



Policy and Resources Committee - 12 March 2018

Amendments to Housing Allocation Policy

Purpose of report

This report advises of changes to the Housing Allocation Policy 2017, which are required as a result of the Homelessness Reduction Act 2017, and arrangements for consultation.

Attachments:

Appendix 1 - Proposed changes to Housing Allocation Policy

Appendix 2 - Equalities Impact Assessment

1.0 Background

- 1.1 The Housing Allocation Policy was approved by this Committee on 13 February 2017.
- 1.2 As a result of the Homelessness Reduction Act, which comes into effect on 3 April 2018, there are a number of changes required to the policy.

2.0 The Homelessness Reduction Act 2017

- 2.1 The new Act will place significant new duties on local authorities to prevent and relieve homelessness. In summary we will have:
 - a duty to prevent and relieve homelessness once a household is threatened with homelessness within 56 days (currently 28 days)
 - a duty to provide temporary accommodation for intentionally homeless households for 56 days (currently 28 days)
 - an increased duty to 'non-priority' applicants
 - a requirement to provide all applicants with Personal Housing Plans.
- 2.2 The new Act requires that, in order to help prevent and relieve homelessness, those who are homeless or threatened with homelessness must be given additional reasonable preference in Housing Allocation Policies, irrespective of their priority need or local connection. This means that, during the 56 days that a household is threatened with homelessness, we will have to give them reasonable preference on our Housing Register, even if they would not normally qualify to apply under our Housing Allocation Policy criteria. At the end of the 56 days, the duty no longer applies and we can revert to our normal local connection criteria.
- 2.3 Furthermore, in order to meet the requirements of the Act to prevent homelessness and to ensure that our temporary accommodation costs are limited as far as possible, it is proposed that bids will be placed on behalf of applicants to whom we have accepted, or would need to accept, the full homelessness duty. The result of this will be that choice under the Homes Direct Choice Based Lettings Scheme will be limited for homeless applicants. We also have the option to secure accommodation in the private rented sector if a suitable property is available.

3.0 Suggested amendments and consultation

- 3.1 Appendix 1 shows in italics the proposed alterations to Sections 4 & 5 of the Housing Allocation Policy, which are required to comply with the Act.

- 3.2 The changes are officer recommendations of the most appropriate interpretation of the requirements at the present time. However, it is possible that further minor amendments may be required as a result of emerging government guidance. Any further changes required will be highlighted to the Committee at the meeting.
- 3.3 In order to coincide with the implementation of the new legislation, the changes need to be implemented on 3 April 2018. It is proposed that those changes where there is an element of interpretation (see 2.3) are subject to a three week consultation period, and that delegated authority is given to the Executive Director / Monitoring Officer, in consultation with councillors on the Housing Policy Working Party, to review those responses and decide if further changes should be brought back to this Committee for consideration.

4.0 Equality and Diversity Implications

- 4.1 An initial Equality Impact Assessment has been carried out and all equality and diversity implications are neutral. Neither a positive nor a negative impact has been identified.
- 4.2 Homeless applicants will have additional access to, and priority on, the waiting list even if they do not have a local connection. However, they may have their choice restricted in order to ensure accommodation is secured to prevent their homelessness and to minimise the need for temporary accommodation. Homeless applicants will continue to have access to arrangements for appeal and review under the policy changes and new legislation.
- 4.3 The Equality Impact Assessment is attached at Appendix 2.

5.0 Legal Implications

- 5.1 The proposed changes are required in order to meet the requirements of the Homelessness Reduction Act 2017.

6.0 Risk Management

- 6.1 There are three risks which have been identified which are relevant to the proposed changes to the Housing Allocation Policy:
- PLN 013 Increase in appeals against homelessness and housing register decisions
 - PLN 014 Increase in homeless applications
 - PLN 015 Failure to process housing/homelessness applications on time and correctly.

There is also the additional risks that unless changes are made the council will not meet its obligations under the Homelessness Reduction Act and that temporary accommodation costs will rise.

- 6.2 It is considered that these risks will be mitigated in varying degrees as a result of the changes to the Housing Allocation Policy. By updating the policy to ensure its compliance with the new legislation, it will ensure that the Choice Based Lettings Scheme remains fit for purpose and continues to be part of the council's homelessness prevention toolkit. An up to date policy will ensure that housing and homelessness applications are dealt with on time and in accordance with policy and legislation, homelessness applications and appeals against decisions will be minimised.

7.0 Resource and Financial Implications

- 7.1 The Homelessness Reduction Act places additional duties on the council which will have resource and financial implications. Where clear implications can be identified at this pre-implementation stage, they have been the subject of reports to put in place

appropriate mitigating action, including funding for an additional staff post for Homes Direct to assist with the additional levels of prevention work. We have also received New Burdens additional government funding which we are using to purchase a new ICT system to enable us to meeting the enhanced monitoring and reporting requirements of the Act.

7.2 As noted in 5.1, this report seeks to provide further mitigation of future costs by updating our allocation policy to be compliant with the Act and thus reduce potential challenges on the basis of inappropriate allocations going forward

7.3 Officers will be monitoring the impact of the new legislation closely over the next year to identify any emerging trends and issues as soon as possible and propose options for mitigation for consideration by councillors.

8.0 Constitutional Implications

8.1 There are no constitutional implications arising from the revised policy.

9.0 Implications for our Customers

9.1 Changes to the Housing Allocations Policy will have some impacts on applicants as follows:

- Applicants threatened with homelessness will be able to register on the council's housing register and bid for properties for a limited period even if they do not have a local connection to the district. This may in turn lead to longer waiting times for other applicants
- Applicants who are owed the main homelessness duty may have a reduced level of choice of property in order to ensure homelessness is prevented.

The changes to the policy will be subject to consultation and publicised on both the council and Homes Direct websites.

10.0 Corporate Outcomes

10.1 The Corporate Outcomes are:

- Good Quality of Life – the fair allocation of affordable housing will improve the quality of life for those who are homeless or threatened with homelessness
- High Quality Service Delivery – an updated allocation policy will improve service delivery.

11.0 Recommendation

11.1 The Committee is recommended to:

- i. Carefully consider the Equality Implications relating to this report (see Appendix 2).
- ii. Approve the proposed changes to the Housing Allocation Policy 2017 subject to consultation (see Appendix 1)
- iii. delegate authority to the Executive Director / Monitoring Officer, in consultation with councillors on the Housing Policy Working Party, to review consultation responses and decide if further changes should be brought back to Policy and Resources Committee for consideration.

(Reason – To accord with legislation and to ensure the fair allocation of affordable housing.)

Legal	Power: Homelessness Reduction Act 2017
	Other considerations: Code of Guidance to the Homelessness Reduction Act 2017
Background Papers: Housing Allocation Policy 2017 Policy and Resources 13 February 2017	
Person Originating Report: Carol Conway ☎ 01832 742078 ✉ cconway@east-northamptonshire.gov.uk	

Date: 22 February 2018

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Proposed changes to Housing Allocation Policy March 2018

Section 4 - Homelessness and Housing Advice

4.1 **Homelessness**

- 4.1.1 Not all housing problems can be dealt with through the housing register, or at least not in the required timescale, for example if someone is homeless or at threat of becoming homeless, or if there are problems with a landlord, or disrepair of a property.
- 4.1.2 Anyone needing advice about housing problems or wishing to make an application as homeless should contact the Housing Options Team at Homes Direct, 50 High Street South, Rushden, Tel: 0345 600 5050.

4.2 **Statutory Homelessness**

- 4.2.1 Every new Housing Register application is checked to see if the applicant is threatened with or is currently homeless. These applicants will be assessed under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017. If it is determined that a homelessness assessment is required the Homelessness Team will contact the applicant directly.
- 4.2.2 *Following this homelessness assessment it will be determined whether the applicant is:*
- *Eligible for assistance*
 - *Homeless or threatened with homelessness within the next 56 days*
 - *Owed a Homelessness Prevention Duty S195*
 - *Owed a Homelessness Relief Duty S189B*
 - *Owed a Main Homelessness Duty S193(2)*
- 4.2.3 The Localism Act 2011 enables the council to fully discharge its duty to homeless applicants by means of a private rented sector offer. Whilst the Council supports and encourages applicants to exercise choice over their housing options, we may on occasions use this power where we feel that this is necessary; for example if there is no available temporary accommodation, or if the applicant requires accommodation in a part of the District where there is a limited supply of affordable accommodation. We will however, work with applicants to ensure that properties are only considered where they are suitable and appropriate.
- 4.2.4 *Applicants who are owed either the Homelessness Prevention, Homelessness Relief or Main Homelessness Duty will be granted access onto the Council's Housing Register while this duty continues. Once this duty ends the applicant may no longer be eligible to be included on the Housing Register.*

4.3 Intentionally Homeless

- 4.3.1 A person will be considered to be intentionally homeless if s/he does or fails to do anything in consequence of which s/he ceases to occupy accommodation which is available for his/her occupation and which it would have been reasonable for him/her to continue to occupy.

4.4. Priority Card System/Housing Bandings

- 4.4.1 *Homeless households who East Northamptonshire Council has accepted a Main Homelessness Duty to under the Housing Act 1996, Part VII, as amended by the Homelessness Act 2002, and the Homelessness Reduction Act 2017, will be provided with a Priority Card effective from the date the Main Duty begins and the Relief Duty has ended. The council will place bids on behalf of these applicants to assist in securing alternative accommodation and housing choice on Homes Direct will be reduced. Applicants will be offered one suitable property which may be within the social or private sector.*
- 4.4.2 *Homeless applicants who East Northamptonshire Council has accepted a Main Homelessness Duty to with rent arrears or other debts to a former social landlord will be considered for a nomination on a case by case basis. Registered Providers have agreed not to automatically exclude these applicants on the basis of the arrears. However they may wish to refuse an applicant if they still have outstanding debts with that landlord on either a former or current tenancy.*
- 4.4.3 *If a homeless applicant who East Northamptonshire Council has accepted a Main Homelessness Duty to is nominated to an available property either in the Social or Private sector but subsequently refuses the offer made, East Northamptonshire Council will be deemed to have discharged its duty under the homelessness legislation to provide the applicant with accommodation, providing the offer was reasonable. Homeless applicants placed in temporary accommodation will be required to leave the accommodation, subject to reasonable notice. Applicants have a right of appeal if they feel that the offer is unsuitable.*
- 4.4.4 *The Housing Bandings of homeless applicants who East Northamptonshire Council has accepted a S189B Relief Duty or S195 Homelessness Prevention Duty to will be effective from the date the Prevention or Relief Duty begins. The council will place bids on behalf of these applicants to assist in securing alternative accommodation and housing choice on Homes Direct will be reduced. Applicants will be offered one suitable property which may be within the social or private sector.*

Section 5 – The Allocation Process

5.1. ***How are applicants selected for allocation?***

- 5.1.1 Applicants who meet the eligibility criteria for registration will have their individual housing needs assessed and their application will then be placed in a band according to their circumstances.
- 5.1.2 Offers of accommodation are made in line with the banding system. The banding system gives those in the most need a preference. Properties will be offered to the bidder in the highest band who has the earliest Banding date.
- 5.1.3 Checks on all details that have been entered at the registration stage will be made before an offer of accommodation is made. This is to determine that the applicant is still eligible to receive the nomination and has updated their circumstances if appropriate after application, and that the information that has been provided is correct.

5.2. ***What are the Bands?***

5.2.1 **Priority Card**

- Medical/ Social Priority Card (assessed by the Medical/Social Needs Panel valid for 6 months)
- Property being demolished due to disrepair or compulsory purchase
- *S193(2) Main Homelessness Duty accepted when the S189B Relief Duty comes to an end, assessed as in priority need, unintentionally homeless and having a local connection to East Northamptonshire under Part VII of the Housing Act 1996.*
- Urgent management move (valid for 3 months)
- Agricultural worker who qualifies for assistance under the Rent (Agriculture) Act 1976.

5.2.2 **Band 1**

- Property deemed unsuitable for habitation due to disrepair or lack of amenities (assessed by ENC Environmental Protection Team)
- Statutory overcrowded as defined in the Housing Act 1985, unless caused deliberately
- *S189B Relief Duty accepted and would be owed or likely to be owed a Main Homelessness Duty when the Relief Duty comes to an end. Applicant believed to be in priority need not deemed to have worsened their housing circumstances and has a local connection to East Northamptonshire Council under Part VII of the Housing Act 1996.*
- *S195 Homeless Prevention Duty accepted and would be owed or likely to be owed a Main Homelessness Duty when the Relief*

Duty comes to an end. Applicant believed to be in priority need, not deemed to have worsened their housing circumstances and has a local connection to East Northamptonshire under Part VII of the Housing Act 1996.

- Severe medical/social need (assessed by the Medical/Social Needs Panel valid for 9 months)
- Registered Provider tenant in the district lacking two or more bedrooms
- Under occupation of an Registered Provider property in the district by 2 or more bedrooms
- Lacking any or all of: internal toilet, bathroom or kitchen facilities
- Proven harassment/ violence/ abuse/ other risk
- Households who have previously lived together but are separated due to no suitable accommodation available to them

5.2.3 **Band 2**

- Registered Provider tenant in the district lacking one bedroom
- Moderate medical/social need (assessed by Medical/Social Needs Panel valid for 12 months)
- Under occupation of Register Provider property in the district by one bedroom
- Move needed to give support to or receive support from a family member, and where no move would cause physical, emotional or financial hardship to either party (address and other evidence will need to be verified)
- Move on required from supported accommodation in the district after 6 months residence (must have a local connection).
- Private rented sector tenants in the district lacking 1 bedroom
- Current or former Armed Forces Personnel or War Widows/Widowers with a local connection
- Household with at least one dependent child over 1 year old sharing facilities (emerging households)
- Right to Move applicant
- *S195 Homelessness Prevention or S189B Relief Duty accepted. Applicant believed not to have priority need, not deemed to have worsened their circumstances and has a local connection to East Northamptonshire under Part VII of the Housing Act 1996.*

5.2.4 **Band 3**

- Mild medical/social need (assessed by Medical/Social Needs Panel)
- Applicants residing in private rented accommodation in the district
- Households without children or with only one dependent child under 1 year old sharing facilities (kitchen/ bathroom/ toilet).
- Current or former Armed Forces Personnel or War Widows/Widowers without a local connection
- *S195 Homelessness Prevention or S189B Relief Duty accepted. Applicant deemed to have worsened their housing circumstances*

and/or to have no local connection to East Northamptonshire under Part VII of the Housing Act 1996.

5.2.5 Band 4

- Applicants who have sufficient resources to rent privately and it would be reasonable for them to do so
- Those with significant rent arrears in the private sector (with a local connection)
- Applicants with a local connection residing in private rented accommodation outside the district
- Those found to have demonstrated unacceptable behaviour but that is not serious enough to make them ineligible
- Current RP tenants/*or those deemed to have no housing need* with a local connection to the district

5.2.6 Band X

- Applicants who have a local connection to an exception site but do not meet the District connection criteria
- Applicants not eligible to join the Council's Housing Register.

Title of proposal being assessed:	<i>Changes to the Housing Allocation Policy</i>
What type of proposal is this an assessment of?	<i>Policy - Change</i>
What are the aims and/or objectives of the proposal and the intended outcomes?	<i>To amend the policy in order to comply with the Homelessness Reduction Act 2017</i>
Who is intended to benefit from this proposal?	<i>The council and homeless applicants</i>
Who are the main stakeholders in relation to the proposal?	<i>Housing services team, housing and homelessness applicants, registered providers</i>
How is the success of the proposal to be measured?	<i>Compliance with the legislation and limiting use of Bed and Breakfast</i>
Name of person completing Initial Screening:	<i>Carol Conway</i>
Job title / role of person completing Initial Screening:	<i>Housing Strategy and Delivery Manager</i>
Date of Initial Assessment	<i>20/02/2018</i>

Instructions: For **every** category in column A, below, submit a positive, negative or neutral assessment by entering an **x** in the relevant cell. Add an explanation in the Reason box, where applicable, including a specification of any sub-group affected. There may be both a positive and negative impact for the same category (e.g. a policy may be positive for young children but negative for older people).

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Explanation and Evidence (e.g. description of elements of the proposal, data held, consultation results, customer feedback)
Gender:				
Consider Women/Girls, Men/Boys, Transgender individuals.			✓	
Sexual Orientation:				
Consider, for instance: Lesbians, gay men and bisexuals Any other sexual orientation			✓	
Race/Ethnicity:				
Consider, for instance: • White British people, • White non-British people • Asian or Asian British people • Black or Black British people • Chinese people • People of mixed heritage • Travellers (Gypsy/Roma/Irish heritage) • People from any other ethnic groups • People who do not have English as their first language			✓	
Disability:				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	No changes are proposed to the identification of priority cases due to medical or disability issues
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy Other health problems or impairments (<i>please specify if appropriate</i>)			✓	
Marriage and Civil Partnership:				
People in a Marriage or Civil Partnership			✓	
Pregnancy and Maternity:				
People who have just had a baby or who are pregnant.			✓	No changes are proposed to the identification of priority cases due to pregnancy or maternity
Age:				
Older People (60+)			✓	No changes are proposed to the identification of priority cases due to age
Children and Young People (see guidance for definition)			✓	
Religion/Belief:				

Consider, for instance: <ul style="list-style-type: none"> • Christian • Hindu • Muslim • Sikh • Buddhist • any other religion or belief (including holding no belief) 			✓	
Other Potentially Affected Groups				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	Homeless applicants will have additional access to, and priority on, the waiting list even if they don't have a local connection. However, in order to ensure we meet our statutory duty under the homelessness legislation and minimise the use of bed and breakfast, choice of accommodation may be more limited but only reasonable offers will be made and the applicants will retain the right to appeal
Any other potentially affected groups (<i>please specify</i>)				