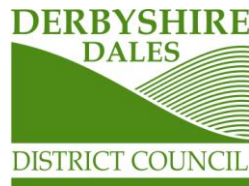


Choice Based Lettings Scheme

Home-Options – Allocations Policy



Version: Partner 8 (23-03-09)

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Introduction

Derbyshire Dales District Council, High Peak Borough Council, Amber Valley Borough Council and Erewash Borough Council have established a partnership called **Home-Options** to deliver greater choice to all those seeking housing and to enable people to make well-informed decisions about their housing options.

This policy document sets out the priorities and procedures for accessing affordable housing under **Home-Options**.

The principal partners are:

Derbyshire Dales District Council
High Peak Borough Council
Amber Valley Borough Council
Erewash Borough Council
High Peak Community Housing
Dales Housing Association
Amber Valley Housing Limited
Three Valleys Housing

For the purposes of this document Home-Options refers to all above partners.

This policy meets the requirements set out in Part VI Housing Act 1996 (as amended by the Homelessness Act 2002), giving reasonable preference to those applicants in greatest need. It incorporates the key aims and objectives outlined in the Peak Sub Regional Housing Strategy.

Under **Home-Options**, homeseekers are placed in one of four broad Bands of housing need according to their circumstances. Vacant properties will be advertised in a variety of media, which may include a free sheet magazine, paper adverts and on the Internet, and applicants are able to bid for properties. Adapted properties will be classified and advertised as suitable for applicants with matching mobility needs.

Although **Home-Options** will provide greater choice for applicants, the scheme in itself will not increase the number of properties available. The majority of vacancies will be advertised and applicants will be encouraged to take an active part in the process by expressing their interest in each bidding cycle. The system is more transparent and is expected to provide applicants with a more realistic view of their prospects of securing accommodation.

Home-Options is unlikely to satisfy all home seekers by finding affordable rented accommodation and so alternative housing options will be advertised such as private rented accommodation, mutual exchanges as well as low cost home ownership and shared ownership properties.

PART I: THE LEGAL FRAMEWORK

THE HOUSING ACT 1996 AND THE HOMELESSNESS ACT 2002

Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, sets out the legal framework for the allocation of accommodation by local authorities.

Home-Options maintains a Housing Register and only 'qualifying persons' will be registered on it. The Secretary of State may define who are and are not 'qualifying persons'. Subject to the terms of the Act and related Regulations, **Home-Options** may determine who may or may not be on the Housing Register.

Each Housing Authority has a duty under the Act to ensure that in letting its property it gives 'reasonable preference' to certain categories of housing need defined in the Act. Subject to this requirement, the **Home-Options** scheme also reflects local priorities.

The Act requires a published summary of the allocations scheme to be available free of charge on request. This **Home-Options** Allocations policy is available for inspection from any of the principal partners.

Home-Options and the allocations policy will be reviewed annually taking into consideration any changes in the legal framework provided by Communities and Local Government within that year or to respond to any Case Law that affects the operation of the Home-Options Scheme.

In framing the allocation scheme to offer a choice of accommodation to applicants, Home-Options will also ensure it's policies and procedures are compatible with obligations imposed on them by other existing legislation, in addition to Part 6 of the 1996 Act, including but not limited to:

- The Race Relations Act 1976 (in particular s.71)
- Disability Discrimination Act 1995 (in particular s.49A)
- The Sex Discrimination Act 1975 (in particular s.76A)
- The Equality Act (Sexual Orientation) Regulation 2007 (in particular regulations 5 and 8)
- The Human Rights Act 1998
- The Freedom of Information Act 2000 (in particular s.19)
- The Data Protection Act

PART 2: EQUALITY AND DIVERSITY STATEMENT

Equality and Diversity in the Home-Options area

Strong communities will thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. Our aim is to create an environment where this is possible and to put equality and diversity at the heart of everything we do.

We will promote equality and diversity by:

- Building values of mutual respect where individuals have a sense of belonging and where individuals are encouraged to participate and gain full access to services to which they are entitled.
- Recognising that some individuals and certain communities are particularly disadvantaged and will require extra recognition and support to deal with their disadvantages.

Our aims are:

- To improve social cohesion by promoting positive relationships and a sense of community and belonging - by reducing fear and tensions – particularly around race, faith, generational, gender and sexuality issues - by promoting a vision in which individuals, groups and communities are properly valued.
- To promote citizenship rights and responsibilities. We will do this by ensuring that the Partnership does all it should in providing real leadership and compliance with its duties and by encouraging its partners to do likewise. We will also do this by acting to protect the rights of individuals and groups by ensuring that abuse, mistreatment or discrimination is recognised and properly dealt with.

PART 3: REGISTRATION

All applicants will need to register with **Home-Options**.

Homeless households for whom Derbyshire Dales District Council, or, High Peak Community Housing or Amber Valley Housing Limited or Erewash Borough Council acting on behalf of their respective councils has accepted a duty under Part VII (Homelessness) of the Housing Act 1996 will be asked to complete a registration form and all relevant factors will be appropriately assessed.

All other applicants, including existing tenants of High Peak Community Housing, Dales Housing, Amber Valley Housing Limited and Three Valleys Housing requiring a transfer, must apply to register with **Home-Options**. All applicants will be able to apply via the on-line application form or by contacting one of the principal partners or applying at any of the housing offices in the three **Home-Options** areas.

All applicants will be offered advice and assistance in completing the application form, including translation and interpreting facilities where required.

3.1 Who can register

Anyone 16 and over, and

- Their current address is their only home, or sole residence, and
- They are not already registered for housing; either on their own or on someone else's housing application.

Unless

- They do not qualify because they are ineligible for housing by reason of your immigration status. Those ineligible for housing are determined by the Secretary of State.
- They have been found guilty of unacceptable behaviour (see section 3.5 Exclusions from the Housing Register).

Social housing tenants within the household should be registered either as the applicant or joint applicants, so that when a new tenancy is accepted, their existing home will be vacated.

3.2 Local Connection

Applicants with a local connection are eligible to be awarded housing priority within the appropriate Home-Options area and will be placed in the appropriate band.

Local connection for the purposes of registration and priority award is defined as:

- Currently resident in a **Home-Options** area (either Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough) and have been for a continuous period of 6 months; Or
- Not currently resident in a Home-Options area (either Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough) but have previously been living in a **Home-Options** area for at least 3 years out of the last 5 years; or
- A person currently resident outside of the Home-Options area who supports or requires support from someone who has been resident in a Home-Options area for 5 years (Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough); or
- Have been in permanent employment in the **Home-Options** area for the last 6 months.

Applicants with no local connection to the **Home-Options** region will be banded according to their housing situation.

However, at the time of short listing non-residents will be given less preference than other members within the same band who are currently resident within the **Home-Options** area (i.e. irrespective of priority date a member from the **Home-Options** area will be given preference over someone from elsewhere). Preference between out of **Home-Options** area members would still be determined by priority date.

Properties will normally be advertised by relevant local authority area within the **Home-Options** area. All Home-Options applicants will be encouraged to bid for any property they are eligible for and interested in irrespective of local connection. Properties are shortlisted in order of the applicant's local connection to that authority area. Should there be no applicants from within the local authority area, then applicants from the rest of the sub-region will be considered. If there are no bidders from the rest of the sub-region then out of area applicants will be considered.

Applicants registering with no fixed abode will need to prove a connection to the area to be registered on Home-Options.

3.3 Documentation required for entry onto the Housing Register

Documentation is required from all applicants before they can register to establish:

- The identity of the applicant and other members of the family
- That the applicant is eligible to register for housing

- That the applicant and other household members live where they say they do and the terms on which they live there (e.g. licence, tenancy)
- That children being registered are the responsibility of the applicant or their partner
- That non-dependants have a medical or social need to live with the applicant
- Proof of pregnancy.

One of the documents from each of the following areas is necessary to establish this:

- Identity - birth certificate, passport, immigration papers;
- Residence - electoral register entry, rent book/card, recent bill or credit payment book for gas, electricity or water supply, pension book, confirmation from employer or DSS, tenancy agreement, full driving licence, recent bill for Council Tax or telephone, recent bank statement;
- Qualifying/non-qualifying - passport, national identity papers, Home Office documents, proof of housing benefit;
- Children - Child Benefit book, Residence Order, confirmation from DSS, Social Services, Health and Education authorities, full birth certificate. Where children have previously been cared for by another person, including an ex-partner, and in the absence of a Residence Order from the courts, a combination of this evidence must be provided. **Home-Options** will consider each case on its merits in order to be satisfied that the children's normal place of residence is with the applicant.
- Non-dependants - confirmation from either Social Services or other relevant statutory agency;
- Pregnancy - antenatal card/book from hospital, doctor's letter;
- In cases of threatened eviction – tenancy agreement, valid Notice to Quit, Court Order, landlord reference.

If an applicant is unable to provide the necessary documents and there appears to be good reason for this, the case should be referred to the appropriate manager of the **Home-Options** scheme.

Under the Housing Act 1996 and Homelessness Act 2002, it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing.

3.4 Eligibility categories

Under the Housing Act (1996), local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

We cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:

- Already hold a secure tenancy with a Home-Options partner
- Already hold an assured tenancy allocated to them by a Home-Options Partner
- Are in a class prescribed by regulations made by the Secretary of State

Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. We reserve the right to seek independent advice and assistance to resolve the issue of eligibility.

Notifying an ineligible applicant

Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them. If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be cancelled and the applicant notified.

Applicants found to be ineligible have a right to ask for a review of the decision (see chapter **3.7 Home-Options Review Procedure**).

3.5 Exclusions from the Housing Register

We may exclude someone from the register if it is considered proportionate and reasonable to do so as a result of unacceptable behaviour. We will take into account all relevant factors such as health, dependents and the individual circumstances of the applicant when making these decisions.

“Unacceptable behaviour” is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any grounds 1 to 7 of the Housing Act 1985 sch 2. “Unacceptable behaviour” includes (but may not be limited to):

1. Current or former tenants of Derbyshire Dales District Council (DDDC) & Dales Housing, High Peak Borough Council (HPBC) & High Peak Community Housing, Amber Valley Borough Council (AVBC) & Amber Valley Housing and Erewash Borough Council (EBC) & Three Valleys Housing who have been in breach of their tenancy conditions.
2. Anyone who has caused wilful damage to a Derbyshire Dales District Council (DDDC) & Dales Housing, High Peak Borough Council (HPBC) & High Peak

Community Housing, Amber Valley Borough Council (AVBC) & Amber Valley Housing and Erewash Borough Council (EBC) & Three Valleys Housing or RSL property

3. Anyone with a history of serious anti-social and / or criminal behaviour
4. Anyone who has been violent to or threatened staff or agents of Derbyshire Dales District Council (DDDC) & Dales Housing, High Peak Borough Council (HPBC) & High Peak Community Housing, Amber Valley Borough Council (AVBC) & Amber Valley Housing and Erewash Borough Council (EBC) & Three Valleys Housing, previous landlords or the police.
5. Anyone who is the subject of an Anti-social Behaviour Order or other civil restraining order and it is believed that they would be a significant risk to the community.

Other reasons why applicants may be excluded from the Housing Register include:

1. The applicant is unable to sustain a tenancy, this may be due to mental incapacity or lack of relevant support.
2. Persons who deliberately worsen their housing situation to gain a higher priority on Home-Options. This includes those who deliberately move into unsatisfactory, overcrowded or encourage others to move in to your accommodation to create overcrowding.

If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour, and considers that their unacceptable behaviour should no longer be held against them, they can complete a new application form.

When making a decision regarding unacceptable behaviour we will consider:

- If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of any Home-Options Partner Landlord.
- Unacceptable behaviour can include tenancy related debt or other breach of tenancy.
- When the unacceptable behaviour took place and consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.

Notifying applicants who are excluded due to unacceptable behaviour

All applicants who are excluded due to unacceptable behaviour, will be informed of this decision in writing and how they can become eligible, for example, by agreeing an

arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed.

If an applicant is accepted onto the register, but subsequently becomes ineligible, due to unacceptable behaviour, their housing application will be removed and the applicant will be notified.

Applicants found to be ineligible due to unacceptable behaviour have a right to ask for a review of the decision (see chapter **3.7 Home-Options Review Procedure**). A delegated senior officer will undertake the review.

3.6 Entry on the Housing Register

Where **Home-Options** decides not to register an applicant they will be informed in writing of the reasons and of their right to a review of the decision.

Applicants will be informed in writing when their application for registration is accepted. At the same time applicants will be told of their responsibility to notify any changes in circumstances relevant to their application for housing.

Applicants will be notified in writing of any amendments to their registration with the exception of minor changes made at their own request.

Applicants will be given information about their relative priority for rehousing when their application is registered and periodically thereafter.

Information given is confidential. Upon request, applicants will be supplied free of charge with a copy of their own registration details.

The fact that a person is registered with **Home-Options** shall not be revealed to any other member of the public.

An applicant can have only one active application as a main applicant on the housing register at any time.

3.7 Home-Options Review Procedure

If there is any decision taken on an application that an applicant does not agree with applicants are encouraged to speak to their local Home-Options office. It may be there is information that has not been taken into account or an applicants circumstances have changed.

If after speaking to their local Home-Options office the applicant is still not happy with the decision the applicant can ask for their application to be re-assessed by a senior officer not involved with the original decision. Stage one of the process is as follows:

- Applicants write to their local Home-Options office within 14 days of receiving a decision letter.
- Home-Options will deal with an applicants request within 14 days or write and advise if it will take longer.
- Home-Options will write to applicants with the outcome of the re-assessment within a further 7 days.

If applicants are still not happy with the decision after a re-assessment they can ask for stage two review of the decision. Applicants also have the legal right to ask for a review of certain decisions. These are:

- Not to accept an application on to the Home-Options Register
- To give an application less priority due to past anti social behavior or rent arrears.
- The suitability of a housing association property an applicant may be nominated for.

The process for stage two reviews is as follows:

- Applicants write to their local Home-Options office and ask for a review, giving reasons within 21 days of receiving the senior officer's decision on a re-assessment or after receiving the original decision. In exceptional situations we may agree a longer period with you. Applicants can request a oral hearing.
- The Review Panel will comprise of at least three officers from different Home-Options partners. The Home-Options area or partner where the review request has been made from will not be involved in that review so any hearing is impartial. The Home-Options Review Panel will carry out the review and check all relevant information has been collected and dealt with correctly.
- The review will be completed within 21 days and applicants will receive a written response within a further 7 days.

If applicants are still not happy with the outcome of a review they can appeal to their local Home-Options office by following the respective complaints procedure.

PART 4 - EXCEPTIONS AND DEFINITIONS

4.1 Property Ownership

Existing and former homeowners are allowed to register with **Home-Options** but are asked to declare any interests in land, property or equity that they have. Their registration is then deferred pending further assessment.

In determining their eligibility on the Housing Register or to qualify for an offer an assessment will be made of whether the applicant has sufficient funds to secure housing for themselves.

The decision will be based upon a level equivalent to half the average house price for the district based on Land Registry figures adjusted annually. Property owners and former property owners with equity above this level will be expected to sell their property and use the capital to buy a suitable property for themselves. This will not apply to people applying for shared ownership properties.

The priority to be granted to any owner-occupier accepted onto the Housing Register is in accordance with the criteria set out in **Part 5**.

Older People (aged 55+ in the High Peak and Derbyshire Dales, 60+ in Amber Valley and Erewash) and disabled owner-occupiers living in conditions of disrepair or in unsuitable accommodation will be considered for rehousing, although resources available to them would be taken into account (including grants available for repair etc. and the capital value of their property). Options other than rehousing through **Home-Options** may be more appropriate, and if so they will be referred to other appropriate agencies. Advice will also be sought from officers who currently assess the housing needs of older/disabled people.

Holiday Homes: - an applicant is entitled to be active on the Housing Register if they own a holiday home. The definition of a holiday home for these purposes is a property not available to the applicant for their normal residence, and that can only be occupied for less than 13 weeks per year. This includes time-shares, caravans, mobile homes and chalets. Otherwise it will be classed as a second home and will need to be taken into account in their needs assessment discussed above.

4.2 Applicants living away from the Home-Options area

Where the applicant has been resident in the **Home-Options** area but is staying away from their home because of domestic violence, racial harassment etc. **Home-Options** will seek to verify their circumstances. (This may differ for those making a homelessness application).

This also applies to applicants who would normally be resident in the **Home-Options** area but who, because of circumstances, are not able to: e.g. prisoners who lived in the **Home-Options** area before they were sent to prison, those in the armed service who lived in the **Home-Options** area before joining. (But see also section on those that cannot register).

For these purposes, the definition of normally resident is having lived in the **Home-Options** area for at least 3 out of the last 5 years.

4.3 Rough Sleepers

Rough sleepers are allowed to register if it can be verified that they are sleeping rough in the **Home-Options** area and have a proven connection as defined in section 3.2 “Local Connection”. Verification should be by:

- An emergency hostel, or
- An agency for rough sleepers, or
- Assessment by the Housing Options Service
- Registration with the DWP, or
- Day-centre or non-mobile soup kitchen

4.4 Deferred Status - Further Action On Applications

Deferred is when an applicant is prevented from expressing any interest in properties or receiving direct offers of accommodation. This can happen for a number of reasons, including:

- Pending a medical assessment
- Property owners awaiting a **Home-Options** assessment (see 4.1 above)
- Investigation of inconsistent details on the application
- Awaiting proof of change of circumstances before amending registration details
- Applicant has notified that they are seeking their own accommodation
- Applicant is exercising their Right to Buy (the suspension of a transfer application only takes place once an applicant has formally accepted the Partnership’s Right to Buy offer)
- Applicant has rent arrears
- Applicants in supported accommodation who are not ready to move on
- Applicants not ready to move but wish to accrue waiting time.

4.5 16/17 Year Olds

Minors cannot enter into a contract if they are too young to understand it. However, the majority of 16- and 17-year-olds will be able to understand a contract, and will therefore be able to enter into one. A minor is not bound by a contract that is not for ‘necessaries’. Accommodation, however, is a ‘necessary’, and thus a contract for accommodation is enforceable. Landlords can recover any unpaid rent (provided that it is not an excessive rent) through the courts in the normal manner (although a litigation friend should be

appointed). This means that there is no legal necessity for landlords to seek a guarantor when letting to 16- and 17-year-olds.

The Housing Corporation Regulatory Code and Guidance states that RSLs should be 'using lettings policies that are fair and reflect the diversity of their client groups' and are 'flexible, non-discriminatory and responsive to demand, while contributing to the need to be inclusive and the need to ensure sustainable communities'. Further guidance from the Housing Corporation states that blanket bans, including those of age restrictions, should not be used and expects 'efforts [to be] made to resolve any possible ineligibility'. Many RSLs impose a minimum age for registering for housing that excludes 16- and 17-year-olds. This is contrary to the Housing Corporation's guidance; restrictions should be lifted, and associations should draw up criteria for assessing the housing and support needs of each individual applicant.

16 and 17 year olds will remain suspended where it is established they are too young to understand a contract. Under such circumstances they will remain suspended until they have reached the age of 18 unless they have a child or are pregnant, or:

- They are accepted as a priority nomination from Social Services
- They are accepted as requiring move-on accommodation following a successful period of sustained tenancy from an accredited Supporting People provider or a Local Authority recognised support provider and have a move-on support package.
- They are accepted as homeless.

4.6 Removal from the Housing Register

Applicants can request to have their entry removed from the Housing Register.

Home-Options can, at its own discretion and in line with its normal policies, remove someone from the Housing Register. There is a legal duty under Part VI of the Housing Act 1996 and Homelessness Act 2002 remove an applicant from the Housing Register if it appears:

- That they are not a 'qualifying person' under the Act.
- When it is assessed they have deliberately worsened their housing situation to gain a higher priority on Home-Options. This includes those who deliberately move into unsatisfactory or overcrowded accommodation or encourage others to move in to their accommodation to worsen their circumstances.

Before someone's registration is removed, **Home-Options** will write to the applicant requesting the information necessary to assist a decision. The applicant will be given at least 28 days to respond.

From time to time, entries on the Housing Register will be reviewed by writing to applicants to establish whether they wish their registration to remain. The registration of applicants who do not respond will be removed

Applications can only be reinstated within a period of 3 months following removal. After this time, a new application has to be made.

Where a registration is removed other than at the applicant's request, the applicant will be informed in writing of the decision and the reasons for it.

4.7 Difficult and exceptional cases

Ultimately **Home-Options** has the responsibility for deciding who is or is not entitled to register for housing. Any difficult or exceptional cases should be referred to the Home-Options Review Panel for a decision.

PART 5: PRIORITY ON THE HOUSING REGISTER

Introduction

The Homelessness Act 2002 requires that 'reasonable preference' be given to certain groups of applicants. All applications for housing are placed onto one Housing Register, which comprises both new applicants and transfer applicants. All registered households are grouped together in 4 Bands according to the priority awarded. Band A has the highest priority and Band D the lowest.

The date the relevant priority is awarded becomes the registration date within that Band. Priority for an offer will first be determined by connection to the **Home-Options** area and then by Band. Priority within the Band will be determined by the relevant registration date within that Band. No distinction is made between the different priority reasons within each Band, only the date registered in the said Band.

One exception to this will be if the property is let subject to a local lettings policy as described in section 6.

There may be occasions when it is necessary for a Home-Options partner to make a direct let (see section 6.10) to a Housing Register applicant for example where a property has a lack of response to adverts or where accommodation is let under exceptional circumstances, for example in cases where an applicant is fleeing violence.

5.1 Prioritising Applicants, Explanation of Priority Reasons – Band A

Band A	
1	URGENT SOCIAL PRIORITY
2	MAJOR PROPERTY FACTORS (DECANT, ENFORCEMENT OF THE HOUSING ACT 2004 LIKELY TO LEAD TO HOMELESSNESS OR STATUTORY OVERCROWDING)
3	SOCIAL HOUSING TENANTS UNDER OCCUPYING
4	MANAGEMENT CASES

Applicants are prioritised in each Band according to the date they became registered in it, irrespective of their priority reason unless local lettings criteria apply.

A-1. URGENT SOCIAL PRIORITY

Applicants who have a permanent (life-long) medical condition, illness or disability and as a result are unable to continue occupation in their current accommodation will be considered for Urgent Social Priority. An applicant’s accommodation **MUST** be assessed as no longer being accessible or suitable and ONLY where urgent rehousing is assessed as being vital can applicants be awarded Urgent Social Priority.

Examples include:

- Hospital discharge where the applicant cannot return home.
- Applicant is unable to access crucial parts of their home, e.g. bathroom, toilet.
- Accommodation assessed as life threatening to the applicant, e.g. fall hazard

A-2. MAJOR PROPERTY FACTORS

‘Property factors’ priority reason applies to applicants who are living in a property, which is:

- Occupied by Dales Housing, High Peak Community Housing, Amber Valley Housing Limited or Three Valleys Housing tenants who are required to leave their home as a result of a regeneration scheme,
- Subject to a Demolition Order
- Subject to Environmental Health Action – such as Statutory Overcrowding or an irresolvable category 1 hazard which is likely to lead to homelessness

Also:

Property factors also apply to individual tenants of Dales Housing, High Peak Community Housing, Amber Valley Housing Limited or Three Valleys Housing whose properties are subject to major renovation/rehabilitation or extensive repairs, and where they cannot remain in the property for the duration of the works.

Inclusion in this category is decided by Dales Housing, High Peak Community Housing, Amber Valley Housing Limited and Three Valleys Housing. Environmental Health Departments in the **Home-Options** area local authorities will refer tenants of private sector landlords for consideration. Other Housing Association tenants may also be eligible for this priority.

A-3. SOCIAL HOUSING TENANTS UNDER OCCUPYING

This priority reason applies to **tenants of Dales Housing Ltd, High Peak Community Housing, Amber Valley Housing Limited and Three Valleys Housing** tenants whose current home is too big for the assessed needs of their household. Other Housing Association under-occupiers may also be eligible for this priority.

Only those tenants willing to move to a one-bedroom home or give up two bedrooms will be considered in this category.

Participation by tenants in this scheme is on a voluntary basis.

A-4. MANAGEMENT CASES

a. Personal protection/harassment

This priority reason applies to applicants who have been assessed as being at significant risk in their current home. This can be for reasons of harassment, racial harassment, police witness protection, etc. Priority will only be granted by a senior officer of Home-Options following referral or advice from the relevant statutory agency, including the Police.

b. Emergency fire or flood

Tenants of the Partnership who are unable to return to their tenancy due to extensive works required following a fire or flood.

c. Urgent temporary accommodation move

Where the property of someone in temporary accommodation is needed urgently for another person.

d. Exceptional circumstances

Where exceptional circumstances arise and there is an urgent need to move. Such applications will be considered by the Partnership Review Panel.

5.2 Explanation of Priority Reasons – Band B

Band B	
1	MOVE ON FROM SPECIALIST AND SUPPORTED ACCOMMODATION.
2	HOMELESS WITH DUTY TO ACCOMMODATE
3	TENANTS OF PRIVATE RENTED ACCOMMODATION WHERE THE LANDLORD HAS SERVED NOTICE.
4	OVERCROWDING - REQUIRE 2 OR MORE BEDROOMS TO SOLVE OVERCROWDING.
5	MULTIPLE NEEDS
6	SOCIAL HOUSING TENANTS UNDER OCCUPYING – FREEING 1 BEDROOM.

Applicants are prioritised in each Band according to the date they became registered in it, irrespective of their priority reason unless local lettings criteria apply.

B-1. MOVE ON FROM SPECIALIST AND SUPPORTED ACCOMMODATION

Applicants may be accepted for this category following referral from the accommodation provider or support provider following a satisfactory term of independent living. The Home-Options partner receiving the application will consider the case. The referral should also include a move-on package of support.

B-2. HOMELESS WITH DUTY TO ACCOMMODATE

Applicants to whom a duty for rehousing has been accepted by Erewash Borough Council, Derbyshire Dales District Council, High Peak Community Housing or Amber Valley Housing Limited under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002.

B-3. TENANTS OF PRIVATE RENTED ACCOMMODATION WHERE THE LANDLORD HAS SERVED NOTICE.

Applicants who receive a valid notice from their landlord will be considered in this category. Evidence will be sought to clarify that the notice and reason for notice are correct. To be considered in this category the applicant will need to prove that they are unintentionally homeless and are unable to prevent the tenancy from ending.

Applicants in this category where there is evidence of rent arrears, antisocial behaviour or collusion will be assessed as homeless under the Housing Act 1996 as amended by the Homelessness Act 2002 and categorised accordingly.

B-4. OVERCROWDING – REQUIRE 2 OR MORE BEDROOMS

This category applies to all applicants who are lacking 2 bedrooms or more in their current home.

Households who do not have the following minimum provision:

- Co-habiting couples 1 bedroom
- Each independent adult (18 yrs +) 1 bedroom. However 2 siblings of the same sex and living as part of a larger household will be expected to share, even if one or both are 18yrs+
- Children of opposite sex where at least one child is aged over 7yrs should not have to share a bedroom.
- Two Children of the same sex 1 bedroom unless one child is aged over 10 years and there is an age gap of 5 years or more.

Regard will be taken of accommodation available to all members of the applicant's household (e.g. split households where each partner has an interest in a different property):

- Unless exceptional circumstances apply, the household will be assessed as if they were living in the most favourable property (in terms of housing needs) available to any member of the household.
- If a member of the household owns a property, the application will be deferred until they have been assessed as in section "Property ownership".
- This also applies where households are living apart.

B-5. MULTIPLE NEEDS

Applicants who qualify to be registered in Band C for more than one of the following points:

- Applicants who lack or share facilities
- Overcrowding – lacking 1 bedroom
- Living with families friends or ex partner
- Medium social/medical needs
- Homeless without priority

Will be awarded increased priority for multiple needs and be registered in Band B.

B-6. SOCIAL HOUSING TENANTS UNDER OCCUPYING – FREEING 1 BEDROOM.

This priority reason applies to tenants of Dales Housing Ltd, High Peak Community Housing or Amber Valley Housing Limited whose present home is too big for the assessed needs of their household. Other Housing Association under-occupiers may also be eligible for this priority.

For Band B those downsizing accommodation by 1 bedroom will be considered, for example moving from a 3 bedroom house to a 2 bedroom bungalow, flat or sheltered unit.

Participation by tenants in this scheme is on a voluntary basis.

5.3 Explanation of Priority Reasons – Band C

Band C	
1	APPLICANTS WHO LACK OR SHARE BASIC FACILITIES
2	OVERCROWDING – LACKING 1 BEDROOM.
3	LIVING WITH FAMILY, FRIENDS OR EX PARTNER
4	MEDIUM SOCIAL/MEDICAL NEEDS
5	HOMELESS WITHOUT PRIORITY NEED
6	INTENTIONAL HOMELESS

Applicants are prioritised in each Band according to the date they became registered in it, irrespective of their priority reason unless local lettings criteria apply.

C-1. APPLICANTS WHO LACK OR SHARE BASIC FACILITIES

Applicants whose current home:

- lacks bathroom facilities or kitchen facilities or inside WC
- lacks permanent hot water supply or electrical supply

C-2. OVERCROWDING – LACKING 1 BEDROOM

This category applies to all applicants who are lacking 1 bedroom only in their current home.

Households who do not have the following minimum provision:

- Co-habiting couples 1 bedroom
- Each independent adult (18 yrs +) 1 bedroom. However 2 siblings of the same sex and living as part of a larger household will be expected to share, even if one or both are 18yrs+
- Children of opposite sex where at least one child is aged over 7yrs should not have to share a bedroom.
- Two Children of the same sex 1 bedroom unless one child is aged over 10 years and there is an age gap of 5 years or more.

Regard will be taken of accommodation available to all members of the applicant's household (e.g. split households where each partner has an interest in a different property):

- Unless exceptional circumstances apply, the household will be assessed as if they were living in the most favourable property (in terms of housing needs) available to any member of the household.

- If a member of the household owns a property, the application will be deferred until they have been assessed as in section “Property ownership”.
- This also applies where households are living apart.

C-3. LIVING WITH FAMILY, FRIENDS OR EX PARTNER

An applicant that shares facilities with separate households of family, friends or an ex partner will be considered in Band C. Facilities taken into account in this category are:

- Bathroom
- Kitchen
- Living Room

C-4. MEDIUM SOCIAL NEED

Households which include a person (or persons) whose illness or disability is made worse by their present home and who need a move to improve the effect on their medical condition will be awarded Social Priority for registration in Band C.

C-5. HOMELESS WITHOUT PRIORITY NEED

Applicants assessed under Part VII of the 1996 Housing Act, Homelessness Act 2002 by the Housing Options Team and found to be unintentionally homeless with a local connection but not to be in priority need.

C-6. INTENTIONALLY HOMELESS

Applicants accepted as homeless by either Erewash Borough Council, Derbyshire Dales District Council, High Peak Community Housing or Amber Valley Housing Limited but intentionally so will be considered in this category.

Applicants assessed as intentionally homeless will not be considered for multiple needs and therefore will remain in category C.

5.4 Explanation of Priority Reasons – Band D

Band D	
1	PRIVATE TENANTS WITH A DESIRE TO RESIDE IN SOCIAL HOUSING.
2	SOCIAL HOUSING TENANTS WITH A DESIRE TO MOVE.
3	OWNER OCCUPIERS WITH A DESIRE TO RESIDE IN SOCIAL HOUSING.
4	ALL OTHER APPLICANTS

Applicants are prioritised in each Band according to the date they became registered in it, irrespective of their priority reason unless local lettings criteria apply.

D-1. PRIVATE TENANTS WITH A DESIRE TO RESIDE IN SOCIAL HOUSING

Tenants who live in private rented accommodation who have a desire to move to alternative accommodation.

D-2. SOCIAL HOUSING TENANTS WITH A DESIRE TO MOVE

Social Housing tenants who have no need but a desire to move to alternative accommodation.

D-3. OWNER OCCUPIERS

Applicants who are owner occupiers and have been assessed by **Home-Options** to have sufficient resources to assist themselves in seeking alternative accommodation.

D-4. ALL OTHER APPLICANTS

Households which include a person (or persons) with an illness or disability which is not helped by their current home and where a move is desirable (but not essential) will remain in Band D.

All other applicants who have no housing need but a desire for accommodation in the **Home-Options** area.

PART 6: CHOICE FOR APPLICANTS

6.1 How properties are advertised

The Home-Options Partnership will advertise empty properties coming up in a variety of media which may include a regular free sheet magazine which is available online via the website and at various places including Home-Options Partnership offices and other places agreed by the Partnership.

Home-Options will advertise the majority of properties as being for:

- Transfer applicants – tenants of High Peak Community Housing, Dales Housing Association, Amber Valley Housing Limited or Three Valleys Housing who register for a move.
- Homeseekers – applicants who register with Home-Options who are not currently tenants of High Peak Community Housing, Dales Housing Association, Amber Valley Housing Limited or Three Valleys Housing.

Eligibility criteria within the adverts for the property will be shown, such as:

- The minimum and maximum number of persons in the household.
- If there are age limits or for households without young children.
- The mobility group, if applicable.
- If applications are restricted to special cases such as Homeless or Transfer only.
- If pets are allowed.
- Whether it is sheltered housing.
- Preference will be given to applicants satisfying any local lettings policy

The advert will also specify:

- Who owns the property, which RSL or Council
- The weekly rent, including any other charges
- The date the property will be ready for occupation (where possible)
- Other useful information about the local area

Due to the high demand for accommodation in the **Home-Options** area and the difficulty people experience in finding affordable accommodation within their own communities, properties may be advertised with local connection requirements. Such as:

- Connection to an area, for example, High Peak property advertised. Applicants from the High Peak will be considered in the first instance for this vacancy.
- New build properties in the Peak National Park have a Section 106 local connection criterion, which requires a 10 year residence within a parish or adjoining parish.

6.2 Local Lettings Policies

Local lettings policies have an important role in widening housing choices for local people and helping to provide sustainable communities. The national and regional housing agendas encourage mixed tenures which cater for a range of households with varying needs and aspirations.

We will work with RSL partners to develop local lettings policies for new and existing developments where there is a case to do so within the **Home-Options** area. Properties may be made available to households that would not otherwise have the opportunity to access affordable housing. This will ensure the developments cater for a variety of residents as opposed to concentrations of households with particular support needs.

New developments within the Peak District National Park will also carry restrictive criteria for local lettings. These properties will be advertised with the relevant clause inviting local people to express an interest.

Local lettings policies where there are specific issues - Local lettings policies can also assist in the management of existing stock to help resolve issues such as child density, anti-social behaviour, mixed communities.

Local connection to a village, parish or locality - In appropriate locations, local lettings policies may be used to give a higher priority to certain applicants having a specific local connection. This will help provide sustainable communities by helping people to stay close to their support mechanisms from families or friends, local schools and jobs. In these circumstances the priority within a Band will firstly be given to any applicants having a local connection and secondly to the date registered in the said Band.

Local Lettings in Derbyshire Dales only

The village local lettings policy will apply within the Derbyshire Dales area of the Peak District National Park and to other villages of less than 3000 population within Derbyshire Dales. It will not therefore apply to Matlock, Wirksworth, Darley Dale or Ashbourne. Applicants resident for 3 months or more in a Parish of less than 3000 population will be considered first within the band. If no applicants from the Parish within the band express an interest then an applicant with a connection to the District will be considered next within the band before moving to a lower band. (Band A, Parish connection, then district connection, no bidders then Band B, Parish connection, then district connection and so on.)

6.3 Size of property

The matching policy will be used to assess applicant's/household's bedroom requirements.

The table shows the size of property that applicants may be considered for based on their household composition, either when expressing interest for an advertised property or for a direct let.

Please note that these are general guidelines. All properties that are advertised through Home-Options will be clearly labeled to identify the household size eligible to bid for each property. Home-Options Partners will label their properties to make best use of their individual homes.

Applicants will be expected to bid only for property which suits the size of their household as follows:

Household Size	0 bed flat	1 bed Flat	2 bed flat	3 bed flat	1 bed house	2 bed house	3 bed house	4+ bed house	1 bed bungalow	2 bed bungalow
Single Person	Y	Y	#		Y				Y	#
Couple		Y	Y		Y	#			Y	Y
Non-cohabitating couple			Y			#				Y
3 single adults			Y	Y		#	#			
4+ Single Adults				Y			#	#		
Single adult, 1 child			Y			Y				Y
Couple, 1 child			Y	Y		Y	Y*			Y
Single/Couple, 2 children who can share			Y	Y		Y	Y			
Single/Couple, 2 children who cannot share				Y			Y			
Single/Couple, 3 children				Y			Y			
Single/Couple, 4+ children							Y	Y		
7+ People							Y	Y		

- Properties may be advertised outside of the allocations policy rules for property size designation. Generally these will be properties on new developments where local lettings policies allow lower occupancy to balance communities. Or where no interest has been expressed when previously advertised the property may be re-advertised with lower occupancy requirement. Or where it is required for efficient management of an RSL's housing stock with the agreement of the Local Authority.

Y* – Where a 3 bed house is deemed more appropriate for larger families, priority will be given to households with 2 or more children.

When advertising properties the adverts will express:

- Sheltered Accommodation
- The bedroom size of the property
- The minimum and maximum number of occupants
- Floor level (if a flat)
- Lift Availability
- Any age designation
- Any mobility designation or lift access
- Special features

Applicants should be encouraged not to express an interest in properties they are not eligible for as bids will not be accepted and applicants will waste one of three valid bids per bidding cycle.

There is a very limited supply of social housing with four or more bedrooms therefore alternative housing options should be considered by applicants requiring this size of property.

Sheltered Accommodation

Sheltered accommodation is aimed at people of 55 years and over (60+ in Amber Valley and Erewash), who are able to live independently. Its special features offer the potential for frail and disabled older people to maximise their independence, gain security and support, while they remain empowered to control their own homes through tenancy rights.

In certain circumstances sheltered accommodation may be advertised for people under the age of 55 (under 60 in Amber Valley and Erewash) with a medical, disability or support need that will be addressed by living in Sheltered Accommodation. Applicants in these circumstances may be required to participate in an additional support needs assessment.

Additional Bedrooms Required on Medical Grounds

In addition to the number of people living in the household, there may be exceptional cases when applicants are eligible to apply for properties with an extra bedroom required to meet specific needs. These requirements will only be met in exceptional circumstances, such as the need for an extra room to install medical equipment that would otherwise be life threatening or require admission to hospital for treatment, for example a kidney dialysis machine.

An applicant may be eligible for an additional bedroom for a carer where they can demonstrate that a live in carer is essential, and the carer has been identified and has moved in with the household or is ready to do so when the accommodation is available

Additional Bedrooms Required on Joint Access Grounds

In joint access cases bedroom eligibility will be awarded to the parent in receipt of child benefit and will take into consideration both parents' housing arrangements to ensure that one property has adequate accommodation for the children. This does not prohibit the other parent from maintaining their usual and agreed access to the children, but they may have to accept an element of overcrowding, use of a reception room, or consider renting privately. When couples share legal custody of their children equally, unless there were other factors impacting on the assessment, the Council seeks not to favor one parent above another when assessing their separate applications.

6.4 Expressions of Interest (Bidding)

Generally, vacant properties will be advertised and all applicants will be able to express an interest (bid) for the full range of quality and type of property available. Adverts may state if a property is targeted at certain applicants, e.g. those registered in a specific Band or over a certain age or at households with a specific medical need (for example, ground floor).

Properties will normally be advertised by relevant local authority area within the **Home-Options** area. All Home-Options applicants will be encouraged to bid for any property they are eligible for and interested in irrespective of local connection. Properties are shortlisted in order of the applicant's local connection to that authority area. Should there be no applicants from within the local authority area, then applicants from the rest of the sub-region will be considered. If there are no bidders from the rest of the sub-region then out of area applicants will be considered.

The Allocations Policy determines mobility for the purposes of employment, by previous residence and to give or receive support.

Home-Options may allow applicants registered on the Housing Register to make more than one bid in every advertising cycle but this may be restricted to a maximum of 3 bids.

Sometimes an applicant is suspended and therefore not able to participate in the bidding process. For details of when this happens see the paragraph on Suspensions.

6.5 The Selection Process

All eligible bids for each property are placed in priority order. Priority is decided first by the local authority area, second by Band and thirdly by priority date within the band (*unless a local lettings policy applies as outlined in para 6.2 when priority within the band is firstly given to someone with a specific local connection*). If there are no eligible bidders for a property the Housing Options team may decide to make a direct allocation or re-advertise the property.

An offer of a new home to a household on the Housing Register will depend on an active application on the Housing Register i.e. one which is not suspended or deferred, and also

- The composition of the applicant's household
- Choices or bids made by the applicant
- The priority that Home-Options policy gives to different types of housing need
- The size and availability of properties

Applicants by-passed for any reason will be contacted in writing with the reason why they have not been considered for accommodation. Applicants have the right to review this decision (see 3.6 Home-Options Review Procedure).

6.6 Viewing a property

Viewing takes place after the bidding process.

Multiple viewings may be arranged for certain properties. This means that more than one applicant will be invited to view the same property (for example, a shortlist of the first three highest priority bidders). The applicant with the highest priority will be offered the property if they are interested. If refused, the property will then be offered to the next highest priority bidder, and so on.

6.7 Change of Circumstances

Checks will also be made at the time of the offer to ensure that the household details are correct and the property is suitable for the household size. If a household's current housing situation is different from their housing registration details, then a housing offer may be withdrawn. The application may be deferred until the applicant provides proof of their change of circumstances (see para Deferred).

6.8 Applicants who fail to bid

Home-Options may from time to time review applicants in Bands who have not taken part in the bidding process and ascertain the reason for not bidding. For applicants in higher Bands partners may instigate assisted bidding (see 6.9 Assisted Bidding).

6.9 Assisted Bidding

Assisted bidding is making bids on an applicant's behalf when they fail to express interest in advertised accommodation deemed to be suitable for their needs. Assisted bids will be placed on accommodation that best suit an applicant's situation based on available properties and the general housing circumstances of the area.

Assisted bidding will be used in circumstances such as:

- Accepted homeless applicants.
- Band A applicants deemed in urgent need of accommodation.
- Where vulnerable applicants instruct Home-Options to make bids on their behalf.

If an applicant refuses to accept accommodation offered under these circumstances to solve the immediate housing difficulty their priority will be reviewed and may be removed. Applicants have a right of review of this decision (see section X).

6.10 Direct lets

Most properties will be advertised through the CBL scheme. However in certain circumstances we may let some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where we might do this. This list is not exhaustive:

- Where an applicant and their household require a very specific size, type or adapted property and suitable accommodation through the CBL scheme has not been secured.
- Where an existing social housing tenant is required to move to make the best use of stock, and suitable accommodation through the CBL scheme has not been secured with the agreement of the RSL and Local Authority.
- Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection panel, or where a customer has been referred as part of the witness protection scheme.
- Where an existing social housing tenant in the district needs to move due to imminent risk to safety.
- Where a sensitive let is required for a particular property, because of issues such as drug dealing, violence, public protection, or anti-social behaviour in the area.
- Where an applicant's property is being repaired and they need to be moved from the property on a temporary or permanent basis with agreement between the RSL and Local Authority.
- Properties let as temporary accommodation.

Direct lets will be made on the basis of a suitable property becoming available.

6.11 Housing Associations

Home-Options will normally advertise the vacancies that become available for nomination from Housing Associations who are not a part of the **Home-Options** partnership . Applicants on the Housing Register will be invited to bid in response to these advertisements.

Nominations will be forwarded to the organisations as agreed under the relevant nominations agreement.

The organisation will normally offer the accommodation to the applicant with the highest priority, under their current nomination agreement.

PART 7: OFFERS AND REFUSALS

Once an offer has been made and accepted, the new tenancy offered must be the sole residence of all members of the household - any existing tenancy must be relinquished (checks will be made following acceptance of an offer to ensure that other tenancies are relinquished).

7.1 Refusal following a bid

Home Options will offer assistance and guidance to applicants, including vulnerable applicants to help them through the application, bidding, viewing and sign up processes.

Where an applicant does not keep an appointment to view an offer of accommodation or otherwise indicates their intention as to the offer, this will normally be treated as a refusal. This will not generally prevent applicants from bidding for or being offered other accommodation.

If an applicant was unable to keep a viewing appointment and was also unable to give prior notification to this effect, the offer may, at the discretion of Home Options, be re-instated providing it has not already been re-offered to another applicant. This will also apply to vulnerable applicants who, by reason of their vulnerability, were unable to attend a viewing appointment

Where an applicant has successfully bid for a property and then refuses it, generally no penalty will apply. In most cases, the applicant will be free to bid again according to the normal bidding process.

Where an applicant does not keep an appointment to view a property, or refuses it, the next highest-ranking bidder will normally be offered the property. (see para multiple viewings).

7.2 Homelessness Applicants

Homeless applicants will be dealt with in accordance with the relevant codes of guidance and within the procedures of the relevant local authority. This will include appeals and reviews, and information on these will be provided to homeless applicants by the local authority.

Homeless applicants will generally be expected to bid for advertised properties in the same way as other applicants, but bids may also be submitted for suitable accommodation on behalf of homeless applicants at the discretion of the relevant local authority.

A Local Authority (or Local Authority agent) when accepting an applicant as homeless have a duty to provide permanent accommodation.

To discharge a duty to you under the Housing Act 1996 (as amended by the Homelessness Act 2002) the Local Authority must secure one final offer of suitable permanent accommodation. The aim being to solve the applicant's homelessness as quickly as possible.

Assisted bidding will be used for homeless applicants to secure accommodation. Assisted bidding is making bids on an accepted homeless applicant's behalf when they fail to express interest in advertised accommodation deemed to be suitable for their needs. Assisted bids will be placed on accommodation that best suit an applicants situation based on available properties and the general housing circumstances of the area.

If following a bid placed by a homeless applicant or on a homeless applicant's behalf (assisted bidding) they fail to take up the final offer of accommodation the Local Authority (or Local Authority agent) can under the terms of the Housing Act 1996 (as amended by the Homelessness Act 2002) discharge any further duty to assist them.

When assisted bidding takes place the Local Authority (or Local Authority agent) write to homeless applicants informing them of properties where a bid has been placed on their behalf.

If a homeless applicant refuses to accept accommodation offered (final offer) they have a right of review to the decision.

7.3 Feedback on let properties

All properties let will be listed in a future copy of the freesheet magazine showing the number of bidders for each property and the Band and priority date of the successful applicant. The information may also be available on the **Home-Options** web site.

7.4 Other linked schemes and housing options

Due to the pressures on social housing across the **Home-Options** area applicants will receive advice and information about a range of housing options such as low cost home ownership schemes, suitable private rented accommodation and mutual exchanges.