

# Cardiff Housing Allocation Scheme

July 2013



## Glossary

**Household** : The people listed on the application for housing who wish to be rehoused together. Please note that where an applicant or their partner is expecting a child, that child is included in their household make-up for the purpose of allocating properties.

**Child** : a person under 18 years of age

**Sheltered accommodation** : Accommodation (mainly flats) which is set aside for people aged 60 years and over. All sheltered properties have a community alarm installed and each development has a Scheme Manager.

**Designated Accommodation** : Accommodation (including bungalows and flats) which is set aside for people over a certain age. The lower age limit depends on the individual property but is either 50 years and over, 55 years and over or 60 years and over.

**Adapted Properties** : Properties which have been purpose built or substantially adapted to meet the needs of people with disabilities.

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# Cardiff's Housing Allocation Scheme

## 1. Introduction

- 1.1 There is a high demand for social housing in Cardiff and a limited number of properties become available to let each year.
- 1.2 This Allocation Scheme sets out the framework under which Cardiff Council lets its properties in the city.
- 1.3 The scheme covers all of Cardiff Council's social housing in the city other than adapted housing for disabled people which is let via the Cardiff Accessible Homes Project.
- 1.4 The allocation of pitches on Gypsy & Traveller sites managed by Cardiff Council are made under a separate scheme. Applications can be made under both schemes concurrently if required.
- 1.5 The Allocation Scheme also gives information about application and assessment processes and what applicants can expect from us if they join the Common Waiting List.
- 1.6 Under the Allocation Scheme framework we aim to :
  - a) Give everybody who approaches us for housing advice the information they need to make choices about their options (including applying for social housing, exchanging with another tenant, renting privately, buying a home under an assisted home ownership scheme, and remaining in their existing home with additional support). Advice will include guidance on the availability of social housing.
  - b) Recognise applicants' housing needs and offer available social housing to applicants with an identified housing need before people who have no such need.
  - c) Give a higher priority for rehousing to eligible applicants who have a local connection to Cardiff, than those with no such connection.
  - d) Offer applicants choice about where they want to live.
  - e) Treat all applications fairly and confidentially.
  - f) Make the best use of available social rented properties in the city.
- 1.7 This Scheme does not discriminate against any person on the grounds of race, gender, sexuality, age, disability, class, appearance, religion or religious beliefs, responsibility for dependants, unrelated criminal activity, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.

## 2. Who can join the Common Waiting List ?

- 2.1 Applications to join the Common Waiting List will be **considered** from any person or persons aged 16 years or over.
- 2.2 16 & 17 year old applicants who are offered a tenancy are expected to have a third party to act as a Trustee until they reach the age of 18. When they reach the age of 18 the tenancy automatically becomes an introductory or secure tenancy as appropriate.
- 2.3 The criteria for joining the Common Waiting List will be explained to any person aged under 16 years who approaches us regarding housing. A referral may be made to the Council's Children's Services if felt necessary based on the information provided.
- 2.4 Applications from existing social housing tenants living in Cardiff will be considered under this Allocation Scheme equally with applications from other households.

2.5 The following categories of people are ineligible for accommodation :

- a) people who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996) save for those exceptions outlined in Regulation 4 of the Allocation of Housing (Wales) Regulations 2003;
- b) other people from abroad who are not subject to immigration control but who are not habitually resident in the Common Travel Area (i.e. the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) save for those exceptions outlined in Regulation 5 of the Allocation of Housing (Wales) Regulations 2003.

Decisions under a & b (above) are made by Senior Officers in the Council's Social Lettings Unit / Homeless Process Unit

2.6 The following category of people may be deemed ineligible for accommodation :

- a) People who have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of Cardiff Council. The Council may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation if the Council is satisfied, at the time of the application, that the applicant or a member of his/her household has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the Council. Unacceptable behaviour is behaviour that would entitle the Council, if the applicant had been a secure tenant of the Council at the time, to an outright possession order. Each case is considered on an individual basis by the Council's Social Lettings Unit and Exclusion Panel in line with 'The Cardiff Common Exclusion Partnership Protocol'. In determining whether an applicant is ineligible due to unacceptable behaviour, the Council will apply the following 3-stage test :
  - i) Is there evidence of unacceptable behaviour? Was it serious enough to have entitled an authority to a possession order?
  - ii) Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
  - iii) Is the behaviour unacceptable at the time of application?

2.7 Applicants for housing who have joined the Common Waiting List can be withdrawn from that list if, following their inclusion on the List, they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of Cardiff Council. Unacceptable behaviour is behaviour that would entitle the Council, if the applicant had been a secure tenant of the Council at the time, to a possession order. Such a case would be considered by the Council's Social Lettings Unit and Exclusion Panel in line with 'The Cardiff Common Exclusion Partnership Protocol'.

2.8 Any applicant who gives false or misleading information in support of their application for housing accommodation may have their application rejected or their tenancy terminated. In some cases this may also result in a criminal prosecution and, if convicted, substantial fines or imprisonment.

2.9 Applicants who are considered ineligible to join the Common Waiting List, or who are withdrawn from the List, will be informed of the decision, and the grounds for the decision, in writing and will be signposted to advice agencies for help with their housing situation. Applicants have the right to request a review of any decision regarding their eligibility to join the Common Waiting List. Such a request must be made within 21 days of the applicant being notified of the relevant decision. Upon receipt of such a request, the Council will review the relevant decision. All applicants who have requested a review of a

decision on eligibility are entitled to be notified of the decision on review and the grounds for it.

### **3. Information**

- 3.1 Advice and information about applying for housing in Cardiff is available free of charge from the Council Hubs, partner Housing Associations, support and advice agencies in the city and via the Cardiffhousing website ([www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk)). A leaflet entitled 'A Guide to Cardiff Council's Housing Allocation Scheme' provides more details for potential applicants about their right to apply for social housing in the city, and the application methods.
- 3.2 Applicants approaching Cardiff Council for advice and/or assistance regarding their housing situation will be offered information which will enable them to assess :
- how their application is likely to be treated under this Allocation Scheme (including whether further investigation of their application is required in line with 2.5 or 2.6 above), and whether they fall within any of the groups which are prioritised for housing;
  - whether accommodation appropriate for their needs is likely to be made available to them and ,if so, the length of time they are likely to have to wait for social housing in their chosen areas.

### **4. Application Process**

#### **New applicants**

- 4.1 Requests to join the Common Waiting List will primarily be accepted by telephone or via the internet.
- 4.2 Online applicants will be contacted by telephone when their application is received.
- 4.3 Alternative arrangements (including home visits by trained Advisors or face to face appointments at a Council Hub) are available for those who are unable to apply by telephone or online. The availability of these application methods is advertised via advice agencies, support providers and carer support services in the city.
- 4.4 A trained advisor will assess the applicant's level of housing need (based on the criteria outlined in Appendix 1) and discuss all their potential housing options with them.
- 4.5 Possible assessment outcomes include :
- Admission to the Common Waiting List - the advisor will inform the applicant whether they have been admitted to the list.
  - Request for additional information regarding the applicant's situation e.g. medical details, information regarding criminal convictions etc. The advisor will inform the applicant of the requirements and process.
  - Agreement that other housing options would be the most suitable for the applicant – applicant not registered on the Common Waiting List, but information on other housing options will be provided.
- 4.6 Information provided by applicants will be retained securely and treated with confidence by the Council. Applicants may, at any stage, request a copy of information held by the Council about their application.
- #### **Existing Social Housing Tenants**
- 4.7 Existing social housing tenants living in Cardiff who wish to transfer will be asked to undertake a shorter application / assessment process.

- 4.8 Their current circumstances will be confirmed, and their rehousing needs discussed, along with their reasons for wanting to move. Referrals will be made as appropriate to other internal services e.g the Antisocial Behaviour Team.
- 4.9 All rehousing options will be discussed with them including joining the Common Waiting List for a transfer to alternative social housing; joining Homeswapper for an exchange; remaining in their existing home with support or assistance to address current issues; considering privately rented accommodation or assisted home ownership.

#### **Homeless applicants**

- 4.10 A Homelessness Enquiry and Housing Application Form must be completed by all applicants seeking assistance under homelessness legislation.
- 4.11 All applicants will be interviewed by a trained advisor who will discuss all potential rehousing options with them.
- 4.12 Temporary accommodation may be provided for applicants while investigation of their circumstances is undertaken.
- 4.13 When the Council has completed its inquiries into the applicant's homelessness case, the Council will notify the applicant of its decision and the reasons for it and of his/her entitlement to request a review and the time within which such a request must be made.

#### **All applicants**

- 4.14 Interpretation, translation and other support will be arranged for any applicant if necessary, free of charge.
- 4.15 Where it becomes apparent during the housing interview/assessment process that the applicant has support needs which are not currently being addressed, a referral may be made (with the applicant's consent) to the Council's Tenant Support Team or appropriate specialist agency.
- 4.16 All applicants for an allocation of housing accommodation have the right to request the Council to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.
- 4.17 Where it becomes apparent during the housing interview / application assessment process that the applicant may be owed a duty under homelessness legislation, the applicant will be advised how to make an application to the Council's Homelessness Service.
- 4.18 In order to ensure that the all applicants are treated fairly, any application for the allocation of housing from Members of the Council, employees of the Council, or associated persons must be disclosed on application. Such applications will be assessed in the normal way but the acceptance of the application must be approved by a named Senior Officer in Cardiff Council. Should such an application lead to an offer of accommodation, this offer must also be approved by a named Senior Officer in Cardiff Council. The term 'associated persons' above is as defined in the Housing Act 1996 S178 (as amended).
- 4.19 The outcome of the housing interview / application assessment process will be confirmed in writing. For those admitted to the Common Waiting List this will include a summary of the information provided by the applicant during the housing interview which will be, or is likely to be, taken into account in considering whether to allocate housing accommodation to him/her, details of their registration date, area choices and Waiting List Band.

## 5. Choice

- 5.1 All applicants who are accepted onto the Common Waiting List will be invited to choose whether they wish to be registered for Council accommodation only, Housing Association properties only, or both.
- 5.2 Applicants who meet the necessary age criteria will also be offered the option of registering for sheltered and/or designated accommodation. Disabled applicants will also be referred to the Accessible Homes Scheme.
- 5.3 All applicants will be given the opportunity to express preferences about the areas of the city in which they want to live and will be offered up to date information about likely waiting times for social housing in their preferred areas. Applicants who choose to join the Common Waiting List based on the information they have been given will be able to register for as many preferred areas as they wish.
- 5.4 Applicants will also be informed of alternative options which they may want to consider (including renting privately). This will enable them to make informed choices about their rehousing options.
- 5.5 Applicants can update their area choices at any time by telephoning the advertised number or going to any housing office / Council Hub in the city. Up to date advice will be offered regarding stock availability in their revised areas and the waiting time implications.
- 5.6 Homeless applicants who are owed a full duty under homelessness legislation will be offered the same housing options information and area choices as other applicants. Their chosen areas will be applied for the first 13 weeks after their application is accepted. After 13 weeks their areas choices will be adjusted (if necessary) to include two 'high availability' areas identified by the homeless applicant during their initial housing interview. If the applicant does not choose two high availability areas they will be considered for rehousing in **all** areas of the city after the 13 week period (although they can indicate areas and specific locations where they would **not** want to be offered accommodation, for instance for safety reasons).
- 5.7 All applicants will be informed of the cardiffhousing website [www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk) . This website provides information and advice enabling applicants to make informed choices, and to regularly review those choices and the practical outcomes.
- 5.8 Existing social housing tenants who wish to move will be advised of all their housing options including :
  - joining Homeswapper to identify a suitable exchange in the city or elsewhere.
  - joining the Common Waiting List if they wish to apply for a transfer. Their application will be considered on an equal basis with new applicants who have a 'local connection' and the same level of need (see sections 6 -8).

## 6. Housing Need

- 6.1 Cardiff Council aims to assist applicants who are in housing need before those without identified needs. The initial housing interview aims to identify the individual applicant's housing needs with a view to establishing their priority for the allocation of housing.
- 6.2 The 'reasonable preference' categories set out in section 167(2) of the Housing Act 1996 are used as a basis for establishing housing need. Reasonable preference for rehousing is given to applicants who fall within one or more of categories 1 – 5 listed in Appendix 1.

- 6.3 For the purposes of determining how preference is to be awarded to applicants who fall within one or more of Categories 1-5 listed in Appendix 1 the Council can under current legislation also take the following matters into account :
- i. The financial resources available to an applicant to meet their housing costs and/or needs (See section 7)
  - ii. whether the applicant has a local connection to Cardiff (as described in Section 8)
- 6.4 Under this Scheme additional preference for rehousing is given to those applicants who fall within one or more of preference categories 1-5 in Appendix 1 and who have an identified **urgent** housing need (as defined in Appendix 1).
- 6.5 Applicants with no identified housing need may be admitted to the Waiting List, but will be afforded low priority.

## **7. Financial Resources**

- 7.1 An applicant's employment status and income will be established by a trained advisor as part of the initial housing interview / assessment process. Their employment status may be used to afford a priority under a local letting initiative – see section 13.
- 7.2 Owner occupiers who are adequately housed would generally be considered as able to address their own housing need. However, we will consider the housing needs of elderly home owners who currently live in dilapidated accommodation and are suffering hardship because they cannot afford to improve their situation; or who are unable to cope in their current home because of failing health. Applicants who need adapted accommodation and cannot reasonably afford to adapt their existing home to suit their needs can also be considered for rehousing via the Cardiff Accessible Homes Scheme.

## **8. Local Connection**

- 8.1 A higher priority for rehousing will be given to applicants who have a local connection to Cardiff than to those with a similar level of housing need who have no such connection.
- 8.2 An applicant's local connection to Cardiff will be established during the initial housing interview.
- 8.3 'Local connection' for the purpose of this Allocation Scheme will be defined as :
- a) where, at the time of application, the applicant or a member of his/her household has been resident in Cardiff for at least 12 months during the previous 24 months, or for not less than 3 years during the previous 5 year period; or
  - b) where the applicant or a member of the household is working full-time or part-time in Cardiff at the time of the application (confirmation will be required from an employer that the employment is not of a casual nature); or
  - c) where the applicant or a member of the household has family associations with Cardiff i.e. they have a parent/s, adult child/ren or brother / sister who have been resident in Cardiff for at least 5 years at the date of application and the applicant wishes to be near them.

## **9. The Banding Scheme**

- 9.1 Cardiff's Common Waiting List is arranged in Bands as shown in Table 1. Applicants joining the List are placed in the highest Band for which they qualify, depending on information established during the initial housing interview / application process regarding their housing need, and their local connection to Cardiff.



- 9.2 Within each Band applicants are listed in date order, based on their date of registration for that Band.
- 9.3 All applicants are registered in the appropriate Band based on the information **confirmed** at the point of application. The registration date in that Band will be the date of application. If confirmation of a higher level of housing need is received as a result of initial investigations (e.g regarding medical needs or unsatisfactory housing conditions), the applicant may be moved to a higher Band. In such cases the registration date for the higher band will be the original date of application.
- 9.4 Applications which are subject to consideration under the Common Exclusion Protocol will be added to the Common Waiting List but will not be made live unless approved under the Protocol. The registration date for non-excluded applicants will be the original application date.
- 9.5 Homeless applicants are considered to be in either Preference Category 1 or Preference Category 2 depending on their circumstances (see Appendix 1).
- 9.6 For homeless applicants, should an investigation into their homelessness status result in them being moved to a different Band, their registration date in the new Band will be the date of the homelessness investigation decision.

**Table 1 : Waiting List Bands**

	Housing Need	Local Connection
<b>Band 1</b> Urgent Priority	Falls within one or more of Preference Categories 1, 3, 4, 5 <u>and</u> has an urgent Housing Need (see Appendix 1)	✓
	Is owed a full homelessness duty by Cardiff Council **	n/a
<b>Band 2</b> High Priority	Falls within one or more of Preference Categories 1, 3, 4, 5 (see Appendix 1)	✓
<b>Band 3</b> Medium Priority	Falls within one or more of Preference Categories 1-5 <u>and</u> has an urgent Housing Need (see Appendix 1)	x
<b>Band 4</b> Low Priority	Falls within one or more of Preference Categories 1-5 (see Appendix 1)	x
<b>Band 5</b> Low Priority	No urgent housing need and does not fall within any of Preference Categories 1-5 (see Appendix 1)	✓
<b>Band 6</b> Low Priority	No urgent housing need and does not fall within any of Preference Categories 1-5 (see Appendix 1)	x

\*\* Applicants owed a full homelessness duty by Cardiff Council to be included in Band 1 until the implementation of Welsh Government legislation allowing local authorities to discharge their homelessness duty in the private rented sector.

## 10. Tenancy training

- 10.1 Applicants approaching the top of Bands 1, 2 and 3 will be required to attend a tenancy skills information session. These sessions aim to raise awareness of the rights and responsibilities of tenants, who to contact regarding tenancy related problems, and where to get help and support is needed. At these sessions there will be an opportunity for onward referral to specialist services, for instance for tenancy support or help with budgeting skills / debt management etc.
- 10.2 Refusal to attend a session or non-attendance at a scheduled session without good reason will result in the application being deferred and no offers being made. The applicant will be contacted to discuss their housing situation and options and, with their agreement, a further tenancy skills information session will be arranged. Refusal or failure to attend such a further session will result in the application being removed from the Waiting List – information and advice about other housing options will be provided.

## 11. Matching properties to applicants

- 11.1 The allocation of the vast majority of available properties will be made to applicants on the Waiting List in line with the Banding criteria outlined in Section 9.
- 11.2 Properties will be offered to the highest applicant in Band 1 for whom it is suitable. If there are no suitable applicants in Band 1 it will be offered to Band 2 and so on.
- 11.3 Suitability is based on the criteria outlined in Appendix 2 and the area choices expressed by applicants.
- 11.4 Identification of suitable applicants from the Common Waiting List is undertaken by Council Allocation Officers.
- 11.5 Where Local Letting Initiatives are in place or a Sensitive Let is required (see section 13) suitable applicants will be identified in line with 11.1 – 11.3 above but taking into account the additional specified criteria of the Local Lettings Initiative / Sensitive Let.
- 11.6 In certain circumstances properties will be allocated outside the banding framework set in this Allocation Scheme. Such circumstances include :
- a) To address immediate priorities including :**
- where it is necessary on grounds of public safety
  - to 'decant' existing tenants or Cardiff residents as a result of a crisis
  - to make timely offers of settled accommodation under the Resettlement Strategy to vulnerable people currently living in supported accommodation
  - to assist moves under the National Witness Mobility Scheme
  - where a request is received from the Council's Children's Services or Adult Services to assist with an exceptional accommodation need of their client/s under the Children Act 1989 s27; the Children Act 2004 s10, or the National Health Service and Community Care Act 1990.
  - To assist approved foster carers who need larger accommodation to foster more children who are the responsibility of the Council's Children's Services
  - To assist in rehousing applicants from hospital to avoid 'delayed transfer of care'

**b) To ensure that best use is made of Council stock under the Beneficial Transfer Scheme**

Decisions in such cases are authorised by a named Senior Officer in Cardiff Council.

## 12. Offers & Refusals

- 12.1 Offers of accommodation will be made by telephone, text, e-mail or letter. All offers are confirmed in writing.
- 12.2 Applicants are given at least 5 working days from the date of the offer letter to respond.
- 12.3 Non-response will result in the offer being withdrawn in writing. The applicant will be asked to make contact to advise whether they wish to remain on the Common Waiting List. Non response to the follow-up letter will result in the application being removed from the list.
- 12.4 Applicants to whom the Council owes a full duty under homelessness legislation will be made **one** reasonable offer of accommodation. Refusal will generally result in an ending of the Council's homelessness duty under s193 (7A) of the Housing Act 1996 and termination of any temporary accommodation provided for the household. Applicants are advised in writing of this decision and their right to a review.
- 12.5 Other applicants who refuse a reasonable offer of accommodation (based on the information they provided in their initial housing interview and subsequently) will be contacted to discuss the reasons for the refusal and to update their application details if necessary. A maximum of two further reasonable offers will be made. If the third offer is refused the applicant will be removed from the Waiting List. A new application can be made after a period of 12 months has elapsed. Applicants will be advised of this decision in writing.
- 12.6 A reasonable offer is defined as an offer of a property which is a suitable size for the applicant's household (based on the criteria outlined in Appendix 2) and is located within one of the applicant's chosen areas.
- 12.7 Applicants who are offered a property that would result in them underoccupying under Housing Benefit size criteria will be advised of the effect of underoccupation on any current or future Housing Benefit award. They will be asked to sign a statement indicating their understanding of this.
- 12.8 All applicants who refuse offers are signposted to the Cardiffhousing website ([www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk)) for information about other housing options in Cardiff.

## 13. Local Letting Initiatives & Sensitive Lets

- 13.1 Local Letting Initiatives are used to address sustainability and community issues in defined areas to ensure that a housing allocation scheme based on need does not destabilise local communities.
- 13.2 Local Letting Initiatives may prioritise applicants with consideration to their employment status or previous tenancy record. Care will be taken not to exclude those who are unable to work.
- 13.3 Local Letting Initiatives are developed in consultation with other relevant internal departments (e.g. the Anti-social Behaviour Team), partner Housing Associations, and local Councillors. They are authorised by the Elected Member with responsibility for housing and operate for a set time period after which they are reviewed. Depending on the outcome of the review they may be amended, extended or terminated.
- 13.4 **Sensitive Lets** are used in the following circumstances :
  - where it may be inappropriate to let an individual vacant property in line with the usual letting arrangements - for example, where a property is vacant because the previous

occupant was guilty of persistent anti-social behaviour and has moved on, a new tenant is selected to ensure that the neighbours who have been subjected recently to the anti-social behaviour are offered quiet enjoyment of their tenancies.

- Where there has been behaviour on the part of an applicant which affects their suitability to be a tenant in an area for which they have expressed a preference – for example where they have harassed or caused a nuisance against an individual or family living in that area.

13.5 Sensitive lets are authorised by a named Senior Officer in Cardiff Council.

## 14. Reviews & appeals

### **Applicants other than those being considered under Homelessness Legislation**

- 14.1 Applicants who disagree with a decision made in relation to their housing application, including any decision about the facts of his/her case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him/her, have the right to request a review of that decision within 21 days of being notified of the decision. They will be sent a review pro forma on request giving them an opportunity to provide further information that will be considered in the review.
- 14.2 The review is undertaken by a named Senior Officer in Cardiff Council who was not involved in the original decision. That officer may contact the applicant to request additional details if necessary.
- 14.3 The applicant will be notified in writing of the decision on the review and the grounds for it. An appeal pro forma will be enclosed with the decision on the review. Should the applicant then wish to challenge the decision they are directed to the Council's Complaints Policy.

### **Applicants who have been made an offer of accommodation under Homelessness Legislation**

- 14.4 When offered a tenancy, applicants who applied for rehousing under homelessness legislation are advised of their right to request a review of the suitability of that offer.
- 14.5 The request must be made in writing by the applicant within 21 days of the date of the offer letter (as required under the Housing Act 1996 s202).
- 14.6 The review is undertaken by a named Senior Officer in Cardiff Council (not involved in the previous decision).
- 14.7 If new information is provided which the reviewing officer accepts makes the existing offer unsuitable or unreasonable, the application is amended to include any further recommendations and reinstated on the Common Waiting List (with their original registration date) for one further offer to be made.
- 14.8 If, following consideration of the information provided, the reviewing officer decides that the offer was reasonable, the applicant is advised in writing of the outcome of the review, (including the reasons for the decision and their right to appeal to a county court under the 1996 Housing Act s204) and is signposted to the Cardiffhousing website [www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk) for information about other housing options in Cardiff.
- 14.9 If the applicant wishes to remain on the Common Waiting List their application is reassessed (taking into account that they are no longer owed a duty under homelessness legislation) and added to the appropriate band. The registration date will be the date of their original homelessness application, or earlier if a previous live application existed.

## **15. Complaints**

Any complaints about the Allocation Scheme are dealt with in accordance with the Council's Complaint Policy.

## **16. Monitoring the Allocation Scheme**

- 16.1 The operation of the Scheme will be monitored on a monthly basis. The Scheme will also be subject to an internal review with partner agencies on an annual basis to ensure it is compliant with law and good practice.
- 16.2 Any major changes to the Scheme will be submitted to the Council's Cabinet for approval. Such approval must generally be received prior to implementation. However, if at any point the Scheme is found to be non-compliant with legislation, changes will be made immediately. These changes will be subject to retrospective review by all partners.

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# **Appendix 1 : The Banding Scheme – explanation of Reasonable Preference Categories and Urgent Housing Need**

## **Reasonable Preference Categories**

The reasonable preference categories for the purposes of this scheme include those which are required by the Housing Act 1996 (as amended). For the purposes of this Allocation Scheme these are defined as follows :

### **Reasonable Preference category 1 : people who are homeless (within the meaning of Part 7 of the Housing Act 1996)**

This category includes all households who are homeless under the definition of homelessness contained in sections 175-177 of the Housing Act 1996 Part 7. Under this definition a person who does not have accommodation which is legally and physically available to him or her to occupy and which is reasonable for him or her to occupy would qualify.

#### **Reasonable Preference Category 1 includes :**

- Applicants who have no accommodation available to them where they can live with
  - other people who normally live with them as a member of their family; or
  - other people who might reasonably be expected to live with them.
- Applicants who have accommodation available to them but the Council's agrees that it would not be reasonable for them to continue to occupy it e.g. if it is probable that this will lead to violence against the applicant or against
  - a person who normally resides with him/her as a member of his/her family, or
  - any other person who might reasonably be expected to reside with him/her.
- Applicants who have accommodation but they cannot secure access to it or, in the case of a moveable structure like a caravan, there is no lawful place they can live in it.

Please note - homeless applicants cannot be considered under both Reasonable Preference Category 1 & 2. For the purposes of banding such applicants are considered to be in either Reasonable Preference Category 1 or Reasonable Preference Category 2 depending on their circumstances.

### **Reasonable Preference Category 2 : people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)**

Reasonable Preference category 2 includes applicants who are homeless, in priority need and owed a duty under sections 193(2), 195(2) or 190(2) of the Housing Act 1996 as amended.

This includes people who :

- are in priority need and are owed a duty under section 195(2) as being threatened with homelessness in the next 28 days and the Council is taking steps to try and prevent that homelessness from occurring.
- have been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.

- are owed a section 190(2) duty that have been assessed as being in priority need but are intentionally homeless and have been provided with accommodation for a period of time to enable them to secure their own accommodation.

Please note - homeless applicants cannot be considered under both Reasonable Preference Category 1 & 2. For the purposes of banding such applicants are considered to be in either Reasonable Preference Category 1 or Reasonable Preference Category 2 depending on their circumstances.

### **Reasonable Preference Category 3 : People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

In order to qualify under this category, applicants will be currently living in one of the following situations. (Please note that applicants living in hostel or student accommodation would not qualify under this preference category) :

#### **Insanitary housing :**

- no access to facilities, being defined as kitchen, bathroom or shower, or toilet.
- Unsanitary conditions where the conditions pose an ongoing and serious threat to health; are a private sector tenant and where the Council's Private Sector Housing Team have decided that the problem cannot be resolved by the Council, the landlord or the tenant, or
- Those living in a property that is uninhabitable due to, for example, severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance and there is no prospect of the problems being remedied in a time period that the Council considers reasonable.

The assessment of such cases will be carried out by a named Senior Officer of Cardiff Council taking advice from the Council's Private Sector Housing Team.

#### **Overcrowded accommodation:**

- Households who are not sharing facilities but are lacking two or more bedrooms.
- Households who are sharing facilities with another household and who are also lacking two or more bedrooms
- Those who are statutorily overcrowded. We will define a lack of bedrooms by reference to overcrowding as defined in the Housing Act 1985. There are two tests for overcrowding: the room standard and the space standard. The Council will assess whether an applicant is statutory overcrowded and therefore entitled to this category by use of the room or space standard.

The assessment of such cases will be carried out by a named Senior Officer in the Social Lettings Unit.

### **Reasonable Preference Category 4 : People who need to move on medical or welfare grounds (including grounds relating to a disability)**

In order to qualify under this category applicants will meet one of the following criteria :

#### **Medical Grounds**

- Where applicants are living in a property which makes their medical condition worse, and a move to another property would provide more stability to their medical condition
- Applicants who need specific housing for the purpose of access, for example as a result of reduced mobility or wheelchair use

Applicants who need an adapted property will also be referred to the Accessible Homes Scheme.

A recommendation regarding qualification under this category (based on the type and level of difficulties being experienced, and the effect of the current accommodation on the situation) will be sought from the Council's Strategic Planning & Environment (Public Protection) Section under the guidance of the Consultant in Public Health Medicine.

### **Welfare Grounds**

Welfare grounds are intended to complement the priority requirements of those with care & support needs (see Reasonable Preference Category 5) and recognises other social needs which do not require ongoing care and support. This may include :

- Vulnerable people who could not be expected to find their own accommodation
- the need to provide a secure base from which a care leaver or other vulnerable person can build a stable life

### **Reasonable Preference Category 5 : People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)**

Applicants who:

- need to move to give or receive care that is substantial and ongoing
- need to access specialised medical treatment

### **Urgent housing need**

**Additional preference** is given to people who have been identified as having an urgent housing need.

This includes applicants in the following circumstances :

- those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including :
  - victims of domestic or other violence;
  - victims of hate incidents (including crimes and non-crimes in policing terms and this will cover victims of hate violence, threats of violence and hate harassment of any kind);
  - witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes. Local authorities need to have local liaison arrangements with the police and other criminal justice partners to ensure that allocations can be made quickly and confidentially, where necessary;
- those who need to move because of urgent medical reasons.
- an applicant with a reasonable prospect of an accommodation offer within a relatively short period who suddenly loses their existing home as a result of a disaster;
- any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces;
- people needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation;
  - (vii) People under-occupying social housing and wanting to transfer to a smaller property, particularly in light of Welfare Benefit changes.

This list is not intended to be exhaustive. Each case shall be considered on its merits as regards the urgency of the need for rehousing.



## Appendix 2 – Matching Guidelines

Matching Guidelines	
<ul style="list-style-type: none"> <li>The guidelines below are applied in the letting of the vast majority of Council properties. However in exceptional circumstances properties may be let outside these guidelines – for example where an extra bedroom is needed on medical grounds. Local Lettings Initiatives and Sensitive Lets arrangements may also apply to some properties.</li> <li>Where an applicant or their partner is expecting a child, that child will be considered in their household make-up for the purpose of allocating properties</li> <li>Houses will only be offered to households including a child/ren</li> <li>Households including a child/ren will not be offered highrise accommodation</li> <li>Flats and maisonettes above the first floor will not be offered to households including a child/ren under the age of 11.</li> <li>Sheltered accommodation will only be offered to applicants aged 60 or over.</li> </ul>	
Property type & size	Who will be considered ?
5/6 bed house	<ul style="list-style-type: none"> <li>Single parent or couple with 6 or more children</li> <li>Single parent or couple with 5 children</li> </ul>
4 bed house	<ul style="list-style-type: none"> <li>Single parent or couple with 4 or more children</li> </ul>
3 bed maisonette (above first floor)	<ul style="list-style-type: none"> <li>Single parent or couple with 2 children aged 11 years or over</li> <li>Single parent or couple with 1 child aged 11 years or over</li> <li>Households with no children (as defined in Table 3), but with offspring aged 18 years or over</li> <li>Single person or couple with regular child access</li> </ul>
3 bed maisonette (ground or first floor)	<ul style="list-style-type: none"> <li>Single parent or couple with 3 children</li> <li>Single parent or couple with 2 children</li> </ul>
3 bed parlour house	<ul style="list-style-type: none"> <li>Single parent or couple with 4 or more children</li> <li>Single parent or couple with 3 children</li> </ul>
3 bed non-parlour house	<ul style="list-style-type: none"> <li>Single parent or couple with 3 children</li> <li>Single parent or couple with 2 children</li> </ul>
2 bed maisonette (above first floor)	<ul style="list-style-type: none"> <li>Single parent or couple with 1 child aged 11 years or over</li> <li>Households with no children (as defined in Table 3), but with offspring aged 18 years or over</li> <li>Single person or couple with regular child access</li> <li>Couple</li> </ul>
2 bed maisonette (ground or first floor)	<ul style="list-style-type: none"> <li>Single parent or couple with 2 children</li> <li>Single parent or couple with one child</li> <li>Single person or couple expecting a child</li> </ul> <p><i>An offer would not be made if 2 children of different genders (one of whom is aged 9 years or over ) would have to share a bedroom</i></p>
2 bed parlour house	<ul style="list-style-type: none"> <li>Single parent or couple with 2 children</li> </ul> <p><i>An offer would not be made if 2 children of different genders (one of whom is aged 9 years or over) would have to share a bedroom</i></p>
2 bed non-parlour house	<ul style="list-style-type: none"> <li>Single parent or couple with 2 children</li> <li>Single parent or couple with 1 child</li> <li>Single parent or couple expecting a child</li> </ul> <p><i>An offer would not be made if 2 children of different genders one of whom is aged 9 years or over) would have to share a bedroom</i></p>
2 bed flat – above first floor (non-highrise)	<ul style="list-style-type: none"> <li>Single parent or couple with 1 child aged 11 years or over</li> <li>Households with no children (as defined in Table 3), but with offspring aged 18 years or over</li> <li>Single person or couple with regular child access</li> <li>Couple</li> </ul>
2 bed flat – ground or first floor (non-highrise)	<ul style="list-style-type: none"> <li>Single parent or couple with 1 child or expecting a child</li> </ul>
2 bed flat any floor - (highrise development)	<ul style="list-style-type: none"> <li>Households with no children (as defined in Table 3), but with offspring aged 18 years or over</li> <li>Couple</li> </ul>

	<ul style="list-style-type: none"> <li>• Single person</li> </ul>
<b>1 bed flat any floor - (highrise development)</b>	<ul style="list-style-type: none"> <li>• Couple</li> <li>• Single person</li> </ul>
<b>1 bed flat – any floor (non-highrise)</b>	<ul style="list-style-type: none"> <li>• Couple</li> <li>• Single person</li> <li>• Single person or couple with regular child access</li> </ul>
<b>Bedsit</b>	Single person
<b>Designated properties (flats &amp; bungalows)</b>	<ul style="list-style-type: none"> <li>• Couple</li> <li>• Single person</li> </ul> <p>Let according to the age criteria that applies to the particular accommodation eg, 60 years or over.</p>
<b>Sheltered accommodation</b>	<ul style="list-style-type: none"> <li>• Couple</li> <li>• Single person</li> </ul> <p>Sheltered accommodation is only offered to applicants aged 60 or over.</p>

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