

## Review of Leicestershire Choice Based Lettings Allocations Policy Registered Providers Consultation Questionnaire

**Background:** The Leicestershire choice based lettings (cbl) scheme comprises the seven district authorities in Leicestershire. The scheme was implemented in 2010/11. The operation of the scheme is based upon the Leicestershire shared statement of policy. This policy ensures that the assessment of housing need and allocation of social housing is consistent throughout the scheme.

In April 2012 the district authorities completed a six month operational review with partner Registered Providers and statutory and voluntary agencies, to identify positive aspects of the scheme as well as areas for improvement.

The Localism Act 2011 came into effect in June 2012 and included amendments made to Part 6 of the Housing Act 1996. This new legislation empowers local authorities and provides the freedom to make changes to their allocations policies to manage their waiting lists better and promote mobility for existing social tenants.

The Department for Communities and Local Government published the Allocation of accommodation guidance for local housing authorities in England in June 2012. The guidance makes clear that social homes are expected to be allocated to people who genuinely need them.

The Leicestershire cbl partners have been working together to review the allocations policy in order to address statutory requirements as well as local needs and circumstances.

	<b>Proposed Policy Changes</b>	<b>Reason for change/Impact</b>	<b>Do you agree this recommend</b>	<b>Any comments</b>
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			ation is beneficial?	
<b>Definition of Local Connection</b>	<p><b>Sub-Regional Connection</b></p> <p>We are proposing to restrict entry onto the housing register to only those people who have a defined local connection with one or more of the authorities in the scheme (except in exceptional circumstances). Examples of exceptions might be households fleeing the threat of violence or Armed Forces and former service personnel or bereaved spouse and civil partners of members of the Armed forces who are leaving service accommodation.</p>	<p>Collectively there are 11790 home seekers on the Leicestershire housing register. 494 of them have no local connection to the Leicestershire districts. Those with no 'local connection' are currently placed in the Low housing need band.</p> <p>Managing applications on the register is a cost to the authorities in the scheme and by restricting applications in this way we will reduce costs, reduce the time spent managing unrealistic housing expectations, and ensure that we are addressing local housing need.</p> <p>The Allocation of accommodation Guidance issued by CLG stipulates that Members of the Armed Forces and the Reserve Forces should not be disqualified from entry to the housing register on the grounds that they do not have a local connection with the authority's district where the application is made within five years of discharge.</p>		
<b>District Connection</b>	<p><b>Definition of District Level Connection</b></p> <p>Add to 'Currently reside on a permanent basis in the district' with, 'Currently reside on a permanent basis in the district and have lived in the district for at least the last</p>	<p>There are currently six rules used to define a district connection and anyone establishing one or more of these criteria is considered to have a valid 'local connection' with the district. The first of these is 'They currently reside on a permanent basis within the district'. This means that someone who has just moved to our district can claim a 'local connection' if</p>		

	six months’.	they do not meet any of the remaining five criteria. By introducing a qualifying period of six months we will reduce the numbers of applicants to join the register who are not employed in the district, or have parents, guardians or siblings living in the district for at least 5 years		
<b>Eligibility and Exclusion Rules</b>	<p>Who is not eligible to join the housing register:</p> <ul style="list-style-type: none"> <li>• Applicants with no local connection to any of the seven districts within the scheme</li> <li>• Home seekers who have the financial means to meet their own housing needs. This would be determined by assessing whether the joint home seekers’ income, joint savings or equity exceed the threshold set for the relevant district. The exception to this would be those who demonstrate a support need for supported, sheltered, or extra care housing, which they cannot purchase/rent on the open market</li> <li>• Applicant considered to be unsuitable to be a tenant (although such exclusions will be justified by the authority and proportionate to the reason for exclusion</li> </ul>	<p>Restricting applications to join the housing register to only those home seekers who can demonstrate a ‘local connection’ with one of the seven district authorities will impact on approximately 500 home seekers currently on the housing register. However, this will reduce administration of those applications when there is little prospect of being re-housed.</p> <p>We have been more explicit about excluding home seekers who we assess to have the means to address their own housing needs and have refreshed the figures used for Affordability calculation purposes.</p> <p>We have also been explicit about applicants considered to be unsuitable to be a tenant or lack the capacity to sustain a tenancy (although such exclusion must be justified and proportionate taking into account their housing need). Examples include:</p> <ul style="list-style-type: none"> <li>• behaviour likely to result in granting an outright possession order</li> <li>• Owing a housing related debt greater than £300 and there is no evidence of willingness to reduce/repay the debt</li> <li>• Having been convicted of violence toward a partner or members of family</li> <li>• Obtaining a tenancy by deception or subletting without permission of the Landlord</li> <li>• Committing certain criminal offences in or</li> </ul>		

		<p>near the home, for example drug dealing and/or posing a threat to neighbours, the community staff from the Council, the Council's contractors or Registered Providers and their Contractors.</p> <ul style="list-style-type: none"> <li>• Where the applicant is not considered to have the mental capacity to enter into a tenancy agreement</li> </ul> <p>This demonstrates to applicants that they must address debt and behaviour issues which assists landlords in the management of their properties and protects staff.</p>		
<b>Changes to housing need bands</b>	<p><b>Low Band</b> Private tenants, tied tenants and social tenants (in assured or secure tenancies), who are adequately housed with no medical/welfare or exceptional need to move will be assessed in low housing need in addition to those already specified</p> <p>Note: Social tenants with Introductory Tenancies will normally not be eligible to register for a transfer through the scheme until their tenancy becomes an assured tenancy</p>	<p>Renting affordable accommodation in the private sector provides adequate settled accommodation and if there are no other housing need factors present requiring urgent housing they are considered to be in Low housing need.</p> <p>Part 7 of the Localism Act presents new powers for local authorities to choose whether to adopt the power to discharge their homeless duty into the private rented sector. This indicates that the Government considers this tenure to be an adequate housing option even for those who present as homeless.</p>		
	<p><b>Medium housing need band</b> We have re-defined 'Poor housing conditions' and overcrowding.</p> <p>We propose including home seekers in this band who have permanent employment within the Leicestershire scheme area, and they need to move closer to work to prevent financial hardship.</p>	<p>The new proposed wording follows the HHSR guidance for clarity and consistency across all tenures.</p> <p>We recognise rising fuel costs and the impact of the Welfare Reform may cause financial hardship for some households which could be eased or resolved by a move to alternative accommodation. This aspect of Welfare need has not previously been</p>		

	<p>We also propose including home seekers in this band who are suffering financial hardship and having difficulty in meeting their housing costs.</p>	<p>defined in the current policy and we recognise the need to do so in order to alleviate hardship.</p>		
	<p><b>High housing need band</b>  We propose to include Transfer home seekers who are under-occupying a home and are affected by Welfare Reform in this band</p> <p>It is proposed to reduce the length of time home seekers are placed in High housing need band from 24 weeks to 16 weeks.</p>	<p>This amendment will release units of social housing that are in high demand for use by other home seekers on the housing register and will reduce the transferring tenant's financial hardship.</p> <p>Currently those home seekers assessed with High housing need are able to bid on up to three properties in each fortnightly cycle for a period up to 24 weeks. It is hoped that by reducing the time in High housing need band will focus the home seeker on choosing a property more quickly. In some areas, suitable properties may not have been advertised during this period but the facility to review the housing need band at the end of the proposed 16 week period remains as there could be justification to extend for example where suitable properties were not available.</p>		
	<p><b>Priority housing need band</b>  We propose to reduce the length of time home seekers are placed in Priority housing need band from 12 weeks to 8 weeks.</p> <p>We propose to include provision for the host authority to reserve the right to place bids for home seekers on suitable properties to meet their needs where they have failed to bid in any advert cycle. In addition we will make specific reference in the policy to the host district, retaining the right to discharge the authority's statutory</p>	<p>Currently those home seekers assessed with Priority housing need are able to bid on up to three properties in each fortnightly cycle for a period of up to 12 weeks. It is hoped that by reducing the time in Priority housing need band, home seekers will be more focused on choosing a property to address their emergency need for housing.</p> <p>Some authorities may not have sufficient vacancies of a suitable size or type during this period, the facility to review the application is in place the length of any extended Priority will be determined by the host district's Housing Manager.</p>		

	<p>homeless duty by one suitable offer of accommodation in week 7/8 of the priority period.</p> <p>Where the home seeker or their district authority has bid and the home seeker has been offered a property (at any time throughout the Priority period) that offer will constitute a suitable offer of accommodation in discharge of the authority's duty under Part VII of the Housing Act 1996 as amended.</p> <p>We propose to insert the following wording into the policy '<i>Offers of accommodation to discharge the authority's homeless duty can also be made in the private rented sector where the host authority has a private rented sector offer policy</i>'</p>	<p>Some home seekers will be assessed in Priority band because they are homeless and the authority has a statutory duty to assist with re-housing. Reducing the time in priority will reduce uncertainty for the family and will reduce the cost of providing temporary accommodation (if they are living in Bed and Breakfast accommodation).</p> <p>Part 7 of the Localism Act brings new powers to local authorities in discharging their duties to homeless households. Individual local authorities can choose whether or not to adopt the power to discharge duty into the private rented sector which is something the districts in Leicestershire will be considering in the future. Inclusion of this wording in the policy now will avoid the need for amendment if in the future the authority develops and agrees a Private Rented Sector Offer Policy.</p>		
	<p><b>Minimum Bedroom Standard</b></p> <p>We propose to mirror the bedroom standards set out by Housing Benefit regulations:</p> <p>A separate bedroom is normally needed for:</p> <ul style="list-style-type: none"> <li>• Every adult couple, or single parent</li> <li>• Person aged 16 years or more</li> <li>• Two adolescents aged 10-15 years of the same sex</li> <li>• Two of children aged under 10 years regardless of sex</li> </ul> <p>We are proposing to change the time at</p>	<p>Aligning the bedroom need calculation will reduce the opportunity to occupy properties larger than needed and reduce associated affordability issues</p> <p>The housing benefit regulations do not recognise an unborn child for a bedroom need until it is born. It is not practical for the household to be housed in a property that would be too small for the family once the baby is born. Providing the property is affordable at the time of the tenancy being signed, the Registered Providers are agreeable to this.</p>		

	<p>which an unborn child counts for housing purposes as a child from within six months of expected date of delivery to within three months</p>			
	<p><b>Refusals</b>          Currently applicants who fail to respond to seven suitable offers of accommodation or fail to attend seven arranged viewings or refuse seven offers of tenancy will have their application suspended for up to six months. We propose to reduce this from seven to three.</p>	<p>Our policy will reflect that home seekers who are assessed in housing need will continue to have the opportunity and choice to bid on suitable properties to meet their needs. However, we recognise that Landlords have experienced difficulties in contacting applicants who have bid and/or experienced applicants arranging viewings that they do not attend and making offers of tenancies which are then not accepted. This results in abortive administration time as well as having the potential to increase void periods which has a financial impact for the Landlord.</p>		
	<p><b>Bids</b>          Changing the number of bids a home seeker is able to make each advertising cycle from three to two.</p>	<p>When the Leicestershire cbl scheme was introduced it was agreed to enable home seekers to bid on up to three properties in each advertising cycle (which was an increase from 2 bids with Harborough Home Search). <i>Often there are not three suitable properties in the advertising cycle for a home seeker to bid on.</i></p> <p>Recent consultation with Landlords suggests they would welcome the reduction as they are experiencing difficulties where the same home seeker is matching first on several properties and it can cause delays in the lettings process as they are only able to move on and offer other shortlisted home seekers the tenancy once the home seeker who has matched first has either accepted or rejected an offer.</p>		

<b>Community Contribution</b>		<p>We have considered how this could be defined, evidenced and monitored and the difficulties this would pose. This is an aspect that can be taken into account when assessing housing need but is not mandatory. Currently we feel the changes made to the local connection criteria reflect that the majority of home seekers are making a contribution to the local economy and therefore it is not necessary to take account of community contribution in the assessment of housing need.</p>		
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