

## Appendix 2

### **Social housing allocations: Consultation on changes to the local authority's housing allocation scheme.**

#### **Scope of the consultation**

This consultation invites to comment on proposals to amend [insert name of local authority] housing allocation scheme. These proposals relate to the whole of this local authority area. It is applicable to complete an impact assessment at this time.

#### **Basic information**

This consultation is aimed at any member of the public. Other local authorities, social housing tenants, waiting list applicants, voluntary organisations and housing associations are also expected to have an interest.

This consultation is being run by the local authority, in conjunction with the following local authorities, all of whom are members of the Liverpool City Region housing allocation scheme known as Property Pool Plus [delete as applicable]:

- Halton Borough Council
- Knowsley Metropolitan Borough Council
- Liverpool City Council
- Sefton Metropolitan Borough Council
- Wirral Metropolitan Borough Council

Consultation will last for 12 weeks from [insert start date and end date].

The consultation can be responded to by using the following survey link:

[insert hyperlink] or, written responses should be submitted by email to: [insert email address] written responses should be sent to: [insert postal address].

Can you reply it would be useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- Your name
- Your position (if applicable)
- The name of organisation (if applicable)
- An address (including postcode)
- An Email address
- A contact telephone number

#### **Introduction**

The Local Authority, together with other local authorities that are members of Property Pool Plus, commissioned an independent review of the way social rented housing is allocated. Review was carried out during 2019. A range of recommendations were made including that the rules for allocating social rented housing should be adjusted to ensure full compatibility with the law and align with nationally recognised good practice.

The law requires that when a local authority makes an alteration to their scheme for allocating social rented housing, which would result in a major change to their rules, members of the public should be invited to make comments on any new proposed rules.

A copy of the new proposed rules can be obtained from the local authority [insert details of which office they can be collected from, or an email address and/or phone number which the public can use to request] a copy or be downloaded here [insert hyperlink].

#### **Context of consultation**

The Local Authority has a public law duty to accept applications from any member of the public, for an allocation of social rented housing.

The Local Authority previously transferred its housing accommodation to a [number] housing association[s]: [insert name(s) here]. The Local Authority has a nomination agreement with [this/these] housing association[s], and others

which hold stock in the [borough/city], which allows people who have applied to the Council for an allocation of social rented housing, to be allocated an available property from a housing association.

[The Local Authority chooses to hold a common database of applicants and a common set of rules allocating social rented housing, with four other local authorities. This scheme is known as Property Pool Plus].

[The Local Authority chooses to hold a common database of applicants and a common set of rules for allocating social housing, with Torus (formerly known as Helena Housing). This scheme is known as Under one Roof].

The Local Authority is required to allocate social rented housing in accordance with statute, statutory guidance and regulations and orders issued by the UK Parliament and the UK Government. The local authority has powers to determine how social rented housing is allocated in respect of the following matters.

- Qualification – which persons should qualify or be disqualified from being allocated of social rented housing.
- Choice – how much choice a person might be entitled to express in regard to the social rented housing they wish to be allocated.
- Additional Preference – persons should be given an extra favour when social rented housing is being allocated.
- Priority – persons wishing to be allocated social rented housing should be selected for an allocation.

This consultation is open to any member of the public, make comments on the questions shown below.

**Qualification – see section 3.20 of the proposed new rules for full details**

The local authority proposes to disqualify persons in the circumstances shown below:

- A. Persons who are guilty of unacceptable behaviour that makes them and suitable to be a tenant (cause of reasons include: perpetrators of domestic abuse subject to certain court orders. Any person is subject to an injunction or has been convicted of causing nuisance, annoyance, harassment, alarm or distress. Any person who has been convicted of causing noise from the property. For a full detailed description of all circumstances, see section 3.2.4 of the proposed new rules).
- B. Persons who have outstanding rent or service charge arrears or re-charges attributable to a tenancy which exceeds the value of more than one-month of the agreed amount repayable by an applicant to a landlord. (For a full detailed description of all circumstances, see section 3.2.5 of the proposed new rules).
- C. Persons who have been evicted for any breach of tenancy conditions. (e.g. person who sublets their property without permission, fails to report repairs, fails to allow contractors to carry out maintenance. For a full detailed description of all circumstances, see section 3.2.6 of the proposed new rules).
- D. Persons who do not have a minimum of two years continuous connection to the Local Authority area. (For a full detailed description of all circumstances, see section 3.2.7 of the proposed new rules).
- E. Persons who are homeowners, including anyone who has a mortgage for the whole or part of their home, as well as anyone who owns their home outright. (This includes land and anything built on land and can be property currently owned over has previously been owned in the UK or abroad). (For a full detailed description of all circumstances, see section 3.2.8 of the proposed new rules).
- F. Persons with financial resources (e.g. savings and/or assets) consistent with the UK Government's upper limit for savings set out in the common rules of the DWP benefits and pension rates. (currently £16,000.00) (For a full detailed description of all circumstances, see section 3.2.9 of the proposed new rules).

Persons who are victims of domestic abuse to be exempt from qualification criteria regarding local connection and homeownership. (For a full detailed description of all circumstances, see section 3.2.11 of the proposed new rules).

Person who are currently serving in the regular Armed Forces, provide spouses or civil partners of persons who were serving in the regular and forces, former members of the reserved Armed Forces, and divorced or separated spouses or civil partners of service personnel, will be exempt from qualification criteria regarding local connection. Additionally, specific aspects of outstanding rent or service charge arrears or other recharges and financial resources will be disregarded. (For a full detailed description of all circumstances, see section 3.2.12 of the proposed new rules).

**Question 1 – do you agree or disagree with the proposed qualification criteria?**

**Choice – see section 5.1.0 of the proposed new rules for full details**

Local authority proposes to offer people choice by way of allowing them an opportunity to express a preference about the social rented housing that might be allocated to them.

People will be able to express a preference of up to 3 properties that are available to let for any seven-day period, by making a bid for a property via the Property Pool Plus website.

People will be subject to a limit on the number of properties that they are entitled to refuse an offer of. One reasonable refusal will be allowed for applicants with the highest priority for an allocation, and up to three reasonable refusals for applicants with the lowest priority.

**Question 2 – do you agree or disagree with the proposals for offering choice?**

**Additional preference - see section 4.2.3 of the proposed new rules for full details**

The Local Authority proposes to give the following applicants extra favour when allocating social rented housing:

- A. People who are owed the initial homelessness relief duty.
- B. People who are owed a homelessness duty because they are not intentionally homeless and have a priority need for accommodation.
- C. Who are severely overcrowded.
- D. People who need to move on medical or welfare grounds (including disability) due to a medical condition which is terminal and/or life-threatening, or where planned discharge from hospital is imminent and there is no accommodation available. People who need to leave their home due to fire safety concerns. People leaving care of the Local Authority's children services. People approved as foster carers or to adopt who need to move to a larger home. People who require rehousing due to a compulsory purchase order. People participating in the City Region Housing First Pilot.
- E. People who need to move due to being a victim of domestic abuse, racial harassment, hate crime amounting to violence, a witness of crime at risk of intimidation, escaping serious antisocial behaviour.

**Question 3 – do you agree or disagree with the proposals for affording additional preference to persons in the above specified circumstances?**

**Priority - see section 4.2.0 of the proposed new rules for full details**

The Local Authority proposes to prioritise people for an allocation of social rented housing by placing all applicants in one of the following four bands:

- Band A – persons who have been awarded extra priority for an offer of accommodation due to having an urgent need to move. (See above and section 4.2.3 of the proposed new rules for full details)
- Band B – persons who are entitled by law to a good priority for an offer of accommodation, due to needing to move. (e.g. other persons who are homeless, owed a homelessness duty, are occupying in sanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions, needing to move on medical or welfare grounds including grounds relating to a disability due to detrimental effects caused by present accommodation either due to the location of present accommodation and all due to the physical conditions of that accommodation, and needing to move to a particular locality in the area where failure to meet this need would cause hardship. See section 4.2.4 of the proposed new rules for full details)

- Band C – persons who have no entitlement to a priority for an offer of accommodation due to them wanting to move, rather than having any need to move. (e.g. all other persons wishing to be allocated social rented housing. See section 4.2.5 of the proposed new rules for full details).
- Band D – persons who have been given a reduced priority, due to refusing a suitable offer of accommodation. (e.g. persons who would have been placed in any of the above bands, but due to exhausting their rights to refuse an allocation social rented housing, or having failed to bid on more than three occasions where a suitable property would be available. See section 4.2.6 of the proposed new rules for full details).

When two or more people have the same party for an allocation, they will be prioritised

- Firstly, by the date they were excepted into the band they are placed at the time of an offer being made
- Secondarily, they are making a community contribution.
- Thirdly, by whether they work or have a close family in the Local Authority area.

<p><b>Question 4 – Do you agree or disagree with the proposals for prioritising people waiting for an allocation of social housing?</b></p>
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**About this consultation**

This consultation document and consultation process has been planned to adhere to the Consultation Principles issued by the Local Authority.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including any personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the freedom of information act 2000, the data protection act 2018, the EU general data protection regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Local Authority is bound by the freedom of information act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for the disclosed information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer direct generated by your IT system will not, of itself, be regarded as binding on the local authority.

The local authority will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A. [to be inserted by the Local Authority].

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [insert hyperlink to the Local Authority's complaints procedure].