

# Chesterfield

# Home-Options Policy

## Choice-based Lettings Scheme



**CHESTERFIELD**  
BOROUGH COUNCIL

In partnership with



**This policy relates to the management of the housing register and the allocation of tenancies in Chesterfield.**

**The management of the housing register and the allocation of tenancies in Amber Valley, Derbyshire Dales, Erewash, High Peak and Staffordshire Moorlands are covered by the Amber Valley, Derbyshire Dales, Erewash, High Peak and Staffordshire Moorlands Home-Options Policy.**

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Document Version	Revision	Date	Author(s)	Change Reference
1.0	Final	19/12/18	Jayne Yates	Final policy agreed.
1.1	Final	5/7/19	Jayne Yates	<p>Legal framework updated to include the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 as amended by Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018</p> <p>Equity levels updated to UK House Price Index at April 2019</p> <p>Changes made to mirror partnership's policy:</p> <p>Included assessment of how rent arrears accrued</p> <p>Band B+2 clarified priority is time-limited and may be withdrawn if the homelessness duty changes</p> <p>Clarified local connection for homeless applicants.</p>
1.2	Final	23/1/23	Phil Campbell	<p>Review timescales updated.</p> <p>Equity levels updated to UK House Price Index at December 2021.</p>
1.3	Final	9/6/2023	Phil Campbell	Equity levels updated to UK House Price Index at March 2022.

## Section 1 – Introduction

### (i) Overview

Chesterfield Borough Council works in partnership with Derbyshire Dales District Council, High Peak Borough Council, Amber Valley Borough Council, Erewash Borough Council and Staffordshire Moorlands District Council to deliver the Home-Options service. 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
- Chesterfield Borough Council
- Derbyshire Dales District Council
- emh homes
- Erewash Borough Council
- Futures Housing Group
- High Peak Borough Council
- Staffordshire Moorlands District Council
- Platform Housing Group
- Your Housing Limited

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) by 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 five 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 five 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.

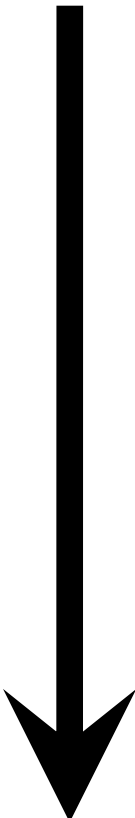
## **(iii) Award of tenancies through Home-Options**

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.

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 local connection with the Chesterfield Borough Council area	
<b>1</b>	Band A (by Priority Date)	
<b>2</b>	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>3</b>	Band B (by Priority Date)	
<b>4</b>	Band C (by Priority Date)	
<b>5</b>	Band D (by Priority Date)	
	Any other applicants registered with Chesterfield Borough Council or one of the other Home-Options partners	
<b>6</b>	Band A (by Priority Date)	
<b>7</b>	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>8</b>	Band B (by Priority Date)	
<b>9</b>	Band C (by Priority Date)	
<b>10</b>	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).

## Section 2 - The Legal Framework

### (i) Overview

This policy takes the following into account:

- Part 6 of the Housing Act 1996 (as amended) governs the allocation of local authority housing stock in England; it was substantially amended, with effect from 31 January 2003, by the Homelessness Act 2002 and, more recently, by the Localism Act 2011. Statutory guidance was issued in 2012: the Allocation of Accommodation: guidance for local authorities in England (2012) and in 2013: Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (2013). Together, this sets out the legal framework for the allocation of accommodation by local authorities
- Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) and the Code of Practice 2018, in so far that it relates to the assessment of those who are homeless, in priority need and who may be considered to be homeless intentionally.
- 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, which cover 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 Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018. This is set out in more detail in section 5(ii)
- 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
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation - Statutory guidance on social housing allocations for local authorities in England (2018)

Authorities must ensure that when allocating their stock they only allocate to “qualifying persons”. Subject to the centrally determined eligibility criteria, set out in the Localism Act 2011, and any regulations made by the Secretary of State, authorities are free to decide what classes of person are and are not “qualifying persons” for the purposes of the allocation scheme.

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. We do this by summarising the policy on our website. 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 Race Relations Amendment Act 2000
- The Equality Act 2010
- The General Data Protection Regulations 2018.

## **(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, or a local policy change or guidance in the interim.

### **Section 3 - 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.

## **Section 4 - 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.

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

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.

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

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

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

- That the applicant is eligible to register for housing
- The identity of the applicant and other members of the household who might reasonably be expected to live with them
- 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.

See Appendix 1 for a list of appropriate documentation.

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

### **(iii) Information regarding an applicant's health**

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

### **(iv) Data protection and the detection and prevention of fraud**

Applicants must give their name, address and relevant personal details. We may also collect information from applicants if they complete any other forms on the Home-Options website or if they contact us with comments or specific requests. This

information will only be used to calculate applicants' eligibility for housing and to provide targeted information through our website and other media. If we wish to use it for any other purpose we will ask the applicant's permission first.

The Home-Options partners are under a duty to protect the public funds they administer, and to this end may use applicants' information for the prevention and detection of fraud. They may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

If an applicant bids on a property advertised on Home-Options, their data will be shared with the council or housing association that owns the property to enable the accurate and fair matching of people to properties to take place. Home-Options partners and housing associations may also make enquires with Council housing benefit departments and other agencies such as medical practitioners, DWP, support agencies, police and landlords to confirm the details provided by applicants.

With an applicant's agreement, Home-Options may also share their details with support providers who can help them to find accommodation or help them not to lose their existing home.

Home-Options will take every precaution to protect applicants' information both online and offline, in accordance with current data protection regulations. Any data that is collected or used is protected in accordance with industry standards.

#### **(v) Validation of applications**

All applications undergo 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 been supplied. We may use third party referencing agencies to confirm details that the applicant has 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.**

## **Section 5 - Eligibility and Qualification to join the Housing Register**

### **(i) Overview**

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

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

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

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

### **(ii) Eligibility for an allocation of housing**

The UK Government sets the rules that determine who can be allocated 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 have been living abroad, those without a right to reside, or those who do not have 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 or introductory tenancy with a local authority;
- already hold an assured or starter tenancy allocated to them by a registered provider; or
- 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 ineligible for housing unless he or she is within a prescribed class prescribed by regulations as being eligible.



### **(a) UK citizens**

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

If they have just returned to live in the UK, they will have to pass a 'habitual residence test'. See Appendix 2 for further details.

### **(b) European Union citizens**

The rights of EU and EEA citizens to UK housing are complicated and depend on whether he or she has a right to reside in the UK, or is the family member of such a person. Each application will be subject to individual assessment to determine whether the applicant is eligible.

### **(c) 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.

### **(iii) Qualification to join the Home-Options 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 owns or has previously owned any property
- (b) whether unacceptable behaviour means that the applicant is unsuitable
- (c) other reasons why the applicant may be unable to manage a tenancy.

Applicants re-housed by Chesterfield Borough Council, through Home-Options or Moorlands Homechoice 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 that affect their housing circumstances. The test we use is that an applicant will qualify if they would meet the criteria for an award of priority bands A, B+, B or C (see section 7 Priority on the Housing Register for details).

**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.**

**(iv) 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,
- experienced 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.
- may need low-level support and who are eligible to move to Extracare accommodation (subject to an assessment of their needs).

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.

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

	<b>Average house price</b>	<b>Home-Options equity level</b>
Amber Valley	£216,413	£108,202
<b>Chesterfield</b>	<b>£189,738</b>	<b>£94,869</b>
Derbyshire Dales	£318,012	£159,006
Erewash	£199,436	£99,718
High Peak	£244,209	£122,105
Staffordshire Moorlands	£212,283	£106,142

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 may receive lower priority on the housing register. Each case will be assessed upon its own

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<sup>1</sup> Source: UK House Price Index: average Price for All Property Types – March 2022.

merits, including the applicant's long-term needs, their ability to raise a mortgage or access other housing options.

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 availability of suitable accommodation in the area where the applicant needs to live will be taken into account.

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.

Applicants who own, or used to own, property and those with equity must declare any interests in land, property or equity that they have. Property owners who are rehoused through Home-Options are expected to take reasonable steps to sell the property they own. Applicants should take advice about the implications for affordability of any future rented property as disposal of property can have an impact upon claims for welfare benefits.

#### **(v) 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):

- 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 1(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 be likely to 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 reapplies after 12 months but their behaviour or circumstances have not changed, then they may be considered for further periods of exclusion from Home-Options.

#### **(vi) Applicants with rent arrears or other tenancy-related debts**

Applicants with rent arrears or other tenancy-related debts of £1,000 or more may not qualify to join Home-Options (tenancy-related debts could be court costs, former tenant arrears, re-chargeable repairs, etc.). Applicants with tenancy-related debts of less than £1,000 may 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).

Applicants with arrears from a previous tenancy will be subject to an assessment as to how their arrears accrued. Specifically where an applicant was unable to pay their rent due to a shortfall in housing benefit or the housing element of universal credit, then they may qualify to join the housing register following an assessment.

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, taking into consideration any mitigating factors, such as availability of housing benefit, or family circumstances.

#### **(vii) Other reasons**

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

- (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
- be required to leave service accommodation as a result of being dishonourably discharged from HM Armed Forces.

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.

Applications may also be refused from applicants who have previously been registered with Home-Options but whose applications were removed because they refused five offers with one 12 month period (see Section 11(v)).

#### **(viii) 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 will require a trustee to hold the tenancy in trust on their behalf. 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.

#### **(ix) 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(xiv). 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.

#### **(x) 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.

### **(xi) Ineligible and non-qualifying applicants**

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).

### **(xii) Periodic reviews of housing applications**

Applications on the housing register will be reviewed every twelve months. Applicants in higher priority bands may be reviewed on a more regular basis. Applicants will be contacted to determine if they wish to remain on the register and that their circumstances have not changed. Applicants who do not respond within 28 days will be removed from the housing register without further notice.

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.

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

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

Home-Options can also, at its discretion and in line with its normal policies, remove someone from the housing register. An application can be reviewed at any time.

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(ii),
- that they no longer qualify to join Home-Options – see section 5(iii),
- that they have deliberately worsened their housing situation to gain a higher priority on Home-Options – see section 5(vii)(ii).

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.

Where an application is removed other than at the applicant's request or because the applicant has not responded to the annual review, Home-Options will write to the applicant explaining the decision and the reasons for it. The applicant will have the right to ask for the decision to be reviewed.



#### **(xiv) 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(viii) Sixteen and seventeen year old applicants),
- applicants not ready to move but who wish to accrue waiting time.

Should an applicant not provide any requested information within 28 days, without good reason, their application will be removed.

#### **(xv) 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).

## Section 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 3). For the purposes of priority award it means applicants who are:

- currently living in a Home-Options area (either Chesterfield, Derbyshire Dales, the High Peak, Amber Valley, Erewash or Staffordshire Moorlands) 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 six months (a family member includes parents, adult children, siblings and other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links); 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 by either Amber Valley Borough Council, Chesterfield Borough Council, Derbyshire Dales District Council, Erewash Borough Council, High Peak Borough Council or Staffordshire Moorlands District Council because of an accepted homelessness duty 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.

Care leavers who are owed a duty by Derbyshire County Council (for Amber Valley, Chesterfield, Derbyshire Dales, Erewash or High Peak) or Staffordshire County Council (for Staffordshire Moorlands) under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children) will be awarded a local connection to all districts in their relevant county.

If an applicant under the age of 21 was provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care) was living in one the Home-Options areas for a continuous period of two years (some or

all of which was before the applicant reached the age of 16) then they will be awarded a local connection to the area in which they were living.

The relevant County Councils may be asked to confirm the status of any care leavers before local connection is awarded.

Applicants who would normally 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.

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.

If an applicant normally lives outside of the Home-Options area but is resident in the area due to being in prison or medical/institutional care, then this time will not be considered when assessing their local connection.

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.

In accordance to The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, a local connection will be granted to applicants who:

- are serving in the regular forces or who have served in the regular forces within the previous five years
- has recently ceased, or will cease to be entitled, to reside in armed forces accommodation provided following the death of that person's spouse or civil partner where—
  - (i) the spouse or civil partner has served in the regular forces; and
  - (ii) their death was attributable (wholly or partly) to that service; or
- (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

("Regular forces" and "reserve forces" are defined by section 374 of the Armed Forces Act 2006(b).

Local connection will also be granted to divorced or separated spouses or civil partners of armed forces personnel who are required to move out of armed forces accommodation.

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 any other applicants who are registered with Home-Options may be considered.

For example, if a property is advertised in Brampton (in the Chesterfield area):

- Applicants with a local connection to Chesterfield will be considered first
- If there are no applicants with a local connection to Chesterfield, then any other registered applicants will be considered.

See 'The Order in Which Bids are Considered' in section 1(iii) for further clarification.

## **Section 7 - Priority on the Housing Register**

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

The Housing Act 1996 as amended by Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017 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 five 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:

#### **Urgent housing need**

#### **Home-Options priority reason**

- |   |   |
|---|---|
| • those who need to move urgently because of a life threatening illness or sudden disability  | • A-1 Urgent Medical Priority                                   |
| • families in severe overcrowding which poses a serious health hazard   | • A-2 Major Property Factors                                    |
| • 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 | • A-4a. Urgent Social Priority - Personal protection/harassment |

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) Priority for housing on medical grounds**

Home-Options recognises that an applicant's housing circumstances can have a direct impact upon their health and that of their household. Where this can be proved

to have an impact the health of the applicant or their household, then they may be considered for additional priority for a move.

Priority will not be awarded for a medical condition, however severe, if an applicant's present home does not affect their medical condition or their ability to live there. Where health is affected by issues such as damp or disrepair, Home-Options will take these into consideration only where it can be shown that these issues cannot be resolved.

If issues are found to be attributable to the applicant's behaviour/lifestyle, then no additional priority can be awarded. An example of this may be where an applicant has caused condensation in his/her home by drying clothes inside and not ensuring the property is properly ventilated.

The treatment and support available to applicants will also be taken into account. The Home-Options Partnership does not expect applicants to ask their Doctor or other medical professional to write in support of 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.

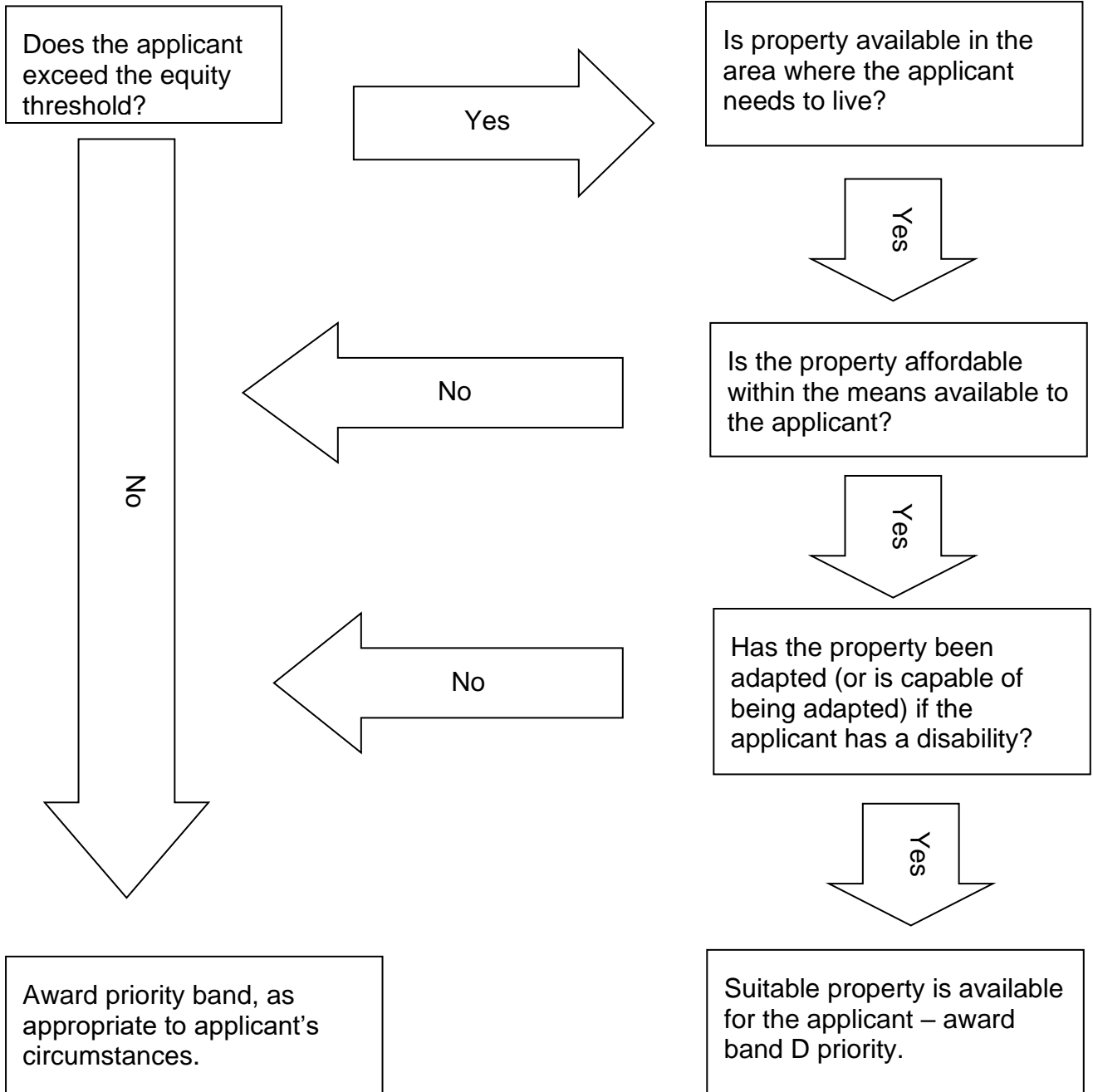
The factors we take into account when determining priority on medical grounds, are set out in Appendix 5.

**Whilst Home-Options will take medical and social care advice into consideration, the final assessment of housing priority is made by the Home-Options partners.**

**(iv) Priority for owner-occupiers or applicants with equity**

The priority for applicants with equity in excess of the Home-Options equity limit (see section 5(iv) Qualification to join the Home-Options register) will generally be lower, as they are expected to be able to use the equity available to them to help to resolve their own housing issues. This can include using their available equity to purchase a property (either outright sale, mortgaged or shared ownership) or to rent a home in the private rented sector.

Home-Options recognises however, that suitable accommodation is not always available in all areas. In such cases, the availability of property will be taken into account when deciding an applicant's priority, as follows:





(v) Explanation of priority reasons – band A

Band A	
1	Urgent medical priority
2	Major property factors (Decant, Enforcement of the Housing Act 2004 likely to lead to homelessness or Statutory overcrowding)
3	Social housing tenants who are under-occupying
4	No legal right to succeed or has a legal right to succeed but the property is unsuitable or former joint tenants whose tenancy is ending
5	Urgent social priority
6	Temporary accommodation move

***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,
- moving to an adapted property to resolve/improve the applicant's living conditions (an assessment of the need must be provided by an occupational therapist)
- 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.

See section 7(iii) Priority for housing on medical grounds for further details.

## **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 Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited 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 Amber Valley Borough Council, Chesterfield Borough Council, Derbyshire Dales District Council, emh homes, High Peak Borough Council, Platform Housing Group or Your Housing Limited, in consultation with the relevant local authority. 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 Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited. 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 e.g. 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 e.g. 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. Applicants with no legal right to succeed or who have a legal right to succeed to a tenancy but the property is unsuitable for their needs or former joint tenants whose tenancy is coming to an end.**

This priority applies to Chesterfield Borough Council tenancies only, where:

- family members have no legal right to succeed to the tenancy

- tenants have a legal right to succeed to the tenancy but the property is not suitable for their household e.g. it has adaptations that they do not need or is more extensive than is reasonably required
- where a joint tenant has given notice to end the tenancy and the property is not suitable for the other joint tenant's household e.g., the property is more extensive than is reasonably required or the property is a family house and the household does not include a dependent child under the age of 16

We award this priority to help people to manage their move to suitable alternative accommodation. If they fail to bid within an agreed time period, then a direct let to suitable alternative accommodation will be made.

### **A-5. 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. 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.

### **A-6. Temporary accommodation move**

Where an applicant is placed in temporary accommodation by one of the Home-Options partners and requires accommodation in discharge of a duty under the Housing Act 1996 (as amended).

This applies to applicants who are eligible for assistance and threatened with homelessness, and who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation, have become homeless intentionally or deliberately refused to co-operate with a Home-Options partner.

Where an applicant is homeless and owed a section 189B(2) Relief duty or 193(2) main duty the Council will make a direct let to a suitable property to reduce the financial burden on the Council for the cost of temporary accommodation.

The offer of accommodation would be in any area of the district that the Council has assessed as suitable and safe for the applicant to live in.

Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

**(vi) Explanation of priority reasons – band B+**

<b>Band B+</b>	
<b>1</b>	<b>Applicants owed the main duty under the Housing Act 1996</b>
<b>2</b>	<b>Applicants owed the relief duty under S189B of the Housing Act 1996 (priority need)</b>

**Band B+1. Applicants owed the main duty under the Housing Act 1996**

Applicants to whom a main duty is owed by one of the Home-Options partner authorities under Part VII of the Housing Act 1996 (as amended).

This priority reason applies to applicants who have been accepted to be in priority need and not intentionally homeless who are eligible for assistance and threatened with homelessness, and who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation under the homelessness legislation, have become homeless intentionally or deliberately refused to co-operate with a Home-Options partner.

Where an applicant is homeless and owed the main duty the Council will make a direct let to a suitable property to reduce the financial burden on the Council of the cost of temporary accommodation as well as resolving the applicant's homelessness as quickly as possible.

The offer of accommodation would be in any area of the district that the Council has assessed as suitable and safe for the applicant to live in.

This award of priority is time-limited and may be withdrawn if the homelessness duty changes. Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

## **Band B+2. Applicants owed the relief duty under S189B the Housing Act 1996**

Applicants to whom a Home-Options partner owes a duty to relieve their homelessness under S189B of the Housing Act 1996 (as amended).

This priority reason applies to applicants who have been accepted to be in priority need and not intentionally homeless who are eligible for assistance and threatened with homelessness, and who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation, have become homeless intentionally or deliberately refused to co-operate with a Home-Options partner.

Where an applicant is homeless and owed a Relief duty the Council will make a direct let to a suitable property to reduce the financial burden on the Council of the cost of temporary accommodation as well as resolving the applicant's homelessness as quickly as possible.

The offer of accommodation would be in any area of the district that the Council has assessed as suitable and safe for the applicant to live in.

This award of priority is time-limited and may be withdrawn if the homelessness duty changes. Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

### **(vii) 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>Prevention of homelessness (priority need)</b>
<b>3</b>	<b>Overcrowding – requiring two or more bedrooms to solve overcrowding</b>
<b>4</b>	<b>Higher medical needs</b>
<b>5</b>	<b>Social housing tenants under-occupying – freeing one bedroom</b>
<b>6</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. Prevention of homelessness (priority need)**

Applicants to whom a Home-Options partner owes a duty to prevent their homelessness under S195 of the Housing Act 1996, who have bidding for social housing identified as an action in their Personalised Housing Plan.

This priority reason applies to applicants who have been accepted to be in priority need and not intentionally homeless who are eligible for assistance and threatened with homelessness, and who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation, have become homeless intentionally or deliberately refused to co-operate with a Home-Options partner.

Where an applicant is threatened with homelessness the Council may bid on behalf of the applicant to minimise the financial burden on the Council for the cost of temporary accommodation as well as resolving the applicant's homelessness as quickly as possible.

This award of priority is time-limited and may be withdrawn if the homelessness duty changes. Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

### **B-3. 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(iv),
- this also applies where households are living apart.

Applicants may also be awarded an additional bedroom need where it helps to address a medical need. In such cases, no additional medical priority will be awarded.

### **B-4. Higher medical needs**

See 'Priority for housing on medical grounds' for information about the award of Band B medical priority.

### **B-5. 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 e.g. 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 Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited. 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.

### **B-6. 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 increase the number of 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 Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited. 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.



**(viii) 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 Prevention and Relief (no 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(iv),
- 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**

See 'Priority for housing on medical grounds' for information about the award of Band C medical priority.

### **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
- who need to move to another area to receive or provide support to a family member where that support is not already available in your area
- with dependent children under the age of 16 who are resident in a Chesterfield Borough Council flat or maisonette
- 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 and must in the opinion of Home-Options be incapable of being resolved. 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 Prevention and Relief (no priority need)**

Applicants who are owed a prevention or relief duty by one of the Home-Options local authority partners, but who are not assessed to be in priority need.

This award of priority is time-limited and may be withdrawn if the homelessness duty changes.

Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

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

Applicants who have made a homeless application to a Home-Options partner and who are being assisted by that partner but who are considered to have made themselves homeless intentionally will be considered in this category.

This award of priority is time-limited and may be withdrawn if the homelessness duty changes.

### **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 Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited. 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.

### **(ix) 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(iv)) 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 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.

## Section 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 on the Home-Options website ([www.home-options.org](http://www.home-options.org))

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

**Transfer applicants** – tenants of Chesterfield Borough Council, emh homes, Futures Housing Group, High Peak Borough Council, Platform Housing Group or Your Housing Limited 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 another 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	2 bed parlour-type house	3 bed flat/maisonette	3 bed house	3 bed parlour-type house	4+ bed house	4+ bed parlour-type house
A	Single Person	Y	Y	Y	Y	FL	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	FL	Y	FL			
B2	Single/Couple & 2 adults (where non-dependent child or not a child of applicant(s))								FL	Y	FL	FL		
B3	Single/Couple & 3 adults (where non-dependent child or not a child of applicant(s))								FL	Y	FL	FL	FL	
C	Non-cohabitating couple					Y	Y	FL						
D	Single adult, 1 dependent child (inc. unborn child over 24 weeks)					Y	Y	Y	FL	FL	FL			
D	Couple, 1 child (inc. unborn child over 24 weeks)					Y	Y	Y	FL	FL	FL			
E1	3 single adults					Y	FL	FL	FL	Y	FL			
E2,3	4+ Single Adults								FL	Y	FL	FL	FL	
E	Single/Couple, 2 dependent children who should share					Y	Y	Y	Y	Y	Y			
F1	Single/Couple, 2 dependent children who should not share					Y**	Y**	Y**	Y	Y	Y	FL		
F	Single/Couple, 3 dependent children								Y	Y	Y	Y	FL	FL
G	Single/Couple, 4+ dependent children										Y	Y	Y	Y
H	8+ People										Y	Y	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**

Where a household includes a pregnant woman, an additional bedspace will be awarded from the 25<sup>th</sup> week of pregnancy. In the event that multiple births are expected, additional bedspaces may be awarded.

The applicant must provide evidence of the pregnancy from a doctor or midwife in order to be awarded the additional bedspace(s).

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.

### **(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 is:

- any household member (other than the applicant or their partner), up to the age of 16, or
- who for other reasons are unable to support themselves and who continue to 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. Where the residence of the children is disputed, evidence will be requested to confirm where the child is living (which may include proof of child benefit, if applicable).

### **(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 overnight care is essential (either sleeping or waking night care). The carer must be required for a long-term illness or condition.

Such a need should be identified in the applicant's care assessment. The carer(s) should have been identified and have moved in with the household or be ready to do so when the accommodation is available. Applicants awarded an extra bedroom on medical grounds will be considered to be overcrowded and will be assessed as such, so no further priority for medical grounds will be granted.

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.

**(ix) Larger Households**

We define larger households as households that require four or more bedrooms.

There is a very limited supply of properties with four or more bedrooms. Larger families are therefore encouraged to bid for larger three-bedroom properties (including parlour-type properties, which have an additional downstairs room that may be used as an additional bedroom).

Larger households re-housed through Home-Options may have to accept a limited degree of overcrowding, including cases which would normally be considered as overcrowding within the terms of this policy (see section 7: Priority on the Housing Register), and will not qualify to re-register for two years unless there is a significant change in their circumstances.

## Section 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(ii)). This could include a house, flat or maisonette with two or more bedrooms.

Family houses will normally only be allocated to families who have dependent children, under the age of 16, living with them and it is their children's main and only home.

**Older person's accommodation** is defined as accommodation with one or two bedrooms that is designated for applicants over the age of 60 (see section 9(iii)). This could include bedsits, flats or bungalows.

**Bungalows** will normally be allocated to:

- Applicants over the age of 60
- Disabled persons (regardless of age) where the disability is physical in nature and affects the person's mobility to a considerable extent. The applicant must be claiming high rate disability living allowance for mobility (or be in receipt of enhanced rate PIP) and receive these awards indefinitely.

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/monthly 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 interested in, as they will waste one of their three bids as well as potentially wasting officer time.

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) Accommodation designated for older and/or disabled people**

Some accommodation advertised through Home-Options is designated for older and/or disabled applicants, who are able to live independently. Such accommodation offers the potential for people to maximise their independence in a secure and supportive environment.

### **(iv) 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.

### **(v) 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. Adapted properties should always be advertised to maximise the transparency in the allocation of this scarce resource.

### **(vi) 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 be 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.

#### **(vii) Private registered providers**

Private registered providers (also known as housing associations) who are not one of the main partners listed in section 1 can advertise properties 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.

### **(viii) Extracare schemes**

Extracare Housing is housing designed with the needs of 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.

### **(ix) Direct lets and direct lets to homeless applicants**

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
- where succession to a tenancy has been granted but the property is unsuitable for the applicant's long-term occupation
- 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 an award of tenancy is made in discharge of a homelessness duty.

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.

### **(x) Direct lets under the relief duty or full homelessness duty**

Chesterfield Borough Council believes that any Home-Options applicant should be able to express a preference over the area in which they would like to live and the type of property they would ideally like but applicants should be fully aware that the Council's ability to satisfy their preference might be severely limited.

Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area in order to meet the duty owed to any applicant under the section 189B(2) Relief of homelessness duty or the main section 193(2) duty under Part 7 of the Housing Act 1996.

Where an applicant is homeless and owed a section 189B(2) Relief duty or 193(2) main duty the Council will make a direct let to a suitable property to reduce the financial burden on the Council of the cost of temporary accommodation as well as resolving the applicant's homelessness as quickly as possible.

The offer of accommodation would be in any area of the district that the Council has assessed as suitable and safe for the applicant to live in.

Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

#### **(xi) '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))).

Some properties may be let on a first-come, first-served basis and applicants may be contacted before the end of the bidding cycle to discuss the property.

## **Section 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 a maximum of three 'live' bids at any one time.

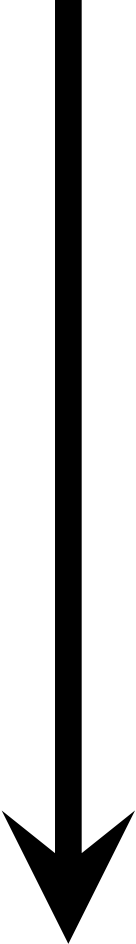
Sometimes if an application is set to pending, the applicant will not be able to participate in the bidding process. For details of when this happens see section 5(xiv).

### **(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 section 8(viii) - or a local lettings policy applies as outlined in section 9(vi) 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 local connection with the Chesterfield Borough Council area	
1	Band A (by Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
2	Band B (by Priority Date)	
3	Band C (by Priority Date)	
4	Band D (by Priority Date)	
	Any other applicants registered with Chesterfield Borough Council or one of the other Home-Options partners	
5	Band A (by Priority Date)	
6	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
7	Band B (by Priority Date)	
8	Band C (by Priority Date)	
9	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. If an applicant cannot demonstrate that they can afford the rent and any other charges (which may include rent in advance), then the offer may be withdrawn.

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. No unauthorised viewing should take place.

Some housing providers will expect applicants to sign-up for the tenancy at the same time as the viewing. Applicants should be aware of this and ensure that they have any necessary documentation and/or rent in advance required.

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(iii)).

### **(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:

- Band A Band B+ and Band B applicants deemed in urgent need of accommodation who fail to bid for suitable property
- applicants to whom a homeless duty is owed and where a partner is working with them to resolve their homelessness
- 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).

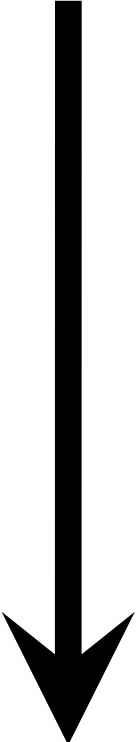
**(vii) Selection with preference given to household size**

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 local connection with the Chesterfield Borough Council area
<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 B (by household size <u>then</u> Priority Date)
<b>4</b>	Band C (by household size <u>then</u> Priority Date)
<b>5</b>	Band D (by household size <u>then</u> Priority Date)
	Any other applicants registered with Chesterfield Borough Council or one of the other Home-Options partners
<b>6</b>	Band A (by household size <u>then</u> Priority Date)
<b>7</b>	Band B+ (by household size <u>then</u> Priority Date)
<b>8</b>	Band B (by household size <u>then</u> Priority Date)
<b>9</b>	Band C (by household size <u>then</u> Priority Date)
<b>10</b>	Band D (by household size <u>then</u> Priority Date)



## **Section 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(iii)). 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) Rejecting applicants on the property shortlist**

In certain circumstances, applicants may be rejected for properties for which they have bid following an assessment of their circumstances. This can include but is not limited to:

- Accepted higher priority nomination – in exceptional cases, an applicant may be rejected because the property is required for someone else who requires urgent re-housing
- Adapted property not required – the advertised property has adaptations but they are not required by the applicant

- Anti-social behaviour disqualification – where there is a history of anti-social behaviour at the advertised property and the applicant also has a history of anti-social behaviour and the letting may cause further issues
- Applicant does not meet the charitable status of the registered provider – some registered providers are registered charities and an applicant may be rejected if they do not meet the providers' objectives
- Circumstances of household have change since last assessed – the applicant's housing circumstances have changed and they have not informed Home-Options. The applicant will be rejected for the current shortlist until their housing application has been updated and their situation re-assessed
- Does not comply with advert criteria - there are criteria in the property advert that the applicant does not meet. This may relate to employment, family make up or other reasons
- Does not meet local connection criteria – the applicant does not meet the local connection criteria i.e. they do not have a connection to a particular parish or area
- Failed property inspection – transferring tenants will often have a pre-transfer inspection where their landlord checks that the property has been maintained to an agreed standard. If the standard is not met, then that tenant may be bypassed on the shortlist
- Failed to produce required documentation/unable to verify – the applicant is unable to produce proof of identity or address for the applicant or their household members
- Failed to respond to offer – an offer has been made to an applicant but they have not responded. This may result in the application being set to pending and the applicant being unable to place further bids or be considered for other properties (See 11.viii Not responding to offer letters or attending viewings for details)
- Following financial assessment, applicant cannot afford rent – taking any housing benefit and/or Universal Credit or other welfare benefits into account, the applicant has insufficient income to be able to afford to pay the rent
- In Arrears - the applicant is a current tenant and has arrears of rent such as that they are not eligible to join Home-Options or would have their application suspended while they maintain a satisfactory payment plan (see section 5(vi) applicants with rent arrears or other tenancy-related debts for details)
- Lack of support – the applicant will require support to establish/maintain their tenancy and the necessary support is not available
- Letting too sensitive for this member – the letting is deemed too sensitive for reasons of child protection or the protection of vulnerable adults
- Locata matched household to property in error – an error with the software used to provide the Home-Options service has registered a bid against a property that an applicant is not eligible for
- Member Ineligible – following assessment, the applicant is no longer eligible to be registered on Home-Options

- Pets unacceptable – the applicant has pets and this does not meet with the landlord’s pets policy
- Property cannot be adapted to meet their needs – applicant requires adaptations to the property but it cannot be adapted to meet their needs
- Property Withdrawn – the tenant currently living in the property has withdrawn their notice or the property requires extensive repair work and will not be available to move into for the foreseeable future or the property is to be sold
- Very exceptional circumstances to be agreed by Housing Needs Manager – in exceptional circumstances where the offer will present serious problems for the applicant, their household or other people living in the vicinity of the property, that are not covered by the criteria above.

**In all cases, the applicant will be advised why they have been rejected and advised of their right to ask for that decision to be reviewed. See section 13: Home-Options Review Procedure for details.**

**(iii) 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.

**(iv) 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.

**(v) Multiple Refusals of Offers**

The Home-Options Partnership does not want to unduly penalise applicants who wish to exercise choice in where they wish to live. Never-the-less, the purpose of Home-Options is to help applicants find a home. Applicants who repeatedly refuse suitable offers of accommodation which are deemed to meet their housing needs may have their housing application removed from the housing register.

Applicants who refuse five formal offers of accommodation within any 12 months period may have their application removed. A formal offer is defined as:

- an offer to view a property
- an offer to sign for a tenancy.

Provisional offers of accommodation e.g. a phone call, email or letter asking the applicant if they are interested in the property, are not considered to be a formal offer of accommodation and do not count towards the five offers of accommodation.

A property is considered suitable if it is affordable, of sufficient size for the applicant and their household and is in area where the applicant is not risk.

Applicants will be removed from the housing register. They may qualify to re-apply after a period of 12 months.

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

#### **(vi) 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 (including any rent in advance) 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.

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

All properties let through Home-Options will be listed on the Home-Options website showing the number of bidders for each property, and the band and priority date of the successful applicant. 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.

#### **(viii) 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.

## **Section 12 - Homeless applicants**

### **(a) Overview**

Local authorities have a duty to prevent or relieve homelessness. Under the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) their aim is to prevent applicants becoming homeless and/or to help the applicant resolve their homelessness as quickly as possible. Bidding for accommodation through Home-Options is one of the ways in which eligible applicants will be expected to try to resolve their homelessness.

### **(b) Registration**

If a Home-Options local authority partner has accepted a duty towards an applicant under part 7 of the Housing Act 1996 (as amended), then the homeless applicant may be asked to register with Home-Options.

Applicants who have a duty owed to them under the homelessness legislation are exempt from the Local Residency Requirement and will therefore qualify to join Home-Options (subject to any further restrictions in the Eligibility and Qualification to join the Housing Register (see section 5)).

### **(c) Local connection for homeless applicants**

Homeless applicants will be awarded local connection in certain circumstances, determined by their connection to the Home-Options area and the duty owed to them by one of the Home-Options local authority partners under part 7 of the Housing Act 1996 (as amended).

Qualification and local connection for homeless applicants is set out in Appendix 9.

### **(d) Bidding and offers**

Eligible homeless applicants whose personalised housing plans identify social housing as a means of preventing or relieving their homelessness will generally be expected to bid for advertised properties in the same way as other applicants.

Homeless applicants should bear in mind that there is a limited supply of accommodation and they are encouraged to bid for every suitable property. If a homeless applicant fails to express interest in advertised accommodation deemed to be suitable for their needs in line with the actions in their personalised housing plan, assisted bidding may be used to help them to secure accommodation (see Section 10(vi) Assisted bidding).

Assisted bids will be placed on accommodation that best suits an applicant's situation based on available properties and the general housing circumstances of the area. 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.

Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

### **(e) When a homelessness duty ends**

Applicants whose homelessness duty comes to an end will have their housing application reviewed. If they no longer qualify to be registered on Home-Options, then their application will be removed.



**(f) Appeals and reviews**

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.

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

### **(a) Overview**

Under section 166A of the Housing Act 1996, applicants have the legal right to ask for a review of decisions made about their housing application. These include:

- Whether 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 (in cases relating to the suitability of a property, the property will not be held while the review is undertaken and may be offered to other applicants on the shortlist).

This is not an exhaustive list.

### **(b) Initial stage**

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 within 15 working days. There may be information or a change of circumstances that has not been taken into account and the team was not aware of the change.

### **(c) Stage one**

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 advise 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.

### **(d) Stage two**

On receipt of a request for a stage two review, the Home-Options Co-ordinator (an officer employed by the Derbyshire and Staffordshire Moorlands Home-Options Partnership) will carry out a mandatory reconsideration of the decision to check if the policy has been applied correctly.

If, in the opinion of the Home-Options Co-ordinator, the policy has not been applied correctly, then the Home-Options Co-ordinator will make recommendations as to how matters can be rectified. If, in the opinion of the Home-Options Co-ordinator, the policy has been correctly applied (or either the partner or the applicant do not agree with the recommendations), then the review will proceed to stage two.

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 and any relevant information that they want to be taken into account
- 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 require a longer period of time where further information is required or the complexity of the case requires further input from specialists. In such cases, the applicant will be informed about the decision to extend the 15 day period.

Applicants can request an oral hearing, if they prefer to provide information verbally. The procedure for oral hearings is included in Appendix 8.

### **(e) Review Timescales**

The Home-Options Partnership reserves the right to reject requests to review decisions that fall outside the timescales above (generally 15 working days). Review requests received outside of the timescales may be considered at the Partnership's discretion if there is good reason for the delay.

### **(f) Supporting information**

The applicant should provide any supporting information they would like taken into account when they ask for a review. If the panel requires any additional information from the applicant, then the applicant will be contacted and asked to provide the information by an agreed date. If the information is not provided as requested, the reviewing officer/panel may make a decision based on the information available to them at that time.

### **(f) Informing the applicant of an outcome of a review**

When a review decision has been made, the applicant will be notified in writing of:

- the information was taken into consideration,
- how the decision was reached by the review officer/panel, and
- how the decision affects their housing application.

**(g) If the applicant is still not satisfied**

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

**(h) The Local Government and Social Care Ombudsman**

Ultimately, the applicant may appeal to The Local Government and Social Care Ombudsman, an independent body that investigates complaints about councils and other organisations providing a public service. The service is independent and free to use, but the Ombudsman will normally expect that applicants will use the full complaints procedure above before asking the Ombudsman to get involved.

More information about the Ombudsman can be found on the website <https://www.lgo.org.uk/>.

## Appendices

### Appendix 1: Supporting information

In order for an applicant to prove the identity and/or eligibility of members of their household, one of the documents from each of the following areas will usually be necessary:

- Eligibility for housing - passport, national identity card, Home Office documents, proof of housing benefit;
- Identity - birth certificate, passport, driving licence, immigration papers;
- 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;
- 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 with whom children are reasonably expected to reside);
- In cases of threatened eviction – tenancy agreement, notice to quit, tenancy deposit protection scheme paperwork, 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 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.

## **Appendix 2: 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 3: 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.

(3) Residence in a district is not of a person's own choice if—

(b) he, or a person who might reasonably be expected to reside with him, becomes resident there because he is detained under the authority of an Act of Parliament.

(5) The Secretary of State may by order specify circumstances in which—

- (a) a person is not to be treated as employed in a district, or
- (b) residence in a district is not to be treated as of a person's own choice.

(6) A person has a local connection with the district of a local housing authority if he was (at any time) provided with accommodation in that district under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).

(7) But subsection (6) does not apply—

(a) to the provision of accommodation for a person in a district of a local housing authority if he was subsequently provided with accommodation in the district of another local housing authority under section 95 of that Act, or

(b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (use of accommodation centres for section 95 support).]

(8) While a local authority in England have a duty towards a person under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children)—

(a) if the local authority is a local housing authority, the person has a local connection with their district, and

(b) otherwise, the person has a local connection with every district of a local housing authority that falls within the area of the local authority.

(9) In subsection (8), "local authority" has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(10) Where, by virtue of being provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care), a person is normally resident in the district

of a local housing authority in England for a continuous period of at least two years, some or all of which falls before the person attains the age of 16, the person has a local connection with that district.

(11) A person ceases to have a local connection with a district under subsection (10) upon attaining the age of 21 (but this does not affect whether the person has a local connection with that district under any other provision of this section).

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 4: The Right to Move**

### **Summary**

Under the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) applicants who are 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.

Since the Right to Move was introduced in March 2015, 244 applications have been received and 21 applicants have been rehoused. We have no complaints about the operation of the Right to Move scheme and the approach adopted by the Home-Options Partnership appears to be working well. As such, the Partnership will continue with the demand-led approach.

## Appendix 5: Priority on Medical Grounds

Here are some examples of the factors we take into account when deciding to award medical priority:

Priority Band	No Priority	Band C	Band B	Band A
<b>Reason</b>	<b>No medical condition or medical condition but adequately housed</b>	<b>Medium medical priority</b>	<b>Higher medical priority</b>	<b>Urgent medical priority</b>
<b>Evidence to support award</b>		<b>Supportive evidence/treatment required e.g. prescription</b>	<b>Supportive evidence/treatment required e.g. prescription &amp; evidence of other additional agency involvement</b>	<b>Face-to-face interview or home visit &amp; supportive evidence/treatment required e.g. prescription &amp; additional information from healthcare professional</b>
<b>Depression or Anxiety</b>	Mild depression or anxiety – no medication	Depression or anxiety and receiving treatment (e.g. medication or counselling)	High level of treatment e.g. Medication & other agency (e.g. Mental health team) involvement. May consider specific factors such as social isolation or traumatic event, etc.	High level of treatment & evidence from mental health professional (e.g. Consultant or CPN). Identified need for urgent/emergency rehousing from present accommodation
<b>Armed Forces: mental health (linked to service, including PTSD)</b>	Adequately housed	Mental health may be improved by a change of accommodation even if adequately housed. Applicant is taking medication or undergoing counselling	High level of treatment e.g. medication & other agency (e.g. Mental health team) involvement. May consider specific factors such as social isolation or traumatic event, etc. A change of accommodation would significantly reduce or halt deterioration in their mental health	High level of treatment & evidence from mental health professional (e.g. Consultant or CPN). Identified need for urgent/emergency rehousing from present accommodation
<b>Enduring mental health</b>	Adequately housed	Mental health may be improved by a change of accommodation even if adequately housed. Application is taking medication or undergoing counselling	High level of treatment e.g. medication & other agency (e.g. Mental health team) involvement. May consider specific factors such as social isolation or traumatic event, etc. A change of accommodation would significantly reduce or halt deterioration in their mental health	High level of treatment & evidence from mental health professional (e.g. Consultant or CPN). Identified need for urgent/emergency rehousing from present accommodation

Priority Band	No Priority	Band C	Band B	Band A
<b>Reason</b>	<b>No medical condition or medical condition but adequately housed</b>	<b>Medium medical priority</b>	<b>Higher medical priority</b>	<b>Urgent medical priority</b>
<b>Evidence to support award</b>		<b>Supportive evidence/treatment required e.g. prescription</b>	<b>Supportive evidence/treatment required e.g. prescription &amp; evidence of other additional agency involvement</b>	<b>Face-to-face interview or home visit &amp; supportive evidence/treatment required e.g. prescription &amp; additional information from healthcare professional</b>
<b>Elderly mental health</b>	Adequately housed or already and/or awarded priority for housing circumstances.	Mental health may be improved by a change of accommodation even if adequately housed.	Applicant is isolated; relocation would significantly improve quality of life. May need to move closer to family for support.	Severe mental health issues, current accommodation causes them to be vulnerable or unable to return to property. May include social isolation.
<b>Autistic spectrum disorders inc; ADHD, Asperger's, Retts, Autism</b>	Adequately housed. Person with condition has own bedroom. If sharing, may allocate extra bedroom but no medical award.	Rehousing may reduce impact of condition e.g. Space or safety issues.	Rehousing will significantly reduce impact of condition. Supporting evidence required e.g. CAHMS involvement.	Very urgent/emergency need for rehousing from present accommodation.
<b>Drug/Alcohol issues</b>	Long-term issues, no recent change in situation/medical treatment	Change of accommodation may alleviate symptoms due to either disabilities or mental health issues associated with abuse or to support change in lifestyle.	Change of accommodation would significantly reduce impact of condition which may be due to either disabilities or mental health issues associated with abuse & support a change in lifestyle.	Very urgent/emergency need for rehousing from present accommodation.
<b>Mobility issues</b>	Mobility problems but adequately housed / or temporary mobility problems e.g. broken leg or recovering from surgery.	Mobility issues – some problems managing stairs within or outside property, or isolation due to property location (e.g. on a steep hill).	Mobility issues – difficulty accessing the property and /or facilities within property (e.g. bathroom)	Unable to access property or use facilities within property – adaptations are not an option (e.g. Restricted to one floor within property) or causing applicant to be housebound. Unable to return to property after hospital stay.

Priority Band	No Priority	Band C	Band B	Band A
<b>Reason</b>	<b>No medical condition or medical condition but adequately housed</b>	<b>Medium medical priority</b>	<b>Higher medical priority</b>	<b>Urgent medical priority</b>
<b>Evidence to support award</b>		<b>Supportive evidence/treatment required e.g. prescription</b>	<b>Supportive evidence/treatment required e.g. prescription &amp; evidence of other additional agency involvement</b>	<b>Face-to-face interview or home visit &amp; supportive evidence/treatment required e.g. prescription &amp; additional information from healthcare professional</b>
<b>Armed Forces: Mobility Issues((linked to service)</b>	Mobility problems but adequately housed / or temporary mobility problems e.g. broken leg or recovering from surgery.	Mobility issues – some problems managing stairs within or outside property, or isolation due to property location (e.g. on a steep hill).	Mobility issues – difficulty accessing the property and /or facilities within property (e.g. bathroom)	Unable to access property or use facilities within property – adaptations are not an option (e.g. Restricted to one floor within property) or causing applicant to be housebound. Unable to return to property after hospital stay.
<b>Bowel/bladder issues</b>	Adequately housed. No restrictions.	Increased toilet needs impacting on access to facilities.	Increased toilet needs & significant restriction in accessing bathroom facilities.	Unable or severely restricted in accessing bathroom facilities e.g. Use of commode
<b>Epilepsy</b>	Adequately housed, no impact on condition	Stress caused by current accommodation impacting on epilepsy	Change of accommodation would significantly reduce the impact of epilepsy. Use of bathing facilities restricted due to impact of epilepsy.	Very urgent/emergency need for rehousing or unable to return to property.
<b>Terminal / degenerative condition / Multiple medical needs</b>	Adequately housed, no impact on medical condition/s.	Impact of medical condition/s could be reduced by rehousing.	Change of accommodation would significantly reduce the impact of the medical condition/s.  The long-term prognosis of the applicant's condition will be taken into consideration.	Very urgent/emergency need for rehousing into suitable accommodation, or unable to return to property. Adaptations are not an option. The long-term prognosis of the applicant's condition will be taken into consideration.
<b>Other medical conditions not addressed above E.g. Asthma, COPD, Diabetes, Raynaud's disease</b>	Adequately housed, no restriction in use of all facilities.	Impact of medical condition could be reduced by rehousing.	Change of accommodation would significantly reduce the impact of the medical condition.	Very urgent/emergency need for rehousing into suitable accommodation due to medical condition. Unable to use facilities within property – adaptations are not an option, or the applicant is leaving hospital and is unable to return to their home.

This is not an exhaustive list.



## Appendix 6: Processing of Home-Options Applications & Decision Making

Of the nine main Home-Options partners, six process applications for accommodation:

- Amber Valley Borough Council – all applications from people wishing to live in the Amber Valley area
- Chesterfield Borough Council – all applications from people wishing to live in the Chesterfield Borough 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 the Platform Housing Group)
- the Platform Housing Group – all applications from tenants of the Platform Housing Group who are seeking a transfer
- High Peak Borough Council – all applications from people wishing to live in the High Peak area
- Your Housing Limited – all applications from people wishing to live in the Staffordshire Moorlands 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.

The mandatory reconsideration phase of the review process is carried out by the Home-Options Co-ordinator, an officer employed by the Home-Options Partnership to manage the scheme.

Stage two reviews are heard by a review panel of three housing options managers (or equivalent) from other partners, independent of the partner who made the decision.

## Appendix 7: 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 e.g. 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 e.g. 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 be 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 8: 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.

## Appendix 9: Qualification & Local Connection for Homeless Applicants

