRIORITY HOUSING NEED</b>	
1	Homeless	Where a council has accepted a full statutory duty to provide accommodation, or has accepted a Relief Duty under s189b of the Homelessness Reduction Act 2018
2	Emergency medical need	Progressive chronic condition plus need for adapted property or hospital discharge
3	Emergency welfare need	Severe harassment, threats, acts of violence/abuse Statutorily overcrowded Care leavers and other vulnerable Homeseekers who will have difficulty securing settled accommodation Other emergency housing situations
4	Complex housing needs	A combination of needs that together create an urgent need to move
5	Management Need (social housing tenants only)	Property needs urgent repair Successor tenant needs more suitable property Homeseekers left in occupation with no right of succession In wheelchair accommodation but do not need it Other urgent need to move
6	Ready to move on from supported accommodation	In supported accommodation and approved for move-on
7	Displaced agricultural workers	In accordance with the Rent (Agriculture) Act 1976

	<b>HIGH HOUSING NEED</b>	
7	Has 2 or more Medium Housing Need categories	No more than one factor to be taken from each of the main banding categories.
8	Overcrowding by two or more bedrooms	
9	High Medical Needs	Medical issue(s) which have a serious impact on housing need or make it unreasonable to remain in the current accommodation.
11	Transfer Homeseekers living in the District occupying a home that is in high demand	Pension age households living in family houses with more bedrooms than they need
12	Transfer Homeseekers living in the District under-occupying a home and affected by Bedroom tax	Households in family houses who have more bedrooms than they need

<b>MEDIUM HOUSING NEED</b>		
13	Other Homeless households	Homeseekers who have had a Prevention Duty accepted under s195 of the Homelessness Reduction Act 2018 Other Homeless Households (e.g. non-priority cases/those who have been found intentionally homeless)
14	Poor housing conditions	Housing that is not in a reasonable state of repair Housing that does not have reasonably modern facilities and services Housing that does not have a reasonable degree of warmth Overcrowding by one bedroom Other poor conditions
15	Medical need affected by housing	High medical need Level access required
16	Welfare need affected by housing	Harassment or neighbour nuisance Need to be near relatives to give or receive support Need to be near specialist educational or other institution Need to move closer to place of permanent employment Financial hardship Other need to move on welfare grounds
17	Insecure accommodation	As a Licensee/Lodger or living with family relatives or friends

<b>LOW HOUSING NEED</b>		
18	A new Homeseeker with security of tenure and no welfare or medical need	This may include home owners or joint home owners with statutory property rights under the Family Law Act 1996
19	Owes a housing related debt	Owes less than £300 and no payment plan in place OR owes more than £300 and has maintained payment plan for 12 consecutive weeks
20	Guilty of behaviour which affects suitability to be a tenant	Will remain in Low band for twelve months following which the Homeseeker will be able to request a reassessment of housing need band
21	Transfer Homeseeker living in the District who requires a move to the same bedroom size property and has no medical or welfare need to move	Known as "like for like" transfers. Mutual exchange may be a more effective method of securing alternative accommodation
22	Private tenants and Tied tenants adequately housed with no particular need to move	
23	Only interested in Home Buy/Shared ownership options	
24	Deliberate worsening of housing circumstances	Can apply to be reassessed after 12 months

## APPENDIX 1 – DEFINITIONS AND GLOSSARY

<b>Homeseeker</b>	An Homeseeker who has registered with one of the district council housing registers.
<b>Choice based lettings</b>	A service provided to Homeseekers, whereby they are able to view the selection of properties available to let with local social landlords and express their preference by way of 'bidding' for property vacancies.
<b>Bidding</b>	Homeseekers can express interest in up to three advertised properties per bidding cycle.

**APPENDIX 2 - SIZE AND TYPE OF PROPERTY HOME-SEEKERS MAY NORMALLY MAKE BIDS FOR**

**GENERAL NEEDS HOUSING**

	Single Person	Single person with access* to children	Couple	Couple or lone parent plus 1 other	Couple or lone parent plus 2 others	Couple or lone parent plus 3 others ****	Couple or lone parent plus 4 or more others
Studio flat	✓	✓					
1 bedroom flat	✓	✓	✓				
1 bedroom house	✓	✓	✓				
1 bedroom bungalow	✓	✓	✓				
2 bedroom flat			✓	✓	✓		
2 bedroom house				✓	✓		
2 bedroom bungalow	(✓)		✓	✓	(✓)		
3 bedroom house **					✓	✓	✓
3 bedroom flat or maisonette					✓	✓	✓
3 bedroom parlour*** house					✓	✓	(✓)
4 bedroom house						✓	✓
5 or more bedroom house							✓

Notes

- \* Single person with children who do not live with them on a permanent basis.
- \*\* In some circumstances larger sized houses may be opened up to families with a two bedroom requirement.
- \*\*\* A Parlour House is a house with a separate dining room.
- \*\*\*\* Household s with three dependents, with one or more over the age of sixteen, may be entitled to bid for four plus bedroom houses.

- ( ) In some locations two bedroom property types may be opened up for households with a one bedroom requirement, three bedroom properties may be open to those with a two bedroom requirement and four bedroom properties for those with three dependents. This will depend on Housing Associations individual lettings policies.

Where a household contains a pregnant woman the expected child only counts as an extra member of the household within 3 months of the date of delivery.

If an Homeseeker needs an additional bedroom for a live-in carer then the carer can be added to the household. Proof will be required.

**SHELTERED ACCOMMODATION DESIGNATED FOR ELDERLY PEOPLE AND OTHERS WITH A SUPPORT NEED**

Housing with support or scheme manager or with fitted alarm call system. Details of the support available will be given in the property advert.

	Single elderly person	Younger single person with support needs	Elderly couple
Studio flat	✓	(✓)	
1 bedroom flat	✓	(✓)	✓
1 bedroom bungalow	✓	(✓)	✓
2 bedroom flat	✓		✓
2 bedroom bungalow	✓		✓

Age rules vary between 55 and 65 depending on the landlord. Age limits will be shown on the property advert. The age criteria normally only applies to the oldest partner in a couple.

Younger people with support needs will not usually be considered for properties with an age restriction unless the property is a wheelchair standard A or B and the Homeseeker needs that type of property

### APPENDIX 3 – MEDICAL ASSESSMENTS

Medical Assessment when ill health, disability or old age is aggravated by housing conditions and would improve if other accommodation were offered. The award for medical consideration is a range from Medium to Priority Band

Level of Need	Criteria	Examples	Band
Medium	Moderate Problems	This is a medium banding award and should only be used to reflect moderate medical difficulties that have a clear relationship to existing housing circumstances. It is distinguished from the previous sub-division (i.e. High Problems) because in this instance the person's life cannot be considered to be at risk. With both serious and significant problems officers have a certain amount of discretion regarding the award.	Medium
High	Serious Problems Medical issue(s) which have a serious impact on your housing need or make it unreasonable to remain in your current accommodation.	This band will be reserved for those cases where housing need is seriously affected by the medical conditions and those conditions are so serious that it is unreasonable to remain in the current accommodation. Please note that High band award will only be made where the property cannot be adapted to meet the Homeseekers needs or funds are not available for such adaptations or landlord permission cannot be obtained.	High
Priority	Urgent Medical need which is life threatening or which is causing bed blocking with hospital/care facility		Priority

The two crucial factors that are looked for in any awards of medical conditions are:

1. The physical link between the identified medical complaint and the current housing accommodation/situation.
2. That there is a realistic expectation that the identified medical condition would improve if alternative, more suitable accommodation was made available.

The Housing Team will carefully consider any representation received and check the circumstances outlined with any banding award that may have previously been made. Where there is a need, a change to banding will be made. The Homeseeker will not normally need to submit medical certificates or letters from their GP. However, no supporting evidence is refused and may assist the Housing Officer in assessing the application.

When determining what banding to award, staff must approach the matter from the standpoint of assessing what degree of need exists and, secondly, what adverse effect this has on the lifestyle of the household as a whole. Independent medical opinion *may* be sought whenever an Homeseeker does not normally fall within one of the priority categories under part VI and VII of the Housing Act 1996 40 (as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2018) and/or experiences health problems which are likely to make them vulnerable in a homeless situation.

This information will be used to inform the Housing Officer's decision on the Local Authority obligations. The following list covers some of the main factors, which can be reflected in a banding award under medical considerations.

1. Mobility - Inability to manage stairs/control-heating (e.g. put on extra clothing or adjust fire). size of accommodation, garden.
2. Homeseekers or tenants who are more or less confined to their existing accommodation, or where they depend on others to enable them to leave the dwelling.
3. Where present accommodation is affecting the Homeseeker's mental or physical disability, which could be overcome by a move to more suitable accommodation.

The approach in this instance, is to focus on how the Homeseeker's circumstances could be improved by a move to alternative accommodation and the banding will be awarded accordingly.

Housing staff will scrutinise, with extreme care, applications which attract High Banding for Medical Consideration. It may be appropriate to consider the application as Priority Banding

## Contact Details

For more information contact the Housing Options Team at Blaby District Council.

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