

Letting Policy for Social Housing

H2

1 Introduction

Following the transfer of the Councils housing stock to Rochford Housing Association, the Council no longer owns or manages properties. Instead, we work with Rochford Housing Association and other Registered Social Landlords (RSLs) or Housing Associations in the area to provide a stock of homes that aims to meet the needs of our community. The Council maintains a register of people who would like to live in social housing in the District. Apart from Rochford Housing Association other RSLs who have properties in the District include:

- Springboard Housing Association
- London and Quadrant Housing Trust
- Estuary Housing Association
- John Grooms Housing Association
- Moat Homes
- Swan Housing Association
- Sanctuary Housing Association
- Shaftesbury Housing Association
- Hereward Housing
- Hanover Housing Association

The Council nominates housing register applicants to suitable vacancies in accordance with the Nomination Agreement it has with many RSLs. The RSLs are not, however obliged to accept every nomination, although there must be good reasons for refusing to accept a prospective tenant.

This policy sets out the Council's procedures should you wish to apply for Social Housing or if you are already a social housing tenant and need to transfer to alternative accommodation.

This policy has been developed with help from local tenants groups following a change in Government legislation about the letting of social housing within the Homelessness Act 2002. We have tried to make sure that it includes all the relevant information for you to be able to make informed choices. Rochford District Council is committed to promoting equal opportunities and all applicants will be treated equally and without any discrimination.

The Council carefully considers its letting policies and procedures in order to ensure that local people in the greatest housing need have the greatest chance of being housed or re-housed.

We hope that you will find this guide useful. If you require any further information please do not hesitate to contact the Strategic Housing Allocations Team, Rochford District Council, 7 South Street, Rochford, Essex SS4 1BW on 01702 318027/318066. If you have any complaint about the way your application has been dealt with you can have your circumstances reviewed by an independent officer.

2 Aims

The Council has four principal aims with regard to social housing:

- To ensure that priority for social housing is targeted to those that are in the greatest housing need. **NB This means that anyone found to be adequately housed or able to use their own resources to resolve their situation will not normally be nominated for accommodation.**
- To empower customers by giving them more opportunity to express choice and preferences about where they want to live and the type of property they would prefer to live in.
- To maintain flexibility to create and build sustainable communities, tackle social exclusion and make the best use of the social housing stock (within the national context of variations in local housing markets).
- To provide a simple and easy to understand service which aims to be transparent, open and fair.

2.1 Meeting Area Choice Preferences

Rochford District Council is committed to provide a customer orientated service that aims to offer real choice about where you want to live over a range of appropriate homes whilst continuing to meet housing need.

You can choose which area(s) of the District you wish to live in, by selecting from up to 10 areas on the application form with your preferences.

Your preferences for a particular location will be taken into consideration when a nomination is made, in order that as far as possible you will be housed in an area of your choice. You can change your preferences by notifying the Council in writing or as part of the annual review process.

3 Legal Duties

The Council gives reasonable preference to the following:

- People who are homeless (within the meaning of Part VII of the Housing Act 1996).
- People owed a duty under Section 190(2), 193(2) or 195(2) of the 1996 Act (or under Section 65(2) or 68(1) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under Section 192(3).
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds.

- People who need to move to a particular locality in the District where failure to move would cause hardship to themselves or others. This may be due to:
 - A need to access medical treatment.
 - To give or receive care.
 - To take up employment, education or a training opportunity.

The Council also gives Additional Preference to those in reasonable preference requiring urgent housing e.g.

- Those owed a homeless duty as a result of violence or threats of violence.
- Those who need to move because of urgent medical reasons.

In addition the Council takes into account:

- The financial resources available to a person to meet their housing costs.
- Any behaviour of a person (or a member of his household) which affects their suitability to be a tenant.
- Any local connection (within the meaning of Section 199 Housing Act 1996), which exists between a person and this authority's district.

4 Housing Register

4.1 Do I qualify to go on the Register?

1. Everyone is entitled to go onto the Housing Register unless they are excluded by law because of their immigration status or not eligible due to being guilty of unacceptable behaviour (see Section 4.2).
2. An age qualification applies in certain circumstances for particular properties:-
 - For General Needs properties you must be 18 years of age or over. People aged between 16 and 18 will not normally be admitted unless the Council has a duty under Homelessness legislation and a guarantor will be required (which may be a Social Services Department) who can guarantee that you will abide by a tenancy agreement. Nomination for accommodation before you are 18 is at the discretion of the Council.
 - In the case of requests for sheltered housing, and pensioner-designated dwellings, you must be 60 years or over (if a couple both must be over 60).
 - In the case of requests for 1-bed non-sheltered bungalows, you must be over 55.

- 3 The Council also has a duty to tenants in agricultural dwellings affected by the Rent (Agricultural) Act 1976 s28, who will be dealt with appropriately, following recommendations from the Agricultural Dwelling House Advisory Committee (ADHAC).

NB Entitlement to be placed on the Housing Register does not mean that you are eligible to be nominated for accommodation.

4.2 Who does not qualify to go on the Housing Register?

The following are **excluded** from the Housing Register:

1. **Applicants who are not eligible for an allocation**

The law states that certain persons who are either subject to immigration control or persons from abroad are not eligible for an allocation of housing accommodation.

Further information on this matter can be obtained from the Strategic Housing Allocations Team on 01702 318027/318066.

2. **Applicants who are guilty of unacceptable behaviour**

If an applicant, or a member of his household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (i.e. a Possession Order could be obtained under the Housing Act 1985 s.84 in relation to any of the grounds in Part 1 of Schedule 2 other than Ground 8 if the applicant were a secure tenant) and at the time of application is still considered to be unsuitable.

Examples of where an applicant may be considered guilty of unacceptable behaviour include:

- Causing annoyance to neighbours.
- Being violent towards their partner or family.
- Being convicted of using their home for immoral or illegal purposes.
- Obtaining their tenancy by deception

If you are refused entry onto the Housing Register, you will be advised in writing, including the reasons for it, and have a right of appeal.

4.3 How Will the Council Assess My Application?

1. You will be required to provide relevant documents to support your application. If you fail to provide these it will result in a delay in the processing of your application.

2. References will be required from a landlord or mortgage provider and other checks made, to ensure that you have not been guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant and whether you are still considered to be unsuitable.
3. If you have rent arrears with any Local Authority or Registered Social Landlord, a decision will be made as to whether you are eligible for the Housing Register. If you are eligible, your application will be suspended until you enter into and maintain a regular repayment arrangement for at least six months, or until the arrears are reduced to 4 weeks net rent of any benefit. Nomination for accommodation before the arrears are cleared in full will be at the discretion of the Council.
4. If you are eligible to be considered for Sheltered Housing you will be visited at home prior to an offer in order to ensure that you are given the fullest possible information about the services available and that sheltered housing is appropriate to your needs. If the accommodation is assessed as being unsuitable you will be advised in writing and advised of other housing options.
5. Any children included in your application must normally be dependent on you and reside with you, before they are taken into account when assessing your point levels. However, if you have regular access rights and can provide strong supporting documentation evidencing this then you can be offered 1 additional bedroom to your needs. Those that decide not to wait for the additional bedroom and accept a smaller property will not normally be entitled to transfer.
6. If you have received and refused two offers of suitable accommodation and had the opportunity to appeal against these offers, your application will be suspended for one year. Where the Council owes you the full homelessness duty you will only be entitled to receive one offer of suitable accommodation.
7. You will be given a written decision on your application, so that you can establish your prospects of being nominated for accommodation. **NB Please be aware that if you have no measurable housing need you are unlikely to be nominated.**
8. You will be removed from the list if you request it, or if you have never been or no longer qualify for inclusion, (except in the case where you are owed a full homelessness duty) or if you fail to respond to a request for information. In each case you will be advised in writing that your name has been removed and the reasons for it, providing a forwarding address is known.
9. The Council cannot divulge any information about you to anyone. We will therefore treat any information regarding your registration on the Housing Register in confidence, and can only divulge this information directly to you. We may therefore ask you to confirm your NI number or other coded name known only to you when discussing your application.
10. You have a right to request a review or appeal on any decision made on your eligibility.

11. Making a false statement or withholding relevant information to obtain a tenancy is a Ground for Possession (eviction) and a criminal offence for which a fine up to level 5 may be payable on summary conviction.

5 Policy on Temporary Suspension

Applicants will be temporarily suspended from the Housing Register for the following reasons:

- (a) An applicant who knowingly withheld or gave false or misleading information in their application for housing and has been successfully prosecuted under Section 171 of the Housing Act 1996, will be suspended for one year.
- (b) An applicant who has received and refused two offers of suitable accommodation and have had the opportunity to appeal against these offers will be suspended for one year.
- (c) An applicant with rent arrears with any Local Authority or a Registered Social Landlord, which are not deemed serious enough to be considered guilty of unacceptable behaviour, will be suspended until they enter into and maintain a regular repayment arrangement for at least six months, or until the arrears are reduced to 4 weeks net rent of any benefit. Nomination for accommodation before the arrears are cleared in full will be at the discretion of the Council.

6 How do I apply to go on the Housing Register?

You will need to complete an application form. This will be supplied with this booklet or can be obtained from Strategic Housing Allocations Team.

When completing the form please answer all the questions and sign and date it. The more we know about you the better we are able to meet your housing needs. Incomplete forms will be returned.

The Allocations Team will be pleased to help you, if you have any difficulty completing the form. You can either visit the Council Offices in Rochford or Rayleigh or telephone 01702 318027/318066.

You can send your form to us by post or bring it into the Council Offices where we will be pleased to check it over with you if you wish. If you have difficulties getting into the offices, a visit at your home could be arranged. Do not forget to provide the supporting documentation requested.

If you do qualify, your application will be assessed using a point scheme, designed to give priority for housing to those in the greatest need. Your application will be placed in points order with all the other applications looking for the same type of property. If two or more applications have the same points then the date of application will be used to determine priority.

7 The Points Scheme

NB If you have sufficient income or capital to rent privately or to purchase a home locally you will NOT be awarded any points.

If your residence qualification was not obtained by choice e.g. due to a period of detention, hospitalisation or institutional care, you will not be considered to have a local connection.

Calculation of Financial Resources

(a) Private Renting

A financial assessment will be carried out to ascertain whether you can afford to privately rent based on current local rental costs. These costs will kept under review.

(b) Buying a Property

If the total of your capital plus 3 times your income (taking into account your age) is sufficient to purchase a property large enough for your needs then you will be deemed eligible to purchase. Local house prices will be kept under review.

Points will be awarded to reflect the extent of housing need and are set out below:

Points awarded	Priority Applicants
200	<i>Homelessness</i> Accepted as homeless and the Council has a statutory duty to re-house you
	or
200	<i>Residency Qualification</i> You are currently living in the District and have done so for 6 months in the last year or have lived in the District for 3 years in the last 5 years
	or
200	<i>HM Forces Personnel with a residency connection</i> You are within 12 months of expected discharge, occupying service accommodation and have a local connection by virtue of previous residence of at least 5 years.
	or
100	<i>Local Family Connection</i> If you have a parent, adult child, brother or sister currently living in the District and who has done so for a continuous period of at least 5 years prior to your application
	or

Points awarded	Priority Applicants
100	<i>HM Forces Personnel with a local family connection</i> You are within 12 months of expected discharge, occupying service accommodation and have a local family connection that is you have a parent, adult child, brother or sister currently living in the District and who has done so for a continuous period of at least 5 years prior to your application.
30	Accepted as homeless ¹ and considered to be roofless
25	Accepted as homeless ¹ and placed in bed and breakfast accommodation PLUS length of time residing there
10 points per month	
25	Accepted as homeless ¹ and placed in temporary accommodation by the Council (e.g. floating support project, hostel, refuge or other accommodation) PLUS length of time residing there
10 points per month	
20	Accepted as homeless ¹ and you have no fixed abode
10	You are homeless and owed a duty under s.193 (2) ² or 195(2) ³ of the Housing Act 1996 or under s. 65(2) or 68(2) of the Housing Act 1985 or You are homeless ¹ (within the meaning of Part VII of the Housing Act 1996)
30	If you are in temporary accommodation under interim cover (e.g. pending homeless investigations). All pending homeless applications will receive these points ONLY until investigations are complete when further points may or may not be awarded depending on the outcome.

Points awarded	Inadequacy of present accommodation
100	For a property determined by an Environmental Health Officer as being subject to slum clearance, or a closing order or other action under the Housing Acts; or affected by a redevelopment scheme which will have effect in the short term.
50	<i>Statutory Overcrowding</i> You are deemed by and Environmental Health Officer as suffering statutory overcrowding

¹ Part VII of the Housing Act 1996 specifies that a person is homeless if he/she has no accommodation in the UK or elsewhere which he/she is entitled to occupy, has a licence to occupy, occupies as a residence giving the right to remain in occupation. A person shall not be treated as having accommodation unless it is reasonable to occupy. A person is threatened with homelessness if it is likely that he/she will become homeless within 28 days.

² 193(2) – this section applies where the Council are satisfied that an applicant is homeless, eligible for assistance and has a priority need and are not satisfied that he/she became homeless intentionally.

³ 195(2) – this section applies where the Council are satisfied that an applicant is threatened with homeless unintentionally, eligible for assistance and has a priority need.

Points awarded	Inadequacy of present accommodation
10 each	<i>Lack of Facilities</i> For a property lacking one of the basic statutory amenities e.g. no hot cold water, no internal toilet, no bath or shower, no living room, no kitchen facilities, no electricity supply, no adequate heating in main living area, no main drainage or sewage system, poor physical conditions, unfit housing or poor internal/external layout or access arrangements
	<i>Gardens</i>
10	You have an inability to cope with the garden due to disability or being over 60 and requesting a property without a garden
10 per bedroom	<i>Non-statutory overcrowding</i> You live in overcrowded circumstances
5 each	<i>Shared Facilities</i> If you share facilities with a non-related person (usually but not exclusively house or flat sharers) i.e. bathroom/shower, toilet, kitchen or living room
2 each	If you share with a relative but are a separate family/household or an extended family i.e. living room, kitchen, bath/shower or toilet.
2	You are living above the 4 th floor

Please Note: An Environmental Health Officer will generally recommend any points awarded for inadequacy.

Points awarded	Underoccupation
100	You are eligible for the Council's Transfer Incentive Scheme ⁴
5 per bedroom occupying	You live in large accommodation and are requesting a smaller property

Points awarded	Medical, Disability and Welfare Factors⁵
100	Category A - immediate re-housing required
50	Category B - urgent need for re-housing
25	Category C – re-housing required but not urgent
10	Category D – re-housing desirable
0	Category E – no medical priority
3	A couple having a proven medical need for a separate Bedroom

⁴ This scheme enables tenants of partner RSLs who live in the Rochford District to downsize to a 1 or 2 bed property and receive a financial incentive if a move takes place. The partner RSLs are: Springboard, London & Quadrant; Moat, Estuary, John Grooms and Sanctuary.

⁵ Assessment for categories A – E will be made by an independent medical consultant.

Points awarded	Medical, Disability and Welfare Factors⁵
Up to a maximum of 100	<i>Urgent Social/Welfare Factors</i> In exceptional circumstances, the Council in consultation with the appropriate Authority/Agency may award further points
30	<i>Domestic Violence</i> If you or any member of your household needs to recover from the effects of violence (including racial attacks) or threats of violence or physical, emotional or sexual abuse and the allegations have been investigated and proved on a balance of probabilities.

Points awarded	Other factors
5	<i>Separated families</i> You are an established family of at least 6 months standing and are forced to live apart due to lack of accommodation
5	or You are life partners living apart
3	<i>Moving within the District</i> You need to move to a particular locality in the District where failure to move would cause hardship to yourself or others e.g. with a proven medical need to move closer to relatives (parent, sibling, child) to provide or receive support, to access medical treatment or to take up employment or a training opportunity
2 per year up to a maximum of 20	<i>Time on Register</i> Your time on the register

Where no points are awarded	
0	You are already adequately housed
0	You have no connection with the Rochford District
0	You are inadequately housed but possess the resources to meet your housing need

If you deliberately make your housing situation worse in order to improve your chances of obtaining housing, then no extra points will be granted. Applicants in a common-law relationship must have co-habited for six months in order to prove a stable relationship.

The Council also reserves the right to:

- Nominate key workers to properties specifically designated for them.
- Where a property has been extensively adapted for the disabled to nominate the next person/family in need of that adaptation.

The Council also gives priority to: an Order of the Court; a request from the Police or similar agency; displaced agricultural workers (under the Rent Agricultural Act 1976 s28), following advice from ADHAC and one nomination a year to Ling Trust.

8 Accommodation Size

The Council tries to match accommodation as closely as possible with an applicant's immediate housing requirement. The following guideline applies to Rochford Housing Association – other RSLs may have a different policy. An adult is defined as a person over 18 years old.

Number of Bedrooms	Household Type
Bedsits	Single people
One Bedroom	One adult Two adults
One bed flat or bungalow (OAP designated)	One adult over 55 Two adults over 55
Two bedrooms	Two adults, not living as a couple One adult plus one child Two adults plus one child One adult plus two children, same sex Two adults plus two children, same sex One adult plus two children, different sex, both under 7 Two adults plus two children, different sex, both under 7 Couple plus one other adult
Three Bedrooms	Three adults (no couples) Couple plus two single adults One adult plus two children, different sex, one aged over 7 Two adults plus two children, different sex, one aged over 7 One adult plus three children Two adults plus three children One adult plus four children Two adults plus four children
Four bedrooms	Families that are larger than those described above

The following guideline applies:

- Ground floor Sheltered and OAP designated properties will be considered for someone with a proven medical need for a ground floor accommodation.
- Non-Sheltered one-bedroom bungalows will be allocated to applicants' aged 55 or over.

- Overcrowding points will also be awarded if a bedroom is very small based on the standards used to assess Statutory Overcrowding e.g. a bedroom between 50-70 sq ft is suitable for one child up to 10. The number of bed spaces in a property will therefore be taken into account.
- Properties with three bedrooms and two living rooms will be considered to be 4 bedrooms and offered to those in the greatest need.

9 Your Rights and Review Procedures

You have the following rights:

- (a) The right to information that will enable you to assess how your application is likely to be treated and in particular whether you will fall within the reasonable preference categories.
- (b) The right to information about whether accommodation appropriate to your needs is likely to be made available and if so how long it is likely to be before such accommodation becomes available.
- (c) The right to be notified in writing of any decision to treat you as ineligible by virtue of s.160A (3) or (5) Housing Act 1996 (i.e. persons from abroad).
- (d) The right to be notified in writing of any decision to treat you as ineligible because of unacceptable behaviour serious enough to make you unsuitable to be a tenant.
- (e) The right on request to be informed of any decision about the facts of your case which has been or is likely to be taken into account in considering whether to make an allocation to you.
- (f) The right to request a review of a decision mentioned in (d) or (e) above. You also have the right to be informed of the decision on the review and the grounds for it.

If you feel that you have a right to have your application reviewed, you should make an application in writing within 28 days of the decision to:

The Strategic Housing Manager at Rochford District Council, Council Offices, South Street, Rochford, Essex SS4 1BW.

Your case will be reviewed within 10 working days. You then have a right of appeal on the decision of the review within 28 days to:

The Head Community Services at the same address.

10 And Finally

It is most important that you notify the Strategic Housing Allocations Team of any changes to your circumstances. This should be done as soon as they occur, in order that your points entitlement can be adjusted. Should you wish to discuss your application or have anything in this guide explained to you, do not hesitate to contact the Allocations Team on 01702 318027/318066.

Useful Addresses

Homelessness and Housing Advice
Rochford District Council
Council Offices
South Street
Rochford
Essex
SS4 1BW
Tel: 01702 318158/318069

Rayleigh & Rochford Association of
Voluntary Services
132 High Street
Rayleigh
Essex
SS4 1AY
Tel: 01268 775255

Rochford Citizens Advice Bureau
Back Lane
Rochford
Essex
SS6 7BX
Tel: 01702 545552
Fax: 01702 547521

Rayleigh Citizens Advice Bureau
Civic Suite
Hockley Road
Rayleigh
Essex
SS6 8EB
Tel: 01268 770782
Fax: 01268 741359



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