

EAST HERTS COUNCIL

EXECUTIVE – 5 MARCH 2013

REPORT BY EXECUTIVE MEMBER FOR
HEALTH, HOUSING AND COMMUNITY SUPPORT

REVISED EAST HERTS HOUSING REGISTER POLICY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- **The Housing Act 1996 states that all Local Authorities exercising a housing function must publish a Housing Register and Allocations Policy showing how homes will be allocated to applicants and prescribes certain categories of people who are to be given ‘reasonable preference’ on the Housing Register.**
- **The Localism Act 2011 sets out a number of key proposals which are relevant to housing, including changes to allocations, tenure reform and changes to homelessness legislation.**
- **The purpose of this report is to summarise the consultation to date on proposed changes to the Housing Register and Allocations policy with internal and external stakeholders and propose a revised Housing Register and Allocations Policy, for East Herts, for adoption.**

RECOMMENDATIONS FOR EXECUTIVE: That:

(A)	the East Herts Housing Register and Allocations Policy as now submitted at Essential Reference Paper ‘B’, be recommended to Council for adoption; and
(B)	if recommended for adoption, authority be delegated to the Director of Neighbourhood Services, in consultation with the Portfolio Holder, for any future minor procedural or process changes to be included in the policy.

1.0 Background

- 1.1 The Housing Act 1996 states that all Local Authorities exercising a housing function must publish a Housing Register and Allocations Policy showing how homes will be allocated to applicants. The Act prescribes certain categories of people who are to be eligible for an allocation and also categories of applicants that must be given reasonable preference on the Housing Register.
- 1.2 The Localism Act 2011, which received Royal Assent in November 2011, sets out a number of key proposals which are relevant to housing, including changes to allocations, tenure reform and changes to homelessness legislation. The Localism Act proposes significant housing reform which the Government says is intended to make the system of allocating housing fairer and more effective and to make it easier for decisions to be taken locally.
- 1.3 The Government has also published, in June 2012, an updated guidance document titled 'Allocation of Accommodation: guidance for local housing authorities in England'. Councils must have due regard to this document when drafting their Housing Register and Allocations Policy.
- 1.4 This report sets out the policy issues raised by the Localism Act, proposes draft changes to the policy from the one currently implemented, provides feedback from the consultation with internal and external stakeholders and proposes a revised Housing Register and Allocations Policy for East Herts.

2.0 Report

- 2.1 The implementation of the Localism Act and the new Government allocations guidance document requires the Council to review its Housing Register and Allocations Policy. Any major change to the policy also triggers a requirement to consult.
- 2.2 The current Housing Register and Allocations Policy was agreed and implemented in June 2010 following some minor amendments to Local Connection eligibility and Homeless Policy. The introduction of Choice Based Lettings in 2008 has been very popular with residents and stakeholders alike. Following conversations with our stakeholders it is generally felt that our current policy works well, is understood by our residents, houses

those in need and is 'transparent'. The Council has received very few complaints or review requests from residents who have been unhappy with the current Housing Register Policy and the associated allocation of homes. In addition feedback from local Councillors and MPs is that they have had very few concerns from constituents on housing issues compared to before CBL. The intention is therefore not to radically change how or who we allocate homes to but ensure we meet our statutory requirements and amend the policy to recognise best practice.

- 2.3 The Housing Service began the process of consultation on possible revisions to the current policy at the Council's Housing Forum, in July 2012, which is chaired by Councillor Haysey. The Forum is attended by local Registered Providers (RPs) and other housing stakeholders. Following this a document was drawn up by the Housing Service showing the possible changes to the policy introduced by the Localism Act, how these could be implemented in East Herts, and the potential impacts on current policy and who could be housed. This document was sent to all Councillors in the Members Information Bulletin and discussed at the Council's Community Scrutiny Committee in November 2012.
- 2.4 Following these discussions, and informal discussions with other stakeholders, including Riversmead and South Anglia Housing Associations the Housing Service drafted a revised Housing Register and Allocations Policy. This document was discussed at a Councillors Consultation event that was open to all Councillors on 5th February 2013. The document was then up-dated taking into account Councillors feedback and sent to all the significant Registered Providers with social housing East Herts, and placed on the Council's website. A copy of the document is at Essential Reference Paper B.
- 2.5 The following are the major changes to the current policy that are being put forward for adoption following these consultations.
- 2.6 **a) Eligibility and Qualification**
In previous legislation the government set two eligibility criteria for an allocation of accommodation: one was based on an applicant's immigration status and the other was regarding their suitability to be a tenant. With the Localism Act the government has maintained the right to set eligibility for an allocation based on an applicant's immigration status but Local Authorities can now define locally their own 'qualification' criteria for being on the Council's Housing Register and therefore who can be allocated

accommodation. When deciding who is a qualifying person LAs must have regard to the Equalities Legislation, the reasonable preference categories (defined in section 2.0 of the attached Housing Register and Allocations Policy) and cannot disqualify members of the Armed or Reserve Forces based on local connection.

The new policy proposes three Qualification Criteria for accessing the East Herts Housing Register:

1. Applicants not suitable to be a tenant. Applicants that have current or former rent arrears with a registered provider or the Council or have proven anti-social behaviour would not qualify to be on the Housing Register. This is reinstating the position of the current Housing Register policy as the government had previously included this as one of the 'eligibility' criteria in legislation.
2. Applicants whose total household income exceeds £45,000 would not qualify. The Localism Act states that the Council can decide that applicants who are not in housing need, for example because they can meet their own housing requirement, can be categorised as not qualifying for a Local Authority's Housing Register. Many of the RPs operating in East Herts already have household income bars. The figure of £45,000 has been set looking at average incomes in East Herts and the cost of alternative tenures such as private rent or shared ownership.
3. Owner occupiers would not qualify. There are exceptions to this the primary one being owner occupiers who want sheltered accommodation and have support needs. The Registered Providers working in East Herts will accept elderly persons into their sheltered accommodation if they have equity up to a value of £200,000 in a property they own or have recently owned.

The guidance says that LAs cannot have blanket exclusions for qualification and that if an applicant is in a reasonable preference category they it must considered. There must also be a right to review of the decision (or any decision) that they do not qualify for the Housing Register.

2.7 **b) Additional Preference:** The Act gives Local Authorities the power to frame their allocation scheme to award additional

preference to some applicants so long as they fall within one of the reasonable preference groups. The draft policy gives additional preference to the following:

1) Members of the Armed and Reserve Forces.

- a) former members of the Armed Forces who have been honourably discharged and who have left the armed forces within 5 years of applying for the Housing Register.
- b) serving members of the Armed Forces
- c) bereaved spouses and civil partners of members of the Armed Forces
- d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

2. Fosterers and Adopters that have been approved by Herts County Council and where the Council can reasonably meet their housing needs.

2.8 **c) Other Proposed Changes:** The other significant proposed policy changes outside of the Localism Act are:

- Revision to the bedroom criteria for different household sizes to match Local Housing Allowance eligibility. The current Housing Register Policy is slightly more 'generous' on the number of bedrooms a household can be allocated than eligible under current rules for Local Housing Allowance. To prevent new social tenants having their award of housing benefit restricted, because they are classified as under occupying the property (and so potentially accruing rent arrears), the policy has been amended.
- A change of wording for Local Connection to District Connection and a revision to the number points awarded to reflect different levels of residency connection. Currently the policy awards 50 points to applicants that have a District Connection through their own residency or through a close family adult. This category has been amended for those applicants that only have district connection because of a close family member, who is currently living in the district, and reduces the points awarded from 50 to 20 points. It is proposed to keep the points for an applicant currently living in the District themselves to 50 points but they have to be living in East Herts for one year compared to the current policy of 6 out of the last 12 months or three out of the last 5 years. District connection points due to working in East Herts

remains unchanged at 30 points.

- To promote community cohesion and allow current residents in the smaller settlements in East Herts to either remain or move back, if they still have close family connection, it is proposed to advertise general needs (i.e. not sheltered), unadapted properties in settlements of less than 1,000 residents with a priority to local residents. This priority will be considered when the short list of applicants for the property is being drawn up by the Housing Options Team. This will mean that when general needs social properties, in villages of less than 1,000 residents, are advertised they will be described as having a priority for applicants that have a local connection to the village. At short-listing time applicants with a local connection to the village may be ranked higher for a property and therefore allocated the property when they have fewer points than other applicants that bid for the property. However the Council must still, when making an allocation, have reference to its duty to allocate to applicants that have a reasonable preference for housing as defined by legislation. This addition to the policy will be monitored and reviewed after 6 months to ensure that it is working as intended and is not preventing the Council meeting its statutory functions.
- The ability to review an applicant's status on the Housing Register if they refuse more than three offers of accommodation without good reason.

2.6 It is intended to implement the policy for new Housing Register applicants from May 2013, after adoption by full Council, and not to re-register all current 3,600 applicants.

3.0 Implications/Consultations

3.1 The following is a timetable of the consultations carried out to date on the revised policy:

- Discussions with external stakeholders at the July 2012 at the East Herts Housing Forum
- Consultation on potential changes and implications with Community Scrutiny November 2012
- Report included in MIB November 2012.
- Drafting of Housing Allocations Policy December to January 2013
- Draft policy circulated to individual Registered Providers, other stakeholders and Councillors end January 2013
- Draft policy put on Council's website for consultation with a deadline of 4 weeks for comment during February 2013

- 05 February 2013 - Members' development and consultation workshop (10:30 to 12:30 in Council Chamber)
- 08 February 2013 - deadline for written comments from Members
- Discussions with individual Registered Providers, January and February 2013
- Comments incorporated into Housing Register and Allocations Policy and presented to Executive 5th March 2013.

Background Papers

None

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