

Housing Allocations Policy

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17.04.13**

Contents

<u>Section</u>	<u>Page</u>
A Aims and Overview	4
1 Policy overview	4
B Registration with the CBL Scheme	6
1. Qualifying Persons	6
2. Non- Qualifying Persons	6
3. Joining the Housing Register	7
4. Notification of a change in housing circumstances	9
5. Giving false information or withholding information	9
6. Removal from the Housing Register	10
7. Reduction or removal of housing priority	11
C Advertising properties	12
1. Advertisements	12
2. Publishing results	12
D Housing Allocation Process	13
1. Banding system	13
2. Expressing an interest (bidding)	13
3. Short-listing	14
4. Allocation of houses	14
5. Notification of bidding outcome and offers of accommodation	15
6. Direct offers of accommodation	16
7. Upgrading and downgrading of Housing Need Priority	17
8. Council's refusal to accept a successful bid	17
9. Type of tenancy issued	17
10. Local Lettings Plans	18
E Priority Need Groups	19
1. Reasonable Preference Categories	19
2. Households affected by under-occupation and overcrowding	20
3. Providing choice for disabled people with access needs	21
4. Persons moving from supported accommodation	23
5. Foster carers and those approved by the Council	23

	to adopt	
	6. Armed Forces Personnel	24
	7. Households in Service Tenancies	25
	8. Households affected by clearance programmes	25
F	Successions and Assignments and Non-Successors (including joint tenancy terminations)	27
	1. Existing Secure Council Tenants at 01.04.12	27
	2. New Secure Council Tenants after 01.04.12	27
	3. Non-successors and joint tenancy terminations	28
G	Miscellaneous	30
	1. Confidentiality	30
	2. Conflicts of Interest	30
	3. Low cost home ownership and Extra Care schemes	30
	4. Mutual Exchanges	31
	5. Terminating a tenancy	31
	6. Reviews and Appeals	31
	7. Monitoring and Reviewing the Policy	32
H	Garage Allocations Policy	33
	1. Garage allocations process	33
<u>APPENDICES.</u>		
Appendix One:	Qualifying Persons Test - Local Connection Criteria	35
Appendix Two:	Property Household Criteria (Preferred Household make-up/property type match)	36
Appendix Three:	Definition of Adapted Property	37
Appendix Four:	Housing Need Priority Bandings and Supplementary Notes	38
Appendix Five:	Five Year residency test – supporting evidence	43
Appendix Six:	Glossary of Terms	44

Section A

Policy Aims and Overview

1 Policy overview

- 1.1 The Housing Act 1996, as amended, requires all local authorities to make housing allocations and nominations in accordance with an Allocations Policy. The policy must give Reasonable Preference to groups in high levels of assessed housing need. Section 166A (2) of the 1996 Housing Act also provides that an allocation scheme must include the opportunity for applicants to express preferences about the accommodation to be allocated to them.
- 1.2 The purpose of this Policy is to meet the above statutory requirements. The Council will only allocate its housing in accordance with this policy. To enable applicants to express preferences about the accommodation to be allocated to them, the Council operates a Choice Based Lettings (CBL) scheme for allocating both its own housing stock and some stock managed by its partner housing associations. This Policy applies to all new and existing applicants.
- 1.3 Although not part of this Policy, to extend housing choice further, the Council operates a Private Rented Sector Leasing Scheme whereby it leases residential properties from private landlords to house people in need. The Council is responsible for the management and letting of the properties and collection of rent and payment to the private sector landlord concerned.
- 1.4 In addition to 1.3 above, the Council also advertises through its outlets vacant properties from the Private Rented Sector (PRS). PRS properties fall outside of the scope of Part 6 of the Housing Act 1996.
- 1.5 Through this policy the Council aims to:
 - provide a transparent and understandable housing allocations scheme that gives people as much choice as possible over where they live
 - ensure that Council properties and partner organisation properties are let fairly to fulfil the Council's legal and equality obligations
 - help fulfil the Council's responsibilities to people in housing need
 - facilitate the delivery of the Council's strategic housing priorities as set out in its Housing Strategy Statement, Prevention of Homelessness Strategy and Tenancy Strategy
 - contribute to community sustainability, neighbourhood regeneration and social inclusion

1.6 This Policy incorporates four key elements:

1. **The Housing Register.** Only 'Qualifying Persons' can register for housing. The Qualifying Persons Criteria to be applied in this policy together with applicant registration is covered in detail in Section B.
2. **Advertisement of Properties.** Vacant properties available for let are normally advertised on a weekly basis. Each advertisement will detail the preferred household size or composition that is best suited to the property. This is referred to as the 'Property Household Criteria' (See Appendix Two). Other restrictions may also be included in the advertisement. The advertising scheme is outlined in detail in Section C.
3. **Housing Priority Banding system.** Some applicants have a greater level of housing need than others because of their specific housing circumstances. The Housing Act 1996 also requires that local authority allocation schemes should be framed around the 'reasonable preference categories' outlined in Section 167(2). To take account of these factors this policy operates a banding system whereby some households are placed into bands that give them priority over others. In all there are five bands within this policy. The banding system is covered in detail in Section D. The housing circumstances that qualify an applicant for housing priority within this allocation scheme are covered in Section E.
4. **Expressing an interest in vacancies and the short-listing process.** Anyone registered on the Housing Register can express an interest in a property – often referred to as 'bidding'- so long as their household composition is suitable for the size and type of property that they 'bid' for. After the closing date the bids are sorted according to the short-listing process and the successful bidder is informed. The bidding and short-listing process is outlined in detail in Section D.

Section B

Registration with the CBL Scheme

1. Qualifying Persons

- 1.1 Housing authorities may only allocate accommodation to people who are defined as 'Qualifying Persons' (s.160ZA(6)(a) Housing Act 1996). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception afforded to members of the Armed and Reserve Forces (see Appendix One), a housing authority may decide the classes of people who are, or are not, Qualifying Persons. Only Qualifying Persons can join the Council's Housing Register.
- 1.2 Subject to section 2.1 below, to be a Qualifying Person, applicants must either:
- be able to demonstrate a local connection with the borough (see Appendix One); or,
 - qualify under one of the Reasonable Preference Groups as per Section E/1.1 of this policy
- 1.3 All housing applicants have a right to request a formal review of any decision relating to 1.1 and 1.2 above (see Section F/6).

2 Non-Qualifying Persons

- 2.1 The following persons will be classed as Non Qualifying Persons and will not be entitled to join the Housing Register:
- person(s) prescribed as ineligible by the Secretary of State
 - persons aged 16 or 17 (see also Section D/5.4)
 - persons who do not qualify for one of the Reasonable Preference Groups (as per section E/1.1) and who either own a property outright or through a mortgage arrangement or are assessed as having the financial resources to meet their housing need
 - persons who qualify for one of the Reasonable Preference Groups (as per section E/1.1) and who have the financial resources to meet their housing needs (including property equity)
 - persons who qualify for one of the Reasonable Preference Groups (as per section E/1.1) and who live outside of the borough who cannot demonstrate a need to move to Sandwell.
 - persons who are deemed to be unsuitable to be tenant (even if they meet the Qualifying Persons Criteria). Though not exhaustive, the following factors will be taken into consideration:

- rent arrears
- applicants or members of the applicant's household who engage or have engaged in anti-social behaviour that the Council deems to be unsuitable to make them a tenant
- at the application stage applicants who fail to provide information that they would have been reasonably expected to provide that would affect their housing application or provide false information.

See also Appendix Four, Note 10.

- 2.2 All housing applicants have a right to request a formal review of any decision relating to paragraph 2.1 above (see Section F/6).

3 Joining the Housing Register

- 3.1 Registration forms must be completed and returned to one of the Housing Service Centres in order to join the Housing Register. Forms can be obtained from a Housing Service Centre.

- 3.2 Help in completing the registration form will be available in any one of the Housing Service Centres or from the Housing Options Service located in West Bromwich.

- 3.3 Eligible applicants will be required to provide proof of identity. Applicants will have the choice of producing at least one of the following; Drivers Licence, Passport, Birth Certificate, Home Office documentation (where applicable). Proof of Child Benefit will also be required to confirm the residency of dependant children.

- 3.4 Applicants required to provide proof of residency will have to have either:
- 5 years uninterrupted Sandwell residency by choice at the point of registration;
 - a close family connection to someone living in the borough who has 5 years uninterrupted Sandwell residency by choice at the point of registration (close relatives would normally refer to parents, adult children or brothers and sisters)

The onus will be on the applicant to prove their continuous residence through a form of official document; for example utility or Council Tax bills, demonstrating at least five years residency in Sandwell both at the point of registration and prior to allocation. See Appendix Five.

- 3.5 Section 3.4 above does not apply to:
- SMBC or housing association tenants located in Sandwell
 - persons who are serving in the regular forces or have done so

in the five years preceding their application for an allocation of housing accommodation

- bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation has ceased
- seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service
- persons who qualify for one of the Reasonable Preference Groups (as per section E/1.1) (including those who live outside of the borough who can demonstrate a need to move to Sandwell)

- 3.6 Applicants who are tenants of either a Housing Association, another Council, or are privately renting will be required to produce a landlord's reference. If the landlord is unwilling to provide a reference at the request of the prospective applicant, the Council will undertake themselves to request such a reference. In any event, under normal circumstances, a reference must be obtained before an offer of a tenancy can be made. Failure to provide a landlord's reference may result in the application or an offer of accommodation being cancelled.
- 3.7 If not already registered, applicants living in Sandwell will be encouraged to register on the Electoral Register. Applicants can visit www.aboutmyvote.co.uk to register or contact the Council to request an Electoral Registration Form. Whilst applicants may use the Electoral Register as proof of residency (as per Appendix Five), the Council may also use the register as a reference point to prevent fraudulent applications.
- 3.8 Once registration is complete, households will be sent notification of their registration date (usually the date of receipt of the application) and their registration number together with advice on how to bid for a property. They will also be informed as to which Housing Need Priority Band they have been placed into.
- 3.9 In any event the Council will undertake to inform in writing within 21 days on any decision regarding the eligibility of a household to join the Housing Register and also of the right to request a review of the said decision (see Section F/6).
- 3.10 Expectant mothers in receipt of a Maternity Certificate Form MAT B1 will be classed as having a dependant.
- 3.11 Throughout this policy, the term 'child' or 'children' refers to any person aged 16 or below.
- 3.12 All application forms will be available in Ethnic Minority Languages upon request

4 Notification of a change in housing circumstances

4.1 Applicants whose circumstances change are required to notify the Council as soon as possible. Examples of a change in circumstance where notification should be given would include:

- Any confirmed pregnancy
- Any member of the family or any other person on the application form who has left the accommodation currently in occupation
- Any changes of name or address
- Any additions to the household (proof of residence and identification will be required)
- A change in status of accommodation (e.g. Notice to Quit)
- A change in an applicant's medical situation
- A change in immigration status

4.2 If an applicant has changed address a Change of Circumstance Form should be completed immediately. The date of application will be that of the first application (when it was accepted by the Council). The level of housing need and corresponding banding placement may be adjusted to reflect the details outlined in the new application (See also Section D/7).

4.3 Where a Housing Register entry is amended following receipt of a notification of change, the Council will inform the applicant in writing of any changes in banding placement etc.

5 Giving false information or withholding information

5.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their housing application. An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which the Council has reasonably requested on the housing application form. An offence is also committed if the applicant allows a third party to provide false information on their behalf or at their instigation. The local authority may prosecute under these circumstances.

5.2 Where evidence is obtained that an applicant has gained a tenancy through providing false information or by withholding relevant information the Council will in all cases, consider prosecuting the tenant and taking possession proceedings

6 Removal from the Housing Register

- 6.1 Applicants who fail to provide information that they would have been reasonably expected to provide (or where the Council obtains information that would affect their housing application) or who provide false information may be removed from the Housing Register for a period of 12 months. Examples of this would include failure to disclose criminal convictions, serious or persistent rent arrears or previous or ongoing anti-social behaviour. Upon expiry of the twelve month exclusion, applicants can re-register at their own behest. The date of receipt of the new application will be used in any short-listing process.
- 6.2 The Council will, in all cases, consider prosecution if there is evidence that the applicant (or a person acting on the applicants' request) has knowingly or recklessly made a false statement, or withheld information in connection with their housing application which has been reasonably requested.
- 6.3 The Council reserves the right to remove applicants from the Housing Register who fail to place a bid within a twelve month period post their registration. Once removed from the register, applicants may register again in the normal way and will be awarded a registration date at the point that the new application is received. Applicants will be made aware of this procedure at initial registration.
- 6.4 Where a bid is successful and the corresponding tenancy is secured, the household concerned will have its registration details and registration number removed from the Housing Register. Once removed from the register, applicants may register again in the normal way and will be awarded a registration date at the point that the new registration is received.
- 6.5 In instances where a applicant has successfully bid for and subsequently received three offers of accommodation (including offers from housing associations but not private landlords) and has refused all three reasonable offers, the Council reserves the right to cancel their registration. They will also be excluded from registering for twelve months commencing from the date of the third refusal.
- 6.6 All housing applicants have a right to request a formal review of any decision relating to their removal from the Housing Register (see Section F/6).

7 Reduction or removal of housing need priority

7.1 Under Section 167(2A) of the Housing Act 1996, the Council reserves the right to reduce or remove any Housing Need Priority awarded within this policy:

1. where any behaviour of the applicant (or a member of his household) affects his suitability to be a tenant. Bad behaviour would include unacceptable behaviour which was not serious enough to justify a decision to remove the applicant from the register, but which could be taken into account in assessing the level of priority to be awarded. An example of such behaviour could be rent arrears or low level anti-social behaviour.

OR

2. where an applicant or a member of their household has failed to notify the Council of a change in their circumstance that would affect their level of housing need or application in general.

7.2 Households involved in the above process have a right to a Review (See Section F/6)

Section C

Advertising Properties

1. Advertisements

- 1.1 All available properties will be advertised in all of the Housing Service Centres and on the Council's website. Upon request, weekly mailshots detailing all of the available properties will be despatched to applicants who are unable to access the CBL scheme either through health, disability or mobility reasons.
- 1.2 Each advertisement will contain information on:
- a. how to bid for the property
 - b. the closing date for bids
 - c. details of the property, outlining as a minimum its weekly rent and any other costs, number of bedrooms, special features/adaptations, other restrictions, and location.
 - d. the preferred household composition that is best suited to the property (referred to as the Property Household Criteria – See Appendix Two)

2 Publishing Results

- 2.1 In most areas across the borough, it is likely that competition for properties, particularly houses, will be high. Each week, a full list of information relating to properties let in the previous week will be made available for public information. This information will consist at a minimum the number of bids received per property and the date the successful bidder registered.
- 2.2 In addition to 2.1 above, where an applicant has made a bid and has not been offered the property, upon request the household concerned will be informed of their individual ranked bidding position for the said property.

Section D

Housing Allocation Process

1. Banding System

- 1.1 In order to ensure that the Council fulfils both its statutory duties and strategic commitments, this policy is structured so as to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a banding system based on the level of urgency and respective housing need. All households are placed into one of five bands (See Appendix Four). Those households placed into Band One have the most urgent housing need. Those in Band Two have a higher need than those in Band Three, and so forth.
- 1.2 Whilst all applicants are encouraged to seek accommodation via the CBL process where a statutory housing duty is owed, the Council reserves the right to offer suitable accommodation to discharge any such duty at any time.
- 1.3 Where an applicant's circumstances change, the Council will review the degree of housing need priority given to the applicant (See also Section B/4)
- 1.4 Where there is evidence that a housing applicant has either acted unreasonably or has deliberately made worse their housing circumstances in order to qualify for a higher banding position, no additional priority shall be given
- 1.5 All housing applicants have a right to request a formal review of any decision relating to the above (see Section F/6).

2 Expressing an Interest (bidding)

- 2.1 Homeseekers can express an interest in a property (often referred to as 'bidding') via the Council website, in person, by telephone to any of the Housing Service Centres, or via the touch-phone bidding system.
- 2.2 To make the best use of the available housing stock, each property has a household criteria that best matches it with a particular household composition. This match is referred to as the *Property Household Criteria*, the details of which are set out in Appendix Two. Other than in instances referred to in Sections D/10 and E/3.2, applicants can only bid for properties for which their household qualifies under the Property Household Criteria.
- 2.3 Applicants are limited to a maximum of three bids per advertising cycle.

- 2.4 Persons in Band Five (General Needs) will not be permitted to bid for houses during the first 26 weeks from the date of their registration

3. Short-listing

- 3.1 With the exception of properties allocated under Sections D/4 below, all other properties advertised through the CBL scheme will be subject to the short-listing procedure set out below:

1. Within the pool of applicants who have bid for the property, the household in the highest ranked Housing Priority Need Band is considered first
2. Where the highest Housing Priority Need Band is represented more than once, from within that pool applicants who currently live in Sandwell will be considered first (persons who qualify within Appendix One/1.2 will be treated as living in Sandwell). If there are two or more such applicants, the applicant with the oldest priority date will be offered the property

4 Allocation of Houses

- 4.1 Research has shown that demand for larger accommodation suitable to accommodate families with children is likely to remain high across the borough. Houses will only be allocated to households in receipt of Child Benefit and where at least one household member is aged 16 or below (with the exception of those households where Appendix Four Note 2 applies).
- 4.2 To ensure that applicants across all bandings have a genuine chance to acquire a house, 50% of houses that become available for rent will be advertised using the date order of registration as the sole short listing process. From this pool:
- 70% of properties will be allocated to Council tenants currently residing in either a flat or maisonette (who are in receipt of Child Benefit with at least one household member who is aged 16 or below)
 - the remaining 30% of properties will be allocated to households in receipt of Child Benefit with at least one household member who is aged 16 or below
- 4.3 For SMBC and Housing Association tenants living in Sandwell, households with children seeking a transfer from a flat or first floor maisonette (Band Three/F), the date of registration will coincide with the date of birth of the first child or the tenancy commencement date; whichever is the latest.

5 Notification of bidding outcome and offers of accommodation

- 5.1 Where a bid has been successful for a Council property the household concerned will be invited to attend a offer interview. Unsuccessful applicants will not be notified (see also Section C/2). At the point of offer, where applicable applicants must comply with the residency requirements as set out in Appendix Five.
- 5.2 At the offer interview stage, checks will be undertaken to ensure that the household's details held by the Council are still accurate and up to date. The details to be checked will include current address, household make-up and any other relevant details specific to their housing application. Proof of Child Benefit may also be required to confirm the residency of dependant children. In instances where the property is owned by a housing association, the said association will carry out the necessary checks.
- 5.3 At least one form of photographic identification for each tenant will need to be produced at the pre-offer interview stage. Photographs will also be taken of each tenant at the time of the tenancy signing.
- 5.4 Normally, only persons aged eighteen years or over will be offered a Council property to let. The exceptions to this will be where the applicant is either sixteen or seventeen years of age and the said household:
- has one or more children
 - would have their welfare seriously jeopardised if accommodation was not made available
 - is statutorily homeless

It will normally be necessary to secure a rent guarantor in the above circumstances.

- 5.5 To make the best use of the available housing stock, each property type has a 'household criteria' that best matches it with a particular household composition(s) based on the size and type of property. This standard is set out in Appendix Two. In some instances this enables properties to be let whereby the household's benefit entitlement will not match the rental value of the said property. Where this applies, at the point of sign-up, the said household will be made fully aware of this and will sign a written declaration confirming that they are aware that their benefit entitlement will not match the rental value of the said property.

6 Direct Offers of accommodation

- 6.1 In some circumstances it may be appropriate for households not to participate in the CBL process and to be made a direct offer of accommodation. At all times households should be encouraged to seek accommodation through the CBL process with a view to keeping the number of direct offers down to a minimum.
- 6.2 To ensure consistency and fairness all direct offers of accommodation will be coordinated and monitored by a single officer within the Council.
- 6.3 Where a statutory duty to provide accommodation is owed, the Council reserves the right to offer suitable accommodation to discharge any such duty at any time during the household's housing registration. In addition, those households who are subject to enforcement action, a General Vesting Declaration and Home Improvement Schemes are entitled to receive direct offers as per the statutory duty owed to them under the Housing Act 1985.
- 6.4 Direct offers are also appropriate to those tenants of the Council who require the offer of temporary accommodation during major works, which require the occupants to be decanted for reasons of safety or whose home is not fit for occupation for reasons of flood, fire, tempest or other unavoidable incident.
- 6.5 In addition to Sections 6.3 and 6.4 above, other circumstances where a direct offer of accommodation could be made would include:
 - A. Households who may not be able to partake in the CBL bidding process due to vulnerability or urgency
 - B. Multi Agency Public Protection Arrangement cases – where there is a need to control where a person is placed
 - C. Households left in occupation, for example as per Section F/3
 - D. Family Intervention Project cases – where strict control is needed on where applicants are placed
 - E. Key workers seeking accommodation who would otherwise not be able to take up their post of employment (See Appendix Four, Note 9)
 - F. Persons entitled to a priority under *Persons needing to move to a particular locality in the SMBC District* (see Appendix Four, Note 3)
 - G. Council and Housing Association tenants currently under-occupying a house and who wish to transfer to a Council or Housing Association property with fewer bedrooms to enable the Council to meet its strategic priorities (Appendix Four, Notes 1 and 2 apply).

- 6.6 In order to manage expectation, where possible the household will be made aware of the likely availability of properties by both type and location
- 6.7 Households involved in the above process have a right to a Review (See Section F/6)

7 Upgrading and Downgrading of Housing Need Priority

- 7.1 On occasions where an applicant's circumstances change resulting in their application moving up or down the priority bandings, the following will apply:
- a) *Moving up a band:* The date the higher priority band was awarded will act as the date used in the short-listing process
 - b) *Moving down a band:* The date on the original application will be the date used in the short-listing process

8 Council's refusal to accept a successful bid

- 8.1 The Council and its partner organisations reserve the right to refuse a successful bid made for one of its properties, for example:
- on risk or management grounds, for example where a perpetrator of domestic violence, hate crime or other offences would be re-housed close to previous victims
 - where an applicant's housing details differ from those held by the Council
 - where the applicant has gained a advantage through providing false information or by withholding relevant information.

9 Type of Tenancy Issued

- 9.1 New tenants of the Council will normally be granted an Introductory Tenancy that will last for a period of twelve months (in some circumstances this period can be extended to eighteen months).
- 9.2 Tenants who are given an Introductory Tenancy can apply to join the Housing Register in order to transfer to another Council or Housing Association property in the normal way. If a Council tenant is transferring from an Introductory Tenancy, the tenancy conditions will remain the same until the introductory period has expired. Those tenants who have transferred from a previous Sandwell MBC secure tenancy will retain their secure status at the point of transfer.
- 9.3 Households who become tenants of a property owned by a housing

association will normally be granted an Assured Tenancy

- 9.4 Households who take up a property via the Private Rented Sector Leasing scheme will be granted a non-secure tenancy.

10 Local Lettings Plans

- 10.1 Where necessary and where they can be clearly justified, the Council will use Local Lettings Plans (LLPs). All proposals for new LLPs must outline the following:

- a) A clear description of the issue/problem which will be evidenced
- b) An explanation as to how the existing allocations policy is failing or contributing to the issue/problem identified
- c) An explanation as to how the proposed LLP will differ from the mainstream allocations policy, and the intended outcome of the LLP
- d) The effect that the introduction of the LLP will have on neighbouring communities
- e) The estimated length of time for which the LLP will operate
- f) The method(s) of community consultation to be used
- g) Time scales as to when the LLP will be reviewed

- 10.2 A template has been developed for making an application for a Local Lettings Plan and must be used in all instances. Any Local Lettings Plan must be formerly authorised.

Section E

Priority Need Groups

1 Reasonable Preference Categories

1.1 The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in Section 166A(3) of the Housing Act 1996. The statutory Reasonable Preference categories cover:

(a) people who are homeless within the meaning of Part 7 of the 1996 Act

(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)

1.2 It is recognised that housing need is wider than the stipulations within the Reasonable Preference categories as set out above. This applies in particular to the strategic objectives (and associated housing need) identified in both the Housing Strategy Statement and the Prevention of Homelessness Strategy. In addition to section 1.1 above, applicants are considered to have a housing need that qualifies them for priority within the scheme if they live in accommodation which is inadequate or unsuitable for their requirements as set out overleaf.

2 Households affected by under-occupation and overcrowding

2.1 Households affected by under-occupation

2.2 It is known that a significant number of properties, in particular houses, are under-occupied and the Council has therefore introduced a number of incentives to enable those affected to move to accommodation that is better suited to their needs. To support this strategic objective this policy provides 'under-occupying' households with varying degrees of priority (according to their situation) to make 'downsize' moves.

2.3 In addition to 2.2 above, Council and Housing Association tenants directly affected by the Welfare Reform Act and who are under-occupying by one bedroom will be given Band Two priority to assist them to move to accommodation where benefit entitlement will meet the full rental charge. This priority will only apply to properties let prior to 17.04.13 (see Note 1). Those under-occupying by two bedrooms or more will qualify for Priority Band One

2.4 Households moving to more suitable accommodation either from adapted properties (where the adaptations are no longer in use) or from intermediate or advanced level sanctuary scheme properties will also qualify for a housing priority.

2.5 Households affected by overcrowding

2.6 For the purposes of this policy the Department for Work and Pensions Bedroom Standard (DWPBS) will be used to determine overcrowding. The DWPBS allows one bedroom for each person or couple living as part of the household, with the following exceptions:-

- A child aged 15 or under would be expected to share with one other child of the same gender: *and*
- A child aged 9 or under would be expected to share with one child aged 9 or under, regardless of gender

2.7 Using the DWPBS as set out in Section 2.6 above, households deemed to be two or more bedrooms short will be placed into Priority Band One. Households deemed to be one bedroom short will be placed into Priority Band Three.

2.8 The above priority (either Band One or Band Three) applies to all household members aged 18 or above currently resident in the overcrowded property, i.e. a single person can move using this priority if it relieves the current household's overcrowding situation. Following such a move the remaining household still in situ will have their overcrowding priority reassessed.

3 Providing choice for disabled people with access needs

- 3.1 As part of its strategic approach to meeting housing need, the Council has a strong commitment to ensure that the best use is made of properties adapted to meet the needs of people with disabilities. As part of this commitment, households who are living in an adapted property where the adaptations are in good working order but no longer in use, and who wish to vacate their property will be placed into Priority Band Two. Households in this category may be entitled to receive support and assistance (including financial assistance) in their move.
- 3.2 All vacant adapted properties that have been designed or adapted to meet the needs of people with disabilities will be advertised through the CBL scheme. The short-listing process in this instance will be:
- a) in the first instance and based on priority order, to make offers to those households whose needs are matched with the adaptations attached to the property and whose household make-up matches the Property Household Criteria.
 - b) in the second instance and based on priority order, to make offers to those households whose needs are matched with the adaptations attached to the property but whose household make-up does not match the Property Household Criteria. In this instance consideration will also be given to any rental loss implications brought about by the Welfare Reform Act.
- 3.3 In all circumstances an assessment made by an Occupational Therapist will be required to ascertain the extent to which a household's needs match the adaptations attached to the property. This assessment will be based on existing and future predictable need.
- 3.4 The short-listing process identified in 3.2 above will be clearly stated in any advertisements relating to adapted properties.
- 3.5 All adverts advertising adapted properties will provide sufficient information about the level of adaptations and/or accessibility features in order for disabled persons to make an informed decision on whether or not to bid for the property. When properties of this nature are advertised every opportunity will be taken to market their availability, this will include informing suitable applicants on the Housing Register.

3.6 In accordance with a recommendation made by a Occupational Therapist (OT), households with a disabled member(s) can bid and be shortlisted for properties that are either not:

- currently adapted to meet their needs
- matched with the Property Household Criteria

Under these circumstances the Council will assess (in accordance with its duties under the 2010 Equality Act and the Housing Grants, Construction and Regeneration Act 1996) if it is reasonable or practicable for the property to be adapted or whether the property in general would be suitable for their needs. This decision will be made jointly by a OT and a Feasibility Officer or senior member from the Major Adaptations Team.

3.7 Subject to an assessment and subsequent recommendation by an occupational therapist (and in any event with the exception of purpose built sheltered schemes), disabled persons who need single level ground floor accommodation to meet their housing need will be exempt from any age restrictions or any other restrictions placed on such accommodation.

3.8 Consideration will be given to extend both the notice period given to accept or reject an offer of accommodation and/or the tenancy commencement date in circumstances where a disabled person(s) requires such additional time on account of their personal circumstances. This includes any extra time needed for a Occupational Therapist to make an assessment as to the property's suitability to be adapted to meet the applicants needs.

3.9 For the purposes of this policy, the definition of an 'Adapted Property' outlined in Appendix Three will apply at all times.

4 Persons moving from Supported Accommodation

4.1 Residents of short-term supported accommodation in Sandwell and funded by Supporting People will receive additional preference when they register with the CBL scheme when the following conditions have been met:

- They are in supported housing having had an appropriate assessment of housing need
- They have engaged with the supported housing project to acquire the skills needed to live independently
- The supported housing project provides evidence by way of a move-on report highlighting the applicants readiness for move-on
- The applicant's readiness for move-on is verified by a officer of the Council

5 Foster carers and those approved by the Council to adopt

5.1 Priority will be given to foster carers and those approved by the Council to adopt who need to move to a larger home in order to accommodate a looked after child. This priority will only be awarded where the family/household has been approved to adopt or foster and the child/children concerned is/are waiting to be placed pending the provision of appropriate housing.

5.2 This Priority will also be given to special guardians, holders of a residence order or family and friends carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and the child/children concerned is/are waiting to be placed pending the provision of appropriate housing

6 Armed Forces Personnel

- 6.1 The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 provide that local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in **urgent** housing need:
- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
 - b) former members of the regular forces
 - c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
 - d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
- 6.2 For the purposes of 6.1 above, the terms 'regular forces' and 'reserve forces' are defined by section 374 of the Armed Forces Act 2006
- 6.3 Any household who falls into the class of persons outlined in 6.1 above will be placed into Priority Band One.

7 Households in Service Tenancies

7.1 Households in a Service Tenancy with Sandwell MBC that is due to terminate within six months will be awarded Housing Need Priority Three where the following applies:

- the site on which the accommodation is situated is to be redeveloped and there will be no future provision as part of that new development for the applicant; or
- the applicant's terms or conditions of employment are changing and he/she is no longer required to live on-site in accommodation tied to the job role; or
- the accommodation is due to be demolished due to structural defects and there will be no future provision of on site accommodation tied to the applicant's employment

This priority cannot be used in conjunction with either homelessness or clearance priorities where the homelessness or clearance arises from the service tenant losing his/her service accommodation.

8 Households affected by Clearance Programmes

8.1 Public Sector

8.2 Households who are resident in properties that are subject to an approved demolition programme will be invited, at the point that Notice is served, to apply to join the CBL Register. Those that do register will normally be placed into Housing Need Priority Band Two.

8.3 Households identified in Section 8.2 above who are particularly vulnerable (for example being isolated and surrounded by void units), will be placed into Housing Need Priority Band One

8.4 Households identified in 8.2 above may be offered alternative suitable accommodation, as per the statutory duty owed under the Housing Act 1985, at any time whilst registered with the CBL Register.

8.5 Those households who upon invitation, choose not to join the CBL Register, will be offered alternative suitable accommodation as per the statutory duty owed under the Housing Act 1985.

8.6 Occupants who take up residence as their principle home of a dwelling subject to a clearance order *after* the Council has made the said order will not normally be awarded a Housing Need Priority.

8.7 Sub-tenants or lodgers living in a dwelling subject to a clearance order may be re-housed with the tenant or separately if they took up residence *before* the order was made. Alternatively, they may be considered as housing applicants in the normal way.

8.8 Private Sector

- 8.9 Households who are resident in properties that are subject to a Compulsory Purchase Order will be *invited* at the point that Notice is served to join the Housing Register. Those that do register will normally be placed into Housing Need Priority Band Two.
- 8.10 Households identified in Section 8.9 above who are particularly vulnerable (for example being isolated and surrounded by void units), may be placed into Housing Need Priority Band One
- 8.11 Those households, who upon invitation choose not to apply to join the Housing Register will receive three offers of suitable alternative accommodation which will be made as soon as is reasonably practicable to fulfill the requirement to secure accommodation in accordance with the Land Compensation Act 1973.
- 8.12 At the point of agreement of the compensation, any remaining occupiers registered on the Housing Register will be placed into Priority Band One. This will provide them with the opportunity to bid for properties of their choice over a period of 28 days. After this 28 day period, if a property has not been secured then three offers of suitable alternative accommodation will be made as soon as is reasonably practicable to fulfill the requirement to secure accommodation in accordance with the Land Compensation Act 1973.
- 8.13 Households subject to enforcement action, a General Vesting Declaration, and Home Improvement Schemes are exempt from this process. These households will receive three offers of suitable accommodation as soon as is reasonably practicable.

Section F

Successions and Assignments and Non-Successors (including joint tenancy terminations)

1 Existing Secure Council Tenants at 01.04.12

- 1.1 The rights of occupiers of council housing to succeed to a secure tenancy are governed by sections 87 and 88 of the 1985 Housing Act. Section 87 provides that there can only be one statutory succession to a surviving spouse (this includes civil partners) or a member of the deceased tenant's family. Where a tenancy was originally a joint tenancy and one of the joint tenants dies, this counts as a succession; no further statutory successions can be claimed. The succession rules in respect of introductory and demoted tenancies will follow the statutory provisions as set out in the Housing Act 1996.
- 1.2 The would-be successor must, at the time of death of the original secure tenant, occupy the dwelling house as their only or principal home and be either the deceased tenant's spouse (or civil partner) or another member of the deceased tenant's family. In the case of another member of the deceased family, it is necessary to show that the likely successor has been residing with the late tenant for at least 12 months before his/her death.
- 1.3 Section 113 of the 1985 Act defines members of a tenant's family for the purposes of succession and includes: spouses or civil partner, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces; including step-relations, half-relations and illegitimate children and 'persons living together as husband and wife' or as if they were civil partners.
- 1.4 Where there is more than one qualifying person to succeed, the late tenant's spouse/civil partner takes precedence but otherwise the qualifying persons must agree amongst themselves who is to take over the tenancy. If they cannot agree the landlord is entitled to choose the successor. There can be no joint succession

2 New Secure Council Tenants after 01.04.12

- 2.1 The 2011 Localism Act has, since 01.04.12, amended the succession rights of new tenants. Statutory succession to a secure or flexible tenancy entered into after 01.04.12 only applies to the spouse or civil partner of the deceased tenant. However the landlord may, at its discretion, contractually provide for more extensive succession rights. Where SMBC is the landlord, the conditions set out in Section F/1 will apply to secure tenants where the tenancy start state commenced after 01.04.12.

3 Non-successors and joint tenancy terminations

- 3.1 Non statutory succession does not apply to introductory or demoted tenancies.
- 3.2 When a tenant dies, serves notice to quit, or abandons the property and where the remaining occupants :-

- I. do not have succession rights to the tenancy,
- II. have not engaged in unacceptable behaviour to make them unsuitable to be tenants of the authority,
- III. **and** have occupied the property as their only or principal residence

then the procedure set out in Section 3.2 below will apply in instances where the household member(s):

- a) had been living with the tenant for the year prior to the tenant's death, notice to quit or property abandonment; **or**
- b) had been providing care for the tenant

- 3.3 Where the property is under-occupied by two bedrooms or more (or is under-occupied in the case of a two bedroom house), then subject to Section 3.3 below, the household left in occupation will be found more suitable alternative accommodation. Households in these circumstances who are required or who wish to move will be placed into Housing Need Priority Band Two.
- 3.4 Where Section 3.2 above applies the Council may use discretion to permit the household member(s) to remain in the said property under a new Introductory Tenancy if the following circumstances are applicable:
- a) A member of the household has a terminal illness or very serious illness that would be made worse by moving
 - b) A household member suffers from a mental illness that would be made worse by the person moving. In this instance the test for determining a mental illness will be the definition used in the 2010 Equality Act. In these circumstances consideration will need to be given as to whether the person has the capacity to enter into a contract and take on a tenancy and abide by the conditions.
 - c) A member of the household has a learning disability (having at some time been assessed as so by a recognised agency) and where a move to another property would involve the loss of support (e.g. through the loss of local community contacts) and would inhibit an independent lifestyle. In these circumstances consideration will need to be given as to whether the person has the capacity to enter into a contract and take on a tenancy and

abide by the conditions.

- d) Where the property is adapted and at least one of the remaining household members has a need for the continued use of the adaptations contained within property
- e) Any other exceptional reason why a household member would need to remain in occupation of the property (e.g. strong local support contacts that will allow the person to lead an independent lifestyle). It should be noted that the length of time spent in residence in the property should not contribute towards any exceptional reasons

3.5 Persons (provided they or their family members have not engaged in unacceptable behaviour serious enough to make them unsuitable to be tenants of the authority) who have accepted responsibility for the tenant's dependents and who need to live with them in order to do so will be awarded a new Introductory Tenancy in circumstances where the remaining household wishing to remain in the property is either:

- a) not under-occupying the property by two bedrooms or more; or,
- b) in the case of a two bedroom house, has a need to occupy both bedrooms.

In this instance the person concerned does not have to have previously occupied the property as their only or principal residence.

Section G

Miscellaneous

1 Confidentiality

- 1.1 Unless the Council receives prior consent, it will at all times ensure that personal information about individual applicants is kept confidential (as per the Data Protection Legislation). Explicitly within this undertaking the authority will not disclose to any third party that an application for housing has been made by the applicant.

2. Conflicts of interest

- 2.1 Where an officer of the Council is directly or indirectly involved with an application or allocation of accommodation to an applicant who is known to them in a personal or social context (i.e. relative, friendship or other associate), then the officer will be expected to disclose to their line manager that a conflict of interest may exist. The manager will then make appropriate arrangements for the officer to be excluded from any decision making process associated with the allocation covered either by this policy or associated procedures.
- 2.2 Officers who knowingly fail to disclose a conflict of interest outlined above may be subject to disciplinary action.
- 2.3 The Allocation of Housing (Procedure) Regulations 1997 (SI 1997 No.483) prevents an elected member from being part of a decision making-body (i.e. the housing authority or any committee) at the time an allocation decision is made, when either:
- the accommodation concerned is situated in their division or electoral ward; or,
 - the person subject to the decision has their sole or main residence there

3. Low cost home ownership and Extra Care Schemes

- 3.1 The Council and its partners encourage Low Cost Home Ownership properties to be advertised through the CBL Scheme.
- 3.2 Extra Care scheme properties will be allocated in the first instance via the Extra Care Housing Allocations Protocol. In the event that properties are not matched with a household through the protocol, the said property will be advertised through the CBL Scheme in accordance with this policy.

4 Mutual Exchanges

- 4.1 Applications from council tenants for permission to exchange tenancies will be considered in accordance with the provisions contained in Section 92 and Schedule 3 of the Housing Act 1985.
- 4.2 Assured shorthold tenants of housing associations do not have a statutory right to exchange with council tenants. However, mutual exchange applications involving an assured tenant of a housing association will be considered with regard to the criteria contained in Section 92 and Schedule 3 of the Housing Act 1985.
- 4.3 The following conditions (which apply to all properties involved) must be met for a mutual exchange to take place:
 - the property must be in a satisfactory condition
 - the tenant must have a clear current rent account before the exchange takes place
 - there must be no overcrowding at either of the properties on account of the exchange
 - the Property Household Criteria outlined in Appendix Two will be used to determine whether a property is suitable for the assignee and their household's need

5 Terminating a Tenancy

- 5.1 The conditions placed on a tenant(s) when terminating a tenancy are described in the Tenancy Agreement. See also Section F/3 of this policy (Joint Tenancy Termination).

6 Reviews and Appeals

- 6.1 Reviews and Appeals are dealt with in the '*Your Right To A Review*' document, available from all outlets.
- 6.2 Section 166 and 167 of the Housing Act 1996 contain provisions relating to the rights of applicants to request reviews of decisions made in respect of their application. The Council will at all times ensure that these obligations are met.
- 6.3 Applicants have a right to request a review of the following decisions made in respect of their request for housing:
 - a) to remove preference under the scheme because of unacceptable behaviour serious enough to make him/her unsuitable to be a Sandwell MBC tenant
 - b) that a person is ineligible for housing because of his/her immigration status

- c) any decision about the facts of his/her case which is likely to be, or has been taken into account in considering whether to allocate housing accommodation to him/her.

7 Monitoring and Reviewing the Policy

7.1 Monitoring reports will be produced to assess whether or not:

- a) the policy delivers on its aims (See Section A)
- b) the policy continues to give preference to those in greatest housing need and that the scheme is not dominated in any way by applicants who fall outside of the categories of need outlined in Section E/1 of this policy.

7.2 Reviews of this policy will be undertaken when required and in response to:

- a) any policy related issues identified in the monitoring reports referred to in Section 7.1 above
- b) any changes in legislation that affect the policy
- c) any changes in National guidance

Section H

Garage Allocations Policy

1 Garage allocations process

- 1.1 The Council will maintain a date order cross tenure waiting list of garage applicants.
- 1.2 The allocation of garages will at all times be sensitive to the needs of local communities. Other than the priority groups listed below, garages will be allocated in date order from the waiting list. When an applicant reaches the top of the list, he or she will be contacted as soon as a garage becomes available in the area(s) of choice identified in their application.
- 1.3 The priorities referred to above that form an exception to the date order system are :-
 - a) elderly/disabled applicants or their carers; or,
 - b) victims of race or hate crimes or people who may need a garage in the same or another area on the recommendation of the Police
- 1.4 Any person aged 18 or over may apply for a garage by completing a garage application form. The Council will not allocate a garage to anyone who has current or former tenant or garage arrears, unless they fall within the priority groups above.
- 1.5 Waiting list applicants may periodically be required to re-register their interest in obtaining a garage. This will take the form of a letter asking the applicant to re-register.
- 1.6 Applicants should notify the Council of any relevant changes in their circumstances that would affect their application
- 1.7 Upon refusal of a third offer of a garage in the applicant's area of choice(s), the application will be suspended from the waiting list for a period of twelve months. The applicant will have to re-apply in the normal way.
- 1.8 In circumstances where the waiting list for a garage is exhausted for whatever reason, the Council will market the garage to reach a wider audience.

APPENDICES

Appendix One

Local Connection Criteria

- 1.1 To satisfy the Local Connection criteria applicants must be able to demonstrate at least one of the following (both at the point of registration and prior to allocation):
- that they have 5 years uninterrupted Sandwell residency by choice at the point of registration;
 - that they have a close family connection to someone living in the borough who has 5 years uninterrupted Sandwell residency by choice at the point of registration (close relatives would normally refer to parents, adult children or brothers and sisters)
 - that they are a SMBC or a housing association tenant located in Sandwell
- 1.2 The following classes of persons are exempt from the Local Connection Qualifying Criteria:
- A. persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation
 - B. bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases
 - C. seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

Appendix Two

Property Household Criteria

To make the best use of the available housing stock, each property type has a household criteria that best matches it with a particular household composition(s) based on the size and type of property. This is set out below. Each property advertisement will detail the preferred household composition that is best suited to each individual property. The property type/household match guidance below should apply in the majority of cases but may vary according to specific factors attached to a property or household composition.

Property Type/Size	Household Type/Size
Bedsit	Single Persons
One Bedroom Flat	Single Persons/Childless Couples
Two Bedroom Flat	Households with one to four persons
Two Bedroom Maisonette	Households with one to four persons
Three Bedroom Flat/Maisonette	Households with one to three dependent children or any combination of two or more persons
Two Bedroom House – Parlour & Non Parlour Type	Households with one or two children
Three Bedroom Parlour House	Households with three or more children
Three Bedroom House (non parlour)	Households with two to three children
Four Bedroom House	Households with four or more children
Bungalows	Persons over the age of fifty-five or with a disability whose housing need is such that they require single level ground floor accommodation (subject to an OT recommendation as per Section E/3.7)
Sheltered Housing	Those with an assessed need for supported accommodation

Appendix Three

Definition of Adapted Property

- 1.1 For the purposes of this policy, the following definition will apply to the term 'Adapted Property'
- 1.2 An adapted property is one that contains one or more of the following key features-
 - Stair Lift
 - Ceiling track hoists
 - Vertical Lift
 - Step Lift
 - Significant ramping to entrance
 - Bathrooms – where significant adaptations have been made, for example walk-in shower, level access
 - Kitchen – with significant adaptations, for example, lowering or raising of work surfaces, installation of variable height work surfaces, installation of sinks and other work surfaces with knee space beneath for use from a wheelchair
 - Adaptations for people with sensory impairments (eg colour and texture contrasts, flashing door bells)
 - Ground floor extensions (or internal alterations) for bathrooms, bedrooms, living rooms, kitchens and circulation spaces that are fully accessible to a wheelchair user with or without assistance.
 - Any other substantial modification defined as meeting the needs of a disabled person by an Occupational Therapist of the local authority
- 1.3 If a property has any of the following features but none of the above it is not defined as an adapted property.
 - Grab rails
 - Handrails
 - Stair rails
 - Cubicle or Chiltern Shower
 - Minor ramping to entrance
 - Raised sockets
 - Lowered light switches
 - Level access

Appendix Four: Housing Priority Need Bandings

	Housing Need Circumstances
BAND ONE	<ul style="list-style-type: none">A. Persons with a Care Plan Approach who need to be discharged from hospital, a rehabilitation unit or residential care who do not have access to suitable accommodationB. Persons whose situation is such that admission to hospital or similar would be inevitable if not re-housed quicklyC. Persons subjected to harassment or abuse or violence (or where a real threat thereof exists) and where the safety and well being of the victim(s) is at serious risk of harm and there is a urgent need for alternative accommodationD. Persons who are a witness giving evidence and the police have recommended that the person be urgently re-housedE. A household unable to occupy their property due to enforced closure (confirmed by an SMBC officer)F. Households who are over-crowded and require two or more further bedrooms as per the DWP Bedroom Standard (See Note 6 & 7).G. Council or Housing Association tenants currently under-occupying a property by at least two bedroomsH. Council or Housing Association tenants currently under-occupying a house and who wish to transfer to a Council or Housing Association property with fewer bedrooms (See Note 1 and 2).I. Households resident in public or private sector properties directly affected by clearance and CPO clearance programmes who need urgent re-housing, particularly where the said household is vulnerable (for example a household isolated and surrounded by void units). See Section E/8.J. Children and their families/carers where the children are the subject of care proceedings and where the local authority has requested assistance with the provision of appropriate housing in the exercise of their functions under Sec (27) Children Act 1989 and the Council's corporate parenting responsibilities (see Note 8).K. Members of the Armed Forces and their families who qualify under Section E/6

BAND TWO	Housing Need Circumstances
	<ul style="list-style-type: none"> A. Council or Housing Association tenants directly affected by the Welfare Reform Act, currently under-occupying a property by one bedroom that was let prior to 17.04.13, and who wish to transfer to a property to which they are eligible with fewer bedrooms (see Note 1). B. Households resident in public or private sector properties directly affected by clearance and CPO clearance programmes (See Section E/8) C. Non-successor households and joint tenancy termination households moving under the guidance outlined in Section F/3 D. Council or Housing Association tenants who currently occupy an adapted property where the said adaptations are no longer in use by any of the household members (See Appendix Three and Note One) E. Council or Housing Association tenants who currently occupy an Intermediate or Advanced Level Sanctuary Scheme property who wish to vacate the property (See Note One) F. Children Leaving Care Under Section 23 of the Children Act 1989, as amended by the Children Leaving Care Act 2000 G. Persons awarded a Medical Priority (where current housing conditions are having a major adverse affect on the medical condition of either the applicant or a member of their household). This includes people with a physical disability who have been assessed by an Occupational Therapist as needing an adapted property to meet their housing need H. Homeless persons who are Eligible and Unintentionally Homeless including those NOT in Priority Need (See Note 5) I. Persons in supported housing seeking a move-on to settled accommodation under an SMBC Move-On Protocol and as set out in Section E/4.

Housing Need Circumstances	
BAND THREE	<ul style="list-style-type: none"> A. Households in a Service Tenancy with Sandwell MBC which is due to terminate within six months B. Council and Housing Association tenants (who fall outside of Band One/G and H and Band Two/A) currently under-occupying by one bedroom, and who wish to transfer to a property to which they are eligible with fewer bedrooms (see Note 1) C. People who need to move on welfare grounds (See Note 4) D. Households who are over-crowded and require one further bedroom as per the DWP Bedroom Standard (See Note 6 and 7). E. Households identified by the Housing Options Team that need urgent re-housing to prevent homelessness and where there is a strong likelihood of a full homelessness duty (as per Section 193 of the 1996 Housing Act) being accepted in the near future F. Households who have dependent children (where at least one of the children is aged 16 or below and are in receipt of Child Benefit) and whose main and principal accommodation is a flat or maisonette (See Note 11)
BAND FOUR	<ul style="list-style-type: none"> A. Council or Housing Association tenants who wish to release a ground floor flat and transfer to a property to which they are eligible with the same number or fewer bedrooms (See Note 12) B. Homeless persons who are Eligible and Intentionally Homeless (See Note 5) C. Homeless persons who are Eligible and Unintentionally Homeless who have refused an offer of accommodation (See Note 5).
BAND FIVE	All other households who do not fall into any of the types of housing need referred to in Priority Need Bands One, Two, Three or Four.

Appendix Four Notes

1. Housing Association properties vacated in this instance will be advertised for let through the Council's CBL Scheme.
2. Households with no household members below the age of 16 moving from a house within Priority Band One (H) will be permitted to bid for two bedroom non-parlour houses.
3. Persons entitled to a priority under *Persons needing to move to a particular locality in the SMBC District* (Band Three) will include persons who need to;
 - give or receive care (specific details of care must be provided)
 - access specialised medical treatment needed for the long-term
 - take up particular education, employment or training opportunities (in a particular locality)

NOTE: A particular locality should be identified to which this priority applies

4. Persons who need to move on *welfare grounds* (including grounds related to disability) (Band Three) will include persons who need to move because a member of the household is vulnerable as assessed via the housing application process

The emphasis on placing households into this category of priority need is based on the need for a stable base from which to build a stable life.

5. Any Homeless Person, priority or non-priority, who refuses an offer of accommodation will be placed into Band Four.
6. The Department for Work and Pensions Bedroom Standard allows one bedroom for each person or couple living as part of the household, with the following exceptions:-
 - A child aged 15 or under would be expected to share with one other child of the same gender: *and*
 - A child aged 9 or under would be expected to share with one child aged 9 or under, regardless of gender
7. This priority applies to all household members aged 18 or above currently resident in overcrowded properties who wish to move to relieve their current overcrowding situation, i.e. a single person can move using this priority if it relieves the current household's overcrowding situation.

- 8.** This priority will be given to foster carers and those approved by the Council to adopt who need to move to a larger home in order to accommodate a looked after child. This priority will only be awarded where the family/household has been approved to adopt or foster and the child/children concerned is/are waiting to be placed pending the provision of appropriate housing.

This Priority will also be given to special guardians, holders of a residence order or family and friends carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and the child/children concerned is/are waiting to be placed pending the provision of appropriate housing

- 9.** A key worker is someone employed by the public sector in a frontline role delivering an essential public service in the areas of health, education and community safety and where there are serious recruitment and retention problems in the said line of employment.
- 10.** Where the Council has reason to believe that an applicants unacceptable behaviour is due to a physical, mental or learning disability, it will not treat that person as ineligible for a housing allocation or reduce any level of housing priority without first considering whether he/she would be able to maintain a tenancy with appropriate care and support. In considering the applicants case, the Council will consult with relevant agencies
- 11** This priority cannot be used to move to another flat
- 12** This priority cannot be used to move to another ground floor flat

Appendix Five

Five year residency test – supporting evidence

1.1 As per Section B/3.4, eligible applicants will be required to provide proof of residency (both at the point of application and allocation), either:

- 5 years uninterrupted Sandwell residency by choice at the point of registration;
- a close family connection to someone living in the borough who has 5 years uninterrupted Sandwell residency by choice at the point of registration (close relatives would normally refer to parents, adult children or brothers and sisters)

The onus will be on the applicant to prove their continuous residence through a form of official document as prescribed in a list published from time to time by the Council, demonstrating at least five years residency in Sandwell.

1.2 Though not exhaustive, the following documentation may be used to form proof of residency:

- Housing Benefit records
- Council Tax Benefit records
- Council Tax Reduction records
- Council Tax records
- Housing Services system records
- Tenancy agreement
- Utility bills (gas, electric, water)
- Television license
- Telephone bills
- Full bank statements showing name, address and date of issue
- Credit card statements
- Department for Work and Pensions benefit notification letters
- Educational establishment records
- Any Council records which can legally be used for this purpose
- Electoral Register

1.3 The following will not be considered under any circumstances:

- medical cards
- confirmation (both written and verbal) from Members
- mobile telephone bills/statements
- catalogue bills/statements

Appendix Six

Glossary of Terms

Applicant	This can refer to single or joint applicants and can be either a household applying to join the CBL Register or bidding for a property
Assignment	Legal right to pass on a tenancy to someone who would have been entitled to succeed to the tenancy if the tenant had died (See Succession)
Assured Tenancy	Tenancy granted to Housing Association tenants giving them the right to remain in the property unless the landlord can prove to the Court that there are grounds for possession.
Children	Any household member aged 16 or below
Closing Order	A local authority's legal power to stop anyone living in a property that is unfit for human habitation
Compulsory Purchase Order	A legal power used by local authorities and other public bodies to acquire property for specific purposes
Council Tenant	For the purposes of this policy, the term Council Tenant refers to a tenant of Sandwell Metropolitan Borough Council
Extra Care Scheme	A group of self contained dwellings designed for older people with sufficient care and support available to allow people to remain at home despite frailty
Homeless	Persons with no legal right to occupy any accommodation or accommodation not suitable or available for occupation. For the purposes of this policy 'Homeless Persons' refer to applicants who are entitled to reasonable preference as set out in Section 167(2) of the Housing Act 1996 and who: <ul style="list-style-type: none">• are homeless (within the meaning of Part 7)• are owed a duty under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by the authority under section 192(3).

Housing Association Tenant	For the purposes of this policy, the term Housing Association Tenant refers to a housing association tenant living in the borough of Sandwell
Housing Register	The list of people seeking to acquire accommodation through the CBL Scheme. By law, some people are excluded from joining the register.
Introductory Tenancy	Initial twelve-month tenancy granted to new Council tenants. The Introductory Tenancy is a trial period for the tenant to demonstrate to the Council that they can maintain their Tenancy Agreement (See Tenancy Agreement for more details).
Housing Association	A provider of affordable housing including supported accommodation.
Key Worker	A key worker is someone employed by the public sector in a frontline role delivering an essential public service in the areas of health, education and community safety and where there are serious recruitment and retention problems in the said line of employment.
Local Lettings Plan	A Local Lettings Plan is where a designated set of residential units (which can be defined by a geographical area) are allocated outside of the terms of the mainstream Housing Allocations Policy (i.e. this policy).
Mutual Exchange	Council or housing association tenants who agree to swap properties with another tenant with the approval of both landlords
Notice to Quit	Legal notice served on a secure tenant who no longer occupies the property as his only or principal home or a non-secure tenant to bring the tenancy to an end
Purpose Built Sheltered Schemes	A low rise block of self contained units built with the needs of older people in mind. The blocks contain communal facilities and a Community Alarm system. A Housing support service is provided by a warden, either residential or non - residential.
Possession Order	A court order requiring a household to move out of the property they occupy
Qualifying Persons	Persons who are eligible to join the Housing Register
Reasonable Preference	Groups of people that through law local authorities must give priority to when allocating accommodation

Categories

Secure Tenancy	Long term local authority tenancy
Shared Ownership	A scheme that allows an applicant to buy part of a property and rent the remaining part from a local authority or housing association
Sheltered Housing	A group of self contained dwellings for older people, who can live independently and are able to manage alone, but who prefer the added security of an alarm system and a resident or visiting warden
Succession	Legal right to pass on a tenancy by written agreement (deed) to certain family members on the death of the tenant provided there has not been a previous succession
Supported Housing	Housing provided for vulnerable people who need support to live independently