

# Bristol City Council

## HomeChoice Bristol

### Housing Allocation Scheme

#### Table of changes

Section	Change made	Date change made
3.2(b)	Qualification on residency grounds – clarification of assessment when there has been a change in address	04/04/19
3.2(b)	Qualification on residency grounds – Clarification regarding employment in Bristol	13/01/21
3.2 (e)	Added in other household members	04/04/19
3.2(f)	Prisoners still serving a sentence – change to protocol	04/04/19
3.3(d)	Homeless households who refuse a suitable final offer – clarified	19/10/20
4.1	Addition of effective dates following introduction of HRA	04/04/19
4.3	Assessment from Primary residence – clarification of the process if there is temporary move	04/04/19
4.4b	Foster carers – amendment to wording and addition of priority for Special Guardianship Orders	04/04/19
4.4b	Amendment to wording to clarify how policy is applied	25/05/21
4.4(m)	MARAC – new criteria for priority	04/04/19
4.5(d)	Priority Move-on scheme – amendment to wording to include safe houses	04/04/19
4.5(f)	Care leaver – Amendment to wording to clarify how the policy is applied	25/05/21
4.8	New Section - Armed Forces Personnel (Additional Preference)	04/04/19
5.3(e)	Direct offers to Priority Move On – amendment to wording to clarify type of accommodation that can be used as a direct offer	04/04/19
5.3(h)	Direct offer to a non-registered provider landlord – new addition	19/10/20
5.4	Bedroom Standard – Clarification of existing policy	04/04/19
5.4.4	Expectant Mothers – Clarification of existing policy	04/04/19
5.4.5	Additional Bedrooms – Clarification of existing policy	04/04/19
5.4.6	Split families	04/04/19
5.7	Local lettings policy – Removal of existing policies & addition of Lawrence Weston Policy	04/04/19
5.9	Extra Care housing – Change in contact details	04/04/19
5.10	Nomination to a non-registered private landlord – new addition	19/10/20
7.1	Changes in, and confirmation of, applicants’ requirements – clarification of assessment when there has been a change in address. Remove need for ID for all applicants	04/04/19
7.6	BHP tenants going to prison, future housing requests - Clarification of existing policy	04/04/19
7.8	Household Members – clarification of existing policy	04/04/19
Appendix 2	BHP Partners – Update names and addresses	04/04/19
5.8	Local Lettings Plan – Lockleaze	01/03/23

HCB Allocation Scheme October 2023

Appendix 2	BHP Partners – Update names and addresses – removed Solon & United. Added Abri & Brighter Places	01/03/23
4.4 & 4.5	Care Leavers moved from band 2 into band 1	02/10/23

## CONTENTS

Section		Page
<b>1</b>	<b>Introduction and policy statement</b>	<b>4</b>
	1.1 Introduction	4
	1.2 Policy statement	4
<b>2</b>	<b>Legal framework</b>	<b>5</b>
<b>3</b>	<b>Allocations to eligible and qualifying persons</b>	<b>6</b>
	3.1 Eligibility on the housing register	6
	3.2 Qualification on the housing register	6
	3.3 Suspension from bidding	8
	3.4 Exceptional circumstances	11
<b>4</b>	<b>Banding assessment</b>	<b>12</b>
	4.1 Assessment of housing need	12
	4.2 Composite needs	13
	4.3 Assessment from primary residence	13
	4.4 Band 1	14
	4.5 Band 2	15
	4.6 Band 3	17
	4.7 Band 4	18
	4.8 Armed forces personnel (additional preference)	18
<b>5</b>	<b>Allocations</b>	<b>20</b>
	5.1 Allocation process	20
	5.2 Exceptions to usual process	20
	5.3 Direct offers	21
	5.4 Bedroom standard	22
	5.5 Bedroom entitlement	23
	5.6 Letting restrictions	25
	5.7 Local lettings policies	25
	5.8 New build schemes	25
	5.9 Extra care housing	25
	5.10	
<b>6</b>	<b>Monitoring applications</b>	<b>26</b>
	6.1 Applicants that do not bid	26
	6.2 Applicants in bands 1 and 2 that are not made a successful offer within 9 months	26
	6.3 Applicants owed a homeless duty under section 193(2) of the Housing Act 1996 (as amended) who do not bid	26
	6.4 Applicants accepted on the Priority Move-On Scheme who do not bid	26
<b>7</b>	<b>Other banding policy</b>	<b>27</b>
	7.1 Changes in, and confirmation of applicants' requirements	27

HCB Allocation Scheme October 2023

	7.2	Right of review	27
	7.3	Officers authorised to allocate council properties	27
	7.4	Housing officer responsibilities	27
	7.5	Applications from Bristol City Council employees in tied accommodation	28
	7.6	BHP tenants going to prison	28
	7.7	Worsening or deliberately failing to improve housing circumstances	28
	7.8	Household members	29
	7.9	Deferring applications	30
<b>Appendix 1</b>		<b>Glossary of terms</b>	<b>31</b>
<b>Appendix 2</b>		<b>BHP landlords</b>	<b>33</b>

# 1. Introduction and Policy statement

## Introduction

- 1.1.1** This document, agreed by Cabinet on 1<sup>st</sup> April 2014 sets out the HomeChoice Bristol allocation scheme run by Bristol City Council in partnership with housing associations operating in the Bristol area. For the purposes of this policy the landlords in the partnership will be referred to as the Bristol Housing Partnership (BHP)
- 1.1.2** The policy explains who is eligible to be included on HomeChoice Bristol (HCB) and which groups of people will not qualify to be included on HCB
- 1.1.3** The policy also sets out the band within which an applicant will be assessed based on housing need.
- 1.1.4** A list of landlords that are part of this scheme can be found at Appendix 2
- 1.1.5** A copy of the HomeChoice Bristol allocation scheme can be found at [www.homechoicebristol.co.uk](http://www.homechoicebristol.co.uk) and can also be requested free of charge at the Bristol City Council Citizen Service Point at 100 Temple Street, Bristol, BS1 6AG
- 1.1.6** Queries on the policies and practices detailed in this scheme, or any aspect of the provision of the rehousing service, can be directed to: Bristol City Council HomeChoice Bristol (TS), PO Box 3176, Bristol BS3 9FS

For further information on HomeChoice Bristol see [www.homechoicebristol.co.uk](http://www.homechoicebristol.co.uk)

## 1.2 Policy statement

This policy aims to:

- comply with the Council's statutory duties in Part 6 of the Housing Act 1996 as amended,
- make best use of the available affordable housing stock
- be clear, transparent and balanced and ensure reasonable preference is accorded,
- assess applications according to the applicant's needs; an application will not be treated less favourably on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation,
- provide a high quality service for all those in need of advice and assistance,
- ensure that vacant Council/Housing Association properties are relet as soon as possible,
- reduce the cost of homelessness and to reduce the use of emergency and temporary accommodation for homeless applicants,
- offer people the opportunity to express preferences about the housing accommodation to be allocated to them, by allowing them to bid for properties that match their needs,

## 2. Legal framework

Bristol City Council allocation scheme complies with the requirements of Parts VI and VII of the Housing Act 1996 (as amended), and has regard to the following:

- Allocation of accommodation: guidance for local housing authorities in England 2012
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 as amended
- The Allocation of Housing (Qualification Criteria for Armed forces) (England) Regulations 2012
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989)
- Immigration (European Economic Area) Regulations 2006, SI 1006/1003 as amended
- Bristol City Council Tenancy strategy published in March 2012
- Bristol City Council Preventing Homelessness strategy published in October 2013
- Providing social housing for local people: December 2013 statutory guidance on social allocations for local authorities in England
- Homelessness Reduction Act 2017

### Tenancy Types

An applicant can be offered the following types of tenancies:

- Introductory tenancy
- Secure tenancy
- Starter tenancy
- Assured tenancy
- Fixed Term tenancy
- Flexible tenancy
- Assured shorthold tenancy

All tenancies can be offered on either a social rent or affordable rent basis

### **3. Allocations to eligible and qualifying persons**

#### **3.1 Eligibility for HomeChoice Bristol**

The Council will not allocate accommodation to

- a) a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4) of section 160ZA of the 1996 Housing Act or
- b) to two or more persons jointly if any of them is a person mentioned in paragraph (a)

The Regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No.1294) ('the Eligibility regulations')

If the Council decide that a person is not eligible for an allocation of housing by virtue of subsection (2) or (4) they will notify that person of their decision in writing and the grounds for it. An allocation cannot be made to two or more persons jointly if one of them is not eligible for an allocation of housing.

#### **3.2 Qualification for HomeChoice Bristol**

Some applicants may be eligible for an allocation of housing accommodation but subsequently not qualify (excluded) to be included on HCB. Others may be eligible and qualify to be included but are subsequently suspended from bidding. The following are persons who do not qualify to be included HCB:

##### **a) Applicants under 16 years of age at the date they apply**

##### **b) Applicants not currently living within the Bristol City boundary**

In order to qualify to be included on HCB an applicant must be able to show the following:

- That they have been living within the Bristol City boundary continuously for the last 2 years immediately prior to the date of registration on HCB.

Or

- That they have close family currently living in Bristol who have lived in Bristol continuously for the last 2 years immediately prior to the date of the applicant's registration on HCB, and they need to live near that person to provide or receive care. For the purposes of this policy, close family is intended as immediate family, ie parents, dependent and non-dependent adult children and siblings. The applicant must be able to show that they have a relationship with that person and they need to live near that family member for care.

Or

- That their normal place of work is in Bristol and it is not considered practicable to commute from their current residence. HomeChoice Bristol considers a number of factors including, but not exclusively, the distance and the time taken to travel between the applicant's main place of work and their residence and availability of transport. Where the distance between the applicant's residence and their main place of work is considered to be a reasonable commutable distance the applicant will not qualify.

For the purposes of this policy, voluntary, temporary, casual or short term employment will not count. Employment must not be marginal.

Applications will be reassessed at every change in circumstances. This includes a move to

a new address. If a household moves to an address outside of the Bristol city boundary, their application will be reassessed, which may result in non-qualification for HomeChoice Bristol

Exceptions to this qualification criterion include:

- Those applicants who meet the criteria as set out in The Allocation of Housing (Qualification Criteria for Armed forces) (England) Regulations 2012 for whom a residency requirement cannot be applied
- Looked after children or relevant adults who are the responsibility of Bristol City Council;
- Those people fleeing harassment or violence where the Police, Independent Domestic Violence Advocates (IDVA) or MultiAgency Risk Assessment Conference (MARAC) support a move to Bristol for the persons safety.
- Those people covered by the provisions of s199(6) –(7) of the Housing Act 1996 as amended by the Asylum and Immigration Act 2004
- Existing BHP tenants
- Existing social housing tenants who need to move to Bristol because their main place of work is in Bristol or to take up an offer of work and failure to do so would cause hardship.

#### **c) Applicants with a high income**

Where the main and joint applicants (this also includes partners of the main and joint applicants included on the application) combined have a gross annual income in excess of £40,000 per year (not including means tested benefits) they will not qualify to be included on HCB. This qualification criteria does not apply to existing BHP tenants

#### **d) Applicants with savings**

Where the main and joint applicant (this also includes partners of the main and joint applicants included on the application) combined have in excess of £40,000 in savings they will not qualify to be included on HCB. For the purposes of this policy savings are also taken to mean accessible equity within a property. This qualification criteria does not apply to existing BHP tenants.

#### **e) Applicants who own their own home**

Applicants and household members who own their own home in the UK or abroad will not qualify to be included on HCB if that home is affordable to them and it meets their needs in terms of their health and/or disability.

#### **f) Prisoners still serving a sentence**

Prisoners still serving a sentence will not qualify to be included on HCB until released from prison. Unless they have been referred, via the probation service, through the Public Protection Accommodation Protocol.

#### **g) Serious unacceptable behaviour**

Applicants and household members whose behaviour in their current or a previous tenancy is considered to be unacceptable will not qualify to be included on HCB for a period of 3 years from the date of the most recent incident.

For the purposes of this policy, unacceptable behaviour is intended to include any breach



of tenancy conditions including Anti-Social Behaviour (ASB) and non-payment of rent where legal action has been taken by the Police or any Council department or any landlord. This would include

**i) Breach of tenancy conditions - ASB**

- Injunctions
- Anti-Social Behaviour Orders
- Restraining orders
- Closure orders
- Any type of Possession order
- Noise abatement orders
- Eviction
- Damage to current or former property or unauthorised alterations where repair costs are in excess of £1000

**ii) Breach of tenancy conditions - non-payment of rent**

- Any type of possession order where the tenant has failed to adhere to the terms of the order
- Eviction

**h) People who knowingly provide false or misleading information**

Applicants who are found to have knowingly omitted information that would exclude them, or have given false information to gain qualification or improve their priority on the Housing Register will be excluded from on HCB for 3 years from the date they actually qualify on the register. For example, an applicant who states they have been living in Bristol for 2 years when in fact they have only lived here for 1 year will be excluded from the register. Once they meet the qualification criteria they will be excluded for an additional 3 years before they are able to qualify.

**i) Applicants not currently residing in the United Kingdom**

Applicants who are not currently residing in the United Kingdom will not qualify on HCB until they are living in the United Kingdom. They will then only be included if eligible to be included and not excluded from the Housing Register for any other reason mentioned in paragraphs (a) to (h)

**j) Applicants not bidding**

Applicants in Bands 1 and 2 will be given 6 months from the date of assessment in Band 1 or 2 to place a bid for properties advertised through HCB.

Applicants in Bands 3 and 4 will be given 12 months from the registration date to place a bid for properties advertised through HCB.

Applicants who do not place any bids will be excluded from HCB for a period of 6 months unless there is a material change in their circumstances. After 6 months they will be able to submit a new application which will be assessed and placed into the appropriate band. See 6.1 of this policy for further information

**k) Statutorily homeless households who refuse a suitable final offer of accommodation**

Applicants towards whom the main homelessness duty under Section 193(2) of the Housing Act 1996 (as amended), or the homelessness relief duty under Section 189B(2) of the same Act, or the duty to secure accommodation under Section 193C(4) of the same Act, comes to an end as a result of the refusal of a suitable final offer of accommodation will be excluded from HomeChoice Bristol for 6 months from the date of the refusal. After that time a new application can be submitted. However, in most cases, the new application will be placed in Band 4 as such households will be classed as having deliberately failed to improve their circumstances (see section 7.7 of this policy).

### **3.3 Suspension from bidding**

The following are groups of people who are eligible for an allocation of housing and qualify for consideration on the register, but will be suspended from bidding for properties advertised through HCB.

#### **a) Applicants with Bristol Housing Partnership debt**

Applicants or household members with a Bristol Housing Partnership debt from a former or current tenancy/licence of £500 or more will be suspended from bidding and will be required to sign and keep to a written agreement to repay the debt. Applicants will be suspended from bidding for six months and will only be allowed to bid once the repayment agreement has been maintained for six months and the debt is reduced to under £500, Once the applicant has been allowed to bid, if the debt is still outstanding the applicant will be expected to continue to make repayments. If the repayments cease or the debt increases, the applicant may be suspended from bidding for another 6-month period.

Bristol Housing Partnership debts include:

- i. Current or former tenant/licensee rent/charge arrears in respect of a dwelling or garage;
- ii. Current or former tenant/licensee defects charges;
- iii. Current or former tenant/licensee heating (or any other metered) charges;
- iv. Court costs in respect of possession proceedings anti-social behaviour or any proceedings relating to the applicant's occupation of his/her home or former home;
- v. Charges arising from occupation of temporary accommodation in any Bristol Housing Partnership hostel for homeless households;
- vi. Council housing revenue account debt;
- vii. Charges arising from the occupation of emergency accommodation provided by Bristol City Council under homelessness legislation.

#### **Tenants affected by the under-occupation charge**

The suspension from bidding policy may be waived for those tenants who have accrued arrears as a result of the under-occupation charge as long as:

- They are downsizing to a property where they will not be impacted by the under occupation charge or where the impact will be lessened
- They are engaging with their landlord to resolve the matter ie responding to contact from their landlord, accepting referrals for support or services and making payments towards the arrears.

### **Statutorily homeless applicants with debt**

An applicant who is owed a homelessness duty under Section 193(2) or Section 193C(4) of the Housing Act 1996 (as amended) and has a Bristol Housing Partnership debt over £500 will be offered temporary accommodation only, until a written agreement has been made to repay the debt and regular payments have been made over 6 months and the debt has been reduced to under £500. Exceptional circumstances may lead to this requirement being waived, and these will be considered by the Homelessness Prevention Team Manager, in consultation with the Landlord or Rent Management Service. There is a right of review against this decision (see *section 7.2*).

### **Debts owing to Bristol City Council as a result of being found a private rented sector tenancy by the authority**

An applicant who has been housed in private rented accommodation with the help of Bristol City Council will be suspended from bidding if they are found to be in breach of their tenancy conditions, which would lead to a financial loss to the Council.

### **Bankruptcy orders, Debt Relief Orders (DROs)**

Any debts owed to the Bristol Housing Partnership at the time of bankruptcy, will be disregarded when considering a rehousing request.

Applicants with debts owing to the Bristol Housing Partnership, which accrued after the date of bankruptcy or debt relief order, will be subject to the qualification policy. The applicant will be required to sign and keep to a written agreement to repay the debt. The applicant will be suspended from bidding for six months and will only be allowed to bid once the repayment agreement has been maintained for six months and the debt is reduced to under £500, whichever is sooner.

### **Administration orders**

Provided that after 3 months from the date the administration order is issued:

- The court confirm that payments on the order/s are being made as ordered and
- No further debt/s to the Bristol Housing Partnership have been incurred.
- The applicant should not be penalised for any previous debts when considering a rehousing request.

Applicants with debts owing to the Bristol Housing Partnership, which accrued after the date of administration order, will be subject to the qualification policy. The applicant will be required to sign and keep to a written agreement to repay the debt. The applicant will be suspended from bidding for six months and will only be allowed to bid once the repayment agreement has been maintained for six months and the debt is reduced to under £500,.

### **b) Anti-social behaviour**

- Applicants will be suspended from bidding where there has been a serious breach of the tenancy conditions including antisocial behaviour where a legal notice has been served. This will include Notice of seeking Possession (NoSP), Notice of Proceeding for Possession (NoPP), Tenancy demotion, Noise Abatement Notice or any other notice served.
- In these cases applicants will be suspended from bidding for 12 months from the

date of the Notice or for the duration of the Notice whichever is longer regardless of whether they remain in the property where the notice has been served.

- Where formal action (eg Possession action) is commenced following service of Notice, applicants will not be able to bid until the conclusion of the action. In other cases of unacceptable behaviour where an Acceptable Behaviour Agreement is in place applicants will only be able to bid for properties if the terms of the agreement have not been breached.
- Where the applicant's behaviour was such that a Notice would have been served but the tenancy came to an end before it was served applicants will be suspended from bidding.

### **c) People who have refused 2 reasonable offers**

Applicants who refuse 2 reasonable offers of accommodation will be suspended from bidding for one year from the date of the last offer. After that time their application will be unsuspended and reassessed based on the circumstances they are experiencing at that time.

### **d) Homeless households who refuse a suitable final offer**

Applicants who refuse a suitable final offer of accommodation made in order to discharge any of the following homelessness duties under Part VII of the Housing Act 1996 (as amended): the Section 193(2) main homelessness duty, the Section 189B(2) homelessness relief duty, and the duty to secure accommodation under Section 193C(4): will be excluded immediately from the Housing register.

## **3.4 Exceptional circumstances**

In exceptional circumstances where the applicant has an urgent need to move the Council may waive the qualification and suspension criteria.

If the Council decides that an applicant does not qualify for an allocation of housing they will notify that person of their decision in writing and the grounds for it.

Applicants have a right to a review of a decision that they are either ineligible for an allocation of housing or that they do not qualify for an allocation (see section 7.2)

## 4. Banding Assessment

### 4.1 Assessment of housing need

- i) An applicant will be placed into one of four bands according to their housing need.
- ii) The following officers within the Council's HCB Team make these decisions (unless otherwise stated):

Bands 1 & 2	HCB Team Leaders
Bands 3 & 4	HCB Advisors
Health issues	Health and Housing Team
Homelessness applications	Housing Advisors

- iii) Applicants are considered in band order (band 1 being the highest and band 4 the lowest) and then in date order within the agreed band. The date of the application will either be the date the application was assessed into that band or backdated by 6 months if the applicant has one or more composite (housing) needs. When taking into consideration housing need, an application will only ever be backdated for a maximum of 6 months. The date for applications in band 4 will be the date the applicant applied for rehousing.

The effective date for an applicant who made an application for homelessness assistance under Part 7 of the Housing Act 1996 (as amended) prior to 3<sup>rd</sup> April 2018 and who falls within one of the homelessness banding categories that existed prior to that date (either 4.5(c) or 4.6(d)(iv) below) will be the date on which the relevant homelessness decision giving rise to a placement in that band was made, unless a backdate has been agreed.

The effective date for any applicant who makes an application for homelessness assistance on or after 3<sup>rd</sup> April 2018 and who falls within any of the Band 3 homelessness categories (see section 4.6(d) below) will be the earlier of:

- The date on which the s195(2) homelessness prevention duty was accepted on the current homelessness application, if a prevention duty was accepted; or
- The date on which the s189B(2) homelessness relief duty was accepted on the current homelessness application, if no prevention duty was accepted.

The effective date for any applicant who makes an application for homelessness assistance on or after 3<sup>rd</sup> April 2018 and who is placed in Band 2 following the acceptance of the s193(2) main homelessness duty (see section 4.5(c) below) will be the date on which the homelessness relief duty was accepted on the current homelessness application, regardless of whether the prevention duty had been accepted previously.

If an applicant would fall within any of the homelessness banding categories but is excluded from HCB, once any exclusion is lifted, the effective date of any applicable homelessness band will be the date on which the exclusion is lifted.

### 4.2 Composite Needs

- a) If an applicant falls into more than one band category, which relates to a housing need (indicated by **HN**), then they will be placed in the higher of the

2 bands and their application will be backdated by 6 months (giving the application an earlier effective date, resulting in greater priority)

- b) If an applicant falls into more than one category in the *same* band, which relates to a housing need (indicated by **HN**), then their application will be backdated by 6 months (giving the application an earlier effective date, resulting in greater priority)
- c) If an applicant's household has more than one person who falls into a category which relates to a housing need (indicated by **HN**) then his/her application will be backdated by 6 months (giving the application an earlier effective date, resulting in greater priority)

#### **4.2.1 Exceptions**

Composite need will not be awarded in the following situations:

- a) where an applicant is awarded band 3, for one bedroom short, and there is subsequently found to be the existence of a category 1 crowding and space hazard (as assessed by the Housing Health and Safety Rating System HHSRS) for overcrowding the composite need policy would not apply. This is because the applicant still only has one housing need (1 bedroom short). The applicant will be placed in the higher of the two bands but their application will not be back dated.
- b) where an applicant has temporarily moved out of their permanent residence. For example, where an applicant moves to temporary/emergency accommodation but retains rights to occupy their permanent residence, any other housing need arising as a result of the temporary move will not be taken into consideration. See section 4.3 for further information.
- c) other than in exceptional circumstances, where an applicant falls within any of the homelessness banding categories below (4.5(c) and 4.6(d)).

#### **4.3 Assessment from Primary Residence**

All applications will be assessed from the applicant's primary residence, i.e the accommodation the household would normally occupy. If an applicant is unable to occupy their home due to domestic abuse or threats of violence the application will still be assessed from the accommodation the applicant has rights to occupy.. A move into temporary/emergency accommodation will not result in their housing application being reassessed. However, if the household moves temporarily into overcrowded accommodation with family or friends in order to escape the harassment the application will be treated as having composite need for overcrowding and backdated 6 months. This excludes situations where an applicant moves into accommodation owned and/or managed by a registered provider or where the applicant holds a licence agreement. Please note, in these circumstances harassment will be treated as the primary reason for needing to be rehoused regardless of how overcrowded the household is.

#### **4.4 Band 1**

Band 1 will be awarded for the following:

##### **a) Major repairs**

A tenant needs to be moved by the Council or a partner housing association within three months due to redevelopment or major repairs.

##### **b) Foster Carers**

This priority will be awarded following a referral from the Council's children's services to those foster carers and adopters who have been assessed and approved and who require an extra bedroom to able to start or continue to provide foster care to a Bristol City Council looked after or former looked after child

It will also be awarded to special guardians, holders of a residence order and family and friend carers who have been formally approved by Bristol City Council's Children's services to provide long term care of a child(ren) because the parents are unable to provide care and there is a potential for the child(ren) to become a Bristol City Council Council looked after child and there is a need to move to

larger accommodation in order to accommodate the child(ren). The award will be given following a referral from the Council's Children's Services.

##### **c) Under-occupying by 2+ bedrooms**

This priority will be given to Bristol Housing Partnership tenants who are under-occupying their current accommodation by 2 or more bedrooms. Applicants will be assessed based on the number of bedrooms they are entitled to. Priority will be awarded on the basis that vacant possession is given when the tenant moves out.

##### **d) Acute overcrowding (HN)**

The household is acutely overcrowded according to the bedroom standard and have 3 bedrooms less than they are entitled to as per the bedroom entitlement in section 5.5

##### **e) Supported Lodgings Provider**

The applicant is a provider of the Bristol City Council Supported Lodgings scheme and requires a larger property in order to perform this role.

##### **f) Community Support Accommodation**

The applicant has learning difficulties or mental health issues and has been accepted by Health and Social Care onto their Community Support Accommodation Scheme.

##### **g) Care leaver**

This priority will be awarded to a young person who is defined as a care leaver as set out in section 7 of the Children and Social Work Act 2017 and for whom Bristol is the responsible authority and, who has been assessed by Bristol's Care Leaver Service to be in need of accommodation and also assessed as being able to live independently. This category also includes:

- i) Care leavers who have been agreed by Bristol's Care Leaver Service as being ready to move on from External Supported Accommodation.

Helping both care leavers and people with learning difficulties or mental health issues to move into general needs housing with floating support will help improve their quality of life as well as free up capacity for those in greater need of full support.

**h) Urgent medical need (HN)**

An applicant and/or member of the household has a serious and/or life threatening physical or mental health problem which is directly linked to their current housing.

The priority is to reflect an urgent need to move to a different type of housing or area to enable the person to function independently and safely and/or to carry out normal activities of daily living and/or to reach essential facilities. The applicant's current property cannot be reasonably adapted to meet their needs.

**i) Release of adapted property**

The applicant is a BHP tenant occupying a property with major adaptations for which they have no further requirement. This priority will be awarded so long as the adaptations within the property are appropriate to both the property and locality of the property.

**j) Hospital discharge**

Band 1 will be awarded to those who have somewhere to live on leaving hospital but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time. Where the impact is assessed as being severe the applicant may be awarded band 1.

Those who have nowhere at all to live when they leave hospital may qualify for band 1 if the need to move is urgent and all other reasonable housing options have been explored.

**k) Exceptional need to move**

The applicant does not come within any of the categories already reflected within the scheme but, in the opinion of the Rehousing Manager, has an exceptional and urgent need to be rehoused within 3 months. Priority within this category will be agreed by the Housing Supply Manager

**l) Armed Forces Personnel (Additional Preference)**

Applicants that meet The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) and one of the reasonable preference categories in band 1 are given additional preference in band 1 and the effective date of their application will be back dated by 6 months

**m) MARAC**

This priority will be awarded to victims of domestic violence and abuse where MARAC (Multi Agency Risk Assessment Criteria) have identified a high level of risk and have an exceptional need for band 1. Band 1 will only be agreed where it has been recommended by MARAC and will only apply for up to 6 months. This may be extended in exceptional circumstances.



## 4.5 Band 2

Band 2 will be awarded for the following

### a) Severe Overcrowding (HN)

The household is severely overcrowded according to the bedroom standard and have 2 bedrooms less than they are entitled to as per the bedroom entitlement in section 5.5

### b) Harassment (HN)

The household urgently needs to move due to domestic abuse, violence or other harassment and is at significant risk of harm. This priority will only be awarded if a move to another property will resolve the immediate danger.

### c) Homelessness – main duty accepted

The priority will be awarded to applicants who are owed a full homelessness duty by Bristol City Council under Section 193(2) of the Housing Act 1996 (as amended), except those who are owed this duty because of the inclusion of a 'restricted person' in their household.

An applicant owed a duty under Section 193(2) of the Housing Act 1996 (as amended), and who subsequently refuses a suitable final offer of accommodation made under Section 193(7) or a private sector offer made under Section 193(7AA) of this Act, will no longer be owed a homelessness duty, and will be excluded from HomeChoice Bristol for 6 months. The decision to end a homelessness duty will be made by a Housing Advisor. See section 3.2k of this policy for further information

### d) Priority move-on scheme

This priority will be awarded to applicants who qualify under the priority move-on procedure. In order for applicants to qualify they must have occupied

- i) A specific supported housing project for a minimum of 4 months
- ii) **or** occupy a safe house or refuge that has been commissioned by Bristol City Council **and**
- iii) Be ready to move to independent social housing (in the opinion of their support worker) **and**
- iv) be fully assessed on HomeChoice Bristol

This priority will be awarded by the Interim and Supported Accommodation Team (ISAT) Leader or HomeChoice Bristol Team Leader. Applicants awarded this priority will have their application backdated by 6 months from the date they were agreed onto the Priority Move On Scheme and they will be allowed 1 month from the date of their assessment to secure suitable accommodation. If they fail to secure accommodation within this time they will be made one direct offer of suitable accommodation which includes privately rented properties offered on a 12-month assured shorthold tenancy basis. Failure to accept this offer will result in removal from the priority move-on scheme and re-assessment into band 4. Applicants have a right to a review of the decision to be reassessed into the lowest band.

### e) Supported Lodgings

The applicant qualifies under the Supported lodgings Scheme and is ready to move to

independent social housing as confirmed by the Single Point of Access manager or Team Leader

**f) Key Ring scheme**

The applicant qualifies under the Key Ring supported living network as confirmed by the Key Ring supported living manager and requires rehousing in order to move into their network.

**g) Under-occupying a property in high demand**

This priority will be awarded to current BHP tenants who are under-occupying their current accommodation by one bedroom and that property is classed as being in high demand. For the purposes of this policy, the following types of property are considered to be in high demand:

- i) A fully adapted bungalow
- ii) 4+ bedroom property in any area

**h) Unsatisfactory housing conditions (HN)**

This priority will be awarded where an applicant is occupying unsanitary or unsatisfactory housing conditions that are so serious, in terms of the immediate threat posed to health and welfare, as to require rehousing. These are cases where an Environmental Health Officer has provided written evidence that the property should not be occupied due to one or more category 1 hazards (excluding overcrowding) and where, as a result, an emergency prohibition order or prohibition order has or would be made.

**i) Category 1 Crowding and Space Hazard (HN)**

This priority will be awarded to BHP tenants who are one bedroom short of their entitlement and an assessment of their current housing has confirmed that there is a category one crowding and space hazard.

**j) Armed Forces Personnel (Additional Preference)**

Applicants that meet The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) and one of the reasonable preference categories in band 3 are given additional preference in priority by one band.

**4.6 Band 3**

Band 3 will be awarded for the following

**a) Overcrowding (HN)**

This priority will be awarded to applicants who, according to the bedroom standard, have one bedroom less than they are entitled to.

**b) Hardship (HN)**

This priority will be awarded to those applicants who need to move to a particular locality within the Bristol City boundary, where failure to meet that need would cause hardship to themselves or others. Given that the city is geographically compact an award will only be made in exceptional circumstances.

**c) Under-occupying by 1 bedroom**

This priority will be awarded to Bristol Housing Partnership tenants who are under-occupying their current accommodation by 1 bedroom. Applicants will be assessed based on the number of bedrooms they are entitled to. Priority will be awarded on the basis that vacant possession is given when the tenant moves out.

**d) Homelessness or threat of homelessness**

This priority will be awarded in five different scenarios:

- i) The applicant is threatened with homelessness and is owed the 'homelessness prevention' duty by Bristol City Council under Section 195(2) of the Housing Act 1996 (as amended).
- ii) The applicant is homeless and is owed the 'homelessness relief' duty by Bristol City Council under Section 189B(2) of the Housing Act 1996 (as amended).
- iii) The applicant is owed the Section 193C(4) duty to secure accommodation following the end of the homelessness relief duty due to a deliberate and unreasonable refusal to take one or more steps set out in the applicant's Personal Housing Plan.
- iv) The applicant is homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) but is not owed the homelessness relief duty or the s193(2) main homelessness duty (i.e. an applicant who is not in priority need or is intentionally homeless).
- v) The applicant is owed the main homelessness duty because of the inclusion of a 'restricted person' in their household.

**e) Medical and welfare (HN)**

An applicant and/or member of their household has a physical or mental health problem that is in part related to their current housing and could be helped by rehousing to a different type of accommodation or area. The property cannot be reasonably adapted and the problem does not meet the criteria for band 1.

This priority will also be awarded to those applicants who need to move due to harassment which is causing harm. and does not meet criteria for band 2b).

**4.7 Band 4**

If an application does not meet any of the criteria set out in bands 1 -3 it will be assessed into band 4

**4.8 Armed Forces Personnel (Additional Preference)**

Applicants that meet The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) will be given additional priority on HCB. Additional priority will be awarded as follows:

**a)** Applicants in band 1 who meet The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) and assessed as acutely overcrowded as per section 4.4d or having an urgent medical need to move as per section 4.4g will have their applications back-dated in band 1 by 6 months.

**b)** Applicants in band 2 who meet The Housing Act 1996 (Additional Preference for Armed

Forces) (England) Regulations 2012 (SI 2012/2989) and assessed as severely overcrowded (section 4.5a), suffering harassment (section 4.5b), homeless-full duty accepted (section 4.5c), living in unsatisfactory housing conditions (section 4.5i) or who meet the criteria for category 1 crowding and space hazard (section 4.5j), will be assessed into band 1

**c)** Applicants in band 3 who meet The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989) and assessed as Overcrowded by one room (section 4.6a), suffering hardship (section 4.6b), Homeless or threat of homeless (section 4.6d), or assessed as needing to move for medical or welfare reasons (section 4.6e), will be assessed into band 2.

## 5. Allocations

The Allocation Scheme sets out the criteria used by the Council to assess and allocate accommodation made available by the BHP landlords. The housing accommodation available to the Council consists of the following:

- Housing accommodation owned by the Council
- Housing accommodation owned by partner housing associations

### 5.1 Allocation process

All available BHP properties will be advertised to all bands and allocated via HomeChoice Bristol.

Once an application has been assessed and placed into the appropriate band, applicants will be able to express an interest (bid) on properties that match their needs. A list of applicants bidding on a property will be automatically generated and the property will be allocated to the household whose application is in the highest band with the oldest effective date ie the date placed in the band.

### 5.2 Exceptions to the usual allocation process

#### A) Landlord own lets

The Allocation Scheme allows for a small percentage of available properties to be advertised as a landlord own let. This means that landlords may decide not to allocate the property to the applicant in the greatest need.

When allocating a property as an own let, landlords will refer to their own lettings policies. Bristol City Council landlord may allocate up to 10% of their total vacancies as an own let, all other partner landlords may allocate up to 30% of their total vacancies. Where a landlord has chosen to allocate a property outside of the agreed HCB Allocation Scheme, this will usually be made clear within the advert. The following will count as landlord own selections:

- i) An internal transfer
- ii) A direct offer to an existing tenant
- iii) A direct offer to an applicant from the housing register (exceptions apply, see 5.3)
- iv) Properties that are not advertised to all bands
- v) Properties advertised as a sensitive let
- vi) Properties advertised with a preference to a particular group, for example working households (exceptions apply, see 5.2b).
- vii) Properties allocated to an applicant not at the top of the shortlist (exceptions apply, see 5.2b)

#### b) Adapted properties

In order to make the best use of housing stock landlords may advertise certain properties with adaptations (including level access properties) with priority to those applicants who need that particular adaptation. As a result, the property may be allocated to a household in a lower band. However, in making the decision to overlook higher band cases all landlords will have regard to whether this is the most suitable allocation and best use of stock.

Allocations made in this way will not count as a landlord own let.

### **5.3) Direct Offers**

In the circumstances listed below, a household will be directly offered a property. Offers will be made on a city wide basis whilst having regard to suitability. Direct offers made in this way will not count as a landlord own let.

#### **a) Offers to homeless households**

Homeless households owed the main homelessness duty under Section 193(2) of the Housing Act 1996 (as amended) will be expected to bid regularly for properties advertised via HomeChoice Bristol. However, at any time after the acceptance of the main homelessness duty, they may also be made a direct offer of suitable social housing under Part VI of the above Act in order to discharge the main homelessness duty. They may also be considered for privately rented properties offered on a 12-month assured shorthold tenancy basis.

Homeless households owed the Section 193C(4) duty to secure accommodation may also be made a direct offer of social housing, or of a privately rented property offered on a 6-month assured shorthold tenancy basis.

The length of time taken for a direct offer to be made will depend upon the circumstances of the household and the availability of suitable accommodation.

Applicants who refuse a suitable offer of accommodation will no longer be given priority based on criterion 4.5c of the HCB Allocation Scheme and they will be excluded from HomeChoice Bristol for 6 months. After this time a new application can be submitted and will be assessed.

#### **b) Referrals from Police, Probation Service or Home Office**

Direct offers to applicants referred via one of these agencies will be agreed by a Specialist Advisor

#### **c) Council employee occupying tied accommodation**

In some circumstances where the applicant is a Council employee in tied accommodation and the Council requires vacant possession of that property, the applicant will be made a direct offer of suitable alternative accommodation. If the offer of suitable accommodation is refused the applicant will be assessed into the lowest band.

#### **d) Key Ring Supported living**

Applicants assessed as having been accepted onto the Key Ring Supported Living scheme will be made one direct offer of suitable accommodation to enable them to move into their network. If the offer is refused the applicant will not be made any further direct offers and they will be expected to bid.

#### **e) Priority Move-on**

Applicants accepted onto the Priority Move-On Scheme will be allowed one month from the date of their assessment to secure accommodation. If they fail to secure accommodation within this time they will be made one direct offer of suitable accommodation, which includes privately rented properties offered on a 12-month assured shorthold tenancy basis.. Failure to accept this offer will result in the applicant being reassessed into the lowest band and removal from PMOS. Applicants have the right to a

review of the decision to be reassessed into the lowest band.

#### **f) Hospital discharge**

Applicants assessed as a hospital discharge case under section 4.4i of this policy may be made a direct offer of suitable accommodation. The decision to make a direct offer will be dependent on the applicant's individual circumstances. In making this decision, consideration will be given to the applicant's ability to place bids for themselves and the type of accommodation required. Applicants will only receive one direct offer. If the applicant refuses a direct offer no further direct offers will be made. The applicant will remain on band 1 but will be required to place his/her own bids. If the applicant refuses a further offer they will be suspended from bidding as outlined in section 3.3c of the HCB Allocation Scheme.

#### **g) Other exceptional circumstances**

The applicant does not fall within any of the categories listed in 5.3 a-f but in the opinion of the Housing Supply Manager requires a direct offer in order to resolve an urgent need to be rehoused

#### **h) Direct offer to a non-registered provider landlord**

In the same way as this Scheme allows applicants to bid for and, if successful, be nominated to become an assured shorthold tenant of accommodation provided by a non-registered provider landlord with whom the Council has made an arrangement for the provision of accommodation (see section 5.10), the Council may make a direct offer of such accommodation where it considers it appropriate to do so. The refusal of any such direct offer would not be counted for the purpose of section 3.3(c) of this Scheme."

### **5.4 Bedroom standard**

For the purposes of this policy, overcrowding and bedroom entitlement is assessed in accordance with bedroom standard. The bedroom standard allows a separate bedroom to each:

- married or cohabiting couple
- adult aged 21 years or more
- two children under 10 of either sex can share a bedroom
- two boys under 21 can share a bedroom
- two girls under 21 can share a bedroom

#### **5.4.1 Sharing with another household**

Where a household applying for rehousing is sharing a property with another household that will not be moving with them, the bedroom entitlement will be applied to all people living in the property. The application will be assessed on the basis that children of appropriate ages and gender (as set out in section 5.4) can share a bedroom regardless of whether they belong to the same family unit

#### **5.4.2 Appropriate rooms**

When assessing if a household is lacking a bedroom a second living room that is suitable to be used as sleeping accommodation will be treated as a bedroom.

### 5.4.3 Studio flats

Where an applicant and children are occupying a studio flat/bedsit, the property will be classed as having '0' bedrooms.

A studio flat is considered to be suitable for a single person or couple and if occupying such accommodation will not be considered as lacking a bedroom.

### 5.4.4 Expectant mothers

Expectant mothers, who on the birth of the child, will be eligible for a property larger than they currently need (as per section 5.5) will be allowed to bid on the larger property once they are 20 weeks pregnant.

### 5.4.5 Additional bedrooms

Bedroom entitlement will be calculated based on the bedroom standard. However, in exceptional circumstances, where an applicant or household member has significant overnight care needs, an additional bedroom may be agreed. Each case will be assessed on an individual basis, taking into account a number of different factors.

The decision to agree an extra bedroom on health grounds will be made by a Health and Housing Officer.

### 5.4.6 Split Families

Applications from split households who wish to live together will be assessed from the better of the two properties based on the households needs.

## 5.5 Bedroom entitlement

The size of property a household can be considered for is based on the bedroom standard (see section 5.4).

The following table outlines the number of bedrooms a household would usually be considered for. However this may vary dependant on permitted numbers allowed in the property. On occasions where a property has a smaller permitted number than usual this will be outlined in the property advert.

Household	Number of bedrooms
Single Applicant	Studio or 1 bed
Single applicant aged over 60 years	Studio or 1 bed (including sheltered accommodation)
Couple [Couples can bid for studios that are large enough for 2 people. This will be specified on the advert.]	1 bed or studio
Couple aged over 60 years	1 bed or studio (including sheltered accommodation)
Single applicant or couple expecting a child	1 bed or 2 bed
Single applicant or couple with 1 child	2 bed



HCB Allocation Scheme October 2023

Single applicant or couple with 2 children (mixed or same sexes under 10 years)	2 bed
Single applicant or couple with 2 children (same sexes both under 21 years)	2 bed
Single applicant or couple with 2 children (mixed sexes at least 1 over 10 years)	3 bed
Single applicant or couple with 3 children (mixed sexes, all under 10 years)	3 bed
Single applicant or couple with 3 children (same sexes, all under 21 years)	3 bed
Single applicant or couple with 3 children (mixed sexes, all under 21 years)	3 bed
Single applicant or couple with 3 children (same sex, 2 under 21 years and 1 over 21 years)	3 bed
Single applicant or couple with 3 children (same sex, 1 under 21 years and 2 over 21 years)	3 or 4 bed
Single applicant or couple with 3 children (same sex, all over 21 years)	3 or 4 bed
Single applicant or couple with 3 children (mixed sexes, all over 21 years)	3 or 4 bed
Single applicant or couple with 3 children (1 over 21 years and 2 mixed sexes 1 under 10 years and 1 over 10 years).	3 or 4 bed
Single applicant or couple with 4 children (same sex, all under 21 years)	3 bed
Single applicant or couple with 4 children (mixed sexes, all under 10 years)	3 bed
Single applicant or couple with 4 children (2 of each sex, all under 21 years)	3 bed
Single applicant or couple with 4 children (same sex, 3 under 21 years and 1 over 21 years )	3 or 4 bed
Single applicant or couple with 4 children (3 same sex under 10 years and 1 opposite sex over 10 years)	4 bed
Single applicant or couple with 4 children (3 mixed sexes under 10 years and 1 over 21 years)	4 bed
Larger families may bid for large 3 bedroom, 4, 5 and 6+ bedroom properties.	
Due to the lack of availability of larger family accommodation, households requiring 4+ bedrooms may, with the household's agreement, be considered for properties smaller than	

their bedroom entitlement so long as this does not make them overcrowded by 2+ rooms. Please note that The Council's Health and Housing team may restrict the type of property or increase the size of a property a household can bid for due to health reasons.

### **5.6 Letting restrictions**

Some properties have lettings restrictions, for example 'no pets' or 'no children under 10 years old' due to lack of sound insulation. Any restrictions will be explained in the advert and applicants who do not meet the criteria will not be eligible to bid.

### **5.7 Lawrence Weston Local Letting Policy**

The local lettings policy in Lawrence Weston is designed to support and strengthen community cohesiveness by new housing to long-term residents in housing need who may otherwise leave the area. The policy requires only 50% of any new affordable housing to apply the local lettings policy, so that the remaining 50% of new affordable housing is available for those on Homechoice Bristol.

### **5.8 Lockleaze Local Lettings Policy**

This policy was agreed 14 March 2022.

The local lettings policy in Lockleaze is designed to create mixed and balanced communities within Lockleaze through the new build affordable homes. The policy requires 50% of any new affordable housing to apply the local lettings policy, with the remaining 50% of new affordable housing being available as usual for those on Homechoice Bristol.

A copy of the full Lockleaze policy can be found at [Lockleaze housing developments \(bristol.gov.uk\)](https://www.bristol.gov.uk/lockleaze-housing-developments)

### **5.9 New build schemes**

For all new developments over 5 units landlords will agree a lettings plan with the HCB Team.

### **5.10 Extra Care Housing**

Applicants who wish to be considered for Extra Care Housing must have a recognised support need. Housing accommodation is primarily for people over 65 years of age, but if you are disabled, have learning difficulties or have mental health issues then you may be eligible if you are over 55.

Properties will be allocated to people on the Adult Care 'waiting list'. To be included on this list the applicant should contact Care Direct to request an assessment for Extra Care Housing. Applicants applying for Extra Care Housing who already have a social worker assigned to them must advise Care direct of this. Care Direct can be contacted on 0117 922 2700.

### **5.11 Nomination to a non-registered provider landlord**

Although it would not be an allocation for the purposes of Part 6 of the Housing Act 1996, applicants may bid for and, if successful, be nominated to become an assured shorthold tenant of accommodation provided by a non-registered provider landlord with whom the Council has made an arrangement for the provision of accommodation. These properties, when they become available, will be advertised in the usual way but the advert will make it clear that the allocation is made outside of the mainstream HCB Allocation Scheme.

## **6. Monitoring applications**

### **6.1 Applicants that do not bid**

Applicants in Bands 1 and 2 will be given 6 months from the date of assessment in band 1 or 2 to place a bid. If they do not place a bid during that time they will no longer qualify for the housing register. The HCB Team will review the applicant's bidding within this period. Applicants in Bands 3 and 4 will be given 1 year from their registration date on HCB to bid. Applicants that have not bid will no longer qualify to be included on HCB

The decision to exclude applicants in any band will be made on the basis that they will not qualify for HomeChoice Bristol for a period of 6 months unless there is a significant change in circumstances. Exceptions may be considered depending on the availability of suitable accommodation and personal circumstances of the applicant. Applicants can seek a review of this decision (see section 7.2)

At the end of the exclusion period a new application would need to be submitted in order to be reconsidered on HCB.

### **6.2 Applicants in Bands 1 and 2 that are not made a successful offer within 9 months**

Applicants in bands 1 & 2 that have not been made a successful offer within 9 months of being assessed in band 1 or 2 will be re-assessed into band 4 for a period of 6 months. After 6 months applicants will be reassessed based on circumstances current at that time. Exceptions may be considered depending on the availability of suitable accommodation

### **6.3 Applicants owed a homelessness duty under Section 193(2) or Section 193C(4) of the Housing Act 1996 (as amended) who do not bid**

These applicants are not subject to paragraphs 6.1 and 6.2 above. However, they may be made a direct offer as specified by paragraph 5.3a) above.

### **6.4 Applicants accepted on the Priority Move-On Scheme who do not bid**

These applicants are not subject to paragraphs 6.1 and 6.2 above. However, they may be made a direct offer as specified by paragraph 5.3e) above.

## **7. OTHER BANDING POLICY**

### **7.1 Changes in, and confirmation of, applicants' requirements**

An applicant must notify the Council of changes to his/her circumstances as soon as possible and must renew his/her application annually.

On renewal, applicants may be required to provide proof of their continued eligibility on HCB

Applications will be reassessed at every change in circumstances. This includes a move to a new address. If a household moves to an address outside of the Bristol city boundary, their application will be reassessed, which may result in non-qualification for HomeChoice Bristol

Proof of household details will be sought for all applicants who are likely to be assessed as being overcrowded in their current accommodation, as part of the assessment and in the event of receiving an offer of accommodation. This includes ID for all household members, proof of address for all adults on the application and proof of receipt of child benefit for all children on the application.

### **7.2 Right of review**

An applicant has the right to request a review of the Council's decision:

- a that they have been determined as not eligible for assistance.
- b that they do not qualify to be included on HCB (\*see exception)
- c as to which band they are in.
- d that they have been suspended from bidding
- e that they have been overlooked for a property they have bid on
- f that as a household owed a homelessness duty under Section 193(2) of the Housing Act 1996 (as amended) they will only be offered temporary accommodation due to having a Bristol Housing Partnership debt
- g that the application has been deferred until such time that the applicant is able to sustain a tenancy

\*There will be no separate right of review for a decision to exclude an applicant from HomeChoice Bristol as a result of a homelessness duty being discharged.

Anyone wishing to seek a review must do so in writing within 21 days of being notified of the relevant decision. Their review request must give reasons as to why the decision is considered to be wrong. An officer more senior than the one who made the original decision will consider the review.

### **7.3 Officers authorised to allocate council properties**

Strategic Director, Service Director for Landlord services, relevant service managers, team managers and relevant team leaders.

### **7.4 Housing officer responsibilities**

Any council employee who knows an applicant personally will not be involved in the assessment of the application, in the allocation of property to that applicant, or in a nomination. The employee is required to notify their line manager of the situation.

### **7.5 Applications from Bristol City Council employees in tied accommodation.**

Bristol City Council employees in tied accommodation will be placed in band 1 in instances of:

- redundancy
- ill health retirement
- retirement
- resignation where service has been satisfactory for a minimum of five years
- redeployment or promotion to a non-residential post.

Partners of employees who die in service also qualify for band 1.

Rehousing applications from people who resign before completing 5 years' service are to be considered on their individual merits.

Employees will be eligible to bid for accommodation that is appropriate to the size of their household (see section 5.5).

#### **Owners who become wardens/caretakers**

People who own residential accommodation at the time of being offered a post are to be made aware that band 1 will not be awarded when the period of employment ends (unless there are exceptional circumstances). The application for housing will be assessed on the employees housing need.

#### **Council tenants who become wardens/caretakers**

Where a council tenancy is relinquished in order to take up such a job offer the applicant is to be advised that they may only bid for accommodation of a size, and type, appropriate to the households needs at the end of the period of employment (as specified above) and not the same type of accommodation they lived in previously. Full policy available.

### **7.6 BHP tenants going to prison - future rehousing requests**

Where a BHP tenant is about to serve a prison sentence, they will be encouraged to surrender their tenancy where that tenancy is not sustainable during the sentence. The tenant will:

- be issued with a letter explaining the process upon their release

be advised to submit an application on HomeChoice Bristol before their expected release date with a copy of the letter issued to them (as above). The application for rehousing will be considered in band 1 they will be allowed 1 month to successfully bid for a property after which time a direct offer of a property will be made on a citywide basis.

However, if their prison sentence relates to an offence that could have resulted in proceedings to regain possession of their tenancy, further enquiries will need to be made to ascertain if the applicant qualifies to be on the Bristol Housing Register (see 3.2 – Qualification Criteria)

### **7.7 Worsening or deliberately failing to improve Housing Circumstances**

An applicant will be given reduced priority if the Council is satisfied they deliberately did, or failed to do, something which, in consequence, led to a worsening of their housing circumstances. The household will be placed into Band 4. The situation will be reviewed

upon a material change of circumstance within the household.

Examples of which could include (but not limited to):

- A household moving from an affordable property where, according to the bedroom standard they are appropriately housed to a property where they are overcrowded.
- A household giving up an affordable and suitable private rented tenancy which they are able to maintain, to move in with other relatives, creating a situation of overcrowding.
- A household requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- An applicant gives up settled accommodation that is reasonable to occupy in order to move into less settled or overcrowded accommodation
- An applicant deliberately overcrowds their property by moving in friends and/or other family members who have never lived together previously and/or have not lived together for a long time, then requests rehousing to larger accommodation
- An applicant who refused a final offer of accommodation made in order to discharge a homelessness duty, and who has subsequently re-applied to HCB following the end of their exclusion.

The above list is not exhaustive.

## **7.8 Household members**

An applicant can only include members of their immediate family who normally live with them (or who would live with them if it were possible for them to do so) or other people who have an extenuating need to live with them.

Immediate family includes

- The applicant
- The applicant's spouse or partner.
- Dependent children – including children to whom the applicant has legal guardianship of and children that are adopted or fostered. A kinship foster child will only be included as an immediate family member if the arrangement is formally agreed and approved by Bristol City Council's Children's Services
- Elderly parents - will only be included where the Health and Housing team have agreed that they need to live with the applicant for health reasons and only if they are eligible for housing assistance. Due to the lack of large/adapted family accommodation any request to include elderly parents as household members may be refused if their housing needs can be better met via sheltered housing and a package of care.

Who cannot be included as part of the Household?

- Adult children unless it can clearly be seen that they have occupied the parental home as their only or main home for the last 2 years. They will not be included

where they have spent a considerable amount of time away from the home and only recently returned.

- Students in full time education/residential setting and living away from the address applied from
- Extended family members - for example grandparents, aunts, uncles, nephews, nieces and cousins.
- Siblings of the applicant or applicant's spouse or partner
- Friends
- Lodgers

#### Exceptions

People who have an exceptional need to live with the applicant can be defined as those people who are not included in the definition of immediate family, but who have a real need to live as part of the household in order to give or to receive care or support.

This may include

- An adult child
- Elderly parents - Elderly parents will only be included where the Health and Housing team have agreed that they need to live with the son or daughter for health reasons and only if they are eligible for housing assistance. Due to the lack of large/adapted family accommodation any request to include elderly parents as household members may be refused if their housing needs can be better met via sheltered housing and a package of care.
- A carer – If an applicant needs full- time care and there is no one available in their immediate family to provide this care and there are no other housing options.

Applications where household members have a BHP debt from a former or current tenancy of £500 or more will be prevented from bidding. This will also apply where the household member's BHP debt combined with the applicant's BHP debt exceeds £500 as set out in 3.3a.

#### **7.9 Statutorily homeless households who are unable to live independently**

Where it is considered that an applicant who falls within any of the homelessness banding categories is unable to sustain independent accommodation, their application will be suspended until such time as their Housing Advisor, in consultation with any relevant professionals such as a supported housing provider, considers that the applicant is able to manage a tenancy and is ready to move on to independent living. The decision to suspend an applicant will be made by the Housing Advisor. Applicants will have the right to request a review of any such decision (see 7.2 *Right of Review*).



## Appendix 1

### Glossary of terms

**Affordable Rent** - Affordable rents are set at 80% of the market rent in the private sector.

**Assured tenancy** - Assured tenancies are offered to existing housing association tenants and those of other Registered Providers who transfer/mutually exchange if the property is being let as an assured tenancy.

**Bedroom Entitlement** – the number of bedrooms that a household can be considered for

**BHP tenant** - A tenant of one of the Bristol Housing Partners whose tenancy is in the Bristol City boundary

**Bristol City Boundary** – Bristol City Boundary is intended as the administrative City Council Boundary. If you are liable for Council tax in Bristol then you will be classed as living in the Bristol City Boundary. If you are liable for council tax in any other area then you will not be classed as living in the Bristol City Boundary.

**Care leaver** - a young person aged between 16 and 25 who is or has been looked after for a total of 13 weeks or more after their fourteenth Birthday and who continue to be looked after at 16 or 17 years of age.

**Effective date**- the date an application was assessed into the band

**Fixed Term tenancy** - Fixed term tenancies are offered for a fixed period of time and the tenancy ends on the last day of that period or term. The partner landlords will decide their own typical length to offer a tenancy

**Flexible tenancy** - A flexible tenancy is a fixed term secure tenancy with most of the same rights as a secure tenancy but last for a fixed period. A flexible tenancy will usually last 5 years, following an introductory tenancy of 12 months.

**Foster Carer** – Someone who looks after a child or young person in their home, as agreed by Bristol City Council Children and Young People's Services, who cannot live with their parents.

**Hardship** – This includes situations where an applicant needs to move to a different locality in order to give or receive care, or to access specialised medical treatment

**Introductory tenancy** -This is a 12 month probationary tenancy given by Bristol City Council and is known as a trial period. An introductory tenancy will become secure so long as there are no serious breaches of tenancy

**Responsible authority** – This is the Local Authority that last looked after the child or young person.

**Restricted person** – A person who is a member of the main applicant's household, who is ineligible for assistance in his or her own right, but upon whom the main applicant is reliant in order to establish homelessness or priority need.

**Secure tenancy** - A secure tenancy will be awarded at the end of a 12 month probationary tenancy so long as there have been no breaches of tenancy

**Serious illness or disability** – Cases that have been assessed, by the Health and Housing Team, as having acutely serious overt health problems with unequivocal need for change of accommodation to alter the course of daily functioning e.g. a wheelchair user who lives in a top floor flat with no lift or who has extreme mental health issues living in a neighbourhood which is overtly contributing to destruction of independent living.

**Serious unacceptable behaviour**- Any breach of tenancy conditions including ASB and non-payment of rent where legal action has been taken by the Police or any Council department or any landlord

**Social Rent** -Social rent is based on a formula set by government. It is usually less than an affordable rent.

**Starter tenancy** - Starter tenancies are assured short-hold tenancies which are given to new social housing tenants. This is a probationary tenancy for a period of 12 months. After 12 months, if the tenancy has been conducted satisfactorily, it will automatically convert to an assured tenancy. If a starter tenancy is not conducted satisfactorily, it may be extended for six months or terminated.

**Tied accommodation** – accommodation occupied by employees of the Council where their contract of employment requires them to occupy dwelling houses for the better performance for their duties.

**Under occupying** – a household under occupies accommodation when they are occupying accommodation that is larger than their maximum room entitlement.

## **Appendix 2**

### **BHP landlords**

#### **Abri**

Lupin Way, Yeovil, Somerset, BA22 8WN

#### **Bristol City Council**

PO Box 595, Bristol, BS99 2AW

#### **Brighter Places**

Eden House, 10 Eastgate Office Park, Eastgate Road, Eastfield, Bristol BS5 6XX

#### **Brunelcare**

Saffron Gardens, Prospect Place, Whitehall, Bristol, BS5 9FF

#### **Clarion Housing**

Level 6, 6 More London Place, Tooley Street, London, SE1 2DA

#### **Curo**

The Maltings, River Place, Lower Bristol Road, Bath, BA2 1EP

#### **Elim Housing Association**

Units 3 & 4, Pinkers Court, Briarlands Office Park, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QH

#### **Guinness Hermitage**

Estune Business Park, Block C, Wild Country Lane, Long Ashton, Bristol, BS41 9AF

#### **Habinteg Housing Association Ltd**

41 Valentine Close, Hengrove, Bristol BS14 9ND

#### **Housing 21**

Longwood house, Lovelane Industrial Estate, Cirencester, Gloucestershire, GL7 1YG

#### **LiveWest**

Weston Gateway Business Park, Weston Super Mare, Somerset, BS24 7JP

#### **Bromford**

Building 1, Riverside Court, Bowling Hill, Chipping Sodbury, Bristol, BS37 6JX

#### **Places for People Housing Association**

4<sup>th</sup> Floor, 10 Victoria Street, Bristol, BS1 6BN

#### **Riverside Group**

12 Dowry Square, Hotwells, Bristol, BS8 4SH

#### **Sanctuary Housing South West Ltd**

Estuary House, Peninsular Park, Rydon Lane, Exeter, EX2 7XE

**Sovereign Housing Association**

Brabazon House, Unit 11 Brabazon Office Park, Golf Course Lane, Filton, Bristol  
BS34 7PZ

**St Monica Trust**

Cote Lane, Westbury-on-Trym, Bristol, BS9 3UN

**Stonewater Housing association**

450 Woodland Court, Ash Ridge Road, Bradley Stoke, Bristol, BS32 4LB

**BLANK PAGE**