

HALTON HOUSING TRUST

MEETING HOUSING NEED AND ACCESS TO HOUSING POLICY

Date due for Review:

Introduction

Halton Housing Trust (the Trust) will ensure that this policy complies with the Housing Corporation's Regulatory Code – in particular Sections 3.5 and 3.6.

The Trust will ensure that in implementing this policy, it will use its housing stock effectively to meet the housing needs of applicants and tenants and to develop and maintain sustainable and stable communities.

The aims of the policy are:

To meet the housing needs of applicants and tenants by:–

- giving reasonable preference to those in housing need;
- maximising the choices available to applicants and tenants;
- improving the information available to applicants and tenants to enable them to make an informed choice;
- balancing the needs of the individual with the needs of the wider community;
- working closely with other relevant agencies, e.g. Social Services, Health Services, the Police and other social landlords etc. in assessing an individual's need for rehousing, and making the best match within available resources.

To develop and maintain balanced and sustainable communities by:–

- enabling people to live in safe, secure and good quality homes;
- working in partnership with the Police and other agencies to reduce crime and anti-social behaviour in Halton;
- providing tenancy support to assist tenants to maintain their tenancies.

The Trust will ensure that a copy of the full policy or a summary of it can be made available to any applicant or tenant requesting it. Each applicant for housing will also receive a copy of the Housing Corporation's publication 'A charter for

housing association applicants and residents', which sets out what applicants (and tenants) can expect from their landlord.

The Trust will ensure in implementing this policy that its obligations under charity law and pursuant to its charitable objects are met, and will therefore make every effort to see that those who are in need by virtue of their financial hardship, old age or infirmity are provided with accommodation and relevant associated facilities.

Policy Statement

The Trust is committed to: -

- Working with Halton Borough Council to assess local housing needs and to assist the Council in fulfilling its statutory duty to secure accommodation for people in housing need.
- Ensuring that its accommodation is made available equally to all sectors of the community irrespective of ethnic background, race, religion, gender, disability etc. The Trust will take account of legislation, its own Equality and Diversity Policies and good practice in this area, such as the Commission for Racial Equality's Code of Practice. To ensure that this is achieved the Trust will monitor all of its applications and report to the Board and Tenant Area Boards on a quarterly basis.
- Keeping the void period of any empty property to a minimum to maximise use of stock and rent monies due to the Trust. By keeping the levels of vacant properties to a minimum, this will also contribute to maintaining stable and sustainable communities.
- Ensuring the social inclusion of vulnerable people in society by the fair application of this policy in conjunction with best practice.
- Ensuring that throughout the letting process staff pay attention to appropriate legislation and good practice such as the Human Rights Act 1998, the Data Protection Act 1998, equal opportunity and anti-discriminatory legislation and best practice.

Implementation

The Selection Process

The Trust expects applicants to complete an application form so that it can determine their housing needs, and to ensure that those with the greatest priority are assisted earliest. In order to achieve this, and also to ensure that the Trust is

meeting its charitable objectives, a two stage selection process will be used. The first part of the process concerns who can apply to the Trust for housing. The second part concerns the types of applicants who will be given priority for allocation of a Trust property.

1) Who can apply ?

The Trust will accept applications from:

- residents of Halton and people living outside the Borough, including owner occupiers who meet its charitable objectives;
- people employed in or have an offer of employment in the Borough and have accepted this offer;
- any applicant accepted by the Council as unintentionally homeless, in accordance with Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.

Anyone aged 16 or 17 years of age who satisfies the above rules can also apply but normally no offer of permanent accommodation would be made until the applicant reaches 18 years of age. On the exceptional occasion when a tenancy is granted to a person under 18 years of age, a guarantor will be required.

The Trust will use a combination of a points scheme and length of time on the waiting list to determine which applicants will be offered a tenancy. However, as the Trust recognises that no scheme is able to cater for every eventuality, the one exception to the general categories above is if :-

- a person's circumstances may warrant special consideration under either the Social Needs or Medical Priority categories of the Trust's points scheme. If 300 or more medical points or 150 or more points for social needs are awarded, applicants can register for rehousing.

2) Tenancy Selection

Although the Trust has stated above which categories of people it will accept applications from, it has to ensure that its charitable objectives are being met when allocating its properties. It will therefore look to give priority in the allocation of its properties to the following classes of people :

- people in receipt of welfare benefits or on low incomes, on terms appropriate to their means. This will include homeless people and people who are vulnerable and in need of assistance in obtaining low cost housing;
- elderly or chronically sick people or people with a disability (including mental, physical and learning or associated disabilities).

The Trust will also ensure that in the allocation of housing reasonable preference will be given to those categories of people covered by regulations under the Housing Act 1996. The categories of people who could receive such reasonable preference are :-

- people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory conditions;
- people occupying housing accommodation which is temporary or occupied on insecure terms;
- families with dependent children;
- households consisting of or including someone who is expecting a child;
- households consisting of or including someone with a particular need for accommodation on medical and welfare grounds;
- households where social or economic circumstances are such that they have difficulty in securing settled accommodation;
- persons owed a duty by the Council under Homelessness legislation.

The Trust will provide applicants with as much information and advice as possible, to enable them to complete their application form and consider their housing options. Anyone who applies to the Trust may see a copy of their entry on request. They will also be given information to assist them to assess when an offer is likely to be made to them.

Supporting Evidence.

The Trust will ensure that each application is closely scrutinised. This will require the applicant to produce: -

- proof of identity;
- proof of residence (of the address on the application form). If the applicant has no permanent address, proof of identity will still be required;
- birth and marriage certificates;
- proof from Halton Borough Council re: Homelessness or Grounds for Nomination;
- references from existing landlords regarding the tenants conduct of tenancy (consent for this information will be given on the housing application form).

Such scrutiny is necessary to ensure that the rehousing process is complimentary to the Trust's Anti-Social Behaviour Policy.

Trust Officers will also carry out home visits to confirm proof of residence.

The Trust will reserve the right in accordance with Halton's Information Exchange Protocol and with the applicant's permission to investigate any background of criminal activity that may inform or influence the potential allocation of a Trust

property. However each case would be assessed on a individual basis and in accordance with the Trust's Equality and Diversity Policies.

Ineligibility and Exclusion

However, certain people will not be eligible to apply to the Trust for housing under legislation contained in the Housing Act 1996, as amended by the Homelessness Act 2002. People who do not qualify are as follows:-

- persons subject to Immigration Control, unless they fall within a class of persons prescribed in regulations made by the Secretary of State;
- persons who are not habitually resident in the UK;
- persons with a history of 'unacceptable behaviour', where current evidence is such that they are deemed unsuitable to be a tenant, and therefore ineligible for allocation of accommodation.

'Unacceptable behaviour' in this context is that for which the Trust would be entitled to an immediate possession order . In order to make a decision regarding a person's ineligibility in this category, the Trust will not take into account any previous tenancy enforcement action for anti-social behaviour if it occurred two or more years prior to the date of the application, and the applicant's household has conducted a tenancy satisfactorily in the intervening period .

Applications may be excluded from the waiting list in certain circumstances. However each case will be considered on an individual basis and on merit. Such circumstances can include:

- significant rent arrears – 12 months arrears would normally be considered as excessive. However, each case will be considered on its merits, and the reason(s) for the accrual of arrears may be a significant factor;
- serious anti-social behaviour which has or could affect the community at large;
- the applicant or a member of their household or a visitor at their property have been convicted of an offence contrary to the 'Misuse of Drugs Act 1971' or any amendment to or re-enactment of this Act;
- the applicant or a member of their household or a visitor at their property have been convicted of a criminal offence that has involved the use of a tenancy for illegal or immoral purposes;
- the applicant or a member of their household or a visitor at their property has neglected or has seriously damaged their property.

Notification and Right To Review

The Trust will notify in writing any applicant of the reasons for their exclusion, and will inform them of their right for a review of the decision. Any request for a review of the decision will be considered by a person not involved in the original

decision, which in most circumstances will be the Lettings and Homelessness Manager. The outcome of the review will be confirmed in writing to the applicant.

If the applicant is still dissatisfied with the outcome of the review, they can submit a formal complaint under the Trust's Complaints Policy.

The Trust will ensure that any allocation of accommodation is in accordance with its Equality and Diversity Policies.

As mentioned earlier in the document, the Trust will use a combination of a points scheme and length of time on the waiting list to determine which applicants will be offered a tenancy. The points scheme used by the Trust will look to be fair and consistent in assessing people's needs. However, the Trust recognises that no scheme will be able to cater for every eventuality. It will always look to take account of any special circumstances that are presented within the overall framework of its Allocations Policy ; e.g. via the Social Needs points category etc. Details of the points scheme are available in the Trust's Allocation Policy and Procedure document.

When a Trust property is available for letting, it will normally be offered to the applicant who has the highest level of points and the longest time on the waiting list, taking into account their choice of where they want to live and what type of property they would like. Where there are two or more applicants with equal points and waiting time on the list, the comparative priority of each case will be considered. Medical and Social Needs Points can be used as determining factors to ensure that the applicant in most housing need is accommodated.

There will be some exceptions to this general rule, namely:-

1) Adapted Properties

Allocation of adapted or purpose-built, disabled accommodation will be made to those applicants in most need of the facilities. Such allocations will be made in consultation with Halton Borough Council Social Services. Position on the waiting list will only be considered if there are two cases with equal need of the facilities.

2) Decanting/Modernisation

In order to ensure that the Trust is able to facilitate major repairs and improvement schemes, the Lettings And Homelessness Manager has authority to allocate properties for decanting, where they are needed as part of an approved development or repairs programme. These will be temporary allocations to facilitate improvement works.

3) 'Hard to Let' Properties

Properties which are hard to let or where the waiting list is exhausted will be advertised on a 'first come, first served basis', to those people who meet the

Trust's eligibility criteria.

4) Management Transfers

The Trust will allow existing tenants to be moved 'outside' of the points scheme **only** under the following circumstances:-

- a) where a tenant has been decanted to a temporary property and wishes to remain there, and is able to demonstrate exceptional circumstances that merit a permanent transfer. These cases will be considered by the Deputy Chief Executive.
- b) where an applicant has exceptional housing need that cannot be reflected within the points scheme; e.g. an applicant may warrant special consideration because of either racial or other harassment, or domestic violence, or some other need for emergency provision. Any such decision and the reasons for it will be fully documented.

5) Applicants receiving offers under the HOMES scheme.

(See Page 8 for more info on HOMES)

Medical Priority.

Claims for Medical Priority points for applicants and existing tenants will be dealt with by a Panel involving health care professionals and a housing officer who may:

- (a) make recommendations as to the type of property suitable for applicants taking into account their individual medical circumstances;
- (b) award Medical Priority points ranging from 50 to 500, to reflect the level of medical need;
- (c) make no award at all in appropriate circumstances.

Eligibility and Property Types

The following households would be eligible for the property types described below:-

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|---|-------------------------------|
| • Single Person, no dependants | Flat/Maisonette |
| • Couple without dependants | 2 Bed House/Flat/Maisonette |
| • Single Person/Couple with dependants | House or Maisonette/Flat |
| • Single Person or Couple aged 60 or over | Ground Floor Flat or Bungalow |

The Trust will wherever possible seek to avoid placing families with young children into purpose-built flat blocks. All allocations will take account of the immediate community.

Offers

The Trust will ensure that all applicants will be entitled to 3 reasonable offers of accommodation. A 'reasonable offer' is defined as an offer which meets both of the following criteria:-

- it is of an adequate size and type of accommodation to meet the needs of the applicant;
- it is in the area(s) of the applicant's choice.

If 3 reasonable offers are refused by an applicant, their application will be suspended for 6 months. Furthermore, where an applicant has been awarded medical points, and refuses offers of accommodation suitable to meet their medical condition; then after 2 years the medical points will be removed from their application.

Types of Tenure

The Trust will use both assured and assured shorthold tenancies. However, new tenants to the Trust will be offered assured shorthold –'starter' – tenancies for the first 12 months. These will be converted to assured tenancies at the end of this period, provided there have been no serious problems with their tenancies.

Annual Review

The Trust will review its waiting list annually to ensure it has the fullest and up to date information concerning its applicants. Failure to complete or return an application may result in the cancellation and removal of the application from the list.

As part of the annual review, all applicants will be asked to inform the Trust of any changes to their financial or other personal circumstances during the past 12 months, so that the Trust can ensure that its obligations under Charity Law are met.

Homelessness.

The Trust will administer the Homelessness Service for Halton Borough Council under a contractual arrangement and in accordance with the Government's Code of Guidance for Local Authorities .

Nominations

The Trust will make 50% of its properties that are ready to let available to cases nominated to the Trust by Halton Borough Council under a contractual agreement.

Local Lettings Policies

The Trust may consider the use of local lettings policies, e.g. in areas of low demand where allocations on the basis of need are inappropriate and/or to 'prevent or reverse social conditions in an area threatening the housing rights of most residents or the value of the stock'.

National Housing and Mobility Scheme (HOMES)

The Trust will be active participants in HOMES which allows residents of Halton to transfer to another Local Authority area for employment, medical or social reasons, and vice-versa. It will make available up to two per cent of its allocations to such applicants wishing to transfer into Halton, who will be considered on merit.

Supporting Special Needs.

The Trust will be supportive of special needs groups such as young single people, those with mental health problems, disabled people and elderly people. This support will include assistance with packages of care as appropriate.

Marketing Strategy.

Through its Marketing Strategy the Trust will be pro-active in maximising demand for its properties and will offer choice to its applicants.

Responsibility

The Deputy Chief Executive will be responsible for the implementation of this Policy. This will include training of the appropriate employees in this policy and related policies including the Trust's Equality and Diversity Policies.

Consultation And Review

The Trust will review this policy every three years to ensure it is operating in a fair and consistent manner in accordance with its Equality and Diversity Policies. The review will seek to ensure that objectives and targets are being achieved in line with the Trust's standards in effectiveness, achievement of target timescales and value for money.

In undertaking this review the Trust will consult, in accordance with its Tenant and Resident Involvement Policy, with: -

- Halton Borough Council;
- Halton Housing Community Voice;

- Tenants and Residents Groups/Street Representatives/Consultative Forums;
- the Tenants and Residents' Panel;
- Trust tenants generally;
- other housing associations in Halton;
- any other relevant organisation.

Reports detailing performance will be presented to the Board and Halton Housing Community Voice at quarterly intervals.

Tenants' Change of Financial or Other Personal Circumstances

Tenants in receipt of Housing Benefit are required to tell the Trust and Halton Borough Council of any changes in their circumstances.

Tenants will also be expected to inform the Trust of any significant changes to their financial or personal circumstances. This is because it may affect the Trust's obligations under Charity Law. The Trust will then review (in conjunction with the tenant) their housing provision.

Overriding Principle

The Trust will ensure that properties are let in accordance with its charitable objectives.

Although this principle is simple, the application of it can be complex. Anyone who has benefited from a tenancy has done so because they have shown a need for housing that the Trust can provide under its charitable objectives. If any tenant's personal or financial circumstances significantly improve, it would not be appropriate for the Trust to simply look to terminate their tenancy because of this. Whilst this improvement in circumstances may put their continued receipt of the Trust's assistance with accommodation into doubt – because they no longer have the same level of need as at the start of their tenancy – the Trust will try to deal sympathetically with any case that is brought to its attention. For example, the Trust may make the tenants concerned aware of any incentive schemes that are available which could lead to full or shared ownership of their current (or another) property.

Associated Documents

Equality and Diversity in Service Delivery Policy
Customer Care Policy
Tenant and Resident Involvement Policy

Empty Property Management Policy

Version : 2.8 *Last Updated : 18.4.08*
Author : Mike McCue

Policy Ref : HM1

Anti-Social Behaviour Policy
Marketing Strategy
Allocations Policy and Procedure
Tenants Handbook

Date Adopted: