

## SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY

### 1.0 What is an Allocation?

#### 1.1 Sevenoaks District Council is a local housing authority.

Although this Council no longer owns any housing, as a local housing authority Sevenoaks District Council has a legal duty to decide which applicant should be offered a tenancy of a property managed by other social housing providers to which the Council has rights of nomination.

Allocation concerns the rules under which Sevenoaks District Council decides which people should be placed on its Housing Register and the process by which those on the Housing Register obtain a social housing tenancy to which the Council has rights of nomination.

### 2.0 Who can join the Sevenoaks District Housing Register (SDHR)

#### 2.1 Anyone living in the United Kingdom who is at least 18 years old and who is applying for a social housing property to use as their only or principal residence and who has a local connection to the Sevenoaks District may apply to the SDHR. More information on local connection is detailed at 1.8.

Anyone who is aged 55+ and who wishes to downsize to a smaller property may apply to the register without a local connection but will only be considered for accommodation specifically designated for this age group or sheltered housing.

#### 2.2 All applications to the register should be made by completing an on-line application available at <http://www.kenthomechoice.org.uk/register.aspx> .

Those without access to the internet should contact The Housing Options Team, West Kent Housing Association, 101 London Road, Sevenoaks, Kent, TN13 1AX for assistance.

#### 2.3 Someone who owns a property cannot join the register (this includes properties owned and rented out to other persons and or properties in other countries) **unless** they can demonstrate that their financial and personal circumstances prevent them from securing suitable accommodation to meet their housing need. (For example: they have insufficient resources to pursue low cost home ownership and/or a medical condition or disability, or other vulnerability).

Owner occupiers aged 55 and over whose savings and assets fall within the limits set in Appendix C can apply to the SDHR but will only be considered for housing designated for this age group (this includes sheltered or retirement housing).

- 2.4 Applicants who exceed the financial limits for the register but who meet the financial criteria for low cost home ownership, (LCHO) also known as Help to Buy, shared ownership and shared equity will be referred to the Zone Agent for LCHO. Details of these financial limits are shown in Appendix C.
- 2.5 There are groups of people who cannot join the register due to their immigration status or their recorded previous conduct. More information on this is available in paragraph 3.0: Who is Excluded from Joining the Register.
- 2.6 Once an applicant has been accepted onto the SDHR, a decision will be made as to the size of property they are eligible to bid for under the Kent Homechoice, Choice Based Lettings Scheme using the criteria set out in Appendix A.
- 2.7 An applicant's eligibility to join the SDHR will be kept under regular review during the rehousing process. When applicants apply to the SDHR, they agree to inform the SDHR should their circumstances change to enable their application to be reassessed. Should the SDHR become aware of information during the rehousing process that affects an applicant's eligibility to be included on the Housing Register, the application will be rendered ineligible. There is a right of review of this decision and this process is detailed in paragraph 20.
- 2.8 Only those with a local connection to the District and have a housing need are eligible to apply for inclusion on the SDHR.

There are defined exceptions to this policy as follows:

Those who have no housing need but have a local connection (as set out below) due to employment or through their community contribution, or those applying for sheltered (emerald) housing or other housing designated specifically for those aged 55+.

To demonstrate a local connection either an applicant or their family must:

- Have been living in this area for either six months during the last year or for three years out of the last five years.
- Currently have permanent employment in the District or need to move here to take up an offer of permanent employment.
- Have close family currently living in the District and they have done so for the last 5 years.
  - The definition of a close family member covers: parents, adult children or siblings. There are exceptional circumstances where other family members may be considered immediate family. For example where the applicant was brought up by an extended family member in the absence of their own parents. Where an applicant believes another family member should be considered as immediate family they will need to provide details of the circumstances and evidence to support this. Decisions on local connection will be made by the Managing Agent for the SDHR.

- Have an evidenced, special reason for needing to live in the District, for example, needing to either give or receive care or support. Applicants must provide documentary evidence to show the level of support required. The level of support required must be significant and cannot be short term or low level e.g. to carry out shopping once a week. Evidence will need to show there would be savings to the public purse i.e. via the health budget or reduces pressure on the care system especially where there is no existing support package in place.
- Former members of the Armed Forces can establish a local connection with this District through living here during a posting or through previous residence in the District, for example: having lived here prior to a posting overseas.
- Serving members of the Armed Forces who need to move to this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Bereaved spouses and civil partners of members of the Armed Forces who need to live in this District as they have to leave Service Family Accommodation following the death of their spouse or partner will be considered to have a local connection.
- Serving or former members of the Reserve Forces who need to live in this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Applicants who make a community contribution which promotes the wellbeing of their neighbourhood, making it stable and healthy will also be considered to have a local connection. A community contribution is made by:
  - Participating in regular significant volunteering or community activities. To qualify you must undertake your volunteering or community activity for an average of approximately 20 hours per month and have been engaged in it for a minimum period of 1 year. A reference is required to confirm the circumstances of your volunteering/community activity and to determine the future longevity of your contribution.

2.9 Applicants to whom the Council has accepted a full homelessness duty under section 193 (2) because they do not have a local connection with any other area.

2.10 For the purposes of determining local connection the Council will not take the following into account:

- Residency in a non traditional dwelling – e.g. a mobile home, tent, caravan or motor caravan that is not placed on a residential site in this District
- Residency in a holiday let, including bed and breakfast accommodation booked for holiday purposes;

2.11 There may be circumstances where to apply the local connection provision set out within this policy is inappropriate. Accordingly, the Managing Agent of the Housing Register can on behalf of the Council exercise discretion not to apply the local connection provisions in exceptional circumstances and each case will be assessed on

it merits. Examples of this includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to serious crime who are at risk or victims of crime, including hate crime.

### **3.0 Who is Excluded from Joining the Register**

3.1 The SDHR can exclude an applicant (or a member of their household) who is considered unsuitable to be a tenant if they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Authority at the time of their application (In accordance with s160ZA (8) of the Housing Act 1996, as amended by the Homelessness Act 2002).

Unacceptable behaviour is defined as:

(a) behaviour of the person concerned which would (if he were a secure tenant of the Authority) entitle the Authority to a Possession Order under Section 84 of the Housing Act 1985 (c68) on any ground mentioned in Part 1 of Schedule 2 of that Act (other than Ground 8)

or

(b) behaviour of a member of his household that would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to such a Possession Order.

This means that applicants or a member of their household with a history of:

- Former or current rent arrears or not keeping to a housing debt repayment plan;
- Violence, threats of violence, arson or antisocial behaviour;
- Allowing the condition of a property to deteriorate;
- Obtaining a tenancy by deception;
- Illegal or immoral behaviour;

will be excluded from the SDHR for the reasons described above.

Applicants who are excluded will be informed in writing and will be advised of their statutory right to request a review of this decision, as detailed in paragraph 20 of this policy.

Applicants excluded from the SDHR due to unacceptable behaviour, may reapply to the register in the future if they can demonstrate a change in conduct. Whether the change in conduct is sufficient to render the applicant eligible for inclusion is determined by the Managing Agent for the Register on behalf of the Council.

Individual Registered Providers who are part of the SDHR may have their own exclusions policy and review process as part of their allocation policies.

### Persons Subject to Immigration Control

- 3.2 Persons subject to immigration control are not eligible to join the register as detailed below:

Under s160ZA (2) of the Housing Act 1996 (as amended), persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible for allocation unless of a class prescribed by regulations made by the Secretary of State, referred to under s160ZA (4), of the same Act.

Where there is some uncertainty about an applicant's immigration status the SDHR will seek further advice from the Home Office Immigration and Nationality Directorate.

### Persons Subject to the Habitual Residence Test

- 3.3 Persons deemed not to be habitually resident in the UK are not eligible to join the register as detailed below:

Under s160ZA the Secretary of State has also prescribed classes of persons who are not subject to immigration control but have to be habitually resident in the common Travel Area (UK Channel Islands, Isle of Man and the Republic of Ireland). The habitual residence test will be applied to all applicants who have not had continuous residence in the UK in the last two years.

The SDHR and SDC are responsible for carrying out the habitual residence test. The SDHR will register an applicant where a positive decision has been made by the Department for Work and Pension/Social Services or the Social Housing Team. Where negative decisions are made or no decision has been made the SDHR will carry out its own tests to decide on eligibility.

- 3.4 A8 nationals no longer require permission to work in this Country and the Workers Registration Scheme closed on April 2011. A2 nationals are eligible to apply to join the register during the first year of their residence if they have registered their employment under the Worker Authorisation Scheme (A2 national) and are working for an authorised employer. An A2 national will not be eligible if they cease working for an employer under the terms of the authorisation.

**Accession (Immigration and Worker Registration) Regulations 2004 (the Worker Registration Regulations) and the Accession (Immigration and Worker Authorisation) Regulations 2006 (the Worker Authorisation Regulations) Accession (Immigration and Worker Authorisation) (Amendment) Regulations 2011/2816.**

- 3.5 Applicants are entitled to a review of a decision that they are ineligible for an allocation due to s160 A (3) or (5). Review procedures are detailed in paragraph 20 of this policy.
- 3.6 In addition to the reasons above in this section, applicants whose immigration status or established habitual residence would ordinarily enable them to apply to the Housing Register will be excluded from registering an application if they have no identified housing need and are adequately housed.

#### 4.0 How the SDHR Policy works

4.1 The demand for social housing (also known as affordable rent housing) in the Sevenoaks District exceeds supply and the SDHR Allocations Policy exists to prioritise the rehousing of those households who are in the greatest need in a fair and transparent way. Since the transfer of the Council's housing stock to West Kent Housing Association in 1989, there is now no Council housing in the District and Housing Associations (also known as Registered Providers and Registered Social Landlords) have become the major providers of social housing. Each year the total amount of vacant social housing stock available varies. Homes are allocated in accordance with the rules in paragraph 4.2 below. However, where SDC find that certain bands are not receiving offers in proportion to the need for housing they can introduce a quota scheme at any time, in consultation with the largest owner of social housing in the district (West Kent).

4.2 The attached banding scheme is used to assess each application. Each factor is linked to a priority band which determines an applicant's priority for rehousing:

- Band A
- Band B
- Band C
- Band D
- Band E

Usually an application will be linked to several factors across different priority bands but the highest factor that applies to applicant's circumstances will determine which band they are placed in. For example, an applicant with an emergency medical condition will go into Band A, even if their other circumstances are linked to a lower band.

4.3 Medical priority will be assessed by the Managing Agent for the Housing Register with the option of referring the case to an independent medical advisor if considered appropriate. Paragraph 8 provides more information on how medical priority is awarded.

4.4 Sevenoaks District Council is part of the Kent Homechoice Partnership responsible for delivering Kent Homechoice, the Kent wide Choice Based Lettings Scheme. Unless the Council's Chief Officer (Housing) and the partner Registered Providers and/or Housing Associations agree otherwise, all social housing properties will be allocated through this choice based lettings process. For further information on how properties are advertised through Kent Homechoice and how to bid for vacant homes see the Statement of Choice which supports this policy at paragraph 18.

Under the SDHR policy, vacant homes will be advertised for two Kent Homechoice bidding cycles. If after two bidding cycles either

a) no eligible bids have been received for the property

or

b) those who have been offered the property have refused it

then to progress the letting of the property and minimise the time the property is vacant, other means of identifying a suitable applicant for the property will be considered, for example, advertising on alternative internet websites.

- 4.5 When deciding who will be offered a vacant home, eligible bids received from applicants in Band A will be considered first, in the order of the date they were accepted onto the SDHR. If no one suitable has bid from this band then applicants in Band B will be considered next and if there is still no one suitable then eligible bids from applicants in lower bands will be considered in succession. Within each band applicants will be prioritised in date order of acceptance on to the Register. At times properties will be used to meet local priorities and the advert will invite bids from a specific group only; for example, those who are under occupying other homes.
- 4.6 If an applicant is not offered a particular vacancy, a clear record of the reason will be made and the applicant is entitled to know why they have not been offered the property (although the confidential nature of other applicants' circumstances may not be disclosed).
- 4.7 It is the applicant's responsibility to advise the SDHR of any changes to their circumstances. Applicant details and eligibility for the SDHR are verified before an offer of housing is made. Should an applicant's circumstances have changed following the submission of their SDHR application form, their application will be reassessed accordingly and any pending offer of accommodation may be withdrawn.
- 4.8 Some properties or developments have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under planning agreements. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. This type of qualifying criteria is usually agreed as part of planning or funding conditions. In these circumstances local connection criteria will usually mean connection to a village or parish rather than the district as a whole. Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) applicants will be required to provide evidence to support their local connection as part of the application for housing in those properties, which will be verified by the SDHR. More information on this is available in Para 15.
- 4.9 Local Lettings Plans will be used for some properties or developments where, for example, Housing Associations need to allocate properties sensitively to ensure that community safety issues have been taken into account, or to promote the sustainability of the area, or to earmark suitable properties for those who are currently under-occupying their social housing home. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. The introduction of a Local Lettings Plan is subject to the Registered Provider/Housing Association obtaining the agreement of the Council's Chief Officer for Housing. More information on these policies is shown in paragraphs 16 and 17.

## 5.0 Homelessness Prevention Policy

5.1 The Council places great emphasis on the prevention of homelessness, particularly for vulnerable people and families, by providing support and advice at an early stage to ensure applicants are aware of their housing options and are supported to make informed choices before they become roofless.

5.2 Where the Council has carried out investigations and is satisfied that an applicant is:

- within 28 days of becoming homeless;
- has a priority need under the Housing Act 1996; (See Appendix D for definition)
- is actively working with the Councils Private Sector Lettings Scheme; and
- is not placed in temporary accommodation arranged by a Council;

They will be placed in Band B for a period of 90 days. If a suitable property becomes vacant during this time but the applicant fails to bid for it, the award of this priority will be reviewed by a Housing Officer at the Council. If considered appropriate, the award of this priority will be extended for a further 90 days or removed and the applicant placed in the band D.

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

If at the end of 180 days (2 x 90 days), the applicant has failed to bid for any suitable vacancy that arose during that time, the Band B priority granted to the application will be withdrawn and the application will be placed for a 12 month period in Band D.

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

If an applicant is not in priority need under the Housing Act 1996, but satisfies the other criteria above, they will be placed in Band D.

Applicants who are accepted as Homeless and placed in temporary accommodation by the Council will be placed in Band C. After 6 months in temporary accommodation, if they have made eligible bids and not been successful in getting rehoused their priority will be increased to Band B.

## 6.0 Removal from the Register

6.1 Applicants will be asked to confirm annually that their information on the register is correct and that they want to remain on the register. If they do not respond within 28 days they will automatically be removed from the register.

6.2 An applicant can request a review of the decision to remove them from the register as detailed in paragraph 20 of this policy.



## 7.0 PRIORITY BAND SYSTEM

As previously outlined in this document, there are now 5 bands identifying priority, instead of points (in line with other Kent Allocation policies and Kent Homechoice). The following is an explanation of those bands.

### **Band A**

1. Applicants with an emergency medical condition, welfare need or disability which is critically affected by their housing circumstances. This must be supported by Police, MAPPA Process, Social Services or medical professional. This category includes Service Personnel who need to move into suitable adapted accommodation because they have sustained serious injury, a medical condition or a disability during their service.

Emergency medical priority is verified by the Managing Agent for the Housing Register and may be referred to an independent medical advisor for advice if appropriate.

Emergency welfare priority is verified jointly by officers of the Managing Agent for the Housing Register and Sevenoaks District Council (see paragraph 9 for more details).

2. Applicants with an exceptional need to move. This includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to crime or victims of crime, racial or homophobic harassment. (Applicants who qualify under this category are not required to have a local connection and their eligibility will be determined by the Managing Agent of the Housing Register as set out in 2.11).
3. A tenant of one of the SDHR partner Registered Providers/Housing Associations who would release an adapted social housing property by moving.
4. A tenant of one of the SDHR Partner Registered Providers/Housing Associations where the social landlord requires the tenant to move due to major works or other urgent management reason. This includes those who are irregularly occupying a social housing property as a non-successor where a decision to rehouse the applicant has been made. For management transfer applicants only where no suitable size home becomes available; a direct let of a property may be considered and or the applicant may bid on homes larger or smaller than assessed by the bedroom standard. Where this will result in under occupation the applicant must be able to afford the rent due on the home or be able to make up any housing benefit short fall. If there is overcrowding, the applicant will be able to remain on the SDHR but their priority will be re-assessed based on their new home. The decision to rehouse such applicants is made jointly by the Homechoice Manager and the Social Housing Team Manager and is based upon whether the person is eligible to register an application on the SDHR along with the particular circumstance of each case.

5. Farm workers who need immediate housing under the Rent (Agriculture) Act as recommended by the Agricultural Dwelling Housing Advisory Committee.
6. Occupiers of properties under Emergency Prohibition or Demolition Orders.

## Band B

1. Applicants recommended by Sevenoaks District Council as qualifying under the Council's Homelessness Prevention Policy (Time Limited Priority).
2. A Housing Officer from the Council's Private Sector Housing Team has identified a category 1 health and safety hazard in an applicant's home using the Housing Health and Safety Rating System and they are in a vulnerable group that is at risk from this hazard. For example, where an older person lives in a property with inadequate heating or a family with children living in a property with severe dampness or if a notice has been served by the Local Authority. If the landlord has been given a set period of time to rectify the problem, this priority will be linked to that time period.
3. A tenant of one of the local Registered Providers/Housing Associations who is currently under occupying a social housing home in the District.
4. Applicants who are statutorily overcrowded as defined by the Housing Act 1985. (See Appendix A (2) for full details) This does not include applicants who are overcrowded under the Bedroom standard (Appendix A (1)).
5. Applicants for whom a Single Agency Assessment has been accepted and awarded High Priority.
6. Applicants who have been awarded high medical priority. Additional confirmation will be required by Health professionals.
7. Applicants who have been awarded high priority need to move due to hardship or welfare needs as determined jointly by Officers from the Managing Agent and Sevenoaks District Council (see paragraph 9 for more details).
8. Applicants who need to move to a particular locality in the District to give and receive care or support or to take up a confirmed offer of permanent employment.
9. Applicants who need to move on from a specialist supported housing scheme into general needs housing who qualify for rehousing in the Sevenoaks District under the Kent wide Supporting People Reconnection Policy or who require move on from a property identified under the Intermediate Rented Scheme (after 6 months).
10. Homeless households owed a full homeless duty under sections 193 (2) 195 (2) Housing Act 1996 who have lived in temporary accommodation for six months. **ONE OFFER ONLY.**
11. A tenant of one of the SDHR partner Registered Providers/Housing Associations living in general needs housing who wants to move into older person's accommodation.
12. Service Personnel who have received a Certificate of Impending Homelessness and who have insufficient means to purchase a suitable property. This includes separated wives in MOD housing given 93 days notice.

Applications from Service Personnel will be suspended until three months before end of service. It will be necessary to provide details of financial resources at that time.

## Band C

1. Homeless households owed a full homeless duty under sections 193 (2) Housing Act 1996, as amended by the Homelessness Act 2002 and have been in temporary accommodation for less than 6 months
2. Applicants who are overcrowded as defined by the Bedroom Standard but who are not statutorily overcrowded as defined by the Housing Act 1985. (see Appendix A (1))
3. Applicants who have been awarded medium medical priority. Additional confirmation will be required by Health professionals.
4. Applicants who have been awarded medium priority to move due hardship or welfare needs as determined jointly by the Managing Agent for the Housing Register and Sevenoaks District Council Officers (see paragraph 9 for more details).
5. Applicants for whom a Single Agency Assessment has been accepted and awarded Medium Priority.
6. Applicants whose home lacks kitchen facilities (applies if you have no separate sink unit (not within bathroom), and/or do not have the facility to cook hot meals.
7. Applicants whose home lacks bathing facilities (applies if you have no shower or bath with hot and cold water).
8. Applicants whose home lacks a WC within the building.
9. A Category 1 Hazard exists in an applicant's home but the occupier is not in a vulnerable group.

## Band D

1. Applicants who need to share kitchen, bathroom, WC or living room with people who are not part of their household. This could, for example, be a young couple who wish to set up their own home but circumstances require them to continue living in their family home(s).
2. Applicants whose home has poor internal or external arrangements – i.e. walking through a bedroom to get to another room.
3. Applicants who have been awarded Low medical priority. Additional confirmation will be required by Health professionals.
4. Applicants who have been awarded Low priority to move due hardship or welfare needs determined jointly by the Managing Agent for the Housing Register and Sevenoaks District Council officers. (See Paragraph 9).
5. Applicants who are owed a homelessness housing duty by another local authority under sections 190 (2), 193 (2) or 195 (2) Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192 (2)
6. Any other applicant who is not excluded or disqualified from being registered on the Sevenoaks District Housing Register. This band will include:
  - Applicants classed as becoming homeless intentionally under the Housing Act 1996;
  - Those who have deliberately worsened their housing situation. This includes those who fail to bid for suitable properties during the time limits granted under the Homelessness Prevention Policy.
  - Planning Agreement Rural Exception Sites. Where an applicant has no housing need but would qualify for housing because of a Parish Connection, the applicant must not have an income that exceeds the current LCHO limit. Any bids made by an applicant on homes that do not come under the definition of Rural Exception under Planning Agreement will be considered ineligible. This includes applicants who are aged 55 years and over, whose household contains an adult child (over 18) being considered for specifically designated housing that is covered by a planning agreement only.
7. Applicants serving a prison sentence. Following notification that the applicant is within 3 months of release, their application will move to Band “High Priority and Urgent Need to Move” under the Councils Homelessness Prevention Policy, where they will remain for 90 days.

## Band E

1. Applicants aged 55 years and over who live in homes that meet their current needs but who 'want' to move to sheltered housing or other housing designated specifically for this age group.
2. Applicants aged 55 years and over who want to move into sheltered housing or other housing specifically designated for this age group but do not meet the local connection criteria to join the SDHR.
3. Applicants who have a qualifying local connection of 'make a community contribution and or who have permanent employment in the district' and who meet the financial limits, but who do not have a housing need recognised in the other priority bands.

## 8.0 Awarding Additional Medical Priority

- 8.1 Medical priority is only awarded when there is a direct link between the health issue and the property. Having a health issue not linked to the property will result in 'No Additional Medical Priority' being granted. Applicants must provide documentary evidence of how their health issues are affected by or why the health issue cannot be managed in their current home by completing a self assessment medical form available from the Housing Options Team at West Kent Housing Association. On receipt, officers at the SDHR will consider whether any supplementary information is needed from other relevant professionals (for example: Environmental Health or Housing Officers, Social Worker or Health Visitor) to further explain the impact the medical condition/disability has on the applicant's current housing. While this information is being provided to the SDHR and pending the assessment, eligible applications will be registered and placed in a band according to their circumstances excluding medical priority. Where no other housing need exists, the application will remain as pending until medical priority is determined
- 8.2 The Managing Agent for the SDHR will make a decision based upon the information provided to award additional priority to an application on medical grounds. Priority levels awarded to applications on medical grounds are Emergency Medical Priority, High Medical Priority, Medium Medical Priority, Low Medical Priority or No Additional Medical Priority Granted. Emergency Medical priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. Where it is appropriate the evidence will be referred to an independent medical advisor for a decision.
- 8.3 The SDHR will send a letter to the applicant advising them of any change in their priority and where no priority is awarded, advice will be given on resolving the housing difficulties they are experiencing.
- 8.4 Where medical priority has been awarded, an annual review will be made to ensure the priority awarded remains valid. On review, priority may be increased if the situation has worsened, remain the same if the situation is the same or withdrawn if the situation is resolved.
- 8.5 Where an applicant notifies a change of medical and/or housing circumstances to the SDHR the applicant's priority will be re-assessed by the Managing Agent for the Housing Register.
- 8.6 **Additional medical priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.**
- 8.7 Each permanent member of the applicant's household can make a separate application for additional medical priority but the overall award given to the application will reflect the highest priority awarded across all family members. For example, if two household members have submitted medical information to be considered and one household member has been awarded low medical priority and the other medium medical priority, the application will be placed in Band C to reflect the award of medium medical priority.



8.8 An applicant has the right to a review of a decision made under this section. See paragraph 20 for details of the review procedure.

## **9.0 Awarding Additional Social and Welfare Priority**

9.1 Social and Welfare priority is awarded where the applicant's home is unsatisfactory or unsuitable in a significant way and this is having a detrimental affect on the household or individual. Where an applicant is homeless, the affect of living in temporary accommodation on the applicant or household may be considered.

9.2 Priority can be awarded in a variety of situations including racial, sexual, or general harassment, threats of violence and/or intimidation or where an applicant is vulnerable with a need to move to receive support or those needing to move on urgently from supported housing.

9.3 Social and Welfare priority is awarded following the assessment of a prepared report on a pro forma available from the Housing Options Team at West Kent Housing Association. The report must be completed by a relevant professional (for example: Housing Officer, Social Worker, Education Welfare Officer) which details the reasons why the applicant needs to move urgently on social and welfare grounds. This report is considered by the Homechoice Manager, the Housing Advice and Standards Team Leader and a third person not involved in the SDHR or allocation processes at all – (at this time the role will be filled by the Policy and Service Improvement Manager from West Kent). Priority levels awarded to applications on these grounds are Emergency Need to Move, High Need to Move, Medium Need to Move, Low Need to Move or No Additional Social and Welfare Priority Granted. Emergency Need to Move priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. The Homechoice Manager will inform the professional making the request for Social and Welfare priority of the outcome of the evaluation of their report.

9.4 Additional priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.

9.5 Each permanent member of the applicant's household can make a separate application for additional social and welfare priority but the overall award given to the application will reflect the highest priority awarded across all family members

9.6 Where Social and Welfare priority has been awarded, an annual review will be made to ensure the priority award remains valid. On review, priority may be increased if the situation worsens, may remain the same if the situation is unchanged, or may be withdrawn if the situation is resolved or changed.

9.7 Where the applicant notifies the SDHR of a change in their housing and/or social and welfare circumstances, priority will be re-assessed.

9.8 An applicant has the right to a review of a decision made under this section. See Paragraph 20 for details of the review procedure.

9.9 More details regarding how social and welfare priority is determined can be found in Appendix E.

## 10.0 Housing for People Aged 55+ and Sheltered Housing

10.1 Applicants who request accommodation that is designated as being:

- specifically only for applicants aged 55+;
- category 2 sheltered housing (housing with warden support 7 days per week) or;
- extra care sheltered housing (housing for more frail elderly people, with 24hr support available, plus access to restaurant or dining facilities along with other care services);

will be assessed at the time of application by the sheltered Housing Team of the relevant housing association. Where it is identified that an applicant is bidding on accommodation that is not suitable for their needs, an assessment will be made to enable them to identify a suitable home.

Where appropriate, applicants eligible for the types of accommodation set out in section 10.1 will, where necessary, be given support by the SDHR to enable them to bid for properties advertised via the Choice Based Lettings scheme. Where applicants are a current tenant of a Registered Provider this support will be provided by their existing Housing Officer or a support worker.

## 11.0 Behaviour

11.1 In certain circumstances an applicant may be awarded less priority due to their behaviour, for example:

- Where there is evidence of breach of tenancy agreement the applicant will be placed in Band D (the second lowest band) for 12 months. (This covers both Private and Social Housing tenancies)
- Where an applicant has deliberately worsened their housing circumstances by deliberately overcrowding their home, the applicant will be placed in Band D for 12 months.
- Where an applicant has refused to bid for a suitable property or is persistently bidding for properties under the Kent Homechoice CBL scheme and there is no real prospect of them taking up any of the properties, the applicant will be placed in Band D for one year.

11.2 The adjustment can be lifted before the expiry of 12 months if the SDHR is satisfied that the behaviour which necessitated the adjustment has been remedied.

11.3 A senior officer for the Managing Agent for the Housing Register will make decisions set out in sections 11.1 – 11.2.

11.3 Applicants have the right of review of any decision made under this section. Details of the review procedure are at paragraph 20.

## 12.0 Legal Framework

- 12.1 In accordance with The Local Authority Order 1996 (SI 1996 No 3205) the Sevenoaks District Council (SDC) has contracted out the management of the register to West Kent Housing Association. Further details are available through the Service Level Agreement.
- 12.2 This Allocations Policy has been written to ensure that the Council discharges its responsibilities under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the Code of Guidance. It also takes account of the Housing Corporation's Regulatory Code and Guidance. The Sevenoaks District Housing Register (SDHR) is committed to acting within Human Rights and Equal Opportunities legislation.
- 12.3 This policy determines how applicants are nominated from the SDHR to vacant homes owned by Registered Providers/Housing Associations, who will each have their own allocations policy. **Each Registered Provider/Housing Association applies its own allocation policy to applicants nominated to them for vacant properties from the SDHR.**
- 12.4 The policy relates to the letting of permanent or probationary tenancies (also known as Starter Tenancies) and also the short term intermediate rented scheme. The main Registered Providers/Housing Associations who accept nominations from the SDHR are West Kent, Moat Homes Ltd, Places for People, Rockdale Housing Association and Orbit Housing Association. It should be noted that these organisations might also operate their own registers and transfer lists.
- 12.5 Applicants wishing to be considered for LCHO (low cost home ownership) will be referred to the Zone Agent responsible for operating the Help to Buy register for low cost home ownership options in Kent. Please see the Sevenoaks District Intermediate Housing Allocations Policy for more information.

### Awarding Priorities

- 12.6 The scheme is designed to reflect the reasonable and additional preference categories outlined in the Housing Act 1996 part VI and the Code of Guidance. The scheme is in line with the Housing Corporation's Regulatory Code and gives preference to the groups outlined in the Code.
- 12.7 It is intended that the SDHR Allocation Policy will give reasonable preference to the following people as set out in s167 (2) of the 1996 Act (as amended by the Homelessness Act 2002) and this has been reflected in the banding system:
- People who meet the homeless definition under Part VII of the 1996 Act but who are not in priority need or have made themselves intentionally homeless, e.g. rough sleepers.
  - People who are owed a duty by any housing authority under Section 190 (2), 193 (2), 195 (2) or 192 (3) of the Housing Act 1996, or under Section 65 (2) or 68 (2) of the Housing Act 1985.

- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the district of the housing authority to either give or receive support or to take up employment.

#### Additional Preference

12.8 Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) certain groups of applicants are entitled to 'additional preference', these include:

- Those owed a homelessness duty as a result of violence or threats of violence where the threats are likely to be carried out.
- Those with urgent medical reasons for a move.
- Those with a welfare/social need to move.

#### 13.0 Offers of Accommodation

13.1 Through the Kent Homechoice CBL scheme applicants can choose when to bid for a property. If they then choose not to accept an offer of accommodation made to them they will not lose any priority for housing.

There are some exceptions to this rule:

- Those with exceptional medical/welfare priority who have not bid for 2 or more properties that could be deemed suitable for them will have an offer made. Refusal of that offer can result in exceptional medical/welfare priority being removed.
- Homeless duty being discharged against a homeless applicant.
- Households living in a property identified under the Intermediate Rented Scheme for 6 months who have been given priority to move on.

Where an applicant is making malicious or hoax bids or persistently and irrationally making bids where it is deemed that they have no real intention of taking up a property. Cases will be judged on an individual basis and the result may be a loss of priority by the application being suspended for a maximum period of 12 months.

#### 14.0 Making a Reasonable Offer

14.1 In deciding what a reasonable offer is, the SDHR will take into account the needs of the applicant and their household and their choices and preferences. Within the CBL scheme, for applicants with high priority, the definitions within Offers of Accommodation at paragraph 13 will apply.

14.2 A decision with regards to what is a reasonable offer will be balanced against the availability of property type and size preferred and the urgency of the applicant's need for housing. For example applicants with a high welfare or medical award or an applicant given high priority because they are homeless may not be given a preference for a house rather than a flat and under the CBL scheme would be expected to bid for suitable properties regardless of preference. Applicants in these circumstances have an urgent need for housing and may be required to bid for a property that may not be in their areas of choice and a Housing Officer can bid on an applicant's behalf without their consent. This would enable an offer or bid of housing to be made within a reasonable length of time.

14.3 An applicant is entitled to a review of the reasonableness of an offer as detailed in paragraph 20.

### 15.0 Local Letting Plans

15.1 The SDHR may sometimes use local lettings plans to allocate a property.

A local lettings plan may be used to facilitate sustainable communities:

- Where there have been particular management problems identified in an area.
- When allocating for a new or refurbished development to ensure the creation of a balanced and sustainable community, for example consideration of child density levels. In these circumstances it is expected that nomination agreements will be made during the development phase.
- To fulfil requirements under Planning Agreements (also known as section 106 conditions).
- To assist with wider strategic objectives of the Council, e.g. to remedy under occupation of existing social rented homes.

15.2 The SDHR will monitor to ensure that overall reasonable preference for allocations is given to applicants in the reasonable preference categories and that local letting policies do not discriminate on equality grounds.

### 16.0 Sensitive Letting (property)

16.1 Under some special circumstances it is occasionally desirable to be particularly sensitive when nominating applicants to a property. The decision that a property should be let sensitively will be made prior to the selection of applicants for a nomination. Sensitive letting of a property will be carried out where a Housing Association gives written confirmation to the SDHR of that property's previous tenant's anti-social behaviour. This is usually where a tenant, who was the cause of anti-social behaviour such as noise nuisance, violence, harassment, or intimidation, has been evicted or abandoned the property. . The Home Choice Manager in conjunction with the Senior Manager of the Registered Provider/Housing Association will consider the evidence provided and decide whether the property should be let sensitively.

- 16.2 Where a property is let sensitively the normal short-listing procedure will be followed. However, if the person with the highest priority has a known history that would make them unsuitable they will not be nominated and the next applicant will be considered.

This will normally be stated in the advert text that a home will be let under these criteria by stating 'in the interest of maintaining a sustainable community this property may not be offered to the person with the highest priority'.

### 17.0 Special Circumstances (applicant)

- 17.1 Under some special circumstances, it may occasionally be desirable to be particularly sensitive when a person needs housing. This will be decided at the time of application and/or when the SDHR or Registered Provider/Housing Association receives relevant information, usually having considered the advice of relevant professionals and in agreement with the applicant. This would generally be when the applicant would be at risk of harm if housed in a particular location, or may pose a risk to others.

Examples could be where there has been a breakdown in a violent relationship, or where someone is at serious risk of harm because they have acted as a witness in court, or where we have information from the Police or Probation Service that they may be a risk to the community.

- 17.2 Applicants are entitled to details of any criteria attached to their housing application, although provision will be made to ensure that confidentiality is not breached that would put others at risk. If a bid made under CBL results in an applicant being at risk, the SDHR will discuss the suitability of the offer with the applicant. This may result in the offer of accommodation not being made. If a bid under the CBL scheme is made that may place an applicant at risk, the suitability of the offer will be discussed and a decision may then be made not to make such an offer of accommodation.

- 17.3 Applicants can request a review of the decision to place any restrictions made on their re-housing as outlined in paragraph 20.

### 18.0 Providing Applicants with Choice

- 18.1 SDC is required under s167 (1A) of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide a statement of its policy on offering applicants a choice of accommodation or the opportunity to express preferences about the housing accommodation to be allocated to them.

#### 18.2 Statement of Choice

The SDHR offers applicants choice despite high demand for social housing. The SDHR makes an assessment of an applicant's circumstances against the priority banding criteria and places the application in the priority band that best reflects the urgency of their housing need.

Within the CBL scheme properties becoming available will be advertised on a fortnightly basis via the Kent Homechoice Scheme. The properties will be advertised primarily on the internet but a free personalised report can be provided on request

from the Housing Options Team at West Kent for those who are vulnerable and not able to access the internet or digital TV. It is also possible for an applicant to pay a subscription fee to Locata, who provide the Kent Homechoice software, for them to provide a personalised report on a regular basis.

Once an applicant has been accepted onto the Sevenoaks District Housing Register, their application is automatically uploaded onto Kent Homechoice and they will receive a welcome pack which contains their Personal Identity Number. This will enable them to make an “interest” bid by telephone, website, digital TV, text or coupon for vacant properties that are suitable for their needs.

Properties will then be offered to applicants from the highest band, with the longest registration date on the Sevenoaks District Housing Register.

The CBL scheme aims to give transparency to the way empty properties are allocated. Adapted properties will be advertised giving the type of adaptations within the property and which applicants will be eligible to bid for this type of property. The Council supports that Registered Providers/Housing Associations will make best use of their stock and therefore larger 3 bedroom homes will be advertised with a maximum number people who can occupy. This is to ensure these units are available for larger families due to the shortage of 4 bedroom homes in the district. Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996 will not be included in the CBL scheme.

Applicants are invited to bid for properties and we aim to ensure that all relevant information is available to enable applicants to make informed choices regarding bidding. Subject to eligibility criteria, which includes the size of property an applicant can bid for, applicants are invited to:

- a. Choose/bid for properties in the area(s) they wish to be considered for (of the size of home they have been accepted onto the Housing Register for) within the district;
- b. Choose/bid for the type of property they prefer to live in.
- c. Choose/bid for which Registered Providers/Housing Associations they would like to apply to.

The SDHR will:

- a. Provide applicants with information which explains why they have been placed in a particular priority band and where requested, also information regarding the implications an applicants choices in terms of waiting time and the availability of properties. This is to assist and enable them in making informed choices.
- b. Allow applicants a maximum of 3 bids per fortnightly advertising cycle under Kent Homechoice, CBL where possible.
- c. Provide applicants with the results table of the successful bids for individual properties showing the level of priority required for a successful bid.

The SDHR provides support and offers advice on a range of tenures that applicants can apply for:

- Affordable and social rented housing;
- Intermediate rented housing at sub market rents;
- Low cost home ownership housing options, e.g. Shared ownership, Help to Buy and shared equity;
- Mutual exchange;
- Private Sector Letting Scheme (Rent in advance or deposit bond for potentially homeless applicants);

Applicants will be referred to the Council and voluntary agencies that can advise and assist on renting in the private sector.

Those applicants who may qualify for low cost home ownership will be directed to contact the Zone Agent.

## 19.0 Access to Information/Sharing Information

- 19.1 Applicants have the right to request such general information as will enable them to assess how their application will be treated under the policy and whether they are likely to fall into reasonable preference categories.
- 19.2 Applicants can request information as to whether accommodation appropriate to their needs is likely to be made available and an indication as to how long this may take. Applicants have the right to see the information about their application that the SDHR hold on their files.
- 19.3 When an applicant signs their application form they are asked for their consent to share information with other agencies such as Registered Providers/Housing Associations, private landlords (to be contacted for a reference only), social services, health services, Parish Councils (for Rural Exceptions Sites only) and the District Council.
- 19.4 Partners of the SDHR have the right to see applicants' application files and arrangements can be made to visit Housing Options Team to see the files. Information is shared in order to:
- Determine an applicant's priority.
  - To assess any potential risks to the client and others.
  - To ensure suitable accommodation is provided for applicants.

If West Kent houses an applicant, their application form and any supporting evidence will be kept on their house file. Details on their application will also be held on a database until the applicant is housed or removed from the register.

If an applicant is housed by another Registered Provider/Housing Association the application form will be kept by the SDHR with details of the allocation.



19.5 If an applicant is not eligible for the register, does not renew their application for housing or asks to be removed from the register their application form will be kept for two years before being destroyed.

## 20.0 Requesting a Review of a Decision and Making a Complaint

If an applicant is unhappy about any aspect of the policy, the way their application has been handled or the decisions made by the Managing agent they have the right to ask for their case to be reviewed. Depending on the reason for the review there is a specific process that needs to be followed. Below we outline each of the processes in turn. Advice on how to ask for a review and the process to be followed, will be provided by the Managing Agent (West Kent) or SDC.

A review or complaint can be requested in person or by an advocate over the phone, in writing, by email, through the West Kent website, orally or by completing the appropriate forms provided by West Kent or SDC.

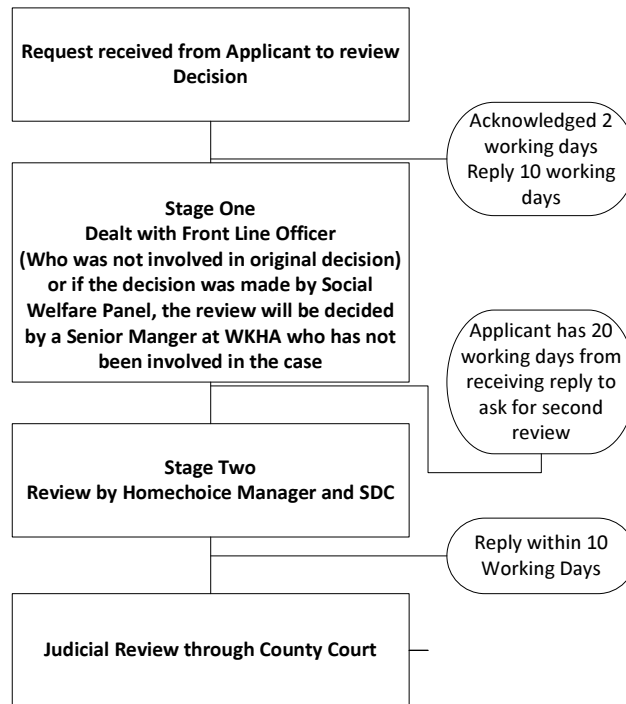
### 20.1 Reviewing Decisions made by the SDHR

Applicants can request a review of a decision made by the SDHR; examples of the decisions covered by this process are:

- A decision that an applicant is ineligible on the grounds of unacceptable behaviour serious enough to make him/her an unsuitable tenant.
- A decision that an applicant is ineligible to join the SDHR due to the Local Connection criteria
- A decision that an applicant should not be given reasonable preference.
- Whether all the relevant facts about an applicant's case have been taken into account.
- A decision on ineligibility because of immigration status under s 160A (3) or s 160A (5) of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- A decision that an applicant is not entitled to unlimited bids
- That decisions made were incorrectly/or failed to be effectively communicated

All decision letters will advise the applicant about the right for a further review if they do not agree with the stage one response. This will include details of where they can get independent advice such as Shelter, Citizens Advice Bureau or legal advice.

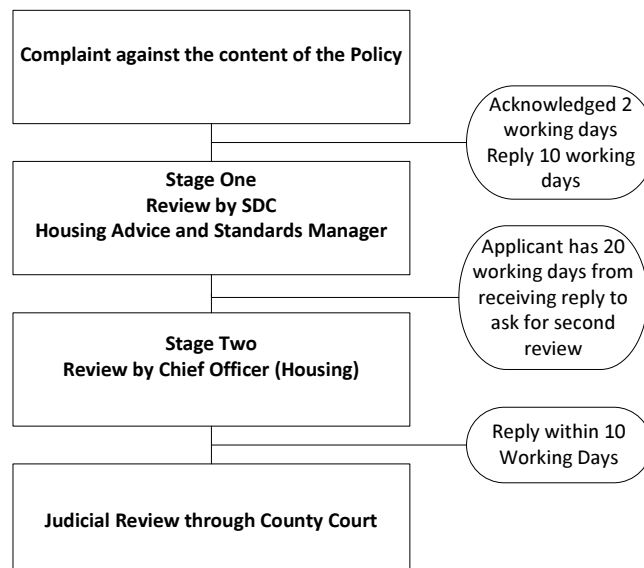
Once review request received it will follow the procedure below:



## 20.2 Complaining about this Policy

If applicants believe that the policy is wrong they are able to make a complaint and ask for it to be reviewed, for example if they feel the policy discriminates against a particular group of people

Once complaint is received it will follow the procedure below:

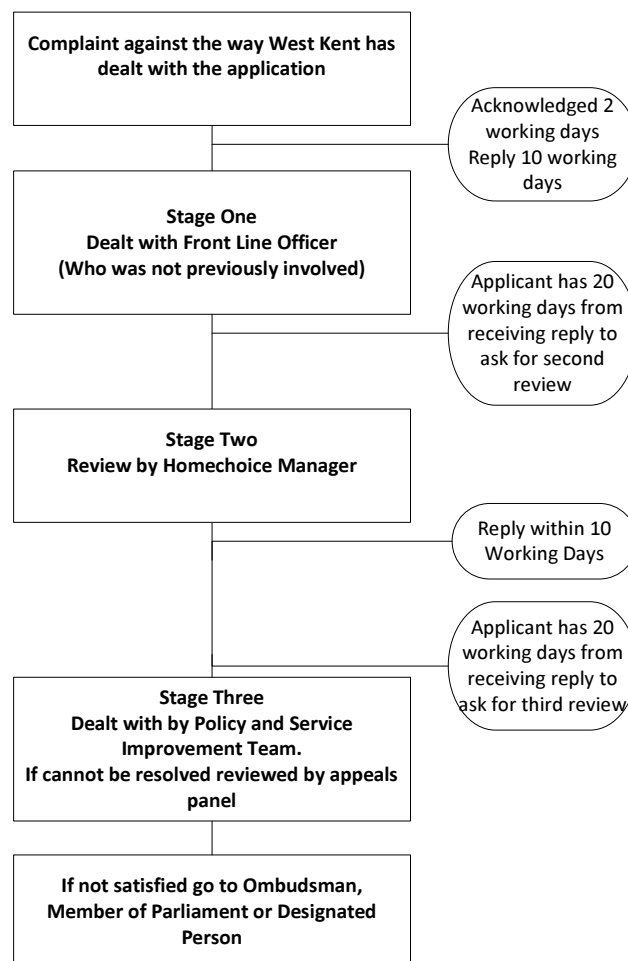


## 20.3 Complaint about the way the Managing Agent (West Kent) has handled the application

If an applicant feels that the Managing Agent has not dealt with their application properly or in a respectful and appropriate manner they will use the West Kent Complaints process to raise their concerns. Examples of this type of complaint are:

- That the level of service provided failed to reach the standard set out in the Customer Service Standards of the Association.
- That a request for a service or information was not provided within the timescales set out in the customer Service Standard.
- That decisions made regarding an application were not effectively communicated.
- That the application was not dealt with fairly and in accordance with the Association’s Equality and Diversity Statement and/or that an applicant has been subject to discrimination by staff of the Association.
- The attitude or behaviour of staff.

Once complaint is received it will follow the procedure below:



After stage three, applicants can ask a local MP, Councillor or designated person to review their complaint. If customers would rather have the Housing Ombudsman Service review their complaint they need to wait eight weeks from the date of the stage three decision letter.

Where an applicant persistently complains about a closed complaint or makes a series of very similar complaints, West Kent may decide the applicant is a 'persistent complainer' and deal with them differently in accordance with their policy

#### 20.4 Requesting a review of the reasonableness of an offer

See paragraphs 13 and 14 for the definition of a reasonable offer.

##### **a. Non-homeless applicant**

If an applicant who has been awarded emergency medical or social and welfare priority feels that an offer was not 'reasonable' they can request a review. If the review decision is that the offer was not reasonable then the applicant's priority will revert to the level prior to the refusal of the offer.

If the review decision is that the offer was reasonable then an applicant's priority will be reduced (see paragraph 13).

If an applicant's right to unlimited bids for a property is removed, they can request a review as to the reasonableness of that decision, as above.

##### **b. Homeless applicant**

If the applicant has been accepted by SDC under the homelessness legislation the review process will be slightly different. When refusing an offer the reasons for refusal must be provided to the Homechoice Manager, who will copy the letter along with a recommendation as to whether the offer was reasonable to the Housing Officer assigned to the applicant at SDC. The Housing Officer will then make a decision on the reasonableness of the offer as quickly as possible. The offer of the property will be held open whilst this decision is being made and the applicant does not need to move in pending a decision on the review. If the decision is that the offer was not reasonable the applicant's priority will revert to the level they were prior to the refusal.

If the review decision is that the offer was reasonable, the applicant can take up the tenancy or continue to refuse the offer. If they continue to refuse the reasonable offer, the property will be relet and the applicants priority being adjusted in accordance with para 13. The property will be offered to the next suitable applicant. In addition it is likely that SDC will consider that it has discharged its duty to the applicant under the homelessness legislation.

Under the homelessness legislation there would be an opportunity for the applicant to apply to the council for a review of a decision to discharge duty. The Council offers a two tier review process on the decision to discharge homelessness duty, the first stage of the review process will be considered by the Housing Advice and Standards Manager and the second stage allows an appeal to a board represented by Councillors. The Council's review process should be completed with 56 days of the request for a review

of the decision to discharge duty. If you do not agree with the review decision, you may appeal to the County Court on a point of law, within 21 days of the review decision.

#### **21.0 Offences related to information given or withheld by applicants**

21.1 Under section 171 (false statements and withholding information) the SDHR will take action to prosecute an applicant and will consider possession proceedings under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the Housing Act 1996, s 146) where an applicant has given false information and obtained a tenancy.

21.2 The circumstances that an offence could have been committed would include:

- a. Any false information given on an application form for social housing.
- b. Any false information given in response to subsequent review letters or other updating mechanisms; or
- c. Any false information given or submitted by applicants during the proceedings of a review.

#### **22.0 Equal Opportunities**

22.1 The SDHR member housing associations and SDC will ensure that policies and procedures in allocating properties do not discriminate directly or indirectly on grounds of sex, sexual orientation, race, religion, gender reassignment, disability or age, pregnancy and maternity or marriage and civil partnerships.

22.2 To monitor the effectiveness of this allocations scheme, records are kept of the ethnic origin, religion, sexual orientation, gender, disability and age of all those applying for housing and those who are housed. The results are analysed and action is taken to ensure that we are providing an excellent service to all our customers.

## APPENDIX A – Overcrowding Definitions

There are two standards of defining overcrowding and depending on the applicants circumstances a different priority banding will be awarded.

### A (1) SDHR Bedroom Standard

The number of bedrooms applicants and their household will be registered for will be determined using the Bedroom Standard set out by Government for the payment of Housing Benefit. Applicants overcrowded as defined by the Bedroom Standard will be placed in Band C.

People who share a room must be family members or in a relationship together. Where applicants have access rights to children, West Kent will determine the child's principle place of residence and award overcrowding at one property only.

Bedroom Standard:		
	Number of Bedrooms	
Household Members	1	2
Single Adults over 16	✓	
Couple (including same sex couples)	✓	
26+ weeks pregnant woman with or without a partner and no other children		✓
One child	✓	
2 children under 10 regardless of sex	✓	
2 children of the same sex aged between 0 and 16	✓	
2 Children of the opposite sex aged between 10 and 16		✓
A non-resident carer (applicant/partner have disability and need overnight care)	✓	

For households including a pregnant woman, the baby will be taken into account when assessing the number of rooms required at 26 weeks of pregnancy. Applicants will need to submit a MAT B1 form to verify this. Where the applicant is offered a home prior to the birth of baby, the applicant will need to show they can afford to pay the total rent (where on housing benefit the applicant must be able to make up any shortfall in housing benefit payments due). Where there is an existing child until the sex of the baby is known the assumption will be that the baby is the same sex as the existing child.

Applicants aged 55+ who are occupying affordable housing within the Sevenoaks District and wish to downsize, releasing a general needs property for a family, are able to be considered for sheltered/emerald housing, or other housing specifically designated for this age group the size of which is one bedroom more than they require as defined by the table above. Any offer is subject to an affordability assessment to ensure rental costs can be met.

Other applicants aged 55+ who have been accepted onto the SDHR for rehousing (Band E) will also be considered for sheltered housing and other housing specifically designated for this age group, the size of which, may be one bedroom more than they require. Priority will be given to applicants currently living within the District who will release a social housing vacancy.

Applicants aged 55+, whose household contains an adult child (aged over 18) are not ordinarily able to be considered for sheltered/emerald housing or other housing specifically designated for this age group but can be considered where the vacancy is covered by a specific planning agreement. Whether the vacancy is covered by such an agreement will be clearly specified in the advert.

### A (2) Statutory Overcrowding

Statutory Overcrowding is when there are too many people in a room or by having too many people for the size of room and will be determined by standards set out in the Housing Act 1985. Applicants who are **statutorily overcrowded** under these provisions will be placed in Band B.

This will only be awarded if the Housing Standards Officer for SDC has carried out a formal assessment. The information below on statutory overcrowding is listed for information. It is rare that families are statutorily overcrowded as all rooms except bathroom and toilet are taken into account when assessing this.

Overcrowding is defined by the number of people who stay in a room and the amount of space they have there. The law on overcrowding doesn't take into account the amount of furniture and possessions people have.

#### The number of people per room

A property may be overcrowded if it cannot provide a separate bedroom for each:

- couple
- single adult aged 21 or older
- two young people of the same sex aged 10-20
- two children under 10 (but not if there is only one child under ten)

#### The amount of space in each room

Rooms that are counted include living rooms, bedrooms and large kitchens. For the space and floor area calculations:

- children under one year old are ignored
- children between one and ten years old count as a half
- rooms under 50 square feet are ignored.

As a general rule:

- 1 room = 2 people
- 2 rooms = 3 people
- 3 rooms = 5 people
- 4 rooms = 7.5 people
- 5 or more rooms = 2 people per room.

But the floor area of a room also determines how many people can sleep in it:

- floor area 110 square feet (10.2 sq. meters approx.) = 2 people
- floor area 90 - 109 sq. feet (8.4 - 10.2 sq. meters approx.) = 1.5 people
- floor area 70 - 89 sq. feet (6.5 - 8.4 sq. meters approx.) = 1 person
- floor area 50 - 69 sq. feet (4.6 - 6.5 sq. meters approx.) = 0.5 people.

### Varying property sizes

As properties vary greatly in design, layout and room size, advice will be taken from other sources particularly Housing Officers of participating Registered Providers/Housing Associations and Environmental Health Officers of suitability.

### Medical requirements for additional rooms

Where additional rooms may be required for medical or welfare reasons cases will be considered within the medical and welfare assessment.

### Large households

Where the bedroom requirements exceed what size property is likely to become available a smaller property may be offered.

### Access to children

Those who are in receipt of Child Benefit are entitled to include those children as permanent members of the household and will be allocated the appropriate size property accordingly as detailed in Appendix D.

### Prospective adoptive parents or approved foster carers

Applicants who are approved foster carers or a prospective adoptive parent with appropriate supporting documentation will be treated as if the children currently reside with them and will be considered for a property of a suitable size.

There is a high demand for certain properties such as two bedroom properties and four bedroom properties in the district. We cannot guarantee that applicants are offered housing to meet a particular timescale.



## **APPENDIX B – Short Term Intermediate Rented Scheme**

From time to time some homes may be available for short term lettings for people who are waiting on the register and that have a Notice To Quit. These properties will be advertised via CBL. Full details of the scheme are available from the Managing Agent for the Housing Register.

## APPENDIX C - Financial Limits

Due to the pressure on social housing in this District, those with sufficient assets or income to pursue low cost home ownership (LCHO) will be referred to the Zone Agent for consideration and will not be included onto the Housing Register.

As a guide, those with a gross household income which exceeds £33,383 will not be accepted onto the Housing Register and will be automatically referred for a LCHO assessment. Those with an income which exceeds the current government set Help to Buy limit of £60,000 will not be able to register for LCHO and will not be eligible for any form of affordable housing.

Where an applicant is applying to the housing register in order to be considered for rented housing on a specific Rural Exception Site, they may have an income up to the current LCHO limit.

**It is the applicant's responsibility to make this clear on their application form.**

Applicants applying for general needs properties must not have savings which exceed current housing benefit savings limits.

However, applicants applying for housing that is designated specifically for those aged 55+ and sheltered housing may have saving and/or assets up to £350,000. This includes households where the applicant is aged 55+ and has an adult child with their household and they are being considered for a vacancy specifically designated for this age group that is covered by a planning agreement.

Vulnerable clients whose income exceeds the financial limits but who have documentary evidence to show that they cannot access private rented accommodation or LCHO can join the SDHR.

Applicants who are approved foster carers or a prospective adoptive parent with appropriate supporting documentation, who do not meet the financial limits, but who can clearly demonstrate that they are not able to access the open housing market may be considered for inclusion on the register after a full financial assessment has been undertaken.

## Appendix D – Definition of Priority Need within Housing Act 1996

The following groups were originally defined as being in priority need under the 1996 Act:

- pregnant women
- persons with who a pregnant woman resides, or might reasonably be expected to reside
- persons with dependent children, or with who dependent children might reasonably be expected to reside
- persons who are vulnerable – because of old age, mental or physical disability, or other special reason
- persons who are homeless in emergency.

The following categories were added to this list by the Priority Needs Order 2001:

- 16 to 17-year-olds (not ‘relevant children’/children in need under Children Act 1989 and Children Leaving Care Act 2000)
- young persons under 21 who are looked after/accommodated between 16 and 18
- young persons under the age of 21 who are vulnerable\* as result of being looked after/accommodated/fostered
- those who are vulnerable\* as result of being in HM forces
- those who are vulnerable\* as a result of custodial sentence/remand to custody/contempt of court/kindred offence
- those who are vulnerable\* as result of leaving accommodation because of threats of violence

\*The term vulnerable is not defined in the legislation and the interpretation of its meaning has developed through case law. (See R v London Borough of Lambeth ex p Carroll 1987 20 HLR 142/R v Camden LBC ex p Pereira (1998) Legal Action 12, CA. For more recent examples go to the Housing Law section of Shelter’s website).

The critical tests to be applied are whether the applicant is:

- less able to fend for themselves when homeless, or
- less able to fend for themselves in finding accommodation, and
- less able to fend for themselves in keeping accommodation, and whether
- this vulnerability would result in injury or detriment in circumstances where a less vulnerable person would be able to cope without harmful effects.

Not everyone who has a background in care, prison or the armed forces will be deemed to be vulnerable.

## Appendix E – Awarding Social Welfare Priority

Social and Welfare priority is awarded where an applicant's home is unsatisfactory or unsuitable in a significant way and this is having a detrimental affect on the household or individual. Where an applicant is homeless, the affect of living in temporary accommodation on the applicant or household may be considered.

Priority can be awarded for a variety of situations including:

- Racial, sexual or general harassment
- Threats of violence and/or intimidation
- Vulnerable applicants needing to move to receive support
- Applicants moving on urgently from supported housing.

N.B. Additional priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties e.g. if a household is overcrowded they will receive overcrowding priority or where it is more appropriate to apply for a medical priority.

### Procedure

A report template is to be completed by a relevant professional e.g. housing officer, social workers, health visitors, housing standards officers or an applicant can make a self referral. It should give details of why an applicant needs to move on social and welfare grounds. The report should give the view of whether they consider the case to be:

- Band A
- Band B
- Band C
- Band D
- No priority

The completed report will be considered by a panel comprising of senior, experienced staff from the managing agent delivering the SDHR and Sevenoaks District Council.

For the decision making meeting, the person who has submitted the report may be invited to attend the meeting.

All reasonable courses of action to enable the applicant to resolve their difficulties should have been taken before the case is submitted for Social and Welfare priority e.g. should any of the following be awarded:

- Medical Assessment
- Overcrowding assessment

An applicant's vulnerability and the effect of their housing will be used as a guide to help determine social and welfare banding priority.

Vulnerability	Effect of housing on social and welfare status			
	Nil	Mild	Moderate	Severe
Nil	0	0	D	B
Mild	0	D	C	B
Moderate	0	D	C	B
Severe	0	C	B	A
Immediate	0	C	B	A

If an award is given, the applicant will receive written notification of the decision and their housing register application will reflect this.

More information can be requested if necessary to enable an adequate assessment of the case to be undertaken.

Where priority is awarded a review date will be set (not longer than 12 months from date of award). The person who completed the report or their representative will need to complete a new report and submit this when the review is due. This may result in the award being increased if the situation worsens, may remain the same if the situation is unchanged, or may be withdrawn if the situation is resolved or changed.

During the 12 month life of the award, if the representative or applicant notifies the housing register of a significant change in their housing and/or social and welfare circumstances, their priority will be reassessed.