

North Yorkshire Home Choice Choice Based Lettings Partnership



Common Allocation Policy



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From 1st April 2023 North Yorkshire Home Choice local authority partners of Craven, Hambleton, Richmondshire, Ryedale, Scarborough and Selby will join to become part of North Yorkshire Council.

The NYHC housing allocation policy applies to social housing allocations within the boundaries of former district and borough council housing partner areas.

More Information on social housing in North Yorkshire can be found on our website www.northyorkshirehomechoice.org.uk

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1. Introduction and Background

North Yorkshire sub-regional Choice Based Lettings Partnership

This document sets out the housing allocation policy for the North Yorkshire Home Choice (Choice Based Lettings) Partnership (NYHC)

Choice based letting (CBL) is a method used in the allocation of social housing. Local Authorities and Housing Associations advertise available properties to applicants who have an active application on the housing register. Applicants are able to express an interest (bid) for properties for which they have been assessed.

Partners of NYHC are:

- 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)
- Beyond Housing (Large Scale Voluntary Transfer Landlord for Scarborough)
- Yorkshire Housing Group (Large Scale Voluntary Transfer Landlord for Ryedale and Craven)

Partner contact details can be found in Appendix 1.

Other housing associations operating in the partnership's area will be encouraged to advertise their vacant properties through NYHC in line with their nomination agreements. Should any Housing Association advertise all their vacant properties in accordance with the scheme, they will be viewed as a participating landlord¹

From April 2023 founding partner district and borough council landlords marked above join to become part of North Yorkshire Council. The NYHC housing allocation policy remains in place and applies to social housing allocations within the boundaries of former district and borough council Partner areas.

¹ A list of Participating Landlords can be found on the NYHC website

1.1 Statement on Choice

In framing this policy the partnership will ensure that reasonable preference is given to those people in most urgent housing need and provide the opportunity to express preferences about the type of accommodation available to them

1.2 Aims Objectives and Monitoring

The shared aims and objectives of the policy are:

- To meet legal requirements for the allocation of social housing as set out in the Housing Act 1996 Homelessness Act 2002 Localism Act 2011 and Homeless Reduction Act 2017
- To develop a common approach in allocating social housing through a shared housing register
- Make the housing process accessible, transparent, fair and easy to use
To prevent Homelessness and reduce placement in temporary accommodation
- Make effective use of available housing stock and provide greater choice by extending mobility across partner local authority boundaries
- Provide information about the availability of homes to enable applicants to make realistic choices about their housing options
- Encourage and support, balanced, sustainable communities where people choose to live
- Advertise available properties providing the opportunity to make informed choices and actively find a home
- Publish quarterly data on the number of applicants on the housing register and the number of properties let

- To monitor the scheme to ensure that it is meeting its aims and objectives

To meet our aims and objectives the partnership will work together to provide a comprehensive housing service, covering a whole range of housing options across the partnership area, providing applicants with information, support and housing options advice to help them address their housing need.

1.3 Meeting our obligations

This policy has been developed with regard given to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(A) 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
- Crime & Disorder Act 1998
- Data Protection Act (1998) 2018
- Homelessness Act 2002
- The Equality Act 2010
- Localism Act 2011
- Homeless Reduction Act 2017

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

The partnership will work together to ensure that the allocations policy is compatible with local, sub-regional and regional housing and tenancy strategies and together with the North Yorkshire housing strategy.

1.4 Information sharing, confidentiality and data protection

Information provided when a person makes an application to join the NYHC housing register and any information received in administering and processing an application will be treated as confidential in accordance with DPA 2018. Information provided as part of the application process will need to be shared with other Partner Landlords and may include other agencies such as the police, probation service, social services, General Practitioners, health authorities, NHS employees, registered social, private housing landlords, other local authority departments and statutory bodies to process your housing application and assess your housing need. Information may be shared without the applicant's specific consent in the prevention and/or detection of crime, the prevention and/or detection of fraud, in matters relating to safeguarding of an individual or others and/or any rule of common law.

1.5 Equality and fairness

The partnership is committed to promoting equality in its policies and practices, preventing and eliminating discrimination in line with the protected characteristics set out in the equalities act 2010.

The scheme will be accessible and sensitive to the diverse needs of individuals and will take measures to ensure that people with disabilities have equal access to housing opportunities within the population as a whole.

The partnership will monitor impact of policy to ensure equal opportunity for all and strive to maximise information and support to all applicants

2. The Register

The housing register is a single list of applicants who have applied to and been accepted onto the choice based letting (CBL) scheme operated by North Yorkshire Home Choice (NYHC) partners. Applicants who are eligible and qualify to join the register will have their housing needs assessed and in most cases benefit from being able to access properties across the partnership area.

2.1 Eligibility

An applicant may be ineligible for an allocation of accommodation under s.160ZA (2) or (4) Part 6 Housing Act 1996.

Persons from abroad 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.

- 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))
- A person from abroad other than a person subject to immigration control- regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))
- A person subject to immigration control that would make them ineligible for an allocation of housing and/or where the Secretary of State may by regulations prescribe other classes of persons from abroad ineligible for an allocation of housing.
- Applicants who do not have recourse to public funds or who cannot prove they have recourse to public funds or those not habitually resident
- Some applicants subject to Multi Agency Public Protection Arrangements (MAPPA) may not qualify to join the register where the risk is deemed too high via a MAPPA meeting. Applicants who have been assessed, approved and accepted as qualifying by a senior manager of the relevant partner local authority may be restricted to a specific locality or area or subject to a direct let and any property offer will be subject to approval by the necessary agencies.

Eligibility will be confirmed at the point of application, during the housing process and at the point of offer. Where there has been a change in legislation or change in circumstances and a person is found to be no longer eligible for social housing and/or the housing register the application will be closed²

² The eligibility of persons including those persons from abroad for social housing is determined by the secretary of state and is subject to change

2.2 Qualification

Legislation states that the allocation of accommodation may only be to persons who are defined as a “qualifying person” (s160ZA (6) and 7) and these requirements are in addition to eligibility in respect of persons from abroad (s160ZA (2) and (4)).

The Localism Act 2011 gave local authorities greater freedom to set their own housing policies and determine who may qualify for access to their housing register. This means that authorities are able to make best use of their housing stock, manage the demand for housing and help those in greatest housing need.

NYHC determine the following persons and members of their household, including current tenants who wish to register as non-qualifying for the NYHC housing register.

Persons who may not qualify include those;

- Applicants aged 16³ and 17 years who do not meet the following criteria;
 - they are a looked after child 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 the Local Authority 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 organization, and will not have a financial liability
- Persons or a member of the household that has been found guilty of unacceptable behavior serious enough to make them an unsuitable tenant
- Persons or members of the household with a record of anti-social behaviour issues that have caused or likely to cause serious nuisance and annoyance to neighbours or visitors, such as drug dealing, noise nuisance, violence or intimidation, domestic violence or acts of racism, breach of tenancy or using a property for illegal or immoral purposes. Please refer to appendix 2 for more information.
- Who have current rent arrears either to a social housing provider or private landlord.
- Who are currently in breach their tenancy conditions and their landlord has started formal action
- Who have a history of substantial rent arrears and/or breaches of tenancy and there is no evidence of a change in behaviour
- Who have outstanding housing related debt where no acceptable repayment arrangement has been made
- Tenants on an introductory/starter/demoted tenancy
- Who have no local connection to the partnership area,

³ Applications from 16 & 17 year olds who are not known to social services of a partner local authority area will result in a referral to the appropriate local authority.

- Who own their own home or reside with a household member who is a homeowner whether they reside in it or not and who are not in housing need
- Who have a combined household income and/or savings of £60,000 or over and/or who have significant capital assets which would enable them to meet their own housing need
- Who have deliberately worsened their housing circumstances with the intent of increasing priority
- Who knowingly or recklessly give false information and/or knowingly withhold information
- Who refuse 3 suitable property offers following bidding or a single direct offer of accommodation
- disqualified applicants or members of their household during the period of disqualification
- Persons subject to MAPPAs where the risk is deemed too high
- Households within the first year of a social housing tenancy/new property/mutual exchange unless there is a key change in circumstances which makes the current property unsuitable to remain in and the move is assessed, supported and approved by a senior manager.
- Applicants assessed as needing support to hold and maintain a tenancy and no support in place

In certain defined circumstances the qualification criteria may not apply, these include: Homeless applicants owed a main duty under Part 7 of the Housing Act 1996, (as amended Homeless Reduction Act 2017), accepted households under MAPPAs, the National Witness Protection Scheme, and persons fleeing domestic violence or hate crime. These cases will be individually assessed and where supported and approved by a Senior Housing Manager may be considered as qualifying for the housing register. Restrictions may be applied and these can include bidding restrictions on the property and/or area of choice an accepted applicant can bid on and/or a single direct offer of accommodation which can be into social, housing association or private rented landlord accommodation.

Banding will be regularly reviewed and the partnership reserves the right to change an applicant's priority banding. Where an applicant's priority banding has been reduced, they will be informed in writing and will have a right of review. (2.22)

2.3 Giving false information / deliberately withholding information

Under section.171 Housing Act 1996 a person commits an offence when applying to a housing authority for accommodation and

- Knowingly or recklessly make a statement which is false or
- Knowingly withholds information which is relevant to their housing application

A person found guilty under s171 is liable on summary conviction of a fine up to £5000.

Where applicants are found to have made fraudulent claims or provided or withheld information, they will have their application closed and will be disqualified from the housing register for a minimum period of 12 months.

The housing provider may seek a possession order for a tenancy granted as a result of false statement and/or withholding information.

Applicants who have had their application closed and been disqualified will have a right of review. (2.22)

A fresh application for housing may be made after any disqualification period has expired.

2.4 Deliberate worsening of circumstances

Whilst this policy is intended to make sure that those with urgent housing needs are given priority it does not want to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band or gain greater priority on the housing register. Each case will be assessed individually.

Where an applicant has been found to have deliberately worsened their circumstances, they will have their application closed and will be disqualified from the housing register for a minimum of 12 months.

Applicants who have had their application closed and been disqualified will have a right of review.(2.22)

A fresh application for housing may be made after any disqualification period has expired.

2.5 Local Connection.

The Partnership has agreed to restrict access to the housing register to those people who have a recognised local connection to the partnership area. A local connection is defined by s.199 Housing Act 1996 because of normal residence of their own choice, employment, family or special circumstances.

. 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, seasonal or voluntary.
- Have an essential need to move to live close to another person, who currently lives in the partnership area, and who has been resident for the last 5 years, to provide or receive essential daily care or support. Where accepted applicants may be subject to localised bid restrictions, within the district/local authority locality where the family member resides.

- Has a close family member (mother, father, adult son, adult daughter, adult brother, adult sister): currently residing in the partnership area and who has been a resident for the last 5 years and with whom they have an established close relationship
- A local authority within the partnership area has accepted either a relief duty (reason to believe homeless, eligible and in priority need) or a main housing duty referral from the applicant from another local authority under the terms of the Housing Act 1996 as revised by the HRA 2017
- Care leavers as defined by the Homeless Reduction Act 2017

A local connection may not be given to those persons whose residence is a hospital, prison, or approved premise under license, an out of area placement by a health authority or social services, residential schools or student accommodation, where it is not their principal home or where they did not choose to live. These applicants will be assessed on their last place of permanent residence to determine qualification. This list is not exhaustive but represents the most common examples.

2.6 Exceptions

Where an applicant meets one of the following exception criteria they may be accepted as having a local connection.

- Households accepted by a senior manager under the National Witness Protection Scheme,
- A local authority within the partnership area has accepted either a relief duty (reason to believe homeless, eligible and in priority need) or main housing duty under the Housing Act 1996 Part 7 as amended by the Homeless Reduction Act 2017 and the applicant is not to be referred to another authority
- Members of the armed forces and reserve forces that meet the following criteria;
 - (a) is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
 - (b) 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, where
 - (i) the spouse or civil partner has served in the regular forces; and
 - (ii) their death was attributable (wholly or partly) to that service; or
 - (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

Existing social housing tenants seeking to transfer from another local authority area outside the Partnership in England (Allocation of Housing (Right to Move)(England) Regulation 2015) who have;

- Reasonable preference under s166A(3)(e) because of a need to move to the Partnership area to avoid hardship where failure to meet that need would cause hardship (to themselves or others) and need to move because the relevant person works or has been offered work in the Partnership area and the local authority is satisfied that the person has a genuine intention to take up the offer of work.

These applications will be individually assessed and where the local authority partner is satisfied that the applicant meets the criteria and supports the need to move for work related reasons they may be accepted as having a local connection. Restrictions may apply to the location of choice.

The Partnership acknowledges there will be occasions where a person is unable to return to a local authority area where they have a local connection because they are fleeing domestic abuse. In line with statutory guidance⁴, the Partnership will consider applications from those who have escaped domestic abuse in another local authority area and are living in a refuge or other form of safe temporary accommodation in the partnership area. Each case will be individually assessed and where supported they may be accepted as having a local connection

2.7 Homeowners

NYHC recognises that there is a shortage of available housing in the partnership area and those people who already own a home or reside with a household member who is a home owner (either freehold, leasehold, under mortgage or shared ownership) **whether they reside in it or not** and who are assessed as being able to resolve their own housing need from the sale of the property will not normally qualify for the housing register.

It is recognised that there may be some cases of exceptional circumstances where an applicant such as an elderly person or person with a severe disability cannot stay in their own home and need to move into sheltered or specialist accommodation. These applicants will be individually assessed and where a decision has been reached that they are able to meet their own housing need they may not qualify for access to the register.

2.8 Sufficient Financial Resources

Applicants who are deemed to have sufficient income, savings, capital and/or assets more than £60000 and assessed as being able to meet their own housing need may not qualify for the housing register and will be offered alternative housing options⁵

2.9 Joint applications

Joint applications can be accepted. All applicants must be eligible and meet the qualification criteria and intend to occupy the property together as their main home.

Under s160ZA(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.

Individual Partner Landlords will determine who can be accepted as a joint tenant.

⁴ Improving Access to social housing for victims of domestic abuse (Updated January 2022)

⁵ Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active duty will be excluded

2.10 Multiple applications

Multiple applications are not allowed. Where an applicant is on more than one application, they must decide which application they wish to proceed on

2.11 Existing partnership tenants and their households

Existing social housing tenants can apply to move and will have their eligibility and qualification assessed in the same way as new applicants, however, tenants will not normally be allowed to move where;

- They have current arrears and/or are in breach of their tenancy agreement
- any formal action has been started as a result of a tenancy breach
- They occupy a property that has been adapted for their needs, unless that adaptation is no longer required or the property they are moving to includes all the adaptations they require.
- They have been housed within the last 12 months unless a key change in circumstances makes the property unsuitable for their needs
- Who are in temporary accommodation, hostel and/or supported housing if they have current arrears and/or in breach of their accommodation license/tenancy where court action /eviction is likely.

There may be occasions where an existing tenant wishes to downsize but has accrued rent arrears as a result of under occupying a property. These tenants will have their application assessed by a senior housing officer and may be allowed to move where they are addressing current arrears and to help prevent further hardship.

To help facilitate a move existing tenants should be advised to register for Mutual Exchange. Each partner landlord will have their own mutual exchange policy and will provide information and guidance on the terms and conditions of the process.

Where existing tenants are no longer eligible or do not qualify for the housing register, they will be advised of the reason why and given advice of how they may qualify in the future and will have their application closed. Applicants will have a right to a review of the decision. (2.22)

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.

Partner landlords: whether they issue assured or secured tenancies may also have additional policies outside the provisions of the NYHC allocation policy, which may allow people residing in the property to take over the tenancy where appropriate. The partner landlord will advise in this situation.

2.12 Good Tenant Scheme

Founding partner and participating landlords offer an incentive scheme for current long-standing tenants that enable them to move home, even if they do not have a recognised housing need. This is called the good tenant scheme. (GTS)

To qualify for GTS existing tenants must meet all the following criteria;

- held a tenancy for three years with a founding partner or participating landlord and lived in their current property for 3 years
- have not been in breach of their tenancy agreement
- have had no rent arrears in the last 3 years
- the property must be in a good state of repair & decoration and suitable to let without any additional work (over and above the required safety checks)
- give permission to their landlord to show their property to prospective tenants prior to them moving out.

Existing tenants of partner and participating landlords who meet the good tenant criteria and are eligible and qualify for the housing register will be awarded one band above their assessed housing need up to a maximum of gold band.

2.13 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 and qualify for the housing register.

Applicants must disclose any such status or relationship on their application.

2.14 Fresh Applications

Applicants who have previously been deemed not to be eligible and/ or qualify for the housing register, who have been suspended, disqualified or who have had an application cancelled or closed may make a fresh application if they consider they should now be treated as eligible and/or qualifying and the relevant period of exclusion has expired.

It will be the responsibility of the applicant to show that his or her circumstances have changed (s160A (11) Housing Act 1996) or that the relevant period of exclusion has elapsed. Applications received will be assessed on the information provided and where an application is then deemed as eligible and qualifying for access to the housing register the banding date will be from the date of the new application.

2.15 How to apply

To apply for access to social housing and to join the NYHC housing register visit the NYHC website at www.northyorkshirehomechoice.org.uk.

The purpose of the application form is to correctly identify eligibility and qualification for social housing and access to the NYHC register, allow the administration and processing of the housing application to assess housing need, allocate banding and identify any additional support requirement in applying for housing or operating a tenancy.

Applicants or their advocate who may need help in completing an application can request assistance from any partner landlord listed in Appendix 1

Partner landlords reserve the right to conduct a phone or face to face interview when accepting an application to join the register.

A paper application is available to download from the NYHC website or by contacting any partner landlord listed in Appendix 1

2.16 Verifying information

Applicants applying to join the NYHC Housing register will be required to provide proof of identity and supporting evidence to verify eligibility and qualification for the housing register and their housing need.

Verification will take place at the point of application, at the point of any offer of accommodation or at any point during any period of assessment or review.

Applicants will be advised of the information required and any timescales in respect of their application

Failure to respond to a request for information within 28 days of the initial verification process will lead to the application being cancelled.

Where an applicant is successful in receiving a property offer further verification will be required within a short time, usually 48 hours. Failure to respond may result in the offer being skipped and the property being offered to another household.

Partner landlords reserve the right to request any relevant information to assess a housing application and it is the responsibility of the applicant to provide this information within a timely manner. Failure to provide any information requested may result in the application being cancelled.

2.17 Confirming registration

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

- Their registration date⁶ and/or priority band date if different
- Their assessed housing need - Band;
- Confirmation of the type and size of properties they are eligible to be-considered for, any bidding restrictions
- unique reference number and password to access the website

2.18 Changes in circumstances

It is the responsibility of the applicant (or their advocate) to notify NYHC of any change of circumstance relating to or which may affect their housing application. Applications will be assessed using this information and where this results in an applicant no longer being eligible and/or qualifying for the register or results in a change in priority band the applicant will be advised in writing.

Where a change in banding results in increased priority, the date of the band increase will be used when shortlisting to determine when the tie break is triggered

Where a change in banding results in reduced priority, the band date will not change.

Partner Landlords reserve the right to withdraw an offer of accommodation where it is found that there has been a change in circumstances which would have resulted in a change of priority band, eligibility and/or qualification for the housing register.

2.19 Banding

NYHC Partners reserve the right to review banding where an applicant is not actively bidding on suitably advertised properties or where a material change has been identified during any period of assessment. Applicants will be contacted to discuss their application, current housing need and/or the reasons for not bidding. Where banding is reduced applicants will have a right of review. (2.22)

2.20 Keeping the Register up to date

Applicants who have not bid on any properties within a 12-month rolling period will be contacted and asked if they wish to remain on the housing register. Where no response is received within 28 days the application will be cancelled. Applicants who contact the Partnership within 28 days and want to remain on the housing register will have their application reviewed, assessed and banded based on their current housing need.

⁶ Date application received with **all** required supporting information.

Applicants in Emergency⁷ or Gold band will have their application reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check and provide support in bidding on suitably advertised properties.

The partnership reserves the right to remove or reduce priority banding where applicants are not bidding on all suitably advertised properties. Where banding is reduced applicants will have a right of review (2.22)

2.21 Cancelling applications

Applications will be cancelled in the following circumstances:

- A failure to provide verification information within the given time period
- A request has been made by the applicant (or their named advocate) to cancel the application
- No response to a rolling review letter within the given time period
- Applicant has been re-housed by one of the partners or completed a mutual exchange
- Applicant has purchased a property / shared ownership property and is now a homeowner
- contact lost with an applicant as they have moved address
- A sole applicant has died.
- Applicant is found to no longer be eligible and/or qualify for the register
- Applicant no longer meets the local connection criteria
- When it is clear and evidenced that an applicant has provided false information and/or deliberately withheld information.
- An applicant has been found to have deliberately worsened their circumstances
- An applicant has declined three suitable offers of accommodation following bidding or declined a single direct offer of accommodation
- Where an accepted statutory homeless (statutorily homeless under Housing Act 1996)(as amended by the HRA 2017) applicant refuses a direct offer of suitable accommodation the local authority will discharge a main duty to house*

*Where an accepted statutory homeless duty is discharged, the applicant may apply to remain on the NYHC register and will have their application and band assessed accordingly, where no request to remain on the register received the application will be cancelled.

2.22 Right of review and general complaints

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

⁷ Emergency Banded applications may be time limited and/or subject to a direct offer of suitable accommodation

- access to the register by either eligibility and/ or qualification
- those who are not a qualifying person under s.160A(7) Housing Act 1996
- a decision to close/cancel an application
- a decision to withdraw or reduce priority banding
- a decision in respect of any information which is being taken into account in considering whether to make an offer of accommodation.

More information on your right of review or how to make a general complaint can be found on the NYHC website at northyorkshirehomechoice.org.uk

3. Assessing Housing Need

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 the Housing Act 1996, (S167 (2)) the Homelessness Act 2002 the Localism Act 2011 and the Homeless Reduction Act 2017. These are:

3.1 Reasonable preference

- People who are homeless within the meaning of Part 7 of the 1996 Act
- 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)
- 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).

3.2 Additional preference

Section 166A(3) Housing Act 1996 allows housing authorities to give additional preference to particular groups of people who fall within the statutory reasonable preference categories and who have urgent housing needs. NYHC have agreed to give the following groups additional preference within the housing allocations policy.

Members of the armed forces who fall within one or more of the reasonable preference categories above, who have an urgent housing need and meet one of the following criteria, will on activation of their housing application have the date of their priority band backdated by 6 months.

(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(2).”.

Foster Carers and Adopters Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority will be awarded Silver Band.

Resettlement Programme Applicants who have completed an approved accommodation-based support programme – resettlement - will have their time in band backdated to the start of active and continued engagement.

3.3 Priority Banding

Applicants will have their housing application assessed and allocated a band in accordance with their assessed housing need.

Bands in order of priority are; Emergency, Gold, Silver and Bronze

Emergency Band

This band will be allocated in extreme circumstances only and may be subject to a time limit or a direct offer of accommodation.

- Applicants who are unable to return from hospital to their current home within the Partnership area as it is deemed permanently unsuitable⁸ and cannot be adapted for their needs or where major works are deemed not feasible
- where applicants are unable to access key facilities without **major** adaptation works⁹

Applicants in Emergency Band will have their application reviewed by the relevant partner organisation every four weeks who will have the discretion to re-band the application.

⁸ 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 cannot return to their home.

⁹ Joint assessment between the Social Services Authority and the LA / Partner Landlord will be required, signed off by the relevant officer.

Gold Band

- Care leavers at point of leaving a care home or supported housing.¹⁰ with an agreed support package relevant to the offer, and who are assessed as being ready for independent living.
 - Applicants who need to move on from an approved accommodation based supported housing programme who have satisfactorily completed a resettlement programme and are able to live independently.
 - Applicants presently under-occupying a home owned by a local authority or housing association¹¹ within the partnership area and requires a property with 2 fewer bedrooms.
 - Applicants who are overcrowded and require two more bedrooms¹² to relieve the overcrowding. Bedroom size will be taken into consideration.
- Appendix 6**

- Applicants who are a statutory homeless household under part 7 of the 1996 Housing Act revised by the HRA 2017 and owed a main duty. In these circumstances an applicant may be offered a single direct let of suitable accommodation; this may be into social housing, housing association or in the private rented housing sector. Auto bid can be used to place suitable bids.
- Applicants owed a relief duty where the local authority has reason to believe homeless, eligible for assistance and in priority need. Applicants may be offered a single direct let of suitable accommodation; this accommodation may be into social housing, housing association or in the private rented housing sector. Auto bid can be used to place suitable bids.
- Applicants whose current accommodation¹³ is assessed as having a direct impact or seriously compromising a medically diagnosed health and/or wellbeing condition where a property move would remove or significantly improve the impact.
- Applicants who have been assessed and accepted as having a proven housing need to move to a specific locality so that hardship can be prevented. (to themselves or others). Bidding restrictions may apply

¹⁰ This is not applicable to care leavers in secure or assured non shorthold tenancies or other suitable accommodation.

¹¹ Applicants occupying a property which is not from or returned to general housing stock will be not be eligible. Such applicants who are eligible and qualify for the register will have their banding assessed according to priority need.

¹² Excludes applicants placed in temporary accommodation

¹³ The impact of the property will be assessed and not the prognosis of the illness

Silver band

- Applicants whose current accommodation¹⁴ is assessed as having a detrimental impact or is compromising a diagnosed medical and/or health and wellbeing condition where a move to an alternative property would remove or improve the impact
- Applicants owed a homeless prevention duty
- Applicants owed a homeless relief duty
- Applicants who are homeless under the Housing Act 1996 Part 7 and no main duty owed or found intentional regardless of priority need
- Applicants presently under-occupying a home¹⁵ owned by a local authority or housing association within the partnership area and who require a property with 1 fewer bedrooms.
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding. Bedroom size will be taken into consideration. Appendix 6
- Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant, where it cannot be resolved without reasonable building work.
- Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.¹⁶
- Applicants who share bathroom and/or kitchen facilities with separate households of people who will not be moving with them

Bronze band

- Applicants who are assessed as being adequately housed with no priority housing need

3.8 Tenancy Type

Each partner will publish information on the type of tenancy they offer and on any tenancy policies they operate such as, keeping pets, advanced rent payments or age restrictions. For more information on the type of tenancy offered and tenancy policies please contact the housing landlord direct.

¹⁴ The impact of the property will be assessed and not the prognosis of the illness

¹⁵ Applicants occupying a mortgage rescue property which is not from or returned to general housing stock will be not be eligible. Such applicants who are eligible and qualify for the register will have their banding assessed according to priority need.

¹⁶ Legal documentation from children's social care required. Applicants can only bid in the area the local authority operates. Tenancies may be subject to a flexible or fixed term.

4. The Choice Based Lettings Scheme

4.1 Advertised Housing

Choice based letting works by partner, participating and associated landlords advertising available properties each week and giving applicants on the housing register the opportunity to express an interest (bid) on an advertised property.

Applicants will be advised on the type of property, number of bedrooms and any restrictions that may apply, to help them make best use of their bids.

To make best use of housing stock in local authority areas of high demand, bidding may be restricted to priority bands Emergency Gold or Silver.

To allow applicants to make an informed choice adverts will provide information on the property location, the type of property including the number of bedrooms, type of heating, if the bathroom has a bath or shower, whether there is a garden, driveway, or a policy on keeping pets.

Some advertised properties may have restrictions, and these will be made clear by the landlord in the advert. Some restrictions include¹⁷

- Specially adapted or designed properties for those with an identified physical disability or mobility need
- Section 106 (S106) Where there is a legal agreement between Local Authorities and developers; these are linked to planning permissions and can also be known as planning obligations, and applicants must meet a specified condition
- Where the property has a minimum age criteria
- To support rural communities a partner landlord may allocate properties to those with a local connection to a specific parish. Rural communities may be defined as parish settlements of less than 3000 in population. If there are no successful applicants, the property will be advertised to the wider partnership area.
- Sensitive let properties, where additional checks may be required on potential tenants address or manage a specific local housing issue
- A local letting initiative, which enables landlords to allocate particular accommodation to people of a particular description. Local Letting Initiatives are used to address a wide range of housing management objectives such as creating balanced and mixed communities¹⁸
- Priority band restrictions in local authority areas of high demand

¹⁷ This is not an exhaustive list

¹⁸ Local Letting Initiatives are reported to and approved by the NYHC Board

Where an applicant bids on a property but does not meet the advertised criteria, their bid may be overlooked and ~~skipped~~ in favour of an applicant that meets the criteria.

Properties may be advertised during the previous tenant's four week notice period and may be withdrawn from the scheme if the tenant decides not to move.

4.2 Direct Offers

in some cases properties may be subject to a direct offer and will not be advertised but offered directly to an applicant. Although not an exhaustive list such instances can include:

- Statutory homeless cases under the Housing Act 1996 Part 7 as amended by the HRA 2017 where a main housing duty owed or a relief duty and the local authority have reason to believe homeless, eligible and in priority need.
- MAPPA applicants assessed and approved by a senior manager to manage a potential risk to the public and/or enable a move on from a high support unit if not appropriate for resettlement.
- The offender initiative, where a partner landlord tenant has been sent to prison for 13 weeks or longer and meets the following criteria; The tenancy was given up promptly on imprisonment, there were no rent arrears or damage to the property, there was no anti-social behaviour incidents related to the conduct of the tenancy and they satisfy the acceptable behaviour test on release.
- Management transfers. Where a person is in immediate danger a senior manager of a partner landlord has the discretion to offer a management transfer to a place of safety. Evidence must show harassment of a **serious, targeted and persistent nature** which could not reasonably have been prevented or avoided and there are no other ways of resolving the problem without the risk of serious harm.

Serious- violence, threats of violence likely to be enacted, extensive property damage making it uninhabitable, harassment based on race sexuality or disability **and**

Targeted- specifically aimed at an individual or household or exclusively to the property and not experienced by others in the immediate neighbourhood **and**

Persistent- a series of repeated and recent incidents over a defined period of time or a likely hood of repetition as assessed by the police or other agency.

- Causes of flood or fire to the partner landlord's own properties, resulting in the tenant needing to be re-housed.
- Where, under a partner landlord policy, a person can succeed 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 completed a resettlement programme, (a structured programme aimed at rough sleepers young people and persons in mental health supported housing who would be unable to sustain a tenancy without support to develop independent living skills) with a named resettlement project or a specific supported housing scheme approved and identified by a partner landlord (see appendix 4 for further information)
- 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.
- A suitably adapted property becomes vacant and meets the needs of an applicant in emergency band
- Any other management case where the issue is of a specialist nature, including assisting Social Services housing management and/or emergency.
- To support children's services meet the needs of prospective and approved foster carers and adopters and meet their s.22G duty

Direct offers will be appropriate and suitable to the applicants needs¹⁹ approved by a senior manager and should be in the deciding partner locality unless agreed by partner landlords. Partner and participating landlords with accommodation in the local authority area can be approached for a direct offer. An applicant will only receive one direct offer of accommodation. There may be consequences for refusing a direct offer which may lead to an application being cancelled

Direct offers are reported to and monitored by the NYHC Partnership Board on a quarterly basis.

4.3 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 un-

¹⁹ In respect of management transfers this will be a like for like offer.

adapted home are free to do so, however, the partner landlord reserves the right to overlook any successful bid if it is not practical 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 with disabilities.

4.4 Housing with support schemes, including extra care schemes

Only general needs sheltered schemes will be advertised through North Yorkshire Home Choice. Those applicants requiring properties with support or extra care facilities should contact the local authority directly.

4.5 The bidding cycle

Applicants will be invited to bid on advertised properties from Thursday until midnight Tuesday. Bids cannot be made on a Wednesday.

The maximum number of bids allowed per advertising cycle is 3.

Applicants bidding on properties that do not meet the terms of the advert or do not meet their assessed housing need will be overlooked and skipped.

Bids can be placed at any time during the advertising period and they will be ranked in order of priority at the close of the advertising period.

Auto bids used to assist applicants placing bids are placed by the system to an agreed criteria.

Applicants matched to a property will not be able to make further bids

Applicants (or their advocates) wanting to bid can:

- Use the website;
- Use the automated telephone bidding line;
- Send a text message;
- Contact a partner organisation in person.

4.6 Bidding from prison

Applications can be accepted from people in prison but would not normally be made active as the applicant is clearly unable to take up a tenancy. Where an application and information has been received and verified and an applicant is within 28 days of release, the application will be activated 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 '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.

4.7 Short-listing and selection

At the end of the advertising cycle, applicants will be ranked by order of priority and a shortlist produced. There are four 'tie breaks' used to help determine priority between bids.

The four tie breaks used being: Housing Need (Band) - Assessed Bedroom Need - Debt and Time on the register.

There may be some occasions when a property allocation will not follow the tie break order. This may occur where bids have been placed and the applicant does not meet the advert criteria, such as a minimum age criterion, letting initiative or property restriction.

4.8 Tie breakers - 1 Housing need (Band)

Bids will firstly be ranked by band as follows; Emergency followed by Gold then Silver then Bronze. Where applicants are equal by band then the process moves to the next tie break;

4.9 Tie breaker 2 – Assessed Bedroom Need

Applicants meeting the number of bedrooms advertised. Where applicants are equal by bedroom need the process moves to the next tie break

4.10 Tie breaker 3 – Debt

Where applicants are equal in housing need and assessed bedroom need then financial conduct will be taken into account. Applicants with no housing related debt will rank above those with debt. Applicants with current housing related debt will be skipped. Applicants with former housing related debt will be skipped unless they have an agreed repayment plan in place that meets the repayment plan criteria set out in Appendix 7. Where applicants are equal by debt then the process moves to the next tie break.

4.11 Tie breaker 4 – Time

Where applicants remain equal the applicant with the earliest priority band date will be ranked first. In the event of applicants being equal in priority band date then the earliest registration date will be used.

4.12 Viewing properties and receiving offers

When an applicant has been shortlisted and matched to a property they will be invited to attend a viewing. Where applicants have been matched to more than one property, they will be asked to choose which property they would prefer to be considered for.

Where a person is invited to view and fails to respond within 48 hours or where a viewing cannot be made within a reasonable period of time (as agreed by the partner landlord) then the property may be offered to another applicant.

Following a viewing an applicant will be given 48 hours to make a decision to accept or refuse a property offer. This time frame may be extended where the property needs to be assessed for adaptations, suitability on medical grounds or an assessment for adaptation work is required or someone with a disability needs more time to consider the move.

Where an offer of accommodation is made, further verification will take place to ensure that the applicant is currently eligible and qualifying for the housing register and the allocation of a property.

Applicants will be advised what information is required and when this information is needed.

Failure to provide any information requested within the given time frame may result in the property offer being withdrawn and the property being offered to the next applicant on the shortlist.

Penalties for refusing suitable offers of accommodation were implemented in September 2013.

Applicants who refuse 3 suitable offers of accommodation will have their application cancelled and will be disqualified from the NYHC housing register for a minimum period of 12 months.

Applicants will have the right of review if their application has been cancelled and they have been disqualified from the housing register. (2.22)

When the exclusion period has expired a fresh application may be submitted for assessment.

Appendix 1 Partner Landlords

Scarborough Borough Council

Town Hall
SCARBOROUGH
YO11 2HG
Phone: 01723 232323
E mail: housingoptions@scarborough.gov.uk

Selby District Council

Civic Centre
Doncaster Road
SELBY
YO8 9FT
Phone: 01757 705101
E mail: housingsupport@selby.gov.uk

Craven District Council

1 Belle Vue Square,
Broughton Road
SKIPTON
BD23 1FJ
Phone: 01756 700600
E mail: housing@cravenc.gov.uk

Ryedale District Council

Ryedale House
MALTON
YO17 7HH
Phone: 01653 600666
E mail: housing@ryedale.gov.uk

Broadacres Housing Association

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

Hambleton District Council

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

Richmondshire District Council

Mercury House
Station Road
RICHMOND
DL10 4JX
Tel 01748 829100
Email: cbl@richmondshire.gov.uk

Beyond Housing

Brook House
4 Gladstone Road
SCARBOROUGH
Phone: 0345 065 56 56
E mail: info@beyondhousing.co.uk

Yorkshire Housing

The Place
2 Central place
LEEDS
LS10 1FB
Phone 0345 366 4404

customerservices@yorkshirehousing.co.uk

Details of participating and Associate Landlords are available on the NYHC Website at www.northyorkshirehomechoice.org.uk

Appendix 2 Non Qualifying Criteria (Serious Unacceptable Behaviour)

Statutory and regulatory guidance

The Code of Guidance (Allocation of Accommodation June 2012) and the Localism Act 2011 explains that Local Authorities may wish to adopt criteria, which would not qualify individuals who satisfy the reasonable preference criteria, such as Anti-Social Behaviour. NYHC has retained the principles of the previous 'unacceptable behaviour test'. In summary, an applicant, or member of their household will not qualify for the Register if the applicant, or member of their 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.

The "test" is whether the behaviour would have entitled the housing authority to an outright possession order if, whether actually or notionally, the applicant had been a secure tenant.

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.

Assessing qualification

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 those households. Therefore, applicants will not automatically be non-qualifying if their circumstances 'fit' a defined category as each case will be judged on its own merits, and efforts will be made to resolve any issues which prevent the applicant from joining the register.

The Partnership will consider an application to join the register where a history of unacceptable behaviour is proved, if an applicant has made significant efforts to modify that behaviour with the help of a recognised support agency, and that agency will continue with the support if/when the applicant is housed.

The Partnership will ensure that the process for assessing qualification is both fair, transparent and effective. 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 may have been due to a physical or learning disability, or mental health issues.

This policy applies to all existing tenants applying to move and all new applicants applying to join the Register.

Where Anti-Social 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 of unacceptable behaviour themselves.

Grounds for lifting non qualifying status

The Partnership will work collaboratively with the police, probation, prison service, social care, health services and any other relevant support agency to resolve an applicant's non-qualification and improve their chances of being integrated back into the Community through a planned and managed approach.

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 can evidence a significant 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 and the applicant is not considered a risk to the community.
- The applicant is addressing arrears and debts. An affordability assessment may be required.

Where a partner landlord has previously evicted a household, they will not generally be expected to provide housing within a 5 year period. The relevant local authority will look at all other housing options available within their local authority area. Where a local authority holds no housing stock then the LSTV as the main housing provider may need to consider individual cases. Applicants must be able to evidence a material change in their behaviour.

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. Applicants will be required to evidence a material change in their behaviour that would make them qualifying.

Appendix 3 Homeless Applications

Where an applicant does not meet the eligibility and/or qualification criteria then they will be unable to access the housing register.

Applicants who are eligible and qualify will receive the following priority banding:

| | |
|--|--------|
| Prevention Duty | Silver |
| Relief Duty | Silver |
| Relief Duty: Reason to believe, homeless, eligible for assistance and in priority need | Gold |
| Main Duty Owed | Gold |
| Intentionally Homeless | Silver |
| No Priority Need | Silver |

Applicants owed a main duty are entitled to one offer of suitable accommodation which could be in social housing, housing association or private rented accommodation.

Applicants are expected to bid for all suitable properties, and may be placed onto auto bid if they are found not to be bidding. The local authority reserves the right to make one direct offer of accommodation at any point to a household owed a main housing duty or relief duty and the local authority have reason to believe they are in priority need.

Where a person/s is/are not engaging and/or deemed not to be cooperating with their personal housing plan then the partnership reserves the right to review their banding.

A local authority can discharge its main duty where a suitable direct let property offer has been declined or following successful bidding a property offer has been declined. A reasonable preference may still be owed, and these applicants will be banded Silver

Applicants found intentionally homeless (regardless of priority need) or who have been assessed as having no priority need will be entitled to reasonable preference and these applicants will be banded Silver

Appendix 4: Resettlement

Resettlement is defined as an approved structured programme for rough sleepers, single homeless and young people and people in mental health supported housing to develop independent living skills.

RESETTLEMENT is an approved structured programme for rough sleepers, single homeless, young people and people in mental health supported housing to develop independent living skills who are considered to be at high risk of being unable to sustain a tenancy or independent living due to drug and/or alcohol abuse.

A programme of resettlement is recognised as a distinct area of activity for individuals that require additional support to develop independent living skills rather than individuals requiring accommodation based supported housing to help them move on.

A programme of resettlement is usually expected to take 12 months, (with a minimum period of 6 months), where the applicant has completed a satisfactory programme and is deemed to be ready for independent living.

Resettlement applicants are required to complete a structured programme of training to include

- Health and related issues Inc. drug/alcohol use, mental health. Action to address any health issues and emotional support needs through health services, counselling etc.
- Money Management budgeting, benefits, bills, financial management (including income) and those they have addressed any previous arrears to partner and participating landlords. Prevention of any substantial current arrears
- Engagement in main stream activities, employment & training, social inclusion
- Practical Skills, with evidence that the individual is capable of basic cooking, cleaning and management of a property / room, hygiene & home management, forms and benefits, furniture, setting up utilities accounts,
- Personal Skills, assertiveness, communication, language, basic skills (literacy), self-esteem, conflict resolution, emotional health, counselling needs, keeping in touch with family, rebuilding family relationships, addressing any anti-social or offending behaviour(including neighbour nuisance) including attendance at mediation, anger management course, compliance with any probation / YOT conditions, address any nuisance issues relating to alcohol or illegal substance use including attendance at

health / drug / alcohol treatment, positive adherence to drug testing, compliance with any probation / YOT conditions

- Tenancies Work completed around obligations & responsibilities ,of managing an independent tenancy
- Making Safe – that applicants have completed a recognised perpetrator course (IDAP) or other relevant work (Freedom Programme or other work to be agreed with providers)

Support workers are required to provide a fully documented resettlement referral when the applicant is deemed ready for independent living to the local authority Resettlement Manager.

Where the resettlement Manager feels that there is insufficient information to support that the programme has been fully completed or that the applicant may not be ready for independent living or a support package is not in place a priority band may not be given. The resettlement Manager reserves the right to re-band the application.

Individuals can make an application to the NYHC housing register during the course of resettlement training and will have their qualification and housing needs assessed accordingly.

Applicants who can evidence a successfully completed programme of resettlement may attract Gold Band and in most circumstances will be given the opportunity to bid on properties for a given period of time, usually 3 months (auto bid may be used) and where unsuccessful in being offered a property will be subject to a single direct offer of accommodation.

In certain circumstances the Resettlement officer will make a single direct offer and the applicant will not be able to bid.

The resettlement manager and/or support worker will work with the applicant to ensure regular suitable bids on available properties are being made.

There may be restrictions placed on bidding, such as the location within the local authority and the applicant will be advised by the support worker or resettlement manager.

The receiving landlord must be consulted and satisfied that any applicant who needs long term help has a support package in place that is sufficient to meet the applicant's needs and includes with it a strategy for non-engagement.

Applicants who are deemed not to need long term help but would benefit from some support in the early stages of independent living should be referred to the appropriate support services prior to any tenancy commencing.

Appendix 5: Defining overcrowding and housing at height

The following assumptions are made on overcrowding²⁰:

The bedroom standard allocates a separate bedroom to each;

- Married or cohabiting couple
- Adults 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 which means that they are unable to share a bedroom.
- An applicant needs a bedroom for a carer or to facilitate specialist medical treatment.
- An applicant needs a bedroom for a fostered/adopted child.
- The property is a bedsit
- The applicant is pregnant and is within 12 weeks of their due date²¹ and it is determined that they would be overcrowded in their current accommodation upon the birth of the child

Adverts will reflect where bedrooms are particularly large or small and provide advice of the best household composition for the property.

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 (e.g. 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.

²⁰ Overcrowding: As directed by the Allocation of Accommodation:: guidance for housing authorities in England

²¹ Date from MATB1

Appendix 6: 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 under 10 regardless of sex | | | | ✓ | ✓ | | | |
| One / Two adults with 2 children/adolescents of the same sex up to the age of 20 | | | | ✓ | ✓ | | | |
| One / Two adults with 2 children/adolescents of the same sex one 21 plus | | | | | | ✓ | | |
| One / Two adults with 3 children | | | | | | ✓ | | |
| One / Two adults with 4 children | | | | | | ✓ | ✓ | |
| One / Two adults with 5+ children | | | | | | | ✓ | ✓ |

It is recognised that housing partners have different housing stock profiles, and they reserve the right to determine size criteria and this will be made clear on the property advert. For example, a 3 bedroom house may be advertised as having one double

and two single bedrooms (household of 4) as opposed to a 3 bedroom house with two double and one single bedroom. (household of 5)

Housing partners may define houses as family housing, only suitable for households comprising one or two parents with one or more children of any age, or an applicant who is expecting a child.

Bungalows and older person accommodation may have a minimum age criteria

Property adverts will be clearly annotated.

In general applicants and their households will match the size criteria but in certain areas or for certain properties they may be allowed to bid for larger property.

A financial assessment may also be required to confirm affordability and the ability to sustain a tenancy. Applicants may be bypassed should they not meet this criteria.

*Joint tenancies between two adults not recognised as a couple for example a brother and sister would be eligible for a 2 bedroom property. Household compositions for 3 adults such as three adult siblings may be eligible for a 3 bedroom property.

The partner landlord reserves the right to decide when and to whom they offer joint tenancies.

Generally, two children of the same sex will be expected to share a bedroom until one reaches the age of 21.

In exceptional circumstances, where applicants have very large families that may have little or no prospect of finding a property that is large enough to meet their assessed bedroom needs, partner landlords may permit bids for properties that are smaller (maximum 1 bedroom less than required) than their assessed bedroom need as long as the allocation would not make the applicant statutorily overcrowded.

Where an applicant chooses to accept an offer of accommodation that has fewer bedrooms than their assessed bedroom needs and they then reapply they will only be able to apply for a property of an assessed suitable size.

Appendix 7: Overlooking a successful bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder.

Mandatory grounds for overlooking a bid are:

Debt from former tenancies: 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 and continually for a minimum thirteen weeks prior to the successful bid being made, and
- the re-payment agreement is current

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

A housing Landlord may require an affordability assessment

Repayment plans should be appropriate to the level of debt owed and be acceptable to the housing landlord

DISCRETIONARY GROUNDS for overlooking a bid are:

MAPPA

Applicants subject to MAPPA can be overlooked if the property is not suitable on advice of North Yorkshire Police Public Protection Unit or North Yorkshire Probation Services

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.

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

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 be in the local authority area where the family member lives

Support

The housing landlord must be satisfied that a suitable support package is in place and sufficient to meet the needs of vulnerable applicants who have been assessed by a specialist professional as having a support need that would affect their ability to live independently and/or maintain a tenancy. Examples of specialist professionals may include mental health or social care professionals.

Restrictions

Where there are bidding restrictions in place and the bid does not meet the criteria.

Application

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

Existing tenants

Existing tenants, regardless of the type of tenancy they hold, will normally be overlooked if they are deemed to be in breach of their tenancy conditions including rent arrears or other debts owed to a landlord. Where a breach relates to rent arrears, or other outstanding debts to the landlord, affordability will be taken into account.

Existing tenants, whose property has been specifically adapted to meet their current needs, may also be overlooked for offers of accommodation.

Existing tenants who are have rent arrears as a result of a reduction in Housing Benefit as they are under occupying their current property will be assessed individually.

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

Disability

Where a household with disabilities are potentially being let a property which cannot 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 where funding is not available for these adaptations.

Adapted properties

Where a successful bid has been made on an adapted property and the applicant does not have need for that adaptation. Staff can re-advertise for one further cycle in this instance.

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 bid has been overlooked.

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

Affordability

Where, following a financial assessment, it is determined that the applicant will not financially be able to sustain the tenancy.

Adopters/foster carers

If not, a suitable location as advised by children's social care.

Mental Capacity Assessments

Where support services advise that no mental capacity to maintain a tenancy is held and no trustee is in place. Each case will be individually assessed.

North Yorkshire Common Allocation Policy

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| | | | |
| Amendment | Nov-11 | Implemented | 01.12.2011 |
| Policy Review | 2013 | Implemented | 26.09.2013 |
| Amendment | Section 2.4 | Implemented | 01.09.2015 |
| Amendment | HRA 2017 | Implemented | 01.04.2018 |
| Review | November 18 | Published | 01.10.2019 |
| Reprint* | June 22 | Published | 01.06.2022 |
| Review** | April 23 | Published | 01.04.2023 |

** Allocations policy reviewed to reference Partner Local Authorities joining together to become part of the new North Yorkshire Council from 1st April 2023. The NYHC housing allocation policy remains in place and applies to social housing allocations within the boundaries of former district and borough council Partner areas.

*Document reprint to remove reference to City of York Council and the Local Authority area of York as City of York Council leave North Yorkshire Home Choice to operate their own social allocations policy and housing register. June 2022.