



# Housing Allocations Policy

Last reviewed August 2017

# 1.0 Allocations policy overview

This policy will be reviewed on a **XXX** basis.

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## 1.1 Introduction

Dacorum Borough Council (DBC) is committed to allocating all social and affordable housing within the borough to those in most need and ensuring people have the best possible chance of sustaining their tenancy. This housing allocations policy sets out how we prioritise applications for council and housing association homes based on a person's circumstances and level of housing need.

To deliver this, we manage a choice based lettings system in Dacorum and households wanting to apply to be on the Council's housing register will need to complete an application form online at [Moving with Dacorum](#). Whilst Moving with Dacorum advertises all social and affordable housing options, this policy only applies to the allocation of council owned homes.

Each housing association within the borough will have its own allocations policy, which may have different rules about who is eligible. These policies should be available on their website or by contacting the housing association directly.

From April 2018, DBC will no longer maintain a deferred housing register. Applicants who are not accepted to the housing register are encouraged to re-apply if and when their circumstances change.

## 1.2 Aim(s) of the policy:

The aims of this policy are to:

- Offer clear guidance to both residents and staff on how we allocate our properties;
- Ensure we allocate homes appropriately and fairly to those in need;
- Ensure we make best use of local housing stock;
- Set out our approach to eligibility and qualification to Dacorum Borough Council's housing register.

## 1.3 Links to council's corporate aims:

This policy supports the council's corporate priorities of providing good quality affordable homes, in particular for those most in need; and building strong and vibrant communities. Our corporate priorities are set out in ['Delivering for Dacorum – Corporate Plan 2015-2020'](#).

## 1.4 Equality and diversity

The council is committed to promoting equality of opportunity in housing services and has procedures in place to ensure that all Applicants and Tenants are treated fairly and without unlawful discrimination.

## 1.5 Policy Statement(s)

Applicants will need to meet eligibility and qualification requirements in order to be active on the housing register (see 2.0).

We will administrate the housing register and allocate homes by adhering to a fair and transparent process (see 3.0).

Points will be awarded to applicants based on their housing need and priority group status (see 4.0).

We will offer priority to applicants who fit specialist criteria (see 5.0).

There are a number of exemptions and exceptions to the guidelines laid out in this policy (see 6.0).

## 2.0 Eligibility and Qualification



## 2.0 Eligibility & Qualification

As a local authority, we must adhere to all legal requirements that affect who we allocate social and affordable housing too. We are required to consider an applicant's eligibility at the time of their initial application and again when they have been successful in bidding for a property in order to allocate them a home. If an applicant is found not eligible at any time during this process, the allocation cannot continue and neither a sole nor a joint tenancy can be granted.

Under this policy, an applicant is *not eligible* if:

- They are subject to immigration control (unless covered under the exceptions stated in the Housing Act 1996, Part 6).
- They are prescribed as being 'persons from abroad' as defined in the Housing Act 1996, Part 6.
- They lack mental capacity and are unable to understand the requirements of the allocations policy and/or the obligations of the subsequent tenancy agreement based on the assessment of appropriate medical information submitted as part of their application.

In addition to eligibility, applicants must also meet the criteria outlined within the rest of this policy in order to qualify for the housing register and bid on homes. These qualifications only apply to applicants, not dependents or others in the household. Eligible but non-qualifying applicants will not receive a sole tenancy under this policy; however will be able to enter into a joint tenancy as long as the other applicant is both eligible and qualifying. The qualifying criteria does not apply to applicants who receive an offer through the Housing Act 1996, Part 7 or where an applicant is re-housed in specialist accommodation on the provision of a future move-on allocation through Part 6.

### 2.1) Age

Applicants must be 18 or over, unless age 16 or 17 and considered as part of a high-risk priority group (see 4.0).

### 2.2) Local Connection

Applicants must meet the local connection criteria by providing evidence of at least one of the following:

- A 10 year residency within the borough at some point in their lifetime;
- Family connection where an immediate family member (parents, children, siblings) has continuously been a resident within the borough for the last 10 years; or
- Currently in permanent employment within the borough boundary, consisting of 16 hours a week or more, and which has been continuous for the last 24 months.

Certain villages within the borough require additional local connection criteria. Applicants with a connection to the specified village are given priority at the short listing stage (5.2). There are however a number of circumstances, which mean that an applicant will not need to meet the local connection criteria in order to qualify, these are as follows:

- Current council or housing association resident living within the borough;
- Applicants to sheltered housing aged 60 and over or between 50 – 59 when there is a medical or social isolation need recognized by the internal housing panel;
- Members of the armed forces where the application is made within 5 years of discharge (includes bereaved spouses and civil partners leaving service family accommodation following the death of their partner); or
- Existing social housing tenants seeking to transfer from another local authority district in England because they work in the district need to avoid hardship or they need to move to take up an offer of work in the area (see below 'Right to Move')
- Where the requirement of a local connection discriminates against any individual or group e.g. traveler communities (these cases will be assessed on an individual basis by the internal housing panel).

## 2.0 Eligibility and Qualification

### 2.3) Right to Move

Applicants applying for housing within Dacorum from another local authority due to an offer of work within the borough must demonstrate a genuine intention to take up the offer. Evidence can include a contract of employment, wage slips or bank statements, tax/benefit information and a formal offer letter.

Any contracts must be for more than 12 months, consisting of 16 hours or more a week. Voluntary work does not qualify for the right to move.

We must also be satisfied that the required move is based on applicant's needs, rather than wishes. Things considered when assessing this include (but are not limited to):

- Distance / time to travel between work and home;
- Opportunities available closer to home;
- Impact on opportunity to improve employment circumstances (e.g. promotion);
- Availability and affordability of transport.

The council may contact the employer to verify an application at the point of joining the housing register or before making an offer.

### 2.4) Home Ownership

Applicants must not own the freehold or leasehold to any property within the UK and/or internationally. This does not apply to supported housing applicants aged 60 or over.

### 2.5) Financial Means

Applicants will not qualify if they have the financial means to meet their own housing need. We define this as the applicant and/or their partner having in excess of £60,000 income or £16,000 in savings (except where a lump sum has been paid to a current or former member of the armed forces as compensation).

### 2.6) Anti-Social Behaviour

Applicants will not qualify where there is evidence that legal or other serious action has been taken against any member of the household due to anti-social behaviour (ASB) within the last 6 months.

Applicants with any of the below legal orders and injunctions will not be considered to qualify:

- ASB order, conviction or injunction;
- Individual support order;
- Class A closure;
- Intervention order;
- Drink banning order or conviction.

In addition, applicants will also not qualify if they or any members of their household:

- Have been evicted on the grounds of ASB in the last 5 years;
- Have held a demoted tenancy due to ASB in the last 6 months; or
- Is a person known to be involved with serious ASB, or to have been involved in the last 6 months, as per the advice of the council's ASB team.

### 2.7) Rent Arrears

Applicants will not qualify where there is evidence that a member of the household has property-related arrears owed to the council (including council tax), a housing association or a private rented sector landlord, unless six months of regular repayments have been made and these repayments have been shown to

reduce the arrears debt. This includes both current and former arrears. Applicants will also not qualify if they or any member of their household:

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

Exceptions may be made in certain circumstances, e.g. a current tenant downsizing to make rent payments more manageable, which will be considered at the discretion of the internal housing panel. When exceptions are made, and an applicant with arrears is permitted to move, any debt owed to the council will still be required to be paid.

### 2.8) Deliberately Worsened Circumstances

An applicant will not qualify if there is evidence that they have deliberately changed their circumstances in order to qualify to and/or receive additional priority on the housing register. This is subject to evidence suggesting that it would have been reasonable for the applicant to remain in their current accommodation.

### 2.9) False, Misleading or Withheld Information

Applicants will not qualify if they have deliberately provided fraudulent information by:

- Giving false information;
- Not disclosing all information required; or
- Not informing the housing service of any important changes to their situation.

If an applicant is found to have provided any false or misleading information or they have withheld information that is relevant to their housing application their current and any future applications will be suspended. Action may also be taken against the applicant by the corporate anti-fraud team. This may result in prosecution.

## 2.0 Eligibility and Qualification

## 3.0 Administration of the Housing Register

### 2.10) The Household

As part of the application, applicants will need to outline all members of the household.

Any non-dependent children (aged 18 or over) or other adults who are considered part of the household must have lived with the applicant for a minimum of 12 months and continue to do so. Any changes to the household may affect eligibility.

Subject to a review of supporting evidence by the council's independent medical advisor, dependant adults who have joined, or wish to join a household because they are unable to live independently are not required to have lived with the applicant for the minimum of 12 months.

If an applicant receives custody of a child through a court decision, the child is immediately considered part of the household.

Custody arrangements agreed by parents require the applicant to provide supporting evidence of the arrangement, including evidence that the child has been living as part of their household for a minimum of 6 months and any documents required by Housing Benefit to support this claim.

Any child custody arrangements submitted as part of a housing application will be checked throughout the application process and the period of the tenancy.

A child is not part of the household if:

- The applicant has staying contact with the child for less than 50% of the time; or
- In the case of equal contact time, the property will not be the child's main or principle home.

A baby will be considered a household member from the date of birth, and not during the pregnancy.

However, some housing associations will consider an unborn baby as a household member at the point that the mother receives her MATB1 certificate. For this reason, the council will still take a record of the MATB1 and in these cases an applicant may be able to bid for larger housing association properties prior to the birth.

Where the applicant is eligible (see 2.0) but other members of the household are not eligible, they may be considered as part of the application if they are dependent. This applies to both adults and children.

Applicants applying as part of a couple will need to decide who is the primary applicant as both partners will be considered as members of the household and will not be able to hold an active application in both names. These applications are assessed on the primary applicants housing need only.

## 3.0 Administration of the Housing Register

### 3.1) Bidding

Applicants who have applied to be on the housing register, are eligible, and qualify can then begin bidding on properties through [Moving with Dacorum](#). Alternative options for bidding include:

- Over the phone on 0300 111 3570;
- By text message to 07786 201131; or
- In person at The Forum, Hemel Hempstead.

Due to the offer of a choice based lettings system whereby applicants pick which properties they wish to bid for, we consider it reasonable to expect that where an applicant has been successful in bidding for their chosen property, that they will accept the offer of that property.

Therefore, successful applicants will only receive one property offer. A refusal of a property will only be considered if the applicant can provide evidence of a valid reason as to why they cannot accept it.

Where an applicant can provide evidence to support their refusal, they will be able to continue bidding on other properties.

Where an applicant cannot provide evidence to support their refusal of a property, their offer can be cancelled and they may be unable to bid on any future homes for 6 months.

### 3.2) Property Adverts

All properties (except supported housing), advertised through Moving with Dacorum will be made live on any given weekday. They will then remain live for a minimum of three days, closing at one minute to midnight on the final day. Any advert that goes live before midday is classed as the first day of advertising.

We recommended that applicants check for properties a minimum of every three days to avoid missing opportunities to bid.

Supported housing properties are advertised on a weekly cycle and adverts will be live for five days, from one minute to midnight on a Thursday until one minute to midnight on the following Monday.

## 3.0 Administration of the Housing Register

### 3.3) Direct Offers

On some occasions, properties will be allocated through a direct offer. A direct offer means that an applicant will not bid on properties but will receive one offer of suitable accommodation.

Direct offers are made by the housing service outside of the choice based lettings system. When making a direct offer the council is required to consider the suitability of a property for all members of the household.

These offers are used as part of our approach to preventing homelessness. Applicants who are given a homelessness status at the point of receiving the full statutory duty will receive one direct offer of suitable accommodation.

In addition to homeless applicants, direct offers may also be used:

- To match applicants requiring complex adaptations to a suitable property;
- For applicants living in Mother & Baby units;
- In the case of hard-to-let properties (advertised at least twice with no suitable bids);
- For applicants in high-risk priority groups (see 4.0) where a sensitive letting is required; or
- For individual cases that would usually fall outside of this policy but have an urgent or high risk housing need (these offers can only be approved by the internal Housing Panel)

### 3.4) Checks and Assessments

If an applicant is successful in bidding, a full verification is carried out at the point of offer. In some cases, a full verification may be carried out before an offer is made.

Documents required as part of this include (but are not limited to):

- Proof of identity;
- Proof of income and savings;
- Proof of residency of children (Child Benefit);
- Proof of pregnancy (MATB1 Form);
- Confirmation of immigration status and right to work if from abroad;
- Medical evidence; and
- Notice of eviction (if relevant).

Existing tenants seeking a transfer will also need to make themselves available for a home visit.

Applicants can aid this process by ensuring they have accurately reflected their circumstances in their application and by making sure they have all the necessary documents required to evidence their situation.

At the point an offer has been made, if an applicant cannot provide their documentation within 48 hours (unless there are exceptional circumstances), the offer will be withdrawn and the property offered to the next eligible person on the shortlist.

### 3.5) Renewal and Removal

Applicants are required to confirm their details as part of renewing their application on an annual basis, the council however can ask for confirmation at any point during the application process.

All renewal requests must be completed within 28 days and completed through Moving with Dacorum. Failure to renew an application within this time will result in details being deleted from the register.

If a renewal application is started but not completed, a member of staff will contact the applicant directly to request the missing information.

If this information is not supplied to the council's satisfaction within 21 days then the details will be deleted from the register as above.

Deleted applicants may re-apply at any point and the new application will be considered. It is advised applications are only submitted or renewed if there is a genuine housing need.

Applicants can also be removed from the register for other reasons including, but not limited to:

- At their request;
- Where they no longer meet eligibility or qualifying requirements;
- Where they have knowingly provided false, misleading or incomplete information; or
- Where they have accepted an offer of accommodation.

### 3.6) Reviews and Appeals

As a housing service, we will provide an open and fair review process, in accordance with legislation, with appropriate support being offered.

Applicants have the right to request a review of decisions made on the following grounds:

- Misadministration of registration;
- Misadministration of shortlisting or points; and
- Misadministration of a renewal or removal from the housing register other than when it was at their own request.

Review requests must be made in writing within 21 days of the applicant being notified of the decision. The review will be conducted by an officer independent from the original assessment.

## 3.0 Administration of the Housing Register

## 4.0 Points and Additional Priority

Applicants have the right to request an appeal of the outcome of review decisions. Any appeal request must be made in writing within 21 days of the applicant being notified of the review decision. An appeal investigation will be carried out by the Group Manager for Strategic Housing.

Applicants wishing to pursue their appeal further will need to make their case through the council's [complaints system](#). This will then go through the councils internal complaints process.

### 3.7) Disclosure of Information and Conflicts of Interest

Information on any housing applicant is confidential and will not be disclosed with any member of the public.

This also applies any information related to applications. Applicants family members will need written permission from the applicant to access any information.

In certain circumstances, disclosure of applicant information to other professionals or services may be necessary. This will only apply in certain circumstances for example to prevent and detect fraud, or where an applicant has particular support needs that need to be met in order to enable them to maintain a tenancy.

In such cases, any information that is disclosed will be shared on a need to know basis. Examples of services include but are not limited to:

- Housing officers or tenancy sustainment officers;
- Corporate anti-fraud team;

- Occupational health officers;
- Doctors or social services;
- Police or probation services; or
- Other local authorities or housing associations.

Councillors, council employees and their close relatives applying to join the housing register must disclose their association with DBC on their application form.

Applications with an association to DBC that are successful in bidding on a property require approval from the Corporate Director of Housing and Regeneration prior to the formal offer being made.

## 4.0 Points and Additional Priority

DBC allocate points to each applicant on the housing register, these points are reflective of their housing need and are used to bid on a property. Applicants with the highest number of points will be made an offer on the property at the close of bidding (see appendix 1 for a detailed table of points awarded).

If two or more applicants are at the top of the shortlist and are in all other ways equal, a property will be offered to the applicant with the earliest registration date.

### 4.1) People Who Are Homeless

Part 7 of The Housing Act 1996 distinguishes between people who are homeless with a statutory duty to be rehoused by a local authority and those who are homeless with no statutory duty. This will also reflect the requirements set out by the Homelessness Reduction Act 2017. Applicants who are homeless where we have no statutory duty may receive points. Those who we have a full statutory duty to house will receive a direct offer as stated in section 3.3.

Prior to receiving the full statutory duty decision, applicants will receive assistance to prevent homelessness and to bid through the choice based letting scheme with points awarded for other priority need criteria.

### 4.2) Insanitary, Overcrowded and Unsatisfactory Housing

As a council, we recognise that tenants in the private rented sector are more likely to be in insanitary or otherwise unsatisfactory dwellings which can lead to potentially harmful health and safety risks. As a local authority, we use the [Housing Health and Safety Rating System \(HHSRS\)](#), introduced in light of the Housing Act 2004 to formally score and demonstrate the seriousness of hazards in dwellings. To address these issues, we will give additional priority for applicants currently in private rented sector accommodation if the property is found to:

- Lack facilities or have shared facilities; or
- Be in a state of disrepair.

This additional preference will only be given once and will not increase where applicants identify both of the above issues. Points awarded will either be of a 'high' or 'low' category (see Appendix 1) based on the following:

Low:

- Minor disrepair
  - Category 2 hazard from bands D – F under the HHSRS; or
- Sharing kitchen and/or bathroom facilities.

High:

- Major disrepair
  - Category 1 hazard from bands D – F under the HHSRS; or
- Lacking kitchen and/or bathroom facilities.

Both minor and major disrepair will need to be confirmed by a local authority Environmental Health Officer and there must be evidence that the landlord is non-compliant in carrying out the repairs.

As a local authority we recognise that overcrowding in a property can cause stress and have other negative impacts on a household. In light of this, we will give additional priority to those applicants who are overcrowded according to our [bedroom standard](#).

## 4.0 Points and Additional Priority

Any points allocated to an applicant for overcrowding will reflect the need set out within the bedroom standard. Applicants are advised to read the standard when making an application for further information on the size of property they may be entitled to.

In order to make best use of our available housing stock, we encourage tenants under-occupying their home to downsize to a smaller property, as this is more reflective of their housing need.

Applicants who wish to downsize will receive points based on how many bedrooms they would like to downsize by. This will need to be specified in the application. As a result, the applicant will be limited to the size of property they can bid for.

### 4.3) Medical and Welfare

We will award additional points on medical grounds when there is evidence that an applicant's current housing situation is having a direct impact on their and/or a household members medical condition. The term 'medical grounds' also covers disability.

Points will be awarded based on four categories (Extreme, high, medium or low) and reflect the level of risk caused by remaining in the current housing (see Appendix 1). Medical cases are assessed by an independent medical advisor who will advise the council on our final decision.

We will also award additional points on welfare grounds, which we define as referring to care and support needs or other social needs that do not require medical care or

support. As with medical, these points are also awarded using four categories that are reflective of the level of risk involved in the applicant remaining in the current accommodation. Where appropriate, we may request information from relevant professionals involved in the applicant's case to assess the level of need. All welfare cases are presented to and assessed by the internal housing panel.

### 4.4) Moving Due to Hardship

In some cases, we understand that current tenants may need to move within the borough in order to avoid hardship. We consider that hardship may be personal or financial. Due to this, we will allocate points to applicants who need to move within the borough due to hardship.

### 4.5) Armed Forces

As a local authority, we are required by law to give additional priority to members of the armed forces who have an urgent housing need. Members of the armed forces who qualify to our housing register will receive additional points if:

- They are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable to their service;
- They formally served in the regular forces;
- They have recently ceased, or will cease to be entitled to reside in the accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who served in the regular forces and whose death was attributable to that service; or
- They are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable to their service.

### 4.6) Right to Move

As a local authority, we are required by law to give additional priority to applicants who meet the 'Right to Move' qualifying criteria (see 2.3) and so these applicants will receive additional points.

### 4.7) Other Additional Priority Criteria

The council is also committed to recognising a number of other criteria, and in all cases the additional priority will be awarded as points. The additional priority criteria are as follows:

- Existing tenants of sheltered accommodation who wish to move from a Category 1 to a Category 2 property;
- Existing tenants aged 60 or over in general needs accommodation who wish to move into sheltered accommodation;
- Children in flats without a lift (first floor and above);
- Active applicants on the housing register who have completed a pre-tenancy training course (not including transfer tenants);
- Existing tenants at the end of their flexible tenancy who have been assessed as needing to transfer to meet a change in housing need;

Please note that transfer applicants with tenancy breaches will be required to complete a pre-tenancy training course as part of the approval process for their transfer.

Additional priority criteria have been established in relation to other high-risk applicants who are hard-to-house and may require sensitive lettings. These applicants may include (but are not limited to):

- Care leavers;
- Witness protection cases;
- Move-on from supported housing; or
- Individuals identified through multi-agency group.

Applicants meeting the additional priority criteria are not expected to be frequent or high in number and will always be considered on a case-by-case basis.

## 4.0 Points and Other Criteria

### 5.0 Specialist Criteria



#### 4.8) Bedroom Criteria

To ensure homes reflect peoples housing need DBC operates in line with the Governments Code of Guidance 2012 [bedroom standards](#).

Households who fall between the criteria within the standards will be able to bid for properties in two size categories to provide maximum choice.

For the purpose of this policy, the reference to children sharing a room shall be considered to mean siblings or step-siblings, not other relations or non-relations. We understand there may be mitigating circumstances where it is not appropriate for siblings or step-siblings to share a bedroom as required by the standard. These cases including supporting evidence will be reviewed on an individual basis by the internal housing panel.

Exceptions to the bedroom criteria will also be considered if medical evidence is provided to the housing panel showing that a member of the household is unable to share a room or requires an additional room for medical equipment. Prospective adoptive or foster parents will also be considered for exemption at the discretion of the housing panel.

See Appendix 2 for a table identifying possible household make-ups for one, two and three bedroom properties in line with the above bedroom criteria requirements.

Where these cases are approved it is essential applicants consider the affordability of separate bedrooms as the household will be considered under-occupying their home which may affect Housing Benefit entitlement.

Some housing association tenancy agreements may differ from the bedroom standard used within this policy. In these cases, we will restrict the size of the household able to bid for the property based on the details received from the relevant housing association.

## 5.0 Further Specific Criteria

### 5.1) Adapted Properties

Due to the low number of properties available in the borough that are suitable to meet the needs of people who have mobility and physical health conditions, we are committed to making sure that people who need adapted properties are prioritised for them.

To do this, we categorise adapted properties and applicants who need adaptations as low, medium or high; and advise that applicants only bid on the properties which are labelled as the category which is suited to their needs. Applicants will then be shortlisted according to their needs with the applicant whose needs best match those of the adapted property being given priority.

There is also a fourth category, 'extreme', for those applicants with very complex needs, where only very few properties would be appropriate for the extent of the adaptations required. In these cases we will make use of direct offers (see 3.3) to allocate appropriately.

### 5.2 Village Lettings

When shortlisting for village properties, applicants with a local connection (see 2.2) to a specific village (known as village connection) will be considered above applicants without a village connection. Villages where village connection is considered in Dacorum are:

*Aldbury, Bovingdon, Chipperfield, Flaunden, Flamsted, Great Gaddesden, Gaddesden Row, Kings Langley, Little Gaddesden, Long Marston, Markyate, Northchurch, Potten End, Wilstone and Wigginton.*

Where no bids have been made by applicants with a village connection, the property will be direct offered to a suitable household (without consideration of village connection). In the event that there is no suitable household to receive a direct offer, the offer will extend to applicants living and/or working in neighbouring parishes, before being opened up to the wider applicant population.

## 5.0 Specialist Criteria

### 6.0 Exemptions & Exceptions

#### 5.3) Local Lettings Scheme

At Dacorum Borough Council we reserve the right to implement local lettings schemes for new developments or to address issues on existing estates. These are used to ensure that communities are sustainable and contain an appropriate mix of households.

#### 5.4) Supported Housing & Flexi Care

Supported housing properties are designed for people aged 60 and over. Any applications to supported housing where an applicant is below the age of 60 will be required to demonstrate a medical or social isolation need. These applications will be assessed by the internal housing panel.

Supported housing residents benefit from a Supported Housing Officer who can offer differing levels of support as required and/or requested, as well as opportunities to socialise with other residents in their supported housing scheme.

The majority of our supported housing homes are one bedroom, however on occasion a two-bedroom property may become available. In these cases, the allocation of this property will be considered on a case-by-case basis by the housing panel, specifically taking into account the age of any additional household members living with the successful applicant and how this could impact the wider scheme.

We can also offer [Flexi Care](#) supported housing services for older people whose needs are beyond the provision available within traditional supported housing.

## 6.0 Exemptions and Exceptions

Lettings 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 (including those arranged via national schemes such as Homeswapper).
- Successions of a tenancy following the death of a tenant;
- Where an introductory tenancy, assured shorthold starter, or probationary tenancy becomes an assured or secure tenancy;
- Where a secure or assured tenancy is granted by court order under Matrimonial Causes Act 1973, Matrimonial and Family Proceedings Act 1984, or Children Act 1989; or
- Where a tenancy is demoted by court order or where a demoted tenancy reverts back to secure tenancy status.

Other exemptions may include (but are not limited to):

- A property allocated to a relative or carer of a tenant who has died without a statutory right to succession being present;
- Changes to a tenancy which do not result in a vacancy (e.g. joint to sole tenancy);
- A vacancy is required to enable us to discharge duty to statutorily homeless households;
- The need to re-house an existing tenant temporarily in order to carry out repairs; or
- Any other exceptional circumstances agreed by the Strategic Housing Team Leader and Strategic Housing Group Manager.

In exceptional circumstances the Assistant Director of Housing has authority to award additional priority to applicants and to amend eligibility or qualification criteria. All exceptions such as this will be monitored and reported on to the Corporate Director of Housing and Regeneration.

## 3.0 Links to other corporate documents

This policy links to and should be read in conjunction with the following policies and strategies:

- Homelessness Strategy
- Strategic Tenancy Policy
- Mutual Exchange Policy

## 4.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Housing Act 1996, Part VI and part VII
- Homelessness Act 2002
- Housing Act 2004
- Equality Act 2010
- Localism Act 2011
- Welfare Reform Act 2012
- Homelessness Reduction Act 2017