



ALLOCATIONS POLICY

April 2019

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PART I: INTRODUCTION

I. Housing Options Policy Statement

- I.1** The Council's Housing Service offers housing advice and support for all residents regarding available housing options. It is not simply a homelessness or allocations service.
- I.2** There is limited availability of social housing in Hart and so the Council's Housing Service works in partnership with a range of agencies and organisations across the private, statutory and voluntary sectors, in seeking to holistically meet the individual needs of customers. As such the Council will explore all available options to prevent and alleviate homelessness, including private rented sector options to meet housing need.
- I.3** The Allocations Policy sets out locally agreed qualifying criteria and priority will be given to certain types of household, and based on housing need.
- I.4** For households accepted as homeless under s193, Part 7 of the Housing Act 1996 (as amended), the homelessness duty may be ended with an offer of suitable private rented sector accommodation, without requiring applicant consent.
- I.5** Homelessness does not provide for any guarantee of an offer of social housing in Hart, and the full range of available housing options will be explored to meet housing need in every case.

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2. Background & Summary

- 2.1** In 1994 Hart District Council transferred all its housing stock to Vivid Homes (formally Sentinel Housing Association). Vivid, along with various other housing associations (also called Registered Providers) provide affordable housing in Hart.
- 2.2** The Council continues to manage and administer the Housing Register which determines access to housing association rented properties.
- 2.3** The demand for accommodation in Hart is greater than the number of homes available.
- 2.4** The Council is committed to providing housing at affordable levels for local people.
- 2.5** There is no statutory requirement to maintain a Housing Register however the Council and its partners in Hart consider there are significant benefits in doing so.
- 2.6** The Hart Housing Register framework provides a single point of entry for all applicants, and will be delivered alongside a comprehensive housing options approach providing advice and support to all residents.
- 2.7** Where Hart District Council has nomination rights to resulting vacancies, applications from existing housing association tenants seeking to transfer within the district are included within the scope of the Allocations Policy.
- 2.8** The Allocations Policy extends to all applicants seeking accommodation who are eligible and meet the locally set qualifying criteria. The policy seeks to support eligible and qualifying households who are in greatest need in order of length of time that they have been waiting.
- 2.9** The Council allocates the majority of homes through a Choice Based Lettings (CBL) system. This involves advertising vacancies each week through Hart Homes. The system enables eligible and qualifying applicants to view and express an interest in appropriate properties advertised. The Hart Homes CBL system is explained in later sections of this policy, but can be accessed using this link:

www.harthomes.org.uk

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- 2.10** Housing association homes available for Mutual Exchange, Private Rented Sector accommodation and Shared Ownership properties may also be advertised within the parameters of this policy.
- 2.11** Please note that partner housing associations will also have allocations policies. Housing association allocations policies are used by housing associations to determine individual assessments of applicants nominated by the Council to vacancies within their housing stock. Housing associations are able to refuse Council nominations made on behalf of applicants within the scope of these policies.
- 2.12** This document represents the full version of the Council's Allocations Policy.

3. Policy Aims

3.1 The primary aims of this policy are:

- To make the best possible use of all available housing stock
- To provide housing that is suitable based on individual household needs
- To help applicants that are most in need
- To give customers as much choice as possible, enable them to participate in the allocations process, and to enable them to make informed choices about their housing options
- To help build and encourage sustainable mixed communities and neighbourhoods of choice
- To allocate housing resources in a way that is fair and transparent

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4. The Legal & Policy Context

- 4.1** The Allocations Policy sits within a legal framework and wider policy context.
- 4.2** The Housing Act 1996 (as amended) sets out a requirement for the Council to have an allocations scheme for determining priorities, and that sets out the procedure to be followed when allocating housing accommodation, including when making nominations to housing providers.
- 4.3** The Council must publish a summary of the allocation scheme and make it available free of charge to any person who asks for a copy. This document represents the full version of the Council's allocations scheme and it is available on the Council's website at www.hart.gov.uk and from the Civic Offices in Fleet.
- 4.4** The local allocations scheme must set out a statement of the Council's policy on offering people who are to be allocated housing a choice of accommodation, or the opportunity to express preferences about the housing to be allocated to them.
- 4.5** The 1996 Act further requires that the Council give reasonable preference within the Allocations Policy to people with high levels of assessed housing need. This includes people who are homeless, people living in unsatisfactory housing conditions, those who need to move due to welfare or medical reasons, and those who would face hardship if they did not move to a particular area of the district. The reasonable preference categories are set out in section 15.2.
- 4.6** This policy complies with the requirements of the Housing Act 1996 (as amended) and has been developed with regard to statutory guidance on allocations: *'Allocation of Accommodation: Guidance for Local Housing Authorities in England – June 2012'*.
- 4.7** When framing the allocations scheme for Hart, the Council has also had regard to:

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- The Housing and Regeneration Act 2008 and all other relevant legislation
- Housing Allocations - Members of the Armed Forces (circular 04/2009), April 2009
- Equality Act 2010
- The Armed Forces Covenant May 2011
- Part 7 of the Localism Act 2011
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Welfare Reform Act 2012
- The Hart Housing Strategy 2015 - 20
- The Council's Tenancy Strategy
- The Hart Homelessness Strategy 2018 - 21
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No . 2) Regulations 2018 ('the Amendment Regulations').The Hart Private Rented Sector Offer Policy (relating to end of duty options for households accepted under the provisions of the Housing Act 1996, Part 7 as amended by the Homelessness Act 2002 Localism Act 2011 and Homelessness Reduction Act 2018
- The Council's Corporate Plan
- Existing case law
- Statutory guidance December 2013 - '*Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England*'

5. Equal Opportunities

- 5.1** It is the aim of Hart District Council to ensure that no-one applying for housing is treated less favourably for any reason.
- 5.2** The Council is therefore committed to giving equality of opportunity and ensuring that it does not discriminate on grounds of sex or sexual-orientation, trans-gender status, marital status, race, religion or belief, age, disability, pregnancy or maternity. It will not discriminate on the basis of HIV status, social or economic status, responsibility for dependents, trade union membership or unrelated criminal conviction.

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5.3 To assist in ensuring that we are administering the Housing Register fairly, applicants will be asked to complete a monitoring questionnaire at the end of the application form. This information will be treated in the strictest confidence and it will not affect applications in any way. Applicants do not have to answer any of these questions if they do not wish to.

5.4 This policy is compatible with the Council's equality duties.

6. Data Protection

6.1 All information held by the Council is subject to the General Data Protection Regulation 2018 and therefore all personal information will be held and shared in line with the Council's privacy notice and retention policy.

6.2 Applicants are entitled to request a copy of the information held about them through a subject access request. This can be requested in writing or verbally and requests will be dealt with in line with the Council's subject access request process.

6.3 Applicants will be required to confirm that they have read and understood the declaration statement and that the information being provided is true and accurate in order for an application to be progressed. Applicants found to have provided false or misleading information will be subject to section 171 of the Housing Act 1996 which makes it an offense for anyone to knowingly give false information or to withhold relevant information. If a tenancy is granted as a result of a false statement, Ground 5, Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the Housing Act 1996) makes it possible for action to be taken to seek possession.

The Council must protect public funds and so information provided may be used to detect fraud, and shared for the same reasons to other organisations who handle public funds.

7. Housing Options, Advice and Support

7.1 Hart District Council is committed to delivering pro-active advice and support to people in housing need in the district.

7.2 This policy is supported by a strong and proactive housing options approach, providing realistic advice, promoting other housing options and offering support to access housing solutions that meet identified need.

7.3 Not everyone who seeks housing advice and assistance from the Council will qualify to join the Housing Register or be successful in securing an allocation of housing association accommodation.

7.4 Everyone who seeks advice and assistance from the Council will be offered realistic advice and support that is tailored to their individual circumstances and with the aim of alleviating their immediate and longer term housing needs.

- 7.5** This allocations scheme requires the participation of applicants. The Council aims to provide advice and assistance to qualifying persons to ensure that no-one is disadvantaged by the scheme. See [Section 38](#) for further information regarding support for vulnerable applicants.

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8. Statement on Choice

- 8.1** The Council believes that any applicant who is assessed to be an eligible and qualifying person under this scheme should be able to express a preference regarding the type of property and the area in which they would like to live.
- 8.2** Within the scope of this policy the Council aims to offer all eligible and qualifying applicants some choice when applying for housing. The amount of choice that the Council is practicably able to offer and the Council's ability to satisfy expressed preference may however, be severely limited. This is due to the acute housing pressures facing the district.
- 8.3** The Council has responsibilities to some types of applicants in housing need, for example those who have been accepted as statutorily homeless by the Council, and this may further limit the choice available to those households.

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PART 2: HOUSING REGISTER AND ALLOCATIONS

9. Eligibility

9.1 When applicants apply to join the Housing Register, the Council will first consider:

- Whether someone is eligible to apply for housing
- Whether they qualify under the scheme rules

9.2 To be eligible applicants must be:

- 16 years of age or older
- Resident in the United Kingdom

9.3 Section 160ZA of the Housing Act 1996 prescribes certain groups of people who are ineligible for an allocation of accommodation. In general terms, this means:

- any person from abroad who is subject to immigration control and has no recourse to public funds or
- any person excluded by regulations made by the Secretary of State, or
- any person not habitually resident in the United Kingdom or who is required to leave the United Kingdom by the Secretary of State

9.4 More specifically, the Secretary of State has determined that the following groups are not eligible to access social housing because of their immigration status and they are not, therefore, eligible to join the Hart Housing Register:

- A person registered with the Home Office as an asylum seeker
- A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have a recourse to public funds
- A person who has valid leave to enter or remain in the UK which includes a condition there will be no recourse to public funds
- A person who has a valid leave to remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area
- A sponsored person who has been in this country less than 5 years (from date of entry or date of sponsorship, whichever is the later) and whose sponsor(s) is still alive
- A person who is a national of an EU country that is subject to immigration control
- A person who is a national of a non EEA country that has ratified the European Convention on Social & Medical Assistance (ECSMA) and/or the European Social Charter (ESC) but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with a temporary admission) and/or is not habitually resident in the Common Travel Area
- A person who is in the UK illegally or who has overstayed his/her leave to remain

9.5 When Housing Register applications are received, the Council will need to satisfy itself that the applicant is eligible based on where a person normally lives (“habitual residence”) and their immigration status.

9.6 Applicants who are considered ineligible for social housing allocations, and who are therefore unable to join the Housing Register, will be advised of the Council’s decision in writing. See Section 29 for further information about requesting a review of the Council’s decision.

10. Qualifying Persons

10.1 The Localism Act 2011 amended a number of sections contained within Part 6 of the Housing Act 1996. These amendments included provisions so that local authorities can set their own qualifying criteria to determine who can be considered for allocations. Hart has set its own local qualifying criteria.

10.2 Once the Council has established that a person is eligible to be considered for an allocation of social housing, it will then proceed to consider whether they qualify to join the Housing Register.

11. Applicants who do not qualify to join the Housing Register due to unacceptable behaviour:

11.1 Applicants will not qualify to join the Housing Register/remain registered on the Housing Register if they are deemed to be guilty of unacceptable behaviour that is serious enough to make them unsuitable to be a tenant.

“Unacceptable behaviour” can include:

- Owing significant rent arrears and/or failing to comply with a current or past tenancy agreement with a Council, housing association or private landlord
- Conviction for illegal or immoral purpose
- Causing nuisance and annoyance to neighbours or visitors
- Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- Being violent towards a partner or members of the family
- Allowing the condition of the property to deteriorate
- Obtaining a tenancy by deception, for example by giving false or misleading information
- Acts of violence and aggression towards employees or elected members of the Council will not be tolerated. Any applicant who threatens or uses violence towards any Council employee, elected member or contractor will be removed from the Housing Register

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11.2 In determining whether a person does not qualify due to ‘unacceptable behaviour’, the Council will consider:

- If any member of the applicant household has been guilty of unacceptable behaviour
- If the unacceptable behaviour was serious enough that a court would have awarded the landlord possession on the basis of the behaviour
- At the time of the application, if the applicant or a member of the applicant household is still unsuitable to be a tenant due to that behaviour

11.3 The Council will also consider whether an applicant applying to join the Housing Register (or an existing Housing Register applicant), has provided false information, or deliberately withheld information that is reasonably required to accurately assess the application, in order to obtain advantage on the Hart Housing Register. In these circumstances the applicant will not qualify to join. An applicant already registered will cease to be considered a qualifying person and their application will be closed. The applicant can reapply as a qualifying person 12 months from the date of their application refusal or closure, providing all other eligibility and qualifying criteria are met at that time.

11.4 Section 30 - ‘Re-application for Non-Qualifying Persons’ should also be considered in relation to applications found not to meet the qualifying person criteria.

12. Further Qualifying Criteria:

12.1 To be a qualifying person and therefore able to join the Housing Register, an applicant must be able to demonstrate that they have:

- *a local connection to the Hart District*
- *meet the financial assessment criteria*
- *have a housing need (reasonable preference)*

12.2 The following sections will prescribe the local qualifying criteria. It will also prescribe specific exemptions from these requirements.

13. The Local Connection Qualifying Criteria:

13.1 The local connection qualifying criteria has been set so that it reflects the amended s199 of the Housing Act 1996 and working definitions set out in Chapter 18 and Annex 18 of the 2006 ‘Homelessness Code of Guidance for Local Authorities’.

13.2 To qualify to join the housing register, the main applicant (or second applicant where a joint application is held) will therefore be required to demonstrate that they have a local connection with the district in the following way(s):

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- They are, or were in the past normally resident in Hart and this residence can be evidenced for a minimum of 6 out of the previous 12 months or 3 out of the previous 5 years. Residence must also have been by choice.
- They are employed and actually working in the district:
 - The employment must be permanent employment and not simply engaging in agency work on a temporary basis. “Permanent” for the purpose of this policy will mean a permanent employment contract or a fixed term contract for a period of at least 2 years.
 - The employment must be for a minimum of 16 hours a week and applicants may be self-employed with their business base in Hart.
 - The applicant and or their partner (second applicant) must provide proof of their employment status. Only originals of official documents will be accepted which should include one of the following; contract of employment, payslip, P60 or tax return.
 - If the evidence either does not show the hours of work or is not available, then bank statements or written proof from an employer can be considered along with any other appropriate documents. The Council will determine whether evidence provided by an applicant satisfies this aspect of the allocations policy and recognises that not all self-employed people will be working in “hours-based” employment.
 - Where an applicant is self-employed, they must provide proof of their self-employment status. This can be in the form of documented tax returns, VAT registration certificate, business insurance certificate, and proof of a business bank account and/or invoices from business suppliers. Clients confirming location of business base may also be considered. The Council will consider evidence that the applicant has registered themselves as self-employed. Proof of employment must be supplied at the time of application and verified at the time of any offer being made.
 - Should an applicant cease to be in employment within the district within the scope of this policy, the applicant must notify the Council as soon as possible regarding the change in circumstances
 - Applicants who cease to meet the above criteria may also cease to be a qualifying person for the purposes of this policy where qualification was conferred solely on the grounds of employment.

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- They have a close family association(s) with the district that can be evidenced including frequent contact and/or commitment and/or dependency. Family associations will normally arise where an applicant has parents, adult children, or brothers or sisters who are currently resident in the district, and have been resident in the district for a period of at least 5 years at the date of application to join the Housing Register.
- The applicant can demonstrate and evidence that there are special circumstances through which a local connection can be established with the district. Relevant applications will be assessed on a case by case basis and determined at the discretion of the Engagement & Support Manager. It is at the Council's discretion that circumstances may be considered exceptional.

13.3 Exemptions to the local connection qualifying criteria:

13.4 The Council has had regard to the Housing & Regeneration Act 2008, the Armed Forces Covenant 2011, the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 and the Allocation of Accommodation: Guidance for Local Authorities in England 2012. In framing the Hart allocation scheme the Council has opted to exempt the following applicants from the local connection qualifying criteria:

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

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

13.5 The Council may also consider applications from members of the armed forces community as defined within the armed forces covenant where there is evidence that applying the local connection qualifying criteria would cause them to have been significantly disadvantaged by the requirement for mobility whilst in service. This definition includes:

- Veterans (those who have served as a regular or reservist in the armed forces)
- Spouses, civil partners, and children for whom regular personnel, reservists and veterans are responsible (and in exceptional circumstances may include parents, unmarried partners and other family members)
- Bereaved immediate family of service personnel who have died, whether or not the death has any connection with service

13.6 Housing association tenants who reside outside the Hart district, but where the Council has nomination rights to the property and re-housing would create a resultant vacancy available to let through the Hart Homes CBL system, will be exempt from the local connection qualifying criteria.

13.7 Existing social tenants where the Council is satisfied that the “Right to Move” applies.

This exemption is only available for existing social tenants where the Council is satisfied that they are:

- ❑ Seeking to transfer from another local authority district in England.
- ❑ Able to demonstrate “Reasonable Preference” (as defined in s166(3)(e) of the Housing Act 1996, Part 6), because they:
 - Need to move to the Hart district to avoid hardship; and
 - They need to move because the tenant works in the district; or
 - They need to move to take up an offer of work; and
 - Where the Council is satisfied that failure to meet this need would cause hardship (to the tenant or to others).
- ❑ For a social housing tenant to fulfil the criteria of this exemption, the Council must be satisfied that they need, rather than want or wish, to move for work related reasons. A number of factors will be taken into account in determining this including:
 - The distance and/or time taken to travel between work and home.
 - The availability and affordability of transport, taking into account level of earnings.
 - The nature of the work and whether similar opportunities are available closer to home.
 - Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move.
 - The length of the work contract.
 - Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

This is not an exhaustive list.

The tenant will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded. (In this context “voluntary work” means work where no payment is received or the only payment is in respect of any expenses reasonably incurred).

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In determining short term, the Council will consider the following:

- Whether work is regular or intermittent - this is likely to be particularly relevant in the case of the self-employed.
- The period of employment and whether or not work was intended to be short-term or long-term at the outset. (Contracts of employment that were intended to last for less than 12 months could be considered to be short-term).

The Council will take account of the following in determining whether the work is marginal:

- The number of hours worked. (Less than 16 hours a week is likely to be considered to be marginal in nature).
- The level of earnings.

The employment must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the definitions within this policy.

The Council will also consider whether the tenant is expected to return to work in the original local authority district. Verification will be sought from the tenant's employer.

A person who seeks to move into the Hart area to be closer to work in a neighbouring authority does not qualify.

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the Council's satisfaction that they have a genuine intention to take up the offer. The Council will ask to see a letter of acceptance and may wish to contact the employer to verify the position.

13.8 Applicants comprising single people or couples aged 55 or over who are applying for older person's accommodation are exempt from the local connection qualifying criteria. These applicant households will be placed into Band D, save in exceptional circumstances.

13.9 The Council may consider exercising discretion in making other applicant households exempt from the local connection qualifying criteria where there are exceptional circumstances, such as people fleeing violence or harassment from the areas in which they have a local connection within the definition set out above. Decisions will be made on a case by case basis by the Engagement & Support Manager.

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- 13.10** Applicants placed outside the district by the Council into accommodation with Transform Housing & Support at Simmonds Court will retain a local connection for the purposes of qualifying to join the Housing Register.

This arrangement is applicable to other supported housing schemes outside the Hart area where there is an agreement in place to facilitate Hart receiving first refusal on any resulting bed spaces.

- 13.11** Applicants who are placed outside the district as a result of a Private Rented Sector Offer, either to prevent homelessness or to end the main housing duty under homelessness legislation will be exempt from local connection criteria for a period of 2 years from the tenancy start date.

- 13.12** Applicants who are care leavers aged under 21 who were placed into care outside of the district by Hampshire County Council will obtain a local connection to Hart.

Applicants who are care leavers aged under 21 who have been placed in care within the Hart district area by another local authority, and who have spent a minimum of 2 years living within Hart including a period of time before they turned 16 will obtain a local connection.

- 13.13** Applicants who are owed a prevention duty by Hart District Council because they will be homeless within 56 days will obtain a local connection. Local connection will cease if the prevention duty ends without a relief duty being met, or the applicant being assisted into the private rented sector by Hart District Council.

- 13.14** Local connection will not be established where the applicant has been placed in temporary accommodation within the district by other local authorities in the discharge of homelessness duties.

14. Financial Resources Qualifying Criteria:

- 14.1** The Council has set financial qualifying criteria so that people with sufficient combined household income and/or savings and/or assets will not qualify to join the Housing Register.

- 14.2** All applicants will be required to supply evidence of their income, savings and assets at the point of application.

- 14.3** Applicants will be assessed to determine whether:

- a) Applicant 1 and/or Applicant 2 have a combined household income exceeding £60,000 per annum (excluding any means-tested welfare benefits received by the household).
- b) Have savings or assets valued in excess of £16,000.

- 14.4** Applicants who have income or savings/asset levels above the criteria set out in 14.3 will be subject to a further assessment to establish whether they qualify to join the Housing Register.

- 14.5** Where an applicant triggers one or both of the criteria listed in 14.3, a financial

assessment will be carried out to determine whether the applicant qualifies to join the Housing Register. This assessment will be applied on the principle that average housing costs for the district should not exceed 30% of the total combined household income:

- a) Where an applicant's housing costs are assessed to be 30% or lower than the combined household income, the applicant will not qualify to join the Housing Register.
- b) Where an applicant's housing costs are assessed to exceed 30% of the combined household income, the applicant will qualify to join the Housing Register.

- 14.6** Applicants who own a property will be considered to have sufficient financial means and will not be eligible to join the Housing Register unless their circumstances show that the property is not affordable for them and there is either no equity or equity to a value that does not exceed £16,000.
- 14.7** Applicants who have a shared interest in a property with a person not included on their application may be required to resolve the ownership issue before an application will be considered. Affected applicants will be referred to the Engagement & Support Team in order to address these issues and look at all available options. The assessment may include referring the applicant to Money Advice.
- 14.8** Applicants who do not qualify to join the Housing Register as a result of the financial qualifying criteria will be provided with advice and information regarding alternative housing options including applicable low cost home ownership products and private rented sector accommodation.
- 14.9** A further check of the applicant's income and savings will be undertaken by the Council at the point of nomination. Failure to meet the Council's financial assessment criteria at this stage will result in any proposed nomination being withdrawn and the applicant's Housing Register application being cancelled.

It is therefore important that all applicants keep the Council updated with any changes to their household circumstances throughout the application process. The requirement to keep the Council informed of changes in circumstances is outlined further in [section 25.2](#).

- 14.10** Housing associations will also carry out their own financial checks as part of the allocation process. If an applicant is found to be not eligible within the scope of the housing association's allocations policy, they will be advised in writing by the housing association. In these circumstances applicants will be provided with further advice by the Council's Housing Service regarding available options at that time to resolve their housing situation.
- 14.11** Exemptions to the financial resources qualifying criteria:
- 14.12** Any lump sum received by a member of the Armed Forces where this is evidenced as compensation for an injury or disability sustained on active service will be disregarded for the purpose of the financial resources qualifying criteria.
- 14.13** The Council may consider whether it is appropriate to exempt an individual household from the financial resources qualifying criteria where there are exceptional circumstances that may not otherwise be adequately taken into account by the financial assessment. This could include:

- Applications where a member of the household has medical needs that require a specific type of adapted property.
- Applications where Applicant 1 or Applicant 2 may be affected by health problems that will significantly limit the length of time they can remain in their employment and this is likely to reduce the household income below the £60,000 threshold.
- Larger households who despite having an income exceeding £60,000 are assessed as being unable to afford to access market rent or purchase a home on the open market large enough to meet their needs. This assessment will be undertaken with regard to the Hart Bedroom Standard – see [section 18](#).
- Applicants who have been assessed as suitable for Extra-Care housing will be assessed in line with Hart’s financial criteria, and where they fail to meet the criteria, will be registered with reduced priority in Band D. Applicants will also be assessed taking into consideration Vivid Homes allocations criteria in place at that time in terms of what financial means can be disregarded/included in an assessment.
- This list is not exhaustive.

15. Housing Needs Qualifying Criteria (‘Reasonable Preference’):

15.1 Households who are assessed to have “Reasonable Preference” as defined in Part 6, Housing Act 1996 will qualify to join the Housing Register. For the purposes of the Allocations Policy, “Reasonable Preference” means housing need.

15.2 Section 167 of the Housing Act 1996 defines reasonable preference in the following way:

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996 (as amended))
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship (to themselves or others)

15.3 Exemptions to the housing needs (‘Reasonable Preference’) qualifying criteria

15.4 Housing association tenants who do not fulfil ‘Reasonable Preference’, but where the Council has nomination rights to the property and re-housing would create a resultant vacancy available to let through the Hart Homes CBL system.

15.5 Applicants comprising single people or couples over the age of 55 years who are applying for older person’s accommodation are exempt from the housing needs qualifying criteria.

15.6 Applicants who are in private rented sector accommodation will be considered to be in ‘Reasonable Preference’ for the purposes of the Allocations Policy.

15.7 Applicants who are serving in the regular forces or who have served in the regular forces within five years of the date of their application. For households fulfilling this criteria and who have no housing need, the application will be placed into Band D.

15.8 Where an applicant has succeeded to a tenancy, and the housing association intends to exercise the right to obtain possession by offering alternative accommodation in order to make best use of housing stock and meeting housing needs, the applicant will be classed as an 'eligible successor' and placed in Band A and supported to bid.

16. Applying the Eligibility and Qualifying Criteria and Reviews

16.1 The Council will assess each applicant on their merits and make a decision on eligibility, and on whether they qualify to join the Housing Register.

16.2 Anyone subsequently made ineligible from the scheme, or found to be a non-qualifying person for any reason will be provided with a full written explanation for the decision and can request a review of the decision. Section 29 provides further information regarding decisions that the Council will review and the review process. Section 30 also outlines the process for Re-applications for Non-Qualifying Persons.

16.3 All applicants will be asked for information about their housing history and legal status, including whether they are from abroad or subject to immigration control. The Council will carry out checks to establish eligibility for social housing allocations.

16.4 The Council may also carry out checks to satisfy itself that an applicant qualifies to join the Housing Register within the scope of this policy. This will include requirements to provide proof of income and savings, proof of local connection and indications of housing need that reflect the "Reasonable Preference" criteria.

17. Assessing Applications

17.1 All applications must be made online, however where an applicant requires assistance to apply, this will be provided.

17.2 The Council aims to assess all applications as quickly as possible. Applications will normally be assessed within 10 working days, subject to any further information required.

17.3 If an incomplete application is received it will not be registered. All areas of the form must be completed before an application can be considered.

17.4 Online applications must be fully completed within 28 days of starting the process or they will be removed and the applicant must re-apply.













- 17.5** The effective date of application will be the date the Council has received the fully completed application.
- 17.6** Applications will be registered according to the size of home the household requires. This assessment will be completed in accordance with the Hart Bedroom Standard (see [Section 18](#)).
- 17.7** If the applicant is eligible and qualifies to join the Housing Register, their application will be registered and banded according to individual circumstances. For further information about the Banding Scheme see [Section 19](#).

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18. The Hart Bedroom Standard

18.1 The Hart Bedroom Standard is aligned to the current regulations affecting bedroom entitlement for the purposes of Local Housing Allowance and Housing Benefit. It will also reflect the bedroom entitlement that will be used for the purposes of assessing the housing component associated with rental liability within Universal Credit.

18.2 The Bedroom Standard will determine the appropriate bedroom size for households who are accepted on the Hart Housing Register in the following way:

Household Type	Studio Flat	1	2	3	4	5
Single person						
Single person or couple						
Pregnant woman with or without partner, and no other children						
Parent(s) with one child						
Parent(s) with two same sex children where both children are under 16 years old						
Parent(s) with one girl and one boy both under 10						
Parent(s) with one girl and one boy where one child is over 10						
Parent(s) with two same sex children where one child is over 16 years old						
Parent(s) with three children regardless of age or sex						
Parent(s) with four or more children						

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- 18.3** Applicants with a pregnant household member will not have their bedroom requirement reviewed until the baby is born and a copy of the birth certificate for the child has been received.
- 18.4** For any child (or children) to be included on a Housing Register application as part of the household, proof that Child Benefit is being received in respect of that child (or children) will be required. Applicant 1 or Applicant 2 must be the named recipient of the Child Benefit. Please see also the following points below.
- 18.5** Exceptions to the Hart Bedroom Standard
- 18.6** Properties that have a separate dining room (and where that room has been assessed as suitable for use as a bedroom), and 3 bedroom properties built to be suitable to accommodate 6 people will be advertised to allow 3 and 4+ bedroom need applicants to apply, with priority given to 4 bedroom need households.
- 18.7** Where an applicant, or member of their household, is affected by a serious disability or medical condition that may indicate additional bedroom space is required, a medical assessment will be carried out to determine eligibility. It is at the discretion of the Nominations Officer / Engagement & Support Manager to determine whether the medical evidence provided suggests that it would be appropriate to award additional bedroom space on health grounds.
- 18.8** Where the Council considers sufficient evidence has been provided by external health professionals to demonstrate clearly that additional bedroom space is not required, the Nominations Officer / Housing Options Manager has the discretion not to award additional bedroom space. This decision can be taken without recourse to the Independent Medical Adviser.
- 18.9** In exceptional circumstances, tenants of Registered Providers who are under-occupying large family sized properties may be considered for alternative accommodation that is larger than the Hart Bedroom Standard would ordinarily allow. For example, a single person or couple occupying 3 or 4 bedroom accommodation may be considered for a 2-bedroom property. This will contribute to making best use of housing stock locally. It will only be considered where Hart District Council would receive the resulting nomination rights to the vacated property.

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The decision will be taken with regard to affordability, the availability of family sized accommodation units, and all other competing demands at that time.

- 18.10** Applicants who have “staying access” to dependent children, or shared residence orders, are not automatically entitled to bedrooms for those children. The Council recognises the need for a child to have one home of adequate size and will not usually accept responsibility for providing a second home for children.
- 18.11** Only in exceptional circumstances based on relevant factors specific to the case, and with regard to the scarcity of available housing accommodation in the district along with competing demands for accommodation locally, (including the likelihood, regularity and length of time a family sized property may be under-occupied if larger bedroom space were to be permitted), would the Council consider awarding additional bedroom space for children who have access to an adequate home elsewhere. In determining whether children could reasonably be expected to reside with a parent who is homeless, or in housing need, and seeking accommodation from the Council, the Council does not consider that it will be dealing with the same questions as a family court. The question of awarding an additional bedroom in these circumstances can only be determined by the Council in consideration of the factors outlined above.
- 18.12** Additional space awarded on these grounds will be limited to no more than 1 bedroom above the applicant’s basic requirement. Any decision to award additional bedroom space will be at the discretion of the Nominations Officer/Engagement & Support Manager.
- 18.13** Where the Hart Bedroom Standard does not adequately account for a households’ size and/or composition, for example:
- a) household members who do not ordinarily reside together
 - b) extended families / family groups wishing to live together
 - c) where there is a need for individuals, who may or may not be related to live together as a result of medical and/or a welfare ground(s) that can be evidenced;

The application will be assessed based on the individual circumstances of the case, the evidence provided and with reference to case law. Decisions in these circumstances are at the discretion of the Nominations Officer/Engagement & Support Manager.

- 18.14** Where additional bedroom space has been granted and a financial assessment demonstrates that an applicant will be unable to meet their housing costs, it may not be possible to make them an offer of accommodation. Housing associations may also refuse to offer a tenancy where it is clear that the household will not be in a position to meet their immediate and ongoing housing costs.

18.15 In circumstances where it has been agreed that an applicant can be considered for larger accommodation, a further assessment will be carried out in line with the housing association's own policy at the point of any nomination being made in order to determine eligibility and/or affordability.

18.16 Please also refer to Section 41 for details of shortlisting, nominations and offers of accommodation for other relevant exceptions.

19 Giving Priority to Applications

19.1 Hart Housing Register applications are prioritised under a Banding Scheme. The tables below outline how Bands are awarded:

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Band A

Additional Preference Criteria

Reasonable Preference cases with an additional priority: *Subject to review every 3 months*

Time limited and all cases actively managed and reviewed every 3 months

This band is only granted in exceptional circumstances

Band A	<p>1. Emergency Medical and/or disability because current accommodation is wholly inappropriate to occupy and the medical and/or disability issue is being directly, and negatively, impacted by housing circumstances. For example:</p> <ul style="list-style-type: none">○ <i>Discharge from hospital and property completely unsuitable for applicant to return to and no suitable adaptations can be made within a reasonable timescale</i>
Band A	<p>2. Exceptional circumstances on welfare grounds with supporting evidence. For example:</p> <ul style="list-style-type: none">○ <i>Exceptional need to move as there is substantial evidence to show that to stay would be life threatening but a move into alternative accommodation could not be achieved in a reasonable timescale</i>○ <i>An applicant has been nominated via the National Witness Mobility Service</i>

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Band A	<p>3. Severe Environmental Health grounds that cannot be rectified within a 12 month period. For example:</p> <ul style="list-style-type: none"> ○ <i>Extreme disrepair as assessed by Hart's Private Sector Housing Team</i> ○ <i>Closure / Demolition Order</i>
Band A	<p>4. Emergency Strategic Lettings (Council needs to move tenant in order to create vacancies within the housing stock). For example:</p> <ul style="list-style-type: none"> ○ <i>Decants</i> ○ <i>Management Transfer</i> ○ <i>Successions with notice served (eligible successor)</i> ○ <i>Transfer applicants under-occupying a home by 2 or more bedrooms and the Council has the nomination rights to the resulting vacancy (applicants transferring from older persons/sheltered accommodation will be assessed for additional priority on a case by case basis)</i> ○ <i>To release an adapted property (subject to certain qualifications and the Council has the nomination rights to the resulting vacancy)</i>

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Band B

High Preference Criteria

Reasonable Preference cases with a higher priority: *Subject to review every 6 months*

Time limited and all cases actively managed and reviewed every 6 months

Band B	<ul style="list-style-type: none"> ○ Urgent need to move on medical or disability grounds; accommodation is not wholly inappropriate but it is unable to address a major proportion of the applicant household's housing needs
Band B	<ul style="list-style-type: none"> ○ Urgent need to move on welfare grounds. For example: <ul style="list-style-type: none"> ○ <i>A confirmed current need to live within five miles of a specialist medical facility or special school</i> ○ <i>A confirmed current need to live within five miles of family in order to receive / provide essential support</i>
Band B	<ul style="list-style-type: none"> ○ Priority overcrowding. For example: <ul style="list-style-type: none"> ○ <i>Assessed as being statutorily overcrowded and the accommodation was originally suitable for the household's needs at the start of the tenancy/date when applicant moved into property</i>

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Band B	<ul style="list-style-type: none"> ○ Priority prevention of homelessness cases. For example: <ul style="list-style-type: none"> ○ <i>Former tenants that voluntarily gave up their tenancy for special reasons by agreement, and are now ready to be re-housed, and otherwise would become homeless (for example hospital, rehabilitation, supported accommodation, care)</i>
Band B	<ul style="list-style-type: none"> ○ High Priority Strategic Lettings <ul style="list-style-type: none"> ○ <i>Move on from supported housing (whereby the resulting vacancy is released back to Hart District Council) or to make best use of supported accommodation available on a case by case basis</i> ○ <i>Agricultural Dwelling-House Advisory Committee (ADHAC) cases - where an agricultural worker resident in the district is to be displaced and is entitled to re-housing under the Rent (Agriculture) Act 1976</i> ○ <i>Transfer applicant under-occupying by one bedroom with the Council having nomination rights to resulting vacancy (applicants transferring from older persons/sheltered accommodation will be assessed for additional priority on a case by case basis)</i> ○ <i>Separated households (2 existing social housing tenants wishing to become 1 household and neither property is suitable for the household to live in - releasing both properties for re-letting by the Council)</i> ○ <i>Special reciprocal arrangements with other Councils/housing associations</i>
Band B	<ul style="list-style-type: none"> ○ Fostering & Adoption <ul style="list-style-type: none"> ○ <i>Applicants who have been assessed as meeting the requirements of the Joint Fostering and Adoption Protocol</i>

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Band C

Reasonable Preference Criteria

Other reasonable preference cases and those with an identified housing need

<i>Band C</i>	<p>1. A link between an applicant’s health and housing has been established however no confirmation provided that an urgent move is required.</p>
<i>Band C</i>	<p>2. Homeless households. For example:</p> <ul style="list-style-type: none"> ○ <i>Households owed the main housing duty under s193 Part 7 Housing Act 1996 (as amended)</i> ○ <i>Households owed a duty in line with the council’s prevention and relief duties under the Homeless Reduction Act 2018.</i> ○ <i>Other unintentionally homeless households</i> ○ <i>Applicants who are of No Fixed Abode (NFA) or who are at risk of rough sleeping and are actively engaged (see Section 28.1 for definition) with the Council’s Engagement & Support team and with any resettlement plan</i> ○ <i>Applicants who have been asked to leave their current accommodation through no fault of their own</i> ○ <i>Residents of Hart’s temporary accommodation scheme</i>

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Band C	3. Overcrowding – lacking bedroom(s) in accordance with the Hart Bedroom Standard but not assessed to be statutory overcrowded.
Band C	4. People leaving care - Hampshire County Council Care Leaver/person leaving care in line with the criteria set out in Section 13.12 who has been assessed as ready for move on into independent accommodation
Band C	5. Unsatisfactory or insanitary housing conditions including: <ul style="list-style-type: none"> ○ <i>Lack of facilities</i> ○ <i>Applicant sharing with household members NOT included on their application</i>
Band C	6. Applicants assessed as suitable for sheltered/extra-care housing
Band C	7. Applicants ready to move on from hostels or similar accommodation and/or applicants in supported housing <p>Band C award following a written recommendation from the housing and/or support provider confirming that the applicant has engaged with support and is ready for independent living. For example:</p> <ul style="list-style-type: none"> ○ <i>Refuge accommodation for people fleeing violence or abuse</i> ○ <i>single person's hostel</i> ○ <i>Move on from supported accommodation where Hart does not have rights to the resulting vacancy</i>

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Band C	<p>8. Applicants who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others). For example:</p> <ul style="list-style-type: none"> ○ <i>The applicant has permanent employment which they cannot continue unless they live within a specific locality within the area and are otherwise adequately housed.</i> ○ <i>The applicant needs to live within the district to be near friends or relatives in order to provide or receive essential care or support.</i>
Band C	<p>9. Other Strategic lettings – where reasonable preference does not apply but we wish to give extra priority</p> <ul style="list-style-type: none"> ○ <i>Tenants in private rented accommodation (Assured Shorthold Tenants and those on License)</i> ○ <i>Tied tenants seeking alternative accommodation</i> ○ <i>Transfer applicants in existing social housing with no reasonable preference but the resulting vacancy would be given back to HDC</i> ○ <i>Home owners and shared ownership applicants who have a need to move into larger accommodation but do not have the financial capacity to do so in accordance with the financial criteria in Section 14</i>
Band C	<p>10. Right To Move</p> <ul style="list-style-type: none"> ○ <i>Social Housing tenants living in another local authority area within England and having an assessed need to move to the area to take up or continue employment within the district in accordance with the criterion set out in Section 13.7</i>

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Band D

Reasonable Preference with Reduced Priority Criteria

Band D	1. Applicants that are not engaging with the Engagement & Support Team or other relevant services (see <u>Section 28.1</u> for definition)
Band D	2. Social housing tenants from outside the district where Hart District Council has no nomination rights to the property
Band D	3. Applicants who are serving in the regular forces or who have served in the regular forces within five years of the date of their application, and have been registered without “Reasonable Preference”
Band D	4. Applicants who have lost their previous accommodation due to a deliberate act or omission on their part but are not excluded by the qualifying criteria set out in <u>Section 11</u> <i>Applicants who are placed in Band D on this basis will remain in this band for an initial period of 12 months from the date the tenancy ended</i>

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<p>Band D</p>	<p>5. Applicants who have deliberately worsened their circumstances within the last 2 years to gain advantage on the Housing Register</p> <ul style="list-style-type: none"> ○ <i>This includes deliberate actions and failure to take reasonable actions or to follow advice which would prevent homelessness or otherwise improve the applicant’s housing circumstances. For example:</i> <ul style="list-style-type: none"> ○ <i>Failing to take up a suitable offer of private or social rented accommodation</i> ○ <i>Failing to bid for suitable accommodation that was available through the Hart Homes CBL system and that the applicant would have successfully secured had they placed a bid</i> ○ <i>Selling a property that is affordable and suitable for the applicant’s needs</i> ○ <i>Choosing to move from suitable secure and settled accommodation to insecure or less settled accommodation</i> ○ <i>Choosing to move from suitable secure and settled accommodation into an unsuitable or unsustainable arrangement, including overcrowding</i> ○ <i>Requesting or colluding with a landlord, friend or family member to issue a notice to quit</i> ○ <i>Deliberately overcrowding a property by choice</i> ○ <i>Deliberately withholding rent or failing to adhere to tenancy conditions</i> ○ <i>Becoming intentionally homeless from accommodation as a result of a deliberate act or omission</i> ○ <i>Having been found to be intentionally homeless by a local authority</i> <p><i>Applicants who are placed in Band D on this basis will remain in this band for an initial period of 12 months from the date of placement in Band D</i></p>
<p>Band D</p>	<p>7. Single or couple 55+ registered as a result of a qualifying criteria exemption</p>

19.2 All applicants are required to provide proof and supporting information to enable their applications to be assessed and allocated the appropriate band.

19.3 Applicants will be placed into their assessed band and will be prioritised in effective date order (date of application). If an applicant moves up a priority band they will take the effective date of the day they move priority bands. Should an applicant be demoted then they will use their original effective date for bidding.

20. Rural Housing Schemes

20.1 Housing schemes that have been developed on Rural Exception Sites will be allocated in accordance with strict local connection criteria as defined in the relevant Section 106 agreement.

20.2 The Council will advertise these properties with clear text advising applicants that they will be subject to such criteria.

20.3 Properties allocated under a rural exception scheme will be advertised in line with the relevant S106 agreement taking into account the Hart Bedroom Standard. These properties will be let at maximum capacity where possible to make best use of stock. Applicants who meet the strong connection criteria as outlined in the S106 agreement may be nominated in favour of other shortlisted applicants who are registered with higher priority.

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20.4 In cases where the two criteria listed below are met, 2 bedroom rural exception site properties may be advertised to allow 1 and 2 bedroom need households to apply. Decisions will be made based on local connection and housing need as represented by Housing Register band. Where there are two applicants with equal strength of connection and registered priority band, priority will be given to the 2 bedroom need household in order to make best use of stock.

- 1) No 1 bedroom rural exception site properties are identified as likely to be available in the parish within a 6 month period (from the point of the property being ready to let and an advert placed on the Hart Homes Choice Based Lettings system), and
- 2) An applicant on the Housing Register, eligible for a 1 bedroom property, meets the “strong local connection” or “close association” criteria defined in the 106 agreement for that scheme.

20.5 As with all other nominations, the assessment process will include a financial assessment of affordability. This is significant in light of potential under-occupancy and potential associated cost implications for the applicant(s).

20.6 Rural Exception schemes have been developed in the following localities: Bramshill, Crondall, Crookham Village, Dogmersfield, Eversley, Heckfield, Long Sutton, Mattingley, Rotherwick, and South Warnborough

20.7 Use of Local Lettings Plans

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- 20.8** When allocating properties on new housing developments, certain preferences and restrictions may be applied through the advertising process in order to establish a balanced community by including a mix of applicant types and household sizes. Where it is determined appropriate to apply restrictions, a Local Lettings Plan may be developed. The decision regarding what percentage of the properties will be affected by the restrictions applied will be determined on an individual basis taking into account the size of the development, housing register make-up and demand for housing at that time.
- 20.9** A Local Lettings Policy may provide preference to a certain percentage of applicants in employment, and may allow 2 and 3 bedroom homes to be allocated under maximum occupancy by one person in order to reduce child density.

21. Annual Renewals & Reviewing High Priority Band Awards (A&B)

- 21.1** Housing Register applications will be renewed on an annual basis. On the anniversary of registration applicants will be sent a renewal letter, and prompted through their Hart Homes account to confirm that they still wish to remain registered on the Housing Register, and provide an update of any change in their household's circumstances.
- 21.2** It is the applicant's responsibility to keep a check on their application status and ensure renewals are completed annually. Applicants who do not respond to a renewal request within 28 days will have their applications closed. A new application will then need to be submitted should they wish to be considered for housing association accommodation through the Hart Housing Register in future, except for in exceptional circumstances and agreed by the Nominations Officer/Engagement & Support Manager.
- 21.3** New applications received from applicants who had previous applications cancelled as a direct result of failure to respond to a review request will not have effective dates backdated, save in exceptional circumstances.
- 21.4** Applicants who have been awarded Band A or Band B priority are subject to review, those in Band A every 3 months and those in Band B every 6 months, to ensure the applications are reflecting the correct priority. Applicants placed into Band A or Band B will be advised in writing of the review process at the time of the award being given. The process for reviewing Band A and Band B applications can be found in Appendix 3 and will be administered by the Nominations Officer. Any review of the decision to demote an applicant's band award following a review will be carried out by the Engagement & Support Manager.

22. Medical & Ground Floor Need Assessments

- 22.1** Medical assessments will be carried out under the banding assessment criteria.
- 22.2** Applicants who have been demoted to Band D or awarded Band D priority because they do not meet the local connection criteria, will not be considered for a medical assessment.
- 22.3** Eligible and qualifying applicants will be required to complete a medical form and provide supporting information for an assessment to be carried out where the following criteria are met:
- a) There is a link suggested between the applicant's (or member of the applicant's) health and their housing.
 - b) Where a negative effect to health is being directly caused by the current housing circumstances.
- 22.4** On receipt of a completed medical assessment form, the Council's Nominations Officer /Assistant Nominations Officer will carry out an initial assessment to determine whether there is sufficient evidence available to carry out an assessment, or whether it is appropriate for the application to be referred to the Independent Medical Adviser for further advice.
- 22.5** An assessment will then be carried out based on the Nominations Officer/Assistant Nominations Officer's decision.
- 22.6** The Council's Independent Medical Adviser may not be involved in every case and the decision to refer to the Medical Adviser is at the Council's discretion:

A referral to the Medical Adviser **will** be made in the following circumstances:

- Where an application is requiring assessment for placement into Band A or Band B under medical needs only, and further advice is required.
- Where an application is requiring assessment for placement into Band C, and further advice is required.
- Where an applicant is requesting assessment for ground floor/level access accommodation, or additional bedroom space and further advice is required.

A referral **will not** be made to the Medical Adviser in the following circumstances:

- Where an application is requiring assessment for placement into Band C (those moving from Band D). In these cases, an assessment will be carried out by the Nominations Officer/Assistant Nominations Officer, where no further advice is required.
- Where a Band A or B award has already been agreed by the Engagement & Support Manager on medical or welfare grounds.
- Where sufficient evidence has been provided confirming an applicant's need for ground floor accommodation, and as a result Band B priority has been awarded.

- Where an applicant is requesting assessment for ground floor/level access accommodation, or additional bedroom space and sufficient evidence has been provided to assess this need without further advice.

22.7 The decision to award applicants additional priority, additional bedroom space (see also [section 18](#)) or ground floor accommodation, is at the discretion of the Nominations Officer/Assistant Nominations Officer and Engagement & Support Manager.

22.8 Applicants will be advised of the outcome of the medical assessment in writing.

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22.9 Essential medical need for ground floor accommodation

- 22.10** Where an applicant or other professional involved in the applicant's care identify that there may be an essential requirement for ground floor accommodation, supporting information will need to be provided.
- 22.11** Supporting information should be provided by an appropriate medical professional, for example, a doctor or occupational therapist. The Council will then undertake an assessment of the applicant's essential need for ground floor/level access accommodation and banding priority based on this need.
- 22.12** The assessment may involve a referral to the Council's Independent Medical Adviser as outlined above, however the decision to award applicants additional priority, additional bedroom space (see also [section 18](#)) or ground floor accommodation, is at the discretion of the Council. If the Council is satisfied that ground floor level access accommodation is required on these grounds, the application will be placed in Band B where the following criteria is met:
- The applicant currently lives in a flat or maisonette above the ground floor with no access to a lift; or
 - The applicant lives in a house with an internal staircase.
- 22.13** Band B will only be considered when applicants 'bid' for accommodation which is advertised with a ground floor need preference. Where applicants apply for non-ground floor accommodation, the Band B preference will not be considered and the applicant will retain their original banding priority.
- 22.14** For applicants who have a confirmed essential ground floor need but who are already residing in ground floor accommodation, there will be no change to the application's banding priority.
- 22.15** Due to the scarcity of 3 and 4 bedroom ground floor accommodation, applicants who have been awarded Band B priority due to having an assessed essential ground floor need will be considered for 3/4 bedroom houses which are assessed to be suitable to adapt to meet their needs. It may be necessary for an Occupational Therapist to view any prospectus property in order to determine suitability.
- 22.16** The essential need for ground floor accommodation will be recorded and this will be considered when the applicant applies for properties which are advertised with a ground floor preference.
- 22.17** When ground floor general needs properties (bungalows, ground floor flats or maisonettes) - but not age restricted (i.e. 50+/55+)/sheltered properties are advertised, the advert will explain that preference may be given to an applicant with an essential medical need for ground floor accommodation. In these cases, priority will be awarded in the following order taking into account the applicant's effective date within the allocated band:

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1. Applicants with a Band A priority who have an assessed ground floor need
2. Applicants with a Band A priority regardless of assessed ground floor need
3. Applicants with a Band B priority who have an assessed ground floor need
4. Applicants with a Band B priority regardless of assessed ground floor need
5. Applicants with a Band C priority who have an assessed ground floor need
6. Where there are no Band C applicants assessed as having a ground floor need, the property will be allocated on the basis of band priority and effective date. No preference will be given for ground floor need to applicants registered in Band D.

22.18 In circumstances where an applicant is dissatisfied with the Council's assessment of their medical needs in relation to their housing circumstances, they can request that the Council reconsider the decision. See [section 23](#) below for further information.

23. The Medical Re-assessment Process

23.1 In order for a review to be considered, the applicant will need to put their reasons for wanting the Council to reconsider its decision in writing and provide any additional supporting evidence that they consider relevant, within 14 days of the original decision.

23.2 Where the original assessment was carried out by the Council without input from the Independent Medical Adviser, an assessment will be carried out by the Independent Medical Adviser and a review of the original decision carried out based on the recommendations provided.

23.3 Where an assessment has already been carried out by the Independent Medical Adviser, a review will be carried out by the Engagement & Support Manager based on all available information at the time of the review to determine whether the original decision will be upheld. This could mean no change to the applicant's existing priority banding award, or the banding priority could be increased or decreased, depending on the outcome of the re-assessment.

23.4 There is no further stage in this process and the decision here is final. Only where there has been a substantive change in circumstances will the Council undertake further medical assessment and based on new evidence.

24. Extra-care housing

24.1 Hart's extra-care housing scheme offers independent living to applicants age 60+ with care and support needs through the allocation of self-contained flats with the provision of on-site care.

In order to sustain a well-balanced and active community, properties within the scheme are allocated to maintain an equal balance of care need levels. This is processed in line with the Allocations Agreement developed by partners; Hampshire County Council, Vivid Homes and Hart District Council.

24.2 Interested applicants will undergo a care and support assessment.

The applicant's registered care need level, will be determined by the number of hours for which care and support is required.

An applicant's care needs will be checked and where it is confirmed by Adult Services that a care package is required, the applicant will be registered into one of the following care need categories based on the required total care hours per week.

- Low care need - 0 - 5 hours
- Medium care need - 6 - 9 hours
- High care need - 10+ hours

24.3 Where an applicant has no confirmed care need, but has a support need, applicants will be assessed as meeting the low care need criteria.

24.4 Vacant extra-care properties are advertised alongside all other available vacancies through the Choice Based Lettings scheme. The system will only allow applicants assessed as eligible for extra-care housing to apply for these vacancies.

Vacancies will be advertised with preference given to the appropriate care need level (low, medium or high) depending on the current balance of existing tenants care needs within the scheme at that time, in order to maintain an equal balance of care need levels.

Applicants, who would find the application process difficult, are offered assistance to 'bid' for available extra-care accommodation.

25. Reduced Priority, Suspension and Closing Applications

25.1 In certain circumstances the Council can decide to reduce the priority of an application, suspend it from being actively considered, or close it down.

25.2 It is the responsibility of every applicant to ensure that the Council is kept up to date with regard to any changes in their circumstances that may affect their Housing Register application. Failure to do so may result in applications being closed.

25.3 Where an application has been demoted to a lower band, their effective date will be amended accordingly. However once the application has been re-assessed and priority re-instated, the original effective date will be reinstated.

25.4 Circumstances where Housing Register applications can be closed, suspended, or have their priority reduced for a period of time, include:

- At an applicant's request.
- While investigations are carried out under homelessness legislation.
- While a review of the suitability of accommodation offered is being carried out.
- If the applicant has been nominated to a housing association property and the nomination is being considered.

- If the applicant has notified the Council of a change in circumstances and the applicant has not yet amended their application to reflect change of circumstances.
- Applicant will be overlooked where a nomination is being considered for a property applied for, prior to an applicant moving address, and the applicant has not made the Council aware of the change in circumstances within 2 weeks of the move.
- Where investigations into a Housing Register application are deemed necessary to confirm housing circumstances (the application would receive active consideration as soon as the Council is satisfied the circumstances are as stated on the application).
- If the applicant has rent arrears from a current or previous tenancy with a Council, housing association or private landlord and they have not entered into an arrangement to make regular payment to the landlord, or they are not complying with the terms of such an agreement.
- If the applicant or household member owe an outstanding debt to Hart's Rent Deposit/Rent Bond Scheme and they are not making regular payments, or have not kept to the agreed repayment plan by missing 2 consecutive payments, they will be suspended. The suspension will last until they make 6 consecutive monthly payments at the agreed rate (to include the original agreed payment amount plus an extra amount to clear the arrears). Failure to respond or engage in a payment plan within 2 months of suspension will result in the closure of the application.
- If the deposit (paid by the Council) is returned to the tenant/household member rather than to the Council, the application will be suspended until the sum has been returned to the Council in full. If this is not re-paid within 28 days from the date the applicant received the funds then the application will be closed.
- If the applicant bids successfully three times during a 12-month period, is offered each property but refuses them, and the refusals are not reasonable (i.e. due to medical needs), the application will be suspended for 12 months.
- If the applicant has been accepted under s193 of the Housing Act 1996, Part 7 (as amended), successfully bids for a property and is offered it, then refuses it, the application will be suspended while a review of the suitability of accommodation offered is being carried out. If the applicant does not request a review of suitability the Council will end the housing duty under homelessness legislation and the Housing Register application will be suspended until a change of circumstances form is received or a review of the Housing Register application has been completed by the Council. The same applies in circumstances where the applicant requests a review of suitability but the Council's decision is upheld.
- If the applicant is residing in Hart's temporary accommodation scheme, bids successfully for a property and is offered it, then refuses it, the application will be suspended while a review of the suitability of accommodation offered is being carried out. If the applicant does not request a review of suitability the Council will end the housing duty under homelessness legislation, bring the temporary accommodation to an end and the Housing Register application will be suspended pending receipt of an updated change of circumstances form based on the applicants housing situation once they have left the temporary accommodation. The same applies in circumstances where the applicant requests a review of suitability but the Council's decision is upheld.

- ❑ If an applicant is assessed as not being suitable for general needs accommodation by a qualified professional, the application will be closed until the qualified professional provides evidence to support the applicant's readiness to live in general needs accommodation.
- ❑ Households comprising single people or couples over the age of 55 years who are registered for older persons accommodation and have been enabled to access the Housing Register as a result of being exempt from qualifying criteria, will have bids disregarded where they are placed on general needs accommodation.
- ❑ If an applicant has been awarded Band C only because they have been assessed as being suitable for sheltered housing and have a local connection but meet no other criteria, they will be overlooked when bidding on general needs accommodation.
- ❑ Where an applicant fails to return requested paperwork or documentation within 28 working days when requested the application will be closed.
- ❑ Where the applicant has moved and not informed Housing Services of their new address within a 2 calendar month period the application will be closed.
- ❑ If an applicant fails to renew their application, the application will be closed.
- ❑ If the applicant(s) have deliberately given false and/or misleading information the application will be closed.
- ❑ If the applicant(s) accept an offer of accommodation with a Registered Provider through the Council's CBL Scheme, then the application will be closed.
- ❑ If the applicant ceases to be eligible for assistance, or ceases to be a qualifying person, then the application will be closed.

26. Automated Bidding and Private Rented Sector Offers

- 26.1** The Housing Service can make bids on behalf of applicants automatically. This will be applied in certain circumstances. These are outlined below.
- 26.2** The Housing Service will bid for properties that an applicant has the best chance of securing.
- 26.3** There may be areas that are excluded from consideration for automatic bidding where the Council is satisfied they would be unsuitable for the applicant. These areas will be named on the household's housing application.
- 26.4** Every effort will be made to place applicants where they would prefer to live, but the Council's main duty to homeless households is to move them on from temporary accommodation into more settled housing solutions. This enables the Council to continue to discharge its statutory homelessness functions effectively, and offer future households a decent standard of temporary accommodation within the district.

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- 26.5** Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended) will be considered for suitable private rented sector properties as they become available. These may be offered to accepted homeless households to end the main housing duty. Appendix I provides a copy of the Council's Private Rented Sector Offer (PRSO) Policy which outlines Hart's approach to compulsory end of duty PRSOs. Applicant households have the right to request a review of the suitability of accommodation offered as a compulsory end of duty PRSO.
- 26.6** Households to whom the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part 7 Housing Act 1996 (as amended), and those owed a prevention duty under the Homelessness Reduction Act 2017 may be placed on automatic bidding through the Hart Housing Register computer system 3 months after the date their homelessness application was accepted, (if they have not already secured accommodation through the Hart Homes CBL system, for themselves, or as a result of a compulsory PRSO). If they are offered suitable accommodation through the Housing Register this will be to end the main housing duty. Applicants have the right to request a review of the suitability of accommodation offered through the Housing Register to end the main homelessness duty.
- 26.7** For households residing in Hart's temporary accommodation scheme, automatic bidding may commence 3 months from the tenancy start date if this is earlier than the date their homelessness application was accepted (if they have not already secured accommodation through the Hart Homes CBL system, for themselves, or as a result of a PRSO).
- 26.8** If suitable offers of accommodation are refused by households in temporary accommodation, the Council may end its duty under homelessness legislation and possession proceedings will commence. The Hart Housing Register application will be suspended until they have vacated the temporary accommodation provided for them. If a change of circumstances form is not subsequently completed within 28 days, the Housing Register application will be closed.
- 26.9** For households placed into Hart's temporary accommodation scheme outside the statutory homelessness framework of Part 7 Housing Act 1996 (as amended), automatic bidding may commence 3 months after the tenancy start date (if they have not already secured accommodation through the Hart Homes CBL system, or for themselves in the private rented sector or through other housing option).
- 26.10** Applicants affected by the above paragraphs will be advised of their right to request a review of the suitability of the accommodation offered. *This advice will be provided prior to the applicant making a decision to refuse the property, so that they are aware that they can accept the property AND request a review.*

27. Fostering & Adoption

- 27.1** Hart District Council works in partnership with Hampshire County Council with regard to supporting households who are seeking to foster and adopt children. The Council has agreed a joint protocol & procedure with the County Council that outlines what assistance we may be able to offer households who are seeking to foster or adopt children, and who meet the relevant criteria. Please see Appendix 2.

28. Engagement with the Engagement & Support Service

- 28.1** An applicant who is not engaging with the Engagement & Support Service will have their Housing Register application priority reduced to Band D until the Council is satisfied that they are is engaging.

To not engage means:

- Not actively bidding for properties.
- Bidding for suitable properties and then withdrawing bids.
- Not attending Housing Options interviews as arranged.
- Not contacting the Engagement & Support Team when an Engagement & Support Officer has written or called to discuss their case.
- Not responding to contact from support agencies.
- Not actively exploring realistic move on options (such as finding private rented sector accommodation or alternative options) and therefore relying solely on the Housing Register for future housing.
- Not realistically managing income and expenditure.
- Not adhering to House Rules for any temporary accommodation provided or breaching the terms and conditions of their tenancy in any way.

29. Right to Request a Review

- 29.1** Section 166A (9) of the 1996 Housing Act includes the following rights for applicants in respect of their Housing Register application:

- The right to request that the authority inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and
- The right to request a review of a decision mentioned above, or in section 160ZA (9) of the 1996 Housing Act (relating to decisions regarding whether an applicant is eligible and/or a qualifying person) and to be informed of the decision on the review and the grounds for it.

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29.2 Applicants can therefore ask for a review of the following decisions about their Hart Housing Register applications:

- That they are not eligible to join the Housing Register
- That they do not qualify to join the Housing Register
- If their details are removed from the Housing Register
- When they are made an offer of accommodation and do not consider that the accommodation is suitable for their needs
- There are changes to their priority banding, for example priority is reduced
- They are unhappy with their banding priority
- They are overlooked within their band

Please note the Council cannot hold up a nomination for a property whilst a review of banding or an applicant's circumstances is completed.

29.3 Review requests should be put in writing to the Council and should be received within 21 days of notification of a decision.

29.4 Reviews will be conducted by a member of staff not involved in the original decision, and who is senior to the member of staff who made the original decision.

29.5 It is acceptable for a review request to be submitted by a representative on behalf of the applicant. The Council will require confirmation from the applicant that this is the case.

29.6 Reviews will be considered on the basis of this Allocations Policy, legal requirements and all relevant information available at the time of the review, including information provided by the applicant or the applicant's representative.

29.7 The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant.

29.8 Applicants will be notified of the outcome of the review in writing, including the reasons for the Council's decision.

29.9 If the applicant remains dissatisfied following the outcome of a review, they can contact the Local Government Ombudsman or instigate judicial review proceedings.

29.10 No applicant is prejudiced in relation to statutory rights not included herein.

30. Re-Applications for Non-Qualifying Persons

30.1 New applicants who are not considered to be a qualifying person, or those whose applications have been closed due to no longer meeting the qualifying criteria may make a fresh application 12 months from the date of the original decision/application closure if they consider their circumstances have changed so that they should be treated as a qualifying person. It is the applicant's responsibility to satisfy the Council that their circumstances have changed. No previous time waiting will be transferred to any new application and a new Effective Date will be given at that time.

31. Complaints

31.1 Complaints will be dealt with in accordance with Hart's Complaint and Comments Policy. The Complaints and Comments Procedure is available on the Council's website here:

<https://www.hart.gov.uk/feedback>

31.2 If an applicant remains dissatisfied having been through the Corporate Complaint and Comments Procedure, they can contact the Local Government Ombudsman, if appropriate. Leaflets outlining the Ombudsman Procedure can be obtained from the Civic Offices or can be downloaded at <http://www.lgo.org.uk/making-a-complaint/>

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Tel: 0300 061 0614
Fax: 024 7682 0001

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PART 3: HART HOMES

32. How the Choice Based Lettings (CBL) Scheme ‘Hart Homes’ works

- 32.1** CBL offers housing applicants and tenants seeking to transfer an active role in choosing their home. Housing association properties that are either vacant or due to become vacant will be advertised. Anyone who has been accepted onto the Hart Housing Register and has an active application will be able to check what is available and decide whether they want to be considered for any appropriate advertised properties.
- 32.2** To be considered for a property applicants will need to contact the Council to express an interest. This is referred to as ‘making a bid’ or ‘bidding’. How customers can bid is outlined in Section 37.
- 32.3** Applicants will only be considered for a property that is of a suitable size and type in view of their specific household requirements as outlined in the Allocations Policy. The household that bids with the highest priority will be offered the property and invited to view it.
- 32.4** Applicants will be provided with information regarding how previously advertised properties have been let. They will be able to see what level of priority the successful applicant had and how long they had waited. This information is advertised on the Hart Homes website, and in weekly newsletters.

33. Advertising Properties

- 33.1** When properties are due to become vacant they will be advertised on a weekly cycle through Hart’s website www.harthomes.org.uk, an advertising/automated bidding telephone line, and in a newsletter to be distributed to various support agencies and organisations. Newsletters may also be placed in key locations across the District. Partner Housing Associations will promote the scheme and advertise available Hart Homes.

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34. Describing and Labelling Properties for Advertising

34.1 A property description would normally include the following information:

- Who owns the property and whether it is a specialist landlord
- Size and type of property
- Availability of a lift (if appropriate)
- Type of heating
- Any special features
- Parking facilities and if there is a garage
- If there is a garden, and whether it is communal or for the property's sole use
- Weekly rent including any other charges
- Council Tax Band
- Local facilities, for example, access to shops, schools, public transport
- The date the property is likely to be ready for occupation (if known)
- If the property is subject to Section 106 Rural Exception criteria
- Type and length of tenancy offered i.e. Assured, Assured Shorthold, Fixed Term etc
- Type of rent level set i.e. Affordable, Social, Market Rent

34.2 Each property advertised will be labelled with the eligibility criteria for that property. This will normally include the following:

- Minimum and maximum numbers of persons in the household
- Size and type of household the property is suitable for
- If applications are restricted to particular households, for example, where properties are adapted for the disabled, or within supported housing schemes, housing for older persons or where they are subject to Section 106 Rural Exception criteria. Properties may also be advertised with priority given to households who are under-occupying family sized social rented homes.
- If pets are allowed

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35. Bidding for Properties

- 35.1** All applicants registered on the Hart Housing Register are eligible to make three bids per advertising cycle, providing they have not already accepted the offer of another property.
- 35.2** Applicants will be actively encouraged to bid for properties for which they are eligible and the system is configured so that wherever possible eligibility is defined and ineligible applicants are unable to bid inappropriately.
- 35.3** In circumstances where applicants consistently bid for properties for which they are not eligible, they will be contacted to discuss the situation and advised how to bid.

36. The Bidding Cycle

- 36.1** The tables below show the 'Hart Homes' bidding cycle:

	Hart
Duration in weeks of the administration cycle. There is one bidding period during each administration cycle.	1
Day of week on which bidding cycle starts (note that the cycle starts at 00:00 on the defined day)	Thursday
Day of week on which bidding cycle ends (note that the cycle ends at 23:59 on the defined day)	Sunday

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Hart	No Bid	No Bid	No Bid	Bid	Bid	Bid	Bid

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37. How Customers Can Bid

37.1 Applicants will be able to bid through the following mechanisms:

- Automated telephony system with helpline provision
- Online via the website

37.2 All bids must be made before the deadline on the advertisement otherwise they will not count. If a bid cannot be placed on Thursday or Friday daytime then the applicant should call Housing Services during office hours to notify the Council. If there has been a system failure that has prevented a bid being made during the weekend, then a bid can be placed retrospectively if a call is logged with the Council before 9:30am on the following Monday morning. In exceptional cases, a back-dated bid can be considered by the Nominations Officer/Engagement & Support Manager where a genuine reason for the applicant being unable to bid during the open bidding cycle has been confirmed.

38. Support for Vulnerable Customers and Bidding

38.1 Applicants with support needs and those that have difficulty with written English (including where English is not their first language) will be assisted and shown how to access the above bidding system.

38.2 The Housing Services team will provide advice and assistance to advocates in understanding and expediting the bidding process for their clients.

38.3 Where applicants who would be expected to be bidding are either not doing so or are bidding infrequently, they will be contacted and offered assistance where appropriate.

38.4 Vulnerable applicants will be identified through direct contact with Housing Services, from application forms, advice from support workers or advocates, and by establishing with non-bidding applicants (or infrequent bidders) whether they are experiencing any difficulty accessing the scheme.

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38.5 Types of support that can be offered

- Regular contact from Housing Services staff to offer advice, information and support.
- Provide large print newsletter.
- Identified support worker from an external agency to provide advocacy and support.
- Identified Floating Support Worker to provide advocacy and support.
- Proxy bids to be made on behalf of applicants by advocate or support worker.
- Proxy bids to be made by Housing Services staff based on the preference provided by the applicant, this will include preference for location and property type.
Where an applicant is eligible for more the 3 properties during the same bidding cycle, bids will be placed on the vacancies which applicant is placed in the highest position on at the time of the bids being placed.

38.6 Reports can be produced through the Housing Register and CBL IT system to assist in targeting those applicants who are failing to bid in order to identify vulnerable groups who should be participating.

39. Bidding Restrictions

39.1 An applicant may bid for up to 3 properties per advertising cycle. During the advertising cycle, applicants can switch bids between properties. All bids are, however, fixed at the close of the advertising cycle.

39.2 If an applicant has been nominated to a property they have placed a bid for, they will be suspended from further bidding unless they reasonably refuse the offer of accommodation or the nomination is unsuccessful. Similarly, they will no longer be eligible to bid once they have accepted the property offered – at this point their application will be cancelled and marked ‘Housed’. If it is confirmed by the housing association that there will be a significant delay in a property being available for let, the Nominations Officer has discretion to allow an application to be activated allowing the applicant to continue bidding whilst remaining nominated for the original vacancy.

39.3 Some classes of applicant may be excluded from bidding for properties directly:

- Where the Council considers they should receive a ‘direct offer’ (see [Section 41](#)).
- If they are unable to use the scheme for some reason and they do not have another person who can assist them in doing so – in these circumstances, the applicant can elect for Housing Services staff to bid for them.
- Where they deliberately fail to comply with the scheme guidelines, for example, consistently and deliberately bidding for properties they are not eligible for. (Note: the bidding system has been configured so that as far as possible applicants will not be able to bid for properties they are not eligible for).

39.4 There are circumstances when limitations may be placed on who is eligible to bid for specific properties. Examples of where such limitations may be enforced are included below (this list is not exhaustive):

- ❑ When creating a new community by allocating accommodation on a new housing development.
- ❑ When advertising accommodation suitable for people with disabilities.
- ❑ Where there are age restrictions on which applications can be considered.
- ❑ Where Local Lettings Policies are in place.
- ❑ To prevent applicants from bidding for inappropriate properties, for example, single person households bidding for 3-bedroom properties.

39.5 Where applicants bid successfully three times during a 12-month period, are offered each property but refuse them, their application will be suspended for 12 months.

39.6 Applicants who bid and refuse properties on the basis of confirmed and evidenced medical conditions will not be subject to 39.5.

39.7 The Housing Service can make bids on behalf of applicants automatically. This will be applied in certain circumstances. See Section 38.

40. Direct Offers

40.1 The Council has the ability to make direct offers of accommodation outside of the scheme in certain specific circumstances. These circumstances are outlined below:

- ❑ Sensitive allocations, for example Public Protection cases (including domestic abuse). One offer will be made and, if it is refused, the applicant will lose their priority.
- ❑ Adapted properties where they are identified as meeting the needs of a specific household may be directly offered to that household in exceptional circumstances.
- ❑ Offers of Assured Shorthold tenancies for accommodation normally used as permanent stock in pursuance of the Council's duties under Part 7 of the Housing Act 1996 (as amended).
- ❑ Supported Housing (including extra-care sheltered accommodation).
- ❑ Where a specific area or scheme is affected by significant housing management problems and Local Lettings Policies are in place, specific properties may be excluded from the scheme and direct offers made.
- ❑ Consideration will also be given where sensitive lettings are requested, at the discretion of the Engagement & Support Manager and in consultation with the partner Registered Provider responsible for the management of the tenancy. *NOTE: These types of requests should be facilitated where possible (and appropriate) through the Hart Homes Scheme.*

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41. Shortlisting, Nominations and Offers of Accommodation

- 41.1** On expiry of a bidding cycle, a shortlist of applicants who have made bids for a specific property is created. The list is a snapshot of eligible bidders at the close of the bidding cycle. It should not subsequently be changed or amended unless the property is re-advertised, or appropriate filters are applied to identify the most appropriate applicants for a particular property, (for example, adapted properties or those subject to rural exception criteria). The only exceptions to this are outlined in Section 37.2.
- 41.2** Bids will be considered in priority order - the applicant in the highest band and with the earliest effective date (the date the applicant was placed into their current priority band) will be considered first.
- 41.3** In rare circumstances, when more than one applicant applies for the same property, and are registered with the same priority band and effective date, an offer of accommodation will be made taking into account household's individual circumstances, as well as the prevailing housing circumstances in the district and the various competing demands for vacancies at that time. The Council's decision may also take into account the Allocations Policy 'aims' expressed in section 3.
- 41.4** Where multiple bids are received for the same property from applicants who have been registered with the same band award and effective date as the result of re-generation of housing association accommodation (whether it be general needs or older persons housing), priority will be given in order of how long each applicant has resided at their current accommodation (determined by applicant's tenancy start date as recorded on the housing register application).
- 41.5** Where advertised properties do not generate sufficient numbers of interested applicants (for example, less than 5 applicants have selected it), the Engagement & Support Manager, in consultation with the landlord Registered Provider, has the discretion to relax the eligibility criteria where appropriate. This may, for example, mean reducing the age restriction criteria for an older persons housing vacancy. The property may also be re-advertised in another cycle, or advertised through the Homeselecta Sub-Regional Scheme.
- 41.6** In consultation with partner Registered Providers, properties that attract no bids locally may be re-advertised through the Homeselecta Sub-Regional Scheme and if there is still no interest, nominations may be requested from other Local Housing Authorities. (It is considered unlikely that a property advert will ever reach this stage).
- 41.7** In cases where there are no eligible bidders for a property, the Engagement & Support Manager, in consultation with the landlord Registered Provider may decide to consider an applicant who has placed a bid but does not meet the eligibility criteria, or to make a direct offer.
- 41.8** If an applicant has the highest priority for more than one property in a given cycle, the decision regarding which property to nominate to is at the Council's discretion and with consideration of the prevailing housing circumstances in the District and the competing demands for available vacancies. Where possible, the applicant should be contacted and asked to express their first preference and a nomination made accordingly, but this may not always be possible.

- 41.9** Once a shortlist has been created, the Nominations Officer will carry out any verification that may be required. If the applicant is either ineligible for an offer or the required documentation to verify their circumstances is not provided, the Nominations Officer can overlook the applicant and move on to consider the next applicant on the shortlist.
- 41.10** This process will continue until the Nominations Officer has identified the applicant with the highest priority from the shortlist, and is satisfied that they are eligible and their circumstances are correct. The nomination will be agreed and signed off by the Engagement & Support Manager.
- 41.11** The applicant's details will be forwarded to the relevant landlord who will arrange for the applicant to view the property. If the highest priority applicant refuses the property, the Council will select the next highest priority applicant based on the process outlined above and from the same 'snapshot' shortlist. The landlord then invites the next applicant to view, and so on, until an applicant accepts the accommodation. *This process can be reviewed if resulting refusal rates are high and Registered Provider void times are affected.*

42. Feedback

- 42.1** Feedback will be provided on all properties that are advertised and let through the 'Hart Homes' CBL Scheme. The feedback will show the number of bidders for each property, the winning band and effective application date of the successful applicant.
- 42.2** Applicants will receive feedback when bidding online and through the automated telephony service when they place a bid.

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PART 4: SUB-REGIONAL CBL

43. Sub-Regional CBL

- 43.1** Hart District Council has the scope to work in partnership, where required with Guildford Borough Council, Rushmoor Borough Council and Waverley Borough Council, which allows for each local authority to advertise vacancies for applicants registered on the other three local authorities' housing registers to apply for through the Homeselecta scheme.
- 43.2** The properties advertised in this way are let under the same Banding Scheme as detailed in this policy.

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Contact Us:

HOUSING SERVICES
Hart District Council
Civic Offices
Harlington Way
Fleet
GU51 4AE

Telephone: 01252 774420 Email: housing@hart.gov.uk

Appendix I - Private Rented Sector Offer Policy



Policy to discharge homelessness duty into the Private Rented Sector

BY

Kelly Watts
Housing Needs Manager
May 2013

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I Background

- 1.1 The Localism Act 2011 has made significant changes to the way in which local authorities can deal with applications for social housing and homelessness applications under Parts 6 and 7 of the Housing Act 1996. Local authorities owe applicants who are homeless, eligible for assistance, in priority need and not intentionally homeless the main housing duty to secure suitable accommodation (unless a referral to another local authority can be made under the local connection provisions).
- 1.2 The Localism Act allows local authorities to fully discharge the full housing duty by a 'private rented sector offer' (s193(7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011. This must be an offer of an assured shorthold tenancy with a minimum fixed term period of one year.

2 Suitability of accommodation

- 2.1 The Government has introduced a new Suitability of Accommodation Order on 9 November 2012 for private rented sector offers. This legislation was brought in to ensure that the suitability and location of accommodation are properly considered by Local Authorities when ending the main homelessness duty. The current guidance on suitability contained in the Code of Guidance will also continue to apply.

The Suitability Order requires that a property must be in a reasonable physical condition and fulfill:

- **Location** – includes minimising disruption to the education of young people, and considering employment, medical and other support and access to public transport or shops. Where the location is outside the district the LA must also notify the other LA within 14 days.
- **Affordability** – the accommodation must be affordable
- **Physical condition of the property** –All potential properties will be inspected and assessed by qualified staff, within Hart District Council prior to offer to ensure that they are in reasonable physical condition.
- **Health and Safety Matters** – includes electrical and gas safety checks and an energy efficiency certificate.
- **Landlord behaviour** – LAs have to satisfy themselves that landlords are fit and proper persons to act in the capacity of a landlord.
- **Evidence of good management & tenancy deposit scheme** – The landlord must provide a written tenancy agreement and also protect the

deposit in one of the national tenancy deposit protection schemes.

- 2.2 Where possible households will be encouraged to take part in accompanied viewings of any property identified for their needs prior to taking up the tenancy in order that the Council can be made aware at an early stage of any issues that the applicant may have with regard to the property.

3. Policy aims and objectives

- 3.1 This policy works alongside the Council's Housing Allocations Policy, Prevention of Homelessness Strategy and Tenancy Strategy and complies with:

- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- Equality Act 2010
- Suitability of Accommodation Order 2012
- Homelessness Code of Guidance 2006

- 3.2 This policy will ensure a comprehensive and consistent needs and risk assessment is carried out for each statutory homeless household - this approach will ensure applicants' needs are appropriately met at all times.

- 3.3 This policy will also ensure that there is no discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

4 Assessment Procedure

- 4.1 Hart District Council will wherever possible try to secure accommodation within its own boundary area. However if this accommodation is not available then we will look at neighboring boroughs & districts and then further afield if necessary as a last resort. There is no restriction on how far out we can look, but we will be mindful of applicants' wishes where possible.

- 4.2 Each case will be assessed on its own merit. Enquiries will be made by the local authority into the following areas of need and risk

- The financial circumstances of applicants, the affordability of available accommodation and eligibility under Local Housing

Allowance

- The physical, mental and emotional health needs of applicants and practical support required to maintain independent living
- Neighbourhood preferences where these are linked to social support networks and personal safety (the use of the Private Rented Sector will potentially provide greater opportunity for households to remain in their preferred area).
- Recent housing history and the status of the homelessness application

- 4.3 The outcome of these enquiries will be recorded by Housing Services and will determine whether the household is considered eligible for a private rented sector offer. The policy for selecting households for properties is detailed in section five
- 4.4 To enable the Council to discharge its duty in the most appropriate manner and where appropriate the Council will work with partner agencies that provide tenancy support to particular groups of vulnerable persons.

5 Assessed as suitable for discharge into private sector

- 5.1 A private sector tenancy will be considered for statutorily accepted households initially but each case will be assessed on its own merits and a thorough assessment process will be undertaken to ensure that this kind of accommodation is appropriate. If this proves not to be the case then alternative options will be considered.
- 5.2 It is anticipated/acknowledged that a private rented sector tenancy may not be the most appropriate housing option for some client groups.
- 5.3 Single person households aged *under 35* will normally be considered for shared housing only, unless they are in an exempt category of persons. Single person households aged *35 and over* will be considered for bedsits, studio or one bedroom units. Couples without children will be considered for one bedroom units.
- 5.4 All persons referred to in 5.3 above must:
- have an accepted homeless application
 - have been assessed by Hart District Council as able to afford a private rented sector offer

6 Offers of accommodation

- 6.1 The allocation of available properties will be at the local authority's discretion. Each case will be assessed on individual circumstances and in line with the terms and

procedures set out in this policy. At all times, the landlord of the property will have the final decision on who will be accepted into the property.

- 6.1 If an applicant is deemed to be suitable for a private sector offer and a suitable property is available, they will be made an offer immediately. The private sector offer must be an offer of an assured short hold tenancy, with a minimum fixed term of 12 months.
- 6.2 Under the terms and procedures set out in this policy, Hart Housing Services will consider its statutory homeless duty discharged if a suitable offer (often referred to as a “final” offer) is made. Once the offer has been formally made, the applicant’s homeless application will be closed.
- 6.3 If a statutory homeless applicant refuses or fails to respond to a suitable offer of accommodation in the private or social sector, then Hart Housing Services can end its statutory duty to provide accommodation. The local authority will explain the applicant’s right to a review of the suitability of the offer of accommodation. The applicant will also be informed that they may lose their right to temporary accommodation.
- 6.4 An applicant, whose statutory homeless duty has ended as a result of their refusal or failure to respond, will have their housing register application dealt with in line with Hart Housing Services Housing Allocations Policy which can be found at www.hart.gov.uk or a hard copy can be requested by calling 01252 774420.

7 New approaches from applicants previously housed into the private sector

- 7.1 If an applicant becomes unintentionally homeless from their private rented tenancy within two years, the statutory homeless duty automatically revives, once only.
- 7.2 In cases where the duty revives and the applicant applies to a different local authority, the applicant can be referred back to the original local authority, unless there is an identified risk of harm to the household. The revived duty may again be discharged through a further offer of private rented accommodation, in accordance with this policy.

8 Reviews on the suitability of accommodation offered

- 8.1 As part of the offer process and in accordance with Hart Housing Services policies and procedures, applicants will be advised of their right to request a review on the suitability of the accommodation offered. Applicants may also be advised of advice services that can help.

Review process

- 8.2 Applicants can request a review within 21 days of the local authority telling them

that they consider an offer to be suitable and that it has discharged its duty under homeless legislation.

- 8.3 Review requests can be made in writing or verbally to the Housing Needs Manager. The Housing Options Officer will advise the applicant of the full procedure and process for completing a review of the suitability of the accommodation offered.
- 8.4 Once a review request has been received, the Housing Needs Manager will write to the applicant to acknowledge the request and provide details of the review procedure.
- 8.5 The review will be completed within 56 days of receiving the applicant's original review request (unless a longer period is agreed).
- 8.6 The review will be carried out by a senior officer who will not have been involved in the original decision.

Review outcome

- 8.7 The review outcome can be:

Unsuccessful – in this situation the original decision will stand

Successful – in this situation your original decision will be amended

- 8.8 Once the review has been completed the Housing Needs Manager will write to the applicant informing them of the review decision. The outcome letter will explain the review decision, how the local authority reached this decision, and the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision. (For further information on the appeals processes see below).

Accommodation options during and after a review decision

- 8.9 During the review process The Council is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because the applicant will have somewhere to stay during the review process and there is no guarantee of a further offer of accommodation following the outcome of the review.
- 8.10 During the review process the property originally offered, may at the landlord's discretion, be held open whilst the review is considered. If the review is unsuccessful and the property is still available, the applicant may be offered the property again. In this instance we will consider our homeless duty discharged.

9 County Court Appeals

An applicant can appeal to the County Court if they feel the review decision is legally incorrect or if the local authority has not met the time limit to complete the review process. All appeals must be made to the County Court within 21 days of the review decision. Applicants considering an appeal to the County Court are advised to obtain independent legal advice. The local authority is not legally obliged to provide the applicant with accommodation during an appeal process.

10 Complaints to Local Government Ombudsman

10.1 If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman. The Ombudsman will not consider certain matters, for example if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.

10.2 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:

- Delayed taking action without good reason
- Taken into account irrelevant considerations or ignored relevant considerations
- Not followed rules (legal or local procedures)
- Given the wrong decision
- Not reached a decision in the correct way

10.3 Contact details for the Local Government Ombudsman are:

The Local Government Ombudsman
PO Box 4771
Coventry, CV4 0EH
Telephone: 0762 480 3014 Website: www.lgo..co.uk

Appendix 2 - Fostering & Adoption Protocol

Hampshire County Council & Hart District Council Joint Fostering/Adoption Protocol

Parties to this agreement

1. This protocol is agreed between Hart District Council and Hampshire County Council

Purpose of the agreement

2. The purpose of this protocol is to resolve issues in relation to the size of social housing accommodation available to potential foster or adoption families.
3. This agreement is designed to meet the needs of longer term and multiple children fostering situations as well as for adoptions. The decision of whether an applicant meets the criteria will be made by the Housing Needs Manager.

Process of the agreement

4. The processes discussed here will be commenced by Hart following information received from the relevant Children's Services Team. This notification will need to include basic information about the existing family and the proposed new fostering/adoption arrangements. This information will be passed to HDC via the Fostering/Adoption Referral Form.
5. On receipt of information from Children's Services, Hart will investigate the situation and provide written confirmation of their intent to allow the family to 'bid' for suitable size accommodation to provide for the additional family member/s.
6. This will then allow Children's Services to carry out their assessment processes. Once the Fostering/Adoption Panel has confirmed that the family has been accepted then Children's Services will contact Hart to set up a meeting to further progress the situation.
7. Following the joint meeting, Hart will formally allow the family to 'bid' on the new size property, even though the property will be under-occupied until a child is placed with the family.
8. The position in relation to housing register points and the operation of the Choice Based Lettings system will be monitored by Housing Services to ensure that a property is secured as soon as practical.
9. Housing Services will advise Children's Services as soon as the household are to be offered a property.
10. In line with other applicants bidding for properties when successful they will be offered an assured tenancy, if successful in securing an assured tenancy for a suitable property, if or when the fostering or adoption ends they will be able to remain in the accommodation even if they are under occupying, however they would be encouraged to move into more suitably sized accommodation to enable HDC to make best use of stock.

Review Process

11. Children's Services will inform Housing Services if individual housing needs of families change, for example, families are de-registered as foster carers or require larger accommodation due to being approached to take further children. In the case of the latter, processes to be commenced again by Hart following information received by the relevant Children's Services Team. (4)

12. Hart District Council and Children's Services agree to meet quarterly to discuss processes and carry out a review of this protocol on an annual basis.

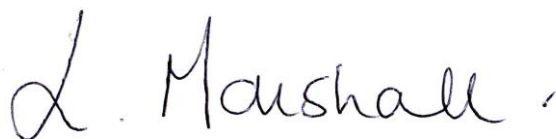
Signed on behalf of Hampshire County Council:

Cathi Hadley - County Services Manager, Family Placement (Head of Fostering)



Date: 28 October 2010

Lyndsey Marshall - County Services Manager, Adoption (Head of Adoption)



Date: 02

il:

Nigel Preston - Head of Housing Services



Date: 26 November 2010

Appendix 3 - Reviewing High Priority Band Awards

Process for review of Band A and Band B applications

1. The process for reviewing Band A and Band B applications will be administered by the Nominations Officer. Any decision to demote an applicant's band award following a review will be signed off by the Engagement & Support Manager.
- 1.1 Applicants placed into Band A or Band B will be advised in writing of the following review process at the time of the award being given.

2. Review of Band A/Band B applications

Applications awarded Band A will have an initial review carried out 3 months after the Band A award is made, and then at 3 monthly intervals after that date.

Applications awarded Band B will have an initial review carried out 6 months after the Band B award is made, and then at 6 monthly intervals after that date.

Applications will be reviewed under the following standard criteria.

2.1 Failure to apply for accommodation advertised through CBL

Step 1. First application review carried out 3/6 months after placement into Band A/Band B. At this review, checks made that applicant has applied for all accommodation which would meet their household's needs regardless of the applicant's desired location or property type.

Step 2. If this review confirms that the applicant has been applying for all suitable accommodation, applicant to remain registered in Band A/Band B.

If this review confirms that applicant has not applied for all suitable accommodation, or that bids have been placed and then withdrawn, a letter will be issued to the applicant. This letter will advise that a further review will take place in 3 months' time and that the applicant must apply for all suitable properties within that time period, without the refusal of any offer of accommodation being made to avoid the application being demoted to the appropriate band.

Step 3. If at the second review, it is confirmed that the applicant has still failed to apply for all suitable accommodation, application will be demoted to the appropriate band. Applicant will be issued with a letter advising of the demotion.

If at the second review, it is confirmed that the applicant has applied for all suitable accommodation, applicant will remain registered in Band A/Band B and the standard review process will be resumed (review carried out every 3 months for those registered in Band A, and every 6 months for those registered in Band B).

Where the applicant has not been eligible to apply for any properties advertised within the review period, or if no properties advertised are suitable for the applicant's needs (see section 4), the standard review process will be resumed.

2.2 Refusal of accommodation successfully applied for through CBL

Step 1. First application review to be carried out 3/6 months after placement into Band A/Band B. At this review, checks made to confirm whether any offer of accommodation has been refused by the applicant.

Step 2. If this review confirms that the applicant has not refused any offer of accommodation, applicant to remain registered in Band A/Band B.

If this review confirms that a property refusal has been made, letter will be issued to the applicant. This letter will advise that a further review will take place in 3 months' time and that they must apply for all suitable properties within that time period, without the refusal of any further offers of accommodation to avoid the application being demoted to the appropriate band.

Step 3. If at the second review, it is confirmed that the applicant has successfully applied for another property and subsequently refused the property offer, application will be demoted to the appropriate band. Applicant will be issued with a letter advising of the demotion.

If at the second review, it is confirmed that the applicant has not successfully applied for another property and subsequently refused the property offer, applicant will remain registered in Band A/Band B and the standard review process will be resumed (review carried out every 3 months for those registered in Band A, and every 6 months for those registered in Band B).

Where the applicant has not been eligible to apply for any properties advertised within the review period, or a refusal of accommodation has been made but the accommodation was not suitable for the applicant's needs (see section 4), the standard review process will be resumed.

2.3 Change to applicant's circumstances

Step 1. First application review to be carried out 3/6 months after placement into Band A/Band B. At this review, checks made to confirm whether the applicant's circumstances have changed which result in them becoming ineligible for a Band A/Band B award.

Step 2. If there are no changes to the applicant's circumstances (which would result in the applicant becoming ineligible for a Band A/Band B award), the allocated band will remain unchanged.

If applicant's circumstances have changed and demotion into a lower band is appropriate, this action will be taken, and the applicant will be issued with a letter to advise of the change in band award.

Step 3. Application review to be carried out at 3/6 monthly intervals following the first review date if Band A/Band B award retained at original review.

3. Ongoing review process

3.1 Application review will also be carried out on an ad-hoc basis if it is identified that the applicant's circumstances have changed, and the applicant may no longer be eligible for a Band A/Band B award. A review will be carried out prior to any offer of accommodation being made.

4. Exceptions to the review criteria

4.1 The review criteria outlined in 2.1 and 2.2 will be applied in all cases except for in exceptional circumstances. This would include where applications for housing have not been made, or a property refusal has been made because it has been proven that the property location, or property type would cause a detrimental effect to the health or safety of a member of the applicant's household.

In this instance, written evidence of exception to the criteria on safety grounds is required from official

agencies (i.e. Police or probation), and written evidence of exception to the criteria on medical grounds is required from medical professional/s (i.e. G.P, consultant/Occupational Therapist).

4.2 The majority of applications awarded Band A/Band B will be reviewed under the standard criteria set out in 2.1 - 2.3. However, there are certain instances where a review will be carried out under additional criteria. Table 1 and Table 2 below show a breakdown of the specific criteria which will be applied by Band A/Band B allocation reason.

Table 1 - Band A award review criteria by band allocation type

Criteria for Band Award (Band A)		Criteria for Demotion
Emergency medical and/or disability because current accommodation is wholly inappropriate to occupy		Standard criteria - any properties which have not been applied for, or have been refused due to a risk to health confirmed by medical professional/s will be over-looked
		Where the applicant's accommodation or health has changed and an emergency need to move is no longer present
Exceptional circumstances on welfare grounds with supporting evidence		Standard criteria - any properties which have not been applied for, or have been refused due to a risk to safety confirmed by the Police/Probation will be over-looked
		Where the applicant's accommodation or circumstances have changed and an emergency need to move is no longer present
Severe Environmental Health grounds that cannot be rectified within a 12 month period	Extreme disrepair as assessed by Hart's Private Sector Health Team	Standard criteria
		Where works have been carried out to the applicant's property resulting in the disrepair issues no longer being considered extreme by Hart's Private Sector Health Team
	Closure/Demolition Order	Standard criteria
Emergency Strategic Lettings	Decants	Standard criteria
	Management transfers	Standard criteria
		Where the applicant's circumstances have changed and an emergency need to move is no longer present
	Successions with notice served	Standard criteria
High priority under-occupation (social housing tenant under-occupying 2+ bedrooms)		Applicant to remain within Band A regardless of number of bids placed/refusals made

	To release an adapted property (subject to certain qualifications)	Standard criteria. Extra discretion may be given where the adapted property being released is urgently required.
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Table 2 - Band B award review criteria by band allocation type

Criteria for Band Award (Band B)		Criteria for Demotion
Urgent need to move on medical or disability grounds		Standard criteria - any properties which have not been applied for, or have been refused due to a risk to health confirmed by medical professional/s will be over-looked
		Where there has been a change to the applicant's accommodation or health where an emergency need to move is no longer present
Urgent need to move on welfare grounds	Need to live within five miles of a specialist medical facility or special school	Standard criteria - any properties which have not been applied for, or have been refused due to being located further than a five-mile radius of the specialist medical facility or special school will be over-looked
	Need to live within five miles of family in order to receive/provide essential support	Where there has been a change to the applicant's support need, or a change to the location of the medical facility/school/family, applicant's priority will be reviewed accordingly
Priority Overcrowding	Assessed as being statutory overcrowded, and accommodation was suitable for applicant's needs when they moved in	Standard criteria
		Where there has been a change in applicant's circumstances and statutory overcrowding criteria is no longer met
Priority prevention of homelessness case	Former tenants that voluntarily gave up their tenancy for special reasons by agreement and are now ready to be re-housed, and otherwise would be homeless (hospital, rehab, supported accommodation, care)	Standard criteria
		Where confirmation is received that the applicant is no longer ready for independent living, or suitable to be a tenant
High priority strategic lettings	Move on from supported housing (where the resulting vacancy is released back to LA), or to make best use of supported housing on a case by case basis.	Standard criteria
		Where confirmation is received that the applicant is no longer suitable for a move into independent living or suitable to be a tenant
	ADHAC (agricultural dwelling-house advise committee) worker	Standard criteria
	Under-occupation (social housing tenant under-occupying by one bedroom) with	Applicant to remain within Band B regardless of number of bids placed or refusals made

	nomination rights to resulting vacancy	
	Separated households (two existing social housing tenants wishing to become one household and neither property is suitable for the household to live in - releasing both properties for re-letting)	Standard criteria
	Special reciprocal arrangements with other councils/RSLs	Standard criteria. Extra discretion may be given where the property being released is urgently required.