

# East Devon District Council

## Housing Allocation Policy

Issue details	
<b>Title:</b>	<b>Housing Allocation Policy</b>
<b>Version number</b>	<b>Version 1.0</b>
<b>Officer responsible:</b>	<b>Housing Enabling and Allocations Manager</b>
<b>Authorisation by:</b>	<b>Housing Review Board</b>
<b>Authorisation date:</b>	<b>March 2018</b>

### **1 Previous Policies/Strategies**

Previously referred to Devon Home Choice policy

### **2 Why has the council introduced this policy?**

2.1 To explain how the Council's Housing Service will use Devon Home Choice to allocate homes available for rent.

### **3 What is the council's policy?**

#### **3.1 Introduction**

3.1.1 Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Act 2002 and the Localism Act (2011)) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.

3.1.2 East Devon District Council (EDDC) has a housing stock of 4320 dwellings as of November 2017. In addition to this, there are a number of Registered Providers (RPs) operating within east Devon.

3.1.3 Devon Home Choice (DHC) is the Choice Based Lettings scheme adopted by EDDC and the majority of RPs operating within Devon. Housing is allocated through this jointly operated Choice Based Lettings Scheme.

3.1.4 The Housing Allocations team co-ordinates and maintains East Devon DHC housing waiting list. The team is responsible for the allocation of the Council's own housing stock. The Allocations team works in partnership with other Registered Providers (RPs) of affordable housing within East Devon. Where appropriate, the Council will provide nominations to other RPs, where required following a bidding process.

3.1.5 The DHC scheme is very prescriptive and sets out how RPs and Local Authorities will label (give preference to certain applicants where necessary) and let their own properties.

- 3.1.6 It sets out how the circumstances of housing applicants will be verified to ensure that they are eligible for an offer. Individual RPs have their own allocation policies and will verify applicant's details to ensure they meet the criteria contained within them.
- 3.1.7 This policy offers an explanation of when the preference labels (as defined by DHC) will be used and methods for validation of the label. Each of these labels has a definition. Some properties may be excluded from the DHC Scheme for management reasons as listed in this policy. This policy will ensure that the procedures of EDDC are adhered to in line with the provisions of the DHC scheme and should be read in conjunction with it. Further information about DHC can be found at [www.devonhomechoice.com](http://www.devonhomechoice.com).
- 3.1.8 In delivering our Allocations Policy, the Council will seek to meet the following objectives:-
- To operate a scheme which is open, fair, and consistent within the District
  - To improve accessibility and services for vulnerable applicants
  - To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options
  - To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs
  - To prevent homelessness and to reduce the use of temporary accommodation through an effective prioritisation scheme
  - To make best use of the housing stock within the District
  - To be compliant with current legislation.
  - Ensuring the validity of applications by cross checking and verifying information provided e.g. medical evidence, proof of address, earnings and benefits etc

## **3.2. Scope**

- 3.2.1 The Council also uses DHC to assess housing need. The system allows applicants to make a choice about the housing which will best meet their needs, from the options that are available, whilst still meeting the Council's statutory duties to those in greatest housing need.
- 3.2.2 When an applicant has been accepted onto Devon Home Choice, they will be able to view properties that the Council and RPs are advertising on the system. The advertisements will provide details of the property, the rent to be charged and the tenure the property is offered under. Applicants will then be able to apply/bid for the property of their choice as long as they meet the relevant qualifying criteria.
- 3.2.3 Currently, properties are advertised on a weekly basis. At the close of the bidding the Landlord will consider the shortlist of applicants and select the applicant who meets the need for the property, consideration will be given to banding and time on the housing register. A check will be done to ensure that the allocation would make best use of the property.

- 3.2.4 Feedback on the bidding cycles is published on the DHC website at the end of each quarter of the financial year. This provides information on successful lets.
- 3.2.5 Under the Localism Act 2011, EDDC has taken the opportunity to restrict access to the housing register and to prioritise those in the most housing need. This is on the basis that the supply of affordable housing does not currently meet the demand. Housing is a limited resource which needs to be targeted at those in the greatest housing need.
- 3.2.6 Access to the housing register will be via an application through the DHC website. For potential applicants unable to utilise this facility a telephone application may be accepted. Special arrangements will be made for potential applicants unable to access Devon Home Choice through these routes. Housing Allocation Officers will be able to provide advice and assistance, if required.
- 3.2.7 The Housing Allocations team can provide guidance and will offer realistic advice in terms of the chances of success. Evidence of an applicant's housing history; income and family make up will be required.
- 3.2.8 On completion of the DHC application form and the receipt of any additional information or supporting evidence relating to the applicant's eligibility and housing need, a relevant priority for the applicant will be awarded. The application will be reviewed by a Housing Options officer to ensure that the banding is correct. Further verification of the information provided by the applicant may be required.

### **3. Eligibility**

- 3.3.1 Anyone over 16 years of age and over can apply to the housing register if they are eligible. However this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be re-housed. An applicant's eligibility for the scheme will be assessed before access is given to complete an application. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history. East Devon cannot provide accommodation to ineligible applicants.
- 3.3.2 Applicants under the age of 18 will only be considered with a guarantor. Upon their 18<sup>th</sup> birthday they will be required to sign a tenancy agreement. 3.2 Under the Housing Act (1996) as amended by the Homelessness Act 2002 and the Localism Act (2011), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some applicants who may have been living abroad or who do not have permanent permission to remain in the UK. Some applicants will be ineligible, whether or not they are subject to immigration control. Regulations relating to this may be updated regularly.

### **3.4. Who is not eligible?**

3.4.1 The Council cannot by law allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations.

3.4.2 In addition, the Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot. Please visit the DHC website for more information relating to non-eligible applicants.

### **3.5. Other Further Restrictions**

3.5.1 Under the Localism Act, the Council can further restrict applicants from being included onto the housing register. These will include circumstances where:

- Applicants or members of their household have been found guilty of unacceptable behaviour making them unsuitable to be a tenant at the time an application is made unless a proven sustainment of good behaviour for a period (normally 12 continual months) is provided. Behaviour is deemed unacceptable only if it is of a kind that would entitle a landlord to a Possession Order.
- An existing social housing tenant/licensee requests a transfer but has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of anti-social behaviour (ASB). Evidence of sustained debt clearance, good behaviour and engagement with a Landlord, normally for a period of 12 months will be needed as well as an affordability assessment. A letter of support/ reference for a transfer will need to be provided from the Landlord.
- An existing private tenant/licensee has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of ASB. Evidence of a sustained attempt at debt clearance, an affordability assessment will be required and/or good behaviour and engagement with a Landlord, normally for a period of 12 months, may be taken into account. A letter of support / reference for a transfer will need to be provided from the Landlord.
- Applicants have current or former rent arrears or have accrued other property related charges unless there has been a sustainment of debt clearance and attended an affordability assessment for a period, normally 12 months.
- An applicant's assets and or total household income levels where it is assessed that the private housing market can provide for their housing needs. Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Devon / Exeter / Dorset at the time will normally be considered to be able to meet their own housing need, either through private purchase or rent. Such households will

be classed as No housing need band and removed from the Devon Home Choice register. (See income/saving levels)

### Maximum Household Income Levels

East Devon is divided into three Local Housing Allowance areas:

Exeter, Mid / East Devon, and Mid /West Dorset.

<b>Exeter</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
Shared Acc Rate	£23,194	£16,000
1 Bedroom	£36,354	£16,000
2 Bedroom	£44,066	£16,000
3 Bedroom	£51,414	£16,000
4+Bedroom	£68,212	£16,000

<b>Mid/East Devon</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
Shared Acc Rate	£20,810	£16,000
1 Bedroom	£30,251	£16,000
2 Bedroom	£39,408	£16,000
3 Bedroom	£47,143	£16,000
4+Bedroom	£59,991	£16,000

<b>Mid/West Dorset</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
Shared Acc Rate	£20,810	£16,000
1 Bedroom	£33,053	£16,000
2 Bedroom	£42,721	£16,000
3 Bedroom	£50,263	£16,000
4+Bedroom	£62,428	£16,000

### Accessible Supported Accommodation (Sheltered)

<b>Exeter</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
1 Bedroom	£	£120,000
2+ Bedroom		£130,000

<b>Mid/East Devon</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
1 Bedroom		£120,000
2+ Bedroom		£130,000

<b>Mid/West Dorset</b>	<b>Max Household Income Level</b>	<b>Assets/Savings</b>
1 Bedroom		£120,000
2+ Bedroom		£130,000

- Applicants have been evicted from mortgaged properties where the property was deemed to be affordable for them.
- Applicants have been removed from DHC waiting list for 3 refusals and will remain excluded for a further 12 months.

### 3.6. Notifying an ineligible or non-qualifying customer

- 3.6.1 Applications from ineligible or non-qualifying applicants will not be accepted on to the DHC Housing register. The applicant will be notified of the decision of ineligibility or non-qualification and the grounds for the decision.
- 3.6.2 If an applicant is accepted onto the DHC register, but subsequently becomes ineligible, their housing application will be removed and the applicant notified. Under such circumstances, any offer of accommodation that may have been made will be considered null and void and rescinded. Applicants found to be ineligible or non-qualifying have the right to ask for a review of the decision.
- 3.6.3 Mitigation of behaviour that has led to exclusion or non-acceptance may be taken into account as will circumstances where applicants are excluded but are deemed to be at risk if they do not move. In both cases a sustained programme of monitored engagement with the Councils Housing Options Officers will be expected.

### **3.7. Assessment of housing need**

- 3.7.1 All applicants who are accepted onto the DHC Housing Register will have their application assessed and be awarded an appropriate band based on an assessment of their housing need in accordance with the allocations scheme. The band categories are defined in the DHC scheme. See [www.devonhomechoice.com](http://www.devonhomechoice.com) for current policy. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) amended by the Homelessness Act (2002).

### **3.8. Reasonable Preference**

- 3.8.1 By law Local Authorities must award 'reasonable preference' to certain categories of applicant:
- Applicants who are homeless within the meaning of part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)
  - Applicants who are owed a duty by any Housing Authority under the Housing Act 1996 section 190 (2), 193 (2) or 195 (2) or the Housing Act 1985 section 65 (2) or 68 (2), or who are occupying accommodation secured by any such Authority under section 192 (3)
  - Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - Applicants who need to move on medical, support or welfare grounds, including grounds relating to disability
  - Applicants who need to move to a particular locality in the district of the Authority where failure to meet that need would cause hardship to themselves or others
  - The DHC allocations scheme is based on a banded system which gives reasonable preference to the above categories of applicants along with additional preference given to current or former members of the armed forces, their spouses or civil partners, as set out below. Further additional preferences may be applied to meet local and/or other legislative priorities.

### **3.9 Additional Preference**

3.9.1 Under the provisions of The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional preference is given to applicants who fall within one, or more, of the statutory reasonable preference categories and are in urgent housing need: (These are detailed in the current Devon Home Choice Policy).

- Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- Former members of the regular forces
- Bereaved spouses or civil partners of those serving in the regular forces where
  - (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and
  - (ii) the death was wholly, or partly, attributable to their service
- Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly, or partly, attributable to their service
- For the purpose of eligibility and assessment of financial status any compensation payment for an injury or disability sustained on active service will be disregarded.

### **3.10 Local connection**

3.10.1 Local connection for the housing register is deemed as an applicant who:

- Has lived in the district for the least 6 of the 12 months
- Has lived in the district for at least 3 out of the last 5 years; or
- Has a contract of permanent employment within the district; or
- Has a close family connection<sup>1</sup> with someone who currently lives in the district and has done so for 5 or more years.
- EDDC has the right to allocate applicants with a local connection to East Devon and includes property in Designated Isolated Area's (DRA) (list of DRAs appendix A)

### **3.11 Exceptions to Local Connections**

3.11.1 The only exceptions to these criteria, and subject to the property are:

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<sup>1</sup> Close family connection is defined as a person who is a parent, spouse, civil partner, child or sibling of the applicant or someone who, in the opinion of a Housing Allocation officer, has a relationship with the applicant that can be construed as a close family connection even though not related by blood.

- i) Homeless applicants (where-by the local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Act 2002 would apply, reference section 18.22 of the Homelessness Code of Guidance)
- ii) The applicant was placed or relocated outside the district due to illness, need for temporary accommodation, military service, and provision of care or other exceptional circumstances and needs to return to live in the district.
- iii) The applicant needs to relocate from another district to escape violence or harm.
- iv) The applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community.
- v) The applicant as defined by the Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI2012/1869) is
  - a) A person currently serving in the regular forces or who has served in the regular forces at any time in the five years preceding their application
  - b) A bereaved spouse or civil partner of a person serving in the regular forces where their entitlement to accommodation with the Ministry of Defence has ceased and the death of that person was wholly or partly attributable to that person's service.
  - c) An existing or former member of the reserve forces who has suffered from a serious injury, illness or disability which is wholly or partly attributable to their service.
- vi) The applicant is an existing social housing tenant ( in England ) who is employed within East Devon, or who has an offer of employment within East Devon and a genuine intention to take up the offer, and has a reasonable preference to move to the area to avoid hardship

### **3.12. Application Review**

3.12.1 Regular annual reviews will be undertaken to check that applicants have been bidding for properties and that information provided is up to date. Applicants who wish to remain on the waiting list must complete the online form or complete a review with a Housing Allocations officer. If there is no response within 14 days of contacting an applicant who has not been bidding, the application will be deemed to have been cancelled and the customer notified of this in writing. Reviews will be implemented by using the Devon

Home Choice review systems. Applicants who are subject to being cancelled/removed from the system will be check for any vulnerability.

### **3.13 Non-bidding Review**

3.13.2 Those applicants who have not bid on a property within the last 6 months will be contacted and advised that they are to be removed from the register if they do not bid on properties each month.

3.13.2 Applicants wishing to remain on the register must contact the Allocation team to explain why they have not been bidding. Only where there is a justifiable reason for non-bidding, for example, if someone needs an adapted property or has a requirement to be in a specific location and no properties having been available within the 6 month period, the applicant will be allowed to remain on the register.

### **3.14 Refusal of offers**

3.14.1 An applicant's position within the register may be affected if they continually refuse an offer of accommodation which they have bid for and have successfully been offered. An applicant will have their banding reduced to the minimum band following the refusal of at least 3 properties in such circumstances unless there were acceptable reasons for those refusals or the application may be cancelled, the final decision will be referred to the Housing Enabling and Allocations Manager.

### **3.15 Refusal of offers by homeless applicants**

3.15.1 Applicants who have been accepted as being owed a duty by the Council under the homelessness legislation will be awarded Band B. Applicants will be entitled to bid for properties in the same way as other applicants. If an applicant is not active in bidding for properties, the Housing Options team may make bids on their behalf on properties they deem suitable for the applicant.

3.15.2 Where a homeless applicant is allocated a property through the housing register process, EDDC has a responsibility to determine the suitability of the allocation. This will be determined in the light of the household's particular circumstances and with regard to the housing conditions prevailing in District at the time.

3.15.3 Where a homeless applicant is offered a property in discharge of the full homeless duty, but does not feel it is a suitable offer, they have the right to request a review of the offer. Applicants will be advised to accept the offer whilst the review is carried out. If, on review, the property is felt to be a reasonable offer, no further offers of accommodation will be made and the Council will discharge its duty. If the applicant is in temporary accommodation provided by the Council, the applicant will be given notice to leave that accommodation. If, on review, the property is felt to be unsuitable then a

further offer of suitable accommodation will be made. The timescale for this will be dependent on the type and size of property required.

### **3.16 Cancelling an Application**

3.16.1 An application will be cancelled from the housing register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible for housing
- When the applicant has been adequately and appropriately re-housed including into the private rented sector. Applicants are expected to update DHC, as a consequence the DHC banding will be reduced to E band.
- Where an applicant fails to ensure that the information in their application is up to date, their application will be suspended.
- When the applicant purchases a property/shared ownership property
- When an applicant fails to bid in a 6 month period and provides no justifiable reason for not bidding
- Where an applicant moves and does not provide contact details. In this case the application will be suspended, unless no response is received.
- An executor or personal representative notifies the Council that an applicant is deceased (unless the rest of the household still needs rehousing)
- Where an applicant has omitted to include information on their application which makes them ineligible for housing? (for example criminal convictions)
- Applications can be suspended for a period of up to two years if information is found to be false, omitted or considered to be misleading.
- An applicant can appeal their suspension decision by contacting the council in writing, addressing their appeal to the Housing Strategy Manager

3.16.2 When an application is cancelled, we will contact the applicant or their representative, either by email or letter, to notify them. Where an applicant has been highlighted as vulnerable, the customer's circumstances will be verified before an application is cancelled. The applicant has a right to ask for a review of the decision.

3.16.3 Where an applicant wishes to re-join the housing register at a later date, their application date will be the date they reapply, this will only apply under a change of circumstances.

### **3.17 Direct Lets**

3.17.1 In certain circumstances, the Council in agreement with a landlord may allocate properties directly to applicants without them being advertised. Illustrative examples of direct lets are as follows:

- Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
- Where in exceptional circumstances an offer is required to prevent the homelessness of an applicant who would otherwise be requiring temporary accommodation.
- Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection Panel meeting or to fulfil agreements made with offender management services, or where a

customer has been referred as part Allocations or where an applicant has been referred as part of the witness protection scheme

- Where an applicant's home is being repaired and they need to be moved from
- The property on a temporary or permanent basis.
- Where an applicant has a specific need for support/adaptations. If they remained in their current accommodation it would cause unnecessary hardship e.g. unable to meet their basic needs.

3.17.2 Direct lets will be agreed by a senior officer at the Council and a senior officer at the relevant Housing Association.

### **3.18 Sensitive lets**

3.18.1 On occasion, landlords may request some properties to be advertised as sensitive lets.

3.18.2 This may be because of ASB problems and the need to ensure the right mix of tenants in an area. Sensitive lets will be agreed between the landlord and the Housing Enabling and Allocation Manager or the Service Manager. This may result in applicants on the top of the short list being bypassed for a more appropriate applicant.

### **3.19 Adapted Properties**

3.19.1 The Council has a number of properties including bungalows which were specifically developed for elderly or vulnerable people. EDDC now give's consideration to applicants, who may not be classified as just elderly persons, but have a verified need for this type of property.

3.19.2 Some properties have been adapted and may contain one or more of the following; level entry shower, wet room, ramps, stair lift, lowered kitchen, ground floor kitchen and bathroom extensions. These homes will be labelled to show that the property has been identified as having adaptations suitable for someone who would benefit from them. Preference will be given to those with a need for that type of accommodation

### **3.20 Local Lettings**

3.20.1 Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria, as stated in the Section 106 planning agreement. These agreements will be highlighted in the property advert. Full details of the agreement are listed in the Nomination Agreement for the specific development site.

### **3.21 Sheltered Accommodation**

3.21.1 To qualify for an EDDC sheltered property the applicant must have an evidenced support need.

3.21.2 Some properties via RPs are age restricted specifically and will be prioritised to applicants over a certain age. In exceptional circumstances a younger person with particular support needs which are not able to be met elsewhere may be allocated such accommodation. This will be achieved via a direct let.

### **3.22 Departure from Local Connection Requirements**

3.22.1 Examples of such situations are detailed below although this is not an exhaustive list.

3.22.2 Allocation of specialist housing where there are a limited number of eligible applicants through the normal allocations process and where that accommodation would otherwise remain unused.

3.22.2 Decisions in exceptional circumstances will be taken by the Housing Enabling and Allocations Manager.

3.22.3 The following decisions are made outside of Part 6 of the Housing Act 1996, and are outside the scope of the Allocations Policy:

- Succession on a tenant's death
- Assignment to a person who would be qualified to succeed to the tenancy on the tenant's death
- Transfer of the tenancy by a court under family law provisions;
- An order made under the Civil Partnership Act 2004,
- Transfers initiated by the Local Housing Authority
- Acceptance of a surrender and re-granting of tenancy to another partner

3.22.4 Individual RPs will have their own policies which will apply in the circumstances.

3.22.5 The provisions of part 6 of the Housing Act 1996 do not apply to an allocation of housing accommodation to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application.

### **3.23 Changes to the Allocations Policy**

3.23.1 The Council reserves the right to expand, change or alter any element of East Devon Allocations Policy as and when required to meet changes in housing need, capacity, operational exigencies, resources and legislation

**4 Equality impact considerations** – the policy is high relevance to equality if it has a big impact on residents and users of the service

## High

Click here to outline the equality considerations which should include any particular adverse impact on people with protected characteristics and actions to mitigate these.

### **5 Appendices and other relevant information**

none

### **6 Who authorised the policy/strategy and date of authorisation.**

Click here to enter who authorised the policy/strategy and when.

### **7 Related Policies/Strategies, Procedures and Legislation**

- a. Devon Home Choice Policy Manual – [www.devonhomechoice.com](http://www.devonhomechoice.com)
- b. Devon Home Choice User Guide
- c. Local Lettings Policy
- d. Designated Isolated Areas

### **8 Policy date for review and responsible officer**

To be reviewed September 2019