



# Housing **Allocations Scheme**

2018

# Housing Allocations Scheme

1 July 2018

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## 1. Introduction

1.1 The Council is required, under Section 167 of the Housing Act 1996, to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Registered Provider of Social Housing (a housing association). This includes all aspects of the allocations process including descriptions of persons by whom decisions are made.

1.2 This Housing Allocations Scheme has been formulated in accordance with the provisions of:

- The Housing Act 1996, as amended by the Homelessness Act 2002;
- The Localism Act 2011;
- The Allocation of accommodation: Statutory Guidance for local housing authorities in England (DCLG June 2012);
- Providing social housing for local people: Statutory Guidance on social housing allocations for local authorities in England (December 2013);
- Right to Move – Statutory Guidance on social housing allocations for local housing authorities in England (March 2015);
- Housing and Planning Act 2016;
- Homelessness Reduction Act 2017; and
- Other relevant legislation and guidance.

1.3 For the purposes of this Housing Allocations Scheme, the definition and interpretation of “tenant” shall have the meaning of either:

- Secure Pre-Localism Act Lifetime Tenant (tenancy granted prior to 1 April 2012)
- Secure Post Act Lifetime Tenant (tenancy granted after 1 April 2012)
- Secure (fixed-term) Tenant
- Any other tenancy arrangements set out in subsequent legislation or the Council’s “Tenancy Policy”

Any references to “home seeker” means any applicant on the Council’s Housing Register.

## 2. Tenancy Strategy and Tenancy Policy

2.1 As with all Registered Providers, the Council is required to publish and be responsible for its Tenancy Policy. The Tenancy Policy has regard to the expectations of the West Essex Tenancy Strategy. A copy of the Council’s Tenancy Policy will be made available on request free of charge and contains the following information:

- The types of tenancies granted;
- Circumstances where, a tenancy of a particular type will be granted and the length of the term;
- Circumstances where a Secure (fixed-term) Tenancy for a term of less than 5 years will be granted;
- Circumstances where on the expiry of a Secure (fixed-term) Tenancy, another tenancy will be granted on the same or another property;

- How applicants/tenants can appeal against the length of a Secure (fixed-term) Tenancy or a decision made under the Council's assessment criteria not to grant a further tenancy;
- How and when the Council will take account of the needs of vulnerable people;
- How advice and assistance will be provided if another tenancy is not granted at the end of the Secure (fixed-term) Tenancy term; and
- Details of discretionary succession rights

### **3. Homelessness Strategy**

- 3.1 Under Section 1 (4) of the Homelessness Act 2002, local authorities have a duty to review and publish their Homelessness Strategy on at least a 5 yearly basis. As this area of work regularly changes, the Council's Strategy is reviewed every three years. The Strategy links with the Council's Housing Strategy, and has been taken into account when framing this Housing Allocations Scheme. The Strategy sets out achievements over the previous three years and incorporates the needs and demands on the service and actions that need to be undertaken over the coming three years. A copy will be provided free of charge on request.

### **4. The Council's Policy on Offering Choice**

- 4.1 The Council operates a Choice Based Lettings Scheme where vacant properties are advertised to applicants on the Council's Housing Register on a website and a weekly Property List, giving details of location, type, rent, service charge, and landlord of the available accommodation. Applicants can apply for a property by "expressing an interest" (or "bidding") either on the website or by telephone or text.
- 4.2 Applicants are restricted to "bidding" for properties for which their household has an assessed need. At the end of the weekly "bidding" cycle, the Council analyses the "bids" received and the Housing Allocations Team within the Housing Options Section allocates each property following a prioritisation and selection process in accordance with this Housing Allocations Scheme. In general terms, the property is offered to the applicant in the highest band, who has been registered on the Housing Register the longest, who had "bid" for the specific vacancy. The results of the "bidding" on each property advertised is then published on the Website and in a future Property List, setting out the number of "bids" received on each property, as well as the Band and registration date of the successful applicant.
- 4.3 This helps to see how long the successful home seeker had been waiting for housing and gives greater transparency in the allocation of accommodation, as each applicant is able to clearly understand the type and location of properties for which they would be most likely to "bid" successfully. The process is also an indication to home seekers on whether housing accommodation appropriate to a person's needs is likely to become available and the possible waiting time. Details on how the Scheme operates are set out in the applicant's confirmation of registration letter.
- 4.4 Any home seeker who may have difficulty in participating in the Choice Based Lettings Scheme can contact the Housing Options Team at the Civic Offices, Epping where staff are available to provide assistance, including the submission of "bids" on their behalf, where they have no-one else to help. Computer kiosks are available at all housing office reception areas where bids can be submitted on the internet.

### **5. Advice and Information**

- 5.1 The Council will provide advice and information free of charge on request to any person about their right to make an application for an allocation of housing

accommodation and will also assist anyone who may have difficulty in doing so without assistance.

## **6. The Housing Register**

- 6.1 The Housing Register will be maintained by the Communities Directorate at the Civic Offices in Epping. The Housing Register will be open to all qualifying persons.
- 6.2 The fact that a person is an applicant for the allocation of housing accommodation will not be divulged by the Council to any other member of the public without the applicant's consent.
- 6.3 The Housing Register will be open to applicants of 18 years of age and over.

## **7. The Housing Allocations Scheme**

- 7.1 This Housing Allocations Scheme is framed so as to secure that the categories of applicants set out in Section 167 of the Housing Act 1996 are given reasonable preference.
- 7.2 The Council recognises that there may be some exceptional circumstances concerning qualifying persons which are not covered by the Scheme. In such instances, the Director of Communities will have delegated authority to make decisions, as he considers appropriate. The Director of Communities (with the exception of the provision under Paragraph 14.4 of this Scheme) does **not** have delegated authority to decide whether there are exceptional circumstances for allowing any non-qualifying applicant to join the Housing Register.
- 7.3 This Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to other Registered Providers for which the Council is entitled to make nominations.
- 7.4 The provisions of this Scheme will apply to home seekers on the Council's Housing Register at the effective date of the Housing Allocations Scheme, as well as those who apply after the effective date (subject to Paragraph 14.3 (g)).

## **8. Introductory Tenancies**

- 8.1 The Council operates an Introductory Tenancy Scheme whereby all new potentially Secure lifetime and Secure (fixed-term) Tenants are "on trial" for a period of 12 months in order that the Council can satisfy itself that the introductory tenant can sustain a tenancy and meet all of the conditions of the Council's Standard Tenancy Agreement. Should any conditions be breached, the Council will be able to seek possession of the property through the County Court with the judge having to grant possession, provided all of the procedures are followed correctly. In circumstances where the Council has concerns about an introductory tenant, but not serious enough to apply to the County Court for possession, the introductory period can be extended by a further 6 months. Introductory periods and the fixed-terms of tenancies are set on in the Declaration Section of the Tenancy Agreement.
- 8.2 The Council will grant introductory tenancies to all new tenants allocated accommodation under this Housing Allocations Scheme. Existing Council tenants will not be allocated introductory tenancies unless they are already an introductory tenant, in which case they will be required to fulfill their introductory tenancy period in their new property.

## **9. Secure (fixed-term) Tenancies**

- 9.1 The Council will generally grant Secure (fixed-term) Tenancies to all new tenants who sign up to a tenancy of any Council property. Any other tenancy types will be granted in accordance with either the Council's Tenancy Policy or any other subsequent legislation.

## **10. Joint and Single Introductory Tenancies**

- 10.1 A tenancy can be held by one person or by up to four joint tenants, all of whom must be qualifying persons. However many tenants there are, there is still only one tenancy and the rights and duties relating to the tenancy apply jointly and severally to all joint tenants. When a joint tenant dies, the remaining tenant/s will continue to hold the tenancy by "survivorship". The names of any joint tenants cannot be removed from the tenancy unless by an Order of the Court. If one joint tenant surrenders the tenancy then the tenancy comes to an end.

- 10.2 Joint Introductory Tenancies will be offered to:

- a) married couples or civil partners provided that both home seekers are named on the application
- b) unmarried couples, or those living as civil partners who can demonstrate a relationship similar to marriage or a civil partnership, providing that both request it and the partner of the lead home seeker is registered on the application
- c) home seekers and their live-in carers provided that both are named on the application, where the live in carer has occupied the property as their only or principal home for over 12 months and the Council considers it to be justified.

- 10.3 When an existing tenant applies to change their sole tenancy to a joint tenancy, this will be subject to any new joint applicant meeting with the Local Eligibility Criteria of this Scheme at Paragraph 14 (apart from the Housing Need element).

- 10.4 In all other circumstances, single Secure (fixed-term) Tenancies will be offered to the lead home seeker.

## **11. Tenancy Start Dates**

- 11.1 All home seekers will be given an opportunity to view the property they are being offered prior to giving the Council their decision. When properties become available for letting, the tenancy start date will, in all cases, be the following Monday. However, where a property becomes available for letting on a Thursday or Friday, the first week of the tenancy will be rent free in order to allow the home seeker reasonable time to move into the accommodation.

## **12. Mutual Exchanges**

- 12.1 The Council offers "HomeSwapper"; an internet based mutual exchange service, free of charge to assist qualifying tenants who are wanting to enter into a mutual exchange. Information on the service can be found at [www.HomeSwapper.co.uk](http://www.HomeSwapper.co.uk). Any tenant who does not have access to the Internet will be provided with support on request.

### **13. Persons from Abroad**

- 13.1 The Council will not allocate housing accommodation to a person from abroad who is ineligible for housing accommodation, including two or more persons jointly if any of them is a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing). Furthermore, it must be noted that the Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local authorities in England.
- 13.2 Any part of a household who are not qualifying persons from abroad will not be counted as part of the assessment of need and size of accommodation.

### **14. Local Eligibility Criteria**

- 14.1 The Council has a Local Eligibility Criteria which is in place to prevent applicants joining the Housing Register who have no realistic prospect of being housed, in order to remove any expectations. Within this Housing Allocations Scheme, those who do not meet all aspects of the criteria are classed as persons not qualifying.
- 14.2 The following classes of persons will **not** qualify for inclusion on the Council's Housing Register.

#### ***Residency Criteria***

- 14.3 Any new applicant/s who has lived in the Epping Forest District for less than **seven** continuous years immediately prior to their date of application, with the exception of persons who:
- a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
  - b) formerly served in the regular forces where the application is made within 5 years of discharge;
  - c) have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
  - d) are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service where the application is made within 5 years of discharge.

The "regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006

- e) are owed a homelessness duty by the Council under Part 7 S193 of the Housing Act 1996 as amended who have already met the residency provisions in accordance with this legislation;
- f) are existing local authority or housing association tenants with a good tenancy record who are seeking to transfer from another local authority district in England. They must provide appropriate evidence that they are in long-term work in the District, or have a genuine intention of taking up an offer of work in the District (work does not including short-term, occasional, ancillary, voluntary, marginal or economically insignificant employment), comprising a minimum of 16 hours each week or an apprenticeship. They must also demonstrate that they are experiencing hardship as a result of the above due to one or more of the following factors:

- (i) they live in excess of 50 miles from their current or intended place of work
  - (ii) they have a return journey time on public transport which is generally in excess of 3 hours based upon Internet Journey Planners
  - (iii) the availability of transport is restrictive causing similar difficulties set out in (i) and (ii) above
  - (iv) transport is unaffordable when taking into account earnings
  - (v) there are medical and child care factors which would be affected if the tenant could not move
  - (vi) the failure to move would result in the loss of an opportunity to improve an applicant's job prospects or in the opinion of the Housing Options Manager some other hardship factor not covered by this Scheme
- g) were registered on the Housing Register on 30 June 2018.

14.4 Are an applicant who in the opinion of the Housing Options Manager is entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.

14.5 Are a person to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference **on the ground of homelessness**.

14.6 A lesser Residency Criteria of 2 years will apply to applicants leaving Supported Housing Schemes as set out at Paragraph 1.4 Appendix 4 of the Scheme.

14.7 Any resident who moves out of the Epping Forest District for less than 2 years, but has lived within the District for at least 7 continuous years immediately prior to moving out of the District, will be treated as an applicant or home seeker who has lived in the District for more than 7 continuous years prior to application.

### ***Housing Need***

14.8 Any applicant who does not have a housing need, as determined by at least one criterion of a priority band at Appendix 1 of this Housing Allocations Scheme, will not qualify.

### ***Financial Criteria***

14.9 Any applicant/s who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will not qualify. The thresholds at which this criterion will apply are where the annual gross household taxable income added to any; residential property equity, savings, shares or any other assets, exceeds £76,000 (household is defined at Paragraph 16.3 of this Scheme). Applicants will be required to provide evidence of income and savings.

14.10 Any applicant in the view of the Director of Communities is found to have disposed of assets by means of willful deprivation within the last six years will not-qualify.

14.11 Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion.

### ***Serious Unacceptable Behaviour***

14.12 Any person (or a member of their household) who, within the previous **7 years**, have been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will not qualify. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Secure (fixed-term) Tenant and includes:

- Serious rent arrears (including housing benefit and Court cost arrears);
- Other breaches of tenancy conditions including damage and neighbour nuisance amongst others;
- Previous proven social housing fraud; or
- Proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 or any other relevant legislation in force at any time

### ***Future Applications***

14.13 If a non-qualifying applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application at that time.

## **15. Supplementary Waiting List**

15.1 The Council operates a separate Supplementary Waiting List for non-qualifying applicants over 60 years of age who do not meet certain aspects of the Local Eligibility Criteria. Applicants will generally only be able to bid on one bedroom Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes (not bungalows) for older people under the HomeOption Scheme. However, qualifying persons on the Council's Housing Register who have submitted bids will be given priority.

15.2 Any offers of tenancies made to applicants on the Supplementary Waiting List will be prioritised in registration date order. Prior to any offer, the Council will undertake an in-depth assessment of the applicant to determine if the accommodation is suitable for the applicant. The following aspects of both the Local Eligibility Criteria set out within Section 14 above and the provisions under Section 25 of this Housing Allocations Scheme will still apply when determining if the applicant is eligible for inclusion on the Supplementary Waiting List:

- Financial Assessment
- Serious Unacceptable Behaviour
- False Statements and Withholding Information

## **16. Application to the Housing Register**

16.1 The Council will ensure that advice, information and assistance is available free of charge to applicants in the District about the right to make an application for an allocation of housing accommodation. Applications must be made on-line at [www.homeoption.org](http://www.homeoption.org). Applicants will be required to, within their on-line applications, provide answers to such questions as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made. Assistance will be given to home seekers who do not have access to a computer or who need help generally with the application process. Each application received will be given careful consideration.



16.2 Advice and information will be provided by the Council, the Epping Forest Citizens Advice Bureau and any other source able to give appropriate advice free of charge.

### ***Definition of Household***

16.3 A Household is either one person or two persons or more who are intending to live together at the same property offered. Applicants should only include persons on their application who have been part of their household for at least a **two year** period and will occupy the accommodation offered as their only or principal home. In respect of the Financial Criteria set out at Paragraph 14.9 to 14.10 of this Scheme, Household is defined as any person/s intended to be either the tenant or joint tenants.

### ***Proof of Identity***

16.4 Applicants and other persons included on the application will, at the point of application, be required to provide documentary proof from two official sources of;

- a) their identity; and
- b) their residency.

16.5 Required documents in respect of 16.4 above will include an original Full Birth Certificate and current Passport and any other appropriate documents as determined by the Housing Options Manager.

16.6 If required documents cannot be provided, the Housing Options Manager may authorise the acceptance of other documents.

### ***Proof of Residency***

16.7 Any applicant will be required to provide evidence of residency to the satisfaction of the Council. In order to validate the residency of the home seeker and other persons included on the application, the Council will undertake checks with other Council Directorates and relevant bodies as appropriate.

16.8 When a home seeker is being considered for a property, they will be contacted by telephone and required to provide up-to-date evidence of their current situation in order to consider their eligibility again for any offer of accommodation. Such evidence will be more extensive than that requested at the point of joining the Housing Register. Under normal circumstances, any home seeker who fails to provide this evidence will not be offered the property. Additional documentary evidence to substantiate an application may be required as the Council considers appropriate.

16.9 When making an application on line, should any information not be submitted, or due to the information provided the applicant is deemed not to qualify; it will not be possible to complete the application process. In such circumstances the applicant should seek housing advice and assistance from the Council. Where supporting documents are not received within 14 calendar days of any application being completed on line the application will be cancelled.

## **17. Information about the Housing Allocations Scheme**

17.1 Upon written request, home seekers will be able to;

- (a) receive a copy of their details entered on the Housing Register free of charge;
- (b) receive copies of documents provided by them;
- (c) have access to their file in accordance with the provisions of Data Protection Law;
- (d) have a copy of their full file;

- (e) be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision;
- (f) receive general information to enable them to assess;
  - (i) how their application is likely to be treated under the Scheme;
  - (ii) whether accommodation appropriate to their need is likely to be available and, if so, when; and
  - (iii) how any decision about the facts of their case has been taken into account.
- (g) receive a summary of the Housing Allocations Scheme free of charge.

## **18. Allocation of Accommodation**

- 18.1 Generally, the relative degree of priority to be awarded to home seekers on the Housing Register will be assessed by the Housing Allocations Team within the Housing Options Section with reference to the banding system set out at Appendix 1.
- 18.2 Band A represents the highest priority and Band C represents the lowest.
- 18.3 Home seekers will be expected to be maximising and not worsening the use of their existing accommodation. Applications will be assessed on the household composition and the size of the existing accommodation, rather than its current use by the household.
- 18.4 An offer of accommodation will not be made to any home seeker who has rent arrears in excess of 4 weeks rent.
- 18.5 Home seekers within each band will be prioritised in registration date order. For home seekers within Band B (v) the home seeker's tenancy commencement date will be the registration date.
- 18.6 Any vacancy will be offered generally to the home seeker identified by the Council who has the highest priority and has expressed an interest in that property. This is subject to sheltered accommodation and grouped dwelling schemes generally only being offered to home seekers over the age of 60 years; and bungalows only being offered to home seekers over the age of 60 years but in certain circumstances aged over 50 years.
- 18.7 The size of housing accommodation to be allocated to home seekers on the Housing Register is set out in Appendix 2.

### ***Penalty for Refusals of Offers of Accommodation***

- 18.8 Subject to the circumstances in Paragraph 18.10 below, any home seeker who refuses **two** offers of suitable accommodation for which they have expressed an interest within any period will have their application deferred for a period of **two** years.
- 18.9 Any tenant of the Council who is under-occupying and is wishing to move to smaller Council accommodation, who refuses **four** offers of suitable accommodation for which they have expressed an interest within any period, will have their application deferred for a period of **twelve** months.

## **Homeless Households**

- 18.10 The Housing Allocations Scheme is framed to ensure that reasonable preference is given to people who are homeless within the meaning of Part 7 of the Homelessness Act 1996.
- 18.11 Homeless households will generally be initially placed in temporary accommodation. The Council reserves the right to move homeless households to alternative temporary accommodation in appropriate circumstances.
- 18.12 Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended, will be made one offer of suitable accommodation after receiving their S.184 decision letter, in generally flatted accommodation (including maisonettes) as set out at Appendix 4. Homeless applicants will be made an offer accordingly, subject to the availability of accommodation. In order to discharge its main homeless duty the Council will offer homeless applicants a 2 year Secure (fixed-term) Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide housing advice and assistance to] the applicant if under the Assessment Criteria applied at the end of the fixed-term establishes that they have become unintentionally homeless. If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council's duty under the Homelessness Act 1996 as amended to provide accommodation will be considered to be discharged.

## **19. Redecoration Vouchers Scheme for the Council's Properties**

- 19.1 Internal decorations to a property are the tenant's responsibility. However, if a property owned by the Council is offered and is, in the view of the inspecting officer, in need of redecoration an allowance for decorating materials will be made. A redecoration voucher for use in a DIY store will be issued to the incoming tenant after they have signed the tenancy agreement, as a contribution towards costs. A re-decoration allowance will only be made to existing tenants if their previous Council property is found to have been left in reasonable repair.

## **20. Removal Expenses**

- 20.1 The Council will not meet the cost of any removal expenses, except as set out in Paragraph 21.1 and 21.2 below.

## **21. Incentive Payments for Downsizing Accommodation**

- 21.1 Where a lifetime tenant of the Council is under-occupying accommodation and is downsizing accommodation and moves or enters into a mutual exchange to any property with less bedrooms than their current property and both properties are owned by the Council, they will be offered £500 to cover removal costs a payment of £500 to meet decoration costs (in addition to the amount paid under the Council's decorations allowance scheme set out at Paragraph 19.1) and £1,000 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £4,000 being made.
- 21.2 If a Secure (fixed-term) Tenant wishes to transfer (or mutual exchange) to smaller accommodation, the financial incentives to downsize set out under this section of the Scheme will apply, but only if they have more than 5 years remaining on their fixed-term tenancy.
- 21.3 The Council's incentive payments made to existing tenants who downsize accommodation will be made (subject to Paragraph 21.2 above) to any of the Council's

tenants who downsize accommodation by way of mutual exchange, providing all parties to the mutual exchange are tenants of the Council and are adequately housed as a result, in accordance with this Scheme.

- 21.4 The Financial Criteria (in accordance with Paragraphs 14.9 to 14.10 of this Scheme) will be disregarded where a tenant of the Council is under-occupying accommodation and is downsizing accommodation and moves or enters into a mutual exchange to any property with less bedrooms than their current property and both properties are owned by the Council. The Council's incentive payments will not apply to all those downsizing in accordance with this Paragraph where the Financial Criteria has been disregarded for this reason.
- 21.5 Any tenant wishing to enter into this arrangement whose rent account is in arrears, must be prepared to accept that the arrears will be deducted from the amount paid.
- 21.6 Where a tenant of the Council is downsizing accommodation, they will be considered for a bungalow if they wish, normally allocated to persons over 60 years of age, but provided they are over 50 years of age.
- 21.7 No payments will be made to successor tenants who are required to move to smaller accommodation.

## **22. Decisions on the Allocations Process**

- 22.1 The Council gives delegated authority to the Director of Communities to take decisions on the allocations process. In turn, the Director of Communities delegates such decisions to the Housing Allocations Team within the Housing Options Section, under the supervision of the Housing Options Manager.

## **23. Reviews**

- 23.1 If any applicant or home seeker is found not to be a qualifying person, they will be notified in writing of the decision and the grounds for it. They will also be given the opportunity for the information to be explained to them verbally. If they consider they have been unfairly or unreasonably treated having regard to the provisions of this Housing Allocations Scheme, they have the right to request a review of the decision within 21 days of the date of the original decision letter.
- 23.2 In the first instance, applicants must seek a review by either writing to the Assistant Director (Housing Operations), or by notifying the Housing Options Section by any convenient method, and will receive a written response within 8 weeks of the date the request is received. Upon request, the decision letter can be collected by the applicant within a reasonable period. Should an extension of the deadline be required the home seeker will be notified of this and the reasons.
- 23.3 The review will be undertaken either by the Assistant Director (Housing Operations), the Housing Options Manager or any other senior officer designated by the Director of Communities, who will advise the applicant or the home seeker of any further rights of appeal as appropriate.
- 23.4 The review will be undertaken by a person senior to the person making the original decision and who has not had a significant involvement in the original decision.
- 23.5 If the applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application.

## **24. Equal Opportunities**

- 24.1 The Council has undertaken an Equality Analysis Report on the Housing Allocations Scheme to determine how the Scheme will impact upon those classes of persons with Protected Characteristics and to ensure that it complies with the Equalities Act 2010. A copy of the Equality Analysis Report is available upon request free of charge.
- 24.2 The Council is committed to equal opportunities in the provision of its housing services. The Council has regard to, and implements, the provisions of the Race Relations Code of Practice in Rented Housing.
- 24.3 As an aid to ensuring that home seekers are not discriminated against on the grounds of their Protected Characteristics, through one of its Overview and Scrutiny Committees, the Council will monitor the Protected Characteristics of:
- a) home seekers on the Housing Register
  - b) home seekers allocated housing
  - c) home seekers on the Supplementary Waiting List seeking accommodation
  - d) home seekers allocated housing from the Supplementary Waiting List
- 24.4 The practices and procedures of the Communities Directorate will be monitored by the appropriate Assistant Director of Communities to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that any practices or procedures may be contravening the Equality Act 2010.

## **25. False and Withheld Information**

- 25.1 Any persons who have knowingly or recklessly made a statement which is false in material or knowingly withholds information that the Council has reasonably required them to give in connection with the exercise of the Scheme will have their housing application cancelled.
- 25.2 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 and take criminal proceedings if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement when they applied for the accommodation.

## **26. Information on the Allocations Scheme**

- 26.1 The Council will:
- a) publish a summary of its Housing Allocations Scheme in a leaflet setting out a person's right to make an application for housing accommodation and provide copies free of charge on request to any member of the public;
  - b) provide copies of the Housing Allocations Scheme free of charge at the:
    - (i) Housing Options Section, Civic Offices, Epping
    - (ii) Area Housing Office, 63 The Broadway, Loughton
    - (iii) Limes Centre Housing Office, The Limes Centre, Chigwell; and
  - c) enable copies of the Housing Allocations Scheme to be downloaded from the Internet at the Council's web-site: [www.eppingforestdc.gov.uk/housing\\_](http://www.eppingforestdc.gov.uk/housing_) (currently available through these links: Residents/Housing/Housing Advice/Applying for a council or housing association home).

## **27. Review of the Housing Allocations Scheme**

27.1 It is anticipated that this Housing Allocations Scheme will be reviewed by the Council's Communities Select Committee following 3 years of operation in consultation with the Tenants and Leaseholders Panel, which shall recommend any changes to the Council's Cabinet, with a target date for the reviewed Scheme coming into effect on 1 April 2022.

## **28. Consultation on Changes to the Allocations Scheme**

28.1 Before adopting a new Housing Allocations Scheme or making an alteration reflecting a major change of policy in its existing Housing Allocations Scheme, the Council will send a copy of the draft scheme or any proposed major change to the scheme to all of the following interested parties giving them a reasonable opportunity to comment:

- Every private Registered Provider of social housing with which it has nomination arrangements
- Town and Parish Councils
- The Tenants and Leaseholders Panel
- Partner agencies with an interest in the Scheme

## Priority Bandings

### **Band A**

- (i) Any member of the Armed Forces, or former Service personnel, or serving or former members of the Reserve Forces who joins the Council's Housing Register, are given priority above all other applicants within Band A, where they are assessed by the Council's Medical Advisor as suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, where the application is made within 5 years of discharge.
- (ii) Bereaved spouses or Civil Partners of those serving in the regular forces where 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 spouse or Civil Partner and the death was wholly or partly attributable to their service.
- (iii) Home seekers with Council or Housing Association tenancies in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy on a permanent basis.
- (iv) Home seekers needing to move on urgent medical grounds or urgent grounds relating to disability. \*\*
- (v) Home seekers needing to move on urgent welfare grounds \*\*\*.
- (vi) Home seekers occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation)\* but not as a result of the introduction of a further household.
- (vii) Home seekers with mobility problems will be given priority for ground floor flats and bungalows above other home seekers in this Band [with the exception of Band A (i)], regardless of their waiting time, on recommendation of the Council's Medical Advisor.
- (viii) Home seekers needing two or more additional bedrooms compared to their current accommodation.

### **Band B**

- (i) Home seekers defined as a household, who are sharing accommodation with another household for a minimum of 2 years, which is resulting in a lack of at least one bedroom.
- (ii) Home seekers who need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.\*\*\*\*
- (iii) Home seekers who can demonstrate they would otherwise be one household, but are having to live apart from other members of their household because of a lack of accommodation, (which would lead to statutory overcrowding if they occupied accommodation available to them individually) but not for personal reasons (i.e. family disputes).
- (iv) Home seekers needing one additional bedroom compared to their current accommodation.
- (v) Existing tenants of the Council:
  - living in 2 or 3 bedroom flatted accommodation (including maisonettes) who meet the Local Eligibility Criteria under Paragraph 14 of the Scheme (apart from the Housing Need element), making expressions of interest for houses that meet with their housing need, with their registration date being the tenancy commencement date of their current property.
- (vi) Existing tenants living in sheltered accommodation, who are wishing to move within their own scheme or to another sheltered scheme within the District.
- (vii) Existing tenants of the Council aged over 60 years, living in 1 bedroom Council accommodation wishing to move to sheltered accommodation regardless of their need.

### **Band C**

- (i) All Home seekers (in accordance with Paragraph 14.3 (f)) of this Housing Allocations Scheme), who need to move to be nearer to their place of work, or to take up an offer of permanent employment or an apprenticeship.
- (ii) Home seekers sharing accommodation with another household.
- (iii) Any member of the Armed Forces or former Service personnel, or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.
- (iv) Spouses and children (including step-children) of existing and former Armed Forces Personnel (where the application is made within 5 years of discharge) seeking accommodation in their own right, provided that one of their family members (as defined by Section 113 of the Housing Act 1985) has lived within the District for at least 3 years immediately prior to the date of application.
- (v) Home seekers needing to move on moderate medical grounds or moderate grounds relating to disability. \*\*\*\*\*
- (vi) Home seekers in the Council's interim accommodation awaiting their homelessness decision under S.184 of the Housing Act 1996 as amended.
- (vii) Any applicant who is entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.
- (viii) All home seekers to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference **on the ground of homelessness**



### ***Insanitary, Overcrowded Housing or Unsatisfactory Conditions***

\*Where the Permitted Number, in accordance with the provisions of S. 326 of the Housing Act 1985 is exceeded, or in accordance with the legislation, the property is in a serious state of disrepair, of poor internal or external arrangement, or is lacking one or more of the following; kitchen facilities, inside W.C. or utility supplies.

### ***Urgent Medical Priority***

\*\*Urgent Medical Priority (including grounds relating to disability and access needs and/or learning disability) to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that urgent priority will not be given based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation.

### ***Welfare Grounds***

\*\*\* Welfare grounds to be assessed on written evidence by the Housing Options Manager, in consultation with the Council's Medical Adviser. Welfare issues will encompass providing or receiving ongoing care and care and support needs for those who could not be expected to find their own accommodation such as young adults with a learning disability who wish to live independently in the community and social needs, for instance, where a secure base is required for a care-leaver or any other vulnerable person to build a stable life. Those who are active foster carers or those who are adopting who need to secure larger accommodation in order to look after a child who was previously looked after by local authority will be considered for a Flexible (fixed-term) Tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

### ***Hardship Grounds***

\*\*\*\*Hardship may also include a need to move to give or receive care that is substantial or ongoing as well as for access to specialist medical treatment where there are severe mental health, medical or welfare issues and there are exceptional reasons why this support cannot be made available through a reliance on public transport or on the home seekers own transport.

### ***Moderate Medical Priority***

\*\*\*\*\*Moderate Medical Priority, (including grounds relating to disability and access needs and/or learning disability) being generally one or a combination of minor medical issues, to be determined by the Council's Medical Adviser or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application. It is important to note that moderate priority will not be granted based upon the medical evidence itself, it will be based upon the impact it has upon the home seeker's housing requirements and whether the home seeker's current accommodation is directly contributing to the deterioration of the home seeker's health. It will be considered based on the extent that the health of a home seeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation. No increase in Banding will be given as a result of "Moderate Medical" priority; it will only result in a home seeker being a qualifying person under the Scheme should no other criterion be met.

## Re-Assessment of Medical Priority

Any home seeker who is awarded Band A priority due to urgent medical priority will have their medical position re-assessed if they express an interest for a property and then refuse an offer of that accommodation. A re-assessment will also be undertaken of any home seeker with urgent medical preference who fails to fully participate in the Choice Based Lettings Scheme for more than 6 months. In addition, should any applicant move from their existing accommodation and remain on the Housing Register, a fresh medical assessment will be undertaken.

## Appendix 2

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### Sizes of Properties to be Allocated

The sizes of properties allocated to home seekers on the Housing Register will be based on the composition of their household, generally in accordance with the property sizes of the Local Housing Allowance, as shown in the following table.

Property Size	Household Composition
Studio	Single Persons
1 Bedroom	Single person or 2 persons, with no family members
2 Bedroom	Single Person or 2 persons, with 1 family member or 2 family members of the same sex, or 2 family members of opposite sex both under the age of 10 years
3 Bedroom	Single person or 2 persons, with 2 family members of opposite sex with one family member over the age of 10 years Single person or 2 persons, with 3 family members 2 of whom are of the same sex Single person or 2 persons, with 4 family members 2 each of the same sex
4 Bedroom*	Single person or 2 persons with 4 or more family members where two are of opposite sex and over the age of 10 years
5 Bedroom*	Single person or 2 persons with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

Accommodation available for occupation is defined in accordance with the Housing Act 1996 Part 7 Section 176 and sets out person/s who would normally or reasonably reside with the lead applicant/s as an (established) member of his or her family. A family member is as defined by Section 113 of the Housing Act 1985.

Under the HomeOption Scheme, home seekers will be able to express an interest in properties which are one bedroom less than their need provided it is within the Permitted Number of occupants allowed under the Housing Act 1985.

\*However, any assessment will require two family members of the same sex regardless of age, to share one bedroom. It should be noted the Council has very few properties with 4 or 5 bedrooms in its housing stock.

### ***For information***

In exceptional circumstances, home seekers may be allocated a property which is one bedroom above the need of their household where the Council's Medical Advisor agrees that there are urgent medical reasons (including reasons of disability) for doing so. Where applicants receive support from carers who do not reside with them but may need to stay overnight, the Council will take into account the applicant's need for a spare bedroom.

Consideration will be given to the bedroom requirements of active Registered Foster Carers in terms of Priority Banding and property sizes offered depending upon the circumstances.

It should be noted in cases where residence of children is shared, and where one parent has accommodation available to them that meets the need of that household, the other parent, generally, will only be considered for studio or 1 bedroom accommodation.

## Priority Transfers

Priority Transfers will only be granted on a like-for-like accommodation basis for urgent reasons including;

- urgent circumstances (in accommodation away from the local area) where there is clear written evidence that an existing tenant's safety is at risk including, as a result of violence or threats of violence, intimidated witnesses and those escaping anti-social behaviour or domestic violence
- those who need to move urgently because of life threatening illness or sudden disability. Decisions will take into account the advice of the Council's Medical Advisor following consideration of the impact it has upon the tenant's housing requirements and whether the tenant's current accommodation is directly contributing to the deterioration of the tenant's health. It will be considered based on the extent that the health of a tenant, or an immediate member of their family, will significantly improve by a move to alternative accommodation.
- to facilitate major repairs or refurbishment of a Council property
- where a Council property is required to be demolished for safety or redevelopment purposes
- other transfers of a similar nature as determined by the Director of Communities

## **1. Allocations Outside of the HomeOption Scheme**

- 1.1 The Council will, as it considers appropriate, allocate properties outside of the HomeOption Scheme in the following circumstances:

### ***Homeless Applicants***

- 1.2 To applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended who are living in:

- bed and breakfast accommodation (or similar accommodation) secured by the Council, but excluding those in the process of being referred to another local housing authority under S.198 of the Housing Act 1996
- the Council's Homeless Persons Hostel (Norway House or Hemnall House), or a Women's Refuge
- homeless applicants living in Brookhaven for at least 6 months and have been served with a S 21 Notice (giving notice of ending the assured tenancy), where the Manager of Brook Haven has notified the Council that the tenant is ready to move on.

- 1.3 In respect of 1.2 above, homeless applicants will be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation (including maisonettes). In order to discharge its main homeless duty the Council will offer homeless applicants a 2 year Secure (fixed-term) Tenancy to give some temporary stability in order to prepare them to make their own arrangements thereafter. The Council will retain its duty to help [provide housing advice and assistance to] the applicant if under the Assessment Criteria applied at the end of the fixed-term establishes that they have become unintentionally homeless. If the offer is refused, the applicant will have the right to seek a Review of the suitability of the accommodation. If not successful, the Council's duty under the Homelessness Act 1996 as amended to provide accommodation will be considered to be discharged.

### ***Persons Living in Supported Housing***

- 1.4 Persons to whom the Council does not owe the full homelessness duty, who and have been placed by the Council under its nomination rights or with the support of the Homelessness Prevention Team for a least 9 months and are ready to move on, at either the:

- S.A.F.E. (Single Accommodation for Epping Forest "NACRO") Project
- Young Parent Scheme at Railway Meadow, Ongar
- Supported housing scheme for vulnerable adults at Tolpuddle House, Ongar
- Supported housing scheme at Elm Court, Theydon Bois
- NACRO scheme for those with mental health issues
- Young parent and child scheme at Bartletts, Chelmsford

- 1.5 In respect of 1.4 above, a lesser Residency Criteria of 2 years will apply. Such persons will be made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation (including maisonettes). The Council will offer such persons a 2 year Secure (fixed-term) Tenancy to give some stability in order to prepare them to make their own arrangements thereafter. If the offer is refused, the Council will make no further offers of accommodation.

### ***Other Allocations Outside of the Housing Allocations Scheme***

- 1.6 This Housing Allocations Scheme does **not** apply in the following cases;
- a) where a tenant succeeds to a tenancy (or an Introductory Tenancy) upon the death of a tenant;
  - b) to accommodate a successor tenant who is under-occupying Council accommodation;
  - c) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment;
  - d) where a tenancy is assigned by way of a mutual exchange to an existing tenant;
  - e) where a tenancy is either granted in response to a transfer request under Section 158 of the Localism Act 2011 or any other tenant transfers;
  - f) where an introductory tenancy becomes a Secure lifetime or Secure (fixed-term) Tenancy on ceasing to be an introductory tenancy;
  - g) where an introductory tenant undertakes a mutual exchange with a Secure lifetime or Secure (fixed-term) Tenant. In these circumstances, each party will surrender their tenancies, and the Council will grant each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an introductory tenant in their previous property will count towards the fulfilment of the 12-month "introductory period" in the new property. It should be noted that some social landlords do not allow introductory tenants to enter into a mutual exchange within any trial period;
  - h) where a tenancy is disposed through a Property Adjustment Order in accordance with relevant legislation;
  - i) where a priority transfer is agreed in accordance with the criteria set out at Appendix 3;
  - j) Where a property is offered to an applicant on the Witness Protection Mobility Scheme (only one property will be offered for this purpose within any 12 month period, and will be either a flat or maisonette);
  - k) Where an existing social housing tenant of another Essex authority (who is a high risk victim of domestic abuse) is referred and it is confirmed by Essex County Council, that the victim needs to be moved specifically to the Epping Forest District, an appropriate offer of a tenancy will be made on a reciprocal basis. Any offer will be subject to Essex Police strongly recommending that the person must live only within the District and their priority has been assessed as being greater than all other existing cases where a duty has been accepted by the Council under the homeless legislation. Such accommodation offered will be either a flat or maisonette.

## **2. Rural Housing Schemes**

- 2.1 Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreements), the Residency Criteria of this Housing Allocations Scheme will not apply. In order to qualify for such vacancies, home seekers must comply with the locality connection in accordance with the occupancy criteria for such schemes as set out in the latest version of the Council's Local Plan in being at the time. These requirements only apply for specific development sites that have such exceptional planning arrangements. Home seekers who meet with the criteria set out in this Paragraph will only qualify to be considered for other vacancies if they meet all of the requirements of this Housing Allocations Scheme.

## **3. Local Lettings Plans for Council Housing**

- 3.1 Where properties have been purpose built or adapted for tenants with specific needs, for instance, sheltered accommodation and grouped dwelling schemes for people aged over 60 years; bungalows for people aged over 60 years or in certain aged over 50 years, or those with physical disabilities, preference will be given to home seekers from households in need of that particular type of accommodation.

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