

# Housing Services

## Housing Allocation Scheme

May 2013

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## Quick-find

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### In this scheme:

**the Council, we, our or us** means Tonbridge & Malling Borough Council

**borough** means the borough of Tonbridge and Malling

**you** or **the applicant** means someone who applies for affordable housing

**register** means Tonbridge & Malling Borough Council's housing register

**scheme** means Tonbridge & Malling Borough Council's housing allocation scheme

**assessment form** means Tonbridge & Malling Borough Council's housing assessment form

**bid** or **bid for** does not involve offering money; here it means the same as apply or apply for.

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# 1 Introduction to the scheme

## 1.1 Statement of choice<sup>1</sup>

We are committed to providing excellent services to ensure that applicants can play an active role in choosing where they live by giving them the opportunity to express preferences about their accommodation whenever possible, within the constraints imposed by the limited supply of affordable housing. Choice Based Lettings allows qualifying applicants to bid for properties which they are interested in, and feedback from the bidding process assists them to make informed choices about where they want to live and the type of property they would prefer.

## 1.2 Summary and aims

This scheme explains how to apply to rent affordable housing in the borough of Tonbridge and Malling. It also explains who is entitled to apply for affordable housing and the rules that we use to prioritise between applicants, bearing in mind that demand far exceeds supply.

Affordable housing is also known as social housing, and includes social rented and affordable rented tenures provided by housing associations to eligible households whose needs are not met by the private market. In 1991 we transferred our housing stock to Tonbridge & Malling Housing Association, now known as Russet. The Council does not own or manage any of our own housing stock, so we now rely on other providers to supply affordable housing in our borough.

The types and sizes of affordable homes and the areas that they are in vary considerably. Later in this scheme we set out a guide to the size and type of homes for households of different sizes.

In order to get affordable housing, applicants must first be accepted onto our housing register.

The scheme sets out:

- who qualifies to be included on the register;
- how to apply to get on the register;
- rules for determining an applicant's priority on the register;
- how we keep the register up to date;
- how to bid for available properties; and
- how available properties are allocated.

It aims to ensure that we:

- allocate affordable housing in a fair and clear way;
- determine the priority of applicants in a consistent way;

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<sup>1</sup> S166A(2) Housing Act 1996 requires the housing allocation scheme to include a statement of the Council's policy on offering people who are to be allocated housing accommodation:

- a choice of housing accommodation; or
- the opportunity to express preferences about the housing accommodation to be allocated to them

- provide accurate and timely advice to those in need;
- work effectively with housing associations; and
- comply with the law<sup>2</sup>.

### 1.3 Getting more information

There are several ways to get your own copy of this scheme. You can:

- print a copy from our website: [www.tmbc.gov.uk](http://www.tmbc.gov.uk);
- email [Homechoice@tmbc.gov.uk](mailto:Homechoice@tmbc.gov.uk), and we will email a copy back to you;
- telephone our Homechoice Team on (01732) 876214; or
- get a copy at our offices:
  - Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ
  - Tonbridge Gateway, Castle Street, Tonbridge, Kent, TN9 1BG.

We may make a reasonable charge for providing a paper copy of the full scheme. A summary of the scheme is also available for which there is no charge. Our Homechoice Team will give free advice on the scheme if you need it.

More generally, our Housing Options Team, on (01732) 876067, can advise on a wide range of housing matters, including the prevention of homelessness. This service is free and confidential.

### 1.4 Allocations outside the scope of the scheme

The following are not covered by this scheme:

- provision of temporary accommodation for homeless people<sup>3</sup> ;
- transfers of housing association tenants for urgent management purposes, for example:
  - a temporary or permanent move to allow repairs to a property to be carried out;
  - where a property is due to be demolished;
  - accommodating tenants whose home is not habitable due to an emergency; or
  - tenants needing an immediate move as a result of domestic violence, hate crime<sup>4</sup>, or threats of violence or harassment;
- tenancies offered on succession or by way of assignment, for example where a parent dies and the tenancy passes to a descendent in their household;
- transfers where housing association tenants agree to exchange properties; and
- transfers of a tenancy by a court order<sup>5</sup>.

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<sup>2</sup> This scheme aims to ensure the Council meets its legal obligations set out in Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Localism Act 2011. Part 6 of the Housing Act 1996 covers the allocation of housing association homes and sets out the circumstances of applicants to whom we should give reasonable preference. The scheme also has regard to the 2012 Allocation of Accommodation: Guidance for local housing authorities in England, (which replaces all previous guidance), the joint West Kent Homelessness Strategy 2011/16 and our Tenancy Strategy 2013. The last of these gives details of the types of tenancies that may be offered by housing association landlords.

<sup>3</sup> In accordance with part 7 of the Housing Act 1996.

<sup>4</sup> Hate crimes are defined by the Crown Prosecution Service as any criminal offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender identity or sexual orientation

<sup>5</sup> In accordance with family law provisions or the Civil Partnership Act 2004.

## 2 Who qualifies to be included on the register

### 2.1 Reasonable preference categories<sup>6</sup>

Our housing register lists applicants within one of four priority bands, according to whether their housing needs are assessed as urgent, high, medium or low. In assessing priority, we are required to take into account people who fall into one or more of the reasonable preference categories, which include:

- people who are homeless<sup>7</sup>;
- people owed a duty under section 190(2), 193(2) or 195(2) Housing Act 2006 (or section 65(2) or 68(2) Housing Act 1985), or who are occupying accommodation secured under section 192(3) Housing Act 2006;
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing;
- people who need to move on medical or welfare grounds, including grounds relating to disability; and
- people who need to move to a particular locality within our borough to avoid hardship to themselves or others.

### 2.2 Additional preference

We are also required to give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

- former members of the Regular Forces<sup>8</sup>;
- serving members of the Regular Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Regular Forces leaving Services Family Accommodation following the death of their spouse or partner; and
- serving or former members of the Reserve Forces<sup>9</sup> who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Additional preference will be awarded to these people by placing them in the band that is one band higher than their assessed need.

### 2.3 Eligibility<sup>10</sup>

We cannot consider you for inclusion on the register:

- if you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless you are in an exempt group as decided by the Government;

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<sup>6</sup> In accordance with section 166A(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

<sup>7</sup> Whether or not the applicant is owed a housing duty under part 7 of the Housing Act 1996 and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.

<sup>8</sup> Regular Forces means Her Majesty's Regular Army, the Royal Navy, the Royal Marines or the Royal Air Force.

<sup>9</sup> Reserve Forces means the Army Reserve, the Territorial Army, the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

<sup>10</sup> In accordance with the Allocation of Housing and Homelessness(Eligibility)(England)Regulations 2006.

- if you are not habitually resident in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man and the Channel Islands) unless you are exempt from the habitual residence test; or
- because of your particular rights of residence under European Union law.

If you are not eligible to join the register, we will write to you setting out the reasons for the decision. You have the right to request a review of a decision to treat you as ineligible because of your immigration status - see section 9. If you have been accepted onto the register but later become ineligible, your application will be removed and we will write to you to let you know. This later consideration of eligibility and decision to treat you as ineligible is also subject to a right of review - see section 9.

## 2.4 Financial considerations

Most housing associations have charitable status and provide services within the local community to satisfy needs that cannot be met by other means. Housing associations with charitable status may refuse to offer you a tenancy if they decide that you cannot be considered to be a charitable beneficiary. In most cases this means tenancies will only be offered to those who cannot afford to buy or rent a suitable home on the open market, or who are in housing need for other reasons, for example, by reason of age or chronic illness. If you own or part own a property, whether or not you currently live there, or have household income or savings above the thresholds, you will usually have a lower priority and be placed in the band that is one band lower than your assessed band. If you are assessed as band D, the lowest band, you will not usually be included on the housing register if you require general needs accommodation.

We will review, with housing associations, the income and savings thresholds on 1 January each year. The levels on 1 January 2013 are:

- households with a total gross income of £50,000;
- households with total savings of £30,000; and
- households with equity in a property in excess of £30,000.

If you are eligible to be considered for sheltered housing, the threshold for savings and/or income is £100,000 and equity is £250,000.

## 2.5 Qualifying criteria

The demand for affordable housing in our borough far exceeds the supply. Only those applicants who meet one or more of the local connection criteria **and** meet one or more of the housing needs criteria will qualify to join the housing register.

In order to be considered for inclusion on the housing register, you should have a **local connection** to our borough of Tonbridge and Malling. You have a local connection if at the date we receive your application you:

- are currently living within our borough, or were previously living here for either 6 out of the last 12 months, or 3 out of the last 5 years; or
- are employed (full time or part time) in our borough on a permanent basis, or need to move into our borough in order to take up an offer of permanent employment; or
- have close family members (adult “children”, parents or brothers/sisters) who currently reside in our borough and have lived here for at least the last five years.

Other family members such as grandparents, aunts and uncles will only be considered if that relative undertook a parental role in your upbringing or is able to offer you practical or emotional support; or

- are a serving member of the Regular Forces or a former member within five years of discharge (or a bereaved spouse or civil partner of such a member), or a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or
- have some other special reason for needing to reside in our borough, for example you:
  - are currently residing outside our borough but are fleeing violence or harassment (including hate crime); or
  - need to move into the borough in order to provide or receive care or support ;
  - or a member of your household is aged under 19 years, and attending full time, non-advanced<sup>11</sup> education here;

Within our borough some properties and new developments have a specific local connection requirement in their planning or funding conditions. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole, and will be detailed in the relevant local lettings plan. Applicants will be required to provide evidence of their local connection as part of their application for housing. Those without at least one of the relevant local connection criteria will not be included on the housing register.

To be considered for inclusion on the housing register you must also have a need for affordable housing. You have a “housing need” if any of the criteria described in the priority bands (see section 4.3) apply to you.

You have the right to request a review of a decision to exclude you from the register because you do not have a local connection and/or a housing need - see section 9.

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<sup>11</sup> Full time education is defined as education undertaken in pursuit of a course, where an average of more than 12 hours per week is spent during term time:

- receiving tuition
- engaging in practical work
- receiving supervised study
- taking examinations

This does not include time spent on meal breaks or unsupervised study.

Non advanced education is considered to include courses such as

- an ordinary national diploma
- a national diploma or national certificate of Edexcel
- a general certificate of education (up to and including advanced level)
- Scottish national qualifications (up to and including higher or advanced level)

(HMRC definitions)



## **3 How to apply to get on the register**

### **3.1 Making an application**

To be considered for inclusion on our housing register you must:

- Complete and sign an assessment form. This covers your housing history and the current needs of you and your household, as well as your preferred type and location of housing; and
- Provide original documents to verify your identity and current housing circumstances; and
- Complete any supplementary forms that we send or answer further questions that we ask you.

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for affordable housing in this borough. This can be as a main or joint applicant in 'your application' or included as part of a household in another application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the housing register so that housing can be allocated fairly and openly on the basis of greatest need. We will carry out home visits and interviews to confirm housing needs. An incomplete form may be sent back to you, result in your application being awarded a lower priority, and/or your household not being accepted onto the register.

Blank assessment forms can be printed from our website: [www.tmbc.gov.uk](http://www.tmbc.gov.uk). They are also available by emailing [Homechoice@tmbc.gov.uk](mailto:Homechoice@tmbc.gov.uk), by telephoning our Homechoice Team on 01732 876214 or from our offices. If you need help completing the form, or need it in another format, please contact our Homechoice Team.

If you are under 18 years of age:

- your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support; and
- any tenancy granted will be held in trust until you reach 18 years of age, with the legal interest being held by another suitable person, usually your parent, legal guardian or other relative.

### **3.2 Who can be included on your application**

You can include members of your household who are living together with you:

- your partner, whether you are married, in a civil partnership or cohabiting;
- your dependent children under the age of 18, including biological or adopted children; and
- relatives, including adult 'children', parents or brothers/sisters unless they have a separate application or otherwise intend to live independently from you.

We will also consider including other members of your household who are not currently living with you if:

- they are no longer able to live independently because they need care and support

that you can provide; or

- you are unable to live together as your current accommodation does not meet the needs arising from their disability, or is not big enough to accommodate them.

### **3.3 If you have shared responsibilities for dependent children**

This is where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address. Our Housing Needs Panel will decide whether your address is their main home and if they can be included as members of your household on your application. Panel members (see section 4.7) will take into account:

- the financial support you receive including Child Benefit, tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian;
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency;
- supporting evidence from Social Services in respect of fostering, guardianship or adoption placements; and
- whether the children currently reside with someone else for all or part of each week.

If we decide that their main home is not with you:

- shared access does not justify an additional bedroom;
- they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for or be offered through Choice Based Lettings.

### **3.4 If you need a carer**

A carer is someone who looks after and supports a partner, friend, relative or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household. If you have requested an additional bedroom for your carer, we will take into account:

- whether your carer receives Carer's Allowance;
- whether your care needs have been assessed as including overnight support;
- whether you have been awarded benefits because of illness or disability. This includes : Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance;
- the level of care that you need and whether this is likely to change in the future;
- the ability of your carer to provided the level of care required; and
- your current accommodation, and where your carer currently resides.

All requests for an extra bedroom to accommodate a carer will be considered by the Housing Needs Panel.

### **3.5 Declarations**

You are required to sign a declaration to confirm that you:

- have provided true, accurate and complete information;
- will notify us of any change in your circumstances within 14 days of the change;
- understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties;
- consent to us making relevant enquiries to verify the information given on the assessment form;
- consent to the disclosure of relevant information by third parties to us, or by us to third parties; and
- understand that information provided may be used to help in the detection and prevention of fraud.

We may also share this information with other local authorities, Government agencies and credit referencing agencies for the detection and prevention of fraud and other crime.

### **3.6 Offences related to information given or withheld by applicants**

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- give false or misleading information; or
- withhold information that we have asked for on an assessment form or in subsequent correspondence; or
- fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

This may result in prosecution, the application being cancelled or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the housing association may choose not to hold the property for you.

When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

### **3.7 Advice and information about your application**

Advice and information about your application is available in a range of formats from our Homechoice Team. Depending on the format there may be a short delay in providing this information. You can request a home visit if you are unable to come to our offices for help and advice.

You have the right to certain information:

- to work out how your application is likely to be treated under the scheme;
- whether your circumstances mean that you qualify for reasonable preference; and
- when a suitable property is likely to become available, based on turnover rates.

In practice, waiting times depend on a range of factors, including:

- your personal circumstances;
- the number of properties available for letting;
- the number of bids placed for each property; and
- changes in the law.

So only a very general indication can be given as to how long an applicant may have to wait to be successful. There is no guarantee of housing by a certain date. Households with a relatively low need are likely to wait a very long time before receiving an offer and many will never receive an offer of affordable housing.

### **3.8 Data protection**

The housing register is registered under the Data Protection Act 1998. Information on it is received, held, and disclosed only for registered purposes. We deal with all applications in a confidential manner. Applicants have the right to see information on their file relating to their application except where this involves confidential third party information. We may make a reasonable charge for this service. If an applicant is not eligible for inclusion on the register, does not respond to an annual review of their entry on the register or is removed from the register, their records will be kept for five years before being destroyed as confidential waste.

### **3.9 Equal opportunities**

We promote equal opportunities for all applicants regardless of race, colour, gender, nationality, religion or belief, sexuality, disability, marital status, pregnancy/maternity family circumstances or age. To help us apply our equality and diversity policy and to ensure that there is genuine equality of opportunity in access to affordable housing, we collect data for monitoring purposes only. We ask you to complete an equal opportunities section of the assessment form to assist in this monitoring.

## **4 Rules for determining priority on the register**

### **4.1 Summary**

We assess all of the information you provide to support your application in full. If your household is not in housing need you will usually be excluded from the register because there is no realistic chance of being offered accommodation. If your circumstances change you will need to re-apply.

Otherwise, the two main factors that determine a household's priority on the register are your housing need and priority date. We assess housing need in terms of four priority bands. These are urgent, high, medium and low. They are explained below. Other factors can also affect housing priority in specific cases. The main ones are explained later in this section.

We will write to tell you whether or not you have been included on the register. If you have been included, we tell you in which priority band you have been placed. You have the right to request a review of the facts of your case that we have used in this assessment - see section 9.

You must write and tell us of any change in your circumstances within 14 days of the change. We will write back and let you know if the change affects your level of housing need and priority band. The banding reflects broad levels of housing need, so changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child or a substantial change in mobility may result in a change of band. You will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority.

### **4.2 Priority date**

Your household's priority date is the date that we receive your application form, as long as you provide all the information we need to assess it at the same time or within 28 days. Otherwise, your priority date will be the date that we receive all the required information.

If you are already included on the register and are later awarded high priority on the grounds of medical or welfare needs, or the condition of your current home, then your priority date will be brought forward to the date that the higher priority was awarded.

If you become homeless and we have accepted a duty to re-house you, your priority date will be amended to the date that the duty was accepted.

### **4.3 Priority bands**

The four bands broadly equate to:

- A - urgent need to move;
- B - high priority;
- C - medium priority;
- D - low priority.

Within each band, relative priority is determined only by priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded a high priority on medical, disability or welfare grounds, you will be placed into band B regardless of whether you are also overcrowded, threatened with homelessness or sharing facilities.

#### **Band A**

- Under occupation - housing association tenants living in our borough who need at least two bedrooms fewer than their current home. This is a top priority because it releases housing that can be more fully occupied by other households.
- Households where one or more members are wheelchair dependent in the home, and do not currently occupy a wheelchair accessible/adapted home.

#### **Band B**

- Overcrowding – applicants needing at least two more bedrooms than their current home.
- Households where one or more members are awarded a high priority on medical, disability or welfare grounds.
- Applicants awarded priority on property condition grounds.
- Under occupation - housing association tenants living in our borough who need one bedroom fewer than their current home.
- Under occupation - housing association or council tenants not currently living in our borough who need at least two bedrooms fewer than their current home.
- Housing association tenants living in our borough in a home with significant adaptations to meet disability needs that are no longer required.

#### **Band C**

- Overcrowding – applicants needing one more bedroom than their current home.
- Homeless applicants where we have accepted a duty to secure accommodation under part VII of the Housing Act 1996.
- Homeless applicants where we do not owe a duty to secure accommodation, such as:
  - non-priority homeless households
  - those who are of no fixed abode
  - those residing in non secure accommodation, for example: staying or “sofa surfing” with relatives or friends, or living in a garage, shed, outbuilding, caravan, car or tent.
- Private sector assured shorthold tenants who are threatened with homelessness because they have been served with a valid notice, usually at least 2 months, to quit their tenancy.
- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice, usually at least 3 months, to vacate their tenancy.
- Housing association or council tenants assessed as needing sheltered accommodation who are not currently in sheltered accommodation.
- Under occupation - housing association or council tenants not currently living in our borough who need one bedroom fewer than their current home.
- Housing association or council tenants not currently living in our borough, and occupying a home with significant adaptations to meet disability needs that are no longer required.
- Under-occupation - private sector tenants who need at least one bedroom

fewer than their current home.

#### **Band D**

- Households where one or more members are awarded a low priority on medical, disability or welfare grounds.
- Applicants who are not overcrowded but are sharing kitchen and/or bathroom facilities with others who are not part of their household.
- Applicants who lack any kitchen and/or bathroom facilities.
- Private sector applicants assessed as needing sheltered accommodation who are not currently in sheltered accommodation.

#### **4.4 Homelessness**

If we accept that you are eligible, unintentionally homeless and in priority need<sup>12</sup> you will usually be offered a suitable private sector tenancy. However, depending on the individual circumstances and needs of your household, we may accept you onto the housing register in band C and you will then need to bid for suitable properties.

#### **4.5 Overcrowding/under-occupation**

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- every adult couple;
- any other adult aged 16 or over;
- any two children of the same sex aged under 16;
- any two children aged under 10;
- a carer (or team of carers) who do not live with you but provide you or your partner with overnight care.

You will be assessed as needing an extra bedroom if:

- you have a disabled child who is unable to share a room with a sibling<sup>13</sup>; or
- you are an approved foster carer whether or not a child has been placed with you or you are between placements (so long as you have fostered a child, or become an approved foster carer in the last 12 months); or
- you have adult children in the Armed Forces (but who continue to live with you), who will be treated as continuing to live at home, even when deployed on operations.

Your bathroom, kitchen and living room are not counted for sleeping purposes unless you live in bedsit accommodation. Where a dwelling has two separate living/reception rooms it may be that one of these could be considered as suitable for use as a

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<sup>12</sup> And therefore owed a housing duty under s193 Housing Act 1996 (as amended), the offer of a suitable private sector tenancy will discharge this duty. Further details are contained within our separate policy for discharging the statutory homelessness duty into the private rented sector.

<sup>13</sup> In making this assessment we will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. We will take into account any relevant medical evidence and whether your child is in receipt of disability benefits.

bedroom, as long as this leaves enough living room space for the household.

Two children of the same sex would be expected to share a bedroom until the eldest reaches 16 years of age.

Two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age.

A couple or single parent would not be expected to share their bedroom with a child, and would usually be assessed as needing a separate bedroom.

#### **4.6 Property Condition**

If you are a tenant of a housing association and state on your housing application form that there are problems with the condition of your home, your case will be referred to your landlord in the first instance.

If you are a tenant of a private landlord and state on your housing application form that there are problems with the condition of your home, a member of our Private Sector Housing Team will contact you to review the issues. They may visit your home, assess the problems and discuss the options to get your landlord to carry out any work that is needed. You must co-operate with this. No priority will be awarded if you refuse to allow us to contact your landlord or prevent works being carried out; for example, by refusing to let workmen into your home.

We will inspect your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards<sup>14</sup> to health and safety. Hazards of crowding and space are included within the assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

We must act to deal with category 1 hazards. We may act to deal with category 2 hazards. Priority will only be awarded based on this assessment where:

- we have confirmed category 1 hazards are present in your home;
- a move is necessary as occupying the property poses a serious and imminent risk to the health and safety of your household; and
- it would not be reasonable to live in the property whilst remedial works are undertaken and/or the property will remain unsuitable for your occupation following remedial works.

If you are awarded priority because of the condition of your current home your application will be placed into band B (unless you are already placed in band A).

#### **4.7 Medical or welfare reasons for moving**

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will not usually assess your priority on medical or welfare grounds if your household

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<sup>14</sup> A serious hazard will be deemed to be a category 1 hazard, for example, the hazard of falling between levels from an unsecure window with a low sill on the second floor where you would fall onto a concrete yard area. More minor hazards will be deemed category 2 hazards, for example, the hazard of excess cold from draughty windows in a property with a good heating system and good insulation.



is already in band A or B as an assessment cannot increase your priority. If your household is in band C or D we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

The level of priority awarded on medical or welfare grounds is decided by our Housing Needs Panel. Panel members are specialists in social housing, private sector housing, housing benefit and environmental health as well as representatives from Russet Homes. It has been trained by an organisation that provides us with independent medical advice, and also gives ongoing support to the Panel.

If you consider that anyone in your household has a medical condition that is affected by your current housing, or you need to move on welfare grounds, you must give your reasons by completing our medical and welfare self-assessment form. The Panel will review this, along with any related information from your GP or other health professional, social worker or support worker. For medical cases we may ask for further evidence or refer your case for independent medical advice. For welfare assessments we will ask for contact details for any carer, social worker or other support worker you have. Where appropriate we may make a joint assessment with Social Services, or an appropriate support agency.

We assess your priority by looking at your current housing. If it meets the medical and welfare needs of you and all members of your household there will be no change in your housing priority.

#### Medical cases:

- We look at whether your current housing makes a medical condition worse.
- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is taken into account in the overcrowding assessment, and usually no further priority will be awarded.

#### Welfare cases:

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you want to move to look after someone with welfare needs, we will look at whether you can drive or use public transport as part of the assessment.

The Housing Needs Panel takes into account all the information received for your

household. It recommends the priority on purely medical or welfare grounds as either high, low or no priority and its decision may increase your priority banding or make no change.

High priority:

- Your accommodation is unsuitable and has a significant impact on your medical, welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Low priority:

- Your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or
- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a low priority, your household will be assessed as band D.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, prams or pushchairs on external stairs you will not usually be awarded any change in priority based on medical or welfare grounds.

**Examples of cases where we may award high priority:**

(In this table “you” means you, or someone in your household.)

- A medical condition may get worse as a result of continuing to live in the property.
- If you are unable to get in or out of your home due to your mobility difficulties and it is not possible for adaptations to be carried out.
- You may be at risk in your home but could continue to live independently if you were able to move nearer to friends or relatives who could provide suitable care for you.
- You need to move because you provide care, without which the person being cared for is at risk of harm or may have to move into residential care.
- You need to move to suitable accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Regular or Reserve Forces.
- Your household includes a child who is assessed as a Child in Need under the Children Act 1989, for example, because of a disability, illness or developmental problems, and you require suitable accommodation to meet that need.
- You have been approved by Social Services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child.
- Where the Council has a duty to re-house displaced occupiers into suitable alternative accommodation:
  - under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be re-housed as his/her accommodation is required to accommodate

<p>another worker in the interests of efficient agriculture or</p> <ul style="list-style-type: none"> <li>○ following the compulsory purchase of a property under the Land Compensation Act 1973.</li> </ul>
<ul style="list-style-type: none"> <li>• You have suffered severe emotional or physical trauma resulting from violence (including hate crimes and domestic violence) or threats of violence, or physical, emotional or sexual abuse. Your priority will be reviewed after 6 months if you have not been rehoused, and may be removed if you are no longer considered to need an urgent move.</li> </ul>
<ul style="list-style-type: none"> <li>• You are currently living in specialist supported accommodation and have successfully completed a support programme and are considered by the scheme manager to be both ready to move-on and capable of sustaining an independent tenancy. Your priority will be reviewed after 6 months if you have not been rehoused, and may be removed if you are no longer considered to need an urgent move.</li> </ul>

#### **4.8 Local lettings policies**

National and regional policies are encouraging new housing schemes to be mixed tenure, catering for a range of needs and aspirations. Similarly, local lettings policies may make affordable housing available to a wider range and variety of households, rather than concentrations of those with particular support needs. In line with these policies we sometimes give priority to working households or those with limited housing need. Through this process lettings can contribute toward balanced, sustainable communities, with a positive impact on:

- education, by influencing school populations;
- local businesses, because of more spending power; and
- health, by balancing the demand for services with local provision.

We will work with housing associations where needed to develop local letting policies for new developments and deprived areas, without disadvantaging other areas.

#### **4.9 Down-banding**

Down-banding will usually be applied for the financial reasons explained in section 2.4. It will also be applied if you are assessed as having deliberately worsened your housing situation in order to gain a higher priority on the register. For example, you:

- have given up a suitable tenancy to move into overcrowded accommodation;
- have transferred your property, as a homeowner, to another family member during the seven years before the date of your application;
- have disposed of, or deprived yourself of, capital or assets which could reasonably have been used to secure housing during the seven years before the date of your application; or
- make a homeless application and the decision reached is that you became homeless intentionally.

Down-banding will not usually be applied if you require sheltered or supported housing, or need a property adapted for wheelchair access.

The decision whether or not to apply down-banding to your application will be made by our Housing Needs Panel. We will write to you setting out the reasons for the decision

and your right to ask for this to be reviewed. You have the right to request a review of a decision to apply a lower band to your application - see section 9. If your application has been down-banded, this decision will be automatically reviewed after 12 months unless you notify us of a relevant change in your circumstances.

#### **4.10 Exceptional priority**

Exceptionally, circumstances require an applicant to move urgently. These include cases where:

- the applicant is a high risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or
- the Council has been asked by the National Witness Mobility Service to assist in relocating witness households

Our Housing Needs Panel will consider such cases on an individual basis and can place the application in band A on the grounds of exceptional priority. Applicants with exceptional priority will usually be directly nominated to a housing association vacancy.

## **5 Keeping the register up to date**

### **5.1 Annual review**

We will write to you once a year, on or near the anniversary of the date you were first registered. We will ask you whether you wish to remain on the register for another year. We will also remind you to tell us about any changes in your circumstances. You must reply to this letter. If you fail to reply, or fail to provide any further information we ask for within 28 days, we will assume that you no longer wish to be on the register. We will then remove you from the register without contacting you again. If you reply to the review letter telling us of a change of circumstances, you must also supply evidence of the change so we can reassess your application.

### **5.2 Removal from the register**

You will be removed from the register for any of the following reasons, where you:

- accept a tenancy offered by one of our housing association partners;
- accept a private sector tenancy where we have provided financial assistance by way of a rent deposit/bond;
- do not respond to the annual review;
- do not respond to correspondence from the Council asking you to provide information;
- are no longer eligible to be included on the register;
- no longer wish to be re-housed;
- have left temporary accommodation that we arranged for you and we do not have your forwarding address; or
- have moved without notifying us of your new address.

You may also be removed if we are satisfied that (on the balance of probabilities) you have given false or misleading information or have withheld any relevant information at any time. We will decide if this applies.

## **6 Range of available properties**

### **6.1 Affordable homes**

The types and sizes of affordable homes and the areas that they are in vary considerably. The needs of applicants also vary widely. We set out a guide to the size and type of homes for households of different sizes in section 8.3

### **6.2 Some restrictions**

Existing and newly built affordable housing may be subject to certain restrictions. These include:

- a local lettings plan to try to achieve balanced and stable communities on new developments;
- planning conditions - for example, that only certain people with a specific local connection to the area can be offered the accommodation may apply in rural areas; and
- some properties, including those within sheltered schemes, being designated or adapted for people who are frail, disabled or with special support needs. When such properties become available they will, where possible, be let only to people who meet the relevant criteria.

## **7 How to bid for available properties**

### **7.1 Choice based lettings**

We are a member of Kent Homechoice, a partnership of district councils and housing associations operating in Kent. It was set up to provide Choice Based Lettings (CBL).

CBL enables applicants to bid for suitable properties. In this context “bid” does not involve offering money; here it means the same as “apply”. After a property is let, the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to all applicants. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

The need for affordable housing greatly exceeds the supply. So CBL should be considered as one of a range of options available to applicants seeking housing. Information and advice on all available housing options can be obtained from our Housing Options Team on 01732 876067.

### **7.2 The bidding process**

When you have been accepted onto our register you will receive a Kent Homechoice user guide. This describes the CBL process. Step by step it sets out the various bidding processes and explains the symbols used in the property advertisements.

Every fortnight, Kent Homechoice advertises all empty housing association homes that are available to let in our borough. These are advertised on the internet at [www.kenthomechoice.org.uk](http://www.kenthomechoice.org.uk) and on digital TV. We and housing associations provide internet access to this site at our offices. We also provide information about advertised properties in other ways where really needed.

The advertisements show photographs and give basic details of the properties. These include: the area, number of bedrooms, floor level and mobility level, weekly rent and service charges, along with any age or pet restrictions. Advertisements also say when each property should be ready to occupy, and whether it is available to home seekers and/or existing housing association or council tenants. Properties that have been adapted for wheelchair users and those within sheltered housing schemes are usually offered to those who would benefit from them.

Occasionally, Russet will advertise a property as available to home seekers and tenants, but with priority given to their tenants. A home seeker is an applicant who is not an existing tenant of a housing association or council. In these cases, Russet will consider bids placed by their own tenants first and other applicants are only considered if the property is not let to a current tenant.

In each fortnightly cycle you may bid for up to three properties that are suitable for your needs. You can refuse any resulting offers of housing without losing your priority on the register.

You will be given a unique Kent Homechoice number to be used when applying for properties. The user guide explains how you can apply for properties:

- on the internet;
- by telephone;
- by text message;
- by coupon;
- in person at the Council's offices;
- by digital TV; and
- smart phone app.

Relatives, friends, staff or support workers can register to do this for you if you have difficulty in doing it yourself.



## **8 How available properties are allocated**

### **8.1 Processing the shortlist**

At the end of each fortnightly cycle, all bids for each available home are put into priority order. They are ranked according to the priority bands with band A first, band B second and so on. Within each band, order is by date of registration, starting with the earliest. This produces a shortlist of eligible applicants for each property. For each property the housing association contacts the applicant at the top of the shortlist to check that the information they have given is correct. Subject to this, the highest priority applicant will usually be offered the property. If two or more applicants share the same priority date within the priority band, the housing association decides which of the applicants will be offered the property based on the best use of the housing stock and the applicants' needs.

If an offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

An applicant who is the highest priority bidder for more than one property will be asked to list the properties in their order of preference. They will usually be offered their first choice of property. If this is not suitable they will be offered their second choice, and so on.

The relative position of bidders on the shortlist for a property may change between bidding and when the property is offered. This will happen only if there is a change in priority band for one or more applicants. In such cases, the property will be offered to the applicant with the highest priority at the time of the offer.

We may refuse to shortlist or offer housing, for example where offering the property to the highest priority applicant would put others at risk. Housing associations may also refuse to offer housing to applicants:

- whose behaviour has been unacceptable; or
- who do not satisfy their verification checks, which include confirming the members of the household and their current circumstances.

In these cases the housing association will write to the applicant and explain why they have been rejected.

### **8.2 Unacceptable behaviour**

When deciding if your behaviour has been unacceptable, housing associations may consider:

- If you, or any member of your household, have been evicted from a housing association or a council tenancy during the past five years due to rent arrears, anti-social behaviour or criminal/fraud activities; or
- If you, or any member of your household, have outstanding rent arrears with your current landlord or a former landlord; or
- If there is evidence that you, or any member of your household, have a history of anti-social behaviour or other breach of tenancy conditions.

Each case is judged individually. Where you owe rent for a previous tenancy, you will

be encouraged to enter into an agreement to pay your arrears. If you keep to such an agreement for a reasonable period, usually a minimum of three consecutive months, the housing association will reconsider whether or when you will be offered a tenancy. However, if you are an existing housing association tenant seeking a transfer, a rent account with no arrears is normally expected, except in the case of a re-housing emergency.

### 8.3 Property size guidelines

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A single person.	Bedsit, studio flat, or one bedroom flat, house, bungalow or sheltered accommodation.
A couple. <sup>1</sup>	One bedroom flat, house, bungalow or sheltered accommodation.
Two adults with a verified need for separate bedrooms.	Two bedroom flat, house, bungalow or sheltered accommodation.
A couple <sup>1</sup> or single parent with one child or expecting a first child. <sup>2</sup>	Two bedroom flat or house.
A couple <sup>1</sup> or single parent with two children, or expecting a second child. <sup>2</sup>	Two or three bedroom flat or house, depending on age/sex of children.
A couple <sup>1</sup> or single parent with three or more children, or expecting a third or subsequent child. <sup>2</sup>	Three or four bedroom house, depending on age/sex of children.

Notes:

1. Couple includes heterosexual or same-sex couples, whether married, in a civil partnership or living together in the same household.
2. Proof of pregnancy will be required where an extra bedroom is required for an expected child.

Exceptions to this guide, depending on individual circumstances, include:

- a medical recommendation for a bigger home<sup>15</sup> for example to:
  - meet a medical or disability need for an extra bedroom; or
  - accommodate a carer;
- the available home has special adaptations and there are no other applicants of the correct household size available that need those adaptations;
- the allocation is the result of an emergency;
- the home is being used as temporary accommodation; and
- the home is being let under the terms of a local lettings policy.

Bungalows will generally be allocated to households where the applicant or a member of their household needs level-living accommodation.

### 8.4 Direct Offers

Occasionally, certain properties are excluded from CBL and allocated by making direct

<sup>15</sup> A decision that you are entitled to be considered for a bigger home for the purposes of this allocation scheme does not mean that you would automatically be entitled to housing benefit to cover the increased rent for any additional bedrooms.

offers to selected applicants. For example, this could apply to applicants:

- in band A with urgent priority to move on health or welfare grounds, for example in cases of terminal illness or where there is an immediate threat of violence;
- who do not have an advocate or support worker and their medical or welfare assessment shows they are unable to participate in CBL; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted.

Most households who are accepted as homeless by the Council with a duty to re-house will be offered a suitable private sector tenancy. Those homeless households that are accepted onto the register, but who have been unsuccessful in bidding, will be made a direct offer. This will only apply if the duty has been accepted for at least three months and the applicant has either failed to bid for any suitable properties or has bid but not been short listed. We will make one direct offer of suitable housing before this duty is discharged.

Wherever possible direct offers will match the applicant's assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as non-essential preferences regarding the location or type of rehousing requested by the applicant, or the location or type of their current housing will not normally be taken into account.

### **8.5 Period for considering an offer**

After the short listing and checking processes, the housing association will visit or telephone the successful bidder and arrange for them to view the property. A longer period is allowed to arrange the viewing where, for example, the applicant:

- is particularly vulnerable and needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision;
- lives outside the borough, is not familiar with the locality and needs to make arrangements to travel;
- is in hospital or some form of temporary home such as a hostel or refuge; or
- requires adaptations to help them cope with disabilities and the property needs to be assessed by an occupational therapist.

The applicant will normally be expected to accept or refuse the property within 24 hours of the viewing.

### **8.6 Refusals of offers**

Applicants can generally refuse offers of accommodation without penalties. However, where an applicant refuses a direct offer, in most cases their needs will be re-assessed to check whether their priority or urgency for a move should be reduced.

For those applicants where we have accepted the duty to re-house them as homeless, refusal of a direct offer will usually result in discharge of the re-housing duty.

We are under a legal duty to offer suitable housing to such homeless applicants. A suitable offer is one that takes into account:

- whether the housing is affordable, considering income, including housing benefit where applicable, and living expenses, including rent;
- the size, floor level, space and arrangement of the property, where applicable to the housing needs of the household;
- any medical or welfare grounds for re-housing; and
- any risk of domestic or other violence.

A direct offer is made by letter to a homeless applicant, explaining it is a final offer and, if refused, the applicant has the right to ask us to review whether it was suitable for their needs. Any review is conducted by our Housing Needs Manager. If the review confirms the property is not suitable you will be entitled to a further offer.

We do not hold the property for you during the review period; it will be immediately re-offered to another applicant. No further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided if the review confirms the property was suitable.

Alternatively, you can both accept the offer and also seek a review as to its suitability. If the review confirms the property is suitable you can remain there.

## 9 The right to request a review of a decision

You have the right to request a review of any decision:

- to treat you as ineligible because of your immigration status;
- to exclude you from the register because you do not have a local connection and/or a housing need;
- about the facts of your case which have been, or are likely to be taken into account in considering your priority on the register;
- to apply a lower priority band to your application; or
- about the facts of your case which have been, or are likely to be taken into account in considering whether to allocate housing.

This includes any decision made by the Housing Needs Panel.

The notification of the decision will give clear grounds for the decision based on the relevant facts of the case. If you do not understand the implications of a decision on eligibility or disqualification we can give you an oral explanation as well as a written decision.

To request a review of a decision you must write to us within 28 days of receiving it and clearly state why you do not agree with the decision. You can ask someone else to do this for you. If you have problems requesting a review in writing, we can accept your request orally. We can allow you extra time to request a review in exceptional circumstances.

We will write to you within 10 days of receiving your request a review. We may ask you to provide more information and/or attend an interview. A senior member of staff who has not been involved in the original decision will carry out the review. We will explain the outcome of the review, and the grounds for the conclusion to you in writing within 4 weeks of your request. If we need further time to complete the review, we will let you know why and how much longer we will need.

The review will look at your case on the basis of the rules in our housing allocation scheme, any legal requirements and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household.

We will not consider a further review of the decision unless there is a material change in your circumstances.

## **10 Scheme maintenance**

### **10.1 Regular review**

The Director of Planning, Housing & Environmental Health is responsible for this scheme, and will review its operation every year.

### **10.2 Amendments to the scheme**

It may sometimes be necessary to make minor amendments to this scheme. For example, if we decide to allow unlimited bids per fortnightly cycle or change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Director of Planning, Housing & Environmental Health. However, we will seek to inform all applicants of any changes by publicising details on our website and in the Kent Homechoice user guide.