

ALLOCATIONS AND ELIGIBILITY POLICY - APPLICATIONS FOR RENTED HOUSING

1.0 INTRODUCTION

1.1 This policy sets the eligibility criteria against which applications (including from tenants who are no longer suitably housed) will be assessed and the means by which properties are allocated.

1.2 This policy details the process by which AHA establish how adults living in or applying for ~~a unit of~~ social housing qualify as tenants when processing applications or eligibility of existing tenants.

1.3 People applying for social housing (hereafter 'applicants') can refer to this policy to understand how their application will be processed, and on what basis AHA decides to accept applications and allocate properties. The policy makes clear the rights and responsibilities of applicants, and AHA as Landlord.

2.0 POLICY DESCRIPTION

2.1 This policy describes:

- i. The principles which underpin the allocation of social housing in Alderney.
- ii. The rules that apply to households containing more than one adult. It explains how and when joint tenancies are created, and what they mean for individual tenants and families.

2.2 This policy does not cover partial ownership, keyworker or extra care housing.

Alderney Housing Association Application Rules

3.0 ELIGIBILITY CRITERIA

3.1 AHA do not discriminate on the grounds of race, religion, or sexual orientation.

3.2 An applicant will be placed on the waiting list if they satisfy the following criteria:-

- i. **Age:** At least 18 years old.
- ii. **Residential Status:** The applicant must be anyone who has been resident in Alderney for the last five years or has lived in Alderney for 15 years consecutively at any time. Time away from the island for education or service in the armed forces will be counted as "residence".
Where one person in a couple does not meet this criterion the non-qualified applicant will only be eligible to live in social housing while they remain partners with the tenant. If the non-qualified applicant subsequently becomes eligible in their own right, they will then be expected to become a joint tenant of the household.
- iii. **Tenancy history:** An application for social housing may be rejected if the applicant has had a previous tenancy terminated as a result of a breach of tenancy on their part. Where applicants have outstanding arrears or debts owing, they may be excluded from applying for social housing unless there are exceptional circumstances.

- iv. **Household income:** Applicant(s) **NET*** family income must be below the relevant income threshold as defined by the Social Rented Housing Income Thresholds Policy. Applicants' family capital or assets must meet the requirements as defined by the Capital Sums Policy.

2020 Threshold Summary:

Household composition	Weekly net* threshold	Nest egg (Applicants)	Nest egg (existing tenants)
Single, no children, 1 bed	£460	£13,000	£39,000
Single, no children, 2 bed	£560	£13,000	£39,000
Couple, no children, 1 bed	£580	£15,000	£45,000
Couple, no children, 2 bed	£680	£15,000	£45,000
- 1 child	£790	£17,000	£51,000
- 2 children	£1030	£21,000	£63,000
- 3 or more children	£1140	£23,000	£69,000

For latest thresholds see (<https://www.gov.gg/CHttpHandler.ashx?id=115858&p=0>)

**Net income/earnings: "When calculating income for the purposes of working out how long savings will last, a net figure is used. Start with the gross income for the whole household (excluding non-dependants) and then deduct income tax; social insurance contribution; childcare costs (relating to hours when all adult carers are at work); court-ordered maintenance payments (paid out, not received); payments to registered trade unions; and any money paid into a pension fund, whether an occupational pension or a secondary pension or otherwise"*

- v. **Property ownership:** Applicants who currently own property will not be eligible however previous property owners may still be eligible, if they meet criteria. Applicants who part-own property or own land must provide details of the value of their share so this can be included in the capital assets calculation.

3.3 If more than one family applies to live in the same household, each family must be eligible for social housing in its own right.

4.0 JOINT TENANTS

4.1 Where an application is made by more than one person to share a property, the application will only be accepted if they agree to a joint tenancy. Joint tenants are usually a couple, but they can also be friends or siblings – or even parents and adult children. Each joint tenant enjoys equal rights and is jointly and severally liable as regards to their obligations under the Tenancy Agreement or Licence to Occupy, which they must all sign.

4.2 Non-dependent children (financially independent) of applicants and existing tenants will not be expected to meet the eligibility criteria or become a joint tenant unless they are applying in their own right. If they choose to become a joint tenant they will need to meet the eligibility criteria.

4.3 Joint tenants are equally responsible and liable for the total rent payable on the property; it is for them to work out who within the household contributes towards the rent, and to what extent. Every tenant in a household is equally responsible for any rent arrears. If a tenant leaves a property whilst in arrears, they remain jointly and severally liable for any outstanding debt.

4.4 AHA will not become involved in disputes about members of a household failing to pay their "fair share", but will take action against the entire household. In this respect AHA act as private landlords.

5.0 THE APPLICATION PROCESS

5.1 All applicants must complete an application form for social rented housing which AHA will process. The date AHA receives the application will be noted and, should the application be successful, the date of receipt will be the commencement date onto the waiting list.

5.2 Applicants must have the capacity to understand and comply with any tenancy agreement/licence to occupy. AHA will assume capacity (best practice relies upon the Mental Capacity Act 2005 of England and Wales) unless circumstances or information indicate otherwise and professional advice will be sought if this were to affect the application or any future tenancy.

5.3 If an applicant (or anyone on whose behalf they are applying) have any medical or special needs that may have a bearing on the type of property they require, they will be asked to complete a Health Needs Assessment Questionnaire with the application (further information may be required with consent, from a clinical professional). Should the applicant require assistance with completing the form they can contact AHA in the first instance.

5.4 Where a recognised 'assistance dog' is required, housing need will be assessed giving consideration to the medical need and type of property required.

5.5 If the applicant wishes to seek permission to keep a pet or pets, they will be required to meet the requirements stated in the Pet Policy and complete a Pet Application form. A pet cannot be accommodated until permission is granted.

5.6 AHA reserve the right to accept applicants onto the waiting list subject to conditions. Such conditions may include engagement with professional and support services.

- Such conditions must be set out clearly in a statement and signed by AHA, the person/people to whom the conditions apply and the other agencies that will be providing a service.
- The statement must set out:
 - why such conditions are being imposed;
 - how long they will apply;
 - how they will be reviewed and;
 - a date on which the applicant's compliance will be reviewed by AHA.

5.7 Any special conditions will need to be approved by AHA before the applicant is accepted onto the waiting list.

5.8 Any other adults (excluding those identified in 4.2) who wish to be accommodated in the same property as the applicant must qualify for social housing in their own right (to be determined upon receipt of a separate application form) and agree to a joint tenancy.

5.9 Should safeguarding concerns arise, AHA will make a referral to the appropriate professionals under the information sharing guidelines, where they fit with the Tenancy Agreement.

5.10 Every applicant will be informed in writing of the outcome of their application within 28 days of receipt of the application form, unless additional supporting information has been requested. The decision letter will advise successful applicants of the type of accommodation within the waiting list which is applicable. (Appendix One).

5.11 If an application is rejected, the reasons will be given in full and will detail whether a reapplication would be considered and if so, when and under what circumstances.

5.12 Every decision letter will set out the applicant's rights to an internal review and/or an appeal.

6.0 DETERMINING PROPERTY REQUIREMENTS

6.1 AHA will endeavour, within the constraints of its stock, to offer applicants a property that gives each child their own bedroom, however a lack of four-bedroom properties means that they will generally be reserved for the largest families. A property with two reception rooms may require the "dining room" to be used as a bedroom.

6.2 Subject to availability of stock, where possible property types will be allocated according to the bedroom requirement as shown below.

Household size	Bedroom requirement
Single adult (18+)	Bedsit or one bedroom unit
Couple	One bedroom unit
Single/couple with health requirements (6.7)	Two bedroom unit
An adult/couple with one child	Two bedroom unit
An adult/couple with two children	Three bedroom unit
An adult/couple with two or more children (where two sharing are the same gender)	Three bedroom unit One bedroom per two children aged 10 or under One bedroom per two children of the same gender aged 11 - 18
An adult/couple with four or more children	Three bedroom unit with dining room or four bedroom unit
Multi occupancy (two or more)	One bedroom per tenant/couple up to a maximum of 3 bedroom unit

6.3 Where an applicant, or a member of the family, is more than 28 weeks pregnant, the needs of that child will be included in AHA's assessment of household requirements and income thresholds.

6.4 In the event an applicant would prefer to pay less rent for a smaller property they can request a smaller property provided AHA approve it.

6.5 If the applicant has shared parental responsibility of any children under the age of 18 and those children will regularly be staying over for at least one night a week, the bedroom needs of the children will be taken into account when assessing the size of property required by the applicant. This rule applies even if the other parent already lives in social housing.

6.6 Applicants who have shared parental responsibility will be asked to provide proof of regular contact arrangements e.g. copy of Court Order or letter from the other parent.

6.7 Single applicants may require a spare bedroom if a friend or relative needs to stay in order to deliver care. Couples may choose to sleep in separate rooms for health reasons. Subject to evidence from a health professional, AHA may consider these requirements when deciding on the size of property that an applicant requires.

6.8 In addition to an applicant bedroom requirement, consideration will also be given to any facilities required (e.g. accessibility and bathroom facilities).

6.9 Successful applications will be placed on the waiting list in the order in which the application was received (as opposed to the date when a decision was made to accept the application), and assessed according to need, unless special conditions apply.

7.0 MATERIAL CHANGES AFTER A SUCCESSFUL APPLICATION

7.1 After acceptance onto the waiting list, applicants must advise AHA immediately of any material change to their circumstances e.g. changes to the number of people in the household, income or capital, children over the age of 18 leaving full-time education, health and medical need or accessibility.

7.2 Material changes may lead to a different property requirement or change in their need, but the date of their original application will not alter.

8.0 OFFERS OF ACCOMMODATION

8.1 Properties are allocated according to need and length of time on the waiting list.

8.2 When a property becomes available, the AHA Manager will access the waiting list and offer the applicant according to need for each property size and accessibility. If phone contact is not successful a letter will be sent giving two working days to contact AHA, thereafter, the offer is withdrawn and the property offered to the next applicant (the applicant would remain in the same position on the waiting list).

8.3 If the property is declined by the applicant/tenant it will be offered to the next person on the list, and so on, until it is accepted. In practice, it is not necessary for the AHA Manager to formally make the offer of a property when they know it will be unsuitable, the reasons for not making an offer must be recorded by the AHA Manager.

8.4 In truly exceptional cases, AHA may offer a property to an applicant ahead of other applicants who would ordinarily be offered that property. Any such exceptions must be agreed between the AHA Manager and the Chief Executive and recorded in an agreed format that is auditable.

8.5 Applicants will be offered a property first by telephone and then in writing by AHA and are expected to confirm whether they accept or refuse the property within 48 hours of the offer being made.

8.6 The needs of the household are taken into account as part of the application process. Therefore AHA expect applicants to accept the property being offered.

8.7 The applicant will be offered a tenancy using the AHA Tenancy Agreement

8.8 AHA have the option to make allocations to persons outside of the waiting list if a property has been made available to all applicants and has not been let. Alternative means of letting the property will be considered e.g. for key workers, private rental or swap with partial ownership.

9.0 REFUSAL OF OFFERS OF ACCOMMODATION

9.1 Existing Tenants who are on the transfer list, for a smaller property will be offered a maximum of three properties before the termination of tenancy process is invoked.

9.2 Existing Tenants who are on the transfer list, for a larger property will be offered a maximum of three properties, thereafter, they will be advised they have been removed from

the waiting list and a new request will not be considered for a period of twelve months, unless their circumstances change.

9.3 Applicants who have been accepted on the waiting list will be offered a maximum of three properties before they are taken off the waiting list and a new application will not be considered for a period of twelve months, unless their circumstances change.

9.4 Applicants and existing AHA tenants must explain the reasons for their refusal in writing no later than 48 hours after each property has been offered and viewed.

10.0 WITHDRAWING OFFERS OF ACCOMMODATION

10.1 AHA reserves the right to withdraw offers of accommodation should information be brought to its attention which then affects the applicants or tenants eligibility and the suitability of accommodation offered.

11.0 PERMISSION TO ACCOMMODATE

11.1 Tenants who wish to accommodate another individual must first request permission from AHA. An adult will need to meet the eligibility criteria. A review of tenancy will be carried out in conjunction with assessing this request. A decision will be made within 28 days of all the information being received with the application and will be communicated to the tenant in writing.

Permission may be refused if:

- The new household income and/or savings will exceed the relevant thresholds;
- The individual's presence in the household would violate any injunction or court order (e.g. they would be living near a neighbour who they are not allowed to go near, or vice versa);
- There is a reason to believe that the individual would put other tenants or members of their household at risk;
- The tenant is currently in rent arrears or is in breach of their tenancy agreement;
- Overcrowding occurs.

11.2 Any decision to grant permission to accommodate another individual may affect any previous decision made as a result of a review of tenancy, a transfer or an exchange.

12.0 FALSE INFORMATION

12.1 Applicants who knowingly give false information or who withhold information which has or would have a material effect on their application will have their application rejected and will be removed from the waiting list. They may be prosecuted.

12.2 Applicants who are rejected on these grounds will not be allowed to reapply for twelve months. By exception, AHA may decide to accept a new application if the applicant's circumstances have changed significantly.

12.3 Existing tenants who knowingly give false information, fail to disclose information or refuse to provide information may result in termination of the tenancy and/or referral for criminal prosecution.

13.0 RIGHT OF REVIEW AND APPEALS

13.1 If an applicant is dissatisfied with a decision, they may ask to have an internal review to be carried out which should be requested in writing within 28 days of the date of the letter communicating the original decision. The AHA internal review will involve the Chief Executive and AHA Board.

13.2 – 13.4 below subject to law officers appeals tribunal review for AHA

[13.2 Should the applicant still be dissatisfied with the decision made after the AHA internal review has been carried out, they may appeal to the Guernsey Independent Housing Appeals Tribunal if the decision relates to the following areas:

- Rent payments
- Tenancy reviews
- Allocations (the properties that AHA offer you or refuse to offer you)
- Applications for social housing

13.3 The appeal should be submitted in writing not later than 28 days after the decision of the internal review and on a form that will be provided through AHA.

13.4 The applicant will be advised of their statutory right to appeal in any decision communicated to them.

Information is available on <https://www.gov.gg/socialhousingappeals>]

Date Approved : September 2020 Residency eligibility update: February 2020 2020 Income & Nest Egg update: April 2020	Date for Review : September 2022
-----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------