

# Home-Options Policy

## Choice-based Lettings Scheme



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## 2. Introduction

### (i) Overview

Derbyshire Dales District Council, High Peak Borough Council, Amber Valley Borough Council and Erewash Borough Council have established a partnership called Home-Options. This will 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 Home-Options partners are:

- Amber Valley Borough Council
- Dales Housing
- Derbyshire Dales District Council
- emh homes
- Erewash Borough Council
- Futures Housing Group
- High Peak Borough Council

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

This policy meets the requirements set out in Part VI Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) and statutory guidance (see Part 2: The Legal Framework) giving reasonable preference to those applicants in greatest need. The policy has been drawn up with reference to partners' tenancy strategies and homelessness strategies (where they are in existence at the time of drafting).

Under Home-Options, 'homeseekers' and transfer applicants are placed in one of four broad bands of housing need according to their circumstances. Vacant properties will be advertised and applicants are able to bid for properties. Adapted properties will be advertised as suitable for applicants with matching mobility needs.

Home-Options provides choice for applicants. Homes are advertised and applicants can express an interest for the properties they like. Applicants can see what is available and will have a better understanding of their chances of finding a home.

**Acceptance onto the Home-Options register is not a guarantee that an applicant will be offered accommodation.**

Home-Options is unlikely to meet the needs of all homeseekers and transferring tenants looking for accommodation. Alternative housing options are advertised such as private rent and mutual exchanges. We also advertise low-cost home ownership and shared ownership properties. Please note that some registered providers who advertise their homes through Home-Options may have restrictions about who they

offer properties to. For example, some will not offer a tenancy to an applicant under the age of 18.

### **(ii) How the Home-Options scheme works**

The Home-Options scheme applies to both 'homeseekers' and to applicants seeking a transfer.

There are two ways in which Home-Options can allocate a property; through choice based lettings (see Part 7: Choice for applicants) or, in exceptional circumstances, through a direct let (see section 9(ix) Direct lets).

Home-Options is under a legal duty to award priority for housing to certain categories of people. Priority for housing may be briefly summarised as follows:

- An applicant is placed into one of four bands, depending on his or her needs (A is the highest priority; D is the lowest)
- The type of property for which the applicant and his or her household are eligible is also assessed, including the size of property he or she can bid for.


When a property becomes available, it will be advertised. The advert will show the number of bedrooms and the number of people it is suitable for. From all the bids, a shortlist of applicants who want the property will be created.

### **(iii) Award of tenancies through Home-Options**

The award of a tenancy is decided by:

- (i) local connection to the local authority area
- (ii) priority band
- (iii) priority date within the band.
- (iv) The diagram below shows the order in which we consider the bids for properties:

### The order in which bids are considered

	The applicant has a connection with the local authority area where the advertised property is located	
1	Band A (by Priority Date)	
2	Band B (by Priority Date)	
3	Band C (by Priority Date)	
4	Band D (by Priority Date)	
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located	
5	Band A (by Priority Date)	
6	Band B (by Priority Date)	
7	Band C (by Priority Date)	
8	Band D (by Priority Date)	
	The applicant has no local connection with any local authority area within the Home-Options area	
9	Band A (by Priority Date)	
10	Band B (by Priority Date)	
11	Band C (by Priority Date)	
12	Band D (by Priority Date)	

In certain circumstances, we may allocate properties under a Local Lettings Policy. Please see section 9(vi) for further information about Local Lettings Policies.



There are circumstances in which Home-Options will help applicants bid. There are also circumstances in which Home-Options will make a direct offer of accommodation if it is considered necessary (see section 9(ix) Direct lets, for further advice).

### 3. The Legal Framework

#### (i) Overview

This policy takes the following into account:

- Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011), the Allocation of Accommodation: guidance for local authorities in England (2012) and Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (2013) sets out the legal framework for the letting of accommodation by local authorities
- The Allocation of Accommodation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 and The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 set the framework for dealing with applications from current or former members of the armed forces and their families
- Eligibility to join the Home-Options housing register is determined by the Government under the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 as amended by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 . This is set out in more detail in section 5(v)
- The Right to Move Regulations (2015) and Right to Move statutory guidance on social housing allocations for local housing authorities in England (2015) sets out how social housing tenants wishing to move to be closer to their work, or to take up a job offer, or apprenticeship will be assisted
- The Localism Act 2011 gives Home-Options the right to decide who can join the housing register ('qualifying persons'). This is set out in section 5(vi).

Each housing authority has a duty to ensure that it gives 'reasonable preference' to applicants in housing need. In addition, the Home-Options scheme also reflects local priorities.

We have to publish a summary of the Home-Options policy. This has to be available on request and free of charge. This Home-Options policy is available to view at any of the principal partners. It is also free to download from the Home-Options website.

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

- The Human Rights Act 1998
- The Freedom of Information Act 2000 (in particular s.19)

- The Data Protection Act 1998
- The Race Relations Amendment Act 2000
- The Equality Act 2010.

**(ii) Reviewing the Home-Options Policy**

The Home-Options Policy will be reviewed every three years, unless there is a change to Government policy or guidance in the interim.

## **4. Equality and Diversity Statement**

Strong communities will thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. Home-Options' aim is to create an environment where this is possible and to put equality and diversity at the heart of everything that it does.

Home-Options will promote equality and diversity by:

- encouraging individuals to take part and gain full access to services to which they are entitled
- recognising that some individuals and certain communities are particularly disadvantaged and will need extra help and support.

Home-Options' aims are:

- to improve social cohesion and balanced communities through the use of local lettings plans where appropriate
- to protect the rights of individuals and groups by ensuring that abuse, mistreatment or discrimination is recognised and properly dealt with.

## **5. Registration**

### **(i) Overview**

All applicants seeking housing will need to register with Home-Options. This includes existing tenants of a Home-Options partner who want to transfer. Applications may be made via the on-line application form or by contacting one of the Home-Options partners.

If one of the partner authorities has accepted a duty towards an applicant under Part 7 of Housing Act 1996 (the duty to provide a homeless person with accommodation), the applicant will be asked to register with Home-Options and their application for entry onto the housing register will be assessed.

In certain circumstances, applicants may need to attend an interview with their local Home-Options team before their application for housing is accepted.

### **(ii) Documentation required for entry onto the Housing Register**

Applicants may be asked to provide documentation before they can register to establish:

- The identity of the applicant and other members of the household who might reasonably be expected to live with them
- 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, etc.)
- That children being registered are the responsibility of the applicant or their partner.

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

- Identity - birth certificate, passport, driving licence, immigration papers (photo ID is preferred);
- Residence - electoral register entry, rent book/card, recent bill or credit payment book for gas, electricity or water supply, pension notification, confirmation from employer or Department of Work and Pensions/Jobcentre Plus, tenancy agreement, full driving licence, recent bill for Council Tax or telephone, recent bank statement;
- Eligibility for housing in the UK - passport, national identity papers, Home Office documents, proof of housing benefit;
- Children - Child Benefit notification, residence order, statement of arrangements for children, confirmation from Department of Work and Pensions, Adult Care,

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;

- In cases of threatened eviction – tenancy agreement, notice to quit, court order and/or landlord reference.

If an applicant is unable to provide the necessary documents and there appears to be good reason for this, the case will be referred to the local manager of the Home-Options scheme. The Housing Manager will consider other sources of information such as the Department of Work and Pensions, Jobcentre Plus or confirmation from support providers who have already determined the applicant's identity.

It is the applicant's responsibility to provide any information that is requested. If the information is not supplied, the application will not be registered.

The Home-Options Partnership does not expect applicants to ask their Doctor or other medical professional write to support their application. If a confirmation of a health condition is required, Home-Options will contact the applicant's Doctor or medical professional directly.

Information to support an application may be asked for at any time. If the information is not provided, the application may be removed from Home-Options and any offers of accommodation withdrawn.

### **(iii) Validation of Applications**

All applications undergo basic checks to make sure that the information provided is accurate and complete. Incomplete applications will not be registered. This includes where supporting information has not supplied.

Once the application checks are complete, the applicant will be advised that they can bid on Home-Options. If we need more information, we will tell the applicant what they need to provide. Their application will be given a status of pending until the information is provided. If the information is not provided within twenty working days, the application will be removed from the housing register.

### **(iv) Eligibility and Qualification to join the Housing Register**

There are two tests that all applicants must pass to be able to register with Home-Options.

Firstly, an applicant must be eligible to apply for housing in the UK. The eligibility criteria are set by central Government and are determined by the applicant's nationality and connection to the UK. This is set out in more detail in section 5(v) below.

Secondly, an applicant must qualify to join Home-Options. The qualification criteria are set by the Home-Options partnership. It includes whether the applicant has a local connection to the Home-Options area, their behaviour and how they conducted any previous tenancies they may have had. This is set out in more detail in section 5(vi) below.

If an applicant passes both tests, they will be able to register for housing with Home-Options. If they are unable to register, we will write to the applicant and explain the reasons why. The applicant has the right to ask for a review of this decision – see Part 13: Home-Options review procedure for more information.

All applicants will be offered help and advice to complete their application. This includes translation and interpreting facilities where required.

**Registration with Home-Options is not a guarantee that the applicant will be offered accommodation.**

### **(v) Eligibility to join the Home-Options register**

The UK Government sets the rules that determine who can apply for housing in the UK. These rules are set out in the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 (as amended).

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

By law, Home-Options cannot offer housing 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
- already hold an assured tenancy allocated to them by a local housing authority
- 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.

### **UK Citizens**

Generally speaking, if the applicant is a UK citizen and they normally live in the UK (referred to as being 'habitually resident'), they will be eligible to apply for housing.

If they are not currently living in the UK or have just returned to live in the UK, they will have to pass a 'habitual residence test'. See Appendix 1 for further details.

## **European Union Citizens**

The rights of EU citizens to UK housing are complicated and depend upon their nationality and whether they are here to work in the UK.

## **Citizens of Other Countries**

A citizen of another country is anyone who is not a citizen of the UK and/or the European Union. Citizens of other countries will only be eligible to apply for housing in the UK in very limited circumstances. We will assess each case separately.

If two or more people apply together and only one is eligible, only the eligible person will be entitled to take up a tenancy.

There are circumstances in which persons from abroad who are not subject to immigration control will not be eligible to register. These categories of person set out in law. An applicant will be informed if they fall within one of these categories.

Applications from ineligible applicants will not be registered. We will notify the applicant in writing of the decision and explain the reasons for the decision. If we accept an applicant onto the register, but they subsequently become ineligible, we will cancel the housing application and inform the applicant.

Applicants who are ineligible have a right to ask for a review of the decision (see Part 13: Home-Options review procedure).

Home-Options reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

### **(vi) Qualification to join the Home-Options register**

Applicants need to be 16 and over to register. Their current address must be their only home, or sole residence. Applicants can only be registered once on Home-Options. If they are already registered as part of someone else's household, they will have to remove their name from the other application before they can register.

Social tenants applying for a transfer should apply as a household so that when a new tenancy is accepted, their existing home will be vacated. In cases of family breakdown or where members of a tenant's household wish to apply in their own right, applicants will be determined as 'homeseekers'.

Applicants who hold a tenancy elsewhere but are not currently living there i.e. because they have fled violence, harassment or domestic abuse, should seek advice from their local Home-Options office about giving up that tenancy as it may prevent them taking up another tenancy, should one be offered through Home-Options.

The Localism Act 2011 allows housing authorities to make their own rules about who qualifies to join Home-Options. The rules about who qualifies are decided by the Home-Options Partnership.



When we decide who qualifies to join Home-Options we look at:

- (a) whether the applicant lives in, or has a connection to, the Home-Options area (the Local Residency Requirement)
- (b) whether the applicant owns or has previously owned any property
- (c) whether unacceptable behaviour means that the applicant is unsuitable
- (d) other reasons why the applicant may be unable to manage a tenancy.

Where an applicant qualifies to join Home-Options, an assessment will be made of whether they have enough equity to secure housing for themselves. Home-Options defines equity as the value of property less any outstanding mortgage or secured loans, savings, investments, stocks and shares. Property includes any home the applicant owns, whether they live there or not, including time-shares, caravans, mobile homes and chalets.

Where the applicant is or was a joint owner of a property or jointly owns any equity, we will base our assessment upon that proportion of equity to which they can rightfully lay claim.

Where an applicant has equity equivalent to half or more of the average house price (see (b) Existing and Former Homeowners below) in the Home-Options area in which they wish to live, they will be expected to use that equity to help to resolve their housing needs. As a result they will receive a lower priority for housing.

Applicants re-housed through Home-Options will not normally qualify to re-join the register within a period of two years from the date their tenancy started, except where there are significant changes in their circumstances.

**Qualifying to join Home-Options is not a guarantee that an applicant will be offered accommodation. Every year we have many more applications than we have available homes. Many homes in many areas are in short supply and applicants can face a long wait until they are re-housed. Band D applicants in particular may find their options very limited.**

(a) Local Residency Requirement

To qualify to join Home-Options, applicants must meet the Local Residency Requirement i.e. they must live in, or have a connection with, the Home-Options area (either Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough).

To qualify for a local residency requirement, an applicant must:

- live in the Home-Options area, or
- if they do not currently live in the Home-Options area, they must have lived in the Home-Options area for three out of the last five years, or

- have been permanently employed in the Home-Options area for at least six months (in cases where an applicant works across a number of areas or works for an employer located in area but works in another, the Local Residency Requirement will be determined by the employee's main base of operations). Permanent employment is considered to be a contract with an employer that is not fixed term. Where an employee does not work a regular number of hours per week, they will need to show that they have a regular pattern of work.
- have been accepted by one of the Home-Options partners as homeless under the homelessness legislation and that partner owes the applicant a duty to secure them permanent accommodation
- need to move to the Home-Options area to give or receive support. The person they are giving support to or receiving support from, must have lived in the Home-Options area for a continuous period of at least five years
- have a family connection with the Home-Options area (this includes parents, adult children, siblings and other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links – the family member must also have lived in the Home-Options area for a continuous period of at least five years)
- Where the applicant has an identified learning disability and there is evidence of a need to move to or within the Home-Options area for reasons which may include access to day centres or befriending groups or to take up or sustain a volunteering opportunity.

If an applicant is willing to accept a low demand property (a bedsit or one bedroom flat) then we may accept their application even though they do not meet the Local Residency Requirement. Applicants must be aged 50+ and willing to accept sheltered accommodation.

Under The Allocation of Accommodation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 an applicant does not need to meet the Local Residency Requirement to join Home-Options if they are a:

- person who is serving in the regular forces or has done so in the five years preceding their application for housing;
- bereaved spouse or civil partner of someone serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and their entitlement to reside in Ministry of Defence accommodation then ceases;
- seriously injured, ill or disabled reservist (or former reservist) whose injury, illness or disability is attributable wholly or partly to their service.

“Regular forces” and “reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006.

Under The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 social housing tenants who are moving to be closer to work or who are moving to take up work, do not need to meet the Local Residency Requirement in order to join Home-Options, provided that they can demonstrate that they would suffer hardship were they unable to move (see Appendix 3).

Applicants who meet the criteria for current residence in the Home-Options area but who are staying away from their home because of domestic violence, racial harassment, etc. will keep their local connection.

Applicants who would normally be living in the Home-Options area but are not currently able to, e.g. students, people living away to receive specialist medical treatment, prisoners, those in the HM Armed Forces, etc., may still meet the Local Residency Requirement, provided that they were normally resident for three out of the last five years before they had to move out of the Home-Options area.

If an applicant is fleeing violence (including domestic abuse), they may also qualify to join Home-Options even if they do not meet the Local Residency Requirement. Those applicants should contact their nearest Home-Options office for advice.

#### (b) Existing and Former Home-Owners

People who own their own homes will only qualify to join Home-Options in exceptional circumstances. These circumstances could include:

- owner-occupiers who live in conditions of disrepair or in unsuitable accommodation who are vulnerable due to age, long-term medical condition or disability,
- owner-occupiers who experience a change of circumstances so that their home is at risk. Applicants must have approached their local housing options team and their homelessness cannot be prevented.

We will take all the resources available to applicants into account. This could include the value of the property as well as any grants available for repair, etc. Options other than re-housing through Home-Options may be more appropriate. If so, the applicant may also be referred to other agencies. We may also seek advice from professionals who currently assess the housing needs of older/disabled people.

Applicants who own or used to own property and those with equity must declare any interests in land, property or equity that they have.

The average house prices<sup>1</sup> are:

	<b>Average house price</b>	<b>Home-Options Equity Level</b>
Amber Valley	£151,272	£75,636
Derbyshire Dales	£239,380	£119,690
Erewash	£134,627	£67,314
High Peak	£167,205	£83,602

It is expected that property owners and former property owners with equity above the Home-Options Equity Level will use their equity to secure suitable accommodation for themselves (all tenure options should be considered, including further purchase of property and privately rented accommodation). For this reason, they will receive lower priority on the housing register. Each case will be assessed upon its own merits.

The decision about equity will be based upon a level equivalent to half the average house price in the Home-Options area in which the property is located based on Land Registry figures, adjusted annually (if the property is not located within the Home-Options area, it will be judged against the area with which the applicant has a local connection).

The priority to be granted to any owner-occupier, former owner or those with equity is set out in Part 7: Priority on the housing register.

#### (c) Unacceptable behaviour

Applicants assessed as being unsuitable to be a tenant due to 'unacceptable behaviour' will not normally qualify to register for Home-Options.

Home-Options will take into account all relevant factors when making these decisions.

The Home-Options Partnership defines 'unacceptable behaviour' as behaviour that includes (but may not be limited to):

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<sup>1</sup> Source: Live tables on housing market and house prices: Table 581: mean house prices based on Land Registry data, by district, from 1996 Department for Communities and Local Government. Figures are for the period July to September 2013.

- Breach of the terms and conditions of a tenancy agreement, including using, or allowing the property to be used, for illegal or immoral purposes
- Causing wilful damage to property or allowing it to deteriorate significantly
- Anti-social and/or criminal behaviour including harassment, arson, drug-dealing, violence or threats of violence (convictions considered as 'spent' under The Rehabilitation of Offenders Act 1974 will not be taken into account)
- Perpetrating domestic violence
- Violence, or threats of violence, to staff or agents of any of the principal partners (as stated in section 2(i)), previous landlords, the police or any other statutory or voluntary agency
- Obtaining a tenancy by giving false information or failing to provide information that is reasonably requested.

This is not an exhaustive list. Special consideration may be given to cases where an appropriate multi-agency plan is in place.

The test of 'unacceptable behaviour' is that, if the applicant were a tenant of a council, registered provider or private landlord, their behaviour (or that of their joint applicant or a member of their household) would entitle the landlord to a possession order or similar legal injunction. Home-Options will also consider when the unacceptable behaviour took place and we will consider the length of time that has elapsed. We will also look at evidence of any change in circumstances or behaviour.

Applicants who do not qualify due to unacceptable behaviour will not be able to register for Home-Options for a period of 12 months. They will be informed of this decision in writing and of what they can do to qualify in future. For example, the applicant could show that the circumstances or behaviour that made them unsuitable to be a tenant has changed. If the applicant reappplies after 12 months but their behaviour or circumstances have not changed, then they may be considered for further periods of exclusion from Home-Options.

Applicants with rent arrears or other tenancy-related debts of £1,000 or more will not qualify to join Home-Options (tenancy-related debts could be court costs, former tenant arrears re-chargeable repairs, etc.). Applicants with arrears of less than £1,000 will only be considered if they have a payment plan in place to repay the arrears, and there is a track record of regular payments (a minimum of 16 weeks).

Where an applicant has insufficient income to pay their current rent, or to make an arrangement to pay any arrears, and the only way to prevent the arrears increasing is for the applicant to move, then they will qualify to join Home-Options. This decision will be subject to an assessment of the applicant's financial assessment and only if a move will prevent the arrears accruing further will the applicant qualify. Applicants

who are subject to this caveat would be expected to make an arrangement to repay any arrears following a move to more affordable property.

Evidence to support our decision and to help to manage any tenancies will be requested. Each case will be judged upon its merits.

(d) Other reasons

Other reasons why applicants may not qualify to join the housing register include:

- (i) The applicant is unable to sustain a tenancy
  - (ii) The applicant has deliberately worsened their housing situation to gain a higher priority on Home-Options
  - (iii) The applicant has knowingly given false or misleading information in order to gain accommodation.
- (i) The applicant is unable to sustain a tenancy

This may be due to the capacity of the applicant to manage a tenancy or a lack of relevant support that the applicant would require. Each case will be judged upon its merits.

- (ii) The applicant has deliberately worsened their housing situation to gain a higher priority on Home-Options.

Where there is evidence that an applicant has deliberately worsened their circumstances in order to increase their priority for housing, they will not qualify to join Home-Options.

Deliberate worsening of circumstances will arise where Home-Options decides that an applicant has given up accommodation that was suitable for their needs where there was no requirement or obligation to do so. There must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation, i.e. that the property was a suitable size for the applicant's household and that it was affordable.

The reasons for the applicant giving up their accommodation will be taken into account. Where an applicant has little or no control over their move to alternative accommodation, this should not be considered as a deliberate worsening of circumstances.

Examples of where someone may have deliberately worsened their circumstances may include:

- selling a property that is affordable and suitable for the applicant's needs
- moving family, friend and/or any other household into the property in order to create overcrowding

- giving up an affordable and suitable tenancy which they are able to maintain, to move in with friends or relatives, creating a situation of overcrowding and sharing of bathroom/kitchen and a split household
- requesting or colluding with a landlord or family member to issue the applicant with a notice to quit
- giving up a suitable adapted property to move into a property which doesn't meet the applicant's needs
- causing damage to, or failing to maintain, their property to the extent that they lack facilities or the property becomes hazardous
- ignoring or failing to follow qualified advice as a result of which, the applicant has lost their home.

This is not an exhaustive list.

(iii) The applicant has knowingly given false or misleading information in order to gain accommodation

It is a criminal offence for an applicant or anyone providing information on their behalf to knowingly or recklessly make false statements or to knowingly withhold information that is reasonably requested by Home-Options. This includes but is not limited to information requested at the time of application, any change of circumstances or subsequent review of the application.

A criminal offence is also committed if a third party provides false information, whether requested to by the applicant or not. This applies at any stage of the process.

Where information is withheld or falsely provided, the applicant's application may be removed and the applicant may be considered not to qualify to join the housing register for a further period of up to 12 months. The applicant may also face criminal prosecution. Applicants have the right to ask for a review of a decision to remove their application from the housing register.

Where false or withheld information has resulted in the applicant obtaining a tenancy, the relevant landlord may bring legal proceedings to recover possession of the property as well as any costs incurred.

The decision that an applicant does not qualify will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

In exceptional circumstances, we will allow people to register who would not normally meet the qualification criteria. For example, intimidated witnesses who need to move quickly to another local authority area. We will normally only accept such

applications if they are supported by the police, local authority or other statutory agency.

#### **(iv) Sixteen and seventeen year old applicants**

Where a 16 or 17 year old applicant applies to join the register, their application will remain pending while we determine if they are capable of managing a tenancy. If they are not considered capable, their application will remain pending until they have reached the age of 18.

Where there are concerns about the applicant's ability to manage a tenancy, Home-Options will work with other agencies to seek a resolution of the problem. In such circumstances, the application will remain pending unless:

- the applicant is accepted as a priority nomination from Social Care,
- the applicant is accepted as requiring move-on accommodation following a successful period of sustained tenancy from a support provider accredited by the local authority,
- a move-on support package is in place at the point of offer,
- the applicant is accepted as homeless by the local authority.

The Law of Property Act 1925 prevents minors holding a legal estate in land. However the Act does not prevent minors from holding an equitable interest in the land, i.e. an equitable tenancy.

It will be for landlords to determine the type of tenancy to be issued to an applicant under the age of 18. Applicants who are 16 or 17 and accepted onto the housing register will be able to express an interest in accommodation. Unless the property advert states an age restriction, 16 or 17 year old applicants should be offered an appropriate tenancy if they successfully bid for the advertised accommodation.

#### **(v) Applicants applying from prison or institutional care**

Home-Options recognises the important role of accommodation in the successful rehabilitation and reintegration into society of applicants leaving prison or institutional care.

Applicants who are eligible and qualify to join Home-Options but do not have a release or discharge date will have their application status set to 'pending' so that they can accrue waiting time – see section 5(viii). Applicants who qualify and who have a release date will have their application status set to 'live' so they are able to place bids. Applicants should be aware that an offer of accommodation may be withdrawn if they are not in a position to attend a viewing and sign up for the tenancy.



## **(vi) Entry onto the Housing Register**

Where Home-Options decides that an applicant is not eligible or does not qualify to join the housing register, we will write to the applicant to explain:

- the reasons why they were not eligible or did not qualify
- their right to a review of the decision
- their right to reapply if their circumstances have significantly changed.

Where an applicant chooses to re-apply, it is their responsibility to prove that their circumstances have significantly changed. Re-applications will be considered on a case by case basis.

Applicants will be informed in writing when their application is accepted. Applicants will also be reminded of their responsibility to inform Home-Options of any changes in circumstances that may affect their application for housing. We will write to applicants to tell them about any changes to their registration (unless they are minor changes made at their own request).

Applicants will be given information about their relative priority for re-housing 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 will not be revealed to any other member of the public.

## **(vii) Removal from the Housing Register**

Applicants can request to have their entry removed from the housing register.

Home-Options can, at its discretion and in line with its normal policies, remove someone from the housing register. There is a legal duty to remove an applicant from the housing register if it appears:

- that they are not an 'eligible person' – see section 5(v),
- that they no longer qualify to join Home-Options – see section 5(vi),
- that they have deliberately worsened their housing situation to gain a higher priority on Home-Options – see section 5(vi)(d)(ii).

If an application for housing is removed, Home-Options will write to the applicant to explain the decision. The applicant will have the right to ask for the decision to be reviewed.

From time to time (normally every year), entries on the housing register will be reviewed. We will contact applicants to see if they wish to remain on the register and

that their circumstances have not changed. Applicants who do not respond will be removed from the housing register.

Other than in exceptional circumstances, applications can only be reinstated within a period of three months following removal. After this time, a new application has to be made. Exceptional circumstances may include where the applicant was not aware that he had been removed from the register or where he was removed from it because of an administrative error.

Where a registration is removed other than at the applicant's request, we will write to the applicant explaining the decision and the reasons for it.

If an applicant is accepted onto the register, but subsequently becomes non-qualifying due to unacceptable behaviour, they will have their housing application removed. The applicant will be notified in writing of this decision.

A decision that an applicant no longer qualifies to be registered with Home-Options can be imposed at any stage if information is obtained that proves the applicant or applicant's family have been guilty of unacceptable behaviour.

### **(viii) Pending Applications**

An application may be deemed 'pending' in certain circumstances. Where an application is pending, the applicant remains on the housing register and continues to accumulate waiting time within their priority band (see Part 7: Priority on the Housing Register). They cannot, however, express interest in a property or receive a direct offer of accommodation. An application may be pending for a number of reasons, including:

- waiting for verification information,
- property owners awaiting an equity assessment,
- investigation of incomplete or inconsistent details on the application,
- awaiting proof of change of circumstances,
- the applicant has notified that they are seeking their own accommodation,
- the applicant is exercising their Right to Buy (deferring a transfer application only takes place once an applicant has formally accepted the Right to Buy offer),
- applicants in supported accommodation who are not ready to move-on,
- applicants who are in prison or institutional care, where they have not yet been given a date upon which they will be discharged,
- 16 or 17 year old applicants waiting for assessment of their ability to manage a tenancy (see section 5(iv) Sixteen and seventeen year old applicants),

- applicants not ready to move but who wish to accrue waiting time.

**(ix) Priority Date**

An applicant's priority date will normally be the date upon which they first applied to join Home-Options. Applicants should provide any information relevant to their application within two weeks of applying. If they do not, then Home-Options reserves the right to change the priority date to that date when the information was provided.

If an applicant's priority for housing increases, then their priority date will be changed to the date when the higher priority came into effect. If an applicant's priority decreases, then their priority date will revert back to the date they had when previously awarded that priority for housing (or to the date when they first applied, whichever is the earlier).

## 6. Local Connection

### (i) Overview

When properties are let, priority is usually given to applicants who have a local connection.

Local connection is defined in s.199, Housing Act 1996 (See Appendix 2). For the purposes of priority award it means applicants who are:

- currently living 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 more; or
- not currently living in a Home-Options area but have previously lived in a Home-Options area for at least three years out of the last five years; or
- a person currently living outside of the Home-Options area who supports or requires support from a family member or carer who has been resident in a Home-Options area for at least five years; or
- in permanent employment in a Home-Options area for the last six months (in cases where an applicant works across a number of areas or works for an employer located in area but works in another, local connection will be determined by the employee's main base of operations). Permanent employment is considered to be a contract with an employer that is not fixed term. Where an employee does not work a regular number of hours per week, they will need to show that they have a regular pattern of work to qualify for a local connection; or
- given a local connection status to either Derbyshire Dales District Council, Erewash Borough Council, Futures Housing Group or High Peak Borough Council because of their homelessness acceptance with that Home-Options partner.

For rough sleepers, a local connection will be verified by emergency hostel, support agency, assessment by Housing Options Service, registration with the DWP, day centre or non-mobile soup kitchen or any other relevant agency.

Applicants who meet the criteria for current residence in the Home-Options area but who are staying away from their home because of domestic violence, racial harassment, etc. will retain their local connection.

This also applies to applicants who would normally live in the Home-Options area but who, because of their circumstances, are not currently able to. This could include:

- students,
- people living away to receive specialist medical treatment,

- prisoners who lived in the Home-Options area before they were sent to prison,
- those in the HM Armed Forces who lived in the Home-Options area before joining.

For these purposes, the definition of normally resident is having lived in the Home-Options area for at least three out of the last five years, prior to their service or imprisonment.

Applicants who are vulnerable due to a learning disability and who need to access day centres, volunteering opportunities, befriending groups, etc. may qualify for a local connection where such facilities are not available in the area in which they currently live.

Members of the HM Armed Forces not resident in the Home-Options area prior to service will not be awarded local connection.

Applicants who are accepted onto the register because they are moving under the Right to Move will only be awarded local connection after they have worked in the Home-Options area for a period of six months, unless they qualify for a local connection in another way.

Where applicants are moving to give or receive support we will take into account the wishes of the applicant and the person(s) to whom they will give support to or receive support from. We will also consider what help is available to the person requiring support and whether that support is essential and proportionate to their needs.

Where applicants work in a Home-Options area on a seasonal basis, they will not be eligible for local connection on the grounds of employment. Home-Options defines seasonal work as short-term or temporary that does not occur all year round. The applicant's permanent place of residence will also be taken into account when considering local connection for seasonal workers.

## **(ii) Local connection and shortlisting**

Properties will normally be advertised by relevant local authority area within the Home-Options area. All Home-Options applicants are entitled to bid for any property they are eligible for and interested in. They do not have to have a local connection to the area where the property is located.

Properties are shortlisted in order of the applicant's local connection. Applicants with a local connection to the area where the property is situated will be considered first. Should there be no applicants with a local connection to that local authority area, then applicants with a local connection to other local authority areas within the Home-Options area will be considered. If there are no applicants from within the Home-Options sub-region, then any other applicants who are registered with Home-Options may be considered.

For example, if a property is advertised in Long Eaton (in the Erewash area):

- Applicants with a local connection to Erewash will be considered first
- If there are no applicants with a local connection to Erewash, then applicants with a connection to the remaining Home-Options areas (Amber Valley, Derbyshire Dales and High Peak) will be considered next
- If there are no applicants with a connection to any of the Home-Options areas, then any other registered applicants will be considered.

See 'The Order in Which Bids are Considered' in section 2(iii) for further clarification.

## **7. Priority on the Housing Register**

### **(i) Prioritising applicants**

The Housing Act 1996 as amended by Homelessness Act 2002, the Localism Act 2011 and statutory guidance requires that 'reasonable preference' be given to certain groups of applicants. All eligible and qualifying applications for housing are placed onto one housing register, which comprises both new applicants ('homeseekers') and transfer applicants. All registered households are grouped together in four 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 priority date within that band. Priority for an offer will first be determined by the applicant's local connection to a Home-Options area and then by band. Priority within the band will be determined by the relevant priority date within that band. See 'The Order in Which Bids are Considered' on page 6 for further clarification. No distinction is made between the different priority reasons within each band, only the priority date within the band.

One exception to this will be if the property is let subject to a local lettings policy (see section 9(vi)).

There may be occasions when it is necessary for a Home-Options partner to make a direct let (see section 9(ix) for more information).

Priority for housing is based upon the urgency of an applicant's need to move. If an applicant is awarded priority for a move but then fails to bid or take up offers of accommodation, then their priority may be re-assessed and downgraded.

In certain cases Home-Options may attach conditions to an award of priority for housing. For example, we may give an applicant priority to move closer to their place of work. If the applicant wanted to move to a different area that was not closer to their place of work, then that priority would not apply. Where Home-Options applies such conditions, they will be explained to the applicant, who has the right to request a review if they think that the conditions are unfair.

### **(ii) Additional Preference for Armed Forces**

Under The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 we give additional preference to the following groups of applicants who can demonstrate that they have urgent housing needs (as defined by Section 4.13 of the Allocation of Accommodation Guidance 2012):

- applicants serving in the regular forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service,
- applicants who formerly served in the regular forces (this is not time-limited so applies to anyone who has served with HM Forces at any time),

- applicants 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 applicant's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service (the reference to 'spouse or civil partner' discounts unmarried partners – the same criteria is applied to the allocation of service family accommodation), or
- applicants who are 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 applicant's service.

'Regular forces' and 'reserve forces' are defined by Section 374 of the Armed Forces Act 2006.

Additional preference applies only to applicants in urgent housing need, namely:

- those who need to move urgently because of a life threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.

The Home-Options Policy meets the requirement of the regulations by granting the highest priority to applicants in urgent housing needs, namely:

<b>Urgent Housing Need</b>	<b>Home-Options Priority Reason</b>
<ul style="list-style-type: none"> <li>• those who need to move urgently because of a life threatening illness or sudden disability</li> </ul>	<ul style="list-style-type: none"> <li>• A-1 Urgent Medical Priority</li> </ul>
<ul style="list-style-type: none"> <li>• families in severe overcrowding which poses a serious health hazard</li> </ul>	<ul style="list-style-type: none"> <li>• A-2 Major Property Factors</li> </ul>
<ul style="list-style-type: none"> <li>• those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence</li> </ul>	<ul style="list-style-type: none"> <li>• A-4a. Urgent Social Priority - Personal protection/harassment</li> </ul>



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

**(iii)Explanation of Priority Reasons – Band A**

<b>Band A</b>	
<b>1</b>	<b>Urgent medical priority</b>
<b>2</b>	<b>Major property factors (Decant, Enforcement of the Housing Act 2004 likely to lead to homelessness or Statutory overcrowding)</b>
<b>3</b>	<b>Social housing tenants who are under-occupying</b>
<b>4</b>	<b>Urgent social priority</b>

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant’s behalf or re-assessing their priority for housing.***

**A-1. Urgent medical priority**

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

The possibility of adapting the applicant’s home will be considered, along with any available equity, grants or other resources the applicant may have available to pay for the work.

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 serving member of HM Forces who is seriously injured or disabled as a result of their service and they need to move to more suitable accommodation.

**A-2. Major property factors**

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

- subject to a Demolition Order
- subject to Environmental Health Action – such as statutory overcrowding or an irresolvable category 1 hazard which requires the applicant to leave their home.

The 'property factors' priority reason also applies to tenants of Dales Housing, High Peak Borough Council, Futures Housing Group or emh homes who are required to leave their home as a result of a regeneration scheme or 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, Futures Housing Group, High Peak Borough Council and emh homes. Environmental Health departments in the Home-Options area local authorities will refer tenants of private sector landlords for consideration. Other registered provider tenants may also be eligible for this priority.

### **A-3. Social housing tenants who are under-occupying**

This priority reason applies to tenants of Dales Housing, Futures Housing Group, High Peak Borough Council or emh homes. Tenants of other registered providers may also be eligible for this priority where the vacated property will be advertised through Home-Options.

Only those tenants willing to move to a one-bedroom home or give up at least two bedrooms will be considered in this category i.e. where a tenant moves from a three-bed house to a one-bed bungalow.

Applicants may not qualify for this band where the accommodation was originally under-occupied at the point of letting i.e. if a family with one child was offered a three-bed house. Each case will be assessed on its own merits.

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

### **A-4. Urgent social priority**

#### **a. Personal protection/harassment**

This priority reason applies to applicants who have been assessed as being at significant risk in their current home and where no other alternatives are available to alleviate the risk. 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.

Home-Options reserves the right not to offer accommodation in areas where the applicant may be at further risk.

#### **b. Emergency fire or flood**

Tenants of a Home-Options partner 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 or that person requires additional priority to help them to secure a suitable move.

d. Exceptional circumstances

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

**(iv) Explanation of Priority Reasons – Band B**

<b>Band B</b>	
<b>1</b>	<b>Move-on from specialist and supported accommodation</b>
<b>2</b>	<b>Homeless with duty to accommodate</b>
<b>3</b>	<b>Prevention of homelessness</b>
<b>4</b>	<b>Overcrowding – requiring two or more bedrooms to solve overcrowding</b>
<b>5</b>	<b>Multiple needs</b>
<b>6</b>	<b>Social housing tenants under-occupying – freeing one bedroom</b>
<b>7</b>	<b>Overcrowded social housing tenants – freeing two bedroom houses</b>

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

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant's behalf or re-assessing their priority for housing.***

**B-1. Move-on from specialist and supported accommodation**

Applicants will be placed into this band at the point they move into supported accommodation or at the point an initial application is made to Home-Options. Applications will not be back-dated and therefore it is important for support agencies to assist applicants to register at the earliest opportunity. Applicants will be given a deferred status on Home-Options until they are ready to move. They will not be able to express interest in advertised properties while the application is deferred.

An applicant's status will be set to 'live' once Home-Options is satisfied by the accommodation provider or support provider that an applicant has:

- sustained a satisfactory term of supported living, and

- a move-on support package in place to help the applicant to sustain their tenancy.

The applicant will be awarded the priority date in which they were awarded band B – Move-on status - and not the date in which the applicant was set to live. It is in the interest of Home-Options to promote move-on. Applicants will therefore benefit from the date they move into supported accommodation to assist a quicker move into independent living. This enables support providers to provide supported accommodation to those in the greatest need.

Qualifying supported accommodation will only be those projects signed up to the Derbyshire Move-On Plans Protocol and at the discretion of the local Home-Options Team. In accordance with the move on protocol, applicants who did not have a local connection to the area prior to moving in to supported accommodation will not be awarded this banding unless there are exceptional circumstances for doing so. Instead they will be encouraged to re-connect with the area where they lived previously.

### **B-2. Homeless with a duty to accommodate**

Applicants to whom a duty for re-housing has been accepted by one of the partner authorities under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.

Applicants accepted as homeless by an out of Home-Options area local authority will be placed in band D unless Home-Options offer to assist in the discharge of the duty (for example a Home-Options partner accepts a s.213 referral) or unless one of the partner authorities has accepted a local connection referral under s.198, 1996 Act. The local authority accepting the duty of homelessness has to provide a suitable offer of accommodation.

Applicants who have been accepted as homeless by an out of Home-Options area local authority but placed in accommodation within Home-Options area will also be awarded band D as the local authority accepting the homelessness duty has to provide a suitable offer of accommodation.

Applicants who refuse a suitable offer of accommodation to discharge the duty owed to them under the homelessness legislation will have their application re-assessed and will be awarded priority according to their current housing circumstances. Applicants will not be unduly penalised under the Home-Options policy for refusing an offer under the homelessness legislation. The applicant can continue to bid and refuse accommodation but the local authority no longer has any duty to provide accommodation under homelessness legislation.

### **B-3. Prevention of homelessness**

Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own will be placed in band B when:

- they are assessed by a partner (a local authority or their agent) as likely to be in priority need,
- they are receiving housing advice from the partner (a local authority or their agent) to prevent homelessness,
- the applicant would not be judged to be intentionally homeless,
- there is no legal redress to prevent the homelessness.

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

This band reason does not prevent an applicant taking up their statutory right to make a homelessness application.

#### **B-4. Overcrowding – requiring two or more bedrooms**

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

For the purposes of the Home-Options Policy, the following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,
- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,
- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five 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 5(vi)(b),
- this also applies where households are living apart.

### **B-5. Multiple needs**

Applicants in band C who are awarded medium medical needs (Band C-4) and one or more of the following:

- Applicants who lack or share facilities (Band C-1)
- Overcrowding – lacking one bedroom (Band C-2)
- Living with families, friends or ex-partner (Band C-3)
- Medium social need (Band C-5)
- Homeless without priority need (Band C-6)

will be awarded increased priority for multiple needs and be registered in band B.

### **B-6. Social housing tenants under-occupying – freeing one bedroom**

The purpose of this band is to free-up family accommodation with the household downsizing by one bedroom. Those accepted into this band will be vacating designated family accommodation and moving to accommodation not designated as family accommodation (See section 9(i) Property designation).

Applicants may not qualify for this band where the accommodation was originally under-occupied at the point of letting i.e. a family with one child offered a three-bed house. Each case will be assessed on its own merits.

This priority reason applies to tenants of Dales Housing Ltd, Futures Housing Group, High Peak Borough Council or emh homes. Tenants of other registered provider may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

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

### **B-7. Overcrowded social housing tenants – freeing two bedroom houses**

The purpose of this band is to give tenants living in two bedroom houses additional preference for a move to larger accommodation to free up two bedroom houses for people in housing need. This helps us make more smaller properties available for people affected by changes to housing benefit size criteria in 2013.

The following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,

- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,
- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five years or more.

This priority reason applies to tenants of Dales Housing Ltd, Futures Housing Group, High Peak Borough Council or emh homes. Tenants of other registered providers may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

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

#### **(v) Explanation of Priority Reasons – Band C**

<b>Band C</b>	
<b>1</b>	<b>Applicants who lack or share basic facilities</b>
<b>2</b>	<b>Overcrowding – lacking one bedroom</b>
<b>3</b>	<b>Living with family, friends or ex-partner</b>
<b>4</b>	<b>Medium medical needs</b>
<b>5</b>	<b>Medium social needs</b>
<b>6</b>	<b>Homeless without priority need</b>
<b>7</b>	<b>Intentional homeless</b>
<b>8</b>	<b>Social housing tenants under-occupying – freeing one bedroom</b>

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

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant's behalf or re-assessing their priority for housing.***

#### **C-1. Applicants who lack or share basic facilities**

This priority band applies to applicants who lack bathroom facilities, kitchen facilities, inside WC, permanent hot water supply or electrical supply. This also applies to applicants who live in a shared house with their own room but with communal bathing or cooking facilities.

#### **C-2. Overcrowding – lacking one bedroom**

This category applies to all applicants who are lacking one bedroom only in their current home (except for those social housing tenants covered by B-7 Overcrowded Social Housing Tenants – Freeing Two Bedroom Houses).

The following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,
- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,
- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five 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 5(vi)(b),
- this also applies where households are living apart.

### **C-3. Living with family, friends or ex-partner**

This category applies to applicants who have lived as part of a household with family, friends or an ex-partner but who now wish to live independently. The applicant must share facilities with the family, friends or an ex-partner.

The shared facilities taken into account in this priority band are:

- bathroom
- kitchen
- living room.

### **C-4. Medium medical need**

Households which include a person 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 medical priority in band C. This applies to applicants whose long-term needs are not met by the property in which they currently live, but whose health is not at immediate risk should they have to wait for a move.

### **C-5. Medium social need**

Applicants who are suffering hardship and need to move to alleviate that hardship, which could include households:

- experiencing harassment or anti-social behaviour,
- who need to access specialised medical treatment, or
- who need to move to take up employment, education or training opportunities
- which include a person (or persons) who are experiencing harassment or anti-social behaviour but where there is not a significant risk
- suffering financial hardship that results in a long-term inability to meet their housing costs who need to move to more affordable accommodation. The affordability of a property will be judged upon the applicant's income and essential outgoings. The final decision about whether a property is affordable will be made by Home-Options. When carrying out a financial assessment, Home-Options will consider whether a move to social rented accommodation is more affordable.

Evidence to support the award of priority must be provided. Applicants must have worked with anti-social behaviour teams, police or other agencies to try to resolve their problems, if appropriate.

Confirmation that a move is the only option available to alleviate the situation will be required to support the award of this priority.

### **C-6. 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-7. Intentionally homeless**

Applicants accepted as homeless in the Home-Options area by the local authority or their agent but who are considered to have made themselves homeless intentionally will be considered in this category.

Applicants assessed as intentionally homeless will not be considered for multiple needs (Band B-5).

### **C-8. Social housing tenants under-occupying – freeing one bedroom**

The purpose of this band is to assist working age social housing tenants to meet the challenges of welfare reform by downsizing to accommodation in line with the Housing Benefit size criteria restrictions for working age claimants from 1 April 2013.

This band is awarded to applicants who are freeing up one bedroom and are eligible to remain in family accommodation.

This priority reason applies to tenants of Dales Housing Ltd, Futures Housing Group, High Peak Borough Council or emh homes. Tenants of other registered providers may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

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

#### **(vi) Explanation of Priority Reasons – Band D**

<b>Band D</b>	
<b>1</b>	<b>Private tenants with a desire to live in social housing</b>
<b>2</b>	<b>Social housing tenants with a desire to move</b>
<b>3</b>	<b>Owner occupiers with a desire to live in social housing</b>
<b>4</b>	<b>All other applicants</b>

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

#### **D-1. Private tenants with a desire to live 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 a desire (but not a need) to move to alternative accommodation.

#### **D-3. Owner occupiers with a desire to live in social housing**

Owner-occupiers who qualify to join Home-Options (see section 5(vi) but who 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 affected by their current home and where a move is desirable (but not essential) will remain in band D.

Households who live in tied or service accommodation where that accommodation is provided as a condition of employment and there are no plans to bring that employment to an end.

Applicants who have been accepted as homeless by an out of area local authority will be awarded band D as the local authority accepting the homelessness duty have to provide a suitable offer of accommodation.

Applicants who qualify to register with Home-Options but who have been assessed as having sufficient equity to resolve their own housing needs.

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

## 8. Choice for applicants

### (i) What applicants can bid for

Home-Options seeks to give choice to applicants by showing them the properties that are available to them to bid for (for accepted homeless applicants, see Part 12: Homeless applicants).

However, we also seek to ensure as far as possible that properties are let to households that will make best use of the number of bedrooms (see section 8(ii) - household eligibility) or facilities (including adaptations) that they offer. We acknowledge that applicants may not be able to bid for the property they want.

Home-Options will advertise available properties online and via a property freesheet which is available at various places, including Home-Options offices and other places agreed by the Home-Options Partnership.

It is the intention of Home-Options to advertise all properties to:

**Transfer applicants** – tenants of Dales Housing, Futures Housing Group, High Peak Borough Council, emh homes or other registered providers within the Home-Options area who register for a move, and

**Homeseekers** – applicants who register with Home-Options who are not currently tenants of one of the Home-Options partners or other council or housing association.

In exceptional circumstances, where properties are only advertised for transfer applicants or homeseekers, the reason for this will be included in the advert.

## (ii) Household eligibility

The matching policy will be used to assess applicant's/household's bedroom requirements. Applicants will be entitled to bid only for property which suits the size of their household as follows (age restrictions may also be applied):

	Household Size	0 bed flat/ maisonette	1 bed flat/ maisonette	1 bed house	1 bed bungalow	2 bed flat/ maisonette	2 bed bungalow	2 bed house	3 bed flat/ maisonette	3 bed house	4+ bed house
A	Single Person	Y	Y	Y	Y	FL	FL				
B	Couple		Y	Y	Y	Y	Y	FL			
B1	Single/Couple & 1 adult (where non-dependent child or not a child of applicant(s))					Y	Y	FL	Y	FL	
B2	Single/Couple & 2 adults (where non-dependent child or not a child of applicant(s))								Y	FL	FL
B3	Single/Couple & 3 adults (where non-dependent child or not a child of applicant(s))								Y	FL	FL
C	Non-cohabitating couple					Y	Y	FL			
D (Y1)	Single adult, 1 dependent child					Y	Y	Y	FL	FL	
D	Couple, 1 child					Y	Y	Y	Y	FL	
E1	3 single adults					Y	FL	FL	Y	FL	
E2,3	4+ Single Adults								Y	FL	FL
E	Single/Couple, 2 dependent children who should share					Y	Y	Y	Y	Y	
F1	Single/Couple, 2 dependent children who should not share					Y**	Y**	Y**	Y	Y	
F	Single/Couple, 3 dependent children								Y	Y	FL
G	Single/Couple, 4+ dependent children									Y	Y
H	8+ People									Y	Y

## Key

Y	Eligible Properties - Applicants can bid for this property type under Home-Options.
Y**	Social Housing Tenants Downsizing - Where an applicant is affected by the DWP Size Criteria and wishes to downsize from a three bedroom house, they will be considered for a two bedroom property where the DWP Size Criteria states that they are of an age where they can share.
FL	Flexible Lettings - These properties will sometimes be made available to applicants but the applicant is likely to be under-occupying. If the applicant claims housing benefit, they may not receive the full amount because they have more rooms than they need.
	Not eligible – Applicants will not normally be offered this property type through Home-Options.

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. Home-Options partners will label their properties to make best use of their individual homes. All advertised properties will be clearly labelled to identify the household size eligible to bid for each property.

### **(iii) Applications from households including a pregnant woman**

Due to the demand for family accommodation from applicants with existing children, Home-Options is unable to take unborn children into account when assessing household size.

Where a household includes a pregnant woman, their household size will be assessed upon the current members of the household only. Once we are notified that the baby has been born, the applicant's household size will be re-assessed.

### **(iv) Dependent children**

Dependent children are those who normally live with the applicant or joint applicant. There must be an actual dependence on the applicant or joint applicant. There must be actual residence (or a reasonable expectation of residence such as an interim care order or where it is anticipated the court will make a residence order) rather than a temporary arrangement whereby the child/children are merely staying with the applicant for a limited period.

A dependent child (or dependent children) includes:

- a child for whom the applicant receives Child Benefit, or
- who for other reasons are unable to support themselves and who live at home (e.g. for reasons of permanent disability, learning disability, etc., where that person cannot live independently).

Dependent children need not necessarily be the applicants' own children but could, for example, be related to the applicant or his or her partner, or be adopted or fostered by the applicant. There must, however, be some form of parent/child relationship and proof of Child Benefit must be provided.

### **(v) Additional bedrooms required on joint access grounds**

In joint access cases or where couples have equal residency, bedroom eligibility will be awarded to the parent in receipt of child benefit. Home-Options 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.

### **(vi) Approved foster parents awaiting placement**

Where an applicant has been approved to adopt or foster a child, a request for a move to larger accommodation will only be considered where the applicant has been approved by a regulated fostering/adoption agency and the provision of a larger property is confirmed as essential in order for the fostering/adoption to take place.

Applicants allocated a larger home whilst waiting for a fostering or adoption placement should be aware that under the Welfare Reform Act 2012, if they have more bedrooms than they are deemed to need, they may not receive housing benefit for any extra rooms that they have. They may be entitled to receive additional help with the cost of this – they should contact their local housing benefit team for more advice.

#### **(vii) 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 essential medical equipment, 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.

Please note that under the Welfare Reform Act 2012, if an applicant has more bedrooms than they are deemed to need, they may not receive housing benefit for any extra rooms that they have. The applicant should speak to their local housing benefit team for advice before accepting an offer of a tenancy.

#### **(viii) Household size preference**

When letting homes, preference may be given to those applicants whose household size is most appropriate for the number of bedrooms in the property to make best use of housing stock. Where preference is given, it will be clearly stated in the property advert. For example, when letting a three bedroom house preference may be given to a family with two or more children over those families with fewer children.

Where preference is applied, the order in which bids will be considered is:

- local connection
- priority band
- preference for household size
- priority date.

## **9. Advertising available homes**

### **(i) Property designation**

For the purposes of this policy, Home-Options defines **single persons' accommodation** as a property that has no more than one bedroom which may be suitable for a person living alone or a couple living together as partners. This could be a bedsit (for single people only) or a one-bedroom flat or house (for single people or couples).



**Family accommodation** is defined a property with two or more bedrooms which is suitable for families with dependent children (see section 8(iv)). This could include a house, flat or maisonette with two or more bedrooms.

**Older person's accommodation** is defined as accommodation with one or two bedrooms that is designated for applicants of a certain age (see section 9(iii)). This could include bedsits, flats or bungalows.

Where properties have previously been advertised unsuccessfully, Home-Options may set aside the usual property designations and invite bids from all applicants (see section 9(x)).

## **(ii) Property adverts**

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 dependent children
- The mobility group, if applicable
- If pets are allowed
- Whether it is sheltered housing
- Whether preference will be given to applicants satisfying any local lettings policy.
- The advert will also specify:
  - Which landlord owns the property
  - The number of bedrooms
  - The weekly rent and any other charges
  - Floor level (if a flat)
  - Lift availability
  - Special features (garden, pets)
  - When the property will be ready for occupation (where possible)
  - Other useful information about the local area.

Applicants are 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.

### **(iii) Age-designated accommodation**

Age-designated accommodation is aimed at older people, who are able to live independently. Its special features offer the potential for older and/or disabled people to maximise their independence, gain security and support, while they remain empowered to control their own homes through tenancy rights.

### **(v) Level-access accommodation**

In certain circumstances, where an applicant requires ground floor or level access accommodation because of a medical, disability or support need, a property with an age-designation may be let to someone under the specified age to meet the needs of the applicant.

### **(iv) Adapted properties**

Where properties have been built or adapted to meet the particular needs of tenants with disabilities, details of those adaptations will be set out when the properties are advertised. Due to the limited supply of adapted properties, in the first instance preference will be given to households who require the adaptations, irrespective of banding.

For example, two families bid for a house that has a through-floor lift and level-access shower on the first floor. Family B are in band B and have a family member who has limited mobility – he can manage to climb stairs but it takes time. Family C are in band C and have a family member who uses a wheelchair all the time. In this case, as Family C would most benefit from the adaptation, then they would be offered the property first (even though they have a lower priority than Family B).

Home-Options staff will work with their local adult care teams to ensure that people who require an adapted property are made aware of the availability of adapted property.

### **(v) 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 that cater for a range of households with varying needs and aspirations.

Home-Options will work with local councils and registered providers to develop local lettings policies for new and existing developments where there is a case to do so. 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.

Local lettings policies will be based upon the needs of local people and developed in consultation with residents. The expected outcomes of any local lettings policies should be clearly set out and the impact of the plans will be monitored to make sure they meet their objectives. Local lettings policies should for a fixed period of time and subject to regular review.

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, antisocial behaviour or mixed communities. This could include giving additional preference to applicants who are working, volunteering or training.

In appropriate locations, local lettings policies may be used to give a higher priority to certain applicants having a specific local connection to a village, parish or locality. 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 band.

Properties may be advertised outside of the Home-Options policy rules for property size designation where a local lettings policy has been agreed. Generally these will be properties on new developments where local lettings policies allow lower occupancy to balance communities.

Where it is required for efficient management of a registered provider's housing stock, with the agreement of the local authority the property may be advertised with lower occupancy requirement.

Where a property has been advertised for at least one bidding cycle and received no successful expressions of interest, the property may be re-advertised with lower occupancy requirement.

Local lettings policies will be advertised on the Home-Options website, so that the letting of properties is clear and transparent.

Due to the requirements of planning permission, some new developments within the Home-Options area may also carry restrictive criteria for local lettings i.e. giving preference to people who have a local connection with the parish where the property is built. These properties will be advertised with the relevant clause inviting local people to express an interest.

For further information on how local lettings policies are used, see Appendix 5.

#### **(vi) Registered providers**

Registered providers (also known as housing associations) with properties in the Home-Options area can advertise them for rent through Home-Options.

Applicants on the housing register will be invited to bid in response to these advertisements. Where the registered provider plans to allocate property under different criteria to this policy, it will be clearly stated in the advert.

The registered provider will normally offer the accommodation to the applicant with the highest priority, under their current nomination agreement. Registered providers are encouraged to allocate their homes in accordance with this policy, but some may have their own policy and may accept or refuse nominations on grounds not covered in this policy.

#### **(vii) Extracare Schemes**

Extracare Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site.

Home-Options will advertise available extracare schemes in the Home-Options area. When nominating to extracare schemes, it is important to ensure that an applicant's needs can be adequately supported so nominations will be discussed and agreed with Derbyshire County Council and any relevant care providers.

### **(viii) Direct lets**

Most properties will be advertised through Home-Options. However in certain circumstances some properties may be let directly.

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 examples of where we might do this. This list is not exhaustive:

- where an award of a tenancy 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 an applicant's property is being repaired and they need to be moved from the property on a temporary or permanent basis and a delay would have an adverse impact upon the renovation project or contract
- properties let as temporary accommodation in support of the local authority's duty under the homelessness legislation (for example ground floor level access accommodation for a homeless applicant who requires the use of a wheelchair)
- where succession to a tenancy has been granted but the property is unsuitable for the applicant's long-term occupation.

Direct lets will not impact on reasonable preference and will only be used in exceptional circumstances. In all cases, the registered provider and local authority will need to agree to the necessity of a direct let.

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

### **(ix) 'Available Now' properties**

Where a property has been advertised for one bidding cycle and has attracted no bids or has attracted bids but those bids have not resulted in a tenancy, it may then be advertised on an 'Available Now' basis.

When considering bids for 'Available Now' properties, consideration will be given to the household eligibility matrix (See section 8(ii)) to ensure that the property is suitable for the applicant and their household. Where multiple bids are received, applicants will be considered by local connection, priority band and priority date (see section 10(ii)), otherwise applications will be prioritised by the date upon which the bid was made (household size preference may also be applied (see section 8(viii))).

## **10. Bidding and selection**

### **(i) Expressions of interest (bidding)**

Properties will be advertised through Home-Options and all applicants will be able to express an interest (bid) for properties available that they are eligible to bid for (see section 8(i)). Adverts may state if a property is targeted at certain applicants, e.g. over a certain age or at households with a specific medical need (for example, ground floor accommodation).

Properties will normally be advertised by relevant local authority area. All Home-Options applicants will be encouraged to bid for any property they are eligible for and interested in, irrespective of their local connection.

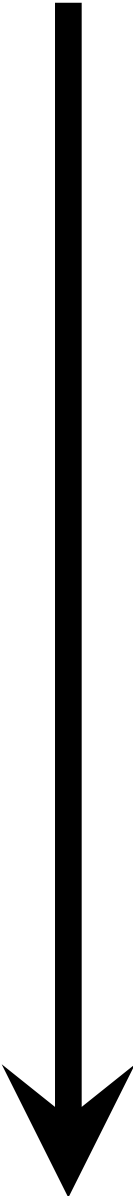
Applicants will be entitled to make a maximum of three bids every advertising cycle.

Sometimes if an application is set to pending, the applicant will not be able to participate in the bidding process. For details of when this happens see section 5(viii).

### **(ii) The selection process**

Once the advertising cycle is closed, 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 (see below – unless preference is being given to a household based upon the size of the property – see 8(viii) - or a local lettings policy applies as outlined in section 8(v) 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 letting or re-advertise the property.

## The order in which bids are considered

	The applicant has a connection with the local authority area where the advertised property is located	
1	Band A (by Priority Date)	
2	Band B (by Priority Date)	
3	Band C (by Priority Date)	
4	Band D (by Priority Date)	
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located	
5	Band A (by Priority Date)	
6	Band B (by Priority Date)	
7	Band C (by Priority Date)	
8	Band D (by Priority Date)	
	The applicant is applying from outside the <b>Home-Options</b> area and has no connection with the local authority area where the advertised property is located	
9	Band A (by Priority Date)	
10	Band B (by Priority Date)	
11	Band C (by Priority Date)	
12	Band D (by Priority Date)	

An offer of a new home to a household on the housing register will depend on a 'live' application on the housing register, and also:

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

Due to the impact of welfare reform, some landlords may also ask prospective tenants to complete an affordability assessment to ensure that they can afford to pay the rent before they are offered a tenancy.

Applicants by-passed for any reason will be contacted with the reason why they have not been considered for accommodation. Applicants have the right to review this decision (see Part 13: Home-Options review procedure).

### **(iii) Viewing a property**

Viewing takes place after the bidding process. Some properties still have tenants living there when they are advertised so applicants should not try to view unless asked to do so.

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 be next highest priority bidder, and so on.

### **(iv) Change of circumstances**

It is the applicant's responsibility to inform Home-Options of any changes in their circumstances. Applicants are advised to inform their nearest Home-Options team of any changes as soon as possible so that their application can be kept up to date.

Checks will 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 housing situation has changed, then a housing offer may be withdrawn. The status of the application will be set to 'pending' until the applicant provides proof of their change of circumstances and the information has been verified (see section 5(viii)).

### **(v) Applicants who fail to bid**

Home-Options may from time to time review applicants who have not taken part in the bidding process and ascertain their reason(s) for not bidding. Applicants may have their priority reviewed (see section 7). For applicants in higher bands partners may instigate assisted bidding (see section 10(vi)).

### **(vi) Assisted bidding**

Assisted bidding is making bids on an applicant's behalf. 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 may be used in circumstances such as:

- accepted homeless applicants or Band A and Band B applicants deemed in urgent need of accommodation who fail to bid for suitable property
- where vulnerable applicants instruct Home-Options to make bids on their behalf.

The timescales for assisted bidding vary by area, due to local demands and supply of property.

If an applicant refuses to accept accommodation offered under these circumstances to solve their immediate housing difficulty their priority will be reviewed and may be removed. Applicants have a right of review of this decision (see Part 13: Home-Options Review Procedure).

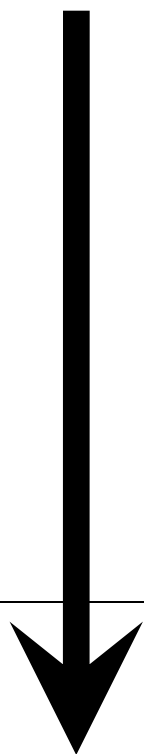
**(vii) Selection with preference given to household size**

When properties have been advertised with preference given to household size, the order in which bids will be considered is:

- local connection
- priority band
- preference for household size
- priority date.

For example:

The order in which bids are considered where preference is given to household size	
	The applicant has a connection with the local authority area where the advertised property is located
<b>1</b>	Band A (by household size <u>then</u> Priority Date)
<b>2</b>	Band B (by household size <u>then</u> Priority Date)
<b>3</b>	Band C (by household size <u>then</u> Priority Date)
<b>4</b>	Band D (by household size <u>then</u> Priority Date)
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located
<b>5</b>	Band A (by household size <u>then</u> Priority Date)





<b>6</b>	Band B (by household size <u>then</u> Priority Date)	
<b>7</b>	Band C (by household size <u>then</u> Priority Date)	
<b>8</b>	Band D (by household size <u>then</u> Priority Date)	
	The applicant has no local connection with any Home-Options area	
<b>9</b>	Band A (by household size <u>then</u> Priority Date)	
<b>10</b>	Band B (by household size <u>then</u> Priority Date)	
<b>11</b>	Band C (by household size <u>then</u> Priority Date)	
<b>12</b>	Band D (by household size <u>then</u> Priority Date)	

## **11. Offers and refusals**

### **(i) Pre-tenancy checks**

Any offers of accommodation will be subject to verification that the applicant's circumstances have not changed since they have applied or that any changes that might affect the applicant's priority have been notified to Home-Options. Failure to inform Home-Options of any material change in their circumstances may result in the offer of accommodation being withdrawn.

Applicants will be expected to provide evidence of their identity and the identity of anyone to be rehoused with them, as well as their current address before any tenancy can be agreed.

It is a criminal offence for an applicant or anyone providing information on their behalf to knowingly or recklessly make false statements or to knowingly withhold information that is reasonably requested by Home-Options. This includes but is not limited to information requested at the time of application, any change of circumstances or subsequent review of the application.

A criminal offence is also committed if a third party provides false information, whether requested to by the applicant or not. This applies at any stage of the process.

Where information is withheld or falsely provided, the applicant's application may be removed and the applicant may be considered not to qualify to join the housing register for a further period of up to 12 months. The applicant may also face criminal prosecution. Applicants have the right to ask for a review of a decision to remove their application from the housing register.

Where false information or withheld information has resulted in the applicant obtaining a tenancy, the relevant landlord may bring legal proceedings to recover possession of the property as well as any costs incurred.

If an applicant is found to be non-qualifying then any offer of accommodation can be withdrawn (see section 5(vi)). This may be as a result of criminal or anti-social behaviour or breaches of tenancy committed since the applicant first applied.

Any decision that an offer of accommodation should be withdrawn will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

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

### **(ii) Not responding to offer letters or attending viewings**

Following a successful bid, where an applicant does not respond to an offer of accommodation or an invitation to view a property, their application may be set to 'pending' until contact is made.

### **(iii) 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 a property or otherwise does not contact Home-Options regarding the offer, this will normally be treated as a refusal. 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.

Applicants have the right to ask for a review of this decision. See section 13: Home-Options Review Procedure for details.

#### **(iv) Affordability**

The Home-Options Partnership and its partner housing providers wish to ensure that applicants who are rehoused through Home-Options are able to make a success of their tenancies.

With changes to welfare benefits and the squeeze on household budgets, many landlords are asking applicants to complete a financial assessment before they will be accepted for a tenancy. Where this applies, it will be clearly stated in the property advert. Landlords reserve the right not to make an offer of accommodation if it is clear that the prospective tenant has insufficient resources to be able to pay the rent and/or service/support charges.

Any decision not to make an offer of accommodation will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

#### **(v) Feedback on let properties**

All properties let through Home-Options will be listed in a future copy of the property sheet showing the number of bidders for each property, and the band and priority date of the successful applicant. The information is also available on the Home-Options website. Applicants are advised to refer to the feedback to help them to understand their housing prospects and whether they are likely to be re-housed.

#### **(vi) 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.

Home-Options provides an enhanced housing options service. There is both insufficient supply to accommodate everyone who applies and social housing is not necessarily the most appropriate form of accommodation for every applicant.

Home-Options will encourage applicants to consider the full range of options available to them, enabling them to make informed choices about where, and in which type of property, they choose to live.

Housing options other than social housing may be a more appropriate way of resolving the applicant's housing needs. This could include a mutual exchange for social housing tenants, or renting from a private landlord.

## **12. Homeless 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 has a duty to provide permanent accommodation when accepting an applicant as homeless. To discharge a duty to a homeless applicant under the Housing Act 1996 (as amended by the Homelessness Act 2002) the local authority (or their agent) must secure a final offer of suitable accommodation. The aim is to solve the applicant's homelessness as quickly as possible.

Assisted bidding may be used to help homeless applicants to secure accommodation when they fail to express interest in advertised accommodation deemed to be suitable for their needs (see Section 10(vi) Assisted bidding). 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.

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 their 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 their agent) will contact homeless applicants informing them of properties where a bid has been placed on their behalf.

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

### **13. Home-Options Review Procedure**

Applicants 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,
- the band or priority date that an applicant has been awarded,
- the suitability of a property an applicant may be nominated for.

If there is a decision taken on an application that an applicant does not agree with, then they should speak to their local Home-Options team first. It may be there is information that has not been taken into account or an applicant's circumstances have changed and the team was not aware of the change.

If after speaking to their local Home-Options team 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 contact their local Home-Options team within 15 working days of receiving a decision letter, explaining why they think the decision is wrong and asking for the decision to be reviewed (the applicant can write a letter, send an email or speak to a member of staff who will note the reasons for asking for the review)
- the senior officer will deal with an applicant's request within 15 working days or contact the applicant and advise if it will take longer, If more time is required, the Home-Options team will agree this with the applicant
- the senior officer will write to the applicant with the outcome of the re-assessment within a further five working days.

If an applicant is still not happy with the decision after a re-assessment they can ask for a stage two review of the decision.

The process for stage two reviews is as follows:

- applicants contact their local Home-Options team and ask for a review within 15 working days of receiving the senior officer's decision. They should set out the reasons why they think the decision should be changed
- a Review Panel will be set up, made up of at least three senior officers from different Home-Options partners. The original Home-Options area or partner where the review request has been made from will not be involved so any review 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 15 working days and applicants will receive a written response within a further 5 working days. In exceptional situations the Review panel may request a longer period of time with the applicant.

Applicants can request an oral hearing, if they prefer to provide information verbally. The procedure for oral hearings is included in Appendix 6.

If an applicant is still not happy with the outcome of a review they can appeal to their local Home-Options partner by following the respective partner's complaints procedure.

## 14. Appendices

### *Appendix 1: Habitual residence*

1. In practice, when considering housing applications from persons subject to the habitual residence test, it is only necessary to investigate habitual residence if the applicant has arrived or returned to live in the UK during the two year period prior to making the application.

#### **Definition of habitual residence**

2. The term 'habitual residence' is not defined in legislation. Housing authorities should always consider the overall circumstances of a case to determine whether someone is habitually resident in the Common Travel Area.

#### **General principles**

3. When deciding whether a person is habitually resident, consideration must be given to all the facts of each case in a common sense way. It should be remembered that:

- the test focuses on the fact and nature of residence
- a person who is not resident somewhere cannot be habitually resident there
- residence is a more settled state than mere physical presence in a country. To be resident a person must be seen to be making a home. It need not be the only home or a permanent home but it must be a genuine home for the time being. For example, a short stay visitor or person receiving short term medical treatment is not resident
- the most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention
- the practicality of a person's arrangements for residence is a necessary part of determining whether it can be described as settled and habitual
- established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences.

#### **Action on receipt of an application**

*Applicant came to live in the UK during the previous two years*

4. If it appears that the applicant came to live in the UK during the previous two years, authorities should make further enquiries to decide if the applicant is habitually resident, or can be treated as such.

*Factors to consider*

5. The applicant's stated reasons and intentions for coming to the UK will be relevant to the question of whether he or she is habitually resident. If the applicant's stated intention is to live in

the UK, and not return to the country from which they came, that intention must be consistent with their actions.

6. To decide whether an applicant is habitually resident in the UK, authorities should consider the factors set out below. However, these do not provide an exhaustive check list of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

*Why has the applicant come to the UK?*

7. If the applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and is returning to resume his or her former period of habitual residence, he or she will be immediately habitually resident.

8. In determining whether an applicant is returning to resume a former period of habitual residence authorities should consider:

- when the applicant left the UK
- how long the applicant lived in the UK before leaving
- why the applicant left the UK
- how long the applicant intended to remain abroad
- why the applicant returned
- whether the applicant's partner and children, if any, also left the UK
- whether the applicant kept accommodation in the UK
- if the applicant owned property, whether it was let, and whether the lease was timed to coincide with the applicant's return to the UK
- what links the applicant kept with the UK
- whether there have been other brief absences
- why the applicant has come back to the UK.

9. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his or her reasons for coming to the UK, and in particular to the factors set out below.

*Applicant is joining family or friends*

10. If the applicant has come to the UK to join or rejoin family or friends, authorities should consider:

- whether the applicant has sold or given up any property abroad



- whether the applicant has bought or rented accommodation or is staying with friends
- whether the move to the UK is intended to be permanent.

*Applicant's plans*

11. Authorities should consider the applicant's plans, e.g.:

- if the applicant plans to remain in the UK, whether their stated plan is consistent with their actions
- whether any arrangements were made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK
- whether the applicant bought a one-way ticket
- whether the applicant brought all their belongings
- whether there is evidence of links with the UK, e.g. membership of clubs.

12. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the disposal of property abroad, may indicate that the applicant is habitually resident in the UK.

13. An applicant who intends to reside in the UK for only a short period, for example for a holiday or to visit friends is unlikely to be habitually resident in the UK.

*Length of residence in another country*

14. Authorities should consider the length and continuity of an applicant's residence in another country:

- whether the applicant has any remaining ties with his or her former country of residence
- whether the applicant stayed in different countries outside the UK.

15. It is possible that a person may own a property abroad but still be habitually resident in the UK. A person who has a home or close family in another country would normally retain habitual residence in that country. A person who has previously lived in several different countries but has now moved permanently to the UK may be habitually resident here.

*Centre of interest*

16. An applicant is likely to be habitually resident in the Common Travel Area despite spending time abroad, if his or her centre of interest is located in one of these places.

17. People who maintain their centre of interest in the Common Travel Area for example a home, a job, friends, membership of clubs, are likely to be habitually resident there. People who have

retained their centre of interest in another country and have no particular ties with the Common Travel Area are unlikely to be habitually resident.

18. Authorities should take the following into account when deciding the centre of interest:

- home
- family ties
- club memberships
- finance accounts.

19. If the centre of interest appears to be in the Common Travel Area but the applicant has a home somewhere else, authorities should consider the applicant's intentions regarding the property.

20. It is not uncommon for a person to live in one country but have property abroad that they do not intend to sell. Where such a person has lived in the Common Travel Area for many years, the fact that they have property elsewhere does not necessarily mean that they intend to leave, or that the applicant's centre of interest is elsewhere.

## ***Appendix 2: Local Connection – Section 199, Housing Act 1996***

(1) A person has a local connection with the district of a local housing authority if he has a connection with it—

- a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice,
- b) because he is employed there,
- c) because of family associations, or
- d) because of special circumstances.

Section 199 was amended by section 315 of the Housing and Regeneration Act 2008 so that for the purposes of an application for social housing under Part 6 of Housing Act 1996, someone serving in the Armed Forces will be able to establish a local connection with a district through residence of choice or employment there, in the same way as a civilian person. The amendments apply in respect of all applications for housing made on or after 1 December 2008.

## ***Appendix 3: The Right to Move***

### **Summary**

Under the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) applicants who existing social housing tenants will not have to meet the Local Connection requirement if they need to move to the Home-Options area to either be closer to their place of work in the area or to take up an offer of work in the area, provided that such a move will alleviate hardship.

### **Assessing hardship**

In assessing whether an applicant needs, rather than wishes, to move for work related reasons and that the hardship they are experiencing is genuine, we will take the following into account:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

### **How we define work**

In line with the Right to Move statutory guidance, for an applicant to qualify their work must be:

- regular – there must be regular work within the Home-Options area
- long-term/permanent – if under a fixed-term contract, the work must be expected to last for more than 12 months
- substantial – the applicant must work for a minimum period of 16 hours per week. If the applicant works fewer hours then the remuneration from the work must be ‘substantial’.
- located within the Home-Options area – the main place of work should be within the Home-Options area, even if the applicant’s employer has offices elsewhere.

Applicants who are working temporarily within the Home-Options area or who will be returning to work in another area after a period of time will not be considered to ‘work’ in the Home-Options area. Voluntary work is also excluded from the definition.

We will ask for evidence to support any applications under the Right to Move regulations.

## **Quota for Right to Move Applicants**

The Right to Move Regulations suggest that a quota of 1% of all lets should be made available to Right to Move applicants and that local authorities who do not adopt the quota should be able to explain publically why they have not done so.

Based on an assessment of the number of cross-border moves already carried out, the Home-Options Partnership believes that quotas are not the most appropriate approach and that lettings to Right to Move applicants should be demand-led instead.

No formal quota will be set but the number of applicants and the number of lettings will be kept under review and consideration will be given to a quota in future if it is deemed necessary.

## ***Appendix 4: Processing of Home-Options Applications & Decision Making***

Of the seven main Home-Options partners, five process applications for accommodation:

- Futures Housing Group – all applications from people wishing to live in the Amber Valley area
- emh homes – all applications from people wishing to live in the Erewash area
- Derbyshire Dales District Council – all applications from people wishing to live in the Derbyshire Dales area (including any tenants of registered providers in the Derbyshire Dales who are seeking a transfer other than tenants of Dales Housing)
- Dales Housing – all applications from tenants of Dales Housing who are seeking a transfer
- High Peak Borough Council – all applications from people wishing to live in the High Peak area.

Applications will normally be processed by the Home-Options team in the area where the applicant resides.

Each partner that processes applications will have a team of people who deal with housing applications:

	Customer Service Team	Housing Options Team	Housing Options Manager
Process applications	✓	✓	
Decide on eligibility, qualification & banding	✓	✓	
Shortlist applicants and offer properties		✓	
Consider initial reviews		✓	✓ *
Consider stage one reviews			✓
Consider stage two reviews			✓

Actual team names or job titles will vary from partner to partner but are given to indicate the team or manager responsible for the role.

\*Initial reviews will normally be considered by a member of the team not involved in the original decision. Where a manager is involved in an initial review, a different senior officer would consider the stage one review.

Stage two reviews are heard by a review panel of three housing options managers (or equivalent) from other partners.

## ***Appendix 5: Criteria for Local Lettings Policies***

Local lettings policies have an important role in widening housing choices for local people and helping to provide sustainable communities.

Home-Options will work with local councils and registered providers 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.

- (i) Local lettings policies will be based upon the needs of local people and developed in consultation with residents.

Local lettings policies should be based upon evidence of housing need i.e. high levels of child density on an estate or local people being unable to access local housing because of high priority applicants moving in from another area.

Residents should be asked for their views and these should be incorporated into the local lettings policy.

- (ii) The expected outcomes of any local lettings policies should be clearly set out and the impact of the plans will be monitored to make sure they meet the objectives.

The impact that the policy is expected to have should be clear i.e. to have no more than 1.5 children per household, or to ensure that 50% of homes on a new development are allocated to people who live within three miles.

The policy should state how the outcomes will be monitored to make sure they are met.

- (iii) Local lettings policies should for a fixed period of time and subject to regular review.

A local lettings policy should always have a start date and a date when the policy will expire. Where a local lettings policy will continue to apply after the first round of lettings or after 12 months, for example, it should have date upon which it will be reviewed.

- (iv) Local lettings policies will be advertised on the Home-Options website, so that the letting of properties is clear and transparent.

Where a local lettings policy is being used, it must be clearly stated in the property advert. All local lettings policies will be advertised on the Home-Options website so that applicants can see and understand how the policy may affect them.



## ***Appendix 6: Procedure for Oral Hearing at Review Panel***

The Home-Options Partner that receives a request for the appeal will contact the Home-Options Co-ordinator to arrange the date and venue for the review panel.

The Home-Options Co-ordinator will select three senior officers from the review panel rota. The senior officers will not include anyone who works in the area in which the Home-Options Partner that received the request is based. One of the senior officers will be appointed as the lead officer for the review.

The Home-Options Partner will inform the applicant of the venue, date and time of the review meeting. The applicant should be informed that he may bring a representative with him/her, if required.

The purpose of the review is to consider the application in its entirety, not just that aspect that the applicant has asked to be reviewed. The senior officers should read the application prior to the review panel meeting so that they are aware of all of the details of the application.

Prior to the applicant's appearance at the review panel, the lead officer will prepare a summary of the case, explaining the reason why the original decision was made.

When the applicant attends the review panel meeting, the lead officer will explain the review process and read the summary of the case to the applicant so they understand why the decision was made.

The lead officer should remind the applicant that any information provided will form part of their housing application and therefore the implications for false or misleading statements still apply.

The applicant (or their representative) then has the opportunity to put forward the applicant's case and why they think that the decision should be changed.

The senior officers of the review panel should record the details of the applicant's case. Once the applicant has finished, they can ask questions to further clarify any aspects of the application.

The applicant should be given an opportunity to ask any questions, then thanked for attending the review panel and excused.

The review panel will then consider the housing application and any submission from the applicant. The lead officer will then write to the applicant setting out the panel's decision and the reasons for it. A copy of the decision letter and notes will be uploaded onto CBL system as record in the applicant's journal by the Home-Options Co-ordinator.