



Housing  
**Allocation  
Scheme**

2022 – 2027

**DRAFT**

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## **SECTION ONE: EXECUTIVE SUMMARY**

### **1. Introduction**

This is Epping Forest District Council's proposed Housing Allocations Scheme ("the Scheme") for determining priorities and for the procedures to be followed when allocating social housing within the District between 2022- 2027.

The scheme covers all aspects of the allocations process and is intended to replace previous Housing Allocations Schemes (subject to Cabinet approval in March 2022) in respect of current and future applications.

#### **1.1 Fair access to social housing**

The demand for affordable rented housing in the District far outweighs the supply of social housing that becomes available every year.

The Council maintains a Housing Register ("the Register") of applicants who qualify and are eligible to be allocated social housing under the scheme.

We are committed to ensuring everyone has fair access to social housing. Every eligible applicant who makes a request to join the Register shall be considered by the authority.

We shall offer assistance to applicants who may have difficulty applying without help, and the policies described in the Scheme shall be applied consistently to all applications to join the Register.

Applicants who in the Council's opinion have sufficient funds to enable them to meet their own housing costs (currently £76,000) shall not qualify to join the register. For joint applicants (or more) then their combined funds shall be considered.

#### **1.2 Health wellbeing and social recovery**

Many people who approach the Council for help with housing also have concerns about their health and wellbeing or that of their families.

Although the Council cannot offer a settled home to everyone who approaches us, or even to those applicants in urgent housing need as quickly as we would like to, we aim to make every contact count towards improving the mental and physical health and wellbeing of our residents.

As well as assessing individual application for housing we will also let applicants know what free opportunities are available to promote positive mental health, positive activities and positive community initiatives for all residents as part of our road map toward social recovery from the impact of the pandemic.

#### **1.3 Options**

The Council shall support applicants to choose and access the most suitable housing options and shall provide information and advice on the range of alternatives to joining the Register including mutual exchange, low cost home ownership, and accessing accommodation within the private rented sector.

The Council shall promote independent living for all applicants who are seeking assistance to meet their housing related support needs. Options shall include providing information and free advice about aids and adaptations, floating support, improved security, befriending and mobility schemes.

The Council shall very occasionally arrange a Landlord Management Transfer to alternative social housing outside of the scheme where it considers there is an emergency (or urgent) need to do so.

#### **1.4 Managing the Housing Register**

The Council shall not accept applicants onto the Register if it is evident that they have little or no prospect of being allocated accommodation. The Council considers this to be the fairest way of managing expectations.

##### **1.4.1 Downsizers**

Existing Council and Housing Association tenants who want to downsize shall be actively supported to do so. This may include financial incentives and allowing applicants who want to give up a larger family sized home to move to a smaller property with one spare bedroom for guests etc.

##### **1.4.2 Removing Barriers**

Where existing barriers to moving are shown to have unintended consequences alternative solutions will be proposed. Examples include easing the current restriction on the number of offers to downsizers and replacing automatic sanctions for rent arrears with repayment agreements where it is appropriate to do so.

#### **1.5 Housing needs and priority Bands**

The Council shall only allocate accommodation to people on the Register in accordance with this scheme and shall give reasonable preference to specified categories of people based on their assessed need for affordable housing.

Qualifying applicants who have been accepted on to the scheme shall be placed in one of three priority bands.

Band A - Emergency Need, Band B - Urgent Need, Band C - Moderate Need

#### **1.6 Choice**

The scheme aims to ensure that the accommodation offered meets the needs, circumstances, and wherever possible the preferences of the applicants and their households who are eligible and qualify to join the Housing Register.

The majority of allocations shall be via the Councils Choice Based Lettings Scheme for properties that are advertised on the [HomeOption](#) website.

Housing staff can arrange assisted bidding for applicants on request if they would experience difficulty without this help.

As far as reasonably possible all applicants shall be offered:

(a) a choice of housing accommodation; or

- (b) the opportunity to express preference about the housing accommodation to be allocated to them.

Some applicants may receive a direct offer of suitable accommodation or placed on the auto-bidding system depending on their assessed housing need and bidding history.

## **1.7 Preventing homelessness**

Everyone who is homeless or at risk of becoming homeless and approaches the Council for assistance under the Homelessness Reduction Act 2017 shall be encouraged to apply to join the Housing Register.

The Council reserves the right to discharge its main homelessness duty under Part 7 of the Housing Act 1996 to homeless households either by making an offer of settled social housing via the scheme, or by securing an offer of settled accommodation for at least six months in the private rented sector.

This option only applies to Part 7 offers to Homeless Households and shall be determined by the availability of suitable accommodation. An equivalent power does not apply for applicants that have been accepted onto the Register under the provisions of Part 6 of the Housing Act 1996. All Part 6 allocations will be for social housing.

## **1.8 Best use of social housing**

In order to make the best use of all available housing the Council will continue to work closely with a number of private registered providers (also known as housing associations) to secure nomination rights for the homes that they own and manage in the District.

Registered providers agree to work in partnership with the Council by advertising vacant properties through the Choice Based Lettings Scheme and accepting nominations for vacant properties from applicants on the Register under part 6 of the Housing Act 1996 in accordance with the scheme.

Similarly, registered providers assist the Council with discharging its main duty to homeless households under part 7 of the Housing Act 1996 by accepting nominations for settled accommodation from homeless applicants on the Housing Register.

Registered providers shall also consider direct allocations for vacancies (including those both inside and outside of the scheme) in accordance with nominations agreements and all local lettings policies and plans.

## **1.9 Stable settled mixed communities and local lettings plans**

Occasionally the Council may consider introducing local lettings policies and plans in response to specific issues such as local skill shortages, community cohesion and economic regeneration. Any recommendations will be subject to an equalities Impact Assessment and Cabinet approval.

## **1.10 Scope of the Allocations Scheme**

- (a) An allocation of accommodation for the purpose of the Scheme means
- (b) Selecting a person to be a secure or introductory tenant of accommodation held by the council

- (c) Nominating a person to be a secure or introductory tenant of accommodation held by another housing authority
- (d) Nominating a person to be an assured tenant of accommodation held by a Private Registered Provider

1.10.1 The Scheme applies to the allocation of accommodation to existing secure or introductory tenants of the local housing authority and existing assured tenants of private registered providers only in the following circumstances:

- (a) the allocation involves a transfer;
- (b) the application for transfer is made by the tenant; and
- (c) the housing authority is satisfied that the tenant is to be given reasonable preference under the statutory framework.

1.10.2 The Scheme **does** apply to the following:

- (a) existing tenants who occupy an adapted property and no longer require those adaptations, but the Council requires the property for an applicant who does need them; and existing tenants who are under-occupying their accommodation.

The scheme **does not** apply to the following:

- (a) mutual exchanges between secure tenants (see Section 9);
- (b) mutual exchanges between secure and assured tenants, and those with flexible/fixed term tenancies see Section 9);
- (c) assignments (see Tenancy Policy);
- (d) renewals/extensions of fixed term/flexible tenancies (see Tenancy Policy);
- (e) transfers to existing tenants where the Council is satisfied that the tenant does not have reasonable preference (see Section 9);
- (f) transfers to existing tenants that the Council initiates for management purposes, including temporary decants (see Section 9);
- (g) conversion of introductory tenancies to secure tenancies (see section 9);
- (h) successions under section 89 of the Housing Act 1985 (see Section 9);
- (i) allocations to persons who lawfully occupy accommodation let on family intervention tenancies (see Tenancy Policy);
- (j) provision of non-secure temporary accommodation in discharge of any homelessness duties or powers (see Homelessness and Rough Sleeping Strategy);
- (k) transfer of tenancies by court order under family law or under the provision of the Civil Partnerships Act 2004 (see Tenancy Policy);
- (l) re-housing due to being displaced from previous accommodation by the Council or being re-housed by the Council pursuant to the Land Compensation Act 1973 (see draft Decant Policy)
- (m) temporary decants to allow property repairs to be carried out (see draft Decant Policy); and
- (n) Accommodation based care and support extra care or residential care for vulnerable adults or children which shall fall under the remit of Essex County Council.

## **SECTION TWO: THE LEGAL FRAMEWORK**

### **2. Housing Legislation and Regulation**

This draft Housing Allocations Scheme has been developed to comply with the provisions of:

- (a) The Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011
- (b) The Code of Guidance on Allocations of June 2012, and the Supplementary Guidance of December 2013 Providing social housing for local people, of March 2015 Right to Move, of November 2018 Improving Access to Social Housing for Victims of Domestic Abuse in Refuges November 2018 and of the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations June 2021
- (c) Other relevant legislation and guidance listed at Appendix G

The review of the Scheme coincides with simultaneous reviews of the Council's Homelessness and Rough Sleeping Strategy, the Tenancy Policy, and the Overarching Housing Strategy.

#### **2.1 Equality and diversity**

The Council is committed to upholding the provisions of the Equality Act 2010 and fulfilling its duty to:

- (a) eliminate unlawful discrimination;
- (b) advance equality of opportunity; and
- (c) foster good relations between persons who share a relevant protected characteristic and those who do not.

The recommended changes to the Allocations Scheme 2022 – 2027 that will be presented to Cabinet for approval shall be appended with the results of this consultation and an Equalities Impact Assessment.

#### **2.2 Data protection and freedom of information**

Some or all of the information that an applicant provides is likely to be personal and sensitive and/or fall within special categories of data as defined under the General Data Protection Regulations and Data Protection Act 2018.

Data shall usually only be shared with a third party with the applicant's permission and then only for the purposes of assisting with their re-housing. Applicants shall be asked to sign a consent form as part of their housing application to enable the authority to share their information. Personal data will also be handled in accordance with the Electronic Communications Act 2000.

Members of the public shall not be informed that a person is an applicant for an allocation of housing accommodation without the applicant's consent.

Personal information may be shared without consent if a lawful basis can be identified, for example if an individual's safety is at risk. Further conditions apply where there is a need to share special category data.

The Council shall consider whether it is appropriate to share information regarding safeguarding concerns, including, but not limited to concerns about domestic violence and abuse, with other agencies (such as housing associations and GP surgeries).

The Council is responsible for determining whether data sharing is lawful under UK data protection law, and this shall be determined on a case-by-case basis.

Applicants shall have the right under the General Data Protection Regulation and Data Protection Act 2018 to see all information held regarding their application for housing.

Individuals shall have the right under the Freedom of Information Act 2000 to see information on how the Scheme has been prepared and approved by the Council.

Requests for information under the Freedom of Information Act 2000 must be made in writing, state the applicants name and address for a response and describe the information requested.

### **2.3 Prevention of fraud and false statements**

Where an applicant provides false information in connection with their application and this subsequently comes to the Council's attention, the designated manager may reject the application on the grounds of fraud and/or arrange for further investigation including a referral to the Council's fraud team .

Any rejection from the Register on the grounds of fraud may be treated as a permanent exclusion (including subsequent applications from the same applicant) even if the application is made from a different address.

The applicant shall be advised of the terms of and the reasons for the exclusion. "Fraudulent Information Provided" will be recorded on their casefile.

It is a criminal offence for any applicant and/or anyone providing supporting information to knowingly or recklessly make a false statement or knowingly to withhold reasonably requested information relevant to the housing application.

If there is evidence that a criminal offence has been committed, the Council may take proceedings that could result in a criminal record, a fine or imprisonment. The Council may also seek possession of any home obtained as a result of fraud.

### **2.4 Exceptional circumstances**

Any provision in the Scheme may be waived in exceptional circumstances and at the discretion of the appropriate senior officer with delegated authority (as stated in the department's Scheme of Delegations). The application of such discretion will normally require a full report of the circumstances of the individual case to be prepared by the Team Manager for the consideration of the delegated officer (currently the Director of Communities and Wellbeing).

## **SECTION THREE: THE HOUSING ALLOCATIONS POLICY**

### **3. Free advice and assistance**

Choice based lettings scheme typically requires housing applicants to be actively involved in seeking accommodation and the Council understands that some applicants may require help with this. The Housing, Community and Wellbeing staff aim to ensure that no person is disadvantaged by the way the Scheme operates.

Advice and information shall be made freely available about the right to make an application for housing; including the ability to request any necessary assistance when completing an application and expressing an interest in advertised properties, specifically for those applicants who would normally have difficulty in doing so without assistance.

Applicants shall also be given information to enable them to assess how long it is likely to be before accommodation appropriate to their needs may become available for allocation. The details shall be published on the HomeOption website and provided to applicants in an alternative accessible format on request at no charge.

A list of general information and advice that shall be available and how to access it is listed at Appendix F

### **3.1 Alternative housing options**

As there are likely to be many more applicants for social housing than properties available, the Council shall also provide information about other options, including but not limited to advice on:

- (a) aids and adaptations
- (b) security measures
- (c) renting in the private rented sector
- (d) available low-cost home ownership options
- (e) key worker housing schemes
- (f) mutual exchanges
- (g) floating support

### **3.2 Positive health and wellbeing**

Often when people apply to the Council for help to find somewhere suitable and affordable to live they or other members of their household are experiencing a wide range of difficulties which may be having a serious effect on their health and wellbeing or that of their families.

We understand that for most applicants when they first register for housing their sole focus is to find out how the Council can help with their housing needs.

It is evident from the many applications that we receive each year that lots of households are struggling with social, emotional or health related issues such as loneliness, mental health difficulties, weight management, or beating an addiction.

Applicants are being encouraged to use the on-line housing registration process as an

opportunity to have a look (in their own time if and when they want to) at the many free activities that are available across the district specifically designed to help establish positive mental health, positive activities and positive community as part of our road map to social recovery following the pandemic.

Applicants can also ask housing, community and wellbeing staff for free confidential advice on what services are available and what may be suitable for them.

### **3.3 Choice based lettings**

The Council has adopted HomeOption choice based letting scheme which advertises available Council and housing association properties on-line and gives applicants on the Register the opportunity to express an interest in suitable properties either on the website or by telephone. This is usually referred to as submitting a “bid” to be considered for the property.

In general terms, the property shall be offered to the applicant in the highest band, who bids for the property and has been in that band for the longest time.

Details on how the scheme operates shall be included in the letter that is sent out to applicants that are accepted onto the Register.

### **3.4 Assisted bidding**

The Council can provide assisted bidding for applicants who need help and do not have the facilities or anyone else to support them. There are computer kiosks at all receptions and housing staff at the Civic offices are also available if required, depending on the type of assistance the applicant requires. With assisted bidding the applicant chooses which properties they would like to bid on and receive assistance to submit the bid.

### **3.5 Auto- bidding and direct offers**

Although the majority of applicants shall be allocated a property that they have self-selected via choice-based lettings the Council may from time to time arrange auto-bidding or make a direct offer of accommodation.

Auto-bidding can be set up to automatically generate bids for suitable properties based on the applicants assessed need. The applicant does not make the selection.

The Council may also directly offer a property to an applicant rather than selecting an applicant from bids or auto-bidding for advertised properties.

Auto-bidding and direct offers will only usually be considered where the applicant has been unsuccessful in their bidding – or if the applicant has not been bidding, and then usually only after a period of at least 6 months for the following categories of applicants;

#### **3.5.1 Band A – Emergency Housing Need:**

- Households with an emergency need to move on medical, disability or welfare grounds as determined by the Council’s Medical Officer,
- Other emergency housing need situations where applicants are failing to bid on suitable properties, or it would be unreasonable to rely solely on waiting to secure something suitable via choice-based lettings.

### 3.5.2 Band B – Urgent Housing Need:

- Households who are in Temporary Accommodation and the Council has accepted a main duty to house them under Part 7 of the Housing Act 1996.

\*Applicants who are or could be considered for auto-bidding or a direct offer are usually still expected to bid for suitable properties via HomeOption.

All auto-bidding arrangements and direct offers of accommodation shall be authorised by the designated manager.

If an applicant refuses an auto-bid or direct offer and exercises their right to request a statutory review as to the suitability of the offer then, if the review finds that the offer was unsuitable, the applicant shall be able to continue to bid until they are successful or have been made another direct offer of suitable accommodation.

## 3.6 **Eligibility to join the Housing Register**

In considering applications to join the Register the Council shall first ascertain: Whether an applicant is eligible for an allocation of accommodation; and If they qualify for an allocation of accommodation.

### 3.6.1 Persons from abroad

The Government sets the rules for which persons from abroad are eligible to join a Housing Register.

In general, persons from abroad who need leave to enter or remain in the UK will only be eligible under certain circumstances the current regulations are summarised at Appendix B

The regulations are quite complex and subject to change by “statutory instruments” and subject to amendment during the lifetime of the scheme.

The Council shall not allocate housing to an ineligible person by granting them a joint tenancy with another, eligible person.

The rules do not apply to an applicant who is already a secure or introductory tenant or an assured tenant of accommodation in which case the applicant can apply for a transfer regardless of their immigration status.

Any part of a household who is not a qualifying person shall be disregarded when assessing the need and size of accommodation.

The Council has also set some local criteria to determine who does and does not qualify to join the Housing Register.

## 3.7 **Qualifying to join the Housing Register**

Applicants must qualify under each of the local eligibility criteria and not be disqualified under any of the grounds listed at paragraph 3.10

An applicant’s eligibility or qualification to join the Register shall be kept under review during the application process. Applicants who cease to be eligible and/or qualifying may be removed from the Register at any time.

### **3.8 Local eligibility criteria**

#### **3.8.1 Age**

The Register shall be open to applicants of 18 years and over.

#### **3.8.2 Residency criteria**

To meet the residency criteria applicants are required to have lived in the District for seven continuous years or more immediately prior to the date of their application.

Any resident who moved out of the District for less than two years, but has lived within the District for at least seven continuous years immediately prior to moving out of the District, will be treated as an applicant who has lived in the District for more than seven continuous years prior to application.

### **3.9 Exceptions to the residency criteria**

The following exceptions to the seven-year residency criteria shall apply:

#### **3.9.1 Armed Forces**

Through the Military Covenant, the Government has made clear its responsibility to support the British Armed Forces in return for the important contribution they make to the country. Therefore, in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, the Residency Criteria shall not apply to the following applicants;

Applicants who:

- (a) are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- (b) formerly served in the regular forces where the application is made within 5 years of discharge;
- (c) are divorced or separated spouses or civil partners of service personnel who live in accommodation provided by the Ministry of Defence;
- (d) have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
- (e) are serving or have served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service where the application is made within 5 years of discharge.

The "regular forces" and the "reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

#### **3.9.2 Households who are homeless or at risk of homelessness**

Households who are owed a homelessness duty by the Council under Part 7 S193 of the Housing Act 1996 as amended:

who have already met the residency provisions in accordance with this legislation;

where there is a requirement to afford reasonable preference on the ground of homelessness, and the Council does not owe a full homelessness duty.

3.9.3 Move-on from supported housing

Applicants who are leaving supported housing schemes where a lesser residency criterion of 2 years shall apply as set out at appendix x of this Scheme.

3.9.4 Victims of domestic abuse

Applicants who are living in a refuge or other form of safe temporary accommodation in the district having escaped domestic abuse from within the district or from another local authority area.

3.9.5 Social housing tenants with specific employment needs

Applicants who are existing local authority or housing association tenants with a good tenancy record who are seeking to transfer from another local housing authority area in England.

They must provide appropriate evidence that they are in long-term work in the District, or have a genuine intention of taking up an offer of work in the District (work does not including short-term, occasional, ancillary, voluntary, marginal or economically insignificant employment), comprising a minimum of 16 hours each week or an apprenticeship.

They must also demonstrate that they are experiencing hardship as a result of the above due to one or more of the following factors:

- (a) they live in excess of 50 miles from their current or intended place of work
- (b) they have a return journey time on public transport which is generally in excess of 3 hours based upon Internet Journey Planners
- (c) the availability of transport is restrictive causing similar difficulties set out in (a) and (b) above
- (d) transport is unaffordable when taking into account earnings
- (e) there are medical and child-care factors which would be affected if the tenant could not move
- (f) the failure to move would result in the loss of an opportunity to improve an applicant's job prospects or in the opinion of the designated manager some other hardship factor not covered by this Scheme

3.9.6 Looked after children

Where an applicant has been placed outside of the District by Essex County Council's Children Services Department, but Epping Forest District is the location they would normally live in, then they will be considered to fulfil the Residency criteria.

3.9.7 Leaving secure accommodation

Where an applicant has been moved to secure accommodation outside of the District for example due to detention in prison or in hospital under the Mental Health Act, then the applicant shall retain the local eligibility afforded immediately before their detention.

Other exceptional circumstances

Applicants who in the opinion of the designated manager are entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District to escape violence or harm.

### **3.10 Non- Qualifying Applicants**

Every application shall be assessed on its own merits. Any applicant rejected as ineligible or non-qualifying shall be provided with a written explanation by the designated officer giving clear grounds for the decision, based on the relevant facts. The applicant shall have the right to request a review of the decision.

The following grounds shall disqualify an applicant from joining the Housing Register:

#### **3.10.1 Housing need**

Any applicant who does not have an assessed housing need, as listed within at least one of the priority Bands criteria detailed at Section 7 of the Scheme shall not qualify.

#### **3.10.2 Financial resources**

Any applicants who, in the opinion of the Council, have sufficient funds either individually or collectively to enable them to meet their housing costs shall not qualify. At present the total upper threshold is set at £76,000.

Total income and assets shall be determined by calculating the total combined annual gross taxable income added to any residential property equity, savings, shares or any other assets. All applicants shall be required to provide evidence of income and capital.

Where the designated manager is satisfied with the evidence that applicants have disposed of assets by means of wilful deprivation within the six years directly prior to making the application the applicant shall be disqualified.

Any lump sums received, as compensation for an injury or disability sustained on active service by either, members of the Armed Forces, former Service personnel, bereaved spouses and civil partners of members of the Regular Forces, or serving or former members of the Reserve Forces, shall be disregarded from the calculation.

#### **3.10.3 Deliberately worsening housing circumstances**

Any applicant who in the view of the designated manager is found to have deliberately worsened their circumstances in order to qualify to join the Housing Register shall be disqualified. Examples include but are not limited to:

- (a) selling a property that is affordable and suitable for the applicant's needs;
- (b) moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation;
- (c) requesting or colluding with a landlord or family member to issue them with a Notice to Quit; or
- (d) deliberately overcrowding a property by moving in friends and/or other family members who have never lived together with the applicant previously, and who then request rehousing to larger accommodation.

#### **3.10.4 Serious unacceptable behaviour**

The Council may decide that an applicant is ineligible for social housing if it is satisfied that:

they, or a member of their household, has been found to be responsible for unacceptable behaviour (such as non-payment of rent, causing a nuisance or annoyance, or domestic violence/ abuse, harassment, threats of harassment, or violence) serious enough to make them unsuitable to be a tenant of the Council; and

at the time their application is considered, they are unsuitable to be a tenant of the Council by reason of that behaviour.

Acts of violence and aggression to employees will not be tolerated by the Council and any applicant who threatens or uses violence towards any Council employee or contractor will be removed from the Register immediately.

### 3.10.5 Rent arrears

Applicants with rent arrears shall be disqualified from joining the Register if they wilfully and persistently fail to pay their rent and show disregard for advice and assistance to address the arrears where it would be reasonable to expect them to do so (e.g. the behaviour is not attributable to an underlying vulnerability). The individual circumstances shall be considered every case and a proportionate risk-based assessment shall be taken to whether the applicant should be disqualified from:

- (a) Joining the Register; or
- (b) Being considered for a property if they are already on the Register

Generally, applicants are unlikely to be disqualified if they can evidence that:

- (a) They have made an arrangement with the landlord for paying arrears, kept to the arrangement for at least three months are continuing to make the payments and give an undertaking to continue to pay the debt if they are rehoused.
- (b) The arrears accrued due to an unavoidable life event for example health reasons, a period of unemployment, furlough, caring responsibilities or other crisis, and reasonable measures have been and/or are being taken to address the debt and the underlying cause where possible for example debt counselling.
- (c) The arrears accrued as a result of third-party financial abuse or deception.
- (d) The applicant has been granted a Mental Health Breathing Space or Standard Breathing Space and the appropriate support plans are in place or being pursued to ensure a longer terms solution.
- (e) The arrears amount to less than 1/12 of the annual rental charge.

Where appropriate applicants shall be invited to consider pursuing free local support (otherwise known as social prescribing) as part of the social recovery programme for the District.

### 3.11 **Future applications**

If a non-qualifying applicant considers that he/she should be treated as a qualifying person in the future, they may make a fresh application at that time.

### 3.12 **Reasonable preference**

The Council shall give reasonable preference to specific categories of people when prioritising applicants on the Register in accordance with Part 6 of the Housing Act 1996 as amended.

#### 3.12.1 Reasonable preference shall be given to applicants:

- (i) who are homeless within the meaning of Part 7 of the Housing Act (including those who

- are intentionally homeless and those not in priority need)
- (ii) who are owed a particular statutory duty by any local housing authority under section 190(2), 193(2) or s195(2) of the 1996 Act or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- (iii) occupying unsanitary, overcrowded or otherwise living in unsatisfactory housing
- (iv) who need to move on medical or welfare grounds (including grounds relating to a disability); and
- (v) who need to move to a particular locality within the district; where failure to meet that need would cause hardship (to themselves or others)

### **3.13 Determining priority**

The Council shall determine priority between applicants with reasonable preference by:

- (a) assessing the level of housing need and categorising it as either Emergency, Urgent or Moderate; and
- (b) prioritising bids from or making direct offers to applicants who have been in the highest band for the longest time

### **3.14 Under-occupation and downsizing**

The Council shall run targeted incentive schemes (which may from time to time include published financial incentives subject to resources being available) to encourage and support tenants with spare bedrooms to transfer or mutually exchange into smaller properties, in accordance with the Property Size and Type criteria (Appendix A).

### **3.15 Incentives and support for downsizing**

#### Financial incentives

Where a lifetime tenant of the Council is under-occupying accommodation and

- (a) is downsizing accommodation and moves or
- (b) enters into a mutual exchange to any property with fewer bedrooms than their current property and
- (c) both properties are owned by the Council,

they shall be offered £500 to cover removal costs a payment of £500 to meet decoration costs (in addition to the amount paid under the Council's decorations allowance scheme) and £1,000 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £4,000 being made.

If a Secure (fixed-term) Tenant wishes to transfer (or mutual exchange) to smaller accommodation, the financial incentives to downsize set out under this section of the Scheme shall apply, but only if they have more than 5 years remaining on their fixed-term tenancy.

The Council's incentive payments made to existing tenants who downsize accommodation

shall be made (subject to paragraph 3.14 above ) to any of the Council's tenants who downsize accommodation by way of mutual exchange, providing all parties to the mutual exchange are tenants of the Council and are adequately housed as a result, in accordance with the Scheme.

Any tenant wishing to enter into this arrangement whose rent account is in arrears, must be prepared to accept that the arrears shall be deducted from the amount paid.

#### **3.15.1 Size and type of offer**

A lifetime tenant of the Council wishing to downsize from a house to a flat where they are giving up one or more bedrooms can be considered for a flat with a spare bedroom (e.g. a couple or single person can move from a 3-bedroom house to a or a 2-bedroom flat or a 1-bedroom flat) either with or without a garden.

A lifetime tenant of the Council or a fixed term tenant of the Council with more than x years remaining on their fixed term tenancy wishing to downsize from a 4-bedroom house or larger where they are giving up 2 or more bedrooms can be considered for a flat or a house with a spare bedroom (e.g. a couple or single person can move from a 4-bedroom house to a 2-bedroom house or flat or a 1 bedroom house or flat) either with or without a garden.

#### **3.15.2 Exceptions to incentives**

Where an under-occupier opts to downsize to a property with a spare bedroom, they shall not be eligible for the £1,000 incentive for any of the rooms they release.

Where a tenant of the Council is downsizing accommodation, they shall be considered for a bungalow if they wish provided, they are over 60 years of age.

The financial criteria shall be disregarded where a tenant of the Council is under-occupying accommodation and is downsizing accommodation and moves or enters into a mutual exchange to any property with less bedrooms than their current property and both properties are owned by the Council.

The Council's incentive payments shall not apply to all those downsizing in accordance with this paragraph where the financial criteria has been disregarded for this reason.

### **3.16 Insanitary, overcrowded housing or unsatisfactory conditions**

The definition of insanitary, overcrowded or unsatisfactory conditions for the purpose of the Scheme is:

Where the Permitted Number, in accordance with the provisions of S. 326 of the Housing Act 1985 is exceeded, or in accordance with the legislation, the property is in a serious state of disrepair, of poor internal or external arrangement, or is lacking one or more of the following; kitchen facilities, inside W.C. or utility supplies.

### **3.17 Medical and welfare needs**

The Housing Act 1996 states that reasonable preference on the Housing Register should be given to applicants who have a need to move on medical or welfare grounds (including grounds relating to a disability and access needs and/or learning disability)

The medical and welfare category includes applicants, or members of the applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage.

### **3.18 Medical grounds (including disability)**

Where it appears that there is a need to make enquiries into an applicant's medical condition, the designated officer shall refer the case to the Council's medical advisor or a company commissioned by the Council to provide medical advice on written evidence and taking into account all known facts relating to the application.

It is important to note that reasonable preference shall not be awarded based upon the medical condition itself, rather upon the impact the condition has upon the applicant's housing requirements and whether the applicant's current accommodation is directly contributing to the deterioration of the applicant's health.

Both reasonable preference and the associated priority awarded shall be determined by the extent to which the medical advisor considers alternative accommodation will assist with stabilising or improving the condition and the urgency with which alternative accommodation is required. The applicant can provide their own medical evidence if appropriate along with a medical/welfare assessment form, which will be sent to the Council's medical advisor.

If in the opinion of the medical adviser reasonable preference should be granted, then they shall recommend that the application is awarded the following priority:

- 3.18.1 Emergency medical need where it can be demonstrated that, due to an illness or disability, it would be unacceptable for the applicant to remain in their current dwelling;
- 3.18.2 Urgent medical need where it can be demonstrated that - due to a serious or chronic illness or disability - the health of and therefore quality of life of an applicant (or member of their household) is; significantly affected by their current dwelling; and, is likely to significantly improve (or any deterioration is likely to stabilise or slow down significantly) if they move.
- 3.18.3 Moderate medical need when it can be demonstrated that due to an illness or disability the applicant finds living in their current dwelling difficult and it is clear that remaining in that dwelling would contribute to deterioration in their health; or it would be beneficial for the applicant to move to alternative accommodation but, at present, the applicant can manage in their present dwelling.

The medical adviser shall also recommend the type of property most appropriate to the household's medical needs.

The medical award will determine the Band the applicant is placed in. Where two or more members of a household would qualify for medical priority, only the highest priority will be awarded.

### **3.19 Reassessment of medical priority**

Any applicant who is awarded Band A or Band B on medical grounds shall have their medical position re-assessed if they refuse a suitable offer of a property that they have expressed an interest in, or have been selected for via auto-bidding or of a direct offer.

A re-assessment shall also be required if an applicant in Band A or B fails to fully participate in the Choice Based Lettings Scheme for more than 12 months.

If an applicant with reasonable preference on medical grounds moves from their existing accommodation but remains on the Register, then they shall require a new medical assessment.

### **3.20 Welfare grounds**

Welfare grounds shall be assessed on written evidence by the designated manager in consultation with the Council's medical adviser.

Welfare issues shall encompass:

- (a) providing or receiving ongoing care and care and support needs for those who could not be expected to find their own accommodation such as young adults with a learning disability who wish to live independently in the community; and
- (b) social needs, for instance, where a secure base is required for a care-leaver or any other vulnerable person to build a stable life.

Those who are active foster carers or those who are adopting who need to secure larger accommodation in order to look after a child who was previously looked after by local authority will be considered for a Flexible (fixed-term) Tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

### **3.21 Hardship grounds**

Hardship grounds shall be assessed on written evidence by the designated manager in consultation with the Council's Medical Adviser.

Hardship may include a need to move to give or receive care that is substantial or ongoing as well as for access to specialist medical treatment where there are severe mental health, medical or welfare issues and there are exceptional reasons why this support cannot be made available through a reliance on public transport or on the applicants own transport.

If the medical and welfare priority assessment was completed more than 12 months prior to the point of offer, then the designated officer shall arrange for it to be reviewed before the offer is made to ensure that the recommendations still apply.

### **3.22 Sheltered housing supplementary waiting list**

The Council operates a separate Supplementary Waiting List for non-qualifying applicants over 60 years of age who do not meet certain aspects of the Local Eligibility Criteria.

Applicants shall generally only be able to bid on one-bedroom Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes (not bungalows) for older people under the HomeOption Scheme. However, qualifying persons on the Council's Register who have submitted bids shall be given priority.

Any offers of tenancies made to applicants on the Supplementary Waiting List shall be prioritised in registration date order.

Prior to any offer, the Council shall undertake an in- depth assessment of the applicant to determine if the accommodation is suitable for the applicant. The following aspects of both the Local Eligibility Criteria set out within section xxx above and the provisions under Section xxx of the Scheme shall still apply when determining if the applicant is eligible for inclusion on the Supplementary Waiting List:

- (a) False statements or withholding information
- (b) A financial assessment
- (c) Serious unacceptable behaviour

## **SECTION FOUR: LOCAL LETTINGS PLANS**

### **4. Local lettings plans**

Occasionally the Council may propose a local lettings plan to allocate particular accommodation to applicants of a particular description ( whether or not they fall within the reasonable preference categories listed under paragraph xx of the scheme) in an area that has specific issues, in order to promote stable, settled, safe communities.

The need for the plan shall be clearly defined in relation to the area, the type of property and affected applicants or potential applicants.

An Equalities Impact Assessment shall be carried out and explicit reference shall be made to how the community will benefit from the proposal. The decision whether to introduce a local lettings plan shall be subject to Cabinet approval and shall not affect overall compliance with the requirements of the Scheme.

Examples may include but are not limited to:

Lettings on a specific development to key workers where a shortage of other available affordable housing in the locality is having a serious impact on the ability of a particular statutory service to recruit and retain essential staff.

Temporarily halting allocations to vulnerable applicants in specific localities with social issues that are likely to leave them open to exploitation , whilst the Community Safety Partnership tackles the issues.

Restricting the allocation of high-density housing developments with minimal green space (such as commercial premises with permitted development rights) to households without young children.

Local Lettings Plans shall be kept under periodic review to determine whether they are fulfilling the need for which they were originally intended and are still required.

## **SECTION FIVE: JOINING THE HOUSING REGISTER**

### **5. How to apply to join the Housing Register**

Applicants are required to complete the on-line application form at [Home Option](#) and submit the relevant supporting documents by the means specified on the application form.

Applicants who require advice or assistance can

Email [rehousing@eppingforestdc.gov.uk](mailto:rehousing@eppingforestdc.gov.uk)  
Telephone 01992 564716  
Visit The Community Hub  
Civic Offices  
323 High Street  
Epping  
CM16 4BZ

#### **5.1 Applications from Members of the Council, staff, or their relatives.**

Any housing applicant (including existing council tenants) must tell the Council when they apply to the Register if they are:

- (a) An elected member of the Council: or
- (b) A council employee: or
- (c) Related to any of the above
- (d) Partner of any of the above
- (e) Living with any of the above

The application from any of the above shall be flagged on the Council's computer system to show their status.

Where an applicant fails to disclose the above information and this subsequently comes to the Council's attention, the housing application may be suspended or cancelled, as determined by the designated manager.

#### **5.2 Application forms**

Application forms shall only be accepted by the Council as complete once all correct and relevant information and supporting documents have been received and verified.

#### **5.3 Supporting information**

An application shall not be progressed until applicants provide the necessary information. If the information is not supplied within the specified timescales (typically 14 days) then the application will usually be cancelled, and the applicants advised to reapply at a later stage when they are able to provide the necessary details in the required format.

However, if the applicants have made a homelessness application to the Council under Part 7 of the Housing Act 1996, then their application to join the Register shall still be processed. It will only be cancelled if the Council subsequently decides that no duty is owed to the applicants under the homelessness legislation, and the applicants fail to provide all of the relevant supporting documentation.

#### **5.4 Proof of identity**

Applicants and other members of the household shall, at the point of application, be required to provide documentary proof from two official sources of;

- (a) their identity; and
- (b) their residency.

Applicants shall be required to provide an original full birth certificate, a current passport and any other appropriate documents as determined by the designated manager.

If there is a valid reason why the required documents cannot be provided, then the designated manager may agree to accept alternative forms of evidence.

#### **5.5 Proof of residency**

Applicants shall be required to provide satisfactory evidence of residency. The Council reserves the right to validate the residency of the applicants and other members of the household by seeking information from other Council services and relevant statutory bodies as appropriate.

Eligibility may be reviewed before or when an applicant is considered for an offer of a particular property and the evidence required may be more extensive than was requested at the point of being accepted onto the Register.

Usually, if an applicant fails to provide the required evidence then they will not be offered the property.

#### **5.6 Registration date**

The registration date shall be the date that a fully completed application is received by the Council.

#### **5.7 Household**

A household is either one person or two persons or more who are intending to live together at the same property offered. Applicants should only include dependants as part of their household or persons who have been part of their household for at least a two-year period and shall occupy the accommodation offered as their only or principal home.

#### **5.8 Residence and contact with children**

Where applicants have children subject to residence and contact issues, the Council shall usually consider the children as permanent household members of the partner with the primary residence and control of the child/children. Where the other partner applies to join the Housing Register, it will not always be possible to consider the child/children as part of their household.

Documentary evidence detailing residence and contact arrangements such as a court order or solicitor's letter, and who receives the Child Benefit will be required to determine the property size that applicants will be considered for.

## 5.9 Change of circumstances

Applicants shall be required to report any change in circumstances that may affect their application by emailing the details to [rehousing@eppingforestdc.gov.uk](mailto:rehousing@eppingforestdc.gov.uk) and providing the necessary supporting documents.

The onus shall be on the applicant to inform the Council when there is a change in their circumstances that may affect their application.

The designated officer shall inform the applicant in writing whether the change in circumstances affects the status of their application or priority status within 10 working days of receiving the details of the change in circumstances.

Where an applicant's change in circumstances results in a higher priority Band being awarded to their application then the date of moving to the higher Band shall become the priority order date for consideration within that Band.

## 5.10 Offers and refusals

### 5.10.1 Band A Emergency need

With the exception of downsizers, applicants in Band A who refuse one ~~two~~ offers of suitable accommodation for which they have expressed an interest (and/or received a direct offer if appropriate) shall have their application cancelled. Disqualified applicants will be able to re-apply and their application will be assessed on their current circumstances. If accepted they will receive a new registrations date and may be awarded a different priority.

### 5.10.2 Downsizers

The Council is keen to encourage downsizing, however administering refusals of suitable offers causes delays for other applicants waiting to move. If it becomes apparent that an applicant continually places bids and then refuses suitable offers and in the opinion of the designated manager this is placing a disproportionate burden on the service, then the downsizer may be suspended from bidding for six months.

### 5.10.3 Band B Urgent need

Any applicant in Band B who is owed a main housing duty under part 7 of the Housing Act and refuses one offer of suitable accommodation for which they have submitted a bid or been offered as a result of auto-bidding or received a direct offer in discharge of the duty shall have their application cancelled or reassessed if the applicant wants the change of circumstances to be reconsidered.

## **SECTION SIX : DECISIONS AND REVIEWS**

### **6. Decisions**

Applicants shall be notified of all decisions in writing and other formats on request. All correspondence notifying applicants of ineligibility or non-qualification for joining the Register, or about the Band that they have been awarded, or about any other decision concerning the facts of their case, shall state that the applicants have a right to request a review of the decision including how to request a review and given the opportunity for the information to be explained to them verbally.

#### **6.1 Right of review**

If an applicant considers they have been unfairly or unreasonably treated having regard to the provisions of the Scheme, they shall have 21 days of the date of the original decision letter within which to exercise their right to request a review.

In the first instance, applicants shall be required to seek a review by either writing to the designated manager, or by notifying the designated team by any convenient method and shall receive a written response within 8 weeks of the date the request is received. Upon request, the decision letter may be collected by the applicant within a reasonable period. If it is necessary to extend the deadline then the applicant shall be notified of the extension and the reasons for doing so.

The review shall be undertaken by the designated officer or manager who shall inform the applicant of any further rights of appeal as appropriate.

The review shall be undertaken by a person senior to the person making the original decision and who has had no significant involvement in the original decision.

In cases where the Council considers that an applicant may have difficulty in understanding the implications of a decision on ineligibility or disqualification, then the designated officer shall make arrangements for the information to be explained to the applicant verbally.

#### **6.2 Periodic review of the Housing Register**

Applicants shall not be required to annually re-register after first applying to join the Register, although they will be required to inform the Council of any changes in their circumstances, which may affect their housing application.

The Council may monitor the bidding patterns of applicants. In addition to the clauses at paragraph xxx if an applicant in any Band fails to submit a bid for 12 months or longer then the Council may cancel their application.

The Council shall inform the applicant of this decision in writing. The letter shall also advise the applicant that they can request a statutory review of the decision.

All applicants will have already been informed of this condition in the confirmation letter that they received when their application was originally accepted.

## SECTION SEVEN: PRIORITY BANDS

Priority Bands shall be based on the following assessed needs

### BAND A

	Band A – Emergency Need	Proposal
i	Any member of the Armed Forces, or former Service personnel, or serving or former members of the Reserve Forces who joins the Council's housing register, where they are assessed by the Council's Medical Advisor as suffering from a serious injury, illness or disability which is wholly or partly attributable to their service, where the application is made within 5 years of discharge are given priority above all other applicants within Band A.	No change
ii	Bereaved spouses or civil partners of those serving in the Regular Forces where the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their spouse or civil partner and the death was wholly or partly attributable to their service.	No change
iii	Applicants with an assessed need to move on emergency medical grounds or emergency grounds relating to disability.	Change "urgent "
iv	Applicants with an assessed need to move on emergency welfare grounds.	Change "urgent "
v	On the recommendation of the Council's Medical Advisor applicants with specific accommodation requirements will be given priority for suitable properties as they become available above other applicants in the Band (e.g. adapted or ground floor properties etc) regardless of the date they joined the Band. <del>Home seekers with mobility problems will be given priority for ground floor flats and bungalows above other home seekers in this Band [with the exception of Band A (i)], regardless of their waiting time, on recommendation of the Council's Medical Advisor.</del>	Replace
vi	Applicants with a Council or housing association tenancy in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy.	No change

### BAND B

	Band B – Urgent Need	Proposal
i	Applicants occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation)* but not as a result of the introduction of a further household.	Change of Band from Band A
ii	Applicants with an assessed need to move on urgent medical grounds or urgent grounds relating to disability including learning disabilities	New
iii	Applicants with an assessed need to move on urgent welfare grounds.	New
iv	Applicants needing two or more additional bedrooms compared to their current accommodation.	Change of Band from Band A
v	Applicants who can demonstrate they would otherwise be one household, but are having to live apart from other members of their household because of a lack of accommodation, which would lead to statutory overcrowding if they occupied accommodation available to	No change

	Band B – Urgent Need	Proposal
	them individually but not for other personal reasons (i.e. family disputes).	
vi	Applicants with an assessed need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.	No change
vii	Applicants who have an agreed fostering or adoption agreement in place with Essex County Council, who need to move to a larger home in order to accommodate a looked after child. Special guardians, holders of a residence order, and family and friend carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care shall also be included in this category.	New
vii i	Applicants accepted by the Council as being statutorily homeless and owed the main housing duty under section 193 of the Housing Act 1996 (as amended).	New
ix	Existing tenants living in sheltered accommodation, who are wishing to move to alternative sheltered accommodation within their own scheme or to another sheltered scheme within the District (including sheltered bungalows).	Change: include “bungalows”
x	Existing tenants of the Council aged over 60 years, living in 1-bedroom Council accommodation wishing to move to sheltered accommodation regardless of their need (including sheltered bungalows).	Change include “bungalows”
xi	<del>living in 2 or 3 bedroom flatted accommodation (including maisonettes) who meet the Local Eligibility Criteria under Paragraph 14 of the Scheme (apart from the Housing Need element), making expressions of interest for houses that meet with their housing need, with their registration date being the tenancy commencement date of their current property.</del>	Delete

### BAND C

	Band C – Moderate Need	Proposal
i	Any member of the Armed Forces or former Service personnel or serving or former members of the Reserve Forces who have no housing need, and the application is made within 5 years of discharge.	No change
ii	Spouses and children (including step-children) of existing and former Armed Forces personnel (where the application is made within 5 years of discharge) seeking accommodation in their own right, provided that one of their family members (as defined by Section 113 of the Housing Act 1985) has lived within the District for at least 3 years immediately prior to the date of application.	No change
iii	Applicants with an assessed need to move on moderate medical grounds or moderate grounds relating to disability.	No change
iv	Applicants with an assessed need to move on moderate welfare grounds.	No change
v	Applicants needing one additional bedroom compared to their current accommodation.	Change from Band B
vi	Applicants defined as a household, who are sharing accommodation with another household for a minimum of 2 years, which is resulting in a lack of at least one bedroom.	Change of Band from Band B

	Band C – Moderate Need	Proposal
vii	Applicants with an assessed need to move to be nearer to their place of work or to take up an offer of permanent employment or an apprenticeship (in accordance with Paragraph 14.3 (f) of this Housing Allocations Scheme).	No change
viii	Applicants placed in interim accommodation by the Council awaiting their homelessness decision under S.184 of the Housing Act 1996 as amended.	No change
ix	Applicants to whom the Council does not owe a full homelessness duty, where there is a requirement under Part 7 of the Housing Act 1996 as amended to afford reasonable preference on the ground of homelessness.	No change
x	Applicants who are entitled to a reasonable preference under Part 6 of the Housing Act 1996 as amended and can demonstrate an exceptional need to either leave their current local authority's area or move to the Epping Forest District.	No change

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## **SECTION EIGHT: ALLOCATIONS & NOMINATIONS**

### **8. Social housing providers**

The statutory register of social housing providers includes local authority providers and private non-profit and profit-making registered providers. Most private non-profit providers are also known as housing associations.

The Scheme operates in accordance with section 170 of the Housing Act 1996. At the Council's request, private registered providers with social rented housing stock in the District have a duty to co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the Scheme.

#### **8.1 Nominations agreements**

The Council and those private registered providers with stock in the District shall have formal agreements in place to ensure that a negotiated percentage of lettings shall go to applicants on the Housing Register.

The District's private registered provider partners shall participate in the Council's common Housing Register and advertise their properties through HomeOption.

All nominations to private registered providers shall be prioritised in accordance with the Scheme.

The Government is proposing to introduce a new Duty to Collaborate to the Homelessness Reduction Act and any requirement shall be incorporated into the Scheme as it applies to Part 6 Allocations.

#### **8.2 Available properties (voids or empty properties)**

Void (empty) properties affect the Council in terms of a loss of rental income, the continuing provision of temporary accommodation for homeless families, the possible deterioration of the property, increased risks of squatting and vandalism, and a poor public image. It is therefore essential that void properties are let quickly and without unnecessary delay.

#### **8.3 Advertising available properties**

The type of properties that are advertised are likely to vary (sometimes considerably) from week to week, depending on what becomes available.

Adverts may include Council and private registered landlord properties for social rent or affordable rent.

#### **8.4 Links to other available affordable housing**

The Council may also provide links to schemes advertising other types of affordable housing in the locality that applicants may wish to consider including; key worker schemes, help to buy, mutual exchange and private rented accommodation.

## **8.5 The bidding and nominations process**

Eligible applicants can make bids for properties up until the advertised deadline for that bidding round. Bids can be made by telephone online via the website, or at the Community Hub at the Civic offices

Full details of the bidding process are available on the HomeOption website.

Bids that are received after the advertised deadline, shall not usually be considered other than at the discretion of a designated officer or manager.

Applicants can bid for up to 3 affordable properties each bidding cycle. Bids can be cancelled and reassigned to other properties if desired.

All bids shall be checked by the Rehousing Team against the eligibility criteria. Ineligible bids shall be excluded from consideration by the designated manager. So far as is possible the Council shall use the Banding system and waiting time within the Band to allocate accommodation in accordance with paragraph xxx

## **8.6 Restrictive labelling**

Restrictive labelling of properties through HomeOption may be applied to ensure that the Council meets its statutory obligations and to help achieve the intended outcomes of the Scheme, the District's Housing Strategy, Homelessness and Rough Sleeping Strategy and Tenancy Strategy.

Restrictive labelling may also be applied to the allocation of sheltered housing or to properties that have adaptations to meet the needs of elderly, or vulnerable or disabled applicants.

On occasion, the Council may choose not to advertise a property through the Choice Based Lettings Scheme and offer the property as a direct offer. This may be due to the serious nature and needs of an applicant, or as part of the Council's effort to reduce the amount of time that homeless households spend in temporary accommodation. The details of individual direct offers shall remain confidential, in order to protect the applicant.

## **8.7 Viewings**

The Council may arrange multiple viewings for some properties (i.e. inviting more than one applicant to view a property) and anticipates that all partner agencies shall follow a multiple viewing framework. All invited applicants shall be required to bring proof of their identity and original documentation for verification.

The applicants with the highest priority may be required to sign for the property immediately. At the point of sign-up, the successful applicant's photograph and National Insurance number shall be taken as further verification of their identity.

All applicants who have been allocated an Epping Forest District Council tenancy through HomeOption shall be encouraged to attend an appropriate tenancy and/or money advice workshop depending on the availability at the point of allocation.

All Council properties shall be let to the agreed lettable standard, and a copy of the standard shall be included with the offer letter.

## **8.8 Withdrawal of an offer**

An offer may be withdrawn prior to the tenancy being signed, where:

- (a) the applicant has made a false declaration, or failed to provide up to date information which substantially altered their eligibility for the property offered;
- (b) the information available at the time of offer about the vacant property was incorrect, and it is subsequently discovered that the size and type is no longer suitable to the applicant's needs;
- (c) incorrect information on the applicant's computer records substantially alters the applicant's qualification to join the Register and/or their priority status.
- (d) the property was offered prior to being ready to let and there are significant delays to the date that the property is likely to be available for the applicant to move in to.

## **8.9 Feedback on let properties**

All properties that have been let through HomeOption shall be listed in a future HomeOption newsletter showing the number of bidders for each property, and the profile of the successful bidder including their Band, and date of registration.

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## **SECTION NINE: ALLOCATIONS OUTSIDE OF THE SCHEME**

9. Allocations may be made outside of the Allocations Scheme in the following circumstances:

### **9.1 Management transfers**

Where the Council arranges a landlord transfer for housing management purposes, this is known as a management transfer.

Although a Council tenant can request a management transfer, it falls outside the rules of Part 6 because it is treated as a transfer that is initiated by the landlord.

In practice a management transfer is rarely offered as it shall only be used where no other housing solution is possible.

The tenant shall usually receive a single like for like direct offer of the next suitable property that becomes available. (A separate offer policy applies for temporary and permanent decants due to major works or regeneration)

### **9.2 Grounds for a management transfer**

The Council may offer a management transfer because they require the tenant to move, or the tenant needs to move urgently due to, for example:

- (a) domestic abuse
- (b) violence, harassment, intimidation, or threats of violence likely to be carried out
- (c) the need to protect witnesses who have agreed to go to court to give evidence on matters of anti-social behaviour
- (d) urgent social reasons
- (e) major works to the property needing to be carried out (see regeneration and decant offer policy)\*

### **9.3 Assessment, priority and offer policy**

Where the Council agrees that a tenant meets the management transfer criteria, the Council does not need to apply the reasonable preference criteria.

The tenant is not assessed in the usual way through the allocations scheme, and

The Council shall generally give top priority to tenants who need to move under a management transfer, reflecting the urgent nature of the need.

Management Transfers shall be agreed by the designated manager housing needs and the designated manager for HRA (see appendix x) based on supporting evidence.

If a management transfer is agreed:

- (a) The applicant shall be offered a suitable property which may be a Council or housing property as soon as possible.
- (b) The offer shall be on a like for like basis i.e. a property that has the same number of bedrooms as the tenant's current home unless they are in a property that is too big for

their needs, in which case they may be offered a smaller property. Tenants granted management transfers shall not qualify for any under- occupation incentive payment.

- (c) The tenant shall be offered housing in any area in the district that removes them from the situation of immediate risk.

#### **9.4 Joint Tenancies**

If the existing tenancy is held by joint tenants and the management transfer does not include all tenants, then the tenancy shall need to be resolved first. The designated officer shall advise the tenant(s) of the available options including seeking independent advice.

#### **9.5 Transfers due to domestic abuse**

From 1 November 2021 certain social housing tenants who are transferred to a new property because of [domestic abuse](#) are entitled to a lifetime secure tenancy, rather than a fixed-term flexible tenancy.

If the Council offers a tenancy to someone who is or was previously secure tenant or fully assured tenant of a social landlord, and the new tenancy is being granted for reasons connected with the domestic abuse towards that person or a member of their household, the Council shall offer a lifetime secure tenancy, not a flexible tenancy.

#### **9.6 Mutual exchange**

A secure tenant has the right to exchange their tenancy, by way of assignment, with another secure tenant or with a fully assured tenant of a private registered provider of social housing (PRPSH).

The following three types of tenancy exchange are normally allowable:

- (a) assured shorthold tenant with a secure tenant
- (b) assured tenant with flexible tenant
- (c) assured tenant with assured shorthold tenant

The mutual exchange of tenancies falls outside the statutory criteria governing the allocation of housing.

A mutual exchange may only take place with written consent from the landlord. Exchanges can take place between more than two tenants if each landlord consents.

The most popular way to find another tenant who may be interested in exchanging their home is to register on [HomeSwapper](#). Full details of the regulations governing mutual exchanges can be found on [Gov.uk – swapping a council or housing association home](#).

#### **9.7 Major works - regeneration or demolition\***

[Summary of \(Draft\) Regeneration and Major Works Decant Policy](#)

#### **9.8 Decants**

Tenants who are required to vacate their home due to a Compulsory Purchase Order or

Council tenants who have to move, because their home requires major works, regeneration or demolition are rehoused in accordance with the Council's decant procedure.

The rules vary depending on whether the tenants are required to move permanently to another home or temporarily until they are able to return to their existing home.

## **9.9 Permanent decants**

Permanent decants are usually subject to a maximum of two offers of suitable accommodation. If the tenant does not accept the second offer, then the Council is likely to have to initiate possession proceedings via the County Court which if granted is usually conditional on the availability of a final offer of suitable accommodation at the point of obtaining full vacant possession.

### **9.9.1 Statutory compensation**

Tenants who are required to move permanently are usually entitled to a statutory home loss payment and/or a statutory disturbance payment.

## **9.10 Temporary decants**

Temporary decants are usually subject to one offer of suitable accommodation.

### **9.10.1 Discretionary disturbance payments**

Tenants who are required to move temporarily may be entitled to a discretionary disturbance payment to meet the main costs associated with the temporary relocation.

## **9.11 Persons living in supported housing**

Persons to whom the Council does not owe the full homelessness duty, who and have been placed by the Council under its nomination rights or with the support of the Homelessness Prevention Team for at least 9 months and are ready to move on.

In respect of ~~xxxx~~ lesser Residency Criteria of 2 years shall apply. Such persons shall be made one offer of suitable accommodation at the end of their stay in supported housing, ~~generally in flatted accommodation (including maisonettes)~~. The Council shall offer such persons a 10-year Secure (fixed term) Tenancy.

## **9.12 Other allocations outside of the Housing Allocations Scheme**

- (a) where a tenant succeeds to a tenancy (or an Introductory Tenancy) upon the death of a tenant;
- (b) to accommodate a successor tenant who is under-occupying Council accommodation;
- (c) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment;
- (d) where a tenancy is either granted in response to a transfer request under Section 158 of the Localism Act 2011 or any other tenant transfers;
- (e) where an introductory tenancy becomes a Secure lifetime or Secure (fixed term) Tenancy on ceasing to be an introductory tenancy;
- (f) where an introductory tenant undertakes a mutual exchange with a Secure lifetime or Secure (fixed term) Tenant. In these circumstances, each party shall surrender their

tenancies, and the Council shall grant each party a new tenancy which reflects their previous tenancy status. Any period the affected tenant spent as an introductory tenant in their previous property shall count towards the fulfilment of the 12-month “introductory period” in the new property. It should be noted that some social landlords do not allow introductory tenants to enter into a mutual exchange within any trial period;

- (g) where a tenancy is disposed through a Property Adjustment Order in accordance with relevant legislation;
- (h) where a property is offered to an applicant on the Witness Protection Mobility Scheme.

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## **SECTION TEN: OTHER HOUSING POLICIES AND STRATEGIES**

Summaries to be inserted following outcome of Tenancy Policy Review and Homelessness and Rough Sleeping Review

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## SECTION ELEVEN: APPENDICES

### PROPERTY SIZE AND TYPE OFFERED

### APPENDIX A

The following criteria shall determine the size and type of properties that applicants are considered for:

Property Size	Household Composition
Studio flat	Single person
1-bedroom flat	Single person Couple ( Inc. where one is pregnant)
1- bedroom bungalow	Single older person Older couple Applicant who requires ground floor accommodation
1-bedroom sheltered flat or bungalow	Single older person Older couple Applicant who requires sheltered ground floor accommodation
2-bedroom flat, maisonette or house	Single person or couple with: family member, or family members of the same sex, or 2 family members of opposite sex both under 10 years Single person or couple downsizing by 2 or more bedrooms
2-bedroom sheltered flat or bungalow	Single older person or older couple with an assessed need for an extra bedroom Single person or couple who requires sheltered ground floor accommodation with and extra bedroom Single older person or couple downsizing by 2 or more bedrooms
3- bedroom flat, maisonette or house	Single person or couple with 2 family members of opposite sex with one family member over the age of 10 years Single person or couple with 3 family members 2 of whom are of the same sex Single person or couple with 4 family members 2 each of the same sex
4- bedroom* flat maisonette or house	Single person or couple with 4 or more family members where two are of opposite sex and over the age of 10 years
5-bedroom* flat maisonette or house	Single person or couple with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

### Exceptions

\*Larger family sized homes are in the shortest supply. Therefore, applicants with an assessed need for four or more bedrooms may be considered for properties with one bedroom fewer than their assessed need provided this falls within the permitted number of occupants allowed under the Housing Act 1985.

Under-occupiers wishing to downsize from a house or maisonette or flat with three bedrooms to a flat can be considered for flat with one bedroom more than their assessed need (i.e. a 2-bed flat or a 1-bed flat) with or without a garden.

Under-occupiers wishing to downsize from a house with four or more bedrooms where they are giving up two or more bedrooms may be considered for a house or a flat with one bedroom more than their assessed need with or without a garden.

Under- occupiers with minor rent arrears shall not be prohibited from transferring on the condition that they give an undertaking to maintain a reasonable repayment agreement until the debt is paid in full.

### **Existing social housing tenants**

Existing social tenants applying to the housing authority for a transfer who are considered to have reasonable preference for an allocation shall be treated on the same basis as new applicants.

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**As per latest published Govt regulations at point of publication - to be inserted**

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**GLOSSARY****APPENDIX C**

Term	Meaning
Allocation	
Applicant	
Assessed Need	
Assured Tenancy	
Assured Shorthold Tenancy	
Assisted bidding	
Auto-bidding	
Bidding	
Choice Based Letting Scheme	
The Council	
Direct Allocation	
Duty to Co-operate	
Exceptional Circumstances Report	
Hardship Grounds	
HomeOption	
Household	
Housing Association	
Housing Register	
Key Worker Housing	
Landlord Transfer	
Leave to Remain	
Local Lettings Plan	
Looked After Children's	
Leave to Remain	
Management Transfer	
Medical Grounds	
Medical Officer	
Nomination	
Older Person	
Permanent Decant	
Personal Housing Plan	
Person from Abroad	
Proposed Duty to Collaborate	
Registered Housing Provider	
Secure Accommodation	
Sheltered Bungalows	
Sheltered Housing	
Social Prescribing	
Statutory Instruments	
Registered Provider	
Reviewing Officer	
Temporary Decant	
Tenancy Policy	
Tenancy Strategy	
Tenant	
True Void	
Welfare Grounds	

**Proof of identification and eligibility**

One of the following must be provided for each applicant:

- (a) birth certificate (a secondary form of photo identification shall be required if birth certificate is provided)
- (b) passport
- (c) EU identification card
- (d) National Insurance card
- (e) photograph of the applicant and all family members

Additional documents may also be required where an applicant (or in some circumstances a member of the applicant's household) is:

- (a) subject to immigration control;
- (b) a national of the European Economic Area (EEA); or
- (c) an Accession State National.

Where an applicant is accepted as a refugee or granted indefinite, exceptional, discretionary or limited leave to remain in the UK then the relevant Home Office documents shall also be required.

Nationals of the EEA shall be required to provide recent payslips as evidence of current employment (2 months or 6 weekly) to demonstrate eligibility.

Accession State Nationals shall be required to provide current registration documents and proof of current employment e.g. recent wage slips, contract details, self-employment reference number verification.

**Proof of residence**

Any two of the following recent documents must be provided for each applicant; documents that are more than 6 months old will not be accepted:

- (a) household bill
- (b) DWP Benefit document
- (c) current driving licence
- (d) bank, credit card or catalogue statement with current address
- (e) tenancy or licence agreement
- (f) rent book or letter from the current landlord
- (g) Section 21 or Section 8 notice from the current landlord
- (h) proof of marriage
- (i) proof of name change (if applying in a different name)

- (j) proof of pregnancy
- (k) Child Benefit award letter or a recent bank statement showing Child Benefit payments
- (l) custody or residency paperwork if access to children applicable
- (m) completion statement if an applicant has previously owned a property

The Council shall conduct credit reference checks to verify the information that the applicant has provided on their housing application in an attempt to reduce tenancy fraud. If false information has been provided at any stage then the offer of accommodation will be withdrawn, or the application will be removed from the Housing Register.

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**Indicators of medical and welfare reasonable preference categories**

(Source Allocation of Accommodation: Guidance for Local Authorities 29 June 2012 updated 16 September 2021- for illustrative purposes)

Applicants given reasonable preference medical or welfare grounds shall be awarded either Band A, Band B or Band C based on their level of need

- (a) Emergency need
- (b) Urgent need
- (c) Moderate need

**Insanitary, overcrowded and unsatisfactory housing conditions**

- (a) lacking bathroom or kitchen
- (b) lacking inside WC
- (c) lacking cold or hot water supplies, electricity, gas, or adequate heating
- (d) sharing living room, kitchen, bathroom/WC
- (e) property in disrepair
- (f) poor internal or external arrangements

**People who need to move on medical or welfare grounds (criteria may apply to any member of the household)**

- (a) a mental illness or disorder
- (b) a physical or learning disability
- (c) chronic or progressive medical conditions (e.g. MS, HIV/AIDS)
- (d) infirmity due to old age
- (e) the need to give or receive care\* including active foster carers or those who are adopting
- (f) the need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse
- (g) having escaped domestic abuse and are being accommodated in a refuge or other temporary accommodation
- (h) ability to fend for self, restricted for other reasons
- (i) young people at risk
- (j) people with behavioural difficulties
- (k) need for adapted housing and/or extra facilities, bedroom or bathroom
- (l) need for improved heating (on medical grounds)
- (m) need for sheltered housing (on medical grounds)
- (n) need for ground floor accommodation (on medical grounds)
- (o) need to be near friends/relatives or medical facility on medical grounds
- (p) need to move following hospitalisation or long-term care

General information about the Scheme shall be made available as follows:

- (a) the procedures for applying to go onto the Register and for applying for advertised vacancies;
- (b) how applicants will be prioritised under the Scheme;
- (c) how successful applicants will be selected;
- (d) how properties will be advertised, including bidding cycles and restrictive labelling (for example, certain properties will only be allocated to applicants who meet the mobility requirements of the property);
- (e) how to request a review of the procedures; and
- (f) details of the private registered providers that advertise vacancies through HomeOption the Councils choice-based lettings website

Applicants shall be provided with information regarding their own application which shall include:

- (a) the Band they have been awarded under the Scheme
- (b) the type of properties they are entitled to bid for
- (c) their chances of bidding successfully on the property types and areas in which they are interested
- (d) how bidding, direct offers assisting bidding and auto-bidding applies to them
- (e) the documents they will need to supply in regard to verification and references, and when they will need to provide it
- (f) the average waiting time per property type for each priority housing needs group; and
- (g) whether their application has been rejected and the options that are available to them
- (h) Advertisements shall include as many of the following as possible:
  - (i) property location;
  - (j) property type, size and floor level;
  - (k) type of tenancy to be offered;
  - (l) amount of rent and other charges payable;
  - (m) the energy performance certificate rating;
  - (n) the type of heating;
  - (o) whether there is a heating charge payable that is not covered by housing benefit;
  - (p) any additional amenities such as a garden or parking with the property;
  - (q) photos of the scheme or the locality and links to guides about the local area; and
  - (r) adaptations to the property that may aid mobility within the home.

Applicants who require assistance to access the Scheme shall, upon request, be offered the following services:

- (a) an interpretation service if their first language is not English;

- (b) signing if speech or hearing is impaired;
- (c) provision of documents in large print or braille if they have a visual impairment; and/or
- (d) an interview to explain the Scheme and information about where independent advice can be obtained about the Scheme
- (e) An easy to read version of key documents

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To be inserted at point of publication

## SECTION TWELVE: GOVERNANCE & VERSION CONTROL

### 12. Monitoring the Allocation Scheme

Performance information on applications and allocations shall be reviewed annually to establish whether the aims and objectives of the Scheme are being achieved. The findings shall be published in an Annual Lettings Report and made available on the Councils website.

#### 12.1 Review of the Allocations Scheme

The review of the current Scheme is due to conclude in Spring 2022 (subject to consultation and Cabinet approval) with the publication of the Allocations Scheme 2022 – 2027

#### 12.2 Consultation on changes to the Allocations Scheme

Before adopting a new Housing Allocations Scheme or making an alteration reflecting a major change of policy in its existing Housing Allocations Scheme, the Council will send a copy of the draft scheme or any proposed major change to the Scheme to all of the following interested parties giving them a reasonable opportunity to comment:

- Every private Registered Provider of social housing with which it has nomination arrangements
- Town and Parish Councils
- The Tenants and Leaseholders Panel
- Partner agencies with an interest in the Scheme

**Designated Managers**

Last updated 12 November 2021

	<b>Decision</b>	<b>Designated Manager</b>	<b>Based on information provided by</b>
	Exceptional Circumstances	Director Community and Wellbeing	Relevant Team Manager
	Fraudulent application	Director Community and Wellbeing	Relevant Team Manager
	Management Transfer	Director Community and Wellbeing	Director of Housing Revenue Account
	Permanent Decant	Director of Housing Revenue Account	Director Community and Wellbeing
	Temporary Decant	Director of Housing Revenue Account	Director Community and Wellbeing
	Mutual Exchange	Xxx Team Manager	XXX Officer

	<b>Decision</b>	<b>Designated Officer</b>	<b>In consultation with</b>

**VERSION CONTROL LOG**

<b>Version</b>	<b>Date</b>	<b>Details of changes included in update</b>	<b>Author</b>

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(16 February 2022)