

## Appendix 1 - Cumbria Choice Based Lettings Policy – Summary of Proposed Changes

Changes to Policy	Details	Impact of Changes	Initial Board Consultation Responses	Change made to Policy in line with recommendation
Statutory Guidance	Policy updated in line with legislative changes since the last review of policy.	Low.	None identified	Yes updated in line with latest Homelessness legislation.
Equality Act 2010	An equality impact assessment has been undertaken as a result of which changes to syntax have been made throughout.	High. A significant number of customers are classed as vulnerable.	None	None
Reduction in number of Bands from 5 to 3	It is proposed that the number of bands reduce from 5 to 3 to make the Policy easier to understand and administer. The first two bands would cover the 'reasonable preference' categories as identified in relevant legislation with the remaining Band for any other applicants. Determination of priority would then be based on date of application.	Medium.	13 = yes agree 3 = no	Yes draft Policy updated.
Keep an 'open Register'.	This means that anyone can apply to join the Housing Register. This does not change the current position.	Low.	15 = yes agree 1 = no	None required.
Proposed changes to qualification rules	1 – Local Connection changes to allow those with local connection to Cumbria for the past year, or for 3 years in the last 5 years by way of immediate family in the area, permanent employment, or exceptional need (includes but not limited to: fleeing violence; armed forces, care leavers)	Medium.	15 = yes agree there should be a local connection rule	Some changes made to cover the local connection criteria.

Proposed changes to qualification rules	2 = requirement to give permission to obtain and share an applicant's personal information.	Low.	15 = yes agree	Yes draft Policy updated.
Proposed changes to qualification rules	3 = Homeownership or legal interest in home ownership. Should people who own their own home not qualify for higher bands A and B.	Low as applicants who own their own home have a low need for social housing.	10 = yes agree 5 = no	Yes draft Policy updated. However, if as a result of divorce settlement a Court has ordered that an applicant may not reside in the home in which they have a legal interest for a period likely to exceed 5 years then this will not be taken into account.
Proposed changes to qualification rules	4 = financial resources. People with a certain level of income/savings will not qualify for higher bands A and B.	Low as applicants can satisfy their housing need on the open market.	12 = yes agree 3 = no	Yes draft Policy updated. Applicants (single persons and couples) with total savings, investments and/or assets of £25,000 or more can qualify for Band C. Applicants with gross income exceeding £45,000 or more (single) or joint income of £60,000 (couple) can qualify for Band C.
Proposed changes to qualification rules	5 = failure to bid for a period of 12 months.	Medium to ensure that applicants who are vulnerable are not discriminated against.	13 = yes agree 2 = no	Yes draft Policy updated.
Proposed changes to qualification rules	6 = Fraud or giving false information will result in removal from the Register for a period of 12 months.	Medium depending on reasons why important information was upheld and whether any vulnerability identified.	15 = yes agree 1 = no	Yes draft Policy updated.
Proposed changes to qualification rules	7 = circumstances where an applicant has current or former social housing rent	Medium depending on reasons why debt has accrued in the first	11 = yes agree 4 = no	Yes draft Policy updated:

	<p>arrears or another relevant recoverable housing related debt.</p> <p>Debts £1000+ who have made no arrangement to address the debt will be ineligible.</p> <p>Debts £1000+ who have made an arrangement to address can join but will need to maintain a payment arrangement for 13 weeks and have either: repaid at least £750 or at least 25% of the original debt.</p> <p>Debts £1-£499 – eligible to join and bid unless evidence of risk of future non-payment such as history of housing debt/poor rent payments or breached payment arrangements.</p> <p>Debts £500-£999 – eligible to join but not to bid unless no real risk of future non-payment such as history of not having housing debts, history of regular rent payments, maintained payment arrangements. Alternatively, evidence of rehabilitation such as maintaining a payment arrangement 8-26 weeks, reducing debt to below £500, demonstrating cause of previous problems addressed.</p>	<p>place and vulnerability issues.</p>		
<p>Proposed changes to qualification rules</p>	<p>8 - serious unacceptable behaviour updated.</p> <p>Applicants guilty of serious unacceptable behaviour may not be admitted to the register or where there is evidence of rent arrears from the last private rented</p>	<p>Medium. This will need to be monitored to ensure that vulnerabilities are taken account of.</p>	<p>Yes agree= 13</p>	<p>Policy updated.</p>

	tenancy. The non-qualification will apply unless the applicant can demonstrate that the previous conduct is unlikely to reoccur. This could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.			
Proposed changes to qualification rules	9 - CCP Tenants not assessed as Band A or Band B Housing Need and wanting to transfer should seek to do so through the Mutual Exchange Scheme.	Low Applicants can seek a transfer through mutual exchange or if assessed as Band A or B will qualify.	Yes agree = 14 No = 1	Policy updated.
Proposed changes to make the rules clearer regarding when a direct letting outside of the choice based letting system will be allowed.	Clarity provided on when direct lettings are allowed for example, urgent re-housing due to property being uninhabitable or where there are serious health and safety issues, or discharge of a statutory homeless duty; urgent housing need where it would be unreasonable to wait for the bidding process, threat to life, natural disaster, facilitate a three way (or greater) mutual exchange to make best use of housing stock; persons where the Council has a duty to rehouse due to the Land Compensation Act 1973, lettings due to annual lettings plans, adapted property, cases where Adult Social Care work is ongoing, cases of high risk such as Multi Agency Public Protection Arrangements (MAPPA).	Medium. Cases will need monitoring by the Board where direct lets are permitted.	Yes agree = 15	Policy updated.
Proposal to introduce a penalty for applicants who refuse 3	Applicants in reasonable preference Bands A and B who refuse 3 reasonable offers in a 12 month period will be 'downgraded' to Band C for 12 months.	Medium. Cases of vulnerable applicants will need to be monitored.	Yes agree = 14 No = 1	Policy updated and 'reasonable' is defined in the draft Policy.

reasonable offers in a 12 month period.				
Proposal to remove the 'Cumulative Need' rule from the Policy	The 'Cumulative Need' rule was difficult to understand and administer and often resulted in 'band chasing' where applicants seek to move bands if they could demonstrate more than one need.	Low. The bandings allow for prioritisation of applicants based on need.	Yes agree = 14 No = 1	Policy updated.
Proposal for expanded criteria for when a customer will qualify for the statutory housing need bands A and B and a clearer criteria for when a band will be awarded to ensure assessments are always consistently applied.	Ensure bandings are applied consistently.	Low. Clarity in awarding Bands. Less likely to be challenged.	Yes agree = 8	Policy updated (Bands table outlined below).
A number of changes are proposed to the banding system and these are out in the summary table below.	Changes are detailed in the Table below.	Low. Changes will make the application of the Policy clearer.	Yes agree = 8	Policy updated.

## Revised Bands

<b>Band A: Additional preference for certain homelessness duties</b> <i>(This is assessed and verified by the Partner Council's Housing Options Team)</i>
This banding applies where a Cumbrian Council have accepted:
1) The Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty, or
2) A section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
In these circumstances where an applicant is homeless and in temporary accommodation and owed a Section 189B(2) relief duty, or 193(2) main duty or a section 193C(4) reduced main duty the Council will need to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council. The applicant may still bid for properties advertised but due to the budgetary pressures faced by the Council and the need to maintain a supply of available temporary accommodation for new cases presenting as homeless, the Council is likely to make a direct offer of suitable accommodation into the private rented sector or social housing regardless of the preferences expressed by the applicant.
<b>Band A: Additional preference for medical or disability (See appendix 1.8 for full details of the medical need assessment process)</b>
Where an applicant (or a member of their household) is unable to continue to occupy their current accommodation due to high medical need or disability. Examples of when Band A may be awarded include:
Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.
Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:
a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access.
b) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care
c) Whose condition is life threatening and their existing accommodation is a major contributory factor

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

**Band A: Additional preference where there is a need to move on welfare grounds due to exceptional impact on the applicant or a member of their households well being**

Not every circumstance that may present can be captured by the policy so below are examples of welfare ground cases that will be considered. The list is not exhaustive:

- a) Suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that it is not safe for them to remain in their present home/locality.
- b) Applicants who need to move due to domestic abuse threats from an ex partner or family member they do not live with, extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing.
- c) Exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/area.
- d) For applications in circumstances where there is a serious threat to the well being of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in Children's Services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.

**Band A: Additional preference Armed Forces**

Applicants with urgent housing who:

- a) Is serving (and will soon leave) the regular forces and is suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service

- b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- c) Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service

**Band A: Additional preference for unfit or unsatisfactory housing**

**There are 3 circumstances where Band A may be awarded:**

**1: Applicants without access at all to any of the following facilities:**

No access to:

- a) A bath or shower
- b) A toilet
- c) Cooking facilities
- d) Running hot water supplies
- e) Electric/gas needed for essential activities

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

**2: Exceptional impact cases.**

Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)

This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.

Note - this does not include Council or Housing Association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants

**3: Demolition or Compulsory Purchase Order (CPO) cases.**



Where the applicant's property is subject to demolition or subject to a Compulsory Purchase Order for redevelopment
<b>Band A: Additional preference for severe overcrowding as defined as 2 bedrooms or more overcrowded</b> <i>Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.</i>
Where an applicant household is severely overcrowded defined as requiring 2 or more additional bedrooms to reach the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:
➤ Children over the age of 16 will be excluded from the calculation
➤ Cases where extended family had moved into accommodation causing the 2 bedroom plus level of overcrowding
➤ Where the household contains non-dependent adults as there is more chance of non dependents being able to resolve their housing
➤ The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 2 bedroom plus priority will be awarded
<b>Band A: Additional preference for applicants nominated by Cumbria Adult Social Services/Children's Services in the following circumstances:</b>
• Where there is an essential need to move due to child protection issues
• Fostering carers for Cumbria County Council where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
• Adoption arrangements where there is a need to move to a larger home in order to accommodate a looked after child (this would not apply where the home required would be 4 bedrooms or more)
• Applicants owed a duty by Adult Social Services under the Care Act 2014 / Mental Health Act 1983/2007 who have been assessed by the housing team as being ready to move onto independent living and have an appropriate support package in place
<b>Band A: Additional preference for Cumbria County Council Care Leavers (Former Relevant children) as defined by the Children (Leaving Care) Act 2000 and need to move on</b>
Applicants must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the council's leaving care service and will consist of confirmation that:
a) All referrals by Children's Services will be made following the provision of Cumbria's Joint Protocol for young people
b) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
c) The care leaver possesses the life skills to manage a tenancy including managing a rent account.

- d) The care leaver has either long term or medium term tenancy support arranged, as required.
- e) Ongoing support needs have been assessed and, where appropriate, a support plan is in place and
- f) The CCP's assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well-being

*Note: Care leavers will be awarded Band A on proof of their status. If an application for housing is made before it has been determined by the CCP assessing officer that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not have any bid considered until the support worker presents the evidence to the CCP that the individual is ready to move on and the CCP agree with that evidence.*

**Band A: Additional preference for applicants who are part of a multi-agency public protection agreement (MAPPA).**

Band A would apply only where:

- a) On the recommendation of the MAPPA partnership the applicant requires and is suitable for independent housing and qualify for the Housing Register, and
- b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MAPPA case accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on the multi agency planning for that individual

**Band A: Additional preference for certain MARAC assessed cases**

Applicants fleeing domestic violence and abuse that have been assessed by MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and

- a) The MARAC partnership has referred the case and provided evidence as to why the applicant requires social housing, and
- b) The CCP assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature, have a substantial detrimental effect on individual or household

**Band B – Reasonable preference for certain homelessness duties owed** *(This is assessed and verified by the Partner Council's Housing Options Team)*

Any of the following statutory homeless duties owed by a Cumbrian Council:

a) People where it has been verified that they are rough sleeping in a Cumbrian Council area regardless of whether they have made a homeless application
b) Applicants owed the prevention of homelessness duty under Section 195(2) by any Cumbria local authority
c) Applicants owed the 'relief of homelessness duty under Section 189B(2) (Note: applicants owed a relief duty and are likely to be in priority need, unintentionally homeless and are in temporary accommodation will be placed in Band A)
d) Where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need
<b>Band B: Reasonable preference for insecure accommodation arrangements</b>
"A pregnant woman or applicant with a child or children who are sharing a home with family who are not part of their household and where:
a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band B priority and it is likely that they can remain for at least 6 months to a year.
c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 6 months to a year.
<b>Band B: Reasonable preference for medical or disability housing need (See appendix 1.8 for full details of the medical need assessment process)</b>
Applicants who have need to move due to them having medical problems or disabilities where their housing conditions exacerbates a serious medical condition or disability but do not qualify for an award of Band A. This includes (the examples are to illustrate the level of housing need to be awarded Band B and is not an exhaustive list).
a) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person.
b) Applicants who have mobility issues and it has been assess need to move to ground floor or level access accommodation
c) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities
d) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
e) Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment)

**Band B: Reasonable preference under the Government's 'Right to move' regulations**

Existing social tenants of accommodation in England who the CCP have assessed as qualifying under the Government's Right to Move regulations will be placed into Band B

Allocation to those Applicants who qualify is limited to a maximum of 2% of all lettings.

**Band B: Reasonable preference for 'move on' from supported housing**

Where the CCP assessing officer after considering evidence from the applicant's support officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on their well being.

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

**Band B: Reasonable preference where it is agreed there is a need to move on welfare or hardship ground:**

1) Applicants who need to move closer to a specialist organisation, agency or institution located in a specific area of Cumbria, where moving would prevent significant physical, psychological or financial hardship. (The assessment will include the availability and ability to use public transport)

2) Hardship on support grounds: Applicants that have demonstrable evidence that they provide or receive substantial and on-going support to or from relatives or friends and where moving would prevent significant physical, psychological or financial hardship. This award will only be considered where there are significant medical or welfare issues including grounds relating to disability. This award for applicants who give or require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue (relating to the applicant or their household or the relatives or friends) and there are reasons why this support cannot be made available through reliance on public transport or the persons own transport. (The assessment will include the availability and ability to use public transport).

3) Employment Hardship - Priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. Employment purposes are defined as: applicants including people needing to move from outside Cumbria and between Cumbrian Districts, taking up or continuing permanent employment for a minimum of 16 hours per week. Under this clause applicants will only be considered where they do not live within a reasonable

commuting distance and will be required to provide confirmation of employment details from the employer. (The assessment will include the availability and ability to use public transport)

**Band B: Reasonable preference for being overcrowded by 1 bedroom** *Note: the measurement of overcrowding is based on the "bedroom standard" (with some exceptions adopted see below). This is the non-statutory standard set out in the government's allocation of accommodation guidance.*

Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 1 bedroom short of what they need as measured by the bedroom standard.

Or alternative wording

Where an applicant household is overcrowded by one bedroom as measured by the bedroom standard. In calculating the overcrowding the following circumstances will be disregarded unless there are exceptional circumstances:

- Children over the age of 16 will be excluded from the calculation
- Cases where extended family had moved into accommodation causing the 1 bedroom level of overcrowding
- Where the household contain non-dependent adults as there is more chance of non dependents being able to resolve their housing

The CCP will take account of the space and layout of rooms and bedrooms in deciding whether the 1 bedroom priority will be awarded

**Band B: Reasonable preference for unsatisfactory housing conditions or issues of property fitness**

Private sector tenants that the relevant Council has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the CCP assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation

**Band B: Reasonable preference for under-occupation**

Applicants who have a social housing tenancy with a Cumbrian CCP Partner and are under-occupying social rented accommodation by two or more bedrooms. The exception to the 2 or more bedroom under occupation rule will be:

- a) Where a tenant occupies a house that they are under occupying by 1 bedroom and a move to a flat would free up that house

b) Where it is agreed that under-occupancy by 1 bedroom will cause significant financial hardship for tenants. This is where there is clear evidence that tenants on lower incomes are forced to spend significant percentages of their incomes on servicing 1 bedroom under-occupancy deductions

**Band B: Local preference for recent ex armed forces applicants**

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

**Band B: Local preference for identified 'Key Workers'**

The following key workers whose total gross household income from all sources does not exceed an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

- 1) National Health Service Staff and Social Care staff
- 2) Community Support Officers
- 3) Members of the Territorial Army
- 4) Volunteer Fire Officers

**Band C – All other applicants in housing need:** This is the housing need band awarded where an applicant is not assessed as coming under the criteria adopted by the policy for being in a statutory housing need. Applicants placed in band C can still bid for properties but will not be considered above applicants from Bands A or B who have bid for the same property.

Band C will include applicants who have been assessed as being intentionally homeless by any Council and since that award has not had settled accommodation (defined by the CCP assessing officer)