



# ROTHER DISTRICT COUNCIL HOUSING ALLOCATIONS POLICY

Version 1.2

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# 1.Introduction

This is Rother District Council's Allocations Policy which explains the rules and procedure by which 'Qualifying Persons' are able to join the housing register and how social housing is allocated.

The Council transferred its housing stock in 1996 via a large-scale voluntary transfer (LSVT) and retained nomination rights with a number of Housing Associations in the district. Social housing makes up roughly 9.7% of the total housing stock in the district which compares to 17.4% nationally.

Due to demand significantly outweighing supply, the Council must ensure that properties are allocated to those most in need and this policy will ensure that allocation is carried out in a transparent and equitable way.

The largest housing association in the district is Southern Housing with whom the Council has 100% nomination rights to new build housing stock and 75% to re-lets. The list of other Housing Associations in the area can be found in **Appendix A**.

The Council is part of the East Sussex wide Choice Based Lettings Scheme called Homemove. Properties which are made available via Homemove will be advertised and eligible applicants will be able to bid for properties they wish to be considered for. This policy details the process by which these and other types of properties are allocated.

# 2.Policy Aims

In the Rother District the demand for affordable housing outweighs supply. This policy provides a framework by which these properties can be allocated, with the following aims:

- Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities
- Maximise the use of social housing stock in the district
- Assist Rother District Council and its partners in meeting statutory duties, particularly in relation to ensuring reasonable preference to priority groups
- Reduce temporary accommodation use
- Prevent people becoming statutorily homeless
- Allocate social housing fairly in an open and transparent way
- Minimise property void periods
- Promote social inclusion
- Promote and achieve equality of opportunity

Due to the shortage of social housing in the district the Council will work with households to explore all suitable housing options where appropriate, including private rented accommodation.

### 3. Equalities

The Council will ensure its policies and practices are non-discriminatory and will promote equality by preventing and eliminating discrimination on the grounds of race, disability, gender, age, sexual orientation, religion, pregnancy, or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The Council's aim is to create an environment where equality is at the heart of everything we do.

The impact of this policy on the diverse range of groups within our community will be monitored to ensure it promotes equality. In order to achieve this, all applicants will be asked to provide details of their circumstances and any personal information when they apply to join the Housing Register.

To ensure that vulnerable groups are not disadvantaged in applying to the Housing Register, the Council will offer assistance to complete the online form if the applicant is unable to use a computer and has no friend, relative or advocate assisting them. When this is not possible the Council may refer the applicant to an outside organisation who will assist the applicant to submit an application.

### 4. Legal Framework

The Housing Act 1996 (Part VI) and the Localism Act 2011 require local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating accommodation.

This policy has been designed to address these requirements and gives due regard to the 'Allocation of accommodation: Code of guidance for local housing authorities in England' (Version 1.0 dated 15 May 2023).

Section 159(2) Housing Act 1996 states that a local Housing Authority allocates housing accommodation when they:

- select a person to be a secure or introductory tenant of accommodation held by them
- nominate a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominate a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales)

This policy does not apply to assignments, mutual exchanges, succession of tenancies or temporary decants. In these circumstances, neither the Council nor any of the other Housing Association Landlords are required to identify a new tenant for the relevant property or properties from Rother District Council's Housing Register.

This policy also has regard to the statutory requirements as set out in Part VI of The Housing Act 1996 (as amended by the Homelessness Act 2002) as well as the legislation, regulations and Government guidance in **Appendix B**:

## 5. Confidentiality Statement & Personal Data

All applications will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:

- Rother District Council is satisfied that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as (but not limited to) Housing Association Landlords, and other agencies
- Rother District Council is permitted to disclose the information under data protection Legislation; and/or
- There is another lawful requirement to make such disclosures.

Applicants to the Housing Register are also entitled to request details of information that has been used to assess their application. Requests must be submitted in writing.

For more information regarding how the Council uses personal data, please see the privacy notice at: [Privacy Policy – Rother District Council](#).

## 6. Statement of Choice

Rother District Council is committed to providing applicants with the greatest choice possible in the allocation of social housing, within the rules set out in the policy, to ensure properties are allocated to those in greatest need.

There may be some instances where the Council may not be able to offer a choice due to specific needs for rehousing such as area or type of property. This policy will detail the circumstances when that may apply.

The Council will operate a direct let system for households assessed as having an emergency need for rehousing, as set out in the policy, and all other allocations will be made via Choice Based Lettings.

It is important to recognise that there will be increased demand for some property types and areas. Applicants will need to consider their own housing need against the availability of properties in a specific area.

## 7. Access to Personal Files

An applicant is entitled to see the entry on the Housing Register relating to them and receive a copy of the details held. An applicant will be notified of any status or priority change to their entry on the Housing Register.

## 8. Members of the Council, Staff & Relatives

### 8.1 Applications

Any Housing Register applicant, including existing housing association tenants, must tell the council when they apply to the Housing Register if they are:

- An elected member of the Council; or
- A council member of staff; or
- A board member of a partner social landlord; or
- A relative of any of the above

All applications in any group set out above will be identified on the Council's computer systems to show their status under this section of the Allocations Policy.

Where an applicant fails to disclose the above information, but it subsequently comes to the Council's attention, the Housing Register application will be cancelled.

### 8.2 Lettings

The approval of a Council's Housing Manager is required for any lettings made to all applicants in any group set out above.

## 9. Advice & Information

The Council will ensure that housing advice, housing options information, and information on how to apply for housing is freely available to everyone in the District.

In addition, the Council will signpost applicants, where appropriate, to other statutory and voluntary services that may help resolve their housing situation.

Information will also be provided that gives applicants an indication as to the likelihood and timescales for obtaining social housing in the District.

## 10. Who can join the Housing Register

### 10.1 Eligibility

In accordance with s160ZA of the Housing Act 1996 the Council is only able to allocate accommodation to persons deemed eligible. This relates to a person's immigration status and whether they are habitually resident in the UK.

Applicants subject to Immigration Control will not be eligible for assistance they fall within one of the categories of persons prescribed as eligible by the Secretary of State.

A person who is not subject to immigration control will be ineligible if they fall within one of a number of categories of people prescribed by the Secretary of State in regulations. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.

The regulations setting out which categories of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Details of the eligibility regulations can be found in **Appendix C**.

### 10.2 Joint tenancies

Under s.160ZA(1)(b), the Council must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the council may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

### 10.3 Existing Tenants

The eligibility provisions do not apply to applicants who are already secure tenants, introductory tenants, or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

### 10.4 Qualifying Persons

The Council is only able to allocate accommodation to applicants that are defined as 'qualifying persons' within the meaning of s160ZA(6) of the Housing Act 1996 and have a housing need.

Details of the qualifying criteria which includes age and local connection can be found in **Appendix D**.

## 11 Who cannot join the Housing Register

### 11.1 Non-Qualifying Persons

Applicants will be considered ineligible to join the housing register and would be considered as a 'non qualifying person' if they meet any of the following criteria. Please see **Appendix G** for definitions of each group.

- a) Unacceptable behaviour
- b) Financial resources
- c) Homeowners
- d) Deliberately worsening own circumstance
- e) False statements and withholding information
- f) Prison
- g) Council & housing related debt

### 11.2 Notifying applicants who cannot join the register

The Council will notify an applicant in writing of any decision that they are:

- ineligible for an allocation of accommodation under s.160ZA(2) or (4), or
- not a qualifying person under s.160ZA(7).

The notification will explain the reason(s) the applicant does not meet the criteria set out above.

If an applicant advises that they have difficulty in understanding the implications of the decision they can request the decision is explained to them verbally.

Where a notification is not received by an applicant, it can be treated as having been given to them, if it is made available at the Council's office for a reasonable period (7 days).

An applicant can request a review of the decision they are not eligible, or not a qualifying person provided it is made within 21 days of the date they were notified. For more information please see **Requesting a Review**.

# 12 How to Apply for Housing

## 12.1 Application process

Applicants wishing to join the Housing Register, including existing housing association tenants, will need to complete the pre-assessment form using the link below.

The form will determine whether an applicant is eligible to join the Housing Register. Successful applicants will be required to complete another online form.

Successful applicants will be required to upload supporting documents within 21 days of their application.

<https://www.sussexhomemove.org.uk/onlineform/>

For more information on the required documentation see **Appendix H**.

## 12.2 Assistance with making an application

If an applicant has difficulty in completing the pre-assessment form due to a disability, learning disability, illness, age, not speaking English as a first language, or any other reason then assistance can be provided. In these cases, applicants should request assistance by contacting Customer Services on 01424 787000.

### 12.1 Who can be included on an application

An applicant can only include, as part of their application, members of their immediate family who live with them (or it is reasonable to expect would live with them) or other people who have an extenuating need to live with them. These include:

- a. Applicant's spouse, civil partner or a person with whom the applicant resides as their spouse or as if they were civil partners.
- b. Dependent children (children under 16, and children aged 16-18 who are in, or about to begin, full time education or training or who for other reasons are unable to support themselves and who live at home) who live with the applicant or who might reasonably be expected to live with them, where the applicant is the parent or guardian and is in receipt of Child Benefit. Applicants with contact arrangements for children will not normally be eligible for family type accommodation where the children have accommodation available to them with the other parent or guardian.
- c. Any other non-dependent adult who can demonstrate they are normally permanently resident with the applicant or have a clear need to be so. This will not include lodgers or anyone subletting from the applicant but will include students living away in Halls of Residence with a separate rent liability during term time.
- d. Dependent Relatives – a relative who has joined or needs to join the household because they are unable to live independently will be included on the application

only if there are no other housing options. Evidence from an appropriate social care professional will be required.

- e. A carer can be included on the application where it can be demonstrated that:
- i. a live-in carer is essential on a 24 hour, daily and continuing basis; and
  - ii. a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available; and
  - iii. if the applicant were to claim Housing benefit the extra bedroom would be awarded, in conjunction with Housing Benefit regulations.

Receipt of Carer's Allowance does not automatically mean that it is necessary for the carer to live with the person being cared for. In all cases, regardless of whether or not the carer is in receipt of Carer's Allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits and supporting medical evidence to show the need for a live in carer.

## **12.2 Who cannot be included on an application**

The following individuals cannot be included on an application.

### **Family members not currently living with the applicant**

The Council will not include in Housing Register applications, any family members who are not resident in the UK at the time an application is submitted. These household members will only be considered once the family has been reunited in the UK and can clearly demonstrate that the family member added to the application for social housing is residing in the UK lawfully.

The following can also not be included on an application:

- Family members who already have an existing housing application
- People sharing a property who are not in a relationship with the applicant

The Council will determine whether it is reasonable for a household member to be part of an application.

## **12.3 Change in circumstance**

All applicants are required to notify the council within 28 days of any change of circumstance which may affect their qualification to join the Housing Register or their priority for housing.

A change of circumstance may include, but is not limited, to:

- A change of address for the applicant or any other person on their application
- Any additions to the family / household or any other person joining the application
- Any member of the family / household or any other person leaving the accommodation
- Any change in income, assets or savings

- Any change to the applicant or a member of the household's immigration status
- Any change in residential status, for example you become a homeowner and were previously tenant
- Any convictions or unacceptable behaviour as set out in 8.1 (a)

Applicants are required to log on to their account on the [Sussex Homemove - Home](#) website and click on 'Have your circumstances changed'. You may be required to upload supporting documentation.

Please be advised that applications will be suspended until the Council has reviewed and assessed the information provided.

**Once an application is re-assessed it is important to note that, in line with the policy, priority can be reduced as well as increased.**

Where the Council believes that information about the applicant's personal circumstances have been withheld or misleadingly presented, the Council reserves the right to withdraw any offer of accommodation made.

## **12.4 Annual renewal**

All applicants will be required to re-register their application every year. Applicants will be advised when they are required to re-register. Failure to respond to the request to re-register will result in the application being cancelled. The Council reserves the right to ask for additional supporting information that is required to re-assess an application.

## **12.5 Existing social housing tenants**

Any Housing Association tenant living in the district, provided they have a local connection, can apply for a move to another home within Rother. These applications will be classed as transfer cases.

In all transfer cases the tenant's conduct and rent history will be taken into account in determining their suitability for an offer of accommodation.

Applicants seeking a Mutual Exchange should contact their landlord directly for further information.

## 13 Details of the largest mutual exchange service, Home Swapper, can be found here [HomeSwapper](#). **How are Applications Assessed**

### 13.1 Assessment

An applicant will be required to provide all supporting information as set out in **Appendix H** before their application can be assessed.

Assessments will be made based on the **suitability of an applicant's current accommodation**.

Applicants will be assessed as either Homeseekers or Transfer Tenants. Transfer Tenants will be applicants currently residing in a Housing Association property. Homeseekers will be all other applicants.

Once all of the evidence required has been received applicants will be notified in writing of their priority band, assessed bedroom need, priority date and right to request a review.

Applicants who do not meet the 'qualifying person' criteria will also be written to explaining the reason(s) why.

Once all required evidence has been received, the Council aims to assess applications within 40 days

Until all required evidence is received, applications will remain in 'pending' and applicants will be unable to access the scheme.

In certain circumstances the Council may need to verify information that has been provided or clarify aspects of an application. The Council may, at its discretion, carry out a home visit.

### 13.2 Applicants homeless or threatened with homelessness

If an applicant indicates that they are homeless or threatened with homelessness they will be sent a link so they can be referred to the Council's Housing Needs service.

**It is important that applicants who are homeless or threatened with homelessness seek advice and assistance at the earliest opportunity.**

The Council will work with these clients to explore all available options to prevent homelessness where possible.

Alternatively those who are homeless or at threat of homelessness can refer themselves using the following link [Homelessness or at risk of being homeless – Rother District Council](#).

If an applicant has difficulty in completing the link due to a disability, learning disability, illness, age, not speaking English as a first language, or any other reason then assistance can be provided. In these cases, applicants should request assistance by contacting Customer Services on 01424 787000.

### **13.3 Homeless households in temporary accommodation**

If an applicant who is on the Housing Register is subsequently provided with suitable temporary accommodation that meets their need, then they will be reassessed in accordance with the priority bands (**Appendix J**).

### **13.4 Bedroom entitlement**

An applicant's bedroom entitlement is determined by the Local Housing Allowance (LHA) criteria, **Appendix I** details how many bedrooms a household would be entitled to and the property size they can be considered for.

When assessing an applicant's current accommodation, a second reception room will be considered available for use as a bedroom.

For larger households who require four or more bedrooms, the lack of this type of accommodation means that an offer of accommodation may not be possible.

### **13.5 Additional bedroom**

The Council recognises there may be situations where an additional bedroom will be required.

Applicants requesting an extra bedroom for a child, a non-dependent or their partner can only be considered where the household member is unable to share a bedroom on medical grounds and the additional bedroom can be afforded by the household.

This will need to be formally agreed by an Independent Medical Advisor appointed by the Council and having taken advice from the Council's Housing Benefit department or the Department of Work and Pensions where housing costs are paid by universal Credit. The need for an extra bedroom must be agreed by both parties. Please see **Appendix I** for more details on additional bedroom criteria.

In circumstances where there has been a relationship breakdown and there are shared custody arrangements or a court order for children, in the majority of cases an additional bedroom will not be awarded where the child has accommodation available with the other parent/guardian.

## 14 If anyone in the applicant's household is pregnant, we will only recognise a bedroom need once the baby is born. Whether the household will be entitled to an additional bedroom will be determined by the criteria in **Appendix I. How Priority is Awarded**

Applicants will be placed into a priority band that reflects their level of need following assessment.

**Urgent Need band** – Applicants placed in this band will be made a direct offer of accommodation and will not bid via Homemove.

In most instances applicants will only be placed into this band where they have had difficulty in accessing accommodation in the private rented sector, despite genuine repeated attempts. Applicants in this band will be made **one offer** of accommodation.

Applicants placed **Bands A, B, C or D** will bid for properties via Homemove (Choice Based Lettings).

Please see **Appendix J** for details of the priority bands.

### 14.1 Reasonable preference categories

In awarding priority to applicants, the Council is required by s166A(3) of the Housing Act 1996 (as amended) to give '**reasonable preference**' to the following groups of people:

- a) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and
- e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

The reasonable preference for the above groups of people will be reflected in the priority bands, **Appendix J**.

## 14.2 Additional preference for Armed Forces and Urgent Need

The Council is required by s.166A(3) Housing Act (as amended to give additional preference to.

### Members of the Armed and Reserve Forces

- former members of the Armed Forces
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- 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

It is also advised in s.166A(3) Housing Act 1996 (as amended) that the Council give **additional preference** to the groups of people in **11.1** who have an **urgent** housing need;

- those who need to move urgently because of a life-threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless and require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti social behavior or domestic violence.

Priority for the above groups will be reflected in **Appendix J**.

## 14.3 Restricted persons

Applicants should not be given reasonable preference under paragraph (a) or (b) of s.166A(3) if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) Housing Act 1996).

## 14.4 Medical priority

Medical priority is only awarded in circumstances where a move to alternative accommodation would significantly improve the health or quality of life of the applicant or a member of their household.

Medical priority is not awarded because an applicant has a medical condition but only where there is a clear and adverse link between the current accommodation and the health of the applicant or member of the household. Some applicants with medical conditions will not be awarded any medical priority despite the seriousness of their condition if the Council considers that they already reside in accommodation which is suitable for their needs or that the Council is unable to provide accommodation that is more suitable for their needs.

## 14.5 Applying for medical priority

Applicants wishing to apply for medical priority must complete the medical section of the online form. Applicants wishing to apply for medical priority after their application has been assessed must request a Medical Assessment Form from the Homemove team [www.rother.gov.uk/housing/social-housing/](http://www.rother.gov.uk/housing/social-housing/) .

Applicants must send in all supporting information that they wish to be considered – see **Appendix K** for a list of documents to provide.

Applicants are advised that if they are waiting for reports or supporting information, not to submit their medical assessment until they can submit all the supporting information they wish to be considered.

A GP's letter, on its own, which simply states the applicant's medical condition and their wish to move does not constitute proof of a medical need to move.

## 14.6 Assessing medical priority

An Officer from the Housing Needs team will assess all medical information provided in relation to the applicant's housing situation. Where the Council considers appropriate the officer will send the medical information to an Independent Medical Advisor arranged by the Council for assessment. Applicants will be advised of the decision in writing.

Once a medical assessment has taken place, a subsequent medical assessment cannot be requested until a 6-month period has elapsed, unless evidence is provided that there has been a **significant** change in the health circumstances of the applicant, or a member of their household included in their application.

If an applicant makes repeated requests for assessment of their medical priority, the Council reserves the right to charge for the cost per assessment. If following assessment an applicant is awarded medical priority, they will be placed into one of the priority bands and notified in writing.

## 14.7 Welfare priority

Priority awarded on welfare grounds will cover a wide range of needs, including the need to:

- Provide a secure base from which a care leaver can build a stable life.
- Provide a secure base from which a person who is moving on from a drug or alcohol recovery programme can build a stable life.
- Provide accommodation for former rough sleepers who are ready to move on from the Next Steps Accommodation Programme (NSAP) and Rough Sleeping Accommodation Programme (RSAP) properties which are time limited. Evidence will need to be provided that applicants are able to live independently or with low level support.
- Provide accommodation, with appropriate care and support, for those who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to live independently in the community. The Council will work collaboratively with East Sussex County Council in these circumstances.
- Provide or receive care or support – this would include foster carers, those approved to adopt, or those 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.

## 14.8 Mobility groups

Applicants with medical issues will be assessed to determine if they have mobility issues and/ or require a certain type of property.

Properties suitable for applicants with mobility needs or who require adaptations will be advertised with a mobility classification as below and priority will be given to those with a matching need.

**Mobility Group 1** – Typically, suitable for a person who uses a wheelchair full time, i.e. indoors, and outdoors. The property will be suitable for full wheelchair access throughout.

**Mobility Group 2** – Typically suitable for a person with restricted walking ability and for those that may need to use a wheelchair some of the time. The property will have internal and external level or ramped access, but some parts of the property may not be fully wheelchair accessible.

**Mobility Group 3** – Typically suitable for a person able to manage two or three steps, who may use a wheelchair but not full time, or may be unable to manage steep gradients. The property may have adaptations to assist people with limited mobility.

Properties will also be advertised with notes where the potential for adaptations or further adaptations exists and any further restrictions applicable.

Where a disabled applicant applies for accommodation that does not meet his or her access needs the Council will take into account whether it is reasonable and practicable to adapt that property to meet the applicant's housing need.

On occasion, accommodation offers may be withdrawn from a case where the housing need would not be met.

Where appropriate, applicants with mobility needs will be prioritised for ground floor or lifted accommodation, and for bungalows.

## **14.9 Unsatisfactory housing conditions**

The Homemove team may refer an application to the Council's Private Sector Housing Team, Environmental Health Service where there are major issues regarding the condition of the applicant's existing property or an applicant raises issues of disrepair or statutory overcrowding.

A case will only be referred if the applicant agrees to work with the Private Sector Housing Team, Environmental Health Service and any recommendations that are made. These referrals will require the Private Sector Housing Team to make contact with the relevant landlord or managing agent who is responsible for the property. Any applicant who withholds consent for the Private Sector Housing Team, Environmental Health Service to contact the landlord or agent will not be eligible for a banding assessment under this policy.

No additional priority for issues such as damp and mould can be awarded without the case first being assessed by the Private Sector Housing Team, Environmental Health Service and the Council will only award additional priority where this is recommended.

The Private Sector Housing Team will use the Housing Health & Safety Rating System (HHSRS) to check hazards within a property which could affect your or a member of your household's health.

Further details on the HHSRS and how to report disrepair issues to the Council can be found using this link [www.rother.gov.uk/environmental-health/private-rented-housing/housing-standards-safety-and-disrepair/](http://www.rother.gov.uk/environmental-health/private-rented-housing/housing-standards-safety-and-disrepair/)

Following an inspection of the applicant's property if there is any required intervention and there is no prospect of this being completed within six months the applicant will be placed into the appropriate band as detailed in **Appendix J**.

If the Private Sector Housing Team, Environmental Health Service has assessed the property as uninhabitable, the Housing Needs Team will treat the household as homeless and determine what duties are owed in accordance with Part VII Housing Act 1996 (as amended).

## 14.10 Priority date

Successful applicants will be given a priority date which, in most circumstances, will represent the date they were placed into their priority band. Available properties will be allocated to the bidder in the highest band of priority with the earliest priority date.

The priority date for homeless applicants owed the main housing duty (s193(2)) will be the date they initially presented to the Council and were owed either the prevention or relief duty (whichever is the earliest).

### **Exceptions**

Applicants placed in Band A, Homeless Prevention may have their priority backdated 6 or 12 months provided they are engaging with the Council and adhering to the terms of their Personalised Housing Plan (PHP).

If an applicant's priority band changes, then their priority date will be amended as follows:

- **Moving down into a band you have been in previously:** your priority date will become the date that applied when you were last in that band.
- **Moving down a band into a band you have not previously been in:** the priority date will be the original application date.
- **Moving up to a higher band** the priority date will be the date when an applicant is assessed as requiring a higher band.

## 15 How the scheme works

### 15.1 Sussex Homemove

Sussex Homemove (also known as the Housing Register) is the choice-based lettings scheme that Rother District Council uses to advertise social housing properties available in Rother.

Applicants can use Sussex Homemove if they are an existing tenant seeking a transfer within the district or a home seeker applying for the first time. The scheme covers all the available housing association homes, including sheltered housing.

Further information on the scheme can be found here [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk)

### 15.2 Exceptions

Sussex Homemove does not include vacancies for the following accommodation:

- Extra Care housing
- Specialist Supported housing
- Shared Ownership housing
- Properties allocated via the Emergency Band

See **Appendix A** for more details on Extra Care housing, Specialist Supported Housing or Shared Ownership.

### **15.3 Finding a home**

All available properties are advertised fortnightly on the Sussex Homemove website: [www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk)

The adverts will give information about each vacant property. Properties will be advertised for transfer applicants or home seekers, or both with other eligibility criteria for the property, including:

- The minimum and maximum number of persons in the household
- If there are age limits for households
- The mobility group, if applicable
- Rent and where applicable service charge
- If it is a social or affordable rent
- If persons require a care or support need
- Whether pets are allowed
- Whether the scheme is a sheltered property and any age criteria
- Whether the property is adapted
- If the property has a local lettings agreement or local lettings plan

Details on the icons used in the property adverts and what they mean can be found on the Sussex Homemove website above.

### **15.4 Bidding for properties**

Applicants can bid (express an interest) on up to 3 properties every bidding cycle.

Bids can be made online ([www.sussexhomemove.org.uk](http://www.sussexhomemove.org.uk)) using the unique reference number provided on your acceptance letter.

There are computers available at the Bexhill library and a tablet which can be accessed by customer at Bexhill Town Hall where applicants can log onto the Homemove website to place bids.

All bids are checked against the eligibility and qualification rules, for example age restrictions or size of property. Bids from applicants who are ineligible or do not qualify will not be considered.

The final shortlist position is only set once the bidding cycle finishes and will be the same regardless of what time or day the bids are placed in the bidding cycle.

Except in the case of an Emergency Band allocation an applicant who does not bid will not be considered for a property.

## **15.5 Auto bidding**

The Council recognises that some applicants will not be able to bid for themselves and may not have a friend or family member that can help.

An applicant can request auto - bidding by contacting Customer Service on 01424 787000.

Where applicants are set up on auto-bid the computer automatically place bids on the three properties which the applicant has the greatest chance of success for. Homeless Applicants will also be placed on auto bidding in most circumstances to help maximise their chances of resolving their housing issue. For further detail please see below.

## **15.6 Homeless applicants**

All homeless applicants who are owed the following duties will be placed on auto bidding, see **13.5**;

- 190(2) – eligible for assistance, homeless, in priority need and intentionally homeless
- 193(2) – eligible for assistance, homeless, in priority need and not intentionally homeless
- 195(2) – the prevention duty owed to persons who are eligible for assistance and threatened with homelessness
- 189(b) – the relief duty owed to persons who are eligible for assistance and homeless

## **15.7 Sheltered housing**

Age limits for schemes vary but this type of accommodation is generally for applicants aged 55 or over who wish to retain their independence but may prefer a smaller, easier to manage, self-contained home.

Most sheltered housing provides a 24 hour alarm system for emergencies and some may have an on call warden or communal social areas for activities e.g. coffee mornings.

In exceptional circumstances younger applicants with recognised medical needs who would benefit from this type of accommodation may be considered.

## 15.8 Extra Care housing

Extra Care schemes provide staff cover 24 hours per day and applicants must have a personal care need in order to be considered.

The waiting lists for these schemes are managed by East Sussex County Council Adult Social Care and applicants will need to have an assessment by this service to determine suitability for the scheme. For further information [Extra care housing | East Sussex County Council](#) .

## 16 Shortlisting

### 16.1 Shortlisting criteria

Once the bidding cycle closes a shortlist of eligible applicants will be generated by the system. The Council will then consider the following criteria in order when determining an allocation:

- a. Local connection – for shortlisting, the district has been separated into three parish clusters. Applicants will be given priority for the vacancy if they have a local connection to a parish within the cluster where the vacancy lies. Vacancies in Bexhill will be available for all applicants regardless of where their local connection to the district lies. See **Appendix F** for details of the parish clusters.
- b. Priority band for housing.
- c. Priority date (date band status awarded).
- d. Disability and medical needs and the type of vacant property.
- e. Exception site schemes – Section 106 local connection homes. Local exception site homes, built in accordance with planning policy (on exception sites), can only be let in accordance with the rules of their individual legal agreement, these will always require applicants to have the correct local connection.
- f. Disabled adapted homes.
- g. The property is deemed to be a sensitive let.
- h. If the nomination will make best use of the housing stock in the district.

### 16.2 Exceptions

**Homeless applicants owed the main housing duty / applicants in the Emergency Band / applicants in Homeless Preventions bands** will not be required to meet this criteria in order to ensure applicants in the most severe housing need are not prevented from securing accommodation due to local connection or the shortage of social housing in certain parishes.

**Mobility Needs** - Where a property has been advertised to give preference to a

mobility group priority will be given to applicants assessed as requiring this type of accommodation over those applicants without any recognised mobility needs. Bungalows will also be prioritised for applicants with mobility needs in most instances.

**Medical priority** - Applicants with particular housing needs or who have been awarded medical priority due to being resident in unsuitable accommodation can bid for general needs housing but the Council reserves the right not to nominate the applicant where it has reason to believe that the property would have an adverse effect on the health, welfare or safety of the applicant or member of their household.

**Adapted properties** – There is an acute lack of adapted properties for disabled households in the Rother area. In order to make the best use to the housing stock available the Council will prioritise disabled applicants in housing need, if a vacant property is suitable to meet their needs, regardless of local connection to the Parish or Ward local connection (with the exception of Section 106 properties) or priority band.

The Council will consider applicants with a disability or medical need in relation to:

- a. the type of adaptations within an existing property, or
- b. the ability to easily adapt an existing property
- c. the availability of adapted housing stock in the area

Please see **Appendix L** for details of how new build adapted properties are allocated.

The Council may also decide to not to nominate an applicant for a property where it would not make best use of the housing stock or to ensure mixed and sustainable communities.

### **16.3 Withdrawn properties**

A housing association may withdraw a property after it has been advertised. This could be because it was advertised in error or that it requires major work before it can be re-let.

### **16.4 Local lettings plan**

The statutory basis for the use of local lettings plans is contained in Section 166A Housing Act 1996; this allows local authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, in order to achieve a wide variety of housing management and policy objectives. In partnership with social landlords, the Council occasionally uses local lettings plans (LLP) to respond to local conditions.

The following are examples of criteria that could be used in LLPs covering an area or new build housing scheme:

- Age restrictions
- Giving priority to transfer applicants with a positive tenancy history
- Giving priority to working households where there is already a concentration of tenants/residents with tenancy support needs
- Giving priority to residents with a local connection to the area (in particular villages where community sustainability is a concern).

The following conditions will apply to an LLP:

- They may be developed to meet the particular needs of a local area
- There must be a clear, evidence based need, for example, to deal with recurring anti-social behaviour issues, or to meet rural needs and create more sustainable communities.
- They will set out how applicants will be prioritised for the housing relevant to the LLP
- Equality impact assessment will be completed.

The use of local letting plans will usually be considered during the planning process for new build housing schemes and will be consulted on separately. Any local lettings plan which is agreed subsequently to the adoption of this Policy, having been agreed after consultation, will be appended to this document in future updates.

## 17 Nominations

### 17.1 Making an offer

Once the shortlist is complete up to three applicants will be nominated for a property. Only those who have been successful will be contacted.

The Housing Association will invite one or more of the nominated applicants to view the property, in order to minimise delays they may arrange multiple viewings.

It is important that applicants update the Council with any changes to their contact details.

The successful applicant will be offered the property and asked to sign the tenancy or make a decision to accept the property within an agreed time limit.

Applicants can only be nominated to one property per bidding round. If an applicant is top nominee for more than one property, the Council will determine which property they are nominated for.

### 17.2 Failure to respond to an offer

If an applicant fails to respond to a written offer of accommodation within the

timescales specified, without good reason, they will be considered to have refused that offer of accommodation and it will be offered to the next nominee.

### **17.3 Refusing an offer**

**Homeless applicants** – applicants to whom the Council owes a full housing duty (s193(2)) or are made a ‘final offer’ of accommodation will be made **one** suitable offer. They will be advised in writing that the council will be discharging its duty as well as explaining their right to review the suitability under s202 of the Housing Act 1996 (as amended). If an applicant refuses a property and their review is subsequently unsuccessful they will be placed into Band D.

We would encourage all applicants to accept an offer of accommodation before requesting a suitability review in order to ensure they are not rendered homeless.

**Emergency Band** – applicants placed into the Emergency Band will be made **one** suitable offer of accommodation. If the offer is subsequently refused then they may have the band removed, their application reassessed and be expected to bid for further properties.

**All other applicants** – applicants who refuse 3 offers in a 12 month period will have their housing need reviewed and it could lead to their application being suspended or cancelled.

### **17.4 Homeless applicants in temporary accommodation**

Applicants in temporary accommodation will be expected to move at short notice once the Housing Association has agreed a tenancy start date.

The Council is unable to extend temporary placements past the tenancy start date unless there are exceptional circumstances which are agreed in advance by a Rother District Council Housing Manager.

### **17.5 Housing Association pre-tenancy checks**

Successful applicants will have to undergo pre-tenancy checks with the Housing Association before being offered a tenancy. This will include an affordability check as well as checks on an applicant’s tenancy history.

A Housing Association may refuse an applicant if, for example, there is a housing related debt or evidence of an inability to manage a tenancy.

The Council will work with the Housing Association to try and overcome any potential issues however in some instances this may not be possible, and they may refuse an applicant.

An applicant will be notified in writing by the Housing Association and can request a

review of their decision. The Housing Association may request the applicant take certain steps, such as addressing historic rent arrears or engaging with certain services, in order to be considered for future properties.

### **17.6 Sensitive lets**

A Housing Association may sometimes identify a property as a sensitive let. This means there may be specific criteria attached to the property to meet a wider objective. In these cases, priority may be awarded to an applicant who meets the specific criteria. These properties will normally be advertised as such.

### **17.7 Waiting times**

When each property advertised has been successfully allocated, the banding and registration date of the successful applicant will be made available on the website. This information will enable applicants to determine their prospects of success in obtaining housing, and to estimate how long they are likely to have to wait to obtain such housing.

In addition, the Council also publishes information on waiting times for different bands on our website.

## **18 Removal from the Housing Register**

An applicant will be removed from the register in the following circumstances;

- The applicant no longer meets the local connection criteria
- An applicant is successfully rehoused into social housing
- An applicant fails to respond to the annual renewal
- An applicant becomes ineligible for assistance due to change in their immigration status
- An applicant no longer meets the qualifying criteria
- An applicant or an adult member of their household becomes a non-qualifying person
- An applicant who moves and fails to complete change of circumstance form within 28 days, provided they still have a housing need.
- The applicant has been evicted from social or private rented accommodation due to rent arrears and has not reduced the arrears, to an acceptable level, at the discretion of the Housing Needs Manager
- An applicant who has not placed a bid within the first 12 months where there has been suitable accommodation to bid on.

Any applicant removed from the Housing Register will be notified of the Council's decision in writing and the reasons for it. Applicants will also be advised of their right to request a review / appeal of the decision.

## 19 Requesting a Review

An applicant has the right to a review in the following circumstances;

- Any decision about facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and
- Any decision as to whether they are eligible or qualify for an allocation.
- Any decision with regard to priority of housing need.

The applicant should put in writing to the Council, within 21 days of their decision, their request for a review of a decision made by the Council, with details of the reason for the review request.

An Officer not involved in the original decision, will consider the facts of the case and decide whether or not to reverse or uphold the original decision.

We will advise applicants in writing of the outcome of the review within 28 days. The 28 days begins from the receipt of the review.

An applicant will be advised of their right to seek independent advice and other remedies.

Decisions made under Part VII of the Housing Act 1996 (Homelessness) will be decided in accordance with the legislation and its guidance.

The Council needs to retain some flexibility in order to deal with exceptional circumstances and reserves the right to apply its discretion when establishing eligibility and/or priority for housing.

## 20 Complaints

Any applicant wishing to make a formal complaint about any aspect of their application must follow the Council's formal complaints procedure that can be found on the Council's website at [www.rother.gov.uk/accessing-council-services/customer-complaints-process](http://www.rother.gov.uk/accessing-council-services/customer-complaints-process) .

## Appendix A - Housing Providers

### Housing Associations

- Clarion [www.clarion.com](http://www.clarion.com)
- English Rural Housing Association [www.englishrural.org.uk](http://www.englishrural.org.uk)
- Five Villages Housing Association [www.fivevillages.org.uk](http://www.fivevillages.org.uk)
- Hastoe Housing Association [www.hastoe.com](http://www.hastoe.com)
- Southern Housing Association [www.shgroup.org.uk](http://www.shgroup.org.uk)
- Orbit Housing Association [www.orbit.org.uk](http://www.orbit.org.uk)
- Sanctuary Housing [www.sanctuary-housing.co.uk](http://www.sanctuary-housing.co.uk)
- Sussex Housing & Care [www.sussexhousing.org.uk](http://www.sussexhousing.org.uk)

All nominations and lettings dealt with under this policy are for social and affordable rented properties, however, single nomination agreements are in place for Extra Care housing and these are dealt with by East Sussex County Council - Adult Social Care Services. The current schemes dealt with in this way are:

- The Orangery, Bexhill
- St Bartholomew's Court, Rye Foreign

### East Sussex Supported Accommodation Single Allocations Agreement

The Council is part of a county wide Single Allocations Agreement in which it retains nomination rights but allows them to be managed under the terms of the agreement. It uses a fair and transparent points based system delegated to the Supported Accommodation Co-Ordinator.

There are currently 15 East Sussex Supported Accommodation schemes commissioned to receive referrals via the Single Allocations Agreement. These are provided by:

- Brighton Housing Trust
- Sanctuary Supported Living
- Salvation Army Housing Association
- YMCA Downslink Group (DLG)
- Peabody Housing

The Council also has nomination rights to YMCA DLG Transitional Housing which provides affordable and safe accommodation to young adults in housing need.

### Former Rough Sleeper Accommodation

Twelve units of move on accommodation provided for a maximum of two years as part of the Next Steps Accommodation Programme (NSAP) and Rough Sleeping Accommodation Programme (RSAP).

## Appendix B - Legal Framework

This policy meets the requirements and has regard to the following legislation, regulations and Code of Guidance:

### 1. Statutes

- The Housing Act 1996
- The Homelessness Act 2002
- The Equality Act 2010
- The Localism Act 2011
- Homelessness Reduction Act 2017

### 2. Regulations

- Allocation of Housing (Procedure) Regulation 1997; SI 199/483
- Allocation of Housing (England) Regulations 2002; SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 (as amended)
- Allocation of Housing (Qualification Criteria for Armed Forces) (Armed Forces)(England) Regulations 2012; SI 2012/2989
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015; SI 2015/967
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989

### 3. Codes of Guidance

- Allocation of Accommodation: Guidance for Local Authorities for Local Housing Authorities in England (DCLG 2012);
- Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England (DCLG, December 2013)
- Right to Move: Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England (DCLG, March 2015)
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or other types of Temporary Accommodation (MHCLG, November 2018)
- Homelessness Code of Guidance For Local Authorities 2018.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

## Appendix C - Eligibility Regulations

### **Persons from abroad**

A person may not be allocated accommodation under Part VI of the Housing Act 1996 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act.

There are two categories for the purposes of s.160ZA:

- (i) a person subject to immigration control - such a person 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)), and 11
- (ii) a person from abroad other than a person subject to immigration control - 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 regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

### **Persons subject to immigration control**

The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

The provisions of section 7(1) of the Immigration Act 1988 and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to protect the rights of EEA citizens, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement. This will ensure that EEA citizens, and their family members, who:

1) have acquired limited leave to enter and remain in the UK (also known as pre-settled status) by virtue of Appendix EU of the Immigration Rules ("the EU Settlement Scheme"); or

2) were frontier working in the UK prior to 31 December 2020

will continue to be treated as 'persons not subject to immigration control' in the instances where they would previously have been, so that their eligibility can be judged on the basis of Regulation 4 of the Eligibility Regulations as was the case prior to 31 December 2020.

EEA citizens, and their family members, who have been granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, do not require the saved provisions of s.7(1) Immigration Act 1988 and the Asylum and Immigration Act 1996 to apply to them.

Their eligibility should be judged on the basis of Class C of Regulation 3 of the Eligibility Regulations, as is the case for persons subject to immigration control who have been granted indefinite leave to remain.

The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) Certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area.
- (iv) By operation of the saved provisions referred to in the paragraph above, EEA citizens, and their family members, who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement, i.e. those who were residents and exercised a right to reside in the UK derived from European Union law or any provision under section 2(2) of the European Communities Act 1972, and those who were frontier working, before 31 December 2020. Whether an EEA citizen (or family member) has exercised a particular right to reside in the UK or rights to be treated as a frontier worker will depend on their circumstances, at that particular time. For example, whether the EEA citizen is, for the purposes of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052) ('the EEA Regulations') (as preserved by the savings provisions) a jobseeker, a worker, a self-employed person and so on.
- (v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

For the purpose of this guidance, 'EEA citizens' means citizens of any of the EU member states, and citizens of Iceland, Norway, Liechtenstein and Switzerland.

Any person who does not fall within one of the four categories above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see below).

### **Persons subject to Immigration Control who are eligible for an allocation of social housing**

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control **are eligible** for an allocation of accommodation:

- i) a person granted refugee status: normally granted 5 years' limited leave to remain in the UK;

- ii) a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave';
- iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first five years, the applicant will be eligible for an allocation of accommodation;
- iv) a person who has humanitarian protection granted under paragraphs 339C – 344C of the Immigration Rules;
- v) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Act, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;
- vi) a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules;
- vii) a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules. (Effective from 1 November 2018);
- viii) a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules;
- ix) a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU of the Immigration Rules;
- x) a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;

- xi) a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally-employed staff in Afghanistan; and
- xii) a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died.
- xiii) a person in the UK who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1 January 2022, and who has been granted leave in accordance with Immigration rules made under section 3(2) of the Immigration Act 1971.
- xiv) a person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the immigration rules pursuant to an application made by that person from within the United Kingdom.
- xv) a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules
- xvi) a person who was residing in Sudan before 15 April 2023 and left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan; has been granted leave in accordance with the immigration rules; and whose leave is not subject to a condition of no recourse to public funds and was not given as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for an allocation of accommodation if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died

### **Other persons from abroad who may be ineligible for an allocation**

By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph below);
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the 'EEA Regulations';

- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations;
- (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations;
- (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above.

### **Habitual Residence Test**

The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

## Appendix D - Qualifying Criteria

### Age

Applicants must be aged 16 or over but under 18's will only be offered accommodation in the following circumstance: Anyone over 16 with a proven local connection and a housing need can join the Housing Register, although they will not usually be offered a permanent tenancy until they are 18. If there is an urgent housing need, a further assessment will be carried out and the most suitable accommodation to meet their individual needs will be considered. An offer of accommodation will only be made if the Council is satisfied the applicant:

- a. Is able to live independently.
- b. Is able to sustain a tenancy;
- c. Can show appropriate support is in place;
- d. Has an appropriate adult to hold the tenancy in trust until the applicant is 18;
- e. Can show the housing association they have an appropriate adult or agency acting as guarantor; and
- f. Can show the housing association they have an identified package of support available to them, or can be offered supported housing; or
- g. Is suitable for a supported housing scheme until ready for move-on into independent living. Lone parents aged between 16 and 18 will not be allocated an independent tenancy without appropriate support being in place.

### Local Connection

Applicants must meet one of the following local connection criteria. Local connection means that the applicant or a person who might reasonably be expected to reside with them is:

### Residence

- The applicant or joint applicant has lived in the district, by choice, in their only home for a period of at least three years out of the last five years. Applicants will be awarded local connection to the parish cluster where this applies. See **Appendix D**. Please note residence will not count where an applicant has lived on a caravan site that does not have planning approval for permanent occupation. Residency should be of the applicant's own choice. Households placed by other authorities' services in accommodation such as temporary housing, probation accommodation, prison or residential care will not be considered to be resident in the borough.

### Family

Applicants whose only local connection is through family will only be eligible for band D. These applicants will be considered for new build housing schemes where there are specific planning or local connection requirements.

- The applicant or joint applicant has close relatives who reside in a parish or ward in the Rother area as their only or principal home and have done so for at least the previous five years. Close relatives are defined as parents, adult children or brothers or sisters, including corresponding step relationships. Applicants will be awarded local connection to the parish cluster where this applies.
- Relatives who are not considered to grant a local connection are grandparents, grandchildren, aunts or uncles, carers and non-adult children. These persons will only be used to establish a local connection where the Council considers that it is necessary for the applicant to be accommodated within the parish or ward in order to provide or receive medical or social care to/from the relative and at the discretion of the Council.

### **Employment**

- The applicant or joint applicant has permanent paid employment (or a confirmed offer of such in the district). This must be for a minimum of 16 hours per week but will not include seasonal or temporary contracts.
- A person carrying out work on a self-employed basis must be able to demonstrate that on average they work at least 16 hours per week and the majority of the work carried out is undertaken within the district. Applicants must be able to demonstrate that their work is not marginal or ancillary.
- Local connection will be awarded to the parish cluster where the majority of this employment is carried out.

### **Local Connection exceptions**

The local connection criteria will not apply to the following groups of people:

- **Applicants owed ‘prevention’ or ‘relief’ duty** by the Council. If that duty is discharged applicants will only be able to remain on the register if they meet one of the other local connection criteria or exceptions.
- **Members of the Armed Forces and former Service personnel**, where (a) the application is made within five years of discharge (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (c) 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.
- **Domestic Abuse** – Where an applicant is fleeing domestic abuse and those placed into a refuge or temporary accommodation in the district. Applicants will be referred to the Housing Needs team to ensure they receive the appropriate specialist support and that relevant duties are met under the Homeless Reduction Act (2017). Following enquiries and assessment by the Housing Options team the appropriate level of priority will be determined. Applicants who are subsequently allocated accommodation will receive the same security of tenure they previously fled.

- **Care Leavers** - If an applicant is (or was) a 'child in care' and has been placed in the district by an out of district care authority, the applicant will qualify under local connection providing they have been resident in the district for three out of the last five years.
- **Asylum seekers** who have been dispersed to the district by the National Asylum Support service (NASS) and whose status changes to that of refugee, or asylum seekers who have been awarded exceptional or indefinite leave to remain whilst living in the district.
- **Right to Move** – If an applicant is an existing social housing tenant and they need to move to the district to avoid hardship and need to move to take up an offer of work. The Council will consider the following factors: the distance/travel time between home and work, transport links, length of contract, employment opportunities more locally. **See Appendix D.**
- **Care & Support** - If an applicant needs to move to the borough to give or receive support from a close family member (for these purposes immediate family encompasses a parent or parents, a child or children, a sibling or siblings or other relationship where it can be demonstrated there is a genuine need to give or receive support). Such family members must have been resident for a minimum period of one year.
- **Fleeing violence** – If an applicant is assessed as having an urgent (emergency) need due to imminent risk of abuse, harm or racial or homophobic harassment, extreme anti-social behaviour, vulnerable witnesses or any other significant and/or immediate need to move to more suitable alternative housing accommodation, where a move to social housing is the only suitable accommodation option.
- **Gypsy and Traveller households**- The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule because the period may have been broken by travelling. The Council will consider the facts of each case when deciding whether the criteria should be waived. Applications to be determined by a Housing Manager.
- **Exceptional Circumstances** - you have been assessed as having an exceptional housing need, but do not otherwise meet the local connection criteria, and would qualify for an Emergency Band. A determination of exceptional circumstances is at the discretion of the Housing Needs Manager.

Please see **Appendix G** for evidence required to establish a local connection.

## Appendix E - Right to Move

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) ('the Qualification Regulations 2015') came into force on 20 April 2015. These provide that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority's district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166A(3) Housing Act 1996 because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district or need to move to take up an offer of work.

This will ensure that existing tenants who are seeking to move between local authority areas in England in order to be closer to their work, or to take up an offer of work (hereafter referred to together as 'work related reasons'), will not be disadvantaged.

In order to qualify for an exemption of the local connection criteria the following will be taken into account in assessing if an exemption applies. The Right to Move Qualification Regulations 2015 (statutory guidance on social housing allocations for local housing authorities in England 2015) only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

### **Short-term Work**

In determining whether work is short-term, the following are relevant considerations:

- Whether work is regular or intermittent (This is likely to be particularly relevant in the case of the self-employed)
- The period of employment and whether or not work was intended to be short-term
- or long-term at the outset
- If a contract of employment that was intended to last for less than 12 months would be considered to be short-term.

### **Marginal Work**

The following considerations would be relevant in determining whether work is marginal:

- The number of hours worked. Less than 16 hours a week of work could be considered marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit. The fact that a tenant only works 15 hours a week, for example, may not be determinative if they are able to demonstrate that the work is regular, and the remuneration is substantial.
- The level of earnings.

## **Ancillary**

Ancillary work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded for the purposes of this policy.

A further relevant consideration would also be whether the tenant is expected eventually to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer. A person who seeks to move to Rother to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority area is also excluded from the right to work.

## **Voluntary work**

Regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

## **Apprenticeship**

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

## **Genuine intention to take up an offer of work**

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

## **Verification and evidence**

In all cases the Council will want verification and evidence that the work or job offer is genuine and the following documentary evidence will be required:

- A contract of employment
- Wage or salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- Tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible), P60 or other information related to the employment.
- A formal offer letter and letter of acceptance.
- Verification of the position from the employer.
- Letters should be on company headed paper.

An applicant must qualify for an allocation under the right to move both at the time of the initial application and when considering making an allocation. This means that proof will have to be provided that the person's circumstances have not changed. Any applicant that is suspected of attempting to supply false or misleading statements in order to obtain accommodation with the Council commits an offence and may be

prosecuted. If a property is allocated following false or misleading statements a person may face eviction. Section 166A provides that the Council must frame the housing allocations policy to ensure that reasonable preference is given to move to the area, where failure to meet that need would cause hardship to themselves or others. Reasonable preference for the Right to Move Scheme has been set within the priority bands.

## Appendix F - Local Connection Parish Clusters

Housing applicants in local parishes must be housed in accordance with their needs and the availability of the existing social housing stock. In some parishes few homes become vacant so the Council must ensure the available social housing stock is used to house those in the most housing need. For the purposes of this policy vacancies in Bexhill-on-Sea will be available to all applicants as Bexhill-on-Sea is not defined as a parish cluster. The parish clusters are as follows:

### Battle Parish Cluster

Battle	Netherfield	Bodiam
Ashburnham	Ewhurst	Penhurst
Brightling	Catsfield	Crowhurst
Dallington	Mountfield	Whatlington
Salehurst	Westfield	Sedlescombe

### Rye and Rye Rural Parish Cluster

Rye	Brede	Camber
East Guldeford	Guestling	Icklesham
Fairlight	Iden	Beckley
Northiam	Peasmarsch	Pett
Playden	Rye Foreign	Udimore

## Ticehurst & rural including

Burwash	Etchingham	Hurst Green	Ticehurst
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## Appendix G - Non Qualifying Applicants

Applicants will be considered non qualifying applicants and be ineligible to join the register if they meet any of the following criteria:

### a) Unacceptable Behaviour

Applicants will not be accepted on to the register where it is determined that the applicant, or a member of their household, who may reasonably be expected to reside with them have behaved in a manner deemed to be unacceptable.

Unacceptable behaviour may include but, is not limited to:

- Being subject to an injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 or an Anti-Social Behaviour Order (ASBO) or equivalent
- Being cautioned or convicted of a nuisance, anti-social or violent offence
- Conduct likely to cause serious nuisance, annoyance or harassment to neighbours.
- Committing violent or anti-social behaviour, or domestic, racist, homophobic, transphobic or any other abuse
- Fraudulent behaviour to obtain accommodation
- Serious damage or neglect of a property by the tenant or household members
- Where a landlord has obtained a possession order under Schedule 2 of the Housing Act 1988 under grounds 13, 14 and 17.
- An applicant or a member of their household has been verbally abusive towards, threatened or assaulted any Council staff member

### b) Financial Resources

Applicants will not be accepted to the register if they have monthly rent or mortgage payments less than 32% of the total household income will not be eligible. In addition, applicants who have savings totalling more than £16,000 (unless it is their only source of income) will not be eligible. The Council will disregard disability payments for former members of the armed forces following discharge, Disability Living Allowance (DLA) payments, Personal Independent Payments (PIP) and applicants with significant mobility issues. Those owed reasonable preference as described in 14.1 of the policy would be exempt from this financial threshold.

### **c) Homeowners**

Applicants that own or part own a property that the Council considers they could reasonably reside in (even if they are not currently living in it) or where if the property were sold, the equity could be used to purchase alternative suitable accommodation elsewhere in the district (applicants over the age of 65 will be considered eligible if their current home is not suitable for their needs and they need to move into sheltered accommodation) will not be accepted to the register

If an applicant owns a share in a property but is unable to live there, for example as a result of a relationship breakdown, the Council will consider if the value of the share is above the savings limit of £16,000. The Council will consider this to be above the threshold for financial resources, regardless of any other outstanding debts and the applicant will not qualify.

In certain circumstances where a homeowner has specific medical needs the Council will take into consideration the supply of accommodation suitable for the applicants specific needs and if the applicants housing need can be met in the Rother area. Where the Council agrees to assist a homeowner with rehousing the applicant will be expected to place their property on the open market.

If an applicant is a homeowner who is fleeing domestic abuse then a referral will be made to the Housing Options team to ensure they receive the appropriate specialist support and that relevant duties are met under the Homeless Reduction Act (2017). Following enquiries and assessment by the Housing Options team a decision will be made as to whether the applicant is eligible to join the Housing Register.

### **d) Deliberately worsening their own circumstance**

Where the Council is satisfied that an applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in the last 12 months, in order to qualify for a higher priority or to qualify for the register, then the applicant will not qualify to join the register for a period of 12 months. Examples of this include, but are not limited to:

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

An applicant can also be considered as having worsened their own circumstances if they refuse an offer of suitable accommodation made to relieve (s.189B Housing Act 1996) or prevent homelessness (s.195 Housing Act 1996).

### **e) False Statements and withholding information**

Ensuring all the information provided is true and accurate is the responsibility of the applicant. Verification checks will be undertaken at the point of offer to confirm the information on the application form is correct and up to date.

It is a criminal offence for applicants knowingly or recklessly to give false information; or to knowingly withhold information. It can carry a fine and in separate civil proceedings can lead to the loss of any accommodation let as a result of Rother District Council relying on that false information.

This Scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 states:

A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part:

- (a) they knowingly or recklessly make a statement which is false in material particular, or
- (b) they knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of those functions.

Where false information is found to have been given, the applicant may also be disqualified from the Housing Register on the grounds of unacceptable behaviour for a period of 12 months.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

#### **f) Prison**

Applicants who are in prison will not be eligible to join the register. In accordance with the Homeless Reduction Act (2017) the prison or probation service should complete a duty to refer prior to an individual's release. The Council will then make statutory enquiries to determine what duties are owed and eligibility to join the register.

#### **g) Housing related debt**

Applicants with social housing arrears of two or more months' rent or who are in default with a loan for previous housing support will be ineligible until evidence has been provided that the debt has been paid or the applicant has maintained a payment agreement for at least the last six months. Applicants with outstanding debts with our housing association partners are likely to be rejected for properties by the housing association until the debt has been paid in full. Exceptional circumstances may apply and signposting to services that provide advice and support around debts will also be offered.

## Appendix H - Documentation Required

Applicants will be required to provide the following information in order that their application can be assessed.

Proof of name change via Deed Poll

A copy of marriage certificate (if name is different from birth certificate or passport)

### **Proof of Identification – For applicant and each member of the household**

**One from Group 1 or two from Group 2**

**Or**

**Or one from List B for non UK, European Economic Area (EEA) or Swiss National applicants**

#### **List A - Group 1**

A UK passport (current or expired)

A passport or passport card (current or expired) showing the holder is an Irish citizen

A passport or other travel document (in either case, whether current or expired) of non UK resident

An immigration status document (current or expired) containing a photograph issued by the Home Office.

A certificate of registration or naturalisation as a British citizen

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service.

#### **List A – Group 2**

A birth certificate issued in the UK

An adoption certificate issued in the UK

A birth certificate issued in the Channel Islands, the Isle of Man or Ireland

An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland

A letter which issued by a government department or local authority no longer than three months before the date on which it is presented

A letter from an acceptable professional

A letter from an employer

A letter from a Police force in the UK no longer than three months before the date on which it is presented

An identity card or document issued by one of HM forces

A letter from the prison service

A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England and Wales

A current full or provisional photo card UK driving license

A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service.

A letter, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by HM Revenue and Customs, the Department of Work and Pensions

A letter issued by a further or higher education institution in the UK

#### **List B – Time Limited documents**

A current passport or travel document

A current immigration status document issued by the Home Office

A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey or the Isle of Man

A document issued by the Home Office confirming an application for leave to enter or remain

A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain.

A passport of a national of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor to the UK

#### **Evidence if adding children to an application**

A Child Benefit award letter or

A Tax Credits award letter or

A Joint Court Order which confirms the custody arrangements for your child or alternatively a Solicitor's Letter that confirms the extent to which you look after your child.

Proof of pregnancy – GP / hospital letter or maternity certificate

#### **Evidence of Local Connection by virtue of residence**

Address history of applicant and all household members for the last 5 years

Address history of all close relatives that meet the criteria for the last 5 years

#### **Evidence of Local Connection by virtue of employment (all applicants must provide confirmation of their actual place of work as this maybe different from the wage slips or the letter from employer)**

A copy of the employment contract or

A confirmed letter of employment or

Last 3 months wage slips

Self-employed - Accounts for the last 12 months including two recent invoices and where they are registered

**Evidence of current tenure (whichever is applicable)**

A copy of the tenancy agreement & current rent statement

A copy of the licence agreement

A letter confirming current living arrangements – if living with friends or family

Most recent mortgage statement and valuation dated within the last months

Confirmation of tied accommodation

**Proof of address - two required**

Utility Bill - dated within the last 4 weeks

Benefits award letter - dated in the last 4 weeks

Bank statement – dated within the last 4 weeks showing current address

Council Tax statement – dated within the last 6 months

Mortgage statement – dated within the last 6 months

Letter from official body e.g. NHS, School, Social Services etc within the last 4 weeks

**Proof of income - provide all that are relevant**

Last 3 months pay slips (if paid monthly)

Last 5 weeks pay slips (if paid weekly)

Benefit award letter

Details of any payments from an Occupational Pension

**Evidence of savings and capital – all household members over the age of 18**

Last 3 months bank statements for all accounts held

**Evidence of homelessness or threat of homelessness**

Eviction notice from landlord or letting agent

Letter from friend or family asking you to leave – giving reasonable notice

Mortgage possession paperwork

## Appendix I - Bedroom Entitlement

The table below details who is entitled to bedroom in accordance Local Housing Allowance (LHA) rules

Single Person/couple	1 bedroom
Two children under 16 of the same sex	1 bedroom
Two children under 10 of the same or opposite sex	1 bedroom
Any other child or person aged 16 or over who is part of the household	1 bedroom
An overnight carer	1 bedroom

The table below details the property size a household will usually be considered for;

Household size	Properties usually considered suitable
Single person	Studio flat, 1 bedroom property
Single person over 55	Sheltered studio or 1 bedroom property or bungalow*
Couple	1 bedroom property
Couple over 55	Sheltered 1 or 2** bedroom property or bungalow*
Pregnant woman with no other children	1 or 2 bedroom property
Family with one child	2 bedroom property
Family with two children	2 or 3 bedroom property
Family with three children	3 or 4 bedroom property
Family with four children	3 or 4 bedroom property
Family with five or more children	4 or 5 bedroom property

\*Preference for bungalows will be given the applicants who have a medical need for this type of accommodation as assessed by the Council's Independent Medical Advisor.

\*\*Applicants over the age of 55 will only be considered for a two bedroom property where this has been awarded by the Council's Independent Medical advisor and agreed by the Council's Housing Benefit team.

## Appendix J - Priority Bands

### **Emergency Need Band – Applicants in this band will be made one direct offer**

Applicants will only be placed in the Emergency Need band if they meet at least one of the criteria below and it has been determined that social housing is the only suitable type of accommodation.

#### **Emergency Need Band – Direct offer**

**Severe housing conditions** - applicant considered as being in severe housing need as a result of housing conditions presenting an immediate threat of serious injury or if life threatening as assessed by the Private Sector Housing Team.

**Welfare** - applicant is required to move on from care/supported housing/ NSAP/RSAP accommodation from authorised partnership schemes (**Appendix A**) where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided. Applicants will only be eligible for this band if they have been unsuccessful in bidding in band A for more than 3 months.

**Exceptional homeless households** – accepted homeless households who have severe difficulty in accessing accommodation in the private rented sector, have been in temporary accommodation for 6 months or more, have engaged with council to exhaust all other options and have no housing related Council debt.

**Hospital discharge** – applicants who are ready to be discharged from hospital and their accommodation has been assessed by an Occupational Therapist as permanently unsuitable.

**Adapted property** – transfer applicant releasing a property already adapted for a disabled person.

**Domestic Abuse** – applicants fleeing domestic abuse who have been assessed under s189A of the Housing Act 1996 as (amended) and it has been determined they can't return to their property and cannot be accommodated in refuge or temporary accommodation.

**Permanent decant** - applicants in a social housing property who need to be moved permanently because there is an urgent, immediate need for major repair or redevelopment of their home and they have been unsuccessful in band A for or 6 months.

**Medical (severe & immediate)** - awarded after advice from the Council's medical advisor or County Council occupational therapist, where there is a severe/immediate need to move and where the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or member of the current household and the property cannot be adapted. For example; significant risk of falls, unable to access essential facilities, layout prevents delivery of essential services (evidence required from social care provider).

**Significant risk** – applicants who are homeless and require immediate rehousing as a result of fleeing violence or threats of violence, including intimidated witnesses, where it has been assessed that social housing is the only suitable option. Might be due to but not limited to race, gender, sexual orientation, mental

health, physical disability, learning disability, age, religion, domestic abuse, or harassment by a current partner, former partner, or associated persons. Requires written evidence from the Police or other public protection agency.

**Exceptional reasons** – for example, a public health emergency such as a pandemic. Cases to be agreed by the Head of Housing.

### **Band A – Very High Priority (Choice Based Lettings)**

**Serious Housing Conditions** - applicant living in accommodation that has been deemed by Private Sector Housing or the Environmental Health department as containing a “category one” environmental hazard (in accordance with the HHSRS) and the property owner is unable or unwilling to remedy the defects within three months.

**Welfare** - applicant is required to move on from care / supported / rough sleeper accommodation from authorised partnership schemes where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided. Evidence to demonstrate accommodation seeking in the private sector may also be required.

**\*Under Occupation** – transfer applicants residing in the district who are under occupying family sized accommodation.

**Medical (Urgent priority)** - awarded to applicants where there is a need to move and the housing conditions are having a significant adverse effect on the medical condition of the applicant or member of the current household. This may include where there are significant difficulties with access to essential facilities within the property and/or access to the property.

**Homeless making own arrangements** - applicant has received an outright possession order / notice of eviction from the court through no fault of their own and has fully engaged with the Council to prevent homelessness. This applies only to applicants who the Council would owe the ‘main duty’ (s193(2)) to and have chosen not to move into temporary accommodation.

**Homeless prevention** - applicant has been served with a valid Section 21 notice through no fault of their own, are owed the relief or prevention duty and it has been determined the Council would owe the ‘main duty’ (s193(2)). In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 12 months.

**Homeless prevention** - applicant living with friends/family, is threatened with homelessness, owed a prevention or relief duty and it has been determined the Council would owe the ‘main duty’ (s193(2)); They must have been resident with friend/family for at least 12 months prior to the birth of their child or application (and can evidence this), and is forced to share their bedroom or sleeping area with their dependent child who is over 6 month old. In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 6 months. Council will need to be satisfied there is no evidence of collusion between family members to gain additional priority. Where this is found applicants will be treated as deliberately worsening their own circumstances and placed into band D.

**Permanent decant** - applicants in a social housing property who need to be moved permanently because there is an urgent, immediate need for major repair or redevelopment of their home.

**Overcrowding** – applicants lacking two or more bedrooms unless evidence exists that shows the overcrowding is deliberate. This also includes applicants who have exclusive use of one room but share kitchen or bathroom facilities with non-family members and lack two or more bedrooms. This does not include temporary accommodation. Maybe subject to a home visit.

**Fleeing violence/harassment/abuse** – applicant or member of household who following assessment is at risk of serious and persistent violence/harassment/abuse that will be improved by alternative accommodation and all other options have been explored. Might be due to but not limited to race, gender, sexual orientation, mental health, physical disability, learning disability, age, religion, domestic abuse, or harassment by a current partner, former partner, or associated persons. Requires written evidence from police or other appropriate agency.

\*Applicants who are under occupying family sized accommodation will be awarded band A for a period 12 weeks. If at the end of this period there have been no suitable properties to bid on then this will be extended for a further 12 weeks. If an applicant has been bidding on suitable properties and has not been successful, then this period will also be extended. If an applicant has not been bidding and there have been suitable properties to bid on then the reasons for this will be reviewed, this may result in their priority being reduced.

### **Band B – High Priority (Choice Based Lettings)**

**Accepted Homeless Households** – applicant to whom the council has accepted the main housing duty (s193(2)), are residing in temporary accommodation provided by the council and have no housing related council debt.

**Medical (High Priority)** – awarded to applicant where it is assessed their medical condition may be improved by re-housing. This would also apply where it is established that the ability to cope with the medical condition may be improved by re-housing even where it is unlikely that the condition itself may be improved.

**Welfare** – applicant or a member of their household who has a learning disability and wishes to live independently, this decision will be based on an assessment made by the Learning Disabilities Team / applicant has been approved by Children's Services to adopt or foster a child and is lacking a bedroom in their property / applicant has completed drug/alcohol residential rehab and has no other accommodation available to them and is at risk of relapse.

**Overcrowding** – applicant lacking a bedroom unless evidence exists that shows the overcrowding is deliberate or overcrowded because two people who are both over the age of 12 months are forced to share a bedroom which is less than 110 square feet (or a studio or bedsit where the sleeping area is less than 110 square feet) This does not include temporary accommodation. Maybe subject to a home visit.

**Insecurely Housed** - applicant is homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) but not owed the main duty and has no fixed address and is staying with friends or relatives in at least 2 different addresses (this will need to be verified).

**Armed / Reserve Forces** - former members of the Armed Forces serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service / 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.

**Unsatisfactory Housing Conditions** - applicant living in accommodation that has been deemed by Private Sector Housing or the Environmental Health department as containing one or more “category two” environmental hazards (in accordance with the HHSRS) and the property owner is unable or unwilling to remedy the defects within three months.

### **Band C – Medium Priority (Choice Based Lettings)**

**Homeless Prevention** - applicant is living in private rented accommodation and was assisted into an assured shorthold tenancy with help from the Council as a way of preventing or relieving homelessness (including those who have escaped domestic abuse from outside the District).

**Homeless Prevention/Relief**- applicant has been served with a valid Section 21 notice or has become homeless or threatened with homelessness for another reason, are owed the relief or prevention duty and it has been determined the Council would **not** owe the ‘main duty’ (s193(2)). This would also apply while an application was being determined.

**Intentionally Homeless** - applicants who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) but to whom the homelessness relief duty or the S193(2) main homelessness duty are not owed (for example applicants who have been determined not be in priority need or have been found to be intentionally homeless)

**Welfare** – applicant who needs to move to a particular locality in the authority’s area where failure to do so would cause hardship. This could be, but is not restricted to, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up particular employment, education or training opportunity.

**Right to Move** – applicant who has been assessed under the exception to local connection for ‘Right to Move’.

### **Band D – No preference (Choice Based Lettings)**

**Refused Main duty or Final Offer of accommodation** – applicant has refused a suitable offer of accommodation in discharge of the main housing duty (s193(2)) or a ‘final offer’ of accommodation in accordance with the Housing Act 1996 (as amended) will be placed into this band for 6 months.

**Deliberate or unreasonable refusal to cooperate with PHP** – applicant who has been assessed by the Council as deliberately or unreasonably refusing to

cooperate with their Personalised Housing Plan will be placed into this band for 6 months.

**Family Local Connection** – applicant whose only local connection is via a close family member (mother, father, brother, sister) who resides in the District and has done for a continuous period of at least 5 years. Will only be considered for new build schemes in accordance with any Local Lettings Plan.

**Deliberately worsened own circumstance** – applicant who the Council has determined has deliberately worsened their own circumstance e.g.; deliberate overcrowding or collusion in order to gain greater priority will be placed into this band for 6 months.

## Appendix K - Medical Priority & Additional Bedroom

Medical priority will only be awarded where it can be evidenced that the applicant's health, or a member of their household, is being adversely affected by their current accommodation. The list below is not exhaustive but highlights the need and evidence required.

**Please do not include appointment letters as these do not evidence a medical need.**

Housing Need	Evidence (one or more of the following)
<p><b>Mobility/access to property</b> e.g.; applicant or member of household uses mobility aids or wheelchair, have difficulty accessing the home and/or the community and adaptations can't be made</p>	<ul style="list-style-type: none"> <li>• Report from an Occupational Therapist which details why the current property is not suitable and what accommodation is required to meet the need</li> <li>• Report from a GP or specialist which details current diagnosis, symptoms, prognosis, treatment and why the current property is not suitable</li> </ul>
<p><b>Physical Health</b> e.g.; applicant or member of the household has a chronic illness such as asthma, COPD or arthritis which is being made worse by current housing conditions</p>	<ul style="list-style-type: none"> <li>• Report from a GP or specialist detailing current diagnosis, symptoms, prognosis, treatment and how the current property is making the condition worse And if appropriate</li> <li>• Confirmation from the Council's Private Sector Housing team that any defects or hazards cannot be rectified within 3 months</li> </ul>
<p><b>Mental Health</b> e.g.: applicant or member of the household has a diagnosed mental health condition where the current property is having a significant impact on their health.</p>	<ul style="list-style-type: none"> <li>• Report from a Psychiatrist or Community Psychiatric Nurse (CPN) which details how current property is adversely affecting their health.</li> </ul>
<p><b>Behavioural Issues</b> e.g.: applicant or member of the household has a diagnosed behavioral condition where the current property is having a significant impact on their health.</p>	<ul style="list-style-type: none"> <li>• Report from a medical specialist detailing how their current accommodation is adversely affecting their health</li> </ul>

## Additional Bedroom

Housing Need	Evidence
<p><b>Applicant/partner/child is disabled and requires a non-resident carer to provide overnight care</b></p>	<p><b>Must be in receipt of :</b></p> <ul style="list-style-type: none"> <li>• A Social Care Assessment to show that you need permanent and substantial overnight care on a regular basis</li> </ul> <p><b>And one of the following:</b></p> <ul style="list-style-type: none"> <li>• care component of DLA at the higher or middle rate and copy of the decision letter</li> <li>• attendance allowance (non-resident carer condition)/attendance allowance at the higher rate (can't share a bedroom condition)</li> <li>• daily living component of personal independence payment (PIP)</li> <li>• armed forces independence payment</li> </ul>
<p><b>Foster Care</b></p>	<p>If the applicant (or their partner, if they claim universal credit as a couple) is an approved foster carer and has;</p> <ul style="list-style-type: none"> <li>• has a foster child living with them. or</li> <li>• is between placements and has fostered a child in the last 12 months, or</li> <li>• became an approved foster carer in the last 12 months</li> </ul> <p>There must be a 'spare bedroom' in the home in order for an additional bedroom to be allowed. Only one extra bedroom is permitted regardless of the number or sex of foster children in the applicant's household</p>
<p><b>A child who cannot share a bedroom due to a disability</b></p>	<ul style="list-style-type: none"> <li>• Report from a medical specialist detailing why they are unable to share</li> <li>• care component of DLA at the higher or middle rate</li> <li>• attendance allowance at the higher rate (can't share a bedroom condition)</li> </ul>

	<ul style="list-style-type: none"> <li>• daily living component of personal independence payment (PIP)</li> </ul>
<b>Applicant/partner who are unable to share due to a chronic medical condition</b>	<ul style="list-style-type: none"> <li>• A report from a medical specialist confirming why they are unable to share and the risk to the other household member</li> </ul>
<b>Applicant or a member of the household who has a severe disease or disability and requires extra space for life sustaining equipment to promote independence in the home</b>	<ul style="list-style-type: none"> <li>• Long term medical equipment such as home dialysis machine, mobile hoists, hospital beds</li> <li>• A report from a specialist that confirms there is insufficient space for the equipment in applicant's current property</li> </ul>
<b>Applicant or member of their household has severe behavioural problems where sharing bedrooms places other household members at significant risk</b>	<ul style="list-style-type: none"> <li>• A report from a medical specialist outlining why separate bedrooms is required to alleviate the situation</li> </ul>
<b>A member of the household is transitioning and are unable to share a bedroom with other family members who are the same gender as they identify with. This is particularly relevant if this person is undergoing gender re-assignment surgery.</b>	<ul style="list-style-type: none"> <li>• A report from a medical professional or psychiatrist confirming the situation</li> </ul>
<b>A child, up to the age of 16, in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature.</b>	<ul style="list-style-type: none"> <li>• A report from a consultant psychiatrist outlining the situation and confirming the risk to other household members</li> </ul>

## Appendix L - Allocation of New Build Adapted Properties

1. Housing Development will use the Locata reporting system to identify Mobility 1 & 2 cases at the planning stage, in addition to direct nominations referred by the Housing Needs team/DFG team. This information will be used to evidence the need for a wheel chair adapted property on a particular scheme, to be built to Building Regulations M4 (category 3)
2. Once a scheme is on site Housing Development will email the Housing team/DFG team confirming details of the wheelchair dwelling/s coming up, within 6-8 months prior to completion of the scheme.
3. The information required by Housing Needs from Housing Development will include; Dwelling type, bed size and location of the site.
4. Housing Needs will send out a letter to all those applicants registered in Mobility 1 on the housing register allowing a minimum of 2 weeks to 28 days' notice to respond by.
5. If there is no response the same letter may be sent out to Mobility 2 cases allowing a minimum of 2 weeks to 28 days to respond by.
6. Where we receive more than one response back, allocations will be prioritised based on; Mobility level, banding, medical needs, homelessness status, and date registered on the housing waiting list.
7. Where no response has been received from the offer letters or the property is not deemed suitable to meet the needs of the individual (and cannot be reasonably adapted during the build process to meet these needs). The Allocations team reserve the right to make a direct nomination at any point from the end of the notice period. This property may also be advertised on Choice Base Lettings to the wider register, or used to provide temporary accommodation for a given period.
8. Only applicants being allocated/considered for the wheelchair property will be contacted directly by Housing Needs Team for further information, to include where possible an up to date Occupational Therapist (OT) report.
9. The Housing Association will be required to produce an advert on Locata, informing the Housing Needs team so that the nominated applicant can be formally made a direct offer on the Locata system.

10. Housing Development will be responsible for liaising with the appropriate Housing Association Development team and Housing OT until the property is ready to occupy.

11. Housing Development will update Rother's Allocations team once the property is ready to occupy and the housing register application will then be cancelled on Locata accordingly.

\*All properties built to Building Regulations Part M4 (category 2 – accessible & adaptable) will be advertised via Locata in the normal way, with additional information provided in the advert indicating that the property may be suitable to those with mobility needs.

## Appendix M - Glossary of terms

<p><b>Applicant</b></p> <p>A person who applies for housing on the lettings scheme. person who applies for housing on the lettings scheme.</p>
<p><b>Application</b></p> <p>The completed application form together with the documents required to prove the identity of every person named on the form, full details of their income and savings over the preceding six months and any other supporting evidence. The term 'application' is also used as a generic description for the whole process from the point of completing the application form until someone accepts the offer of a home or their application is withdrawn from the Housing Register. The date of application is the date on which the applicant first submits their completed application to the Council</p>
<p><b>Anti- Social Behaviour (ASB)</b></p> <p>The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:</p> <ul style="list-style-type: none"><li>(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,</li><li>(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or</li><li>(c) conduct capable of causing housing-related nuisance or annoyance to any person</li></ul>
<p><b>Bidding cycle</b></p> <p>A bidding cycle is the period you have to bid upon a property which has been advertised on Sussex Homemove. You can choose to "bid" on any property that meets the criteria established when your place on the housing register has been confirmed. The bidding cycle runs from 00.01am on Thursday to 23.59 the following Wednesday</p>
<p><b>Care Leaver</b></p> <p>A young person aged between 16 and 25 who is or has been looked after for a total of 13 weeks or more after their fourteenth birthday and who continue to be looked after at 16 or 17 years of age.</p>
<p><b>Carer</b></p> <p>Anyone who looks after a family member or friend who needs help because of illness, frailty, disability, a mental health problem or some other care need and cannot manage without this additional support. Carers can be adults or young people and the support they provide is unpaid.</p>
<p><b>Choice Based Lettings</b></p> <p>Most council and housing association homes are now let through local choice-based lettings (CBL) schemes rather than allocation through a local council. This allows you to make choices about which properties you would like to bid on.</p>

<p><b>Direct lets</b> Direct lets are homes which we, with agreement from the social landlord partner, allocate directly to an applicant, usually in the Urgent Need category of the Housing Register.</p>
<p><b>Effective date</b> The date an application was assessed into one of the housing allocation scheme bands</p>
<p><b>Local connection</b> Connections to a local authority area because of residency, employment or other reasons detailed in the policy.</p>
<p><b>Housing, Health and Safety Rating System (HHSRS)</b> The HHSRS assesses 29 housing hazards (i.e. crowding and space, mould, excess heat or cold etc) and the effect that each may have on the health and safety of current or future occupants of the property. The HHSRS provides a way that hazards can be assessed and identifies the best way(s) they can be dealt with. If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard</p>
<p><b>Local lettings plan</b> A local lettings plan (LLP) is an additional criterion for a specific area, estate or block of apartments. It means that the LLP properties affected will be allocated in a different way to the usual approach.</p>
<p><b>Overcrowding.</b> The Council has adopted the Bedroom Standard to assess whether a household is overcrowded. The Council takes into account the number of bedrooms and other rooms that can be used for sleeping. Kitchens and living rooms are not bedrooms for the purpose of the assessment. The intended function of the room is considered, rather than its current use. A dining room is considered as possible bedroom accommodation if it is a separate room and no-one has to walk through it to get to another room.</p>
<p><b>Priority date</b> The date when an applicant was given a priority band.</p>
<p><b>Registered Providers</b> The general name for not-for-profit housing providers approved and regulated by Government through Homes England. The vast majority of registered social landlords are also known as housing associations and have been referred to as such in this policy for ease of reference.</p>
<p><b>Rough Sleeper Accommodation Programme/ Next Steps Accommodation Programme</b> Supported move on accommodation units for rough sleepers. This accommodation is provided with limits to the length of the tenancy with the opportunity to move on to general</p>

needs accommodation. The properties when vacated remain available for the use of rough sleepers and a new applicant will be nominated.

**Shared ownership**

A system by which the occupier of a dwelling buys a proportion of the property and pays rent on the remainder, typically to a housing association.

**Social inclusion**

Social inclusion is the the process by which efforts are made to ensure equal opportunities – that everyone, regardless of their background, can achieve their full potential in life.

**Temporary Accommodation**

Under Homelessness legislation, if a person or family becomes homeless and urgently needs a home, the Council may provide temporary accommodation while helping them find a more sustainable long-term housing solution.

**Tied Accommodation**

Accommodation occupied by employees of the Council where their contract of employment requires them to occupy dwelling houses for the better performance for their duties.

**Transfer applicant/transfer tenant**

A transfer applicant or tenant is the name given to a housing register applicant who is already a housing association tenant.

**Tied Accommodation**

Accommodation occupied by employees of the Council where their contract of employment requires them to occupy dwelling houses for the better performance for their duties.

**Void periods**

A void period is the period of time that a property is empty before a new tenancy is assigned.

**Voids**

Voids is the name given to a vacant property.