



# HERTSMERE BOROUGH COUNCIL

The Housing Allocations Policy

Implemented November 2019  
Revised August 2022

**as required by Part 6 of the Housing Act 1996 as amended  
by the Homelessness Act 2002 and the Localism Act 2011**

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## Introduction

1. This document sets out Hertsmere Borough Council's Housing Allocations Policy as required by Part 6 of the Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017. Its purpose is to determine priorities in allocating housing and to set out the procedures to be followed.
2. This Allocations Policy sets out the Council's arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996, and sets out the procedure for selecting applicants to be offered lifetime and flexible tenancies from registered social landlords. It covers properties let at social and affordable rents. It also sets out the Council's arrangements for discharging the full housing duty into the private rented sector ("PRS").
3. Hertsmere Borough Council ("the Council's) allocates properties through a system of Choice Based Lettings ("CBL"). The Council is committed to an Allocations Policy that offers more choice to those seeking housing and enables people to make informed decisions about their housing options.
4. The Allocations Policy enables the Council to consider the individual needs of applicants whilst making best use of the scarce housing resources available.
5. This Allocations Policy sets out:
  - How to make an application to join the housing register
  - How properties are advertised and allocated, both to existing tenants looking to transfer and to new home seekers
  - Who is a qualifying person to join the Housing Register
  - Who is eligible to join the Housing Register
  - Who is not eligible to join the Housing Register
  - How priority for housing will be given
  - How homes will be let
6. In Hertsmere the demand for social housing is very much greater than the number of homes available. Therefore, it is usually only possible to assist those with the highest of housing needs. Acceptance onto the Housing Register is not a guarantee that an offer of social housing accommodation will ever be made.
7. Even those assessed as having a high priority for housing will generally wait a considerable time before receiving an offer of accommodation.

## Legal Framework

8. The Housing Allocations Policy sits within a legal framework. The Allocations Policy complies with the requirements of:
  - The Housing Act 1996, Part 6 as amended by Localism Act 2011
  - The Homelessness Code of Guidance 2018 (published on 22 February 2018)
  - The Children’s Act 2004
  - The Homelessness Reduction Act 2017
9. The Housing Act 1996 (“the 1996 Act”) (as amended by the Homelessness Act 2002) requires local authorities to make all allocations and nominations in accordance with an Allocations Policy. A summary of the Allocations Policy must be published and made available free of charge to any person who asks for a copy.
10. The 1996 Act also requires local authorities to give reasonable preference in their Allocations Policy to people with high levels of assessed housing need.
11. Furthermore, the 1996 Act requires local authorities to state within their Allocations Policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is discussed in detail below.
12. The Homelessness Reduction Act 2017 has made further amendments to the 1996 Act. As a result, local authorities are now under a duty to intervene at an earlier stage to prevent homelessness in their areas.
13. The Allocations Policy also complies with the following statutory regulations:
  - Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
  - Allocation of Housing (England) Regulations 2002, SI 2002/3264
  - Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
  - Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
  - Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
  - The Homelessness (Suitability of Accommodation) Order 2012 (as amended by the Homelessness Reduction Act 2017)
  - The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
  - The Homeless (Review Procedure etc.) Regulations 2018

14. In framing the Allocations Policy, the Council has also had regard to its Homelessness Strategy.
15. The Allocations Policy has considered the Council's statutory obligation to provide homelessness services to all eligible housing applicants affected by homelessness, and this is regardless of whether they have a "priority need" for housing. The obligations include:
- (a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days. This means that local housing authorities are required to work with people to prevent homelessness at an earlier stage ("the prevention duty"); and
  - (b) A duty for those who are already homeless so that the local housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation. ("the relief duty").

### **Aims and Objectives**

16. The overall aim of the Allocations Policy is to provide a framework for the equitable, effective and accountable allocation of affordable housing in the borough. The Allocations Policy gives priority to those in greatest housing need but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of the Council's housing stock.
17. The Council's Housing Allocation Policy aims and objectives are to:
- Discharge the Council's statutory duties as contained in Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017.
  - Operate an open and fair system which gives reasonable preference to those with the greatest housing need.
  - Maximise the use of and efficiently let all housing stock available to the Council.
  - Provide applicants with clear information to make informed choices about opportunities for rehousing and to understand the criteria and processes used by the Council.
  - Build settled viable and inclusive communities.
  - Meet the wider objectives of the Council's Homelessness Strategy.

## Equality statement

18. The Allocations Policy is subject to the provisions of the Equality Act 2010 (“the 2010 Act”) and specifically, section 149 of the 2010 Act which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic as defined in section 4 of the 2010 Act and those who do not.
19. The Council is committed to ensuring equal access and allocation of housing. No one will be treated any less favourably than anyone else because their age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.
20. The Council operates an Equal Opportunities Policy, a copy of which can be viewed at [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk) or are available from:

The Civic Offices  
Elstree Way  
Borehamwood  
Herts WD6 1WA  
Tel: 020 8207 2277

21. The development of a clear and consistent Allocations Policy goes hand in hand with careful monitoring to ensure that housing allocations are fair and seen to be fair by everyone.
22. It is also important that the Allocations Policy is understood by everyone who is part of it. Information and other communications that are easily understandable, audio and large print versions are available at Hertsmere Homes website: [www.hertsmerehomes.org.uk](http://www.hertsmerehomes.org.uk).



## **Housing priorities and reasonable preference**

23. The 1996 Act (as amended by the Homelessness Act 2002) requires local authorities to give reasonable preference in their Allocations Policy to certain groups of people who have a high level of assessed housing need.
24. These groups and reasonable preference categories are:
- (a) People who are homeless within the meaning of Part 7 of the 1996 Act. This includes people who are intentionally homeless and those who do not have a priority need for accommodation;
  - (b) People who are owed a duty by any local authority under s.190(2), s.193(2) or s.195(2) of the 1996 Act or under s.65(2) or s.68(2) of the Housing Act 1985 or who are occupying accommodation secured by any local authority under s.192(3);
  - (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
  - (d) People who need to move on medical or other welfare grounds, including social welfare and on grounds of disability;
  - (e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship to themselves or to others;
  - (f) People serving in the armed forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
  - (g) People who have formerly served in the armed forces, where the application is made within five years of discharge;
  - (h) People who 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 armed forces and whose death was attributable (wholly or partly) to that service; or
  - (i) People serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
25. The Council also recognises its discretion to give additional preference to particular descriptions of people in line with the stated aims and objectives of the Allocations Policy.

## Statement on choice

26. The 1996 Act requires local authorities to state its position on offering applicants a choice of accommodation and the opportunity to express a preference about the housing accommodation to be allocated to them. Our policy on choice is set out below:

- Choice Based Lettings allows qualifying applicants to express an interest in properties they are interested in.
- The Council is fully committed to enabling applicants to play a more active role in choosing where they live by advertising properties through Hertsmere Homes and providing feedback about applicants' bids.
- Feedback allows applicants to see how long the successful applicant for a property has been waiting on the Housing Register and what priority bands the successful applicant was in. This gives the applicant the necessary information to make informed decisions on which properties to bid for.
- There are different rules for bidding for properties depending on an applicant's status (see further details below).

27. Social housing is just one of a range of options that are available to people who require accommodation.

28. Applicants should also consider other housing options such as:

- A mutual exchange (swapping homes with another social housing tenant)
- Renting in the private sector
- Moving to areas where rents in the private sector are lower than in Hertsmere
- Moving to a different area of the country which has a lower demand for social housing and where properties are more easily available
- Reducing overcrowding by helping some members of the household to move to their own accommodation
- Staying in their current accommodation but getting help to make it more suitable for their needs
- Low cost home ownership schemes such as shared ownership

29. Information on available housing options can be obtained from the Housing Options team of the Council. Further information is available directly from Hertsmere Homes' website: [www.hertsmerehomes.org.uk](http://www.hertsmerehomes.org.uk).

## **Links to other policies**

30. The Allocations Policy will work in parallel with a number of other key policies and priorities of the Council and these include the strategies listed below:

(a) **The Homelessness Strategy**

The Allocations Policy will link strongly with the Council's Homelessness Strategy and some of its key objectives in particular, to identify and reduce the level of recurring homelessness and to reduce the inappropriate use of temporary accommodation.

(b) **Private Rented Sector Offer Policy**

The Allocations Policy links with the private rented sector offer policy which describes the route by which a discharge of duty into the private rented sector may occur.

(c) **Equal Opportunities**

The Allocations Policy is framed to give effect to the Council's responsibility under the Equality Act 2010. We are committed to promoting equality and will not discriminate on grounds of age, disability, gender, marriage/civil partnership, race, sexual orientation, unrelated criminal conviction, religion. The Allocations Policy is applied consistently to ensure fairness and compliance with legislation. The individual circumstances of each applicant are considered in every case, using the information provided on their application form and in response to any subsequent enquiries made by the Council.

(d) **Tenancy Strategy**

The Allocations Policy links with the key objectives contained in the Council's tenancy strategy.

(e) **Hertsmere's 2020 Vision**

The Allocations Policy links with the Council's values and priorities as detailed in the Council's corporate policy.

## **Monitoring and review of the Allocations Policy**

31. The Council will review its Allocations Policy regularly. This will allow for the Council to ensure the Allocations Policy meets its stated aims and objectives and complies with changes in legislation.

## **Housing Register**

32. Anybody can approach the Council for housing advice and assistance but due to the limited amount of social housing in Hertsmere not everybody can join the Housing Register.
33. The Council operates a Housing Register which will include only applicants that meet the qualifying criteria.
34. The Council does not own any housing stock. However, the Council has nomination rights of between 75% and 100% of vacant properties owned by Housing Associations within the borough.

## **Areas of choice**

35. The Council currently has nomination rights to properties in the following areas of Hertsmere:
  - Aldenham
  - Borehamwood
  - Bushey
  - Eastbury Road, Watford
  - Elstree
  - Potters Bar
  - Radlett
  - Shenley
  - South Mimms
36. The majority of properties that become available are flats rather than houses. There are a limited amount of small bungalows. Most properties are on small to medium sized housing estates, and there are some parts of the borough where there are very few properties that become vacant such as Eastbury Road, Watford, South Mimms, Radlett and Shenley. The majority of properties are located in Borehamwood.
37. Housing Association properties are unfurnished and are usually re-let undecorated.

## **Who can join the Housing Register**

38. To join the Housing Register, applicants must be a 'qualifying person'. In order to be a qualifying person, applicants must:
  - Be over 18 years of age. Those aged 16 or 17 will be assisted in partnership with Children Schools and Families;
  - Not be subject to immigration control and have recourse to public funds;

- Be habitually resident in the United Kingdom;
- Meet local connection criteria (see details below); and
- Be persons who have an identified housing need as set out in the priority need banding assessment;
- Not be guilty of unacceptable behaviour;
- Not have savings of over £30,000.00; and
- Not be a homeowner.

## **Eligibility**

39. Under section 160ZA of the 1996 Act (as amended by the Localism Act 2011) a person will be considered to be ineligible for rehousing if they are:

- Subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they are of a class prescribed by regulations made by the Secretary of State pursuant to section 160ZA (2) of the 1996 Act.
- From a class of persons from abroad who the Secretary of State has made regulations prescribing that they are ineligible pursuant to section 160ZA (4) of the 1996 Act.

40. Where a member of the applicant's household is subject to immigration control, the Council will disregard them for the purposes of eligibility and this will include those:

- With no leave to enter or remain in the UK
- With leave but subject to a condition of no recourse to public funds

41. If an applicant is eligible and not subject to immigration control, the Council may take into account all non-eligible dependent children and other dependent family members.

42. The Council may not take into account any adult children (aged 18 and over) unless they are either in full time education and the applicant or their partner is in receipt of Child Benefit.

## Who is ineligible to join the Housing Register

43. The Council has determined that a number of categories of applicants will be ineligible to join the Housing Register. As such, applicants will not normally qualify to join the Housing Register if:

- (a) They have knowingly given false or misleading information in their housing application;
- (b) They have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974;
- (c) They or a member of their household has been guilty of unacceptable behaviour or a criminal offence serious enough to make them unsuitable to be a tenant;
- (d) They owe the Council a debt from a previous temporary accommodation placement;
- (e) They owe the Council a debt from a previous or current private sector rent placement;
- (f) They have rent arrears with a Registered Social Landlord/Local Authority or a private landlord and these arrears are still outstanding. In these circumstances each case will be looked at individually and a decision will be made based on the merits of each case;
- (g) They are in serious breach of a condition of their tenancy agreement in respect of their current or former accommodation including temporary accommodation. A serious breach could include subletting, deliberate damage to property, perpetrator of domestic abuse or anti-social behaviour, etc;
- (h) They are subject to Anti Social Behaviour Orders or Contracts;
- (i) They or any member of their household that has been violent or threatened violence towards a member of staff of the Council or its partner organisations;
- (j) They are a Housing Association tenant and have not resided in their current property for more than 12 months (exceptional circumstances such as medical needs will be considered on an individual basis)
- (k) They hold an assured shorthold tenancy or licence in the private rented sector which was secured with assistance from the Council and they have not resided in that property for more than 12 months. (exceptional circumstances such as medical needs will be considered on an individual basis)
- (l) They have refused reasonable offers of accommodation under the terms of the Allocations Policy.

44. If an applicant is excluded from the Housing Register a fresh application will only be considered:

- (a) Depending on the seriousness of the behaviour that led to the exclusion and the circumstances of the case and if it can be demonstrated that there has been no recurrence of anti-social behaviour for a period of at least eighteen months.
- (b) Depending on the seriousness of the fraud or the false, misleading or withheld information.
- (c) If a year has passed since that application was made and the applicant no longer has a debt owing to the Council or Housing Association.

### **How to apply to join the Housing Register**

45. Applications must be made at [www.hertsmerehomes.org.uk](http://www.hertsmerehomes.org.uk). Applicants are required to complete a brief pre-assessment questionnaire before making a full housing application. Applicants will be required to provide written answers to questions that the Council deem to be appropriate to make an assessment of all of their circumstances and their housing need.

46. Applicants are required to provide independent documentary proof of the following, where relevant, in support of their application:

- Proof of identity (i.e. valid/unexpired passport, driving license and/or full birth certificate) for everybody included on the application.
- Proof of local connection.
- Proof of immigration status (i.e. home office letter or passport).
- Tenancy Agreement/Proof of rental payments.
- Proof of income (i.e. pay slips, proof of state benefits for all adults included in the application).
- Proof of any capital, savings or equity.
- Proof of child benefit for all children included in the application.
- Adoption/foster certificate or Court Order confirming guardianship for any children included in the application.
- Any other documents or information the Council reasonably requires.

47. A person can only be on the Housing Register once, either as an applicant or as a member of a household. For example, a person cannot be included as the son/daughter of an applicant and also make their own application for housing or to join the Housing Register.

## **What happens once the application to join the Housing Register is made**

48. If the Council is satisfied that an applicant qualifies to join the Housing Register, an initial assessment will be made, based on the information given in the application form and any other information available or requested. Applicants will be placed in the appropriate bedroom category for their household size and in one of the five priority bands (see pages ).
49. Applicants who are already tenants of a Housing Association within Hertsmere are registered as Transfer applicants and all other applicants are registered as Homeseekers.
50. A detailed assessment will be undertaken if an applicant makes a successful bid for a property. Applications will be verified to confirm that the level of housing need that was awarded is correct and that the applicant still qualifies for an allocation of housing.
51. Applicants will receive notification that they are registered for housing and details of the size and type of property they are registered for, the priority band they have been placed in and details of how to bid for properties.
52. Acceptance onto the Housing Register does not mean that an offer of accommodation will be made. Demand for accommodation within Hertsmere far exceeds supply.

## **Local Connection**

53. The Council has decided that applicants must demonstrate that they have a local connection to Hertsmere to join the Housing Register. For applicants to be considered as having a local connection to Hertsmere they must meet one or more of the requirements described below.
54. Applicants cannot claim a local connection because they have been in employment or have relatives living in the borough.

## **Local connection: Requirements**

55. For an applicant to be considered as having a local connection to Hertsmere they must have resided in settled accommodation (by choice) in the Borough continuously for the last 3 years at the point of registration. This requirement will apply at the time of application and at the time an offer of housing is made. In the case of joint applicants both applicants must have a local connection to register for a joint tenancy. Applicants that have not resided in the borough for 3 years will be registered as a household member and will not be offered a tenancy.
56. The Council does not consider 'care of' addresses or 'sofa surfing' as 'settled accommodation' and will not take these into account when considering an applicant's length of residency in the borough.



### **Local connection: Maintaining continuous residence in the borough**

57. Applicants would normally be expected to remain resident in the borough to preserve their local connection. The Council however recognises that there may be exceptional circumstances where the applicant had to move out of the borough for a short period (for example due to domestic abuse) and should not therefore lose their local connection. The Council will consider each case based on its own merits of the individual circumstances.
58. Where an applicant who has a local connection, is made homeless from settled accommodation within Hertsmere and secures accommodation outside of the borough of Hertsmere, they will preserve the status of local connection for a period of 12 months for the purposes of making an application to join the Housing Register. If no application is made to join the housing register within the 12 month period, the local connection is no longer preserved.

### **Local connection: Exceptional circumstances**

59. Examples of exceptional circumstances are:
- (a) Where an applicant under 60 years of age has a close relative that has lived continuously in the borough for the last 10 years and the applicant needs to live within Hertsmere to receive the support of that relative. Support is defined as substantial and ongoing and it can be evidenced that this support cannot be received in the area where the applicant currently lives. Close relative is defined as parent, son, daughter, brother or sister. The relative must be over 18 years of age.
  - (b) Where an applicant is 60 years or older has a relative that resides in the borough and the applicant wishes to live within Hertsmere to receive the support of that relative.
  - (c) Where the Council has accepted the full housing duty under Part 7 of the 1996 Act and the applicant does not fulfil Part 6 local connection.

### **Local connection: Members of the Armed and Reserve Forces**

60. Members of the Armed Forces and the Reserve Forces detailed below are not required to demonstrate a local connection to Hertsmere in order to join the Housing Register:
- (a) A member of the regular forces or someone who has served in the regular forces within 5 years of the date of applying for housing.
  - (b) Someone who has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their partner and that the death was wholly or partly attributable to that service.

- (c) A member of the regular or reserve forces who is currently serving or has served and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

### **Applications from existing social housing tenants**

- 61. Applications from tenants of Housing Associations will not be eligible to join the Housing Register unless they have resided in their current property for a minimum period of 12 months. Exceptional circumstances such as medical needs will be considered on an individual basis.
- 62. Where an applicant's current landlord operates a transfer list, applicants are expected to apply to join the transfer list in addition to joining the Housing Register.

### **Applications from existing homeowners**

- 63. If an applicant or anyone included in the application as part of the applicant's household has a legal interest in a property including any property outside of the UK they will not qualify to join the Housing Register.
- 64. An exception might be made where a homeowner applicant is unable to utilise their assets to source their own housing solution. For example, if an applicant's current home requires adaptation but it is not suitable for adaptations and they do not have sufficient equity in their current property, or cannot access the financial means to secure alternative accommodation, the Council might allow such applicants to join the Housing Register. Where considered appropriate such applicants may be granted a management or medical priority.

### **Financial assessment**

- 65. The Council has decided that applicants will not qualify to join the Housing Register if they have sufficient resources to resolve their own housing need for example through either renting in the private sector or buying a property on the open market or through a low cost home ownership scheme.
- 66. Each case will be considered on its own merits however as a general rule any applicant with savings of over £30,000.00 will not qualify to join the Housing Register as they will be deemed to have enough financial resources to rent in the private sector.
- 67. Deliberate disposal of assets in order to qualify to join the Housing Register will be treated as a deliberate worsening of circumstances and as such the applicant will not qualify.
- 68. If an applicant states they are in financial hardship and have rent or mortgage arrears they will be signposted to agencies for specialist money advice in order to resolve their financial difficulties.

## **Who can be considered as part of the applicant's household**

69. Only immediate family or those living with the applicant as part of their household on a permanent basis at the date of registration will be considered to be part of the applicant's household for the purposes of their application to join the Housing Register.
70. The Council will decide on a case by case basis as to whether the people included in a housing application by the applicant should be considered as part of the household for purposes joining the Housing Register and allocation.
71. The Council will not generally consider the following as members of a household:
- people subject to immigration control
  - non relatives
  - care workers
  - live in help
  - those not currently living with the applicant
  - non dependent adults
  - children that have a permanent place of residence elsewhere and visit the applicant as part of access or shared residency arrangements
  - children or adults not resident in the UK
72. The applicant can only include members of their immediate family who normally live with them. Immediate family means the main applicant, their spouse or partner, their children (including children born after the registration) and anyone with whom the applicant have to live because of extenuating circumstances.
73. For the avoidance of doubt, immediate family does not include the applicant or their partner's parents; grandparents; aunts; uncles; grandchildren; nieces or nephews; cousins; children over the age of 18 living with a partner (whether married or not); children over the age of 18 who have their own children; friends; or lodgers.
74. An applicant can only include their children or their partner's children as part of their household if the Council is satisfied that they are the full time carer of the child/children and they do not have a home elsewhere.
75. Dependent children under the age of 18 joining a household will be considered as part of the household only where it can be proven that the applicant is the sole legal guardian of the child and the child has not been removed out of suitable accommodation where it would be reasonably expected the child could continue to reside.

76. Dependent adults will only be considered as part of the applicant's household if the Council is satisfied that they have been permanently resident with the applicant, and that this arrangement is reasonable.
77. An applicant can include a full time carer as part of their household if the Council is satisfied that the applicant requires the carer to provide overnight care. A carer will be included in the application only when it can be demonstrated that:
- (a) A live-in/resident carer is essential on a 24 hour daily basis; and
  - (b) A senior Housing Officer (in consultation with the Council's medical advisor and social services) agrees that a live-in/resident carer is essential.
78. The Council will assess the size of property the applicant requires based on who is included in their application to join the Housing Register.
79. If an extra bedroom is requested for a full-time live-in/resident carer, this will need supporting documentation from social services or another independent organisation. Documentation should give supporting evidence that a live-in/resident carer is essential and that if the support was not given voluntarily or paid for by the client that the applicant would qualify for funding for a live-in/resident carer.
80. Only one extra bedroom for a carer can be considered and as such, an extra room for the carer's dependent cannot be considered.

### **Active applications**

81. In order to bid for a property through the Choice Based Letting ("CBL") Scheme or to receive an allocation of accommodation the application will need to be active. There may be situations where the Council will suspend an application or it will be inactive. Circumstances where an application may be suspended or be inactive are:
- (a) **Change in circumstances** - A change of address or a change in household or employment status will require the application to be reviewed.
  - (b) **Current Rent Arrears** - If the applicant currently pays a landlord rent and their rent account falls into arrears, the application may be suspended. A date will be set to review the suspension. In the event that an applicant pays the arrears before the review date, it will be the applicant's responsibility to let the Council know.
  - (c) **Let with Hertsmere or the Council's private rent schemes** - If the applicant was previously assisted into privately rented accommodation via the Council and the applicant subsequently fell into arrears or failed to maintain the tenancy appropriately, the application may be suspended.

- (d) **Supported Housing Accommodation** - If an applicant is residing in supported housing, their application will be inactive until confirmation is received from their key worker that a resettlement program has been successfully completed and that they are able to live independently and manage a tenancy.
- (e) **Shenwood Court YMCA Supported Housing Accommodation** - If an applicant is referred to, or residing in Shenwood Court, their application will be inactive until confirmation is received from their key worker that a resettlement program has been successfully completed and that they are able to live independently and manage a tenancy.
- (f) **An Offer of Private Sector Accommodation** has been made to discharge any duty contained in the Homelessness Reduction Act (2017)
- (g) **Misleading or False Information** - If the Council has reason to believe that an applicant has knowingly given false or misleading information, the application will be suspended until enquiries are completed.

82. A member of the housing options team will decide when to suspend an application and will advise the applicant the reason for this and if applicable, the date the decision will be reviewed.

83. Applications may be suspended whilst the Council assesses the information provided by the applicant and completes any further enquiries which may be necessary.

#### **Change of circumstances – Keeping the Council informed**

84. It is the applicant's responsibility to notify the Council without delay of any material change in their circumstances that could affect their priority or eligibility for an offer of accommodation. Examples of a change in circumstances which the applicant must notify the Council includes:

- If there is a change of address for the applicant or any other person included in the application.
- If there is an addition to the family.
- If any other person joins the household.
- If a member of the family or any other person living in the applicant's household leaves the accommodation.
- If one member of a joint application no longer wishes to continue with the application.
- If there is a change in income or savings.
- If there is a change in employment status.
- If there is a change in marital status.
- If there is a change in immigration status.
- If anybody included in the application receives a criminal conviction.
- If any changes are made to the applicant's tenancy by their landlord.

85. Not informing the Council about a change of circumstance could affect the priority for housing, or result in the application being cancelled and/or an offer of accommodation being withdrawn.
86. Where a change of circumstances results in an increase in the priority band the new priority date will be the date the Council's housing department receives all the required documents and evidence confirming the change.

### **Review of application**

87. The Council may review applications annually, namely on the anniversary of the date of registration, or at any time it feels necessary. If this is the case, applicants will be asked to confirm whether they wish to remain on the Housing Register and whether there has been any change in their circumstances.
88. If an applicant fails to renew their application within the specified time period they will be removed from the Housing Register. Should the applicant wish to re-apply, they will have to submit a new application. A new application will not be backdated and the applicant will lose their previous registration date and date order within a band.

### **Removal from the Housing Register**

89. The Council will remove an application from the Housing Register where:
- The applicant has never been or ceases to be an eligible person.
  - The applicant does not meet or ceases to meet the qualifying criteria.
  - The applicant has requested their application to be removed.
  - The applicant has failed to re-register, when requested.
  - The applicant has made no bids for a period of 18 consecutive months.
  - A tenancy has been offered by a registered social landlord or the Council and been accepted. This includes mutual exchanges.
  - A final offer of private sector accommodation has been made to discharge the prevention, relief or full housing duty.
  - A final offer of social housing accommodation has been made to discharge the prevention, relief or full housing duty.
  - The applicant has failed to respond to correspondence or a request for information within the specified time period.
  - The applicant fails to allow access to council officers to carry out a home visit in order to verify their circumstances.
  - The applicant has changed address and failed to notify the council housing department.
  - The applicant, or any member of their household, has been violent or threatened violence towards a member of council staff or its partner organisations.
  - The applicant or any member of their household, is found guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

- The applicant seeks to obtain accommodation by making false or misleading statements/ withholds relevant information or fails to notify the council of any material change of circumstances.
- The applicant is subject to legal proceedings for possession of their home for rent arrears or other breach of tenancy. Each case will be considered on its individual merits.
- The applicant refuses three offers of accommodation resulting from bids the applicant has made or have been made by the council on behalf of the applicant.

90. Should an applicant wish to re-apply, they will have to submit a new application. A new application will not be backdated and will only be accepted if there is a material change in circumstances.

### **False statements and withholding information**

91. It is an offence under Section 171 Housing Act 1996 to deliberately give false information or to withhold information when applying for housing.

92. The Council recognises its duty to protect the public resources it administers and detailed enquiries about applications are made in order to guard against misrepresentation and fraud.

93. The Council will remove an application from the Housing Register if an applicant seeks to obtain accommodation by making false or misleading statements or by withholding relevant information or by failing to inform the Council of a material change in their circumstances. The applicant may also be prosecuted.

94. Penalties for such an offence could mean:

- Criminal Prosecution
- Removal from the Housing Register
- Possession by the Landlord of any tenancy obtained through the Housing Register as a result of the offence

### **Assessment of housing need**

95. There is no requirement for housing authorities to afford greater priority to applicants who fall within more than one reasonable preference category. The policy aims to comply with this requirement and does not give additional priority to those who fall into more than one of the reasonable preference categories.

### **Priority for housing**

96. When an applicant's housing need is assessed they will be placed in one of five priority bands A to E. Applicants in band A will have the highest priority, with applicants in band E the lowest priority.
97. Applicants will be given a "priority date" which will identify priority within the bands. Initially, the priority date will be the date of registration. Should an applicant's circumstances change, and their band changes, so may the priority date.
98. If an applicant goes down a band following a re-assessment or change of circumstances, their priority date will not change.
99. If an applicant's need increases and they go up a band, their priority date will be the date they enter the higher band.

### **Priority for housing: Armed forces personnel**

100. Local Housing Authorities must give additional priority to the following groups of people (Additional Preference for Armed Forces, England, Regulations 2012):
  - (a) An applicant that is currently serving or has served in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
  - (b) An applicant that is currently serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
  - (c) An applicant that is a member of the regular forces or someone who has served in the regular forces.
  - (d) An applicant who has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their partner and that the death was wholly or partly attributable to the person's service
101. Members of the armed forces do not have to have a local connection with Hertsmere in order to join the housing register. This means that these applicants will be allowed to register for housing as long as they fall into a reasonable preference category.
102. Where current or ex-armed service personnel can demonstrate a local connection with Hertsmere they will receive additional priority and be placed in Band B.



## Priority for housing: Banding groups

103. The priority bands are as follows:

Bands	Description of each band
<b>Band A</b>  <b>Applicants must meet at least one of the following criteria</b>	<ul style="list-style-type: none"> <li>• Life threatening or emergency medical need which would be alleviated by moving to alternative accommodation.</li> <li>• Applicants needing to move urgently where there is an imminent serious risk of harm if they remain in their current accommodation.</li> <li>• Emergency Housing Social Welfare Need</li> </ul>
<b>Band B</b>  <b>Applicants must meet at least one of the following criteria</b>	<ul style="list-style-type: none"> <li>• Urgent Medical Need – which would be alleviated by moving to alternative accommodation</li> <li>• Urgent Housing Social Welfare Need</li> <li>• The council has accepted a duty under Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> <li>• The applicant is releasing a social housing adapted property - An applicant releasing an adapted property will be awarded Band B if the following criteria are met:             <ul style="list-style-type: none"> <li>(a) The property is a social housing property in Hertsmere and has what the Council defines as a major adaptation, and</li> <li>(b) There is a current need for a property with that adaptation.</li> </ul> </li> <li>• The applicant is in a supported housing scheme where the council has agreed move on arrangements in place. The applicant must be ready to move into independent accommodation verified by their support or keyworker. Applicants will be made only one offer of accommodation in this band.</li> <li>• The applicant is under-occupying their home by one or more bedrooms - social housing tenants residing in Hertsmere only.</li> <li>• The applicant is releasing a one bedroom general needs property to move to age restricted accommodation – social housing tenants residing in Hertsmere only.</li> <li>• The applicant is a young person leaving care. Applicants will only be made one offer of accommodation in this band.</li> <li>• The applicant or their partner is in the armed forces or a veteran with a minimum of two years’ service; has a local connection to Hertsmere under the Housing Act 1996 Part 6 and meets at least one of the criteria listed in Bands C to E.</li> <li>• The applicant has been awarded management transfer status by their landlord. – This applies only to tenants of social landlords in Hertsmere where the council has 100% nomination rights to vacant properties.</li> </ul>

<p><b>Band C</b></p> <p><b>Applicants must meet at least one of the following criteria</b></p>	<ul style="list-style-type: none"> <li>• Significant medical need which would be alleviated by moving to alternative accommodation.</li> <li>• Significant Housing Social Welfare Need.</li> <li>• The applicant is assessed as lacking two or more bedrooms.</li> <li>• The applicant is assessed as lacking one bedroom where there are 2 children of opposite sexes sharing a bedroom and one child is over 10 years old.</li> <li>• The applicant is a retiring or redundant member of council staff in Tied Accommodation (Service Occupiers) – Employed by Hertsmere Borough Council or Hertfordshire County Council only.</li> <li>• The applicant has dependent children, or is expecting their first child, living in insecure accommodation, e.g. with family or friends, and sharing facilities.</li> <li>• The applicant is in a supported housing scheme within Hertsmere where the Council has agreed move on arrangements in place and the applicant has refused one suitable offer whilst in Band B.</li> <li>• The applicant is a young person leaving care and the applicant has refused one suitable offer whilst in Band B.</li> <li>• Applicants to which the council has accepted the full housing duty under Part 7 of the Housing Act 1996, (as amended by the Homelessness Act 2002 and Homelessness Reductions Act 2017). The applicant has a local connection to Hertsmere under Part 7 of the Housing Act 1996 but do not meet the local connection requirement of the Council's Housing Register under Part 6 of the HA 1996. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> <li>• Applicants who are owed the relief duty under the Homelessness Reduction Act 2017 who are residing in temporary accommodation provided by the Council and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996.. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> </ul>
<p><b>Band D</b></p> <p><b>Applicants must meet at least one of the following criteria</b></p>	<ul style="list-style-type: none"> <li>• The applicant is assessed as lacking one bedroom.</li> <li>• Applicants who are owed the relief duty under the Homelessness Reduction Act 2017 and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> <li>• Applicants who are owed the prevention duty under the Homelessness Reduction Act 2017 and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> <li>• Applicants where the prevention duty has ended due to the Council successfully negotiating with the accommodation provider to ensure the applicant is no longer at immediate risk of homelessness and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996.</li> <li>• Applicants accommodated in Shenwood Court, YMCA supported housing secured by the Council. The applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996. Applicants will only be made one offer of accommodation in this band; this offer could be an offer of private rented accommodation.</li> </ul>

	<ul style="list-style-type: none"> <li>• Applicants where the Council has agreed they are homeless but has decided that they are not in priority need or that they are intentionally homeless and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996.</li> <li>• Applicants where the Council has ended the full housing duty because of a refusal of a suitable offer of accommodation; the applicant is still homeless and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996.</li> <li>• The applicant is in a supported housing scheme where the Council does not have move on arrangements in place. The applicant must be ready to move into independent accommodation verified by their support or keyworker.</li> </ul>
<p><b>Band E</b></p> <p><b>Applicants must meet at least one of the following criteria</b></p>	<ul style="list-style-type: none"> <li>• Applicants aged 50 and over with a local connection but do not fall into any of the criteria in Bands A to D and are applying for age restricted housing.</li> <li>• Applicants where the council has ended either the HRA relief or prevention duty because of a refusal of a suitable offer of accommodation; the applicant is still homeless and the applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996.</li> <li>• Applicants where the Council has ended either the HRA relief or prevention duty because of non engagement with the Council or other reason provided for by the Homelessness Reduction Act 2017.</li> <li>• Applicant living in insecure accommodation. e.g lodging with a non family member, with family, friends or short term hostel/homeless accommodation.</li> <li>• Applicants accommodated in Shenwood Court, YMCA supported housing secured by the Council. The applicant has a local connection to Hertsmere under Part 6 of the Housing Act 1996. The applicant has refused one suitable offer of accommodation whilst in Band D</li> </ul>

**Priority for housing: Medical grounds**

104. There are times when people need to move because of their health or a disability. The Council will consider medical information in relation to applicants and/or a member of their household for the purpose of assessing priority on the Housing Register.

105. A medical priority award is not given on the basis of the medical condition or disability itself. It is only awarded when a person's current accommodation is adversely affecting their health due to it physical condition, geographical location and property type and moving to alternative accommodation would improve or significantly alleviated the medical condition. Overcrowding in itself is not generally a medical issue, and is prioritised separately.

**106. Priority for housing: Assessment of medical priority**

107. When assessing the level of priority the Council will consider:

- (a) The nature of the medical condition.
- (b) How this is affected by the applicant’s current accommodation.

- (c) How the condition will be improved or significantly alleviated by the provision of social housing whilst having regard to the housing stock that might reasonably be expected to be available for letting.
- (d) The duration of the condition and any expected recovery time.
- (e) The severity in comparison to the housing needs of other applicants.
- (f) Whether other options are viable that could improve the applicant's situation.

108. Applicants are required to complete an online medical assessment form, and may be asked to provide supporting documentation from their GP, hospital consultant/other medical professional and/or other support workers.

The Council will make decisions on medical applications and a decision made whether to request an assessment by an independent medical adviser.

109. The Council may ask qualified health advisers to recommend if additional priority should be given for housing on grounds of health and/or disability. As part of the assessment the Council will look at how the current accommodation affects the applicant and/or members of their household's health or quality of life including any impact on the whole household.

110. In reaching a decision on whether to award medical or social welfare priority, the Council will have regard to the opinions and information from the applicant's own doctor/health professional. The Council will take into account any recommendation for the type of housing the applicant requires (e.g. ground floor or adapted accommodation). Please note that bids placed on properties not meeting the criteria recommended will not be approved.

111. Whilst the Council may seek the opinion of a medical expert in determining whether medical priority will be awarded, the final decision rests with the Council.

112. Following the assessment, a decision will be made whether to award a medical priority group. The groups are:

<b>Medical priority Groups</b>	<b>Description of each medical priority group</b>
<b>Group 1</b> <b>Life threatening or emergency circumstances</b>	<ul style="list-style-type: none"> <li>• Where an applicant or a member of their household's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care.</li> <li>• Where an applicant or a member of their household has a life threatening condition and the existing accommodation is a major contributory factor.</li> <li>• Where the applicant or a member of their household has severe mobility issues, is housebound and is unable to leave their</li> </ul>

	<p>accommodation other than with assistance that will result in high risk to themselves or their carer.</p> <ul style="list-style-type: none"> <li>• Where overcrowding in the property leaves the applicant or a member of their household at risk of life threatening infection.</li> </ul>
<p><b>Group 2</b></p> <p><b>Urgent circumstances</b></p>	<ul style="list-style-type: none"> <li>• The applicant or a member of their household is a wheelchair user who is unable to use their wheelchair within the current accommodation and that person has an assessed need to move to wheelchair suitable accommodation.</li> <li>• Where the accommodation is directly contributing to the deterioration of an applicant or a member of their household's health. Such as, severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>• Where an applicant or member of their household has uncontrolled epilepsy and their accommodation is accessed by stairs.</li> </ul>
<p><b>Group 3</b></p> <p><b>Significant circumstances</b></p>	<ul style="list-style-type: none"> <li>• The applicant or a member of their household has arthritis or mobility issues that make the use of stairs to access the accommodation difficult.</li> <li>• A dependent child has significant autism or other condition causing behavioural difficulties and the current accommodation is deemed unsuitable. For example has no garden exclusively for the households use.</li> <li>• The applicant or a member of their household is unable to easily access bathing or toilet facilities within their accommodation.</li> <li>• A dependent child has significant autism or other condition causing behavioural difficulties and is sharing a bedroom with a sibling; the sibling or the child is at risk of harm due to sharing a bedroom.</li> </ul>

### Priority for housing: Mental health

113. Mental illness can range from severe conditions such as bi-polar affective disorder, schizophrenia and post traumatic stress disorder to mild depression and anxiety.
114. Applicants with mental health conditions do not automatically receive priority for re-housing as they can often be treated and managed through medication.
115. It is always the effect on an applicant or member of their household's health due to their current housing circumstances that is assessed, not the medical condition itself.

### Priority for housing: Social welfare grounds

116. Social and welfare needs will be considered where there is an identified housing need that is not addressed in the banding assessment criteria.
117. Consideration of social and welfare needs may be made in consultation with social services and any other relevant agencies where necessary.
118. It is not possible to state all the circumstances that will justify reasonable preference on welfare grounds, and each case will be assessed individually. Examples are:
- (a) Households who need to move for emergency reasons not covered in the banding assessment criteria and the Council has received detailed information from Police, Social Services or other relevant agencies.
  - (b) Exceptional circumstances relating to giving or receiving substantial and ongoing care and support and this support cannot be given or received from a person's current accommodation.
119. Priority for social welfare will fall into 3 priority groups as follows:

Social welfare priority groups	Description of each group
Group A	Emergency housing social welfare needs
Group B	Urgent housing social welfare needs
Group C	Significant housing social welfare needs

### No medical priority or additional priority

120. If the Council decides that no medical or additional priority will be awarded, an applicant has a right to request a review of a decision not to award medical priority. The applicant will have 21 days to request a review which must be done in writing.
121. Following the outcome of the review, the Council will not undertake any further assessment for 12 months unless there is a significant change in the applicant's circumstances. Please note that it is the responsibility of the applicant to inform the Council of a change in circumstances.
122. If a further assessment is undertaken and the person's health or circumstances have improved, it may result in the priority award being reduced or removed.

123. Circumstances that will not be assessed for a medical priority include:
- (a) Pregnancy.
  - (b) Overcrowding. Please note that low level depression or anxiety exacerbated by overcrowding is acknowledged in the housing needs assessment.
  - (c) Minor illnesses.
  - (d) Poor conditions in your home such as damp unless there is an underlying fault with the property that cannot be repaired.
  - (e) Temporary disability such as broken limb.
  - (f) Temporary illnesses where a full recovery is expected.
124. If an applicant is applying for housing on medical grounds. The Council may liaise with social services and any other relevant agencies, as necessary, to ensure the allocation of appropriate accommodation.
125. The Council will also consider whether the needs of the applicant or member of their household would be better served by remaining in their current accommodation, and if appropriate, an application made for aids and adaptations. The Council will also consider whether the needs of the applicant or member of their household would be better served by supported or specialist housing. In cases such as these, the Council may refer the applicant to Hertfordshire County Council.

#### **Deliberately Worsening Circumstances**

126. If the Council has reasonable evidence that an applicant has acted in a way which results in a worsening of their circumstances which could have been avoided, or has failed to take reasonable action to improve their circumstances and as a result would gain extra priority on the Housing Register, the applicant will be placed in the priority band they held or would have been assessed as holding before their situation changed.
127. This will be reviewed on a case by case basis, usually 12 months from the date of the change in circumstances. This period is set to allow the applicant to demonstrate and evidence they have followed the advice of the housing options team to source alternative housing options.
128. Examples of worsening circumstances include:

- (a) An applicant moving from accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into, and which it was reasonable for them to have continued to occupy.
- (b) Homeowners who have transferred their property to another family member within the last 7 years from the date of their application.
- (c) Applicants who have disposed of or deprived themselves of assets which could have reasonably been used to secure housing within the last 7 years from the date of application.
- (d) Applicants who have moved another person (including children) into their accommodation where that person had accommodation that was available for their occupation that was suitable or more suitable for them than the accommodation they have moved into, and which it was reasonable for that person to have continued to occupy.

### **Eligibility for different property types**

129. When calculating bedroom eligibility the following rules will apply:

Bedroom eligibility is based on a standard, which assumes a household of more than one person containing at least one dependent child or dependent adult is entitled to one living room, a kitchen and a bathroom, plus bedrooms according to the size of the household.

- (a) Where there are two separate reception rooms in a property one will be counted as a bedroom.
- (b) For households that include a pregnant woman, the baby will not count towards bedroom entitlement until the child is born.
- (c) Studios without a separate bedroom are considered suitable accommodation for applicants without children.
- (d) Households with three children will only be eligible for three bedroom accommodation regardless of the ages or sex of the children in the household.



130. The table below indicates the size and number of bedrooms an applicant can bid for:

<b>Household size</b>	<b>Bedroom need</b>
Single person (not part of a larger household)	studio/1 bedroom
Single person with staying access to one child	1 bedroom
Single person/couple	1 bedroom
Single person/couple with staying access to two or more children	1 bedroom
Single person/couple (where expecting first child)	1 bedroom
Couple or single person and one child	2 bedrooms
Couple or single person and two children of the same sex	2 bedrooms
Couple or single person and two children of different sex, both children under 10 years	2 bedrooms
Couple or single person and two children of the same sex, where one child is 16 years or older and there is an age gap of 5 or more years	3 bedrooms
Couple or single person and two children of the opposite sex, where one child is 10 years or older	3 bedrooms
Couple or single persons and three children of any age	3 bedrooms
Single person with four children of any age	3 bedrooms
Couple with four children of any age	3 bedrooms, 3 bedroom with dining room or 4 bedrooms
Couple or single person with five or more children of any age	4 bedrooms

## **How the Council allocates accommodation**

### **(a) Advertising properties**

131. Properties that become available to let will be advertised on the Hertsmere Homes website.
132. Where possible, the advertisement will have a photograph of the property or the block it is in and endeavour to include information about:
- Number of bedrooms
  - Name of the landlord

- The rent charged
  - Local neighbourhood information
133. Applicants will only be able to place bids on properties that they are eligible for and are the correct bedroom size for their household.
134. Applicants will be restricted from bidding on certain properties that may have special features for example where:
- A property is particularly suitable for applicants who need adaptations such as a level access shower
  - A property that is ring fenced to certain age groups
  - A property that permits wheelchair access
  - A property that is ring fenced for transfer applicants
  - A property that is ring fenced for applicants in certain bands
  - A property that is ring fenced for existing tenants of that particular landlord
  - A property that is ring fenced for applicants in employment or not subject to the welfare benefit cap
135. Applicants may also be restricted from bidding for properties where the landlord's own letting policy differs to that of the Council.
136. It is the responsibility of the applicant to read the property advert before making a decision to place a bid. This includes the detailed description of the property in addition to the type of property and the area in which it is located.
137. Where properties are ring fenced for certain categories of people, this will be clearly displayed in the advert.
138. Property adverts will display the minimum and maximum number of people that the property can accommodate. Due to the shortage of larger family homes the Council aims to maximise the occupancy of available properties.
139. In order to ensure the Council makes the best use of the housing stock, the Council may reserve up to of 25% of vacancies for transfer applicants. These properties would generally be houses, which in turn release stock for home seekers with a reasonable preference on the Housing Register.
140. To assist in the Council's strategic objective of balanced sustainable communities and the prevention of homelessness, the Council may advertise up to a 30% of vacancies for applicants in Bands C to D only.

## **(b) Direct lets**

141. In a limited number of cases, the Council may allocate a property directly to an applicant. Properties allocated this way may not be advertised on the choice based lettings scheme.
142. Direct lets may apply in the following circumstances:
- Extra care housing for older persons or disabilities and supported housing for clients with mental health and learning difficulties.
  - Applicants over 50 who fall into a priority need category under homeless legislation may be made a direct offer of age restricted accommodation.
  - An adapted property which is particularly suitable for an identified applicant.
  - Where a household has exceptional identified needs which severely restricts the applicant's ability from securing accommodation through Choice Based Letting.
  - To households where the Council has accepted the full housing duty under homeless legislation.
  - To households where the Council has accepted the relief duty under homeless legislation.
  - To households where the Council has accepted the prevention duty under homeless legislation.
  - Where the Council decides there are exceptional circumstances.

## **(c) Ground floor flats and bungalows**

143. Priority for ground floor flats and bungalows will generally be given to applicants with an assessed medical need for ground floor accommodation or where there are agreed mobility issues.

## **(d) Adapted properties**

144. If an applicant successfully bids for an adapted property but on viewing the property it becomes clear that further adaptations will be required to make it suitable, the Council will make an assessment in consultation with the housing association as to whether or not the property is suitable for the applicants needs prior to an offer being made.

## **Local lettings plans**

145. Some schemes/areas may be subject to local letting plans. Local lettings plans are where the Council works closely with a housing association to ensure that a sensible balance is achieved between housing priority and the longer term sustainability of the local area.
146. Some local lettings plans are short term measures put in place to address specific local issues. These can include dealing with community sustainable issues such as:

- (a) Increasing the number of people in employment.
- (b) Reducing child density and anti-social behaviour on certain developments.

147. If a property is subject to a local lettings' plan the criteria for eligibility will be clearly contained within the property advert.

### **Bidding for advertised properties**

148. Available properties will be advertised daily and applicants can bid for up to 3 properties at any one time. Vacant homes will be advertised in the first instance for a minimum of 5 days.

149. Bids must be made on properties via the Hertsmere Homes website.

150. Applicants should only bid for properties that are suitable for the size of their household as set out in the table above.

151. Applicants should not bid for properties that they are unlikely to accept if they are offered the property.

152. Please note that placing bids early does not give an applicant any advantage over other applicants who have more priority than themselves.

153. Applicants that require assistance with bidding should contact the Council for advice and support.

154. Applicants who have made a successful bid and received an offer of accommodation will not be permitted to place bids on further properties advertised.

### **Bidding types**

155. In the majority of cases, bids will be made by the applicant on properties of their choice. However, in certain circumstances the following may apply:

- **Automatic bidding** – The Council will bid on an applicant's behalf, if the applicant has not placed any bids themselves. This will apply to applicants where the Council has accepted the full housing duty, and to applicants who are owed the relief and prevention duty.. In some cases applicants awarded a Band A and those in supported housing may have automatic bids placed on their behalf. In cases where the Council owes the full housing duty or the relief and prevention duty a successful bid made by the council will count as a final offer of accommodation which will discharge the Council's duty.

- **Approved bidding** – This applies to exceptional cases and/or where a particular type of property is required. For example, where there are restrictions in place prohibiting an applicant from residing in a particular area of the borough, or the applicant is identified as requiring a property without stairs. The applicant may still bid themselves but if the applicant makes a successful bid the Council will need to approve the bid as suitable before an offer of accommodation is made.
- **Assisted bidding** – This is where an applicant may be unable to place bids themselves and no third party has been identified to assist them. In agreement with the applicant the Council will place bids on their behalf.

### **Time-limited bidding**

156. All applicants awarded a priority band A must bid for all suitable advertised properties immediately after they are placed in this band. Failure to bid on all suitable advertised properties could result in the Council bidding on behalf of the applicant.
157. If an applicant fails to bid on properties that have been identified as suitable, the Council will generally consider that the initial priority identified is no longer applicable and the priority will be reviewed.

### **Shortlisting for properties**

158. Shortlists for property adverts will be ordered by priority band. When allocating (or matching) a property the following factors will be taken into account:
- Property Eligibility. For example an applicant's age, household size and composition in relation to the size and type of property being allocated and any specific requirements detailed in the property advert.
  - An applicant's priority band.
  - An applicant's priority date in that band.
159. Where two applicants have met the preceding criteria and have the same priority date, the shortlist will be ordered according to the original application date.
160. Where an applicant appears first on more than one shortlist, the property that the applicant bid on first will be the property that is offered to them.

## Verification

161. If a successful bid is placed, applicants must have their circumstances and housing conditions verified before the Council can nominate the applicant to a Housing Association for an offer of accommodation. The verification process may be carried out by the Council or the relevant Housing Association. Verification may include a home visit where appropriate.
162. The Council will also check with credit rating agencies and the land registry, where appropriate and necessary, to determine whether the applicant has accommodation available to them elsewhere and whether they have undeclared sources of income and/or savings.
163. Whether a visit is required or not, all applicants will be required to supply the following original documents where relevant:
  - Proof of identity and residence for all persons included on the application.
  - Immigration status (if applicable).
  - Pay slips and/or proof of benefit award.
  - Proof of entitlement to reside in the UK and eligibility for an offer of social housing.
  - Current information on any medical issues or disability.
  - Other proofs as considered appropriate by the Council.
164. Part of the verification process includes an affordability assessment. Applicants assessed as being unable to afford the rent for a particular property will not be offered that property.
165. If an applicant has successfully bid on a property and the requested documents are not submitted within the required timescale, or the applicant is not available or refuses a home visit, the applicant will not be offered the property.
166. Following verification, should the applicant no longer be eligible for an offer of accommodation or to be included on the Housing Register, they will be notified of this decision and the reasons in writing. The applicant will have a right to ask for a review of the decision and they must request their review within 21 days.
167. Once an application has been verified, the landlord of the advertised property will invite the successful applicant to view the property.
168. Should an applicant be offered the property the landlord will give them a timescale in which they must notify them whether they wish to accept or refuse the offer (this will usually be 24 hours). Housing Associations may request that you complete one of their own application forms in order to verify your current circumstances. Once this is done and the Housing Association is satisfied their allocations criteria have been met, the applicant will be formally offered the tenancy.

169. In exceptional circumstances the Housing Association may not agree to offer the successful bidder a tenancy. This could be because the offer contravenes the organisation's allocation policy or charitable status. Any such decisions will be fully discussed and agreed with the Council before the applicant is notified. A full explanation of this decision will be given to the applicant.

### **Refusing an offer of accommodation**

170. Applicants other than those detailed below may refuse two offers of accommodation they have successfully bid for without sanction.

171. If an applicant refuses a third offer of accommodation that the Council deems suitable their application will be removed from the Housing Register.

172. A new application will not be accepted unless the applicant has had a material change in their circumstances.

173. Where the Council has accepted the full housing duty, the relief or prevention duty for an applicant, one offer of suitable accommodation will be made. This is called a final offer.

174. The final offer could be within the borough of Hertsmere or within another borough.

175. Before making a final offer the Council will assess the suitability of the accommodation taking into account the location of the property, the rent of the property and any medical or social welfare needs the household may have.

176. In exceptional cases if the Council is satisfied that there will be hardship due to the location of accommodation, this will have been confirmed in writing and bidding restrictions put in place prior to the applicant being able to bid.

177. Should the applicant refuse a final offer of accommodation or deliberately act in such a way that causes the landlord to withdraw the offer; or the applicant unreasonably fails to cooperate with the landlord or the Council to secure the property; this will be viewed as a deliberate act on the applicant's part and as such will be considered a refusal of the property.

178. By making a final offer of accommodation, the Council is discharging its homelessness duty. This means that if the applicant refuses the offer, the Council will no longer have a duty to accommodate the applicant and any temporary accommodation provision will be withdrawn.

179. Applicants will have the right to a review of the suitability of a final offer of accommodation. They must request for a review in writing within the time scale as indicated by the Council in the offer of accommodation notification.

180. Where the Council has accepted the full housing duty, a relief or prevention duty towards an applicant and they refuse an offer of suitable accommodation they may have their priority on the Housing Register reduced and be placed in a lower priority band as a result of their refusal
181. Applicants living in supported housing and young persons leaving care who refuses an offer of suitable accommodation may have their priority on the Housing Register reduced and be placed in a lower priority band.

### **Withdrawal of offers**

182. In exceptional circumstances, the landlord or Council may withdraw an offer of accommodation. Examples of this are:
  - (a) Where there has been a change in an applicant's circumstances.
  - (b) Following verification the applicant is not eligible for the property.
  - (c) Where an error has been made in the advertising criteria of the property.
  - (d) Where an offer of the property could put a vulnerable applicant or other resident at risk of harm.
  - (e) Where the applicant does not meet a special local lettings policy of the landlord.
  - (f) Where a property is no longer available to let.
  - (g) Where a property requires major works and will not be available to occupy within a reasonable time period, this usually means 6 weeks from the date of the property advert
183. The above list is not exhaustive.
184. Applicants who have successfully bid on a property which is then withdrawn cannot be guaranteed a future offer of accommodation or that their next offer will be a property of the same size/type and in the same area.

### **Decisions and reviews**

185. Applicants removed from the Housing Register will be notified in writing, with the reasons explained. Applicants have a right to ask for a review of the decision. This request must be made in writing within 21 days of receipt of the original decision, and it must include reasons for requesting the review.
186. An applicant can request a review of the following decisions:



- (a) The applicant is ineligible to join the Housing Register.
  - (b) The applicant does not qualify to join the Housing Register.
  - (c) Their application is made non-active.
  - (d) The removal of their application from the Housing Register other than by request.
  - (e) The banding assessment.
  - (f) The suitability of accommodation which is a final offer discharging the prevention, relief or full housing duty. Council's homelessness duty.
187. Applicants who wish for a review of a decision made under the Allocations Policy should in the first instance contact the Housing Options Team and explain why they think that the decision is not reasonable.
188. If an applicant is requesting a review of:
- Their banding assessment or priority date;
  - A decision that they do not qualify or are ineligible to join the Housing Register;
  - A decision to make their application non-active; or
  - A decision to remove their application from the housing register
- A Council officer will contact the applicant to make sure that they fully understand the decision and to request any further information that the applicant may wish to submit in support of their review request.
189. If the applicant remains dissatisfied with the decision, they will have a right to ask for a review to be carried out by a senior officer of the Council who was not involved in the original decision.
190. Before asking for a band review, please note that the reviewing officer has the authority to lower as well as increase a band.
191. If an applicant requests a review of the suitability of an offer of accommodation under Part 6 of the Housing Act 1996 this will initially be undertaken by either the housing officer who dealt with the case or another officer of equivalent level. The applicant will need to provide information to the Council as to why they believe the offer is unsuitable. The applicant will be notified whether the decision still stands and the reasons for this usually within 3 working days via a telephone call, email or letter.
192. If an applicant is not satisfied with the initial review, they can make a request for a formal review within 21 days of receiving the decision from the housing options officer. This request must be made in writing and it must include the reasons for requesting the review.

193. Formal reviews will be conducted by a senior officer of the Council (or an officer of an independent reviewing company that has been delegated by the Council) who was not involved in the original decision. The officer will notify the applicant of the decision and the reasons for it within 56 days or a longer period as agreed with the applicant.

#### **Allocations to staff, Council Members or their families**

194. Members of staff, their close family and elected members who require housing may apply for housing in the same way as other applicants. Their status must be disclosed on the application form at the time of applying.

195. When applying for housing or if a successful bid is made by a member of staff, elected member or a member of their direct family, the Housing Services Manager, and/or the Head of Corporate support will be informed and must approve the shortlist and allocation prior to the formal offer being made.

#### **Tenancy Management outside the scope of Choice Based Letting (“CBL”)**

196. The following tenancy management areas fall outside of Part 6 of the Housing Act 1996 and will be managed by Housing Associations:

- Mutual exchanges
- Persons transferring from introductory to assured tenancy in the same property
- Decisions regarding flexible tenancies
- Tenancy assignments
- Transfers that the Housing Association initiates for management purposes – other than those where the council has a management transfer agreement
- Where court orders are made under one of the following:
  - Section 24 of the Matrimonial Causes Act 1973
  - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - Paragraph 1 of schedule 1 to the Children Act 1989

#### **Data protection**

197. When an applicant applies for housing, the Council will only seek information that it requires to assess the applicant’s housing needs and confirm eligibility to join the Housing Register. The Council will collect and keep data in accordance with the Council’s guidelines on handling personal data.

198. The Council will process the information provided on the housing application form under data protection legislation. The Council will only use it to provide and manage housing.

199. Information provided on the housing application form is held on a computerised database and is used to assist the Council in assessing an applicant's eligibility for re-housing. It is then used to help potential landlords to re-house the applicant in suitable homes, and to supply and manage services. All relevant information will be passed on to the appropriate housing provider and any agency that will provide housing related support.
200. Through the Hertsmere Homes allocation scheme, any landlord with whom the applicant places a bid for a property will have access to the applicant's full application form should they be short listed for a property.
201. Under the terms of the General Data Protection Regulation applicants are entitled to a copy of the information the Council holds. Some processing of the applicant's personal data may be exempt from the GDPR under Schedules 2 – 4 or Part 3 Data Protection Act 2018.

### **Confidentiality**

202. Information about applicants will not be divulged to other members of the public without consent. By submitting an application form for housing, applicants consent to the processing of sensitive personal data about themselves and members of their household. Where necessary, the Council may disclose information to its agents or service providers, and may also share information with other relevant Council services and other agencies.

### **Elected Member involvement**

203. Members of the Council (also known as Councillors) do not make decisions on individual applications under the Allocation Policy.

### **The Local Government Ombudsman**

204. The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most Council matters including housing.
205. If a complainant is not satisfied with the action the Council takes, the applicant can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using the internal complaints procedure.
206. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman

10<sup>th</sup> Floor Millbank Tower

Millbank

London SW1P 4QP

Telephone: 020 7217 4620 Email: [enquiries@lgo.org.uk](mailto:enquiries@lgo.org.uk) Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## Definitions

- **Prevention Duty** - The Council is satisfied that an applicant is eligible and threatened with homelessness within 56 days. The Council has a duty to help prevent the applicant from becoming homeless. This means that the Council has a duty to help an applicant keep their current accommodation, or if that is not possible, to help them to find something else that is suitable before they reach the point where they might become homeless.
- **Relief Duty** - The Council is satisfied that an applicant is homeless and eligible for assistance; the Council must take reasonable steps to help the applicant secure that accommodation becomes available to them for at least six months.
- **Full Housing Duty** - This means that the Council owes the applicant a duty to make sure that accommodation secured is available and suitable
- **Local Connection Part 6 of the Housing Act** - A person will establish a local connection where:
  - A person has resided in Hertsmere (by choice) continuously for three years in settled accommodation.
  - Where the Council agrees there are exceptional circumstances
- **Local Connection Part 7 of the Housing Act** - A person will establish a local connection where:
  - They have six months' residence in the area during the past 12 months, or not less than three years residence during the previous five years. The residence must be out of choice. Residence is not of choice if it is as a result of imprisonment or other form of detention.
  - Be currently employed in the area.
  - They have parents, adult children, brothers or sisters over 18 years of age residing in the area and the relatives have been resident for at least five years.
- **Social Housing Property** - Accommodation where the occupant has an assured/secure or flexible tenancy and the landlord is a registered Housing Association.
- **Supported Housing Scheme** - Supported housing is accommodation with additional support provided to the residents. This can be accommodation for single homeless people who are unable to live independently, those with mental health issues or a learning disability or those with drug or alcohol dependency.

- **Age Restricted Accommodation** - Usually for residents aged 50 or over. Applicants below this age with physical or learning disabilities can also be considered for this type of accommodation if they would benefit from the support in place.
- **Management Transfer** - A procedure that awards a priority status to a social housing tenant (transfer applicant) because the housing association landlord has deemed the tenant is required to move out of their current property into suitable alternative accommodation.
- **Applicants with children in insecure accommodation** – Insecure accommodation is where the applicant has no tenancy agreement or licence, such as living with friends or relatives. Private rented sector accommodation is not considered as insecure.
- **Employment** - Employment means holding a permanent contract, a temporary or fixed term contract or being self employed.