

London Borough of Hackney

**The Hackney
Lettings Policy
2016**

This policy comes into effect on the 1st July 2016.

DISCLAIMER

INFORMATION ON USE OF THIS DOCUMENT

This document, and any appendices identified within this document, is the published allocation scheme of Hackney Council in accordance with the requirements of Part VI of the Housing Act 1996. For consistency and to improve understanding in the wider community however all references to the scheme will refer to the Lettings Policy.

As the legal framework, both statutory and case law may change, as well as the Council's priorities, this policy will be amended from time to time.

The current version of the document will be on the Hackney Council's website. If using a printed version of the policy you must be aware that it may not be the current version of the policy.

July 2016

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1. Introduction

1.1. Purpose

1.1.1. The Hackney Lettings Policy sets out Hackney Council's policy and procedures for allocating homes within the social sector (Council housing and housing association nominations) to those people registered on the Council's Housing Register, and the legal framework within which Council must operate.

1.2. Legal Context

1.2.1. Hackney Council is required under the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002 and Localism Act 2011 to have a housing allocation scheme. The Act also sets out the legal framework by which it is bound. The key legal requirements and powers are set out below:

1.2.2. *Eligibility and Qualifying Persons*

1.2.3. To receive an allocation, an applicant must be eligible and a qualifying person.

1.2.4. A person subject to immigration control is ineligible for an allocation of housing accommodation unless s/he comes within one of the exceptional classes prescribed by the Secretary of State.

1.2.5. A person who is not subject to immigration control will be ineligible if s/he falls within one of a number of classes of people prescribed by the Secretary of State in regulations.

1.2.6. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.

1.2.7. An applicant must also meet the qualifying persons criteria set by the authority. It is down to the authority to decide who qualifies subject to regulations made by the Secretary of State.

1.2.8. Regulations provide that the authority must not disqualify by reason of local connection certain members of the Armed Forces as prescribed by the Secretary of State. The authority must also not disqualify by reason of local connection certain persons looking to move to work in the borough.

1.2.9. If an applicant does not qualify, he or she must be informed of the decision and the grounds for it.

1.2.10. *Priority and reasonable preference*

1.2.11. An allocation scheme must give Reasonable Preference to:

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996),
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3),
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions,
- People who need to move on medical or welfare grounds (including any grounds relating to a disability); and,

- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

1.2.12. Information, Review & Choice for Applicants

1.2.13. The allocation scheme must set out the local authority's policy on offering applicants:

- a choice of housing accommodation; or,
- the opportunity to express preferences about the housing accommodation to be allocated to them.

1.2.14. The Scheme must be responsive to the rights of applicants in terms of;

- Access to information regarding how applications for housing are assessed and the likelihood of being allocated a property and waiting time.
- An applicants' right to a review of any decision(s) on their applications, including if they are considered to be ineligible or are considered to be a non-qualifier.

1.2.15. Legal powers and flexibilities granted to Local Authorities

1.2.16. Qualifying Persons

1.2.17. To determine participation in the allocation scheme, a local authority may decide what classes of persons are, or are not qualifying persons subject to any regulations made by the Secretary of State (Housing Act 1996 Part 6 s.160ZA (7)).

1.2.18. Preference

1.2.19. To determine priority between applicants with Reasonable Preference, additional preference may be granted.

1.2.20. It is permitted to give additional preference to particular descriptions of people with urgent housing needs. Additional preference must be given to certain members of the armed forces.

1.2.21. To determine priorities in allocating housing the scheme may take the following into account;

- The financial resources available to a person to meet housing costs.
- Any behaviour of a person (or of a household member) which affects his/her suitability to be a tenant.
- Any local connection (within the meaning of section 199) which exists between a person and the authority's district.

1.2.22. Homelessness

1.2.23. The Localism Act allows Local Authorities to discharge their homelessness duty into the private rented sector (with a minimum 12 month tenancy) without the consent of applicants.

1.2.24. The Secretary of State

1.2.25. The Secretary of State may by regulations;

- Prescribe classes of persons who are, or are not, to be treated as qualifying persons by local authorities in England, and

- Prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.

1.2.26. Other

1.2.27. Local Authorities may include provision in their lettings policy for the allocation of housing accommodation to persons who do not fall into statutory reasonable preference categories in order to meet local priorities and needs provided that such persons do not dominate the scheme, and overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

1.2.28. Changes to the scheme - Consultation and delegated authority

1.2.29. Prior to adopting or making any major change to policy, Hackney will consult with every Private Registered Provider with which the authority has nomination rights. However, The Corporate Director of & Resources, in consultation with the Cabinet Member for Housing, may make minor amendments to the scheme if required to ensure that the policy is operating fairly and within the law.

1.2.30. In framing this Policy the Council has had regard to the following strategies:

- Its Homelessness Strategy
- Its Temporary Accommodation Strategy
- Its Tenancy Strategy
- The London Housing Strategy

1.3. Local Context

1.3.1. The Borough

1.3.2. The London Borough of Hackney is a highly diverse borough (the 6th most diverse in London) with 39% of the boroughs population born outside of the UK and 64% of the population not identifying themselves as white British.

1.3.3. Hackney is undergoing a rapid change in its socio-economic profile, with improved transport links, a rapidly developing local economy, schools and parks, the expanding fashion hub, a growing IT related industry and other improvements to the social wellbeing of the area have all made Hackney a particularly attractive place to live.

1.3.4. However, this is having an extra-inflationary impact on the costs of housing and has changed the expectations and demands tenants are making of the market and of the Council.

1.3.5. Yet Hackney remains among the most deprived boroughs in England with 19.3% of the population receiving out of work benefits and over 41,000 households receiving help with their rent.

1.3.6. We are committed to providing excellent services that ensure the widest possible access to housing and prevent discrimination on the grounds of race, religion, gender or marital status, sexual orientation or disability

1.4. Demand on Social Housing

- 1.4.1. At the time of writing this policy, there were in excess of 11,000 applicants on the Housing Register. On average, the Council receives around 3400 applications a year. However, the supply of Social Housing being made available to new tenants is extremely limited.
- 1.4.2. Applicants are advised that, due to the high demand for social housing in the borough, most of the people who are able to join the Housing Register are unlikely to be offered a Council or housing association home. The demand for housing significantly exceeds supply and the Housing Register exists to enable the Council to prioritise those households that are in greatest need and have the closest connection with Hackney. Unfortunately, the majority of people on the Register will never be offered a home however long they wait; for them, waiting for a social rented home is unrealistic, and other options are encouraged.

1.5. Properties and persons not covered by this policy

- 1.5.1. This policy is intended to cover the letting of introductory and secure tenancies in respect of Hackney Council property and nominations to assured and fixed term tenancies with housing associations with which the Council has nomination rights.
- 1.5.2. The Council has also chosen to include within this policy the rules relating to non-priority transfer applications (moving from a social housing tenancy to another) and management transfers.
- 1.5.3. However, this policy does **not** apply if;
- You are seeking temporary accommodation and/or a non-secure tenancy
 - You want to apply for housing within a supported housing unit, including extra care sheltered accommodation (see page 49 for more details)
 - You are seeking to arrange a mutual exchange or similar transfer of the tenancy (you should contact your landlord to local neighbourhood office -see page 49 for more details).
 - You have purchased/are looking to purchase the leasehold through right to buy,
 - You are seeking detailed information on a statutory succession to a social rented unit,
 - You have a query regarding the vesting or disposal of a property pursuant to a court order,
 - You are moving from your current home/estate as part of an identified regeneration scheme and you are to be decanted/rehoused as part of the regeneration programme.

2. Applying to join the Housing Register

2.1. How to apply

2.2. If you wish to go on to Hackney Council's Housing Register you must complete and submit the appropriate application form. You will also need to supply any supporting evidence requested to confirm the details contained within the application. You can access and complete the application online through the Hackney Council website. As you complete the form, you will be told what evidence you need to provide to the Council for your application to be accepted.

2.3. The date of application is the date that the Council receives the application and it is your responsibility to obtain a receipt for any hand delivered application.

2.4. Checking your application

2.5. The Council has a responsibility to ensure that the details you have provided are accurate. When you make an application, the information you provide may be checked against other information held by the Council, such as the electoral register, education records, housing benefit, Council tax records and local welfare provision claims, as well as other waiting lists and rent account data retained by the Council.

2.6. The information may also be shared with other public bodies that have responsibility protecting public funds. You may be prosecuted if you provide false information and/or relevant information withheld. You will also need to keep the Council informed of any change in your circumstances, such as people joining or leaving your household.

2.7. Who is included in your application?

2.8. When you apply to join the Housing Register you are applying on behalf of your "household"; that is the people who are or will be living with you as part of your family. The general rule is that your household will consist of you, your spouse/civil partner/cohabitee and any dependent children you have who normally live with you. To count as a dependent child, you or your partner must be entitled to child benefit for the child. However the fact that you receive child benefit does not on its own automatically mean that a child will be considered dependant on you and eligible for inclusion on your application.

2.9. Any adopted child will be included within your household, but not a foster/care placement unless the placement is permanent. Children of relatives are not included unless;

- their parent/guardian is dead, or otherwise unable to care for the child, and
- the placement with your family has been approved in court or with other legal authority, and
- the placement is permanent, and
- child benefit or child tax credit for the child is being paid to you or your partner.

2.10. A child can only be included in one household for the purposes of the Housing Register. If you are a divorced or separated parent with access to your children that includes them staying with you, the Council will apply a residence test to establish whether the child (or children) normally live with you.

2.11. This test takes into consideration not just whether the child or children stay with you regularly (even in cases of joint custody or joint residence or similar orders) but whether this would be considered their normal residence taking into account the degree of permanence or regularity. Account may also be taken of whether the child is dependent upon you and where they go to school.

2.12. The Council may also take account of the supply and demand for accommodation, the general housing circumstances within Hackney and any under-occupation that may result where a child spends part of a week with one parent and part of a week with another. A child that is adequately housed elsewhere cannot be included.

2.13. Other persons that could be part of your household

2.14. Generally, any other adults, including grown up children, who currently live with you would not be considered part of your household. However, there are exceptions:

- Grown up children who have continuously remained a member of your household since they reached 18. This would include any grown up children that may have left the household temporarily to study provided they returned to the household outside of term time. They will not be entitled to a bedroom of their own unless there is no other household member with whom they can share a bedroom. However, if they are sharing a bedroom with another household member they will receive “B” overcrowding priority (see page 26) if they make a Housing Register application in their own right.
- a carer when the need for a live-in carer has been approved by the appropriate designated officer.
- a related adult and spouse/civil partner, in circumstances where an “A” medical grade is appropriate, the medical condition is permanent, there is no other potential carer for the relative and there is no other property where care could be provided.

2.15. Where a Council interest transfer has been approved and your household is moving from two social housing units to one unit.

2.16. Adult Children

2.17. If you have a child (or children) living with you that is over 18, not in relevant education and has not lived continuously with you as part of your household, they will not normally be considered as part of your household and would be required to make their own application to the Housing Register and will be housed separately from your application. However, an exemption to this requirement may be considered in exceptional circumstances and at the discretion of the relevant senior officer.

2.18. What other information will I need to provide?

2.19. As well as confirming your identity and who lives in your household, The Housing and Planning Act also requires that we confirm the details of your income and that of your partner and any joint tenant. The amount of social housing accommodation that we have available is very limited and we must target it at those most in need, therefore we will need to determine whether you and those in your household could reasonably afford to rent

privately or even purchase you own property. If your net **household** income exceed £87,000 per annum you will not be accepted onto the Housing Register.

2.20. Even if your household income does not exceed this threshold it may affect the level of rent you pay. If your combined income exceeds the High Income Social Tenant threshold (as set out in the legislation) the rent you are asked to pay may increase. The threshold has initially been set as £40,000, but this will be adjusted yearly in line with inflation. For details of how this may affect you please contact us or visit the Hackney Council website.

2.21. Providing additional evidence

2.22. When you submit your application, we will normally allow you up to two weeks to send in the supporting information and proof required, if you have not already sent it with the application. This may be extended if you tell us you are having difficulty getting the details needed.

2.23. If when we check your application there are questions left incomplete or we find that we need additional information, we will write to you asking for you to supply the information required. Again we will normally allow you up to two weeks from the date of the letter to send in the additional information and proof required.

2.24. If you delay in sending the information to us it may affect the date you are entered onto the register. However, if you do not provide the required documentation your application will be rejected. It is your responsibility to confirm the circumstances of your application.

2.25. More than one application from the same household

2.26. Only one application can be made from you and the persons in your household. If somebody else who is normally part of your household makes a separate application then you should tell us and we will remove them from your application. The only exemption from this is where a court order is in place.

2.27. Rejected applications and reactivating a rejected application

2.28. If your application is rejected because the form is incomplete and/or you have not provided the supporting information and evidence required, your details will not be placed onto the Housing Register. We will write to you to advise you that your application has been rejected and why.

2.29. However, a rejected claim may be reactivated if you contact us within 14 days of the rejection letter explaining why you have not previously responded and you supply the missing information required. The decision to reactivate a rejected claim is at the discretion of the Council. The Council will also reactivate a rejected claim if you can show that the Council rejected the application in error.

2.30. Changes in your circumstances

2.31. Once you have submitted your application, you will also need to keep the Council informed of any change in your circumstances, such as people joining or leaving your household.

3. Am I eligible to join the Housing Register? – excluded applications

3.1. Exclusions from the Housing Register

- 3.2. Even if you have successfully completed an application form and submitted the required evidence it does not follow that you will automatically be entered on the Housing Register.
- 3.3. There are groups of applicants (see below) that the Council will not allow to join the Housing Register. When a decision is made to exclude a household from the register then this decision will be notified in writing, with reason for the exclusion, and the applicant will be advised of their right to request a review of the decision.
- 3.4. If your details are added to the Housing Register the Council reserves the right to remove you from the Housing Register if your circumstances change and you subsequently fall within one of the excluded categories.
- 3.5. Your details may also be removed from the Housing Register if, as a consequence of changes in law or local policy you cease to be an eligible person.
- 3.6. Again, if a decision is made to remove a household from the list then this decision will be notified in writing, with reason for the exclusion, and you will be advised of your right to request a review of the decision.

3.7. Categories of excluded households

- 3.8. **People from abroad** - By law the Council cannot allocate accommodation to certain people from abroad. The relevant law is too complex to be summarised here and may be amended from time to time. If the Council considers that you fall within one of the excluded categories then you will be notified of the decision in writing with reasons, and as noted above you will have the right to request a review of the decision.
- 3.9. **Residential property owners/home owners** - Owners of residential property are excluded from joining the Housing Register. This applies if you, or you spouse, civil partner, or cohabitee own property anywhere, including outside of the UK. You will be excluded regardless of the status of occupation, so that leaseholders, freeholders, and owners of properties placed in trust are all excluded. The exclusion will also apply whether or not the property is subject to a mortgage or other loan or financial charge. Owners of a share of a shared ownership property will also be ineligible for inclusion on the waiting list. If you have let or otherwise agreed to allow your property to be occupied by other persons this exclusion will still apply.
- 3.10. In circumstances where an owner occupied property has been sold, or otherwise divested, in the five years prior to an application being made, you (or your partner) will be treated as if you were still an owner occupier and excluded from the waiting list unless you can demonstrate you have a housing need, there were additional exceptional circumstances which caused the sale (such as a relationship breakdown), and the proceeds from the sale were minimal.
- 3.11. The circumstances where the Council will consider an exception to this policy either where;

- 3.12. an “A” medical award is appropriate for a member of the household eligible to be included on the application, **and**
- the current home cannot be adapted to a degree that an “A” medical award would no longer be appropriate, **and**
 - it is determined that the household resources would be insufficient to enable the household to rent or buy an alternative property which would be sufficient to render an “A” medical award no longer appropriate, **OR**
 - You are fleeing domestic violence or family abuse - subject to other conditional requirements, see **page 37**
- 3.13. ***Unsatisfactory behaviour; you are in arrears of rent, Council Tax or amenity charge*** - The Council will exclude you from the Housing Register if you owe more than the equivalent of 4 weeks rent, Council tax or amenity/service charge payments unless you have reached an agreement to clear the arrears and can demonstrate that you have consistently kept to the agreement for a minimum period of six months. This includes rent and charges owed to the Council, housing associations or other landlords.
- 3.14. The 4 week figure is based on the net rent/Council tax/amenity/service charges payable after any benefits or housing support payments have been paid. Therefore if you are required to pay only £10 pounds per week after housing benefit has been awarded, you will be excluded if you owe £40 pounds or more.
- 3.15. If you owe less than the 4 week figure you will be eligible to be on the waiting list but may be excluded from consideration for some properties and special schemes if the relevant landlord refuses to accept them as a nominee due to their being in arrears of rent.
- 3.16. Arrears that have accrued solely due to the delay in processing a Housing Benefit application or an application for housing costs with a Universal Credit application will not be taken into account for the purposes of eligibility for the waiting list. However where the delay in paying Housing Benefit or Universal Credit is the result of you not submitting a claim, or to providing the required information in a timely manner, then the subsequent arrears will be counted.
- 3.17. If you have been excluded due to arrears you may reapply if you have reached a recorded agreement with the Council or your landlord to clear the arrears and can demonstrate that you have consistently kept to the agreement for a minimum period of six months.
- 3.18. The appropriate designated officer will then decide whether to accept your Housing Register application, taking into account the overall level of the debt, how the debt arose, previous payment records, the consistency of payments, how long it is likely to take to clear the arrears and your/your household’s personal circumstances.
- 3.19. Exceptions to the exclusion of an applicant on the grounds of arrears will only be made in the following circumstances;
- where you would otherwise be entitled to be placed in the Emergency Band
 - where you are considered eligible for an “A” social award
 - where you are under-occupying and the incentive payment due to you is used to offset arrears to an extent acceptable to the relevant Area Manager or nominated delegate.

- where you are considered eligible for both an “A” medical award and have been given preference for a wheelchair standard or adapted home. In these circumstances you will only be considered for wheelchair standard/adapted homes, and only after all other eligible cases without arrears have been considered for the property.
- where arrears have arisen because you are working but have been placed in temporary accommodation. These cases require the approval of the appropriate designated officer to be recorded on the application.
- Where you have been placed in temporary accommodation and the lease is coming to an end, and the appropriate designated officer agrees to waive the condition due to the length of time you have been living in temporary accommodation and any other extenuating factors.
- where hardship has resulted from welfare benefit changes and you have taken all reasonable steps to mitigate the consequences.

3.20. Unless otherwise stated these exceptions will require authorisation from the appropriate designated officer.

3.21. **Unsatisfactory behaviour; Squatting/unauthorised occupation** - If you are squatting, or are knowingly in unauthorised occupation of social housing, you will not be included on the Housing Register unless a Court Order requires the Council to do so, or it is decided, under this policy, to make a discretionary offer to you as an unauthorised occupant.

3.22. **Unsatisfactory behaviour; Anti-social behaviour** - If The Council is satisfied that you have instigated, or participated in, or permitted anti-social behaviour to take place then you may be excluded from the Housing Register. The following is a list of behaviours likely to be deemed to constitute anti-social behaviour. It is not necessary for legal or police action to have been taken against you for activities to be considered anti-social. You will be held to be responsible for the behaviour of all your household members and visitors. The list is not exhaustive and other conduct may also constitute anti-social behaviour;

- vandalism and damage to property
- acts of violence (including domestic violence)
- drug dealing
- harassment, including on grounds of race, religion, sexuality, gender or disability
- intimidation
- excessive noise including playing of loud music
- dog fouling and barking

3.23. The decision whether to exclude you will be taken by the appropriate designated officer. An application will be reconsidered after one year where there have been no further reported incidents of anti-social behaviour.

- 3.24. This exclusion will not apply if you are either assisting the police in court proceedings or taking part in a Council approved scheme to cease criminal, gang related or anti-social behaviour.
- 3.25. **Unsatisfactory behaviour; Unauthorised sub-letting** - If you are a social tenant or homeless and living in temporary accommodation, and you have either
- sub-let part of your accommodation without permission or
 - sub-let the whole of your accommodation without permission,
 - you will be excluded from the waiting list. If you are not evicted as a consequence of sub-letting then you will only be considered for inclusion on the Housing Register after a period of two years of satisfactory tenure.
- 3.26. **Unsatisfactory behaviour; Criminal/gang related activity** - If you have been convicted of involvement in criminal and/or gang related activities you may be excluded from the waiting list depending on the offence committed.
- 3.27. For example acts of violence (including domestic violence), extortion, robbery, burglary, drug dealing, car theft, harassment and intimidation are likely to lead to exclusion from the waiting list. Financial crimes such as shoplifting and the possession of drugs for personal use will be less likely to result in exclusion from the waiting list. In each case a decision will be made by the Head of Service taking into account the overall circumstances and previous tenancy history (if any) of the applicant's household.
- 3.28. The exclusion will apply to you if your household includes someone who has been convicted and sentenced as set out above.
- 3.29. This exclusion will not apply if you are either assisting the police in court proceedings or taking part in a Council approved scheme to cease criminal, gang related or anti-social behaviour.
- 3.30. **Unsatisfactory behaviour; Failure to maintain home in adequate state of repair** - If you are a social tenant and have not maintained and/or repaired you home, (and associated grounds or garage if appropriate) in accordance with the tenancy/licence agreement, you be excluded from the Housing Register.
- 3.31. If your landlord has decided that this is the case in your instance then your landlord will set out in writing the steps you must take to bring their home to an acceptable standard. Only after it is confirmed by the landlord that you have met the requirements will you be considered for inclusion on the register.
- 3.32. **Unsatisfactory behaviour; other unsatisfactory behaviour** - The above categories of unsatisfactory behaviour are not exhaustive and the Council may exclude you from the waiting list if you are considered to have behaved in a similar unsatisfactory manner.
- 3.33. **No assessed housing need** - Once you have submitted a successful application form, your application will be assessed to identify whether you actually have a housing need. However,

if your circumstances are such that you are considered **not** to have a housing need, your application will be cancelled and you will not be added to the Housing Register. If you household circumstances subsequently change at any time, you can then reapply to join the Housing Register at that time.

3.34. There is an exception to this exclusion; if you are 55 or over at the time you apply and you are seeking sheltered/retirement housing, your application will be accepted but you will only be considered for sheltered/retirement properties.

3.35. **People aged under 18** - The Council will not accept waiting list applications from children aged less than 18 years. The only exceptions will be as a result of a Court Order, or to meet an urgent social need approved by a qualified, Hackney Council employed, social work manager with an appropriate rent guarantee.

3.36. **Excessive support needs** - The Council's Housing Register is aimed at those households seeking general needs social housing and/or low support sheltered/retirement housing. If the Council determines that you would not be able to maintain a social tenancy in an appropriate manner because of the extent of your support needs, then you referred for supported housing instead and you will be excluded from the Housing Register.

3.37. **Misrepresentation** - If you make a false representation either deliberately or negligently, by action or omission, to cause your application to be:

- accepted as qualifying to be included on the Housing Register
- awarded higher priority
- awarded more bedrooms

3.38. then the application will be removed from the Housing Register and no further application from the household will be considered for at least five years.

3.39. This is without prejudice to the Council's right to bring civil or criminal proceedings against the applicant and/or other parties involved in the misrepresentation

3.40. **Intentionally Homeless** – If you have been issued with a decision of intentional homelessness by any local housing authority (in accordance with the Housing Act 1996 Section 184) you will be excluded from the waiting list for a period of two years, unless there are exceptional circumstances which, in the view of the appropriate designated officer, would make it unreasonable to exclude the application. You may reapply after that date.

4. Am I eligible to join the Housing Register? – Residential requirements

4.1. Residential qualification

- 4.2. It is not sufficient to submit an application form and provide the evidence requested; there are other qualifying factors that need to be considered related to how long you have lived in the Borough of Hackney. In adopting a residential qualification, the Council has had regard to the supplementary guidance “Providing social housing for local people” issued by the government in December 2013.
- 4.3. There is a general requirement that you must be resident in Hackney for three years before you can be accepted onto the Housing Register. There are a limited number of exceptions to this rule which are set out on below.
- 4.4. Residence must have been continuous although breaks of up to three months may be discounted. Time unavoidably spent outside of Hackney in hospital, prison, care home, foster placement, or analogous institutions will count towards the residential qualification provided residence was in Hackney both immediately prior to and after the out of borough placement. Similarly temporary accommodation provided by Hackney outside the borough will for the purposes of this section count as residence in Hackney.
- 4.5. Applicants who are unable to reside in Hackney because of an injunction or court order resulting from their unacceptable behaviour will not be treated as resident for the period covered by the injunction or order.
- 4.6. You must provide proof of residence for the full three years prior to your application. This could include benefit claims, employment records, electoral registration, education records, rent and/or tenancy records. It is up to you to prove that you meet the residential qualification and the Council will use its own records, and those of other public bodies to assess applications. If you are not on the electoral register, or not included as a non-dependant/occupant on housing benefit/Council tax reduction claims where it was appropriate for you to have been included, it will be treated as evidence that you were not living in the borough unless you can provide a satisfactory explanation.
- 4.7. If you were previously placed in temporary accommodation in Hackney by another local authority, then the time spent living in the temporary accommodation does not count towards residence for the purposes of meeting the residential qualification.
- 4.8. If you meet the residential criteria and are placed on the Housing Register, you must continue to live in the borough of Hackney, as outlined above, or your application may be removed from the Housing Register. If you have moved into sustained accommodation outside of Hackney and it is not considered to be a temporary arrangement you should apply to join the Housing Register for the area you now reside in

4.9. Exceptions to the residential qualification

- 4.10. There are a limited number of exceptions to the residential qualification. If you are;
- a serving member of the “regular forces” (Royal Navy, Royal Marines, the Army and the Royal Air Force)
 - someone who has served in the regular forces within five years of the date of your application

- someone who has ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of your spouse or civil partner and where;
 - the spouse or civil partner has served in the regular forces and
 - their death was attributable wholly or partly to that service
- someone who is serving or has served in the “reserve forces” (Royal Fleet Reserve, Royal Navy Reserve, Royal Marines Reserve, Army Reserve, Territorial Army, Royal Air Force Reserve, Royal Auxiliary Air Force) and you are suffering from a serious injury, illness or disability which is attributable wholly or partly to that service.
- A nominee under the National Witness Mobility Scheme
- Someone who has been accepted as Homeless by the Council with a duty to provide accommodation under the Housing Act 1996
- Applying through the Housing Moves scheme or other similar special scheme that includes within it reciprocal arrangements agreed with other boroughs or housing associations (for additional details please see page 48)
- Applying through the Right to Move scheme (see page 48)
- an existing social housing tenant in Hackney who has a secure, assured or fixed term tenancy
- moving to Hackney to provide care to a Hackney resident that has been agreed as medically required by the Council’s medical advisor
- Fleeing domestic or familial violence, or need to move to Hackney due to social or welfare reasons and the Council accept that it is reasonable to waive the residency requirements in your case.
- A student living and studying away from the borough, provided;
 - You are living outside the borough solely for the purpose of study,
 - You have not entered into a long term tenancy (i.e. more than three years) outside the borough, and
 - You confirm that you intend to return to live in the borough at the conclusion of your course of study.

4.11. Then the residency requirements will not be applied to your application.

4.12. Council Tenants

4.13. If you are a Council tenant and wish to move to another social housing unit, you should contact the Housing department directly. They will arrange for an officer to visit you at your home to confirm that your current property is fit to be relet. They will then process your application to go onto the Housing Register. Once on the Register, your application will be prioritised in the same way as anybody else.

4.14. If you are an Introductory tenant you will not be allowed to make a transfer application except with the discretionary approval of the appropriate designated officer, and then only if you are someone who has an urgent priority (see page 23).

5. What size property can I apply for?

5.1. Most social housing will only be provided to you based on the number of bedrooms you and your household need. There is no statutory definition of what constitutes a bedroom or a minimum size of a bedroom. The Council will determine the number of bedrooms in a property as part of the allocations process using information provided by the landlord, and this will be clearly indicated in an advertisement when the property is let through Choice based Lettings, or on the tenancy agreement for direct offers.

5.2. General bedroom standard

5.3. When looking at the number of bedrooms your household needs, the Council allocate a bedroom in each of the following circumstances:

- One bedroom for each couple who are married, in a civil partnership or otherwise cohabiting who live in your household
- One bedroom for each single person over 21 in your household
- One bedroom for every two persons under 21 of the same sex in your household,
- One bedroom for every two children of opposite sexes, provided each is under the age of 10 in your household,
- One bedroom for every single person of any age, including an adult child, of either sex in your household when there is no-one else in the household suitable to share with. Studio accommodation is considered adequate accommodation for a single applicant or a couple and you will not be considered as lacking a room until you or your partner are aged 35

5.4. If you or anyone else in your household is pregnant, the baby will not be counted towards the bedroom assessment until after they have been born and a copy of the full birth certificate has been provided to the Council.

5.5. Where there are a number persons in your household and there is a variety of ways in which they could be counted, the Council will assess your household in such a way as to allocate the fewest bedrooms possible under the Council's bedroom standard rules.

5.6. Extra bedroom due to a medical condition

5.7. If some circumstances you may be allocated an additional bedroom if you (or someone in your household) would normally be expected to share a bedroom but cannot do so because of a medical condition. An assessment as to whether an additional bedroom is appropriate will be carried out by the Council's Medical Assessment Team and any award will be approved by the appropriate designated officer. This will not normally mean that your application attracts a higher priority, but you will be able to bid for properties which would normally be considered too large for your household's needs.

6. Prioritising your application

- 6.1. Hackney operates a Choice Based Lettings (CBL) scheme and if you have been accepted onto the Council's Housing Register you will be asked to "bid" on council properties and those nominated by our Registered Providers (RPs). Because the demand for social housing in Hackney far exceeds that which we can supply, it is necessary that we prioritise each application on the Housing Register to help ensure that the housing stock we do have is allocated in the most appropriate way.
- 6.2. This means that the household with the highest priority bidding for a property is given first refusal on whether they take up this offer, and if not the opportunity passes down to the next highest priority household.

6.3. Points, bands and waiting time

- 6.4. The Council will rank your application based on a banding system, in which each band shows the relative priority of any application. A basic points system is used to determine which band an application is to be placed in.
- 6.5. Once your application has been placed in a band, your priority relative to the other applications within that band is based on the **length of time you have been waiting in that band**. The fact that you may have more points than another applicant in the same band would not give you greater priority.
- 6.6. The following table shows the bands in descending priority order and the number of points you require to fall within this band:

Band	Points Range
Emergency	250 - 998
Urgent	100 - 240
Priority	40 - 90
Homeless	999+*
General	10 - 30

* The level of points allocated to the homeless band appears to be out of step with its level of priority. However, the high points award is a clerical marker to allow for easier identification of homeless households. In reality, applications in the Priority band and Homeless band have equal priority and the sole determinant of relative priority between cases in these bands is waiting time

- 6.7. So, when deciding which applications take precedence the first consideration is the band your application has been placed in; if your application is placed in the Emergency band then you will have a higher priority than an application in the Urgent band. If instead your application is placed in the Urgent band application you will have a higher priority than an application placed in either the Priority or Homeless band. The lowest priority applications are those placed within the General band.
- 6.8. The second consideration is then the length of time your application has been waiting; for example, if your application and that of another household have both been placed within the Emergency band, the application with oldest **band date** will take precedence.

6.9. The band date is the date on which your application was placed within the band. There are only four exceptions to this rule:

- Where additional waiting time is given to applicants with multiple needs or other specific circumstances as specified within the policy. For example, if you qualify for both “A” medical and “A” overcrowding status, one year is added to the band date of your application. A special rule also applies to cases awarded quota priority (see page 35.).
- If we have unnecessarily delayed assessing your application, or we got the decision wrong, the band date of your application will be changed to the date you would have been given had we got it right in the first instance.
- If your application is moved to a lower priority band, the band date will not be reset and you will keep the band date you had in the higher band. However, if you had been previously placed in this lower band, then the band date will revert to that given at that time.
- When a band date is reset or amended as a result of a penalty (see page 32).

6.10. How points are allocated

6.11. The following section highlights how we allocate “points” in respect of your application and these will determine which band you fall into and, as such, set out the priority of your application.

6.12. It is important to understand that these points are not accumulative, if you qualify in more than one area (for example, if you are overcrowded **and** in accommodation in need of repair) the points you are awarded are not added together. Instead, whichever of the areas that generates the highest priority is used to define the band you are placed in. However, in some circumstances where you and your household qualify for more than one award, consideration will be given to whether an additional priority should be given to you because of your multiple or composite needs (see the section **Special cases with multiple needs** on page 26)

6.13. Points awards in emergency cases

6.14. Your application will be awarded 250 points if you or your household falls within one or more of the following categories:

6.14.1. *Emergency Hospital Discharge Cases* – if you or someone in your household is fit to be discharged from hospital but the discharge is prevented only by the unsuitability (in the medical context) of your home, or if you do not have a home and there is no available suitable temporary accommodation – the decision whether to make an award is at the discretion of the appropriate designated officer.

6.14.2. *Police Witnesses* – where your life or the life of someone in your household is at risk as a consequence of providing assistance to the police or other law enforcement body - the decision whether to make an award is at the discretion of the appropriate designated officer and will be based on evidence from the police or analogous organisation and include referrals made under the National Witness Mobility Scheme.

- 6.14.3. *Fire and flood* – where you are a current council tenant and your property has become uninhabitable because of a fire or flood - the decision whether to make an award is at the discretion of appropriate designated officer.
- 6.14.4. *As ordered by the Local Authority Ombudsman* – where you have complained to the Local Authority Ombudsman and they have identified a case of maladministration by the Council, or by an agency acting on behalf of the Council, and recommend that an emergency points award is appropriate –.
- 6.14.5. *Following a successful Judicial Review* – You have applied to the Administrative Court and been granted a judicial review of a decision not to make an emergency award - the decision to make an award will need to be approved by the appropriate designated officer.
- 6.14.6. *In other exceptional circumstances* – If there are exceptional circumstances that apply to your application you can apply to the Exceptional Cases Panel to request they make an emergency award
- 6.15. An award made under one of more of these circumstances means you and your household will be placed in the Emergency Band.

6.16. Points awards when your current accommodation is in disrepair

6.17. There are two levels of disrepair priority within the Lettings Policy:

6.17.1. **“A” Disrepair Priority** which will attract 100 points and place you in the Urgent Band, and

6.17.2. **“B” Disrepair Priority** which will attract 10 points and place you in the General Band.

6.18. To qualify for an **“A” priority for disrepair** you should be living in accommodation that is in an **unsanitary** condition. If you advise us that you believe your accommodation to be unsanitary, we will arrange for Council Officers to make an assessment on the extent of the disrepair and whether you are living in unsanitary conditions for example:

- You do not have access to a bathroom or kitchen within the house
- You do not have a sink or cooking facilities
- You do not have an inside WC
- You do not have running water and/or a functioning electricity supply
- Your accommodation has other defects that make it uninhabitable
- The Council has served a closing order on a property

6.19. If your accommodation is in disrepair but is not unsanitary, you will be awarded a **“B” priority**.

6.20. The final decision on whether an award is appropriate will be made by the appropriate designated officer based on the feedback he or she receives from the assessment team.

6.21. You should remember, there are legal options available to you to resolve issues of disrepair with your landlord.

6.22. Instances of disrepair to Council properties

- 6.23. If you are currently living in a Council owned property and you are seeking a move due to disrepair, the appropriate designated officer will arrange for a qualified surveyor to identify the nature of the problem, the length of time works to resolve the issue are estimated to take, and whether you will be required to move out on a temporary or permanent basis.
- 6.24. If you cannot return to the property you will be awarded 100 points to ensure your application is placed in the Urgent Band.
- 6.25. If you need to move out temporarily to enable works to take place, then the Housing Department will be responsible for finding you somewhere to stay.
- 6.26. However, in exceptional cases where you are already severely overcrowded or otherwise and have been placed in the Urgent Band, or where you are elderly, frail or otherwise vulnerable, in which case the appropriate designated officer can approve a permanent move.

6.27. Points awards because you are living in overcrowded accommodation

- 6.28. Identifying whether or not you are living in overcrowded accommodation is based on the number of bedrooms you need and the number available within your accommodation (see the chapter on what size property I can apply for, page 17). All households consisting of more than 1 adult are considered entitled to access to a separate living room from their bedroom, although this room may be shared with non-household members. If a household only has access (shared or otherwise) to one room, then the household will be automatically assumed to lack at least one bedroom.
- 6.29. There are two levels of overcrowding priority within the Lettings Policy:
- 6.29.1. **“A” Overcrowding priority** which will attract 100 points and places you in the Urgent Band, and
- 6.29.2. **“B” Overcrowding priority** which will attract 10 points and place you in the General Band.
- 6.30. You will qualify for an **“A” priority for overcrowding** if you and your household are living in accommodation that two or more bedroom fewer than you need; for example, you and your household have been assessed as needing 4 bedrooms, but the property you currently live in only has two bedrooms.
- 6.31. If your accommodation is only one bedroom smaller than that which you need, for example, you and your household have been assessed as needing 4 bedrooms, but the property you currently live in only has three bedrooms, then you will be awarded a **“B” priority for overcrowding**.
- 6.32. The final decision on whether an award is appropriate will be made by the appropriate designated officer based on the feedback he or she receives from the assessment team.
- 6.33. If you are awarded an “A” or “B” priority for overcrowding, the Council will check regularly to confirm that you still qualify. In particular, we will confirm that any adult household members are still in the property. This will include checking, where appropriate, housing benefit claims. If an adult relative is not declared on a housing benefit claim it will be the general presumption that s/he is not resident and therefore not to be included on your application.

6.34. Points awards because you are suffer from a medical condition

6.35. If you or someone in your household has a serious medical condition which is being aggravated by accommodation you are living in the Council can award addition priority points on medical grounds. For example, if you or someone in your household has severe mobility problems and has difficulty with stairs, we may award an additional priority if you are living in a 3rd floor flat in a block without a lift, but an award would be unlikely if you lived on the ground floor.

6.36. When considering whether an award is appropriate, the Council will take into account the needs of all the people in your household but will only award one overall grade for the household; if there are two or more people with serious medical needs in your household, any award will be based on the requirements of the most affected person. The Council does not add awards together.

6.37. Medical priority is awarded only where there are medical conditions that are long term. For example, priority will not be awarded for conditions associated with pregnancy or for a short time after surgery.

6.38. There are two levels of medical priority within the Lettings Policy:

6.38.1. **“A” medical priority** which will attract 100 points and places you in the Urgent Band, and

6.38.2. **“B” medical priority** which will attract 10 points and place you in the General Band.

6.39. You will qualify for an **“A” medical priority** in only the most urgent cases: where you or someone in your household is at risk due to the inadequacy of the home, or is housebound within it and would otherwise be unable to go out or be taken out.

6.40. You will qualify for a **“B” medical priority** if the need is urgent but the accommodation is not a threat to significantly exacerbating the condition, and a change of housing would make a substantial improvement in the quality of life of the affected person.

6.41. The final decision on whether an award is appropriate will be made by the appropriate designated officer.

6.42. Reviewing a medical priority award

6.43. If you are awarded a medical priority the Council may review this award on a regular basis to ensure the additional priority is still appropriate.

6.44. If you are awarded a medical priority we will also advise you as to the type of properties you should be bidding for. We may review the award if you are regularly bidding for properties that are not appropriate to your medical needs, for example, you are bidding for properties on the third floor of a block with no lift and you have advised you have mobility issues.

6.45. If you are awarded an **“A” medical priority** and you bid successfully for a property that is not suitable, your application may be overlooked if it would mean that we would award another **“A” medical priority** for you at the new property.

6.46. If, we do review your medical priority and it is downgraded or removed, you will be notified in writing and advised of your right to appeal.

6.47. Appeals and fresh assessments

6.48. You can appeal against any decision not to award a medical priority (or if a medical priority is removed). The appeal will be considered by an appropriate designated officer not involved in the original decision, or the medical assessment team or an independent medical advisor as appropriate. However, the decision arising from the appeal will be final.

6.49. Unless there has been a significant change of circumstances only one medical assessment will be conducted for any one household member within a 12 month period.

6.50. Points awards because your household is under exceptional social pressure

6.51. If you or your household need to move because you have been threatened or assaulted and there is a risk this will be repeated if you stay in the accommodation, you may qualify for a social priority award.

6.52. There are two levels of social priority within the Lettings Policy:

6.52.1. **“A” social priority** which will attract 100 points and places you in the Urgent Band, and

6.52.2. **“B” social priority** which will attract 10 points and place you in the General Band.

6.53. You will qualify for an **“A” social priority** where there is a threat to the life of you or someone in your household and there is no alternative effective remedy other than moving you from the accommodation. Such moves will generally happen within the Borough. If this will not remove or substantially reduce the threat, and no suitable out of borough properties are likely to become available, then you will be given advice and assistance in approaching another authority and no social award will be made.

6.54. Circumstances where the highest social priority may be considered include:

- Violent incidents where there is reason to believe the incident might be repeated e.g. rape or harassment as a result of race, ethnicity, sexuality or disability
- Sexual abuse of or attacks on children and moving would end the danger
- Witnesses or potential witnesses where actual violence or threats of actual violence have been made.
- Domestic violence where moving would end or minimize the danger
- In cases of criminal activity where there have been associated threats and violence particularly where “innocent” parties are at risk.
- At the recommendation of the police, to help to provide witness protection
- You will qualify for a **“B” social priority** in circumstances where there has been:
 - .1. Harassment over a long period but it is not life threatening
 - .2. There has been a one off serious violent incident which is unlikely to be repeated but is still causing demonstrable stress and anxiety

6.55. Reasonable enquiries will be made to judge the severity of the threat or risk and to ensure that a move will eliminate or minimise the future risk to life. The final decision on whether an award is appropriate will be made by the appropriate designated officer and will be informed by feedback he or she receives from the police, local neighbourhood offices and other professional/advisory agencies as appropriate

6.56. It is expected that housing associations will take action to help their tenants facing life threatening situations, if necessary through reciprocal arrangements. A homelessness application may be an appropriate course of action in this type of case.

6.57. Reviewing social priority

6.58. Social priority awards will be reviewed on a regular basis (usually within at least 6 months) and will be removed if your circumstances have changed or they no longer merit that priority. An "A" priority award may be changed to "B" where this is more appropriate.

6.59. Points awards because your household has been accepted as homeless

6.60. If you or your household have been assessed as homeless you may qualify for an insecurity priority award.

6.61. There are two levels of insecurity priority within the Lettings Policy:

6.61.1. **"A" insecurity priority** which will attract 999 points and places you in the Homeless Band, and

6.61.2. **"B" social priority** which will attract 10 points and place you in the General Band.

6.62. You will qualify for an **"A" insecurity priority** if you and your household have been accepted statutory homeless households who are owed the full housing duty under section 193(2) of the Housing Act 1996.

6.63. You will qualify for a **"B" insecurity priority** if you and your household are assessed as being homeless but you are not in priority need, or have been threatened with homelessness and are in priority need.

6.64. The final decision on whether an award is appropriate will be made by the appropriate designated officer and will be informed by feedback he or she receives from the Council's Housing Advice team.

6.65. Points awards to encourage you to move from your current social rented property to another

6.66. **Points awards for moving out of an adapted property** - If the property you are living has previously been purpose built or adapted to make the home suitable for people with disabilities, and you or your household do not require adapted accommodation, the Council may award, on a discretionary basis, 100 points to help you move to a different property and allow the adapted property to be provided to a household that has disability needs. Adapted homes are those that have been built or adapted to meet the needs of wheelchair users with, for example, stair lifts and walk-in showers.

6.67. Whether you qualify for any additional points will be based on a number of factors such as, the nature of the adaptations, including age, nature and condition of the adaptations, the demand for such adaptations, the physical attributes of the property, e.g. floor levels etc. the decision whether to make an award will be made by the appropriate designated officer.

6.68. **Points awards for moving to a smaller property** -The Council operates a discretionary scheme that encourages social housing tenants to move from homes which are larger than

they need to smaller homes. Incentive payments and financial assistance with the cost of removals may be provided. This is the Council's ***Under-Occupation Cash Incentive Scheme***.

6.69. Under this scheme, if you agree to move to a smaller property not only could you receive a cash payment, your application will be given a 100 point under occupation award, ensuring it falls within the urgent band.

6.70. The Under Occupation Cash Incentive Scheme is discretionary and the Council may not accept your application if for example your current property is in a state of disrepair, or the funding for the scheme has all been spent, or there are enough properties already available the same size as your current home.

6.71. You may also be excluded from the scheme if you do not bid regularly, fail to accept an appropriate offer or be too restrictive as to the type of accommodation you wish to move to. The current details of the levels payable are held on the Council's website.

6.72. ***Points awards to help you or part of your household move to a more appropriate social rented property*** - Sometimes the Council can award, on a discretionary basis, 100 points on Council interest grounds to aid the release of social rented housing. The appropriate designate officer may approve Council interest status in the following circumstances;

6.73. If you are an adult non-dependent who is a household member of a tenant in social housing and the accommodation is bigger than your households needs. The award will only be made in order to facilitate you and the tenant being rehoused separately, and in doing so, the number of bedrooms in the two new properties being used to accommodate you and the original tenant is less than the number of bedrooms in the accommodation being released. The Lettings Initiative Team will ensure that the timing of the lettings are co-ordinated to ensure all applicants are moved to alternative homes in a timely manner and this may mean that direct offers will be necessary.

6.74. If you are living in a social rented property following the death of a tenant, to which there is no right of succession and the Council has agreed a discretionary offer of a smaller unit.

6.75. Additional priority for Armed Forces Personnel

6.76. In accordance with The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, additional priority will be awarded to armed forces personnel or associated persons who can demonstrate that they meet one of the following criteria;

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

6.77. If these conditions apply to you or someone in your household, you will be awarded additional priority to place you and your household in the next highest band than that which

your circumstances would otherwise warrant (except where you are already placed in the Urgent Band).

6.78. Special cases with multiple needs

6.79. We recognise that there will be circumstances in a household may qualify for a priority points award in more than one category, for example you and your household may be entitled to both an 'A' Social priority and an 'A' Medical priority - there are many different possible combinations. Households who fall within more than one of the categories are referred to as having multiple or composite needs.

6.80. We take the view that priority for social housing accommodation should go to those with greater housing need. We allocate points to the categories of priority which determine the band in which your application is placed. Your household application is allocated to a band with a priority date, which determines your priority within the band you have been placed.

6.81. However, if your household has multiple or composite needs, the Council may decide to increase the priority of your application by:

- a) Making an additional points award so that your application is moved into a higher band as appropriate,
- b) Adjusting priority date of your application within the band you have been placed, or
- c) A combination of both (A) and (B).

6.82. **The Council will not increase the priority of every household application that falls into multiple categories.** In general, it will not be appropriate to simply aggregate the points of your household's various needs and see whether that results in a higher banding. The decision of whether to accord additional priority to an application, and, if so, to what extent, is a discretionary and we will take into account:

6.83. Your household's overall housing need in all the circumstances of your case, and as part of that we will look at;

6.83.1. how your household's needs interact - there will be cases in which a household falls into multiple categories but the various categories do not relate in a way that actually increases the urgency of your application;

6.83.2. whether any accumulation of your household's needs is significant. For example, it may be that your household has multiple low level needs that when taken together still do not make your application more of a priority than that of a household with a single high-level need;

6.83.3. whether one aspect of your household's needs is much more important than the others - for example, a person with 'A' Medical priority may also have a number of other relatively minor factors. There may be a 'B' social priority. In such a case it may be that the social need does not make the person's need for housing appreciably greater than others with 'A' Medical needs. In which case we would not award an additional priority.

6.83.4. The needs of other applicants. There necessarily must be some comparison between the person under consideration and others in the scheme to determine whether the multiple needs of the subject applicant warrant additional preference.

6.83.5. The time spent by other applications in the scheme. Housing need or reasonable priority will be determined to some extent by the length of time that a person has been waiting in the scheme.

6.83.6. Where your household attracts both an “A” overcrowding priority and an ‘A’ Medical priority, we will generally reflect this in the priority date; we will generally backdate the priority of your application date by one year.

6.84. We will seek information and guidance from health and social care professionals where there are relevant health and social care factors that need to be considered. We will also take into account any new information that may be relevant.

6.85. The Council operate an Exceptional Cases Panel (ECP), which is able to consider very urgent cases and other cases that are considered by reason of their complexity to need attention by the Panel. The Panel will make its determinations in accordance with this Policy (see page 46).

6.86. The final determination of whether to give additional preference by reason of multiple needs will generally be made by the appropriate Operational Manager.

6.87. Reduced priority

6.88. The Council will reduce the priority to your application if you act unreasonably in altering, or refusing to alter, your circumstances so as to increase either your priority and/or bedroom entitlement within the Lettings Policy;

6.89. Examples of this would include;

- selling, or otherwise divesting yourself of , an interest in a property
- deliberately renting a property too small for you and your household
- giving up a job with tied accommodation
- refusing to accept a reasonable offer of social or privately rented housing

6.90. Where it is determined that it is appropriate to reduce your priority then your application will be placed in the General Band with a band date that reflects the action or inaction which led to the decision to reduce priority or the date of application, whichever is the later.

6.91. If you are in the General band and it is decided to reduce your priority your application will be removed from the Housing Register. No further application will be accepted from you for two years from the date of this decision.

6.92. The decision to reduce priority will be made by the appropriate designated officer. The decision will be notified to you in writing and you will be offered the right to request a review of the decision.

7. Other ways housing may be allocated

7.1. Direct Offers

7.2. Sometimes, a household's need to move is so urgent that the process of bidding for a suitable property may take too long to avert a crisis occurring. Alternatively a household living in temporary accommodation who coming towards the end of their lease, or who are not taking sufficient action to find suitable permanent accommodation. There will also be occasions when it is of mutual benefit to both the Council and a household seeking to move to circumvent the Choice Based Lettings process. In these types of instances the Council reserves the right to make a direct offer of accommodation to a household currently on the Housing Register. Please be aware, you will only receive one direct offer.

7.3. Direct offers and Social Priority - Due to the urgent nature of some "A" Social cases a direct offer of accommodation in an area of the borough chosen by the applicant will be made. The offer will be of the same size property as the existing home of the applicant except in the following circumstances;

- where the applicant is under occupying, in which case an offer will be made of a property that meets the general bedroom standard,
- where the applicant has already been assessed as eligible for an "A" Overcrowding award, in which case an offer will be made of a property that meets the general bedroom standard.
- Where an applicant is moved on "A" Social grounds a further application will be awarded any priority and waiting time accrued prior to the award of social priority, provided the previous awards remain appropriate.

7.4. Failure to accept a reasonable offer of accommodation will trigger a review of the "A" Social award with a presumption that the award will no longer be applicable.

7.5. Statutory homeless applicants who are made direct offers - Hackney Council reserves the power within the Lettings Scheme to make direct allocations to any statutory homeless household in temporary accommodation. The Council will make a direct offer to homeless households occupying temporary accommodation for which the lease is due to expire, or who have refused a previous suitable offer of housing, or have unreasonably failed to attend a viewing.

7.6. Where an applicant is made a direct offer of a suitable accommodation they are expected to accept it. They will be notified in writing that it is a final offer and of the possible consequences of refusal. If the offer is refused, the Council's duty under section 193(2) Housing Act 1996 will be discharged. The applicant will be notified in writing of their right to request a review.

7.7. This means that subject to the outcome of the review, the applicant will be required to vacate the temporary accommodation that has been provided by the Council and will have to make their own arrangements for housing. They will also lose their priority on the housing waiting list.

7.8. Other applicants that are made direct offers - In normal circumstances the Council will only make direct offers (other than in the case of statutory homeless households) to

applicants in the Emergency bands, Urgent Bands or an Exceptional Cases Panel or approved discretionary succession. The only exceptions to this policy are;

- management transfer, reciprocal and mobility cases on a like for like basis
- quota cases for bedsit/studio properties
- where the size, location or other special features of a property mean that very few applicants will be eligible or suitable for the unit
- where a property has been refused and there are no eligible bidders left
- where no eligible bids have been received for a property

7.9. Any direct offer will be approved by the appropriate designated officer. If Household on the Housing Register is made a direct offer and refuses to accept it, the reasons given for refusal will be considered by the Council. A decision will be made on whether or not it was reasonable for them to refuse the offer. Where the Council decides that it was reasonable for them to refuse the offer, the offer will be withdrawn and a further direct offer may be made.

7.10. However, where the Council decides that the offer of accommodation was suitable for the households assessed needs and the refusal of the offer was unreasonable, their application will be suspended for a period of 12 months. The Council will notify the applicant/Council tenant of the decision in writing and also of their right to request a review of the decision in writing.

7.11. Providing temporary housing to council tenants

7.12. It may be necessary to provide alternative housing in an emergency to a council tenant. This may be needed either to allow time for an assessment to be made or after the award of an "A" Social priority whilst waiting for a permanent offer. The local housing management staff will continue to manage the case until it is resolved and to deal with any associated tenancy matters.

7.13. Requests for housing following the breakdown of a relationship

7.14. The Council has insufficient resources to provide two homes when relationships break down and looks to the matrimonial courts to determine whether a tenancy should be transferred to protect the interests of any children, where this cannot be agreed between the parents/guardians/carers.

7.15. Where a sole or joint tenant of the Council is the victim of domestic violence and it is agreed that s/he must be moved to safety, s/he will be asked to end the joint tenancy and the Council will, if needed, take steps to recover vacant possession of the property. Anyone faced with homelessness as a result of this may make an application for housing, including a homelessness application.

7.16. Anyone affected by domestic violence or racial harassment and who feels unable to continue living in their home as a result of this is entitled to apply as homeless to the Council's Homelessness Service or to any other local authority.

7.17. This means that a Council tenant may decide not to request a transfer on the grounds of Social Priority but instead approach our Homelessness Service for help.

7.18. Quota cases

- 7.19. Each year the Council accepts a number of approved nominations from statutory and voluntary sector organisations to assist in moving people on from supported housing settings when they no longer require the support being provided, for example, older children leaving the care of the local authority.
- 7.20. Quota awards are of 40 points and ensure an applicant is placed in the Priority Band. The band date awarded will be the date that the applicant first started to receive the support services from the nominating organisation.
- 7.21. The quota scheme is intended to be for non-specialist general needs or sheltered properties only and applicants with special needs are not suitable for this scheme. The scheme is discretionary and the Council reserves the right to suspend operation of the scheme, or remove applicants from the scheme at any time without notice.
- 7.22. Any quota which is not used within the financial year for which it was approved will lose quota priority unless the Lettings Manager exercises discretion to extend the award.
- 7.23. Direct offers of bedsit/studio accommodation may be made to any quota referral.

7.24. Reciprocal and Mobility Transfers

- 7.25. Hackney Councils has a number of arrangements in place with other local authorities to assist existing tenants to move, such as the Housing Moves Scheme or Cross borough lettings. Applicants to these schemes will have their applications separately monitored in conjunction with the applicant's landlord.

7.26. Management transfers

- 7.27. A small quota of properties is set aside each year for local transfers of existing Council tenants. This quota (up to 7 per neighbourhood each year) allows Area Managers to arrange transfers within their neighbourhood either to resolve local management issues (like moving an older person into a quieter area) or to help tenants move nearer family or other local links where there is otherwise no significant housing need.
- 7.28. The transfer should be achieved at minimal cost to the Council. The property offered should be broadly similar in type and amenities and no additional bedroom can be provided. The void period and relet costs should be minimal.
- 7.29. Where needed, reciprocal arrangements between neighbourhoods can be pursued, for example to move a tenant into another part of the borough where they may feel and be safer.

7.30. Moving as part of an identified regeneration scheme

- 7.31. To aid with regeneration, major repair works or to alleviate social stress in particular areas, the Council may choose to approve local arrangements and policies as part of a wider regeneration strategy. Please visit the Regeneration section of the Council's website for additional information.

7.32. Discretionary offers in cases where there is no statutory right to succeed to a secure tenancy following the death of the tenant

7.33. The Council will only agree discretionary offers to household members who do not have the statutory right to succeed to a property following the death of the tenant in the three circumstances below, provided they are eligible to join the Housing Register;

- a discretionary offer will be made where a spouse or civil partner cannot succeed because of a prior succession and s/he lived with the tenant at the time of death and the property was their only, or principal home.
- a discretionary offer will be made where an adult child has resided with their parent for a minimum of ten years prior to the tenant's death and has never held their own tenancy. The 10 years residence must have been continuous, save for any exclusion contained within the Section on residential qualification.
- a discretionary offer of a 1 bed home will be made where a carer has been assessed as required for a tenant by the Council's Medical Advisor, and the carer left their own social tenancy to care for the disabled tenant. There must be clear evidence that they have relinquished their previous tenancy.

7.34. The discretionary offer will be of the same property unless their current property is too large or specially adapted in which case the applicant must accept an offer of alternative accommodation within 6 months of the discretionary succession decision. There will be a maximum of 3 offers within this period. If three offers have been made and refused, the applicant and his/her household will be asked to vacate the property failing which possession proceedings will be issued.

7.35. Foster Carers

7.36. The Council is actively promoting the expansion of foster provision for looked after children in the borough. Among the initiatives and incentives on offer, current foster households will get additional priority to a larger property if the foster carer agrees to take on more foster children. If you wish to be considered, please contact the Council's Corporate Parenting Service.

8. Helping more vulnerable households and those with specialist needs

8.1. Help for victims of domestic violence

- 8.2. If you have been a victim of domestic abuse or violence and you are seeking to move into a social rented property to prevent or to minimize the danger of it happening again then there are some special arrangements that can help.
- 8.3. Domestic abuse is when someone in a close relationship with you behaves in a way that causes you physical, mental, or emotional damage. This doesn't have to be physical violence. Domestic abuse includes any incident of threatening behaviour. Domestic abuse can be psychological, physical, social, financial or emotional. For older people, this could include instances where someone you expect to trust such as a care giver causes you harm or distress.
- 8.4. Domestic abusers are usually a person's spouse, partner, ex-spouse, ex-partner or other close family member. Most people affected by domestic abuse are women, but many men are abused by their partners.
- 8.5. Domestic abuse and violence can happen in straight, lesbian, gay or bisexual relationships. You can be affected by domestic abuse from a partner or family member regardless of your gender or sexuality or the gender or sexuality of the person who is abusing you.

8.6. Getting on the Housing Register

- 8.7. In order to be able to get access to social housing you must apply to go onto the Housing Register (see page 12). This requires that you and your household fulfil meet a number of conditions. However, if you are a victim of domestic violence some of these conditions may be waived:
- 8.8. Not living in Hackney - There is a general requirement that you must be resident in Hackney for three years before you can be accepted onto the Housing Register. However, if you were a Hackney resident but you are not living in the borough because you are fleeing domestic violence, (i.e. staying in a refuge outside Hackney), this condition can be waived
- 8.9. You are a home owner - Owners of residential property are normally excluded from joining the Housing Register, but if you are an owner/joint owner of a property and remaining at the property will put you danger of further abuse, this condition can be waived.
- 8.10. You are in rent arrears equivalent to more than 4 weeks rent charge - The Council will exclude you from the Housing Register if you owe more than the equivalent of 4 weeks rent, Council tax or amenity/service charge payments. However, if you are fleeing domestic violence and you have qualified for a "A" level social priority award (see page 28) this condition can be waived

8.11. Additional priority points

- 8.12. Demand for social housing in Hackney far exceeds that which we can supply, it is necessary that we prioritise each application on the Housing Register to help ensure that the housing stock we do have is allocated in the most appropriate way. This means that the household with the highest priority bidding for a property is given first refusal on whether they take up this offer, and if not the opportunity passes down to the next highest priority household. Part of the assessment of priority uses a basic points system.

8.13. If you are fleeing domestic violence you may qualify for an “A” level social priority award provided that moving would end or minimize the danger. This adds an additional 100 points to prioritising your application. See the chapter “prioritising your application” on page 18

8.14. If you are seeking a waiver from any of conditions as highlighted above, or want to apply for an additional points priority award, you should do so when you make your application to join the Housing Register. We will contact you in confidence about this.

8.15. Other assistance

8.16. **The Domestic Violence and Abuse Team** - If you're a survivor of domestic abuse in Hackney, we can provide support. We'll listen to your situation, provide information and support on your legal rights, and support you if you go to court or a specialist domestic violence court to obtain legal protection orders. We'll advise you on your housing rights and carry out a risk assessment to help you keep yourself safe. You can also use our counselling service.

8.17. Contact us Monday-Friday, 9am-5pm on **0800 056 0905** (free from a landline), 020 8356 4458 or 020 8356 4459.

8.18. Help for victims of Hate Crime

8.19. Hate crimes and incidents are taken to mean any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised, or where it was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation.

8.20. Getting on the Housing Register

8.21. In order to be able to get access to social housing you must apply to go onto the Housing Register (see page 12). This requires that you and your household fulfil meet a number of conditions. However, if you are a victim of hate crime some of these conditions may be waived:

8.22. Not living in Hackney - There is a general requirement that you must be resident in Hackney for three years before you can be accepted onto the Housing Register. However, if you were a Hackney resident but you are not living in the borough because you are fleeing hate crime, this condition can be waived.

8.23. You are a home owner - Owners of residential property are normally excluded from joining the Housing Register, but if you are an owner/joint owner of a property and remaining at the property will put you danger of further abuse, this condition can be waived.

8.24. You are in rent arrears equivalent to more than 4 weeks rent charge - The Council will exclude you from the Housing Register if you owe more than the equivalent of 4 weeks rent, Council tax or amenity/service charge payments. However, if you are fleeing hat crime and

you have qualified for a “A” level social priority award (see page 28) this condition can be waived

8.25. Additional priority points

8.26. Demand for social housing in Hackney far exceeds that which we can supply, it is necessary that we prioritise each application on the Housing Register to help ensure that the housing stock we do have is allocated in the most appropriate way. This means that the household with the highest priority bidding for a property is given first refusal on whether they take up this offer, and if not the opportunity passes down to the next highest priority household. Part of the assessment of priority uses a basic points system.

8.27. If you are fleeing hate crime you may qualify for an “A” level social priority award provided that moving would end or minimize the danger. This adds an additional 100 points to prioritising your application. See the chapter “prioritising your application” on page 18

8.28. If you are seeking a waiver from any of conditions as highlighted above, or want to apply for an additional points priority award, you should do so when you make your application to join the Housing Register. We will contact you in confidence about this.

8.29. Hate crime and harassment support

8.30. If you are affected by hate crime or harassment, call the Stop Hate Line on 0800 138 1625 (a 24-hour helpline). In an emergency, call 999. Do not suffer in silence.

8.31. Assisting Homeless Households

8.32. Hackney Council, along with all London boroughs, is experiencing a significant increase in the number of households facing homelessness and requiring assistance. Local housing authorities have a legal requirement to ensure that suitable accommodation is available to those homeless households accepted as in priority need (such as families with children and households that include someone who is vulnerable, for example because of pregnancy, old age, or physical or mental disability) provided they are eligible for assistance and unintentionally homeless.

8.33. If you think you are going to become homeless or are homeless you should try to get help from the Council or any other advice agency as soon as possible.

8.34. If you are accepted as homeless by the Housing Advice team, the Council can provide accommodation from within its own stock or arrange for it to be provided by another landlord, for example, a housing association or a landlord in the private rented sector. If settled accommodation is not immediately available, temporary accommodation must be made available until you can find a settled home, or until some other circumstance brings the duty to an end, for example, if you voluntarily leaves the temporary accommodation provided.

8.35. A household accepted as homeless will be required to join the Housing register and will be expected to bid for any suitable accommodation that becomes available. An additional priority award will increase the potential for such bids to be successful (see the chapter **prioritising your application** on page 18).

8.36. Using the private sector to house homeless households

8.37. The Council, as part of its statutory duties, can discharge homeless households into private sector accommodation if the accommodation is suitable. Each potential case for discharge into the private sector will be considered on its merits but the Council will in particular consider prioritising certain households.

8.38. More details on how this process works can be found within the Council's Temporary Accommodation Strategy which is available on the Council's website.

8.39. Housing for Children leaving care

8.40. The Children (Leaving Care) Act 2000 requires that 16/17 year old relevant children are provided with or maintained in suitable accommodation (unless the Local Authority is satisfied that their welfare doesn't require it). For care leavers 18 and over, The Children and Young People team will work directly with lettings team to ensure that accommodation is provided through the quota system (see page 35). Where possible, housing needs should be addressed before the Young Person leaves care as part of the pathway plan.

8.41. There is no duty for Social Services to provide accommodation to a care leaver once he/she reaches 18, unless the Young Person is in full time higher or residential further education. In this case Social Services must provide accommodation during the vacations or pay the Young Person enough to secure accommodation for him/herself if the term time accommodation is not available. This duty remains until the care leaver's 24th birthday.

9. How the letting scheme works - choice and penalties

9.1. What properties are advertised?

- 9.2. There is no restriction on the types of properties that the Council will advertise through its Choice Based Lettings scheme. The Council advertises both its own Council housing as well as housing association properties to which the Council has nomination rights.
- 9.3. The Council advertises properties of all sizes in all parts of the borough. It also advertises some of the small number of properties outside the borough for which we have nomination rights. Sheltered, adapted and other specialist units are also advertised.
- 9.4. However although the Council aims to provide a wide range of choice for eligible applicants on the waiting list it cannot guarantee that all void and available properties will be advertised.

9.5. Nominations to housing associations

- 9.6. The Council has nomination rights to some housing association properties. These properties are let in exactly the same manner as Hackney's own housing stock. Housing association properties may be advertised or offered directly to high priority applicants. The same banding system and method of prioritising applies to housing association homes and no separate list is retained for nominations to housing associations.
- 9.7. The same system of penalties applies to housing association offers and direct offers may be made to housing association properties.
- 9.8. Because some housing associations apply different bedroom standards there will be occasions when a household that would be eligible for a similar sized Council property would not be accepted by the housing association. Where this is known to the Council, bids will be overlooked and nominations not forwarded to the relevant housing association.
- 9.9. Housing associations are independent of the Council and have the final decision as to whether or not to accept a nomination from Hackney Council. If an applicant is unhappy with the viewing process operated by a housing association, or feels their nomination has been unfairly rejected, then they are advised in the first instance to use the complaints procedure of the relevant housing association.

9.10. Adapted and specialist properties

- 9.11. The Council will advertise wheelchair standard, accessible housing and other homes with adaptations such as level access showers. The relevant advertisement will identify the specific nature of the designed/adapted home and will indicate where preference will be given to specific applicants that choose to bid for the property.
- 9.12. All applicants will be able to bid for adapted and specialist properties but when bidding has closed the Council will check the shortlist and will give higher priority to applicants who have a current medical assessment which has identified them to have a particular need for a type of property. In such cases the Council will give higher priority to cases assessed as requiring the property advertised and will raise lower ranked bidders above higher ranked bidders when shortlisting for a specific property. In this process an applicant in a lower band,

who does have an assessed need for the specific property advertised, can be elevated above a higher band bidder that does not have an assessed need.

- 9.13. For example if the property advertised was a wheelchair standard property and the top bidder was not assessed as needing such a property then a lower ranked bidder who was assessed as a wheelchair user would be ranked above the top bidder for that property.
- 9.14. All those bidders that do have an assessed need for the advertised property will be ranked in normal band and date order. Where the number of suitable bidders for the property is less than the number required for the shortlist, the remaining places on the shortlist will be filled in the normal manner starting with the highest ranked eligible bidder without the assessed need for specialist housing, provided the landlord is prepared to accept a nomination of a prospective tenant that does not require the specialist feature of the advertised property.
- 9.15. Similarly there are some housing association properties advertised which because of the terms of the organisations charitable status may be prioritised for particular sections of the community. Where this is the case this fact will be prominently displayed in the relevant advertisement and higher priority cases may be overlooked in favour of lower ranked bidders that meet the criteria for the particular property.
- 9.16. Certain sheltered/retirement homes, or units identified as particularly suitable for older people may have an age restriction placed on them which prevents bids being made by applicants that do not meet the age criteria. This restriction will be made clear in the relevant advertisement.

9.17. Overlooked bids

- 9.18. There will be a number of reasons why higher ranked bids may be overlooked in favour of lower ranked bids. These reasons include the following;
 - because the property is an adapted or specialist unit
 - because the applicant has accepted another property since placing the bid
 - because the applicant has rent arrears
 - because the applicant's circumstances have changed since the bid was placed and either the application has not yet been reassessed, or priority has been reduced, or bedroom requirements have changed
 - because further verification is required
 - because the application was activated in error
 - because the landlord borough or housing association will not accept nomination of the specific applicant
 - because there are legal restrictions on the applicant being housed in the area where the property is situated
 - because the property is unsuitable for the applicant households assessed medical needs
- 9.19. In each case where an applicant is overlooked the Council will record the primary reason why the bid was overlooked but will not directly inform any overlooked bidders. This information will be provided to an applicant on request.

9.20. Withdrawn and swapped properties

- 9.21. Occasionally the Council will need to withdraw homes from those available through Choice Based Lettings after the bidding cycle has begun. This may be because there is an emergency or urgent need which cannot be met by any other property in a reasonable timescale, or because the landlord has withdrawn the property from the system. Wherever we are aware of this during the cycle we will immediately remove the property to minimise the number of bids “wasted” on the withdrawn property. We cannot offer another property to highly ranked bidders in circumstances where the property they have placed a bid for has been withdrawn from the scheme either during, or after the end of, the bidding cycle.
- 9.22. If however the landlord who has withdrawn the property has a similar unit that can be offered, in terms of location, bedroom size and floor height, then the Lettings Manager may exercise his/her discretion to prepare a shortlist of bidders from the bid list of the withdrawn property. This action will be recorded against each nominated applicant.

9.23. Areas of choice

- 9.24. Applicants who use the Choice Based Lettings scheme are able to choose the area in which they wish to live. However if it has been decided to make a direct offer to an applicant then it may not be possible to make an offer in her/his preferred area.
- 9.25. The Council will not make an offer in an area where an applicant has already advised that s/he will be at risk.

9.26. Applicant responsibility

- 9.27. The Choice Based Lettings system requires applicants to actively engage with the process of obtaining a new home. Applicants do not have to bid every week and are advised not to bid for properties that they would be unwilling to accept.
- 9.28. However the Council does expect applicants to bid regularly and realistically for properties of the appropriate size which are available. Where applicants rarely bid, and it is in the Council’s interest for the applicant to move, then failure to bid regularly, or realistically, will constitute grounds to make a direct offer.
- 9.29. It is not considered realistic for households that are not in the Urgent Band, and do not have specific medical recommendations requiring ground floor, to bid exclusively, or primarily for new build homes, street properties, ground floor units and/or homes with gardens. In determining whether or not bids are realistic the Council will consider whether bids for alternative properties considered suitable on medical grounds for the applicant’s household would have been likely to be successful.
- 9.30. The Council will not inform applicant bidders when, for whatever reason, their bid has been overlooked. It is the applicants responsibility to ascertain their bidding position at the end of each cycle, and if in a top five position check with the Council whether or not their bid has been shortlisted.

9.31. Bidding penalties

- 9.32. **Failure to view** - As a general rule the Council expects all bidders for a property to make every effort to attend viewings and there will be very few occasions when failing to view a property will be deemed reasonable. In normal circumstances the Council would expect an invitee to inform the relevant landlord of their inability to attend prior to the viewing taking place and the failure to do so would be a factor taken into account in determining whether or not a failure to attend is reasonable.
- 9.33. The requirement to attend viewings is in all viewing letters issued by landlords.
- 9.34. To ensure consistency, the fact that a property was accepted by another applicant on the shortlist, whether higher or lower placed than the non-attende, will not prevent the incidence being treated as a failure to attend.
- 9.35. In normal circumstances on the first occasion that an applicant is suspended for repeated failure to attend viewings the suspension will be for a period of 6 months. Any subsequent suspension on the same grounds will, in normal circumstances, be for a further 12 months.
- 9.36. The decision to suspend will be made by the appropriate designated officer and, in accordance with legislation, will be notified to the applicant in writing advising of the right to request a review of the decision.
- 9.37. **Unreasonable refusals** - When a property is offered to any applicant (excluding statutory homeless cases) and is refused on grounds that are not deemed reasonable then the Council will automatically consider whether or not to reduce the priority of the application and/or to amend the band date of the applicant.
- 9.38. standard viewing letters advise all successful bidders of the potential sanctions arising from failure to accept a property for which they placed a bid without valid reason. Landlords will advise whether or not the grounds given for refusal are deemed reasonable, particularly in relation to issues such as state of repair, size of bedrooms.
- 9.39. When a landlord refuses a nomination this will not constitute an unreasonable refusal. Nor will any refusal be considered unreasonable if there has been a material and significant error in the advertisement of the property. Refusals of properties selected by auto bids will automatically be deemed reasonable but must be followed by a reconsideration of the parameters of the auto bids. After two refusals the Council will reserve the right to remove the auto bid facility.
- 9.40. As applicants are free to bid for any property for which they are eligible the following reasons will not, in normal circumstances, be accepted as reasonable grounds for refusal;
- | | |
|----------------------------------|--------------------------------------|
| ▪ Location | ▪ Floor level |
| ▪ Property type i.e. house, flat | ▪ Rent level e.g. affordable rent |
| ▪ Lack of garden, lift, heating | ▪ Tenancy type e.g. flexible tenancy |
| ▪ Heating type | ▪ Bedroom size |
- 9.41. Acceptance of a property and subsequent refusal, either before or after the tenancy has commenced will constitute a refusal and be considered under this sub-section, or under the subsequent section in respect of statutory homeless households.

9.42. Affordable Rent Properties

- 9.43. Housing associations manage an increasing proportion of the social housing in the borough. Due to a change in government policy, housing associations can now charge up to 80 percent of market rent on their properties. These properties are referred to as 'Affordable Rent' properties and will be let through the Hackney Choice (CBL) Scheme. Some housing association properties will still be charged at target rents which are lower than those for Affordable Rent properties.
- 9.44. The refusal of an offer of a property because it is let under the 'Affordable Rent' system is likely to result in penalties being imposed if the property is deemed to be suitable for the households housing needs and affordable, taking into account the households social and medical circumstances, including eligibility for housing benefit.

9.45. Fixed Term Tenancies

- 9.46. Some housing associations grant fixed term tenancies. The minimum length of tenancy that can be granted is two years in exceptional circumstances but the norm is a minimum of five years.
- 9.47. The refusal of an offer of a property because it is on a fixed term tenancy is likely to result in penalties being imposed if the property is deemed to be suitable for the households housing needs.
- 9.48. The decision to reduce priority or waiting time will be made by the appropriate designated officer and includes a right to review.

9.49. Change of circumstances

- 9.50. Any material change in circumstances of a household between bidding and failure to attend/refusal will be taken into account when determining whether to apply any sanction.
- 9.51. Subsequent material changes in circumstances after the application of sanctions will be considered by the Council to determine whether or not to accept a fresh application when duty had been discharged, or to reconsider priority or waiting time in accordance with the Council's published lettings policy.

9.52. Penalties for statutory homeless cases

- 9.53. The Council has a specific legal duty to those households that have been accepted as statutory homeless cases. The majority of homeless households occupy temporary accommodation and in order to discharge the Council's duty to such households specific measures need to be taken to enable the Council to do so legally.
- 9.54. Therefore rather than suspending a homeless applicant for failure to attend viewings, or unreasonably refusing properties for which they have bid, the Council may determine to make a final direct offer to the household and any penalties to be applied would arise from the Council's direct offer procedures.

10. Housekeeping and reviews

10.1. Reviews

- 10.2. The Council may choose to review any waiting list application at any time to ensure that an applicant remains eligible to be on the waiting list and remains entitled to the priority and bedroom needs assessment previously awarded. It may choose to review individual applications, or different classes of application e.g. Urgent Band applications. The review may take the form of requesting confirmation that the applicants' circumstances are unchanged and that s/he wishes to remain on the waiting list, or, additional or updated documentation may be requested.
- 10.3. Upon review the Council may choose to exclude or amend an application. If this occurs the applicant will be notified in writing and given the right to request a review of the decision.

10.4. Reviews of non bidders

- 10.5. The majority of homes that the Council lets are advertised through the Choice Based Lettings (CBL) system and it is generally expected that applicants will bid regularly for suitable properties. The Council reserves the right to suspend applicants who have not placed a bid for at least one year. The exceptions to this provision will be applicants:
- Needing more than 4 bedrooms
 - Needing adapted or specialist units
 - Who have requested assisted or auto bids
- 10.6. When an applicant is suspended as a consequence of a failure to bid for at least one property per year then s/he will be notified in writing by the placement of a message on their bidding account. This will advise that if they contact the Council within 3 months of the suspension then their application will be automatically reactivated, although the Council may subsequently undertake a review of their application. The notification will also advise the applicant of their right to request a review of the decision to suspend the application.
- 10.7. If an applicant fails to contact the Council within the 3 month period, any future approach to the Council will be considered to be a fresh application and any eligibility, priority or waiting time accrued by the suspended application will no longer apply.

10.8. The Exceptional Cases Panel

- 10.9. There may be exceptional circumstances giving rise to a housing need not described or anticipated by this scheme. These cases can be considered by the exceptional cases panel. The panel, made up of senior Council officers, may take account of such needs in deciding whether an applicant is entitled to qualify for the scheme, or receive points or an offer of housing.
- 10.10. The panel may also take account of injustice (where, through administrative error, an applicant has not received an offer of housing they would clearly have accepted) in considering exceptional circumstances.

10.11. The panel may recommend a direct offer or that the case be placed in the Emergency, Urgent, Priority or General Band. The Council may also make direct offers of properties in some limited circumstances where it is in our financial or strategic interests. These cases will be approved by an appropriate designated officer.

10.12. Standards and Probity

10.13. Housing applications from staff and Members of the Council

10.14. Any housing applicant, including tenants, should tell us on their application form if they are an elected member of the Council or if they work for the Council or if they are related to an elected member or to an employee. Applications from Members or from employees (or their relatives) will be dealt with in the usual way for that type of application.

10.15. If an elected member of the Council or a staff member (whether permanent or temporary), or the relative of either, is eligible for a letting, any offer must be authorised in advance by the appropriate senior officer. The process by which the priority was awarded and the offer identified will be reviewed to ensure that the allocation decision is completely transparent and has not been affected either to the advantage or the disadvantage of the elected member or employee (or their relative). These decisions must be recorded.

10.16. Information and reviews

10.17. Information

10.18. Households wishing to apply for social housing have the right to request the Council to provide general information as to how their application is likely to be treated under this Lettings Policy (including in particular whether they are likely to be treated as falling within the Emergency, Urgent, Priority or Homeless bands).

10.19. Applicants also have the right to request the Council to provide general information as to whether accommodation appropriate to his/her needs is likely to be made available to him/her and if so how long it is likely to be before such accommodation becomes available.

10.20. Applicants have the right to request the Council to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and applicants have the right to request a review of any such decision

10.21. Reviews

10.22. Where an applicant has the right to request a review under this Policy then the review shall be carried out in accordance with the statutory requirements and guidance. At the conclusion of the review the applicant will be notified of the decision on the review and the grounds for the decision.

11. Special Schemes outside this policy

11.1. The Right to Move Scheme

11.2. The Right to Move Scheme has been introduced by the government to help households move to take employment. Applications made under the scheme are not part of the standard lettings process, although the Council has set 1% of our stock to the scheme as required by the legislation. To qualify under this scheme the household must fulfil the following criteria:

- a) That the household is moving to Hackney to take up permanent employment (i.e. an open contract or a fixed term contract not less than a year)
- b) The employment is based in Hackney
- c) The employment is more than 16 hours per week
- d) the household does not already live within reasonable commuting distance of the new job (i.e. within 90 minutes travelling time).

11.3. Cross Borough Scheme

11.4. Hackney Council has agreed to allow applicants of other East London boroughs to bid exclusively for a small number of Hackney Council properties in return for the opportunity for Hackney applicants to have exclusive bidding rights for properties belonging to other East London Councils.

11.5. Hackney Council is only able to nominate the two highest ranked eligible bidders for these properties and the other landlord Council has the final decision as to whether or not to accept a nomination from Hackney Council.

11.6. The scheme operates on a reciprocal basis and there is therefore no net loss of properties arising from the Council's participation.

11.7. Housing Moves scheme (Pan- London mobility)

11.8. The Council has agreed to contribute no more than 5% of void 1, 2 and 3 bedroom properties to the "Housing Moves" scheme co-ordinated by the Greater London Authority. This allows existing social tenants to bid for properties throughout the Greater London region. A link to the scheme is available on the Council website. Non social housing tenants, and introductory tenants, are not currently eligible for the scheme.

11.9. The scheme operates on a reciprocal basis and there is therefore no net loss of properties arising from the Council's participation.

11.10. Seaside and Country Homes

11.11. The Seaside and Country Homes Scheme is an additional way of moving out of Hackney. Properties are in coastal and country areas. The scheme is only open to people living in

London who are over 60 years old and who do not need sheltered housing. Some of the properties within the scheme have two bedrooms.

- 11.12.** Due to the cost to the Council of obtaining nominations to this scheme the Council reserves the right to reduce any incentive or compensation payments otherwise due to an applicant to offset the cost of nomination to this scheme.

11.13. Sheltered/Retirement and Older People's Housing

- 11.14. The Council manages some stock that has been designated as particularly suitable for older applicants. These properties will be advertised, or directly offered, to applicants who meet the age criteria for these properties. Typically the lower age limit is 45 or 50 but may on occasion be as low as 40.

- 11.15. In addition the Council has nomination rights to sheltered/retirement housing managed by housing associations for which the lower age limit is typically 55 or 60. The Council will allow bids from applicants in the Reserve Band who meet the age criteria for these units but will overlook bids from Reserve Band bidders for any property not designated as a sheltered/retirement home.

11.16. Travellers' sites

- 11.17. The Council operates a number of traveller sites. A separate simplified, waiting time based, lettings scheme operates in respect of void pitches and units on these sites and a full copy is available on request, and on the Council's website.

11.18. Mutual exchange

- 11.19. Secure Council or assured housing association tenants are entitled to exchange their homes. Permission must be obtained from the landlord/s and the law allows the landlord to refuse this permission if there is action being taken to repossess either tenancy for any breach of the tenancy conditions (including rent arrears). The landlord can also impose conditions e.g. that arrears of rent are cleared first.
- 11.20. Notification from the landlord of their decision on an application to exchange should be received within 42 days. An exchange into a home one bedroom larger than we think is permissible.
- 11.21. A move into a home smaller than needed is permissible as long as it will not make either household more overcrowded than before or create statutory overcrowding at either address.
- 11.22. The Council currently provides free access to two internet based mutual exchange schemes. Further advice may be obtained by Hackney Council tenants through their local Neighbourhood Office.