

Cheshire West & Chester Council

West Cheshire Homes Allocations Policy Reasonable Preference Criteria



Reasonable Preference Criteria

The Council can decide who is eligible to join the Register (except for people who are ineligible under the Person's from abroad rules)

The Council must give something called “**reasonable preference**” in plain English a “**head start**” to:

- Those who are **homeless, overcrowded** or in **poor** or **unsatisfactory housing**; or
- need to move on **medical** or **welfare** grounds;
- need to move to a **particular locality to avoid hardship**.

However, not every allocation must be given to people who fall into one of these groups

Listed below is a summary of the criteria for both bands A and B.

Band A

- Applicants moving on from care
- Applicants who are statutory homeless and owed a main duty
- Applicants who are unable to continue to occupy their current accommodation due to high medical need or disability
- Applicants suffering from domestic abuse
- Applicants who are fostering/adopting
- Applicants who meet the armed forces criteria
- Applicants suffering from extreme violence

Band B

- Applicants who are statutory homeless and owed a statutory homeless duty
- Applicants where housing conditions exacerbate a serious medical condition or disability
- Applicants who are overcrowded
- Applicants who are overcrowded and have an insecure accommodation arrangement
- Applicants suffering from domestic abuse
- Applicants needing to move for welfare reasons
- Applicants living in unsatisfactory housing conditions
- Applicants moving on from supported housing
- Applicants who meet the band B armed forces criteria
- Applicants Right to Move

The rest of this document will explain in more detail the specific criteria for each of the above.

Where band A will be awarded

Where an applicant can demonstrate a housing need against the following reasonable preferences, they will be awarded a band A.

Applicants moving on from care

Care leavers will be prioritised to the top of a short list when bidding for a property however, applicants must be a former 'relevant child' as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the Cheshire West and Chester Council's leaving care service and will consist of confirmation that:

- 1) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- 2) The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- 3) Ongoing support needs have been assessed and, where appropriate, a support plan is in place.

Applicants who are statutory homeless and owed a main duty

Where the Council have:

- 1) Accepted a section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
- 2) The Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty: these sections refer to duties that may be owed by the Council to an applicant if they are homeless and have been assessed as being homeless through no fault of their own and have been awarded something the homelessness legislation calls 'priority need' because they have dependent children or are a single person or couple assessed as being vulnerable and unable to cope with being homeless.

Applicants who are unable to continue to occupy their current accommodation due to high medical need or disability

- 1) Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.
- 2) Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:
 - a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access
 - b) Whose condition is terminal, and rehousing is required to provide a basis for the provision of suitable care
 - c) Whose condition is life threatening and their existing accommodation is a major contributory factor

- d) Whose health is so severely affected by the accommodation that it is likely to become life threatening; for example, where an applicant has significant mental health problems which are exacerbated by their accommodation
- e) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day to day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
- f) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection.

Applicants suffering from domestic abuse

Applicants suffering from domestic abuse that have been assessed as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger.

Applicants who are fostering/adopting

Applicants who have been approved by the local authority for fostering and/or adoption, where the only thing preventing them from fostering and/or adopting one or more children is the lack of suitable accommodation. These applicants will also be eligible to bid for the size of property which will accommodate the number of children they are intending to foster or adopt. Applicants must be aware that housing benefit may not cover the full cost of the property in these circumstances.

Applicants who meet the armed forces criteria

- 1) Where the applicant or a member of their household has been injured as a result of service in the armed forces and where the injury is such that their existing housing is no longer suitable, or where they are unable to be discharged from hospital until appropriate housing is found.
- 2) Applicants who have a serious injury, medical condition or disability sustained as a result of their service in the armed forces and their current home is unsuitable.
- 3) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence, following the death of their spouse or civil partner who served in the regular forces and whose death was attributable (wholly or partly) to that service.

Applicants suffering from extreme violence

Applicants who are suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that there is a significant risk for them to remain in their present home/locality.

Where band B will be awarded

Where an applicant can demonstrate a housing need against the following reasonable preferences, they will be awarded a band B.

Applicants who are statutory homeless and owed a statutory homeless duty

1) Applicants where it has been verified by the authority that they are rough sleeping in Cheshire West and Chester and meet the local connection rules regardless of whether they have made a homeless application.

2) The prevention of homelessness duty under Section 195(2).

3) The 'relief of homelessness duty under Section 189B(2) and the applicant is, at the point of that 189B duty, considered unlikely to be in priority need and will not therefore require temporary accommodation provided by the Council to meet a section 188 interim accommodation duty. For this award to continue to be granted the applicant must still be assessed as homeless whilst on the register and still be homeless at the point that any offer is made.

4) Where the relief duty has come to an end and an applicant is then owed a Section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (Section 190(2) duty). This award will only be for the period that the Council is under a Section 190(2) intentional homeless duty. This is normally for no more than one month, this being the period that an intentionally homeless household is owed a temporary accommodation duty.

Due to the shortage of one bedroom and studio accommodation applicants who are in categories a and b below will be given priority in any shortlist over applicants found not to be in priority need:

- a) Owed a relief of homelessness duty and are likely to be found unintentionally homeless and in priority need, or
- b) Are assessed as needing to leave supported housing.

Applicants where housing conditions exacerbate a serious medical condition or disability

1) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or significantly impacts on the ease of use of the facilities within their home for a disabled person.

2) Applicants who have mobility issues and have been assessed as needing to move to ground floor or level access accommodation.

3) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities.

4) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to substantially ease or resolve their condition.

5) Applicants who have a medical need for an additional bedroom (for example, because they need an overnight carer most of the time or need to accommodate a substantial amount of medical equipment).

Applicants who are overcrowded

Overcrowding is defined as requiring two or more additional bedrooms to reach the bedroom standard or requiring one bedroom for applicants with children. For the purpose of this policy the Department for Work and Pensions bedroom standard will be used with the following deviations:

- 1) Children under the age of one will be expected to share a bedroom with their parents
- 2) Lodgers, border or non-family members over 18 will be discounted
- 3) Two children of the same gender under the age of 18 would be expected to share a bedroom

Applicants who are overcrowded and have an insecure accommodation arrangement

A pregnant woman or applicant with a child who is sharing a home with family who are not part of their household where a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 1 year

Applicants suffering from domestic abuse

Applicants with an urgent need to move due to abuse and/or harassment but who can remain in the home temporarily without significant risk.

Applicants needing to move for welfare reasons

Not every circumstance that may present can be captured by this policy so the policy sets examples of welfare circumstances cases that may be awarded band B priority under this category, thereby demonstrating the 'threshold' for which an award may be granted. Whether the award would be granted is for the Council's assessing officer, or scheme manager to determine, or, in unclear cases may be decided by the exceptions panel.

- 1) Exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/area.
- 2) For applications in circumstances where there is a serious threat to the wellbeing of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in children's services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.
- 3) Gang-related violence or threats: applicants who are suffering violence or harassment where there is strong police evidence that an urgent move is required to protect the life of an applicant or a member of their household and can demonstrate to the satisfaction of Cheshire West and Chester Council that it is not safe for the applicant (and or their household) to remain in their present home. Where exceptional band A may be awarded.
- 4) In terms of assessing alleged incidents of anti-social behaviour that have not been able to be resolved, an applicant's banding will be awarded in conjunction with the housing association. Applicants who need to move closer to relatives in

order to give or receive care or support that has been assessed as being essential and where moving would prevent significant physical and/or psychological hardship.

- 5) Employment hardship: priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer.

Applicants living in unsatisfactory housing conditions

- 1) Applicants who currently occupy a private sector property which has at least one 'Category One' hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a prohibition order has been served under the Housing Act 2004 and the effect of the prohibition order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must present an immediate threat of serious injury or a considerable risk to the occupant's health. This includes a property that has 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 within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.
- 2) Applicants without access at all to any of the following facilities:
 - a) A bath or shower
 - b) A toilet
 - c) Cooking facilities
 - d) Running hot water supplies
 - e) Electric/gas needed for essential activities.

Applicants who have access to shared facilities for cooking, bathroom and toilet will not qualify under these criteria.

Applicants moving on from supported housing

On the recommendation of a support worker, is ready to move on from supported to independent housing. Before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding.

Applicants who meet the armed forces criteria

Members of the armed forces who are serving in the regular forces with a housing need who will be discharged within three months and have served for five years preceding their application for an allocation of housing accommodation, as long as this has not been a dishonorable discharge.

This includes those who are leaving the armed forces having received their notice of discharge date; or have left in the last five years, having been medically discharged

in the last five years; or served the required minimum level of service. This does not include Discharge As Of Right (DAOR).

Applicants Right to Move

Existing social tenants of accommodation in England who wish to exercise their Right to Move (using the Government's Right to Move regulations) to a social tenancy in Cheshire West and Chester do not have to meet the Local Connection criteria set out in section 2 if they are an applicant who: a) Is already either a secure or introductory tenant of a local authority or an assured tenant of a private registered provider; and b) Needs to move to Cheshire West and Chester where failure to meet that need would cause hardship (to themselves or others); and c) Needs to move because they work, or have been offered work, in Cheshire West and Chester. In the case of an offer of work the Council must be satisfied that the Applicant has a genuine intention of taking up the offer of work. A need to move which is associated with work, or the offer of work, which is a short-term or marginal in nature, ancillary to work in another district, or voluntary work will not qualify for exemption under this paragraph. Applicants under the right to move criteria will be placed in Band B but will be given less priority than other Applicants in Band B who do have a local Connection. Allocation to those Applicants who qualify is limited to a maximum of 1% of properties allocated each year, amounting to estimated 6 properties per year. The Council considers this to be reasonable, considering the particularly high demand that exists from other applicants who do have a Local Connection with Cheshire West and Chester"

Applicants who do not meet the above criteria

Those applicants who do not meet the criteria set out in this document will be placed in the Housing Options Band. Applicants placed in the Housing Options band will not be able to bid for properties that are advertised. This is because they are highly unlikely to receive an offer of housing through the bidding system however, there are other options available, some of which have been listed below:

- Social rented low demand properties available now in Cheshire West and Chester and how to access these
- Private Rented Sector
- Extra Care (aged over 55)
- Sheltered Housing
- Affordable rent – newer rented property at a 20% discount of a market rent
- Rent to buy – rent at a 20% discount from a Housing Association until you are able to buy the property
- Shared ownership - part rent, part buy low cost home ownership
- Discounted market sale / starter homes -
- Help to Buy - government loan scheme - so you can buy a brand-new home

You can find further information about any of the above housing options by visiting the Your Housing Options page on our website:

<https://www.westcheshirehomes.co.uk/Choice/content.aspx?pageid=3>