

# **Allocation Scheme**

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## **Aims and priorities**

The Allocation Scheme has been designed to ensure that access to social housing supports the corporate aims of the Council, as well as reflect the current legislation. The Council's vision is for economic prosperity and to have a growing economy. In order to support this ambition, the Council has decided to award additional priority to applicants in work or who assist their local community in other ways, such as serving in the Armed Forces and charitable work. There is an extremely limited supply of stock of social housing within Maidstone, and this policy is designed to work with our housing providers to make best use of the stock available and promote Maidstone as a decent place to live.

Maidstone Borough Council Allocation Scheme is designed to treat all applicants for social housing in a fair and equitable manner. The allocation scheme is designed to offer applicants some choice in their accommodation and ability to express preference on their accommodation type and location. This individual choice and preference must be balanced with the needs of all applicants and the need for the council to offer best value through its housing services. In cases of acute need e.g. homelessness, Maidstone Borough Council may prioritise the need for accommodation whilst responding to choice. Applicants should be aware that the housing stock in Maidstone is limited and that they may be moved to a more suitable property faster if they are more flexible in the type or location of the property that they require.

# Part 1 - Introduction

## 1. Letting not covered by the policy

- 1.1. The following are examples of lettings not covered by, or specifically excluded from the Allocation Scheme, under the provision of the Housing Act 1996:
- 1.2. Offers of non-secure tenancies to homeless households pursuant to any duty under Part VII of the Housing Act 1996
  - The conversion of introductory tenancies into secure tenancies or their Housing Association equivalent.
  - Offers of tied accommodation made to Council employees
  - Offers or nominations of accommodation made at the Council's own instigation for example offers to tenants being decanted from their homes to allow major works to take place
  - Transfer of tenancies made by a Court Order under the Matrimonial Causes Act 1973 or other family legislation
  - Vesting or disposal of tenancies by order of a Court

## 2. The Legal Framework

- 2.1. Maidstone Council keeps a Housing Register of people who want to be considered for affordable housing. The Council's Allocation Scheme operates in accordance with the statutory provisions contained in the Housing Act 1996 (as amended).
- 2.2. The Housing Act 1996 (as amended) requires all Local Authorities to introduce a lettings scheme to reflect the priorities defined by the Act, and to give reasonable preference to:
  - People who are homeless (within the meaning of Part VII of the 1996 act (amended 2002))
  - People who are owed duties by any Local Authority under Section 190(2), 193(2), 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
  - People occupying unsanitary housing or who are overcrowded or living in unsatisfactory housing conditions
  - 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 to others)
  - People who need to move on medical or welfare grounds including grounds relating to disability

### 3. Eligibility for Allocation of Housing

- 3.1. Certain persons subject to immigration control are not eligible for the allocation of housing under s160A (1) (a), (3) and (5) under the Housing Act 1996 (as amended). This includes:
- Over-stayers and visitors to the country
  - Illegal entrants
  - Asylum Seekers
  - People in the country on condition that they have no recourse to public funds
  - "Persons from abroad" who fail the habitually residence test
  - "Persons from abroad" who are in breach of the European Community Right of Residence directive
  - "Persons from abroad" who have been subject of a sponsorship agreement for less than 5 years and whose sponsors are still alive
- 3.2. The above list provides examples. It should be noted that the statutory framework for eligibility is subject to alteration by the Secretary of State

### 4. Equality and Diversity

- 4.1. The Council operates an equal opportunities policy and is committed to delivering a fair and equitable service that is appropriate and accessible to all sections of the local community, as well as working to eliminate discrimination on any grounds.
- 4.2. The implementation of a clear and consistent Allocation Scheme goes hand in hand with careful equalities monitoring. As part of the housing register application, we ask questions around ethnicity, disability, sexuality, religious beliefs, age, employment and support needs. The data provided by the applicant will help us to monitor that the scheme is operated in a fair and non – discriminatory manner as well as monitoring for service improvements.
- 4.3. It is important that the Allocation Scheme is understood by all current and prospective applicants. Straightforward information through leaflets is available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance. If an applicant has specific requirements for an interview, please inform the council when the interview is booked and we will endeavour to meet those requirements.

### 5. Access to Personal Information

- 5.1. An applicant has the right to see and to confirm the accuracy of information about them which is held by the Council.
- 5.2. In order to request access to personal information, applicants must put the request in writing to the Housing Options Team Leader.

- 5.3. The Housing Options Team will collect and prepare the information within 40 days. Files may be edited where necessary to exclude information restricted by law or evidence provided by a third party, for example a healthcare professional. In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the professional(s) involved.
- 5.4. If the applicant considers the personal information they have received is inaccurate, they may request that it is amended or removed from their records. If the Housing Options Team Leader agrees the information is incorrect, appropriate action will be taken to amend the records. In the event of a disagreement, the information will remain and the applicants' comments will be recorded on file.
- 5.5. Disclosure of information may be denied by the Council in any of the following circumstances:
- The information could prejudice criminal proceedings
  - Legal professional privilege could be claimed
  - A care professional is of the opinion that disclosure could result in a risk of serious harm to the applicant or others as a result of disclosure.
- 5.6. The Council will not pass information to a third party without an applicants' consent unless they have a legal right to obtain it.

## **6. Review of the Scheme**

- 6.1. To ensure the continued effectiveness of the policy, certain improvements may need to be made to ensure the policy is kept up to date. Minor amendments can be made once approved by the appropriate Director. Elected members will be advised of the change with the opportunity to provide comments within one calendar month before the amendments are incorporated.

## Part 2 – The Housing Register

### 7. Entry to the Register

- 7.1. The council operates a 'closed list' housing register. Unlike previous iterations of the housing register there are now qualifying entry requirements in order to be accepted onto the register. As the supply of social housing in the borough is limited, it is necessary to limit access to social housing.
- 7.2. In order to be accepted onto the register all applicants must meet the two qualifying criteria; these are local connection (see section 9) and housing need (explained in section 8).
- 7.3. Local Connection will not be deemed to be an overriding factor when it is necessary for an applicant to leave an area, such as in cases of domestic abuse.

### 8. Housing Need

- 8.1. Applicants must be in housing need to access the register and must qualify for one of the reasonable preference criteria as set out in s166 A (3) of the Housing Act 1996.
- 8.2. The categories for housing need are the following:
  - Homeless - people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
  - Housing duty - people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
  - Unsatisfactory Housing - people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions as according to paragraph 19.2 of this document
  - Overcrowding - households which are overcrowded as according to paragraph 19.3 of this document
  - Medical and Welfare - people who need to move on medical or welfare grounds, including grounds relating to disability
  - Hardship - people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)
- 8.3. If an applicant does not meet any of these criteria they will not normally be allowed to have access to the housing register and will be unable to bid on properties.



## **9. Local Connection**

- 9.1. In order to access the housing register, applicants must fulfil one of the following local connection criteria.
- 9.2. Resident - applicant has been residing within Maidstone Borough for the 2 years immediately prior to the application. The Council may confirm these details with other data held internally.
- 9.3. Family - applicant must have immediate family that qualify as residents based upon the definition in paragraph 9.2. The Council may confirm these details with other data held internally.
- 9.4. Employment - applicant must have employment or an offer of employment within Maidstone Borough. The place of work, rather than the business address must be within Maidstone Borough. The employment must be for a minimum of 6 months and be for more than 16 hours a week.
- 9.5. Returning Resident - applicant must have been residing in the borough for 2 of the last 5 years but does not currently live within the Borough.
- 9.6. In cases where a section 184 duty is owed, Local Connection requirements will be those contained within the relevant legislation which supersedes those contained within this document.
- 9.7. In exceptional cases, applicants will have felt the need to leave an area where they have a local connection. This is often supported by the police or another external agency. If the Housing Options Team Leader is satisfied with the evidence provided in these cases, the applicant will be accepted onto the housing register.

## **10. Financial Circumstances**

- 10.1. In order to access the Housing Register at the point of application, and upon request, applicants must provide details of all bank accounts, savings, investments and capital that belong to any member of the household.
- 10.2. An applicant's financial circumstances will be assessed at the time of their application and any material change in circumstances should be reported as a change of circumstances as per paragraph 15.
- 10.3. As subsidised housing is a limited resource, those who have the financial means to rent privately or to buy a property are unlikely to meet the qualifying criteria to enter the register unless a Full Housing duty has been accepted toward them.

- 10.4. The Council considers that a total of £30,000 in capital, investments and savings constitutes sufficient funds. The council will only consider priority payments, such as rent and council tax, when taking debts into account.
- 10.5. A household income of £60,000 will also constitute sufficient funds.
- 10.6. The Council will take into consideration any disposal of funds within 2 years of the application to assess financial circumstances. Where an applicant cannot prove disposal of funds, the council will draw inference.

## Part 3 – Applying to join the Housing Register

### 11. Who can be considered part of an application?

11.1. The only persons who will be considered as part of an applicants' household will be:

- Partner
- Children
- Relatives
- Carers
- Any member of the household who can reasonably be considered residing with the applicant at the time of initial application

11.2. Children

11.2.1. Children must be under 18 years of age and where the applicant has legal care and responsibility.

11.2.2. The test of normal residence as a member of the family will require residence as opposed to "staying" or "staying access" even in cases of joint custody or joint residence or similar orders. The Council in applying the test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the household. Account may be taken of whether the child is dependent upon the applicant. The Council may also take into account the supply and demand for accommodation in the Maidstone Borough and any under-occupation that may result where a child spends part of the week with one parent and part of the week with another parent.

11.2.3. In cases of children, the test of normal residence as a member of the family will require residence as opposed to "staying" or "staying access" even in cases of shared responsibility or joint residence or similar orders. The Council in applying the test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the household.

### 12. Pregnancy

12.1 A pregnancy must be reported to the Council as a change of circumstances and relevant proof of pregnancy must be supplied.

12.2 Upon entering the last trimester of a pregnancy, the pregnancy will be considered as an additional child for the purpose of assessing the bedroom needs of an applicant

### **13. Area Preferences**

- 13.1. Applicants should be aware that whilst their area preference will be respected, Maidstone has a limited supply of subsidised housing. In order to make best use of this limited resource, and for an applicant to maximise their chances of being housed, applicants should bid on all properties that are suitable regardless of location. If applicants do not bid in two successive cycles the council will place a bid on any suitable available property and the standard refusal penalties will apply.
- 13.2. The Kent Homechoice website will provide details of bidding activity including details of successful bids. Because applicants can identify areas of the Borough where many or few vacancies of the size they require become available, they can make an assessment as to the likelihood of a property becoming available in that area.

### **14. Bedroom Allocation**

- 14.1. Household composition determines the number of bedrooms that an applicant can be allotted. The Council will use the bedroom standard recommended by the Secretary of State which allocates a separate bedroom to each:
- Married or co-habiting couple
  - Person aged 16 years or over
  - Two children of the same sex up to the age of 16
  - Two children aged under 10 years regardless of sex
- 14.2. Extra bedrooms may be allocated in exceptional circumstances such as where an overnight carer is required. This must be approved by the Housing Options Team Leader

### **15. Being on the Register**

- 15.1. Applicants must inform the Housing department in writing or by email of any changes to their circumstances such as, but not limited to, change of address or composition of household within 30 days of the change occurring. This may result in a change to the band that the applicant has been placed in. This may affect an offer of accommodation
- 15.2. Applicants are entitled to remain on the register until their housing need has been resolved unless they are removed by the Council, however, all applicants must be active on the register and bidding for properties whenever possible and appropriate.
- 15.3. Applicants are required to renew their housing register application every 12 months. The Council will contact applicants on an annual basis, reminding them of the requirement to renew, in order to remain on the Housing Register.
- 15.4. If an applicant fails to renew their application within two months following a request to do so by the Council, their application will be cancelled. When a new housing register form is submitted after a cancellation the applicant will be treated as a new case. This means the applicants' point of application will not be backdated and they will lose their previous waiting date order position on the Housing Register.

## Part 4 – Housing Register bands

### 16. Bands

- 16.1. The Council operates a system known as banding to measure an applicants' housing need. When an application is received, it is assessed and placed into one of four bands depending on the housing needs of the application. These bands reflect the reasonable preference criteria set out in the relevant legislation.
- 16.2. The bands are as follows:
- A – Community Contribution
  - B - Assistance
  - C – Reasonable Preference
  - D - Homeless

### 17. Band A- Community Contribution

- 17.1 This band is for those who have a housing need due to unsatisfactory housing conditions, such as overcrowding or insanitary or hazardous properties, or those that need to move to prevent or alleviate hardship. Entry into this band also requires a community contribution which is defined in paragraph 17.2
- 17.2 Community Contribution
- 17.2.1 Community contribution will be one of the determining factors as to what band an applicant is placed in. Community contribution is defined by, but not limited to, the following criteria:
- Persons who are members of the Armed Forces or their families (see paragraph 17.7)
  - Persons undertaking charity work
  - Persons in employment
  - Persons who are foster carers or adopters (see paragraph 17.6)
  - Persons providing care (see paragraph 17.3)
- 17.2.2 Community contribution must be supported by evidence as noted in the relevant sections.
- 17.2.3 Applicants must fulfil the community contribution requirements as stated at the point of application in order to enter this band.
- 17.2.4 Applicants must continue to fulfil the community contribution criteria whilst they are on the register and be able to prove that they fulfil the criteria when an offer of accommodation is made.

- 17.2.5 If an applicant believes that they fulfil the community contribution test in another way they should provide as many details and evidence of their contribution as they can to the Housing Options Team Leader who will decide if they qualify.

### 17.3 Persons Acting as Carers

- 17.3.1 Any applicant in receipt of the Carer's Allowance will qualify as a carer.

### 17.4 Persons Undertaking Charity Work

- 17.4.1 The Council believes that charity work provides a fundamental role in providing community cohesion, and the allocation of housing reflects the importance of this.
- 17.4.2 An applicant will qualify for this if they volunteer for a charity that works in or is based within the borough.
- 17.4.3 Applicants must be able to prove that they volunteer for a minimum of 10 hours a week with a charity and has done so on a consistent basis for 6 months. A letter or email from an employee of the charity to confirm this is required.

### 17.5 Persons in Employment

- 17.5.1 Employment must be for a minimum of 16 hours per week and have a contract of employment for at least 12 months.

### 17.6 Persons who are Foster Carers or Adopters

- 17.6.1 KCC approved adopters and foster carers will fulfil the community contribution qualification. Those who are applying to be a foster carer or adopter will not qualify for community contribution until they have been approved by KCC and provided documentation confirming this.
- 17.6.2 As foster children are not included in bedroom allocation, an applicant who is an approved fosterer can request an additional bedroom to allow them to continue fostering. Applicants in this situation should be aware that they will not receive payments for this room for any period when a foster child does not reside at the property.
- 17.6.3 When an applicant is an approved adopter, they are entitled to request an additional bedroom so as not to prevent them adopting a child. Applicants should be aware that they will not receive benefits or any additional payments for this room for any period when a foster child does not reside at the property.

### 17.7 Persons who are Members of the Armed Forces or their Families

- 17.7.1 Members of the Armed Forces, and their families, often struggle to fulfil local connection requirements due to having to move from base to base. As such,

any household that fulfils the following criteria, will bypass the local connection and housing need criteria and will automatically have a community contribution.

17.7.2 The criteria are:

- Current member of the Armed Forces
- Served in the Armed Forces within the last 5 years
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation and where the death of the spouse was wholly or partially attributable to their service.
- Members of the Reserve Forces who need to move on medical or welfare grounds as a result of their service.

17.7.3 Members of the Reserve Forces qualify for community contribution, but must fulfil the local connection criteria.

## **18. Band B - Assistance**

18.1. This band is for people who require a move based on significant medical or welfare grounds whose current accommodation is not suitable for them due to medical needs, such as a disability, or those who need to leave their current accommodation as being victims of crime or intimidation. Evidence of a medical condition must be supported by documentation from medical professionals or appropriately qualified persons.

### **18.2 Medical Grounds**

- 18.2.1 To qualify for this, applicants must be able to demonstrate that their current accommodation is unsuitable for their households needs due to a medical condition. This includes people who have a physical disability, mobility needs, mental disability and learning disabilities.
- 18.2.2 Applicants must be able to demonstrate to the satisfaction of the Homechoice Officer that their current accommodation is not suitable. Documentation must be provided from an NHS medical professional, or an equivalent external agency.
- 18.2.3 If the Homechoice Officer is unsure if an applicant qualifies, all details will be sent to an independent medical advisor who will assess the application. The independent medical advisors assessment will form part of the information to determine if an applicant household qualifies on medical grounds.
- 18.2.4 It is possible to request a review of the outcome of the independent medical assessment or a review of a decision by the Homechoice Officer. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.
- 18.2.5 All applicants are entitled to one free medical assessment for each member of the household that will be moving with them. Any further medical

assessments must be paid for in full by the applicant unless there has been a significant change in the medical condition of an applicant or someone in the household.

- 18.2.6 The fee for a medical assessment will be £75. This will be reviewed annually by the Housing Services Manager.
- 18.2.7 Following an initial application, a request must be made in writing to the Housing Options Team Leader which must include all documentation that an applicant wants to be sent for medical assessment. The Housing Options Team Leader will then review whether a free medical assessment is appropriate.

### 18.3 Welfare Grounds

- 18.3.1 A move on welfare grounds may encompass a wide range of individual circumstances and will include, but not be limited to:
- Someone moving on from care or a drug or alcohol recovery programme
  - Someone who wants to live independently but requires some additional support, such as someone with learning disabilities.
  - Someone who provides or receives care or support
- 18.3.2 A move on welfare grounds should be accompanied by supporting evidence from external professionals as is relevant to the particular application. The Housing Options Team Leader will assess whether an applicant qualifies in this category.
- 18.3.3 It is possible to request a review of the outcome of the independent medical assessment or a review of a decision by the Housing Options Team Leader. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.

## 19. Band C – Reasonable Preference

- 19.1 This band is for those who have a housing need due to unsatisfactory housing conditions, such as statutory overcrowding or insanitary or hazardous properties, or those that need to move to prevent or alleviate hardship.

### 19.2 Hazardous Properties

- 19.2.1 A property will be defined as hazardous by reference to the Housing Health and Safety Rating System (HHSRS) prescribed within The Housing Act 2004 Part I (or any replacement standard) .
- 19.2.2 A property will be considered as being hazardous where an HHSRS assessment identifies:
- i) one or more Category 1 hazards, and where;
  - ii) a member of the applicant's household falls within the vulnerable age group for the hazard/s (as detailed in the relevant guidance), and;



iii) the hazard/s cannot be resolved within a period of 6 months.

- 19.2.3 Properties assessed as containing Category 1 hazards that can be resolved within a period of 6 months will be subject to enforcement action to ameliorate the hazard. The owner of the property will be responsible for all costs incurred in the resolution of the problem, including any requirement for temporary accommodation that may result due to the hazard.

### 19.3 Overcrowding and Under-Occupying

- 19.3.1 A household will be deemed to be overcrowded if, when the bedroom standard in paragraph 14 is applied, the household is lacking one or more bedrooms and is not considered suitable for their needs. In larger properties, where there are additional rooms that would not be typically used as bedrooms, any additional rooms should be counted as providing bed spaces. This is with the exception of a kitchen/dining/living area.
- 19.3.2 Households who have moved to a property – whether in the social housing stock or the private rented sector – and made themselves overcrowded will not be eligible under this category.
- 19.3.3 A household will be deemed to be under-occupying if, when the bedroom standard in paragraph 14 is applied, the household exceeds its need by one or more bedrooms

### 19.4 Hardship

- 19.4.1 This category is defined as those who need to move to alleviate or prevent hardship. This includes, but is not limited to those who need to move to give or receive care, and those who need to move to take up an employment, education or training opportunity.
- 19.4.2 Evidence of this must be provided and the Housing Options Team Leader will assess whether an applicant qualifies in this category.
- 19.4.3 It is possible to request a review of the outcome assessment or a review of a decision by the Housing Options Team Leader. This request must be made in writing within 15 working days of the applicant being notified of the result (as per the date on the letter sent informing them of the decision) and must be submitted to the Housing Options Team Leader.

## 20 Band D – Homeless

20.1 This band is for those applicants who are homeless, or to whom a full housing duty has been accepted under The Housing Act 1996 part VII.

- 20.2 An applicant placed in this band with a full housing duty will have their application date set to the date that a homelessness application was made to the Council

### 20.3 Homeless applicants

- 20.3.1 This applies to homeless applicants owed a duty under s.193 or s 195 (s) of the Housing Act 1996 (as amended).
- 20.3.2 Homeless applicants will be expected to actively seek a property via the choice based lettings scheme and, at the discretion of the council, bids may be placed on behalf of the applicant. Where possible the council will seek to find and directly nominate to a suitable property in order to discharge its duty.

### 20.4 Intentionally homeless and Non-Priority Need

- 20.4.1 An applicant who has been found intentionally homeless or not in priority need under Housing Act 1996 Part VII will be processed as a Housing Register Applicant and must meet the qualifications of entry to the register. The date of application will be set as the date of the decision letter sent to the applicant.

### 20.5 Rough Sleepers

- 20.5.1 Where an applicant who is rough sleeping is verified by Maidstone Day Centre or any other registered agency working within the Borough for this client group, then the applicant will be placed into the Homeless band.

## Part 5 – Allocations

### 21. The Bidding Process

- 21.1. Kent Homechoice is the mechanism that the Council uses to enable applicants to bid on housing within the borough. Upon acceptance to the register, applicants will be sent details of their application number, which band they have been placed in, and a user guide for the website.
- 21.2. Applicants should familiarise themselves with the website as soon as they are able to.
- 21.3. Properties are advertised on a fortnightly cycle and all applicants have a maximum of three bids to place on properties in each bidding cycle. Applicants should place bids on as many properties as they are able that meet their requirements. If an applicant does not bid on two successive cycles, the Council will place bids on behalf of the applicant.
- 21.4. Applicants are able to see on Kent Homechoice whether they have been successful in bidding on a property, and if not, where on the shortlist they have been placed. Applicants within the same band will be prioritised strictly in the order of the date of their application so the longer someone has been in housing need, the more likely they are to be successful.

### 22. Adverts

- 22.1. All adverts placed on the Kent Homechoice website are intended to be an accurate description of the property and include any alterations that have been made to assist independent living. Any advert that does not accurately reflect the property will be withdrawn and be re-advertised.
- 22.2. Properties must be available for occupancy within 4 weeks of the end of the cycle in which the advert is placed. If this is not the case, the property will have to be withdrawn and re-advertised. If there will be a delay of no more than 2 weeks after this date i.e. 6 weeks after the cycle in which the advert has been placed, it is at the discretion of the Housing Options Team Leader as to whether the property should be withdrawn and re-advertised.

### 23. The Quota

- 23.1. The Council will set a quota to allocate the percentage of properties allocated to each band. This quota will be set at the beginning of every financial year for the following year.
- 23.2. The quota will be reviewed on a quarterly basis to ensure that best use of the housing stock is maintained. This review will be undertaken by the Housing Services Manager and the Strategic Housing Officer. Any recommendation to change the quota, must be approved by the Head of Housing and Community Services and the Cabinet Member

with responsibility for housing.

- 23.3. Properties which have been adapted to suit those with specific needs, such as those with flush floor showers, disabled access etc will automatically be offered to the Assistance band (Band B) first.

## **24. Direct Allocations**

- 24.1. In some cases, the Council may make a direct offer of accommodation outside of the Choice Based Lettings scheme. These offers will constitute a suitable offer of accommodation and the usual penalties for refusal will apply.
- 24.2. A direct offer of accommodation can constitute a property that is either social rent or private sector. This will depend on what is available and a suitable offer of private rented sector accommodation must meet with the legislation of the Housing Act 1996 as amended by the Localism Act 2011.
- 24.3. In certain cases, the Council may negotiate a reciprocal letting arrangement with another local authority.

## **25. Nominations**

- 25.1. The Council will nominate applicants to a property; however it is at the landlords' discretion as to whether the application is accepted. Acceptance onto the housing register is not a guarantee that an applicant will be suitable for a tenancy.

## **26. Ineligibility for an offer**

- 26.1. At the point of nomination, some applicants may be ineligible for an offer of accommodation. The Council reserves the right to determine an applicant ineligible for an offer of accommodation if it considers the applicant has been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant. These reasons may include:

Previous rent arrears equivalent to a minimum of 8 weeks rent; where the applicant is unable to evidence that a repayment agreement is in place and is being maintained for a period of 6 months

A history of anti-social behaviour

Inability to verify applicant information due to the failure or omission of an applicant to provide relevant information

- 26.2. A change in the applicants circumstances not previously notified to the council that has a material change on their housing circumstances

## **27. Suitability**

- 27.1. This will apply in the case of direct offers of accommodation, or where an applicant refuses an offer.
- 27.2. Suitability of accommodation will be determined by the following factors:
- Bedroom standard

- HHSRS assessment
- Affordability
- Accessibility for those with mobility issues

27.3. Location will not ordinarily be a factor in suitability unless there are specific concerns relating to an area. In these cases, the Housing Options Team Leader will decide if the offer was suitable or not.

## **28. Refusals**

28.1. Refusals on the grounds of suitability will be assessed by the Housing Options Team Leader based upon the suitability section (paragraph 28) of this document.

28.2. Applicants who refuse a property will have their active date set to the date of refusal effectively reducing their priority within the band.

28.3. The Housing Options Team Leader will also review which band they are placed in upon a refusal.

## **29. Applicants in Prison**

29.1. If an applicant is due to be released from prison, the normal local connection criteria would apply. Where an applicant who is in prison does not meet the local connection criteria set out in paragraph 9 they will be unable to join the register and will be referred to the area in which they had a local connection prior to their sentence.

29.2. Applicants released from prison will not meet local connection criteria if they have served the relevant amount of time in a prison within the borough.

## **30. High risk Offenders**

30.1. The housing of high risk offenders will be carried out as part of a multi-agency arrangement with the Police, Probation, Social Services and other appropriate agencies. An area or type of property acceptable to the Council will be agreed in partnership with the agencies involved. High risk offenders will be offered limited choice through the Choice Based Letting Scheme. Where there are urgent issues, the Housing Services Manager may consider a direct offer.

## **31. National Witness Mobility Scheme (NWMS)**

31.1. The NWMS is funded and managed by the Office of Criminal Justice Reform in the Home Office for Criminal Justice in the Home Office and works with police forces and housing authorities to assist with the re-housing of seriously intimidated witnesses.

31.2. The scheme enables witnesses to relocate outside their area to a place of safety.

31.3. NWMS work with Maidstone Council. The Council will investigate whether we would have a duty to assist with accommodation because they are threatened with homelessness and it is not reasonable for them to return.

- 31.4. The applicant will need to complete a housing register form and the Housing Options Team Leader may consider awarding additional priority. Applicants accepted under this scheme will be limited to 2 nominations per financial year.

## **32. Other Accommodation**

- 32.1. There are a number of supported housing projects in Maidstone that are suitable for people with support needs. These include:
- Young people
  - People with mental health needs
  - People with substance misuse needs
  - People with other vulnerabilities
  - People who are homeless
  - Offenders
  - People who require assisted housing
  - Almshouses
- 32.2. The Council has nomination rights to certain schemes managed by housing associations or other agencies. Some of the schemes provide long-term accommodation whereas others assume that there will be a requirement for the resident to move on either after a certain period or when they are capable of living independently.
- 32.3. Supported housing projects are often let on a short to medium term basis. Anyone in the last six months of their tenancy in supported accommodation will be defined as having a housing need but must still fulfil the local connection criteria.

## **33. Selection criteria and priorities for supported housing**

- 33.1. Applicants who may require supported accommodation or support to be provided to sustain the tenancy will be referred via the Single Assessment Protocol by their care provider or support service.
- 33.2. All applicants are assessed according to their needs and support requirements at the time of the referral, together with any potential risk they may present to themselves and others.
- 33.3. An assessment is made to determine the most appropriate type of accommodation for the applicant, the level and type of support respective priority compared to other applicants.
- 33.4. Where a social or support service is provided in conjunction with the accommodation, only applicants who are considered to require and benefit from that service will be considered for that accommodation. Examples of this type of accommodation would include extra care housing for older people, housing designated for special needs such as young people, people with mental health problems, or those known to be sleeping rough or roofless.
- 33.5. Some general needs accommodation will be allocated to those in need of floating support. Allocation to such properties will be agreed in partnership with the social

landlord concerned and the support provider via the Single Assessment Protocol process. Such applicants may be nominated to that accommodation regardless of their position under the Allocation Scheme.

### **34. Processing applications from older people**

- 34.1. Some accommodation has criteria defined by age which will be in the property advert. Applicants over the age of 60 will be considered for sheltered accommodation only via one of the Council's housing partners. Some housing associations will accept applicants aged 50 plus. Applicants can also bid for designated sheltered accommodation through Kent Homechoice. They may also be referred by relatives, social workers or doctors, or the Council's medical advisor may recommend sheltered accommodation. If contact is made by a third party the applicant will need to be contacted and asked to complete an application form.
- 34.2. Once a bid is placed through Kent Homechoice, the visiting officer from the housing association recommends whether the applicant is suitable for sheltered accommodation or whether extra care or enhanced extra care is thought to be appropriate. Those who appear to need a higher level of support and/or care may be referred to Social Services. A recommendation for enhanced extra care will also be dealt with through the housing register. Social Services may make a referral direct to the Council.

### **35. Adapted Properties**

- 35.1. Where accommodation has been designed or adapted to provide facilities which are intended specifically for use by a disabled person, only applicants whose household includes a person who is considered to require those facilities will be able to bid for that accommodation. These properties will be offered to the Assistance band (Band B). This might include a wheelchair accessible property or a property which has been substantially adapted. In the event that there is no suitable applicant requiring the facilities then the property may be re-advertised to allow applicants to bid for the property who do not need it.

### **36. Local lettings policies**

- 36.1. Local lettings plans are lettings policies which form part of the housing nomination process. They apply to a limited part of the housing stock where the Council has nomination rights and will be determined by site and phase. In consultation with relevant Housing Associations, the Council may adopt a local letting policy. This is to achieve a balanced community on a new development or to tackle issues in an existing locality where there are management problems and the properties have become less desirable. The principles agreed within the Kent Housing Group (Creating Successful Communities in Kent and Medway protocol) will form the basis of local letting plans.
- 36.2. The Council will monitor the impact of any lettings plan.
- 36.3. The Council maintains a standard local lettings plan which will form the basis of all local lettings plans.



- 36.4. In order for the council to meet the aims and priorities as stated in the opening of this document, the Allocation Scheme takes priority over any agreed local lettings plan.
- 36.5. Where the accommodation is subject to a planning agreement or other restrictions, only applicants who can meet the terms of the agreement or restriction will be allocated accommodation. This may be the case for housing in some rural areas which is intended for occupation by local people. The Council may also consider direct offers for properties subject to a local lettings plan or planning agreements

## **37 Decants**

- 37.1 Decants apply to tenants of Registered Providers only. Where single properties are decanted, e.g. to undertake extensive planned or emergency repairs (where the tenants are required to be moved to temporary accommodation), the landlord will identify temporary accommodation from within their own stock and this will be allocated outside of the Choice Based Letting process. The tenant will return to their home following completion of the repairs.
- 37.2 Where large-scale redevelopment proposals require tenants to decant their homes whilst the properties or a specified area is redeveloped, the relevant RP landlord is required to consult with the Housing Services Manager MBC so that the decant approach can be agreed prior to the redevelopment scheme being confirmed. An appropriate Local Lettings Plan will be drafted that meets the requirements of the landlord, seeks to minimise the impact on the overall availability of vacant homes, and where appropriate enables existing tenants to return to the same area.



## **Glossary**

### **Children**

Children are defined as those under 18 for whom the applicant is legally responsible for.

### **Domestic Abuse**

Domestic abuse is defined as violence from an associated person, which includes partner, siblings, and parents. The violence may include physical, sexual, emotional and financial abuse, as well as psychological intimidation and controlling behaviour.

Where a case of Domestic Violence has been established and no other options are available/appropriate, including the Council's Sanctuary Scheme, the applicant will be placed into the Homeless band unless there are medical qualifications for the Assistance band (Band B).

### **Family**

For the purposes of this allocation scheme, family will mean immediate family. This will include siblings, parents and children.

### **Hate Crimes**

Hate crimes can be defined as violence/harassment based on an individuals' race, ethnicity, gender or sexual orientation. The harassment may involve physical or verbal intimidation.

Where a case of racial harassment has been established and no other options are available or appropriate, then a managed move may be agreed with a housing association.

### **HHSRS**

The Housing Health and Safety Rating System was established by the Housing Act 2004. It provides for the assessment of 29 health and safety hazards found in housing and a method by which they are rated to identify those hazards that present the greatest risk to occupiers.

### **Crime and Disorder**

Where an applicant is a victim of a serious incident of crime or disorder in their home, the Council's Community Safety Unit will work with them to enable them to stay in their home.