

# **Housing Allocation Scheme For Sunderland**

**January 2019**

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## **Section 1: Introduction**

This document sets out the Housing Allocation Scheme (the 'Scheme') for Sunderland.

The Scheme has been developed with Registered Providers (RPs) who own housing stock in the City and other relevant partners. The Council acknowledges the valuable role and contribution that all RPs and landlords make in helping meet housing need in Sunderland and the Scheme aims to promote this collaborative working relationship between the Council and all landlords.

This document sets out Sunderland Council's Scheme for allocating all types of social housing and nominations to RPs and housing associations; including procedures and determining housing priorities. It also sets out the instances where privately rented accommodation may be offered. For example; to relieve homelessness.

In revising the Scheme, the Council has taken into account the following documents. Among other sources:

- 1996 Housing Act (as amended by the Homelessness Act 2002, Localism Act 2011 and Homelessness Reduction Act 2017 etc.)
- Government Guidance on Allocations and Homelessness [Allocation of accommodation - Government Guidance](#)

## **Section 2: Our Policy**

The Council recognises that the way homes are allocated is a matter of real importance to local people. The demand for social housing in Sunderland far outweighs the supply and therefore our Scheme seeks to make the best possible use of all of our housing stock and to prioritise social housing for those people in greatest need.

We aim to create an excellent customer experience by providing a seamless, end-to-end service and offering each customer the help and advice they need to choose the housing option which is best for them and their household.

### **Our Aims**

- **Providing support for those in greatest housing and social need**  
Awarding banding to prioritise social housing for those who are eligible for assistance and are in the greatest housing need.
- **Reducing the use and cost of temporary accommodation** by ensuring homelessness is prevented or relieved and homeless people and people threatened with homelessness are rehoused as soon as is practically possible.
- **Making the best use of the housing stock** – reducing empty properties, addressing the most serious insanitary or overcrowded housing in the City and prioritising adapted properties for people with the relevant needs.
- **Providing advice and choice on a range of housing options**  
Offering housing advice and assistance to support applicants to make realistic decisions and choices about their future housing prospects, by offering information on a range of housing options, including affordable home ownership and private renting.
- **Creating more mixed and sustainable neighbourhoods**  
Helping to create safe, desirable, prosperous and balanced communities where a range of people want to live and work.
- **Supporting Affordability**  
Ensuring people can afford their home so changes in circumstances do not leave them vulnerable.
- **Complying with the law**  
Complying with the law and Government guidance and reflecting priorities set out in key documents such as Sunderland’s Housing Strategy, [Housing Strategy for Sunderland](#) emerging Homelessness Strategy and Strategic Tenancy Policy. [Sunderland Strategic Tenancy Policy](#)
- **Maintaining a system which is open and transparent**  
Ensuring that the system is simple and easy to use and that all decisions made are open, clear and fair.

**Choice Statement (Section 166A(2) Housing Act 1996)**

It is the policy of the Council to seek to extend choice to all eligible applicants for social and other housing by giving them an opportunity to express their preference for areas and types of housing. Wherever possible such preferences will be taken into account in allocating accommodation. However, this must be balanced with the requirement of the Council to meet its legal duties as a local housing authority and address local housing need.

**Equalities Statement**

The Council is committed to the principles of equality and fairness. We will make sure that everyone has fair and equal opportunities to access our services and will treat everybody with dignity and respect. We acknowledge that everyone is different so we work hard to recognise, respect and respond to the different needs of our customers.

### **Section 3: Legal and Policy Framework**

Sunderland's Housing Allocation Scheme is set within a robust legal and policy framework. [Allocation of accommodation - Government Guidance](#). This includes taking into account reasonable preference which enables local authorities to better manage their housing waiting list by giving them the power to determine which eligible and qualifying applicants do or do not qualify for an allocation of social housing. We have also considered relevant case law, circulars, regulations and good practice.

#### **Reasonable Preference**

In accordance with Part 6 of the Housing Act 1996 ("the 1996 Act") Sunderland's Allocation Scheme aims to ensure that 'reasonable preference' (which means giving more priority) is given to specific types of people. These people include:

1. those who are homeless within the meaning of the Housing Act 1996;
2. people who are owed a duty by any housing authority because they have a priority need but are intentionally homeless (section 190 (2) of the 1996 Act), because they are not in priority need and not homeless intentionally (section 193(2)) or because they are threatened with homelessness (section 195(2));
3. households occupying insanitary, overcrowded or otherwise unsatisfactory housing conditions;
4. those who need to move on medical grounds (including any grounds relating to a disability) or for health related or welfare reasons; and
5. those who need to move to a particular locality in the area of the housing authority, where failure to meet that need would cause hardship (to themselves or others), for example; to give or receive care, to take up employment or training or to access specialised medical treatment.

The Scheme will also give preference to:

- i. those who are homeless and require urgent re-housing as a result of violence or threats of violence and those escaping serious anti-social behaviour or domestic abuse;
- ii. young people leaving care and people with high level support or social care needs; and
- iii. carers, people who receive support from carers and approved prospective foster carers or adopters who need a larger home in order to accommodate a looked after child.

#### **Additional Preference**

In accordance with the further requirements of section 166A(3) of the 1996 Act, additional preference will be given to a person with urgent housing needs and who falls within one of the first five Reasonable Preference categories referred to above who is:

- a) serving in the regular forces and is suffering from a serious injury, illness or disability which is attributed (wholly or partly) to his/her service; or
- b) has formerly served in the regular forces; or
- c) has recently ceased or will cease to be entitled to accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
- d) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

The “regular forces” are defined as the Royal Navy, the Royal Marines, the regular Army (i.e. any of HM military forces other than the Army Reserve, the Territorial Army and forces raised under the law of a British Overseas Territory) and the Royal Air Force. “Reserve forces” are the Royal Fleet Reserve, The Royal Naval Reserve, the Royal Marines Reserve. “the Army Reserve” the Territorial Army, The Royal Air Force Reserve and the Royal Auxiliary Air Force.

## **Section 4: Who can apply for Social Housing through the Scheme?**

### **Housing Options**

There is limited housing stock in Sunderland and our Housing Options Team and other housing advice providers, details of which can be found at [www.sunderland.gov.uk](http://www.sunderland.gov.uk) [Housing Advice](#), would encourage applicants to consider all options for future housing. You will be offered support to access the housing solution that best meets your needs which may be private rented housing, affordable home ownership or help to stay in your existing home. Social housing is for those who need it most.

It is only eligible and qualifying people, who are accepted onto the Housing Register, who can be nominated by the Council for suitable properties. These properties are made available by RPs to meet identified local housing needs and provide assistance with the Council's homelessness duties. These nominations are made to ensure that those in greatest housing need are given preference.

### **Who is eligible to join the Housing Register?**

Anyone aged 18 years and over can join the Housing Register unless they are ineligible by reason of their immigration status or not a "qualifying person" for the purposes of the 1996 Act. (Anyone over the age of 16 can apply and those aged 16 or 17 years will not be disqualified from registering for a tenancy; however a person cannot legally hold a tenancy until they are aged 18 years of age). Eligibility requirements are addressed in Section 160ZA of the Housing Act 1996 and explained in statutory guidance issued by the Department for Communities and Local Government 2012. [Allocation of accommodation guidance 2012](#)

### **Eligibility**

Those people eligible to apply to join the Housing Register and to be allocated housing under the Council's Allocation Scheme include:

- British citizens (if they are habitually resident in the UK);
- certain commonwealth citizens with right of abode in the UK;
- citizens of a European Economic Area (EEA) country ('EEA Nationals') and their family members who have a right to reside in the UK that derives from EU law. (The question of whether an EEA national (or family member) has a particular right to reside in the UK (or in another Member State) will depend on the circumstances, particularly the economic status of the EEA national (eg whether he or she is a worker, self-employed, a student or economically inactive). This is subject to change following the UK's exit from the EU; and
- people who, under the Immigration Act 1971, are not subject to immigration control, including diplomats and their family members based in the UK and some military personnel.

### **Ineligibility**

Those people ineligible to apply to join the Housing Register, and to whom the Council cannot allocate housing, include:

- people from abroad who are subject to immigration control, unless they come within an exempted class prescribed by the Secretary of State;
- other persons from abroad may be prescribed by the Secretary of State as being ineligible for an allocation of housing accommodation by the local housing authority; or



- an applicant will also be ineligible if anyone in the household or with whom they have applied would be subject to one of the above categories.

The main legal provisions in relation to eligibility are currently contained in Part VI of the Housing Act 1996 (as amended) and the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended).

In order to confirm a customer's eligibility, the Council may carry out checks with a number of statutory agencies, for example the Home Office.

If a customer is considered to be ineligible they will be notified by the Council of this decision and the grounds for it in writing within 10 working days. Customers have the right to request a review of this decision (see section 10).

The Immigration Act 2014 places a responsibility on landlords to restrict illegal immigrants accessing the private rented sector and must carry out checks on all prospective tenants aged over 18 years in relation to their immigration status. This is referred to as a "Right to Rent" check and details can be found at <https://www.gov.uk/check-tenant-right-to-rent-documents>. This does not apply to all social housing.

### **Qualifying Persons**

Under section 160ZA(7) of the 1996 Act, local housing authorities can decide what classes or persons will or will not qualify for an allocation of social housing. At the present time Sunderland City Council does not have any additional disqualifying criteria and does not have a local connection requirement.

### **Affordability**

Applicants will only be offered properties which they can afford. This is partly linked to welfare reform which may reduce income and also aims to reduce hardship should personal circumstances change.

Should an applicant have financial means to obtain suitable alternative accommodation, they may not be eligible for social housing (subject to a financial assessment that is carried out by the Registered Provider or the Council prior to an offer being made on a property). This would also include those who may want to sell their property and have equity and the financial means to obtain alternative suitable accommodation.

## **Section 5: The Housing Register Application Process**

### **Application**

An applicant can register alone, jointly with a partner or with another adult who wishes to live with them, including family members. Copies of the Housing Register can be requested by phoning the customer services network on 0191 5205551 or from our web site [www.sunderland.gov.uk](http://www.sunderland.gov.uk) at [Housing Register Find a Home](#)

### **Making an Application**

Applications to the Council can be made in the following ways:

- completing a paper application form and sending it by post;
- completing an application form in person at one of the Council's Customer Service Centres, where assistance may be provided; and
- contacting the customer services network on 0191 5205551.

Applicants will need to provide information about:

- themselves and those they wish to share a home with;
- their housing history;
- their housing needs;
- any support needs;
- their financial circumstances; and
- their areas of choice.

We will:

- Register an application **within 10 working days** of receiving it once all information has been received and verified.

### **Making a Housing and Homelessness Application**

Where an applicant has a housing register application and then makes a homelessness application, the housing application will be reassessed once the homelessness application has been determined.

For more information click on the following link [Homeless Service](#) or go to [www.sunderland.gov.uk](http://www.sunderland.gov.uk) (Housing). Also refer to Appendix One of this Scheme for the Homelessness Reduction Act process for Local Authorities and Appendix 2 for the processes followed by our Housing Options Team.

### **Confidentiality statement**

In order to allocate social housing effectively the Council needs to collect and use confidential and personal data. When doing so we will comply with General Data Protection Regulation and will treat sensitive data fairly and lawfully. In certain circumstances we may share sensitive data with other organisations such as landlords and the police but we will only do this with the appropriate consent of the applicant or in circumstances where the law allows us to do this, such as the prevention and detection of fraud or any other crime.

Details of the Council's privacy policy can be found on our web site. [Privacy Policy](#)

## **Applying with other RPs and Landlords**

Applicants may also apply directly to other landlords who have properties in the City, outside of the Council's nominations process. Each landlord will have their own allocation scheme, application form and process for doing this and details will be able to be found on landlords' web sites or by contacting them by phone or email. This may include for bidding for properties. Support can be provided for applicants who have difficulty in doing this. A list of RPs operating in Sunderland can be found at [www.sunderland.gov.uk](http://www.sunderland.gov.uk) under Find a Home - [List of RPs Operating in Sunderland](#)

## **Change of Address or Circumstances**

Customers are required to inform the Council of any change of circumstances by contacting the customer services network on 0191 5205551. Information will be verified if an offer of a property is made and a reassessment of the application may result in the increase or decrease in banding. All applicants will be notified by the Council in writing of any changes within 10 working days.

## **False or Misleading Information**

If applicants have supplied false or misleading information which leads to them being allocated a property, legal action will be taken. Registered Providers can contact the Senior Housing Manager at Sunderland City Council in cases where they believe properties have been acquired fraudulently by emailing [Housing.people@sunderland.gov.uk](mailto:Housing.people@sunderland.gov.uk) or phoning on 0191 5205551.

## **Deliberately worsening your circumstances**

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher housing priority under the Scheme, no additional priority will be given. In some circumstances this may be considered by partner landlords as unacceptable behaviour, leading to suspension of an application.

Applicants are entitled to request a review of a decision. (See section 10 on Reviewing Decisions).

## **Housing applications from members of staff and their families**

Applicants for housing who are Sunderland City Council employees or Elected Members or their families must declare their interest when applying.

Such applications will be assessed in the normal way, but offers of accommodation will not be made without the prior approval of the Council's Senior Housing Manager. If the applicant is related to the Senior Housing Manager, offers of accommodation will not be made without the prior approval of the Head of Commissioning.

## **Review of the register**

All applicants are required to inform the Council should they wish to be removed from the register. The register will be reviewed by the Council on an annual basis to assess the effectiveness of the Scheme in allocating properties and to ensure that only those applicants who want to be on the register remain on it.

## **Suspensions**

Some landlords may operate Suspensions or Exclusions Policies. If an application is suspended by a landlord then an applicant would not be able to express interest in that landlord's properties and would not be offered a tenancy with that landlord until their suspension was lifted.

To decide whether an application will be suspended, landlords may consider behaviour and/or breaches by tenants of current or former tenancies as well as equity and savings levels or for outstanding information.

Where an application is suspended by a landlord, the applicant will be notified of the decision and the reasons for it in writing by the landlord. An applicant can request a review of the decision to suspend their application (see Section 10).

Applicants who have been suspended by a landlord can still register in Sunderland and may be considered by the Council for accommodation with other housing providers. It is the responsibility of all landlords to carry out their own relevant checks as to the suitability of the applicant.

## **Registering an Application**

Having received an application, it will be checked for eligibility (see section 4) and unless the applicant is deemed ineligible then the application will be registered with the Council. Once an application is registered the applicant will be sent a letter by the Council within 10 working days to advise them of the priority banding they have been allocated and to confirm their date of application.

## **How we Deal with Different Applicants**

### **Out of City Applicants**

We welcome applicants who live outside of the Sunderland area. This Scheme will be kept under review to ensure that applicants within Sunderland are not disadvantaged as a result.

### **Owner Occupier Applicants**

We welcome owner occupiers within the Scheme. However, those who wish to access the Scheme will be required to sell or dispose of their interest in their current property or demonstrate that they are actively trying to do so. The Government does believe that local authorities should avoid allocating social housing to people who already own their own home who have the financial means to obtain suitable alternative accommodation. A financial assessment will be therefore be undertaken by the Council which will cover income, outgoings and any equity and savings. If the applicant can financially afford to purchase a home or market (privately) rent a property suitable for their housing needs, a formal offer for social housing is unlikely to be made other than in exceptional circumstances; for example, if the applicant is applying for Extra Care or needs a fully adapted house which is not available on the private market.

### **Parents and Guardians of Children with Joint Access Arrangements**

Only the parent with primary care of a child should qualify for a family home. Identifying the primary carer is based on individual merits, but takes into account:

- receipt of Child Benefit;
- Court Orders;
- percentage of time spent caring for child(ren); and

- regularity and permanence of arrangement.

When an applicant does not have primary care of dependent child, but shares care, either as a result of a Court Order or an informal arrangement, we will consider on a case by case basis. For example, this may mean granting an additional bedroom or considering a single applicant for a two bedroom flat.

### **Care Leavers**

To plan for young people leaving care and enable access to independent accommodation when ready they should be assisted by Together for Children to complete a Housing Register application within 3 months of their 16th birthday (or 3 months after they become looked after if this occurs after their 16th birthday) to ensure that young people leaving care at the age of 18 years are accepted as a reasonable preference priority group for local social housing or suitable private accommodation in the area in which they wish to live.

The procedure enables young people to move to independent accommodation in a planned way, and avoids the use of temporary accommodation. The Council requires sufficient information to properly assess a young person's accommodation needs, including all relevant history, assessments and any relevant risk factors that may affect the decision about the location or the type of suitable accommodation (this will include an up to date risk assessment and pathway plan).

Where looked after children are placed outside of the Sunderland area, the process of placing their name on the Sunderland Housing Register should be used to explore the timing and process to return to Sunderland or whether their individual needs are best met whilst remaining in the area they have been residing in.

### **Members of the Regular forces and veterans**

Veterans are allocated housing on a case by case basis depending on their assessed needs and whether they have a reasonable preference and may be given additional preference, as set out in Section 3 of the Scheme.

The Council has signed up to the Armed Forces Community Covenant. This means we will work closely with partners to support those leaving HM forces to find suitable accommodation. [Armed Forces Covenant](#)

## **Section 6: How Priority Bandings are Applied**

The Scheme applies bandings which are based upon each applicant's assessed needs. These needs will be assessed by different people depending upon what the needs are. E.g. Occupational Therapists will assess the needs of an applicant with a physical disability or medical need, the police will assess whether someone was experiencing severe harassment.

The bands distinguish between applicants who have an urgent need to move, those with a recognised priority need, those who wish to move out of choice and those who need to move from an area that is being developed or renewed by the Council or other partners within the City.

Banding may be reviewed at any time and may be varied upwards or downwards depending on changes in circumstance.

***An applicant must contact the Council if their circumstances change.***

The bandings applied are as follows:

### **Band 1 – Urgent Housing Need**

This section is for cases of urgent housing need as set out below.

#### **Unable to Cope due to Medical or Disability Reasons**

To qualify for Band 1 based on medical needs or disability grounds an applicant (or member of their household) will have a chronic/degenerative illness or impairment (which may be physical, mental, learning or sensory) which has resulted in them being no longer able to cope in their present home.

In making an assessment about whether an applicant qualifies, an Occupational Therapist may consider the impact the applicant's home has on their ability to access essential facilities and whether the existing home can be adapted to meet their needs.

A written recommendation will be required from a health professional(s) to confirm that an urgent move is necessary to resolve the current difficulties and that the current home cannot be adapted to meet the medical needs. The information should be provided by a clinical Consultant or an Occupational Therapist but other evidence from health professionals may be also considered.

#### **Experiencing Severe Harassment**

To qualify for Band 1 based on severe harassment, an applicant will either be a victim of serious anti-social behaviour (ASB) or harassment that the Council, partner landlord, the Police or other agencies cannot resolve.

Harassment will include actual violence, serious threats of violence, hate crime motivated by prejudice or intimidation significant enough to be deemed unreasonable for the applicant to remain in their home. This banding will only be awarded to assist an applicant to move from the locality of the ASB or harassment, and be rehoused to an area that is a sufficient distance to avoid a re-occurrence of the problem.

Written evidence and supporting documentation will be required from a senior officer of the Police to confirm this.

### Immediate Risk of Domestic Abuse

To qualify for Band 1 based on domestic abuse, an applicant will need immediate rehousing because they have been categorised as at a high risk of domestic abuse, for example via a Multi-Agency Risk Assessment Conference (MARAC) or by partner landlords. Also, applicants who are experiencing domestic abuse will be assessed via the Council's Housing Options Team under the homeless legislation as prescribed in the Housing Act 1996 (as amended), see below.

### Homelessness

Homelessness is an issue that the Council has a statutory (legal) duty to investigate and assess. The Council's Housing Options Team will assess all potentially homeless applications.

Part 6 of the Housing Act 1996 requires local Housing Allocation Schemes to give reasonable preference to specific groups of households on the register which includes homeless households. The Council now has a wider statutory duty to prevent and relieve homelessness in its area with the introduction of the Homelessness Reduction Act 2017 (HRA) in 2018. This means that preference needs to be given to all applicants who are homeless or threatened with homelessness within 56 days.

At the heart of the legislation there are two new duties:

a Preventative Duty which requires councils to assist anybody who is threatened with losing their homes in the next 56 days; and

a Relief Duty to assist, for a period of 56 days, anybody who is already homeless and without a home, to find one.

To qualify for Band 1 based on homelessness, an applicant will need to have had their circumstances assessed and have received confirmation in writing from the Council's Housing Options Team that they have either been accepted under the Relief Duty and are likely to be owed a Main Housing Duty as having a priority need or have been assessed as statutorily homeless and that they are owed a duty under section 193(2) or 195(2) of the Housing Act 1996.

An applicant is likely to be statutorily homeless if they are:

- homeless; **and**
- eligible for housing assistance; **and**
- not intentionally homeless; **and**
- in priority need.

Further details can be found in the Ministry of Housing, Communities & Local Government (MHCLG) Homelessness Code of Guidance 2017. [Homelessness Code of Guidance](#) which can be found on the MHCLG website

Results of an applicant's homelessness assessment will be communicated to them within 10 days.

### Unsatisfactory and Unfit Property

To qualify for Band 1 based on unfit property, a household must be assessed by the Council's Environmental Health services as living in insanitary or unsatisfactory housing. The assessment will include the number and type of "category 1" hazards (as defined and assessed under the Housing Act 2004 and the Housing Health and Safety Rating System (England) Regulations 2005); the time of year, the person living there and the length of time to satisfactorily resolve the problem. These will be assessed on a case by case basis. This will include an inspection of your property by Council officers.

### Statutory Overcrowding

To qualify for Band 1 based on statutory overcrowding, a household must come within the current statutory (legal) standards on overcrowding, contained in the Housing Act 1985 [Statutory Overcrowding](#) or through the Housing, Health and Safety Rating System (England) Regulations 2005 in relation to crowding and space.

An applicant will have had their circumstances assessed by the Council's Environmental Health services and will have received confirmation in writing that they have been accepted as statutorily overcrowded or overcrowded through the Housing, Health and Safety Rating System. An assessment for statutory overcrowding will consider the number of rooms and space in the rooms within the current property. This may include an inspection of the property by Council officers and evidence of the people who are living there.

### ***Verification or production of evidence will be required to be awarded Urgent Housing Need Band One***

### **Band 2 - Priority Housing Need**

This section is for cases of priority housing need as set out below:

#### Medical or Disability Reasons which can be Improved by Re-housing

To qualify for Band 2 based on medical reasons an applicant or member of their family will have a chronic/degenerative illness or impairment (which may be physical, mental, learning or sensory) which could be eased or improved by rehousing.

Written verification or written evidence will be required from a clinical consultant, Occupational Therapist and/or health professionals confirming your medical conditions.

#### Welfare need

To qualify for Band 2 based on a welfare need, an applicant will have been assessed by the Council, Sunderland Care and Support or Together for Children as having a social need. For example, this could be someone leaving care or another vulnerable person who needs a secure base from which to build a stable life and who could not be expected to find their own accommodation. Evidence will be required of the welfare need.



### To receive or give care and support

This is intended to reduce the need for formal care services and allow the care recipient to receive support from their immediate family to remain in their own home environment rather than moving into residential care. To qualify for Band 2, an applicant will need to either give or receive full-time care, assistance or monitoring due to chronic health problems, physical disabilities, dementia, or terminal illness. This will be assessed by the Council.

The criteria for this category are:

- the person requiring the care must have a critical support need that cannot be met by the person themselves and is essential for maintaining their health and well-being; **and**
- the need cannot be met by local carers or support networks without moving home; **and**
- the need can be met by the care recipient, or care giver being moved nearer to their support network; **and**
- the care giver will be eligible to receive carers allowance; **and**
- the move must be to a different location which is beyond reasonable travelling distance; **and**
- where failure to meet that need will cause hardship to themselves or others.

### To avoid hardship

To qualify for Band 2 based on avoiding hardship, an applicant will have been assessed by the Council as having a need to move to a particular locality. For example, to take up education, employment or training or to access specialist medical treatment, where failure to meet that need would cause hardship. Evidence from professional workers will be required to support the assessment.

### Homelessness/risk of homelessness

Any applicant who is homeless within the meaning of Part 7 of the 1996 Act or who is owed a duty under section 189B (relief duty owed to all eligible persons who are homeless), section 190(2) (duty to applicants who are intentionally homeless but with priority need), section 193(2) (main housing duty to applicants who are unintentionally homeless with priority need) or section 195(2) (prevention duty in the case of threatened homelessness) or who is occupying accommodation that was provided under section 192(3) will qualify for Band 2 if they do not meet the requirements for Band 1.

This will be assessed by the Council's Housing Options Team.

### To take up a key worker employment opportunity

To qualify for Band 2 based on an employment opportunity an applicant will have received an offer of key worker employment within the city. The applicant will need to move into Sunderland to take up the offer of work. Key workers are defined as those people who provide essential services necessary for the economic growth of Sunderland and those who fill skill shortages within the city. Acceptance into this Band will be subject to the provision of appropriate written evidence/proof from the employer and the relevant affordability and financial checks.

### Moving on from Supported Accommodation

To qualify for Band 2 under this category, an applicant will be living in supported or temporary accommodation, will have successfully engaged in and completed a programme of support and be ready to move on to independent living. An assessment will be completed and evidence will be required from the organisation that has provided the support including personal plans.

### Overcrowding in a social tenancy

The bedroom standard is an appropriate measure of overcrowding for allocation purposes.

The bedroom standard allocates a separate bedroom to each:

- married or co-habiting couple;
- adult aged 21 years or more;
- pair of adolescents aged 10 – 20 years of the same sex; and
- pair of children aged under 10 regardless of sex.

To qualify for banding based on overcrowding, an applicant must be a current tenant and they will have been assessed in the following way:

- The assessment will be based on the number of bed spaces that are needed. Every person within a household needs one bed space, a double room counts as two bed spaces and a single as one bed space.
- If a room will fit a double bed and wardrobe, even if there is very little space left, this is classed as a double bedroom. A room that cannot physically accommodate this amount of furniture will be classed as a single room.
- We will only count people in households who live there on a permanent basis and have been there for more than six months.

If, after assessment, an applicant is short by two or more bed spaces then they will be accepted for assistance in the Priority banding.

We would expect that household members make the best use of space and rooms i.e. single parent in a single room. Evidence of household members and the number of bedrooms will be required. This may include an inspection of the property by Council officers.

### Under occupancy in a social tenancy

To qualify for Band 2 based on under occupancy, an applicant will be a current social landlord tenant and be living in a property which is too big. If there are two or more spare bedrooms then it is possible that an applicant could be placed in Band 2. However, an assessment will be carried out by the social landlord and the Council and acceptance into this Band will depend upon the applicant's current property and area in which the property is located. Social Landlords will consider under occupancy for tenants as this will free up larger properties which will be allocated to someone else thus making best use of the available stock.

### Children in Upper Storey Flats

To qualify for Band 2 within this group, based on having children in an upper flat, an applicant will be a current tenant and will have a child(ren) under the age of 16 years living in an upper flat of two or more storeys. This does not include maisonettes and S257 Houses in Multiple Occupation (buildings converted without Building Regulation approval). In addition, by moving an existing tenant to another more suitable property, a vacancy will be created which will be allocated to someone else thus making best use of the available stock. For a woman who is pregnant, proof of pregnancy will be required from the MATB1 that is received from the midwife or doctor after 21 weeks pregnancy.

Other landlords and partners may have their own policies in place.

#### Care Leavers at risk of homelessness.

To qualify for Band 2 based on being a care leaver the following criteria would be required: the applicant leaving care should be within 3 months of their 16<sup>th</sup> birthday (or 3 months after they become looked after if this occurs after their 16<sup>th</sup> birthday); evidence must be provided from Together for Children to verify the young person has Care Leaver Status; Together for Children must also provide an assessment of their housing and support need such as a pathway Plan or relevant risk assessment; and consent must be gained from the care Leaver to share information.

***Verification or evidence will be required to be awarded Band Two Priority Housing Need.***

#### **Band 3 - Choice**

This group is for all applicants without an urgent or priority need to move who would like to move out of choice.

#### **Band 1 Plus - Area Renewal**

Where an applicant is living in a designated renewal area and their property is earmarked for demolition, they will be given additional priority for a 12 week period. The Council will assess and determine which properties are affected.

#### **Reviewing Banding Status**

An applicant's banding status will be reviewed by the Council to assess whether circumstances have changed and to ensure an applicant is actively engaging in the process and to find out whether they require any support to do so. The minimum frequencies within which reviews will be carried out are detailed below:

#### Band 1 - Urgent Housing Need

Priority is given for 12 weeks and a review will be carried out at the end of this period. Applicants will be contacted by the Council during the 12 week period to see if they require any support and whether there are any issues with bidding. However if applicants within this category due to 'Homelessness' do not engage appropriately in seeking, bidding and securing properties, they may be made a single final offer of a suitable property.

For all others in this category, if they refuse 3 suitable offers, priority status for housing may be removed and the application will be placed into the choice category at Band 3.

Applicants have a right to request a review of the decision (see Section 10).

#### Band 2 - Priority Housing Need

Priority is given for 12 weeks and a review will be carried out at the end of this period. Applicants in the 'Other homelessness' category who do not engage appropriately, in seeking, bidding and securing properties, despite being offered support may be made a single final offer of a suitable property.

Applicants have a right to request a review of all decisions (see Section 10).

If the applicant refuses 3 offers which are deemed to be reasonable after reviewing suitability, priority status for housing may be removed and the application will be placed into Band 3 General Housing Need (Choice). Applicants have a right to request a review of the decision.

Band 3 - Choice

A review will be carried out annually by the Council to see if the applicant wishes to remain on the housing register.

Band 1 Plus – Area Renewal

A review will be carried out at the end of the 12 week additional priority period with the applicant and the Council's Housing Team in relation to housing need, the availability of housing and area renewal plans and timescales.

## Summary of Bandings

Band One - Urgent Housing Need	Band Two - Priority Housing Need	Band 3 - General Housing Need	Band 1 plus – Area Renewal
<ul style="list-style-type: none"> <li>• Applicants or a member of their household who are unable to cope in their present home due to medical reasons</li> <li>• Applicants who are experiencing severe harassment and have been assessed as being at risk if not re-housed</li> <li>• Applicants who are experiencing domestic abuse and have been assessed as being in immediate risk if not re-housed</li> <li>• Applicants owed the Relief Duty who are likely to become owed the Main Housing Duty.</li> <li>• Accepted homeless cases, where the applicant is owed the Main Housing Duty.</li> <li>• Applicants living in a property which is unfit for occupation agreed by Sunderland City Council</li> <li>• Applicants who are statutorily</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants with a medical need which could be eased or improved by rehousing</li> <li>• Applicants who need to move for a welfare reason</li> <li>• Applicants assessed as needing to move to receive or give support</li> <li>• Applicants who need to move to avoid hardship</li> <li>• Applicants at risk of homelessness (Prevention Duty)</li> <li>• Other homeless applicants who do not satisfy the Band 1 criteria.</li> <li>• Applicants assessed as needing to move to take up Key Worker employment</li> <li>• Applicants moving on from supported accommodation.</li> <li>• Applicants assessed as overcrowded in social tenancy</li> <li>• Applicants assessed as under occupying</li> </ul>	<ul style="list-style-type: none"> <li>• All applicants without an urgent or priority need to move</li> </ul>	<ul style="list-style-type: none"> <li>• Applicants who are currently living in a Sunderland City Council renewal area</li> </ul>

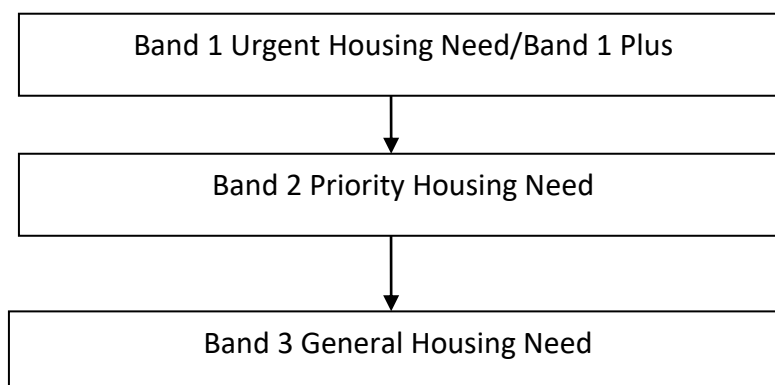
Band One - Urgent Housing Need	Band Two - Priority Housing Need	Band 3 - General Housing Need	Band 1 plus – Area Renewal
<p>overcrowded as assessed by the City Council</p>	<p>the property in social tenancy</p> <ul style="list-style-type: none"> <li>• Applicants with children under 16 years who are living in an upper flat in social tenancy</li> <li>• Care leavers at risk of homelessness.</li> </ul>		

## **Section 7: Offering of a Property – Matching of Applicants**

Sunderland City Council receives a proportion of the vacant (or “void”) properties of Registered Providers and other landlords in the area to which it may nominate prospective tenants.

In the case of Gentoo, a proportion of its void properties, advertised through Home Hunt, ([Gentoo Homehunt](#)) will be let to people deemed to be homeless or in statutory housing need and to other applicants referred from the Council’s Housing Register. These applicants are placed in the appropriate Gentoo band that reflects the banding awarded by the Council and can then express an interest by bidding for advertised properties. This enables the Council to ensure that housing is provided to those most in need.

When a property is made available to the Council by any other partner landlord for nomination of a prospective tenant, the Council will firstly consider applications which match the property type from those who are in Band 1 (urgent housing need) or Band 1 Plus. If there is more than one applicant who matches the property in these bandings, any additional preferences and the date of registration will be taken into account. If there are no suitable applicants in these bands, those who have been accepted as having a Band 2 priority housing need will then be identified. As above, where more than one applicant is suitable any additional preferences and the date of registration will be taken into account. Should there be no suitable applications again, then those who have been identified as having a general housing need will be matched using the date of registration to determine which applicant is nominated to the tenancy.



### **Local Lettings**

The 1996 Act allows housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall into a reasonable preference category. This is referred to as a Local lettings Policy.

Some partner landlords also have their own local lettings arrangements in place. Some examples of these are age restrictions on bungalows and a 35 years and over age requirement for multi storey accommodation. The local lettings arrangements aim to introduce social balance whilst still addressing housing need.

Partner landlords use local lettings to:

- help meet particular unmet needs within a locality;
- help regenerate areas;
- help to target the best use of properties in higher demand areas;

- help to promote properties which are in low demand and help promote the regeneration of an area through different management arrangements;
- encourage greater community cohesion and sustainability ;
- respond to particular housing management issues where problems of anti-social behaviour; nuisance or crime occur where there may be an imbalance of customers from different age groups or family type within existing properties;
- help achieve balanced communities when letting new developments; and
- allocate supported housing schemes for people with specific support needs.

**Minimum age for any offer of a property**

A person cannot legally hold a tenancy until they are 18 years old. Therefore any tenancy granted by many social providers to a young person under 18 years' old will be an equitable tenancy which means that an adult will need to sign the tenancy and agree to hold the tenancy for the young person until they reach 18 years. Applicants aged between 16–17 years will be offered an assessment of their needs to determine if they require a support package providing extra help and guidance to enable them to maintain a tenancy.



## **Section 8: Offering a Property – Next Steps**

### **Property Viewing and Offer Checks**

Viewing of properties and offer checks will be carried out according to the relevant landlord's policies and timescales which can differ. Details can be found on landlords' websites or through contacting them through their customer service centres. The landlord will normally arrange a viewing with invited applicants. This viewing does not constitute a formal offer of property. Such an offer will not be made until certain checks have been carried out to confirm details and can include:

- identity;
- current housing need;
- current circumstances;
- affordability;
- police checks;
- previous housing history; and
- satisfactory property condition.

An applicant who is offered a tenancy will normally be expected to make a decision within 48 hours of a viewing.

Note that an offer could be withdrawn in the following circumstances:

- the applicant has provided false or misleading information;
- the property is required for exceptional housing management reasons; and
- the outgoing tenant has withdrawn their notice of termination.

### **Tenancies**

The type of tenancy will be according to individual landlord's policies and they will advise you what these are if you are offered a property.

### **Standards of Properties**

Properties let by Registered Providers should all meet the Decent Homes Standard. More details can be found on the link [Decent Homes Standard](#). Registered Providers and the standards they operate under are regulated by Homes England, the national housing and regeneration agency for England. All landlords have a complaints system that tenants can use if they have concerns about their property. The Council can also be contacted with regards to the standards of properties let by calling 0191 5615551.

## **Section 9: Cancelled and Used Applications**

### **Used Applications**

An application is considered 'used' when an applicant:

- accepts a tenancy from a registered provider;
- is assigned a tenancy through a partner landlord;
- is granted a succession of tenancy through a partner landlord;
- purchases or part-purchases their own property, for example right to buy, shared ownership or outright ownership through a partner landlord; and
- has carried out a mutual exchange.

This means the application will no longer be included in the system and the applicant will have to register again if they wish to access the Scheme.

An applicant can request a review of any decision to treat an application as "Used" (see Section 10).

### **Cancelled Applications**

We will cancel an application in the following circumstances:

- it is used;
- at the applicant's request;
- if an applicant does not respond to a review letter or other correspondence;
- if an applicant moves and does not inform us of their new address;
- if an applicant leaves the country and they are subsequently prevented from being registered because of immigration status;
- if we find that an applicant has supplied false, misleading or incomplete information connected with their registration; and
- if it is a duplicate application.

This means the application will no longer be included in the system.

An applicant can request a review of any decision to treat an application as "Cancelled" (see Section 10).

## **Section 10: Reviewing Decisions**

Applicants will be able to request a review against any decision relating to:-

Review reason	Who carries out review
1. Eligibility	The organisation who made the original decision i.e. City Council or landlord
2. Facts of the case	The organisation who made the original decision
3. Review Banding Status	City Council
4. Date of registration	The organisation who made the original decision
5. "Used" or cancelled applications	The organisation who made the original decision
6. Reasonableness of offer	Partner landlord or the City Council in cases where it is a final offer for a priority given by the Council.
7. Suspension	Landlord
8. Exceptional allocation	Landlord monitored by the City Council/City Council
9. Homelessness	City Council

### **Reviews**

Requests for a review must be made in writing **within 21 days** of the date of receiving a decision letter. In the review request an applicant should explain why they think the decision was wrong and provide any available evidence.

Each review will be considered by a senior officer or member of staff who was not involved in the original decision. The officer will consider the review on the basis of the applicant's individual circumstances, their written submissions and in accordance with the Scheme. Furthermore, careful note will be taken of relevant legislation, including statutory instruments and Codes of Guidance. The reviewing officer will normally notify the applicant of the outcome of their decision within 28 days, or 56 days for homelessness reviews.

### **Possible Outcomes of a Review**

- Uphold the original decision – the applicant will be notified in writing and give reason supporting the review decision.
- Reject the original decision – the decision letter will explain why the original decision has been rejected and what actions will be carried out and the reasons for doing so.

## **Section 11: Information and Decision Making**

### **Information**

Applicants have a right to request general information which will enable them to assess:

- how their application is likely to be treated under the Scheme (including, in particular, whether they are likely to be regarded as a member of a group of people who are to be given preference by being placed in the relevant category); and
- whether housing accommodation appropriate to their needs is likely to be made available to them and, if so, how long it is likely to be before such accommodation becomes available for allocation to them.

Applicants also have the right to request the Council to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing to them.

Information can be requested by contacting the Council on 0191 5205551, by calling into any of the Council's Customer Service Centres or via the Council's web site.

### **Decision Making**

In accordance with the Allocation of Housing (Procedure) Regulations 1997, no elected member of the Council will at any stage be involved in the decision making of the allocation of properties within the Scheme. The regulations do not prevent an elected member from representing their constituents in front of any decision making body.

## **Section 12: Monitoring and Reviewing the Scheme**

### **Monitoring the Scheme**

The Council will monitor the Scheme to ensure it continues to meet our aims and objectives and to continuously improve our services.

### **Reviewing the Scheme**

The Council will provide monitoring reports at least annually to our customers, Council's Cabinet, relevant scrutiny committees and Leadership teams

The Council will continue to review the appropriateness of the Scheme and respond to changes such as legislation, demand and supply, new technology (which may make the management of the Scheme more effective) and other strategic issues.

### **Publishing and consulting on our allocation scheme**

This current Housing Allocation Scheme 2019 is available on the Council's website . Please click on the following link. [Sunderland Housing Allocation Scheme](#)

## **Section 13: Other Housing Options**

### **Enhanced housing options**

Sunderland City Council Housing Options Team provides free, confidential and impartial advice for people who are homeless or are at risk of being homeless within 56 days. The team will work to try and assist customers to find housing solutions that meet their needs.

If you are seeking general housing advice and are not at risk of homelessness within 56 days local providers can give this advice. Details of providers can be found on Sunderland City Council website [www.sunderland.gov.uk](http://www.sunderland.gov.uk) at [Housing Advice](#)

These providers will give advice on the following issues which may help to prevent you from becoming threatened with homelessness:

- tenants' rights and rights of occupation;
- what to do about harassment and threats of illegal eviction;
- rights to benefits including assistance with making claims as required;
- how to protect and retrieve rent deposits;
- rent and mortgage arrears;
- how to manage debt;
- help available to people at risk of violence and abuse;
- grants available for housing repair and/or adaptation;
- how to obtain accommodation in the private rented sector - e.g. details of landlords and letting agents within the district, any accreditation schemes, and information on rent guarantee and deposit schemes;
- how to apply for social housing; and
- how to access shared-ownership or other low cost home ownership schemes.

### **Other partner's housing options**

As demand for properties is far greater than the number of properties available there may be a long wait for a socially-rented or affordable rented homes. Unfortunately, not everyone will be able to be offered a socially-rented or affordable rented home that they would like so other landlords may be able to offer advice and assistance on other housing options, including:

- Market/Private Rented Properties. (Where new tenancies are secured in the Private Rented Sector under the Homelessness Reduction Act 2017, housing authorities are encouraged to adopt policies favoring longer tenancies than the legal minimum where market conditions in their area allow. It is recommended that, wherever possible, minimum tenancy lengths of 12 months are secured to provide more stability to individuals and particularly to families with children.)
- Intermediate Market Rented Properties.
- Affordable Homeownership products.

### **Assignment and Succession**

Registered Providers are legally required to give their tenants one right to assign their tenancy, or succeed to a tenancy where a tenant dies. Further details of these rights and the conditions can be provided by Registered Providers.

### **Extra Care and other accommodation with care and support**

The term 'Accommodation with Care or Support' refers to housing specifically designed for people with a care and/or support need which enables them to live independently in their own home, with access to care or support tailored to meet their needs.

Extra Care housing developments are purpose built in a community setting that provide access to on-site care and support services. They are comprised of self-contained homes and on-site services help tenants and occupiers to live independently. The schemes have a manager and trained care staff on site or on call 24/7 to provide extra care and support that may be needed whilst tenants still have the comfort, security and privacy of their own front door.

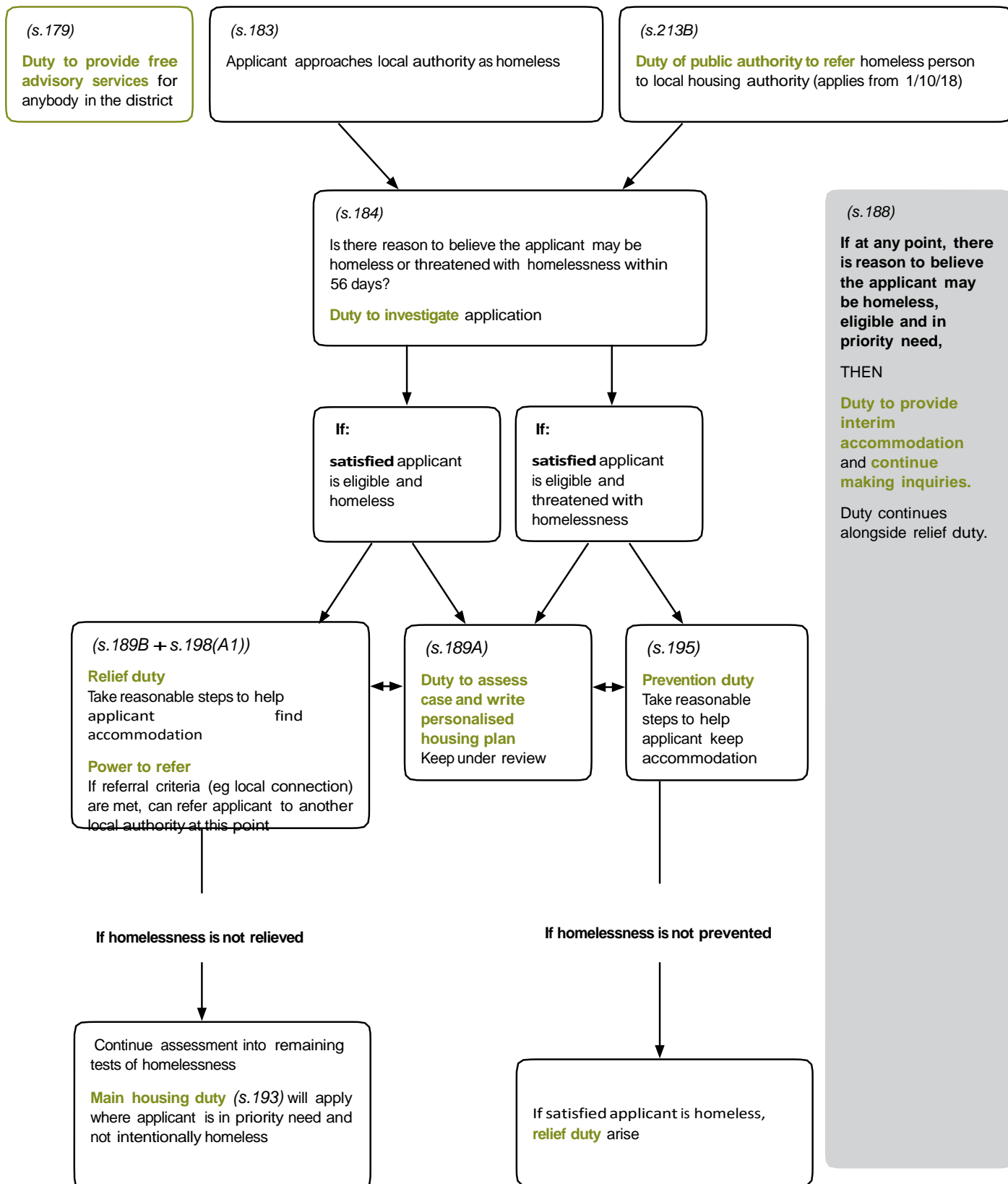
Due to the special nature of this type of accommodation, Extra Care and Supported Housing Schemes are sometimes let under a Local Lettings Policy, Exceptional Circumstances Policies or through individual agreements with the City Council.

This does not include sheltered housing or accommodation used to prevent homelessness.

Appendix 4 provides further detail on accommodation with care or support.

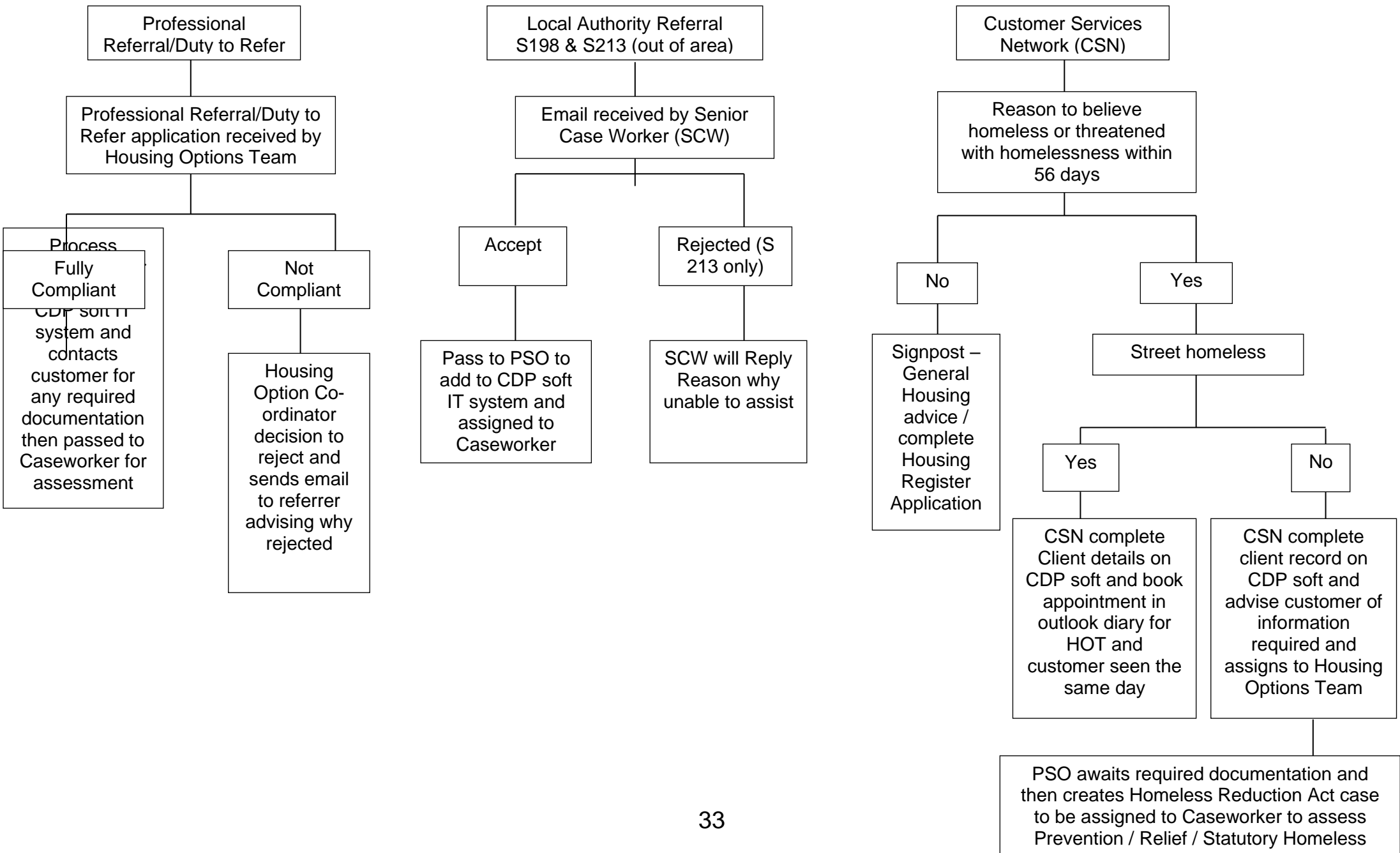
# APPENDIX 1

## Homelessness Reduction Act 2017: local authority key duties and powers





REFERRING INTO HOUSING OPTIONS TEAM (HOT)



## APPENDIX 3: DEFINITIONS

### Other Homelessness

The Priority category of “Other Homeless” includes people (other than those who qualify for homelessness) who:

- have been confirmed as homeless under Part 7 of the Housing Act 1996 by the Council’s Housing Options Team (for example verified rough sleepers and others who do not have a home);
- are owed a local housing authority duty because they are homeless and have a priority need, whether or not they became homeless intentionally or because they are threatened with homelessness, have a priority need and did not become threatened with homelessness intentionally (sections 190(2), 193(2) or 195(2) of the 1996 Act or sections 65(2) or 68(2) of the Housing Act 1985);
- are unintentionally homeless with no priority need and a local housing authority has decided to exercise the power to provide accommodation for them (section 192(3) of the 1996 Act).

This priority may not be given following an assessment of the issues in each individual case who are homeless because of eviction due to serious unacceptable behaviour (by the applicant or a member of their household), including serious or persistent non-payment of rent, which leads them to be considered to be unsuitable to be a tenant of the nominated provider and undeserving of any preference for the allocation of housing.

### Statutory Overcrowding

Households who meet the current statutory standards on overcrowding, contained in the Housing Act 1985 will be required to make an application to the Council for a full overcrowding assessment.

There are two elements to assessing whether a household is statutorily overcrowded:

1. The '**room**' **standard** which requires that there should be enough rooms in each letting so that no male and female aged 10, or over, should have to sleep in the same room, unless they are living together as 'husband and wife'; and
2. The '**space**' **standard** which specifies the maximum number of people who can sleep in any room considered suitable for use as a sleeping room and the maximum number who may sleep in any individual letting when taking into account the number of sleeping rooms available to the occupants. In this second standard, children aged between one and ten count only as ½ a person and babies under one year are not counted at all.

The table below shows the maximum number of people who can live in a house before the space standard is contravened.

<b>Number of rooms</b>	<b>Number of persons</b>
1	2
2	3
3	5
4	7 and a half
5	2 for each room

For the purposes of these standards, a room is considered to be "available as sleeping accommodation" if it is "of a type normally used in the locality either as a bedroom or a living room".

## **APPENDIX 4 – ACCOMMODATION WITH CARE OR SUPPORT**

### **Accommodation with Care or Support allocated within a local policy**

Section 166A(6)(b) of the 1996 Housing Act enables a local authority to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Most of the clients referred for Accommodation with Care or Support would be likely to be due reasonable preference for allocations as they will tend to have medical and/or welfare needs. However, where accommodation includes care provision it is best to make decisions based first on people's care needs while also taking account their housing need on a case by case basis.

### **Registered Housing Providers and Nominations**

Accommodation with care or support may be owned and managed by housing providers with whom the Council may have nomination rights. A person nominated by the Council and accepted by the housing provider will be regarded as having been allocated accommodation under the Council's Housing Allocations Scheme.

### **Accommodation with Care or Support – Nominations Criteria**

To be considered for a nomination to accommodation with care or support, applicants or a member of their household, must be assessed as having an accommodation and social care need. This assessment would be taken forward by Adult Social Care staff. A referral to Adult Social Care can be made through the Council's Customer Service Network (0191 5205552). Further information about getting help and support from Adult Social Care can be found on the Council's website [www.sunderland.gov.uk/yourcare](http://www.sunderland.gov.uk/yourcare).

In addition, to be considered for a nomination to extra care accommodation applicants must normally be aged 55 or over and in receipt of social care (with any partner aged 50 or over). Someone below this age with a long term disability may be considered.

### **Local Connection**

Due to the Council having an open housing register an applicant does not need to have a local connection to apply for housing in the city but for extra care accommodation an applicant must ordinarily be a resident of Sunderland. However, applications will be considered from out of city applicants if, for example, the applicant has existing connections with the city which may assist their current or future care needs.

The Council's Adult Services Market Position Statement detailing the current care and accommodation offer in the City can be found on the Council's website [www.sunderland.gov.uk/AS-MPS](http://www.sunderland.gov.uk/AS-MPS)

Information can be found at our website

[Sunderland Extra Care](#)

[www.sunderlandinformationpoint.co.uk](http://www.sunderlandinformationpoint.co.uk)

[www.sunderland.gov.uk](http://www.sunderland.gov.uk)

