



Chester-le-Street
District Council



JOINT ALLOCATIONS & LETTINGS POLICY

DRAFT

Joint Allocations and Lettings Policy

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1 Definitions

For the purpose of this policy and accompanying procedures, the following definitions shall apply:

- 1.1 Nominations Agreement: An Agreement between Chester-le-Street District Council and a Registered Social Landlord setting out the means by which the local authority will 'nominate' individual applicants for vacant properties from its housing register. The Agreement will set out the percentage of vacancies in the association's stock to which nominations may be made in any year, together with guidelines on the balance between lettings to homeless, waiting list and transfer applicants.
- 1.2 **Joint Housing Register (JHR):** This Allocation and Letting policy and associated priority scheme are jointly agreed by Chester-le-Street District Council and Cestria Community Housing Association for the allocation of properties owned by Cestria Community Housing Association. It allows a single point of access for applicants to Cestria properties and other Registered Social Landlord accommodation in the district through nomination agreements and is administrated by Cestria Community Housing on behalf of the Council.

2 Commitments

- 2.1 Cestria Community Housing Association and Chester-le-Street District Council are committed to:
 1. meeting housing needs by providing affordable high quality homes for rent.
 2. allocating accommodation to those in greatest housing need.
 3. supporting vulnerable tenants and creating stable and balanced communities.
 4. working together to fulfil Chester-le-Street District Council's statutory duties towards homeless people and those in priority housing need.
 5. working together and with other partners to implement nomination agreements and ensure appropriate allocations and support arrangements.
 6. working together **to establish choice-based and local lettings policies in the district.**
 7. making effective use of the Association's housing stock.
 8. allocating properties in accordance with the Association's equality and diversity policies.
 9. providing clear and understandable information to applicants on:
 - their responsibilities as a tenant
 - the process of applying for accommodation
 - the priority scheme used by the Joint Allocation Register
 - our standards of service .
 10. complying with all statutory and regulatory requirements.

3 Key points of policy

- 3.1 The Director of Housing and Communities is responsible for the implementation of the Joint Allocations & Lettings Policy within Cestria Community Housing Association.
- 3.2 Lettings are made in line with the Joint Housing register scheme, nominations agreements and any associated s.106 (Town & Country Planning Act 1990) agreements.
- 3.3 The Association will support Chester-le-Street District Council to fulfill their statutory duties to homeless households and in meeting targets to reduce the number of families being temporarily housed in Bed & Breakfast accommodation.
- 3.4 The Joint Housing Register Scheme agreement and local authority nominations agreements are set out in Appendix A

Sustainable communities

- 3.5 In order to increase the sustainability of individual tenancies and of communities, the Association will:
 1. consult residents and Chester-le-Street District Council over the possible introduction of 'local lettings policies'.
 2. let properties sensitively, taking into account the nature of the household being allocated the property and the needs of immediate neighbours and the surrounding community.
 3. identify new tenants who may be vulnerable and have support needs, and ensure that advice and support is accessible from the Association and other agencies.
 4. operate an open housing register and move towards allocation through a Choice Based Lettings Scheme.
 5. seek to maintain a balance between the proportion of lettings made to homeless applicants, to those on the Housing Register and to tenants already living in its properties who need a transfer.
 6. ***give Starter (assured shorthold) Tenancies to all new tenants, that is those who are not assured tenants with Cestria immediately before the new allocation.***
 7. offer joint tenancies to joint applicants wherever possible and provide an explanation where this is refused.

Rehousing Priorities

- 3.6 When allocating vacant properties, the Association will give appropriate priority to the following groups through the housing priority scheme (Appendix C): (in alphabetical order)
 1. Asylum seekers – the Association will consider rehousing Asylum Seekers who have received a positive status determination by the Home Office in an appropriate location and with relevant support.
 2. Categories of household which are specified in the Housing Act 1996 as amended by the Homelessness Act 2002 as requiring reasonable preference.

3. Homeless – the Association will assist Chester-le-Street District Council discharge its obligations to homeless households under the relevant legislation where such households can be rehoused in accordance with this Joint Allocations and Lettings Policy.
4. Households not qualifying for succession of tenancy upon the death of the tenant. Priority will be given to a new tenancy at the same or other more suitable property in accordance with the Association’s Succession Policy.
5. Major works – tenants who need to move permanently or temporarily because their home is undergoing extensive repairs, modernisation or demolition.
6. Management transfers – tenants who need to move urgently (for example in serious cases of racial harassment or domestic violence), with the approval of the Tenancy Services Manager or Head of Housing Services.
- 7. *Members of the Association’s Board and the Association’s employees or any of their relatives may only be housed in accordance with the provisions of Schedule 1 of the Housing Act 1996 (see Appendix B).***
8. Transfers – current Cestria tenants who require alternative accommodation will be assessed under the same priority (points) scheme as applicants who are not Cestria tenants.

Eligibility of applicants

3.7 The following will not be eligible to join the housing scheme under this Allocations and Lettings Policy:

1. Applicants under the age of 16
2. Applicants who fail nationality or immigration criteria
3. Applicants who are guilty of unacceptable behaviour serious enough for a court to have granted a possession order had the applicant been a tenant of the Association at the time of the behaviour

Allocation restrictions

3.8 Certain applicants will not normally be offered a tenancy with the Association:

1. Where an individual within the household has committed an action so that if they had been a tenant of Cestria at the time of the action, this would have been a breach of tenancy conditions e.g. anti-social behaviour or racial harassment, serious enough for legal action to be taken. ***Previous tenancy enforcement action for anti-social behaviour will not be taken into account if it occurred two years or more prior to the date of application and the tenant’s household has conducted a tenancy satisfactorily in the intervening period.*** Otherwise, evidence must be provided by the applicant to demonstrate a permanent change in the perpetrator’s behaviour.

2. An applicant with outstanding debts owed to Cestria or other social or private landlord unless appropriate arrangements for the repayment of the debt have been maintained for an acceptable period. ***Current Cestria tenants will not normally be offered alternative accommodation where they have any housing related debt except for rehousing in emergencies.***
3. ***An individual or family which have support needs which mean that they would not be able to meet the conditions of their tenancy without additional support, if such support cannot be guaranteed at the new address (usually in the case of applicants with mental health problems, learning disabilities or drug/alcohol dependency).***
4. ***An individual or family who, in the opinion of the Association, would be likely to cause a serious housing management problem if they were rehoused in a certain property. This would be likely to relate only to particular vacancies and would not preclude the offer of accommodation elsewhere. The Association will apply risk assessments in deciding the rehousing of ex-offenders and other applicants which pose a risk to their household, neighbours or wider community.***
5. An applicant under the age of 18 year old unless a mutually agreed support package is available. The Association will apply **an Under 18s** policy which details our approach to minors.
6. Applicants who, in our view, unreasonably refuse three offers of accommodation in a twelve month period will have their application deferred from active consideration for one year from the last refusal.

The Allocation Process

- 3.9 We will undertake investigations as necessary and defer applicants if there is evidence to suggest that one or more of the above restrictions applies. Such a deferral will be time limited, supported by appropriate evidence and notified to the applicant. Applicants are able to appeal against such decisions.
- 3.10 The applicant's identity and housing circumstances will be confirmed by a home visit (where practicable) otherwise by other personal contact with the applicant.
- 3.11 We will undertake a risk assessment of applicants at the point at which they are being considered for an offer of accommodation if information indicates that there are issues that may affect the viability of the tenancy and balance of the community should the applicant be housed in the property being offered.
- 3.12 Once an offer of accommodation has been made, an officer will accompany the applicant to view the property to ensure that all relevant information is made available and to answer any queries before the new tenancy starts.
- 3.13 We will cancel an application when the applicant has been suitably rehoused by Cestria or other social landlord.
- 3.14 Statutorily homeless applicants will be given one reasonable offer before their additional preference will be lost.

- 3.15 ***The offer of accommodation to the following applicants should be authorised by the Director of Housing and Communities in accordance with Schedule 1, Housing Act 1996 (Appendix B):***
- 1. Employees of Cestria Community Housing Association***
 - 2. Board Members of Cestria Community Housing Association***
 - 3. The following relatives of an employee or board member of the association; spouse, parent, child, sibling, aunt, uncle, cousin, nephew, niece, grandparent or grandchild***

Review of applications

- 3.16 Registered applications will be reviewed annually and applications where the applicant has not confirmed that they wish to remain registered will be cancelled.

False Information

- 3.17 If it is found that false or misleading information has been given in order to secure accommodation, the application may be cancelled. If the applicant has already been housed and it is later found that false information was given, this may lead to prosecution and eviction.

Appeals process

- 3.18 Applicants who feel that they have been treated unfairly and not in accordance with this policy may appeal in writing or in person to Cestria Community Housing Association, where a senior officer may review applications on the following:
1. assessment of application as ineligible to register for housing.
 2. failure on our part to respond to requests to correct inaccurate information.
 3. exclusion from an offer of accommodation through the risk assessment process.
 4. deferment from active consideration of an offer of accommodation on any reason in paragraph 3.8.
 5. cancellation of an application due to an annual review or other reason.

- 3.19 If the applicant is unsatisfied with the outcome of both reviews, a complaint may be made under the Association's Customer Care and Complaints Policy.

Equal Opportunities/Diversity

- 3.20 The Association is committed to providing equality of opportunity to all applicants regardless of their gender, sexual orientation, marital status, ethnic or racial origin, religion or political views. If any applicant needs assistance in completing or understanding the application process or forms, advice and assistance will be made available.
- 3.21 Ethnic monitoring of all lettings and applications is carried out in compliance with the Housing Corporation's Regulatory Code.

Access to Information

- 3.22 Access to personal information will be in accordance with current Data Protection legislation.

4 Monitoring and Review

- 4.1 Cestria Community Housing Association Board will receive quarterly reports which will include service performance, ethnic monitoring on applications and letting, Schedule 1 allocations and management lettings.
- 4.2 The Association will participate fully in the Housing Corporation's Continuous Recording (CORE) system for monitoring the characteristics of all RSL lettings.
- 4.3 Regular performance reports will be provided to Chester-le-Street District Council in accordance with Service Level Agreements on the operation of nomination and the Joint Housing Register agreements.
- 4.6 This policy will be reviewed by the Board and Council at least every two years.

Approval by the Board

Date for Review

DRAFT

Appendix A - Joint Housing Register Service Level Agreement and RSL Nomination Agreements

(To be added)

Appendix B - Extract of Schedule 1, Housing Act 1996

Part 1 – Control of payments to members &c

Payments and benefits to officers and employees, &c.

2. - (1) A registered social landlord which is an industrial and provident society or a company registered under the Companies Act 1985 shall not make a payment or grant a benefit to-
 - (a) an officer or employee of the society or company,
 - (b) a person who at any time within the preceding twelve months has been a person within paragraph (a),
 - (c) a close relative of a person within paragraph (a) or (b), or
 - (d) a business trading for profit of which a person falling within paragraph (a), (b) or (c) is a principal proprietor or in the management of which such a person is directly concerned, except as permitted by this paragraph.

- (2) The following are permitted-
 - (a) payments made or benefits granted to an officer or employee of the society or company under his contract of employment with the society or company;
 - (b) the payment of remuneration or expenses to an officer of the society or company who does not have a contract of employment with the society or company;
 - (c) any such payment as may be made in accordance with paragraph 1(2) (interest payable in accordance with the rules and certain sums payable by a fully mutual housing association to a person who has ceased to be a member);
 - (d) the grant or renewal of a tenancy by a co-operative housing association;
 - (e) where a tenancy of a house has been granted to, or to a close relative of, a person who later became an officer or employee, the grant to that tenant of a new tenancy whether of the same or another house;
 - (f) payments made or benefits granted in accordance with any determination made by the Corporation.

Appendix C – Housing Register (Priority) Scheme

Allocation Scheme – A Points Based System

The Chester-le-Street District Council and Cestria Community Housing Association will use a points-based scheme to measure housing need and allocate accommodation. In assessing re-housing need we will give reasonable preference to those applicants who fall into one or more of the following categories:

- ❖ People who are homeless, this includes those who have no priority need and those who are intentionally homeless.
- ❖ People who are 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 authority, where failure to meet that need would cause hardship, (to themselves or others).
- ❖ Workers *in the area* requiring accommodation.

We will ensure through the operation of our points-based scheme that accommodation will be allocated to those applicants in greatest housing need.

Reconciling Choice and Need

We will promote choice within our lettings policy in the following ways:

Area of Choice	Each applicant will be able to express a preference for areas they wish to consider living in. The more restrictive the choice the harder it may be to satisfy the applicants' requirements, in other words the longer they may have to wait for a property.
Property Type	Applicants will be able to express preferences for the type and size of property they wish to consider. However we will normally allocate properties under the following matching policy.

In order to make the best use of our properties we would normally allocate properties in accordance with the following guidelines:

Property Type	Allocation Guidelines
1 Bedroom Property	Single People or households requiring only one bedroom
2 Bedroom Property	Single People, Couples or Households with children or with children who do not live with them but regularly visit them (evidence based).
3 Bedroom Property	Households with 2 or more children, or households with just 1 child if there is a good management reason, or parent(s) with 2 or more children who do not live with them but regularly visit them (evidence based), or households with 3 or more adults.
4 plus Bedrooms	Households with 3 or more children or households with fewer children if there is a good management reason, or parent(s) with 3 or more children who do not live with them but regularly visit them (evidence based), or households with 4 or more adults.

(A pregnant person is considered to have a minimum of 1 child).

In low demand areas we may use discretion to vary these guidelines.

As a guideline

- All designated elderly persons accommodation will be allocated to applicants over 60 years of age or to applicants with a disability.
- Any property which has had major adaptations will be allocated where possible to applicants that require this type of property.
- Some of our properties are designated for older applicants and age restrictions may be applied.
- If there are no applicants to match to the property the age restriction will be reduced but preference given to those aged over 45.

Managing low demand properties

When a property has been continually refused (at least 5 times) or where there are no applicants on the Housing Register indicating they have a preference for properties of that type or in that particular geographical location, the Head of Housing is entitled to advertise the property to any suitable applicant.

Applicants will be required to complete an Application for Accommodation Form and priority will be allocated in the following ways, in priority order:

- ❖ Those who meet the reasonable preference criteria.
- ❖ The date of the application.

Sheltered housing

It is a condition of all tenancies in sheltered housing schemes that tenants agree to take the Care Line and Warden Service. Separate charges are made for these services on top of the rent.

Medical Requirements

Applicants who have a medical need will be asked to complete a Medical Form, which will be passed to their GP. The applicants and any members of the applicants household can complete a Medical Form.

Applicants will only be offered additional priority if their medical condition significantly affects their need for accommodation for example, an elderly person with arthritis in the knee may need adapted or ground floor accommodation.

Applicants with general medical conditions will not normally be eligible to be awarded ***medical*** points.

Local Connection

We will give additional points to applicants who can demonstrate a local connection with the local area.

When allocating properties, preference will be given to those applicants already living in the District or with a family connection within the District.

A person leaving HM Forces will receive local connection points if the applicant or spouse has family living in the Chester-le-Street District, or either the applicant, their spouse or partner lived in the District immediately prior to enlistment for a period of time exceeding 12 months. Those applicants serving in the forces can apply for local connection points up to 12 months prior to the discharge date.

If the discharge date is longer than 12 months the local connection points will not be applied. Official confirmation of the discharge date will be requested and would normally be provided by the MoD on their form 1166. Family in this section is defined as parents or adult children of the applicant.

In all cases, the applicant should be advised that their application will be registered but that an offer cannot be made until a certificate of cessation of entitlement to occupy service quarters is issued. These are usually issued up to six months in advance by the Ministry of Defence.

Hardship Grounds

We will give additional points to applicants who need to move to a different locality in order to:

- ❖ Receive or provide care.
- ❖ Access specialised medical treatment.
- ❖ Take up offers of employment.
- ❖ Take up training opportunities.
- ❖ Take up education opportunities.
- ❖ In receipt of means tested benefits.

Additional Preference

We will provide additional preference to the following applicants:

- ❖ Victims of domestic violence.
- ❖ Victims of racial harassment amounting to violence or threats of violence.
- ❖ Same sex couples who are victims of harassment amounting to violence or threats of violence.
- ❖ Witnesses of crime, or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current accommodation.
- ❖ Tenants of ***Cestria Community Housing*** who are under-occupying their current home.

Owner Occupiers

Applicant's financial circumstances will be taken into account in assessing the preference they may receive through this Allocation Scheme.

Where an applicant is considered to be in a position to provide their own accommodation they may be offered the opportunity of a shared ownership option available through partnership working with a Registered Social Landlord or referred to the approved landlord scheme if available.

Owner occupiers who are adequately housed or with the resources to secure accommodation locally, would normally not attract any preference under this Scheme.

Management Discretion

So far as is possible the points-based scheme will be used to allocate accommodation. However there may be special circumstances where the only way housing need can be fully taken into account is the use of Management Discretion.

The following circumstances may be taken into account in the interests of fairness:

Non-Dependent Where a non-dependent is living in with a person over 60 years of age who needs to move into more suitable accommodation but is prevented from doing so because of the presence of the non-dependent. In this situation the non-dependent, may be given a priority to assist them with independent accommodation suitable for their needs. To qualify for this priority the non-dependent must have lived with the tenant at the address in question for at least 12 months and proof of the residency will be required.

Tenancy Termination Where a tenancy is held by two tenants and one tenant terminates the tenancy. The remaining occupant may apply to Cestria to have a tenancy granted to them in the property that they occupy.

Major Works Cestria tenants who need to move on a temporary basis to enable major works to be carried out to their home, where in the opinion of a property services manager, the tenant cannot reasonably be expected to remain in their home whilst building operations take place.

Succession Tenants have rights of succession enshrined in law, that is to say, the right to pass the tenancy of the property on to a wife or child following the death of the original tenant. Succession is outside the scope of this Allocation Scheme.

However some household members living with a tenant who dies may not have succession rights. In those circumstances the following factors will be taken into account in deciding whether to allow household members to remain in the property:

- ❖ Whether the Council has a duty to provide accommodation under Part VI of the Housing Act 1996.
- ❖ The person has made an application for accommodation.
- ❖ The person has or would if an application for accommodation has been made sufficient points to allow an allocation to be made.

- ❖ The person has lived at the address as his or her principal home for at least 12 months.
- ❖ The person has been providing care for the deceased tenant.
- ❖ The person intends to care or look after the dependents of the deceased tenant.

Supported Housing Applicants currently occupying supported housing or special needs accommodation who are assessed as being ready to move on into more independent housing.

Emergency Households whose homes are damaged by flood, fire or other disaster may be provided with temporary accommodation until such time as their accommodation is brought back into use.

The Council's Overview and Scrutiny Panel and the Association's Board will receive an Annual Statement as to how the Service has exercised its management discretion under this Scheme.

Summary of Priority Points

Points will be awarded based on the information given on an application but no property will be offered until a home visit is undertaken to verify the applicant's housing circumstances.

Criteria	Points Awarded
Date of Application	
For every 12 months on the register	1 Point
Shared Accommodation	
Single Person Sharing Accommodation	5 Points
Couple Sharing Accommodation	10 Points
Household with child(ren) Sharing Accommodation	20 Points
Shortages of Bedrooms	
Households or carers sharing bedrooms with children	10 Points
Children of mixed sex (over 11 years) sharing bedrooms	10 Points
Parent or carer sharing bedroom with child	10 Points
Lack of Facilities	
No inside wc	10 Points
No kitchen or kitchen facilities in the same room as sleeping area	10 Points
No fixed bath or shower	10 Points
No hot water	10 Points
No heating	10 Points
Sharing facilities in a B&B or other shared establishment eg hostel etc	20 Points
Condition of Property	
Dwellings which are Unfit to Live In	25 Points
Dwellings in Poor Repair	10 Points
Personal Circumstances	

Family member over 60	5 Points
Leaving institutional background	15 Points
Discharge from Armed Forces	15 Points
Receipt of means tested benefits	5 Points
Medical/Social	
Physical or Mental Disability (Low)	5 Points
Physical or Mental Disability (Med)	10 Points
Physical or Mental Disability (High)	20 Points
Social Reasons for Requiring a Move	10 Points
Homelessness	
Unintentionally Homeless With Priority Need	50 Points
Unintentionally Homeless With No Priority Need	10 Points
Priority Need but Intentionally Homeless	5 Points
Welfare Grounds	
Children Act 1989 referral	25 Points
Community Care Act 1990 Referral	25 Points
Children (Leaving Care) Act 2000 Referral	25 Points
Occupational Therapist Referral	25 Points
Additional Preference	
Victims of Domestic Violence	25 Points
Victims of Racial Harassment	25 Points
Same Sex Couples Who Are Victims of harassment	25 Points
Witnesses or Victims of Crime of Crime	25 Points
Hardship Grounds	
Require move to receive or provide care	10 Points
Require move to access specialised medical treatment	10 Points
Require move to access employment opportunities	10 Points
Require move to access training opportunities	10 Points
Require move to access educational opportunities	10 Points
Accommodation Based	
Living in Non-Secure Tenancy For Less Than 12 Months	10 Points
Living in Non-Secure Tenancy For Between 12 and 24 Months	15 Points
Living in Non-Secure Tenancy For Over 24 Months	20 Points
Current Accommodation Unadapted to Meet Need	20 Points
Property Underoccupied (1 Bedroom) (Cestria Tenant Only)	10 Points
Property Underoccupied (More Than 1 Bedroom) (Cestria Tenant Only)	20 Points
Elderly Person Living in Upstairs Flat Without Lift	20 Points
Children in Flats Above Ground Floor	5 Points
Local Connection	
Living in the District	10 Points
Not Living in the District But Family Connection With Chester-le-Street	5 Points

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