

**Table of minor amendments  
Housing Allocations Policy, March 2013**

*Shaded italics indicate additions to policy, strikethrough indicates removal from policy.*

**4.1 Qualification**

New legislation amending the Housing Act 1996 in the Localism Act 2011, and Code of Guidance 2012 (Allocation of Accommodation: Guidance for Local Authorities 2012), has allowed local housing authorities to define criteria for qualification to their housing registers.

Dacorum Borough Council has chosen to operate an 'Active Register' as the main housing register for all qualifying applicants and a 'Deferred Register' for all non-qualifying applicants. All applicants on both registers will be written to at the point of registration to confirm their housing register status, and will be required to renew their application every 12 months at least.

The criteria relating to qualification are in addition to the eligibility criteria, *do not apply to applicants being made an offer through the Housing Act 1996, Part 7*, and only apply to applicants, not to their dependents or others in the household, who may appear on the application to be housed with them.

In contrast to the eligibility restrictions, while an allocation may not be made to a non-qualifying person as a sole applicant, a joint tenancy may be granted as long as both of the joint tenants are eligible, and one of the applicants is an eligible **and** qualifying person.

The qualification criteria are explained in more detail below.

**2.3 The use of direct offers**

A direct offer is defined by the Council as those offers made outside of the CBL scheme, but which are still covered by this policy. In each case where the right to make a direct offer is used it is specified in the table in appendix 1.

Where applicants are not bidding or refuse offers beyond a specified number of cycles the Council considers that it is reasonable to make direct offers where an offer is considered suitable to meet an applicant's needs.

For applicants in high-risk priority groups it may not be appropriate for applicants to bid, and a sensitive letting ~~will~~ *may* be sought through the making of a direct offer.

Direct offers will also be used as part of the Council's preventative approach to homelessness. ~~For Applicants given a Homelessness Status at the point of receiving the full statutory homelessness duty may then receive~~ *there will be a presumption to give* one direct offer of suitable accommodation (please see 'People who are homeless' section 6.2).

**2.9 Councillors, council employees and their close relatives**

Councillors, ~~and~~ *and* council employees, ~~and their close relatives,~~ can apply to join the housing

register. Any such association with the Council must, however, be clearly stated and disclosed on the application form.

If any such applicant applies for housing or makes a successful bid, the Corporate Director (Housing and Regeneration) will be informed and must approve the allocation, prior to the formal offer being made.

#### 4.5 Financial means

As with home-owners, it is felt by the Council that applicants with the financial means to meet their own housing need should not qualify to the Active Register.

The Council has reflected the above by introducing qualification criteria for applicants with financial means. Applicants will need to demonstrate that their income and savings fall below a threshold that is considered sufficient to meet housing need. *The Council will include in its calculations the income and savings of the head or heads of the household, whether there is a joint tenancy or a single tenant is living with a partner or spouse.*

The Council has set its threshold cut-off points for income and savings to be in line with ~~current benefits cut off points as~~ *cut off points* set by central Government. Therefore applicants will only be placed on the Active Register where they can demonstrate that neither they nor their partner or spouse have:

- In excess of £16,000 savings *(in line with the housing benefit cut off point)*; or
- In excess of £60,000 income *(in line with the Homes and Communities Agency cut off point for shared ownership).*

In the case that the Government changes its thresholds the Council will adopt new cut-off points accordingly.

Applicants whose financial means fall above the threshold cut-off points will be placed on the Deferred Register. These applications will have an opportunity for review at a 12 month renewal date.

Any lump sum payment made to a current or former member of the armed forces as compensation received for injury or disability sustained in active service will not be included in an assessment of financial means.

#### 4.7 Rent arrears

Applicants will not qualify where there is evidence that a member of the household has a property-related arrear owed to the Council, a housing association, or a private rented sector landlord, *unless* six months of regular repayments have been made.

*Applicants will also be placed on the Deferred Register if they, or any members of their household:*

- *Have been evicted on the grounds of rent arrears from council or housing association property in the last 5 years; or*
- *There is an existing notice or a possession order on the property.*

Applicants with a property-related arrear will be placed on the Deferred Register. Due to the

nature of the criteria there will be six monthly review opportunities for applicants, to allow for repayments to be reviewed.

Property-related arrears will be considered whether from current or former tenancies.

## 5.2 The bidding process

Each property advert states the number of available bedrooms. Applicants will **only** be able to bid for those properties where they meet the following criteria:

- The household has a need for all the bedrooms available; and
- The household would not become overcrowded (*except for households needing four or more bedrooms who may bid for three bedroom properties due to the shortage of large family homes available and in recognition that a three bedroom property may go some way to help a large family address their housing need*).

*The Council has made a commitment to using the bedroom standard to recognise the pressure on stock in the local area and to maximise use of bed-spaces. The Council encourages all applicants to consider the property details, including bedroom sizes, when considering the long-term suitability of accommodation for their household.*

To encourage single tenants and couples who are only eligible for one bedroom to downsize from three, four and five bedroom properties, in the case that a household is under-occupying by two bedrooms, they will be able to bid for properties with one bedroom above their need (please also see 'Under-occupation' section 6.3.3).

*Some housing associations have tenancy agreements stating the number of persons who can be housed in a property of a specific number of bedrooms. This may be different to the number that would be reached by applying the bedroom standard. In these cases the Council will restrict the size of household able to bid for the property based on the property details received from the relevant housing association.*

## 6.2 People who are homeless

'Homelessness' is a term defined in the Housing Act 1996, Part 7.

Part 7 distinguishes between people who are homeless with a statutory duty to be re-housed by a local housing authority, and those who are homeless without any statutory duty. The statutory duty will occur in cases when the applicant is assessed to be eligible and unintentionally homeless, and the household contains:

- dependent children; or
- a pregnant woman; or
- an adult who is assessed as vulnerable.

The Housing Act 1996, Part 6 requires councils to give additional priority to those who are homeless for any reason and in any circumstances, including rough sleepers. To meet the Part 6 definition of 'homeless' an applicant need not have made an application for homelessness assistance to any local housing authority.

The Council will give:

- A low points award to applicants who are homeless without the statutory homelessness duty (please see table in appendix 1); and
- A 'Homelessness Status' to applicants **at the point** that they receive the full statutory homelessness duty.

~~At the point of receiving the full statutory homelessness duty there will be a presumption to give one direct offer of suitable accommodation. The Homelessness Status may mean that an applicant is either:~~

~~Made one direct offer of accommodation that is considered by the Council to be suitable to meet that applicant's housing needs (please also see 'The use of direct offers' section 2.3).~~

- ~~Permitted to bid for four bidding cycles through the CBL scheme with a high priority Homelessness Status equivalent to the highest points level (in these cases a direct offer may still be made at the end of the stated number of bidding cycles if an applicant has not received an offer).~~

The Council considers this approach to be consistent with its preventative approach to homelessness. Applicants will receive assistance to prevent homelessness and continue to bid through the CBL scheme with points allocated for other priority need criteria (please see 'Points' sections 6.3 – 6.7).

The Council also considers that this approach to homeless applicants will support the Council to ensure that homeless applicants do not unfairly dominate allocations made by the Council to the detriment of other groups whom the Council is required to also give priority to in accordance with the legislation in the Housing Act 1996, Part 6.

## 11. Exemptions to policy

Letting that are not treated as allocations under this scheme include:

- Mutual exchanges between tenants of the Council or housing associations, *whether by Deed of Assignment or by commencement of new tenancies where a tenant with a Flexible Tenancy exchanges with a tenant with a Secure or Assured Tenancy* (including those arranged via national schemes such as Homeswapper);
- Where a tenant dies (whether secure, assured or fixed term) and a succession takes place;
- Where a secure or assured tenancy is granted by order of a court under Matrimonial Causes Act 1973, or Matrimonial and Family Proceedings Act 1984, or Children Act 1989;
- Where an introductory tenancy, assured shorthold starter, or probationary tenancy becomes an assured or secure tenancy; and
- Where a tenancy is demoted by court order, or, following the expiry of the demotion period, where a demoted tenancy reverts to secure tenancy status.

## Appendix 1

### Table for allocating points to applicants on the Active Register

*For all priority categories an applicant may only be given points for meeting one level of criteria.*

<b>High risk groups</b>	People from high-risk groups who meet hard-to-house or sensitive lettings criteria. Criteria include: <ul style="list-style-type: none"><li>• Care Leavers; Move-on from Supported Housing; Witness protection cases; and Individuals identified through multi-agency groups.</li></ul> This list is not exhaustive.	<b>No points - Direct offer or points at the discretion of the Housing Panel only</b>
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