

## **Housing Allocations Scheme**

**1 July 2013**

### **1. Introduction**

1.1 The Council is required, under Section 167 (1) [166 (A) (1)] of the Housing Act 1996 to have a Housing Allocations Scheme for determining priorities and the procedure to be followed in selecting a person for accommodation, or nominating a person to be a tenant for accommodation held by another Register Provider of Social Housing (e.g. a housing association). This includes all aspects of the allocations process including descriptions of persons by whom decisions are made. This Housing Allocations Scheme has been formulated in accordance with the provisions of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011, the Allocation of accommodation: guidance for local housing authorities in England (DCLG June 2012) and other relevant legislation.

1.2 For the purposes of this Housing Allocations Scheme, the definition and interpretation of “tenant” shall have the meaning of both a Secure and Flexible (fixed-term) tenant, and references to “Homeseeker” means any applicant on the Council’s Housing Register.

### **2. Tenancy Strategy & Tenancy Policy**

2.1 As with all Registered Providers, the Council is required to publish and be responsible for its Tenancy Policy. The Tenancy Policy has regard to the expectations of the West Essex Tenancy Strategy, and includes details of when the Council will provide Flexible (fixed-term) Tenancies, instead of Secure Tenancies. A copy of the Council’s Tenancy Policy will be made available on request free of charge and contains the following information:

- The types of tenancies granted;
- Circumstances where, a tenancy of a particular type will be granted and the length of the term;
- Circumstances where a Flexible Tenancy for a term of less than 5 years will be granted;
- Circumstances where on the expiry of a Flexible Tenancy, another tenancy will be granted on the same or another property;
- How applicants/tenants can appeal against the length of a Flexible Tenancy or a decision made under the Council’s assessment criteria not to grant a further tenancy;
- How and when the Council will take account of the needs of vulnerable people;
- How advice and assistance will be provided if another tenancy is not granted at the end of the Flexible Tenancy term; and
- Details of discretionary succession rights

### **3. Homelessness Strategy**

3.1 Under Section 1(3), (4) of the Homelessness Act 2002, local authorities have a duty to review and publish their Homelessness Strategy on at least a 5 yearly basis. As this area of work regularly changes the Council’s Strategy is reviewed every three years. The Strategy links with the Council’s Housing Strategy, and has been taken into account

when framing this Housing Allocations Scheme. The Strategy sets out achievements over the previous three years and incorporates the needs and demands on the service and actions that need to be undertaken over the coming three years. A copy will be provided free of charge on request.

#### **4. The Council's Policy on Offering Choice**

4.1 The Council operates a Choice Based Lettings Scheme where all vacant properties are advertised to applicants on the Council's Housing Register on a website and a two-weekly Property List, giving details of location, type, rent, service charge, and landlord of the available accommodation. Applicants can apply for a property by "expressing an interest" (or "bidding") either on the website, by post, telephone or text. The most popular method of doing this is by the Internet at [www.HomeOption.org](http://www.HomeOption.org)

4.2 Applicants are restricted to "bidding" for properties for which their household has an assessed need. At the end of the two-weekly "bidding" cycle, the Council analyses the "bids" received and the Allocations Team within the Housing Options Section allocates each property following a prioritisation and selection process in accordance with this Allocations Scheme. In general terms, the property is offered to the applicant in the highest band, who has been registered on the Housing Register the longest, who had "bid" for the specific vacancy. The results of the "bidding" on each property advertised is then published on the Website and in a future Property List, setting out the number of "bids" received on each property, as well as the Band and registration date of the successful applicant.

4.3 This helps applicants to see how long the successful applicant had been waiting for housing and gives greater transparency in the allocation of accommodation, as each applicant is able to clearly understand the type and location of properties for which they would be most likely to "bid" successfully. The process is also an indication to homeseekers on whether housing accommodation appropriate to a person's needs is likely to become available and the possible waiting time. Homeseekers can access a Scheme User Guide on-line or request a hard copy which will be provided free of charge, which explains in detail how the Scheme operates.

4.4 Any homeseeker who may have difficulty in participating in the Choice Based Lettings Scheme can contact the Housing Options Team at the Civic Offices, Epping where staff are available to provide assistance, including the submission of "bids" on their behalf, where they have no-one else to help. Computer Kiosks are available at all housing office reception areas where bids can be submitted on the internet.

#### **5. Advice and Information**

5.1 The Council will provide advice and information free of charge to any person living in the District about their right to make an application for housing accommodation and will also assist anyone who may have difficulty in doing so without assistance.

#### **6. The Housing Register**

6.1 The Housing Register will be maintained by the Housing Directorate at the Civic Offices in Epping. The Housing Register will be open to all qualifying persons who meet the Council's Local Eligibility Criteria set out at Section 14.

6.2 The fact that a person is an applicant for the allocation of housing accommodation will not be divulged to any other member of the public without the applicant's consent.

6.3 The Housing Register will be open to;

- a) homeseekers of 18 years of age and over; and
- b) 16 and 17-year-olds owed a full housing duty by the Council under homelessness legislation.

## **7. The Housing Allocations Scheme**

7.1 This Housing Allocations Scheme is framed so as to secure that the categories of applicants set out in Section 166 (A) of the Housing Act 1996 are given reasonable preference.

7.2 The Council recognises that there may be some exceptional circumstances not covered by the Scheme. In such instances, the Director of Housing will have delegated authority to make decisions, as he considers appropriate.

7.3 This Scheme will apply to vacancies in the Council's own housing stock and to vacancies in accommodation in the District belonging to other Registered Providers for which the Council is entitled to make nominations.

7.4. The provisions of this Scheme will apply to homeseekers on the Council's Housing Register at the effective date of the Allocations Scheme, as well as those who apply after the effective date.

7.5 The Allocations Scheme does not apply in the following cases;

- a) where a tenant succeeds to a tenancy on the death of a tenant
- b) where a tenancy is assigned to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment
- c) where a tenancy is assigned by way of a mutual exchange to an existing tenant
- 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 or Flexible Tenancy on ceasing to be an introductory tenancy or succession to an introductory tenant takes place following the death of the introductory tenant
- f) where an introductory tenant undertakes a mutual exchange with a Secure or Flexible Tenant. In these circumstances, each party will surrender their tenancies, and the Council will 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 will 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

## **8. Introductory Tenancies**

8.1 The Council operates an Introductory Tenancy Scheme whereby all new potentially Secure and Flexible Tenants are “on trial” for a period of 12 months in order that the Council can satisfy itself that the introductory tenant can sustain a tenancy and meet all of the conditions of the Council’s Standard Tenancy Agreement. Should any conditions be breached, the Council will be able to seek possession of the property through the County Court with the judge having to grant possession, provided all of the procedures are followed correctly. In circumstances where the Council has concerns about an introductory tenant, but not serious enough to apply to the County Court for possession, the introductory period can be extended by a further 6 months.

8.2 The Council will grant introductory tenancies to all new tenants allocated accommodation under this Housing Allocations Scheme. Existing Council tenants will not be allocated introductory tenancies unless they are already an introductory tenant, in which case they will be required to fulfill their introductory tenancy period in their new property.

## **9. Flexible (Fixed-term) Tenancies**

9.1 The Council will grant Flexible Tenancies in accordance with its Tenancy Policy to all new tenants who sign-up to a tenancy of a Council property of three bedrooms or more. The tenancy will be for a fixed term of 9 years. An introductory tenancy term of 12 months (or 18 months where the term is extended due to minor breaches of tenancy conditions) will be added to the 9-year Flexible Tenancy term, making the tenancy 10 years in duration. The Flexible Tenancy term will be for 8½ years where introductory tenancies are for 18 months.

9.2 If a Flexible Tenant wishes to transfer to smaller accommodation, the financial incentives to downsize set out under Section 20 of the Scheme will apply, but only within the first 5 years (including the Introductory Tenancy period) of the fixed-term.

## **10. Joint and Single Introductory Tenancies**

10.1 A tenancy can be held by one person or by up to four joint tenants, all of whom must be qualifying persons. However many tenants there are, there is still only one tenancy and the rights and duties relating to the tenancy apply jointly and severally to all joint tenants. When a joint tenant dies, the remaining tenant/s will continue to hold the tenancy by “survivorship”. However, the names of any joint tenants cannot be removed from the tenancy and if one joint tenant surrenders the tenancy then the tenancy comes to an end. Further information is available in the Council’s leaflet on joint tenancies.

10.2 Joint Introductory tenancies will be offered to;

- a) married couples or civil partners provided that both homeseekers are named on the application form
- b) unmarried couples, or those living as civil partners who can demonstrate a relationship similar to marriage or a civil partnership, providing that both

request it and the partner of the lead homeseeker is registered on the application form

- c) homeseekers and their live-in carers, where the live in carer has occupied the property as their only or principal home for over 12 months and the Council considers it to be justified.

10.3 In all other circumstances, single tenancies will be offered to the lead applicant.

## **11. Tenancy Start Dates**

11.1 Most homeseekers will be given an opportunity to view the property they are being offered and to give the Council a decision. If they are interested in the tenancy they will either be advised by telephone when the property is ready for letting or be made a formal offer of the tenancy by first class post.

11.2 When properties become available for letting, the tenancy start date will, in all cases, be the following Monday. However, where a property becomes available for letting on a Thursday or Friday, the first week of the tenancy will be rent free in order to allow the homeseeker reasonable time to move into the accommodation.

## **12. Mutual Exchanges**

12.1 The Council offers "HomeSwapper", an internet based mutual exchange service, free of charge to assist qualifying tenants who are wanting to enter into a mutual exchange. Any tenant who does not have access to the Internet will be provided with support on request.

## **13. Persons from Abroad**

13.1 The Council will not allocate housing accommodation to a person from abroad who is ineligible for housing accommodation, including two or more persons jointly if any of them is a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996, (except those in classes prescribed by the Secretary of State as being eligible for an allocation of housing). Furthermore, it must be noted that the Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local authorities in England.

13.2 Any part of a household who are not qualifying persons from abroad will not be counted as part of the assessment of need and size of accommodation.

## **14. Local Eligibility Criteria**

14.1 The Council has a Local Eligibility Criteria which is in place to prevent applicants joining the Housing Register who have no realistic prospect of being housed, in order to remove any expectations. Within this Housing Allocations Scheme, those who do not meet the criteria are classed as persons not qualifying.

14.2 The following classes of persons will not qualify for inclusion on the Council's Housing Register.

### ***Residency Criteria***

14.3 Any applicant/s who has lived in the Epping Forest District for less than three continuous years immediately prior to their date of registration, with the exception of the following:

- (a) Members of the Armed Forces and former Service personnel, where the application is made within 5 years of discharge;
- (b) Bereaved spouses and civil partners of members of the Armed Forces leaving services' family accommodation following the death of their spouse or partner;
- (c) Spouses and children (including step-children) of existing or former Armed Forces Personnel, 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 continuous years immediately prior to the date of registration;
- (d) Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- (e) Applicants owed a homelessness duty by the Council under S193 of the Housing Act 1996 as amended who have already met the residency provisions in accordance with the legislation; and
- (f) Applicants who were registered on the Housing Register on 31 May 2013 and who had lived in the District for at least 2 years and 6 months continuously immediately before this date.

14.4 Homeseekers who move out of the Epping Forest District into settled accommodation for less than 3 years, but lived within the District for at least 3 years immediately before moving out of the District, will be treated as homeseekers who have lived in the District for more than 3 years prior to application.

### ***Housing Need***

14.5 Any applicant who does not have a housing need, as determined by at least one criterion of a priority band at Appendix 1 of this Housing Allocations Scheme, will be ineligible.

### ***Financial Criteria***

14.6 Any applicant who, in the opinion of the Council, has sufficient funds including; annual income, residential property equity, savings, shares or other assets to enable them to meet his or her housing costs will be ineligible. The thresholds at which this criterion will apply are where;

- three times the gross annual household income including; residential property equity, savings, shares or other assets, exceeds £200,000 and the applicant qualifies for studio or 1 bedroom accommodation

- three times the gross annual household income including; residential property equity, savings, shares or other assets, exceeds £275,000 and the applicant qualifies for 2-bedroom or larger accommodation.

14.7 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 Armed Forces, or serving or former members of the Reserve Forces, will be disregarded from this criterion.

### ***Serious Unacceptable Behaviour***

14.8 Any homeseeker (or a member of their household) who, within the previous 3 years, have been guilty of serious unacceptable behaviour enough to make them unsuitable as a tenant of the Council will be ineligible. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Flexible Tenant and includes serious rent arrears (including housing benefit and Court cost arrears), other breaches of tenancy conditions, previous proven social housing fraud, damage and neighbour nuisance, amongst others. Applicants most likely to be rejected on these grounds are those who have been evicted from a council, housing association or private rented tenancy. In addition, any person subject to an Anti-Social Behaviour Order, an Anti-Social Behaviour Contract, or any similar penalty introduced under future anti-social behaviour legislation will also not qualify.

### ***Future Applications***

14.9 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.

### ***Supplementary Waiting List***

14.10 The Council operates a separate inactive Supplementary Waiting List for non-qualifying applicants over 60 years of age who do not meet the Local Eligibility Criteria. Applicants will only be able to bid on Council or Housing Association properties in sheltered accommodation or grouped dwelling schemes for older people under the HomeOption Scheme. However, qualifying persons on the Council's Housing Register who have submitted bids will be given priority.

14.11 Any offers of tenancies made to applicants on the Supplementary Waiting List will prioritised in registration date order. Prior to any offer, the Council will undertake an in-depth assessment of the applicant to determine if the accommodation is suitable for the applicant. The following aspects of the Local Eligibility Criteria set out within Section 14 above will apply when determining if the applicant is eligible for inclusion on the Supplementary Waiting List:

- Financial Assessment
- Serious Unacceptable Behaviour
- False Statements and Withholding Information

## **15. Application to the Housing Register**

15.1 The Council will ensure that advice, information and assistance is available free of charge to homeseekers in the District about the right to make an application for an

allocation of housing accommodation. Applications must be made on-line [*insert Locata website address*]. Assistance will be given to homeseekers who do not have access to a computer or who need help generally with the application process. Each application received will be given careful consideration.

15.2 Advice and information will be provided by the Council, the 3 Citizens Advice Bureaux in the District and any other source able to give appropriate advice free of charge.

### ***Definition of Household***

15.3 Homeseekers will be required to, within their on-line applications, provide answers to such questions as the Council deems appropriate to allow an assessment of their entitlement to housing accommodation to be made. Homeseekers should only include persons on their application who will be part of their household and occupying accommodation offered as their only or principal home.

### ***Proof of Identity***

15.4 Homeseekers and other persons included on the application will, at the point of application, be required to provide documentary proof from two official sources of;

- a) their identity; and
- b) their current residence.

15.5 Required documents in respect of 15.4 above are as follows:

- a) Full birth certificate and current passport, or
- b) Current driving licence (copies), a current passport style photograph of the applicant and two further documents, as follows:
  - Current tenancy agreement or current medical card
  - Utility bill or bank statement, or a document or letter from a Government Department (such as HM Revenue and Customs, Benefits Agency of the Employment Service)

Note: Current, means dated within the last three months.

### ***Proof of Residency***

15.6 Any Homeseeker will be required to provide evidence of residency to the satisfaction of the Council. In order to validate the residency of the homeseeker and other persons included on the application, the Council will undertake checks with other Council Directorates and relevant bodies as appropriate.

15.7 If required documents cannot be provided, the Housing Options Manager may authorise the acceptance of other documents.

15.8 When a homeseeker is being considered for a property, they will be contacted by telephone and required to provide up-to-date evidence of their current situation in order



to consider their eligibility again for any offer of accommodation. Such evidence will be more extensive than that requested at the point of joining the Housing Register. Under normal circumstances, any homeseeker who fails to provide this evidence will not be offered the property. Additional documentary evidence to substantiate an application may be required from time-to-time as the Council considers appropriate.

15.9 When making an application on line, should any information not be submitted, or due to the information provided the homeseeker is deemed not to qualify, it will not be possible to complete the application process. In such circumstances the homeseeker should seek advice and assistance from the Council. Where supporting documents are not received within 14 calendar days of any application being completed on line the application will be cancelled.

## **16. Information about the Housing Allocations Scheme**

16.1 Upon written request, homeseekers will be able to;

- (a) receive a copy of their details entered on the Housing Register free of charge;
- (b) receive copies of documents provided by them;
- (c) have access to their file in accordance with the provisions of the Data Protection Act 1998;
- (d) have a copy of their full file, subject to payment of a £10 fee;
- (e) be informed in writing of any decision about the facts of their case and of their right to request a review of any such decision;
- (f) receive general information to enable them to assess;
  - (i) how their application is likely to be treated under the Scheme; and
  - (ii) whether accommodation appropriate to their needs is likely to be available and, if so, when; and
- (g) receive a summary of the Housing Allocations Scheme free of charge.

## **17. Allocation of Accommodation**

17.1 Generally, the relative degree of priority to be awarded to homeseekers on the Housing Register will be assessed by the Housing Allocations Team within the Housing Options Section with reference to the banding system set out at Appendix 1. The banding system is framed so as to ensure that reasonable preference is given to those applicants referred to under Part 7 Section 166A (3) of the Housing Act 1996.

17.2 Band 1 represents the highest priority and Band 3 represents the lowest.

17.3 Homeseekers will be expected to be maximising and not worsening the use of their existing accommodation. Applications will be assessed on the household composition and the size of the existing accommodation, rather than its current use by the household.

17.4 An offer of accommodation will not be made to any homeseeker who has not maintained a satisfactory rent account in the last three years.

17.5 Homeseekers within each band will be prioritised in registration date order. For homeseekers within Band Two (d) the homeseeker's tenancy commencement date will be the registration date.

17.6 Any vacancy will be offered generally to the homeseeker identified by the Council who has the highest priority and has expressed an interest in that property. This is subject to sheltered accommodation and bungalows generally only being offered to homeseekers over the age of 60 years.

17.7 The size of housing accommodation to be allocated to homeseekers on the Housing Register is set out in Appendix 2.

17.8 The Council will operate some local lettings schemes concerning the allocation of particular accommodation for persons of a particular description and reserves some vacancies as set out at Appendix 4.

#### ***Penalty for Refusals of Offers of Accommodation***

17.9 Any homeseeker (apart from an existing tenant of the Council who is under-occupying and wishing to move to smaller accommodation) who refuses two offers of suitable accommodation for which they have expressed an interest within any three-month period will have their application deferred for a period of six months.

#### ***Homeless Households***

17.10 The Housing Allocations Scheme is framed to ensure that reasonable preference is given to people who are homeless within the meaning of Part 7 of the Homelessness Act 1996.

17.11 Homeless households will generally be initially placed in temporary accommodation. The Council reserves the right to move homeless households to alternative temporary accommodation in appropriate circumstances.

17.12 Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended and resident in the Epping Forest District for at least 3 continuous years will be made one offer of suitable accommodation after receiving their S.184 decision letter, in generally flatted accommodation as set out at Appendix 4. Homeless applicants will be made an offer accordingly, subject to the availability of accommodation and Paragraph 17.13 below. If the offer is refused without good reason, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.

#### ***Homeless Households - discharging duty in the Private Rented Sector***

17.13 Applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996, who are not qualifying persons under the Local Eligibility Criteria of this Housing Allocations Scheme will generally be secured, in accordance with the Council's policy, in the first instance and subject to availability, suitable accommodation

in the private rented sector with or without the applicant's consent, which will discharge the Council's homelessness duty.

17.14 The private rented tenancy will be for a period of not less than 12 months. If within 2 years, beginning with the date on which the applicant accepts a private rented sector offer, the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and if the applicant is found to be homeless (from the date of the expiry of the termination notice) and did not become homeless intentionally from the private rented accommodation, the Council will accept a homelessness duty regardless of whether the applicant has a priority need.

17.15 If it is not possible or reasonably practicable for the Council to place the applicant in private rented accommodation within the District, then suitable accommodation may be secured in a neighbouring authority's area. If a suitable private rented sector offer cannot be made within 3 months of the Section 184 decision letter, the Council may offer the applicant one suitable offer of Council accommodation; if the offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.

## **18. Redecoration Vouchers Scheme**

18.1 Internal decorations to a property are the tenant's responsibility. However, if a property offered to a homeseeeker is, in the view of the inspecting officer, in need of redecoration, an allowance for decorating materials will be made and a redecoration voucher for use in a DIY store will be issued to the incoming tenant after they have signed the tenancy agreement, as a contribution towards costs. A redecoration allowance will only be made to existing tenants if their previous Council property is found to have been left in reasonable repair.

## **19. Removal Expenses**

19.1 The Council will not meet the cost of any removal expenses, except as set out in Section 20 below.

## **20. Incentive Payments for Downsizing Accommodation**

20.1 Where a tenant of the Council moves to any property with less bedrooms than their current property and both are owned by the Council, they will be offered £500 to cover removal costs plus £500 for each bedroom "released", subject to the tenant having a housing need for the downsized property, and a maximum payment of £2,000 being made.

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

20.3 Where a tenant of the Council is downsizing accommodation, they will be considered for a bungalow if they wish, normally allocated to persons over 60 years of age, but provided they are over 50 years of age.

20.4 Attention is drawn to the ineligibility for financial incentives of certain Flexible Tenants referred to in Paragraph 9.2.

20.5 No payments will be made to successor tenants who are required to move to smaller accommodation.

## **21. Decisions on the Allocations Process**

21.1 The Council gives delegated authority to the Director of Housing to take decisions on the allocations process. In turn, the Director of Housing delegates such decisions to the Allocations Team within the Housing Options Section, under the supervision of the Housing Options Manager.

## **22. Reviews**

22.1 If any applicant is found not to be a qualifying person for an allocation of accommodation, they will be notified in writing of the decision and the grounds for it. They will also be given the opportunity for the information to be explained to them verbally. If they consider they have been unfairly or unreasonably treated having regard to the provisions of the Allocations Scheme, they have the right to request a review of the decision and to be informed in writing of the decision on the review and the grounds for it within 21 days of the date of the decision letter. Upon request, the notice can be collected by the applicant within a reasonable period.

22.2 In the first instance, subject to 22.4 below, applicants must seek a review in writing to the Assistant Director of Housing (Operations) and will receive a written response within 8 weeks of the date the request is received. Should an extension of the deadline be required the homeseeker will be notified of this and the reasons.

22.3 The review will be undertaken either by the Assistant Director of Housing (Operations), the Housing Options Manager or any other senior officer designated by the Director of Housing, who will advise the homeseeker of any further rights of appeal as appropriate.

22.4 The review will be undertaken by a person senior to the person making the original decision and who has not had a significant involvement in the original decision.

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

## **23. Equal Opportunities**

23.1 The Council has undertaken a Customer (Equality) Impact Assessment on the Housing Allocations Scheme to determine how the Scheme will impact upon those classes of persons with protected characteristics and to ensure that it complies with the Equalities Act 2010. A copy of the Customer (Equality) Impact Assessment is available upon request free of charge.

23.2 The Council is committed to equal opportunities in the provision of its housing services. The Council has regard to, and implements, the provisions of the Race Relations Code of Practice in Rented Housing. The Council will also comply with the Equality Act 2010.

23.3 As an aid to ensuring that homeseekers are not discriminated against on the grounds of race, through one of its Overview and Scrutiny Committees, the Council will monitor the racial origin of:

- a) homeseekers on the Housing Register;
- b) homeseekers allocated housing;
- c) homeseekers on the Housing Register seeking sheltered accommodation;  
and
- d) homeseekers offered sheltered accommodation.

23.4 The practices and procedures of the Housing Directorate will be monitored by the appropriate Assistant Director of Housing to ensure that they do not discriminate directly or indirectly. Changes will be made if it is established that any practices or procedures may be contravening the Equality Act 2010.

#### **24. False and Withheld Information**

24.1 Any persons who have knowingly or recklessly made a statement which is false in material or knowingly withholds information that the Council has reasonably required them to give in connection with the exercise of the Scheme will have their housing application cancelled.

24.2 The Council may seek possession of a property under Ground 5 of Schedule 2 of the Housing Act 1985 and take criminal proceedings if a tenant has induced the Council to grant a tenancy by knowingly or recklessly making a false statement when they applied for the accommodation.

#### **25. Information on the Allocations Scheme**

25.1 The Council will:

- a) publish a summary of its Allocations Scheme in a leaflet setting out a person's right to make an application for housing accommodation and provide copies free of charge on request to any member of the public;
- b) provide copies of the Allocations Scheme free of charge at the:
  - (i) Housing Options Section, Civic Offices, Epping
  - (ii) Area Housing Office, 63 The Broadway, Loughton
  - (iii) Limes Farm Housing Office, The Limes Centre, Chigwell; and
- c) enable copies of the Allocations Scheme to be downloaded from the Internet at the Council's web-site: [www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing) (follow the link to Residents/Your home/Housing Advice/Applying for a council or housing association home).

#### **26. Review of Allocations Scheme**

26.1 The Allocations Scheme will be reviewed on at least a three-yearly basis by the Council's Housing Scrutiny Panel in consultation with the Tenants and Leaseholders Federation, which shall recommend any changes to the Council's Cabinet.

## **27. Consultation on Changes to the Allocations Scheme**

27.1 Before adopting a new Allocations Scheme or making an alteration reflecting a major change of policy in its existing 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 Federation
- Partner agencies with an interest in the Scheme

### ***Band One***

- (a) 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, are given priority above all other applicants within Band One, where they are assessed by the Council's Medical Advisor as having "Urgent Medical Need" as a result of any serious injury, medical condition or disability sustained as a result of their service, where the application is made within 5 years of discharge.
- (b) Homeseekers with Council or Housing Association tenancies in the District wanting to move to accommodation with fewer bedrooms than the property they currently occupy on a permanent basis.
- (c) Homeseekers needing to move on urgent medical grounds or urgent grounds relating to disability. \*\*
- (d) Homeseekers needing to move on urgent welfare grounds \*\*\*.
- (e) Homeseekers occupying insanitary or overcrowded housing which poses a serious health hazard, or otherwise living in unsatisfactory conditions (in accordance with housing legislation).\*
- (f) Homeseekers with mobility problems will be given priority for ground floor flats and bungalows above other homeseekers in this Band (with the exception of Band One (a)), regardless of their waiting time, on recommendation of the Council's Medical Advisor.
- (g) Homeseekers needing two or more additional bedrooms compared to their current accommodation.

**Band Two**

(a) Homeseekers who need to move to a particular locality within the District where failure to meet that need would cause hardship to themselves or to others.\*\*\*\*

(b) Homeseekers 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 them individually) but not for personal reasons (i.e. family disputes).

(c) Homeseekers needing one additional bedroom compared to their current accommodation.

(d) Existing tenants of the Council:

(i) living in 3 bedroom flatted accommodation who meet the Local Eligibility Criteria and have a 3 bedroom need, can Bid for 3 bedroom houses; and

(ii) living in 2 bedroom flatted accommodation who meet the Local Eligibility Criteria and have a 2 bedroom need, can Bid for 2 bedroom houses;

with their registration date being the tenancy commencement date of their current property.

(e) Existing tenants living in sheltered accommodation who are wishing to move within their own scheme or to another sheltered scheme within the District.

(f) Homeseekers in the Council's accommodation that is non-secure by virtue of Schedule 1 of the Housing Act 1985, excluding those referred to another local housing authority under S.198 of the Housing Act 1996, accepted by Epping Forest District Council as homeless, eligible for housing assistance, in priority need and not intentionally homeless.



### ***Band Three***

(a) All Homeseekers needing to move, including existing tenants with a good tenancy record, to be nearer to their place of work, or to take up an offer of permanent employment, or a long term (full-time) training opportunity which will lead to employment.

(b) Homeseekers sharing accommodation with another household.

(c) Spouses and children (including step-children) of existing and former Armed Forces Personnel (including those who do not meet the Council's residency criteria) 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.

(d) Homeseekers needing to move on moderate medical grounds or grounds relating to disability. \*\*\*\*\*

(e) Homeseekers accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need but found to have become homeless intentionally.

### ***Insanitary, Overcrowded Housing or Unsatisfactory Conditions***

\*Where the Permitted Number, in accordance with the provisions of S. 326 of the Housing Act 1985 is exceeded, or the property is in a serious state of disrepair, of poor internal or external arrangement, or the property has been classified as having at least one Category 1 Housing Hazard under the Housing Act 2004 or is lacking one or more of the following; kitchen facilities, inside W.C., utility supplies.

### ***Urgent Medical Priority***

\*\*Urgent Medical Priority (including grounds relating to disability and access needs and/or learning disability) to be determined by the Council's Medical Adviser 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 urgent priority will not be given based upon the medical evidence itself, it will be based upon the impact it has upon the homeseeker's housing requirements and whether the homeseeker's current accommodation is directly contributing to the deterioration of the homeseeker's health. It will be considered based on the extent that the health of a homeseeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation.

### ***Welfare Grounds***

\*\*\* Welfare grounds to be assessed on written evidence by the Housing Options Manager, in consultation with the Council's Medical Adviser. Welfare issues will encompass 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 learning disability who wish to live independently in the community and 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 tenancy (in accordance with the Council's Tenancy Policy) where additional priority is justified.

### ***Hardship Grounds***

\*\*\*\*Hardship may also 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 homeseekers own transport.

### ***Moderate Medical Priority***

\*\*\*\*\*Moderate Medical Priority, being generally one or a combination of minor medical issues, to be determined by the Council's Medical Adviser 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 moderate priority will not be granted based upon the medical evidence itself, it will be based upon the impact it has upon the homeseeker's housing requirements and whether the homeseeker's current accommodation is directly contributing to the deterioration of the homeseeker's health. It will be considered based on the extent that the health of a homeseeker, or an immediate member of their family, will significantly improve by a move to alternative accommodation. No increase in Banding will be given as a result of "Moderate Medical" priority; it will only result in a homeseeker being a qualifying person under the Scheme should no other criterion be met.

### ***Re-Assessment of Medical Priority***

Any homeseeker who is awarded Band One priority due to urgent medical priority will have their medical position re-assessed if they express an interest for a property and then refuse an offer of that accommodation. A re-assessment will also be undertaken of any homeseeker with urgent medical preference who fails to fully participate in the Choice Based Lettings Scheme for more than 6 months. In addition, should any applicant move from their existing accommodation and remain on the Housing Register, a fresh medical assessment will be undertaken.

**Sizes of Properties to be Allocated**

The sizes of properties allocated to homeseekers on the Housing Register will be based on the composition of their household, generally in accordance with the property sizes of the Local Housing Allowance, as shown in the following table.

Property Size	Household Composition
Studio	Single Persons
1 Bedroom	Single person or 2 persons, with no family members
2 Bedroom	Single Person or 2 persons, with 1 family member or 2 family members of the same sex, or 2 family members of opposite sex both under the age of 10 years
3 Bedroom	Single person or 2 persons, with 2 family members of opposite sex with one family member over the age of 10 years  Single person or 2 persons, with 3 family members 2 of whom are of the same sex  Single person or 2 persons, with 4 family members 2 each of the same sex
4 Bedroom*	Single person or 2 persons with 4 or more family members where two are of opposite sex and over the age of 10 years
5 Bedroom*	Single person or 2 persons with 5 or more family members where 2 family members are of opposite sex and one is over 10 years of age

Family members are defined in accordance with the Housing Act 1996 Part 7 Section 176 as a person who normally resides with the lead applicant/s as an (established) member of his or her family. A family member is as defined by Section 113 of the Housing Act 1985.

\*It should be noted the Council has very few properties with 4 or 5 bedrooms in its housing stock

***For information***

In exceptional circumstances, homeseekers may be allocated a property which is one bedroom above the need of their household where the Council's Medical Advisor agrees that there are urgent medical reasons for doing so. Where applicants receive support from carers who do not reside with them but may need to stay overnight, the Council will take into account the applicant's need for a spare bedroom

It should be noted in cases where residence of children is shared, and where one parent has accommodation available to them that meets the need of that household, the other parent, generally, will only be considered for 1 bedroom accommodation.

Under the HomeOption Scheme, homeseekers will be able to express an interest in properties which are one bedroom less than their need provided it is within the Permitted Number of occupants allowed under the Housing Act 1985.

### Priority Transfers

Priority Transfers will only be granted on a like-for-like accommodation basis for urgent reasons including;

- urgent circumstances (in accommodation away from the local area) where there is clear written evidence that an existing tenant's safety is at risk including, as a result of violence or threats of violence, intimidated witnesses and those escaping anti-social behaviour or domestic violence
- those who need to move urgently because of life threatening illness or sudden disability. Decisions will be based upon the advice of the Council's Medical Advisor following consideration of the impact it has upon the tenant's housing requirements and whether the tenant's current accommodation is directly contributing to the deterioration of the tenant's health. It will be considered based on the extent that the health of a tenant, or an immediate member of their family, will significantly improve by a move to alternative accommodation.
- to facilitate major repairs or refurbishment of a Council property
- where a Council property is required to be demolished for safety or redevelopment purposes
- other transfers of a similar nature as determined by the Director of Housing

## 1. Allocations Outside of the HomeOption Scheme

1.1 The Council will, as it considers appropriate, allocate properties outside of the HomeOptions Scheme in the following circumstances:

### ***Homeless Applicants***

1.2 To applicants accepted by Epping Forest District Council as homeless, eligible for assistance, in priority need and not intentionally homeless under the Part 7 of the Housing Act 1996 as amended who meet the Council's Local Eligibility Criteria set out at Section 14 of this Housing Allocations Scheme, who are living in:

- bed and breakfast accommodation secured by the Council, but excluding those in the process of being referred to another local housing authority under S.198 of the Housing Act 1996
- the Council's Homeless Persons Hostel (Norway House or Hemnall House), or a Women's Refuge
- homeless applicants living in Brookhaven for 6 months and have been served with a S 21 Notice (giving notice of ending the assured tenancy), where the Manager of Brook Haven has notified the Council that the tenant is ready to move on.

1.3 In respect of 1.2 above, homeless applicants will be made one offer of suitable accommodation after receiving their S.184 decision letter, generally in flatted accommodation subject to Paragraph 17.13 of this Housing Allocations Scheme. If the offer is refused, the Council's homelessness duty under the Housing Act 1996 to provide accommodation will be considered to be discharged.

### ***Applicants Living in Supported Housing***

1.4 To homeless applicants to whom the Council does not owe the full homelessness duty, who meet the Council's Local Eligibility Criteria set out at Section 14 of this Housing Allocations Scheme and have been placed by the Council under its nomination rights or by a recognised Allocations Panel for a least 9 months and are ready to move on, at either the:

- S.A.F.E. (Single Accommodation for Epping Forest "NACRO") Project;
- Young Parent Scheme at Railway Meadow, Ongar
- Supported housing scheme for vulnerable adults at Tolpuddle House, Ongar
- Supported housing scheme at Elm Court, Theydon Bois
- NACRO scheme for those with mental health issues
- Young parent and child scheme at Bartletts, Chelmsford

1.5 In respect of 1.4 above, such homeless applicants will be made one offer of suitable accommodation at the end of their stay in supported housing, generally in flatted accommodation subject to Paragraph 17.13 of this Housing Allocations Scheme. If the offer is refused, the Council will make no further offers of accommodation.

### ***Other Allocations Outside of the HomeOption Scheme***

1.6 Where a priority transfer is agreed in accordance with the criteria set out at Appendix 3.

1.7 To accommodate successor tenants under occupying Council accommodation

1.8 One property may be offered within any 12 month period for an applicant on the Witness Protection Mobility Scheme, such accommodation to be a flat or maisonette.

1.9 Up to 5 properties may be offered per annum for public sector key workers.

1.10 Up to 5 properties may be offered at any one time for key Epping Forest District Council employees.

1.11 To homeseekers to whom the Council has accepted a duty under the provisions of the Rent (Agricultural) Act 1976.

1.12 Where it is necessary to re-accommodate, potentially, the last two Council Scheme Managers remaining in tied accommodation.

### **2. Allocation Quotas/Local Lettings Plans/ /Reserved Properties/Homelessness Allocation Quotas or Local Lettings Plans for Housing Association Developments**

2.1 For some large affordable housing schemes that a housing association develops and/or manages it may be appropriate to look at Allocations Quotas or Local Lettings Plans.

2.2 An Allocations Quota is a quota of homeseekers within specific categories agreed between the Council and the housing association that replaces the usual nominations criteria.

2.3 A Local Lettings Plan is an arrangement for the nomination of homeseekers with specific recognised needs related to the type or design of the new affordable housing.

2.4 Where vacancies arise in properties that have been built in rural localities under exceptional planning arrangements (Section 106 Agreements), only homeseekers who comply with the requirement to have a connection with the locality can be considered.

### **3. Local Lettings Plans for Council Housing**

3.1 Local lettings policies are where the Council allocates particular accommodation to people of a particular description in order to achieve a wide variety of housing management and policy objectives.

3.2 Some of the Council's properties on housing estates have been designated as being particularly suitable for older tenants. This is usually where there is a Scheme Manager or where a hard-wired emergency alarm has been fitted in a property. Where vacancies arise in such properties, homeseekers over 60 years of age will be given preference for them.

3.3 Where properties have been purpose built or adapted for tenants with specific needs, for instance, physical disabilities, preference will be given to homeseekers from households in need of that particular type of accommodation.