



ALLOCATIONS POLICY

INTRODUCTION

The purpose of this policy is to set out the aims and principles, which will apply in respect of allocating HHL properties.

POLICY STATEMENT

We are committed to participating fully in the Herefordshire Home Point Choice Based Lettings Scheme. This is demonstrated through HHL's membership of the Home Point Management Board and as a partner organisation within the scheme.

We will:

- Participate fully in the Home Point Scheme through representation on the Home Point Board of Management.
- Work alongside other RSLs to provide good quality temporary accommodation for people accepted as homeless or whose applications are being investigated
- Closely monitor all allocations to our properties to ensure that equality of access is being provided to those groups that can be subjected to discrimination
- Minimise rent loss from empty properties by agreeing performance standards and ensuring that properties are available for letting promptly in accordance with HHL's Void Policy and Procedures
- Encourage mobility through promoting and facilitating assignments by way of exchange.

AIMS

In the allocating of HHL properties we aim to:

- Ensure that housing is allocated on the basis of need by participating fully in the Herefordshire Home Point choice-based lettings scheme.
- Promote the achievement of balanced and sustainable communities.
- Make the best possible use of our housing stock in order to maximise rehousing opportunities.

- Let empty properties as quickly, efficiently and effectively as possible, having regard to the need to let high quality accommodation in accordance with our empty property letting standard.
- Work with Herefordshire Council (and other RSLs) to enable it to fulfil its duties under the Housing Act 1996 and the Homelessness Act 2002.
- Work with the local authority and other RSLs to achieve a better understanding of housing supply and demand.
- Value equality and diversity, in accordance with our Equality and Diversity Framework, and to ensure that our lettings process complies with all relevant legislation and Housing and Communities Agency Regulatory Framework.

ALLOCATIONS CRITERIA

Allocations to HHL's homes will be made via the Home Point choice-based lettings scheme. All applicants must register their interest with Home Point, which will manage a Common Housing Register on behalf of participating providers of rented social housing in Herefordshire. (See **Appendix 1** for list of these partner organisations). To qualify for registration on the Home Point register all applicants must meet the criteria laid down by Herefordshire Council's Housing Allocations Policy for Herefordshire. Applicants will be invited to apply for housing, which will be advertised by Home Point. Advertisements will be placed weekly on/at:

- The Home Point's website at www.home-point.info;
- The Housing Solutions Team at Franklin House, Hereford;
- The participating partner organisation's offices

The application of this Policy commences on receipt of a prioritised shortlist of interested applicants from Home Point. All new tenancies offered will be Starter Tenancies.

We reserve the right not to make a specific offer of accommodation, where there is evidence that the allocation would not be in the best interests of community cohesion, or alternatively, to withdraw such an offer if it has already been made.

Other situations may occasionally arise, where it is necessary to withdraw an offer, for example, in emergency situations where there is a need to rehouse a tenant following a fire or other such incident in their property.

HHL will also not make an offer of accommodation where there is evidence that:

- a) The property does not reasonably meet the needs of the prospective tenant, for example, where the scale of the disabled adaptations required to enable the prospective tenant to take up occupation and make use of the dwelling would incur unreasonable expense to HHL.
- b) The specific location of the property is likely, in HHL's opinion, to be detrimental to the best interests of the prospective tenant or the neighbourhood.

Should any of the above apply, the prospective applicant will be informed giving the reasons why an allocation to that specific property has not been made. This decision will be followed up in writing.

Where a particularly sensitive allocation is required in the interests of a local community or neighbourhood we will not be constrained by the usual requirement to allocate accommodation according to the greatest need.

IMPLEMENTATION

Property size eligibility

A young person over the age of 18 years is eligible for their own bedroom.

| Applicant group | Property type |
|---|---|
| Single person | <ul style="list-style-type: none">• Bedsit or one bedroom property |
| Couples without children (including same sex partners) | <ul style="list-style-type: none">• One bedroom property |
| Applicants expecting a child | <ul style="list-style-type: none">• Two bedroom property |
| Applicants with one child | <ul style="list-style-type: none">• Two bedroom property |
| Applicants with two children of the same sex | <ul style="list-style-type: none">• Two bedroom property |
| Applicants with two children of the same sex, where there is a 10 year age gap between them | <ul style="list-style-type: none">• Three bedroom property |
| Applicants with two children of opposite sex or three children | <ul style="list-style-type: none">• Three bedroom property |
| Applicants with four children | <ul style="list-style-type: none">• Three or four bedroom property (depending on sex / age of children) |
| Applicants with five or six children | <ul style="list-style-type: none">• Four bedroom property |

The bedroom eligibility information above is intended as a guide only. The effective management of our housing stock may, on occasion, call for the under occupation of accommodation in certain limited circumstances and nothing in this policy is intended to prevent such lettings.

For the purposes of determining property size eligibility, we will take account of a child's need for accommodation if the Child Benefit for that child is in the applicant's name. Evidence will also be required in respect of resident children over the age of 16 years where there is no longer an entitlement to Child Benefit and in respect of residence of adult children.

Herefordshire Housing will give preference to tenants with children under 12 years old when advertising and allocating two & three bedroom houses.

Applicants should be aware that the availability of some property types is very limited.

Applicants should also be aware that our Allocations Policy may mean that if an allocation is made and applicants are in receipt of Housing Benefit, then the Spare Room Subsidy may apply in accordance with Housing Benefit Regulations.

Needs Assessment

The relative housing need of every applicant will be assessed by Home Point, in accordance with the Home Point Allocations Policy.

We will contact applicants and agencies identified in their Home Point application where necessary prior to a firm offer of accommodation being made in order to:

- Ensure that the accommodation is capable of meeting the needs of a prospective tenant and/or
- Identify if there are any support needs, which need to be addressed in order to promote tenancy sustainment.

Properties Designated for Older Persons

Properties designated for older persons, like general needs housing, will be advertised through Home Point in the normal way.

On occasion, a property designated for an older person may be let to someone younger, where it would best meet the needs of a vulnerable person or a person who has a disability, or this is necessary in order to make the best use of our housing stock.

HHL Tenants

HHL tenants seeking to transfer must bid for properties through the Home Point system in the normal way. Banding criteria will apply equally to these tenants seeking to transfer.

However, to facilitate reasonable opportunities for transferring tenants, we will ensure that a reasonable proportion of our housing stock, not exceeding 25%, will be advertised through Home Point marked as 'Preference will be given to current assured tenants of HHL.'

The above excludes licensees temporarily accommodated under the provisions of the homeless legislation.

We will carry out a property inspection prior to an offer of a transfer being made.

A transfer will not normally be considered where the condition of the tenant's existing property has been allowed to deteriorate beyond what would be seen as reasonable wear and tear, due to neglect or damage caused by the tenant, or members of the tenant's household, or visitors to the tenant's home. We will, however, give the tenant an opportunity to rectify any damage in the intervening period between the transfer offer and that property becoming available to let.

A transfer will not be considered where the tenant has rent arrears. However, we will let the transfer go ahead if the arrears are paid off prior to the property becoming available to let.

Restrictions Applying to HHL Colleagues and Board Members

Schedule 1 of the Housing Act, 1966 is designed to ensure that employees and Board Members of housing associations such as HHL do not benefit unfairly from their connection with the association.

Schedule 1 also applies to people who have been employees or Board Members during the previous twelve months and to close relatives of employees and Board Members.

In accordance with the requirements of Schedule 1, HHL will only offer a tenancy in such circumstances where that person has a legitimate entitlement, through the Home Point Allocations Scheme and HHL's own allocations procedures.

Direct Matches

We reserve the right to withhold certain vacant properties. These will still be advertised through Home Point, but will be marked 'Withheld by Landlord'.

This process will give HHL the discretion to transfer our existing tenants, under very exceptional circumstances, without reference to their banding status under the Home Point scheme or to house applicants with specific needs to a specific property which meets those needs. In addition, if Herefordshire Housing refuse a request for adaptations to a property then we may offer a Direct Match to a property which has the adaptations required.

This means that tenants can be transferred to available accommodation ahead of other applicants, either to facilitate the best use of stock or in cases where, in the opinion of the Neighbourhood Manager and the Head of Housing, the need for re-housing is of such urgency that the usual process cannot reasonably apply.

All relevant information and authorisations will be recorded on a Direct Match Request Form for reporting and audit purposes.

One offer of accommodation only will be made to reflect the urgency of a need for a Direct Match. The size of the property offered will accord with the bedroom eligibility criteria set down in this Policy.

If a suitable property, made available in this way, is unreasonably refused there will be no further offers and the applicant will need to bid for properties in the normal way.

Exclusions

Regulatory compliance Tenancy Standard 1.3 states that registered providers shall clearly set out, and be able to give reasons for, the criteria they use for excluding actual and potential tenants from consideration for allocations, mobility or mutual exchange schemes.'

In addition to those excluded from consideration by statute, the following will normally be excluded from being allocated a property by HHL:

- Current tenants of a social landlord who have an outstanding housing related debt in respect of their present tenancy.
- Applicants with an outstanding debt to ourselves, or in respect of any social housing tenancy.
- Applicants who have been evicted from a social housing tenancy for anti-social behaviour, harassment/hate incidents, or against whom a judgement in relation to anti-social behaviour, or harassment/hate incidents has been made by a Civil or Criminal Court, or where such a person is a member of the applicant's household.
- Applicants where there is evidence that they, members of their household, or their visitors, have acted in such a manner that they have been, or would have been, in breach of clauses in HHL's Tenancy Agreement.
- Applicants where a Section 21 Notice (applicable to Assured Shorthold Tenancies) has been served due to anti social behaviour, but where the legal process had not been completed prior to termination.

We will not take into account any anti-social behaviour that occurred over five years ago.

This exclusion can be reviewed after 3 years by the applicant, where the applicant has clearly demonstrated a commitment to amend their previous anti-social behaviour and, where appropriate, is effectively engaging with support.

- Applicants who have been evicted from a Herefordshire Housing tenancy for rent arrears, regardless of whether that debt has subsequently been cleared.

In these circumstances, we will **not** consider offering a tenancy prior to a five year timescale unless the debt has been cleared and the applicant is clearly demonstrating that they are now able to manage their finances. This exclusion can be reviewed after 3 years by the applicant.

Anti-Social Behaviour definitions

The Crime and Disorder Act 1998 defines anti-social behaviour as:

'Acting in a manner that caused, or is likely to cause harassment, alarm or distress to one or more persons not of the same household'

Anti-social behaviour is defined in the Anti-Social Behaviour Act 2003 as conduct which:

- *is capable of causing nuisance or annoyance to any person; and directly or indirectly relates to, or affects the housing management function of a relevant landlord; or*
- *consists of, or involves using, or threatening to use, housing accommodation owned or managed by a relevant landlord for any unlawful purposes*

This behaviour may include, but is not limited to:

- Any drug related offences from a property or within the locality.
- Violence or threats of violence.
- Damage to property, including graffiti and vandalism.
- Harassment and Hate Incidents.
- Verbal abuse.
- Noise nuisance.
- Littering, fly-tipping rubbish dumping and misuse of communal areas.
- Nuisance from vehicles.
- Nuisance from animals.

Applicants will only be excluded from consideration on the grounds of anti-social behaviour where there is clear documented evidence of such behaviour.

Eligibility for housing will only be in question, on the basis of a previous conviction, where there is reason to suppose that the ex-offender is likely to pose a risk to their household, neighbours and/or the wider community.

In addition, we would not normally offer accommodation to:

- Applicants who have verbally abused, or used or threatened to use violence towards HHL colleagues.
- Applicants who have given false information on their Home Point application form, or during interviews with Home Point or HHL colleagues, or have omitted to provide relevant information and there is evidence of this.

- Applicants who, in the opinion of HHL, would be unable to manage a tenancy without support and, where that support is either not available through HHL's own or other provider's floating support service, or the applicant refuses to engage with the available support.
- As a social housing provider and an organisation with charitable status, HHL will not normally offer accommodation where there is evidence that an applicant has sufficient financial means (income, savings, investments or equity), to meet his or her own housing need. It is considered that an applicant/s aged 49 or under with assets amounting to £50,000 and/or an annual gross income of £45,000 would have sufficient resources to enable them to meet their own housing need. It is recognised that obtaining a mortgage in later life can be more difficult and therefore applicants aged over 50 years will be reviewed on a case by case basis to determine whether they have sufficient resources to meet their own housing need.

From 1st October 2006, as per the Social Security (Miscellaneous Amendments) (no 4) Regulations 2006 (SI2006/2378), personal injury award payments are disregarded for the purposes of means tested benefits. For Income Support payments, the legislation is paragraph 12 of schedule 10 of the Income Support (General) Regulations 1987 (SI1987/1967)(as amended). These rules also apply to Housing and Council Tax Benefit. Also, the Income Support (G) Regulation 51 (1) (A) dis-applies the usual rules on the creation of a personal injury trust.

These exclusions apply for a twelve month period commencing on when the first payment is received. Should a person wish to protect these payments after this period, a special needs trust fund would need to be set up. There would then be a disregard of the capital (and income arising upon that capital) of any form of personal injury compensation which is used to create the trust fund. The existence of such a trust fund also applies to a partner or child of the same 'claimant unit' as the injury party. (as per IS (G) regulation 23 (1)).

In circumstances where a trust fund has been set up as per the above criteria, we would also discount the income in that trust fund for the purposes of applying the Allocations Policy.

Housing of potentially dangerous offenders

HHL reserves the right to refuse to consider individual bids under the Home Point choice-based lettings scheme from potentially dangerous offenders.

We will, however, pay due regard to the Local Multi-Agency Public Protection Arrangements and, where a referral under these arrangements has been accepted by the Chief Executive or Director of Customer Services, will make a management decision on the most appropriate location to house the particular applicant.

APPEALS AND COMPLAINTS

Any applicant who is dissatisfied with the way in which their Home Point application has been dealt may appeal using the Right to Appeal procedure that is published separately by Herefordshire Home Point and available to all applicants.

Any applicant, who is dissatisfied by a decision of HHL's in relation to a particular allocation, or exclusion, has the right to make a complaint to us using the Complaint's Procedure.

MONITORING AND RESPONSIBILITIES

It is the responsibility of the Customer Services Committee to ensure that implementation of this policy is monitored.

The Head of Housing is responsible for delivering the policy and will be accountable for its implementation and colleague training.

ASSOCIATED DOCUMENTS

- Home Point Allocations Policy
- HHL Voids and Lettings Procedure
- HHL Local Lettings Policy
- Risk Assessment in Lettings Procedure

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|-----------------------|---|
| Approved by: | Housing & Communities Business Unit Board |
| Effective date: | April 2014 |
| Review date: | April 2017 |
| Policy developed by: | Neighbourhood Manager |
| Associated Procedure: | VOIDS and Lettings Procedure |

RSL Partners in the Home Point Choice Based Lettings Scheme

APPENDIX 1

Herefordshire Housing Limited
Legion Way
Hereford
HR1 1LN

Tel: (01432) 384082 or (01432) 384083

Festival Housing
Partnership House
Groewood Rd
Great Malvern
Malvern
Worcestershire
WR14 1GD

Tel: 01684 579579

Bromford Housing Group
11 Miller Court
Seven Drive
Tewkesbury Business Park
Tewkesbury GL20 8ND

Tel: 0845 605 0609

South Shropshire Housing Association
The Gateway
Auction Yard
Craven Arms
Shropshire SY7 9DB

Tel: (01588) 676200

Kemble Housing
44 Berrington Street
Hereford
HR4 OBJ

Tel: (01432) 377900

Marches Housing Association
Benedict Court
Southern Avenue
Leominster HR6 0QF

Tel: (01568) 610100

Two River Housing
7/3 Vantage Business Point Business Pk
Mitcheldean
Gloucestershire
G47 0DD

Tel: 0800 316 0897

Gloucestershire Housing
2 St Michaels Court
Brunswick Road
Gloucester
GL1 1JB