

City Of York Council Allocations Policy



CITY OF
YORK
COUNCIL

Draft Vs7 May 18 PROPOSAL FOR FUTURE POLICY IF WE LEAVE NYHC

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Glossary of Terms

Adapted Properties

Adapted properties are homes designed or significantly adapted to meet the needs of people with physical or sensory disabilities, for example major changes to bathing facilities and / or access into or within the property.

Adopters and Fosterers

Adopters or prospective adopters approved by the Local Authority who are accommodating, or are likely to accommodate, a looked after child or a child who was previously looked after by a local authority.

Foster carers must be approved by the Local Authority or prospective foster carers where initial assessment of their suitability is positive, and who are accommodating, or are likely to accommodate a looked after child or a child who was previously looked after by a local authority. It also includes extended family who are approved as foster carers for their relative under the Fostering Regulations, 2011 or where a residence order is granted by court under (1989 Children ACT) and supported by Children's Social Care or Special Guardianship cases (2002 Adoption and children Act) and supported by Children's Social care.

It does not include private foster carers or non-agency adoption arrangements.

Advocate

A responsible person who has been given approval to act on behalf of an applicant such as a support worker or a family member.

Applicant

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

Assisted Bidding

Where an appropriate person, with the consent of the applicant, submits bids on their behalf.

Associate or Participating Landlord

A landlord who allocates some or all of their properties in the York area through this policy (formal nominations via a local authority) but have their own allocations policy for their own lettings. See appendix 2 for full list.

Automated Bidding

Where the computer system automatically submits a bid for an applicant.

Bands

The system for setting out the different priorities of housing need.

Bidding

The way in which registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money.

CBL - Choice Based Lettings

A system for letting affordable housing, supported by the Government and the Homes and Communities Agency, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

Common Allocation Policy

A shared set of rules on how properties will be advertised and let providing consistency across all partner landlords.

Common Housing Register

The single shared list of applicants eligible to use the Choice Based Lettings scheme. In order to bid for a property, the applicant must be on the Common Housing Register.

Direct Offer

Where a property is offered to an applicant without the applicant being required to bid..

Eligibility

Assessment of whether an applicant has a right to access social housing in accordance with relevant legislation.

Emergency Prohibition Order

These are statutory notices served under the Housing Act 2004 where a Local Authority is satisfied a Category 1 hazard exists and that the hazard involves an imminent risk of serious harm to the health and safety of the occupier/s.

Essential Need (support) – where a person is required (needs) to live close to a family member to provide / receive fundamental support regularly and without which the person requiring support would need residential care or an enhanced package of support from social care.

Flexible Tenancies

Under the Localism Act 2011 a Local Authority can utilise flexible tenancies. These are council tenancies let on a fixed term agreement (i.e. not secure and not for life.)

Housing Need

Applicants are assessed as having a housing need if the accommodation they currently occupy is unsuitable – as a result of ill health, overcrowding, lacking facilities or the applicant is otherwise deemed to be in a reasonable preference group. Housing need is banded as Emergency, Gold, Silver or Bronze Band.

Housing Related Debt

Monies owed to a landlord, such as a local authority, housing association, arms length management company or for temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court costs, support charges and prevention fund monies (eg bonds, rent in advance). Debts written off as part of bankruptcy will be disregarded.

DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular housing benefit payment or direct debit / standing order which clear the rent account. Housing related debt does not include council tax debts.

Local Connection

Connection to a particular area because of residency, employment, family or a main source of support.

Localism Act 2011

Legislation which has amended powers and duties of a Local Authority regarding the allocation of properties.

Locality.

Local Authority area in which the applicant currently lives.

Local Lettings Initiative (LLI)

A time limited policy, which is introduced to take account of local circumstances. Examples of this may be where a new housing development becomes available or where there is severe anti-social behaviour concentrated in a particular area. This means that these properties will be let outside of the policy. Each scheme will establish the criteria that will be used. These criteria will vary dependant upon the circumstances that led to the LLI. Each new CYC LLI must be signed off by the Assistant Director for Housing and Community Safety in consultation with the Executive Member for Housing and be indicated in adverts. Associate Landlord properties advertised by CYC will also contain details of properly approved LLI's that relate to specific properties or developments

Low-cost Home Ownership

Options enabling home seekers who are unable to afford to buy a property on the open market to get on the property ladder. Schemes include part rent and part buy or buying a percentage of the equity at a discounted price.

LSVT – Large Scale Voluntary Transfer

Former council housing which has been transferred to a housing association or housing company.

MAPPA (Multi Agency Public Protection Arrangements)

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Common Housing Register for applicants subject to MAPPA can only happen when a senior officer has given authorisation based on a risk assessment.

Mutual Exchange

Where two or more tenants swap their homes. Each tenant agrees to move into the others home on an 'as seen' basis.

Nomination Agreement

An agreement which sets out the way in which local authorities and housing associations work in partnership to help those in housing need. They usually state a percentage of properties that the housing association will make available to applicants nominated by the local authority.

Priority Band Date

The date when the application changed bands, which maybe a later date than the date on which the application was originally made – this date may be used as a tiebreaker to decide who receives an offer of accommodation.

Qualification

Assessment of whether an applicant qualifies to join the register under the qualification criteria set by the City of York Council.

Reasonable Preference Category

The phrase used in the Housing Act 1996, Localism Act 2011 & Homelessness Act 2002 to describe those types of housing need that should be given priority in a local authority's allocations policy.

Registration Date

The date a complete application, with all required supporting information, is received – this date may be used as a tie- breaker to decide who receives an offer of accommodation.

Resettlement Programme

A structured programme for rough sleepers, young people and people in mental health supported housing to develop independent living skills.

Sensitive Let

Where an individual property is advertised subject to additional checks. See Appendix 17

Supported Housing

Specific accommodation schemes for particular groups of people, for example people with learning disabilities or mental health issues, where support is provided. Some schemes are short term (up to 2 years) with the aim of people moving on to live more independently.

Support Package

Some applicants must have a support package in place if they are to be eligible for the Common Housing Register. A support package enables a vulnerable tenant to live independently. The receiving landlord must be satisfied that the support package is sufficient to meet the applicant's needs and includes with it a strategy for non - engagement by the applicant.

Tie-breaker

The method used to decide between two or more applicants who have the same level of housing need.

Section 1. Introduction and Background

1.1 Our Vision for the Service

To provide general needs (with support where appropriate) housing within the City of York Council Local Authority Area to those with an assessed housing need who are able to live independently, and to help create sustainable, mixed communities where people wish to live.

We will achieve this by working with applicants to provide a comprehensive housing advice service covering a whole range of housing options across the City of York Council area.

1.2 Aims and Objectives

- To meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996, Homelessness Act 2002, Localism Act 2011 and the Homeless Reduction Act 2017
- To encourage and support balanced and sustainable communities
- To make the housing process, fair, easy to use and transparent
- To give applicants realistic information about the availability of social housing across the City of York Local Authority area and work with them to look at all their available housing options
- To prevent homeless and reduce placement in temporary accommodation
- To ensure accessibility for all those in housing need, particularly the more vulnerable

1.3 Meeting our Obligations

This policy has been developed paying due regard to the Codes of Guidance issued to Housing Authorities in England in exercising the functions under 167(A) and 167(2) of the Housing Act 1996.

City of York Council will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below:

- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children's Act 1989
- Crime and Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2010
- Localism Act 2011
- Anti Social Behaviour, Crime and Policing 2014
- Homeless Reduction Act 2017
- Social Housing (Council or Registered Social landlord) Housing Act 1985 is let as only or principal home. (check if RSL)
- Children and Social Work Act 2017
- The General Data Protection Regulation and the Data Protection Act 2018

1.4 Information sharing, confidentiality and data protection

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998 and General Data Protection Regulations 2018. Information will only be shared in accordance with City of York Council's Data Protection registration and the consent given by the applicant as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent fraud. By submitting an application, the applicant is agreeing to information sharing with associated and participating landlords.

1.5 Equality and Fairness

City of York Council will ensure its policies and practices are non discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. City of York Council will take measures to ensure that people with disabilities have equal access to housing opportunities.

Section 2. Joining the Housing Register

2.1 Who is eligible to apply:

An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4) Part 6 Housing Act 1996:

- Persons from abroad may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act
- A person subject to immigration control is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2))
- Regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))
- The Secretary of State may by regulation prescribe other classes of persons from abroad ineligible for an allocation of housing in addition to those described above.
- Applicants who do not have recourse to public funds or who cannot prove they have recourse to public funds or those not habitually resident
- British citizens not habitually resident

Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions:

- They are a looked after child under section 20 of the Children's Act 1989 or are care leavers with a relevant support package and trustee and are ready for independent living as agreed with Social Services and confirmed by City of York Council's Housing Department

OR

- They are homeless / have a housing need and have an appropriate support package to enable them to sustain their tenancy and they have an identified trustee who can hold a tenancy on their behalf until they reach the age of 18. Trustees can be a person or an organisation and will not have a financial liability

Applicants who lack mental capacity

Applicants who have been assessed as not capable of applying for or sustaining a tenancy. may not be eligible to apply for housing due to mental capacity. A Best Interest meeting would be required to determine whether registering for social housing is in the customers best interest.

2.2 Qualification

The Housing Act 1996 states that the allocation of accommodation may only be to persons who are defined as a "qualifying person" (s.160ZA(6) and 7) and these requirements are in addition to eligibility in respect of persons from abroad (s160ZA(2) and (4)).

The Localism Act 2011 gave local authorities greater freedom to set their own housing policies and decide who should qualify for access to their housing register. This means that they are able to make best use of their housing stock, better manage their waiting list and help those in greatest housing need.

- Certain applicants and their household members who apply, including current tenants who wish to transfer, **may not qualify** to join the City of York Council's Housing Allocations Register in the following circumstances:
- **MAPPA:** Applicants subject to Level 2 or 3 MAPPA arrangements may not qualify to join the register if determined by a senior manager in Housing, in conjunction with representatives from a MAPPA meeting as part of a risk management plan
- **NO HOUSING NEED:** Applicants with no housing need other than those who are:
 - 60+ who have assessed care needs and wish to move into Independent Living Community (ICL) accommodation or specific 60+ housing
 - Members of HM Forces
 - Applicants at risk of homelessness where there is a duty under the Homeless Reduction Act 2017 and who would otherwise qualify for the register
- **BEHAVIOUR:** Applicants whose behaviour is such that if they had been a secure tenant of the Local Authority there would have proven grounds for possession under schedule 2A of the Housing Act 1985. Examples of such behaviour include: serious nuisance to neighbours such as drug dealing, noise nuisance, violence, domestic violence, intimidation, keeping weapons etc. This list is not exhaustive but should be related to 'person, property or locality' in line with the Act, including breach of injunction powers of the court in respect of under 18's'
- **ARREARS:** Applicants who owe current rent to a social housing provider or a private landlord that is in excess of 8 weeks payable rent that is not due to delayed benefit payments (universal credit housing elements or housing benefit)
- **DEBTS:** Applicants who have outstanding historic housing related debt and have made no payment arrangement
- **LOCAL CONNECTION:** Applicants with no local connection to the City of York Council Local Authority area (see 2.3)
- **HOME OWNERS:** Applicants and joint applicants who own or part own a residential property, whether they currently live in the home or not, cannot generally register for social housing if their housing needs can be met in the current accommodation or they are able to meet their own housing needs from the sale of their property. The policy recognises that some older people aged 60+, or with exceptional needs under 60, cannot stay in their own home and need to move to alternative accommodation, in particular to specialist Independent Living

Community (ICL) accommodation¹. A full assessment in these circumstances will be made as to whether or not they have sufficient resources to meet their own housing needs elsewhere and if the type of accommodation they require can be sourced outside of social housing. Where it cannot and they are accepted onto the register they will by law need to 'dispose of' their owned property when taking up a tenancy

- **INCOME AND SAVINGS:** Applicants or people who are part of an application who have a combined household annual income above the criteria and are able to meet their own housing need. Affordability assessments will take account of statutory payments (eg court fines, child maintenance). The policy will be amended if the income levels are updated

1bed need	£45,000pa
2 bed need	£55,000pa
3 bed + need	£60,000pa

Where a person or household has savings in excess of £16,000

There is a maximum income level of £80,000 for shared ownership schemes.

Income criteria does not apply to transfer applications. See 2.6.

Savings / capital exclude any lump sum received by a member of the armed forces as compensation for an injury or disability sustained on active duty.

- **SOCIAL HOUSING TENANTS:** Applicants who are current tenants, previous tenants, joint tenant or were a named member of a household but are reapplying to the register in their own right within 12 months of the previous tenancy start date, unless there is a key change in circumstances such as health needs or under occupation which is assessed, supported and approved by a Senior Housing Manager (Senior Manager decision)

If a joint tenancy is terminated by 1 tenant then the tenancy ends

An individual cannot hold 2 social tenancies

Applicants who are introductory/starter/demoted tenants unless there is a key change in circumstances which is assessed, supported and approved by a Senior Housing Manager

- **APPLICANT ACTIONS:**

Where the action(s) of the applicant or household members is deemed to be unacceptable:

- Applicants who have deliberately worsened their housing circumstances

¹ Social Care assessment required to confirm need for care and ILC with support.

with the intent of increasing their priority (housing need) on the register will not qualify for a minimum of 12 months from the date of the assessment outcome. This includes those who have disregarded advice on their Personalised Housing Plan (Homeless Reduction Act 2017) (Appendix 5)

- Applicants who provide false information or deliberately withhold information will not qualify for a minimum of 5 years from the date of the assessment outcome. (see 2.5) Applicants who refuse 2 suitable offers of accommodation will not qualify for a minimum of 12 months from the date of the 2nd refusal. Suitable offers include those made via autobid and direct offers. Suitability will generally consider property size, location and any declared medical needs.
- Applicants accepted as homeless (full duty) will only receive 1 offer
- Where there is an identified housing need and the applicant has not placed any bids in a 12 month period. The customer will be contacted and, if there is no valid reason for not bidding, will be removed from the register and cannot reapply for a further 12 months. Exceptional circumstances (eg when requiring an adapted property) will be taken into account before disqualification

2.3 Local Connection

Due to high demand for Social Housing in the York Local Authority area, City of York Council have agreed to restrict access to the register to those people who have a recognised connection to the area. To have a Local Connection, applicants will need to meet one of the following criteria:

- Currently living in the City of York Council Local Authority (CYC LA) Area and have been resident for a minimum of 6 out of last 12 months or 3 out of last 5 years (in line with homeless legislation)
- Has a close family member residing in the CYC Local Authority Area who has done so for the last 5 years. Close family member is categorised as mother, father, adult son, adult daughter, adult brother, adult sister with whom there is a close relationship
- Are employed in the CYC Local Authority Area and have been for 6 months. Employment is defined as meaningful, permanent full or part time employment but cannot be casual, seasonal or voluntary. Applicants who have a zero hours contract will need to prove regular paid hours of employment to be assessed as qualifying
- Existing tenants applying under the government criteria Right to Move who have reasonable preference under s166(3)(e) because of a need to move to the local authority area to avoid hardship or need to move because the tenant works in the local authority area or need to move to take up an offer of work (6 month employment criteria waived)
- Has an essential need to live close to another person to provide or receive care or support, where that person currently lives in the CYC LA area and has been resident for the last 5 years
- Care leavers placed in an out of area placement as defined in the Childrens Social Care Act 2017 or returning from University or other education or vocational institution and have not had settled accommodation for a substantial period unrelated to this – see Appendix 20.
- If there is evidence of rough sleeping in York for 6 months and engagement with

services and all housing options have been explored. It is envisaged that by working with individuals intensively there should be nobody sleeping rough on the streets for long periods of time

Residence in a hospital, prison, approved premises, mental health hospital, residential schools, and student accommodation, including shared accommodation sourced through student services, which is not their principal home and short term holiday lets does not gain residency qualification or a local connection.

2.4 Exceptions to Local Connection Criteria

Where applicants meet one of the following criteria they may be accepted as having a local connection:

- Households accepted by a senior manager under the National Witness Protection Scheme, fleeing domestic violence or hate crime
- Households accepted as homeless under Housing Act 1996 for whom a Local Authority has accepted a full duty to house where there is no referral to another Local Authority
- Members of the armed forces and reserve forces that meet the following criteria:
 - Members of the armed forces and former service personnel where the application is made within 5 years of discharge
 - bereaved spouses and civil partners of members of the armed forces leaving services family accommodation following the death of their spouse or partner
 - Serving or former members of the reserve forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Other exceptional cases as agreed by a Senior Manager

2.5 Giving False Information / Deliberately Withholding Information

Sections 171 and s214 Housing Act 1996 makes it a criminal offence for anyone applying for housing from a housing authority to:

- knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been re-housed as a result of providing false information or deliberately withholding information.

Applicants who are found to have made fraudulent claims or provided or withheld information will have their application cancelled and will not qualify to apply to join the register for a minimum period of 5 years.

2.6 Deliberate Worsening of Circumstances

Whilst the policy is intended to make sure that those with urgent housing needs are housed more quickly, it does not want to reward applicants who deliberately worsen

their housing circumstances in order to get into a higher band or higher priority; each case will be assessed individually.

Any applicant who deliberately worsens their circumstances will have their application cancelled and will not qualify to apply to join the register for a minimum of 12 months.

2.7 Joint Applications

Joint applications can be accepted. However where two or more people apply and only one applicant is eligible, a tenancy can only be granted to the eligible person. For Houses in Multiple Occupation (shared houses) individual applicants will be offered a sole tenancy of their room.

2.8 Multiple Applications

Multiple applications are not allowed, a person can not exist on two applications. They must decide which application they wish to be on and be removed from all others.

2.9 Existing Tenants and their Households

Existing City of York Council tenants and household members thereof over 18 (excluding those in temporary accommodation) can apply to move and will have their qualification and priority assessed in the same way as other applicants. The income and savings criteria do not apply for City of York Council tenants.

Where it becomes apparent that a tenant who is registered on the CYC register is no longer qualifying, their application will be closed and they will be advised in writing of why they no longer qualify.

Tenants who have been accepted onto the register may not be allowed to move if their current property is suitable and has been adapted to meet their needs, unless the person in the household who required the adaptations no longer requires the adaptations or the property they are moving to also includes all the adaptations they require or they have significant housing need.

Existing tenants are encouraged to use Home Swapper to facilitate a move of area. They will only be allowed to move through this scheme where there are no breaches of tenancy and the property meets their assessed housing need in terms of bedroom need in line with this policy and will be dependant on their tenancy allowing this.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears in excess of 8 weeks payable rent where this is not due to delayed benefit payments (universal credit housing elements or housing benefit) or are in breach of their temporary accommodation/licence/tenancy conditions where court action /eviction is imminent.

Some lettings of secure tenancies are exempt from the requirements of Part 6 of the Housing Act 1996 and this allocations policy will not apply to:

- Succession on death of a tenant into current property
- Assignment by way of exchange (a mutual exchange)
- Assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment into current property
- Transfers of tenancy under the provisions of matrimonial and related domestic

- legislation
- Extension of fixed term tenancies into current property

2.10 New applications following non qualification or ineligibility decision

Applicants who have previously been deemed not to be eligible and/or not to qualify to register may make a fresh application if they consider that they should now be treated as eligible or qualifying or the relevant time period has elapsed. It is the responsibility of the applicant to show that his or her circumstances have changed (s160A (11) Housing Act 1996) or that the relevant period of non qualification has elapsed.

2.11 How to Apply

Applicants, including transfer applicants, should contact the Housing Registrations Team to discuss applying for housing in York. This will enable staff at first point of contact to establish if the customer is likely to be eligible and qualify for social housing in York.

The purpose of the application process is to correctly identify if there is a housing need and establish whether the applicant has any need that may require additional support as well as help in applying for housing and in maintaining a tenancy should they be offered a property.

All current tenants will be advised to register online to facilitate a mutual exchange. Currently this is done via Homeswapper.co.uk. The CYC Mutual Exchange policy is a separate policy but uses similar criteria for determining property size.

All applicants will be assessed under eligibility and qualification criteria. Only if these criteria are met would the applicant then be registered, verified and a housing needs assessment take place.

2.12 Verifying Information

At the point of application **all applicants and all household members over the age of 18 and individual applicants aged 16 and 17** will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include(list not exhaustive):

- 2 copies of identification for the main applicant and joint applicant and any household member aged 18 or over, one of which must include confirmation of National Insurance Number and proof of address
- Persons from abroad will require proof of right to remain, work permits and documentation
- Proof of child benefit / residency of child and principle home of the child where appropriate
- Tenancy references
- References or supporting information from other organisations or service providers
- Home visits
- Police checks
- Credit checks
- Landlord references
- Medical condition confirmation

- Land registry checks
- Immigration checks
- Affordability assessment
- Photographic evidence of applicants

Additional information and documentation may be required dependant on circumstances. It is the responsibility of the applicant(s) to supply all relevant information and documentation as requested by City of York Council's Housing Teams.

Failure to supply any requested documentation will result in the application not being registered.

Further verification is likely to be required during the application/allocation process. Applicants will be required to provide up to date information within a very short timescale at point of a successful offer (48 hours). Should they not be able to provide the requested information/documentation in the requested timescales, they are likely to have the offer of a property withdrawn.

2.13 Confirming Registration

Where possible an application will be completed at interview. If all verification documents are not available, applicants will be given 48 hours to provide the information. Thereafter the application is cancelled.

Once the application has been fully assessed and has been made active, the applicant(s) will receive confirmation which will include:

- Registration Date (date the application and all documentation were received)
- Housing Need band that their application has been awarded
- Priority Band date (if this is different to registration date due to a change in initial banding)
- Confirmation of size (number of bedrooms) and types of properties they are eligible for
- Their username, unique reference number and password for the website (they will need this to check their application details and to place bids)

2.14 Change of Circumstances

Applicants must keep the Council informed of any change in circumstances that could affect their application.

Further verification will take place at point of offer of a property and if the applicant has not advised the Council of a change in circumstances then they may not be considered for the property.

2.15 Keeping the register up to date

It is the responsibility of applicants to update their application and notify the Housing Registrations Team of any changes. Failure to do so could result in an offer of a property being withdrawn if the application is not up to date. All applicants will be reminded every 12 months (from date of registration) to check their application and update information.

Applicants who have not placed a bid or placed inappropriate bids during the last 12 months will be removed from the register.

2.16 Right of Review and Complaints

Applicants have the right to request a review decision around any aspect of their application such as:

- Access to the register by either eligibility or qualification
- Banding
- Property allocation
- Cancelled application

A review will be undertaken by a Senior Housing Officer who has had no previous (direct) involvement with the application. An applicant should request a review, in writing, within 21 days from receipt of a decision letter. The Council will respond within 56 days.

Where an applicant is not happy with the way in which their application has been administered they can make a complaint through the City of York Councils Complaints Procedure.

Section 3. Assessing Housing Need

3.1 Housing Need

Once their application has been fully assessed, all applicants will be informed of what property type, size (bedroom need) and any restrictions to property type and floor level related to their circumstances that they are eligible for.

- Where children have a permanent/principal home elsewhere they will not be included on the application for a second home, this includes cases of shared care.
- Where adult children reside in residential care they will not be included on an application
- Where a carer is to be considered part of an application Adult Social Care or a recognised assessor of care needs must provide evidence of the need for overnight / 24 hour on site care
- Where applicants wish to have their housing needs assessed taking into account health and wellbeing issues, proof will be required from medical professionals working with them of the impact their current housing is having on their condition, without this health and wellbeing will not be able to be assessed
- Affordability assessments will be completed prior to a property being offered
- Future CYC Tenancy policies may require new tenants to be given a fixed term tenancy that will be subject to review and may not be extended dependant on circumstances
- Partner agencies tenancy policies will indicate tenancy type

Emergency Band

Emergency Band is intended to meet the needs of applicants in extreme circumstances. Those who are awarded Emergency Band could have their banding reviewed every 28 days and may be subject to autobid or a direct let if it was determined that the applicant had not been bidding on suitable properties. Applicants eligible for Emergency Band may include:

- Applicants unable to return to their home from hospital because their current home is permanently unsuitable (cannot be adapted to meet their needs or requires major adaptations to meet their needs which are not feasible)
- Applicants who are unable permanently to access key facilities in their home where major adaptations work can not be undertaken
- Offender initiative. Previous social housing tenants in the CYC area who meet specific criteria (Appendix 11)
- Care leavers at point of leaving care, foster home or supported housing with an agreed trustee and support package relevant to offer and are assessed as being ready for independent living.. NB. If a care leaver is homeless or in supported housing they will be banded accordingly (Appendix 20)

Gold Band

Those who are awarded Gold Band could have their banding reviewed after 56 days and may be subject to autobid or a direct let if it was determined they have not been bidding on suitable properties. Applicants eligible for Gold Band may include:

- Applicants who need to move on from approved accommodation who are eligible for and have completed a programme of resettlement²(Appendix 12)
- Applicants who are presently under-occupying a home owned by City of York Council and are assessed as requiring a property with at least 2 fewer bedrooms than their current accommodation
- Applicants who are overcrowded and require two or more bedrooms to relieve the overcrowding. Bedroom size will be taken into consideration (Appendix 8)
- Applicants occupying a CYC bedsit (defined as one living / kitchen / sleeping area) with a child over one year old or more than one child will be deemed overcrowded lacking 2 bedrooms (Appendix 8)
- Where current accommodation is assessed as having a serious impact on or seriously compromising an applicant's health and or wellbeing and a move of property would significantly improve the applicant's health. This is not directly related to a prognosis of illness but based on the impact current accommodation is having on an applicant's health.(Appendix 16)
- Applicants who have been assessed as having a need to move to prevent proven hardship. Hardship includes provision or receipt of care and or support, Right to Move scheme and severe financial hardship (Appendix 19)
- Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant and that cannot be resolved via reasonable building works or enforcement action and whose application is supported by the Housing

² A backdate of time is added to the date of continual engagement in the resettlement process. If someone disengages and then re-engages, the backdate would be to the date of re-engagement.

Standards and Adaptations Team

- Where, a valid succession right exists to a City of York Council property but the property does not meet the housing need. Legal action will be taken to recover possession if 2 suitable offers are refused (secure housing clause 15A on original property.)
- Applicants where a fixed term tenancy is at an end and they require alternative accommodation. Legal action will be taken to recover possession if 2 suitable offers are refused
- Applicants where the Local Authority has a duty to relieve homelessness under Homeless Reduction Act 2017 who are eligible and qualify for the register and where there is reason to believe priority need and unintentionally homeless (as defined in Housing Act 1996) (Appendix 5)

Silver Band

- Applicants presently under-occupying a home owned by either City of York Council who are assessed as requiring a property with at least 1 less bedroom than their current accommodation
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding. Bedroom size will be taken into consideration (Appendix 8)
- Applicants occupying CYC bedsits (defined as one living / kitchen / sleeping area) with a child under the age of one year old (Appendix 8)
- Where current accommodation is assessed as having a detrimental impact on or is compromising an applicant's health or wellbeing and a move to a different property would see some health improvements. This is not directly related to a prognosis of illness but is based on the impact current accommodation is having on the applicant's health.(Appendix 16)
- Single people / couples who share kitchen / bathroom facilities with separate households³ who will not be moving with them (e.g. shared house)
- Applicants from hospital / prison who are ready for independent living
- Applicants where the Local Authority has a duty to prevent homelessness under the Homeless Reduction Act 2017 who are eligible and qualify for the register (Appendix 5)

Bronze Band

- Applicants who have an assessed support / care need for accommodation in an Independent Living Community who would otherwise be adequately housed and who are eligible and qualify for the register
- Her Majesty's Forces with valid cessation notice but outside the remit of Homeless Reduction Act 2017
- Single people / couples who share kitchen / bathroom facilities with family members who will not be moving with them (e.g. live with parents)

No Band (direct let) –see 4.5

³ Separate households do not include family members.

Section 4. Choosing a Property

4.1 Advertising

Choice based lettings gives applicants the opportunity to express an interest in vacant properties. The information provided on adverts allows applicants to make an informed choice about where they would like to live.

Choice based letting works by advertising available properties each week and inviting bids or expression of interest from applicants on the housing register.

To allow applicants to make an informed choice, adverts will provide information on the property location, the type of property including the number and size of bedrooms, type of heating, if the bathroom has a bath or shower, entrance type, whether there is a garden, driveway and any policy on pets. Information will also be provided about weekly rent, service charges, rent in advance and tenancy type.

Some properties may have restrictions and these will be made clear in the advert. Some restrictions include:⁴

- Specially adapted or designed properties for those with a physical disability or mobility needs
- Legal conditions including s106 planning, where there is usually a legal requirement that a successful applicant must meet a specific connection. The connection may be defined in different ways and will be clearly stated
- Where the property has a minimum age criteria or specific assessed need such as bungalows, older persons accommodation or Independent Living Communities
- A specific connection to a parish, rural settlement or area.
- In rural areas, settlements of 3000 or less as listed in the Housing (enfranchise)(designated protected areas)(England) 2009, the first advert will be made to applicants with a connection to the parish. Where there are no successful applicants, the property will be made available to the wider register.
- A sensitive let where additional checks may be required on potential tenants to address or manage a specific local issue.
- A local letting initiative which allows landlords to allocate particular accommodation to people of a particular description, used to address a wide range of issues such as creating balanced and mixed communities, improving community stability and preventing problems on newly developed or recently developed estates

Where an applicant bids on a property but does not meet the advertised criteria their bid may be overlooked or skipped in favour of an applicant that meets the requirements.

⁴ This is not an exhaustive list

Properties may be advertised during the previous tenant's four week notice period and may be withdrawn from the scheme if the tenant decides not to move.

Not all properties will be advertised. Some will be subject to officer allocation (direct lets) where required to meet specific needs of an individual, resolve an exceptional circumstance or to ensure balanced communities.

4.2 Adapted properties for people with disabilities

Adapted properties are homes which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes may be subject to direct let where appropriate. When adapted properties are advertised, they will be advertised giving priority to those applicants with a need for the adaptations. This should ensure that those applicants who are assessed as needing this type of accommodation are given the widest possible choice whilst ensuring the best use of stock across the CYC area. If there are no suitable applicants requiring adapted properties the property will be re-advertised with no criteria.

If an applicant is offered an adapted property but did not require the adaptations, then neither the applicant nor the council will be allowed to remove any of the adaptations and if the property were required in the future for a household who needed the adaptations, the applicant would be required to move.

4.3 The Bidding Cycle

Available properties will be advertised Thursday through to Monday. Applicants can bid for up to 3 properties per week. The applicant's place on the bidding list can change throughout the cycle. Applicants placing bids must be available to arrange a viewing and potentially begin a tenancy within the following 1 to 2 weeks of the cycle closing.

4.4 Short-Listing and Selection

Applicants will only be considered for accommodation that has been assessed as meeting their housing needs. This includes number of bedrooms, property type, floor level, age restricted properties and bungalows.

Tie Breakers (short listing ranking):

- 1) Band
- 2) Property (property size and bedroom size, person size, floor level, adapted properties, Independent Living Community etc)
- 3) Debt (i.e. former or current rent arrears or other housing related debt) Where 2 applicants are in the same band, with same property need, the property will be offered to the applicant with no housing related debt. (see also Appendix 10 overlooking a successful bid)
- 4) Time (i.e. the length of time an application has been in the band on the register) Where 2 applicants are in the same band, with same property need, the property will be offered to the applicant who has been in the band the longest

At the end of an advertising cycle applicants will be placed in tie break order and the applicant with the highest assessed housing need, who meets the property size and

type, has no housing related debt and who has been registered / in their priority band for the longest period of time will be top of the short list and made an offer of property. Applicants cannot generally be considered from a lower band unless all tie breaks have been considered and there is no-one that meets the criteria. Exceptions to tie break order may occur if, for example, there are restrictions on who can be allocated a property due to conditions contained in a Section 106, a planning or legal condition, or a local lettings initiative or where the property has adaptations. Any such restrictions will be clearly noted in the property advert.

4.5 Direct Offers/Officer Allocation

In general applicants will bid for properties, however in some circumstances a property will not be advertised but will be offered directly to an applicant. Any direct offer request should be submitted by a senior manager on the appropriate form.

Direct offers (no band) will always be made to:

- Applicants who are assessed as being statutory homeless under part 7 of the 1996 Housing Act and are owed the full duty. These applicants will receive **one suitable offer only**. No area choice is allowed but consideration should be given to individual circumstances, including education, employment etc.
- Management transfers (Appendix 7)
- Need to move because of flood or fire to City of York Council's own properties, resulting in the tenant needing to be re-housed permanently
- City of York Council tenant whose home is subject to demolition or major refurbishment.
- Applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976
- Applicants under the National Witness Protection Scheme
- Applications from foster carers, those approved to adopt, or those persons being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority
- Housing First with agreed support package(Appendix 14)

Direct offers can be made by request of the applicant or as a result of inappropriate bidding or management decision in the following cases:

- Following review of emergency and gold band where the applicant has not made any bids or has made inappropriate bids
- MAPPA cases where deemed necessary by a senior manager to manage risk to the public and/or enable a move on from prison / high support unit if not appropriate for resettlement
- The offender initiative described in Appendix 11.
- Applicants who have fully completed a programme of re-settlement with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process
- Where, for City of York council tenancies a valid succession right exists but the property does not meet the housing need. Legal action will be taken to recover possession if 2 suitable offers are refused (secure housing clause 15A on

- original property or Assured ground 9). Direct let can be activated after 28 days
- Any other management case where the issue is of a specialist nature including assisting Social Services and housing management and / or an emergency

4.6 Overlooking a bid

In certain clearly defined circumstances the top bidder for a property may not receive an offer and their bid will be overlooked. There are clear monitoring and reporting requirements for this – see Appendix 10 for further details.

4.7 Viewing properties and receiving offers

When an applicant has been short listed they will be contacted to arrange a viewing of the property. There may be occasions when more than the one applicant(s) on the short list is invited to view and this will be made clear to applicants when the viewing is arranged.

Where an applicant is top of a short list for more than one property they will be asked to choose which property they would like to view. Applicants cannot view more than one property in any given bidding cycle.

At this point verification of current circumstances will be undertaken and applicants will be required to provide up to date documentation within 48 hours of it being requested. If applicants cannot provide the required documentation they will be overlooked for the offer.

Applicants will be allowed 48 hours from the viewing in which to decide if they wish to accept the offer of a property or not.

Where an applicant has refused a reasonable offer this will be logged. If an applicant has refused 2 reasonable offers, their application will be closed and they will not qualify for the register for a period of 12 months. Should they still be interested in social housing they will need to reapply after 12 months has elapsed and their application will be assessed on their current circumstances.

CYC and participating landlords offer a variety of tenancies including introductory, starter and fixed term.

CYC and participating landlords have differing requirements regarding rent in advance payments and pets policy.

Section 5. Feedback, Monitoring and Development of the Scheme

5.1 Monitoring

City of York Council will monitor the scheme on an ongoing basis to ensure that:

- The scheme is meeting its objectives
- The Policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing

- The scheme is providing equality of opportunity
- Applicants are satisfied with the scheme

5.2 Publishing Feedback on lettings

Applicants can / will only be contacted if they are invited to view a property.

Lettings results will be published on the website and in the property booklet and will include the following information as a minimum:

- Property reference
- number of bids
- banding allocated to or direct let

Appendix 1: Names and Addresses

City of York Council housing register is managed by:

City of York Council

West Offices
Station Rise
YORK
YO1 6GA
Phone: 01904 551550

E mail: housing.registrations@york.gov.uk

Associated Landlords that advertise properties via City of York Council Choice Based Lettings system include:

Accent Foundation
Broadacres Housing Association
Home Group
Joseph Rowntree Housing Trust
Thirteen Group
Railway Housing Association
York Housing Association
Yorkshire Housing

Appendix 2: Advice and Information

If you are homeless or at risk of homelessness please contact the Housing Options Team, which provides advice about housing issues and homelessness. The Housing Act 1996 has been amended and now includes new duties under the Homeless Reduction Act 2017.

Attend one of our drop-in sessions from 8:30am to 5:00pm, Monday to Friday, in West Offices. Please note you must arrive before 3:30pm to be seen on the day.

City of York Council

West Offices
Station Rise
YORK
YO1 6GA
Phone: 01904 551550

E mail: housing.options@york.gov.uk

https://www.york.gov.uk/info/20094/homelessness/868/housing_options_-_help_and_advice

If you're fleeing domestic violence or domestic abuse, contact:

- IDAS in York on tel: 01904 646630
- Free 24-hour local helpline on tel: 03000 110 110
- Free 24-hour national helpline on tel: 0808 2000 247

If you are experiencing active domestic violence, call the police on tel: 999

If you are interested in shared ownership or discount for sale please speak to the Housing Registration team:

City of York Council

West Offices
Station Rise
YORK
YO1 6GA
Phone: 01904 551550

E mail: housing.registrations@york.gov.uk

https://www.york.gov.uk/info/20012/housing/1819/affordable_home_ownership

Appendix 3: Non Qualifying Criteria (serious unacceptable behaviour)

1. Introduction

- 1.1 The policy recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants in housing need, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

2. Statutory and regulatory guidance

- 2.1 The Code of Guidance (Allocation of Accommodation June 2012) and Localism Act 2011 explain that Local Authorities may wish to adopt criteria which would not qualify individuals who otherwise satisfy the reasonable preference criteria e.g. antisocial behaviour..' In summary, an applicant or member of the household will not qualify for the register if the applicant or a member of his/her household has been guilty of unacceptable behaviour that is such that had they been a secure tenant of the Council they would have possession under absolute of discretionary grounds within Schedule 2 and 2A of the Housing Act 1985).

3. Assessing qualification

- 3.1 CYC recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. CYC recognises there is excessive demand on social housing and as such has identified certain categories of applicants that will not qualify for the CYC Register. Applicants will not automatically be non qualifying if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues which prevent applicants from joining the Register.

For the purpose of this document, not qualifying means that an applicant has been denied access to the Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour or personal / housing circumstances.

- 3.2 CYC will consider an application to join the register where a history of unacceptable behaviour is proved if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if / when the applicant is housed.
- 3.3 CYC will ensure that the process for assessing qualification is both fair and effective in the management of the housing stock. In reaching a decision on whether or not an applicant does not qualify on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.

- 3.4 Where an applicant's behaviour is not serious enough for them not to qualify for the register, it will still be considered in deciding the level of priority received within the priority band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not have housing related debt.
- 3.5 This policy applies to existing tenants applying to transfer and new applicants applying to join the register.

4. Examples of serious unacceptable behaviour

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the register include domestic violence, racial harassment, drug offences, serious noise nuisance, intimidation and any other acts of unacceptable behaviour. Unacceptable behaviour also includes serious breaches in tenancy conditions which would make the applicant unsuitable to be a tenant, for example serious rent arrears, acts of antisocial behaviour that have or are likely to cause serious nuisance to neighbours and / or the use of a property for illegal or immoral purposes.
- 4.2 Applicants who have relevant unspent convictions for serious criminal offences which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their qualification to join the register. CYC will work collaboratively with the police, probation, prison service or any other relevant support agency in an effort to resolve an applicant's non-qualification and improve their chances of being integrated back into the community through a planned and managed approach.

Where there has been a criminal conviction, disqualification ends when the conviction is spent.

- 4.3 Where an applicant (or a member of the household) has a history of antisocial behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made (as per section 2) regarding their qualification to join the register. Where antisocial behaviour has been committed by a person who was, but is no longer, a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. CYC will collaborate with other agencies, such as social services and health services, to try to resolve an applicant's non-qualification.
- 4.4 Applicants who owe current rent whether to a social housing provider or a private landlord that is in excess of 8 weeks payable rent where this is not due to delayed benefit payments (universal credit housing elements or housing benefit)

5. Grounds for lifting non qualifying status

- 5.1 The basic principle for lifting the non qualifying status will be evidenced material change in the applicant's circumstances. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme
- The relevant conviction has become spent
- Addressing arrears and debts. An affordability assessment may be required.
- The relevant disqualification period has expired

5.2 A fresh application will need to be made by the applicant where they have previously been disqualified and feel that their behaviour should no longer be held against them as a result of changed circumstances.

6. Notifying the applicant of the decision and the right to review

6.1 All applicants will be notified if they are not eligible or do not qualify, the reasons why, the period of exclusion and their right to request a review of the decision (Appendix 4). Applicants will also be notified of what actions they can take to remedy their ineligibility or non-qualification and a signposting / referral service to other support or independent advice agencies will be offered, if applicable.

Appendix 4: Right of Review

City of York Council (CYC) operates a single stage review process.

All applicants have the right of review in respect of a **decision made regarding their housing application, including:**

- Access to the register by either eligibility or qualification
- Banding
- Property allocation
- Cancelled application

Review Process

The review will be carried out by a senior officer within CYC, who will have not have had direct involvement in the original decision.

The request for a review should be submitted to the Housing Registrations Manager within 21 days of the date of the original decision letter. The reviewing officer will advise the applicant, in writing, of the review decision within 56 days.

For clarification:

A **complaint** is when you feel that you have not received an acceptable service e.g. where phone calls have not been returned. If you believe this has occurred and you want to take further action you should contact CYC complaints and compliments team 'Have Your Say'.

Appendix 5: At Risk of Homelessness

All applications are subject to eligibility and qualification criteria. Applicants who have negligently or deliberately placed themselves at risk of losing their home will be subject to the provisions in this policy for deliberate worsening of circumstances (2.21).

The following are examples of when an applicant is at risk of homelessness

- They live in tied accommodation linked to their employment and that employment is coming to an end
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options Service. The Officer must be satisfied that the landlord intends to implement the notice
- They have been served with a valid section 21 notice
- One party to a joint secure, introductory, assured or assured shorthold tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order
- The applicant's home is due to be demolished
- The applicant has lost their home due to their landlord having the property re-possessed
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976
- The applicant has been asked to leave by family or friends with whom they live

If the Housing Options Worker is satisfied or has reason to believe a person is homeless, there is a duty on Local Authorities to prevent homelessness or help relieve homelessness. Each applicant will have a housing assessment and personal housing plan and be expected to work towards remaining in or finding alternative accommodation.

All prevention / relief and homeless cases should be managed to case work level in accordance with Homeless Reduction Act 2017 and Ministry of Housing, Communities and Local Government (MHCLG) criteria (HClic)..

Homeless Prevention: During the **56 day** 'prevention duty' under the Homeless Reduction Act 2017 the main focus is to prevent homelessness by assisting someone to remain in their current home or move to alternative accommodation in a planned way. If an applicant who is

at risk of homelessness is eligible, qualifies and has a local connection, the applicant will be banded according to current housing need or placed in **silver band** as a homeless prevention category. The personal housing plan and bidding history will be frequently reviewed to ensure the applicant is bidding for all suitable properties. If the applicant has not been bidding or following the agreed personal housing plan then additional measures could be used including **the automated bidding system or the discharge of duty due to non co-operation**.

Relief of Homelessness: During the **56 day** 'relief duty' under Homeless Reduction Act 2017 when an applicant who is at risk of homelessness is eligible, qualifies and has a local connection, is believed to be in priority need and unintentionally homeless they will be banded according to current housing need or placed in **gold band** as a homeless relief category. The personal housing plan and bidding history will be frequently reviewed to ensure the applicant is bidding for all suitable properties. If the applicant has not been bidding or following the agreed personal housing plan then additional measures could be used including **the automated bidding system or the discharge of duty due to non co-operation**.

For those who are actually homeless, eligible and believed to be in priority need there is a duty to accommodate in temporary accommodation.

Appendix 6: Homeless Applicants

The Homeless Reduction Act 2017 requires Local Authorities to help people remain in their own home or to find alternative accommodation (56 day prevention duty and 56 day relief duty). When this is not possible and the duty ends, there is a requirement to make a decision under the Housing Act 1996 Part 7.

If the decision under Housing Act 1996 is that an applicant is eligible, homeless, in priority need, unintentionally homeless and has a local connection they will be deemed to be statutorily homeless. This means that they will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. **Applicants who are statutorily homeless will be offered 1 direct let.** Any direct let request must follow the agreed procedure so that these allocations can be audited.

Appendix 7: Management Transfer (emergency move)

A management transfer can be agreed for persons in imminent danger and is subject to the discretion of the designated or senior manager within CYC.

A management transfer will be considered for a tenant of CYC if there is evidence to show that they are experiencing harassment of a serious, targeted and persistent nature (as defined in the table below) which the tenant could not reasonably have prevented or avoided through their own actions and where there are no other appropriate ways of resolving the problem without resulting in a serious risk of harm.

serious	<ul style="list-style-type: none">• violence used or• threats of violence which is evidenced and likely to be enacted or• extensive property damage, making the property uninhabitable or• harassment based on race, sexuality or disability or• significant, serious, intimidating harassment which cannot be resolved through landlord management
and targeted	<ul style="list-style-type: none">• specifically aimed at the individual or household or• related exclusively to the property or• not experienced by others in the immediate neighbourhood
and persistent	<ul style="list-style-type: none">• a series of repeated and recent incidents over a defined period of time and / or a likelihood of repetition assessed by police / other agency

The aim of a management transfer will be to move the household to a place of safety. If the request is accepted, the applicant will be made one direct offer. Any direct let request should be submitted by a senior manager on the appropriate form.

The offer will usually be for a “**like for like**” property. Any further housing needs (usually overcrowding) will be addressed through the allocation policy and prioritisation in accordance with 3.2. If the tenant is already registered for a transfer on the basis of other housing needs they will retain their existing registration/priority band date.

Appendix 8: Defining Overcrowding and Housing at Height

The following assumptions are made on overcrowding⁵:

The bedroom standard allocates a separate bedroom to each:

- Married or cohabiting couple
- Adult aged 16 years or more
- Pair of children 0 - 16 years of the same sex
- Pair of children aged under 10 years regardless of sex

A room intended as a bedroom but used for another purpose will still be classified as a bedroom.

Discretion can be exercised by staff to adjust the number of bedrooms required if:

- The bedrooms in the property are particularly large or small and account will be taken of room sizes using the statutory overcrowding guidance
- A child requires their own bedroom due to disability
- An applicant needs a bedroom for a carer or to facilitate specialist medical treatment
- An applicant needs a bedroom for a fostered/adopted child

In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.

In cases where any child has a home elsewhere but chooses to live with another adult (e.g. sibling) this will be discounted when considering overcrowding.

If an applicant with children wishes to apply for or is offered a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice or offer.

An unborn child is not considered part of the family until born in respect of bedroom need.

Further guidance on overcrowding can be found under the Housing Act 1985 (part 10) section 325 and 326.

⁵ Overcrowding: As directed by the Allocation of Accommodation: guidance for housing authorities in England

Some flats and bungalows are classed as Independent Living Communities. This type of accommodation is generally intended for people who are aged 60 or over and/or need support to help them maintain their independence.

Exceptions are made to allocate bungalows and Independent Living Communities to people under 60 where there are evidenced mobility issues / health needs. Applicants will be assessed as to whether they need this type of accommodation.

Where landlords have different housing stock profiles, they may individually determine size criteria which will be shown on the advert. Generally, this means that applicants will match the size criteria but in certain areas or for certain properties they will be allowed to bid for a larger property. A financial assessment may also be required to confirm affordability. Some 3 bedroom houses will only have 1 double and 2 single bedrooms and would need to be advertised accordingly.

*Joint tenancies between two adults not recognised as a couple, for example a brother and sister, would be eligible for a 2 bedroom property.

**Where a couple are 60+ who require separate bedrooms for health reasons (medical evidence required). Where a couple 60+ are only entitled to a 1 bedroom property but would like a 2 bedroom property they may be considered if they meet the affordability assessment and there are no applicants who meet the property size criteria.

*** Joint tenancy between 3 individuals not in a relationship would be eligible for a 3 bedroom property.

Consideration needs to be given to the issue of bedroom size when advertising a property (eg. a 3 bedroom property with 1 double room and 2 single rooms must be advertised as 3 bedroom, 4 people) and allocated appropriately.

Appendix 10: Overlooking a Successful Bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder. Allocations staff will be provided with procedural guidance on this.

1. The **mandatory grounds** for overlooking a bid are:

1.1 Debt

Housing related debt includes debts to other social landlords, temporary accommodation, hostel or supported housing (excluding council tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

A successful bid **must be overlooked** if the applicant has housing related debt. An exception to this can only be made if:

- the applicant has a repayment agreement in place and that agreement has been maintained successfully for thirteen weeks prior to the successful bid being made
- and**
- the repayment agreement is current

Where debt is owed to a private landlord the applicant must evidence a willingness to repay.

In all cases a financial assessment may be required to confirm affordability.

1.2 MAPPA

Such applicants can be overlooked if the property is not suitable on the advice of North Yorkshire Police Public Protection Unit or National Probation Services or Community Rehabilitation Company (CRC) and should then be dealt with by a direct offer as per 4.5. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff can overlook the offer.

1.3 Health and safety or illegality

A successful bid that creates a risk to life, poses a serious health and safety risk, or creates a situation that is illegal, such as statutory overcrowding, will be overlooked.

1.4 Charitable Status

Some housing associations have charitable status which place restrictions on who can be housed. A successful bid will be overlooked if the applicant does not meet the charitable criteria of the housing association.

1.5 Support

Where there is no relevant support package in place if required.

1.6 Restrictions

Where there are restrictions in place as outlined in the policy. For example, where a band has been awarded to prevent hardship for employment and the property is not close to the place of employment.

1.7 Application

Where the applicant is found to be no longer eligible or qualifying or circumstances have changed within the household that changes banding / property need or where the applicant did not provide the information as requested to confirm verification.

2. The **discretionary grounds** for overlooking a bid will include:

2.1 Existing tenants of social landlords and supported housing

Existing tenants will normally be overlooked if they are in breach of their tenancy conditions (this would generally include owing payable rent of up to 8 weeks or any other debts to their landlord) or their property has been specifically adapted. If the tenant has arrears over 8 weeks, they would not qualify for the register, unless due to a benefit arrear.

For example, an exception could be made to rent arrears if the tenant is under-occupying the property and is affected by a reduction in Housing Benefit because of their under-occupation and the landlord considers a move to a smaller property to be the best option.

Also those in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears and / or service charges. Contact with the relevant manager should be made where arrears are low level.

2.2 Disability

Where a household with disabilities are potentially being let a property which can not reasonably be adapted for them, a bid may be overlooked. It may not be reasonable to adapt properties where a major structural alteration is required such as:

- an extension
- a through floor lift
- door widening

The need for minor adaptations such as stair lifts, adjustments to baths or showers, grab rails etc should generally not exclude the successful applicant from receiving the offer; however staff will exercise their discretion if funding is not available for these adaptations.

2.3 Adapted properties

Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for one further cycle in this instance.

2.4 Terms of the advert

Where the successful bid does not comply with the terms of the advert, including pet policy

Instances when a successful bidder has been overlooked must be recorded. If there is no bidder that meets the terms of the advert, the property can be re-advertised.

2.5 Affordability

Where, following an assessment, it is determined that the applicant will not be able to afford to sustain the tenancy.

2.6 Adopters/foster carers

If not a suitable location for social services.

In exceptional circumstances a senior manager can override both mandatory and discretionary grounds to allocate a property / re-house an applicant.

Final draft

Appendix 11: The Offender Initiative

- A tenant of one CYC who is sent to prison for longer than 13 consecutive weeks can apply and bid on properties 4 weeks before release from prison. or can receive a direct offer' on release from prison, provided they meet the criteria below. That the tenancy was given up promptly on their imprisonment
- There were no rent arrears or damage to the property
- There was no anti-social behavior related to the conduct of their tenancy
- That the individual satisfies the acceptable behavior test on their release

Any direct let request should be submitted by a senior manager on the appropriate form.

Appendix 12: Resettlement

Definition

Only customers who are assessed as needing resettlement services will be referred for 'permanent beds in supported housing projects'. The ongoing assessment and support process will identify the long term housing options, including private rented sector or social housing via resettlement category. All other applicants will be offered advice and support in accordance with the Homeless Reduction Act 2017 and helped to access alternative accommodation.

The resettlement criteria are defined as: *Where the applicants have completed an intensive or approved resettlement programme (as determined by the nominated officer). This will usually be for 12 months, but will in any case be for a minimum of 6 months.*

Resettlement Projects in York are identified in the staff guidance notes and may on occasions change due to decommissioning / change of contracts.

. Applicants resident in supported accommodation who can evidence a **completed** programme of accommodation based supported housing and training attract a Gold Band status under this scheme, as noted above, providing they meet the eligibility and qualification criteria set out in this policy.

The minimum standard required before a programme of resettlement can be considered complete will include evidence of support around the following areas:

- Health and related issues
- Money Management
- Engagement, training and social inclusion
- Practical Skills,
- Personal Skills
- Tenancies Work
- Making Safe

Ongoing Support

There is an expectation that the applicant will require ongoing support. In particular, when they first move into independent accommodation they should be referred to the appropriate organisation and this should be noted in the request for resettlement criteria.

Joint Applications

In the case of joint applications, both applicants will need to meet the resettlement criteria.

A list of participating projects is available from Housing Options. These may change over time due to contractual / procurement changes.

Appendix 13: Young People's Support and Trustees

Minimum Required Standard for Support Packages and Trusteeships (Young People 16 and 17 years old)

The housing support package must be assessed by a housing professional or Pathway team. In general this will be based on information gathered from supported housing / foster placement / Staying Put scheme. A housing support package is required as a condition of access to the register, with the applicant attending regular support sessions prior to commencement of the tenancy. The support package must be provided until the applicant's 18th birthday or for a minimum 6 months, whichever is longer. Support can be continued after this if necessary. Support must be available in the Local Authority area in which they live or where they are moving to.

Relevant Trustees

Minors, including 16 and 17-year-olds, cannot legally be bound by contracts or hold a legal estate in land. The exception to this rule is that minors can be bound by a "contract for necessities" and so can be legally bound to pay rent. Therefore, a minor can hold an *equitable* tenancy providing a trustee is appointed to hold the legal estate. The Trustee is merely holding a legal estate on trust until the minor reaches 18 and is legally permitted to hold an estate in land.

All new applicants under 18 can only be offered an Equitable Tenancy provisional on a suitable Trustee and support package.

Trustees do not have a financial responsibility. CYC has discretion to which organisations and individuals it deems able to exercise this function, provided the Trustee is:

- A responsible adult **or**
- An organisation, where that organisation has as part of its remit the provision of support to young people, providing the organisation is not also the landlord of the property concerned **or**
- A named individual within an organisation, where that organisation has as part of its remit the provision of support to young people, providing the organisation is not also the landlord of the property concerned

Wherever possible a Trustee who is a responsible adult should:

- Be a friend or relative
- Have a stable 5 year housing history
- Have no debts to LA (Council Tax or rent) / Housing Association
- Be able to attend the tenancy sign up

An individual accepted as a Trustee must attend the sign-up stage of a tenancy, along with the landlord, support worker and the Tenant. Where an organisation is accepted as a Trustee, a representative of that organisation should attend the sign-up stage of the tenancy wherever possible, along with the landlord, support worker and the Tenant. If the Trustee is

unable to sign, they should complete the necessary paper work immediately following the sign up.

There is no obligation on the Trustee to attend any future events relating to the tenancy.

The Trustee and Tenant would be jointly served with any court proceedings and paperwork and invited to attend court, but the Trustee is not required to appear at court.

The trust would automatically end on a young person's 18th birthday, when the young person would sign for an appropriate tenancy, in accordance with the landlord's policy.

In case of joint Equitable Tenants where both are under 18, an individual Trustee is required for each equitable tenant until each tenant becomes 18.

Final draft

Appendix 14: Housing First

Housing First is for applicants with complex needs who are eligible and qualify to register but who are unable to be re-housed via the traditional resettlement route. The charity Shelter defines Housing First as a programme which only demands that service users pay rent, abide by the tenancy conditions, and agree to a visit by a support worker (usually) once a week. Comprehensive support services are offered and brought to the service user. Typically, the support services will involve multi-disciplinary specialism's including: physical and mental health workers, drug and alcohol treatment workers, employment support workers and peer workers. These are either employed within the Housing First agency, or brokered from community-based services. Access to the support can also go beyond that normally associated with traditional floating support schemes, and may be available 24 hours a day, seven days a week.

Housing First in York is only available to customers engaging with intensive, multi disciplinary support (eg Making Every Adult Matter – MEAM customer group or Mental Health Housing First programme)

Housing First customers will be offered a direct let. Any direct let request should be submitted by a senior manager on the appropriate form.

[http://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/housing_first - a good practice briefing](http://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/housing_first_-_a_good_practice_briefing)

Appendix 15: Armed Forces

Armed Forces is Defined As:

- a) Serving in the regular armed forces⁶ or who has served in the regular armed forces including those existing members of the regular armed forces who are suffering from a serious injury, illness or disability as a result of their service who may need to move out of their existing accommodation to suitably adapted social housing before they complete their service or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- b) Serving or has served in the reserve forces⁷ and suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- c) Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(2).”

The definitions a) and b) above extend to applications from former service personnel, where the application is made within 5 years following discharge.

It is recognised that bereaved spouses and civil partners (as in c above) of service personnel who are required to leave service families accommodation following the death of their spouse or partners are likely to experience similar issues to service families on discharge from the forces. The Regulations are intended therefore to protect bereaved spouses and civil partners **from the time they are required to leave service families accommodation until they are able to obtain alternative settled accommodation.**

⁶ “the regular forces” means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force

⁷ “the reserve forces” means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force,

Statutory Instrument 2012 No. 2989 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012

Made

November 29 2012

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 166A(7) of the Housing Act 1996(1).

In accordance with section 172(2)(2) of the Housing Act 1996 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 and come into force on the day after the day on which they are made.

Amendment of section 166A(3) of the Housing Act 1996

2. Section 166A(3)(3) of the Housing Act 1996 (Allocation in accordance with allocation scheme: England) is amended as follows—

(a) in the sentence following the end of paragraph (e) (beginning with “The scheme may also be framed”) for “people within this subsection” substitute “people within one or more of paragraphs (a) to (e)”;

(b) at the end of that sentence, insert—

“The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who – (i) 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,

(ii) formerly served in the regular forces,

(iii) 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

(iv) 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.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(4).”.

Appendix 16: Health & Wellbeing

Health and Wellbeing awards are to assist those with health issues to move to a property that more appropriately caters for their needs. Any Health and Wellbeing award **must** secure a health gain.

The following simple rules apply when a CBL officer assesses if an application should be given a Health and Wellbeing award:

- No priority can be awarded if moving home will not secure a health gain. If a customer has a terminal illness and their accommodation suits their health needs they will receive no health award
- The Emergency Band is for a narrow range of extremely severe health needs where the applicant's housing is an issue for them
- There will be no award of Gold Band unless the applicant's condition is severe and enduring (permanent) and the condition must be compromised by the home or its environment. A move must improve their health and wellbeing
- Applicants who are already housed in an adapted property will not normally be banded on Health and Wellbeing grounds unless it is impractical to further adapt the property to meet their needs
- Applicants who are given a health award based on needing an adapted property can bid on un-adapted properties without loss of priority provided that
 - The property can be reasonably adapted for them
 - The funds are available for those adaptations
 - There is little or no prospect of the applicant's current home being adapted for them**and** moving home would constitute a health gain.
- Applicants with disabilities are only restricted in the properties they can be considered for where the property in question cannot be reasonably adapted for them. A successful bid on a property that cannot be reasonably adapted or will not attain a health gain can be skipped in favour of the next applicant on the short list.

A minor adaptation will usually be seen as a preferable alternative to rehousing. A health and wellbeing award will not normally be given if the issues of the applicant can be successfully addressed in their current accommodation by minor adaptation. A minor adaptation could be successful installation of a stair lift, grab rails to external doors and bathing areas etc.

There are three categorisations of Health or Wellbeing need (plus support needs)

Priority Band	Circumstances/Definition	Comments
<p>Emergency</p>	<p>1. Applicant unable to return to their home from hospital because their current home is permanently un-suitable. This must be a long term issue.</p> <p>2. Applicant unable to access key facilities in their home without major adaptation works.</p>	<p>We expect this to be confirmed in writing by a Social Services Authorised Senior officer. If they provide this, the customer is fast tracked to the emergency band.</p> <p>A joint assessment by the local authority and Registered Social Landlord. We expect that the possibility of informal aids and adaptation will be considered in terms of 'creating' a bedroom and a bathroom where required.</p> <p>Questions that will be considered are:</p> <ul style="list-style-type: none"> • Is the nature of the condition short term only? • Is there a downstairs toilet and downstairs bedroom or space adaptable as a bedroom? • Can reasonable external access to the property be made? • Is it likely that the applicant's home can be made suitable with a minor adaptation? If so, how to signpost applicant to help? • What can be achieved in terms of adaptation or provision of additional services to the home and what these might cost?

Band	which will be removed or improved by a move as assessed by the relevant trained Officer.	gain?" is the key consideration. Questions that will be considered are: <ul style="list-style-type: none"> • Can the applicant secure an improvement to their health or well being through re-housing? • If so, what form of housing (and where) will secure such an improvement? • Could the health issue be eased or relieved by minor adaptation?
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Accommodation Panels

CYC may at times have specific partnership / working arrangements with cross agency bodies who typically consider the needs of groups with special needs such as:

- People with mental health needs
- People with learning disabilities
- People with physical disabilities
- People eligible for Independent Living Schemes (including with Extra Care)

These arrangements may involve the agency or panel nominating an applicant to the register. It may be that applicants such as these have a high health or well being need. The nominating body will have to provide substantial evidence outlining the level of need within the terms of the lettings policy.

The receiving landlord will have, on a case by case basis, the opportunity to initiate dialogue with the panel and be privy to all documentation surrounding the case if appropriate and necessary.

Appendix 17: Sensitive Lets

It is necessary on occasions for housing managers to allocate a property outside of the CYC policy to facilitate the management and community cohesion of a specific property / area.

Sensitive lets relate to a property where for example:

- The previous tenant has caused significant neighbour nuisance for a variety of reasons and where it has taken considerable time to resolve the problems
- Where there has been significant drug related nuisance
- Where there has been significant noise nuisance within a block of flats or the immediate neighbourhood

Targeted allocation of a property could reduce such issues by ensuring the next tenant will be unlikely to cause a similar nuisance.

Where a senior officer (as part of the specific procedure for sensitive lets) agrees that an individual property should be let outside the normal allocations policy, the property will be advertised as a Sensitive Let and the advertisement will clearly state that applicants will be subject to further checks.

Appendix 18: Senior Management Decisions

Any decisions using management discretion should be recorded on a standard pro-forma and retained in line with retention policy.

Senior management decisions include direct offers, sensitive lets, mandatory and discretionary reasons for overlooking a bid. If a direct let is requested it should be submitted by a senior manager on the appropriate form.

Final draft

Appendix 19: Hardship Grounds

People who need to Move on Hardship Grounds

If an applicant indicates they need to move to a particular location within York to take up an offer of employment, education or training, or to be near family or friends to give or receive support, the officer will ask the applicant to provide written confirmation of their housing need.

Applicants in this category will only be given a priority if it is unreasonable to expect them to commute from their existing home e.g. there is no reliable bus route or train service and they are experiencing unreasonable financial hardship travelling to work. Right to Move is deemed a hardship ground.

Evidence of employment, education or training opportunity is required along with financial information demonstrating hardship.

Applicants who need to move to another location to give or receive support must provide written confirmation of the address of family members they need to live close to and their needs via another professional organisations e.g. health professional, social services. A health & wellbeing assessment may be required to determine the type of property that would best suit the applicant's needs. If the assessment concludes that priority should be awarded, then appropriate banding will be awarded under this Allocations Policy.

Examples of circumstances that may result in the award of Gold Band are:

- The applicant has an identified need for Independent Living Community accommodation and there is no such provision in the area in which they live. The applicant would require residential care or a higher level of care package unless they are re-housed.
- The applicant needs to receive essential daily care from a relative and without re-housing they would require residential care or a higher level of care package
- The household includes a person who needs to access specialist medical treatment on a permanent or indefinite basis and they are unable to do so, or it is unreasonable to expect them to do so, from the area in which they currently live.
- The household includes a person who is unemployed and they have been offered permanent employment in an area to where they are unable to reasonably travel
- The household provides essential daily care to someone in another part of the region and they cannot deliver that care effectively from their current location and without this, residential care or a higher level of care package would be required
- The household includes a member with a disability or learning difficulty who needs to access specialist education or training facilities and cannot do so from their present home
- Right to Move

Applicants would be restricted to applying for accommodation within the specific York Local Authority Area where the employment / training / family member is located.

Appendix 20: Care leavers

For those leaving care in a planned way emergency banding is awarded. This is higher priority than gold band and the care leaver would get to bid on available properties.

As it reflects an 'urgent status' for the applicant the banding status would be reviewed after 28 days. If no bids had been made the emergency status would be removed unless there was a valid reason not to do so e.g. the young person had not been in a position to bid or there were no suitable properties available within the 28 day period.

The same criteria for joining the register applies as with all other applicants.

The same tie breaks within band would be applied e.g. for rent arrears and are moving in a planned way etc as well as

Where a direct let is refused or emergency banding status withdrawn the care leaver's application will be placed in gold band and the start date of the application backdated to the 16th birthday.

For those care leavers deemed as statutory homeless or accessing the resettlement process gold band will be awarded and they would follow this pathway through to settled housing. The start date of the application for these applicants will be the same as the date of their 16th birthday.

In all cases where applicants present as a care leaver, if the young person has had long term stable accommodation / lived independently / worked etc e.g. held a sole / joint tenancy for 12 months or more for example they should be dealt with as a standard applicant.

This does not include accommodation while at University or similar educational or vocational establishment. A care leaver returning from such an establishment will be placed in emergency band as above.