



# Housing Register and Nominations Policy

## Choice Based Lettings

Housing options, your choice

April 2010



# The Housing Register and Nominations Policy

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## Introduction

The Housing Act 1996, as amended by the Homelessness Act 2002, states that it is the duty of every local authority to publish a summary of its policy for the allocation of its housing accommodation. The summary should be available free of charge to any member of the public who asks for it.

This document sets out the nominations policy of the council and is available for inspection at the Housing Needs and Enabling Service, Merton Civic Centre, London Road, Morden SM4 5DX and on the public website:  
[www.merton.gov.uk/living/housing/gettingahome/allocations](http://www.merton.gov.uk/living/housing/gettingahome/allocations).

Following the transfer of the council's housing stock to Merton Priory Homes in March 2010, the council will no longer own any housing and applicants on the council's housing register are provided with social housing through nomination agreements the council has with housing associations in the borough.

This document is designed to set out for the council's customers and all agencies working with the Housing Needs and Enabling Service what the council's policy is in respect of nominating people to Housing Associations for offers of permanent accommodation.

# **1. Access to Housing**

## **1.1 Policy**

The Housing Register and Nominations Scheme is open to all persons who are not excluded by legislation. The legislation that governs this is the Housing Act 1996, as amended by the Homelessness Act 2002. In order to apply a Merton Housing Register form needs to be submitted.

## **1.2 Eligibility**

A nomination to a Housing Association for housing accommodation cannot be made to a person who is ineligible as a result of legislation. A nomination may also be refused in cases where the council believes the applicant or a member of their household has been guilty of unacceptable behaviour and as a result he/she is unsuitable to be a tenant.

## **1.3 Persons ineligible as a result of legislation**

- Persons under 16 years of age
- Persons who do not have the mental capacity to enter into a contract or tenancy
- Persons who need leave to enter or remain in the UK unless they come within one of the classes prescribed by regulations. Everyone who is not a British citizen, a Commonwealth citizen with the right of abode in the UK, a national of a EEA country with the right to reside in the UK under EC law, or exempt from immigration control needs leave to enter or remain in the UK.

The prescribed classes of eligible persons are:

- a) Recorded by the Secretary of State as a refugee with leave to enter or remain in the UK.
- b) Exceptional leave or discretionary leave to enter or remain in the UK, which is not subject to a condition of no recourse to public funds.
- c) Indefinite leave to remain in the UK, Channel Islands, Isle of Man, Irish Republic. (The common travel area other than where such leave was granted pursuant to a maintenance undertaking, the person has been resident in the UK pursuant to the undertaking for less than 5 years and the sponsor is still alive).
- d) Humanitarian protection.
- e) Persons who do not need to enter or remain in the UK but whose only right to reside in the common travel area is an EC law right

derived from their status as a job seeker or the family member of a jobseeker or has an initial right to reside for a period not exceeding 3 months.

- f) Persons whose right to reside in the UK in EC law is conditional on them not becoming an unreasonable burden on the social assistance system of the UK and who have not become an unreasonable burden.
- g) All other persons who are not habitually resident in the common travel area unless they come within one of the prescribed exceptions as follows:
  - i) Nationals of EEA countries (other than the A8 and A2 states) who are workers within the meaning of Article 39 of the EC treaty.
  - ii) Nationals of Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia (the A8 states) who are workers with the right to reside in the UK under regulation 5 of the Accession regulations.
  - iii) Nationals of Bulgaria and Romania (the A2 states) who are workers with the right to reside in the UK under regulation 6 of the accession regulations.
  - iv) Nationals of EEA countries who have established themselves in the UK in order to pursue activity as a self employed person in accordance with article 43 of the EC treaty.
  - v) Family members of any of the above
  - vi) Persons with the right to reside permanently in the UK by virtue of regulation 15(c)(d) or (e) of the immigration (EEA) regulations 2006 (retired EEA workers or self employed persons and their family members and certain family members of EEA workers or self employed person who died in the UK
  - vii) Persons who left Montserrat after 1/11/1995 because of the effect of a volcanic eruption on that territory
  - viii) Persons in the UK as a result of deportation expulsion or forced removal from another country to the UK and
  - ix) During the relevant period (until 31/01/2007) a person who left Lebanon on or after the 12/07/2006, because of the armed conflict

**Examples of persons ineligible for a nomination of accommodation include the following (this list is not exhaustive):**

- A person registered with the Home Office as an asylum seeker
- A person who has valid leave to remain in the UK which includes a condition that there shall be no recourse to

- public funds
- A person who has a valid leave to enter or remain in the UK and who is not resident in the common travel area
- A sponsored person who has been in the UK for less than 5 years and whose sponsor is still alive
- A national of an EEA country who is lawfully residing in the UK looking for work but has not found employment or established his/her own business here and has no other means of supporting him/herself
- A person who is in the UK illegally e.g. who has overstayed his/her leave
- A person who is a national of an EEA country but who has no right to reside in the UK under EC law.
- A8 state nationals who are working in the UK but who are required to register their employment and have not.
- A2 state nationals who are working in the UK but who are required to obtain authorisation for their employment and have not
- Nationals of EEA countries whose sole right to reside in the UK is as students or self sufficient persons and who have become an unreasonable burden on the UK social assistance system
- Nationals of EEA countries who have certain rights to reside in the UK e.g. a permanent right of residence based on 5 years continuous resident as a student or self sufficient person but who are not habitually resident in the common travel area

Applicants that are considered to be ineligible for a nomination will be notified in writing giving reasons for the decision. The letter will also advise them of their right to a review of the decision.

#### **1.4 Habitual Residence Test**

Enquiries may need to be made to establish whether a person is habitually resident in the common travel area.

In making the decision that a person is considered to be habitually resident, factors such as period of residence, reasons for coming to the UK, future intentions, employment prospects and centre of interest will all need to be carefully considered.

The habitual residence test does not apply to the nine categories of persons i –ix stated on page 6. Apart from:

#### **1.5 Suitability to be a tenant**

A person may also be ineligible to join the housing register if:

- A) Applicants who are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of a Housing Association at the time of

application.

You will be ineligible to join the housing register if you are guilty of unacceptable behaviour and if:

- i) We have reason to believe that you or a member of your household has been guilty of behaviour that may make you unsuitable to be a tenant or
- ii) We are satisfied that if you had been a secure local authority tenant a court would have considered it reasonable to grant an outright possession order (under S84 of the Housing Act 1985, Part 1, schedule 2, excepting ground 8 and
- iii) We are therefore satisfied that the behaviour is serious enough to make you unsuitable to be a tenant of a Housing Association.

Unacceptable behaviour may include anti-social behaviour, noise problems, domestic violence, racial harassment, intimidation, drug dealing and rent or mortgage arrears.

This decision will be based on the circumstances at the time of the application and we will consider all relevant factors in reaching our decision, for example your health or whether you have dependants. When considering eligibility or restricting your priority on the grounds of unacceptable behaviour the assessment will be objective and will take into account relevant information such as police or environmental services reports or landlords records including those of our partner housing associations.

If in the past you have been considered ineligible due to unacceptable behaviour then you may apply afresh if you consider your behaviour should no longer be held against you due to changed circumstances. Unless considerable time has passed it will be your responsibility to show that your circumstances or behaviour have changed.

If we decide you are ineligible we will notify you of this and of your right to request a review of the decision.

## **1.6 Restricting an applicants priority**

This section applies to applicants who have been accepted onto the register and are entitled to reasonable preference but whose application will be given lower priority or suspended.

The policy on restricting priority complies with S167 (2A) of the Housing Act 1996 as amended by the Homelessness Act 2002. The law allows local authorities to decide priorities in nominating people to housing associations through their prioritisation schemes. Where an application is suspended, this will be for 12 months, reviewable at the end of the period unless stated otherwise. You, the



applicant, are responsible for making contact during this time if you consider that the suspension should be removed because your circumstances have been changed, for example if you have cleared outstanding rent arrears. We will then consider the request and let you know what we decide. Waiting time will continue to build up while your application is suspended.

### **A) Applicants with a history of rent or mortgage arrears that affect their suitability to be a tenant**

We will consider your suitability when we check your records or afterwards if arrears accrue later. If you have a history of rent or mortgage arrears you will be placed in the band that reflects your current need and will accrue waiting time in that band. We will normally expect you to have a clear rent account at the time you are nominated for a home and we may delay making you a nomination if you still have rent or mortgage arrears. This rule includes applicants living in temporary accommodation provided under the homelessness legislation, housing association tenants and those living in the private sector. We would look at the seriousness of your rent or mortgage arrears and whether they were the result of deliberate behaviour and whether you have shown your suitability by keeping to a repayment plan while building up waiting time in your band. We would normally agree to lift a suspension only if you agree to maintain a repayment plan or clear the outstanding arrears.

### **B) Applicants with a history of behaviour that affects their suitability to be a tenant**

This applies if you or someone (including children) living in your household has a history of anti-social, threatening or violent behaviour or damage to your own or another persons property. If so you may be suspended from the register. We will take account of your current circumstances before deciding to suspend the application. Factors to be taken into account will include whether the person who carried out the act(s) of anti-social behaviour is still a member of the household, the length of the time since the last report of misbehaviour and conduct since then.

## **1.7 Removal of priority**

This section applies to applicants who have been accepted onto the register and are entitled to reasonable preference but whose priority will be removed.

We have written the policy on removing priority for applicants with reference to S167 (2B) and (2C) Housing Act 1996 as amended by the Homelessness Act 2002. This law enables us to remove your priority if we are satisfied that you are unsuitable to be a tenant.

We will remove all priority from housing register applicants who have behaved unacceptably. The test we apply is the same as for deciding whether an applicant is ineligible as above. If we decide to remove all priority we will notify you of this and of your right to request a review of the decision.

## **2. Choice Based Lettings**

### **2.1 The Scheme**

2.1.1 “The aim of increasing choice in lettings, while at the same time continuing to meet housing need, is desirable to ensure sustainable tenancies and build settled communities as tenants are more likely to meet their tenancy obligations, maintain the property in good condition and stay there for longer”. Allocation of accommodation, code of guidance for local authorities November 2002.

2.1.2 The Homelessness Act 2002 amends section 167 of the 1996 Housing Act and requires authorities to include in their allocation schemes a statement of their policy on offering people who are to be allocated housing accommodation:

- A choice of housing accommodation, or
- The opportunity to express preferences about the housing accommodation to be offered to them

2.1.3 This nomination scheme comprises Merton Council’s statement on choice in lettings.

2.1.4 The council does not own any housing stock so all references to choice, offers or nominations in Merton relate to properties owned by Housing Associations. All Housing Associations properties to which the council has nomination rights will be advertised to eligible applicants who will bid for those they are interested in. In the case of multiple bids from applicants in different bands applicants in Band A will be given preference over other applicants in other Bands. Where there are multiple bids from differing Bands the underlying principle will be that those in Band A will have preference over those in Band B. Where there are no bidders from Band A preference will be given to applicants in Band B and so on.

### **2.2 Exceptions**

Some applicants may benefit from a nomination to a Housing Association without participating in Choice Based Lettings. These may be applicants nominated by Mental Health, Learning Disabilities or Children’s Services and we will work closely with social workers or care managers to decide on the best letting method for those applicants.

Exceptionally, a household with very urgent needs may receive a nomination outside of the band system.

We may also, in exceptional circumstances, decide not to offer a tenancy to the highest bidder where it would not be in the interest of the applicant, another party, or the good management of housing stock. An example would be if an applicant had a history of perpetrating domestic violence and had bid for a property close to a former partner who could be at risk.

## **2.3 Bands**

- The scheme has 8 Bands, amongst which specific priority groups are allocated. The purpose of the Bands is to give reasonable preference to certain groups as required by law and to assist certain other groups of applicants.
- For descriptions of the Bands (and individual priority groups) see the relevant sections.
- Mobility requirements of those within the groups are taken into account when matching properties.

The high demand for housing means there will be insufficient stock available to help as many people as we would like.

## **2.4 Bands Explained**

### **Band A**

Overriding Medical Priority  
Statutory Overcrowding  
Reciprocals  
Exceptional Circumstances  
Housing Health and Safety Hazards

### **Band B**

Priority Groups

### **Band C**

Housing Association Transfers

### **Band D**

Special Quotas

### **Band E**

Accepted Homeless Households in Temporary Accommodation

### **Band F**

Older Persons Accommodation

### **Band G**

General Housing Register

### **Band H**

Low Priority Applications

## 2.5 Merton's Banding Scheme

Merton will continue to operate a Housing Register and a number of sub registers. Nominations will be made from these registers. Applications will be assessed and placed in the appropriate Band. Once in a Band applicants, depending on their priority group, will be rehoused either on points and/or in date order.

Priority within Bands A, and D will be on a date order basis, according to the date the applicant was placed into that Band and what follows below.

The relevant dates for Bands A, and D are as follows:

- Overriding medical - date overriding allocated
- Exceptional circumstances - date approved as exceptional
- Statutorily overcrowded - date agreed as statutorily overcrowded
- Learning disability - date accepted on quota
- Mental health - date accepted on quota
- Substance misuse - date accepted on quota
- Young people leaving care - date accepted on quota

## 2.6 Points Scheme

Applicants in Bands B, C, E, F, G and H will have their priority assessed using a points scheme which gives applicants a number of points for certain types of housing need. The more points an applicant has, generally, the more priority for housing they have. Details of the points awarded are as follows.

### Insecurity points – Bands B, F, G, and H

All applicants who have a resident landlord	10 points
If the resident landlord gives notice	20 points
Resident landlord gives notice on a definite date	60 points
All applicants living with friends or relatives	5 points
All applicants living with friends or relatives who have been asked to leave	30 points
Applicants living with friends or relatives where in the opinion of the Housing Officer it is likely that they will become homeless	55 points
Assured Shorthold (AST) or other private tenancy where written notice has been given by the landlord	10 points
AST or other private landlord has applied for a court hearing	30 points
AST landlord has obtained a possession order, owner occupiers lender has obtained suspended possession order	80 points
Living in tied accommodation	10 points

If you are given Notice to leave accommodation provided by your employer and you are not being dismissed for misconduct	80 points
If you are under Notice to be discharged from an institution 3 months notice of discharge from institution	30 points
If you are under Notice to be discharged from an institution within 1 month	60 points

If the applicant qualifies for 'insecurity points' then 'family stress' points will be added to their application at the rate of 15 points per dependant relative. In the event that more than one applicant joins the scheme on the same date the person with the highest level of points will get the offer

Applicants assessed as being in a 'priority group' will be placed in Band B.

### **Overcrowding – Bands B, C, E, F, G and H**

For lacking one bedroom	30 points
For lacking two bedrooms	60 points
For lacking three bedrooms	90 points

### **Under-Occupation – Band C only**

For giving up 1 bedroom	100 points
For giving up 2 bedrooms	150 points
For giving up 3 bedrooms	200 points

Applicants who are pregnant or who have a baby under the age of one – Bands B, G, H. If you are pregnant or have a baby under the age of one year and you are entitled to bedroom deficiency points you will be awarded 15 points. When your child reaches his/her first birthday you will be awarded a further 15 points.

### **Shared Accommodation – Bands B, C, E, F, G and H**

Share living room	10 points
Share kitchen	10 points
WC (shared with non-related person)	8 points
Shared bath or shower	6 points
2 or more children sharing a bedroom with parents	20 points
2 children of different sex, both over the age of 5 years sharing a bedroom	20 points
2 children of same sex sharing a bedroom, where elder child is 13 to 17 and being 5 or more years older than the younger child (please note these points are only applicable in cases where children are not entitled to points for room deficiency).	10 points

## Medical points – All Bands can submit a medical form

Applicants who feel their health or disability is seriously aggravated by the accommodation occupied will be asked to complete a medical assessment form, describing their health problems. The Council's Medical Adviser will assess the case on the information provided. If the Medical Adviser requires further information he/she may approach the applicants General Practitioner, Health Consultant etc, subject to the applicants consent. Applicants will then be advised of the medical priority to be awarded. Medical points are divided into five categories:

Diagnosed ill health or disability, but not of significance to current or future housing needs	0 points
Diagnosed ill health or disability with minor relevance to current or future housing needs	10 points
Diagnosed ill health or disability with moderate relevance to current or future housing needs	20 points
Diagnosed ill health or disability with major relevance to current or future housing needs	30 points
Diagnosed ill health or disability which is so severely affected by existing accommodation that it could be life threatening or lead to rapid deterioration if they are not rehoused and/or the applicants or member(s) of their households condition is life threatening and their existing accommodation is seriously undermining their health	Overriding

Applicants assessed as having overriding medical priority status will be placed in Band A.

## Health and Safety Hazard Points

If your occupation of the property poses a medium risk to your health and safety.	100 points
If your occupation of the property poses a low risk to your health and safety.	30 points

If your occupation of the property poses a serious and imminent risk to the health and safety of your household you will be placed in Band A

## Time Points

### Bands B, C, E, F, G, and H

If the applicant is in housing need as expressed by points under one of the Bands above, then for each year that the applicant has been waiting, 5 points will be added to the applicants points on each anniversary of the date on which the application was first registered, up to a maximum of seven years.

## **Homeless households in priority need but who are intentionally homeless Band G**

If an applicant has been assessed by the council as being eligible for assistance, homeless, in priority need but that they became homeless intentionally, then 35 points will be allocated to their application. Applicants will not be eligible to receive insecurity points until six months has elapsed after the finding of intentionality. If an applicant finds suitable or settled accommodation, the 35 points will be withdrawn and their application will be reassessed.

## **Homeless households not in priority need**

All applicants who are assessed as being homeless, but not in priority need and not intentionally homeless will be allocated points as above and what follows below. Applicants who have previously lived in Merton through his/her own choice for at least six months, has employment in Merton or has a family connection with the borough will be allocated 35 points. If the applicant does not have a local connection with Merton only 10 points will be allocated.

Rough sleepers will be allocated 10 points if it can be verified that they are sleeping rough in Merton. Verification should be by

- An emergency hostel
- An agency for rough sleepers
- Assessment by the council's Housing Options Service
- Registration with DWP

## **2.7 Area Preference**

Under Choice Based Lettings, applicants are able to bid for properties in whichever areas they choose within Merton.

In the case of direct offers, the council will decide the location of the accommodation to be offered having taken into account suitability and needs. Preference will only be taken into account where it is possible to do so.

## **Future supply of permanent accommodation**

The Government, through the Housing Corporations Affordable Housing Programmes (AHPs), has moved away from a direct link between investment at a borough level based on assessed housing need.

Investment is now based on regional and sub-regional investment policy. The council has been designated to work with Sutton, Croydon, Lambeth, Richmond, Kingston and Wandsworth. Consequently, rehousing opportunities may be in those areas.

## **2.8 Mobility Criteria**

All applicants eligible to participate in Choice Based Lettings will be assessed to see what type of property matches their mobility and access requirement. All applicants and all properties will be given a mobility status.

### **Applicant mobility status/Property accessibility status**

- |            |   |  |
|------------|---|--|
| Category 1 | - | Property is fully adapted for a wheelchair user/applicants who are wheelchair bound.   |
| Category 2 | - | Applicants with severe mobility problems who require a ground floor or lifted property with level access and no internal stairs/Property with no stairs. |
| Category 3 | - | All other applicants/All other properties.   |

### **Advertisements for properties will show the accessibility status**

Properties which are fully adapted (Disabled Persons Unit) will only be offered to applicants who are in category 1 and 2 and/or mobility need.

## **2.9 Bidding Process**

Applicants will be eligible to participate in the bidding process if they:

- have been assessed by the Housing Needs and Enabling Service
- have been approved for rehousing following the assessment

Applicants will be issued with a confidential PIN (Personal Identification Number) and User ID (Identification Number) for expressing an interest in a property.

Properties that are available for letting will be advertised on a weekly basis on the Home Connections website. Details of access to the website and to making bids appear within the Choice Based Lettings Information Pack.

Applicants will usually only be able to bid for properties of the correct size for their household, although in some instances the housing association may agree that households can bid for properties of one bedroom smaller than they require. This will be specified in the advertisement.

The council will normally shortlist the three highest priority applicants as determined by the nominations policy. This is described at pages 12 to 16.

At the viewing, applicants will be asked if they still want the property. The bidder with highest points/longest registration date will be invited to sign the tenancy agreement. If they have not signed by the end of the following working day the



property will normally be offered to the next highest applicant.

Where applicants are equal and in the same Band and have an identical number of points the following ranking will apply:

- number of medical points
- number of overcrowding points
- date of registration

Most properties will be advertised whilst repair works are ongoing and the dwelling is not yet ready for occupation. Where an applicant bids for a property and they are successful in their bid but the property is not ready for letting, their application will be suspended.

### **3. Applicants not bidding**

Applicants may have a priority for rehousing but choose not to bid for properties.

No action will be taken against most applicants who have a priority who choose not to bid with the exception of cases placed in Bands A & E.

If there are no eligible bidders for a property, the Assessment and Rehousing Team Leader may decide to make a direct nomination or to readvertise it.

#### **3.1 Labelling properties for advertising**

The Assessment and Rehousing Team Leader will describe and label properties, which are ready to advertise, taking into account targets and set eligibility criteria for the properties, such as:

- minimum and maximum number of persons in the household
- if children are allowed or required
- if there are age limits
- if applications are restricted to certain Bands
- if pets are allowed
- sheltered
- over 55's
- If the property is specially adapted

The adverts will also specify:

- who owns the property
- the weekly rent including any other charges
- the expected date the property will be ready for occupation

#### **3.2 Offers and Refusal of offers**

Under Choice Based Lettings an applicant may bid for no more than 3 properties in each bidding cycle.

If an applicant refuses an offer, the next person is selected. Unless stated otherwise, an applicant is not penalised for refusing properties.

Some groups of applicants will be made direct offers. Other groups may be made direct offers exceptionally. For these applicants the maximum number of offers will be as in the table below.

In exceptional circumstances the Housing Needs and Enabling Manager may agree a further offer.

<b>Priority Group</b>	<b>Offers</b>
Children's Register	One
Substance Misuse	One
Single homeless move on	One
Reciprocals	One
Learning disabilities	One
Staff rehousing	One
Homeless Register	Two
Mental Health Quota	One
Exceptional Circumstances	One

Any person who refuses the maximum number of direct offers to which they are entitled will have their current rehousing application cancelled and will be returned to the most appropriate Band and will not be eligible to reapply for entry onto another Band for two years from the date of the final offer.

The Housing Needs and Enabling Manager may exceptionally agree that an applicant can reapply earlier.

### **3.3 Assessment of Size Accommodation Required**

As the council does not own any housing stock and all properties being advertised through the council's Choice Based Lettings scheme will belong to a Housing Association the number of persons in the household must not exceed the maximum number for the property as specified by the registered social landlord or housing association. No account is taken of rooms for living or sleeping which are less than 50 square feet (4.6 square meters)

The number of bedrooms needed by a household assumes the availability of one living room. Any living accommodation in excess of this, which can be reasonably used as a bedroom, will be treated as such.

Detailed below are the sizes of accommodation that different households require.

A single person is entitled to one room (a bedsit or studio) plus all facilities (some or all of which may be shared). Single persons are also entitled to one bedroom and a living room plus all facilities.

A couple are entitled to one bedroom and a living room, plus all facilities.

A couple (or single parent) plus one child are entitled to one bedroom and a living room plus all facilities if the child is less than one year old. Couples (or single parent) plus one child over the age of one year are entitled to two-bedroom accommodation.

A couple (or single parent) plus two children of the same sex are entitled to two-bedroom accommodation.

A couple (or single parent) plus one child of each sex are entitled to three-bedroom accommodation (as long as one of the children is over the age of 5).

A couple (or single parent) plus three children of the same sex are entitled to three-bedroom accommodation.

A couple (or single parent) plus two children of one sex and one of the other are entitled to three-bedroom accommodation.

A couple (or single parent) plus two children of each sex are entitled to three-bedroom accommodation.

A couple (or single parent) plus three children of one sex and one of the other are entitled to four-bedroom accommodation.

A couple (or single parent) plus five children or more are entitled to four-bedroom accommodation.

### **3.4 Room Need**

- 1 bedroom for husband/wife (including same sex partner) and one child up to one year of age. This rule does not apply in cases of multiple births.
- 1 bedroom for two children of the same sex.
- 1 bedroom for two children of opposite sex up to and including the age of four.
- 1 bedroom each for two children of opposite sex where at least 1 child is 5 years of age or over.
- 1 bedroom for any other adult in the household being an immediate member of the family and not living as husband/wife (or same sex partner).

### **3.5 Arrears**

Housing Associations tenants with significant rent arrears or applicants with significant temporary accommodation charge arrears will not, unless there are exceptional circumstances, receive an invitation to view a home or be nominated to a Housing Association. They will be able to view property advertisements and will be able to bid but will not receive an offer until the arrears are cleared.

They will also be treated as ineligible to receive a direct nomination of accommodation save in exceptional circumstances.

### **Housing Association Tenants**

Tenants with rent arrears will be eligible to bid for properties, be shortlisted but

will not normally receive an invitation to view the property or receive a nomination of a home until they have a clear rent account and have adhered to all conditions of their tenancy.

We will advise in writing anyone who is shortlisted for a property but is ineligible to receive an offer of a home because of rent arrears or other breaches of tenancy. Any such decision will be open to review by Assessment and Rehousing Team Leader.

### **Homeless Applicants in the following accommodation**

#### **Bed and Breakfast**

Homeless applicants with arrears in Bed and Breakfast hotel accommodation will be ineligible to receive an offer of a home. In practice, but subject to discretion, arrears of up to four weeks will not usually be taken into account on condition that they are cleared before the offer is accepted. Arrears accrued on previous accounts will normally be counted for this purpose. In circumstances where an applicant has arrears of under four weeks but has a record of persistent non-payment, the Housing Options Manager retains the discretion to deny the applicant from receiving an offer until the arrears are cleared or reduced. The applicant will be advised in writing what payment is required to allow them to receive an offer. Any such decision will be open to review by the Housing Options Manager.

#### **Self-Contained and other Temporary Accommodation**

The policy will be applied as for Bed and Breakfast.

#### **Housing Benefit**

Homeless applicants claiming Housing Benefit for any form of temporary accommodation will not be eligible to receive an offer of a home until their entitlement to Housing Benefit is established.

Where housing benefit has not been assessed, the Housing Options Manager will review the application to ensure that the applicant has used all reasonable endeavours to obtain the appropriate benefits. In the event of the Housing Options Manager being satisfied that an applicant has used all reasonable endeavours he/she will be eligible to receive an offer of a home.

## **4. Band A**

- Over-riding medical priority
- Statutory overcrowding
- Reciprocal
- Exceptional circumstances
- Housing Health and Safety Hazards

### **4.1 Overriding Medical Priority**

On occasions the Council's Medical Adviser will advise that an applicant should be allocated overriding medical priority.

Rehousing on overriding medical priority grounds can be considered if an applicant's current housing is so severely affecting their health or disability that it could become life threatening or lead to rapid deterioration if they are not rehoused and/or the applicant or member(s) of their household's condition is life threatening and their existing accommodation is seriously undermining their health. A wide variety of individual circumstances can occur which could result in overriding medical priority. All cases are considered on individual severity and merit.

Applicants approved for Choice Based Lettings under this scheme will be in Band A. The resulting priority within Band A will be by the date the overriding medical status is awarded.

Band A overriding medical priority applications are normally reviewed at 12 monthly intervals if they have not successfully bid for a property or have chosen not to bid.

The review considers in particular whether the applicant remains eligible to have overriding medical status.

### **4.2 Statutory Overcrowded Applicants**

Households who Merton Council have accepted as statutorily overcrowded will be in Band A. The test of overcrowding will be the statutory definition.

Statutory overcrowding is defined in the Housing Act 1985 Part 10. There are two tests for overcrowding: the room standard and the space standard.

## **Definition of overcrowding Part 10 Housing Act 1985**

A dwelling is overcrowded for the purposes of this part when the number of persons sleeping in the dwelling is such as to contravene:

- a) the standard specified in section 325, or
- b) the standard specified in section 326

The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room.

For this purpose:

- a) children under the age of ten shall be left out of account, and
- b) a room is available as sleeping accommodation if it is of a type normally used in the locality as a bedroom or as a living room.

### **326 (1)**

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the room of the dwelling available as sleeping accommodation.

### **326 (2)**

For this purpose:

- a) no account shall be taken of a child under the age of one and a child aged one or over but under ten shall be reckoned as one half of a unit, and
- b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

The permitted number of persons in relation to a dwelling is whichever is the less of:

- a) the number specified in Table I in relation to the number of rooms in the dwelling available as sleeping accommodation, and
- b) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table II in relation to each room of floor area specified in column 1.

No account shall be taken for the purposes of either table of a room having a floor area of less than 50 square feet.

Table I

Number of Rooms	Number of persons
1	2
2	3
3	5
4	7.5
5 or more	2 for each room

Table II

Floor area of room	Number of persons
110 sq ft or more	2
90 sq ft or more but less than 110 sq ft	1.5
70 sq ft or more but less than 90 sq ft	1
50 sq ft or more but less than 70 sq ft	0.5

### 4.3 Housing Health and Safety Hazards

If you are a tenant of a private landlord and there are problems with the condition of your home you should contact an Environmental Health Officer who will discuss the issues and if necessary arrange to visit the property to assess the problems and discuss the options available to get the landlord to carry out any appropriate work.

Following this assessment your application may be awarded additional points and/or a higher banding. For example:

- a) If your occupation of the property poses a serious and imminent risk to the health and safety of your household you will be placed in Band A
- b) If your occupation of the property poses a medium risk to your health and safety you will be awarded an additional 100 points.
- c) If your occupation of the property poses a low risk to your health and safety you will be awarded 30 points.

Exceptionally, a household with very urgent needs may receive a nomination outside of the band system.

In all cases the Environmental Health Officer will work with you and your landlord to get all the appropriate works carried out. You must co-operate with this and no priority will be awarded if you refuse to allow works to be carried out.

If this happens you will be seen as making your housing need worse and your priority may be withheld



Once any works have been carried out this housing need factor will be disregarded. We will re-assess your application and place it in the appropriate band and/or withdraw health and safety hazard points.

Tenants of Housing Associations should contact their own landlord's repair and maintenance service. Normally we will not award priority for housing conditions to Housing Association tenants.

#### **4.4 Reciprocals**

A tenant of another authority or Housing Association may be nominated by the authority or Housing Association on a reciprocal basis. The decision to enter into a reciprocal arrangement is made by the Housing Options Manager and can be appealed to the Housing Needs and Enabling Manager. Reciprocals are only entered into where there is a realistic chance of a two-way move being completed. It is operated on a "like for like basis" only i.e. flat to flat, house to house. Due to the extremely limited supply of housing in the borough, very few reciprocal moves are agreed.

#### **4.5 Exceptional Circumstances**

Wherever possible the council will make a nomination using its prioritisation system as described in the scheme. However, the council will use the discretion given within the Housing Act 1996 and Code of Guidance to respond to exceptional circumstances. Any such exercise of discretion will be made by the Housing Needs and Enabling Manager. It is not possible to define all the circumstances, which may lead to an offer of a home because of exceptional circumstances, which may include compelling social or compassionate reasons.

Applicants approved for Choice Based Lettings on an exceptional basis for general needs housing will be in Band A. Applicants will have a limited period from date of registration to exercise choice by bidding for appropriate properties. Applicants will be able to bid in Band A for six months. If they are unsuccessful, or choose not to bid, they will be made one direct offer and returned to their appropriate Band.

## 5. Band B

### 5.1 Priority Groups

The Council gives a further reasonable preference to certain groups on the Housing Register.

To be eligible, the person(s) applying to benefit from this policy must be at least one of the following:

- Be a household with dependant children
- A household containing a pregnant woman
- A household which contains a member who is vulnerable by reason of old age, mental illness or disability or other special reason. Vulnerability will be assessed by Housing Needs and Enabling staff (applying the Pereira judgement which concerns vulnerability) taking regard of evidence of the Council's medical adviser and other professionals, such as Social Workers, Probation Officers etc.

And:

- The applicant(s) must be living in insecure accommodation and Housing Needs and Enabling staff must be satisfied that the entry onto this band would prevent homelessness.
- The applicant and Housing Needs and Enabling staff must agree that participating in choice based lettings would lead to a solution of the applicants housing needs **and** where other routes to appropriate accommodation have been explored and discussed.

Priority within this Band will be on a point's basis. See pages 12 to 15 for how points are allocated to this band. If multiple applicants from Band B bid for a property, the one with the highest points will be offered it. If the points are equal (including nil points) the applicant with the earliest registration date will be offered the property.

Where the defining features of an applicant in Band B are considered so exceptionally severe as to warrant immediate/imminent rehousing, there is discretion to enable the household to receive a nomination outside of the scheme.

Band B rating will be reviewed at 6 month intervals to check, for example, whether failure to bid for properties indicates that an applicants circumstances have changed and that the applicant is no longer in imminent threat of homelessness.

Applicants must be eligible under the Nominations Scheme.

Applicants must not be in substantial rent or mortgage arrears unless the Housing Needs staff have agreed that it would not have been possible for he/she to pay it, given their financial circumstances.

### The sole or main applicant

- Must have lived in Merton for one year prior to entry onto Band B (in exceptional cases the Housing Needs and Enabling Manager has a discretion to waive this rule).
- Applicants will not be penalised for refusing properties although checks are likely to be made if several properties are refused.

Where an applicant has received a warrant from the courts to evict them from their home and no other suitable rehousing option is available then an additional 500 points will be awarded.

In addition, applicants in this Band will be offered a scheme to find suitable accommodation from private landlords. There is **no** obligation on the applicant's part to accept this service. The scheme provides assistance from a dedicated officer in the Housing Needs and Enabling Service who:

- Inspects and approves potential properties for the scheme.
- Obtains information regarding the Local Housing Allowance so that the landlord knows the level of rents he/she is likely to achieve.
- Nominates applicants to suitable properties.
- Assists Applicant to choose an area to be offered that is not limited by availability of social housing.

The landlord is assisted with any housing benefit claim to speed up payments. The officer is available to the landlord and tenant throughout the tenancy in case of a query or dispute.

Where an applicant is provided with accommodation through the rent deposit scheme and the landlord wants the property back, or the property is for some reason considered inappropriate to meet the household's needs, the applicant will be awarded an additional 500 points if the Housing Needs and Enabling Service consider the household's needs would not be best met by the applicant continuing to occupy accommodation secured through the rent deposit scheme. Examples of circumstances in which such a decision can be taken are: -

- i) One or more of the household has lost employment/ achieved gainful employment resulting in severe financial hardship.
- ii) There are severe medical or disability reasons.
- iii) Cases of severe harassment or violence in the current property.
- iv) Severe disrepair of the current property.

## **6. Band C**

### **6.1 Housing Association Transfer List**

This Band is open to existing Housing Association tenants occupying their homes on an assured or secure tenancy living in Merton. Housing Association tenants are also encouraged to apply directly to their own Housing Association for rehousing as they may operate their own internal transfer scheme. Further details can be obtained from their own landlord.

If a Housing Association tenant becomes eligible for an offer of accommodation the council will check with their landlord to confirm that if the tenant is given the opportunity to transfer to accommodation more suited to their needs that the council will have nomination rights to the resultant void. The nomination will be in addition to the nomination rights to true voids.

#### **General rules**

a) An applicant must:

- Complete and sign the application form
- Answer any supplementary forms or questions as required by the council
- Provide documentary proof of the housing or personal circumstances or such other means of independently verifying information given, as the council shall require.

The council will notify people if they are placed on the register or if they are not considered to be eligible persons.

b) People deemed ineligible are entitled to request a review of the decision.

c) Where it is discovered that the application was fraudulent, these applications will be removed from the register.

d) Applications will be reviewed once a year on the anniversary of the date of the initial application. If the applicant fails to reply to the review letter, it will be assumed that he/she no longer wishes to be on the register and the application will be cancelled. All waiting time will be lost.

e) Applicants must notify the Housing Needs and Enabling Service of any changes in circumstances that occur. If there is a relevant change, the application will be reassessed and if appropriate, placed in a different band.

f) If the applicant thinks that the Band they have been placed in is wrong because the Housing Needs and Enabling Service has not

taken into account all the relevant information or has incorrectly assessed the information, he/she can ask for the assessment to be checked, and if, appropriate, amended.

An applicant's priority within this Band will be determined by a points system. Please see page 12 onwards to find out how points are allocated for certain housing need factors.

If multiple applicants from Band C bid for a property, the one with the highest points will be offered it. If the points are equal (including nil points) the applicant with the earliest registration date will be offered the property.

### **Tenancy problems**

Repair problems are not generally included as a housing need factor in this Band. A repair problem identified in a Housing Association transfer application will be referred to the relevant landlord for investigation. Any necessary repairs should be carried out within the Housing Associations disrepair guidelines.

If a Housing Association tenant is experiencing difficulties in their home, for example because of violence or anti social behaviour they should contact their own relevant landlord for advice and assistance. The relevant landlord may have their own internal management transfer process for dealing with such matters.

## 7. Band D

### 7.1 Special Quotas

#### Lettings that can be made outside Choice Based Lettings

- Mental Health Nominations
- Learning Disability Quota
- Children Act Housing
- Former Staff Rehousing
- Hostel Move On Quota
- Substance Misuse Quota
- Probation Move on

### 7.2 Mental Health Nominations

There is an annual quota of rehousing in general needs Housing Association stock for people with mental health problems.

The National Health and Community Care Act 1990 puts a duty on the council to consider, and where possible meet, accommodation needs as part of any care package.

Mental Health nominations are to assist a small number of people who are not eligible for rehousing through any other route. It is expected that nominees will be suffering from a mental illness, which has been assessed by a psychiatrist. Care Managers can nominate applicants who require accommodation as part of their care package or who have other general needs where:

- Move on from supported housing/residential care/residential treatment is needed; or
- A client is living with relatives and needs independent housing **and** where other routes to appropriate accommodation have been explored and exhausted.

Normally only one offer will be made.

Direct offers will usually be made to Mental Health nominees of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicants may participate in Choice Based Lettings.

### **7.3 Learning Disability Quota**

There is an annual quota of rehousing in general needs Housing Association stock for people with learning disabilities.

Nominations to this quota will be made by the Care Managers.

Direct offers will usually be made to Learning Disability Quota applicants of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicants may participate in Choice Based Lettings.

### **7.4 Children Act Rehousing**

There is an annual quota of rehousing in general needs Housing Association stock for people needing assistance under the Children's Act. This includes rehousing for young people leaving local authority care.

The Children Act Rehousing Quota gives priority to:

- Children leaving the council's care who have no viable home base but have achieved the necessary stage of readiness and preparation to live independently.
- Cases referred for rehousing by Children's Services under their duties contained within the Children Act 1989.
- Cases where applications are supported by Children's Services in furtherance of the council's fostering policies.
- Parents with a child/children on the Child Protection Register, where the Head of Children's Services considers their present housing to represent a significant risk.
- Other reasons supported by the Head of Children's Services.

Children's Act rehousing are available to both new and existing social housing tenants.

The Housing Service will assist Children's Services providing the request is compatible with the Housing Services own statutory or other duties and obligations and does not unduly prejudice the discharge of its functions.

Direct offers will usually be made to the Children Act quota applicants of suitable properties withdrawn from the Choice Based Lettings scheme. However, applicants may participate in the Choice Based Lettings.

## 7.5 Former Staff and Dependants

### Rehousing when employment ceases

Widows and widowers of council employees who have been living in 'tied accommodation'; retiring employees in service accommodation under council control and employees leaving the council's service subject to a minimum of three years occupying service accommodation will be held on a separate sub-register.

Normally only one reasonable offer of rehousing will be made following consultation with the occupants affected and an assessment of their needs.

This will be by nomination to a Housing Association. The offer will be based on the properties available and upon the individuals own housing needs, assessed in accordance with the bedroom standard for permanent rehousing.

Ownership of any other property, which could be occupied, will be taken into account and will normally result in rehousing not being offered.

In all other circumstances not covered above, staff in 'tied accommodation' leaving council employment will be required to vacate the service accommodation and will be assessed for rehousing in line with statutory requirements.

Applicants being dismissed for misconduct will not be offered accommodation and will be assessed for rehousing in line with statutory requirements.

**Applicants accepted under the staff rehousing scheme will not be eligible to join Choice Based Lettings but will be made a direct offer of one suitable property.**

## 7.6 Substance Misuse Quota

There is an annual quota of rehusings in general needs Housing Association stock for people with a substance misuse problem (which has been assessed by a specialist Social Worker).

Nominations to this quota will be made and prioritised by the Manager for the DAAT.

Direct offers will usually be made to substance misuse quota applicants of suitable properties withdrawn from Choice Based Lettings scheme. However, the applicant may participate in Choice Based Lettings.

## 7.7 Hostel Move On Quota

There is an annual quota of rehusings in general needs housing association



stock for homeless single people in temporary hostel accommodation.

Some partner agencies that work with the single homeless but do not have accommodation can refer applicants for general needs housing.

Partner agencies include:

- Servite Housing
- Grenfell Housing project
- Merton Action for Single Homeless
- Wandle Housing
- Kingston Churches
- Presentation Housing
- Wimbledon YMCA

Nominations to this quota will be made and prioritised by partner agencies.

Direct offers will usually be made to Hostel Move On Quota applicants of suitable properties withdrawn from Choice Based Lettings scheme. However, the applicant may participate in the Choice Based Lettings.

## **8. Band E**

### **8.1 Homeless Applicants Owed Duties under section 193(2)**

This Band is open to households whom Merton council has accepted a statutory duty under the Housing Act 1996 as amended.

Applicants must make realistic choices in this Band and will receive up to two offers. If you refuse the first offer we will check why. An officer may need to contact you if your reasons were not made clear at the time of refusal. The second offer will be considered a final offer in discharge of our duty under homeless legislation. The offer letter will explain that this is the last offer that we will make and that if you refuse it you will have the right to ask us to review whether it was suitable. If we decide on review that it was suitable we will have no further duty to provide accommodation, either temporary or permanent. If you have refused the property and have asked for a review we will not hold the property during the review period.

Alternatively you are entitled to accept the offer and also seek a review as to its suitability, which means that if the decision that the property is suitable is upheld on review then you can remain in the accommodation offered. If the decision on review is that the property is not suitable then you will be entitled to a further offer.

If we discharge our duty to rehouse you your housing register application will usually be cancelled. You can re-apply to the housing register and your application will be assessed and placed in a band that reflects your housing need at the time of application. No previous waiting time will be carried over to the fresh application.

Applicants in this band will have a limited period from the date of registration to exercise choice by bidding for appropriate properties. Applicants will be able to bid on Band E for six months. If they are unsuccessful or choose not to bid they will be made a maximum of two direct offers.

Homeless applicants may instead be accepted for older persons accommodation and be placed in Band F.

Applicants in this Band will be assessed on a points system (see page 12 onwards).

### **8.2 Private Sector Lettings scheme**

The Council offers a scheme to find suitable accommodation from private landlords. The scheme provides assistance from a dedicated officer in the Housing Needs and Enabling Service who: -

- Inspects and approves potential properties for the scheme.

- Obtains information regarding the Local Housing Allowance so that the landlord knows the level of rents he/she is likely to achieve.
- Nominates applicants to suitable properties.
- Assists applicant to choose an area to be offered that is not limited by availability of social housing.

The landlord is assisted with the housing benefit claim to speed up payments. The officer is available to landlord and tenant throughout the tenancy in case of a query or dispute.

Applicants who are offered a home in this Band will be advised that the council considers this to be a qualifying offer, as detailed in Homelessness Act 2002.

### **8.3 Emergencies**

Where an applicant is provided with temporary accommodation by the council and the landlord wants the property back, or the property is for some reason considered inappropriate to meet the household's needs, the application will be awarded an additional 500 points if the Housing Needs and Enabling Service consider the household's needs would not be best met by providing further temporary accommodation. Examples of circumstances in which such a decision can be taken are: -

- i) One or more of the household has lost employment, resulting in severe financial hardship.
- ii) There are severe medical or disability reasons.
- iii) Cases of severe harassment or violence in the current property.
- iv) Severe disrepair of the current property.

## **9. Band F**

### **Housing for Older Persons**

There are 3 types of accommodation specifically for the elderly. These are: -

#### **9.1 Elderly Persons Dwellings**

These are specifically designated for elderly people who can live independently. To be eligible, the applicant must be able to meet the advertised age criteria, which may be 55+. For some flats, fairly good mobility is necessary, as many are on the first or second floor without lift access.

#### **9.2 Sheltered Housing**

This type of accommodation is for applicants aged 60 or over who can live independently and are able to manage alone, but who prefer the added security of a warden (not necessarily resident) and an alarm cord system should it be necessary to seek help in an emergency. This type of accommodation is managed by Housing Associations, who will sometimes accept applicants from the age of 55.

#### **9.3 Extra Care Housing**

Extra care housing accommodation is allocated in accordance with the agreed protocol via the extra care housing assessment panel. Extra care housing is intended for elderly people who have a need for personal care.

## 10. Band G

### The General Housing Register

To be eligible to join this Band, applicants must: -

- Be 18 years or more, and able to manage independent housing. (Applicants under 18 years will be placed in Band H.)
- Not belong to one of the groups listed as ineligible.
- Live within the borough (All applicants who live outside the borough including council and housing association tenants will be placed in Band H.)

### 10.1 General rules

- a) An applicant must:
  - Complete and sign the application form.
  - Answer any supplementary forms or questions as required by the council.
  - Provide documentary proof of the housing or personal circumstances or such other means of independently verifying information given, as the council shall require.
- b) The council will notify people if they are placed on the register or if they are not considered to be eligible persons.
- c) People deemed ineligible are entitled to request a review of the decision.
- d) Where it is proven that an application was fraudulent, it will be removed from the register and legal action will be considered against offenders.
- e) Applications will be reviewed once a year on the anniversary of the date of the initial application. If the applicant fails to reply to the review letter, it will be assumed that s/he no longer wishes to be on the register and the application will be cancelled. All waiting time will be lost.
- f) Applicants must notify the Housing Needs and Enabling Service of any changes in circumstances that occur. If there is any relevant change, the application will be re-assessed and, if appropriate, placed in a different Band.
- g) If the applicant thinks that the band they have been placed in is wrong because the Housing Needs and Enabling Service has not taken into account all the relevant information or has incorrectly assessed the information, he/she can ask for the assessment to be checked and, if appropriate amended.

h) The council's Housing Register is registered under the Data Protection Act 1998, and information on it is received, held and disclosed only for registered purposes.

i) Applicants are entitled to see details held on the computer about their application, except that information provided by medical professionals, which will be treated as confidential. Applicant's priority within this band will be determined by a points system. Please see pages 12 to 14 to see how points are allocated for certain housing need factors.

Demand for accommodation is very high in Merton, and by far outstrips the supply of homes available for letting. It is likely, therefore, that we will not be able to house as many people, as we would like from this Band.

## 11. Band H

### 11.1 Low Priority Cases

Subject to the overall discretion of the council, people who fall outside categories of reasonable preference will have a low priority for housing as follows: -

1. Under 18 years of age.
2. Not been continually resident in Merton for one year. (This does not apply to people detained in an institution or hospital or in the armed services or serving a custodial sentence outside Merton but who lived continuously in Merton for at least one year prior to entering institution/services custody.
3. Not currently living permanently in the UK.
4. Who jointly or singly own or part own or are purchasing a property (including purchases on shared ownership), which is reasonable to occupy.
5. Whose household's total income or capital from all sources is £60,000 or more.
6. Accommodated in Merton by another local authority that retains the responsibility under s193 Housing Act 1996
7. Has within the last 2 years unnecessarily moved out of or sold or otherwise disposed of a property to attract or increase priority for rehousing where it would have been possible and reasonable to remain in their previous home.
8. Has moved into the current home and caused the household to be statutorily overcrowded.
9. A person guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant as defined in the 2002 Homelessness Act.
10. Not currently resident in Merton.

People placed in this Band will not be considered for housing unless, and until, all the applicants with higher priority have been housed. This is unlikely to happen as higher priority applicants will be continually joining the lists

## **12. General Rules and Provisions**

### **12.1 Distribution of Properties between Priority Groups.**

The number of properties intended to be let to each group is projected and published annually, taking into account the expected supply of housing. The outcome of the bidding will be monitored during the year and if some groups are not getting the expected proportion of properties any imbalance will be addressed by, for example, advertising certain properties exclusively to certain Bands/ priority groups.

#### Availability of Dwellings

- New Build
- Nominations Received

#### Rehousing Commitments

- Statutory and Agreed Rehousing
- People Affected by Statutory Orders
- Homeless People
- Former Staff and Dependants
- Special Registers
- People Afforded Reasonable Preference
- Other

### **12.2 Photograph Identity**

All applicants must ensure that when submitting their application they enclose two recent passport sized photographs of him/herself and any joint applicant (where appropriate).

Each photograph should be a fair likeness of the person and have printed on the reverse their full name together with their usual signature.

Failure to provide these photographs will mean that applications cannot be registered.



### **13. Household members who can be included on an application**

- The partner of the applicant including married, non-married and same sex partners.
- The following close adult relatives living long term with the main applicant/s: parent, sibling, adult offspring, grandparent/grandchild, aunt/uncle, niece/nephew.
- An unpaid carer where the Council's Medical Adviser has recommended one.
- Dependant children (aged under 18) living with the applicant, or for whom the applicant or their partner has principle care and control. In most cases this will be clear.

However, to avoid doubt this includes: -

- Children of a current or previous relationship of the applicant or their partner.
- Grandchildren who are dependant on the applicant or another member of the household included in the application or for whom the applicant has accepted caring responsibility.
- Subsequent births of dependant children.
- Additions to the applicants' household through subsequent remarriage/relationships.
- Dependant children of the applicant who join the household on a full time permanent basis following the issuing of a residence or care and control order by a court.
- Dependant children who join the applicant from abroad on a permanent basis who:

- a) have recourse to public funds
- b) are not seeking asylum; and
- c) where the relationship and issue of care and control can be established, and where their own parents do not live in this country.

- Exceptionally, those residing permanently with the applicant for foster care or placed with the applicant for more that 12 months by Merton's Children's Services Department.
- Non-dependant children living away from home on a temporary basis because of attendance at college/university may be included on the application regardless of whether they are residing in Halls of Residence or private rented accommodation. The following information must be provided:

- a) confirmation of address and course details
- b) a statement of intent to return to the parent(s) home on completion of the course.

- Non-dependant children of the household serving a custodial sentence

may be included on the application if the expected date of release is within 52 weeks of the date of application and a statement of intent to return to the parent(s) home on completion of the custodial sentence is submitted with the application.

**The following household members cannot be included in an application.**

- Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant.
- Anyone who is not him/herself eligible to register on the nomination scheme.
- Anyone who does not intend to move to any accommodation offered to the applicant.

However, the Housing Needs and Enabling Manager must be satisfied that the household members who do not intend to move with the applicant have moved to alternative accommodation and surrendered any interest they may have had in the property before any offer is made.

Such people will be disregarded for the purpose of assessing any overcrowding and the size of the property the household requires.

### **13.1 Change of Circumstances**

Applicants must notify the council (in writing) of any change in their circumstances e.g.:

- A change in medical condition
- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person joining their application or
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income or savings.

### **13.2 Housing Members of Staff**

Applications for accommodation from members of staff or close family members are assessed in the same way as other applications. If a member of staff becomes eligible for rehousing by virtue of housing need the application is referred to the Director of Community and Housing for approval to nominate to a property.

The Director of Community and Housing ensures in consultation with the Housing Needs and Enabling Manager that all aspects of the application are in order.

These steps are taken so that the council may be seen to be treating all applicants fairly.

### **13.3 Misleading Information**

Where it is discovered that an application was fraudulent, those applicants will be removed from the register and all priority will be lost. We may also, after consultation with the councils Legal Department, prosecute the applicant. Any reapplication would be considered on its merits.

### **13.4 Information about Applications and Reviews**

An applicant has the following rights to information about his/her application.

- To ask for general information about how the application is likely to be treated regarding reasonable preference, and whether and when housing may be offered.
- To ask the council to inform him/her of any decisions about the facts of his/her case which may affect a decision about whether to nominate him/her to Housing Association accommodation.
- To be notified in writing of any decision that he/she is ineligible for a nomination, either because he/she is a person from abroad who is excluded or because he/she is guilty of unacceptable behaviour.
- To be notified in writing of any decision that all preference is to be removed because of unacceptable behaviour and the reason for it.

An applicant has the right to request a review of the following decisions.

- That he/she is ineligible
- That he/she is eligible and would be entitled to some reasonable preference within the nominations scheme, but all preference is to be removed because of unacceptable behaviour.
- About the facts of the case which are likely to be, or have been, taken into account in considering whether to nominate to a Housing Association housing accommodation to him/her,

And in each case to be informed of the decision on the review and the reasons for it.

### **13.5 Procedure for reviews**

On receipt of a request for a review, the council will write to:

- a) explain the review procedure
- b) explain that the applicant, or someone acting on their behalf can make written representations and/or ask for a hearing
- c) give the timescale for a decision.

The council will review its original decision taking into account any representations and any other relevant facts. The officer carrying out the review will be someone who has not been involved in the original decision taken.

There will be a hearing as part of the review if:

- a) the applicant requests it and
- b) the reviewing officer considers it will provide the best opportunity to review all relevant circumstances.

The decision on the review must be made within 8 weeks unless a longer period is agreed with the applicant.

When a decision has been made, the applicant will be notified and reasons will be given.

An applicant does not have the right to request a further review, but if dissatisfied with the outcome, he/she should seek independent advice.

### **13.6 Local Lettings Policy**

The council may from time to time agree a local lettings policy for specific areas or developments to reflect local circumstances. Any local lettings policy will have regard to housing management considerations such as the social mix of tenants within the block, estate or area. Such considerations will be set out in the local lettings policy. The council will also have regard to the local lettings plan to ensure that applicants from black and minority ethnic community groups are not under-represented in any new development. Under a local lettings policy some properties may be let to applicants who do not fall within the reasonable preference categories.

### **13.7 Sensitive Lettings**

Occasionally a property becomes available for nomination and it is deemed that it should be let "sensitively" because of particular circumstances that relate to the property for example the frailty and vulnerability of neighbours.

Where a sensitive nomination is required the nomination will not be made until it is confirmed that neither they nor any member of their household who will be living with them has:

- A history of anti-social behaviour or nuisance
- Drug or alcohol dependency
- Any history of dealing drugs
- Caused housing management problems in previous accommodation including temporary accommodation

Conversely a property may be let where a neighbour has caused nuisance and may continue to do so when a new tenant moves in. It may be necessary to avoid letting the property to a person who is vulnerable to harassment and in these circumstances discretion may be used to make a direct offer.

## **14. Equal Opportunities and Ethnic Monitoring**

### **Legislative Background**

Race Relations Act 1976 Section 71

### **Policy**

1. The council is committed to the principle of equal opportunities for all. This principle also applies to the nomination to Housing Associations.
2. In order to ensure that properties are being nominated fairly to all sections of the community, the council requests applicants to provide information regarding, age, ethnic origin, religion, sexuality and disability.
3. This information enables the Community and Housing Department to monitor how properties are allocated to social groups.
4. Providing information on ethnic origin, religion, sexuality or disability is not a requirement for acceptance of an application or for the receipt of housing advice.

### **Procedure**

1. Questions on age, ethnic origin, religion, sexuality and disability are included in Housing Application Forms.
2. Customers approaching the Housing Options Service are given a form to complete which requests information on age, ethnic origin, religion, sexuality and disability.

## **15. Access to Information**

### **Legislative Background**

Access to Personal Files Act 1987 Data Protection Act 1998

### **Policy**

1. In line with the Access to Records, the Community & Housing Department believes that people have a right to see what information is kept about them on written records.
2. This right applies to records made after 1<sup>st</sup> April 1989.
3. Records made before this date are not covered by the Act. However, as far as possible the department will make them available, subject to certain restrictions specified below.
4. With regard to housing application records, applicants can have access to information held about themselves and members of their family held for the purpose of the application.
5. Information concerning the applicant, which is also about another person, is only available with the written agreement of the other person.
6. Applicants cannot see information, which identifies someone else or has been given by another person who had not agreed to its being seen.
7. Applicants cannot have access to information where there are legal reasons for the information not being released.
8. In very rare circumstances information is not made available where there are reasons for believing that access to the information would be harmful.
9. Requests for access to records must be in writing.
10. A charge of £10 is payable for this service. The fee is waived for people in receipt of Income Support or Housing Benefit.
11. Applicants have the right to ask in writing for the removal or correction of any information recorded about them, which they believe to be inaccurate. Such requests will receive due consideration.
12. If the Department agrees the information is inaccurate, the record will be corrected and the applicant will be able to see the correction.
13. If the Department does not agree that the information is inaccurate it will explain why and note the applicants view on the

record.

14. Any person dissatisfied with any decision made concerning access to records may make a complaint to the Merton Link Service or appeal to the Data Protection Commissioner.

15. Medical information may be withheld from the applicant.

## **Procedure**

1. Leaflets entitled "access to your files" are available at Merton Link, Civic Centre.

2. Applicants wishing to see their files are issued with the prescribed form.

3. From receipt of the form, applicants will be provided with the information requested, subject to the restrictions listed above, within 40 days.

4. The completed form requesting Access to Files is only accepted when accompanied by the appropriate fee.

5. Applicants in receipt of Income Support or Housing Benefit should provide proof of it.

## **16. Data Protection**

Computer records are covered by the Data Protection Act 1998. This controls the use of computers in the collection, storage, processing and distribution of personal data.

The Act also gives rights to all individuals about whom information is recorded. These rights include the Right of Access to the information and the right to challenge the accuracy of that information.

The provision and exceptions are similar to those for access to information held on personal files.

Requests for access to data must be made in writing using the standard form (available from Customer Services Unit, Community and Housing Department) to be returned with proof of identity. Information must be provided within 40 days of the application. A fee is charged for this service.

Where a dispute arises on the accuracy of the data held, the applicant has the right of appeal to the Data Protection Commissioner.



## **17. Complaints**

### **Policy**

All applications have the right to be treated fairly. Where an applicant is not satisfied with the conduct of an application, or with its outcome, he/she has the right to seek redress.

The council is committed to dealing with all complaints as courteously and as swiftly as possible in accordance with the Complaints Procedure. This document describes how and where to complain, who will deal with a complaint and the expected response time.

### **Changes to Allocation Scheme**

Where the council is adapting a major policy change, which affects the housing scheme, it will notify everyone concerned who is registered on its list.

### **Confidentiality**

Applicants have a right not to have the fact that he or she is an applicant for accommodation divulged without his or her consent.

## **18. Glossary of Terms**

### **Affordable Housing**

Subsidised, low cost housing for rent or shared ownership.

### **London Councils**

Association of London Government. Organisation representing the London Boroughs.

### **Assured Shorthold Tenancy (AST)**

Created under section 20 of Housing Act 1988, an Assured Shorthold Tenancy is granted for a fixed term between 6 months and 5 years. Upon expiry of a valid Notice of Seeking Possession the court has no discretion to allow the tenant to remain.

### **Asylum Seeker**

Any person who has lodged an appeal for asylum but whose application has not yet been granted.

### **Bands**

Priority groups for rehousing for the purposes of Choice Based Lettings.

### **Care Manager**

The person responsible for drawing up a care plan of services for an individual requiring assistance from Social Services.

### **Choice Agenda**

Increasing choice for housing applicants through innovative approaches to lettings.

### **Choice Based Lettings (CBL)**

A system of letting properties by which vacant properties are advertised and applicants choose if they wish to bid for them.

### **Code of Guidance**

Issued by the CLG (Communities and Local Government) gives guidance on how a local housing authority should register applicants and allocate accommodation.

### **Community Care Act 1990**

See National Health and Community Care Act 1990.

## **GLA**

Greater London Authority.

## **Homeless Investigation**

Enquiries made by local housing authorities under section 184 of the Housing Act 1996 if a person applies to them as homeless.

## **Housing Act 1996 Part V11**

Homeless legislation governing the discharge of a local authority's duties and responsibilities.

## **Houses in Multiple Occupation (HMO)**

Houses occupied by several households where facilities are shared e.g. bath/wc.

## **Housing Register**

A list of those requesting and eligible for housing which the council has decided to maintain.

## **LGA**

Local Government Association.

## **National Health & Community Care Act 1990**

Requires local authorities and health authorities to work closely together to plan health and social care within an individual "care package" for people according to individual need.

## **Priority Need**

The groups defined as being in priority need by section 189(I) of the Housing Act 1996.

## **Priority Rehousing Group**

The Council has identified a group of applicants who should be given additional reasonable preference.

## **Housing Associations (HAs)**

Housing Associations registered with the Tenancy Services Authority (formerly the Housing Corporation)

### **S193 Accommodation**

Accommodation provided to those homeless persons who applied for housing assistance and to whom the council owes a duty to secure the provision of accommodation under S193 of the Housing Act 1996.

### **Sub-Region**

Housing investment is now based on a Regional and Sub-Regional policy. The council has been designated to work with Sutton, Kingston, Lambeth, Croydon, Richmond and Wandsworth.

### **Vulnerable**

A priority need category under section 189(I) Housing Act 1996.