



New Housing Allocations Policy Choice Based Lettings

April 2009

Working in partnership with Herts Choice Homes



Contents Page

	Page No
1. INTRODUCTION	1
2. AIMS AND OBJECTIVES	2
3. STATEMENT OF CHOICE	3
4. LINKS TO OTHER POLICIES	4
5. MONITORING AND REVIEW OF THE HOUSING ALLOCATIONS POLICY	5
6. HOUSING REGISTER	5
7. WHO CAN APPLY TO JOIN THE HOUSING REGISTER?	6
8. HOW TO APPLY TO JOIN THE HOUSING REGISTER	8
9. ASSESSMENT OF HOUSING NEED AND PRIORITY BANDING	13
10. HOW THE COUNCIL ALLOCATES ACCOMMODATION	15
11. FINANCIAL ASSESSMENT	20
12. MEDICAL GROUNDS	21
13. SHELTERED HOUSING	21
14. SOCIAL/WELFARE NEEDS	22
15. ALLOCATIONS TO STAFF, COUNCIL MEMBERS OR THEIR FAMILIES	22
16. TENANCY MANAGEMENT OUTSIDE THE SCOPE OF CBL	22
17. TRANSLATION	23
18. DATA PROTECTION	23
19. CONFIDENTIALITY	24
20. APPEALS AND REVIEWS OF DECISIONS	24
21. THE LOCAL GOVERNMENT OMBUDSMAN	25
22. DEFINITIONS	26
APPENDIX – The Banding Scheme	27

1. INTRODUCTION

1.1 Your Home, Your Area, Your Choice

1.2 This document describes Three Rivers District Council's (TRDC) new Housing Allocations Policy incorporating Herts Choice Homes (HCH) sub-regional Choice Based Lettings (CBL) scheme.

1.3 Hertsmere, St Albans, Three Rivers, Watford and Welwyn Hatfield Councils have teamed up under the name of Herts Choice Homes. HCH are working together to increase social housing choice and mobility within Hertfordshire. Each Council will have its own Housing Allocation Policy but will allocate a proportion of homes that become vacant in their area to a pool from which applicants on the Housing Register in these Councils can bid (apply) for without having a local connection.

1.4 This policy has been developed in consultation with applicants from the Housing Register, Herts Choice Homes partners and representatives from the voluntary and statutory organisations. This new policy moves away from the previous complex points-based system to one that allows more choice and transparency for customers.

1.5 The Policy enables the Council to consider the individual needs of applicants whilst making best use of the scarce housing resource. The policy sets out:

- How Properties are allocated
- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who is not eligible to be accepted onto the housing register
- How priority for housing applicants will be given
- Eligibility for different property types
- How homes will be let

1.6 Lettings covered by the Allocations Scheme

1.6.1 This Allocation Scheme sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 ie:

- Offers of secure or introductory tenancies from other Councils, or other bodies able to grant secure tenancies
- Offers of assured tenancies from registered social landlords

- 1.7 Regrettably, acceptance onto the housing register is not a guarantee that an offer of accommodation will be made. This is because demand for accommodation within TRDC significantly exceeds supply. Housing Options Staff can offer advice about alternative housing options.

2. AIMS AND OBJECTIVES

2.1 The Council's Housing Allocations policy aims to:

- Ensure that the allocations and assessment policy is transparent, simple, and easy to understand for all
- Provide applicants with choice and give reasonable preference to those with the greatest housing need
- Work with Herts Choice Homes to increase social housing choice and mobility within Hertfordshire
- Offer applicants open and fair access to housing and recognise diverse needs
- Offer applicants a more active role in choosing accommodation, taking account of individual circumstances and waiting time
- Provide applicants with sufficient information to make informed choices about opportunities for re-housing and understand the criteria and processes adopted by the Council.
- Maximise the use of, and efficiently let, all housing stock available to the Council
- Promote social inclusion, sustainable communities and ensure that applicants benefit from any future regeneration and development taking place within the district
- Enable applicants to move to social housing outside the district

2.2. Our Service Charter

2.2.1 The Council sets minimum service standards that applicants can expect. These are published in a separate leaflet titled "Any Comments – We want to hear them".

2.2.2 The Council will ensure that advice and information is available to people in the District about making a housing application and homelessness prevention.

2.3 Equality

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

- 2.3.2 The Council operates an Equal Opportunities policy and copies are available from <http://www.threerivers.gov.uk/Default.aspx/Web/CouncilPoliciesPlans> or at the Council offices, Three Rivers House, Northway, Rickmansworth, WD3 1RL.
- 2.3.3 The development of a clear and consistent Allocation Scheme goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.
- 2.3.4 It is also important that the Allocation Scheme is understood by everyone. Relevant information leaflets and other communications are available from the Council in an easily understandable format and can be requested in audio and large print versions as appropriate. The Council can arrange a translation service for people who visit the Council Offices. The request for this service can be made via the Customer Service Centre.

3. STATEMENT OF CHOICE

- 3.1 CBL allows eligible applicants to select properties that they are interested in, rather than the Council allocating the property to the next applicant on the waiting list. The Scheme will follow a more open and transparent process, helping applicants make informed choices about where they want to live and the type of property they would prefer. It also offers the applicant the opportunity to select properties in neighbouring districts which are part of the Herts Choice Homes scheme.
- 3.2 The Council is fully committed to enabling you to play a more active role in choosing where you live, whilst continuing to house those in the greatest need.
- 3.3 The Council believes that social housing should be seen as one of a range of options available. Other Housing Options may be considered, such as:
- Low cost home ownership
 - An exchange (the existing scheme is called 'Homeswopper', it applies to Council and Housing Association tenants)
 - Renting in the private sector
 - Moving to other parts of the country where there is a better balance between supply and demand of social housing
- 3.4 Information on all available housing options can be obtained from The Customer Service Centre or the Housing Needs Team of the Council. You can also access information directly via the web. Please refer to the end of this document for contact details.

4. LINKS TO OTHER POLICIES

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

4.1.1 *The Homelessness Strategy*

The Housing Allocations Policy will link strongly with the Council's Homelessness Strategy and some of its key objectives. In particular, to identify and reduce the level of recurring homelessness and to reduce the inappropriate use of temporary accommodation

4.1.2 *The Housing Strategy*

The Housing Allocations Policy will link with the housing strategy and some of its key objectives, in particular, to introduce choice-based lettings and reduce the risk of homelessness.

4.1.3 *Supporting People Strategy*

The housing allocations process will seek to ensure that there is greater focus on tenancy support services and that support is available to applicants who may otherwise be at risk of being deemed to be unsuitable for a tenancy.

4.1.4 *Private Sector Housing Strategies*

The allocations process will complement the aims and objectives of the private housing renewal work, empty property and houses in multiple occupation strategies, and will work with any Landlord Forums to provide options to applicants requiring re-housing.

4.1.5 *Equal opportunity/diversity and vulnerability*

TRDC, through the Allocations Policy will endeavour to be responsive, accessible and sensitive to the needs of all applicants. TRDC will not tolerate prejudice and discrimination and will actively promote equality in line with its Comprehensive Equality Policy.

4.1.6 *Inclusion and Access policy*

The Inclusion and Access policy has been produced in conjunction with HCH and aims to ensure the HCH sub-regional choice based letting scheme is accessible to all sections of the community by providing support to help people to do so.

5. MONITORING AND REVIEW OF THE HOUSING ALLOCATIONS POLICY

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

- Regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes
- Assessing the impact, if any, that offering choice has upon vulnerable, black and minority ethnic groups and all other groups
- Annually publishing lettings performance

6. HOUSING REGISTER

6.1 The Council no longer owns or manages any housing stock. We do, however maintain a Housing Register and have nomination rights to a large number of properties managed by numerous Housing Associations. The Register includes those who are existing housing association tenants who have requested a move. While there is no requirement to maintain a housing register, this is the most common and systematic way of recording information about applicants who require alternative accommodation.

6.2 The Council will operate a Housing Register which will include all applicants who apply for Social housing. **Lettings will only be made from the Housing Register.** Within the Register, priority is determined by date of application and priority bands please refer to section 9.1.

6.3 Transfer Applicants and Homeseekers

6.3.1 A transfer applicant is any applicant who holds a tenancy with a council or RSL within the Three Rivers District Council's area. A homeseeker is any other applicant, including those who hold a council or RSL tenancy in districts outside of the Three Rivers District Council area.

6.4 Areas of Choice

6.4.1 The Council currently has access to properties in the following areas:-

- Abbots Langley
- Bedmond
- Berry Lane
- Boundary Way
- Carpenders Park
- Chorleywood
- Croxley Green
- Leavesden
- Kings Langley
- Maple Cross
- Mill End
- Oxhey Hall
- Rickmansworth
- Sarratt
- South Oxhey

7. WHO CAN APPLY TO JOIN THE HOUSING REGISTER?

7.1 Eligibility Test

7.1.1 To join the housing Register the you must:

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

7.2 Unacceptable Behaviour

7.2.1 You will normally be excluded from joining the housing register if you or a member of your household is guilty of unacceptable behaviour serious enough to make you or them unsuitable to be a tenant.

7.2.2 When making decisions regarding unacceptable behaviour, TRDC will consider whether the behaviour of an applicant (or a member of their household) is unacceptable and is of a serious enough nature to make him or her unsuitable as a tenant. The Council will consider all available, relevant facts and circumstances before making this decision. Unacceptable behaviour includes anti-social behaviour and providing false or misleading information.

7.3 Notifying an Ineligible Applicant

7.3.1 If the Council decides that the applicant is ineligible to join the housing register because of age, immigration status or unacceptable behaviour he/she will be notified in writing and be given clear grounds for the decision.

7.3.2 If the Council decides to exclude you from the Housing Register because of anti-social behaviour we will notify you of the exclusion term. However, this period can be indefinite if the behaviour has been extremely anti-social.

7.3.3 You will have the right to request a review of the decision. Details of how to do this are detailed in section 24. Otherwise, you can apply again at the end of the exclusion period when the Council will reconsider the circumstances.

7.4 Local Connection

7.4.1 For you to be considered as having a local connection to TRDC, one of the following criteria must apply at the time a housing offer is made. You must:

- Have lived three years out of the last five years in the District

- Have lived six months out of the last 12 months in the District
- Have permanent employment for sixteen hours or more per week within the District
- Have close relatives who at present live in the District and who have lived in the District for at least five years (such as parents, children, brothers or sisters)
- Be a member of Her Majesty's Forces, have served for at least five years, and either enlisted from an address in the District or have permanent employment in the District on discharge
- Have special circumstances which TRDC considers give rise to a local connection

7.5 Active and Non-Active applications

7.5.1 In order to bid for a property through the HCH scheme, the application will need to be active. There may be situations where the Council will make an application **non-active**. Examples of these are:–

7.5.1.1 **If you have Rent Arrears:** - If you are currently in arrears, or owing court costs to your landlord, your application may be made non-active until the rent account has been cleared and a clear rent account is maintained for 12 consecutive weeks. Discretion will be exercised if:

- An overpayment of housing benefit was due to an error by the Council
- Arrears accrued due to rent payment date conflicting with income but account is consistently clear when the payment is made every month and the rent is paid on a regular basis
- You have made an agreement to clear the arrears and have kept to the agreement for a minimum of 12 weeks
- this is not an exhaustive list

7.5.1.2 **If you owe former tenant arrears to the Council or a Housing Association and have not agreed to or are not adhering to an acceptable repayment plan:** - It is your responsibility to notify the Council's Housing Department when you have agreed to a repayment plan which must be adhered to or you have cleared your arrears.

7.5.1.3 **If you have caused neglect or damage to Property:** - If you or a member of your household owes a debt to the council, Housing Association or Private Landlord from a tenancy, because of damage to the property, your application may be made non-active until the debt has been paid in full, or you maintain an agreement to clear the debt for a minimum of 12 weeks.

7.5.1.4 If your housing association property is in a seriously neglected condition, you may be made non-active until the property has been reinstated or the debt is paid in full.

7.5.1.5 If you have received funding for Aids & Adaptations:- If you have applied for and have been granted funding for aids and adaptations to your current home valued at £5,000 or more and the adaptations were carried out in the previous five-year period. Any changes to the applicants circumstances and needs will be taken into consideration.

7.5.1.6 You are held in HM prison: - You will have your application made non-active until a period of three months before the release date; official confirmation of this date will be required. If you do not have accommodation you may contact the Council to discuss housing options.

7.5.1.7 You are a serving Members of HM Forces: - You will be made non-active until a period of three months before your discharge date, official confirmation of this date will be required. If you occupy married quarters you will also be required to submit confirmation that you are no longer entitled to occupy the married quarters.

7.5.1.8 You are guilty of causing criminal damage or Anti-Social Behaviour serious enough to make you unsuitable to be tenant.: Your application will be made non-active on a fixed term basis or until prescribed conditions have been met. If any member of your household has assaulted or harassed an employee or agent of TRDC, a Housing Association or a private landlord and this was either:

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

7.6 Who decides on making my application non-active

7.6.1 The Housing Needs Manager will decide when to make an application non-active giving

- The applicant reasons for the non-active status.
- The date the decision will be reviewed.

7.6.2 Non active Status

You have the right to appeal against your application being made non active. Please refer to section 20.

8. HOW TO APPLY TO JOIN THE HOUSING REGISTER

8.1 To apply to join the housing register you are required to complete a housing application form which can be done by:

8.1.1 Applying online at www.hertschoicetohomes.org.uk

8.1.2 Downloading a form from www.threerivers.gov.uk

8.1.3 Collecting a paper application form from:-

Customer Services Centre
Three Rivers District Council
Northway
Rickmansworth, WD3 1RL

Telephone: 01923 776611

8.1.4 Alternatively it can be sent to you by post or email on request.

8.2 Once the form is completed, it should be returned or posted directly to the Council's Housing Options Team. If you have difficulty filling in the form, you can visit the council offices where staff will be able to assist you. If you are unable to visit the office a home visit can be arranged.

8.3 You may include anyone that may reasonably be expected to live with you as part of your household on the application form. Where reference is made to an applicant's circumstances, it includes everyone in the household wishing to be rehoused.

8.4 You can have only one active application as the main applicant on the housing register at any time.

8.5 On receipt of the application form, the Housing Options Team will assess the application within two weeks of receiving the form and will request additional information and supporting evidence so that eligibility, suitability and housing needs can be confirmed. The information provided will be verified which may include inviting you for an interview or conducting a home visit.

8.6 You will be asked to provide independent documentary proof of the following in support of your application:

Identity and address

- Proof of identity e.g. passport, birth certificate or drivers' licence for all members of the household named on the application
- Proof of eligibility e.g. home office letter or passport
- Proof of address e.g. tenancy agreement or utility bill
- Proof of income e.g. benefit letters or wage slips for all adults included in your application
- Proof of any capital, savings or equity
- Proof of child benefit, adoption/foster certificate or court order confirming main custody of any children included in the application
- Proof of pregnancy

8.7 After assessment the Housing Options Team will write to you confirming:

- Whether you are eligible and suitable to join the housing register.
- The Priority Band in which you have been placed
- The date that you were placed in the band (the applicable date)
- Your unique reference number
- How to have a decision reviewed

8.8 **Change of Circumstances**

8.8.1 It is your responsibility to tell the Council if your circumstances are about to change, or as soon as possible afterwards. Not informing the Council about a change of circumstance could affect your priority for housing and/or result in an offer of accommodation being withdrawn.

8.8.2 Where a change of circumstance results in an increase in your priority band, the new applicable date will be the date the Housing Options Team receives all proofs required confirming the change.

8.9 **Deliberate worsening of circumstances**

8.9.1 If the Council deems that circumstances have been changed deliberately to gain extra priority on the Housing Register, you will be placed in the priority band you held, or would have held, before your circumstances changed, for a minimum of one year from the date of the change. Examples of this are:-

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

8.10 **Who can be considered as part of your Household?**

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

8.10.2 Dependent children (under 18 or in full time further education) joining the household, where it can be proved that you are the sole legal guardian, will be

considered as part of the household if they have lived as part of your family for a minimum of 12 months and will continue to do so for the foreseeable future.

- 8.10.3 Dependent adult relatives who have joined the household because they are unable to live independently may be considered as part of your household. This will generally be because of age, disability or for medical reasons. Such cases will need to be referred to the Council's Independent Medical Adviser.

8.11 Proof of Access to Children

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

- 8.11.2 Where you have staying contact with children for less than 50% of the time, the children will not be counted as part of your household when assessing bedroom requirements.

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

8.12 Extra Rooms for Carers

- 8.12.1 If extra rooms are required for carers, this will need supporting documentation from Herts County Council Adult Care Services or Children School and Families or other independent organisation who should give supporting evidence that a 'live in' carer is needed, and that if the support was not given voluntarily or paid for by the client you would qualify for funding for a 'live in' carer.

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

8.13 Joint Applications

- 8.13.1 For a joint application only one of the applicants has to qualify but you both have to meet the conditions of immigration control

- 8.13.2 Where reference is made to an "applicant" throughout the document, "applicant" should be taken to mean "an applicant and his/her household".

8.14 Civil Partnerships

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

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

8.15 Home Visits by A Housing Officer

8.15.1 You may be visited at your home prior to an offer to confirm your circumstances. Home visits may be conducted at short notice and you will have to ensure that you are available; otherwise an offer of accommodation may not be made.

8.15.2 If you do not have any settled accommodation, a visit at the address/location provided on the application form will be arranged.

8.16 Annual Review of the Housing Register

8.16.1 Applications will be reviewed annually on the anniversary of the date of registration. The Council will write to you to confirm whether you wish to remain on the register and whether your circumstances have changed. It is your responsibility to ensure that the Council has the correct contact details. Failure to respond within the required time limit (14 days from the letter being sent) will result in your application being cancelled.

8.17 Cancelling an Application

8.17.1 An application can be cancelled by the Council from the housing register in the following circumstances:

- At your request
- Where you do not respond to an application review or any other relevant correspondence, within the specified time limit
- If you are deemed to be ineligible for housing
- If you are no longer permitted by law to remain on the Housing Register
- If you have not advised the Council of a change of address resulting in the inability of the Council to contact you
- When you are housed by a Registered Social Landlord or Council
- If you are a social housing tenant and buy your property.

(This list is not exhaustive)

8.17.2 When the application is cancelled, we will write to you or your representative to notify you. Where you have been highlighted as vulnerable, the Council will contact you to check your circumstances before cancelling the application. If

your application has been cancelled you have the right to ask for a review of the decision.

8.17.3 If you wish to re-join the housing register at a later date this will be treated as a new application, and a new registration date will apply.

8.17.4 If however it is proven that an official error occurred or you were unable to respond due to exceptional circumstances, we will reinstate the application on the scheme with the original registration date.

8.18 False Statement and Withholding Information

8.18.1 It is your responsibility to provide necessary information and documents that will assist the Council in carrying out enquiries into your housing application.

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

8.18.3 The Council will consider legal proceedings against you and support any application by a landlord to regain possession of accommodation gained by providing false or withholding information that may have affected your priority on the Housing Register.

8.18.3 Penalties for giving false information or withholding relevant information could result in:-

- Prosecution under Part VI s171 (2) which could result in a fine of up to £5,000
- Application to the Courts for possession of the property and eviction
- Removal from the Housing Register

9. ASSESSMENT OF HOUSING NEED AND PRIORITY BANDING

9.1 When your housing need is assessed you will be placed in one of five bands. Applicants in Band A will have the highest priority, with applicants in Band E the lowest priority. The bands are designed to give those households in greatest need reasonable preference for housing, whilst maximising use of the available housing stock.

9.2 You will also be given an “applicable date” which will identify priority within the bands. Initially, the applicable date will be the date of application. Should your circumstances change, and your band changes so may the applicable date.

- Priority Band A – Applicants with an Urgent Need to move**
- Priority Band B – Applicants with a Very High Need to move**
- Priority Band C – Applicants with a High Need to move**
- Priority Band D – Applicants with an Identified Housing Need**
- Priority Band E – Applicants with Other Housing Requirements**

9.3 Full details of banding and applicable dates can be found in the HCH Allocation of Housing Leaflet or see Appendix A.

9.4 **Time-Limited Bidding**

9.4.1 All priority Band A (Urgent Housing Need) cases and some categories of priority band B (Very High Housing Need) will be subject to time-limited bidding. This means you will be given a time frame for how long this priority will stand. This is because the Council acknowledges the urgency of the situation, both for the applicant and for the Council. All priorities will be monitored. Each case will be reviewed on its own merits and a decision will be made as to whether:

- You could lose your priority status if the circumstances under which you were placed in a band no longer apply. You will be reassessed and may be placed in a lower band.
- The Council may actively bid on your behalf. This is referred to as active bidding; further details can be found in the HCH Allocation of Housing leaflet
- Your priority is extended with a further review date

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

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

9.5 **Homeless Households**

9.5.1 Applicants who are accepted by the Council as being statutorily unintentionally homeless and in priority need may have up to three months from acceptance to bid for accommodation. The time limit will be determined by the type and number

of homes being advertised. After that time, the Council will make bids on the applicant's behalf, through assisted bidding. The Council will write to the applicant to notify them that the set period has passed and that assisted bidding will begin. They will then receive **one offer** of suitable accommodation, taking account of all the relevant circumstances of the applicant.

10. HOW THE COUNCIL ALLOCATES ACCOMMODATION

10.1 Properties will be advertised through the HCH scheme with the exception of specialist housing eg some adapted properties and temporary accommodation. You will need to bid (express an interest) in any properties for which you wish to be considered. Advertised properties will have details of who is eligible to bid for the property. If you are not eligible, the bid will not be considered. By advertising properties and inviting you to apply for them, the Council are enabling you to choose where you want to live.

10.2 Direct Lets

10.2.1 Direct lets will normally only be made where the Council has accepted a duty under the Homelessness Act 2002 to secure accommodation for a homeless applicant who has been found to be statutorily unintentionally homeless and in priority need and has provided the applicant with temporary accommodation in a housing association property, which is considered suitable for their needs. The applicant can accept a Direct Let of the property they occupy. The applicant may refuse the offer and make a time limited bid of alternative accommodation as stated in section 9.2.

10.3 National Witness Mobility Scheme

10.3.1 The Council supports the National Witness Mobility Scheme and may consider referrals made to house witnesses at its discretion and in line with outward referrals made under the scheme. Accepted referrals will not normally exceed one in any financial year (or a total of 3 within a 3 year period).

10.3.2 When making the decision to accept a referral, the Council will take into account the level of risk the applicant is facing and the demand and supply issues for the type of accommodation requested.

10.3.3 It will be necessary for applicants to meet the eligibility criteria to appear on the housing register.

10.4 Sub-Regional Choice Based Lettings

10.4.1 As part of the Herts Choice Homes Partnership, the five local authority partners Hertsmere, St Albans, Three Rivers, Watford and Welwyn and Hatfield Councils will advertise a small percentage of properties that all applicants on the five local authority Housing Registers can bid for. This will give you the opportunity to move to properties advertised in these Council areas. You can therefore bid for

properties advertised by Three Rivers District Council and also as part of the Herts Choice Homes sub-regional pool.

10.4.2 When allocating a general needs property the Council will take into account the following factors:

1. Property Eligibility. Does your household fit the requirements of the property as outlined in the advert?
2. Priority Band on the Housing Needs Register
3. Applicable date. Where more than one applicant meets the preceding criteria, the applicant with the earliest applicable date will be made the offer of accommodation
4. Where two applicants have met the preceding criteria and have the same applicable date, the property will be offered to the applicant for whom the property is considered most suitable, taking all other factors into consideration. The landlord will make this decision

10.4.3 Any properties belonging to RSLs may hold additional criteria. For details you should refer to the policy of the specific RSL.

10.5 **Shortlisting**

10.5.1 The landlord of the property will decide how many people they want shortlisted. This will normally be between 3 to 5 applicants and can only take place within a specified timescale. All those on the shortlist may be invited to view the property. This saves time should the highest priority bidder not want the property. A viewing is not a guarantee of an offer of accommodation.

10.5.2 Should you be offered the property the landlord will give you a timescale in which you must notify them whether you wish to accept or refuse the offer (this will usually be 24 hours).

10.5.3 **For more detail on using the HCH scheme please refer to the HCH Allocation of Housing Leaflet.**

10.6 **Bid types**

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

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

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

10.6.4 **Supported Bidding** – This is where an applicant may be vulnerable and no third party has been identified to assist them. The Council (or Housing Association) will take responsibility in assisting the applicant to place bids. The applicant is not obliged to accept any bids made through supported this scheme.

10.7 **Applicants subject to Multi-Agency Public Protection Arrangements**

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

10.8 **Applicants who require an Adapted Property or Other Special Requirement**

10.8.1 Where you have been assessed by the Council's independent Medical Adviser as requiring a specific size, type or adapted property, you will be placed in the appropriate priority band. In some circumstances you may be offered a direct let. Where the Council has identified a shortage of suitable properties for applicants with special requirement on the housing register, creating a 'chain move' will be considered. This is where the applicant is matched with a special requirement need, with a Housing Association who has identified an applicant with an adapted property who has applied for a transfer. This is different from a Mutual Exchange whereby you have a property to offer in the exchange.

10.9 **Applicants who require a significantly adapted property**

10.9.1 Where the Council considers (usually on the advice of the Council's independent medical advisor) that an applicant has a requirement for a significantly adapted property, the application will be 'flagged' to show this.

10.9.2 When we advertise a property which has had significant adaptations, we will say on the advert if we are giving extra priority to applicants on this basis. We will then prioritise those applicants from the shortlist who have an appropriate 'flag' within Bands A to C. This means that an applicant with a flag, whose housing needs matches those of the adapted property, will have a priority above an applicant who does not have a flag, even if that applicant is in a higher band.

10.9.3 If an applicant successfully bids for an adapted property, but on viewing the property it becomes clear that further adaptations will be required to make it suitable, we will make an assessment as to whether or not the property can be offered.

10.10 **How are purpose-built or significantly adapted properties allocated?**

10.10.1 Properties that have been purpose built or significantly adapted for people with disabilities will be advertised. However we will give priority to bidders who have a special need for them. Please see Section 'Applicants who require significantly adapted property' above.

10.11 How are partially adapted properties allocated?

10.11.1 We will put details of less significant adaptations in the advert, so that people can make an informed choice about whether a property is suitable.

10.11.2 Examples of partial adaptations may be a level access shower, ramps or widened doorways. In the case of a partially adapted property we will usually give priority to those applicants who need a particular adaptation over an applicant who does not, within the same band. Where this is the case we will state this in the advert.

10.12 Ground floor flats

10.12.1 Priority for ground floor flats will usually be given to bidders (providing they are within the same band) who have a medical problem which means that ground floor accommodation is required. This will be clearly labelled in the property advert, where appropriate.

10.13 Local Lettings Policy

10.13.1 The Council, in partnership with Housing Associations, may produce a local letting plan. These plans will outline any specific local letting initiatives for the neighbourhood taking into account supply and demand and other management factors.

10.13.2 The local letting plans are normally short-term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

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

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

10.13.4 Local letting plans will normally be subject to local consultation and will be by definition dynamic documents monitored against and developed and changed in line with changing situations and demands.

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

10.13.6 The Council in these circumstances will ensure that their local lettings policies do not discriminate, directly or indirectly, on racial or other equality grounds.

10.14 **Bedroom Eligibility**

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

TABLE OF BEDROOM ELIGIBILITY

Household Size	
Single Applicant	Bedsit-Studio or One Bedroom
Single Applicant with staying access to 1 child	One bedroom
Single Applicant with staying access to 2 children	One bedroom
Couple without children	One bedroom
Pregnant (1 st Child)	One bedroom
Parent/s with 1 child (under 4)	One/two bedroom
Parent/s with 1 child (over 4)	2 bedrooms
Parent/s with 2 Children same sex	2 bedrooms
Parent/s with 2 children same sex (6-year age gap)	3 bedrooms
Parent/s with 2 children opposite sex (both children under 4)	2 bedrooms
Parent/s with 2 children opposite sex (1 child over 4)	3 bedroom
Parent/s with 3 children	3 bedroom
Parent/s with 4 or more children (due to the scarcity of four bedroom properties, parent/s with four children will also need to consider 3 bedroom properties with lounge/dining room)	4 bedrooms or 3 bedrooms with dining/lounge room

10.14.2 All properties advertised through the CBL scheme will be clearly labelled to identify the household size eligible to bid for each property. The Council's bedroom eligibility standard are a general guide to what Register Social Landlord may accept. Any variations to these standard will be published in the property advert or is available from the Herts Choice Homes website.

10.14.3 Single applicants who reside in bedsit type Housing Association accommodation are considered for one-bedroom accommodation. This in turn frees up single applicant accommodation for a single applicant on the register.

10.14.4 **Unborn Child** – An unborn child does not count as part of an applicant's household.

10.14.5 **Exception to Bedroom Eligibility** – Because of the acute shortage of four-bedroom properties, applicants registered for four-bedroom properties or larger will also need to bid for large three-bedroom properties, which will be identified.

10.15 Withdrawal of Offers

10.15.1 In the following very exceptional circumstances, the Housing Association may withdraw an offer of accommodation:

- Where there has been a change in your circumstances
- Following verification, you are not eligible for the property
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable applicant at risk of any harm
- Where you do not meet the Housing Association's Letting Policy

This list is not exhaustive.

10.16 Refusing an Offer of Accommodation

10.16.1 Generally, you may, under Choice Based Lettings refuse any offer of accommodation you have successfully bid for without sanction. (This excludes applicants whose circumstances are detailed in section 20).

10.16.2 However, should you refuse three offers you will be contacted to discuss your housing requirements and to ensure you fully understand the scheme. It may be appropriate to reassess your housing need and/or offer other housing options.

11. FINANCIAL ASSESSMENT

11.1 If you have sufficient resources to resolve your own housing need, either through renting or buying a suitable property (whether on the open market or through one of the low-cost home ownership schemes) or by other means, you will normally be given no preference on the Housing Register and be placed in Band E.

11.2 Before making the decision that you have sufficient resources to resolve your housing need, the Council will complete a full financial assessment considering your income, savings, financial commitments, outgoings, family size and personal circumstances.

11.3 Each case will be considered on its own merits. However the following circumstances will trigger a financial assessment:-

- Applicants with a total household equity or capital of £70,000 or more
- Applicants with a total household income equal to or greater than four times the annual rent of a suitable property

12. MEDICAL GROUNDS

- 12.1 Where you or a member of your household has a medical condition or disability that is affected by your housing circumstances, you will be asked to complete a medical self-assessment form. This will be reviewed by the Council's Medical Adviser, along with any other medical reports or occupational therapy reports. The medical adviser will advise on the relative medical priority of you or your household and any other re-housing needs, such as a need for ground floor accommodation. You will then be placed in the appropriate band.
- 12.2 Circumstances that will not be considered for medical assessment include:
- pregnancy
 - overcrowding
 - minor illnesses (e.g. colds/flu)
 - poor conditions in you're your home such as damp
 - temporary disability such as broken limb
 - people who are adequately housed

13. SHELTERED HOUSING

- 13.1 Sheltered housing is housing designed for applicants over 60. Sheltered housing will only be available to you if you require the level of support offered in this type of accommodation. If you are eligible for sheltered housing you will be subject to an assessment by the Housing Association to establish your support needs and suitability for living your chosen Sheltered Housing Scheme.
- 13.2 Applicants over 60 years of age will be considered or applicants with physical/ learning disabilities who are suitable for and would benefit from sheltered accommodation or designated elderly applicants units. In the latter case, some Housing Associations will accept you if you are over 55 years of age.
- 13.3 Priority for allocations to ground floor sheltered and elderly applicants accommodation will be given to current tenants on the Housing Register, living on an upper floor, within the same block, who have a medical/mobility need for ground floor accommodation. Allocations thereafter will be allocated based on individual need. This will then free up a property for an applicant via CBL.
- 13.4 If the assessment indicates that you require a higher level of support than can be provided by sheltered housing, you will be advised of this and referred to Adult Care Services.

14. SOCIAL/WELFARE NEEDS

- 14.1 This would include, for example, if you need to move to a different locality or District in order to give or receive care or to access specialised medical treatment. The term “welfare” is intended to encompass not only care or support needs, but also other social needs which do not require ongoing care and support, such as the need to provide a secure base from which a care leaver or other vulnerable person can build a stable life.
- 14.2 Housing in consultation with Adult Social Care or Children Schools and Families will jointly agree and make a recommendation that reasonable preference is awarded.
- 14.3 People who represent a risk to the public and nominees through the National Witness Mobility Scheme will also be considered under social/welfare needs.
- 14.4 **Move On and Leaving Care**
- 14.4.1 The Council will have some agreements with organisations that provide specialist housing. These organisations deal with vulnerable homeless applicants or young people leaving care who may require move on accommodation usually for single applicants. The Council will endeavour to house an agreed number of applicants nominated from these organisations each year.

15. ALLOCATIONS TO COUNCIL AND HOUSING ASSOCIATION STAFF, COUNCIL MEMBERS OR THEIR FAMILIES

- 15.1 Members of Council and Housing Association staff, their close family and elected members who require housing through the council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.
- 15.2 If you are applying for housing or make a successful bid as a member of the Council staff, elected member or a member of your direct family, the Head of Housing will be informed and must approve the shortlist letting prior to the formal offer being made.

16. TENANCY MANAGEMENT OUTSIDE THE SCOPE OF CBL

- 16.1 The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Housing Associations:
- Mutual exchanges

- Persons transferring from introductory to secure tenancy in the same property
- Where a secure tenancy is assigned by way of succession to the same property
- Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Transfers that the Housing Association initiates for management purposes
- Where court orders are made under one of the following:
 - Section 24 of the Matrimonial Causes Act 1973
 - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
 - Paragraph 1 of schedule 1 to the Children Act 1989

17. TRANSLATION

- 17.1 The application form can be made available in a number of different languages. The Council can arrange a translation service for people who visit the Council Offices. If you require this service, you should contact the Council's Housing Needs department.

18. DATA PROTECTION

- 18.1 When you apply for housing, the Council will seek only information that is required to assess your housing need. The Council will collect and keep data in accordance with its guidelines on handling personal data.
- 18.2 These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records and the Act governs everything the Council will do with the data, including collecting, storing, using and disposing of it.
- 18.3 **Individual's rights to see data**
- 18.3.1 Sections 7 to 9 of the DPA 98 entitled an individual on making a request in writing and upon paying the appropriate fee to:

- Be told whether they or someone else on their behalf is processing that individual's personal data; and if so
- Be given a brief description of
 - The personal data;
 - The purpose for which this has been processed; and
 - Those people to whom that personal data is being or may be disclosed

18.3.2 As Three Rivers District Council is allocating properties through the HCH scheme, information on your application may be shared with other HCH Partners (local authorities or Housing Associations).

18.3.3 The Housing Information Sharing Protocol and our policies on Data Protection can be viewed at www.threerivers.gov.uk.

19. CONFIDENTIALITY

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

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

20. APPEALS AND REVIEWS OF DECISIONS

20.1 The Council must inform you that you have the right to request a review within 21 days following notification of the decision. Requests must be made in writing to the Housing Needs Manager of the Council. You or someone on your behalf may make written representations concerning the review.

20.2 An officer senior to the one who made the original decision and who was not involved will make the review decision. In some cases an Independent Reviewer will carry out reviews of the assessment decision as required. The outcome of the Independent Reviewer will be binding on the Council.

20.3 Decision letters issued in respect of housing applications will advise you of your right to request a review and provide appropriate guidance on how to do this. You can obtain further details of the review procedure from the Council offices.

20.4 Examples of circumstances that may be reviewed by the Independent Reviewer include:

- Multiple need in band

- Emergency housing required
 - Short-listing where more than one applicant has the same band date in band and registration date
 - Low priority review decisions
 - Refusal of direct lets
- 20.5 Where a request is made for a review on a decision affecting more than one Council, the review will be made by each Council. (Arrangements will be put in place to consult with each other where this occurs.)
- 20.6 This list is not exhaustive.
- 20.7 Reviews will be considered within 56 days of the request being received and you will receive a written response outlining the result of the review.
- 20.8 If you are still unhappy following the review of a decision, you can make a complaint through the Council's complaints procedure. If having exhausted the Council's complaints procedure you remain dissatisfied you can contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.

21. THE LOCAL GOVERNMENT OMBUDSMAN

- 21.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most Council matters including housing.
- 21.2 If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.
- 21.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman
10th floor Millbank Tower
Millbank
London
SW1P 4QP

Telephone: 020 7217 4620
Email: enquiries@lgo.org.uk
website: www.lgo.org.uk

22. DEFINITIONS

- Applicant 'Applicant' in the context of this document is used to define a person making the application and his/her household
- Household Household includes people who normally reside with the applicant and people who might reasonably be expected to reside with the applicant

Please ask if this document is required

- In large print
- On audio CD
- Translated into another language

Council Office for Contact Details

Three Rivers House
Three Rivers District Council
Northway
Rickmansworth
WD3 1RL

Telephone 01923 776611
www.threerivers.gov.uk

APPENDIX A

The Banding Scheme

Herts Choice Homes' aim is to try and house those in greatest housing need. The Council uses a banding system based on applicant's circumstances to give priority. Everybody on the Housing Register has their housing circumstances assessed and is put in a band based on the tables below:

Band A – Urgent Housing Need

- This band is for applicants with a Local Connection to the District and an urgent need to move.
- Applicants with an overriding medical priority awarded by the Council's Medical Adviser, where the applicant's condition is exacerbated by their current housing situation.
- Applicants with an overriding social/welfare need where exceptional circumstances warrant an emergency move.
- Applicants who need to move urgently where there is a serious imminent personal risk if they remain
- Applicants who need to move urgently due to their current property being demolished or needing redevelopment.
- Applicants who have succession rights to a tenancy who may be required to move to another property after a re-assessment of their housing needs.

Band B- Very High Housing Need

- This band is for applicants with a Local Connection to the District and a very high need to move.
- Applicants suffering from harassment where there is a recommendation from the Local Authority or a relevant statutory or voluntary agency that a move is necessary.
- Accepted homeless households where the Local Authority is satisfied the applicant is eligible for assistance and priority need.
- Applicants with an urgent medical need such that the applicants need would be lessened if moved to a more appropriate property.
- Applicants with an urgent social/welfare need such that the applicant's need would be lessened if moved to a more appropriate property.
- Applicants who are living in social housing and under-occupying by two or more bedrooms.
- Applicants who are living in conditions which are deemed to be severally overcrowded by the Local Authority.
- Applicants who have two or more housing needs from Band C, including either high medical need or lack two or more bedrooms.

Band C – High Housing Need

- This band is for applicants with a Local Connection to the District and a high need to move.
- Applicants with a high medical need such that their current accommodation is deemed not appropriate.
- Applicants with a high social/welfare need such that their current accommodation is deemed not appropriate.
- Applicants who are releasing a social housing adapted property where there is a need for such property and is deemed to have a major adaptation.
- Applicants who are assessed to be lacking two or more bedrooms.
- Applicants who are retiring or redundant Council staff in Tied Accommodation where there is a contractual agreement to be housed.
- Applicants who are occupying a property which is subject to a compulsory purchase order and are unable to secure suitable alternative accommodation.
- Applicants who are under-occupying by one bedroom
- Applicants who have two or more needs from Band D including either a medium medical need or lacking one bedroom.
- Applicants in social housing in the Herts Choice Homes area moving from 1 bedroom accommodation into sheltered housing.

Band D – Recognised Housing Need

- This band is for Applicants who have no Local Connection to the District but who have an identified need as defined in Bands A-C and those with a Local Connection who have a recognised housing need as stated below
- Applicants who have been assessed as having a medium medical need.
- Applicants who have been assessed as having a medium social/welfare need.
- Applicants who have been assessed as lacking one bedroom
- Applicants with children who are living in insecure accommodation e.g. living with family or friends with no bedroom, and lacking or sharing other facilities.
- Applicants who are in financial hardship which would be addressed by moving to other accommodation.
- Other Homeless applicants who have not been found to be in priority need.
- Applicants who are living in conditions that have been deemed unsatisfactory by the Local Authority.

Band E – Other Housing Requirement

- This band is for both Applicants who have no Local Connection to the District and those who have a Local Connection and have no identified housing need.
- An applicant who has been assessed as being adequately housed.