



## Allocations Policy Proposed Key Policy Amendment Consultation

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The following information gives you some additional detail about the proposed changes.

### 1. Banding Amendment - Create a new category in Priority Band 3 for non-emergency/urgent Homeless Prevention cases

The Council's Housing Option's team are getting more homeless applicants which is placing a greater burden on housing priority Band's 1 and 2. Prevention of homelessness applicants (with a local connection) are currently placed in Band 2 urgent need, however some applicants have a greater need for re-housing than others. To allow the applicants with the most housing need to secure a home it is proposed to include a non-urgent homeless prevention category in Band 3.

**Current Procedure** – Prevention of homelessness applicants (with a local connection) are currently placed in Band 2 urgent need and Homelessness cases in Band 3 are as follows:

**BAND THREE** – Moderate needs (No time limit)

- Priority homeless but no local connection following investigation by the Councils Housing Options Team
- Homeless Applicants found to be intentionally homeless and the section 189 (B) relief of homelessness duty owed to them has come to an unsuccessful end.

**Proposed amendment** – Include in the Band 3 Category for **non-urgent** Homelessness prevention cases.

- Non-Urgent - prevention of Homelessness Measures (Section 195(2) Following Investigations by the Councils Housing Options Team.

As per the usual procedure all homeless assessments will be carried out by the Council's Housing Options Team and referred to Rykneld Homes Limited stating the appropriate banding that the applicant will be placed in.

### 2. Banding Amendment – Reword the category in Band 2, People living in temporary accommodation pending enquiries.

The Council's Housing Option's team are getting more homelessness applicants which means more temporary accommodation is required. Applicants are aware that if they are in temporary accommodation due to homelessness, they get a higher priority for housing. The Council has a limited number of temporary accommodation which is full most of the time. There are concerns that applicants are using this route to gain a higher priority banding when temporary accommodation is not always necessary. Please note: applicants who are fleeing Domestic Violence will still require priority if placed in any form of temporary accommodation.



**Current Procedure** – People living in temporary accommodation pending enquiries are awarded band 2 priority. This includes applicants living in bed and breakfast, Council owned homeless units, accommodation within Council stock, women's refuge and other supported accommodation as a result of a homeless application under investigation, after investigation the Housing Options Team will treat this in the same way as a prevention of homelessness and may make an offer of accommodation or change the banding priority as appropriate.

**Proposed amendment** – Reword the category in Band 2, People living in temporary accommodation pending enquiries. To read:

Victims/survivors of domestic abuse, living in temporary accommodation, including living in bed and breakfast, Council owned homeless units, refuges and other supported accommodation who require settled accommodation.

Children under the age of 18 are victims of domestic abuse if they see, hear or experience the effects of abuse, and are related to the perpetrator or the person experiencing the abuse.

### **3. Banding Amendment – Statutory Housing Health and Safety Rating System (HHSRS) Category 1 and 2 Hazards**

Environmental Health are getting more applicants in relation to private tenancy conditions. Proof needs to be obtained to ensure these properties fall within the statutory framework and the work has not already been completed by the landlord as requested by Environmental Health.

**Current Procedure** - Where a private sector household is deemed to be living in Category 1 Hazards (Bands A-C) of the Government's Housing Health and Safety Rating System (HHSRS) and the Council has a duty to take action - place in Priority Band 1.

**Proposed amendment** – Strengthen wording and include new category in band 2 for category 2 hazards:

If the Council has a duty to take action, priority can be awarded once the work has been requested of a landlord and not completed within a 6 month period. Evidence will be requested from the Council's Environmental Health Department that the work has not been completed.

Split the banding into Category 1 and 2 Hazards as defined in the HHSRS to ensure that applicants living in the worst conditions have a higher priority.

- **Band 1** - Statutory Overcrowding as defined in the Housing Act 1985 and Category 1 Hazards
- **Band 2** - Housing Health and Safety Rating System (HHSRS) category 2 hazards



#### **4. Use and Occupation - New Banding Criteria**

One statutory succession is allowed to a surviving spouse (this includes civil partners) or a member of the deceased tenant's family, subject to formal succession criteria. Therefore, anyone living in the property who is not eligible to a succession is placed on a Use and Occupation Agreement whilst alternative accommodation is secured. A Use and Occupation Agreement is also used sometimes where the tenant leaves, and an occupant remains living in an unsuitable property e.g. they are under occupying. In both situations, if the remaining person is eligible to join the housing register, it would be beneficial to help secure alternative accommodation if there were a category within the policy specifically for those on a Use and Occupation Agreement, thus reducing the risk of homelessness and making best use of the housing stock available.

**Current Procedure** – Not in policy.

**Proposed amendment** – Include new category in priority band 2:

- Band 2 - Applicants on a Use and Occupation Agreement who are required to leave the current property and are eligible to join the housing register.

The applicant will be required to meet the housing eligibility criteria and the policy and procedures will be applicable, including risk assessments where necessary.

Rykneld Homes Limited can use their discretion to allow the applicant to remain if the applicant is eligible for the type of property they are currently living in, and it suits their housing need.

#### **5. Refusing offers**

Currently, 3 offers can be refused, however reasons must be given for the refusal. 3 refusals on suitable properties, that meet their housing need, from the same applicant does not reflect an urgency to move for the applicant and can cause delays in high demand social housing properties being let.

**Current Procedure** – The policy currently allows 3 offers of suitable accommodation to be refused. When an applicant has been offered and refused 3 homes their application will be re assessed and housing advice given including considering the property location and property type. If the applicant's reasons for refusal are not considered reasonable, applications may be suspended for a period of three months.

**Proposed amendment** – Reduce number of offers to 2.

Reducing the number to 2 refusals will raise any issues the applicant has in terms of accepting a reasonable offer at an earlier date. It will also help other applicants to be offered a property quicker and reduce the amount of time before properties are let.



## **6. Removal of Flexible Tenancies**

There has been limited use of Flexible tenancies and only used for Domestic Violence cases for applicants with equity. Due to the Domestic Abuse Act 2021 these applicants can no longer have flexible tenancies and must be issued with a secure/assured tenancy. Flexible tenancies are no longer required.

**Current** – Flexible Tenancy's were offered as part of a pilot scheme prior to this type of tenancy being introduced nationally as a statutory requirement, this was never introduced and using flexible tenancies is not required as an option.

**Proposed amendment** – Due to no longer offering these types of tenancy remove from the Allocations Policy.

## **7. Armed Forces – Award an additional 12 months 'waiting time' without the need of a local connection**

To support the Derbyshire wide Armed Forces Covenant, which the Council is committed.

**Current** – Applicants who are Armed Forces Personnel or ex partners do not need to have a district connection to join the housing register and receive priority banding. The applicant will be banded in priority band 1 or 2, however they will not receive the extra 12 months waiting time for a local connection criteria.

**Proposed** – To award an additional 12 months 'waiting time' to Armed Forces applicants' or ex partners without the need for a local connection, improving their chances of being re-housed. This is in line with the Policy's local connection 12 months waiting time criteria.

## **8. Insert Band 3 General Medical Priority and Band 4 No priority medical need**

There is a larger number of applicants stating that they have a need to move properties due to a medical condition, however some are milder conditions that are not assessed as critical and/or crisis medical needs. The current policy does not reflect milder medical needs. The new banding approach will ensure that those banded in band 1 and 2 who are in most housing need will have better prospects of being re-housed.

**Current** – Medical priority applicants are placed in two bands, either Band 1 Critical and/or crisis medical needs or Band 2 Urgent medical needs or applicants with significant care needs. Both bands require that moving properties will help manage and improve their condition.

**Proposed** – Include a general medical criteria in priority bands 3 and 4 as follows:

**Band 3** - Applicants suffering from general ill-health, as assessed by a medical professional, which would be helped by a move to another property. Circumstances will be assessed against the following criteria;



- Where there is an inability to manage some aspects of the current accommodation but day to day activities are not hindered.
- Some concern relating to an applicant's ill-health being affected by their current accommodation but do not require urgent re-housing however a move would provide some improvement. This will only be awarded where the ill-health is solely and directly related to the applicant's current housing situation and re-housing is required to prevent deterioration.

**Band 4** - Applicants suffering from mild or temporary health conditions who are adequately housed, this can include, but the list is not exhaustive:

- Physical or mental ill health where a move to another property will not improve the condition.
- Mild depression/anxiety – no medication or support required.
- Broken bones.

## **9. Insert Pet Ownership**

Owners of an excessive number of pets in small unsuitable properties, including flats can cause anti-social behaviour, such as noise nuisance with excessive persistent barking from dogs and is also cause for concern regarding the welfare of the pets. In addition, the policy does not reflect the Dangerous Dogs Act (1991) for banned dogs.

Inserting the paragraph will help manage nuisance behaviour from pets, promote responsible pet ownership and ensure properties don't have too many pets for the size of the property. It will also ensure that the policy reflects the Dangerous Dogs Act and banned dogs legislation.

**Current** – Nothing in the policy regarding pets.

**Proposed** - Insert New Section as follows:

In line with the Tenancy Agreement, tenants are responsible for any pet that they or members of their household bring into their home, garden or communal areas.

Pets can cause annoyance, danger, nuisance, or disturbance to neighbours, this can include, for example, excessive noise and/or persistent barking, excessive smells, damage to the home and fouling. Keeping a large number of animals may cause a nuisance even if each animal is acting in a normal manner.

Prior to allocating a property, to mitigate the risks of any tenancy breach occurring as soon as someone moves in, Rykneld Homes will conduct a risk assessment on the number of pets in the household, including types and breeds against property suitability. Guide/assistance dogs are exempt from the assessment. Written confirmation from a medical professional may be requested for welfare pets to include the number of pets required if there is an excessive number in the household.



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If the assessment concludes the pets are unsuitable for a property, the applicant will not be allocated the property, and the application will be suspended whilst the pets are still in their care. It is the applicant's responsibility to update Rykneld Homes of any change in the number of pets within their care.

If an applicant is in ownership or cares for any breed of dog banned under the Dangerous Dogs Act (1991) and does not have a Certificate of Exemption the applicant may be registered but will not be allocated a property whilst the pet is still in their ownership or care.

Thank you for taking the time to complete the survey.