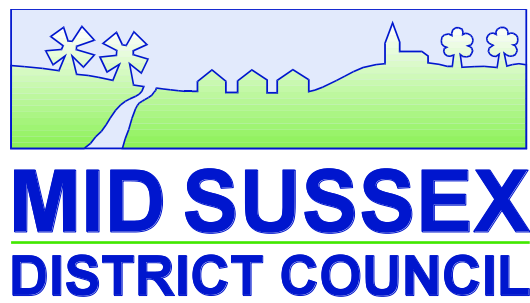


MID SUSSEX DISTRICT COUNCIL HOUSING ALLOCATION SCHEME

Choice-Based Lettings with effect from **January 2015**



Mid Sussex District Council
Housing Allocation Scheme with effect from **January 2015**

MID SUSSEX DISTRICT COUNCIL
HOUSING ALLOCATION SCHEME
(Choice-Based Lettings with Sussex Homemove)

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Introduction and overview

1. INTRODUCTION

1.1 Since the transfer of its rented homes in 1990 to a housing association now known as Affinity Sutton, the District Council no longer owns or manages any social housing available for long term renting. It does, however, have extensive formal and informal nomination rights for homes owned by housing associations which enable it to put forward prospective tenants for social housing owned by those landlords and this Housing Allocation Scheme applies to those nominations.

1.2 Part VI of the 1996 Housing Act (as amended by the Homelessness Act 2002 and the Localism Act 2011) requires that the Council has, and publishes, an Allocation Scheme which sets out how it decides who to put forward as a prospective tenant of a housing association. The Scheme must show how the Council awards priority to particular descriptions of applicants and the procedure that is followed in allocating housing.

This Housing Allocation Scheme, which has been approved by elected Members, is intended to meet these legal obligations and has been framed with due regard to the Council's published Housing Strategy, Homelessness Strategy and Tenancy Strategy.

1.3 In Mid Sussex, applying through the Mid Sussex Common Housing Register is the usual route to social housing for most people, including, with certain exceptions (see **11.3**), current tenants of social landlords living either inside or outside Mid Sussex who wish to move to a home in the district owned by their own landlord or a different social landlord.

1.4 The Allocation Scheme sets out who does not qualify to go on the housing register; how priority is given to Applicants with differing housing circumstances; and the procedures that are to be followed when applicants are selected to be allocated accommodation by the Council.

1.5 Effective Date

This Housing Allocation Scheme will take effect in respect of all allocations of housing on or after **1st January 2015** and qualifying criteria set out at **11** below will be applied to new and existing Applicants from this date.

1.6 Qualifying/Eligibility criteria

The Council will only arrange housing for an Applicant if they are 'eligible' and 'qualify' for social housing and their name appears on the Mid Sussex Common Housing Register.

- The rules which govern who is 'not eligible' for housing are set out in Part VI of the Housing Act 1996 and details of this are given at **10** below.
- The rules covering who does not 'qualify' for social housing are set out at **11** below.
- Applicants may cease to be eligible or to qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register.
- Applicants may also cease to qualify if they fail to bid for a home in a period of 12 months (see **11.4** below)

1.7 Priority Bands

An Applicant's priority for housing is assessed by assessing the housing needs of their household and comparing them against the needs of other Applicants. By law the Council must give reasonable preference to certain categories of Applicant who are on its housing register, and these categories are set out at **7** below. The law allows the Council to give different priority to Applicants falling within these categories and details of how it does this are set out in the Scheme.

Applicants are placed in one of four broad Bands of housing need according to their circumstances. Applicants are ranked in date order within each Band by the date they registered or moved into a higher Band.

1.8 **Choice-Based Lettings through Sussex Homemove (www.homemove.org.uk)**

Since April 2010 the Council has adopted a Choice-Based Lettings Scheme which is operated through a countywide partnership called Sussex Homemove. Vacant homes in Mid Sussex are advertised in a regular electronic magazine on the internet at www.homemove.org.uk . Applicants who are registered on the Mid Sussex Common Housing Register may actively 'bid' for (express an interest in) any home that matches their need. With certain exceptions, the successful 'bidder' will be the highest placed suitable applicant in the highest Priority Band.

1.9 The Council's policy on offering choice and preference to housing applicants is set out at **6** below.

1.10 **'Affordable Rented homes', 'Social Rented Homes' and 'Flexible Tenancies'**

Since April 2011 housing associations have been allowed to offer some homes for rent at 'Affordable Rents' set at a maximum of 80% of market rents in the private sector. These rents are higher than the 'Social Rents' that other social housing is let at. All advertisements of homes will indicate which type of rent applies and will also detail the actual rent payable so that this is clear to any Applicant who bids.

The way Applicants are selected, and the way bids from Applicants are prioritised, is the same whether the rent is set as an 'Affordable Rent or at a 'Social Rent'.

Housing associations are now also allowed to offer homes for rent on Flexible Tenancies for a minimum fixed term of 5 years on an assured shorthold tenancy rather than on a permanent assured tenancy, as they have normally done previously.

Most fixed term tenancies will be renewed when they come to an end, but this cannot be guaranteed. At the end of a fixed term tenancy the tenancy and the individual tenant's circumstances will be reviewed by the housing association landlord. At that stage the tenancy may be renewed for a further fixed term or in some circumstances may be ended.

It is possible that a tenancy might not be renewed if the tenant has not complied with their tenancy agreement (e.g. they have rent arrears), or they no longer need the accommodation because their income is now high enough for them to afford to buy or rent privately. A tenant could also be asked to move at the end of their fixed term to a different affordable home if the home they occupy is more suitable for someone else e.g. because some of their family have moved away and they no longer need so many bedrooms. The housing association landlord will be able to advise the tenant about its own particular policies on renewing tenancies.

1.11 **Direct Allocation of some homes**

Some homes (e.g. most supported housing) are allocated direct to Applicants and are not advertised through choice-based lettings. Details of rules associated with the Direct Allocation of these homes is set out at **44** below.

1.12 In summary, the Allocation Scheme explains:

- Who is excluded from joining the housing register (see 9-11)
- How to apply, register and renew an application (see 12-13)
- The Priority Bands and categories of need within them (see 14-17)
- The factors affecting priority and banding (see 18-29)
- How we advertise homes to let (see 30-31)
- How to bid (see 32-36)
- How we prioritise bids (see 37-42)
- The letting process (see 43)
- Direct allocation of some homes (see 44)
- Other housing options available to applicants (see 45)

2. THE MID SUSSEX COMMON HOUSING REGISTER

2.1 The Mid Sussex Common Housing Register is a partnership between Mid Sussex District Council and housing associations who provide homes in the district. It is a list of people (and their details) who want to apply for social housing in Mid Sussex.

2.2 The purpose of the Common Housing Register is to make it easier for Applicants to be considered for housing by the Council and all the housing associations in the partnership, without them having to complete a separate form for each one.

2.3 The current housing associations who are our Common Housing Register partners are as follows:

Accent Peerless	Raven Housing Trust
East Grinstead Housing Society	Saxon Weald Housing Association
Hanover Housing Association	Shaftesbury Housing Association
Hastoe Housing Association	Southdown Housing Association
Home Group	Southern Housing Group
Hyde Martlet Housing Association	Sussex Housing & Care
James Butcher Housing Association	Sussex Oakleaf Housing Association
London & Quadrant Housing Trust	The Guinness Trust
Moat Housing Group	The Little Black Bag Housing Association
Raglan Housing Association	Franklands Village HA (associate member)

2.4 The Council's Common Housing Register is administered under contract by the Homemove Team at Affinity Sutton Housing. Staff in the Homemove Team process all applications from Applicants and assess which Band they should be placed in according to their housing need as set out in this Allocation Scheme.

All applications and enquiries about the Common Housing Register should be made to the following address:

**The Homemove Team
Affinity Sutton
Upton House
7 Perrymount Road
Haywards Heath
RH16 3TN**

Tel: 0300 100 0303

Email: MidsussexHomemove@affinitysutton.com

3. WHO CAN APPLY TO JOIN THE COMMON HOUSING REGISTER

3.1 **Any Applicant aged 16 or above** may apply to join the register, although some may not be eligible or qualify to join (see **9-11** below).

An Applicant under the age of 18 will not usually be allocated accommodation. Exceptions may include:

- an Applicant who has been accepted for housing by the Council because they were homeless
- an Applicant who has been in the Care of Social Services or otherwise considered to be vulnerable and will be receiving on-going support

A guarantor may be required by some Registered Social Landlords when letting to an Applicant who is under 18.

3.2 **Some existing social housing tenants who wish to apply for a transfer** may also join the register (see **25** below). However, with certain exceptions, existing tenants of housing associations who provide them with alternative access to their housing stock in Mid Sussex, and have therefore opted out of the Common Housing Register partnership, will not be 'qualifying persons' and will not be able to join the register, as set out at **11.3** below.

Details of how transfers are dealt with are set out at **25** below.

3.3 **Who can be included on the application?**

- Anyone who is part of the Applicant's household and residing with the Applicant
- Anyone who normally resides with the Applicant or who it would be reasonable to expect to live with the Applicant
- Children can normally only be included if they normally live with the Applicant and the Applicant can demonstrate that they have responsibility for them.

4. AN APPLICANT'S RIGHT TO REQUEST GENERAL INFORMATION

4.1 An Applicant has the right to request general information that will enable them to assess:-

- How their application is likely to be treated under the Allocation Scheme and, in particular, whether they are likely to fall within the reasonable preference categories;
- Whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

4.2 We aim to make available comprehensive information on the whereabouts of social housing stock in the District, broken down by town and village and size of accommodation, together with details of how often vacancies have occurred. Up-to-date information, when available, will be made available on the Council's website www.midsussex.gov.uk/homemove.

4.3 We also aim to publish anonymised information on housing register Applicants and those who are selected for housing to strengthen public confidence in the fairness of our Allocation Scheme.

4.4 The law prohibits us from divulging to other members of the public that a particular individual is an Applicant without their consent. All information about individual Applicants is kept strictly confidential.

- 4.5 All enquiries and requests for general information should be made to the Homemove Team at Affinity Sutton.

5. NOTIFICATION OF DECISIONS AND THE RIGHT TO APPEAL

- 5.1 An Applicant has the right, on request, to be informed of any decision made by the Homemove team concerning his/her application for housing.
- 5.2 An Applicant who is unhappy with any decision made on their case should first raise the matter with the Homemove Team who will informally review their decision.
- 5.3 An Applicant who is still unhappy with a decision has the right to request a formal review and to be notified in writing of the review decision and the grounds for it.
- 5.4 A request for a formal review must be made within 21 days of the Applicant being notified of the decision (or the outcome of an informal review as described at **5.2** above). Any request must be in writing and should indicate why the Applicant believes the decision is wrong.
- 5.5 The review request should be made to the **Housing Needs Manager, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath RH16 1SS**. The Housing Needs Manager or their deputy will undertake the review and will notify the Applicant of the decision within eight weeks of the request being made or such longer period as may be agreed in writing.
- 5.6 An Applicant who is considering requesting a review may find it helpful to consult a Citizens Advice Bureau, Shelter, or perhaps a solicitor on how best to do this.
- 5.7 Where the Housing Needs Manager or their deputy was a party to the decision being challenged, the review will be undertaken by the Council's Head of Housing Services.
- 5.8 If an Applicant considers that the review decision is wrong, the Applicant may wish to get advice from a solicitor or other adviser as to what options are available to them.

6. OUR POLICY ON OFFERING CHOICE AND PREFERENCE TO HOUSING APPLICANTS

- 6.1 The Council is committed to giving people greater choice in where they live. Our aim is to take account of people's views about where they wish to live and who they wish to have as a landlord. We wish to balance the real housing needs of people who apply for housing with the need for sustainable communities where people want to live. We believe that people who have a part to play in the decision about where they live are more likely to contribute to their community and to encourage others to do the same.
- 6.2 To assist Applicants to make informed choices about their future housing we will provide them with accurate and relevant information about the stock of social housing in the district together with details of the number of lettings in previous years to enable them to assess the likelihood of them successfully obtaining housing of the type and in the area they wish to live.
- 6.3 We are committed to a system of Choice-Based Lettings in which applicants are encouraged to actively search for a home. Vacant housing association homes are advertised in a regular electronic magazine published every two weeks on the internet and

in paper form to applicants in high housing need who do not have internet access. Applicants are able to express an interest, or 'bid', for suitable homes they like.

- 6.4 Applicants are placed in one of four broad Priority Bands of housing need according to their housing circumstances. With certain exceptions, the successful Applicant will be the person who bids who has the highest housing need and who has been registered with that need the longest.

6.5 Refusing an offer of accommodation

With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

7. THE CATEGORIES OF APPLICANT TO WHOM WE MUST GIVE REASONABLE PREFERENCE

- 7.1 The law says we must give reasonable preference to certain categories of people on our register when we decide who to offer accommodation to. The Allocation Scheme therefore takes account of these categories and does so by placing people in an appropriate Priority Band, although the priority given to each category is not necessarily equal.

7.2 The categories of people the law says we must give reasonable preference to are as follows:-

- (a) People who are homeless (within the meaning of Part VII of the Housing Act 1996);
- (b) People who are owed a duty by any housing authority under the following sections of the Housing Act 1996:-
 - s.190(2) (intentionally homeless and in priority need);
 - s.192(3) (non priority need homeless who are occupying accommodation arranged by the Council);
 - s.193(2) (unintentionally homelessness and in priority need);
 - s.195(2) (threatened with homelessness intentionally and in priority need);
- (c) People occupying unsanitary or overcrowded housing or otherwise living in unsuitable housing conditions;
- (d) People who need to move on medical or welfare grounds, including any grounds relating to a disability;
- (e) People who need to move where failure to meet that need would cause hardship (to themselves or to others).

8. EQUALITY AND DIVERSITY

- 8.1 Mid Sussex District Council is committed to the principle of equal opportunity and accessibility in relation to affordable housing and full regard to the Equality Act 2010 has been given when drafting this Allocation Scheme. We seek to ensure that all housing Applicants are treated fairly and that no one receives less favourable treatment on the grounds of age, disability, gender, religion, race, ethnic or national origin, sex, sexual orientation, gender reassignment or any other factor that might cause disadvantage that cannot be justified.

- 8.2 Mid Sussex District Council is committed to helping anyone who needs assistance in accessing affordable housing in the District. The Homemove Team will work closely with all agencies to assist customers wherever possible. As part of the Homemove Partnership's commitment to equalities, an Equality Impact Assessment has been undertaken which includes the basis of this Allocation Scheme. Additionally, the Council

has undertaken its own Equality Impact Assessment on any changes to its Allocation Scheme as and when they are introduced.

- 8.3 In order to ensure that all applicants are treated fairly, equality monitoring information is requested on the housing application form. Additionally, equality monitoring of the allocation of accommodation is undertaken.

Who is excluded from joining the register

9. OVERVIEW

- 9.1 Although anyone aged 16 or above may apply to join the Common Housing Register, the law does not allow the Council to allocate accommodation to people unless they are 'eligible for an allocation of accommodation' and such people will not be allowed to join the register. For a description of who is 'not eligible', see **10** below.
- 9.2 In addition, the law allows the Council to disqualify other categories of people from joining the register. For a description of these categories see **11** below.
- 9.3 Applicants may cease to be eligible or to qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register. Applicants may also cease to qualify if they fail to bid for a home in a period of 12 months (see **11.4** below)
- 9.4 Any Applicant who is excluded from the register will be notified in writing by the Homemove Team of the decision, the grounds upon which it was based and of their right to request a review of that decision. Details of the procedure for requesting a review of such a decision are set out at **5** above.
- 9.5 The Homemove Team will also notify the Council's Housing Needs Manager of any Applicant found not to 'qualify' because of unacceptable behaviour under **11.7** in writing and with full reasons.

10. APPLICANTS WHO ARE 'NOT ELIGIBLE' FOR SOCIAL HOUSING

- 10.1 The Housing Act 1996 (as amended by the Localism Act 2011) sets out two categories of Applicant who are 'not eligible' and may not join the register. The two categories are as follows:

- Persons subject to immigration control who are 'not eligible'. See **10.2** below.
- Other persons from abroad who are not eligible. See **10.3** and **10.4** below.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered not to be eligible.

10.2 Persons subject to immigration control who are 'not eligible'

Anyone who is subject to immigration control is 'not eligible' unless they fall into one of the following categories:

- (a) a person who has been granted refugee status and who has leave to enter or remain in the UK; or
- (b) a person who has exceptional leave to enter or remain in the UK granted outside the provisions of the immigration rules - provided that there is no condition that they shall not have recourse to public funds; or
- (c) a person who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the UK is not subject to any limitation or condition.
- (d) a person who has humanitarian protection granted under the Immigration Rules.

10.3 Other persons from abroad who are 'not eligible'

Anyone who has come from abroad who is not subject to immigration control will be 'not eligible' if they are not habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland, unless they fall within one of the following categories:

- (a) an EEA national (i.e. from any EU country, plus Iceland, Norway and Liechtenstein) who is a 'worker' or is self-employed; or
- (b) a person who is an accession state worker from Croatia requiring registration who is treated as a worker; or
- (c) a person who is an immediate family member of a person in (a) or (b) above;
- (d) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; or
- (e) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK.

10.4 Additional persons from abroad who are 'not eligible'

A person who is not subject to immigration control will be 'not eligible' if their only right to reside in the UK

- (a) is derived from his status as a jobseeker or the family member of a jobseeker; or
- (b) is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations; or
- (c) his/her only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in (b) which is derived from the Treaty establishing the European Community.

11. APPLICANTS WHO DO NOT QUALIFY

11.1 The Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide that some categories of Applicant do not qualify to join the housing register. The Council has decided that the following categories of Applicant do not qualify:

- a) Applicants without a Local Connection to Mid Sussex (see **11.2**)
- b) Applicants who are existing tenants of a housing association that provides its tenants with alternative access to its housing stock in Mid Sussex (see **11.3**)
- c) Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months (see **11.4**)
- d) Applicants whose annual household gross income exceeds £60,000 (see **11.5**)
- e) Applicants who own accommodation; have a legal interest in homeownership; or have the financial resources to own accommodation (see **11.6**)
- f) Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant. (see **11.7**)

11.2 Applicants without a Local Connection to Mid Sussex do not qualify

To establish a 'Local Connection' with Mid Sussex an Applicant or joint Applicant must (with certain exceptions as set out below) meet at least one of the following criteria:-

The Applicant or joint Applicant

- a) resides in the District as their only or principal home and has done so for the previous 2 years; or
- b) has resided in the District as their only or principal home for a period of at least 3 years in aggregate out of the previous 5 years; or

- c) is in paid employment in the District (working 16 hours or more a week) and has been for the previous 2 years; or
- d) has close relatives who reside in the District as their only or principal home and have done so for at least the previous 5 years, or the previous 2 years if the Applicant is aged 65 or over. Close relatives will normally only cover parents, adult children or brothers or sisters, including corresponding step relationships. Grandparents, grandchildren, aunts or uncles and non-adult children will normally be included only where the Council considers that it is necessary for the Applicant to be accommodated within the District in order to provide or receive medical or social support to/from the relative.

If an Applicant ceases to meet the Local Connection criteria they will cease to qualify.

11.2.1 **Armed Forces Personnel – exemption from Local Connection qualifying criteria**

Armed Forces Personnel do not need to meet the Local Connection criteria set out at **11.2** above to qualify if they are an Applicant who

- a) is serving in the regular forces or who has served in the regular forces within the previous 5 years; or
- b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable to their service; or
- c) is serving or has served in the reserve forces and who is suffering from serious injury, illness or disability which is attributable to their service.

For this purpose “the regular forces” and “the reserve forces” have meanings given in section 374 of the Armed Forces Act 2006(b).

11.2.2 **Exemptions from Local Connection qualifying criteria**

Applicants who cannot meet the Local Connection criteria set out at **11.2** above may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Needs Manager or their deputy. **In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at 5 above.**

11.3 **Existing tenants of a housing association that provides its tenants with alternative access to its stock in Mid Sussex do not qualify**

With certain exceptions, existing tenants of a housing association that provides its tenants living inside or outside Mid Sussex with an alternative means to transfer to a tenancy within its housing stock in the District, by retaining a proportion of its lettings to facilitate this or by limiting the Council's nomination rights to a proportion of its vacancies, do not qualify.

Exceptions:

- (a) **An exception will be made for Affinity Sutton tenants who are in need of Extra Care housing or who require housing that is wheelchair accessible or fully wheelchair adapted and are in Mobility Group 1 or 2 (see 20.1). Any applicant to whom this exception applies will be considered for such accommodation only.**
- (b) An exception will be made for tenants of Franklands Village Housing Association on the basis of an agreement that, despite the Council having no formal nomination rights to its stock whatsoever, the Association will none-the-less offer a like-for-like reciprocal to a Council nominee in the event that one of its tenants is re-housed under this Allocation Scheme.

11.4 Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months do not qualify

Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months cease to qualify to be on the Council's register and may be removed.

It is considered that Applicants who are not regularly bidding for homes are unlikely to be in sufficient housing need to qualify.

The Homemove Team will, at its discretion, make exceptions to this where it considers that there is a reasonable explanation for the Applicant's inactivity. Sensitivity will be applied, for example, where the Applicant is identified as being particularly vulnerable or in need of a specific type of property which does not commonly become available to let.

Applicants who are disqualified due to their inactivity may make a fresh application by completing a fresh application form. However, their earlier Priority Date will not be retained.

11.5 Applicants whose annual household gross income exceeds £60,000 do not qualify

Applicants whose annual combined household gross income exceeds £60,000 do not qualify.

11.6 Applicants who own accommodation, have a legal interest in homeownership, or have the financial resources to own accommodation do not qualify

(a) Homeownership or legal interest in homeownership - Applicants who own or part own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) do not qualify.

However, if as a result of legal proceedings a Court has ordered that the Applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years, then the Applicant will be treated as if they do not own or part own accommodation.

(b) Financial resources - Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Mid Sussex also do not qualify. Sufficient financial resources means sufficient capital to buy; or sufficient income to raise a mortgage to buy; or a combination of both. It is considered that normally a mortgage can be obtained amounting to 3 times a single annual income or 2½ times joint annual incomes in addition to a suitably sized deposit. 'Sufficient capital' includes any assets or investments even if they are not immediately available to the Applicant, such as any residential or non-residential property that they own or part own anywhere in the world. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability on active service is disregarded.

11.6.1 Exemption from disqualification for some Applicants who are substantially disabled or over pension age

Applicants who do not qualify under the criteria set out above at **11.6** may be considered as an exception by the Homemove Team if:

- they own or part own accommodation or have a legal interest in accommodation; and
- they are over state pension age or have a substantial disability; and
- their current home is not suitable for their specific needs; and
- they have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market in Mid Sussex

11.6.2 Other exemptions from disqualification

Other Applicants who do not qualify under the criteria set out above at **11.6** may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Needs Manager or their deputy. In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at **5** above.

11.7 Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant who do not qualify

Where the Council is satisfied that the Applicant (or a member of their household) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council the Applicant does not qualify.

The Homemove Team will notify the Council's Housing Needs Manager of any Applicant found not to qualify because of unacceptable behaviour in writing and with full reasons.

The only behaviour which can be regarded as unacceptable for these purposes is behaviour by the Applicant or by a member of their household that would – if the Applicant had been a Council tenant at the time – have entitled the Council to a possession order under s.84 of the Housing Act 1985 in relation to any of the grounds (other than Ground 8) in Part I of Schedule 2 to that Act. These are fault grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the home for immoral or illegal purposes.

There is no need for the Applicant to have actually been a Council tenant when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the Council to a possession order if, whether actually or notionally, the Applicant had been a secure tenant.

If an Applicant, who has in the past been deemed by the Council not to qualify, considers their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they can make a fresh application. Unless there has been a considerable lapse of time it will be for the Applicant to show that their circumstances or behaviour have changed.

How to apply, register and renew an application

12. HOW TO APPLY

- 12.1 Application to register on the Mid Sussex Common Housing Register must be made by completing an application form. This is most easily done by completing our online form on the internet which can be found on the Council's website at www.midsussex.gov.uk/homemove.
- 12.2 If an Applicant cannot access the internet, or needs any help completing the form, they should contact The Homemove Team, who are based at Affinity Sutton Housing, for assistance. Alternatively, paper copies can be obtained from the Homemove Team. The Homemove Team has arrangements in place for interpretation for people whose first language is not English.
- 12.3 All correspondence in connection with a housing application should be sent to the **Homemove Team, Affinity Sutton, Upton House, 7 Perrymount Road, Haywards Heath, RH16 3TN** or emailed to MidsussexHomemove@affinitysutton.com
- 12.4 Applications will not be registered until all information has been received by the Homemove Team that they consider is necessary to assess an application.
- 12.5 When an application is registered, notification will be sent to the Applicant confirming the registration and which Band they have been placed in, along with the right to request a Review of the decision.
- 12.6 **Medical circumstances**
If the Applicant or a member of their household has a 'Medical Need' to be rehoused, i.e. has any significant medical issue that is directly affected by the Applicant's current housing circumstances and would be relieved by rehousing, then the Medical Circumstances section of the form should be completed. Applicants may supply letters of support from their GP, Consultant etc. if they wish. For more information about how 'Medical Need' is assessed, see **19** below.
- 12.7 **Needing to move for care and support reasons**
Where the Applicant or a member of their household has a need to move for care and support reasons, the Housing Support section of the form should be completed. This should also be completed where the Applicant needs to move in order to give care and support to another person. For more information on needing to move for care and support reasons see **21** below.
- 12.8 **Need for Supported Housing**
Those Applicants who may need supported housing or who have special housing needs should indicate this where requested to on the application form. The information on the form will be used to assess the Applicant's need so they can be allocated appropriate housing and or support.
- 12.9 **Notifying changes of circumstances**
The applicant is responsible for notifying the Homemove Team of any relevant changes in their circumstances which will affect the assessment of their housing application.

Examples of this are:- changes of address; changes in the household such as the birth of a baby or the departure of a household member; the development of a relevant medical condition; or threatened homelessness. This list is not exhaustive, and if the Applicant is in any doubt about whether a change is relevant they should contact the Homemove Team to discuss the matter.

12.10 **Help if you become homeless or threatened with homelessness**

If Applicants become homeless or threatened with homelessness they should contact the Council and make an appointment to see the Housing Needs Team at the earliest opportunity to discuss their housing options. The Housing Needs Team will assess whether the Council has legal responsibilities towards an Applicant and advise and assist as appropriate.

12.11 **Providing False information**

A person may commit a criminal offence if;

- he/she knowingly or recklessly makes a statement which is false in a material particular, or
- he/she knowingly withholds information which the authority have reasonably required him/her to give in connection with their application for housing.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding 5 on the standard scale (currently £5,000).

If it is found that false information has been given or relevant information withheld, the application will not be registered or, if already registered, the Applicant may be removed from the Housing Register.

Any tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may be terminated and legal action taken by the landlord to recover possession of the home.

12.12 **Data Protection**

All information provided by an Applicant and any associated documents will be held on a filing system and may be used by all of the members of the Common Housing Partnership in carrying out their functions. In respect of those Applicants needing a Supporting People funded service, data will also be shared with that service if the Applicant has given their permission. This information is subject to the Data Protection Act 1998 and will be treated with confidentiality and used in accordance with the Council's and Affinity Sutton's registration under that Act.

13. **THE REGISTRATION AND ASSESSMENT PROCESS**

- 13.1 Once a completed application form is received, the Homemove Team will make an assessment of the Applicant's housing needs based on the information provided and other documentation made available to them.
- 13.2 A decision will be made on whether the Applicant is 'eligible' and 'qualifies' to join the register set out at **10** and **11** above. If it is considered that an Applicant is not 'eligible' or does not 'qualify', the Homemove Team will notify the applicant of this decision and the grounds for it, along with the right to request a Review of the decision.
- 13.3 Where relevant, medical priority is assessed by the Homemove Team based on the information supplied by the Applicant using the medical criteria set out at **19** below.
- 13.4 Once their housing need has been assessed, the Applicant will be placed into one of the four Priority Bands as set out at **14** below and will be given a Priority Date which will be the

date they applied to go on the Register or entered a Band. Applicants will also be assessed for the appropriate size of home they can bid for using the bedroom entitlement criteria set out at **18** below.

13.5 Sussex Homemove will write to the Applicant to inform them of their successful registration giving them the following information:

- Their Priority Date and reference number
- Their Priority Band
- The type and size of home they can bid for
- Their Mobility Group (physical disability level) if applicable
- Their right to request a Review if they are not happy with their assessment.

13.6 Renewals of Application

All Applicants must periodically complete a re-registration form to stay on the Common Housing Register.

If the Applicant fails to re-register when requested, the Homemove Team will check their contact details and if the Applicant appears to be a vulnerable person and/or has a high priority need, they will be contacted by phone, visited or referred to the relevant support service for help.

If there is no contact and the Applicant fails to re-register, the application will be deregistered.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is renewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

The Priority Bands

14. OVERVIEW

- 14.1 When Applicants are registered on the Common Housing Register, their application will be assessed and they will be placed in one of four Priority Bands according to their category of need as set out below at **15** and given a Priority Date, which is the date they applied to go on the register or entered a Band.
- 14.2 When bids are considered for advertised homes, priority will normally be given to eligible bids from Applicants in the highest Priority Band, although there are some important exceptions to how bids are prioritised which are described at **37** below. Within a Band, a bid from the Applicant with the earliest Priority Date will normally be considered first.

15. THE PRIORITY BANDS

15.1 BAND A – emergency or urgent priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant has a High Medical Priority to be rehoused (see **19** below)
- (b) The Applicant is a Transfer Applicant who is under-occupying their home (see **25.2(a)** below)
- (c) The Applicant is a Transfer Applicant who is occupying a significantly adapted home they no longer need but which could be used by someone else who needs the adaptations (see **25.2(c)** below)
- (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel)
- (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel)
- (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel)
- (g) The Applicant is a Transfer Applicant who is a successor (or a non-statutory successor who has been approved by their landlord) wishing to move to smaller or more suitable accommodation. (see **25.2(d)** below)

15.2 BAND B – high priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant has been assessed as lacking two or more bedrooms (see **18** below)
- (b) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence (to be approved by the Discretionary Priority Panel)
- (c) The Applicant has a Medium Medical Priority to be rehoused (see **19** below)
- (d) The Applicant has been selected by a Supported Housing Panel for a tenancy in general needs housing with specialist floating support (see **22** below)
- (e) The Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed a full duty under the homelessness legislation by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Needs Manager or their deputy (see **23.5**; or **24.5** below).

15.3 BAND C – medium priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council (see **24** below)
- (b) The Applicant is ready to move on from supported housing in Mid Sussex (to be confirmed in writing by a manager from the supported housing provider). (see **23** below)
- (c) The Applicant has a home but Mid Sussex District Council has a statutory duty to rehouse them (e.g. Compulsory Purchase Order; Rent (Agriculture) Act duty) (see **26** below)
- (d) The Applicant has been assessed as lacking one bedroom (see **18** below)
- (e) The Applicant has a Low Medical Priority to be rehoused (see **19** below)
- (f) The Applicant resides in unsanitary or unsatisfactory housing conditions (excluding overcrowding) that cannot be addressed by Environmental Health action such as lacking either a kitchen, bath/shower room, or inside WC
- (g) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship; e.g. to give support to, or receive support from, a family member (see **21** below) (to be approved by the Discretionary Priority Panel).

15.4 BAND D – low priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- (a) The Applicant does not have a housing need that is identified in Band A, B or C
- (b) The Applicant has deliberately worsened their circumstances or become homeless intentionally (see **29** below)
- (c) The Applicant is owed a full housing duty under the homelessness legislation by another local authority (see **24.2** below).

16. REASSESSING NEED AND CHANGING BAND**16.1 Re-assessing need because of changes in circumstances**

The Homemove Team reviews all applications periodically. If an Applicant's circumstances change, they may be moved up or down a Band depending on their need and if this happens the Applicant will be informed in writing of their move to a new Band and their new Priority Date.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is reviewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

When an Applicant notifies of a change that is likely to entitle them to a move to a higher Band, they will not be moved to the higher Band until any evidence or documentation requested by the Homemove Team is received.

When an Applicant notifies of a change that is likely to mean they will be moved to a lower Band, they will be moved to the lower Band immediately whilst their case is considered. In the event that it is decided that the Applicant is entitled to remain in the higher Band they will be returned to that Band.

16.2 Moving up a Band

If an Applicant moves up a Band after they are re-assessed because of a change in their circumstances, they will be given a new Priority Date which will be the date that the Homemove Team was notified in writing of the Applicant's change in circumstances.

If an Applicant has moved up a Band as a result of a formal Review/Appeal under **5** above, they will be given a new Priority Date of the date they requested a Review, or an earlier date if considered appropriate by the Housing Needs Manager or their deputy.

If an Applicant has moved up a Band as a result of a duty being accepted by Mid Sussex District Council under the homelessness legislation, they will be given a new Priority Date of the date the duty was accepted.

16.3 Moving down a Band

If an Applicant moves down a Band, then the Priority Date they had in the higher Band will be retained or their Priority Date will revert to an earlier date that they had if they had been in the lower Band previously.

17. THE DISCRETIONARY PRIORITY PANEL

17.1 The Discretionary Priority Panel will include, as a minimum, the following officers:

- The Homemove Manager or their deputy
- The Council's Housing Needs Manager or their deputy.

17.2 An Applicant may be awarded Discretionary Priority by the Discretionary Priority Panel to recognise cases of exceptional need under the following Band categories:

Band A

Category (d) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because there is a serious personal risk if they remain

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A.

This could include:

- an Applicant in need of housing as a Permanent Decant because their current home is being demolished or redeveloped (but see **25.6**)
- an Applicant who is in need of urgent housing under Witness Mobility arrangements with the Police

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A

Band B

Category (b) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because of harassment or threat of violence

Band C

Category (g) The Applicant needs to move for care and support reasons (see **21** below)

17.3 In all cases a formal report will be prepared either by the Applicant's current social landlord if they are an existing social tenant, or the Homemove Team or the Council's Housing Needs Team if they are not, and submitted to the Discretionary Priority Panel.

17.4 An Applicant who is awarded Discretionary priority will be subject to a 12 week time limit for bidding as detailed at **35** below.

- 17.5 The Discretionary Priority Panel may remove any priority it has awarded if the Applicant's circumstances change or the Panel considers that priority is no longer justified.
- 17.6 If the Discretionary Priority Panel is split and unable to reach a majority decision, the case will be referred for a decision to the Council's Head of Housing, Environmental Health & Building Control.

Factors affecting priority and banding

18. BEDROOM ENTITLEMENT

- 18.1 Applicants will be assessed for overcrowding in their current home, and the size of home they may bid for, according to the standards set out below which are based on the Local Housing Allowance (LHA) bedroom entitlement rules. Letting at more generous levels of occupation may mean that the tenant becomes subject to the Removal of the Spare Room Subsidy and may receive a reduced level of Housing Benefit that may not fully cover their rent.

Applicants will be considered to be lacking a bedroom for each bedroom their current accommodation falls short of this standard.

Applicants will be entitled to be placed in

- Band C if they lack 1 bedroom; or
- Band B if they lack 2 or more bedrooms.

18.2 The bedroom entitlement calculation

The number of bedrooms needed by a household is calculated as follows:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 16 or over
- 1 bedroom for any two children under 16 of the same sex
- 1 bedroom for any two children aged under 10, regardless of sex
- 1 bedroom for any additional child under 16

Subject to a maximum of 4 bedrooms in total.

For these purposes

- a room under 50 square feet in floor area does not count as a bedroom
- a second reception room will generally be considered to be available as a bedroom
- kitchens and bathrooms are ignored
- Applicants occupying a studio flat are considered to have access to a bedroom.

18.3 Joint custody of children

Where an Applicant has joint custody/residence of a child, that child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with another parent/guardian.

18.4 Expected baby

Reference to a child includes a baby who is expected within 12 weeks. For the purposes of calculating bedroom entitlement until the baby is born, it will be assumed that the expected baby can share a bedroom with an existing child who is under 16, regardless of the expected sex of the baby.

18.5 Additional bedroom because of a medical need

The Homemove Team may, at its discretion, consider that an Applicant needs an additional bedroom over and above the calculation set out above where there is a medical requirement for a household member to sleep in a room alone or where an additional room for medical equipment or an overnight carer is required.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA), and may not be fully covered by housing benefit as it could be subject to the Removal of the Spare Room Subsidy.

18.6 Additional bedroom for approved foster carers or adopters

The Homemove Team may consider that an Applicant needs an additional bedroom over and above the calculation set out above where the Applicant has been approved by West Sussex County Council to enter into an adoption, fostering, or special guardianship arrangement.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA), and may not be fully covered by housing benefit as it could be subject to the Removal of the Spare Room Subsidy, even after a child has been placed with them.

18.7 Example calculationsExample 1

Jon and Samira have a girl and a boy aged 7 and 9.

They need a bedroom for themselves and one for their children to share.

This makes 2 bedrooms in total.

Example 2

Daljit and Matt have a girl of 16, a boy of 14 and a girl of 12.

They need a bedroom for themselves, one for each of their children.

This makes 4 bedrooms in total.

Example 3

Krishnan and Cathy have three boys aged 11, 8 and 6. Krishnan's mother also lives with them.

They need a bedroom for themselves, one for their 11 year old, one for the 8 and 6 year olds to share and one for Krishnan's mother.

This makes 4 bedrooms in total.

Example 4

Lindsey has 2 boys aged 18 and 16, two girls aged 14 and 12, and a boy of 10.

Lindsey needs a bedroom for herself, one each for her boys aged 18 and 16, one for the girls aged 14 and 12 to share and another bedroom for her youngest boy aged 10.

This makes a total of 5 bedrooms which is above the maximum of 4 allowed. Lindsey is therefore entitled to 4 bedrooms.

19. MEDICAL NEED FOR REHOUSING

- 19.1 The procedure for establishing the priority given to an Applicant with Medical Need for rehousing is set out below.

Low Medical Priority entitles an Applicant to be placed in Band C

Medium Medical Priority entitles an Applicant to be placed in Band B

High Medical Priority entitles an Applicant to be placed in Band A

- 19.2 The medical aspects of a housing application will be assessed by the Homemove Team, with regard to appropriate professional advice as necessary. An Applicant may be visited in order to complete the medical assessment. Any Applicant who completes the Medical Circumstances section of the housing application form is asked to authorise contact with their GP or other medical practitioner if necessary in order to verify or obtain further information about their medical condition.

- 19.3 Medical Priority will only be awarded where the Applicant or a member of their household has a significant medical need to be rehoused, i.e. has a significant medical problem that is directly affected by their current housing circumstances and which is likely to be relieved by rehousing.
- 19.4 **Medical Priority** is awarded as follows to reflect the urgency of rehousing:-
- a) **No Medical Priority** will be awarded where an Applicant, or a member of their household, has a medical condition where it is considered by the Homemove Team that rehousing would not improve their health or ability to cope with the condition.
 - b) **Low Medical Priority** (Band C) will be awarded where an Applicant, or member of their household has a significant medical condition which is likely to be improved by rehousing. This would also apply where it is considered that the ability to cope with the medical condition is likely to be improved by rehousing even where it is unlikely that the condition itself may be improved.
 - c) **Medium Medical Priority** (Band B) will be awarded where the Applicant's current housing has a significant detrimental effect on their, or a member of their household's, medical condition and that their health is likely to seriously deteriorate unless early rehousing takes place.
 - d) **High Medical Priority** (Band A) will be awarded where an Applicant, or a member of their household has an emergency medical condition requiring immediate rehousing. Medical conditions justifying High Medical Priority would include severe/acute disability which may render the Applicant housebound or technically homeless where it is considered unreasonable for them to remain where they are.

20. MOBILITY NEEDS OF THE APPLICANT

- 20.1 All Applicants who have a substantial or permanent physical disability affecting their mobility will be placed in one of the following Mobility Groups that reflects their level of mobility or that of a member of their household. Applicants will then be able to bid for homes that have been labelled as suitable for the Mobility Group they have been placed in, although they may bid for, and be nominated for, any suitable home of their choice.

For the avoidance of doubt, if an Applicant bids for a property which is advertised as suitable for Applicants with a lesser mobility need than theirs, then they should not be automatically barred from the shortlist of bidders. Instead, they will be contacted to discuss whether the property might be suitable for them in view of their particular needs.

Mobility Group 1 -Full-time wheelchair user

Mobility Group 2 -Uses a wheelchair some of the time

Mobility Group 3 -Has limited mobility but can manage three steps or less.

- 20.2 The Homemove Team will have regard to advice from the Applicant's Occupational Therapist, where available, when making an assessment of which Mobility Group should apply.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups, see **40** below.

21. NEEDING TO MOVE FOR CARE & SUPPORT REASONS

- 21.1 Applicants who need rehousing for 'Care & Support reasons' are placed in Band C, category (g), unless a higher Band applies, subject to approval by the Discretionary Priority Panel (see 17 above).
- 21.2 The welfare, care and support needs of an Applicant will be assessed by the Homemove Team with the help of and in liaison with social services and other relevant agencies as appropriate.
- 21.3 'Care & Support reasons' for rehousing would apply to an Applicant whose household includes someone who has an established need for care and support in order for them to manage in their own home within the community and it is shown that they require rehousing to suitable and settled accommodation in order that these needs can be met and support services arranged and provided.
- 21.4 'Care & Support reasons' might also apply to a care leaver or other vulnerable person who needs a secure base from which they can build a stable life. This would include a person with a disability that renders them less able than others to find their own accommodation and who is ready to live independently from their parent or carer.
- 21.5 'Care & Support reasons' for rehousing may include the need of an Applicant to move to a different locality to give care and support to another person. The need for such a move will be assessed on the basis of the recipient's need.

22. VULNERABLE APPLICANTS PRIORITISED FOR GENERAL NEEDS TENANCIES WITH SUPPORT

- 22.1 Particularly vulnerable Applicants who have been selected for specialised floating support in self-contained general needs housing will be placed in Band B category (d).
- 22.2 Referrals under this scheme will be considered by a multi-agency Panel who will select appropriate Applicants using the scheme criteria which have been agreed with the Council.
- 22.3 A maximum of 10 such Applicants will be accepted onto this scheme in any one year, subject to the requisite support being available.
- 22.4 Applicants will be selected on the basis of a combination of their housing need, their need for the specific support provided by the scheme and the likelihood of a successful outcome in terms of independent living after the support is eventually withdrawn. Such Applicants could, for example, be particularly vulnerable Applicants who are considered to be ready for move on from supported housing (see 23 below).
- 22.5 An Applicant's housing related debt should not affect their selection for this support. The rules at 27 below do not apply in these cases. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant tenancy until the debt is cleared
- 22.6 Once selected under these arrangements, the Applicant will be subject to a 12 week time limit for bidding as detailed at 35 below. An Applicant who fails to bid successfully within this time limit may be subject to Direct Bidding on their behalf, and also the rules on refusing an offer resulting from a Direct Bid, as set out at 36 below.
- 22.7 **Local Connection to Mid Sussex** – Only Applicants on the Mid Sussex Housing Register may be considered by the Panel. As with all Applicants, in order to qualify, they must meet the Local Connection criteria that are set out at 11.2 above.

22.8 This arrangement applies to the following categories of vulnerable people who are thought likely to require support for a minimum period of 12 months and are eligible for support funded by the WSCC Housing Related Support Programme or other funding stream.

These categories may include Applicants with enduring mental health issues; Applicants with alcohol and substance misuse issues where the Applicant has undergone successful rehabilitation; Applicants with significant learning disabilities; and some young people with long-term support needs, e.g. some care leavers.

22.9 **Transitional arrangements** - Applicants who were selected for tenancies with floating support before 01 May 2014 and were placed in Band A will remain in that Band but will otherwise be subject to the same rules as other Applicants who have been selected under this scheme.

23. APPLICANTS IN SUPPORTED HOUSING WHO ARE READY TO MOVE ON

23.1 An Applicant who is living in supported housing, and is not ready to live independently, will be placed in Band D.

23.2 Where it is confirmed to the Homemove Team in writing by the by the manager of the supported housing provider that the Applicant is ready to live independently and move on to general needs housing, the Applicant will be placed in Band C, category (b) whatever other housing need they may have. Applicants to whom this applies will retain the Priority Date they had when they were in Band D in order to reflect the time they spent in supported housing.

23.3 An Applicant will not be placed in this category if they are being required to leave supported housing because of a breach of tenancy conditions.

23.4 An Applicant who is placed in Band C, category (b), will be subject to a 12 week time limit for bidding as set out at 35 below. An Applicant who fails to bid successfully within this time limit may be subject to Direct Bidding, and the rules on refusing an offer resulting from a Direct Bid, as set out at 36 below.

23.5 **Review of Applicant's Priority** - the Housing Needs Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of supported housing without an increase in priority.

Any Applicant whose priority is increased in this way will be subject to Direct Bidding as set out at 36 below.

23.6 **Transitional arrangements** - Applicants living in supported housing who are ready to move before 01 May 2014 and were placed in Band A will remain in that Band but will otherwise be subject to the same rules as other Applicants who are ready to move on from supported housing as set out in this Allocation Scheme.

24. APPLICANTS WHO HAVE BEEN ACCEPTED AS HOMELESS

24.1 An Applicant who is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council will be placed in Band C, category (a), whatever

other housing need they may have, unless they have been disqualified from joining the housing register as set out at **13** above.

24.2 An Applicant who is owed a full homelessness duty by another local authority, and therefore is already being considered for further social housing by that authority, will be placed in Band D category (c) regardless of their current housing circumstances, unless they have been disqualified from joining the housing register as set out at 11 above.

24.3 Applicants who make a homelessness application to the Council will remain in the Band they were in before they applied as homeless whilst their application is considered. Applicants who apply to join the register after they have applied as homeless will be placed in Band D whilst their homelessness application is considered, unless they have been disqualified from joining the housing register as set out at **11** above.

24.4 An Applicant who is placed in Band C, category (a), will be subject to a 12 week time limit for bidding as set out at **35** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct Bidding, and the rules on refusing an offer resulting from a Direct Bid, as set out at **36** below.

24.5 **Review of Applicant's Priority** - the Housing Needs Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of temporary accommodation without an increase in priority. Any Applicant whose priority is increased in this way will be subject to Direct Bidding as set out at **36** below.

24.6 **Transitional arrangements** - Applicants to whom the Council accepted a full homelessness duty before 01 May 2014 and who were placed in Band A will remain in that Band but will otherwise be subject to the same rules as other homeless Applicants as set out in this Allocation Scheme.

25. TRANSFER APPLICANTS

25.1 Definition of a Transfer Applicant

Any reference to Transfer Applicants in this Allocation Scheme refers only to Mid Sussex tenants of housing associations that are partners of the Mid Sussex Common Housing Register listed at **2.3** above (or others that become partners subsequent to the publication of this Allocation Scheme) who wish to transfer to another tenancy in Mid Sussex with the same or a different social landlord.

Other social tenants, not fitting this definition, are considered in the same way as all other Housing Applicants.

However, with certain exceptions, existing tenants of a housing association that provides its tenants with alternative access to its stock in Mid Sussex, and has therefore opted out of the Mid Sussex Common Housing Register Partnership, do not qualify to join the housing register (see **11.3** above) and are not considered as Transfer Tenants for the purposes of this Allocation Scheme.

Homeless Applicants residing in temporary accommodation arranged by the Council are not considered as Transfer Applicants.

Transfer Applicants may join the Housing Register and will be considered for an allocation of accommodation through the Choice-Based Lettings process in the same way as any other Applicant, subject to the following:

25.2 Banding decisions affecting Transfer Applicants

(a) Transfer Applicants under-occupying accommodation

In the interests of freeing up family-sized accommodation for those in need, it is appropriate that existing social tenants who wish to move to smaller accommodation are given the priority to do so. Transfer Applicants who have exclusive occupation of bedrooms in excess of the standard set out at **18.0** (Bedroom Entitlement) and express a wish to move to smaller accommodation, even if this means continuing to under-occupy, will be placed in Band A, category **(b)**.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are under-occupying their home will also be placed Band A, category **(b)**.

Any 3 or 4 bedroom house that is released in such a way will be advertised for bidding by any Applicant, but bids from Transfer Applicants will be given priority over bids from other Applicants.

(b) Transfer Applicants under-occupying accommodation who move into the private rented sector

In the interests of freeing up family-sized accommodation for those in need, it is considered appropriate that existing social tenants who choose to move to smaller accommodation in the private rented sector to avoid the Removal of the Spare Room Subsidy are protected.

Transfer Applicants who have been placed in Band A under the provisions detailed in **25.2(a)** above and who choose to give up their social housing tenancy to move into the private rented sector to avoid the Removal of the Spare Room Subsidy will remain in Band A for a period of up to 3 years or until such time as they move back into social housing, whichever is sooner.

Any 3 or 4 bedroom house that is released in such a way will be advertised for bidding by Transfer Applicants only. If no successful bids are received from Transfer Applicants in the first cycle of advertising, the property will be advertised for bidding by any Applicant.

(c) Transfer Applicants occupying a significantly adapted home

In the interests of freeing up significantly adapted homes that are no longer needed but which could be used by someone else who needs the adaptations, Transfer Applicants in this position and wishing to move will be placed in Band A, category **(c)**.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are occupying a significantly adapted home which they no longer need will also be placed Band A, category **(c)**.

(d) Transfer Applicants who are successors

A Transfer Applicant who is a successor (or a non-statutory successor who has been approved by their landlord) wishing to move to smaller or more suitable accommodation will be placed in Band A, category **(g)**.

(e) Transfer Applicants facing serious personal risk

A Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain will be placed in Band A, category **(d)**, subject to approval by the Discretionary Priority Panel.

(f) Transfer Applicants facing harassment

A Transfer Applicant who needs to move urgently because of harassment or threat of violence will be placed in Band B, category **(b)**, subject to approval by the Discretionary Priority Panel.

25.3 Priority given to bids from Transfer Applicants

Priority is given to bids from Transfer Applicants in certain circumstances. These are detailed in 'How we Prioritise Bids' section of this scheme at **37** below.

Additionally, some priority is given to bids from Transfer Applicants for the following accommodation:

- 3 or 4 bedroom houses released by a Transfer Applicant who was under-occupying (see **25.2(a)** above)
- Ground floor accommodation (or lift-access accommodation in blocks of flats) or other homes advertised as being suitable for Mobility Groups 2 or 3 (see **40.2** below)
- 2 Bedroom 4 Person houses (see **41.1** below)
- 3 Bedroom 6+ Person houses and 4 or more bedroom houses (see **41.2** below)

25.4 Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears due solely to the Removal of the Spare Room Subsidy.

25.5 Temporary Decants

A temporary decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see **44**) so that major works can be carried out before a tenant can return to their home. A Temporary Decant may be converted to a Permanent Decant where repairs to a tenant's home become so extensive, and the decant time so long, that it is considered unreasonable to expect the tenant to return to their original home.

25.6 Permanent Decants

A permanent decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see **44**) where a tenant's home is to be demolished or redeveloped.

Alternatively, with Discretionary Priority Panel approval, the Applicant may be placed in Band A Category (**e**) to allow them to bid for a home of their choice as set out at **17.2** above.

25.7 Management Transfers

All Transfers required in cases of exceptional need, e.g. where special medical, social, or unusual circumstances arise, may only take place through the normal Choice-Based Lettings process and must be considered within the provisions of this Allocation Scheme. In such cases, consideration may be given as to whether the Applicant should be considered for an award of 'Discretionary Priority' by the Discretionary Priority Panel in order for the Applicant to be placed in a higher Band.

26. RENT (AGRICULTURE) ACT 1976 CASES

- 26.1 The Rent (Agriculture) Act 1976 requires the Council to use its best endeavours to provide accommodation for displaced agricultural workers who meet the criteria of that Act and to whom the Council have accepted a duty to rehouse. Applicants to whom this applies will be placed in Band C category (d) and will be subject to a 12 week time limit for bidding as detailed at **35** below.

27. HOUSING RELATED DEBT OR RENT ARREARS AFFECTING PRIORITY

- 27.1 The Council considers that priority should be given to those applicants who do not owe money to a council or housing association in connection with housing.
- 27.2 Less priority will therefore be given to an Applicant who has any housing related debt or rent arrears (whether legally recoverable or not) with the Council, another local authority, or a housing association, unless
- they are being considered for supported housing which is allocated by a multi-agency panel under **44.3** below; or
 - they are being considered for specialised floating support in self-contained general needs housing which is allocated by a multi-agency panel under **22** above; or
 - they have a debt but have kept to regular payments and the creditor expressly advises the Homemove Team, in writing, that they are happy for them to be housed with the debt; or
 - they are a Transfer Applicant and their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears due solely to the Removal of the Spare Room Subsidy; or
 - the Arrears Panel has decided, as an exceptional case, that priority should be given to the Applicant as if they did not have a debt, as described below at **27.7**.
- 27.3 Bids from an Applicant in housing need in Band A, Band B, or Band C to whom this applies will be given less priority than bids from other Applicants in any of these Bands until the debt or arrears have been cleared in full.
- This means, for example, that a bid from an Applicant in Band A with a debt could be given less priority than a bid from an Applicant in Band B or Band C who does not have a debt.
- 27.4 Bids from Applicants in Band D to whom this applies will be given less priority than bids from other Applicants in Band D until the debt or arrears have been cleared in full.
- For the avoidance of doubt, a bid from an Applicant in Band D will not be given a higher priority than a bid from an Applicant in housing need in Band A, B or C who has a housing related debt or arrears.
- 27.5 Although an Applicant with a housing related debt may be nominated for an allocation of housing, the housing association to whom the debt is owed or indeed any other housing provider may reserve the right to refuse the Applicant a tenancy until the debt is cleared.
- 27.6 Any Applicant affected by a decision that they are to be given less priority than other Applicants because of a housing related debt will be notified in writing, with reasons, by the Homemove Team.
- 27.7 **The Arrears Panel**
- The Discretionary Priority Panel of officers described at **17.1** above may, as an Arrears Panel, consider cases where an Applicant would otherwise be allocated accommodation but for a debt. In exceptional cases, the Panel may consider that there is no reasonable prospect of the Applicant repaying such a debt, perhaps because it is considered that they are unlikely or unable to gain employment because of mental illness, learning or physical disability, or are considered to be unable to adequately manage their affairs. In such cases, the Panel may decide that priority is be given to the Applicant as if they did not have such a debt.

28. ANTI-SOCIAL BEHAVIOUR AFFECTING PRIORITY

- 28.1 Some Applicants are excluded from joining the register because they do not qualify as a result of unacceptable behaviour see **11.7** above (Applicants who not qualify).
- 28.2 However, even where it is decided that an Applicant does qualify, any history of anti-social behaviour of the Applicant (or member of their household) which affects their suitability to be a tenant may still be taken into account when allocating a home that is 'subject to a sensitive letting' under a Local Lettings Scheme as described at **31.5** below.
- 28.3 Any Applicant affected by a decision that their history of anti-social behaviour may be taken into account when allocating a home that is 'subject to a sensitive letting' will be notified in writing, with reasons, by the Homemove Team.
- 28.4 Any home that is 'subject to a sensitive letting' will be identified as such when it is advertised.
- 28.5 Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.
- 28.6 The Council reserves the right to take full account of the needs of the local community as well as the Applicant's when deciding to make an allocation of accommodation to the Applicant. In very exceptional cases this right may extend to not allocating a particular home to an Applicant even where the home has not been advertised as being 'subject to a sensitive letting'. In such cases the Homemove Team will seek the authority of the Council's Housing Needs Manager.

29. DELIBERATE WORSENING OF CIRCUMSTANCES AND BECOMING HOMELESS INTENTIONALLY

- 29.1 The Council considers that Applicants who have deliberately worsened their housing circumstances or have become homeless intentionally should not receive immediate priority over other Applicants as a result of their worsened circumstances.
- 29.2 An Applicant who is considered to have deliberately worsened their circumstances, or is found by the Council to have become intentionally homeless within the meaning of the homelessness legislation, will therefore be placed in Band D (the lowest Band) for a period of 12 months from the date of the decision that this paragraph should apply to them, whatever other housing need they may have.
- 29.3 After 12 months, the Applicant's housing need will be re-assessed and they will be placed in the Band that applies to their new circumstances at that time.
- 29.4 If within the 12 month period the Applicant is subsequently accepted as homeless by the Council, they will be placed in Band C as set out at **24** above.

How homes are advertised for bidding

30. HOW WE ADVERTISE HOMES TO LET

30.1 Housing association homes to let in Mid Sussex are advertised through the Sussex Homemove Partnership via its website at www.homemove.org.uk. On the homepage of this site there is a link to the electronic 'Sussex Homemove Magazine' which lists, with photographs, all the available homes to let in all the local council areas that have joined the Sussex Homemove Partnership.

30.2 The Sussex Homemove Magazine is published electronically every two weeks on a Friday and as soon as it is published Applicants can bid for the home of their choice until 2pm the following Wednesday when bidding closes. Shortlists will be created that day and successful Applicants contacted as soon as possible.

30.3 Only Applicants who are registered on the Mid Sussex Common Housing Register can bid for Mid Sussex Homes, unless the Homemove Team decides to place hard-to-let homes in the 'cross-boundary' section of the magazine so that applicants from other districts can bid for them.

30.4 Personalised Property Lists

Vulnerable Applicants in Band A or B who do not have access to a computer or the internet will be sent in the post a paper Personalised Property List of the properties they are entitled to bid for.

30.5 Labelling of homes in adverts

(a) Each home that is advertised in the magazine is accompanied by a photograph and a brief description as well as symbols for an at-a-glance guide to the details and who can bid for it.

This will also include:

- whether the home is to be let at a Social Rent or an Affordable Rent
- whether the home is subject to a Local Lettings Scheme
- whether the home is within a rural exception site and subject to strict Local Connection criteria
- whether the home is a first letting within a new development and subject to strict Local Connection criteria
- whether the home is subject to a sensitive letting

(b) **Homes suitable for disabled people** - All homes that are suitable for disabled people will be advertised for bidding from Applicants in any Band and will be labelled with a mobility classification as set out below.

Mobility Group 1 - Suitable for full-time wheelchair user

Mobility Group 2 - Suitable for those who use a wheelchair some of the time

Mobility Group 3 - Suitable for those who have limited mobility but can manage three steps or less.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups see **40** below.

(c) **Older persons accommodation or sheltered homes** – All homes that have been designed to provide facilities which are intended specifically for use by an older person aged 60 or above will be advertised for bidding from Applicants in any Band. However such homes will only be allocated to older people and will be labelled as such when advertised.

- (d) **Local Lettings Schemes** - Some homes will be advertised as being subject to a Local Lettings Scheme agreed with Mid Sussex District Council, to ensure that communities are as balanced as possible.

In such cases this will be clearly indicated in the advert.

Further details about Local Lettings Schemes can be seen at **31** below.

31. LOCAL LETTINGS SCHEMES

31.1 Achieving Balanced Communities

The Council may, where appropriate, in consultation with the relevant housing association, adopt a Local Lettings Scheme whereby individual homes, blocks, streets, estates or neighbourhoods may be allocated according to different criteria to those normally used.

Some Local Lettings Schemes limit who can be considered as a tenant, e.g. they may limit allocation on the basis of Local Connection to the town or village where the home is situated. Others may allow for a 'sensitive letting' so as to exclude Applicants with a history of antisocial behaviour.

Some Local Letting Schemes may include a requirement that a percentage of lettings should go to Applicants who are in paid employment or making a positive contribution to the District.

Such a scheme might be adopted in order to achieve a balanced community on a new estate for example or to assist in rectifying problems on an existing estate where there are management difficulties or the homes have become difficult to let.

Any such Local Letting Scheme will endeavour to ensure that the twin aims of firstly meeting housing need and secondly maintaining sustainable communities within the social housing stock are achieved.

Such schemes will be agreed to operate for a strictly one off letting or for a limited period of time after which the scheme will be reviewed by the Homemove Manager and the Council's Housing Needs Manager.

- 31.2 Any home that is subject to a Local Lettings Scheme will be identified when advertised in the Mid Sussex Homemove Magazine along with details of restrictions on who may be considered when allocating the home.

31.3 Schemes subject to a Planning Agreement

Where the accommodation is subject to a planning agreement or other restriction, whether legally enforceable or not, only Applicants who can meet the terms of that agreement or restriction will be allocated that accommodation. This can be the case for housing in some rural locations, called Rural Exception sites, which are intended for occupation by local people. Such homes will be labelled when advertised.

Where a vacancy occurs in a Rural Exception site, such homes may also be advertised on Affinity Sutton's Home Choice system so that their tenants are able to access these vacancies as well as Applicants who are on the Council's register, even where the homes are not owned by Affinity Sutton. Applicants who bid under the two systems will then be prioritised according to the Council's allocation rules, including the agreed planning criteria for that site.

31.4 Essential or Key Workers

The law allows the Council to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Occasionally, specific funding is made available for schemes to develop low cost home ownership and affordable rented housing for keyworkers such as teachers, nurses and police officers. These homes

will be made available only to Applicants who meet the qualifying criteria. Such homes will be labelled when advertised.

31.5 **Sensitive lettings**

Some homes will be advertised as being 'subject to sensitive letting' to assist in rectifying problems on an estate where there are management difficulties or the homes have become difficult to let. Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.

How to bid

32. THE BIDDING PROCESS

- 32.1 Full details of how to bid are set out in the Scheme User Guide which is available on the www.homemove.org.uk website.
- 32.2 Bids must be received by 2pm on the Wednesday following the Friday publication of the 'Mid Sussex Homemove Magazine'. Shortlists will be created after this and successful Applicants contacted as soon as possible.
- 32.3 Applicants can make bids for homes that are advertised by either bidding online via the www.homemove.org.uk website, by telephone bidding, text bidding or by sending in a completed paper coupon. Applicants can also nominate a proxy bidder and in exceptional circumstances request that the Homemove Team bid on their behalf.
- 32.4 Applicants with support needs and those who have difficulty with written English will be supported by the Homemove Team or an appointed support provider.
- 32.5 All bids for a home are checked against the criteria that have been set for the home, e.g. the size of the home, or any age restrictions that might apply. Bids that do not meet the set criteria will be excluded from consideration. The Homemove Team will provide advice and support to Applicants who regularly bid for homes where they do not meet the correct criteria.
- 32.6 Applicants can bid for up to three homes each fortnight and, if done online at www.homemove.org.uk, Applicants can switch their bids to other homes if they change their mind before the bidding deadline.
- 32.7 Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months will cease to qualify to be on the Council's register and may be removed (see **11.4**).

33. THE SIZE OF HOME APPLICANTS CAN BID FOR

- 33.1 Applicants may only bid for the size of home that is considered to be suitable for their household. Applicants will be advised of the size they can bid for when they register.
- 33.2 **Bedroom entitlement calculation**
The calculation and rules used to decide the size of home an Applicant may bid for are the same as those used to assess how many bedrooms an Applicant is lacking in their current home.

The bedroom entitlement calculation and rules can be found at **18** above.

34. FEEDBACK ON LET HOMES

- 34.1 All homes that have been advertised in the electronic Sussex Homemove Magazine that have been let will be listed in a future copy of the magazine showing the number of bidders for each home and the Priority Band and Priority Date of the successful Applicant.

35. TIME LIMITS FOR BIDDING

35.1 There is a **12 week time limit** for free bidding for the following categories of Applicants within Bands A, B and C. Within the 12 week time limit for free bidding Applicants who successfully bid for a home may reject an offer of a tenancy without any penalty.

Band A

Category (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel (see 17))

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel (see 17))

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel (see 17))

Band B

Category (b) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence (to be approved by the Discretionary Priority Panel (see 17))

Category (d) The Applicant has been selected by a Supported Housing Panel for tenancy in general needs housing with specialist floating support (see 22)

Band C

Category (a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Mid Sussex District Council (see 24)

Category (b) The Applicant is ready to move on from supported housing in Mid Sussex (see 23)

Category (c) The Applicant has a home but Mid Sussex District Council has a statutory duty to rehouse them (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) (see 26)

Category (g) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship; e.g. to give support to, or receive support from, a family member (see 21) (to be approved by the Discretionary Priority Panel (see 17)).

35.2 The 12 week time limit starts from:

- the date the statutory duty was accepted by the Council to the Applicant; or
- the date the Applicant is ready to move on from care or supported housing; or
- the date the Applicant was chosen by a Supported Housing Panel; or
- the date of the Discretionary Priority Panel decision, as applicable.

35.3 The 12 week time limit may be extended at the discretion of the Homemove Manager.

35.4 **Failure to bid within time limit**

If an Applicant does not bid successfully within the time limit then the Applicant loses their right to bid for the home of their choice and any bids they make may be removed or disqualified.

After the 12 week time limit has expired, the Homemove Team and the Council's Housing Needs Team may make Direct Bids (see 36 below) on their behalf until a bid is successful and a reasonable offer is made to the Applicant, having reasonable regard to the areas of choice that the Applicant has indicated.

Any bid made by the Applicant after the time limit expires, which is not removed or disqualified, will be treated as if it was a Direct Bid that was made on their behalf, and the refusal of any offer resulting from this bid will be subject to the rules set out at **36.2** below.

An offer resulting from a successful Direct Bid made on behalf of a Homeless Applicant will be considered to be a Final Offer for the purposes of the homelessness legislation.

36. DIRECT BIDDING ON BEHALF OF APPLICANTS

36.1 In certain cases, the Homemove Team and/or the Council's Housing Needs Team may make Direct Bids on behalf of Applicants as follows:

- (a) **After the expiry of a time limit for bidding** – where an Applicant who is subject to a time limit for bidding (see **35** above) fails to successfully bid within the specified time limit that applies to them, Direct Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (b) **Where the Applicant's priority has been increased at the discretion of the Council's Housing Needs Manager** – where the Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed a full duty under the homelessness legislation by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Needs Manager or their deputy (see **23.5**; or **24.5** above), Direct Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (c) **Where the Applicant is a MAPPA case** - Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPPA) will be restricted from bidding and will not be allowed to choose their home. Instead, Direct Bids may be made for suitable homes on their behalf until a reasonable offer is made and accepted by the Applicant.

36.2 **Refusal of an offer resulting from a Direct Bid made on behalf of an Applicant**

(a) Homeless Applicants

A Homeless Applicant who is owed a housing duty by the Council under s.193 or s.195(2) of the Housing Act 1996 who refuses a Final Offer of a home resulting from a Direct Bid on their behalf, which is considered to be suitable by the Council, will result in the ending of that housing duty and an ending of the provision of any temporary accommodation that has been arranged for the Applicant.

Whether or not a Homeless Applicant accepts an offer, they have the statutory right to request a review of the suitability of the accommodation they have been offered. Any offer of a home will not be kept open while the Applicant's case is considered but may be let to another Applicant who has bid. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a statutory review of its suitability.

(b) Other Applicants who the Council has a statutory duty to re-house

An Applicant owed a statutory duty to re-house other than a duty under the homelessness legislation (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) who refuses a reasonable offer of a home resulting from a Direct Bid on their behalf will result in the ending of that housing duty.

(c) Applicants who are ready to move on from supported housing in Mid Sussex

An Applicant who is ready to move on from supported housing in Mid Sussex who refuses a reasonable offer of a home resulting from a Direct Bid on their behalf will lose their priority in Band C (or Band B) and be re-banded to according to their current housing circumstances. An Applicant who refuses a reasonable offer may request a review of the suitability of the home they have been offered. However, any offer will

not be kept open while the Applicant's case is considered but may be let to another Applicant.

(d) Applicants in a Band A, B or C category requiring approval by the Discretionary Priority Panel

An Applicant who is in one of the Band A, B or C categories that requires approval by the Discretionary Priority Panel who refuses a reasonable offer of a home resulting from a Direct Bid on their behalf will have their case referred back to the Discretionary Priority Panel who will consider whether the refusal was reasonable and whether the award of Discretionary Priority should remain or be removed. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

(e) Applicants selected by a Supported Housing Panel for a tenancy in general needs housing with specialist floating support (see 22)

An applicant who has been selected by a Supported Housing Panel for a tenancy in general needs housing with specialist floating support who refuses a reasonable offer of a home resulting from a Direct Bid on their behalf will have their case referred back to the Panel who will consider whether the refusal was reasonable and whether their selection for support should remain. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant. Where the Panel decides that the Applicant should no longer be selected, they will lose their priority in Band B and be re-banded according to their current housing circumstances.

How we prioritise bids

37. HOW BIDS ARE PRIORITISED

37.1 All bids that meet the criteria for each home are placed in priority order on a shortlist. With certain exceptions, priority is normally decided first by Priority Band and then by Priority Date within the Band. Exceptions to this are detailed under the headings below and under the further headings at **38 – 42** below.

37.2 Where an Applicant's bids are first on the shortlist for more than one home

When an Applicant is first in priority order on more than one home, the Homemove Team will use its best endeavours to contact the Applicant to allow them to choose which of these homes they should be nominated for.

37.3 Tied bids

Every bid will be assigned a random number when a bid is made and this number will be used to resolve a tie. The highest random number gets priority.

37.4 If there are no successful bids on a home

If there are no bids that meet the criteria for a home, the Homemove Manager will decide whether the home should be re-advertised or re-advertised as available for bidding from applicants in the Homemove partnership who are not registered on the Mid Sussex Common Housing Register.

37.5 Housing related debt or rent arrears affecting priority

Bids from Applicants with a housing related debt or rent arrears will normally be given less priority than bids from other Applicants in Band A, Band B or Band C. For full details see **27** above.

37.6 Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears due solely to the Removal of the Spare Room Subsidy.

37.7 Homes advertised as being 'subject to a sensitive letting'

Bids from Applicants with a history of anti-social behaviour will be given less priority than bids from other Applicants for homes that are advertised as 'subject to a sensitive letting'. For full details see **28** above.

37.8 Homes advertised as being 'subject to a local lettings scheme'

Bids from Applicants for homes advertised as being 'subject to a local lettings scheme' will be prioritised according to specific criteria specified in the agreed scheme as detailed at **31** above.

38. FIRST LETTINGS OF A NEW HOUSING DEVELOPMENT – special rules

38.1 The Council is concerned that new developments of general needs housing in the towns and villages of Mid Sussex should enable those local people in housing need who wish to do so to remain in their local community so as to contribute to the sustainability of that

community. Special rules designed to ensure this happens are set out below, although important exemptions to these rules are set out at **38.8** and **38.9**.

For the avoidance of doubt, the expression 'new developments of general needs housing' includes new developments of units for affordable home ownership where the Applicant may part own their home and new developments of units of affordable rented housing.

38.2 **How Priority is given to local people**

When allocating the first letting (or lease in the case of affordable home ownership developments – see **45.3** below) of a home within a new development of general needs housing in the towns and villages of Mid Sussex, priority will be given to bids from Applicants who have a Local Connection with the town or village where the new development is located, as defined at **38.6** below. In the case of a rural exception site, the local connection criteria that apply to the individual exception site will be used instead.

- 38.3 If the successful Applicant is a Transfer Tenant who currently occupies a home in the town or village where the new development is situated, the home they vacate will be treated as if it was a first letting of a home within a new development and bids for their home will be prioritised accordingly. For the avoidance of doubt in the case of rural exception sites, the home vacated will be allocated in accordance with the local connection criteria that apply to the individual exception site.

38.4 **New homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)**

The Council is concerned that new homes that have been developed for full-time wheelchair users are given to applicants who need them, wherever this is possible.

Therefore, where a new home is advertised as suitable for Mobility Group 1 (full-time wheelchair users), priority will be given to bids according to the special rules set out at **40.1** below.

In other words, priority for these homes is determined by need rather than local connection. However, subject to those special rules, priority will be given to bids from suitable local Applicants who have a specific mobility need for these homes and who have the relevant Local Connection with the new development.

38.5 **New homes advertised as suitable for Mobility Groups 2 and 3**

When a new home is advertised as suitable for Mobility Group 2 or 3, priority will be given to bids from Applicants with a Local Connection to the town or village according to the special rules for prioritising bids for first lettings of new developments, whether or not the Applicant has a mobility need.

However, bids from local people with mobility needs will be prioritised above those without mobility needs according to the special rules set out at **40.2** below.

38.6 **Local Connection with a town or village**

To establish a Local Connection with a town or village an Applicant or joint Applicant must meet one of the following criteria:

The Applicant or joint Applicant

- a) resides in the town or village as their only or principal home and has done so for the previous 2 years; or
- b) has resided in the town or village as their only or principal home for a period of at least 3 years in aggregate out of the preceding 5 years; or
- c) is in paid employment in the town or village (working 16 hours or more a week) and has been for the previous 2 years; or
- d) has close relatives who reside in the town or village as their only or principal home and have done so for at least the previous 5 years, or the previous 2 years if the Applicant is aged 65 or over. Close relatives will normally only cover parents, adult

children or brothers or sisters, including corresponding step relationships. Grandparents, grandchildren, aunts or uncles and non adult children will normally be included only where the Council considers that it is necessary for the applicant to be accommodated within the town or village in order to provide or receive medical or social support to/from the relative.

38.7 Where no suitable Applicant bids with a Local Connection with the town or village

- In the event that no suitable Applicant has bid for a home in a town using the above Local Connection criteria, then bids from other Applicants on the register will be considered in the same way as if they had a Local Connection with the town in which the new housing development is situated.
- In the event that no suitable Applicant has bid for a home in a village using the above Local Connection criteria, then bids from Applicants with a Local Connection to the parish in which the village is located will be considered in the same way as if they had a Local Connection with the village.
- In the further event that no suitable Applicant has bid for a home in a village who has a Local Connection with the parish in which the village is located, then bids from Applicants with a Local Connection to a neighbouring parish will be considered in the same way as if they had a Local Connection with the village.
- In the further event that no suitable Applicant has bid for a home in a village who has a Local Connection with a neighbouring parish, then bids from other Applicants on the register will be considered in the same way as if they had a Local Connection with the village in which the new housing development is situated.

38.8 Exemption for larger new developments

Larger new developments are intended to meet the housing needs of the whole District and are therefore exempt from the special rules set out above.

The exemption applies to new developments containing 250 homes or more in total. The total number of homes includes all private market and affordable homes in the whole development, whether or not the development comes forward in phases.

38.9 Other exemptions

The criteria set out above for the allocation of new general needs housing developments specifically excludes the allocation of new developments where there is a social or support service provided in conjunction with the accommodation or where the accommodation has been designed to provide facilities which are intended specifically for use by older people.

39. HOMES IN AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) OR THE SOUTH DOWNS NATIONAL PARK (SDNP) – special rules

- 39.1 The Council recognises that new developments within AONB or the SDNP that have been brought forward through Neighbourhood Plans are exceptional and intended to meet local housing need. To this end priority will be given to Applicants with a Local Connection to the village or parish where the homes are located, as set out below.
- 39.2 In the case of all first lettings of such developments, priority will be given to Applicants who have a Local Connection with the village or parish according to the rules set out above at **38** that cover First Lettings of a New Housing Development.
- 39.3 In the case of all subsequent lettings of a designated 50% of the homes in the development, priority will be given to applicants with a Local Connection with the village or parish as if they were first lettings of such developments. The rules set out above at **38**

that cover First Lettings of a New Housing Development will therefore apply to all subsequent lettings of a designated 50% of the homes in such developments.

39.4 A development has been brought forward through a Neighbourhood Plan when a Neighbourhood Plan has been submitted to the Council in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. For the avoidance of doubt, the special rules set out above would also apply where a development has been brought forward in this way but planning permission for that development has been granted in advance of the adoption of the Neighbourhood Plan.

40. ACCESSIBLE HOUSING – special rules

40.1 Homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)

- Priority will be given to bids from Applicants in Mobility Group 1 (fulltime wheelchair users) who are in Bands A, B, or C.
- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 2 (part-time wheelchair users) who are in Bands A, B, or C who have a progressive degenerative condition that is likely in time to make them full-time wheelchair users or who have a substantial disability and are likely to be reliant on a wheelchair for the foreseeable future.
- If no suitable Applicant is available, the home will be re-advertised to Applicants who are on the Mid Sussex Housing Register.
- If, after re-advertising, no suitable Applicant is available, then bids from other Applicants will be given priority according to **40.2** below (Ground floor accommodation (or lift-access accommodation in blocks of flats)).

40.2 Ground floor accommodation (or lift-access accommodation in blocks of flats) or any home advertised as suitable for Mobility Groups 2 or 3

If the home is advertised as suitable for full-time wheelchair users (Mobility Group 1), then **40.1** above applies.

If the home is not advertised as suitable for Mobility Group 1, or it has been but there are no suitable bids from applicants meeting the criteria at **40.1**, then bids for any ground floor accommodation (or lift-access accommodation in blocks of flats) will be prioritised as follows:

- Priority will be given to bids from Applicants in Band A who are in any Mobility Group
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants under-occupying their home who are in Band A category **(b)**
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band B or C who are in any Mobility Group
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band B or C who are in any Mobility Group
- If no suitable Applicant is available, then bids from other Applicants without mobility needs will be prioritised in the normal way, prioritising first by Band and then by Priority Date within the Band.

41. LARGE FAMILY HOUSES – special rules

41.1 2 bedroom 4 person houses

So that best use is made of these larger 2 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from any Applicant in Band A with 2 children

- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band B or C with 2 children
- If no suitable Transfer Applicant is available, then priority will be given to bids from other Applicants in Band B or C with 2 children
- If no suitable Applicant with 2 children is available, then bids from Applicants in Bands A, B or C with only one child will be considered, following the order of priority set out above
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 2 children will be considered.
- If no suitable Applicant is available, then the home will be re-advertised.

41.2 **3 Bedroom 6+ Person houses and 4 bedroom houses**

So that best use is made of these larger 3 and 4 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from Transfer Applicants in Band A or B or C with 4 or more children or with fewer children but a 4 bedroom need
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band A or B or C who have 4 or more children or have fewer children but a 4 bedroom need
- If no suitable Applicant is available, then bids from Applicants in Band A or B or C who have 3 children or have fewer children but a 3 bedroom need will be considered
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 4 or more children or with fewer children but a 4 bedroom need will be considered.
- If no suitable Applicant is available, then the home will be re-advertised.

42. **ARMED FORCES PERSONNEL – additional priority, special rules**

42.1 Bids from Armed Forces Personnel in Bands A, B or C will be given priority over bids from other applicants in their Band when they bid on a suitable home if they are an Applicant who

- a) is serving in the regular forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- b) formerly served in the regular forces
- c) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was wholly or partly attributable to their service; or
- d) is serving or has served in the reserve forces and is suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

For this purpose “the regular forces” and “the reserve forces” have meanings given in section 374 of the Armed Forces Act 2006(a).

42.2 However, the additional priority given to bids from Armed Forces Personnel will not take precedence over the special rules set out above at:

- **38** (First lettings of a new housing development)
- **39** (Homes in areas of outstanding natural beauty or the South Downs National Park)
- **40** (Accessible housing)
- **41** (Large family houses)

The letting process

43. THE LETTING PROCESS

- 43.1 The prioritised list of Applicants who bid for a home will be nominated to the housing association landlord so that the home can be let.
- 43.2 After close of bidding, and to minimise delays, the housing association landlord may arrange multiple viewings for no more than the 3 highest bidding Applicants per home. The first Applicants to view the home are normally contacted within 5 working days of close of bidding. If contact cannot be made with an Applicant within 5 days, then another Applicant may be contacted.
- 43.3 Applicants will be required to bring proof of identity e.g. driving licence or passport to the viewing.
- 43.4 To ensure homes are let quickly and so minimise any loss of rent and homes being left empty unnecessarily, Applicants must be available and ready to sign for and take up an offer of accommodation they have bid for and viewed. If the successful Applicant has not signed for the tenancy within 3 days of viewing and verbally accepting the offer of the home, then the housing association is entitled to offer the home to the next Applicant.
- 43.5 If the Applicant at the top of the prioritised list refuses the home, the next Applicant will be offered it, and so on down the list of bidders.
- 43.6 In exceptional cases the housing association may refuse to accept the nomination of an Applicant who appears on the prioritised list if to do so would conflict with its own Lettings Policy. In such cases, the housing association will have to give reasons for its refusal to the Homemove Team who will consider the refusal in consultation with the Housing Needs Manager at Mid Sussex District Council.
- 43.7 For General Needs housing, the housing association lettings team will:
- usually arrange accompanied viewings, advising of any non-essential work to be completed after the tenancy start date, giving a target date for the completion of these
 - offer the Applicant the option to accept and invite to sign for the tenancy or agree to a decision within a reasonable time. Some flexibility is needed when vulnerable Applicants are involved who may need to consult with support staff or their Occupational Therapist before making a decision.
 - on refusal by the Applicant, note the reasons for refusal, and offer the home to the next Applicant
 - on failure of the Applicant to provide adequate proof of identity at the viewing, give the Applicant further time to provide this at the Letting Officer's discretion
 - notify the Homemove Team immediately the accommodation has been accepted and the name of the successful Applicant.

Direct allocation of some homes

44. DIRECT ALLOCATION OF SOME HOMES

44.1 Some homes will not be advertised and will not be available for bidding by Applicants. These homes will be allocated by Direct Allocation by the Homemove Team in liaison with the housing support provider; Supporting People; or the Council's Housing Needs Team as appropriate. Direct Allocation will apply as follows below:

44.2 Supported housing

Most supported special needs housing (except sheltered housing) will be allocated through Direct Allocation and will not be advertised.

However, we allow Applicants who have been selected for specialised floating support in self-contained general needs housing to bid for a home of their choice (see 22 above).

44.3 Supported housing allocated by multi-agency panel

44.3.1 Referrals of Applicants considered to be appropriate for specific supported housing schemes will be considered by a multi-agency Panel who will select the appropriate Applicant using scheme criteria which have been agreed with the Council.

44.3.2 All Applicants who are referred to supported housing vacancies that are subject to Council nomination rights will be prioritised on the basis of a combination of housing need and need for the specific support provided by the scheme.

44.3.3 An Applicant's housing related debt should not affect their selection for supported housing or the support that such Applicants may need. The rules at 27 above do not apply in the allocation of supported housing. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant tenancy until the debt is cleared.

44.4 Temporary accommodation

Short term tenancies for homeless households in designated (or temporarily designated) temporary accommodation will be allocated through Direct Allocation.

44.5 Temporary and Permanent Decants of housing association tenants

Some homes may be allocated through Direct Allocation in order to effect Temporary and Permanent Decants of an existing tenant whose home is undergoing extensive repair or is to be demolished or redeveloped. See 25.5 and 25.6 above.

Other housing options available to applicants

45. ALTERNATIVES TO SOCIAL HOUSING

45.1 As in many areas in the South East of England there is a shortage of social housing in Mid Sussex compared to the demand for such accommodation. Applicants may wish to consider other housing options including the following:

45.2 Renting Privately

Renting privately is a good option to consider and offers several advantages over waiting a long time for social housing. Housing Benefit is available from the Council to help private tenants afford the rents that private landlords charge. Tenants may be entitled to receive Housing Benefit even if they are in paid employment. Help and advice on renting privately and financial help with deposits and rent in advance is available from the Council's Housing Needs Team or from the housing pages of the Council's website www.midsussex.gov.uk/housing.

45.3 Affordable Home Ownership Schemes

Applicants wishing to be considered for schemes designed to help people into home ownership should register with the Government's "Help to Buy Agent" (currently Moat Housing Group) for Low Cost Homeownership Schemes.

Priority will be given to Applicants with a Local Connection with Mid Sussex as defined at **11.2** above. Priority will then be given to Applicants who are existing social housing tenants in Mid Sussex, because this frees up affordable homes for other people, and Applicants who are armed forces personnel. Next priority is given to Applicants who are first-time buyers. Exceptions to this may be where funding has been provided to meet the housing needs of specific categories of people, such as key workers.

Priority for new developments of such schemes will be given to Applicants with a Local Connection to the town or village and then parish where the new development is situated, as set out in detail at **38** above.

45.4 Mutual Exchanges

Existing social tenants of any social landlord who wish to swap homes with another social tenant may wish to consider a Mutual Exchange. To do this, they should register on one or more of the home swap schemes available on the internet. However, both tenants must have the agreement of their landlords to carry out a Mutual Exchange.

Social tenants living in a Rural Exception Site Scheme may only carry out a Mutual Exchange with another tenant who meets the local connection criteria for the Scheme.