

**Department:** Property Services

**Subject:** Allocations Policy

**Objective:** To govern the admission of applicants to the housing registers and the allocation of rented properties.

**Date Issued:** June, 2008

**Review Date:** June, 2011

## **1.0 Policy Objectives**

1.1 We aim:

- to ensure fair and open access to our housing registers and assessment process;
- to ensure that all of our properties are allocated in a way that gives reasonable preference to; those in housing need, the best use of available stock, and maximises choice compatible with sustaining stable, balanced communities;
- to comply with all relevant legislation;
- to ensure we achieve these aims without discrimination whilst promoting equal opportunities.

## **2.0 General Principles**

### **2.1 Open Access**

Anyone aged 16 years or over can apply and be assessed for housing.

### **2.2 Equal Opportunities**

We welcome applications from all people in housing need. We will not discriminate in the operation of this policy on the basis of age, gender, race, colour, ethnic or national origin, religion, marital status, family circumstances, political or sexual orientation, medical condition or disability. We aim to promote equal opportunities and comply with the requirements of the Race Relations Act 1976, Sex Discrimination Act 1975 and Disability Discrimination Act 1995.

### **2.3 Black & Minority Ethnic Groups (BME)**

We aim, where possible to ensure that the percentage of tenants from BME groups at least matches the overall percentage of BME groups in the area of operation.

### **2.4 Committee Members and Employees**

Current & former (up to 12 months of leaving) employees, committee members and their close family may apply for housing. Any such application will be reported to committee.

We will only grant a tenancy if the allocation complies with this Allocations Policy and the employee or committee member has no involvement or influence over the allocation process of that particular tenancy.

Committee members & employees must declare an interest if a close family member applies for housing. Any such allocation will be recorded in a register in compliance with Schedule 7 of the Housing (Scotland) Act 2001.

## 2.5 Home Owners

Home owners may apply for housing. We will remind these applicants that it is a legal requirement that they occupy a tenancy as their only or principal home.

## 2.6 Applicants with Arrears

We will accept applications from applicants with rent arrears or outstanding rechargeable repair accounts. Each application will be assessed on individual merit, particularly where arrears are related to Housing Benefit. We will suspend an application if:

- there are unpaid former or current tenant arrears and/or rechargeable repair account(s) which are more than 1/12<sup>th</sup> of the annual rent, and
- these have been incurred in the last 5 years, and
- where no reasonable arrangement for repayment has been made or maintained.

These will be suspended until such time as written confirmation has been received showing that all outstanding amounts have been cleared.

We may remove an application from the suspended category if regular payments towards the debt(s) have been maintained over a minimum period of 3 months by way of an arrangement agreed with the current/former landlord. We reserve the right to require a longer arrangement to be maintained depending on the level of the debt and the repayments.

Applicants will be responsible for providing written confirmation that the debt(s) have been cleared or that the arrangement has been agreed and maintained.

## 2.7 Anti Social Behaviour

We may suspend an application if:

- the applicant has been evicted for anti-social behavior, **or**
- has a Decree for anti-social behavior awarded against them, **or**
- has an Anti Social Behavior Order (ASBO) granted against them

within the 3 years preceding their application for housing. We will consider these applications for a short Scottish Secure Tenancy if an appropriate support package is in place or there are good reasons for supporting their claim that their behaviour or actions have changed.

## 2.8 Sex Offenders

We will work with the Police and Social Services on any risk assessment and action plan for known offenders looking for housing. We will only make an allocation if the property and area are considered suitable and appropriate and an appropriate support package has been agreed.

## 2.9 Criminal Convictions

We do not ask about previous convictions but if information is brought to our attention we reserve the right to verify this and assess the appropriateness of any future allocation.

## 2.10 Decants

We reserve the right to use an unlimited number of properties as decant accommodation for existing tenants who require emergency rehousing or who need to move when their homes are undergoing repair or improvement. Decanted tenants will be allowed to remain in their decant property:

- as long as the eligibility conditions for Transfer Policy are met;
- another tenant on the Transfer List does not have a higher need for the property;
- the property is not required as part of a decant programme.

Decant transfers resulting from improvement programmes will not be included in the total of empty properties allocated to transfer applicants.

## 2.11 Achieving Balanced Communities

We may from time to time introduce lettings initiatives to achieve balanced communities. We will allocate quotas to types of lettings e.g. the number of children and adults in schemes. Such initiatives will be developed in conjunction with partners, particularly the relevant local authority and Communities Scotland and will be approved by the relevant Sub Committee.

## 2.12 Use of Discretion

The following types of allocation require the approval of the Property Services Manager:

- allocations made to applicants outwith the top 20 applicants on any waiting list;
- allocating a property which will be under-occupied by more than one bedroom;
- allocating a property which will be over crowded;
- deciding what constitutes a good mix within a particular neighbourhood or stair when attempting to sensitively allocate a property.
- transferring an existing tenant on management grounds additionally requires the authorisation of the Director of Property Services

## 2.13 Time in Housing Need

We will only take time in housing need, i.e. the time an applicant has been on the housing register, when we are making an allocation and two applicants have identical points.

## 2.14 Fraudulent Applications

We may suspend an application for a maximum of 6 months or repossess a tenancy we have granted if an applicant gives false or misleading information or deliberately withholds relevant information in their application for a tenancy.

## 2.15 Confidentiality

We comply with the Data Protection Act 1998. We will not discuss an application with any person other than the applicant. We will ask each applicant to sign a Data Protection Mandate. We will ask all persons or agencies wishing to discuss an application to quote the application number on the front of the application form to make sure confidentiality is not breached.

### **3.0 Assessment of Housing Need**

#### **3.1 General Principles**

We operate a point's based system which compares the current housing situation of the applicant with the suitability of the property they occupy.

Points are awarded on the basis of the information provided on a standard application form that must be completed by all applicants and nominees We will assess an applicant's need using the Points System. The Quota System ensures that nominations from Local Authorities or other Housing Organisations and transfers, including HOMES nominations are considered.

We will compare an applicant's housing requirements against our policy on the assessment of overcrowding and the following occupancy standards:

- Single Person -1 or 2 bedrooms
- Couple -1 or 2 bedrooms
- Couple/single Parent + 1 Child -2 bedrooms
- Couple/single Parent + 2 Children -2 or 3 bedrooms
- Couple/single Parent + 3 Children -3 or 4 bedrooms
- Couple/single Parent + 4 Children -3 or 4 bedrooms
- Couple/single Parent + 5 Children 4 bedrooms

We are unable to house families with more than 5 children because we have no properties of sufficient size to provide adequate housing. We do however welcome applications from large families to demonstrate the need for this size of accommodation in the areas in which we hold stock.

#### **3.2 Transfers**

We will make 25% of all Direct Allocations to transfer applicants each year. These applications will be assessed against the same basic criteria as all other applicants.

Occasionally, on management grounds, we must transfer a tenant as a matter of urgency. This tenant will be offered the next available property which is of a similar size and type as their existing tenancy, ahead of other applicants. Management transfers will be reported annually to Committee.

### 3.3 Quota system

50% of properties which become available for let in any one year will be allocated to local authority nominees. We will assess the housing need of all local authority nominees on the same basis as direct applicants. We will enter into Nomination Arrangements to ensure that properties are allocated appropriately and efficiently.

50% of properties which become available for let in any one year will be allocated from our own housing register(s) as follows:

- Direct applicants 70%
- Transfer applicants 25%
- HOMES applicants 5%

The allocation of major adapted properties will take place out with the Quota System. These properties will generally be let via referrals, for example, from Social Work Department.

### 3.4 Points

Direct allocations are based on a points based system.

### 3.5 Assessment of housing need

We take the following factors into account when assessing housing need. Supporting evidence is required before points are awarded in some of these categories:

- Security of Tenure/Homelessness
- Lack of Amenities/Sharing Amenities
- Housing Condition
- Overcrowding
- Medical Condition/Support Requirements
- Experiencing abuse or harassment

Factors which will be disregarded will include:

- Local Connection
- Length of Time Resident in the Area
- Property Ownership (apart from residency requirements)
- Ability to Pay
- Personal References
- Waiting time on list\*

We will use waiting time as a deciding factor in making the allocation where a vacancy occurs and there are applicants with equal points.

Points will be awarded as follows:

### **Insecurity in Current Living Circumstances**

- Living with parents/family **10 points**
- Insecure current accommodation e.g. private let **15 points**
- Staying with relatives/friends on an insecure, moving around basis or have been asked to leave **20 points**
- Notice to Quit/court order for repossession of current Accommodation **20 points**
- Tied accommodation where applicant has written proof of the date they are to leave the premises **20 points**
- Relationship breakdown and cannot remain in current accommodation (irrespective of age or relationship to the head of the household). **20 points**
- Temporary or hostel accommodation including prison, caravan, hospital, bed & breakfast, Refuge and temporary local authority homeless person accommodation. **25 points**
- Roofless/sleeping rough **35 points**

#### **4.0. Harassment**

- Domestic Violence at current or previous principal accommodation making it impossible to return. **35 points**
- Harassment/violence at current or previous principal accommodation making it impossible to return **35 points**
- Racial harassment at current or previous principal accommodation making it impossible to return **35 points**
- Harassment/risk of violence **20 points**
- Indirect harassment **15 points**

If an applicant is suffering from domestic abuse and is offered a tenancy in their preferred area, which they refuse, domestic abuse points will be converted into relationship breakdown points.

#### **5.0 Support**

- High level support **15 points**
- Low level support **10 points**
- Isolation **10 points**

#### **6.0 Overcrowding/under-occupation**

We will assess the extent of overcrowding or under-occupation against the following occupancy levels:

- Single bedrooms only have room for a single bed and can only be occupied by one person.
- Double bedrooms can have no more than two single beds or one double bed and can be occupied by two persons under the following circumstances: -
  - Couples over 16 years of age.
  - Single Parents.
  - Two children of different sexes 8 years or under.
  - Two children of the same sex up to and including 10 years.
  - Persons aged 10 years and over should have their own bedroom.
  - Livingrooms & Boxrooms are not regarded as bedrooms.
  - Any household members who have to live apart are included in the assessment of overcrowding.
  - We will award applicants expecting a baby with an additional bed-space.
  - Where the applicant is sharing accommodation with another household, which is currently overcrowded, our assessment of overcrowding will be based on the applicant's household only.
- For each bed-space lacking **10 points**
- For each bed-space not occupied **5 points**

We do not consider children involved in custody cases as permanent household members if their principal home is elsewhere.

## 7.0 Condition of Property

**Lack of facilities** - where a property does not have:

- kitchen/cooking facilities **10 points**
- bathroom/shower-room **10 points**
- toilet **5 points**

**Sharing Facilities** - applicants who share facilities with another household

- kitchen/cooking facilities **5 points**
- bathroom/shower-room: **5 points**
- toilet: **5 points**

## 8.0 The Tolerable Standard

- Where a house falls below the "Tolerable Standard" and/or is in need of substantial or extensive repairs e.g. with structural defects, not wind and watertight, has unsafe services or lack of heating **10 points**
- Poor state of general maintenance where this is not the tenant's responsibility or lack of adequate heating supply: **5 points**

- Where the design or location of current accommodation is detrimental to the applicant's or any member of their household's ease of access **5 points**

## 9.0 Assessing Health Priority in Allocations

Points will only be awarded if the applicant's current housing is wholly unsuitable for their health needs and it is not possible to provide cost effective adaptations to alleviate the problems.

Current health priority points are

- Category A **35 points**
- Category B **25 points**

In order for health priority points to be awarded at least one of the following criteria must be met:

- Internal access

The applicant is unable to access essential areas within the home e.g. WC upstairs and can't manage stairs even with a stair lift (or where a stair lift cannot be installed).

- External access

The applicant lives in an upper floor property and cannot manage stairs, or stays in a ground floor property where it is not possible or practical to provide a ramp or alter steps.

- Bathing

The applicant is unable to use standard facilities and it is not possible or practical to adapt the current property to provide the type of bathing facility required.

- Additional room

An additional room is required for a live in carer or other exceptional circumstances relating to the applicant's health needs.

- Heating

The applicant's health condition is exacerbated by particular characteristics of the property such as dampness or dry heat and it is not possible to remedy the identified problems.

Applicants with serious mental health conditions will only be awarded priority if professionals involved in their care can demonstrate clearly how re-housing will significantly improve the applicant's condition.

Applicants suffering from drug or alcohol addiction need to demonstrate that they are currently participating in a recognised rehabilitation programme in order to be considered for assessment for health priority. Clear evidence must be supplied by a professional involved in their care that re-housing will make a significant contribution to their recovery.

## **10.0 Acceptance of an Application**

10.1 We will tell the applicant the level of points we have awarded. We will give all applicants information on average rents charged, current turnover, waiting time and level of points of those housed by area.

As demand for housing generally exceeds supply, applicants with low point's levels will be advised that they are unlikely to be offered accommodation but that their application remains on the housing list and that they should tell us about any change in circumstances.

We review applications annually. We will ask applicants if they still wish to be considered for housing and to detail any change in circumstances and/or preferences. This may result in a re-assessment of their application. We will cancel an application if an applicant fails to respond to the review and to the follow up letter sent two weeks later.

Applicants may re-apply at any time.

## **11.0 Suspension of an Application**

11.1 We will suspend applications in the following circumstances:

- if an applicant has told us that they do not want to be currently considered for housing;
- where the applicant is an asylum seeker who has not been granted leave to remain
- where the applicant has current, former tenancy or rechargeable repair debts which are less than 5 years old and which amount to more than 1/12<sup>th</sup> of the annual rent and has not entered into an maintained an arrangement for at least three months to clear their debt/s;
- where the applicant has previously been evicted for anti-social behaviour, had a Decree for anti-social behaviour awarded against them or had an Anti-Social Behaviour Order awarded against them within the 12 months preceding their application except where a support package is in place or the applicant can demonstrate good reasons for supporting their claim that their behaviour or actions have changed;
- where the applicant is in breach of tenancy conditions relating to their current accommodation;

- where a transfer applicant submits an application to buy their current home;
- where an applicant has knowingly supplied false or misleading information or deliberately withheld relevant information we may suspend the application for a maximum period of 6 months;
- where an applicant has used threatening or violent behaviour towards staff or contractors working on our behalf we may suspend the application for a maximum period of 6 months.

After the period of suspension we will write to the applicant informing them their application has been reinstated

## **12.0 Cancellation of an application**

12.1 We may cancel an application if:

- the applicant has requested removal from the Housing List;
- the applicant has died;
- the applicant has failed to respond to the annual review.
- the applicant has not responded to 2 letters sent to them asking them to get in contact.

All applicants have right to appeal against the assessment of their application or any decision made concerning their application. Applicants may reapply at any time.

## **13.0 Areas of Choice**

13.1 Applicants can choose areas and house types they prefer from those listed on the application form. Applicants may also specify particular locations and properties they are willing/unwilling to accept. We will make every effort to satisfy the applicant's choice. However the slow turnover of properties and very restricted requirements may result in a long waiting time.

## **14.0 Exchanges**

14.1 Mutual exchanges can satisfy the housing aspirations of two or more households, and we will consider mutual exchanges between our tenants and/or with tenants of other Landlords. Exchange applications will be processed in accordance with our Exchange Policy.

## **15.0 Transfers**

15.1 We will offer 25% of properties becoming vacant each year to tenants on our Transfer list.

## **16.0 HOMES & Homeswap**

16.1 We will allocate 5% of properties which become available for let each year from the Direct Allocations quota to nominations made under the HOMES Mobility Scheme.

16.2 Rehousing under this scheme will take place out with the points system and applications will normally only be considered in cases where applicants require to move for the following reasons:

- to take up employment beyond reasonable daily travelling distance;
- to receive/provide support to friends/relatives;
- other social reasons, e.g. violence and harassment.

16.3 Further information regarding this, and the Homeswap scheme, is available from our office in Dalkeith.

16.4 We will offer advice to existing tenants wishing to move, the options available to them and assistance in exercising these options.

## **17.0 Offers of Accommodation**

### **17.1 Home visits**

We will carry out a home visit before a property is allocated when there is no local authority or RSL reference available or where the applicant is claiming overcrowding or medical points. This visit will be used to:

- provide information about Melville Housing,
- check the accuracy of the information on the application form,
- obtain additional information,
- assess potential support needs,
- discuss re-housing options.

We will arrange for a local authority or housing association to make the necessary home visits or an applicant will be invited to attend an office interview where the applicant lives out with Midlothian, Forth and Edinburgh.

### **17.2 References**

We will request references from current/previous landlords or mortgage lenders where appropriate before we make any offer of housing. We will seek the permission of the applicant before any references are requested. If permission to seek references is refused by the applicant, we may suspend the application until such time as permission to seek references is given.

### 17.3 Allocations

In accordance with our allocations policy, we will generally allocate vacancies to the applicant(s) with the highest number of points for the area, type and size of house. Where this is not the case, a full audit trail of the decision will be recorded.

### 17.4 Sensitive Lets

Our stated aim is to promote balanced communities. It is occasionally necessary to give priority to an applicant with lower points to ensure that an imbalance is not created in any community. The criteria used to assess such lets are:

- addressing a range of housing needs rather than an over concentration on households with high levels of vulnerability;
- sustaining existing family or community networks;
- addressing a degree of choice/aspiration.

Where possible and where we are not breaking confidentiality, we will make an applicant who is top of the list aware of issues surrounding a sensitive let, to allow them to make an informed decision on whether to accept the tenancy.

We also reserve the right to issue an offer to an applicant with lower points levels where:

- the applicant with the highest number of points requires ground floor accommodation and the vacancy is first floor or above, or is a house with internal stairs.

### 17.5 Making an Offer

We will make all offers of accommodation in writing. We will withdraw an offer if the applicant fails to respond within 3 working days of the offer being sent out and we have not been able to contact the applicant by telephone. This withdrawal will be treated as a refusal unless the applicant contacts us within two weeks of the offer letter being sent out with a good reason for not responding. We will notify the applicant in writing of the withdrawal of an offer and this will be sent to the last known contact address of the applicant.

### 17.6 Accepting an Offer

We will give applicants the opportunity to view a property and accept or reject the offer within 2 working days of viewing. We will give applicants as much notice of their tenancy start date as possible.

If we house an applicant on the basis of false or misleading information provided by them, we may take action to repossess the tenancy.

## **18.0 Appeals Procedure**

- 18.1 The Management Committee delegates the responsibility of the day to day administration of the allocation policy to the Director of Property Services.
- 18.2 All applicants have the right to appeal against any decision made concerning their application, the assessment of their housing need, suspension or cancellation of their application. Appeals can be made verbally or in writing to the Director of Property Services within 4 weeks of receiving the disputed decision. We will respond to an Appeal within 5 working days of receipt of it. Further details are set out in our Appeals Procedure.
- 18.3 If an applicant remains dissatisfied with the outcome of their appeal having completed our Appeals Procedure, they may complain to the Scottish Public Services Ombudsman, 4 Melville Street Edinburgh, Telephone No: 0800 377 7330.

## **19.0 Monitoring & Performance**

- 19.1 The Management Committee will monitor performance through the submission of monthly reports to make sure that the aims of this policy are being achieved.

## **20.0 Review of Policy**

- 20.1 The Director of Property Services will ensure this policy is reviewed every three years or earlier if there are any changes to legislation. The Management Team have delegated authority to approve minor changes to the policy. Significant changes will be submitted to the Management Committee for approval.