



Allocation Policy

2022

Appendix 1

Contents

| | Page |
|--|------|
| Introduction | 1 |
| Aims and Objectives | 1 |
| Background | 1 |
| Devon Home Choice | 2 |
| Legal Context | 2 |
| Allocations | 2 |
| Verification Checks and Offers | 3 |
| Tenancy Types | 3 |
| Withdrawal of Properties | 4 |
| Reasonable Preference | 4 |
| Local Lettings Policies and Priority Bidding | 4 |
| Direct Lets | 5 |
| Sensitive Lets | 6 |
| Categorised Properties | 6 |
| Hard to Let Properties | 6 |
| Rent Arrears | 6 |
| Changes to the Allocation Policy | 7 |
| Prevention of Fraud | 7 |
| Right to Review | 7 |
| Complaints | 7 |
| Equality and Diversity | 7 |

1. Introduction

- 1.1 It is Mid Devon Housing's (MDH's) policy to offer applicants a choice of accommodation where possible. This is achieved through the operation of a Choice Based Lettings system, Devon Home Choice (DHC).
- 1.2 Within Mid Devon, there is a high demand for accommodation but a very limited supply of social housing. Whilst MDH is committed to delivering new social homes, there will still be a large imbalance between the number of applicants seeking social housing, and the relatively low number of properties which are available.
- 1.3 In this context, the allocations policy allows MDH to allocate this scarce resource as fairly as possible whilst ensuring that everyone has fair access to social housing.
- 1.4 In framing the allocations policy, regard has been given to the Homelessness Strategy and Tenancy Strategy.
- 1.5 The DHC Policy is a separate document which should be read in conjunction with this policy.

2. Aims and Objectives

- 2.1 MDH's allocation policy will deal with local, specific issues outside of the scope of the DHC policy. It will set out exceptions to DHC policy.
- 2.2 In exceptional circumstances, MDH reserves the right to depart from any aspect of this policy.
- 2.3 Any decision to depart from the policy will be taken by the Operations Manager for Housing Services.

3. Background

- 3.1 MDH has a retained housing stock. DHC is the choice based lettings system adopted by MDH and 10 other local authorities as well as Registered Provider's working within Devon. This enables applicants the choice as to which properties they apply for, facilitating opportunities for mobility.
- 3.2 MDH is committed to offering our existing and any future residents the choice in the allocation of social housing within the district.
- 3.3 MDH ensures that whilst the choice is compatible with the needs of the applicant, housing goes to those with the greatest housing need.
- 3.4 MDH recognises that there is a high demand for affordable housing within Mid Devon and this demand cannot be fully met. Consequently, this means that more often than not, those in the greatest need of housing are most likely to obtain social housing.

4. Devon Home Choice

- 4.1 DHC is a choice based letting scheme that is transparent, easy to use and accessible for all. It aims to manage expectations through regular published reports of housing allocations.
- 4.2 MDH coordinates DHC within Mid Devon and maintains the housing register for all partners operating within the area.
- 4.3 The DHC policy sets out the fundamental principles upon which the scheme is based and forms the best part of MDH's allocation policy.
- 4.4 For more information on the DHC scheme please visit:
[Devon Home Choice](#)

5. Legal Context

- 5.1 In developing this policy MDH has followed and fully considered the following:
- 5.2 **Legislation:**
 - The Housing Act 1996, Part 6 as amended by the Homelessness Act 2002 and the Localism Act 2011
 - The Housing Act 1996, Part 7 amended by the Homelessness Reduction Act 2017
 - The Children Act 2004
 - The Equality Act 2010
 - The Domestic Abuse Act 2021
- 5.3 **Statutory guidance:**
 - Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code".
 - Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".
 - Homelessness code of guidance for local authorities (February 2018).
 - Improving access to social housing for members of the Armed Forces (MHCLG June 2020).
 - Improving access to social housing for victims of domestic abuse (MHCLG January 2022)
 - The Right to Move and social housing allocations (MHCLG March 2015)
 - The Localism Act 2011 introduced significant amendments to Part 6 of the Housing Act 1996.

6. Allocations

- 6.1 For the purposes of Part 6 of the 1996 Act, a local authority allocates accommodation when it:
- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- 6.2 The following are not allocations under this policy:
- Succession to a tenancy on a tenant's death pursuant to s89 Housing Act 1985
 - Assignment of a tenancy by way of mutual exchange
 - Assignment of a tenancy to a person qualified to succeed to the tenancy on the tenant's death
 - Transfer of the tenancy by a court order under family law provisions or under the Civil Partnership Act 2004
 - An introductory tenancy becoming a secure tenancy
 - A person being granted a family intervention tenancy
 - Provision of non-secure temporary accommodation in discharge of any homelessness duty or power

7. Verification Checks and Offers

- 7.1 If an applicant is successful with their bid on DHC, a verification check of their housing application will be completed. This ensures the applicants housing circumstances reflect that stated in their application, and that their banding and bedroom need is correct.
- 7.2 A provisional offer will be sent, requesting documentation from the applicant in order to verify their housing need. The information that we request is as follows:
- Proof of ID (for all household members)
 - 5 years address history
 - Bank statements for all accounts held
 - Proof of benefits or income
 - Tenancy reference
- 7.3 When an applicant has been provisionally offered a property, their application will be set to 'bid shortlisted' and they will not be able to bid on any other properties, until they have accepted or refused that offer of accommodation.
- 7.4 Once all information has been received and verified, a formal offer will be sent to the applicant.
- 7.5 The applicant will get an opportunity to view with property with the Allocations Officer. At the viewing the Officer will go through a schedule of works and confirm a completion date for the property.
- 7.6 If an applicant accepts an offer of accommodation from MDH, their DHC application will be set to housed and closed.

- 7.7 Should the applicant refuse the property, a refusal reason will be added to the shortlist and the property will be reoffered to the next eligible applicant. Please see the DHC Policy for more information on refusals - [DHC Policy - Refusals \(4.15\)](#)

8. Tenancy Types

- 8.1 New tenants of MDH will normally be offered an Introductory Tenancy for an initial 12 month period.
- 8.2 In exceptional circumstances, it may be appropriate to grant a Secure or Flexible Tenancy. Flexible Tenancies are offered on a 2 or 5 year fixed term.
- 8.3 An applicant will be notified in writing as to an offer of 2 or 5 years and the grounds in which a 2 year fixed term can be appealed.
- 8.4 Existing tenants of MDH or another Registered Provider, who have been tenants for 12 months or more, will normally be offered a Secure Tenancy.
- 8.5 More information on Tenancy Types can be found in the MDH Tenancy Management Policy

3

9. Withdrawal of Properties

- 9.1 MDH reserve the right to withdraw properties from DHC at any time. For example, it is possible that some advertised properties may still be awaiting void inspections and may have to be withdrawn if it later becomes apparent that they require extensive maintenance works (major void).

10. Reasonable Preference

- 10.1 The Housing Act 1996 as amended requires all Councils to give 'reasonable preference' in their allocations scheme to groups in high housing need, such as the homeless, people with medical or welfare needs, or those living in overcrowded, insanitary or unsatisfactory circumstances.
- 10.2 The DHC application form incorporates questions to establish whether an applicant is in one of the reasonable preference categories. A full explanation of reasonable preference groups are listed in the DHC Policy - [DHC Policy - Reasonable Preference \(3.9.13\)](#)

11. Local Letting Policies and Priority Bidding

- 11.1 Local Letting Plans serve to achieve agreed objectives, such as minimising the likelihood of anti-social behaviour in certain areas or improving the success rate of integrating young or vulnerable people into general needs housing.

- 11.2 Local Letting Plans are developed on a site by site basis to address the requirements of that specific area.
- 11.3 Local lettings may be used to (this is not an exhaustive list):
- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community
 - Enable an existing community to become more sustainable, by encouraging more working families to move into the area
 - Enable applicants to return to an area where they have a local connection
- 11.4 When a property, advertised on DHC is subject to a local lettings scheme, this will be clearly stated in the advert. The local lettings policy will be available to view on the DHC website.

Priority Bidding:

- 11.5 MDH may advertise properties giving additional preference to specific groups. These specific groups are listed below:
- Allocations to existing MDH tenants (transfers)
 - Allocations to homeless applicants owed the main housing duty and living in temporary accommodation provided by the Council
 - Allocations to applicants requiring adapted properties
 - Preference to larger families if it is a 4 or 5 bedroom property
 - Preference to those over 55 years of age if the property was previously categorised as 'sheltered'
 - Other specific groups of applicants, determined by MDH from time to time

12. Direct Lets and Management Moves

- 12.1 In certain circumstances, MDH has a discretion to make an allocation of accommodation through a direct let to applicants, or a management move for tenants, without the need to advertise through DHC.
- 12.2 Direct offers/Management moves will be agreed by the Operations Manager for Housing
- 12.3 Illustrative examples of direct lets/management moves are as follows:
- Where a property is needed urgently to deal with an emergency
 - 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 Arrangements meeting or to fulfil agreements made with offender management services, or where an applicant has been referred as part of the witness protection scheme
 - Where a property has been fully adapted/partially adapted and would meet the needs of an applicant/tenant needing that type of accommodation
 - Where an applicant/tenant 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.

- Hospital discharge – when a vulnerable applicant is to be discharged from hospital who has nowhere suitable available to stay upon their discharge and temporary accommodation is not suitable.
- Where a property has been advertised at least once and cannot be let from that advert by applying the usual policy, it will be allocated outside of the bidding scheme.
- High risk domestic violence - in some urgent cases when the Domestic Abuse Partnership identifies that there is a high risk of further abuse to the victim/survivor.
- Life limiting illness - when an applicant has a life limiting illness and their current home is not suitable for their needs, it may be necessary to re-house them quickly into a home that is suitable.
- Similar alternative property - when an applicant has been offered a property and it is subsequently discovered that it will not be available to occupy within a reasonable timeframe, or even at all (for example if major works are discovered to be required after the property was advertised) they can be awarded the next property of that type in the area that becomes available.
- 'Other' exceptionally urgent cases where an applicant/tenant needs to be rehoused
- The quota of properties made as a direct offer of social housing will be monitored and reported back to the Devon Home Choice Project Lead.

12.4 Homeless direct offer – applicants that are homeless and have been accepted under the relief or main duty:

- May be made one suitable offer either within or outside Mid Devon District, regardless of the areas requested by the applicant (unless the applicant(s) are fleeing in which case only areas considered to be safe will be offered) in order to prevent or relieve homelessness successfully.

5

- Offered a property that is not going to be advertised through DHC, as temporary accommodation for an interim period, to relieve the pressure on temporary accommodation use. These properties would be offered on a licence agreement and not as a Part 6 offer.
- MDH may be required by the Housing Options team to hold an empty property, until such time as any appeal has been reviewed and a decision made.

13. Sensitive Lets

- 13.1 Occasionally MDH may agree that an individual property be identified as a 'sensitive let'. For example, if there has been significant anti-social behaviour in the local area and a property becomes available for re-let, it may be advertised as a sensitive let to try and prevent further issues arising.
- 13.2 The DHC advert will clearly state that the property is being advertised as a sensitive let and the preference to a particular group will be stated.

14. Categorized Properties

- 14.1 MDH will advertise properties which were previously specified as 'sheltered' with a preference to those over 55 years of age in the first instance.

- 14.2 MDH will advertise adapted properties with a preference to those with a need for an accessible property in the first instance, to ensure we are meeting the needs of those with mobility issues and making best use of our stock.
- 14.3 MDH will not advertise properties which are categorised for those with a learning disability. When a property of this type becomes available to let, the Allocations Officer will request a report from the DHC Lead, with all those applicants, registered on DHC with a learning disability. MDH will also liaise with the Mid Devon Learning Disability Team to ensure that all appropriate applicants are put forward. The property will then be allocated in accordance with the DHC banding policy and any specific preferences, stated in the advert (for example local connection to Mid Devon or those with a need for a level access shower).

15. Hard to Let Properties

- 15.1 MDH recognise that some properties are harder to let than others. When notice is received on a property that we know to have been hard to let in the past, MDH will look to offer a multiple viewing day to all applicants on the shortlist and then allocate in accordance with the DHC policy.
- 15.2 If we are not able to allocate the property after the multiple viewing day, MDH will look to offer the property as a direct match to a homeless applicant who is owed a main housing duty by Mid Devon.

16. Rent Arrears

- 16.1 The DHC policy stipulates that applicants who owe rent or a tenancy related debt, accrued within the last 2 years will not normally be offered a property and their application placed into the E Band – no housing need.
- 16.2 There may be exceptional circumstances in which rent arrears can be waived in order to allocate a property. MDH will only do this where it is viewed as an exceptional circumstance and where it is fair and just to do so.
- 16.3 MDH reserves the right to exercise discretion (on a case-by-case basis) in relation to levels of rent arrears that would otherwise prevent an offer of accommodation from being made, if it is in the interest of MDH to do so (for example, to reduce void periods of empty properties or to minimise the use of temporary accommodation).
- 16.4 For information relating to the DHC rent arrears policy, please visit – [DHC Policy - Rent arrears \(2.6\)](#)

17. Changes to the Allocation Policy

- 17.1 MDH reserves the right to deviate, expand, change, or alter any element of the allocations policy as and when required to meet changes in housing need, capacity, operational demands, resource and legislation.

- 17.2 From time to time a situation may arise that is not adequately reflected in this allocations policy but the needs or circumstances are exceptional, and cannot be reasonably remedied with the use of management discretion.

18. Prevention of Fraud

- 18.1 It is a criminal offence for any applicant and/or anyone providing supporting information to knowingly make a false statement or knowingly to withhold reasonably requested information relevant to the housing application.
- 18.2 MDH will also seek to obtain possession of any home that has been obtained as a result of fraud. MDH will decide when these provisions apply and when to begin legal proceedings.
- 18.3 Where an applicant provides false information in connection with their application this will be dealt with in line with the DHC Policy - [DHC Policy - Fraud \(4.18\)](#)
- 18.4 It is the applicant's responsibility to inform MDH of any change that could affect the priority that has been awarded. If MDH offer affordable housing to an applicant and, on further investigation, it appears that their circumstances had changed before the offer in a way that affected their housing priority, MDH reserve the right to withdraw the offer.

19. Right to Review

- 19.1 Any applicant has the right to request a review of decisions taken in regard to their application.
- 19.2 The review process is set out in the DHC Policy - [DHC Policy - Reviews \(4.21\)](#)

20. Complaints

- 20.1 Where an applicant considers that they have been treated unfairly or believes that there has been maladministration of the scheme, they can make a formal complaint to MDH.
- 20.2 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)