



# HOUSING ALLOCATIONS POLICY

This Housing Allocations Policy sets out the criteria and procedures that Dartford Borough Council uses to prioritise applicants for housing owned by the Council and a proportion of homes owned by our housing association partners in the borough.

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## 1. AIMS AND OBJECTIVES OF THIS POLICY

- 1.1. This Housing Allocations Policy sets out the criteria and procedures that Dartford Borough Council uses to prioritise applicants for housing owned by the Council and a proportion of homes owned by our housing association partners in the borough. It details how applicants can apply for, and access, social housing and sets out how applicants are prioritised on the Council's housing register. It also sets out other assistance that is provided to housing applicants, including advice and access to housing in the private rented sector.
- 1.2. In Dartford, the demand for affordable housing is far greater than the number of homes available. This Policy therefore aims to ensure that those in greatest housing need and those that make a contribution to the community, are given appropriate priority to access available housing.
- 1.3. This Policy sets out in detail who does and does not qualify and how this is decided. This Policy is designed to meet all legal requirements and to support and contribute towards the Council's wider objectives such as promoting mixed communities and making efficient use of the housing stock.
- 1.4. The key objectives of this Policy are to:
  - Provide a fair and transparent system by which people are prioritised for housing.
  - Help those most in need of housing.
  - Promote the development of sustainable mixed communities.
  - Make the best use of affordable housing in the Dartford borough.
  - Make efficient use of our resources and those of our partner housing associations.
- 1.5. Affordable housing in Dartford is allocated through [Kent Homechoice](#), which allows applicants to view available council and housing association homes. The system is supported by a housing solutions approach giving applicants realistic advice and promoting other housing options, such as low cost home ownership and private sector renting.

## 2. LEGAL CONTEXT

- 2.1. This Policy sits within a legal framework, which is summarised in this section.
- 2.2. The Housing Act 1996 (as amended) requires local authorities to make all allocations and nominations in accordance with an Allocations Policy. A summary of the Allocations Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the Council's web site at [www.dartford.gov.uk/housing](http://www.dartford.gov.uk/housing) and paper/email copies can be provided on request.
- 2.3. **Reasonable preference**  
Every local authority allocation scheme in England must ensure "reasonable preference" is given to certain categories of applicant as set out in subsection 166A(3) of the 1996 Act:

- a) people who are homeless (within the meaning of Part 7 of the 1996 Act);
- b) people who are owed a 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);
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) people who need to move on medical or welfare grounds (including any grounds relating to a disability);
- e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

2.4. The 1996 Act also requires local authorities to state within their Allocations Policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them. Our policy on choice is described below in Section 5 (Kent Homechoice).

2.5. This Policy complies with the requirements of:

- Housing Act 1996 (as amended)
- Localism Act 2011
- Allocation of Accommodation Code of Guidance 2012 (updated 2023)
- The Homelessness Reduction Act 2017
- Immigration Act 2016
- Providing social housing for local people 2013
- Improving access to social housing for victims of domestic abuse 2022
- Improving access to social housing for members of the Armed Forces 2020
- Domestic Abuse Act 2021

2.6 This Policy also complies with the following statutory regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Homelessness (Suitability of Accommodation) Order 2012 (as amended by the Homelessness Reduction Act 2017)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- The Homeless (Review Procedure etc.) Regulations 2018

- 2.7. In formulating this Allocations Policy, the Council has also had regard to its current Homelessness and Rough Sleeper Strategy, Tenancy Strategy and Tenancy Policy. These can be found at <https://www.dartford.gov.uk/housing-policy/housing-strategy-policy-documents>.
- 2.8. This Policy is subject to the provisions of the Equality Act 2010 and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and specifically, s.149 which states that the Council has a duty to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic and those who do not i.e. the public sector equality duty. The Council has undertaken a [Customer Access Review](#) and has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.
- 2.9. This Policy has considered:
- The Council’s statutory obligation (strengthened by the Homelessness Reduction Act 2017) to provide homelessness services to all eligible housing applicants affected by homelessness, not just those who have a “priority need”, these include:
    - (a) An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage (“the prevention duty”); and
    - (b) A duty for those who are already homeless so that the housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation (“the relief duty”).
      - The Council’s statutory obligation to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness and, following this assessment, the duty to develop a personalised housing plan which will include actions (or ‘reasonable steps’) to be taken by the authority and the applicant to try and prevent or relieve homelessness;
      - The Council’s statutory obligations and discretion as to who is eligible for housing allocation;
      - The Council’s statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law;
      - The Council’s statutory discretion to grant “additional preference” and/or to determine priority between applicants with Reasonable Preference;
      - The Council also recognises its discretion to give additional preference to particular descriptions of people with urgent housing needs.

- 2.10. Tenancies for council homes are managed according to the Council's Tenancy Policy as required under the Localism Act 2011. Other housing providers have to take account of the Council's Tenancy Strategy when setting their own policies.

### 3. GENERAL RULES AND CONDITIONS

#### 3.1. **Decisions**

All decisions taken under this Policy are authorised by the Head of Housing.

#### 3.2. **Persons Eligible for Assistance**

Persons entitled for assistance must be a partner or a member of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the Council is satisfied, acting reasonably, for that person to reside with the applicant. This will normally exclude lodgers or anyone sub-letting from the applicant.

- 3.3. In cases where parents share the residency of children, and wish to include those children as part of their housing application, the housing arrangements of both parents will be considered.

- 3.4. Applicants who have "staying access" to dependent children, or shared residence orders, are not automatically entitled to bedrooms for those children. The Council recognises the need for a child to have one home of adequate size and will not usually accept responsibility for providing a second home for children.

- 3.5. Only one housing application per person or household will be considered. If one parent has adequate accommodation for the children, the children will not be taken into account on the other parent's application.

#### 3.6. **Evidence of Identity and Housing Circumstances**

Qualifying applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members and proof of income (see 3.7.) The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances, including a home visit if necessary. If an applicant fails to provide documentary evidence or other information reasonably required by the Council in order to validate the application within 56 days, this may affect the priority date awarded to the application. An offer of accommodation can only be made once **ALL** documentary evidence has been provided and validated.

#### 3.7. **Income and Savings**

All prospective new tenants will be required to supply evidence of their financial income and resources upon application and to declare any significant changes in financial or household circumstance where applicable. Where applicants are not able to show current entitlement to Income Support or Universal Credit, verification of income and savings will be required prior to being offered accommodation.

Household income criteria is set out in the Council's Tenancy Policy according to household earnings and size of property required. Any household with an income level exceeding the thresholds set out in the Tenancy Policy, will not be considered eligible for social housing. Similarly, where applicants have other resources above the level set by the Council in the Tenancy Policy they will also not be classed as eligible for social housing. Households with incomes or assets below these limits will be banded according to the criteria set out in this Policy.

### 3.8. **Homeowners**

Homeowners (this includes any member of the household on the housing register application) will not be eligible for social housing if they own a residential property in the UK or abroad, or part own a property under a shared ownership or other subsidised scheme. This includes applicants who own a property but have chosen to rent it out.

3.9. Applicants who own a residential caravan, mobile home or houseboat are also considered homeowners. In exceptional circumstances and, at the Council's discretion, homeowners may qualify for social housing if it can be shown:

- That occupying the home could lead to abuse or endanger the health of the occupant
- That the applicant has a serious medical condition and is no longer able to remain in their property as they have a need for adapted or specialised housing and they do not have sufficient funds or access to a grant to make it suitable, and/or are unable to afford suitable alternative accommodation.

Such cases will be assessed by the Council on a case-by-case basis.

Former owner occupiers may be asked to provide proof that they no longer own a property and that they do not exceed the savings threshold set out in the Council's Tenancy Policy.

### 3.10. **Changes of Circumstances**

Once placed in a Band, according to needs, applicants should notify the Council, of any material change in their circumstances that will affect their priority for housing, for example:

- a change of address, for themselves or any other person on the application;
- any additions to the family or any other person joining the application;
- any member of the family or any other person on the application who has left the accommodation;
- any significant change in income or savings;
- a change in employment or volunteering status or any change, which may affect the Additional Priority criteria.

- 3.11. The Council will carry out an assessment of each applicant's entitlement to, and priority for, re-housing based on the information provided by the applicant or otherwise received in connection with the applicant.
- 3.12. Failure to submit a change of circumstances, which is discovered at the point of an allocation or after an allocation, could lead to an investigation of fraud as set out in paragraph 3.13.
- 3.13. **Investigation of Fraud**  
The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud as set out in the Council's Tenancy Fraud Policy. Applications will be immediately suspended if there is evidence of misrepresentation or fraud until enquiries are completed.
- 3.14. Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances, is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted as a consequence of a fraudulent application for housing.
- 3.15. **Members of the Council, Staff Members and their Relations**  
In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or rehousing from Borough Councillors, employees of the Council or associated persons, such as a family member, must be disclosed. These applications will be assessed in the normal way, but any allocation of housing will require approval by the Head of Housing.

## 4. ELIGIBILITY AND ASSESSMENT

- 4.1. The Council operates a housing banding system to determine who will be prioritised for housing in the borough and who will not be eligible. The housing bands are set out in Annex 1.
- 4.2. Applicants must be over the age of eighteen to join the housing register.
- 4.3. Anyone can approach the Council for housing advice and assistance, however, as social housing in the Borough of Dartford is very limited, the Council can only accept qualifying households onto the housing register and allow them to bid.
- 4.4. The Government states that normally councils will not be able to allocate social housing to persons who are not already social housing tenants and who need leave to enter or remain in the UK. This applies to all persons except British citizens or persons with a right to reside in the UK under the Withdrawal Agreement entered into between the UK and the EU.



4.5. If you need leave to enter or remain in the UK (regardless of whether you have leave) you will only be eligible to join the housing list if you are a person who falls into one of the following:

- Recorded by the Secretary of State as a refugee
- Granted Exceptional Leave to Remain outside of the Immigration Rules who is not subject to a condition of non-recourse to public funds
- Granted unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area (UK, Channel Islands, Isle of Man or Republic of Ireland) unless they are sponsored, have been resident for less than 5 years and at least one sponsor is still alive
- Granted Humanitarian Protection
- Granted limited leave to enter or remain in the UK on family or private life grounds under Article 8 of the European Convention of Human Rights under 12 paragraph 276BE (1) or 276DG or Appendix FM of the Immigration Rules who is not subject to a condition of non-recourse to public funds
- Habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules
- Habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules (Effective from 1 November 2018)
- Limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU of the Immigration Rules
- Habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules
- Has limited leave to enter or remain in the UK by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules, is not subject to a condition of non-recourse to public funds and is habitually resident in the Common Travel Area
- Has been granted leave to enter or remain under the Afghan Relocations and Assistance Policy or the previous scheme for locally employed staff in Afghanistan
- Has leave to enter or remain who left Afghanistan in connection with the collapse of the Afghan government, but not if not subject to a condition of non-recourse to public funds or if the person has been given leave to enter or remain in the UK upon an undertaking given

by their sponsor and has been resident in the Common Travel Area for less than five years and whose sponsors have not died

- Certain persons in the UK who have limited leave to remain are exempt from the residential criteria and local connection set out in this Scheme if they are identified by Government as a Ukraine refugee, in accordance with the Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) (No. 2) Regulations 2022.
- The Government states that councils cannot allocate housing to anyone unless they are habitually resident in the Common Travel Area, subject to certain exceptions for persons with rights of residence under the Withdrawal Agreement and persons who are in the UK as a result of being deported or expelled from another country.
- The Government states that councils cannot allocate housing to a person from abroad whose only right to reside in the UK is based on their status as a jobseeker or an initial three months' right of residence or is a derivative right of residence based on being the principal carer for a British citizen.
- The Council is not allowed to allocate housing to an ineligible person by granting them a joint tenancy with another eligible person.

4.6. These rules do not apply to a person who is already a Secure or Introductory Tenant or an Assured Tenant of a Private Registered Provider. In that case, you are free to apply for a transfer regardless of your immigration status.

4.7. The detailed provisions of these rules are complex and the above is only a summary of them. They are subject to change by statutory instruments issued by Government from time to time.

4.8. In addition, the following classes of person will **not** normally qualify to join the housing register. There is some discretion to waive these classes in exceptional circumstances; as approved by an appropriate manager:

- a) Applicants who have not resided in the borough continually for the last two years at the point of application;
- b) Applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation of Offenders Act 1974 (any person may re-apply once this conviction is spent);
- c) Applicants whose income or assets exceed the limits set by the Council, as set out in the Council's Tenancy Policy;
- d) Applicants who owe arrears of rent or other accommodation charges to the Council, or other social landlord, in respect of the current tenancy or former accommodation. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of need;
- e) Applicants who owe money to the Council in any other capacity;

- f) Applicants in serious breach of their Tenancy Agreement;
- g) Applicants who are regarded as homeowners, with some exceptions (please refer to 3.8).

4.9. In all other cases, the Council will have regard to the Government's Code of Guidance on the Allocation of Accommodation 2012 (or any such amendments, issued by Government).

#### 4.10. **Local Connection**

Local connection, within the terms of this Policy, will normally mean that an applicant has lived continuously in the Borough of Dartford for a minimum of 2 years up to and including the date of their application, with some exceptions as listed below in 4.11 – 4.17. It should be noted that households placed in the Borough of Dartford in temporary accommodation by another local authority will not normally be considered to have a local connection, even if they have resided in the Borough for 2 years or more.

4.11. Local connection is determined by current homeless legislation or applicants fall within the category of armed service personnel as defined in Annex 4.

4.12. A local connection test will not be applied to victims who have fled domestic abuse and wish to join the Council's housing register because they are living in housing not suitable for their needs in Dartford.

4.13. Local connection may also be awarded to people who need to move to the Borough of Dartford from another local authority area, where failure to meet that need would cause hardship to themselves or to others; subject to submission of satisfactory evidence to support this. In this instance, a medical and welfare needs form must be completed by the applicant and assessed by the housing team.

4.14. Local connection may also be awarded to care leavers, within the meaning of the Children (Leaving Care) Act 2000, that are currently accommodated by their local authority in the Dartford area. Care leavers will be entitled to apply to join the Housing Register, at age 18. This is regardless of previous local connection to the area and where they have been identified as being ready for move on in their Pathway Plan with their Personal Advisor.

4.15. In exceptional circumstances, such as under occupation or serious, evidenced medical needs, local connection may also be awarded to council tenants living in the Borough of Dartford, if this is less than two years.

4.16. In cases where an applicant has spent time away from Dartford in an institution, e.g. prison, mental health/drug and alcohol treatment centres, the Council will give regard to local connection prior to the time an applicant has spent away, e.g. they lived in Dartford for 2 years or more prior to moving to an institution.

4.17. Under the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015, local connection will not be applied to existing social tenants seeking to transfer from another local authority district who:

- have reasonable preference under section 166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

**4.18. Medical and Welfare Needs Assessments**

A medical and welfare needs assessment will normally only be carried out if an applicant has been accepted onto the housing register (the exception being 4.13). In all cases, a medical and welfare needs' assessment form with supporting evidence must be provided. In some instances, an independent assessment will be carried out by the Council's approved medical practitioner.

4.19. Homeless applicants accepted onto the housing register can have their medical and welfare needs assessed in partnership with the homelessness case officer based in the Housing Solutions Team.

4.20. Any medical and/or welfare needs assessment will be carried out in line with the Council's current welfare and medical assessment procedures.

4.21. Applicants aged over 55, from outside the Borough of Dartford that have been accepted onto the register for 'Scheme' housing under Band D (see 4.21), will not qualify to have their medical & welfare needs assessed in order to give them additional priority. However, identified medical needs will be taken into account upon the allocation of a property, for example wheelchair accessibility.

**4.22. Housing Scheme Accommodation for those aged 55 and over**

Applicants who apply for Housing Scheme Accommodation (housing for over 55s with housing related support), will be subject to a Needs & Risk Assessment where consideration will be given to the following:

- Whether the applicant has a need for this specific type of accommodation with enhanced housing management;
- Whether the applicant's needs can be met by the accommodation
- That the applicant has an understanding of the support provided and will engage with the service;
- That they will not present a risk to the vulnerable group of individuals who are already living there.

## 5. HOW THE COUNCIL ALLOCATES PROPERTIES

**5.1. Kent Homechoice**

The Council is a member of [Kent Homechoice](#), a Kent-wide choice based lettings scheme. This means that the Council will advertise properties that are available to let to applicants who fall into one of the housing bands described in Annex 1. This will include council and housing association properties.

5.2. As permitted under current legislation, the Council will exercise its right to suspend choice based lettings where business needs dictate this is necessary.

### 5.3. **Bands**

5.4. Priority for council and housing association properties will be determined by housing band, with those applicants in Band A having a greater priority than those in Band B and those in Band B, having greater priority than those in Band C and so on.

5.5. Within Bands, priority will be determined by date order; that is the date of application. However, if a household's circumstances change and they are placed in a higher banding, the date will be reset to when they entered that Band. An applicant moving down within the banding system, will always retain the date from their original Band. This is to ensure that other applicants waiting times are not unfairly compromised.

5.6. In considering priority for re-housing between applicants with a similar priority, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property and they have the same waiting time, preference will be given where one of the applicants is considered to be facing a more urgent housing need. This decision will be agreed by the Head of Housing.

5.7. If an applicant has multiple needs this will NOT increase their priority. In each case, the most urgent housing need will apply and the applicant will be placed in the banding most suitable for their needs.

5.8. The circumstances of Band A applicants will be regularly reviewed to ensure the household still meets the banding criteria. Failure to bid will be taken into consideration when reviewing an applicant's circumstances.

5.9. For some client groups only one offer of accommodation is made. These include all Band A applicants, homeless households, those needing to move on management grounds, reciprocal clients and those who are moving on from supported accommodation. For homeless households, this is where an offer is made which represents a final offer under the Housing Act 1996, Part 6 and is made in order to discharge the Council's duty under the Housing Act 1996, Part 7.

5.10. Applicants who have been placed in long-term temporary accommodation (Dartford Private Leasing Scheme) will be placed in Band D until such time as their needs change. In such cases, the applicant's banding will be reviewed.

### 5.11. **Targeted Adverts**

5.12. Adverts may state if a property is targeted at certain applicants, e.g. homeless applicants (see Annex 6), those over a certain age or households with a specific medical need (for example, ground floor accommodation). They may also be targeted towards specific groups such as those that are downsizing or where a local lettings plan has been agreed.

### 5.13. **Auto bidding**

Auto bidding allows bids to be placed automatically for applicants based on their predetermined preferences and needs. This includes choice of areas, property type and floor, pets, lift access, garden and rent levels. The Council sets the

parameters based on the applicant's needs and wishes and the computer system places the bid. The bids are placed at the end of the advertising. Auto bidding is implemented for a variety of customers including homeless applicants, tenants wishing to downsize and those have told us they are unable to bid for themselves and have no family or friends to assist.

#### 5.14. **Suspension from the Housing Register**

Applicants may be suspended from the housing register for reasons including, but not limited to:

- Owing housing related debt to the Council or social housing provider that has accumulated whilst on the Register
- A change of circumstances affecting eligibility
- A request for a review of the suitability of accommodation has been made
- Other discretionary reasons as agreed by the Head of Housing

Applicants will be suspended for a maximum of two years before they are removed from the Register.

#### 5.15. **Allocations outside of Kent Homechoice**

The Council reserves the right to restrict the operation of Kent Homechoice to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfil its housing management duties and responsibilities. Decisions to allocate properties outside of Kent Homechoice will be authorised by the Head of Housing.

5.16. A statutory homelessness criterion applies to applicants who are owed a homelessness duty to secure accommodation under S.193 Housing Act 1996. In some cases, a direct and final suitable offer may be made to households owed a homeless duty.

5.17. The Council considers a property to be suitable if it is the correct bedroom size for the household and meets any medical needs that have already been predetermined.

5.18. Where an applicant wishes to appeal the suitability of an offer of Council owned accommodation, the property will be held available whilst the appeal is considered.

5.19. Applicants are still able to bid for a property under Kent Homechoice up until the point a direct offer is made. If an applicant successfully bids for a property, this will count as a final offer of accommodation made under homeless legislation.

#### 5.20. **Suitability of accommodation**

Where accommodation is offered in or outside of Kent Homechoice, an applicant will normally be expected to accept an offer of a suitable property that meets their needs (housing and medical).

5.21. The Council will seek to take into account an applicant's particular or special needs but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of council accommodation and the demands placed upon it by all priority groups.

5.22. As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:

- It is in an area that the Council considers to be reasonable for the applicant to reside in. This will include;
- If it is in an area that has not been identified as unsafe for them to reside in.
- It is sized in accordance with the criteria in Annex 3;
- It complies with any recommendation made by a Medical or other relevant advisor, such as an Occupational Therapy Housing Needs Assessment, and agreed by the Council.

5.23. An offer of accommodation which is arranged by way of a nomination to a housing association or private sector property will be considered to be as reasonable as an offer of a council tenancy and will discharge the Council's homelessness duty (as prescribed in the Localism Act 2011).

5.24. Applicants may be offered on line tenancy training to support them if required. This could include information and advice on paying rent, paying bills, decorating and general budgeting etc.

**5.25. Move on from supported accommodation**

Priority may be given to applicants that are moving on from supported accommodation in one of the following ways:

- Move on from supported accommodation where the Council has discharged its functions under the HRA 2017 and where this has been identified and confirmed in the applicant's 'Personalised Housing Plan' (this can be for accommodation that falls outside of the Borough of Dartford);
- Move on from supported accommodation provided as part of the duties under Part VII of the Housing Act 1996 prior to April 3<sup>rd</sup> 2018 and as determined by the Council;
- Where a priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure (e.g. mental Health team referrals or KCC leaving Care team referrals);
- Move on from a domestic abuse refuge or safe accommodation as defined in the Domestic Abuse Act 2021;
- Move on from any other supported accommodation as agreed by the Council.

5.26. In some circumstances a direct offer will be made to applicants where a move on has been agreed.

- 5.27. Only one offer of accommodation (including through successful bidding on Kent Homechoice) will be made. This is to ensure that a household's urgent housing needs are met as quickly as possible. The Council will ensure the offer of accommodation is suitable for the applicant's needs. A refusal of a direct offer or a refusal following a successful bid will be considered by an appropriate senior manager.
- 5.28. In some circumstances, move on cases may be escalated to Band A. This would be at the discretion of the Council and authorised by the Head of Housing.

## 6. HOMELESS APPLICANTS

### 6.1. **Bandings**

- 6.2. Applicants who are owed a homelessness duty under s. 189B, s.193 (2) or s.195 (2) of the Housing Act (as amended) will be given reasonable preference and placed in Band D. Where properties become available for letting to homeless applicants, they will be advertised specifically for Band D applicants owed a housing duty under homeless legislation. Additional priority will be given according to Annex 4 or Annex 2, if medical or welfare issues are assessed.

### 6.3. **Housing Offers**

Homeless applicants will only receive **one** suitable offer of accommodation and this will be the **final** offer (see 5.20 for an explanation of suitability).

- 6.4. The offer can be anywhere in the Borough of Dartford unless there are unsafe areas that have been predetermined.
- 6.5. Auto bidding on Kent Home Choice is automatically enabled for homeless applicants. Any successful bids by this method will count as the final offer of accommodation.
- 6.6. An offer of suitable accommodation, which is arranged by way of a nomination to a housing association or private sector property, will be considered to be a reasonable offer of a council tenancy and will discharge the Council's homelessness duty (as prescribed in the Localism Act 2011).

Properties **must** be viewed on the date stated in the offer letter from the Housing Management Team or housing association, unless there are exceptional circumstances, such as illness or bereavement.

### 6.7. **Refusal of an offer of suitable accommodation**

Due to the demand for Council housing outstripping availability and creating a backlog, if the initial offer of suitable accommodation is refused and the Council is asked to review the offer, the reasons for refusal must be made in writing and submitted to the Council in accordance with the procedure in 9.3 below.



- 6.8. It should be noted, that applicants who are homeless and who are made a direct offer of suitable accommodation under s193(2) of the Housing Act 1996, whilst accepting the offer and moving into the property, may seek a review regarding the property's suitability.

If, following the review, the Council agrees that the property is not suitable, another direct offer of suitable accommodation will be made. Applicants may continue to bid for another property, up and until the point another direct offer is made.

If an offer of suitable accommodation is refused, but the Council determines that the property is suitable, the duty owed by the Council under s189B or s193 of the 1996 Act, will be discharged.

## 7. TRANSFERS, MUTUAL EXCHANGES AND SUCCESSION RIGHTS

### 7.1. Transfers

- 7.2. Applications for a transfer may be made jointly by separate Council tenants who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property.

- 7.3. On occasion, it may be necessary for a Council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band A at an appropriate time.

- 7.4. Council tenants who have to move because major works are required to their home, will have the option of moving back to their original home once the works have been completed in accordance with the Council's [Decant Policy](#).

- 7.5. Tenants with Introductory Tenancies will not be eligible to apply for a transfer, unless exceptional circumstances apply that have been considered under a medical and welfare assessment or a management decision.

- 7.6. There may be other reasons tenants need to transfer from their current accommodation that is not covered in this Policy. In such cases, the Head of Housing will make the decision.

- 7.7. Housing association tenants living in the Borough of Dartford are eligible to apply to join the Council's transfer list with the agreement of their current landlord.

### 7.8. **Mutual Exchanges**

Tenants have certain rights in relation to exchanging their tenancies with other tenants. These do not fall within the scope of this Policy, and full details of how these schemes operate can be found in the Council's [Assignment Policy](#).

7.9. In some cases, a local lettings policy may be in place, which may restrict a mutual exchange if the tenant has not held a secure tenancy for at least 12 months.

**7.10. Succession Rights**

Housing law means that certain household members are entitled to succeed to a Council tenancy when the tenant dies. Unless there are exceptional circumstances, this statutory right only applies to the first time that a succession occurs. See the Council's current [Assignment Policy](#) for further details.

**7.11. Management Transfers**

Urgent managed moves which have been agreed, due to extreme circumstances such as domestic abuse, violent assault, harassment and hate crime etc., will be able to move to alternative accommodation if it is the only viable resolution to their current difficulties. Moves will only be agreed where the alternative accommodation is the same size and type as they currently occupy unless there are exceptional circumstances or they need smaller accommodation. This decision will be made by the Head of Housing according to the management transfer process and procedure.

**7.12. Reciprocal Arrangements**

In order to support applicants who currently have a secure social housing tenancy, the Council will enter into reciprocal arrangements with the applicant's current landlord to retain their current tenancy status. Where arrangements have been agreed between the Council and another local authority or registered provider to facilitate an urgent move due to extreme circumstances, such as domestic abuse and harassment, applicants will be able to move to alternative accommodation if it is the only viable resolution to their current difficulties. Moves will only be agreed where the alternative accommodation is the same size and type as they currently occupy unless there are exceptional circumstances or they need smaller accommodation. This decision will be made by the Head of Housing according to the management transfer process and procedure. The Council is committed to the Kent wide Domestic Abuse Reciprocal Arrangement Pathway.

## **8. CONDITION AND SIZE OF ACCOMMODATION**

8.1. All Council accommodation offered will be habitable and in reasonable repair, in accordance with the Council's [Lettings Standard](#) and in accordance with the Fitness for Human Habitation Act 2018. Housing Associations will have their own policy on lettable standards, but still in accordance with the above Act.

8.2. The size of accommodation offered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out in Annex 3.

8.3. Larger accommodation than specified in Annex 3 may be considered in exceptional circumstances, such as high medical needs that require an additional bedroom or in accordance with current Housing Benefit/Universal Credit regulations or any such regulations that may be introduced.

8.4. In calculating the number of bedrooms available within properties, the Council will treat every habitable room as a bedroom except kitchens, bathrooms and one room for use as a living room. The Council will normally consider additional downstairs rooms in houses for use as bedrooms in accordance with Housing Benefit regulations.

8.5. **Types of Property**

Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:

- Properties in blocks of flats for people aged over 40 or any other age as determined by the Council at the time
- Properties in housing schemes for people over 55
- Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair

Kent Homechoice will specify what type of property is being offered in the advert.

## 9. PROCEDURE FOR REVIEWS OF A DECISION MADE UNDER THIS POLICY

9.1. **Request for a review of a Banding Decision**

All applicants have the right to request general information about their application. Applicants will be notified of this in writing where requested.

9.2. If an applicant wishes to request a review of the banding decision, they must make this within 21 days of the decision. Any request for a review must be made in writing and clearly set out the reasons why an applicant does not agree with the Council's decision. The Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a Team Leader or Manager within the Council's Housing Service, with no previous involvement in the case, who will notify the applicant of the outcome of the review, including the reasons for their decision, within 56 days from the date of the review request.

9.3. **Request for a Review of the Suitability of an Offer of Accommodation**

Applicants that are made direct offers, or where only one offer of accommodation is made, can request a review of the suitability of that accommodation. A request for a review can be indicated at the time of viewing the property, but in any event, submitted to the Council no later than 2 days of the property being viewed, failing which, the offer of accommodation may be withdrawn.

Any request for a review must be made in writing and clearly set out the reasons why an applicant disagrees with the Council's decision on the suitability of the accommodation. Review requests should be supported by evidence, which may include a letter from a doctor or a consultant about a health condition which makes the home the applicant has been offered unsuitable.

Formal reviews will be conducted by a team leader or manager within the Council's Housing Service, with no previous involvement in the case, who will notify the applicant of the outcome of the review, including the reasons for their decision. During this process, the Council may seek any further information it requires, including advice from medical and other specialist advisors, if necessary.

If, based on the evidence submitted by the applicant, the Council concludes that the applicants' reasons for refusal of the offer of suitable accommodation are not valid, the applicant will be given one further opportunity to reconsider the offer. If the offer is still not accepted, the offer of accommodation will be withdrawn and the application may be suspended and a banding review undertaken.

For homeless applicants, the Council will discharge its homeless duty under s.189B, s.193 (2) or s.195 (2) of the Housing Act (as amended) and the applicant will need to secure their own accommodation.

## 10. EQUAL OPPORTUNITIES AND MONITORING

- 10.1. The Council is committed to the principle of equal opportunities in the delivery of all its services. An [Equality Impact Assessment](#) of this Policy has been carried out. The Council has due regard to the protected characteristics as defined in Section 4 of the Equality Act 2010, which are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender reassignment.
- 10.2. Applicants will be invited to indicate if they wish to make use of the Council's translation and interpretation services, including BSL (British Sign Language), or if they require other special services as a result of visual impairment, hearing difficulties or other disability. Confidential interview facilities are provided at the Council offices and there is full access for people who use a wheelchair.
- 10.3. This Policy is being operated in a manner that is fair to all sections of the community. The information provided will be kept confidential and treated with respect in accordance with the Data Protection Act 2018.
- 10.4. All applicants for housing or rehousing will be asked to provide details such as ethnic origin and disability. This is not however, a requirement for acceptance of an application. Equalities' records will be kept and monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly and in line with The Equality Act 2010 and data protection provisions.
- 10.5. This Allocations Policy will be reviewed regularly to ensure it does not operate in ways that discriminate against or disadvantage any particular group

## 11. CONFIDENTIALITY

- 11.1. The disclosure of information about any housing application to a third party is prohibited unless the applicant has agreed to the disclosure or if the information is required on a "need to know" basis in the following circumstances:

- to plan and provide assistance jointly with health and social services agencies in appropriate cases
- for the purpose of fraud detection, the prevention of crime, and the promotion of community safety
- to enable efficient administration of offers of rehousing, lettings, housing association nominations, and rent and benefit accountancy etc. where disclosure is a legal requirement.

## 12. ACCESS TO PERSONAL DATA

12.1. The Data Protection Act 2018 (DPA 2018) provides individuals with a right to request access to any of their personal data held by the Council, and a right to know where the data came from, how it is used and why it is held. Such a request is called a “subject access request” (SAR) and applies to personal data in housing files.

12.2. SARs should be made in writing to the Council and must describe the information sought. Applications must state their name and provide proof of their identity, such as a copy of a passport, driving licence, or recent utility bill.

12.3. Any applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability then the Council should be contacted in order to make alternative arrangements.

12.4. Once the Council has received the information it must begin processing the request and respond within 30 days. There is a limited range of exemptions from the right of subject access.

12.5. Housing files may contain information about other people (third parties), such as details of complaints made by other tenants, or comments made by housing staff. If the Council cannot respond to a request without giving information about other people, it is not obliged to include this information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.

12.6. Under the DPA 2018, applicants also have, amongst other things, the right to challenge the accuracy of information held on them and may request the correction of records, which they believe to be inaccurate. Data subject rights are explained in the Council’s [Corporate Privacy Notice](#) and [service specific privacy notices](#). The exercise of these rights by data subjects is in accordance with the Council’s data protection policies and procedures.

## 13. ACCESS TO OTHER INFORMATION

13.1. Anyone has the right to request access to recorded information held by the Council, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIRs).

- 13.2. Requests for information under the FOIA should be made in writing, include the applicant's name and a correspondence address and describe the information requested. Requests under the EIRs can be made verbally. Please address requests under the FOIA or EIRs to the "FOI Officer" at the Council's postal address or to [foi@dartford.gov.uk](mailto:foi@dartford.gov.uk).
- 13.3. Once a valid request has been received, the Council must respond within 20 working days' unless an extension of time has been agreed.
- 13.4. Requests made by individuals under FOIA for their own personal data will be treated as "subject access requests" under the DPA 2018.

## **ANNEX 1 DARTFORD'S HOUSING BANDS**

### **Band A High Priority**

Applications from persons who meet the following criteria:

- a. High medical or welfare needs in accordance with the Council's Medical Assessment process.
- b. Where a high priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure.
- c. Management transfers or reciprocal arrangements of existing social housing tenants where the social landlord requires the tenant to move or the tenant needs to move due to domestic abuse, violence, harassment, intimidation, hate crime or threats of violence likely to be carried out.
- d. Major works to the Council's property have to be carried out in accordance with the Council's current Decant Policy and the tenant has to move.
- e. Households, living in the Borough of Dartford, who are under-occupying their council property.
- f. Other urgent management reasons agreed by the Head of Housing.
- g. Escalation of move-on from supported or specialist housing cases; as agreed by the Head of Housing.

### **Band B Medium to High Priority**

Applications from persons where none of the above in Band A applies but who meet the following criteria:

- a. Eligible households who have reasonable preference (Band C) and who qualify under the Additional Priority category as defined in Annex 4.
- b. Armed forces personnel who fulfill the criteria set out in Annex 4.
- c. Persons leaving Care who qualify under paragraph 4.14 of this Policy.
- d. Medium medical or welfare needs in accordance with the Council's Medical Assessment process.
- e. Where a medium priority referral has been accepted by the local authority under the Kent Agency Assessment Procedure.

- f. Households occupying a majorly adapted property where that property is no longer required (to be agreed by Dartford Borough Council).
- g. Where a household is suffering from the following:
  - Major overcrowding, that is lacking two or more bedrooms. See Annex 3.
  - Living in supported housing or Scheme housing with support and needs to move as support is no longer required; as agreed by the Council.
  - Property is in disrepair, as assessed by Officers of the Council.
- h. Homeless households owed the main housing duty as a result of losing their home due to domestic abuse

### **Band C Medium Priority**

Applications from persons where none of the above in Band A or Band B applies but who have a statutory reasonable preference as set out in section 2.3. In addition, medium priority will also be awarded to applicants who meet the following criteria:

- a. Low medical or welfare needs in accordance with the Council’s Medical Assessment process.
- b. Move on from accommodation where Dartford Borough Council has discharged the functions under the HRA 2017 and where this has been identified and confirmed in their ‘Personalised Housing Plan’; or
- c. Discretion has been given to applicants under the HRA 2017 where it has been assessed that social housing is the only/most appropriate solution and where applicants are likely to be in priority need.
- d. Applicants with no fixed abode where proof of local connection can be established through for example doctors, dentist, Job Centre or council held records or any other records that may be available.
- e. Applicants aged over 55, who have a local connection to Dartford and who qualify for housing in a scheme for older persons; following a completed needs and risk assessment.
- f. Applicants leaving prison where a local connection, under the terms of this policy, prior to incarceration, can be established.

### **Band D Low to Medium Priority**

Applications from persons where none of the above categories in Band A, Band B or Band C applies, or:

- a) Applicants who are intentionally homeless where a decision has been made by the local authority under Part VII of the Housing Act 1996 (as amended) or where a person has deliberately worsened their housing circumstances (such as deliberate overcrowding) and would have been found to be intentionally homeless if an application under Part VII had been made.
- b) Applicants owed Reasonable Preference due to being owed a duty under s.189B, s.193 (2) or 195 (2) of the Housing Act 1996 (or under 65(2) or 68(2) of the Housing Act 1985), (refer to paragraph 6.1 and Annex 2). Those households owed a full homeless duty in suitable long term temporary



accommodation will be allocated Band D. Applicants in this category will be able to bid on Kent Homechoice properties that are advertised specifically for applicants in Band D by reason of being owed a homelessness duty.

- c) Applicants who are homeless by another local authority. This applies where a duty is owed by another local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192(3).
- d) Applicants who have been placed in long term temporary accommodation by the Council including Dartford Private Leasing Scheme properties.
- e) Applicants who have no local connection with the Borough but are aged over 55 and who qualify for housing in a scheme for older persons; following a completed needs and risk assessment.
- f) Applicants who have deliberately worsened their housing circumstances (see Annex 5).

## **ANNEX 2 PEOPLE WHO NEED TO MOVE ON MEDICAL OR WELFARE GROUNDS (criteria may apply to any member of the household)**

Medical or welfare priority is awarded where the current housing is adversely affecting the health or wellbeing of an applicant, or member of their household, and whereby a move would positively improve their health or wellbeing. Medical assessments can also be carried out where there is significant supporting medical evidence that an additional bedroom is required. Below are examples of where priority would be awarded.

### **Band A –High medical or welfare needs**

- a. Any life threatening illness being made worse by housing conditions
- b. A person who is housebound due to stairs or steps (e.g. using a wheelchair in an upstairs property).
- c. Any person who requires specifically adapted accommodation, which they are lacking.
- d. Any person who cannot be released from hospital until alternative accommodation is secured.
- e. Severe and enduring mental health issues significantly affected by current accommodation.

### **Band B - Medium medical or welfare needs**

Applicants with a reasonable preference for whom a Band C medical award applies but where the medical issues are more serious in nature but not as high as Band A. Band B medical cases will also apply where multiple Band C medical conditions combine to create an overall greater need.

### **Band C – Low medical and welfare needs**

- a. Mental health issues, where supported by medical professionals, and shown to be significantly affected by current accommodation.



- b. Persons with moderate to severe arthritis which significantly affects mobility living in accommodation that is unsuitable for their needs (e.g. living upstairs or on a steep hill).
- c. Conditions requiring on going medical treatment, being moderately exacerbated by living conditions'
- d. Conditions causing a reduction in mobility when combined with stairs or poor location.

### **ANNEX 3 SIZES OF HOMES**

When considering whether a household is suffering from overcrowding, the Council will take into account both the number of bedrooms and number of bed spaces available to the household.

Kitchens and living rooms are not bedrooms for the purpose of the assessment. The intended function of the room will be considered rather than its current use. Although for example in the case of a dwelling that has two separate reasonable sized living/dining rooms, it may be that one of these rooms will be considered as bedroom accommodation, as long as there remains sufficient living space for the household.

For the purposes of this assessment, the Council considers that the following is sufficient living space:

- a) a single person of working age would be entitled to one bed space in one bedroom. This could include a bedsit or shared accommodation.
- b) a person living together with another as married or life partner, regardless of gender and includes same sex couples, would be entitled to two bed spaces in one bedroom.
- c) a person aged 21 years or more would be entitled to one bed space in one bedroom within the family home.
- d) two persons of the same sex aged 0 years to 20 years would be entitled to two bed spaces in one bedroom.
- e) two persons (whether of the same sex or not) aged less than 10 years would be entitled to two bed spaces in one bedroom.
- f) two persons of opposite sexes where one person is aged 10 or over would be entitled to one bedroom each with one bed space in each.

Bed spaces refer to the number of beds that can reasonably be accommodated in each room.

Where applicants may have a medical need that requires an additional bedroom, this will be considered under a medical and welfare needs assessment where there is significant supporting medical evidence.

### **ANNEX 4 Additional Priority**

In framing their Allocations Policies, local authorities have statutory discretion to award additional priority to certain applicants who have 'reasonable preference' (see

2.3). Applicants in Band C will therefore be awarded additional priority and placed in Band B if they meet the following criteria:

### **1. Working Households**

This Policy aims to support the economic growth of Dartford. The Council wants to encourage people who can, to work and to raise their levels of aspiration and ambition. The Council will offer increased priority to applicants who are working in accordance with the financial thresholds set out in the Council's Tenancy Policy.

#### *Definition of Working Households*

Households where at least one adult household member is in employment. For the purposes of this Allocations Policy employment is described as having a permanent contract, working as a temporary member of staff or being self-employed (self-employment must be verified by documents from HMRC).

Applicants will only qualify if the worker has been employed for six out of the last 12 months. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper in order to qualify.

### **2. Volunteering**

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application and the same at point of offer. Volunteering must be for a minimum of 10 hours per month.

#### *Evidence required for voluntary work.*

A letter on the organisations' headed paper from the manager responsible for volunteers confirming the applicant volunteers for a minimum of 10 hours per month for at least 6 months. This person must not be related to the applicant in any way. Contact may be made with the organisation to confirm eligibility.

### **3. Service and ex service personnel**

The Council recognises the contribution that service and ex service personnel have made and the following persons will qualify for additional priority:

- serving members of the Armed Forces suffering from a serious injury, illness or disability, including mental health issues which are wholly or partly attributable to their service
- former Service personnel
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death was attributable to their service)
- divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.

- serving or former members of the Reserve Forces suffering from a serious injury, illness or disability, including mental health issues, attributable to their service

Service with the armed forces may be confirmed with the Royal British Legion or an [HM Armed Forces Veteran's Card](#).

#### **4. Prospective Foster Carers or Adopters**

The Council recognises the contribution that Dartford approved foster carers and adopters make towards ensuring that children in care receive a good service in the Dartford area. In order to qualify for an additional priority award under this Policy, applicants will need to submit a letter from Kent County Council Children's Service confirming that they have been approved as a Dartford foster carer or adopter and that they are in a position to take one or more placements.

#### **5. Carers**

Carers qualify for the additional priority award under this Policy and are identified as:

- Applicants who undertake formal care of dependents and are in receipt of carers allowance or care element of a current disability benefit, or
- A carer who 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. In all cases, the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care, and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances, the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

In all cases above, full contact details must be provided which will be verified by the Council.

#### **6. Victims and survivors of domestic abuse**

The Domestic Abuse Act 2021 imposes duties on local authorities to ensure all victims and their children can access the right support in safe accommodation. The Council works in partnership with Kent County Council to ensure the availability of specialist domestic abuse support services which includes the provision of safe accommodation in refuge. To support move on into stable accommodation, the Council will give additional priority to homeless applicants that are homeless as a result of fleeing domestic abuse

## 7. Care Leavers

Care leavers, within the meaning of the Children (Leaving Care) Act 2000, will qualify for additional priority, where they are currently accommodated by their local authority in the Dartford area. Care leavers will be entitled to apply to join the Housing Register, at age 18. This is regardless of previous local connection to the area and where they have been identified as being ready for move on in their Pathway Plan with their Personal Advisor.

## ANNEX 5 DELIBERATE WORSENING OF HOUSING CIRCUMSTANCES

Where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

Examples of this are:

- a) Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- b) Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.
- c) Homeowners who have transferred their property to another family member within the last 5 years from the date they made their application to the Housing Register.
- d) Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain with assistance or on their own, to move in with relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household; or have made themselves deliberately homeless.
- e) Applicants where it is proven that they have colluded with a landlord or family member to issue them with a Notice to Quit.

These are examples only. There will be other circumstances to consider when deciding whether an applicant has deliberately worsened their circumstances.

## ANNEX 6 Properties advertised for specific bands and types of applicants.

6.1 Properties will, from time to time, and where available, be advertised for bidding specifically for applicants in Band D for the reason of homelessness. See paragraph 6.2.

6.2 Homeless applicants owed a duty by the Council under the prevention duty (s.195 of the act), the relief duty (section 189B of the act) and the main housing duty

(section 193 of the act) will be placed in Band D. Although homeless applicants are given reasonable preference in this Policy, the realistic opportunity of being allocated non scheme housing from Band D is low so the Council will advertise a certain number of properties on Kent Homechoice specifically for this group of applicants only. These adverts will be clearly marked as available for bidding for people in Band D for reasons of homelessness.

6.3. The Council aims to advertise 12 properties per year in this way.

**If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.**



**Tel: 01322 343434**

**Calls are welcome via Relay UK**



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| ਪੰਜਾਬੀ<br>Punjabi<br>01322 343610 | தமிழ்<br>Tamil<br>01322 343611 | Polski<br>Polish<br>01322 343612 | česky<br>Czech<br>01322 343613 | 简体中文<br>Mandarin<br>01322 343614 | Français<br>French<br>01322 343615 |
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