

Housing Allocations Scheme

Appendix 4 to Item 7 Cabinet - 10.10.16

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1. INTRODUCTION AND SCHEME OVERVIEW

What is the housing allocation scheme?

1. The housing allocations scheme describes how the council assesses applications for housing, prioritises each application and decides which applicant will be offered (“allocated”) a council and housing association home.
2. The housing allocations scheme covers housing in Croydon owned by the council or by housing associations that have entered into a nominations agreement with the council. We call this social housing¹. It also includes accommodation the council has secured access to in the private rented sector offered to applicants on the housing register.
3. The demand for social housing in Croydon is greater than the number of homes available, and the main purpose of this scheme is, therefore, to explain who will be allocated social housing and why. We have tried to keep the scheme as easy to read and understand as possible.
4. We have provided footnotes at the bottom of the page so that you can look up information or legislation relevant to that section of the scheme. You can find all the legislation referenced in the scheme on the government’s web site www.legislation.gov.uk.

What is the purpose of the scheme?

5. The purpose of the scheme is to ensure that the council delivers its legal responsibilities² and to support communities in Croydon by protecting the vulnerable and supporting working people and employment initiatives when deciding who will be offered social housing.
6. The scheme clearly sets out how we assess whether someone applying for social housing is eligible for housing, sets out how their needs will be assessed and the likelihood of them being offered social housing or accommodation with a private landlord.
7. As a registered provider of social housing we are required to meet the standards set by the social housing regulator, the Homes and Communities Agency (HCA)³. The regulator expects us to let our homes in a fair, transparent and efficient way. We must take into account the housing needs and aspirations of our existing and potential tenants. We are also required to demonstrate how our allocations scheme makes the best use of available housing, is compatible with the purpose of our housing, and contributes to our strategic housing function and developing and maintaining sustainable

¹ Social housing – this includes low-cost rented housing (including Affordable Rent properties), low-cost home ownership and “legacy” stock owned by social landlords that were registered prior to 1 April 2010 (social housing is defined in sections 68 to 77 of the 2008 Act).

² The council’s legal obligations around housing allocations are set out in Part VI of the Housing Act 1996 (as amended) and in statutory guidance issued by the Secretary of State in June 2012.

³ www.homesandcommunities.co.uk

communities. Our scheme should have clear application, decision-making and appeals processes.

8. We intend this scheme to encourage and reward positive behaviour in people that apply for social housing in Croydon. We want to use our housing allocations scheme, together with our tenancy, homelessness and housing strategies, to make social housing a springboard that helps people achieve their ambitions and aspirations – to get back into work, to get on the property ladder, to build up skills and experience as a youngster, to move to pursue employment or other opportunities, and to downsize and enjoy a quieter pace of life in later years.
9. The scheme helps us to achieve the long-term aims we are working towards through our housing strategy⁴, which are:
 - To provide a choice of housing for people at all stages of life, and to meet housing need by providing good quality social housing for those that need it, for as long as they need it.
 - To ensure social housing is used to benefit society, to encourage independence and positive behaviour, rather than entrench dependency and despondence.
 - To ensure we contribute to giving children and young people a good start in life.
 - To create and maintain strong, active, thriving communities; and to reduce concentrations of social, economic and environmental deprivation.
 - To make the best use of our existing housing and reduce carbon dioxide emissions through effective maintenance, improvements and adaptations.
 - To enable older and vulnerable people to achieve and maintain independence for as long as possible.
 - To contribute towards improving the health and well-being of Croydon's residents and enabling them to achieve their potential, rather than holding them back.
10. Through working towards these long-term housing aims we are contributing to achieving Croydon's vision to be London's most enterprising borough by 2040: a city that fosters ideas, innovation and learning, and provides skills, opportunity and a sense of belonging to all⁵.

What housing offers does the scheme apply to?

11. The scheme only applies to allocations of accommodation, which includes the following⁶:
 - Selecting someone to be a new secure or flexible council tenant from the housing register
 - Nominating someone on the housing register to be an assured tenant or a fixed term assured shorthold tenant of a housing association under a nominations agreement with the council

⁴ Housing Strategy 2011-15

⁵ We are Croydon, this is our vision (2009)

⁶ Section 159, Housing Act 1996

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- Offering an existing council or housing association tenant a “transfer” where the tenant has requested it (including Council management transfers) and they have a reasonable preference for housing
- Granting a new tenancy to applicants that do not have a statutory right to succeed (see **Section 11 on Discretionary Succession**).

What is not included in the scheme?

12. The following are not allocations under this scheme⁷:

- The council allocating housing to an applicant that does not have reasonable preference for housing **except where the applicant has been given priority under the allocation scheme (see paragraph 166 above) because:**
 - they are vacating social housing which is in short supply,
 - they need to move urgently to allow development, modernisation, conversion or repair works to go ahead
 - moving them provides the opportunity to make the best use of our social housing stock
 - they are due to leave armed forces accommodation within 6 months and have no other accommodation to occupy, or
 - there are exceptional circumstances
- Succeeding to a tenancy under the provisions of the Housing Act 1985⁸
- A mutual exchange with another tenant
- Assigning a tenancy to someone qualified to succeed to the tenancy on the tenants death
- Transferring a tenancy in accordance with a court order under family law provisions or under the Civil Partnership Act 2004
- An introductory tenant becoming a secure tenant
- A management transfer initiated by the landlord in order to move a tenant for a pressing housing management reason, for example a neighbour dispute or other housing management reason
- A person being granted a family intervention tenancy
- Provision of non-secure temporary accommodation in discharge of any homelessness duty or power
- Offering applicants (including those accepted as homeless with the full homelessness duty) a tenancy with a private landlord (a “PRSO” – see section **13 Offers of Accommodation** below)

The law – your rights, our responsibilities

13. Every council with housing responsibilities is required to publish a housing allocations scheme under the 1996 Housing Act (as amended) describing how it will assess applications for housing and select people to offer social housing to from its register ⁹. Each allocation of social housing must be made according to the scheme, apart from those housing decisions that are not regarded as allocations set out in paragraph 12 above.

⁷ Section 160, Housing Act 1996

⁸ The Housing Act 1985 was amended by the Localism Act 2011 to restrict succession to tenancies that commenced after 2 April 2012 to a spouse or civil partner only, unless otherwise specified in the tenancy agreement.

⁹ Section 166A, Housing Act 1996

How can I get a copy of the scheme?

14. You are entitled to a summary of the housing allocations scheme free of charge¹⁰. You can ask for a copy of the summary at Croydon council offices or you can download a copy from the council's website www.croydon.gov.uk.
15. You can ask to examine a copy of the full scheme at the council's housing office: Access Croydon, Bernard Weatherill House, 8 Mint Walk Croydon, CR0 1EA
16. You can obtain a hard copy of the full scheme for £10.00 (payable by cheque) at the above address¹¹.
17. You can also download a copy of the full scheme from the council's web site free of charge – www.croydon.gov.uk

What are the council's legal responsibilities?

18. Our legal responsibilities are set out in Part VI of the Housing Act 1996 (as amended), the Localism Act 2011 and in statutory guidance on allocations published by the Secretary of State in June 2012, "Allocation of accommodation: guidance for local housing authorities in England" (DCLG, 2012).
19. We believe this scheme complies with the responsibilities set out in the current legislation and guidance and is consistent with our homelessness strategy, tenancy strategy and housing strategy as required by law¹².

Reasonable preference

20. We are required to give reasonable preference¹³ in the scheme to people with high levels of assessed housing need, for example:
 - people who need to move on welfare or medical grounds (including grounds relating to a disability),
 - people who need to move to a particular area of the borough to avoid hardship to themselves or others,
 - people living in unsanitary, unsatisfactory or overcrowded housing, and
 - people who are homeless within the meaning of the Housing Act 1996, and people who are owed a particular statutory duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under section 192(3).
21. We can allocate properties to people who do not fall within the reasonable preference groups (for example tenants who are underoccupying their current homes); however, we must ensure we provide a reasonable proportion of allocations to the different reasonable preference groups on the housing register, and ensure that one group does not dominate the scheme.

¹⁰ Section 168(1), Housing Act 1996

¹¹ Section 168(2), Housing At 1996

¹² Section 166A(12), Housing Act 1996

¹³ Section 166A(3), Housing Act 1996

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22. To achieve this and to make sure we strike the right balance of allocations between reasonable preference groups we draw up an annual lettings plan, known as the Target Allocation Policy, and the allocations we make are monitored against this plan.
23. The Target Allocations Policy is monitored and reviewed regularly. If monitoring shows that we are not achieving the allocation targets set out in the policy, we reserve the right to implement a quota system until we get back on track.
24. We publish the Target Allocation Plan on the council's website www.croydon.gov.uk

Our policy on choice

25. The council operates a choice based lettings scheme. This means that you are free to choose a property that suits your family's need in terms of the location and property type. Choice based lettings is a method of letting homes by advertising them so that you can bid for them. This way everyone can see the homes that are available each advert cycle and decide whether they want to apply for them. You therefore have a choice over:

- the type of property you place a bid on, for example a house, bungalow, flat, maisonette or bedsit
- the area of the borough you choose to live in, and
- whether you prefer to be a tenant of the council or a housing association

26. In some circumstances, we will need to restrict choice, for example if you:

- have been accepted as homeless
- have applied for discretionary succession to the tenancy of a recently deceased successor tenant
- need a type of property that is in extremely short supply (for example a very large home or an adapted property)
- need to move urgently to escape violence, severe harassment or domestic violence, or you are acting as a witness and are being subjected to severe intimidation, or have applied for a Council management transfer

27. If you need a type of property that is in extremely short supply, such as a very large home or a home specially adapted for a disability, then we will have very few properties available, and if you wish to exercise choice we may not be able to rehouse you. If this situation arises we will discuss your options with you. This could apply, for example, if our medical advisor recommends that certain types of housing are unsuitable for you

28. The council provides access to free wifi and computer terminals at Access Croydon and in local libraries; this will enable housing applicants without their own means of accessing the website, to do so.

29. If for any reason you cannot live in certain areas of Croydon due to a well-founded fear of violence, harassment or domestic abuse, or because you are

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a court witness, you must tell us so that we can investigate and ensure we do not offer you a property in these areas.

The effect of choices on waiting times

30. The length of time you have to wait before you get an offer is affected by the choices you make in bidding for property. If you choose not to bid for properties in certain areas, or on certain property types (e.g. flats) then you will face a much longer wait than an applicant who is prepared to bid on a broad range of areas and types of property.

31. We will assist you in making an informed choice by providing information on property availability, bids received on each property type and average waiting times. This information is published on the council's website

<http://www.croydon.gov.uk/housing/councilhousing/registering/lettings>

Choosing a smaller property than you need (overcrowded households)

32. Your application will be provisionally registered on the housing register for the size of property that meets your household's needs based on the information in your application. However, if you are overcrowded in your current accommodation and face a very long wait for a property which meets your needs, you can choose a property which is slightly smaller than your assessed needs in order to alleviate your overcrowding more quickly.

33. We do not want you to choose a property that means you are excessively overcrowded, so we have set some limits to prevent this. Our guidelines on choosing a smaller property are provided in **Annex 3**.

34. If you agree to accept an offer of a social home that is slightly smaller than your household's needs, you will be entitled to reapply for a transfer and your application will retain its waiting time.

35. If you have a very large household (needing 4 bedrooms or more) which includes several adults, you may also wish to register for moving to two properties, splitting your household. We can register two applications, one for the size of house you need, and another for moving part of your household, to alleviate your overcrowding, which may have a greater chance of success. If you are interested in this option please discuss it with us.

2. AN OVERVIEW OF THE BANDING SCHEME

36. Our housing register is made up of three bands, with band 1 containing applications having the highest priority and band 3 applications with moderate housing needs and a less urgent need to move. Band 2 contains applications given increased priority because the applicant or a member of their household is working, in training or is a foster carer or adoptive parent, or has engaged with the council's Gateway Service to prevent their own homelessness. When your application is assessed it is placed in one of the bands depending on your housing needs and how urgently you need to move.
37. If, when your application is assessed, we decide you have no housing need your application will not be placed on the housing register. We will give you advice, information and assistance on how you can take up other housing options that are open to you, for example renting from a private landlord, or applying to an intermediate rent or low cost home ownership scheme. This information can also be found in our **Find a home pack** which is published on the council's web site

<http://www.croydon.gov.uk/housing/optadv/findhm/>

Reasonable preference for housing

38. We have a legal duty to ensure that we give applicants with certain housing needs a reasonable preference for housing. The majority of applications placed on the housing register are those who have a reasonable preference for housing; however we also place a small number of applications on the register that do not fall in the reasonable preference categories but that we need to move to ensure we make the best use of the social housing available, or from people that need to move due to exceptional circumstances. We monitor the allocations we make under the scheme to ensure that it is working appropriately and that we provide a reasonable proportion of allocations to the different reasonable preference groups on the housing register, and that one group does not dominate the scheme (see Target Allocations Plan in paragraph 22 above below)

The bands

39. The housing allocation scheme has three bands as set out below. Band one contains applications with the highest priority and greatest urgency, and band three contains applications with the moderate housing needs and lower urgency. Your application will be placed in a band depending on your housing need and any increased priority you get from being in work, taking up training or by making a contribution to your community by having served in the armed forces or being a foster carer or adoptive parent, or where you have successfully engaged with the council's Gateway Service to prevent your own homelessness.

Band 1 - Urgent

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40. Band 1 is for people with an urgent priority for allocation, for example:

- People with severe medical or disability problems which make it difficult for them to manage in their homes.
- People with a reasonable preference for housing that have been awarded **additional priority**:
 - Former members of the Armed Forces or Reserve Forces
 - Serving members of the Armed Forces who need to move due to a serious injury, medical condition or disability sustained as a result of service
 - The bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - People who need to move urgently because of a life threatening illness or sudden disability
 - People currently living in severely crowded accommodation (needing three or more bedrooms) that poses a serious health hazard
 - People that are homeless and must move urgently to escape severe harassment or violence (excluding those applicants provided with suitable temporary accommodation away from the accommodation where there is a risk of further violence or harassment occurring in accordance with a homelessness duty owed under Part VII of the Housing Act 1996).
- People living in unsanitary or unsatisfactory accommodation which poses an on-going and serious threat to their health
- Social housing tenants that need to move to enable major works to be carried out
- People that need to move in order to enable development, modernisation, conversion or repair works to go ahead
- People underoccupying social housing who want to move, including underoccupiers of working age who are experiencing difficulty in paying their rent
- People living in adapted social housing that they no longer require and want to move
- People applying for discretionary succession on the death of a successor tenant
- People in exceptional circumstances approved by the director of housing needs and strategy or a nominated deputy
- People approved by the director of housing needs or a nominated deputy for a Council management transfer.

Band 2 – Increased priority

41. Band 2 is for people with an increased priority for allocation because they are:

- People with a reasonable preference for housing that are also:
 - working,
 - training,

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- registered as foster carers and adoptive parents with Croydon Council
- successfully prevented their own homelessness as a result of working with the council's Gateway Service.

Band 3 – Moderate

42. Band 3 is for people with a moderate need to move, for example:

- People living in moderately overcrowded accommodation (needing two bedrooms)
- People living in unsanitary or unsatisfactory accommodation which does not pose an immediate or serious threat to their health
- People with moderate medical or disability problems which affect their ability to manage in their homes
- People that need to move on welfare grounds including vulnerable applicants leaving local authority care
- People that need to move on hardship grounds
- People accepted as homeless with the full housing duty but that are suitably housed in temporary accommodation

How applications progress under the scheme

Date order system

43. As the level of need within each band is broadly similar we think it is fairest to prioritise people according to who has been waiting the longest in that band. This is known as a date order system.

44. A new applicant will be placed in the band that reflects their housing need. In all bands new applicants' waiting time will start from the date their application is placed on the register.

45. The length of time you have to wait for an offer will depend on the number of properties that are available for bidding on and the bidding choices that you make.

Is priority based on date order once placed in a band?

46. If your application goes up a band as a result of a change in your circumstances or as part of your annual review your application will only carry forward half your accumulated waiting time and you cannot start more than halfway up the new band.

3. APPLYING FOR HOUSING

Applying for social housing

47. You can apply for housing online by filling in a self-assessment form and housing application form on our website.

www.croydon.gov.uk/housing/councilhousing/registering

48. If you do not have access to the internet at home you can use the self-assessment booths at Access Croydon, Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
49. You can also get free access to the internet at all council libraries in Croydon. Further details of the IT facilities available at libraries can be found on the council's web site.

<http://www.croydon.gov.uk/leisure/libraries/other-services/itfacilities>

Self-assessment of your housing options

50. The self-assessment questionnaire will ask you some simple questions about your current housing situation, including:

- Are you are homeless?
- Are you are experiencing domestic violence or harassment?
- Are you are currently sharing accommodation with someone else or renting privately?
- Are you are overcrowded in your current accommodation?
- Do you have a medical condition or disability which is made worse by your current accommodation?

51. When you have completed the questionnaire it will tell you if you have a housing need and that you should complete a housing application. If you do not have a housing need the questionnaire will direct you to look at other housing options.

52. If you click on the housing register application form link you will be taken to the online housing application form.

Help with making an application

53. If you need help to apply for housing, or a translation service please contact the housing specialist team on 020 8726 6100 and they will help you to complete the application.

What evidence will I need to support my application?

54. Before you start filling in the questionnaire you need to decide who you want to include on your application. You need to think about assembling the evidence you need to support your application. We will not ask for evidence immediately, but when your application has moved up the housing register (see **Section 4 on Processing your application** - paragraph 97).

Who can make an application?

55. As long as you are a resident of the UK and are over 18 years old you can apply for social housing.
56. We will not normally grant a tenancy to anyone under the age of 18 years. In exceptional circumstances we may grant a tenancy to a 16 or 17 year old that is eligible for housing, qualifies to go on the housing register and is assessed as having a reasonable preference for housing provided another adult is prepared to act as their guarantor, and agrees to cover the rent and repay any arrears.

Joint applications

57. You can make a joint application with your spouse, civil partner or partner or with another close family member you have been living with for 12 months or more.
58. If you make a joint application, we will offer you a joint tenancy when we make you an offer of social housing.
59. We have set out our arrangements for joint tenancies in **Annex 4**.

Who can I include on the application?

60. You should include the following people on your application:
- Your spouse, civil partner or partner
 - Any close adult relative living with you that is dependent on you or provides care and support to you
 - Your children, as long as they are aged under 18 and normally live with you
 - Your carer, if they need to live with you because they provide overnight support
61. If you and your partner are not currently living together, we will assess your application as if your two households were living together at the accommodation available to your household that best meets its needs.
62. You will be asked to provide evidence that any child included in your housing application is your responsibility, for example your child benefit notification, or a court order giving you caring or parental responsibility.
63. If you include children in your application who are not currently living with you, and we consider that your household may be in priority need under homelessness legislation as a separated family, we will treat your application as a homeless application.
64. If you do not have children living with you full time, but you have caring responsibilities for children who stay with you, we will not allocate bedrooms for these children; however, if you are a single person or couple, we will allocate you a one-bedroom property rather than a bedsit.

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65. In exceptional circumstances the Director of Housing Need or a nominated deputy can accept an application including other household members.

Who should not be included on the application?

66. You should **not** include any of the following people currently living with you on your application:

- Friends
- Lodgers
- Sub-tenants
- Anyone else sharing your current accommodation not described in paragraph 62.
- Anyone who does not intend to move with you
- Anyone who falls within legislation prohibiting them from having recourse to public funds or is an asylum seeker

Restricted persons

67. Although you may be eligible to go on the housing register because you are not to subject to immigration control, it may be that one or more members of your household are not eligible for housing. They are known as “restricted persons” and we will not assess your application as having reasonable preference if this is as a result of “restricted persons¹⁴” included in your household.

Your right to information about your application

68. **Section 1. INTRODUCTION AND SCHEME OVERVIEW** explains how you can obtain a summary of the housing allocations scheme which includes information about applying for an allocation of accommodation, general information about the application procedure, as well as information about qualifying to go on the housing register and what priority your application is likely to be given.

69. You are also entitled to information that will enable you to assess how your application is likely to be treated under the scheme, and, in particular, whether you are likely to fall within the reasonable preference categories (also explained in **Section 1** above, and examined in more detail in **Section 7. PRIORITY FOR HOUSING** below).

70. We publish information on the council’s web site to help you with your application including information about the number of properties we let last year and information about the different housing areas in Croydon, including schools, shops, transport and local facilities. a link to this information is provided below

www.croydon.gov.uk/housing/councilhousing/registering/

¹⁴ Section 166A(4), Housing Act 1996

Why do I need to provide details about my gender, ethnicity or religion?

71. We have a legal duty to ensure that our housing allocations scheme does not discriminate against any applicant on the grounds of their sex, pregnancy or maternity, race, ethnicity, disability, age, religion or faith, marital status, sexual orientation or gender reassignment¹⁵. This also applies to how we help people to apply for housing, as well as the decisions we make about whether people are eligible, whether people qualify for reasonable preference for housing, what priority an applicant gets, and which applicants we choose for an offer of social housing.
72. We need all applicants to provide equality information so we can monitor how fair we are being in administering the scheme, in the decisions we make and who we choose to for social housing on the grounds of age, sex, ethnicity, disability and other relevant equality information. We will publish a report every year with information on our allocations activity showing how the decisions we have made breakdown in terms of different equality categories (known as protected characteristics under the Equality Act 2010).

Will you share the information on my application with anyone else?

73. We treat the information included on your housing application as strictly confidential. We will ask your consent to share some information with a landlord who is considering offering you a property.
74. The information included on your housing application is also protected by the Data Protection Act 1998. This means we cannot share the personal information provided on your application form without your consent, except in specific exceptional circumstances.
75. We can share personal information without your consent in the following exceptional circumstances:
- Where data sharing is allowed under the Crime and Disorder Act 1998
 - Where there is a serious threat to council staff or to one of our contractors
 - Where the information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff

False statements or withholding information

76. **You are committing a criminal offence - housing fraud - if you knowingly or recklessly make a false statement on your housing application or withhold any information that is relevant to your application.** In other words, if you lie on your housing application form, or hold something back that is relevant to your application you are committing a criminal offence. This includes information we ask for on the housing application form, as part of the renewal of your application, or as part of any review of any decision made in relation to your application.

¹⁵ Part 2, Chapter 1, Equality Act 2010

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77. If anyone else provides false information in relation to your application, whether or not on your instigation, they will also be committing a criminal offence.
78. If we suspect false information has been provided on your application, or you have withheld information we will investigate, and your application will be suspended while the investigation is carried out. Your application will be excluded from being considered for offers until the investigation is concluded.
79. If we find that you have not provided false information or withheld anything your application will be reinstated from the date of registration (which means you will not lose any waiting time).
80. **If we discover that you have withheld something or provided false information about your circumstances in order to receive an offer of social housing we will prosecute you and cancel your application for housing. If you have already received and accepted an offer of social housing, we will prosecute you and we will evict you from your home. If you are convicted of committing housing fraud, depending on the seriousness of the fraud, it's also possible you could be fined and/or sent to prison.**

Re-applications:

81. Re-applications will be considered as such where there has been a significant change in the applicant's circumstances since the last decision. For example, an application from an applicant with low medical needs who had been found not to have reasonable preference would be treated as a fresh application if their circumstances had changed significantly since their last application. If, following a review of the evidence submitted, the Council determined that their circumstances had not changed significantly the earlier decision would still stand.
82. Some former applicants will be disqualified from re-applying for 12 months. The circumstances under which this applies are set out in Section 13, *Offers of accommodation*.

3. PROCESSING YOUR HOUSING APPLICATION

Preliminary assessment

83. When we receive your application we will make a preliminary assessment based on the information provided in your application.
84. This preliminary assessment will be completed within 10 working days of receiving your application and we will write to you to tell you which band your application has been provisionally placed in.
85. Your application will stay in this provisional band until it is verified. We explain how to verify your application in more detail in paragraph 89.

Change of circumstances

86. If anything you included in your application changes you must tell us immediately. You must notify us of any changes:
- in person at Access Croydon, Bernard Weatherill House, 8 Mint Walk Croydon, CR0 1EA
in writing to Director of housing need, 8 Mint Walk Croydon, CR0 1EA
by email to hsgrehousing@croydon.gov.uk
 - by telephone to the housing specialist team on 0208 726 6100

IMPORTANT NOTE:

Please do not assume that by telling another department in the council about a change in your circumstances that information will automatically be shared with the officers dealing with your housing application. Please ensure you inform the rehousing team of a change in your circumstances as soon as possible.

What changes in my application should I tell you about?

87. You should tell us if:
- You change your address
 - You need to add someone to your household in the application (e.g. if you have had a baby)
 - You need to remove a member of your household from your application (e.g. a member of your family has moved out and found accommodation of their own)
 - Your income, savings or assets have changed (e.g. you have got a job on a higher salary)
 - You have started work
 - You have started training
 - You have been accepted as a foster carer or adoptive parent by the council
 - You have substantial new information or evidence in respect of your medical circumstances

What happens if I do not notify you of a change in my application?

88. If we find your circumstances have changed as a result of the annual review of your application, or as part of the pre-offer validation checks and you have not notified us of the change we will suspend your application while we investigate how the changes affect your eligibility, reasonable preference for housing and the priority your application is given under the scheme.

Reviewing your application

89. It is important we keep our housing register list up to date and regularly check that you still need social housing. It is important that we have an accurate picture of the overall housing need in Croydon and we use this to inform our housing strategy and in particular the need for new social housing.
90. We will review your application every year on the anniversary of your application.
91. We will write to you telling you that your application is due for review and asking you to complete a form to confirm either:
- your housing circumstances have not changed, or
 - that your housing circumstances have changed and providing the details of the change
92. If you do not respond to our review letter within one month of receiving it we will assume you no longer need social housing and we will cancel your application. We will write to you explaining that we have cancelled your application because you failed to respond to our review letter.
93. If there are exceptional circumstances that prevented you from responding to our review letter you must write to us requesting that your application is reinstated. We will consider this request and write to you giving you our decision within 10 working days.
94. If your application is reinstated we will assess any additional information provided as part of the review and your application will be placed in the appropriate band.

Verifying your application

95. When your application reaches a high enough position on the housing register we will write to you and ask you to provide evidence in support of your application. We need to do this to check that you are eligible for housing that our provisional assessment and banding was correct, and that other information provided on your application was accurate.
96. We will ask you to provide supporting information, as follows:

To prove you are eligible for housing

- Your passport
- Your spouse/partner's passport if you are making a joint application
- Home Office documents confirming your immigration status (if relevant)
- Your full birth certificate

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- Your spouse/partner's full birth certificate
- Your children(s) full birth certificate(s)

To prove you qualify to go on the housing register

- Tenancy agreements for properties you have lived in over the past five years. If you do not have these, please prove your previous addresses with bills, bank statements, credit card statements or other official documents such as benefit letters showing where you have lived over the past five years
- If you are employed your payslips for the past 12 months
- If you are self-employed your audited accounts for the past 18 months
- If you receive out of work or disability benefits your proof of benefits.

Reasonable preference

- Details of any medical condition, physical disability or sensory impairment that is affected by your current accommodation
- The name and practice of your GP, or hospital consultant, if you are claiming medical or disability priority.
- The name and address of your social worker, key worker or therapist if relevant to your application
- A certificate of discharge/service (Army form 108 or equivalent) or a statement of service from the British Armed Forces (if applicable)
- A valedictory letter signed by the Commanding Officer in respect of six years unbroken service in the British Reserve Forces (if applicable)

97. You should provide the information as quickly as you can. We will write to you telling you the outcome of our verification process within 10 days of receiving your completed application and all the supporting information.

98. This letter will confirm:

- That your application has been verified in the same band as we provisionally placed your application in; or
- Your circumstances have changed since your original application was made and you will move into a different band; or
- You have not proved your eligibility for housing and your application has been cancelled; or
- You do not qualify to go on the housing register list and your application has been cancelled; or
- You do not have reasonable preference for housing and you do not qualify as one of our exceptions to this requirement, in which case your application has been cancelled.

99. It is your responsibility to provide us with the verification documents that we require. You cannot be made an offer of housing until your application has been verified. If you do not receive verification documents within four weeks of our validation letter we will cancel your application.

Moving up and down bands

100. When you first apply for housing your application is provisionally placed in a band until the information you have provided is verified. The date your

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application is placed in this band is your 'queue' date. This is the date that will be used for any offers of social housing you receive.

101. If your circumstances change your application will have to be reassessed and your place on the housing register might change, as follows:
 - You might get more priority and go into a higher band
 - You might get less priority and go into a lower band
 - You might be assessed as having the same priority and stay in the same band
102. Your circumstances may change to such an extent that your application can no longer be placed on the housing register and we will have to cancel your application, for example:
 - You might be assessed as not having reasonable preference for housing
 - You might not be eligible for housing any longer
 - You may not qualify to go on the housing register
103. If you move up to a higher band your queue date will change and you will take half of the time you have already waited into the new band.
104. If you move into a new band you cannot be placed more than halfway up the higher band no matter how long you have already been waiting.
105. We will not apply these rules if we made a mistake and placed your application in a lower band in error.
106. If you move down to a lower band you keep the same queue date as your original application.
107. If you stay in the same band your queue date does not change even if new information has been assessed.

Cancelling an application

108. We will cancel your housing applications for the following reasons:
 - If you ask us to cancel your application
 - If your circumstances change and you are no longer eligible under this scheme and do not qualify as one of the exemptions
 - If your circumstances change and you no longer qualify under this allocations scheme;
 - If your circumstances change and you no longer have reasonable preference under this scheme
 - If you do not respond to our annual review letter within one month
 - If you have refused the offers of social housing you are entitled to under this scheme
 - If you have accepted an offer of social housing under this scheme
 - If you have been found to have made a false statement on your housing application

4. ELIGIBILITY FOR AN ALLOCATION OF HOUSING

109. The first assessment we must make when we receive your application is whether you are **eligible** for social housing. This depends on where you normally live (“habitual residence”) and your “immigration status”.
110. We will look at whether you are eligible for social housing when you first apply, and we will look at your eligibility again when we verify your application.

Who is eligible for social housing?

111. We can only allocate social housing to UK residents who are not “subject to immigration control” or are not “persons from abroad” (which can include British citizens who do not normally live in the UK)¹⁶. Further information is available in **Annex 1**¹⁷.
112. Detailed explanation of the rules concerning eligibility can also be found in *Allocation of accommodation: guidance for local housing authorities in England* published by the Department of Communities and Local Government which can be downloaded from their web site

<http://www.communities.gov.uk/documents/housing/pdf/2171391.pdf>

Verifying your eligibility for social housing

113. Your eligibility for social housing will be checked during the application process. If your eligibility changes at any time during the process and you become ineligible for social housing your application will be cancelled.
114. We will ask for your passport, any documents about your immigration status and information about where you have lived over the past five years. We will then check this information to make sure you are eligible for social housing. Your position on the housing register will be provisional until these checks have been carried out.
115. Information about your immigration status can be obtained from:

Home Office (Immigration Directorate)

Telephone: 0870 606 7766

Address: Apollo House Block C, Whitgift Centre 36 Wellesley Road Croydon CR9 3RR

Website: www.ind.homeoffice.gov.uk

¹⁶ Section 160ZA, Housing Act 1996

¹⁷ This includes information on Croatian nationals following their accession to the European Union on 1st July 2013

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116. If we decide you are not eligible for housing, we will write to you explaining how we have come to this decision.
117. You have the right to request a review of the decision. To find out how to request a review, please go to **Section 15 on Information, Reviews and Standards**.

5. QUALIFYING FOR HOUSING

118. The second decision we have to make is whether you **qualify** to go on the housing register. The Localism Act 2011 gave us the opportunity to decide locally who we wanted to go on our housing register. We have made a number of changes to the qualification rules and the following sections explain what these are.
119. We want to make sure our housing policies benefit people that have a close association with Croydon and who are in employment. You have to have lived in Croydon for at least three years to go on the housing register.
120. We also want to make sure our housing policies benefit people who pay their own way, abide by the rules and do not cause a nuisance to other people. So you do not qualify if you owe rent arrears or other housing debts (unless they have been accrued through no fault of your own) or have been guilty of relevant criminal or anti-social behaviour. However, if you can prove that your situation has changed you may qualify to go on the housing register.
121. We also firmly believe that social housing should be available to people that cannot afford to buy or rent a home privately. Through our housing allocation scheme, tenancy strategy and tenancy conditions we will help people to move out of social housing into shared ownership, intermediate rent or market housing when they can afford to do so. People who can afford to buy or rent privately will not go on the housing register.
122. When the legal powers become available¹⁸ we will consider introducing measures to charge high earning social tenants market rent for their council home.
123. The following sections explain in detail how you qualify to go on the housing register in Croydon.

Do I qualify if I don't live in Croydon?

124. **No, you have to have lived in Croydon for at least three years** before you can go on the housing register, unless you are:
- A member or former member of the British Armed Forces¹⁹ or Reserved Forces²⁰ who is applying for housing within five years of discharge unless there are exceptional circumstances that prevented an application being made, or justify an application after 5 years. We will also consider applications if you are a serving member of the Armed or Reserve Forces

¹⁸ The government consulted on proposals to allow social landlords to require tenants in social rented housing on high incomes to pay higher rents between 13 June 2012 and 12 September 2012.

¹⁹ Armed forces includes British Army, Royal Navy and Royal Air Force.

²⁰ Reserve forces includes Reserve Land Forces (including the territorial army), Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR) and the Royal Air Force Volunteer Reserve (RAFVR).

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and are within the last 6 months of your service if you can provide a letter from your Commanding Officer confirming your last day of service.

- The bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of your spouse or partner
- A serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of your service
- An older person whose economic circumstances are unlikely to change and you are applying for older persons, special sheltered or extra care housing
- Existing secure or fixed-term tenants of Croydon Council
- An existing social housing tenant applying to live in Croydon through **housingmoves**²¹ - the social housing mobility scheme for London designed to help tenants to move to another part of London
- An applicant that has been accepted as homeless by Croydon council and is living in temporary accommodation outside the borough of Croydon
- An applicant who has been accepted as homeless by Croydon council and is owed the full rehousing duty.
- An applicant who has worked with the Gateway Service to prevent their homelessness and has moved out of borough as a result, into the private rented sector or to live with family or friends
- An applicant who is part of a witness protection scheme, or is referred through the "Safe and Secure" scheme, or who is fleeing domestic abuse and is supported by the Family Justice Centre, the Police or other relevant / approved agency
- Those residing in supported housing schemes commissioned by Croydon Council.
- Verified rough sleepers, where there is proof of rough sleeping in the borough over the previous six months, prior to applying to the housing register.
- Young people leaving the care of Croydon Council, regardless of whether they currently live in Croydon, and they are deemed to be more vulnerable than others leaving care (see paragraph 168 for definition).
- Applicants applying for housing under the Right to Move scheme - this is for existing social housing tenants where the council is satisfied that the "Right to Move" applies

125. We will ask you to provide evidence of where you have lived over the past five years so that we can check your housing history, as well as where you have lived in Croydon over the past three years. We will cross check this information with our council tax, housing benefit and electoral registration information. If you fall into one of the exempt categories listed above, we will ask you to provide proof of this also.

126. **If you cannot provide satisfactory evidence that you have lived in Croydon for the past three years or that you fall into one of the exempt categories listed above, your application will be cancelled.**

²¹ For more information visit the *housingmoves* website <http://www.housingmoves.org> .

Do I qualify if I am already on another council's housing register?

127. **No**, you will not qualify if you are already on another council's housing register; unless you are applying through **housingmoves**, the social housing mobility scheme for London.
128. We will ask you to confirm on your housing application form that you do not have an active housing application with any other local authority in the UK. We will check the areas you have lived in over the past five years and ask the relevant local housing authorities to confirm they are not dealing with an active housing application made by you.
129. **If you fail to confirm that you do not have a live housing application with another local authority in the UK your application will be cancelled.**

Do I qualify if I can afford to buy or rent suitable housing privately?

130. **No**, if you and the other members of your household have sufficient combined household income, savings and assets to be able to afford to buy or rent a suitably sized home on the open market or through a low cost home ownership or intermediate housing scheme you will not qualify to go on the register. In assessing your savings and assets we will disregard any lump sum you have received as a member of the British Armed or Reserve Forces as compensation for an injury or disability sustained on active service.
131. You must be able to maintain the costs of home ownership in the long term so you and the other members of your household expected to contribute towards your housing costs must be either employed, self-employed or somehow otherwise able to reasonably afford your on-going housing costs.
132. You will also need to have sufficient savings or assets to be able to meet any legal fees, surveys or any other costs associated with purchasing or renting a home privately.

Buying a property on the open market

133. If 35% of your household income means you can afford a mortgage to purchase a suitably sized entry level property on the open market, and your household has savings or assets that that are sufficient for a 15% deposit you will not qualify to go on the housing register.
134. We consider property for purchase priced at the lowest 25% (lower quartile) of house prices in the borough of Croydon to be a reasonable "entry level" price for owner occupied housing²². If you are able to afford the lower quartile price of a suitably sized property for your household in Croydon based on 35% of your household income you will not qualify to go on the register.

²² The Department for Communities and Local Government publishes statistics on house prices including local quartile house prices broken down by local authority district on its web site <https://www.gov.uk/government/statistical-data-sets/live-tables-on-housing-market-and-house-prices>

Renting on the open market

135. If 35% of your household income means you can afford to rent a suitably sized property from a private landlord and your household has savings and assets sufficient to provide a landlord with one month rent as a deposit you will not qualify to go on the housing register.
136. We consider property for rent at the lowest 25% (lower quartile) of market rents in the borough of Croydon to be a reasonable “entry level” for market rented housing. If you are able to afford the lower quartile rent of a suitably sized property for your household in Croydon based on 35% of your household income you will not qualify to go on the register.
137. The Greater London Authority provides details of the rents being charged in Croydon and other areas of London on the London Rents Map.

<http://www.london.gov.uk/rents/>

Low cost home ownership and intermediate rent

138. If your household needs a one or two bedroom home and have a gross household income of up to £64,300 per annum you may qualify to go on the First Steps scheme. If so, we will refer you to the local agent to apply for low cost ownership or intermediate rented housing.
139. If your household needs a family sized home and have a gross household income of up to £77,200 per annum you may qualify to join the First Steps scheme. If so, we will refer you to the local agent to apply for low cost ownership or intermediate rented housing.

Verifying your household income

140. We will ask you to provide evidence of your household income, for example:
- If you are employed - your last three month’s payslips
 - If you are self-employed – your last 18 months audited accounts
141. We will ask you to provide evidence of your savings and details of any assets you own, for example:
- Your bank current account statements
 - Your building society, post office or any other savings accounts statements
 - Details of any land or residential property you own
 - Details of any other financial assets (for example stocks and shares, premium bonds etc.)

Note: We will also carry out our own checks to satisfy ourselves you do not own another property.

142. **If you cannot provide satisfactory evidence of your household income or your savings and assets your application will be cancelled.**

Do I qualify if I have refused all the offers I am entitled to?

143. **No**, if you have refused all the offers to which you are entitled under this scheme (as set out in **Section 14 on Offers of accommodation**, i.e. one offer for most applicants, two offers for some applicants) you will be disqualified from the housing register for 12 months and will then have to reapply.

Do I qualify if I have rent arrears or other housing debts?

144. No, if you owe any amount of rent arrears or other housing debts you will not qualify to go on the housing register. This includes temporary accommodation arrears, former tenants arrears, council tax arrears and the costs of any repairs that have been recharged to you for damage caused to a former social housing property. We can make an exception for example if you pay your rent in arrears and only owe one month's rent, or if you have made an attempt to repay your debts, as described below.
145. If you have rent arrears or other housing related debts, we may use our discretion to allow you to go on the housing register if we are satisfied that you have made reasonable attempts to reduce or repay your arrears. We will need to consider:
- the amount of the arrears or debt outstanding
 - whether you have taken any debt advice and acted on it by entering into an agreement to clear the arrears
 - if you have entered into an agreement to repay the arrears, how much you have paid off, any debt still outstanding, and how regularly you have repaid
146. We may also disregard the arrears or debt if you have been accepted as homeless, or if there are exceptional circumstances (including but not limited to):
- there is a threat to your life or a member of your household
 - you are a social housing tenant with an urgent medical priority and you have made regular agreed payments for a minimum of 6 weeks
 - you are a social housing tenant and need to move urgently due to domestic violence
 - you are a social housing tenant who is underoccupying, and finding it difficult to meet your rent payments due to reductions in your housing benefit entitlement. We will expect you to agree a plan with your landlord to stop the arrears from increasing too quickly, and to be flexible about where you can move to.
 - you are an existing social housing tenant who cannot pay your rent due to other benefit reductions or caps, for example out of work benefits under universal credit. We will consider your individual circumstances, and expect you to work with your landlord including considering moving to alternative accommodation
147. If as an existing council tenant you are allowed to go on the housing register with housing debts, you must make arrangements to maintain a clear rent

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account in future, including signing a direct debit mandate for paying your rent

Do I qualify if I have broken the terms of my tenancy agreement?

148. **No**, if you have failed to keep to the terms of your current (or a previous) social housing tenancy agreement or temporary accommodation license, you will not qualify to go on the housing register. This includes failing to keep the property in good condition, or causing a nuisance or annoyance to neighbours.
149. We will contact your previous landlords to check you have lived at the properties you include on your housing application form, and to check how you managed your tenancy.
150. We can make an exception if your circumstances have changed significantly since the breach of tenancy took place, for example if the person responsible has left your household and will not be living with you in future, or where you (or a member of your household) have demonstrated that you have changed and are now likely to manage a tenancy well. We will require some evidence of this, which could include managing a tenancy well now (despite previous breaches), or demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.

Do I qualify if I have committed a crime or am guilty of anti-social behaviour

151. **No**, if you have a record of anti-social behaviour²³ or have been involved in relevant criminal behaviour you will be disqualified from going on the housing register. This includes former members of the Armed or Reserve Forces discharged due to a relevant criminal offence, violence, harassment or anti-social behaviour.
152. Relevant criminal behaviour includes conviction of an arrestable offence in, but not restricted to, the locality of the dwelling. We will consider an arrestable offence committed outside the locality of the dwelling where it has caused harassment, alarm or distress to residents of Croydon.
153. We may make an exception to this if you can clearly demonstrate to us that your circumstances have changed significantly, and you are now unlikely to repeat such behaviour. This could include having completed a period of rehabilitation, and continuing to work with an appropriate support agency, or having maintained a clear record of behaviour for at least 3 years since the offences occurred.

Applying under the Right to Move

154. This exemption is only available for existing social tenants where the Council is satisfied that they are seeking to transfer from another local authority district in England and are able to demonstrate “Reasonable Preference” because they:

²³ Anti-social behaviour is defined in Section 1 of the Crime and Disorder 1998 as behaviour that causes or is likely to cause “harassment, alarm or distress” to one or more persons not in the same household as the person carrying out the behaviour.

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Need to move to the borough to avoid hardship; and
They need to move because the tenant works in the borough; or
They need to move to take up an offer of work; and
Where the Council is satisfied that failure to meet this need would cause hardship (to the tenant or to others).

155. For a social housing tenant to fulfil the criteria of this exemption, the Council must be satisfied that they need, rather than want or wish, to move for work related reasons. A number of factors will be taken into account in determining this including:

The distance and/or time taken to travel between work and home.

- The availability and affordability of transport, taking into account level of earnings.
- The nature of the work and whether similar opportunities are available closer to home.
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move.
- The length of the work contract.
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

156. The tenant will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another district. The tenant will not qualify if work is short-term or marginal in nature, or if it is ancillary to work in another district. Voluntary work is also excluded. In determining short term, the Council will consider whether work is regular or intermittent - this is likely to be particularly relevant in the case of the self-employed and the period of employment and whether or not work was intended to be short-term or long-term at the outset. Contracts of employment that were intended to last for less than 12 months may be considered to be short-term.

157. The Council will take account of the following in determining whether the work is marginal: the number of hours worked. Less than 16 hours a week is likely to be considered to be marginal in nature and the level of earnings.

158. The employment must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the definitions within this policy

Exceptional circumstances

159. The Allocations Scheme cannot cover every eventuality. In special cases with exceptional needs, the director of housing needs has the power to deem an applicant as a qualifying person, thereby granting access to the housing register.

Keeping your qualification status under review

160. Your qualification to go on the housing register will be kept under review during the application process. You can be disqualified at any time during the

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process if we are satisfied that your circumstances have changed, and that you no longer qualify.

161. If you do not qualify to go on the housing register we will write to you explaining why. You have the right to request a review of this decision. Please see **Section 15 on Information, Reviews and Standards** for details on how to request a review and how the review will be conducted.
162. Once we have established that you are eligible for housing and that you qualify to go on the housing register, we then need to assess your housing needs and decide how urgently you need to move.

6. PRIORITY FOR HOUSING

163. We will assess your application to see if you qualify for “reasonable preference for housing”.
164. We have a legal duty to assess your priority for housing and to give you reasonable preference for housing if you have certain housing needs²⁴, as follows:
- You occupy unsanitary, overcrowded or otherwise unsatisfactory housing
 - You need to move on medical or welfare grounds (including grounds relating to a disability)
 - You need to move to a particular locality within the district to avoid hardship to yourself or others
 - You are homeless as defined in Part VII of the Housing Act 1996 (as amended)
165. As the need for housing in Croydon is very high and the supply of social housing available is only sufficient to meet a small proportion of that need we have decided to “raise the bar” when deciding which applications qualify for reasonable preference. The following paragraphs set out how we have set the qualification criteria for reasonable preference for insanitary or unsatisfactory housing, overcrowding, medical needs, and applications made on welfare grounds.

Unsanitary or otherwise unsatisfactory housing

166. We will award reasonable preference to applicants living in unsanitary or otherwise unsatisfactory housing where there is at least one verified category 1 hazard²⁵ that cannot be resolved by the landlord within 6 months and where the condition of the accommodation has at least an on-going moderate effect on the applicant’s health or a member of their household.

Overcrowding

167. We will award reasonable preference to applicants living in overcrowded accommodation according to the bedroom standard where the household needs at least two additional bedrooms to be adequately housed.

Health related housing need

168. We will award reasonable preference to applicants who need to move because their current accommodation at least moderately affects their medical condition (we may seek independent medical advice to inform our assessment).

Welfare

169. We will award reasonable preference to applicants needing to move on welfare grounds in the following circumstances:

²⁴ Section 166A(3), Housing Act 1996

²⁵ Categories are set out in the Housing Health and Safety Rating System (HHSRS) introduced in the Housing Act 2004 (guidance is available from the Department of Communities and Local Government - <http://www.communities.gov.uk/publications/housing/housinghealth>)

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- where the applicant is leaving local authority care and is more vulnerable than others leaving care, and accommodation in the private rented sector would have a detrimental effect on their transition to independent living
- where a referral is made by a council social worker to support the applicants need to move-on from institutional care, special accommodation (e.g. group homes and supported housing) or from unsuitable accommodation, in order to help them achieve independence
- where the applicant is a registered by Croydon council as a foster carer or adoptive parent and needs to move to larger accommodation in order to accommodate a child looked after by Croydon council or a child who was previously looked after by Croydon Council

Restricted persons

170. Applications will not be awarded reasonable preference if they only qualify by taking into account a 'restricted person' within the meaning of Part 7 of the Housing Act 1996 (section 166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act).

171. If you do not fall into one of the reasonable preference categories set out above, your application will not be registered, unless you fall into one of the categories below:

- Social housing tenants that need to move to enable major works to be carried out
- People that need to move in order to enable development, modernisation, conversion or repair works to go ahead
- People underoccupying social housing who want to move, including underoccupiers of working age who are experiencing difficulty in paying their rent
- People living in adapted social housing that no longer require it and want to move
- People applying for discretionary succession on the death of a successor tenant
- Serving members of the Armed Forces living in armed forces accommodation who are within the last 6 months of their service and have no alternative accommodation available for them to occupy provided they can produce a letter from their Commanding Officer confirming their last day of service.
- People that need to move as a result of exceptional circumstances as approved by the director of housing needs and strategy or a nominated deputy

172. We need to make sure we offer a fair proportion of our social housing to those in the greatest need, but at the same time we need to be able to offer social housing where it helps us to make the best use of our housing stock.

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173. If you are assessed as having “reasonable preference” and a moderate need to move we will place your application in band 3 unless you are awarded a higher priority as explained below.

Additional preference – band 1

174. We have a legal power to give certain applications additional preference in the scheme²⁶.
175. We will give you additional preference if you are assessed as having a reasonable preference for housing and have an exceptional or urgent housing need, or if you are currently living in a type of accommodation that is in short supply that we will be able offer to another applicant on the housing register if you move to suitable alternative accommodation.
176. We award additional preference as set out in the following paragraphs.

Armed Forces, Reserve Forces and their families

177. If you are a former member of the British Armed Forces²⁷ and have received a Certificate of Service (Army form 108 or equivalent) or statement of service in respect of four years service or more, (see Section 6 on Qualifying for housing above) and have a reasonable preference for housing we will award you additional preference. **You must first meet the qualification criteria in order for this to apply.**
178. If you are a former member of the British Reserve Forces²⁸ and have received a valedictory letter in respect of 6 years unbroken voluntary service, **and you qualify** to join the housing register (see **Section 6 on Qualifying for housing** above) and have a reasonable preference for housing we will award you additional preference.
179. If you qualify to join the housing register (see **Section 6 on Qualifying for housing** above) and have a reasonable preference for housing we will also award you additional preference if you are:
- A serving member of the Armed Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of your service
 - The bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of your spouse or partner
 - A serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of your service

²⁶ Section 166A(3), Housing Act 1996

²⁷ As defined in Section 374 of the Armed Forces Act 2006

²⁸ As defined in Section 374 of the Armed Forces Act 2006

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Severe overcrowding, life threatening illness or sudden disability

180. If you are currently living in accommodation that poses a serious health hazard or severely affects a medical condition or disability we will award you additional preference, for example:

- You need to move urgently because of a life threatening illness or sudden disability
- You are currently living in severely overcrowded (by three bedrooms or more) conditions which pose a serious health hazard.

Urgent rehousing to escape violence, harassment and intimidation

181. If you are homeless and need to move urgently to escape violence, severe harassment, domestic violence, or you are acting as a witness and are being subjected to severe intimidation we will award you additional preference.

182. If you apply to the council as a homeless household as a result of domestic violence and you are provided with temporary accommodation away from the address at which the domestic violence has occurred or where there is a risk it will occur we will not award additional preference. Your application will be placed in band 3.

183. **If you are awarded additional preference your application will be placed in band 1.**

Other urgent applications - band 1

184. We will place other applications that we need to move urgently, that allow us to make the best use of our housing stock, or that need to move as a result of exceptional circumstances as approved by the director of housing needs and strategy or a nominated deputy in band 1, as follows:

Severe health related or disability need

185. If you have severe medical or disability problems which makes it difficult for you to manage in your home we will place your application in band 1.

Unsanitary or unsatisfactory housing posing an on-going and serious threat to health

186. If you are living in unsanitary or unsatisfactory accommodation which poses an on-going and serious threat to their health we will place your application in band 1.

Underoccupiers and adapted housing

187. If you are underoccupying social housing and want to move, which includes underoccupiers of working age who are experiencing difficulty in paying their rent we will place your application in band 1 as helping you to move enables us to help another household in need on the housing register.

188. If you are living in adapted social housing and no longer need it and want to move we will place your application in band 1 as helping you to move enables us to help another household that needs adapted housing on the housing register.

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Major works or regeneration to existing social housing blocks (decants)

189. If you are a social housing tenant and your landlord needs to carry out major works to your block, or it is part of a regeneration scheme and you cannot remain in occupation while the works are carried out we will place your application in band 1.

Developments, modernisation and compulsory purchase

190. If we need to move you in order to enable development, modernisation, conversion or repair works to go ahead we will consider making you an offer of social housing and we will place your application in band 1.

Member of the armed forces about to leave armed forces accommodation within the next 6 months with no alternative accommodation available for them to occupy

191. If you are a member of the armed forces living in armed forces accommodation and you are within the last 6 months of your service and have no alternative accommodation available for you to occupy we will consider making you an offer of social housing and we will place your application in band 1. You must be able to provide a letter from their Commanding Officer confirming your last day of service together with confirmation of your current armed forces accommodation.

Discretionary cases

192. Other housing applications may be awarded additional priority in exceptional circumstances approved by the director of housing needs and strategy or a nominated deputy.

Council management transfers

193. If you are an existing council tenant and have applied to the Council to move to alternative accommodation urgently, and your application has been approved as a management transfer we will place your application in band 1. Examples of grounds for a management transfer being approved include [note decants are in 184 above]:

- Fire
- Flooding
- Other pressing need to move such as a serious neighbour dispute

Increased priority – band 2

194. We want to use our housing policies to encourage positive behaviour, including encouraging people to find work, take up work related training and to make a positive contribution to the community through fostering or becoming an adoptive parent. We also want to encourage those who are threatened with homelessness to work with staff in our Gateway Service to successfully prevent their own homelessness.

195. If you have already been assessed as having reasonable preference for housing and are working, in training or making a community contribution such as fostering or registering as an adoptive parent, or successfully prevent your

homelessness by working with our Gateway Service, your application will be placed in band 2.

Working

196. If you or a member of your household is in employment and works at least 16 hours per week if there is one adult in the household and 24 hours per week if there is more than one adult you qualify for increased priority.
197. Employment is defined as having a permanent contract, or working as a temporary member of staff or being self-employed. It does not include employment on a casual basis.
198. You, or a member of your household, must have been employed or self-employed for a period of 24 consecutive months, or if having been employed on fixed term contracts to have worked for at least 24 months of the previous 36 (i.e. 3 year) month period.
199. We will ask you to provide documentary proof of employment, for example your contract of employment, your payslips, your last P60, or a letter from your employer confirming your employment with them.
200. If you are self-employed we will ask you to provide a copy of your audited accounts for the previous 18 months.

Training

201. We want to encourage and support people to engage in education and training that will improve their employability help them gain employment. If you are on training recognised by us, you can be awarded increased priority and your application will be placed in Band 2.
202. Recognised training means taking courses at a higher or Further Education College or enrolling on a longer vocational course or a programme of work-related training. In all cases the training/ study must lead to achieving accredited qualifications and / or certification by a registered awarding body.
203. Study or training may be undertaken at a recognised institution or organisation such as a further education college, a registered private training provider, a registered voluntary sector organisation or a university. You can be awarded priority for taking part in either “vocational training” or “further or higher education”.
204. You can be awarded this priority for taking part in vocational training only if you have accessed this a recognised Information, Advice and Guidance (IAG) service, such as CALAT (for Adults) or The Turnaround Centre Drop in Zone (for young people up to age 19 years) to develop an agreed employment action plan and to be signposted to relevant training providers. Your training must be directly relevant to working towards gaining employment. Training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience. Training must be a minimum of 10 hours a month.

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205. You must have been studying or training for a continuous period of at least 6 months up to the point of verification of the application and the same at point of offer. Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying).
206. For vocational training award the following evidence must be provided:
- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
 - certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)
 - Further/higher education candidates must supply evidence of:
 - letter from college or university confirming participation in course of study for period of 6 months

Foster carers and adoptive parents

207. We recognise foster carers and adoptive parents are making a special contribution to our communities.
208. If you have been accepted and registered as a foster carer or adoptive parent by Croydon council and you need larger accommodation to accommodate a child that is being look after (or has been looked after) by Croydon Council you will qualify for increased priority.
209. We will confirm your registration with the Fostering Recruitment and Assessment Team.
210. If you are a foster carer or adoptive parent your application will be placed in band 2.

Working with Gateway Service to prevent homelessness

211. Households that work with the Gateway Service to prevent their own homelessness either through the direct assistance of the service, or through their own efforts, will be placed in Band 2.
212. For this priority to be awarded, the Gateway Service will notify the Housing Register team that homelessness has been prevented.

Moderate priority – band 3

213. We will place applications assessed as having a reasonable preference for housing and a moderate need to move in band 3. These include people currently living in unsanitary housing, who are overcrowded by two bedrooms, who have a health related or disability need, those who need to move on welfare grounds, those who need to move on hardship grounds and households accepted by the council as homeless as defined in Part VII of the Housing Act 1996 (as amended).

Applications with a low or no assessed housing need

214. We have “raised the bar” in our assessment of housing need and will only give reasonable preference to applicants that have at least a moderate need of rehousing. The following paragraphs explain where we have set the reasonable preference bar with regard to overcrowding, applications on welfare grounds and moves required due to medical needs.

Overcrowded by one bedroom

215. We have adopted the bedroom standard as our measure for overcrowding and have “raised the bar” in our assessment of reasonable preference for overcrowded households. We will not give reasonable preference to applicants that are overcrowded by one room according to the bedroom standard (with the exception of households that are currently occupying studio/bedsit accommodation or where the households are statutorily overcrowded²⁹). We will not place an application assessed as one bedroom overcrowded (subject to the exceptions above), and that has no other housing need, on the housing register.

Single people or couples sharing with friends or family

216. We have changed the way we assess housing need and we will not give reasonable preference to single people and couples with no dependant children who are sharing accommodation with their family or friends. We will not place an application made by a single person or a couple that are sharing accommodation with their family or friends, and has no other housing needs, on the housing register.

Applications on welfare grounds

217. We have changed the way we assess applications where there are welfare grounds to move an applicant. We will only place an application from an applicant leaving local authority care on the housing register where that applicant is more vulnerable than others leaving care, and accommodation in the private rented sector would have a detrimental effect on their transition to independent living. We will continue to support people leaving care through our 18+ service and assist them to access suitable private rented accommodation when they are ready to move on.

Low health related need

218. We have raised the bar in our assessment of needing to move on medical grounds. We will not give reasonable preference where the applicant and their household are assessed as having low medical needs. We will not place an application where the applicant and their household are assessed as having a low medical on the housing register.

Advice and information to find a home

219. If you apply for housing and your application is assessed as having low or no housing need we will not place your application on the housing register. We will give you advice, information and assistance on how you can take up other housing options that are open to you, for example renting from a private landlord, or applying to an intermediate rent or low cost home ownership

²⁹ The current statutory overcrowding standard is set out in Part X of the 1985 Housing Act. Annex 5 provides further details on how statutory overcrowding is assessed.

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scheme. This information can also be found in our **Find a home pack** which is published on the council's web site

<http://www.croydon.gov.uk/housing/optadv/findhm/>

7. ASSESSING YOUR HOUSING NEEDS

220. When you fill in your housing application we will ask you questions about where you are living, how big your current accommodation is, what facilities it has, any health problem or disability you may have and whether your housing is making it worse, and any other reasons you need to move. These questions help us assess whether you should be given a reasonable preference for housing and what priority you are given on the housing register.
221. The following sections explain how we decide whether your application meets the reasonable preference criteria, and if it does what band it will go in on the register.

Homeless households

222. You do not have to have made a formal application as a homeless household for your application to go on the housing register and have a reasonable preference for housing.
223. If you are homeless because you do not have accommodation that is legally or physically available to occupy, or it is unreasonable for you to continue to occupy your accommodation we will consider you to have a reasonable preference for housing. Examples of being homeless include:
- You have no accommodation at all in which to live in the UK or elsewhere
 - You have been evicted from your accommodation or have received a notice that you will be within 28 days
 - You cannot live in your accommodation due to its condition or because of threats to your life or health by continuing to live there (e.g. domestic violence, or hazards in your accommodation)
 - You cannot gain access to your accommodation (e.g. due to a flood, or you have nowhere to legally pitch your caravan, or moor your houseboat)
 - You have applied as homeless and have been found to be not in priority need, or intentionally homeless but are no longer owed any temporary accommodation duty.
224. We have a legal duty to provide accommodation for people who are homeless and have nowhere to live or will have nowhere to live within the next 28 days. Our immediate legal duty is to provide temporary accommodation for those who need it while we investigate their application.

225. **If you are homeless your application will be assessed as having reasonable preference and your application will be placed in band 3.**
226. **If you work with the Gateway Service to successfully prevent your homelessness, your application will be placed in Band 2.**

Intentional homelessness

227. If we find that you have become homeless due to an intentional act we are only required to provide you with accommodation for a reasonable period while you find yourself somewhere else to live. We are also required to provide you with advice and assistance to help you find somewhere else to live.
228. **If we decide you are intentionally homeless your application will be assessed as having a reasonable preference and your application will be placed in band 3 for 21 days. When the 21 day period ends your application will be cancelled.**

Housing conditions – general information

229. Croydon has a large private housing stock of more than 120,000 homes, the majority of which is in good condition. A significant proportion however, is in poor condition. Around one in three private homes in Croydon fail the decent homes standard. We will not be able to offer alternative accommodation to everybody living in poor quality housing, and in fact most people prefer to carry out repairs to their current accommodation than to move.
230. Landlords are required by law to carry out repairs to their tenants' homes and to ensure they are safe and in a satisfactory condition. If you are concerned about the condition of your current accommodation and need advice about what to do please contact our enforcement team:

Telephone	020 8726 6100
Fax	020 8760 5724
Email	hsg-privatehousing@croydon.gov.uk
	London Borough Croydon
Address	Bernard Weatherill House, 8 Mint Walk Croydon, CR0 1EA

231. Our aim is to assist home owners, landlords and tenants to maintain their properties in a good condition. Where repair or maintenance problems are identified in housing applications we will work with the person responsible to make sure that repairs are carried out. In limited circumstances however, we may accept people living in homes with disrepair problems as being in need of social housing.
232. Owner occupiers are responsible for the maintenance of their home and will not generally be given any priority because of repair problems. There are a number of options available to help people stay in their home including advice from our Home Improvement Agency. However, if an owner occupier applies because he or she is no longer able to cope with the maintenance of

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the property, the reasons for this will be taken into account when deciding what, if any, priority the application will receive.

Unsanitary or unsatisfactory housing

233. You are living in unsanitary housing if your current accommodation does not have:
- a bathroom or a kitchen
 - an inside toilet
 - hot or cold running water
234. You are living in unsatisfactory housing if your current accommodation:
- does not have electricity
 - does not have gas
 - does not have adequate heating
 - is in disrepair
 - is unfit for human habitation
 - has a category one hazard under the Housing Health and Safety Rating System verified by our public health team that is an immediate threat to health (but not life threatening) which cannot be rectified within six months.
235. The condition of your current accommodation will be verified by a member of our private sector enforcement team and must have at least one category 1 hazard that cannot be resolved by your landlord within 6 months. Examples of where this would apply include where your current accommodation:
- Has severe damp,
 - Has a major structural defect including subsidence, flooding, collapsed roof
 - has been issued with a notice of statutory nuisance by an environmental health officer
 - Has been declared unfit for human habitation and is due to be demolished under the Housing Act 2004
236. **If you live in private sector accommodation that is unsanitary or unsatisfactory and poses a severe on-going and serious threat to your health your application will be assessed as having reasonable preference and your application will be placed in placed in band 1.**
237. **If you live in private sector accommodation that is unsanitary or unsatisfactory that has an on-going moderate effect on your health, but does not pose an on-going and serious threat to your health, your application will be assessed as having reasonable preference and your application will be placed in band 3.**
238. If you apply for housing and you are assessed as having a reasonable preference due to the condition of your current accommodation, your application will be reassessed once any repairs have been carried out. The

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application will be re-assessed and placed in the appropriate band, or cancelled if you are assessed as having no housing need.

239. If your current accommodation only requires minor repairs we will provide advice about how to work with your landlord, but we will not assess your application as having a reasonable preference and we will not place your application on the housing register.

Repairs to homes of existing social housing tenants

240. If you are a council or housing association tenant and your current accommodation is assessed as unsanitary or unfit the council or registered provider will normally carry out repairs and improvements as a matter of urgency. If this cannot be done in a reasonable period, you will be offered temporary accommodation in suitable alternative accommodation (usually by your landlord or another social landlord) while the work is carried out. You will then usually be given the choice to return to your original property. You will not be eligible for reasonable preference for unsanitary conditions under this scheme while you live in the temporary accommodation. For major works and regeneration schemes that require existing tenants to move out temporarily see the following paragraph.

Major works or regeneration to existing social housing blocks (decants)

241. If you are a social housing tenant and your landlord needs to carry out major works to your block, or it is part of a regeneration scheme and you cannot remain in occupation while the works are carried out, you will be offered temporary accommodation in suitable alternative accommodation (usually by your landlord or another social landlord) while the major works scheme or regeneration scheme is carried out.
242. You will then be given the choice to return to your original property. You will not be eligible for reasonable preference for unsanitary conditions under this scheme while you live in the temporary accommodation.
243. **If you are an existing social housing tenant and your home is subject to major works or regeneration and you need to move out to allow the works to go ahead your application will go into band 1.**

Developments, modernisation and compulsory purchase

244. If we need to move you in order to enable development, modernisation, conversion or repair works to go ahead we will consider making you an offer of social housing. This would include residential occupiers following a compulsory purchase under the Land Compensation Act 1973. To be considered you must be eligible for housing and qualify to go on the housing register and have a reasonable preference for housing. You must also have no alternative accommodation available for you to occupy.
245. **If you live in private sector accommodation and we need to move you to allow the works to go ahead your application will go into band 1.**

Overcrowding

246. You are living in overcrowded housing if your current accommodation does not have a separate bedroom for:
- Yourself and your spouse or partner
 - each adult in your household aged 21 or older
 - every pair of adolescents in your household of the same sex aged between 10 and 20
 - every pair of children in your household aged less than 10 years regardless of sex
247. To work out if you are overcrowded we will need details of the size of the rooms in your current accommodation. But, as a rule of thumb you can work out how much space your household needs by applying the following criteria:
- a bedroom for a single adult or couple
 - a bedroom for every two children under the age of 10
 - a bedroom for each adolescent between 10 and 20 if they are a different sex
248. If you have a very small bedroom - less than 4.6 square meters (50 square feet) – it should not be taken into account when making the assessment.
249. Your living room and your kitchen should not be counted as bedrooms. If your accommodation has more than one living room, only one of the living rooms will be counted as a living room and the others will be counted as bedrooms.

Offering a vacancy to part of a large household

250. We will look to see if a council or housing association home (where we have nomination rights) that becomes vacant would be suitable to be offered to part of a large household on the housing register and so reduce overcrowding in their current accommodation. To achieve this, we place an application relating to the whole household as well as one relating to a smaller part of the household on the housing register in the appropriate band.

Severe overcrowding

251. **If you are living in overcrowded accommodation and need 3 bedrooms or more than you currently have, then your application will be given reasonable preference and your application will be placed in band 1.**
252. You may want to discuss with us registering an application to split your household over two smaller homes if your household contains non dependant adults that could live in their own accommodation and therefore relieve your overcrowding more quickly.

Moderate overcrowding

253. **If you are living in overcrowded accommodation and need two bedrooms more than you currently have, your application will be given reasonable preference and your application will be placed in band 3.**

One bedroom overcrowded

254. **If you are living in overcrowded accommodation (with the exception of bedsit/studio accommodation or if you are statutorily overcrowded) and need 1 bedroom more than you currently have your application will not be assessed as having reasonable preference and your application will not be placed on the housing register.**
255. However, if your circumstances change and this means you now qualify for reasonable preference (i.e. the age and sex of your children now mean you could be assessed as two bedroom overcrowded) you must submit another housing application. When this is received and assessed the registration date from your original application will be applied so that you have not lost any “waiting time” on the housing register.

Health related and disability needs

256. If you apply for housing because your current accommodation affects a medical condition or disability, we will assess your housing need using the information you have provided about your medical condition. Depending upon what you have put on your application, we may seek advice from the council’s independent medical adviser and/or additional information from a health professional such as an Occupational Therapist.
257. The assessment does not examine how severe your medical condition or disability is. It looks at how your current accommodation affects your quality of life, or that of a member of your household. We want to find out if your (or a member of your household’s) health or ability to access services and be part of your local community would improve by moving to alternative accommodation.
258. **If you need to move urgently due to a medical problems or disability which is life threatening or severely affected by your current housing situation your application will be assessed as having a reasonable preference and your application will be placed in band 1.**
259. Examples of where this would apply include:
- Your life is at risk
 - You are housebound, or unable to go out without help, and moving to alternative accommodation would allow you to go out
 - You are unable to move around your current accommodation, and cannot access kitchen or bathing facilities
 - You have a terminal illness and alternative accommodation would allow for suitable care to be provided
 - You have a severe medical condition which is exacerbated by poor housing conditions, and your accommodation cannot be repaired within the next six months
 - You have a medical condition that reduces your ability to resist infection (e.g. TB or AIDS), and you are overcrowded

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- You are in hospital and cannot be discharged because your current accommodation is unsuitable for your needs, following an accident or illness.

260. **If we agree that you need to move because your current accommodation moderately affects your medical condition or affects your disability, but the need is not urgent enough to go into band 1, your application will be assessed as having a reasonable preference and your application will be placed in band 3.**

261. Examples of this would be:

- Your accommodation directly contributes to your medical condition e.g. if you have a severe chest condition that requires intermittent hospitalisation as a result of chronic dampness in your accommodation
- Your child has a severe condition (e.g. cerebral palsy) and their long term needs cannot be met in your current accommodation
- A member of your household is disabled or has restricted mobility and you need to move into housing that is suitable for their needs
- A member your household is severely disabled and needs substantial adaptations to help meet their needs, but they cannot be carried out in your current accommodation
- You have a terminal illness or long term debilitating condition and your quality of life would significantly improve if you moved to alternative accommodation
- You have a mental health problem which would significantly improve if you moved to alternative accommodation

262. **If we agree that your current accommodation does not moderately affect your medical condition and your need to move is not urgent enough to go into band 3 your application will not be given reasonable preference and your application will not be placed on the housing register.**

Welfare needs – moving on from local authority care

263. If you have been looked after by a local authority and are ready to move into your own accommodation you may have a reasonable preference for housing due to your welfare needs. To qualify for reasonable preference you must have been a relevant child under the Children Leaving Care Act 2000, which means you have been looked after by a local authority for a certain period of time and have had a pathway plan.

264. Most young people leaving local authority care are ready to move into independent living with the support of our 18+ service. If you are ready to move-on, and have developed the required life skills, such as managing a budget, cooking, cleaning we will support you to find suitable private rented accommodation.

265. However, if we consider that you are more vulnerable than others leaving care, and accommodation in the private rented sector would have a

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detrimental effect on your transition to independent living, then we will consider you for an offer of social housing provided some support is provided to help you manage your tenancy.

266. **If your application is accepted on welfare grounds your application will be assessed as having a reasonable preference and your application will be placed in band 3.**

Welfare needs – move on from supported housing and achieving independence

267. We have established referral arrangements with council social workers to support people to move-on from institutional care, special accommodation (e.g. group homes and supported housing) or from unsuitable accommodation, to help them achieve independence. We also work with colleagues across the council to ensure that we offer cost effective solutions to families with complex issues.

268. These arrangements relate to people receiving social care services for:

- a mental health problem
- a physical disability
- learning disabilities
- complex support for families

269. Social workers will make a referral on behalf of the person receiving a social care service explaining their need to move-on into independent living. The referral will explain the current living arrangements and the impact these arrangements are having on their transition to independence, for example:

- They are homeless
- They need to move on from supported housing
- They are staying with relatives or friends but need to be rehoused independently

270. **Referrals accepted from social workers on behalf of people needing to move-on from institutional care, special accommodation - e.g. group homes and supported housing or from unsuitable accommodation - will go into band 3.**

Welfare needs – foster carers and adoptive parents

271. If you are registered as a foster carer or an adoptive parent with Croydon council and you need to move to larger accommodation in order to accommodate a child looked after by Croydon council or a child who was previously looked after by Croydon Council your application will be given reasonable preference.
272. **Your application will be given additional preference and will be placed in band 2.**

Hardship

273. We will consider applications from anyone who is likely to experience particular hardship unless they move to a particular part of the borough. Examples include people that need to move to care or be cared for by someone who lives in Croydon, and that this care will prevent them or you from needing to go into residential care.
274. Given that Croydon is geographically compact, with good transport links, we will only accept applications on hardship grounds where there are particularly severe difficulties facing the applicant.
275. **Applications accepted on hardship grounds will be given reasonable preference and the application will be placed in band 3.**

Under-occupying social housing tenants

276. We know there are quite a lot of family sized social homes only occupied by one or two people. While council tenants have the right to continue to live in a property even if it is too large for them, we want to encourage people to move, to make these homes available to younger families who need somewhere to bring up their children. For older underoccupiers, we also encourage you to move to somewhere which will suit your needs for the longer term.
277. We want to encourage council and housing association tenants who are currently under-occupying a family sized homes, particularly those affected by the introduction of reductions in housing benefit for working age social tenants underoccupying, to move into smaller accommodation.
278. **If you are a council or housing association tenant who are underoccupying by one or more bedrooms and you are willing to move to a property with fewer bedrooms we will put your application in band 1.**
279. If you are over 55 you may also want to think about moving into housing designated for older people.
280. If you are a social housing tenant of working age and are underoccupying your home you should take urgent advice on how new rules on social housing and under-occupation will affect the amount of benefit you receive. The new rules will reduce your housing benefit depending on how many rooms you have more than your household needs. You should consider planning a move to avoid paying more rent, or getting into difficulties with their rent.

Giving back an adapted property

281. We have a small number of properties that are specifically adapted for disabled people. These properties are in short supply and we want to make sure they are given to people who really need them. We want to encourage council tenants who are currently living in adapted accommodation to move to suitable non-adapted accommodation.

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282. **If you are a council tenant and you live in adapted accommodation and you are willing to transfer to a suitable non adapted property, we will give you additional preference and your application will be placed in band 1.**

Domestic violence or harassment

283. **If you are homeless are need to move urgently as a result of violence, or threats of violence (including intimidated witnesses) severe harassment, serious anti-social behaviour or domestic violence from inside or outside of your home we will give you additional preference and your application will be placed in band 1.**

Exceptional circumstances

284. If having gone through all the different reasonable preference categories you don't think any of them apply to you, but you still believe that you should have a reasonable preference for housing we will consider your application. If you do not have any needs, we will not register you, but if you have an exceptional need that is not covered by this policy, the director of housing needs and strategy or a nominated deputy has the authority to award priority for housing where the application merits it.
285. The director of housing needs or a nominated deputy also has the authority in exceptional circumstances to place your application in a higher band.

8. EXCEPTIONAL CIRCUMSTANCES

Exceptional circumstances

286. We will use the housing register bands and the date order system for the vast majority of housing allocations we make. However, there are occasions when we have to respond to exceptionally urgent housing applications that do not fit in with the banding system. Because these cases are by their nature out of the ordinary, we have to look at each case on its merits and use our discretion to make an allocation where it is warranted. These cases are rare and we will monitor our decision making to ensure allocations made outside the banding system do not come to represent an unreasonable proportion of all allocations. Exceptional circumstances may include the following:

Emergency or disaster

287. If your home has been damaged by fire, flood or other disaster we will consider making you an offer of social housing if it unreasonable for you to return to your accommodation, for example if any work to repair is likely to take such a long period of time that there will be serious disruption to your family life. To be considered you must be eligible for housing, qualify to go on the housing register, have a reasonable preference for housing and have no alternative accommodation available for you to occupy.

Threat to life

288. If, on the basis of information received from the police or other another agency we have good reason to believe you must be moved immediately due to serious threats either to yourself or a member of your household, or if your continued occupation would pose a threat to the community, we will consider making you an offer of housing. To be considered you must be eligible for housing and qualify to go on the housing register and have a reasonable preference for housing. You must also have no alternative accommodation available for you to occupy.

Transfer chains

289. It may be possible from time to time to create a chain of council tenants who need to move and have been on the housing register. For example, we may create chains that can relieve overcrowding and underoccupation for different households, making good use of our housing stock.
290. Where we have the opportunity to create a transfer chain we may make offers to tenants in lower bands, but we will only include applicants who have been registered as having a reasonable preference or higher priority, and we will ensure that the transfer chain releases one or more social homes that we can offer to someone on the housing register.

Croydon council service tenants

291. There are some council employees who are required to live in council accommodation as part of their jobs. We call these occupiers “service tenants”. In order to provide accommodation for a new service tenant we occasionally need to make an offer of alternative accommodation to a service tenant.

292. To be eligible for consideration you must have been employed by the council for the last 5 years and be due to retire because of ill health, old age or redundancy. The spouse or partner of a service tenant of 5 years or more employment who has died whilst in the employment of the council can also be considered for an offer of social housing. You must also be eligible for housing and qualify to go on the housing register and you must also have no alternative accommodation available for you to occupy.

Overcrowding

293. There are a small number of applications from households that are not eligible for reasonable preference on the grounds of overcrowding but due to exceptional circumstances it is reasonable for the council to award reasonable preference. These circumstances would include:

- Where there **are relevant child protection issues** (e.g. a parent has taken responsibility for children that otherwise would be taken into local authority care). For example, a father living in a one bedroom flat takes responsibility for his daughter aged 9 and son aged 7 who would otherwise have been taken into care. The household are one bedroom overcrowded according to the bedroom standard. The household will be two bedrooms overcrowded when the daughter reaches 10 years old.
- Where there are **urgent welfare or hardship issues** that need to be taken into account. For example, where a household need to move urgently because of severe emotional or physical trauma resulting from violence (including racial attacks and domestic violence) or threats of violence, or physical, emotional or sexual abuse; or where a household member gives or receives care, without which the recipient of the care is at risk of harm or will have to move into institutional care.
- Where there are **additional medical or disability** issues relevant to the households housing needs. For example, where the household need to accommodate medical equipment such as a home dialysis machine
- Any other exceptional circumstances that need to be taken into account.

294. **All exceptional circumstances applications will be approved by the Director of Housing Needs or a nominated deputy and will be placed in band 1.**

9. Advertising and letting homes

Type of vacant social home available for offer

295. We have a wide range of properties in the social housing stock in Croydon. At the end of March 2016 there were under 14,000 council rented homes and around 10,000 housing association rented homes in the borough.
296. Of the council homes, one in three is a house or bungalow, nearly seven out of ten have two bedrooms or less and two out of ten homes are designed for older people.
297. Applicants on the Housing Register can apply through the Choice Based Lettings system for homes that are provided by the council and partner housing association landlords. This is a method of letting homes by advertising them so that applicants can “bid” for them. Some homes will be let through direct offers process but most of the homes provided by the council are let through this method. This way everyone can see the homes that are available each advert cycle and decide whether they want to apply for them.
298. Under Choice Based Lettings, applicants can bid for homes advertised each advert cycle. The highest priority eligible bidder for any one home is usually offered it first and then the next and so on until the home is accepted. Letting homes in this way means that applicants are considered for homes that they express an interest in. It therefore gives choice to applicants over property location and type.
299. In certain circumstances, properties that are advertised may be grouped into one single advertisement. This will include advertisements for new build properties and those properties made available following regeneration schemes, where properties will be grouped by property type and size. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group

Advertising

300. Homes that become available to let will be advertised periodically. Currently, information is available on the council’s websites, and at Access Croydon. Advertising mechanisms might change, but you will be kept informed of any such changes.
301. Where possible, the advertisement will have a photograph of the property or the block it is in and will endeavour to include information about: who the landlord is; the rent; the sort of property it is: floor level, type and how many bedrooms; the area it is in; the size of household that can apply; if there are special facilities for households with particular medical or other needs who will be given preference for it; whether there are any special features or where certain conditions apply such as limited to applicants who qualify under a local lettings plan.

Bidding

302. You can place up to 3 bids per cycle. You should not bid for homes that you are unlikely to accept if they are offered to you. Currently, bids can

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be made on line on the website or exceptionally, by the Autobid process .The council will be introducing other mechanisms as technologies evolve

Auto-bid

303. If the council is satisfied that you are unable to register your own bid, you can register your choices with us then we can bid on your behalf. These auto bids will act as if you have told us about an interest in an advertised home and you should be very sure about the choices you make before telling us about them so that the auto bidding system can bid for the type of home you are willing to accept. If you are an accepted homeless applicant or priority management case you will be given limited time for bidding before you are placed on Autobid and you will be considered for all suitable homes unless there is very good reason why you can't be rehoused in a particular area or accept a particular property type. This is to ensure you are rehoused as soon as possible. If you refuse a suitable offer of accommodation made under the Autobid option your priority will be withdrawn if under the policy you are entitled to one offer only.

Shortlisting

304. A short list will be drawn up from those who have bid for a home. Applicants who have bid for a home are selected by comparing the size of the home with the number of people on their application.
305. You should not bid for homes that you would not be willing to accept if they were offered to you. To help you make an informed choice about the properties that you bid for, the website will provide you with your position in the queue for that property at the time that you place the bid. This will be a snapshot, because applicants who bid after you may change your final position. However, it will give an indication of whether or not you have a reasonable chance of being short listed for that property.
306. We receive a lot of bids for advertised homes. We will only ever contact the applicant who has been successful with the details of when they can view the property. Information on the position that you came for a property will be provided to you at the point of bidding so that you can make an informed choice.

Direct offers

307. The council will as far as possible let the majority of property through the Choice Based Lettings scheme. However, the council can offer a home directly to some applicants without advertising the home through the scheme if circumstances justify it. Reasons for this can be: to meet the need of a high priority applicant; or to meet a legal obligation; to facilitate an under occupation move, or for effective management of the council's housing stock; in relation to public protection cases; as part of overcrowding reduction initiatives; or for split households.

Information about homes that have been let

308. We know it is difficult to wait for a suitable home to become available and that many applicants on the Housing Register can be under a lot of

pressure. It is only natural that people will speculate about the reasons when they see someone else get a home where they may not seem to be in as urgent need as they are.

309. We will publish information about homes that have been let and as far as possible give information about the length of time you may have to wait. This will be provided to help applicants make informed choices when bidding

310. We will not publicise information about specific applicants and properties as that information is confidential, but the information given will show the type of home it was and the length of time a household had been waiting.

Deciding which band to direct a vacant social home to

Target Allocations Plan

311. The Target Allocation Plan sets out an estimate the supply of accommodation over the coming year and the number of households on the housing register that will be allocated social housing. It aims to provide a reasonable preference to applicants entitled to it within the framework set out in the housing allocations scheme. It also aims to balance statutory responsibilities to homeless applicants against other priorities such as assisting applicants with welfare needs, providing adapted accommodation for applicants with physical disabilities and using allocations to enable the best use of the social housing stock in Croydon. The plan estimates the number of vacancies to be directed to each band in the scheme, broken down by bed size. The plan is monitored regularly throughout the year and allocations decisions are made with a view to achieving the targets set out in the plan.
312. We have some homes that are in short supply or that are particularly suitable for applicants with specific housing needs. For these homes, we must take into consideration a number of factors to ensure we make the best use of it. The following sections set out these considerations.

Vacancies suitable for adaptation

313. If the home is not adapted but is particularly suitable for someone with a disability or restricted mobility, we will offer it to someone with these needs. For example, a flat on the ground floor and that has level access would be ideal to adapt to suit the needs of an applicant with disabilities.

Housing for older people

314. We will only offer housing for older person to applicants that meet the criteria (for example applicants of appropriate age), however, we reserve the right to offer “hard to let” housing for older people to other applicants in exceptional circumstances.

Terms of our nominations agreements

315. If the vacancy is a housing association property we must take into account whether the association’s aims or its agreement with the council restricts who can be nominated.

Decants for major works

316. We will consider whether the vacancy is particularly suitable, because of its location, for a tenant that needs to be being transferred to allow a block or estate to be “decanted” to allow major works or regeneration to be carried out.
317. We will also look at any agreements we have made with existing tenants that have had to move as part of a redevelopment or major works contract. The agreement could be to relet the actual property the tenant used to live in once the works have been completed or to offer a similar vacancy in the area they used to live.

What size accommodation am I entitled to?

318. When deciding the size of accommodation that will be suitable for your household we use the bedroom standard as set out in statutory guidance on social housing allocation published in June 2012.
319. When assessing the size of accommodation suitable for your household we will provide either bedsit or one bedroom accommodation for single person households. For other households we will assess as requiring a separate bedroom for:
- Yourself and your spouse or partner
 - Each adult in your household aged 21 or older
 - Every pair of adolescents in your household of the same sex aged between 10 and 20
 - Every pair of children in your household aged less than 10 years regardless of sex
320. The rooms available to the household are calculated according to the number of bedrooms available. In a property with more than one living room, only one of the living rooms will be counted as a living room and the rest will be counted as bedrooms. We will assess how many people a room can accommodate according to its size, as follows:
- A room smaller than 50 sq. ft. (4.65 sq. m) will not be counted as a bedroom.
321. In exceptional circumstances we can exercise some flexibility when applying the size criteria, for example where:
- The applicant requires larger accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of the council’s medical advisor.
 - the applicant is very overcrowded, and moving to this property will alleviate the overcrowding but not fully meet their needs (e.g. moving from a 2 bed to a 3 bed, when a 4 bed is needed)
 - There is little or no demand for a particular vacancy and it is difficult to let.

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- No suitable applicants can be identified to make the best use of larger accommodation.
- The applicant has been approved by the council as a foster carer and will need a larger property to carry out this role.
- The applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. See below for more information about including a carer in a housing application.

Carers

322. A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability.
323. You must include your carer as the person responsible for providing you with overnight care and therefore needs to live with you (see paragraph 59 above).
324. We will check with adult social care³⁰ that you have been assessed as requiring overnight support. Unfortunately receiving carer's allowance this does not automatically prove it is necessary for your carer to live with you to provide care and support.
325. In some limited circumstances it may be possible to consider cases where the carer is not in receipt of carer's allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits:
- Carers allowance
 - Disability living allowance – paid at either the middle or higher rate for personal care³¹
 - Attendance allowance
 - Constant attendance allowance
 - Disablement benefit.

Underoccupying

326. If your accommodation has more rooms available than your household needs the difference between the two is your level of underoccupation (measured in number of rooms).

Overcrowding

327. If your current accommodation has fewer rooms than your household needs, the difference between the two is the level of overcrowding. When we

³⁰ Department of adult care, housing and health

³¹ Disability Living Allowance (DLA) is to be replaced with a new Personal Independence Payment (PIP) from 2013. The new benefit will remain a non-means tested, non-taxable cash benefit claimed by disabled people whether they are in or out of work

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calculate overcrowding, we look at how much space you need, not how you currently live, and who actually shares with whom.

328. **Annex 5** provides an explanation of the assessment of statutory overcrowding set out in the Housing Act 1985.

10. DISCRETIONARY SUCCESSION

Succession rights

329. When a local authority tenant dies their tenancy can be passed on to a member of their family in certain circumstances³². For tenants whose tenancies began before 2 April 2012 a member of the tenant's close family can automatically succeed to the tenancy, but for tenants whose tenancies began after 2 April 2012 only their spouse or civil partner is automatically entitled to succeed to the tenancy³³. **Where one or more relative may qualify to succeed, only one may do so.**

330. To succeed to the tenancy, the person entitled to succeed must have been living at the property as their only or principle home at the time the tenant died. The person that succeeds to the tenancy is known as a "successor tenant". When the successor tenant dies there is no further statutory right for a member of their family to succeed to the tenancy.

Discretionary succession

331. We **may** exercise our discretion where a successor tenant dies by **considering** granting a further tenancy or by giving priority for a move under the allocations scheme to a close member³⁴ of the deceased successor tenant's family in the following circumstances.

Family member

332. If a close member of the successor tenant's family has lived at the property as their only or principle home for at least one year prior to the successor tenant's death.

Full-time carer

333. If the successor tenant's fulltime, live in, non-paid carer has lived in the property for at least two years prior to the successor tenant's death.

334. We will only make one offer of social housing to a close family member or carer applying for discretionary succession.

Discretionary succession underoccupiers

335. If the successor tenant's close family member or their full-time carer would be under-occupying the property if offered the tenancy (see paragraph 299 above) we will offer them a suitably sized property that meets their housing needs.

336. In exceptional circumstances we will consider making an offer of a tenancy of the successor tenants property in cases where insisting on moving to alternative accommodation would cause unreasonable hardship to the deceased successor tenant's carer or family member taking into account

³² For secure tenants see sections 87-89, Housing Act 1985, for assured tenants see section 17, Housing Act 1988.

³³ Sections 160 and 161, Localism Act 2011.

³⁴ Close family member includes spouse or civil partner, parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece (see section 113 Housing Act 1985).

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their age, the period during which they occupied the property as their only or principal home, and any financial or other support they had given to the deceased successor tenant.

337. **All discretionary succession applications will be placed in band 1.**

11. OTHER HOUSING SCHEMES



338. ***housingmoves*** (what was known as the pan-London mobility scheme) is designed to enable social housing tenants to move around the capital for work, training or education, to free up larger homes or to care for a family member or friend. There is considerable pent-up demand for cross-borough moves and the scheme is designed to make this easier.
339. Our qualification rules do not allow someone to go on the housing register if they have not lived in Croydon for at least a year. However, we have made an exception for applicants that apply through *housingmoves*.
340. To be eligible for the ***housingmoves*** scheme you must:
- be a current social housing tenant(s) with an assured or a secure tenancy, or a fixed term flexible or assured shorthold tenancy
 - be resident (irrespective of landlord) in a borough that is contributing properties to the housingmoves scheme (Croydon contributes to the scheme)
 - be the sole tenant or both tenants (if the tenancy is joint)
 - not be on an introductory or starter tenancy
 - not be the subject of a Notice of Seeking Possession or Notice to Quit
 - have had a clear rent account for the last 12 months, both at the point of application and at the point of letting³⁵, and
 - not have, or be part of a household containing, individuals who have an on-going record of antisocial behaviour³⁶
341. *housingmoves* is delivered by the Greater London Authority and further information and an online registration form can be found at the housingmoves website <http://www.housingmoves.org>.

The Keyring Scheme

342. The Keyring scheme provides housing for people with learning disabilities. It helps them to live independently with support from the Keyring organisation³⁷.
343. If you want to be considered for housing in a Keyring scheme you can be referred by a statutory or voluntary agency or you can refer yourself. Keyring will consider whether your support needs and circumstances meet the conditions of the scheme and, if appropriate, nominate you under the quota agreement.

³⁵ There may be exceptional circumstances where a referring landlord takes the decision to permit the registration of an applicant with some history of rent arrears. In these cases the referring landlord should note their decision on the system and, in all cases, the decision to let a property to that applicant is at the receiving landlord's discretion.

³⁶ The wording of this criterion is deliberately loose since it is ultimately down to the contributing and receiving landlords to verify, with discretion, an applicant's details and tenancy history.

³⁷ For more information go to www.keyring.org

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- 344. You will be offered accommodation within a particular geographical area to enable easy access by the support worker.
- 345. To be eligible for consideration under the Keyring Scheme you should be eligible for housing, qualify to go on the housing register and have a reasonable preference for housing. You also need to be ready to move-on into independent housing and to be supported by Keyring.

12. LOCAL LETTINGS POLICIES

346. When a new social housing block or estate is being built we will usually agree a local lettings policy with the housing association that is building the new social housing. We will also set out a local lettings policy for housing developed as part of the council's new build programme. Local lettings policies may also be put in place to address specific housing management issues on particular estates or in particular areas. The local lettings policy is used to amend our nominations agreement with the landlord to ensure a good social mix of tenants, so as to give the community a good chance of success, and to reduce the chances of management problems from the outset.

Drawing up a local lettings policy

347. In drawing up the policy we will look at a variety of factors that together help to shape a strong successful, thriving community. These include:

- the mix of working and non-working households
- child density and the numbers of children in different age groups
- age range of prospective tenants
- ethnicity and community cohesion
- vulnerability and support services,
- community facilities provided

348. In order to implement the policy we may have to select applicants for an offer of social housing who are in a lower band than we would usually offer to.

13. OFFERS OF ACCOMMODATION

General needs offers – direct offers and open viewings

349. General needs housing is housing that has not been designed or built with any features or facilities that make it particularly suitable for certain groups of people (e.g. older people, or people with disabilities for example).
350. If you are offered housing for older people it will be on condition that you agree to take the alarm and support services. Separate charges are made for these services on top of the rent.
351. Once the bidding cycle has closed, we will draw up a shortlist of all the applicants who placed a bid on the property. As many as 5 applicants will be invited to view the property. The property will be offered to the applicant with the highest priority and longest waiting time within each band. If the highest placed applicant does not accept the tenancy, the tenancy is offered to the applicant next in priority who bid for the property, and so on.
352. Where two applicants have equivalent priority, i.e. have the same length of time in their band and have the same requirements for size, type and area of property, we will consider the requirements and housing need of both applicants and the applicant for whom the property is deemed most suitable will be offered the tenancy³⁸.

Direct offers

353. Direct offers are made to one specific applicant on the housing register where the applicant requires a particular type of accommodation, or needs to move very urgently, or where the council has specific statutory responsibilities. For example, we would not use open viewing for adapted accommodation or housing for older people, nor for applicants needing to move urgently due to exceptional circumstances, nor for people needing to move as a result of violence, severe harassment, domestic violence, or those acting as a witness and being subjected to severe intimidation.

Direct offers to applicants accepted due to exceptional circumstances at the director's discretion

354. Offers made to applicants accepted as a result of exceptional circumstances at the director of Housing Needs discretion will be made by direct offer.

Direct offers of special sheltered housing

355. The purpose of special sheltered housing is to provide older people with a tenancy where personal care and housing support are provided to help them maintain independence. With special sheltered housing we will make a direct offer to you in response to a referral from the council's care management team. Applications for special sheltered housing should be made direct to the

³⁸ Suitability could be determined by looking at a number of factors - e.g. the household size, medical needs, the age of the of family and the type of accommodation available.

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department of adult services, housing and health, older adults care management team.

Direct offers of housing adapted for disabled people

356. Vacancies which are adapted or which are suitable for adaptation for applicants with a substantial disability may be offered directly to the most appropriate applicant. Where the housing has significant adaptations or is wheelchair accessible, this will be on suitability alone and outside any strict date order. For homes which are not adapted, or have limited adaptations, there may be several applicants who could “fit” the vacancy, and we will allocate in band and then date order.
357. This may, depending on the characteristics of the property, include cases where a ground floor flat or other suitable dwelling becomes available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to be offered the property the council reserves the right to allocate to a high priority applicant in need of such accommodation.

Direct offers to homeless applicants – temporary accommodation

358. If you apply to the council as homeless we may offer you temporary accommodation either while we investigate your claim of homelessness or (if you are accepted as homeless) until we can offer housing. Temporary accommodation may be with a private landlord or we may offer you a council home on a non-secure tenancy. You do not have any choice in what temporary accommodation we offer you, but it must be suitable for your needs.

Private rented sector offers (PRSOs)

359. If we offer you accommodation with a private landlord (a PRSO) we will ensure the property offered is of the appropriate size and is of a reasonable standard, including:
- That it is in a reasonable physical condition
 - It has passed a gas safety check
 - There are smoke and carbon monoxide alarms fitted
 - It has safe electrical equipment and fixtures
 - Any furnishings provided are fire safe furniture and furnishings
 - It has a valid energy performance certificate
360. We will also make sure that it is licensed if the accommodation is a house in multiple occupation (HMO). We will also ensure that the landlord is a “fit and proper person” and that you are provided with a written tenancy agreement. We will ensure any deposit paid is placed in a deposit protection scheme.
361. We understand each applicant’s circumstances are different and we will do as much as we reasonably can to minimise the disruption to family life caused by moving away from Croydon. Some applicants may want to move to a new area for a fresh start, to take up employment or to move closer to

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family. Others may be at risk of domestic or other violence and need to minimise the danger they face. Ex-offenders or drug/alcohol users may want to move away to break links with previous contacts and negative influences. We will, therefore, take into account each individual applicant's circumstances when considering the suitability of an offer of private rented accommodation outside the district of Croydon.

362. It is important that you consider very carefully the offer of accommodation you have been made before you make the decision to refuse it. The consequences of refusing or accepting the PRSO will be made clear in the council's offer letter. If you accept the PRSO the council's homelessness duty towards you is brought to an end.
363. You have a right to request a review of the suitability of the accommodation offered to you regardless of whether you have accepted it or not. You should be aware that if the council owes you a statutory rehousing duty and you refuse an offer, and the council decides on review that it was a suitable offer, the council will owe you no further duties for temporary or settled accommodation.
364. There is further information on the suitability of accommodation and reviews provided in the Homelessness Code of Guidance for Local Authorities³⁹ published in July 2006.
365. **Section 15 on Information, reviews and standards** provides details on how to request a review and how reviews are carried out.
366. If we provide you with accommodation and you become homeless again through no fault of your own within 2 years we will, in accordance with the law, help you to find alternative accommodation, or put you back on the housing register with a reasonable preference for housing (subject to your being eligible and qualifying to go on the housing register).

Direct offers to homeless applicants – council accommodation

367. If you have been accepted as homeless and are currently accommodated in a council home as temporary accommodation, we may offer it to you as permanent accommodation. This is providing the property is suitable for your needs.

Requests to not be considered for an offer of accommodation

368. If you are unable to move into new accommodation for a short time due to personal circumstances, you can request that you should not be made an offer of accommodation for a period of time. This would apply for example if you had planned an extended visit to spend time with relatives abroad, or you are awaiting medical treatment and will need a period of convalescence.

³⁹ The Homelessness Code of Guidance is available to download from the Department of Communities and Local Government web site
<http://www.communities.gov.uk/documents/housing/pdf/152056.pdf>

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369. You will remain in your band and will continue to move towards the front of the band, but will not receive any offers or invitations for open viewings until you notify us.

How many offers am I entitled to under the scheme?

370. All applicants are entitled to receive one offer of housing under this scheme. The majority of applicants we are able to make offers to have significant housing needs and must move urgently and we will therefore only make one offer of housing to these applicants under the scheme. There is a small group of applicants who are entitled to two offers under the scheme, which includes applicants in band 2 that are awarded increased priority. There is an even smaller group of applicants that can be made more than two offers at the discretion of the director of need and strategy.

One offer

Homeless

371. Homeless applicants are entitled to **one offer only** under this scheme.

Exceptional circumstances

372. Applicants accepted due to exceptional circumstances or at the discretion of the director (see **Section 9 Exceptional Circumstances** above) are entitled to **one offer only** under this scheme.

Discretionary succession

373. Applicants applying for a discretionary succession, including those that are under occupying, are entitled to **one offer only** under this scheme.

Urgent rehousing to escape violence, harassment and intimidation

374. Applicants who are homeless and need to move urgently to escape violence, severe harassment, domestic violence, or who are acting as a witness and are being subjected to severe intimidation are entitled to **one offer only** under this scheme.

Council management transfers

375. Applicants who have applied for and have been approved for a Council management transfer are entitled to **one offer only** under this scheme.

Two offers

Reasonable preference – medical disability, overcrowded, unsanitary or unsuitable housing and welfare or hardship applications

376. Applicants with a reasonable preference for housing needing to move due to a medical condition or disability, because they are overcrowded, because they are living in unsanitary or unsuitable housing or because of a welfare or hardship need are entitled to **two offers under this scheme**.

Applicants entitled to more than two offers

Under-occupying tenants

377. Tenants that have applied for a transfer because they are under occupying their current accommodation may, at the discretion of the director of needs and strategy or a nominated deputy, receive **more than the maximum two offers** under this scheme.
378. If it is agreed that you should receive a further offer of accommodation, we will contact you to discuss your housing needs and the likely availability of accommodation suitable to meet those needs.

Adapted properties

379. Tenants that have applied for a transfer because their current accommodation is adapted for a disabled person and they do not have a disability may, at the discretion of the director of needs and strategy or a nominated deputy, **receive more than the maximum two offers under this scheme.**

Offers made to serious offenders

380. Housing decisions about applicants who are serious offenders will be made in liaison with the MAPPA⁴⁰ panel. The panel may take an objective view that it a serious offender should not reside in a particular area for reasons of public safety. An officer with appropriate delegated authority may override the offender's preferences to reside in that area of the borough.

Refusing an offer

381. When you are made an offer you will be asked to view the property and then to sign the tenancy agreement. If you do not consider the property is suitable for you or your household will be asked to complete a form setting out your reasons for refusing the offer. Please note you can ask for a review of the suitability of the accommodation offered regardless of whether you accept the offer or not.
382. If you refuse an offer of social housing, you must explain why you are refusing it. If we look again and decide that it was a reasonable offer of suitable accommodation and if you have received all the offers you are entitled to under the scheme your application cancelled and you will be disqualified from reapplying for housing for 12 months.
383. If you do not attend a viewing, we will assume that you have refused the property unless there are genuine and substantial reasons why you could not turn up and could not tell us beforehand.

⁴⁰ MAPPA – Multi-agency Public Protection

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384. If you think the offer is not suitable, you can seek a review of our decision to offer. **Section 15 on Information, reviews and service standards** provides details on how to request a review and how the review will be conducted.

Refusing an offer on the grounds of its condition

385. Social landlords are required to maintain their properties to at least the decent homes standard, and most will ensure that any vacant property is refurbished to a certain “lettable” standard before it is offered to an applicant. We will not consider it reasonable to refuse an offer if the property meets the decent homes standard and meets the council’s or housing association’s lettable standard unless there are exceptional circumstances.

Refusing an offer on the grounds of the rent charged

386. Social housing rents are considerably cheaper than market rents. Social housing “target” rents are around half the equivalent market rent, and new affordable rents are at least 20% cheaper than the equivalent market rents. We will not consider it reasonable to refuse an offer if the property is charged at a social housing “target” rent or at an affordable rent unless there are exceptional circumstances that justify the refusal.

Refusing an offer on the grounds of its location

387. We have a limited supply of social housing to offer and in some areas of the borough social housing hardly ever becomes available to offer. As far as possible we will take account of your choices as to the type of housing, area and landlord. However, if you will be made a direct offer (see paragraphs 316 to 332 above) we will not consider it reasonable to refuse an offer on the grounds of the location of the property unless there are exceptional circumstances that justify the refusal.
388. We will consider your reasons for refusing the property offered and will either confirm the offer was reasonable and cancel your application if it was the last offer you are entitled to under the scheme, or confirm the offer was not reasonable and make a further offer.

Unreasonable refusal – cancelling your application

389. If you refuse an offer of housing under this scheme we will write to you explaining why we considered the offer was suitable for your needs and your refusal was unreasonable. If the offer was the final offer you are entitled to under the scheme your application cancelled and you will be disqualified from reapplying for housing for 12 months. We will confirm we have no further duty to provide accommodation in relation to your application and that it will be cancelled. We will explain that you have a right to request a review of this decision and how to exercise this right (see **Section 15 on Information, reviews and service standards**).
390. You will be entitled to reapply to go on the housing register and your application will be assessed and placed in a band that reflects the applicant’s housing need at that time. No previous waiting time will be carried over to your new application.

What type of tenancy will I be offered?

391. We will offer most applicants a fixed term flexible tenancy. This will usually be a five year fixed term tenancy, depending on the circumstances. Fixed term tenancies allow your landlord to review your needs and situation with you regularly. Most tenancies will be renewed at the end of the fixed term, but some tenants will be helped to move to other accommodation. Tenants who have not paid their rent, breached tenancy conditions, or been guilty of anti-social behaviour or relevant criminal acts may not be granted a further tenancy.
392. We will not offer fixed term tenancies to anyone who has a legal right to a greater level of security, for example:
- if you were a secure or assured tenants 2 April 2012 and have continued to be a tenant since that date, you will be offered a tenancy of no less security as your existing tenancy if you transfer to another socially rented home. If you choose to move to a home on an affordable rent, then you will usually be offered a fixed term tenancy.
 - If we need to move a tenant to alternative accommodation to allow development or regeneration works to take place, we will offer a tenancy with no less security than their previous tenancy on their return to the property they occupied before the works took place.
 - If you had a secure or full assured social tenancy on 2 April 2012 and have remained a social housing tenant since that date, and you are moving to a social rent home, or where you are currently an under occupier moving to a smaller home at affordable rent, or a tenant vacating an adapted home and moving to an affordable rent property, then we will offer you a new tenancy of no less security than you have already.
 - If it is not appropriate to offer a fixed term tenancy due we will by exception consider offering a secure periodic tenancy to an applicant where they or a member of their household has a lifelong support need.

14. INFORMATION, REVIEWS AND STANDARDS

General information

393. You have the right to request general information about making an application for housing and in particular about:
- how your application will be treated and whether you will be given any preference under the scheme
 - whether housing accommodation appropriate to your needs is likely to become available and how long you will have to wait for an allocation of such accommodation

Information about decisions and reviews

394. You also have the following further and specific rights to information about decisions and rights of review of decisions including:
- the right, on request, to be informed of any decision about the facts of your case which has been, or is likely to be, taken into account in considering whether to make an allocation to you
 - the right, on request, to review a decision concerning eligibility for housing, qualifying to go on the register, whether an offer was suitable and whether a refusal of an offer was reasonable, and the right to be informed of the decision on the review and grounds for it.

Requesting a review of a decision made in relation to your housing application and allocation

395. You should request a review in writing within 21 days of being notified of a decision. We will extend this period in exceptional circumstances.
396. We will determine the review **within 56 days** of the request or a longer period if you agree that a longer period is appropriate given the complexity of the decision and your case.

Review procedure

397. Reviews will be carried out by a senior member of staff at Croydon council or delegated to an appropriate officer who was not involved in the original decision.
398. We will inform you of your right to request a review in writing. We will clearly explain how that request should be made, for example, that the application must be made in writing, and must include:
- your name and address
 - a description of the of the original decision on which the review is sought, including the date on which the decision was made
 - the grounds on which you are seeking the review

Outcome of the review

399. We will notify you of the outcome of the review including the reasons for confirming the original decision, or why the original decision should be changed.
400. There is no further mechanism to review the review decision; however, you can take legal action to challenge the council's decision through judicial review proceedings. You may also complain to the Local Government Ombudsman (or from April 2013 the Housing Ombudsman) if you consider the council's actions amount to maladministration.

HOW WE REVIEW DECISIONS ON HOMELESS APPLICATIONS

Requesting a Review

401. If you want a decision made with regard to your homeless application or accommodation provided in relation to that accommodation reviewed please tell us as soon as possible, preferably using the appropriate form (Review Form 1).
402. If we do not receive your request within 21 days of the day you received our decision letter, we are not obliged to review our decision.
403. Please ensure you give us an address where we may write to you during the period of review. **Do not give the address of any interim accommodation which the council has provided – such as a B&B hotel - as you will have been given a date for that accommodation to come to an end in the s184 decision letter which you are asking us to review.**
404. You may ask to be accommodated during the review but the authority is under no obligation to agree this and will do so only in exceptional circumstances.

Conducting the Review

405. The council has a period of eight weeks to reach a decision on review and in no circumstances will representations be accepted after three weeks have passed from the date of review request, except in the circumstances described below. This is to ensure that the review process is not subject to lengthy delays and that the authority has sufficient time to consider your case.
406. The officer who will carry out the review will not have been involved in making the decision which you want reviewed and will be senior to the person who made the original decision on your application.
407. If necessary, this officer may give you, or someone acting for you, the chance to put your case in person and give further information in writing. It is for the reviewing officer to decide whether personal representations are necessary. It is also for the reviewing officer to decide what enquiries are necessary in your case.

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408. You will be informed of the review decision and the reasons in writing within the timescale outlined above. However, if we need more time to look into your case, we will write to you about this and agree a new time limit with you.
409. You should not rely upon the review altering the decision of the original investigating officer. Also, the reviewing officer may reach another decision which is not in your favour. You are therefore strongly advised to contact the council's Housing options and advice section for information about seeking your own accommodation in the meantime.

Submissions

410. You – or someone acting on your behalf – may give us written details, including information from doctors, consultants, etc., of the reasons why you want us to review the council's decision.
411. If you have not given us any written reasons for your request within three weeks of returning this form, a decision will be based on the information that we have on file.
412. Please note that we may disregard any representations received after the deadline of three weeks unless there is prior agreement or exceptional reason for the delay.

File Copies

413. If you want a copy of personal information contained in your file, this can be provided unless exceptions stated in Data Protection Regulations apply. You must ask for it in writing and pay £10.00 by cheque or postal order at the same time you ask for a review. (Cash cannot be accepted.)
414. Cheques must be made payable to "London Borough of Croydon". You must put your name and reference number on the reverse of the cheque as well as 'HPS Review'. The postal address is: London Borough of Croydon, People Department, Housing Solutions, 3rd Floor, Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
415. If you, or someone acting on your behalf, delay in making a request for your file or making payment, the 15 working day time limit for submitting more written information from the date you request a review will not be extended. The file copy will normally be dispatched on receipt of the payment. Any delay on the part of the authority – usually only a matter of days – will be taken into consideration in respect of the submissions deadline, as necessary.

Please note: Under the Housing Act 1996 (as amended) not all decisions are subject to the review process. If, for any reason, the right of review does not apply to the matter which you raise in your request, we will write to you explaining the reasons and advising you of any other options available to you.

Service Standards

416. We want to provide you with a high quality service, one with clear standards which meets your expectations. The sections below set out the service you can expect in relation to your housing application

Provisional assessment of applications

417. We will carry out a preliminary assessment of your application and tell you whether we are registering your application and what band your application has been placed in within **10 working days**.

Verifying applications

418. We will complete our verification of your application at the pre-offer stage and tell you the outcome within **10 working days of receiving your proofs of eligibility, qualifying status, needs and employment or training**.

Open viewings

419. We will write to inform you of the outcome of an open viewing within **10 working days**.

COMPLAINTS

420. If you are not satisfied with the service you receive from us we would like to know. Complaints are one of the best ways we learn how to improve our services. You can make a complaint in the following ways:
421. in person at Access Croydon, Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
- in writing to Director of housing need, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA
 - by email to hsgrehousing@croydon.gov.uk
 - by telephone to the housing specialist team on 0208 726 6100
422. Information on how the councils deals with complaints is available in our [“Tell us, we are listening booklet”](#).
423. We will send you an acknowledgement that your complaint has been received within 5 working days.
424. Your complaint will be answered within twenty working days, or we will contact you and explain why it will take longer than that.
425. You can ask someone else or an organisation such as Citizen's Advice Bureau to make a complaint on their behalf. If your first language is not English we can provide assistance.

15. APPLICATIONS FROM MEMBERS OF STAFF, BOARD MEMBERS OF RELEVANT ORGANISATIONS, COUNCIL MEMBERS, CO-OPTES AND RELATIVES

- 426. This policy is designed to ensure that Croydon council (and any relevant organisation) is transparent and equitable when letting homes to staff or board members or co-optes and their relatives, or other people who live with them.
- 427. The housing allocations scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.
- 428. Staff, board members, council Members and co-optes and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.
- 429. Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.
- 430. An applicant who a member of staff, board member, council member or related to or living with one of these people, must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the register system or adding any priority at any time onto the application.
- 431. Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative or other people they live with.
- 432. Applications should be clearly marked on the housing management system to identify that the application is that of a staff member, board member, council Members, co-optee or relative.
- 433. When an offer is to be made, a 'record of interest' form must be completed and signed off before any offer of a property is made. The details of the offer must be detailed on the form, checked and signed off by the director of housing needs and strategy, or for allocations to council Members or their relatives, by the executive director of adult services, housing and health.
- 434. Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the shortlist from which the applicant is being offered, together with reasons for any applicants above them not being made the offer.

ANNEX 1: ELIGIBILITY

i.) As a local housing authority we must consider all applications made in accordance with the procedural requirements of our allocation scheme (Housing Act 1996 sections 166(3) and 166A(14)). In considering applications, we must decide:

if an applicant is eligible for an allocation of accommodation, and
if he or she qualifies for an allocation of accommodation

Eligibility

ii.) An applicant may be ineligible for an allocation of accommodation under s.160ZA(2) or (4). We will consider an applicant's eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

Joint Tenancies

iii.) Under s.160ZA(1)(b), we must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, we may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, we should take them into account in determining the size of accommodation which is to be allocated.

Existing Tenants

iv.) The eligibility provisions do not apply to applicants who are already our tenants. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

Persons from abroad

v.) A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4))

vi.) 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 (SI 2006 No.1294) ('the Eligibility Regulations').

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Persons subject to immigration control

vii.) The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given). 3.8 The following categories of persons do not require leave to enter or remain in the UK:

British citizens

certain Commonwealth citizens with a right of abode in the UK

Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement

EEA nationals⁴¹, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)

persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

viii.) Any person who does not fall within one of the four categories in paragraph x.) will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

xi.) If there is any uncertainty about an applicant's immigration status, we will contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers) by email at LA@UKBA.gsi.gov.uk. Where UKBA indicates the applicant may be an asylum seeker, enquiries of their status can be made to the Immigration Enquiry Bureau helpline on 0870 606 7766.

x.) Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

a person granted refugee status: granted 5 years' limited leave to remain in the UK

a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.

⁴¹ European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland

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a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

a person who has humanitarian protection granted under the Immigration Rules⁶: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395))

Other persons from abroad who may be ineligible for an allocation

xi.) By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph 3.14 below)

a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has 6 Inserted by the Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006 the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations').

a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations
a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

xii.) See Annex 2 for guidance on rights to reside in the UK derived from EU law.

Xiii.) The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)

an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)

a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania)

[Type here]

required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)⁴²

a person who is a family member of a person referred to in (a) to (c) above
a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations f) a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there
a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

xiv.) A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations (see annexes 2 and 3 for further guidance).

xv.) The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

xvi.) Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident (see annex 4 for further guidance).

⁴² As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a).

ANNEX 2: RIGHTS TO RESIDE IN THE UK DERIVED FROM EU LAW

i.) EEA nationals and their family members who have a right to reside in the UK that derives from EU law are not persons subject to immigration control. This means that they will be eligible for an allocation of accommodation under Part 6 unless they fall within one of the categories of persons to be treated as a person from abroad who is ineligible for an allocation of accommodation by virtue of regulation 4 of the Eligibility Regulations.

General

Nationals of EU countries

ii.) Nationals of EU countries enjoy a number of different rights to reside in other Member States, including the UK. These rights derive from the EU Treaties, EU secondary legislation (in particular *Directive 2004/38*), and the case law of the European Court of Justice.

iii.) Whether an individual EU national has a right to reside in the UK will depend on his or her circumstances, particularly his or her economic status (e.g. whether employed, self-employed, seeking work, a student, or economically inactive etc).

Nationals of Bulgaria and Romania - the A2 accession states

iv.) A slightly different regime applies to EU nationals who are nationals of Bulgaria and Romania which acceded to the EU on 1 January 2007. Bulgaria and Romania are referred to in this guidance as the A2 accession states. *The Immigration (European Economic Area) Regulations 2006*

v.) *The Immigration (European Economic Area) Regulations 2006* ('the EEA Regulations' – SI 2006/1003) implement into UK domestic law *Directive 2004/38*. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK without the requirement for leave to remain under the Immigration Act 1971 for the first 3 months of their residence, and for longer, if they are a 'qualified person' or they have acquired a permanent right of residence. *Nationals of Iceland, Liechtenstein and Norway, and Switzerland*

vi.) The EEA Regulations extend the same rights to reside in the UK to nationals of Iceland, Liechtenstein and Norway as those afforded to EU nationals. (The EU countries plus Iceland, Liechtenstein and Norway together comprise the EEA.) The EEA Regulations also extend the same rights to reside in the UK to nationals of Switzerland. For the purposes of this guidance, 'EEA nationals' means nationals of any of the EU member states (excluding the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

Initial 3 months' residence

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vii.) Regulation 13 of the EEA Regulations provides that EEA nationals have the right to reside in the UK for a period of up to 3 months without any conditions or formalities other than holding a valid identity card or passport. Therefore, during their first 3 months of residence in the UK, EEA nationals will not be subject to immigration control (unless the right to reside is lost following a decision by an immigration officer in accordance with regulation 13(3) of the EEA Regulations).

viii.) However, regulations 4(1)(b)(ii) and (c) of the Eligibility Regulations provide that a person who is not subject to immigration control is not eligible for an allocation of accommodation if:

his or her **only** right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations, or
his or her **only** right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) is a right equivalent to the right mentioned in (i) above which is derived from the EU Treaty

Rights of residence for 'qualified persons'

ix.) Regulation 14 of the EEA Regulations provides that 'qualified persons' have the right to reside in the UK so long as they remain a qualified person. Under regulation 6 of the EEA Regulations, 'qualified person' means:

a jobseeker
a worker
a self-employed person
a self-sufficient person
a student

Jobseekers

x.) For the purposes of regulation 6(1)(a) of the EEA Regulations, 'jobseeker' means a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed.

xi.) Nationals of Bulgaria and Romania who need to be authorised to work do not have a right to reside in the UK as a jobseeker⁴³. However, they may have a right to reside by virtue of another status, e.g. as a self-sufficient person.

xii.) Although a person who is a jobseeker is not subject to immigration control, regulation 4 of the Eligibility Regulations provides that a person is not eligible for an allocation of accommodation if:

his or her **only** right to reside in the UK is derived from his or her status as a jobseeker or the family member of a jobseeker, or

⁴³ Regulation 6(2) of the *Accession (Immigration and Worker Authorisation) Regulations 2006* (SI 2006/3317).

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his or her **only** right to reside in the Channel Islands, the Common Travel Area is a right equivalent to the right mentioned in (i) above which is derived from the Treaty establishing the European Community

Workers

xiii.) In order to be a worker for the purposes of the EEA Regulations, a person must be employed. That is to say, he or she is obliged to provide services for another person in return for monetary reward and is subject to the control of that other person as regards the way in which the work is to be done.

xiv.) Activity as an employed person may include part time work, seasonal work and cross-border work (i.e. where a worker is established in another Member State and travels to work in the UK). However, case law provides that the employment must be effective and genuine economic activity, and not on such a small scale as to be regarded as purely marginal and ancillary.

xv.) Provided the employment is effective and genuine economic activity, the fact that a person's level of remuneration may be below the level of subsistence or below the national minimum wage, or the fact that a person may be receiving financial assistance from public benefits, would not exclude that person from being a 'worker'.

xvi.) A person who is a worker is not subject to immigration control, and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Retention of worker status

xvii.) A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

(a) is temporarily unable to work as the result of an illness or accident; or

(b) is recorded as involuntarily unemployed after having being employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:

(i) was employed for one year or more before becoming unemployed, or
(ii) has been unemployed for no more than 6 months, or (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or

(c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

A2 state workers requiring authorisation who are treated as workers

xviii.) By virtue of the *Accession (Immigration and Worker Authorisation) Regulations 2006* ('the Accession Regulations'), nationals of the A2 states (with

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certain exceptions) must obtain authorisation to work in the UK until they have accrued a period of 12 months continuous employment.

xix.) An A2 national requiring authorisation is only treated as a worker if he or she is actually working and:

holds an accession worker authorisation document, and
is working in accordance with the conditions set out in that document (regulation 9(1) of the Accession Regulations)

xx.) We may need to contact the employer named in the authorisation document, to confirm that the applicant continues to be employed.

Self-employed persons

xxi.) 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 49 of the Treaty on the Functioning of the European Union.

xxii.) A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business. A person who is no longer in self-employment does not cease to be treated as a self-employed person for the purposes of regulation 6(1)(c) of the EEA regulations, if he or she is temporarily unable to pursue his or her activity as a self-employed person as the result of an illness or accident.

xxiii.) A2 nationals are not required to be authorised in order to establish themselves in the UK as a self-employed person.

xxiv.) A person who is a self-employed is not subject to immigration control and is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area.

Self-sufficient persons

xxv.) Regulation 4(1)(c) of the EEA regulations defines 'self-sufficient person' as a person who has:

sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence, and
comprehensive sickness insurance cover in the UK

xxvi.) By regulation 4(4) of the EEA Regulations, the resources of a person who is a self-sufficient person (or a student – see below) and, where applicable, any family members, are to be regarded as sufficient if (a) they exceed the maximum level of resources which a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system or, if (a) does not apply, (b) taking into account the personal situation of the person concerned and, where applicable, any family members, it appears to the council that the resources of the person or persons concerned should be regarded as sufficient.

xxvii.) Where an EEA national applies for an allocation of accommodation as a self-sufficient person and does not appear to meet the conditions of regulation 4(1)(c) of

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the EEA regulations, the housing authority will need to consider whether he or she may have some other right to reside in the UK.

xxviii.) Where the applicant does not meet the conditions of regulation 4(1)(c) but has previously done so during his or her residence in the UK, the case will be referred to the Home Office for clarification of their status.

xxix.) A person who is a self-sufficient person is not subject to immigration control, but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

Students

xxx.) Regulation 4(1)(d) of the EEA regulations defines 'student' as a person who :

(a) is enrolled at a private or public establishment included on the Register of Education and Training Providers⁴⁴, or is financed from public funds, for the principal purpose of following a course of study, including vocational training, and (b) has comprehensive sickness insurance cover in the UK, and (c) assures the Secretary of State, by means of a declaration or such equivalent means as the person may choose, that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

xxxi.) A person who is a student is not subject to immigration control but must be habitually resident in the Common Travel Area to be eligible for an allocation of accommodation.

Permanent right of residence

xxxii.) Regulation 15 of the EEA Regulations provides that the following persons shall acquire the right to reside in the UK permanently : (a) an EEA national who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years (b) a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years (c) a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity) (d) the family member of a worker or self-employed person who has ceased activity (e) a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease) (f) a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence). Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years.

⁴⁴ Now known as the Register of Sponsors and held by the UKBA.

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xxxiii.) A person with a right to reside permanently in the UK arising from (c), (d) or (e) above is eligible for an allocation of accommodation whether or not he or she is habitually resident in the Common Travel Area. Persons with a permanent right to reside by virtue of (a), (b), or (f) must be habitually resident to be eligible.

Rights of residence for certain family members

The right to reside

xxxiv.) Regulation 14 of the EEA Regulations provides that the following family members are entitled to reside in the UK:

- a family member of a qualified person residing in the UK
- a family member of an EEA national with a permanent right of residence under regulation 15
- a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition)

xxxv.) A person who has a right to reside in the UK as the family member of an EEA national under the EEA Regulations will not be subject to immigration control. The eligibility of such a person for an allocation of accommodation should therefore be considered in accordance with regulation 4 of the Eligibility Regulations.

xxxvi.) When considering the eligibility of a family member, we will consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside under regulation 15 of the EEA Regulations.

Who is a 'family member'?

xxxvii.) Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below): (a) the spouse of the person (b) the civil partner of the person (c) a direct descendant of the person, or of the person's spouse or civil partner, who is under the age of 21 (d) a direct descendant of the person, or of the person's spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner (e) an ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations (see below)

Family members of students

xxxviii.) Regulation 7(2) of the EEA regulations provides that a person who falls within (c), (d) or (e) above shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:

- in the case of paragraph 37(c) and (d) above, the person is the dependant child of the student, or of the spouse or civil partner, or
- the student is also a qualified person (for the purposes of regulation 6(1) of the EEA regulations) other than as a student

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Extended family members

xxxix.) Broadly, extended family members will be persons who: (a) do not fall within any of the categories (a) to (e) in paragraph 37 above, and (b) are either a relative of an EEA national (or of the EEA national's spouse or civil partner) or the partner of an EEA national, and (c) have been issued with an EEA family permit, a registration certificate or a residence card which is valid and has not been revoked 39

Family members' eligibility for an allocation of accommodation

Relationship with other rights to reside

xxxx.) This section concerns the eligibility of an applicant for an allocation of accommodation whose right to reside is derived from his or her status as the family member of an EEA national with a right to reside. In some cases, a family member will have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence under regulation 15 of the EEA Regulations, as outlined in paragraph 32 (a) – (f) above. The eligibility for an allocation of accommodation of those with a permanent right of residence is discussed at paragraphs xxxii.) and xxxiii.)

Family members who must be habitually resident

xxxxi.) For family members with a right to reside under regulation 14 of the EEA Regulations, the following categories of persons must be habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland in order to be eligible for an allocation of accommodation:

- a person whose right to reside derives from their status as a family member of an EEA national who is a self-sufficient person for the purposes of regulation 6(1)(d) of the EEA regulations

- a person whose right to reside derives from their status as a family member of an EEA national who is a student for the purposes of regulation 6(1)(e) of the EEA regulations

- a person whose right to reside is dependent on their status as a family member of an EEA national with a permanent right to reside

- a person whose right to reside is dependent on their status as a family member who has retained the right of residence

Family members who are exempt from the habitual residence requirement

xxxii.) A person with a right to reside under regulation 14 as a family member of an EEA national who is a worker or a self-employed person for the purposes of regulation 6(1) of the EEA regulations is exempted from the requirement to be habitually resident by regulation 4(2)(d) of the Eligibility Regulations. However, we note that an extended family member (see above) is not counted as a family member for the purposes of regulation 4(2)(d) of the Eligibility Regulations (see regulation 2(3) of the Eligibility Regulations).

Family members of UK nationals exercising rights under the EU Treaty

xxxiii.) There are some limited cases in which the non-EEA family member of a UK national may have a right to reside under EU law. Under regulation 9 of the EEA

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Regulations, the family member of a UK national should be treated as an EEA family member where the following conditions are met:

the UK national is residing in an EEA State as a worker or self-employed person, or was so residing before returning to the UK, and
if the family member of the UK national is his spouse or civil partner, the parties are living together in the EEA State, or had entered into a marriage or civil partnership and were living together in that State before the UK national returned to the UK

xxxxiv.) Where the family member of a UK national is to be treated as an EEA family member by virtue of regulation 9 of the EEA Regulations, that person is not subject to immigration control, and his or her eligibility for an allocation of accommodation should therefore be determined in accordance with regulation 4 of the **Eligibility Regulations**.

Nationals of Croatia from 1st July 2013

Copy of a letter to Local Authority Chief
Housing Officers

To: Chief Housing Officers of Local
Authorities in England

14 June 2013

Dear Chief Housing Officer

ACCESS TO HOUSING UNDER PART 6 OF THE HOUSING ACT 1996 AND HOMELESSNESS ASSISTANCE UNDER PART 7 OF THE 1996 ACT :

NATIONALS OF CROATIA TREATED AS EU ‘WORKERS’

This letter notifies chief housing officers that the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013 (SI 2013/1467) were laid before Parliament today and will come into force on 1 July 2013.

Croatia accedes to the European Union (“EU”) on 1 July 2013. From that date, nationals of Croatia will enjoy the same rights of residence as other nationals of countries in the European Economic Area under European Union law and the *Immigration (European Economic Area) Regulations 2006* (“the EEA Regulations”). However, the rights of residence of Croatian nationals as workers under the EEA Regulations will be modified by the *Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013*.

In order to take account of the amendments to the EEA Regulations, the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (“the Eligibility Regulations”) are amended by the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013*, (“the Amendment Regulations”). Those

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Regulations were laid before Parliament today and will come into force on 1 July 2013.

The Amendment Regulations provide that nationals of Croatia who are treated as a 'worker' for the purposes of the EEA Regulations as modified will be exempted from the requirement to be habitually resident in the UK (or wider Common Travel Area) in order to be eligible for an allocation of accommodation under Part 6 of the Housing Act 1996 or for homelessness assistance under Part 7 of the 1996 Act.

As you will be aware, the Eligibility Regulations already make provision for Bulgarian and Romanian workers who are subject to a similar authorisation scheme (that scheme ends on 31 December this year).

A certified copy of the Amendment Regulations is attached. The regulations and Explanatory Memorandum are published by the Stationery Office and will shortly be available on their website, www.opsi.gov.uk.

A note about provision for nationals of Croatia is at the end of this letter.

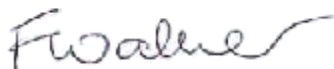
Inquiries about the Amendment Regulations should be addressed to:

Frances Walker, in relation to allocations, by telephone on 0303 444 3655 or by e-mail to: frances.walker@communities.gsi.gov.uk

John Bentham, in relation to homelessness, by telephone on 0303 444 3752 or by email to: john.bentham@communities.gsi.gov.uk

A copy of this letter and the draft regulations are also being sent, by e-mail, to the homelessness strategy contact in each authority.

Yours sincerely,



Frances Walker



John Bentham

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Provision for nationals of Croatia

This note outlines the effect of the Amendment Regulations on eligibility for an allocation or for homelessness assistance. It is not a substitute for legislation, and local authorities will still need to keep up to date with developments in the law in this area.

“**The EEA Regulations**” means the *Immigration (European Economic Area) Regulations 2006*

“**The Accession Regulations**” means the *Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013*

“**The Eligibility Regulations**” means the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006*

“**The Amendment Regulations**” means the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013*

Under the terms of the Accession Treaty for Croatia signed in Brussels on 9th December 2011, the UK (and all other Member States) are entitled to regulate access to their labour market by nationals of Croatia during a transitional period.

For a transitional period, the Government proposes to allow Croatian nationals access to the UK labour market only in limited circumstances. Broadly, access will be limited to those who are already working here lawfully, those who qualify to come here under the Highly Skilled Migrant Programme, and low skilled workers who obtain authorisation to work in the food processing or agriculture employment sectors (and are working in accordance with that authorisation).

The Government’s policy is that European Economic Area (“EEA”) nationals who are working lawfully in the UK should have access to an allocation of accommodation under Part 6 of the Housing Act 1996 and to homelessness assistance under Part 7 of the 1996 Act, in accordance with their rights under EU law.

Under **the EEA Regulations**, those Croatian nationals who have already worked lawfully in the UK for 12 months on 1 July 2013, or who enter the UK under the Highly Skilled Migrants programme, will have the same rights as other workers from the countries in the EEA. Such persons will be eligible for an allocation of accommodation or for homelessness assistance on 1 July by virtue of regulations 4(2)(a) and 6(2)(a) of **the Eligibility Regulations**.

However, **the Accession Regulations** modify worker status under the EEA Regulations for those nationals of Croatia requiring authorisation to undertake low skilled work. Consequently, **the Amendment Regulations** provide that those nationals of Croatia who are subject to worker authorisation and who are working lawfully in the UK in accordance with **the Accession Regulations** will also be exempted from the requirement to be habitually resident in the Common Travel Area in order to be eligible for an allocation or for homelessness assistance.

Since the number of Croatian nationals who will be allowed to work lawfully in the UK during the transitional period will be limited, it is anticipated that the number of persons affected by **the Amendment Regulations** will be small.

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From 1 July 2013, **the Eligibility Regulations** will apply to nationals of Croatia who come here in some other economic capacity (e.g. self employed or self-sufficient) in the same way as they apply to all other EEA nationals (subject to the modifications for workers outlined above).

ANNEX 3: GUIDELINES FOR CHOOSING A SMALLER PROPERTY

This document sets out the guidelines within which applicants may exercise their option to choose a smaller property. Please refer to Choice of a property for further information on how this choice will affect an application.

Guidelines

Any applicant with an assessed need for a property with four bedrooms or more may choose a smaller home:

An applicant with an assessed need for a 4 or 5 bedroom property will be able to choose a home with one room less than their assessed need.

An applicant with an assessed need for a 6-8 bedroom property will be able to choose a home with two rooms less than their assessed need.

An applicant with an assessed need for a property with 9 bedrooms or more will be able to choose a home with three rooms less than their assessed need.

This is summarised in the table below:

Guidelines for children sharing:

- Children of the same sex may share up to any age.
- Children of different sexes may only share until the eldest reaches 10.
- A double room may be occupied by three children if two are aged less than 10.
- A single room may be occupied by two children if both are aged less than 10.

Guidelines for total number of bedrooms that may be over-occupied per property:

- Properties with three bedrooms to five bedrooms - no more than two rooms should be over-occupied.
- Properties with six bedrooms - three rooms may be over-occupied.

Housing Associations will notify the Council if a property is unsuitable for overoccupation. A property will be unsuitable for over-occupation if a single room will not accommodate two beds or a double room will not accommodate three beds. The beds may be bunk beds

ANNEX 4: JOINT TENANCIES

Where household members can demonstrate long term commitment to the home, for example, when adults share accommodation as partners, including Civil and same sex partners, or unpaid live-in carers, the council will normally grant a joint tenancy. In this way the ability of other adult household members to remain in the accommodation on the death of the tenant would not be prejudiced, because when one joint tenant dies the surviving joint tenant will continue to be the tenant.

There are three situations when the Council will consider a joint tenancy:

- a joint application to the housing register for a new tenancy;
- or a joint application from existing tenants for a transfer;
- or a request from an existing sole tenant to become a joint tenant and remain in the current home.

Joint applications to the Housing Register will be accepted:

- where there is a marriage certificate; or
- where there is a child of the relationship; or
- where married or unmarried partners, including Civil Partners, and same sex couples, are cohabiting; or
- where married or unmarried partners, including Civil Partners, and same sex couples, are unable to live together and are able to demonstrate a) that it is not possible for them to live together in accommodation available to either of them; and b) can demonstrate a commitment to living together in the future. This can be shown by the length of the relationship, the nature of any mutual financial support, and any other relevant factors raised by the applicants; or
- where siblings or close blood relatives have lived together for 12 months; or
- from unpaid carers where there is an established need for their support, or
- for other special reasons, at the discretion of the Council.

In addition:

- at least one of the applicants must be eligible to join the Housing Register; and
- neither applicant should have made a separate housing application.

A joint tenancy will not be granted to two or more people if any one of them is a person from abroad who is ineligible. This will not affect transfer applicants who are already secure or introductory tenants of council or housing association (RSL) accommodation allocated by Croydon council.

If an application for a joint tenancy is refused, reasons for refusal will be given in writing.

If the joint applicants are tenants of separate properties, both must be signatories on documents to relinquish their respective tenancies.

A request from an existing sole tenant to become a joint tenant and remain in the current home:

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The council will consider requests from existing sole tenants. It is important that the tenant understands the legal and financial implications of joint tenancies, in particular the implications for succession rights of partners and children. The council will therefore explain these before making a decision.

A joint tenancy can be considered in any of the situations described above. In certain circumstances the council can give a tenancy to household members who do not have succession rights after the tenant dies.

ANNEX 5: STATUTORY OVERCROWDING

*Extract from House of Commons Standard Note on Overcrowding SN/SP/1013
published on 26 July 2011*

The statutory overcrowding standard

There are two standards in Part X of the *1985 Housing Act* (which have remained unchanged since 1935) that are used to assess whether a home is 'statutorily overcrowded.' If either or both of these standards are breached a dwelling will be statutorily overcrowded.

1.1 The room standard

Section 325 of the *Housing Act 1985* provides that there is overcrowding wherever there are so many people in a house that **any two or more of those persons, being ten or more years old, and of opposite sexes, not being persons living together as husband and wife, have to sleep in the same room.** For these purposes children under ten may be disregarded and **a room means any room normally used as either a bedroom or a living room.** A kitchen can be considered to be a living room provided it is big enough to accommodate a bed. When interpreting this definition a local authority looks at how the sleeping arrangements within the premises *could* be organised rather than how they are actually organised⁴⁵. Thus, a couple, with two children of opposite sexes and aged ten years old or more, with two living rooms (e.g. bedrooms), are not statutorily overcrowded because the couple could occupy separate rooms, with one each of the children (of the appropriate sex). There is no limit on the number of people of the same sex who can live in the same room although there may be a contravention of the space standard (see below).

1.2 The space standard

This standard works by the calculating the permitted number of people for a dwelling in one of two ways. The lower number thus calculated is the permitted number for the dwelling.² One test is based on the number of living rooms in the dwelling (disregarding rooms of less than 50 square feet):

one room = two persons
two rooms = three persons
three rooms = five persons
four rooms = seven and a half persons
five rooms or more = ten persons plus two for each room in excess of five rooms.

A child below the age of one does not count and a child between the age of one and ten counts as a half person.

The other test is based on floor areas of each room size:

less than 50 square feet = no-one
50 to less than 70 square feet = half a person
70 to less than 90 square feet = one person
90 to less than 110 square feet = one and a half persons
110 square feet or larger = two persons.

⁴⁵The assessment of overcrowding is usually carried out by an Environmental Health Officer