

July 2016

Update to the Common Housing Allocation Scheme: summary of substantive changes

Para	Amendment	Proposed new text	Future impact
2	Expand and update text to include reference to public sector Equality Duty (additional text underlined).	<p>“The Partnership endeavours to meet the diverse needs of the community without bias. <u>The Partnership will have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between all groups in the community and foster good relations within the community. These responsibilities are set out in the public sector Equality Duty, established in the Equality Act 2010.</u></p> <p><u>The outcomes and operation of the Common Housing Allocation Scheme will be monitored on an annual basis, and the results published, to ensure that the Partnership is meeting the duties set out in the Equality Duty.</u></p> <p>Should such monitoring expose inconsistencies in outcomes for any group(s), the Partnership will take steps to eliminate any disadvantage experienced by the group(s) concerned.”</p>	No impact on Scheme operation but this commits the Partnership to annual equalities monitoring of the CHAS, including publication of results.
5	Remove one of the defining criteria for household member, so it no longer includes “someone normally residing with the applicant but not as a member of their family, for instance, a carer, friend or lodger”.	None.	Helps to ensure only those with a housing need are allocated to family sized accommodation.
5.5 (old para 5.4.2)	Amend wording of qualification criteria for consistency. Current wording states applicants will not qualify if “the applicant or a member of his/her household has been evicted from social housing as a result of anti-social behaviour”. Proposed text would remove “...as a result of anti-social behaviour” as para 5.5.4 (old para 5.6.1) does not stipulate any particular reason for eviction.	“The applicant or a member of his/her household has been evicted from social housing.”	None – point of consistency.

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5.5.1 (old para 5.5)	Remove “has been evicted from social housing as a result of anti-social behaviour” from list of reasons for exclusion. This is already covered under para 5.5.4 (old para 5.6.1).	None.	None – point of consistency.
5.5.1 (old para 5.5)	Reduction in length of time before the Partnership will consider a fresh application from applicants who have been refused access to the CHR due to anti-social behaviour. Currently, a fresh application is considered only after the person responsible for the ASB/crime has lived in the community for five years with no further convictions of this type (or when their convictions are spent, whichever is sooner). It is proposed to reduce this period of time to three years.	“The Partnership will consider a fresh application to the Common Housing Register from any applicant refused access to the Common Housing Register on grounds of anti-social behaviour if the person responsible for the ASB/crime has lived in the community for <u>three</u> years with no further convictions of this type, or when their convictions are spent, whichever is the sooner.”	Will enable some applicants to access CHR at an earlier stage.
5.5.2 (old para 5.6)	Proposed rebalancing of the debt repayment criteria for applicants with debts outstanding from a former tenancy. This also moves to distinguish them from applicants with debts owed in a current tenancy, who do not qualify to join the CHR.	“Applicants with housing debt <u>accrued in their current tenancy</u> will not qualify to join the Common Housing Register unless there are exceptional circumstances. Applicants with debts <u>outstanding from a previous tenancy</u> will not qualify for inclusion on the Common Housing Register until <u>25% of the value of the debt is repaid</u> . <u>Applicants must also enter into an agreement to repay the outstanding debt by regular instalments. Evidence of the agreement being adhered to will be required before any offer of social housing can be made. Applicants who have not maintained agreed repayments will not be considered for an offer of social housing unless they bring their repayments up to date</u> ”	Will enable some applicants to access CHR at an earlier stage.

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5.5.3 (old para 5.6.2)	<p>Re. applicants who accrue housing debts when on the CHR – additional text (underlined) to make it clear that those who re-apply to the CHR after debts have been cleared will be considered as new applications.</p> <p>Additional text has also been added to clarify position for homeless households owed a duty to accommodate.</p>	<p>“However, should they fail to clear the debt within the three month period they will be removed from the Housing Register. In these circumstances, they may reapply to the Housing Register once the debt is cleared. <u>This will be considered to be a fresh application and waiting time points will not be backdated.</u></p> <p><u>Those owed a duty to accommodate by NHDC under section 193 of the Housing Act 1996 will be demoted to Band C following the three month period and no additional preference for housing need will be awarded until the debt is cleared.”</u></p>	<p>Clarifying the policy will reduce number of requests for waiting time points to be backdated.</p> <p>Those for whom NHDC has a homeless duty will be able to remain on the CHR until the debt is cleared, continuing to accrue waiting time points, assisting with move on from temporary accommodation.</p>
5.5.4 (old para 5.6.1)	<p>Re. applicants who have been evicted from a social housing provider – remove additional criterion which states “Further, such applicants will not qualify for an allocation to a property belonging to the evicting landlord for 10 years from the date of eviction”.</p>	<p>Remaining criterion (unchanged) states: “Applicants who have been evicted by a social housing provider will not qualify for inclusion on the Housing Register for five years from the date of eviction”.</p>	<p>Evictees can now be considered by all landlords once the 5 year period has lapsed.</p>
5.7 (old para 5.10)	<p>Change all reference to “owner occupiers” to “home owners” as not all home owners occupy the property that they own.</p>	<p>All references to “owner occupiers” changed to “home owners”.</p>	<p>None – clarification of text.</p>
5.9 (old para 5.13)	<p>Clarify and add text to section on homeless applicants to make it clear that all homeless applicants (within the meaning of part 7 of the Housing Act 1996) will qualify for inclusion on the Housing Register. This is to ensure that reasonable preference is given to homeless applicants as required by the Housing Act 1996.</p>	<p><u>“In order to ensure that homeless households receive reasonable preference, as required by the Housing Act 1996 (as amended), applicants who are deemed homeless with a local connection will qualify for inclusion on the Common Housing Register and will be awarded the level of preference appropriate to their homelessness status. Those who do not meet the qualification criteria because of anti-social behaviour/crime, housing debt or previous evictions from social housing will be given a Band C preference, will not be awarded priority for any other housing need and will not be considered for an offer of accommodation until such time as they fulfil the qualification criteria.”</u></p>	<p>Clarification to ensure compliance with case law.</p> <p>Quicker move on from temporary accommodation for some as homeless applicants who previously did not qualify for inclusion on the register will now be registered in Band C and start to receive waiting time points from the point of registration.</p>

Para	Amendment	Proposed new text	Future impact
5.12	New section to clarify policy on care leavers, ensuring it is in line with the Hertfordshire Joint Housing Protocol.	<p><u>“Looked after children and care leavers aged 16 and 17 may be placed on the Common Housing Register from the age of 16 in order to accrue waiting time points. They will be placed in Band C and will not be considered for properties as separate accommodation arrangements exist for this group of young people, as set out in the Hertfordshire Joint Housing Protocol.</u></p> <p><u>Care leavers aged 18-21 (24 if in full-time education), and who are assessed as ready for independent accommodation, will be given preference on the Common Housing Register. This will happen, at the earliest, six months before the young person’s 18th birthday and the applicant will be able to bid on suitable properties from this point. Preference to care leavers will only be awarded the once.”</u></p>	None – clarification.
5.13.4 (old para 5.16.4)	Re. allocation of properties with adaptations – applicants with a need for adaptations will not always get preference over those without such a need, for example if they are in a lower preference band. Text (underlined) has been changed to accurately reflect this.	“In the allocation of properties with adaptations, applicants with a need for those adaptations <u>may be</u> given preference over those without such a need”.	None – clarification.
17.1.1	Re. applicants with insufficient resources to remedy physical hazards in their property – add text (underlined) to clarify in what circumstances a property might be classed as in poor condition.	“Applicants with insufficient resources to remedy the hazard who must leave their accommodation permanently, <u>or whose property has been assessed by an Environmental Health Officer as being unreasonable to occupy</u> , will be awarded preference on the Housing Register.”	Will assist officers in assessing applications, ensuring consistency.
17.1.5 (old para 17.1.4)	Add text (underlined) to clarify re those living in supported accommodation and no longer having a need for support. Associated bullet point at 19.2 has also been amended to reflect this clarification.	<p><i>“Living in supported accommodation and no longer has a need for the level of support provided</i></p> <p><u>Applicants living in supported accommodation within the district, or those who were placed in supported accommodation within or outside the district by NHDC, and who are ready to move into general needs housing will be awarded preference on the Housing Register.”</u></p>	None – clarification of text.

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18.1	Add a new bullet point to local connection criteria to include homeless households owed a s193 duty. As local connection residency criterion under homeless legislation is only six months, whilst that for the CHR is 12 months, NHDC officers currently have to complete discretion requests for applicants who do not meet the CHR local connection residency criterion.	<p>“An applicant will be deemed to have a local connection if s/he:</p> <ul style="list-style-type: none"> • <u>is accepted as owed a duty by NHDC under section 193 of the Housing Act 1996.....”</u> 	Aligns homeless and allocations procedures, thereby reducing officer time spent on discretion requests and potentially hastening move on from temporary accommodation.
18.2	Add a new bullet point (underlined) under discretionary awards of preference to take into account a household’s ability to maintain a tenancy.	<p>“In making such decisions officers will.....</p> <ul style="list-style-type: none"> • <u>Take into account their ability to maintain a tenancy”</u> 	Ensures that those with a housing need and a proven ability to maintain a tenancy will be considered for the CHR.
19.2	Clarification about Band B preference for households with children living in studio/bedsit accommodation.	<p>“Band B preference will be awarded where....</p> <ul style="list-style-type: none"> • a household with children is living in studio/bedsit accommodation – preference will be awarded for <u>lacking a bedroom with additional preference being given to those with more than one child</u> 	None - clarification
22	Add new text to inform about tenancy type/durations.	<p>“<u>The type of tenancy offered may vary between RPs and, depending on an applicant’s circumstances, could range in duration from six months to a lifetime. Further details will be found in RPs’ tenancy policies”</u></p>	None - clarification

Para	Amendment	Proposed new text	Future impact
22.1	<p>Change period of time after which a direct offer of a tenancy will be made to homeless households from 3 months to 1 month.</p> <p>Also, add a new paragraph (underlined) clarifying the nature of a direct offer.</p>	<p>“Homeless households accepted by NHDC as owed a duty to accommodate under section 193 of the Housing Act 1996, may be made a direct offer of a tenancy in the private rented sector, or bids will be placed on the applicant’s behalf for social housing vacancies. Such bids may lead to a direct offer of social housing and will only be considered after <u>one</u> month has passed since the section 193 duty was accepted. An exception to this will apply to homeless households placed in supported accommodation by NHDC. Bids or direct offers will be considered <u>one</u> month after they have been assessed as ready to move to general needs housing.</p> <p><u>Bids and direct offers will be made on all properties types and in all areas of North Herts unless there are exceptional circumstances.</u></p> <p><u>Applicants will retain the right to place their own bids on social housing vacancies. After the initial one month period has passed, NHDC may remove bids that have been placed and replace them with bids on properties with a higher likelihood of success.</u></p>	<p>Quicker move on from temporary accommodation. However this may be tempered by increases in the number of reviews of permanent offers of accommodation and in requests for particular areas due to exceptional need.</p>
22.2	<p>Clarification that direct offers may be used with any applicants on the CHR (e.g. management transfers, witness protection etc) and not just in relation to homeless households.</p> <p>Details of direct offers and assisted bidding for homeless households now covered in para 22.1.</p>	<p>“In making a decision on whether to make a direct offer, the individual circumstances of the household, their housing needs and the reason why no successful bid has been made, will be taken into consideration.</p> <p><u>Once made a direct offer, this would be the applicant’s one and only offer of accommodation unless there are exceptional circumstances.”</u></p>	<p>None – clarification</p>