

# Leicester City Council Housing Allocations Policy



Leicester  
City Council



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## **PART 1 INTRODUCTION**

- 1.1 This is Leicester City Council's Choice Based Lettings and Housing Allocations Policy. It explains the rules, criteria and procedure that determine how Leicester City Council allocates social housing properties to Registered Persons.
- 1.2 This Allocation Policy guides the principles of how these homes will be allocated in a fair and transparent manner, taking account of both the Council's duty to take account of housing need and its wish to offer as much choice as possible.

### **The Legal Framework**

- 1.3 The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and Localism Act 2011 requires local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating housing accommodation.
- 1.4 This Housing Allocations Policy has been framed to address these requirements, and gives due regard to the 'Allocation of accommodation: Code of guidance for local housing authorities in England'.
- 1.5 An allocation of accommodation within the Housing Act 1996 (Part 6) is when the local authority selects a person to be either:
  - a secure or introductory tenant of accommodation held by the authority
  - nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
  - nominates a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales) (s.159(2))
- 1.6 This Policy does not apply to assignments, mutual exchanges, succession of tenancies or temporary decants. In each of these instances, neither the Council nor any of the other Housing Association Landlords are required to identify a new tenant for the relevant property or properties from Leicester City Council's Housing Register.

### **Statement on Choice**

- 1.7 Leicester City Council and Housing Association Partners are fully committed to enabling applicants to play an active role in choosing where and in what type of property and tenure they want to live, whilst continuing to house those people in the greatest need, making the best use of the available housing stock and complying with all relevant legislation.

- 1.8 It is important to realise that the demand for accommodation is higher for some types of property and for some areas than others. In making a decision about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.
- 1.9 Applicants can determine whether they are likely to be successful before placing a bid as they will be informed of their relative position on the shortlist for that vacancy at the time of making the bid. This enables an applicant to make an informed choice when deciding which property to apply for and whether social housing is a realistic option in their circumstances.

### **Equalities Statement**

- 1.10 We are strongly committed to fairness and equal treatment for all. We aim to treat all people equally no matter what their race, ethnic origin, nationality, religion, cultural and social background, refugee status, sex, sexuality, marital status, age, disability (including learning disability) health (including mental health) or HIV status. We aim to prevent unlawful discrimination and take positive action to promote equal opportunities for all.

### **Confidentiality Statement**

- 1.11 All applications for housing accommodation will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:
- The individual who is the subject of such confidential information has consented to disclosure to a third party.
  - Leicester City Council is permitted to disclose the information under data protection Legislation.
  - There is a requirement in law to make such disclosures.
  - Leicester City Council considers that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as Registered Social Landlords, and other agencies.

## **PART 2 THE HOUSING REGISTER**

### **Who Can Apply?**

- 2.1 Any person aged 18 and over can apply to join the Housing Register provided they are:
1. Eligible for an allocation of accommodation
  2. A qualifying person

### **Eligibility**

- 2.2 Under s160ZA of the 1996 Housing Act as amended by the Localism Act 2011, local authorities must consider whether applicants are eligible for an allocation of accommodation. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

Only applicants that are eligible can be included on the Housing Register. The following people will be eligible for an allocation of accommodation:

*1. Applicants that are subject to Immigration Control*

A person that is subject to immigration Control will be eligible for an allocation of accommodation if they fall within a category of persons that have been prescribed as eligible by regulations made by the Secretary of State.

*2. Applicants that are not subject to immigration control*

A person that is not subject to Immigration Control will be eligible for an allocation of Accommodation unless:

- a. Their only right of residence is one which has been prescribed as not resulting in eligibility by Regulations made by the Secretary of State; or
- b. They are not habitually resident in the Common Travel Area or excluded from the requirements of the Habitual Residence Test by Regulation 6(2) of the Allocation of Housing and Homelessness (Eligibility) (England) (Regulations 2006).

### **Qualifying Persons**

- 2.3 The Council will only allocate accommodation to those who it defines as being 'qualifying persons' within the parameters of s160ZA of the Housing Act 1996. An applicant must qualify under each of the requirements set out below.

## 1. Age Qualification

Applicants must be 18 years or more to join the Housing Register, unless they meet one of the criteria for exceptional circumstances as follows:

- Where a young person has been accepted as being owed a statutory homelessness duty
- Where a request has been made by Leicester City Council's Children's Services for one of their care leavers

Any applicant who is under 18 cannot by law be granted a tenancy but the legal estate can be held on trust until they reach the age of 18. A trustee will therefore be required to sign the tenancy agreement on their behalf until they are 18.

## 2. Leicester City Requirement

Applicants to the Housing Register must meet the Leicester City Requirement (local connection) by satisfying at least one of the following criteria:

- Applicants living within the city of Leicester must be able to produce documentary evidence that they have used a residential address within the City as their settled home for 2 consecutive years immediately prior to their housing application\*
- Applicants that have previously lived in settled accommodation in the city of Leicester for 3 consecutive years or more out of the last 5 years \*
- Applicants currently working within the city of Leicester and have been for the last 12 months
- People who are aged over 18 and approved as a homeless person under Part VII of the Housing Act 1996
- Applicants who need to give or receive support to direct family members who have been living in the city for the past 5 years. Direct family members include husbands, wives, civil partners, parents, sons, daughters, brothers and sisters.
- Asylum seekers who have been dispersed to the City by the National Asylum Support service (NASS) and whose status changes to that of refugee, or who are awarded exceptional or indefinite leave to remain whilst living in the city
- Persons who have previously served in the armed forces and they make an application for housing within 5 years of their discharge
- Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse/partner
- Prisoners released from prison who meet one of the above criteria prior to them entering service or prison



- Applicants currently living in unsettled accommodation (e.g. a hostel) within Leicester City who can demonstrate they had previously lived in permanent/settled accommodation in Leicester City for 3 consecutive years or more out of the last 5 years from the last date of their last settled accommodation
- Council or Housing Association tenants who need to move for work related reasons

\* Hostels, Nightshelters, 'Care of Addresses' & No Fixed Abode do not meet the requirement, as they are not classified as settled accommodation.

### 3. Banding Priority

Applicants must fall within the provisions for one of the priority Bands 1 – 4 (see sections 4.9 – 4.12).

### **Non Qualifying Persons**

- 2.4 An applicant is not a qualifying person to join the Housing Register in any of the following circumstances:

#### 1. Unacceptable Behaviour

An applicant is not a qualifying person if they have been guilty of unacceptable behaviour or the subject of an anti-social behaviour order.

The Council may consider the following people to be ineligible; any member of a household who in the previous 3 years has been convicted of or has had legal action (legal action refers to a conviction, or the serving of an injunction, a notice of intention to seek possession, a notice to terminate, a court order or the revocation of a licence) taken against them in connection with (this is not a complete list):

- violence, harassment, racial harassment, threatening behaviour or any other forms of anti-social behaviour (ASB)

The decision that an applicant is not a qualifying person for an allocation may occur at the time of joining the Housing Register, at any time during the life of the application, at the time the applicant is allocated a property, or when the applicant has bid and has been short-listed for a property. The Housing Options Service will make the decision.

New applications from people above will usually be unopposed after 5 years have elapsed from the date when the ineligible decision was made. Applications received within 5 years will only be considered if there has been a factual change in the applicant's circumstances and the applicant can prove a change in their behaviour. In instances where

there has been no factual change, Leicester City Council will rely on its previous decision.

### Family Intervention Project

Families who have been previously been made ineligible due to ASB and placed in the Family Intervention Project Scheme by Leicester City Council Housing Services can be made eligible, once approval has been given by the Head of Service - Housing Division to the Housing Options Service

A fresh application must be submitted supported by written evidence of modified behaviour from the agency involved that will continue to provide support to the applicant in the new tenancy.

### 2. Financial Resources

An applicant is not a qualifying person if their family household's gross income is more than £40,000 per annum or £25,000 per annum for a single person household, or has savings or assets totalling more than £50,000. This is because the Council considers this to be a sufficient financial resource to buy a home or pay market rent in the city.

Applicants who formerly owned a property within the last 5 years will be asked to provide evidence of the sale and details of any capital gained from the sale to determine their qualification. If applicants disposed of capital without making adequate housing arrangements; for example, gifting the capital to relatives or friends, they will not qualify.

### 3. Home Owners

An applicant is not a qualifying person if they own a freehold or long leasehold interest in a residential property in the UK or abroad, or part-owns a property under the Shared Ownership Scheme.

The Housing Options Service, at the discretion of the Service Manager may allow a home owner to join the Housing Register in exceptional circumstances, for example; where a disabled owner occupier is unable to adapt their current home and qualifies for a disabled facilities grant.

### 4. False Statements or Withheld Information

Section 171 of the Housing Act 1996 makes it a criminal offence for anyone, in connection with the exercise by a local housing authority of their functions under Part 6 of the Housing Act 1996, to:

- Knowingly or recklessly give false information

- Knowingly withhold information which the authority has reasonably required the applicant to give in connection with the exercise of those functions

The circumstances in which an offence is committed could include:

- Any false information given on an application form for alternative housing/accommodation
- Any false information given in response to subsequent review letters
- Any false information given or submitted by customers during the proceedings of a review

Where it has been established that an applicant directly, or through a person acting on his or her behalf, has deliberately withheld or misrepresented any information which would be relevant to the assessment of their housing circumstances and priority on the Housing Register, it may result in the applicant being removed from the Housing Register and become ineligible for a period of 12 months.

Ground 5 in schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Housing Act) enables Leicester City Council to seek possession of a tenancy granted as a result of a false statement by the customer or a person acting as the customer's instigation.

#### 5. Deliberating Worsening Housing Circumstances

Where the Service Manager for the Housing Options Service is satisfied that a housing applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in the last 12 months, in order to qualify for a higher banding position, then the applicant will not qualify to join the Housing Register for a period of 12 months. Examples of this include:

- Selling a property that is affordable and suitable for the applicant's needs
- Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

## **PART 3 REGISTRATION AND ASSESSMENT**

### **How to Apply?**

- 3.1 In order to apply, applicants are required to complete the online pre-assessment form and those who may be eligible and qualify to join the Housing Register can complete the online application form at [www.leicesterhomechoice.co.uk](http://www.leicesterhomechoice.co.uk)
- 3.2 In all circumstances the Council will require proof of identity along with other supporting proofs as detailed on the application in order for the application to be fully registered.
- 3.3 Applicants who apply with partners are treated as making a joint application and partners are subject to the same tests as applicants
- 3.4 The registration of applicants on the housing register is not an acceptance by the Council that they are considered eligible for an allocation of accommodation. If an applicant makes a successful bid for accommodation and they are unable to provide documentation to prove their eligibility or their household's eligibility they will not be allocated the accommodation and will be removed from the housing register.

### **Who You Can Include on Your Application**

- 3.5 You can only include:
  - Yourself and your partner
  - Children under 18 who are dependent on you or your partner \*
  - Your non-dependent children or parents who have lived with you for the past 12 months
  - Those household members originally rehoused by the City Council from the same application

\* For the purposes of the Housing Allocations Policy, a dependent child is defined as being under 18 years and being the natural or adopted child of the applicant or his/her partner, under 18 and subject to a legal residence order or under 18 and in the care of the Local Authority.

- 3.6 Where there are extenuating circumstances for people who are not part of your immediate family but have an exceptional need to live with you as part of the household in order to give or to receive care or support, consideration will be given to individual cases by the Housing Options Service.
- 3.7 You cannot include on your application family members who are not resident in the UK at the time an application is submitted. These household members will only be considered once the family have been reunited in the UK and can clearly demonstrate that the family member

added to the application for housing has leave to remain and or, recourse to public funds within the UK.

- 3.8 A person can only be registered on one application for housing at any one time.

### **Bedroom Entitlement**

- 3.9 The Council has rules which determine the size of accommodation for which applicant households are eligible. This takes the general approach of maximising occupancy and makes best use of an otherwise limited stock of properties.

### **Size of Accommodation**

- 3.10 When determining how many bedrooms a family is eligible for, the following criteria will be used:

A separate bedroom is allocated to:

- Each married or cohabiting couple or single parent
- Any other person aged 16 years or more
- Each pair of children of either sex under 10 years
- Each pair of children of the same sex under 16 years
- Any person who cannot be paired

Exceptions

- Families with foster children will be allocated the number of bedrooms as recommended by Children's Services
- Individual Housing Associations will have their own arrangements
- Where there is a recommendation from an appropriate professional that a separate bedroom is required e.g. a person currently sharing who requires their own bedroom due to mental health problem as confirmed by a Consultant Psychiatrist

- 3.11 If the applicant or a member of their household is pregnant, bedroom entitlement will only be reviewed following the birth of the baby.

### **Downsizing Bedrooms**

- 3.12 Applicants can choose to select fewer bedrooms than the policy deems as required.

- 3.13 Where an applicant chooses fewer bedrooms the following will apply:

- They remain eligible for the size of property dictated by the policy and the one with fewer bedrooms requested.

- Applicants can downsize by up to 2 bedrooms providing they have not been given severe overcrowding priority or create statutory overcrowding.
- 3.14 Families with children cannot downsize from 2 bedroom to 1 bedroom accommodation.
- 3.15 Applicants cannot downsize to accommodation where they would have the same banding priority following the move, as they had before the move. For example, a family requiring 2 or more bedroom who have been given severe overcrowding priority cannot move to a property where they would still require 2 or more bedrooms to meet their need.

### **Change in Circumstances**

- 3.16 All applicants are required to notify Leicester City Council immediately of any material change to their circumstances which may affect their priority for housing.

Change in circumstances includes:

- A change of address for the applicant or any other person on their application
  - Any additions to the family or any other person joining the application
  - Any member of the family or any other person on the application who has left the accommodation
  - Any change in your income, assets or savings
  - Any change to your immigration status
  - Any change in your residential status
- 3.17 Applicants should notify any change in their circumstances by completing the online forms available on the Leicester HomeChoice website [www.leicesterhomechoice.co.uk](http://www.leicesterhomechoice.co.uk)
- 3.18 Where the Council believes that information about the applicant's personal circumstances have been withheld or misleadingly presented, the Council reserves the right to withdraw any offer of accommodation made and may take action as described in section 2.4.4.

### **Applications from People who have Overnight Staying Access to Children**

- 3.19 Where a parent does not provide the principal home, but have access arrangements that include overnight stays they will be eligible for a 2 bedroom flat only. In exceptional cases involving a large number of children consideration may be given for a 3 bedroom flat.

- 3.20 Where an applicant has overnight access arrangements, evidence of the arrangement will be required in the form of a Solicitor's letter, Court documents or a Social Worker's letter detailing the arrangement.
- 3.21 Where there is an amicable agreement between parents, a letter from each party concerned will be sufficient if no other form of confirmation is available. Proof of Child Benefit would need to be provided with the confirmation of the overnight access arrangements and a copy of the Full Birth Certificate of the child.
- 3.22 For the purposes of assessing housing need, applicants with this type of access will be considered for overcrowding priority as though the children were living there on a full time basis.
- 3.23 Access to children will only be considered where the person is a parent whether natural or by adoption or has legal residence of a child(ren). This policy does not apply to informal arrangements.
- 3.24 For the purposes of the Housing Allocations Policy, a child is defined as being under 18 years and being the natural or adopted child of the applicant or his/her partner, under 18 and subject to a legal residence order or under 18 and in the care of the Local Authority.

#### **Applications from People who have Equal Access Arrangements to Children**

- 3.25 When an applicant claims an equal amount of access, which would result in two potential claims of family accommodation (Note that two applications do not necessarily have to be made, e.g. where the matrimonial home was owner occupied), consideration will only be given to allocate family accommodation to one of the parents.
- 3.26 For the purposes of the Housing Allocations Policy, a child is defined in accordance with paragraph 3.24 above.

#### **Applications from People who have Parental Responsibility of Children following a Relationship Breakdown**

- 3.27 Where there is a relationship breakdown and both partners state they have mutually agreed they will each have full-time parental responsibility for some of the children, they will only be considered for family housing where they can evidence they have full-time parental responsibility of the children and Housing Options Service is reasonably satisfied that the relationship has ended.
- 3.28 For the purposes of the Housing Allocations Policy, a child is defined in accordance with paragraph 3.24 above.

## **Applications from People in Prison**

- 3.29 As applicants detained in prison are unable to take up occupation, applications will only be considered upon their release.



## **PART 4 THE BANDING SCHEME**

- 4.1 The Housing Act 1996, as amended, states that when determining priorities under the allocations policy, the council must give reasonable preference to certain categories of people. This currently includes those:
- who are homeless
  - who the local authority has a duty to accommodate
  - occupying insanitary, overcrowded or unsatisfactory housing conditions
  - who need to move on medical or welfare grounds
  - who need to move to a particular locality to reduce hardship
- 4.2 In order to ensure that the Council fulfils its statutory duties and strategic commitments (as they relate to housing), this policy is structured so as to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a banding system based on the level of urgency of their respective housing need.
- 4.3 All qualifying households are placed into one of four bands. Those households placed into Band One have the most urgent housing need. Those in Band Two have a higher need than those in Band Three, and so forth.
- 4.4 Within a Band, priority is determined by the date the application was placed in that Band, with the person who has been waiting the longest within that Band having the highest priority.
- 4.5 If circumstances change which results in an applicant moving to a higher priority band, the Band date applies from the date the application is given the higher priority, not the original date of the application.
- 4.6 If circumstances change which results in an applicant moving to a lower priority Band, the date for the lower Band will be treated as either: the date the application first went into that Band, or the date the application first went to a higher Band whichever is earlier.
- 4.7 A household will be placed in the highest band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.
- 4.8 The banding scheme is outlined in summary form below. Priority is awarded in recognition of an applicant's current housing circumstances and is intended to provide a reasonable preference within the housing scheme and a ranked position relative to other applicants.

## **Banding Scheme Summary**

### 4.9 Band One

- People in need of urgent re-housing and referred by Adult Social Care or Children's Services
- People in need of urgent re-housing whose properties are directly affected by public redevelopment programmes
- Council and housing association tenants who are currently under-occupying a large property (four bedroom or more) and who wish to move to a property with 3 or less bedrooms
- Council and housing association tenants who are currently under-occupying a two or three bedroom property and who wish to move to a property with one bedroom
- Council and housing association tenants occupying a purpose built wheelchair adapted property who no longer require it
- People suffering from any form of harassment
- Council and housing association tenants who need to move for management reasons
- People whose current housing conditions are having a seriously adverse effect on the physical or mental health of either the applicant or a member of their household
- Children leaving the care of Leicester City Council's Children's Service

### 4.10 Band Two

- People who are statutory homeless and are owed the full housing duty under Section 193 of the Housing Act 1996
- People whose homes are deemed to be severely overcrowded (two bedrooms or more short of their assessed need)
- Families living in designated temporary accommodation in the city
- Families who are overcrowded and living in one bedroom accommodation
- Council and housing association tenants who are currently under-occupying a three bedroom property by one bedroom and need two bedrooms
- People identified as needing urgent re-housing to prevent homelessness
- Single people living in designated temporary or supported accommodation
- People ready to leave residential care supported by Leicester City Council and/or NHS
- People with a care package where Adult Social Care (LCC) assess that a move will assist independent living
- People whose current housing conditions are having a negative effect on the physical or mental health of the applicant or a member of their household

- People leaving the armed forces who have applied for housing within 5 years of their discharge but do not have a home to return to

#### 4.11 Band Three

- People identified by Adult Social Care as ready to leave the care of family or carer
- Single people who have no settled accommodation and are of 'no fixed abode'
- Families needing to move to a particular area of Leicester where hardship would be caused if they do not move
- Families who are living in overcrowded conditions under Leicester City Council's overcrowding standard (one bedroom short of their assessed need)
- Working households or those in local training schemes who need to move closer to their job/training scheme

#### 4.12 Band Four

- People who share facilities with other households but have their own bedroom
- People who need to move to, or remain in, a particular area of Leicester to give or receive emotional support from family, friends or others in the community
- People over the age of 50 years requesting 1 bedroom sheltered accommodation only

#### 4.13 Band Five

- With effect from 1st May 2014 no new applicants will be accepted into Band 5

4.14 Applicants placed into Bands 1 & 2 have been assessed as having high priority and therefore having an urgent need to move. Leicester City Council will endeavour to review these cases every 12 months or in the case of some priorities more often to ensure there is still an urgent need to move.

### **BAND ONE**

#### **4.15 PEOPLE IN NEED OF URGENT RE-HOUSING AND REFERRED BY ADULT SOCIAL CARE OR CHILDREN'S SERVICES**

##### Outcome

This is to enable priority rehousing where the City Council has legal duties to certain vulnerable people under the Children Act 1996 and Community Care Act 1990.

### Criteria and Evidence Required

A household will be placed in Band One under this criteria at the discretion of the Director of Housing where Leicester City Council's Adult Social Care and Children's Services have confirmed a) and b) below.

Referrals will only be considered from Leicester City Council's Director of Adult Social Adult Care and Children's Services.

- a) it is essential in order to secure a suitable offer of accommodation as soon as possible.
- b) the referring body has agreed to provide any necessary services to enable the applicant to maintain the tenancy that will be created.

### Other Information

The Director of Housing will also have the discretion to extend property type and size over normal eligibility.

Priority is not awarded in order to enable an applicant with sufficient priority (under other banding categories) which will generate a suitable offer in a reasonable timescale, to enhance their level of priority in order to obtain an offer in a specific area.

## **4.16 PEOPLE IN NEED OF URGENT RE-HOUSING WHOSE PROPERTIES ARE DIRECTLY AFFECTED BY PUBLIC REDEVELOPMENT PROGRAMMES**

### Outcome

This is to enable priority rehousing for households whose properties will be directly affected by public redevelopment programmes resulting in the loss of their property through demolition, major refurbishment or compulsory purchase.

### Criteria and Evidence Required

Only schemes approved and listed in the recorded minutes of the Cabinet decision will be considered. Households in the private rented sector will need to demonstrate they have lived in the property for a minimum period of 12 months immediately prior to the order being served.

### Other Information

Qualifying tenants can be considered for a property which is identical in type and size to their current home in addition to the normal eligibility

rules concerning property type and size, except in exceptional circumstances.

#### **4.17 COUNCIL AND HOUSING ASSOCIATION TENANTS WHO ARE CURRENTLY UNDER-OCCUPYING A LARGE PROPERTY AND WHO WISH TO MOVE TO A PROPERTY WITH 3 OR LESS BEDROOMS**

##### Outcome

This is to enable priority rehousing for social tenants who are underoccupying properties with 4 or more bedrooms to move to accommodation with 3 or less bedrooms.

##### Criteria and Evidence Required

Information will be taken from the housing application form to establish which social tenants are underoccupying their current homes.

##### Other Information

Housing Association tenants will be considered if their current home is within the city and their Housing Association has agreed to advertise the vacated home through Leicester HomeChoice. HomeCome tenants are also eligible for this priority as their homes are managed by Leicester City Council.

#### **4.18 COUNCIL AND HOUSING ASSOCIATION TENANTS WHO ARE CURRENTLY UNDER-OCCUPYING A TWO OR THREE BEDROOM PROPERTY AND WHO WISH TO MOVE TO A PROPERTY WITH ONE BEDROOM**

##### Outcome

This is to enable priority rehousing for social tenants who are currently under-occupying a two or three bedroom property and who wish to move to a property with one bedroom

##### Criteria and Evidence Required

Information will be taken from the housing application form to establish which social tenants are underoccupying their current homes.

##### Other Information

Housing Association tenants will be considered if their current home is within the city and their Housing Association has agreed to advertise the vacated home through Leicester HomeChoice. HomeCome tenants are also eligible for this priority as their homes are managed by Leicester City Council.

#### **4.19 COUNCIL AND HOUSING ASSOCIATION TENANTS OCCUPYING A PURPOSE BUILT WHEELCHAIR ADAPTED PROPERTY WHO NO LONGER REQUIRE IT**

##### Outcome

Priority will be given to social tenants living in Leicester who are living in purpose built wheelchair adapted accommodation and who no longer require the use of such accommodation.

##### Criteria and Evidence Required

The Property Lettings Team or an occupational therapist in Leicester City Council's Adult Social Care will submit a report to the Housing Options Service confirming the property is a purpose built fully wheelchair adapted accommodation and the tenants no longer require the use of such facilities.

##### Other Information

Housing Association tenants will be considered if their current purpose built wheelchair adapted accommodation is within the city and their Housing Association has agreed to advertise the vacant home through Leicester HomeChoice.

#### **4.20 PEOPLE SUFFERING FROM ANY FORM OF HARASSMENT**

##### Outcome

This is to enable priority rehousing for people suffering from any form of harassment to move to more suitable accommodation after establishing it is unreasonable to stay in their current accommodation.

The Council's aim is to tackle the perpetrator of harassment and support the victim to remain in their home wherever possible. However in certain cases re-housing will be considered as an option.

##### Criteria and Evidence Required

Housing Services Division will investigate all reported claims of harassment by Leicester City Council tenants. For Housing Association tenants the investigation must be carried out by the relevant landlord and referred to the Housing Options Service for approval if harassment priority is requested. For all other tenures Housing Options Service will investigate reports of harassment.

Priority will only be conferred where severe harassment has been established and it is unreasonable to stay in the current accommodation.

## Other Information

There is a distinction between anti social behaviour / nuisance and harassment. Harassment is defined as:

“Personalised, deliberate, unwanted acts of violence (verbal or physical) or other behaviour that is designed to cause harm or damage to people or property which is suffered by individuals or groups of people because of their race, ethnic or national origin, gender, sexuality, HIV status, religious beliefs, disability, age or family circumstances”.

(Housing Committee, 3rd February 1999)

Applicants approved under this criteria will only be entitled to one suitable offer of accommodation in line with their eligible property types with their Harassment priority. Applicants cannot be re-housed in the area they received harassment unless there are exceptional circumstances that warrants the applicant remaining in the locality.

All approved harassment cases will be put on auto-bid citywide, if there has been no suitable offer made within the first 4 advertising cycles of Leicester HomeChoice when priority was given.

If an applicant refuses an offer of accommodation which is deemed suitable by Housing Services (LCC) or Housing Options Service (all other tenants) the harassment priority will be removed.

## **4.21 SOCIAL TENANTS WHO NEED TO MOVE FOR MANAGEMENT REASONS**

### Outcome

This is to assist the Council and Housing Associations\* to meet the needs of their tenants in specific circumstances and to make best use of their housing stock.

### Criteria and Evidence Required

Management priority may be awarded in the specific circumstances described below:

1. Where a non-dependent is living with an OAP that needs to move to more suitable accommodation but is prevented from doing so because of the presence of the non-dependent. Here, the non-dependent may be given Management priority in order to get independent accommodation. In order to qualify for this priority, the non-dependent must have lived with the OAP at the address in question for at least 12 months.

2. Where a single person(s) or couple is left in family accommodation following the death of the tenant and there is no right to succession to the tenancy. Management priority will be awarded in order that the applicant may be offered any appropriate size accommodation. In order to qualify for this priority, the single person / couple would have succeeded to the tenancy anyway had there not already been a succession on that tenancy (i.e. 12 months residence etc).
3. Where a single person or couple is left in family accommodation following the death of the tenant and a right of succession exists. Management priority may be awarded where the applicant agrees to move to a more suitable accommodation rather than sign for the existing tenancy.
4. Employees of Leicester City Council who occupy accommodation which is linked to their employment and who are retiring through age or ill health or willing to give up that accommodation.
5. Where a Leicester City Council or Housing Association tenant has previously been awarded harassment priority and then has to leave the property for reasons connected with the approval. To avoid accruing large rent arrears when Housing Benefit stops, the tenancy can be terminated and the applicant reapply as a general applicant and awarded management priority.
6. Where a referral is made by staff from the Family Intervention Project confirming the family are ready for rehousing as their behaviour has changed to enable them to be considered as suitable tenants.
7. Where there would be undue hardship arising from the costs of district heating to allow a move to a property with independent heating supply.
8. Where a HomeCome tenant has been given notice to leave due to the end of the leasing arrangement and the property owner does not wish to renew the lease. Tenants approved under this criteria will only be entitled to one suitable offer of accommodation in line with their eligible property types. Approved cases will be put on auto-bid citywide, if there has been no suitable offer made within the first 4 advertising cycles of Leicester HomeChoice when priority was given.
9. Where Management have undertaken a Personal Emergency Evacuation Plan (PEEP) or have been made aware as a result of a Fire Risk Assessment (FRA), there are concerns about the evacuation of a tenant or members of the household in an emergency and a move to more appropriate accommodation would assist to minimise the risk.



## Other Information

The above list may be extended at the discretion of the Director of Housing.

\* Tenants of Housing Associations will only be considered where the Association has an agreement with Leicester City Council to provide up to 90% of their vacancies through Leicester HomeChoice.

### **4.22 PEOPLE WHOSE CURRENT HOUSING CONDITIONS ARE HAVING A SERIOUSLY ADVERSE EFFECT ON THE PHYSICAL OR MENTAL HEALTH**

#### Outcome

This is to enable priority rehousing for households who are living in accommodation which is having a seriously adverse effect on their physical or mental health and moving to more suitable accommodation would solve or alleviate the medical condition.

#### Criteria and Evidence Required

Assessment of circumstances and the verification source required will be done using the criteria listed below:

<b>Access &amp; Mobility</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has an acute deterioration of mobility or progressive mobility problems	Where an Occupational Therapist has said the applicant requires either:  1. Fully wheelchair accessible home  2. Fully accessible home with a level access shower  3. Fully accessible home on the ground floor or accessible by a lift	The bedroom, bathroom and toilet are <u>all</u> not accessible in their current accommodation	Leicester City Council's Occupational Therapist

<b>Mental Health</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has a serious mental health condition	Where a Consultant Psychiatrist has stated it is impossible to remain in their current home due to the impact on their mental health	The home is seriously impacting on person's mental health	Consultant Psychiatrist
Applicant or member of household has an underlying mental health condition	Where it can be evidenced that a traumatic event (i.e. murder, serious assault, abuse, death etc.) in the associated home or adjacent area is causing the applicant mental distress	A traumatic event in the associated home or adjacent area is causing the applicant mental distress	Options / Housing Officers report via management to Divisional Director

<b>General Health</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has severely lifestyle restricting or terminal illness, e.g. AIDS, Cancer, MS	Where a Specialist has stated or GP confirms that applicant's current home increases the severity of the illness or has adverse impact on their lifestyle	A person's general lifestyle is adversely affected in the home due to their severely lifestyle restricting illness	Specialist (or GP confirms specialist report)

### Other Information

Priority will only be considered if rehousing is needed to solve or alleviate the medical condition.

Supporting information must detail how the applicant's current accommodation is adversely affecting their medical condition.

Priority will not be awarded for a medical condition, however severe, if the present housing does not affect the medical condition or their ability to live there.

#### **4.23 CHILDREN LEAVING THE CARE OF LEICESTER CITY COUNCIL'S CHILDREN'S SERVICE**

##### Outcome

This is to enable priority rehousing for young people leaving the care of Leicester City Council's Children's Services.

##### Criteria and Evidence Required

A person will be placed in Band One under this criteria where Leicester City Council's Children's Services has confirmed the young person is leaving their care and is ready for independent living.

A young person who is not yet 18 will require a guarantor/trustee to be identified before they can apply for properties on Leicester HomeChoice.

#### **BAND TWO**

#### **4.24 PEOPLE WHO ARE STATUTORY HOMELESS**

##### Outcome

This band is to enable priority rehousing to applicants who are accepted by the HOS as being owed a full housing duty under Part VII of the Housing Act.

##### Criteria and Evidence Required

All approved homeless cases will have been assessed by officers at Housing Options Service and will have met the following criteria;

- i. the applicant is an eligible person and
- ii. the applicant is homeless or threatened with homelessness within 28 days and
- iii. the applicant is in priority need and
- iv. the applicant did not become homeless intentionally and
- v. the applicant has a local connection with the City of Leicester

### Other Information

Applicants approved as statutory homeless will be put on auto-bid citywide on Leicester HomeChoice from the date of approval.

Statutory homeless applicants will only be entitled to one suitable offer of accommodation with their Homelessness priority.

## **4.25 PEOPLE WHOSE HOMES ARE DEEMED TO BE SEVERELY OVERCROWDED**

### Outcome

This is to give priority to those households living in accommodation where they are severely overcrowded i.e. households who need a minimum two additional bedrooms to meet their needs or have been assessed as being statutorily overcrowded.

### Criteria and Evidence Required

Information will be taken from the housing application form to establish which households require a minimum of two additional bedrooms using the bedroom standard outlined in section 3.10 against the number of bedrooms the household currently have exclusive use of.

Statutory overcrowding will need to be confirmed by an Environmental and Health officer.

### Other Information

In determining the number of bedrooms required where a household is expecting another baby, this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms you have the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

## **4.26 FAMILIES LIVING IN DESIGNATED TEMPORARY ACCOMMODATION IN THE CITY**

### Outcome

This is to give priority to families living in designated temporary accommodation and who met the Leicester City Requirement immediately prior to entry to the designated accommodation.

### Criteria and Evidence Required

Confirmation the referral to the designated temporary accommodation was made by the Housing Options Service.

#### Other Information

Designated temporary accommodation is a homeless hostel or short term temporary supported accommodation commissioned by Leicester City Council.

Priority will only be awarded to those service users who have been referred by the Housing Options Service because they meet the Council's published criteria for temporary accommodation. The schemes that are funded by Leicester City Council as at 1st April 2014 to take referrals are listed in Appendix 2. If a referral is accepted by another suitable temporary accommodation provider then priority can be awarded to that individual.

People whose residence started in Leicester City Council funded schemes prior to 1st April 2014 can retain their temporary accommodation banding priority until they leave the scheme.

Applicants who have been made an offer of accommodation but then leave their temporary accommodation can retain their offer if they have moved to other insecure accommodation. If they decline the offer or the offer is withdrawn their priority will be re-assessed from their new accommodation.

### **4.27 FAMILIES WHO ARE OVERCROWDED AND LIVING IN ONE BEDROOM ACCOMMODATION**

#### Outcome

This is to give priority to families with dependent children currently living in one bedroom accommodation who need an additional bedroom.

#### Criteria and Evidence Required

Information will be taken from the housing application form to establish which households require an additional bedroom using the bedroom standard outlined in section 3.10 and currently living in one bedroom accommodation.

#### Other Information

In determining the number of bedrooms required where a household is expecting another baby this will only be taken into consideration after the baby is born and the birth is registered.

This priority is not available for households who do not live in their own accommodation.

#### **4.28 COUNCIL AND HOUSING ASSOCIATION TENANTS WHO ARE CURRENTLY UNDER-OCCUPYING A THREE BEDROOM PROPERTY BY ONE BEDROOM AND NEED TWO BEDROOMS**

##### Outcome

This is to enable priority rehousing for social tenants who are currently under-occupying a three bedroom property by one bedroom and need two bedrooms.

##### Criteria and Evidence Required

Information will be taken from the housing application form to establish which social tenants are underoccupying their current homes.

##### Other Information

Housing Association tenants will be considered if their current home is within the city and their Housing Association has agreed to advertise the vacated home through Leicester HomeChoice. HomeCome tenants are also eligible for this priority as their homes are managed by Leicester City Council.

#### **4.29 PEOPLE IDENTIFIED AS NEEDING URGENT RE-HOUSING TO PREVENT HOMELESSNESS**

##### Outcome

This is to give priority to people who occupy accommodation on insecure terms and need urgent re-housing to prevent homelessness.

##### Criteria and Evidence Required

All cases (except subsection 7) will be assessed and determined by officers at Housing Options Service.

Priority will only be awarded to people who fall in one of the following categories of people (subsections 1 – 6) and meet the criteria stipulated below.

- Families with dependent children
- Pregnant Women
- People whose circumstances may give rise to additional consideration following a comprehensive housing needs assessment by a Housing Options Officer (HOO)

People with the circumstances listed below (subsections 1-6, 8) must provide evidence of those circumstances to the Housing Options Service.

1. Where, an applicant has received a valid notice to quit which has been confirmed as valid by a Housing Options Officer requiring them to give possession, and, in the case of an assured short hold tenancy, under the accelerated possession proceedings (S21 of the Housing Act 1988), and there is no defence to the application which has been confirmed by a Housing Options Officer and the officer has negotiated with the landlord to reconcile the tenancy on behalf of the applicant. If the notice has been served upon the tenant for acts that could be seen as deliberate i.e. asb, rent arrears, then priority will not be awarded.
2. Where, following a comprehensive assessment by a Housing Options Officer (e.g. affordability assessment), it has been determined that repossession of an applicants tenancy or owner-occupied property is inevitable. Where it is decided that the applicant has worsened their own circumstances by failure to pay rent/mortgage when they could have afforded to do so, priority will not be awarded
3. Where an applicant is in tied accommodation which they are required to leave, as confirmed by a Housing Options Officer (the awarding of priority in this circumstance would be dependent on the reasons for leaving i.e. if applicant is choosing to leave tied accommodation, priority will not be awarded). If the applicant is required to leave the tied property due to deliberate acts i.e. rent arrears, ASB or they have lost their employment because of serious breaches of tenancy or licence to occupy conditions then priority will not be awarded.
4. People living in mobile homes, boats, caravans or other movable structures who have no place where they are legally entitled to live in them.
5. People who reside in a household as an excluded tenant or excluded (contract to occupy) or bare (permission to occupy) licensee/lodger and are subject to a notice to quit (where notice to quit is understood as meaning the appropriate notice) by the legal occupier or owner of that accommodation, as confirmed by a Housing Options Officer.

Priority will only be awarded following a full assessment of housing need including a home visit by the Housing Options Officer. In this circumstance the case will be reviewed after 3 months from the date of the award of the priority. If the last settled accommodation prior to the temporary accommodation was lost due to acts that could be seen as deliberate i.e. asb, rent arrears or the applicant deliberately worsened their housing

circumstances to gain higher priority then priority will not be awarded.

6. Private tenants who have been served with a legally valid notice that their landlord is seeking a possession order on the mandatory grounds set out below and where a Housing Options Officer has carried out an assessment and has confirmed a) the notice is valid and b) that in their opinion possession will be inevitable.

The mandatory grounds for possession, applicable to awarding of priority are:

Ground 1

The owner wishes to occupy the property as his or her home and they previously lived in the property as their principle home, or now requires it for their principle home

Ground 2

The property is subject to a mortgage and is being re-possessed by the lender

Ground 3

Out of season holiday lets, where the tenancy was granted on a fixed term of less than 8 months

Ground 4

Vacation lets of student accommodation

Ground 5

The property is held for use by a minister of religion to perform their duties and the court is satisfied it is now required for that purpose

Ground 6

The landlord intends to redevelop the property

Ground 7

Where the tenant has died, and the periodic tenancy has been passed through a will or intestacy to someone other than a person entitled to succeed to the tenancy

Ground 8



For rent arrears, where both at the date of service of the notice of seeking possession and at the date of the hearing the tenant owes over two months or 8 weeks rent or more. Where ground 8 is applicable (rent arrears) an investigation will take place into the reasons why the rent arrears accrued. Where it is decided that the applicant has worsened their own circumstances by failure to pay rent when they could have afforded to do so, priority will not be awarded.

7. Where an applicant is residing in a Leicester City Council owned property and is subject to NTQ and is not able to sign for the property. Priority may be awarded by Housing Services and kept by the applicant for 3 months even after they have left the property if they have no permanent home.

The applicant must be able to evidence they have been residing in the LCC owned property for at least 12 months before the Notice to Quit was given.

8. People leaving prison who are temporarily staying with friends or family upon their release from prison and do not want to access hostel accommodation and met the Leicester City Requirement prior to them entering prison.

#### Other Information

People who consider they may fall into any of the above categories (subsections 1 – 6, 8) should book an interview with the Housing Options Service. Following the interview evidence must be provided to the Service and a Housing Options Officer will assess eligibility.

If the insecure accommodation comes to an end, priority will be removed and the applicants housing need will be reassessed from their new accommodation.

Applicants who have been made an offer of accommodation but then have to leave their insecure accommodation can retain their offer if they have moved to other insecure accommodation. If they decline the offer their priority will be re-assessed from their new accommodation.

### **4.30 SINGLE PEOPLE LIVING IN DESIGNATED TEMPORARY OR SUPPORTED ACCOMMODATION**

#### Outcome

This is to give priority to single people living in designated temporary accommodation and who met the Leicester City Requirement immediately prior to entry to the designated accommodation

#### Criteria and Evidence Required

Confirmation the referral to the designated temporary accommodation was made by the Housing Options Service.

#### Other Information

Designated temporary accommodation is a homeless hostel or short term temporary supported accommodation commissioned by Leicester City Council.

Priority will only be awarded to those service users who have been referred by the Housing Options Service because they meet the Council's published criteria for temporary accommodation. The schemes that are funded by Leicester City Council as at 1st April 2014 to take referrals are listed in Appendix 2. If a referral is accepted by another suitable temporary accommodation provider then priority can be awarded to that individual.

People whose residence started in Leicester City Council funded schemes prior to 1st April 2014 can retain their temporary accommodation banding priority until they leave the scheme.

Applicants who have been made an offer of accommodation but then leave their temporary accommodation can retain their offer if they have moved to other insecure accommodation. If they decline the offer or the offer is withdrawn their priority will be re-assessed from their new accommodation.

### **4.31 PEOPLE READY TO LEAVE RESIDENTIAL CARE SUPPORTED BY LEICESTER CITY COUNCIL AND/OR NHS**

#### Outcome

This is to give priority to people ready to leave residential care and is supported by Leicester City Council's Adult Social Care and/or the NHS.

#### Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care or the NHS that the person is ready to leave residential care and move into independent living.

### **4.32 PEOPLE WITH A CARE PACKAGE WHERE ADULT SOCIAL CARE (LCC) ASSESS THAT A MOVE WILL ASSIST INDEPENDENT LIVING**

#### Outcome

This is to support the Adult Social Care independent living policy.

### Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care that the person needs a move to maintain independent living and they have a care package in place.

#### **4.33 PEOPLE WHOSE CURRENT HOUSING CONDITIONS ARE HAVING A NEGATIVE EFFECT ON THE PHYSICAL OR MENTAL HEALTH OF THE APPLICANT OR A MEMBER OF THEIR HOUSEHOLD**

### Outcome

This is to give priority to people living in accommodation that has a negative effect on their physical or mental health.

### Criteria and Evidence Required

Assessment of circumstances and the verification source required will be done using the criteria listed below:

<b>Access &amp; Mobility</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has a housing need linked to a disability or medical condition, which renders the present housing hazardous or extremely difficult to cope with	Where an Occupational Therapist has said the applicant requires either:  1. Fully wheelchair accessible home  2. Fully accessible home with a level access shower  3. Fully accessible home on the ground floor or accessible by a lift	The current accommodation is partially suitable for their needs as can access the bedroom, bathroom or toilet but <u>not all</u> the facilities	Leicester City Council's Occupational Therapist
	4. Accessible toilet on both the ground floor and upper floor in a multi storey home	There is currently only one toilet in their multi storey home	

	5. Accessible home with only one flight of internal stairs	The current home is over two floors and only accessible by external/communal stairs	
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<b>Mental Health</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has a mental health condition	Where a Consultant Psychiatrist or a CPN has stated your current home is having a significant detrimental impact on your mental health	The current home is adversely impacting on the person's mental health	Consultant Psychiatrist / Mental Health Specialist

<b>General Health</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicant or member of household has a chronic illness such as severe asthma, emphysema or severe eczema.	Where your Specialist has indicated that the condition of your home and immediate environment is affecting your health subject to confirmation by an Environmental Health Officer (EHO) on the condition of your home or environment	The condition of the current home is impacting on the person's health	1. Specialist 2. Leicester City Council's EHO or Air Quality Monitoring Unit

<b>Additional Bedrooms</b>	<b>Housing Need</b>	<b>Current Housing Circumstances</b>	<b>Verification Source</b>
Applicants or member of household who have a severe disease or disability, and require extra space for major items of life sustaining equipment or equipment to promote independence in the home e.g. severe kidney disease (with self dialysis at home or use of kidney machines), severe respiratory disease (with use of oxygen machine at home), etc.	Where your Specialist has indicated that there is insufficient space for essential/life sustaining equipment	The current home has insufficient space for storage of essential/life sustaining equipment	Specialist
Extra bedroom for full-time carer: a need for care that is so great that residential or hospital care would be necessary without a full-time carer	Where a community care assessment identified there is insufficient space for a residential carer but otherwise home is appropriate	The current home has insufficient number of bedrooms for an overnight carer	Leicester City Council's Community Care Assessment (Adult or Children Services)
Applicants or member of household who have severe behavioural problems	Where your Specialist has confirmed you require a separate bedroom to remedy severe behaviour problems	The current home has insufficient number of bedrooms for someone who requires their own bedroom	Specialist

### Other Information

Priority will only be considered if rehousing is needed to solve or alleviate the medical condition.

Supporting information must detail how the applicant's current accommodation is adversely affecting their medical condition.

Updated 10 August 2015

Priority will not be awarded for a medical condition, however severe, if the present housing does not affect the medical condition or their ability to live there.

**4.34 PEOPLE LEAVING THE ARMED FORCES WHO HAVE APPLIED FOR HOUSING WITHIN 5 YEARS OF THEIR DISCHARGE BUT DO NOT HAVE A HOME TO RETURN TO AND DO NOT QUALIFY AS STATUTORY HOMELESS**

Outcome

This is to give priority to people who have applied for housing within 5 years of their discharge from the armed forces who do not have a home to return to.

Criteria and Evidence Required

All cases will be assessed and approved by officers at Housing Options Service.

Persons leaving the armed forces will only be considered under this priority if they make an application for housing within 5 years of their discharge from the service and do not have a home to return to.

**BAND THREE**

**4.35 PEOPLE IDENTIFIED BY ADULT SOCIAL CARE AS READY TO LEAVE THE CARE OF FAMILY OR CARER**

Outcome

This is to give priority to people ready to leave the care of their family or carer and into independent living.

Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care that the person is ready to move into independent living from the care of their family or carer.

**4.36 SINGLE PEOPLE WHO HAVE NO SETTLED ACCOMMODATION AND ARE OF 'NO FIXED ABODE'**

Outcome

This is to give priority to single people who have no settled accommodation and are of 'no fixed abode'.

### Criteria and Evidence Required

Letter from the tenant or owner-occupier of the correspondence address confirming the address is used solely for mailing purposes by the applicant.

### Other Information

In some instances, a verification visit may be undertaken by the Housing Options Service.

## **4.37 FAMILIES NEEDING TO MOVE TO A PARTICULAR AREA OF LEICESTER WHERE HARDSHIP WOULD BE CAUSED IF THEY DO NOT MOVE**

### Outcome

This is to give priority to families needing to move to particular area within the city of Leicester to give or receive daily physical care and support.

### Criteria and Evidence Required

A Community Care Assessment from Leicester City Council's Adult or Children Services or an equivalent assessment from another local authority confirming the need of the applicant to give or receive daily physical care and support and the current home is too far away from the support.

### Other Information

Applicants will only be able to apply for properties within the allocation area where they will give or receive care and support.

## **4.38 FAMILIES WHO ARE LIVING IN OVERCROWDED CONDITIONS UNDER LEICESTER CITY COUNCIL'S OVERCROWDING STANDARD (ONE BEDROOM SHORT OF THEIR ASSESSED NEED)**

### Outcome

This is to give priority to families who are overcrowded and who need one additional bedroom to meet their needs.

### Criteria and Evidence Required

Information will be taken from the housing application form to establish which households require one additional bedroom using the bedroom

standard outlined in section 3.10 against the number of bedrooms the household currently have exclusive use of.

#### Other Information

In determining the number of bedrooms required where a household is expecting another baby this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms you have the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

### **4.39 WORKING HOUSEHOLDS OR THOSE IN LOCAL TRAINING SCHEMES WHO NEED TO MOVE CLOSER TO THEIR JOB/TRAINING SCHEME**

#### Outcome

This is to give priority to working households or those in local training schemes who need to move closer to their workplace or training scheme. This also includes council and housing association tenants who need to move for work related reasons.

#### Criteria and Evidence Required

Confirmation of the employment/training and place of work will be required from the employer/training scheme.

#### Other Information

Applicants will only be able to apply for properties within the allocation area where their workplace or local training scheme is located.

## **BAND FOUR**

### **4.40 PEOPLE WHO SHARE FACILITIES WITH OTHER HOUSEHOLDS BUT HAVE THEIR OWN BEDROOM**

#### Outcome

This is to give priority to people who do not have a tenancy or own their own home and who are living with family/friends, are not overcrowded but who wish to move to their own accommodation.

#### Criteria and Evidence Required



Information will be taken from the housing application form to establish which people share facilities with others other than those in the applicant's household.

#### Other Information

Priority will not be given to tenants or owner occupiers who have exclusive use of their own self contained accommodation.

### **4.41 PEOPLE WHO NEED TO MOVE TO, OR REMAIN IN, A PARTICULAR AREA OF LEICESTER TO GIVE OR RECEIVE EMOTIONAL SUPPORT FROM FAMILY, FRIENDS OR OTHERS IN THE COMMUNITY**

#### Outcome

This is to give priority to people needing to live in one specific area of the city in order to give or receive care and support on emotional grounds from family/friends/community.

#### Criteria and Evidence Required

Applicants wishing to be approved under this allocation will need to demonstrate a specific connection with the chosen allocation area where they have a reasonable expectation of support from one of the following:

- Family
- Friends
- Community

This does not include support from voluntary or statutory bodies, as they are generally able to provide support citywide.

The level of proof required would be a signed statement of support from the person/community link.

#### Other Information

Applicants will only be able to apply for properties within the allocation area where they will give or receive care and support on emotional grounds.

### **4.42 PEOPLE OVER THE AGE OF 50 YEARS WHO WISH TO BE CONSIDERED FOR 1 BEDROOM SHELTERED ACCOMMODATION ONLY**

#### Outcome

This is to give priority to people over the age of 50 years who wish to live in 1 bedroom sheltered accommodation.

#### Criteria and Evidence Required

Applicants who do not qualify for any of the priorities in Bands 1 - 4 can request this priority if they are over the age of 50 years and only wish to be considered for 1 bedroom sheltered accommodation.

#### Other Information

Applicants will only be able to apply for 1 bedroom sheltered accommodation.

### **BAND FIVE**

#### **4.43 With effect from 1st May 2014 no new applicants will be accepted into Band 5.**

Existing applicants in Band 5 can remain on the Housing Register until such time their application is cancelled or there is a change of circumstances.

## **PART 5 ALLOCATION CRITERIA**

- 5.1 The Council has rules which determine the type and size of accommodation for which applicant households are eligible. This takes the general approach of maximising occupancy and makes best use of an otherwise limited stock of properties.

### **Property Types**

- 5.2 The eligibility criteria for property types will vary according to the size and type of property.

5.3 Houses and Maisonettes of any size

These are categorised as family accommodation and will only be let to applicants who have their children living with them on a permanent, full time basis. Exceptions can be made, for example where children are on university courses and live away during term time.

5.4 2 and 3 Bedroom Flats

These are also classed as family accommodation, however they can be allocated to applicants who do not have children living with them a full time basis.

5.5 Bedsits and 1 Bedroom Flats

Bedsits are deemed suitable for single people whilst 1 bedroom flats are suitable for childless couples and single people.

5.6 Ground Floor Bedroom Flats

All ground floor bedroom flats are designated for people with mobility issues in the first instance where it has been recommended by a health professional that ground floor property is needed for mobility issues.

All other eligible people would be considered in the second instance.

5.7 Sheltered Accommodation

These were formerly known as Warden Assisted Accommodation and are designated for applicants aged 60 years or over in the first instance. However, any applicant aged 50 years or over can apply and be considered for sheltered accommodation.

Tenants in Band 5 cannot move to 'like for like' accommodation.

5.8 1 Bedroom Bungalows

In all areas, allocations will be considered to those people 40 years and over in the first instance in Band 1. If no suitable person can be identified then those people 60 years and over in Bands 2–3 will be considered in the second instance followed by over those people 50 years and over in Bands 2-3 in the third instance, then those people 40 years and over in Bands 2-3 in the fourth instance. Should there be no suitable person in Bands 2-3 then over those over 60 years in Band 4 will be considered next reducing in 10 year age bands in Band 4 then in Band 5.

The minimum age criteria will be 40 years.

#### 5.9 2 and 3 Bedroom Bungalows

These are not age restricted and are designated in the first instance to people needing ground floor accommodation due to mobility issues as recommended by an occupational therapist or health professional.

Any other family household requiring a 2 or 3 bedroom bungalow will be considered after the above.

#### 5.10 Adapted Accommodation

In order to make best use of housing stock, accommodation that has been purposely built or adapted for disabled people will in the first instance be restricted to those people with such need.

#### 5.11 Age Designated Accommodation

Certain properties in addition to all unadapted one bedroom bungalows and sheltered accommodation are reserved in the first instance to people 60 years and over. These are detailed in Appendix 1.

Where a suitable person 60 years and over cannot be identified in Bands 1 - 3 the age band will be reduced by 10 year age bands until a suitable person is identified.

### **Pet Restrictions**

5.12 There are some properties let by Leicester City Council that have special restrictions that are incorporated within the conditions of tenancy.

5.13 Tenants of certain accommodation are not permitted to keep on the premises any large pets, including cats and dogs.

5.14 Accommodation where this condition applies is as follows: -

- All tower blocks
- All sheltered accommodation
- All accommodation on the St Peters Estate
- West Court

- Three storey flats on the Mowmacre Hill Estate
- Aikman Avenue flats
- Wiltshire House
- Three storey flats on Braunstone Frith
- Beatty Avenue Flats
- 100 Welford Road Flats
- St Leonard's Court Flats
- Martindale & Grisedale Flats
- Beaucastle Grove Flats

## **PART 6      SUSPENSIONS, CANCELLATIONS & REVIEWS**

### **Suspensions**

- 6.1 Applicants who qualify to appear on the register but their behaviour or circumstances warrant their application is suspended, will not be able to bid for any accommodation. However, the scheme intends that a suspension still confers a reasonable preference within a given band. Applicants can be suspended for the following reasons:
- Have property-related debts (with some exceptions see 6.2)
  - Refused three offers of accommodation (no offer will be made for a period of one year from the date of the last offer, see 6.14)
  - Failed a property inspection (LCC tenants only, see 6.16)
  - In prison or a detention centre
  - Serving in HM forces and living in HM forces housing and have not been given notice to leave your service accommodation

### **Rent Arrears**

- 6.2 Rent arrears are defined as any housing related debt owed to Leicester City Council, other social landlords or private landlords. This includes the non-payment of rent, court costs, water rates, rechargeable repair debts or other charges such as a 'for use and occupation' charge (mesne profit). This debt applies to current and former tenancies<sup>\*†</sup>.
- 6.3 This also includes any money paid by Leicester City Council to a landlord in respect of payments given under the Leicester Let and the Rent Deposit Guarantee Scheme to cover non-payment of rent or damages caused by the departing tenant.
- 6.4 Council tax debt, Housing Benefit overpayments (including any associated court costs) and any other debt that is not property related will not be considered under this policy. This also includes any property related debts owing that are covered by a bankruptcy order.

### **Rehousing with Rent Arrears**

- 6.5 Any applicant on the housing register who has a housing related debt, as defined above, will normally only be considered for re-housing under certain circumstances.
- 6.6 The criteria for being considered for re-housing with arrears will differ depending on an applicant's level of housing need.

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\* Arrears from former tenancies with private landlords will only be considered for the 2 years prior to the date the housing application is received

† Arrears from former tenancies with council or housing associations will only be considered for the 6 years prior to the date the application is received

## 6.7 Band 1 Applicants

Applicants in Band 1 will not be subject to the rehousing with rent arrears policy.

Although any rent arrears will not be considered for the purposes of rehousing it is expected where there are arrears an agreement is made to reduce/clear the arrears.

## 6.8 Band 2, 3, 4 and 5 Applicants

Applicants in Bands 2, 3, 4 and 5 will be required to have a clear rent account for any current tenancy at the point of offer/sign up for alternative accommodation.

The exception to this will be Statutory Homeless applicants or social tenants who are benefit dependent and are adversely affected by the bedroom tax. They will however be expected to have entered into an agreement to repay their debt, but their application for re-housing will not be suspended and offers of accommodation can be made.

### **Former Rent Arrears**

#### **Applicants who have held their current tenancy for 12 months or more**

- 6.9 For the purposes of rehousing former rent arrears will be disregarded where the applicant is a current tenant and has held that tenancy for 12 months or more. They will however be expected to have entered into an agreement to repay their debt, but their application for re-housing will not be suspended and offers of accommodation can be made.

#### **Applicants who have not held their current tenancy for 12 months or more**

- 6.10 Applicants who have not held their current tenancy for more than 12 months or do not hold a current tenancy and have former rent arrears will be suspended on the Housing Register. The suspension will only be lifted once confirmation has been received the former rent arrears have been cleared.

### **Exceptional Circumstances**

- 6.11 In exceptional circumstances the suspension of an application due to rent arrears may be relaxed.
- 6.12 Such exceptional circumstances will include situations where re-housing is of paramount importance or where the needs of Leicester City

Council's Housing Services are such that it is appropriate to relax the requirements.

- 6.13 The decision to re-house an applicant with rent arrears must be approved by the Head of Service, Housing Services.

### **3 Offer Policy**

- 6.14 All applicants accepted on the Housing Register are entitled to receive three offers of accommodation with their full priority. An offer of accommodation will include an offer of a Leicester City Council secure tenancy, introductory tenancy or a nomination to a Housing Association (tenancy type may vary).
- 6.15 An applicant who refuses a third offer of accommodation within 12 months of refusing their first offer will be suspended on the Housing Register for 12 months.

### **Property Condition (LCC Tenants Only)**

- 6.16 A Leicester City Council tenant who has failed to meet their obligations to maintain aspects of their current home may be considered as having behaviour affecting their suitability to be a tenant of the Council or a Housing Association and have their application suspended.
- 6.17 All offers of accommodation to tenants are subject to, their current home meeting acceptable standards as verified by a Voids Officer in the case of Leicester City Council tenants.
- 6.18 Where the tenant has failed to meet the acceptable standard, any offers of accommodation will be withdrawn and their application suspended until such time the home meets the necessary standard.

### **Cancelled Applications**

- 6.19 Applications will be cancelled in the following circumstances:
- The applicant asks us to do so
  - The applicant does not respond to a review letter
  - The applicant does not respond to an offer letter or other correspondence within 7 working days or within the deadline stated in the correspondence
  - The applicant has been housed through the Housing Register
  - The applicant becomes ineligible for housing
  - A transfer applicant has terminated their tenancy
  - The applicant has done a mutual exchange
  - The applicant has given false or misleading information
  - The applicant no longer qualifies for an allocation of housing



- 6.20 Applications that have been cancelled can be reinstated up to 3 months after the date of cancellation, if they are still a 'qualifying person'. Applicants will need to reapply with a fresh application after this period.

### **Annual Review**

- 6.21 All applicants will be sent a letter asking if they wish to remain on the list, 12 months from the date of their original application and then 12 months from each re-registration.
- 6.22 Applicants will have 28 days to respond. If they do not respond within this time, their application will be cancelled.

### **Right of Review**

- 6.23 All applicants have the right to ask for a review of a decision, if they consider they have been unfairly or unreasonably treated having regard to the provisions of this Allocations Policy. This includes decisions:
- about the facts of the case
  - that the person is ineligible for an allocation of accommodation, or
  - they are not a qualifying person
- 6.24 Unless differently prescribed by legislation, statutory instrument or court ruling, any request for a review should be made by the applicant or their representative within 21 days of the date of the letter advising of the decision.
- 6.25 The request for the review must be in writing, giving details why they disagree with the decision and provide any relevant information to be considered as part of the review process.
- 6.26 A more senior officer to the officer who made the initial decision will conduct the review.
- 6.27 The aim is to investigate and provide an outcome for each appeal or review within 56 days of receiving the request. Where this is not possible the applicant will be informed of the delay and given an approximate indication of when they may expect an outcome.

There is no right to request a review of this decision unless the customer's circumstances change.

## **PART 7      LEICESTER HOMECHOICE**

- 7.1    Leicester City Council's housing stock is allocated under a choice based lettings scheme called Leicester HomeChoice. The scheme is a partnership between Leicester City Council and member Housing Associations.
- 7.2    All properties will be allocated via Leicester HomeChoice and are advertised on a weekly basis. This may be extended on occasions due to public holidays.
- 7.3    Applicants have to bid for properties they wish to be considered for and are eligible for.
- 7.4    Where a property has been advertised with an eligibility restriction, only applicants who meet the relevant criteria will be shortlisted for the property. For example, a property advertised as having adaptations such as a level access shower will only be considered for applicants with such need.
- 7.5    At the end of the advertising cycle a shortlist will be drawn up from all the eligible applicants that have applied for a property. The offer of accommodation will be made to the person in the highest band that meets the eligibility criteria. If there is more than one applicant in the band, the offer will be made to the applicant who has been waiting the longest within that band. If the applicant with the highest priority refuses the property it will be offered to the next highest bidder who meets the eligibility criteria and so on.
- 7.6    In exceptional circumstances the highest bidder may be overlooked for an offer of accommodation or an offer withdrawn where the Council decides it would be in the interests of the existing community in the area or in the good management of its housing stock to do so.
- 7.7    All applicants will be subject to eligibility checks and verification of their current circumstances at the time of offer. Should the checks fail then this may lead to being removed from the Housing Register or suspended from bidding depending on the circumstances.

### **Direct Lets**

- 7.8    In limited circumstances the Council may allocate properties directly to qualifying applicants outside of the Choice Based Letting Scheme. A direct offer of accommodation is also an allocation for the purposes of this Policy.

Illustrative examples of Direct Lets are as follows:

- Where an allocation is required to ensure protection of the public for example following a request made by a multi-agency public protection panel meeting
- Where a customer has been referred as part of the Witness Protection Scheme
- Where Leicester City Council is obliged by a court order to provide accommodation
- Where a Leicester City Council tenant's home is being repaired and they need to be moved from the property on a temporary or permanent basis
- Where a targeted offer is made to an applicant living in a Council clearance area
- Where a statutory homeless household has been placed in designated temporary accommodation
- Where there are exceptional circumstances that merit priority rehousing associated in managing risks, emergencies and making best use of management stock

## APPENDIX 1      AGE DESIGNATED FLATS

All one bedroom flats/bedsits in the areas below will be allocated to people 60 years and over in the first instance in Bands 1 – 3 and if there is no demand reducing by 10 year age bands until let

### **Abbey Rise**

376-398 Thurcaston Road

### **Beatty Avenue**

Beatty Avenue Flats

### **Beaumont Leys**

Fowler Close

### **Belgrave & Rushey Mead**

All ground floor flats

### **Braunstone Frith**

Dupont Gardens

### **Braunstone South**

Ainsworth Walk  
Bennett Walk  
Blackmore Drive  
Buchan Walk  
Chesterton Walk  
Dickens Court  
Galsworthy Court  
Gaskell Walk  
Walpole Court

### **Charnwood**

Charnwood Estate Flats  
(only 1 & 2 bed flats)  
Curlew Walk  
Dunlin Road  
Fieldfare Walk  
Kestral Close  
Kingfisher Avenue  
Kingfisher Walk  
Redwing Walk  
Sandpiper Close  
Stonechat Walk  
17-31 St Saviours Rd (odd no's)

### **Evington & Goodwood**

Gisbourne Court Flats  
Goodwood Road Flats  
High Street Flats

### **Eyres Monsell**

Hillsborough Close Flats

### **Humberstone Village**

Humberstone Village Flats

### **New Parks**

Kerrial Gardens

### **Mowmacre Hill**

Colsterdale Close

### **Netherhall**

St Mary's Court

### **Rowlatts Hill**

Ambassador Road  
Rowlatts Hill Road

### **Saffron South**

Goldhill

### **St Andrews**

St Leonards Court  
100 Welford Road

### **St Mark's**

St Mark's Estate Flats

### **West End**

Kate Street Flats

## **APPENDIX 2      DESIGNATED TEMPORARY ACCOMMODATION SCHEMES**

**The following are designated temporary accommodation schemes commissioned by Leicester City Council as at 1st April 2014.**

**The list will be updated to reflect changes in the projects funded by the city council.**

### **Leicester City Council Schemes**

Border House  
Dawn Centre  
Oronsay Road  
Iona Close  
Tatlow House  
Thorpe House  
Shared Housing Schemes

### **Action Homeless**

Mayfield House  
Jarvis  
Hollies

### **Adulam Homes**

Norman House

### **Home Group**

Bradgate House  
Beacon Hill House

### **Leicester YMCA**

East Street  
Aylestone Centre

### **GAP**

Scalpay Close