



Housing and Community Services

Lettings Policy

**We help people to lead fulfilled
and independent lives in homes
of their choice in safe and active
communities**

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SECTION 1

BACKGROUND TO THE LETTINGS POLICY

- 1.1 The purpose of the Lettings Policy is to set out rules for allocating Council housing which are fair, transparent and auditable. It determines who can apply for housing, the way need is assessed, who can be offered different types of accommodation and when that will happen.
- 1.2 Under Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 and Localism Act 2011, every housing authority must take certain steps when accepting or rejecting applications for housing, and must give some priority (“reasonable preference”) to certain applicants, for example those who are homeless or living in overcrowded accommodation. The authority does not have to keep a register or waiting list, but if it does so must include everyone who has applied unless they have been formally excluded. Dudley MBC has chosen to continue holding a housing register.
- 1.3 Allocations to applicants on the Housing Register in Dudley are via a banding scheme. Existing tenants wishing to transfer are also included within the banding scheme. The term “Waiting List” is used to describe the combined Housing Register, which includes Transfer Applications. Applicants are placed in one of seven bands according to their housing needs assessment and priority within each band is by each applicant’s band start date apart from any exceptions specifically described in this Policy.
- 1.4 The Council’s Lettings Policy is subject to scrutiny by a Council Scrutiny Committee and is periodically reviewed. Major changes are subject to consultation with service users and all stakeholders. The last major review took place in 2012. The purpose of this Lettings Manual is to provide a comprehensive policy guide, and a short guide for service users is also available. From time to time specific policies for areas or types of property may also be approved. These may be on an experimental basis or may be permanent. Details of these exceptions are listed in the Appendices to this document.
- 1.5 Responsibility for recording applications, maintaining the waiting list and allocating vacant properties rests with any member of the Allocations & Lettings Team or Housing Options Team except where otherwise described in this document.

Tenancy Policy

- 1.6 Dudley MBC is a stock retaining council i.e. it retains ownership and management of council housing stock.
- 1.7 The council offers the following types of tenancy
 - a) Introductory – for all tenants new to social housing, and leading to
 - b) Secure – for all tenants who have successfully completed Introductory Tenancies
 - c) Non-secure – for specific circumstances to do with homelessness, temporary rehousing for repairs, and tied to employment
 - d) Under 18 licence – not strictly a tenancy but with equivalent conditions
 - e) Family Intervention Tenancy – with additional conditions

1.8 The council offers the following rents

- a) Social rents – up to and including target rents
- b) Affordable rents – 80% of market rent

1.9 The council has the option to use further flexibilities, including Fixed Term Tenancies for new tenants

Statement on Equality & Diversity

1.10 In producing and operating this Policy, we aim to ensure that Council housing is accessible to all sections of the community and provides for a diverse range of housing needs. It should be read in conjunction with the Council's Equality Strategy, the overall aims of which are for

- equality to be at the heart of our community council
- equality to be everyone's responsibility
- our communities to be strong and cohesive
- our workforce to reflect the local communities at all levels.

Statement on Choice

1.11 The following provisions are designed to ensure that our Lettings Policy produces satisfied customers and sustainable tenancies

- a) Applicants may bid for any property type for which they are eligible and for any area, however the Council reserves the right not to make the offer of accommodation if there is evidence that the applicant would be at risk in the property or would pose a risk to anyone else
- b) No applicant would be expected to accept or refuse a tenancy without viewing the property inside and out, but may choose to refuse without viewing.
- c) There are generally no penalties for reasonable refusal of an offer unless the applicant has already been advised they can receive a limited number of offers and/or that a refusal may lead to reassessment of their priority on the waiting list, in which case they will also be advised of their right to have the suitability of the offer reviewed. However, where a customer bids for a vacant home and then refuses it, they will be suspended from bidding for two cycles. Customers who refuse three reasonable offers are deferred for six months, and customers who fail to respond to two offers for twelve months.

Statement on Data Protection and Freedom of Information

1.12 We recognise that applicants for housing entrust us with personal and sometimes sensitive information. We undertake to treat this with care and respect, and in particular we will

- a) Hold, retain and dispose of all information in accordance with current legislation

- b) Keep personal information secure and restrict access to it
- c) Enable the applicant to have access to their own information unless it is exempt under the Freedom of Information Act 2000, and to correct any inaccuracies.

Statement on Fraud

- 1.13 The Council will require customers to produce specified identification documents (including photographs) and may check the accuracy of information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.
- 1.14 Where investigations identify that a housing fraud has been committed we will take appropriate and proportionate action which may include the following:
- a) Application for possession of any property obtained, retained or used fraudulently.
 - b) Recovery of any monies obtained as a result of the fraud e.g. rent paid tenants to who the property is unlawfully sub-let
 - c) Exclusion or, deferral from, or demotion on the waiting list for accommodation
 - a) Report to the Police for criminal investigations and action
 - e) Offer advice and assistance to other victims of the fraud, for example a person who has unknowingly paid rent to a tenant who has unlawfully sub-let their Council tenancy to them.
- 1.15 To deter those who may be considering committing a housing fraud we will publicise details of any actions we will take to counter fraud, details of cases where action has been taken and encourage members of the public to report fraud through all appropriate media and communication channels.

Complaints and Compliments

- 1.16 The Council welcomes customer feedback in all of its forms. Complaints and Compliments should be addressed to the Quality & Complaints Officer, Harbour Buildings, 1st Floor, Waterfront West, Brierley Hill, West Midlands, DY5 1LN. We will provide a full response within published timescales and use your views to improve our service.

Policy Changes

- 1.17 Copies of this Policy Manual are available for inspection at offices of the Council. It is also available for sale, price £7.50. It is available to download free of charge from the Council's website www.dudley.gov.uk.
- 1.18 The Manual will be revised when the Chief Officer or Director in conjunction with the Cabinet Member for Housing makes any delegated decisions relating to policy. In making reference to the Manual, care should be taken to refer to the latest version. All revisions are listed in Appendix 6 and the date of this version is shown at the foot of each page.

SECTION 2

ACCESS TO THE WAITING LIST

2.1 Dudley's waiting list is open to people who have been living and or working in the borough for at least two years, or who qualify under one of the exemptions to this rule, which are :

- a) Armed Forces – with a connection to the borough
- b) Anyone we have accepted or would accept as homeless as a result of domestic abuse
- c) Temporary accommodation
 - Anyone who previously lived in the borough for at least two years directly before temporarily living elsewhere eg lodging at partner's family home due to lack of space at the in borough address
 - Anyone who previously lived in the borough for at least two years directly before living in temporary accommodation such as a refuge or hostel or supported housing scheme or prison or university halls or an out of borough care placement
 - Anyone who is in our own temporary accommodation or temporary accommodation included in our Move On Protocol and who cannot be found a suitable and affordable option other than social housing eg young people who are working or training on a low income
- d) Out of Borough Residential Care - Anyone who has been placed out of the Borough in a residential home that is funded by Dudley MBC/CCG/NHS, for example, people with learning disabilities, physical disabilities, Acquired Brain Injury who originate from the Dudley Borough or Looked After Child
- e) Students who have lived for the majority of their lives in the Borough but have been living elsewhere in order to complete an educational course/obtain qualifications and wish to return
- f) People who are homeless and can demonstrate that they have lived in the Borough for the majority of their lives and have not lived continuously for 2 years in any other Borough
- g) Young people who have lived in the Borough for the majority of their lives but have been forced to move out of the Borough owing to family/relationship breakdown (moving with their parent) who have now reached the age of 18 and can apply for housing in their own right and would benefit from moving back into the Borough to be supported by family/wider support networks
- h) Social housing tenants from out of borough who have worked in the borough for less than two years or are about to start work within the borough, and who would otherwise suffer hardship.

2.2 The following exclusions from the waiting list apply:

- a) The Housing Act 1996 as amended by the Homelessness Act 2002, restricts certain people subject to immigration control or failing the habitual residence test access to the Housing Register, as well as some European nationals depending on their residency and/or employment status and on any specific exclusions. The regulations are updated by Parliament from time to time, and we will consider any housing application under the law as it stands when the application or allocation is made.
- b) Any applicant or member of his/her household who has caused a nuisance to neighbours, damage or nuisance to the Council's property, staff or tenants or has been convicted of anti-social activity such as assault, drug dealing, or using a dwelling for immoral or illegal purposes may be refused access to the waiting list or removed from it. Such exclusion will normally take place where the behaviour would have resulted in a court awarding a possession order. Pending charges must be disclosed for consideration.

Any applicant refused access to or removed from the Waiting List for one of the two reasons above, or because the Council considers them ineligible, may request a review of that decision. The review will be conducted in accordance with procedure in Appendix 6.

2.3 In addition, the Homelessness Act 2002 allows local authorities to consider specific factors when determining the priority of applicants for accommodation within the reasonable preference categories. Those factors include:

- a) The financial resources available to a person to meet his or her housing costs
- b) Any local connection (within the meaning of the Housing Act 1996, section 199) which exists between the person and the authority's district
- c) Any behaviour of a person or member of that person's household which affects his or her suitability to be a tenant

2.4 Financial circumstances are taken into account where an applicant owns or has an interest in a property (including a Shared Ownership property) or has ceased to own or have an interest in a property in the previous five years.

- a) As a general rule, people who own or jointly own a property will not be offered a tenancy. Exceptional circumstances may be considered (Section 19), for example in a matrimonial breakdown where a court has ordered that the family home is maintained for the children, and the partner who is leaving is unable to release any equity.
- b) Applicants will be accepted on the list subject to proof of equity (ie professional valuation less any mortgage and legally secured loans) and those whose equity is above the limit will be placed in band 5 if they have any housing needs or band 7 if they do not.
- c) Owners of property accepted on to the list where their equity is below the limit will be asked to confirm the same prior to any offers of accommodation. The equity limit is based on the cost of securing private accommodation and is individually calculated as follows:
2 x the monthly rate of Local Housing Allowance to which the family would be entitled.

- d) Former owners who have at any time transferred ownership of a property (ie disposed of a property or a share in a property at less than market value and/or not on the open market) will be permanently restricted to flats and maisonettes, and will also be subject to equity rules until five years after the transfer.
- e) Applications from older people for sheltered housing will be individually considered and may therefore be accepted despite higher levels of equity and/or if they still currently own a property or have transferred ownership.

2.5 Applicants living outside the borough are not eligible to register on the housing waiting list unless they work here, and have either lived or worked here for the last two years, or are exempt from the Residency Qualification (paragraph 2.1).

2.6 Applicants referred into the borough under homelessness legislation and accepted, or accepted as homeless and having no local connection anywhere, or placed in temporary accommodation by the Council and not being referred elsewhere, but who had their last settled address outside the borough, will be placed in band 2 if they are in priority need or band 4 if they are not. Other homeless applicants whose last settled address was outside the borough, but who have a reason for exemption from the residency qualification will be placed in band 4. All may only receive one offer.

2.7 In assessing an application for housing, the Council will consider whether the applicant's previous record makes them suitable to hold a tenancy and will normally require two written references. At the Council's discretion, applicants who are unable to provide satisfactory previous landlord references may join the list on successful completion of the Council's Pre Tenancy Workshop.

a) We will take into account any history of housing related debt (including rent arrears, unpaid Rent Deposit/Homelessness Prevention accounts, Court Costs, Sundry Debts & Housing Benefit overpayments), also any neighbour nuisance, anti social behaviour, damage to property or other behaviour by the applicant or a member of their household, whether or not they were tenants at the time. However, we will also consider any mitigating circumstances, and whether it is still reasonable to refuse the application.

b) As a result of this assessment, applicants may be

- Accepted on to the waiting list
- Excluded from the waiting list
- Deferred until suitability has been demonstrated
- Accepted but given less preference than other applicants
- Offered a Family Intervention Tenancy if appropriate

c) Less preference as a result of behaviour may mean demotion to band 5 or 7 and/or fewer offers and/or only being offered a property for which there is no waiting list, all as described in relevant sections of this document.

d) Any decision to defer, give less preference or exclude where there is an element of discretion will be made by or confirmed by an Assistant Team Manager or other senior officer. Where the decision involves no discretion it is made by a Property Liaison Officer or Housing Options Advisor. The applicant will be advised of their right to have the decision reviewed by a more senior officer or by a review panel.

2.8 Applicants between the ages of 16 and 18 years of age may register if they are:

- | | |
|--------|--|
| EITHER | Married/civil partners |
| OR | Have a child |
| OR | Are expecting a child |
| OR | Would be owed a full homelessness duty |

These applicants will be signed up for offers on a prescribed licence, and must agree to accept floating support for up to two years. Other applicants may register at age 17.5 but will not be offered a tenancy until aged over 18.

2.9 Application process

- a) Application to join the Waiting List must be made on the form provided on the Council's website. Applicants will only be entered on the list and considered for offers if they provide all the information requested.
- b) Applicants who do not have a settled address where housing need can be assessed should be referred to the Homelessness Team to assess whether a homeless or waiting list application is more appropriate and what priority it should receive.
- c) Households of caravan dwellings that are on unlicensed sites should be considered under the Homelessness legislation.

2.10 Joint applications and joint tenancies are available as follows

- a) Subject to each applicant being individually eligible, joint applications will be accepted from the following :
 - married or cohabiting couples, including civil partners and same sex couples
 - two or more applicants, who do not form a couple, but who have a need to live together, including single people and couples wishing to share flats designated for their age groups
 - couples who are unable to live together currently but wish to do so in future
- b) Couples who are not currently living at the same address will have their housing need assessed at each of their addresses, as though they were living together and irrespective of who is named as the first applicant on the Application Form. The band will be whichever is the higher of their separate assessments. If they have children, the needs may be combined and may result in a band 3 award. This applies to applicants from any tenure but there must be evidence that it is unsafe or unreasonable for them to live together at one of the addresses
- c) No person may have both a joint and a sole application, nor be included in more than one application. A separating couple exchanging a joint application for two sole applications will have the earlier of their individual band start dates.
- d) Applications from cohabiting couples where one applicant is a Dudley MBC tenant, may not register jointly until the cohabitee and any member of his/her household has resided with the tenant for 6 months, if a joint application would result in

- a higher need band
 - eligibility for additional property types
- e) Couples where only one partner is eligible under nationality/immigration rules cannot be considered for a joint tenancy, but will be taken into account in assessing housing need and housing requirements (subject to c) above).

2.11 All references to competing applicants mean applicants within the same band

SECTION 3

MATRIMONIAL REHOUSING POLICY

- 3.1 Applicants seeking rehousing due to matrimonial difficulties are advised that it is the policy of the council that the party having primary care and residence responsibility for any child or children should remain in the matrimonial home, and where eligible, the partner should be offered alternative accommodation. Where the care of the children is split equally between parents, or children live with each parent, the Council will decide which parent is to be treated as a primary carer for rehousing purposes.
- 3.2 Applicants may be considered for an offer of housing only on production of a signed declaration by both parties confirming the relationship breakdown, and in the case of applicants with dependent children, the arrangements for the children. This must be witnessed in the presence of a housing officer. A declaration from one party and not the other may be accepted where there is evidence that contact with the other party may lead to domestic abuse.
- 3.3 Co-habiting couples or civil partners must provide the same form of evidence of breakdown of relationship and details of the arrangements for the children.
- 3.4 All reference in this document to “matrimonial” includes relationships between civil partners.

Tenants of Dudley MBC and Registered Social Landlords

- 3.5 Tenants of Dudley MBC and of other Registered Providers within the borough are required to provide the same evidence of matrimonial breakdown and arrangement for the children as other applicants, as set out in 3.2 and 3.3 above. In order that the parent with primary care and residence responsibility may remain in the family home, the other parent may be placed in Band 1 unless they are less preference and therefore in Band 5. They will not be eligible for a house.

Applicants who own a property or rent privately

- 3.6 In the case of owners of property or private tenants seeking rehousing due to relationship breakdown both parties may be accepted onto the waiting list subject to 2.4 and 3.3 above. Applicants must be eligible and may be still resident in the matrimonial home or temporarily living elsewhere.
- 3.7 In the case where the applicant has no children, or does not intend to reside with the children, rehousing cannot generally be considered until the applicant has sold the property or relinquished their financial and/or legal interest in it. Applicants may however be rehoused where the courts have ordered that the other party with the children be allowed to live in the former matrimonial home until the child/ren reach a certain age.
- 3.8 Applicants who will be residing with their child or children, and whose home is **unavoidably** sold or surrendered, will be placed in Band 2. Those who need not have sold or surrendered or who do not have primary care of the children will be placed in Band 4 and reassessed in accordance with their circumstances after one year. Where the residence of the children is split both parties may register and be awarded Band 2 or 4 as above, however only one party can be eligible for a house. Applicants who are less preference for any reason will be placed in Band 5.

- 3.9 In all cases the equity rules are applied and it is assumed that the equity will be split equally where there are no children, and that where there are children the financial settlement will fairly reflect the responsibilities for their care. Additionally, an applicant who voluntarily transfers ownership of a property is normally only eligible for a flat or maisonette.
- 3.10 Applicants may be referred to the Homelessness Team for further advice and assistance where
- a) The proposed sale appears to be voluntary
 - b) The sale is imminent and an offer cannot be made
 - c) There has been violence or appears to be a risk of domestic abuse, and interim accommodation or other intervention is required
- 3.11 Co-habiting partners with no interest in the property may be treated as lodgers, where it is accepted that they have no legal or financial claim on the property.

SECTION 4

DEBTS TO THE COUNCIL

- 4.1 Before making any offer of accommodation, the Council will consider whether the applicant's previous tenancy history makes them suitable to hold another. The amount of any housing related debts owed will be considered, as will any mitigating circumstances, and any efforts made to repay the debts. It is the responsibility of the applicant to disclose any debt or possibility of debt at the time the application is made.
- 4.2 This rule applies equally to the main applicant and his/her spouse, civil partner or cohabitee, even if not requesting a joint tenancy.
- 4.3 As a result of this assessment, applicants may be
- a) Accepted on to the waiting list
 - b) Excluded from the waiting list
 - c) Deferred until suitability has been demonstrated
 - d) Accepted but given less preference than competing applicants
- 4.4 Less preference will mean that the applicant is placed in Band 5 if they have any housing need, or in Band 7 if they have no identified housing need and may be allowed fewer offers.
- 4.5 Any applicant who is deferred, given less preference or excluded will be advised of their right to have the decision reviewed by a more senior officer or by a review panel.
- 4.6 Exceptions to the general policy may be considered in accordance with Section 19 of this document.

SECTION 5

RE-REGISTRATION

- 5.1 All applicants except those in 5.4 below are required to re-register their application annually. They may do this at any time during the month prior to the anniversary of their first original application. In accordance with the Housing Act 1996, applications are sent a reminder letter to their last recorded address, if they fail to register.
- 5.2 Applicants who have not re-registered within 28 days of the reminder letter will be removed from the waiting list. Any applicants removed in this way will be notified, again at their last recorded address, and given the opportunity to have a Review of the decision to remove them. This will be in accordance with the Review Procedure in Appendix 6.
- 5.3 Applicants who apply for re-registration with no change in circumstances during the 12 months following the date of their removal, either through the Review Procedure or otherwise, will normally be reinstated with their previous band start date. After that period, a new application form will be required and the previous band start date will only be reinstated in exceptional circumstances, at the discretion of the Team Manager.
- 5.4 School caretakers in the employment of Dudley MBC are exempt from the requirements of re-registration.

SECTION 6

WAITING, ASSESSMENT AND DEFERRAL

- 6.1 Dudley Borough does not generally operate a minimum waiting period before offers are made, although there are some restrictions on transfers within two years.
- 6.2 Subject to the exceptions described in Section 2, applicants who register before the age of 18 will not be made offers until they are aged over 18.

Assessment

- 6.3 The band of every applicant accepted on to the list is generated automatically and will depend on the information given. The circumstances must be confirmed at the time when any offer is made.
- 6.4 To ensure that the authority is able to maintain useful information on housing demand in the borough, applicants are expected to provide accurate information about their choices relating to areas and property types. It is the responsibility of the applicant to advise the council of any change in circumstances that may materially affect their housing application, the properties they are eligible for or the priority they have been given. In particular, a new application must be submitted following any change of address, if the applicant wishes to remain on the council list. The consequences of not responding to an offer are listed below.

Deferred Applications

- 6.5 Applications are no longer deferred at the request of the applicant. Anyone who is not immediately able to move should not bid on available properties.
- 6.6 Applicants will be deferred without choice should the situations below arise. However (a) to (f) may all be waived if the applicant will accept the offer of a No Wait property.
 - a) If an applicant refuses 3 reasonable offers of accommodation then their application will be deferred for a period of 6 months. A reasonable offer in this context is one made as a result of any bid that the applicant has made, unless withdrawn prior to viewing.
 - b) If an applicant fails to respond to two reasonable offers then the application may be deferred for a period of 12 months. The response can be by telephone, writing or in person. Failure to respond to a pre-allocation offer will be counted towards a deferral.
 - c) Where an applicant worsens their circumstances by moving out of their own home or by relinquishing a tenancy, their application will normally be deferred for 6 months. If the relinquishment relates to violence or threats of violence, deferral will only take place after considering any advice provided by the Legal Department, West Midlands Police, and/or the Council's Anti Social Behaviour Team.
 - d) Where an applicant worsens their circumstances, by moving to lodgings which are smaller then they will have less preference and be placed in Band 5 for a period of 6 months.

- e) Where an applicant accepts an offer of accommodation from the Council and signs for the tenancy, but fails to occupy the property, any new application that is made may be deferred for 6 months.
- f) Where an applicant is, or becomes, subject to a Notice of Seeking Possession under grounds 1 (breach of tenancy only) 2,3,4,5, or 6, of the 1988 Housing Act or a Notice to Quit under Grounds 13, 14 or 15 of the 1988 Housing Act, the application may be deferred until such notice expires, or any offers may be withheld. Before the deferment is removed or any offers are made, the application will be reconsidered to decide whether it should now be placed in Band 5 or Band 7. It will be the responsibility of the applicant to contact us at this time.
- g) Any applicant considered for exclusion from the waiting list through behaviour but not excluded will normally be deferred until conditions are met. For example, an applicant with rent arrears will be deferred and placed in Band 5 or Band 7. When a repayment pattern is established, the deferment will be lifted, but less preference may continue to apply until the debt is cleared or any exception to policy is agreed in accordance with Section 19.

6.7 Temporary deferment will occur if an applicant has been nominated for a vacant property owned by a housing association in accordance with their recorded requirements or has been pre-allocated a Council property and indicated that they are interested in viewing it when the keys are available.

SECTION 7

OCCUPANCY STANDARDS

- 7.1 The Council maintains around 22000 properties across the borough, of different types and sizes. The eligibility of each household type **to be considered for** each property type is as shown below. Houses other than those with adaptations are no longer let to single people or childless couples unless there is no demand from families or a local lettings policy has been agreed.

a) Single person

Bedsit. One bedroom low rise flat or house. Two bedroom low rise flat or maisonette if no households with a two bedroom need are available. One or two bedroom high rise flat of appropriate designation. One bedroom bungalow or sheltered accommodation if aged over 60 (or if aged over 55 and no tenant over 60 is available). Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

b) Couple

One bedroom low rise flat or house. Two bedroom low rise flat or maisonette if no households with a two bedroom need are available. One or two bedroom high rise flat of appropriate designation. One bedroom bungalow or sheltered accommodation if aged over 60 (or if aged over 55 and no tenant over 60 is available). Two bedroom bungalows if recommended by the Housing Occupational Therapy Team or if no other applicants are available. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

c) Family with one child

Two bedroom high or low rise flat, maisonette or house. Three bedroom high or low rise flat, maisonette or house if no households with a three bedroom need are available. Two bedroom bungalows, where the applicant is 60 or over and becomes the tenant. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

i) Family with two children of the same sex

Two or three bedroom high or low rise flat, maisonette or house. Two bedroom bungalows, where the applicant is 60 or over and becomes the tenant. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

e) Family with two children of different sex

Two bedroom high or low rise flat, maisonette or house where both children are aged under 10. Three bedroom high or low rise flat, maisonette or house. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

f) Family with three or more children

Four, five or six bedroom houses or maisonettes (usually advertised as “Best Match”). Three bedroom houses, low rise flats or maisonettes where this would represent an acceptable solution and improvement to their housing circumstances.

g) Two adults who are not a couple

Two bedroom low rise flat or maisonette. Three bedroom low rise flat or maisonette if no households with a three bedroom need are available. One or two bedroom high rise flat of appropriate designation. Two bedroom bungalows, where the applicant is 60 or over and becomes the tenant. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

h) Three or more adults none of whom are a couple

Suitably sized flats or maisonettes of appropriate designation. Adapted accommodation if a need has been identified by the Housing Occupational Therapy team.

o) Any household including a person with learning difficulties referred by Adult Services

Any suitable property

Exceptions

7.2 The following are exceptions to the occupancy standards above:

- a) Applicants living together as a couple may be treated as a couple as long as a cohabitation form is signed and placed on their file. This only applies to applicants over 18 years of age, unless the woman is a parent or pregnant, or one or both partners are already council tenants.
- b) Couples who are cohabiting where either one is under 18 years of age may be classed as YCC where there is evidence that they can both be held responsible for a tenancy. Alternatively, either, one or both, may be classed as YSPs if eligible under the policy and offered accommodation as a single applicant. Where the couple are married, or have a child, even if one is under 18, they will be classed as YCC or family as appropriate.
- c) Applicants who are couples, but whose ages mean they are eligible for different types of designated property, may be considered for either and will be eligible for a joint tenancy.
- d) Applicants under pensionable age with disability or medical needs, may be considered for bungalows where this forms part of the Housing Occupational Therapy recommendation.
- e) The following applicants are generally only eligible for a flat or maisonette
 - Applicants who have owned a property and transferred their ownership
 - Applicants who have homelessness priority from accommodation that was not itself secure (see section 8.30)
- f) Applicants who are YSP, but who have a medical recommendation for “not high rise” and/or “ground floor” may be considered for appropriate low rise flats, as though they were LSP.
- g) Young single people (YSP) may be considered for the same accommodation as single people aged 30-39 (LSP) if they will be 30 years in 8 months time or less.
- h) Council employees retiring from tied accommodation after more than 10 years service may be considered for properties where they would not usually satisfy the occupancy standard.

SECTION 8

ASSESSING HOUSING NEED

- 8.1 Dudley uses a banding scheme to prioritise applications for housing. There are seven bands representing different levels of need, different degrees of urgency, and the reduced preference given to certain applications. The bands include both new applicants placed on the Housing Register and current tenants seeking a transfer. The bandings and the circumstances that fall within each are as follows.

Band 1 – People the Council needs to move, ie any of the following

- People whose homes the Council is planning to demolish or put to a different use
- People who are tenants of a family house in the borough, owned by the Council or a housing association, and who will be moving to a flat or one bedroom bungalow
- People who have to leave a Council tenancy following the death of the tenant
- People giving up a joint tenancy of a Council or housing association rented property following a relationship breakdown, for the partner with the care of the children to remain there
- People giving up two Council or housing association rented properties in the borough, for one property of similar or lower demand
- People who are ready to move on from supported housing that is subject to Dudley's Move On Protocol or to be discharged from hospital subject to a change of accommodation
- People who have a disability and whose homes cannot reasonably be adapted to meet their needs including members of the Armed Forces and former members, including reservists, injured in active service

Band 2 – People with urgent needs, ie any of the following

- Members of the Armed Forces and former members, including reservists, who are entitled to additional preference under SI 2012 No 2989
- People the Council has accepted as unintentionally homeless and in priority need from a settled address within the borough – this need will be awarded band 2 for one month and can only be extended if it was not possible for the need to be met in that time
- People who are severely overcrowded (lacking two or more bedrooms)
- Families who are approved as foster or adoptive parents for Dudley children and need an extra bedroom to accommodate the child(ren) placed by the Council
- People who need to move urgently from a rented home with a serious hazard that cannot be repaired
- People with urgent medical, disability, or related support need
- People with approval for an urgent management move usually because of violence or serious risk of violence
- People who have to leave a tied tenancy because their employment has ended through no fault of their own
- People with other urgent and exceptional needs not covered elsewhere including those the Council has accepted as referrals from partner agencies and urgent Right to Move cases

Band 3 – People with more than one need, ie more than one reason from the list in band 4

Band 4 – People with one need, ie any of the following

- People accepted by the Council as needing to move into the borough to be nearer to their work – this need cannot be combined with other needs to create a Band 3 need
- People who are homeless but not included in Band 2 because they are non priority or are homeless intentionally – this need cannot be combined with other needs to create a Band 3 need, because the homelessness decision and award of Band 2 or 4 will have taken account of all relevant factors
- People with moderate medical, disability, or related support needs
- Tenants who are overcrowded and need one bedroom more than they have
- Lodgers with children who need up to one bedroom more than they have
- Single people over 18 and couples who are lodging and do not have their own bedroom
- People who are council or housing association tenants within the borough and will be releasing a family home
- People who are council or housing association tenants within the borough, who are singles or childless couples and will be moving from a home that is not for their age group or household type to one that is
- People who have no other housing need but who can no longer afford to remain in their home for an unforeseen/unavoidable reason
- People with other exceptional needs not covered elsewhere including those the Council has accepted as referrals from partner agencies

Band 5 – People with reduced priority (subject to a right of appeal), ie any of the following

- People with one or more housing needs, but whose present or last settled address is not within the borough, and who have no particular need to live here
- People with one or more housing needs, but who have or have had sufficient equity to afford private rental
- People with one or more housing needs, but who have reduced priority because they have failed to pay rent, have caused neighbour nuisance or anti social behaviour, or have breached other conditions of tenancy

Band 6 – People with no recognised need, for example

- Single people or couples who are lodging and have their own bedroom
- People who have a tenancy or own a property that is adequate for their needs

Band 7 – People with no recognised need who also have reduced priority (subject to a right of appeal), ie

- People who would be in Band 6 (no need) and have reduced priority for reasons such as those described in Band 5
- People who have a housing need but have had all priority removed due to very serious anti social behaviour that makes them unsuitable to be a tenant

Priority within the bands

- 8.2 Priority within each band is generally by band start date i.e. the date that the need started that qualifies the applicant to be in that band. With Band 3, we will also take into account the number of different needs. Council tenants will be placed behind first time applicants in bands 6 and 7.

Best match

- 8.3 At the discretion of the Head of Housing Options & Support or the Team Manager Allocations & Lettings, properties that are particularly scarce may be labelled when advertised as “best match”. Their subsequent allocation will have regard to band and band start date, but will be decided on the basis of the most appropriate use overall of that property to meet a specific need, even if the successful applicant is not in the highest band and/or does not have the earliest start date.

Overcrowding

- 8.4 Overcrowding priority is awarded at two levels. Applicants who are short of one bedroom will be placed in Band 4, and applicants who are short of two or more bedrooms in Band 2. The assessment is conducted as follows, and the priority given may only be used to move to a larger property or one whose layout will address the overcrowding including a move from a flat or maisonette to a house with the same number of bedrooms.
- a) There must be satisfactory evidence of the existence of each member of the household and that they live with the applicant or are members of the applicant's household who would reasonably be expected to live with them. Lodgers or non dependents will not be included unless they are the adult children of the family who have not yet left home, or they are living permanently within the household because of a specific social care need.
 - b) No bedroom should be occupied by more than two persons or by two people of different sex (other than husband and wife or a couple co-habiting as husband and wife) where one is aged at least 8 years and the other at least 5 years or where one child reaches the age of 10 irrespective of the age of the other child.
 - c) Living rooms or rooms not originally intended for sleeping are not counted as bedrooms. At the discretion of a Team Manager/Assistant Team Manager, bedrooms may also be discounted if they cannot reasonably be used as bedrooms by the applicant because of their size, layout, location, or other unusual features. Duplex flats are considered suitable only for single people.
 - d) Bedrooms are included to which applicants could be reasonably expected to have access. A written record of any rooms that have been excluded will be required, including the reasons why, and kept on the individual applicant's file.
 - e) Where a family or a couple is living apart they should be assessed as if they were all living at either address. The band will be awarded on the basis of the family living at the more overcrowded address. If they have children, the needs may be combined and may result in a band 3 award.

Under Occupation/Wrong Designation/Releasing a Family Home

- 8.5 Single people and couples who are the Council or housing association tenants of family houses or two/three bed bungalows but will be moving to flats or one bedroom bungalows will be placed in Band 1. Older tenants releasing family houses may also be offered practical help under the Council's Downsizing Scheme.
- 8.6 Single people and couples who are Council or housing association tenants of properties designated for particular age groups other than their own may apply for a move to a property of the correct designation and will be considered as having a need.
- 8.7 All applicants who are Council or housing association tenants of any family home will be assessed as having one need in order to recognise that when they move they will be releasing a home for another family.
- 8.8 The Council does not offer high rise flats to families with children. If a tenant has a child in a high rise tenancy and has not obtained a transfer after twelve months they will be placed in Band 2.

Hazardous and Unsatisfactory Living Conditions

- 8.9 The Council will usually aim to resolve any hazardous or unsatisfactory living conditions that give rise to a housing application. This may be through liaison with the landlord or owner of the property, or through enforcement action.
- 8.10 Where it is not possible for a serious hazard to be remedied, and permanent rehousing is necessary, the application will be awarded Band 2 unless there is a reason to give less preference.

Affordability

- 8.11 From April 2013, social tenants in Dudley who are subject to the removal of the under occupation subsidy may be awarded a need if they have no other needs.
- 8.12 Private tenants in Dudley who took on a tenancy prior to 1st April 2012 and are on full or partial Local Housing Allowance, and have a new or increased shortfall resulting from LHA rates being reduced from the 50th to the 30th percentile, or from the extension of the shared accommodation rate to 25-34 year olds may be awarded a need if they have no other needs.
- 8.13 Affordability may be considered on a case by case basis with evidence where an applicant is unable to adapt their budget to deal with a significant increase in housing costs, decrease in income or other change in circumstances.

Medical Need

- 8.14 Medical priority may be given where the applicant's health or ability to manage their disability is adversely affected by their accommodation and a move to somewhere more suitable will resolve this. The need must be long term and would not be applicable for example, during pregnancy, or to cover a post operative period only. Where the applicant has previously occupied suitable accommodation but has chosen to move to a similar or less suitable property, the application or the medical priority attached to it may be deferred for six months and/or competing applicants with similar needs may be considered ahead of the applicant who has worsened their own circumstances.

- 8.15 The Housing Occupational Therapy Team will make an assessment which will determine whether any equipment, adaptations, advice or support can be provided within the applicant(s) current property to help them manage their health or disability needs. Where this is possible and represents good use of social housing where applicable, the application would not usually attract a medical award. In this instance an advisory recommendation may still be made, which can be used by applicant to inform their bids. The council would not offer a property that did not match this recommendation. Further advice can be sought from the Housing Occupational Therapy team at the point of offer.
- 8.16 Where there are difficulties that cannot otherwise be resolved, a moderate or urgent medical need will be considered. This will reflect the level of difficulty being experienced by the applicant(s), and whether the type of accommodation requested will prove a relevant long term improvement and can be supported by the Housing Occupational Therapy team. Where a recommendation is made in relation to a particular property type, this must be adhered to for any offer to be made. Interim moves that may provide a improved but not necessary long term solution, may be considered in consultation with the Team Manager.
- 8.17 If further information is required from a health or social care professional to assist in concluding the assessment, the Housing Occupational Therapy team will contact the relevant parties with the applicant's consent.
- 8.18 If the applicant disagrees with the award and/or recommendation they should firstly discuss this with the team member who completed their assessment and if they are still not satisfied the procedure for appeals should be followed. If the applicant's difficulties in their current property change, in that they are more or less able to manage in their property, they should contact the Housing Occupational Therapy team in the first instance, who will advise if a new application is required.
- 8.19 Housing applicants requesting a move nearer to a person with health or disability needs to support them, should include a letter outlining the support they intend to provide and a completed medical application from the person who requires the care and support. The assessment will consider the level of support need and how it may be met, and cannot be used to move within the same area.
- 8.20 Persons who are unable to return home from hospital or supported housing are subject to move on protocols and advice will be sought from the Housing Occupational Therapy team as required.
- 8.21 Where an applicant's health is affected by specific housing issues such as homelessness, repairs, neighbour issues, harassment etc, the housing manager or case manager may request an Occupational Therapy assessment and advice in order to assist in reaching a management decision.
- 8.22 Persons requiring Sheltered, Extra Care or Supported Housing, need not apply for medical assessment and should be referred to the relevant service provider.
- 8.23 Persons who are already in Band 1 or 2 need not apply for medical assessment unless an adapted property may be required (level access shower, stairlift, vertical lift).
- 8.24 A medical assessment can only consider persons named on the housing application. It does not consider requests for additional bedrooms so couples do not have to share or to provide access to a carer who will not be living with the applicant.

- 8.25 Lettings and transfers may be made to new and transfer applicants who are not necessarily those with the earliest band start date where
- a) The property has been constructed or adapted for someone with a disability, and the Housing OT confirms that the household concerned is the highest known priority case for the property type in question in the area concerned
 - b) The property is suitable for adaptation and represents the best and most cost effective option for meeting the needs of a household which includes someone with a disability
 - c) The property is particularly suitable for someone with learning difficulties who would not necessarily be eligible for the property type (eg a bungalow, or a house where the person with learning difficulties has been living with their parents but is not eligible to succeed)
- 8.27 All applications where a medical award has held for 2 years will be reviewed. At this stage consideration will be given to removing or lowering the award, if suitable accommodation has been available to meet the need.

Homelessness including Prevention and Relief/Temporary Accommodation/ Insecure Accommodation

- 8.28 In cases where it is not possible to prevent homelessness, the Case Manager will investigate and issue a homelessness decision. Where the decision is eligible, unintentionally homeless, and in priority need, then Band 2 will be awarded subject to the following conditions
- a) This level of priority is generally for applicants whose last settled address was within the borough, who do not have sufficient equity to rent privately, and do not have a poor tenancy record. Homeless applicants from out of borough will only be considered for an offer of a council property if they are exempt from the residency qualification or the property to be offered is No Wait.
 - b) This level of priority is awarded with a view to securing permanent accommodation within four weeks. The Case Manager will assist in monitoring vacancies and making bids, and may if necessary make bids on behalf of the applicant. At the end of the four weeks if an offer has not been made and accepted, the application will normally be moved to Band 4. The Band 2 status may however be extended if there have been no suitable properties that the applicant could have been offered. Statutory homeless applicants may also be given preference for any available No Wait properties or offered a private sector tenancy suited to their needs which will discharge the homelessness duty.
- 8.29 Applicants who are owner occupiers or holding an assured or Rent Act tenancy with full security of tenure can expect to be offered average popularity accommodation, which is within a reasonable distance of their previous home, unless violence or the risk of violence necessitates a move to a different area. This priority is only given if:
- a) In the case of owner-occupiers there is financial hardship leading to a court order or warrant for possession or a voluntary sale. There must be evidence that any mortgage arrears could not have been avoided and, if any order has been suspended, that the payments to be made under the order cannot be paid.

- b) In the case of tenants there is a court order or warrant for possession and, if the grounds for the order are rent arrears, these rent arrears could not have been avoided. If the grounds for the order are for anti social behaviour either to neighbours or the landlord's property this priority will not be given. Such applicants may also be refused access to, or removed from, the waiting list - see 2.6 above.
- 8.30 Applicants whose previous settled accommodation was not itself secure (lodgings, Assured Shorthold Tenancy, non secure tenancy, tied tenant or licence to occupy) will only be eligible in Band 2 for flats or maisonettes. The conditions applicable to this priority are
 - a) A valid and effective Notice to Quit will usually have been served by the landlord and there is no possibility of the tenancy continuing. If the grounds include rent arrears or anti social behaviour the question of intentionality will be considered and Band 2 may not apply.
 - b) In the case of tied tenants there is evidence that the employment has ended and that the applicant has not given up the employment or been dismissed for misconduct. In such situations the results of any Industrial Tribunal will be regarded as conclusive. (Note: Council employees retiring after ten years service are assessed as described in Section 15.)
- 8.31 An applicant resident in a domestic violence refuge and in priority need is awarded Band 2 if the previous settled address was within the borough, or Band 4 if it was not. It must have been established that it is not safe or reasonable for the applicant to return to their previous home. If they were the owner of that home then the future of the property must have been determined and equity rules applied. If they were the tenant, the tenancy must normally have been terminated.
- 8.32 An applicant placed temporarily in supported housing will when ready for move on be able to complete a waiting list application and be awarded Band 1. This priority is not awarded to applicants with an interest in accommodation, which they could reasonably be expected to occupy, and is only awarded when their suitability to move on has been confirmed and any necessary care or support plan is in place.
- 8.33 Applicants in an unfurnished non secure tenancy will normally be offered the Introductory Tenancy of the same property when the Team Manager confirms their suitability. This will constitute their final offer to discharge the homelessness duty. Applicants removed from non secure tenancies as a result of behaviour will have to reapply to join the waiting list and may be deferred or excluded, but will have no further right to temporary accommodation.
- 8.34 Other homeless applicants eg those who are non-priority or considered intentionally homeless will generally be placed in Band 4, or in Band 5 if they are less preference for any reason or have failed to follow reasonable steps.
- 8.35 Applicants who are homeless/threatened with homelessness/in insecure accommodation may also be given preference for any No Wait property for which they are eligible.

Armed Forces Personnel

- 8.36 Armed Forces applicants who have been injured in service and have no accommodation that is suitable for their disability or can be adapted for it will be in Band 1.
- 8.37 Armed Forces applicants who live in forces accommodation and where there is a confirmed discharge date from their commanding officer are awarded Band 2 if they previously resided in the borough or have a connection through future employment or other family ties. This priority may be awarded up to 5 years after the discharge date and may be retained for 5 years after the discharge date or the registration date, whichever is later. Families with children are eligible for a house.
- 8.38 Band 2 is also applicable
- a) Where the family of a member of the Armed Forces is returning home, for example through relationship breakdown or the death of their partner, or where the home in Dudley will be the main family home and the partner serving in the Armed Forces is in single accommodation there
 - b) Where a serving member of the regular forces is suffering from a serious injury, illness or disability attributable wholly or partly to their service
 - c) Where a person with urgent needs formerly served in the Armed Forces
 - d) Where a serving or former member of the reserve forces is suffering from a serious injury, illness or disability attributable wholly or partly to their service
- 8.39 All service personnel (including reservists) awarded Band 1 or 2 as above will also have their band start date set at their date of enlistment.

Pre Tenancy Savings Scheme (time2save)

- 8.40 Applicants qualifying under this scheme who would otherwise be in Band 6 will be awarded Band 4.

SECTION 9

TRANSFER SCHEME FOR CURRENT TENANTS OF DUDLEY MBC

- 9.1 Applications for a transfer to alternative property will not normally be accepted from any Dudley Council tenant within two years of the tenancy start date, unless there are exceptional circumstances that could not have been foreseen. Exceptions can be considered in accordance with Section 19.
- 9.2 Any application for a transfer may be rejected, deferred or given less preference for the types of reasons set out in Section 2 of this policy. Where a debt is owed to the Council, an application may be considered but any offers will generally be subject to full payment of the debt unless an exception has been approved.
- 9.3 In order to encourage older tenants to move from houses to smaller accommodation, the Council may assist with the cost of transfer to such properties. Details of this Downsizing Scheme, varies from time to time and up to date information can be obtained from the Housing Manager or Dudley Council Plus.
- 9.4 Transfer applicants are assessed according to their housing need as set out in Section 8.

Succession and Transfer of Tenancy

Succession

- 9.5 There is a statutory right of succession to a secure tenancy following the death of the tenant in certain circumstances.
- a) After a secure tenant dies, the tenancy passes to any joint tenant or to the tenant's spouse/civil partner/common law partner provided he/she occupied the dwelling at the death of the tenant **or** may be allocated to another member of the tenant's family provided the tenancy commenced before 1st April 2013 and he/she has resided with the tenant as his/her only principal home for at least 12 months prior to the death of the tenant. Only one succession is allowed by law, but there are local policies which are described in paragraphs 9.9 and 9.11.
 - b) If there is more than one potential successor, preference is given to the spouse/civil partner/partner (if there is one). If the potential successors fail to agree, the landlord may choose.
 - c) A member of the family includes parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
 - d) Tenancies commencing after 1st April 2012 only carry a right of succession to the tenant's spouse, civil partner or common law partner, but local policies will also be applied.
- 9.6 In certain circumstances the council may be entitled to regain possession of a property after a succession has taken place, if in some respect the property is unsuitable or has features not required by the successor. These are:
- a) The dwelling is designed or adapted to make it suitable for someone with a physical disability.
 - b) The dwelling is within a group of properties let to people with special needs, and a social service or special facility is provided, e.g. supported or sheltered housing.
 - c) The dwelling is larger than is reasonably required by the new tenant. In such cases any Notice of Seeking Possession must be served more than 6 months but less than 12 months, after the death of the previous tenant. The under-occupation rule does not apply if the successor is the spouse/civil partner of the deceased tenant.
- 9.7 If possession of the property is sought on any of the grounds in 9.7 it will only be granted:
- a) If the court considers the request reasonable; and
 - b) If the court is satisfied that suitable alternative accommodation will be provided.
- 9.8 Where the property is occupied by someone not qualified to succeed (e.g. because of a previous succession) **or** where a successor other than a spouse/civil partner/common law partner is under occupying, the provisions in 9.10 for lodgers left in occupation will be applied. If the tenancy cannot be granted, possession will be sought, subject to a review by a Team Manager if the occupant so requests. Where the property has been adapted for the remaining occupier, or the remaining occupier has a learning disability or a severe and enduring mental health issue and could not cope with relocation, the Housing

Manager may agree to grant the tenancy or where there are other exceptional circumstances refer as an exception or appeal in accordance with Section 19.

Lodgers Left in Occupation

9.9 Where the death or admission to residential care of a tenant results in a lodger being left in occupation, the following provisions will apply

- a) Where there have been no breaches of tenancy and the lodger has been in residence for over five years, or will be caring for the dependants of the deceased, or gave up an equivalent tenancy in order to become the carer, then the tenancy will be granted providing the household is eligible for the property under Section 7.
- b) The lodger may otherwise be made up to three offers of accommodation and assisted to move to smaller accommodation as follows :
 - where they have always lived with the tenant they will be offered a property of appropriate size and equivalent popularity together with a financial package. They will be placed in Band 1 or may if necessary receive a direct match.
 - where they were previously council tenants they will be offered an equivalent property to the one they gave up, together with removal expenses if they have been in residence for more than twelve months and move out prior to the issue of court proceedings. They will be placed in Band 1 and advised as to what properties would be considered equivalent, or may if necessary receive an appropriate direct match.
 - Where neither of these apply, they will be assessed for rehousing purposes as though they were still resident at their previous address, and will be offered removal expenses if they have been in residence for more than twelve months and move out before the issue of court proceedings.

9.10 Lodgers left in occupation will not qualify for tenancy transfer or alternative accommodation under 9.10 above if they are not eligible to be accepted on to the Waiting List. Such applicants will be required to leave, subject to review by a Team Manager if requested. The Team Manager may consider exceptional circumstances as described in Section 19.

Creation of Joint Tenancies

9.11 Where a tenant requests that a tenancy be converted to a joint tenancy then the following rules apply:

- a) A joint tenancy may be created providing the new party is the spouse/civil partner of the tenant, is eligible to hold a tenancy in their own right, the current tenancy is in the sole name of the applicant and neither party owe any debt to the Council.
- b) Subject to the exceptions in (c) and (d) below a joint tenancy may also be created with a partner, carer or relative providing all new parties to the tenancy are eligible to hold a tenancy of their own, have lived there 12 months or more, the current tenancy is in the sole name of the applicant and none of the parties owe any debt to the Council. Joint tenancies are also available where single people or couples wish to share flats designated for their age group.

- c) If the applicant lives in a house, unless (a) above applies a joint tenancy will only be granted if the other party (or parties) is eligible to be offered a house
- d) If the applicant lives in a property which is within a sheltered housing scheme or has been constructed or adapted for someone with a disability, a joint tenancy will only be granted if the other party accepts that they will be required to move when there is no longer a person requiring these facilities in the household.
- e) If the current tenancy is a joint tenancy then the other party must relinquish his/her interest in writing or the tenancy must be brought to an end before the new joint tenancy can be granted.
- f) All new tenants must sign an acceptance of the new joint tenancy, and if by exception a joint tenancy is allowed where there are arrears, arrangements must be agreed for clearing the debt.

Conversion to Sole Tenancy

9.12 A joint tenancy may be transferred solely to either party if either

- a) The other party dies and the succession rules apply.
- b) The tenancy transfer is ordered by a court as part of a matrimonial settlement
- c) There is a matrimonial breakdown, either partner gives notice on the joint tenancy, and the tenancy of the family home is being transferred to the sole name of the partner with primary care of the children or, where there are no children, to either partner who is eligible for the property size under Section 7.
- d) Single people/couples have been sharing but one or more has/have given notice, and the remaining sharer(s) are eligible and suitable to take on the sole tenancy.

9.13 If there is a dispute over the tenancy or either party cannot be traced to relinquish their interest, then the matter is resolved by use of the "McGrady Rule" ie where there is a joint tenancy and one party gives formal notice to terminate the tenancy, then the landlord may assume that the whole tenancy is being terminated. This rule usually applies in cases of matrimonial dispute and the procedures followed are:-

- a) Where the relationship has broken down and the joint tenant who will not have care of the children refuses to move out or cannot be traced, then the other or remaining party will be advised that the Council requires them to issue a 4 week notice to terminate the tenancy.
- b) The Council will take the necessary steps to rehouse or remove the other joint tenant. The tenancy may then be allocated into the sole name of the partner with care of the children, or if not required by them will become available for allocation via the waiting list.

9.14 Where a tenancy is joint, but the tenants are not married, civil partners or cohabiting, one tenant may apply to leave once there is evidence that the relationship between the parties has broken down. Such applicants will be treated in the same way as those with matrimonial breakdown.

Transfer of Tenancy to Potential Successor

- 9.15 Requests to assign a tenancy to a person qualified to succeed will be given equivalent consideration to successions as in Section 9.6 to 9.10.

Reviews of Decisions on Succession and Transfer of Tenancy

- 9.16 Any applicant aggrieved by the application of this policy will be advised of their right to appeal to the Team Manager, who may consider exceptional cases or refer them as exceptions or appeals as described in this Section and Section 19.

SECTION 10

MODERNISATION AND MANAGEMENT MOVES

- 10.1 A management move requires that it is clear that the allocation will benefit the interest of the Council and its tenants in general. Such moves are made under one of the following arrangements, and are all subject to the provision of professional advice or other appropriate supporting evidence.

Subsidence and other Major Repairs

- 10.2 The majority of repairs are carried out without involving the tenant in any move at all. However there will be circumstances such as subsidence or other structural damage when the tenant must be moved for their own safety, either because of the extent of the work or vulnerability of the tenant. Such moves are arranged only after a decision has been made that a move is necessary. Where relevant the advice of Housing Occupational Therapy may be sought prior to making this decision. If the tenant prefers to move permanently they must apply for transfer and be considered alongside other applicants, but the council may offer a like for like move if available and at the discretion of the Team Manager Allocations & Lettings.
- 10.3 Where the tenant is willing to move permanently and it is in the Council's interest for them to do so (eg where the property needs to be completely empty), a like for like move may be offered and/or a transfer application may be awarded Band 2 for six months where there is potentially a Category 1 hazard.

Management Transfers

- 10.4 A management transfer may be considered and Band 1 awarded where a move will result in additional property becoming available or a property is needed for another purpose. Examples include:-
- a) Two tenants moving to a single tenancy, thus releasing an additional dwelling. In such cases the move must not result in substantial expenditure to either vacated property.
 - b) Transfer of a tenant when their current home is needed to implement a resolution of the Director in consultation with the Cabinet Member for Housing or the Cabinet.
- 10.5 Other examples might fall within a specific category approved in advance by Cabinet or through a Decision Sheet signed by the Director and Cabinet Member for Housing. Details of any such categories are set out in Appendix 3.
- 10.6 A Head of Service (Housing Management) may also approve the award of Band 2 to achieve a management transfer to an alternative and safer property of equivalent popularity for an existing tenant in the following circumstances
- a) to move someone who has suffered sexual or physical abuse
 - b) to move someone who has suffered domestic abuse or racial harassment or other hate crime

- c) to move someone who is referred through the West Midlands Witness Protection protocol or who has suffered severe nuisance or harassment, particularly where criminal charges are in progress and the police are formally requesting the move.

In view of the urgency of these situations, the tenant will usually be directly matched to a suitable vacancy identified by the Allocations & Lettings Team in consultation with Housing Management and the Housing Options Team, but otherwise may be allowed to bid for up to six months if agreed by a Head of Service.

Sensitive Lettings in cases of severe Anti Social Behaviour

- 10.7 Where a house or flat or the immediate area has been subject to very severe anti social behaviour or very severe neighbour nuisance, or there have been two or more consecutive tenancies which caused nuisance to neighbours, then particular care will be taken in allocating vacant property. For example, where elderly or vulnerable neighbours have suffered serious nuisance and intimidation from the previous tenant, then a prospective new tenant may be identified who has a good previous record, and may be given preference over other applicants for the vacancy. A Team Manager must approve the allocation and record all such allocations for audit purposes.
- 10.8 From time to time the Chief Housing Officer may authorise local lettings plans in conjunction with other housing management and community safety initiatives. These will be time limited and designed to address anti social behaviour in specified areas, and may include specified “community contribution” criteria for prioritising potential tenants. Local lettings plans are also produced for new build developments, in order to ensure the sustainability of the new tenancies and new community.

SECTION 11

MUTUAL EXCHANGE AND EXCHANGE SCHEMES

- 11.1 This policy is designed to enable Dudley Council tenants to arrange an exchange of accommodation with another property occupier that is to their mutual liking. Exchanges can be considered between:-
- a) Secure tenants of Dudley MBC, other councils and certain other bodies, who have a right to mutual exchange under the Housing Act 1985 Section 92(1);
 - b) Flexible tenants of registered providers of social housing, who have a right to exchange under the Localism Act 2011 Section 158.
- 11.2 The application will be accepted any time after the commencement of tenancy. The Council has 42 days in which to consider the exchange and inform the tenant whether permission is withheld and under what grounds or whether it is granted.

Grounds for Refusal

- 11.3 The Council may refuse consent to exchange on a number of grounds, as set out in the relevant schedules to the Housing Act 1985 and Localism Act 2011. The grounds include
- a) If either the incoming or outgoing tenant is, or will be obliged by a Court order to leave the property.
 - b) Notices have been served and possession proceedings have begun on certain grounds
 - c) The dwelling of the outgoing tenant is “substantially” more extensive than reasonably required by the incoming tenant. (i.e. the exchange would result in under-occupation).
 - d) The extent or size of the outgoing tenant’s dwelling is not reasonably suitable to the needs of the incoming tenant (e.g., the exchange would result in overcrowding or would not meet disability needs). An application will not necessarily be refused if it would result in moderate overcrowding, but no transfer would be allowed for two years unless for other reasons.
 - e) The dwelling is adapted or supported and not appropriate for the incoming tenant
- 11.4 In addition to the above grounds for refusing consent, the Council has limited powers to impose conditions. For example where a tenant owes rent or is in breach of a tenancy condition, consent may be made conditional on the clearing of the debt or meeting the tenancy conditions.

Refusal or Conditional Approval

- 11.5 Requests for mutual exchanges in Dudley follow the statutory scheme. Tenants in rent arrears may be given approval conditional on the clearing of the debt.

- 11.6 An application for an exchange that would result in a breach of the Council's designation policy cannot lawfully be refused. The applicant should however be advised of the designation policy in so far it relates to the mutual exchange and of the Department's commitment to its tenants to maintain the designation.
- 11.7 If a Housing Manager identifies a case where there are grounds for refusal but reasons why the exchange should be considered, s/he may refer it to a Team Manager (Tenancy and Estate Management) under the Procedure for Exceptions, Reviews and Appeals. This could include cases where:
- a) the tenant has rent arrears (for example, which are a result of Welfare Reform);
 - b) the property is larger than the incoming tenant would qualify for, but the exchange overall is beneficial to the Council's use of its stock as well as to the tenants. For example, a couple with one child might be allowed to exchange to a three bedroom house particularly in an area where supply is relatively high and demand relatively low. Conversely, and because the council has fewer two bed than three bed houses, a couple with no children would be unlikely to be allowed to exchange to a two bed house.

Date for Exchange to take effect

- 11.8 Once the exchange has been approved by Dudley MBC and any other landlord(s) all the tenants will be informed in writing of the approval to exchange and the dates on which completion of the documents and the physical exchange of properties is to take place.

SECTION 12

MOBILITY SCHEMES

- 12.1 The Council subscribes to Homeswapper which is one of the UK's leading mutual exchange services. It is free of charge for any Dudley MBC tenant to register.
- 12.2 Any Dudley resident can also apply for accommodation directly to any local housing authority of their choice, but may find that they do not qualify or receive less preference than people with a local connection to that authority. Existing social tenants moving for employment may however be considered under the Tenant's Right to Move (Section 2.1h)

Registration with Homeswapper

- 12.3 The scheme is internet based and can be accessed via the DudleyatHome website or by logging on to <https://www.homeswapper.co.uk/>.
- 12.4 Any applicant registering will be given restricted access until their suitability to apply for a mutual exchange is established.
- 12.5 Any applicant who owes a debt to the Council but has a payment plan in place will be accepted for registration. However, this is with the understanding the debt must be cleared in full if a mutual exchange is found, or that regular payments have been made for at least three months and there are compelling reasons to move.
- 12.6 Applicants should be aware that the decision to allow registration rests with the directorate.
- 12.7 Any applicant who is refused registration will be notified in writing with reason for rejection and is given a right to review.

Mutual Exchange process

- 12.8 Homeswapper automatically checks for matches for applicants daily and will alert them if a match is found.
- a) Once the applicant has identified a potential mutual exchange, a mutual exchange form must be completed and returned to the relevant Housing Manager in the area in which they reside.
 - b) If the applicant is moving out of the borough the form must include full landlord's details for the other parties.
 - c) Once a mutual exchange form has been received it will be considered in accordance with Section 11.

SECTION 13

STATUTORY REHOUSING

- 13.1 Statutory rehousing arises when an owner-occupier or tenant is obliged to leave their home following Council action to :-
- a) Purchase their home compulsorily,
 - b) Require its demolition, through a Demolition Order or a decision of the Director in consultation with the Cabinet Member for Housing,
 - c) Require its closure, through a Closing Order, or
 - d) Sell their home so that the new owner can demolish or modernise it.
- 13.2 Such applicants will receive the highest priority for accommodation on confirmation that they are within one of the above categories. However, where there is a major scheme, the Director in consultation with the Cabinet Member for Housing may decide to phase any rehousing so as to minimise the impact on other applicants.
- 13.3 Rehousing will be in accordance with the policy set out in Section 7 (Occupancy Standards) unless :
- a) varied by the Director in consultation with the Cabinet Member for Housing
 - b) an exception is approved under section 19.
- 13.4 Applicants without rent arrears or a debt to the Department will be eligible for any area of their choice. Applicants with rent arrears or a debt will have less preference and will only be allowed offers of average popularity in the area where they lived previously.
- 13.5 Applicants who are private tenants may be rehoused prior to any Compulsory Purchase Order, Demolition or Closing Order becoming operative, where the landlord gives a written undertaking not to relet the property.
- 13.6 Where there is an application from a person who has been sublet a house contained in an Order, or part of it, the case should be jointly considered by Housing Management and Private Sector Housing.
- 13.7 Rehousing does not arise because the Council accepts a blight notice. Requests for rehousing in such situations are jointly considered by Housing Management and Private Sector Housing.
- 13.8 A clearance programme is in effect from January 2017 for tenants of Arley, Compton, Wells and Manor Courts in Netherton. Vacancies in the area are ring fenced to these tenants, and they are prioritised by tenancy start date.
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SECTION 14

TEMPORARY REHOUSING FOR GRANT AIDED IMPROVEMENTS

- 14.1 Private tenants or owner-occupiers whose home is undergoing extensive renovation with grant assistance, and whose application is supported by the officer dealing with the grant can be considered for temporary accommodation.
- 14.2 Applicants are offered suitable accommodation for their family size for a period not exceeding 12 months. In most cases an offer of a flat or a maisonette is made. However, due consideration should be given to the applicants wishes particularly to enable the family to remain in the area of their permanent home.
- 14.3 Temporary accommodation should not be made available until work is due to begin on the applicant's home i.e., no more than 2/3 weeks ahead of the start date.
- 14.4 Before providing temporary accommodation to a private tenant, an undertaking must be obtained from the landlord that the tenant will be allowed to return after the work has been completed and the tenant must be informed that he/she will be required to return.

SECTION 15

STAFF SERVICE TENANCIES AND TIED TENANCIES

- 15.1 The staff service tenancy scheme is designed to assist with the recruitment of staff for Dudley Metropolitan Borough and the Health, Probation and Fire services. In considering individual applications the following criteria are applied:
- a) The employee must have been appointed within six months prior to the request for accommodation.
 - b) The employee must currently be living at least 10 km distance from his/her normal place of work and be unable to make reasonable daily travelling arrangements.
 - c) The Service Director concerned must be satisfied that the offer of the service tenancy is reasonable in order to recruit the employee, and advise the Director in writing accordingly.
- 15.2 The request for a service tenancy is initially considered by the Head of Service (Housing Options) who maintains a central register of service and tied tenancies.
- 15.3 Service tenancies are generally granted on a temporary basis to enable the member of staff to seek their own accommodation, and are therefore not suitable for employees seeking social housing on a permanent basis. They are granted for a maximum of twelve months, are usually tenancies of flats or maisonettes, and will be terminated at the end of that period or if the employee leaves their post, whichever is earlier.
- 15.4 Employees seeking permanent Council housing as an alternative to, or at the end of, a service tenancy may apply directly to the waiting list as described elsewhere in this document.
- 15.5 Tied tenancies consist of accommodation within or near to the place of work, and are occupied as a condition of employment (e.g. school caretakers, Sheltered Scheme Managers). Tied tenancies end when the employment in that role ends. Employees who are retiring or taking flexible retirement after at least ten years service are not bound to be rehoused according to the occupancy standards in section 7, and may be offered any accommodation they are eligible for or a house if their tied accommodation is a house. Other employees leaving tied accommodation may apply directly to the waiting list.
- 15.6 Exceptions to these general rules may be requested by Strategic Directors or Chief Officers and approved by the Chief Housing Officer, in accordance with the policy for exception and appeals at section 19.

SECTION 16

TEMPORARY REHOUSING FOR KEY WORKERS

- 16.1 This scheme is designed to assist local employers, other than those listed in 15.4, to recruit staff to posts being created, or falling vacant, at places of employment within the borough.
- 16.2 Applicants must:
- a) Live more than 10 kilometres from the proposed place of employment
 - b) Have special skills outside those available at local job centres
- 16.3 The accommodation will be provided under Housing Act 1985 (as amended) paragraph 5 schedule 1 where the criteria are met. The accommodation must be vacated at the end of twelve months or when the employee leaves their employment, whichever is earlier.
- 16.4 Applicants under the key worker scheme are eligible for flats or maisonettes only, unless otherwise agreed through the Exceptions Process described in Section 19.

SECTION 17

TEMPORARY REHOUSING FOR HOMELESSNESS

- 17.1 Applicants who are homeless (including threatened with homelessness) will be subject to the same eligibility and suitability tests as other applicants. Those who are eligible, suitable and homeless will be placed in bands as in Section 8.
- 17.2 Applicants who are not suitable and who are intentionally homeless will be found a reasonable period of temporary accommodation where there is a duty to provide this, but may not be considered for any secure accommodation until suitability has been established.
- 17.3 Applicants who have not yet demonstrated their suitability for permanent housing will normally be deferred until they are able to be accepted as suitable or with less preference. Where this is not appropriate because a homelessness duty needs to be met immediately, a Team Manager may approve an offer of either an Introductory or a non secure tenancy, with additional conditions as necessary. In either case, the tenancy will be terminated if not conducted satisfactorily.
- 17.4 Any Introductory Tenancy offered to a homeless applicant whether accepted or refused will bring the homelessness duty to an end if it is the final offer to which they are entitled, as will the refusal of any offer of a non secure tenancy (S193).

SECTION 18

PRIVATE REGISTERED PROVIDER (HOUSING ASSOCIATION) NOMINATIONS

- 18.1 Housing associations are non-profit distributing organisations providing accommodation for people in housing need.
- 18.2 Housing associations obtain funding from the Homes and Communities Agency and other sources to build new homes and improve older properties.
- 18.3 Housing associations are monitored to ensure that good quality homes are produced at reasonable rents and agreed standards.
- 18.4 Housing associations offer a variety of tenancies including assured, assured shorthold, intermediate, fixed term and starter tenancies.
- 18.5 In addition to tenancies, some housing associations offer low cost home ownership including shared ownership and Homebuy.
- 18.6 The number of properties managed by local housing associations in Dudley is approximately 4000.
- 18.7 The local authority has an agreement with all local housing associations who make available at least 50% of their vacant properties to applicants on the council's waiting list. However some housing associations do not maintain their own waiting list but rely on the council for all their new tenancies. The agreement with the local housing associations is at Appendix 2.
- 18.8 Applicants accepted on to the Council's waiting or transfer list will only be nominated for housing association tenancies if they request this on their application form and/or apply for specific housing association vacancies through Dudley at Home.
- 18.9 Nominations to housing association vacancies are made from those requesting to be considered and from those with the highest priority for that type of property in that area. Once a nomination has been made, an applicant will not be considered for any other offer of accommodation until the housing association has informed the council as to whether the applicant has accepted the offer.
- 18.10 Applicants with debts to the Council will only be nominated if considered suitable under Section 2 or where exceptions have been approved.
- 18.11 On new build schemes the % of vacancies for council nominations is agreed on an individual basis, but is usually at least 50%. In some cases it can be 100%.
- 18.12 The vacancies offered to the Council for nominations represent a cross section of the quality and type of accommodation in the management of the housing associations.
- 18.13 In the case of applicants for a transfer to a property within a co-ownership scheme in which Dudley Council has nomination rights, the priority order is:
 - a) Dudley Council tenants who have tenanted their home for two years or more and other residents of the borough who have expressed an interest in co-ownership.
 - b) Tenants who have held their tenancy for less than two years and waiting list applicants.

- c) Non tenants and households not on the waiting list.

SECTION 19

EXCEPTIONS, REVIEWS AND APPEALS

- 19.1 The Lettings Policy is designed to include the majority of housing circumstances that lead people to apply for housing, and to provide a framework within which applications are consistently assessed and prioritised. However, there are occasions when unusual circumstances may require individual consideration and/or the policy if applied in the usual way would lead to an individual suffering exceptional hardship. There are also occasions when applicants are dissatisfied with the policy or with the way that it has been applied, and wish to challenge it.
- 19.2 Exceptions to policy in the following areas may be agreed by the authorised officers **where there are exceptional circumstances**:
- a) To allow reasonable preference to an applicant who would otherwise have less or no preference due to equity, out of borough status or previous tenancy history or allow an application or allocation where the applicant is not sold subject to contract – authorised by Team Manager (Application Team/Customer Services) or Head of Service
 - b) To accept a request for transfer within two years or with arrears or other breaches of tenancy, or allow a joint tenancy or mutual exchange that would not otherwise be allowed, or an allocation of a property to a former joint tenant, an under-occupying successor, a non-successor, or other lodger left in occupation of that property – authorised by Team Manager (Tenancy & Estate Management) or Head of Service
 - c) To allow an allocation outside the usual occupancy standards or designation or restriction on property types – authorised by Team Manager (Housing Occupational Therapy), Team Manager (Application Team/Customer Services) or Head of Service
 - d) To allow additional preference to applicants in order to meet the needs of vulnerable adults or children – authorised by a Housing Management Head of Service.
- 19.3 The procedure for applicants wishing to challenge a decision is set out at Appendix 6. Statutory reviews are required to be conducted by a senior officer not involved in the original decision, and local policy gives the same assurance for all reviews. The options available to reviewing officers are:
- a) To uphold the original decision
 - b) To amend the original decision, providing it is within the delegated authority of the reviewing officer to make an alternative decision
 - c) To recommend a different decision to an officer who has the delegated authority to make an alternative decision
- 19.5 The other options that may be open to applicants who are dissatisfied with a decision are listed below. If an exception or appeal is rejected, then a written explanation will be given, together with advice as to which (if any) of these options can still be pursued

- a) To make an official complaint under the Council's Corporate Complaints System, which will lead to an investigation and a written response
- b) To make a complaint to the Local Authority Ombudsman (or where applicable and the correct process has been followed to the Housing Ombudsman) that the applicant considers there has been maladministration by the Council – in this case the Council's Complaints System should be exhausted first
- c) To seek a judicial review in the County Court on the grounds that the decision made was contrary to the law or to the Lettings Policy, or had been unfairly or unlawfully made

SECTION 20

PARTNERSHIP WORKING

- 20.1 The Council works with other Directorates, external agencies and the voluntary sector to provide its housing services.
- 20.2 Strategic multi agency partnerships with particular relevance to allocations include Dudley Housing Partnership and the Homelessness Review Group, whilst relevant operational partnerships and protocols exist with Adult Social Care, Children's Social Care, Dudley Citizens Advice, West Midlands Police and Probation Services, Health Services and other Registered Providers of Social Housing.
- 20.3 The following partnership groups currently make allocations of social housing
- a) Housing Panels (Housing, Adult Social Care, Health) – supported housing for people with complex needs and people recovering from mental ill health
 - b) Extra Care Allocations Panel (Housing, Adult Social Care, Midland Heart) – Extra care housing for older people
 - c) Saltbrook Place Allocation Panel (Housing, Midland Heart) – supported housing for people who are homeless or at risk of homelessness
 - d) Shared Housing Project Group (Housing, CHADD, Adult Social Care) – housing with low level support for young people
 - e) Westley Street Project Group (Housing, Bromford, Childrens Social Care) – housing with support for young parents

SECTION 21

THE SELECTION PROCESS

- 21.1 When a property is vacated it is inspected and checked as suitable for letting to an applicant on the Waiting List.
- 21.2 Details of available properties are displayed from Thursday to Monday each week on the website www.dudleyathome.org.uk and in Dudley Council Plus and libraries. Anyone who is registered on the Council waiting list may view the properties and place a bid for up to three of them. Bids may be made through the website, by telephone to 0845 270 1519, by text to 07781 486584, via DigiTV or with staff assistance at the above locations. Applicants are only able to bid for properties they are eligible for, and may be excluded from bidding for properties for which they would otherwise have been eligible but which need to be prioritised to people with specific needs.
- 21.3 Following the close of bidding, a shortlist of applicants who have bid for each property will be produced, and the eligible applicant with the highest priority will usually be invited to view the property. In some cases, multiple viewings will be carried out. In either case, the property will be offered to the applicant with the highest priority who confirms their interest after viewing the property. In most cases, this will be the applicant with the earliest start date or most urgent need in the relevant band, although this may not be the case where (for example) someone with urgent and exceptional needs has been given over-riding priority by a Head of Service or where the property has been advertised as “best match” because it is in high demand or has particular features such as adaptations.
- 21.4 In the process of matching applicants the system takes note of the designation of particular blocks of flats, e.g. an applicant below the age of 40 years will not be considered for a block designated for mature applicants unless No Wait rules are being applied.
- 21.5 Following close of advertising, offers will generally be made to applicants on the shortlist until the property is let. Properties may however be re-advertised in certain circumstances, for example :
- Where the property has been advertised incorrectly e.g. 2 bedrooms instead of 3
 - Where due to unforeseen circumstances the property will not be ready to let for some considerable time
 - Where it is necessary to change the layout of a property during void works
- 21.6 Any property for which there is no waiting list, or for which the waiting list was exhausted on a similar property let within the last month, or which has been refused at least twice for reasons unconnected with the general popularity of the area and property type may be designated a No Wait property and allocated to any suitable eligible applicant.
- 21.7 When the offer has been made and accepted, the applicant will meet with the Housing Manager to explain the new tenancy details. A tenancy start date will then be confirmed following the completion of any repairs.
- 21.8 The start of the rent account will be the Monday following the completion of repairs (unless the nature of the work is such that it can be carried out after the tenant has moved in). Applicants will generally need to pay rent in advance at the sign up appointment (this will be one week, two weeks or one month depending on how the applicant's benefit or salary is paid. In addition all other debts with the Council must be paid before signing for a new tenancy. The Council operates a Housing Benefit scheme

to assist tenants on low incomes and an application for housing benefit should be made if applicable.

- 21.9 Where a current tenant accepts and signs up for a new tenancy, they will need to terminate their current tenancy on the same date or be liable for rent on both dwellings during the week of transfer. If the current tenancy is joint, all parties must sign the termination of tenancy document. If the new tenancy is to be a joint tenancy, then all parties to the tenancy must sign before the keys can be made available.
- 21.10 On signing for a tenancy applicants will be given a copy of the Tenants Information Pack. This explains all the conditions of the tenancy. Arrangements for payment of any Decoration Allowance will also be made at the signing up stage. The Housing Manager must also arrange an appointment with the tenant within 4 weeks of the sign up to explain the arrears escalation policy and to ascertain if there are any problems with the tenancy.
- 21.11 The process for letting new Council homes differs from the usual process because a number of homes will be let simultaneously, and it is important that a sustainable community is established. There is an overarching Lettings Plan for new homes, and individual Lettings Plans are produced for each scheme and displayed on the Council website. All lettings are subject to home visits and affordability assessments.

LIST OF FLAT DESIGNATIONS

Following a decision made by Cabinet in October 2020, age designations have been removed from low rise flats and maisonettes. They remain in place for high rise blocks as follows:

Block	Location	Designation
Block 8 Ankerdine Court	B63 4TW	Any age
Block 3 Bredon Court	B63 4TP	Any age
Claverley Court	DY1 2AU	Age 40+
Clent Court	DY1 2AU	Age 40+
Firmstone Court	DY8 4NU	Age 40+
Baylie Court	DY8 1TY	Age 40+ (lower floors 60+)
Kennedy Court	DY8 1UA	Age 40+ (lower floors 60+)
Worcester	B63 4TJ	Age 40+
Tenbury House	B63 4RN	Age 40+
Malvern House	B63 4TH	Age 40+
Chaucer House	B63 2LR	Age 30+
Butterfield Court	DY1 2TE	Age 40+
Bodmin Court	DY5 2SB	Age 30+
Booth Court	DY5 2SJ	Age 30+
Burnham Court	DY5 2SH	Age 30+
Plant Court	DY5 2SQ	Young singles (under 30)
St Johns Court	DY5 2SG	Young singles (under 30)
Dean Court	DY5 2UU	Age 40+
Chapel Court	DY5 2UT	Age 40+
Brickiln Court	DY5 2UR	Age 40+
Briar Court	DY5 2UL	Age 40+

AGREEMENT BETWEEN DUDLEY MBC AND PRIVATE REGISTERED PROVIDERS

1. This document sets out an Agreement commencing 1st January 2015 between Dudley MBC and Private Registered Providers owning or managing rented accommodation in Dudley. It also includes the procedures which are to be used to make available void properties for nominations by the Council or its housing management contractors. Activity under the agreement will be reported quarterly to Dudley Housing Partnership (DHP) and may be reviewed quarterly or from time to time by the operational partnership group.

Nominations to Relets

2. Each Private Registered Provider will ensure that the Council is given the opportunity to nominate applicants to a minimum of 50% of its net voids in each year. The definition of a net void is set out below. Dudley Housing Partnership will review the percentage and the content of this Agreement at least every five years.
3. The percentage shall be in addition to any nominations for the properties becoming void as a result of schemes devised by central government to assist in releasing social housing for those in severe housing need.
4. The properties offered for nominees shall be a cross section of the quality and type of accommodation available over the full year to the Private Registered Provider and take into account, size, type, location and whether social or affordable rent. Adapted properties will be included and properties that are accessible though not adapted will also be identified as such in order to assist customers with disabilities to choose suitable homes.
5. Each Private Registered Provider shall notify the Council of every letting so that it can monitor nominations. Returns will be provided monthly. Mutual exchanges, statutory successions and temporary decants should be excluded from the returns. Lettings to lodgers in occupation/non successors/under occupying successors should be included, as should permanent moves for repairs, and all other transfers.

Calculation of Private Registered Provider Net Lettings

6. In calculating the number of lettings to which nomination arrangements should apply, no account shall be taken of
 - a) Mutual Exchanges
 - b) Successions
 - c) Decants to facilitate major repairs or improvements, where the tenant will be returning
 - d) Internal transfers (including permanent moves for repairs).
7. The Council respects the right of each provider to offer a reasonable proportion of their voids to internal transfers within the Dudley Borough, providing that the Council is advised of each letting, so that monitoring of the quality of accommodation can be carried out. This applies even if the void created by the transfer is not made available for a Council nominee. Transfers within the provider's stock but from outside the borough will be counted with lettings from their own waiting list.

First Lettings on New Schemes and Conversions

8. Dudley Housing Partnership agrees in principle that every new build scheme (irrespective of the number of units) and every conversion producing three or more units should be subject to a Nominations Agreement and a Lettings Plan. The standard/default arrangements are appended (Appendix 1 & 2) and will apply if no scheme-specific Agreement and Plan are adopted. The principles are
 - a) As a general rule and unless otherwise agreed in relation to a particular scheme, the Council will have 100% nominations to the first lettings on any new scheme, and 50% nominations to subsequent lettings.
 - b) Lettings Plans are designed to produce sustainable lettings and settled communities, and are likely to include factors that will produce diverse but cohesive neighbourhoods. It is therefore recognised that the detail of their contents will vary.
 - c) When planning a new scheme or conversion, it will be the responsibility of the Provider to present its draft Lettings Plan to the Council at least six months prior to expected completion (nine months in the case of major area renewal/regeneration schemes), and the responsibility of the Council to enable appropriate local consultation. In order to protect the Council against claims of maladministration, Lettings Plans will be signed off by the relevant Director and Cabinet Member. Where a Lettings Plan is not submitted or cannot be agreed, the standard/default Plan will apply.
9. Details of all new schemes, including layout plan, handover schedule, property details, rent & service charge levels and any other relevant information will be supplied by the Private Registered Providers to the Housing Liaison Team with the draft Lettings Plan or thirteen weeks prior to handover where no Lettings Plan is required.
10. The Council's nominating officer will provide nominations for each property, in accordance with the procedure set out below, six weeks before the handover. Nominations can be requested in advance of the six weeks where Private Registered Providers have a need to allocate at an earlier date eg tenants choice on fixtures and fittings. The Council will provide nominations up to twelve weeks in advance of handover, providing that at least 10% of the available homes are held back to be offered to people with urgent needs in the month prior to handover.
11. Separate arrangements may be made by agreement between the Council and PRPs for nominations to care and support schemes where advertising through CBL may not be appropriate. These will generally include an Allocations Panel which will work to written eligibility and selection criteria.

Equal Opportunities

12. Dudley MBC and the parties to this agreement are committed to advancing equality and to ensuring that services are accessible, provided fairly and meet the needs of those who require them most. Equality monitoring plays an important role in achieving this objective. Information will be collected and analysed in relation to the 'protected characteristics' – age, disability, race, religion or belief, sex and sexual orientation and the sub categories attached in appendix 3 will be used to allow for the consistent comparison of data.
13. This information will be collated and analysed on a quarterly basis and reported to DHP. Where information suggests that there are potential issues a joint review of data will be undertaken and an action plan agreed. All data must be collected, stored and used in accordance with the Data Protection Act 1998 (DPA).

Monitoring

14. The Assistant Team Manager (Housing Liaison Team) will be the nominated officer of Dudley Housing Services responsible for the monitoring of the agreement.
15. To assist in monitoring each Private Registered Provider will prepare a monthly return using a standard form to be sent to the Assistant Team Manager (Housing Liaison Team) by the 10th day of the following month.
16. If there have been no lettings within the quarter the Private Registered Provider will still make a nil return.
17. The Assistant Team Manager will also invite returns from identified supported housing schemes within the borough, for inclusion in the monitoring reports.
18. The Assistant Team Manager (Housing Liaison Team) will prepare a quarterly report on overall performance for discussion by the Dudley Housing Partnership, and annual reports for each PRP for their annual review meeting. Where monitoring reveals inconsistencies in any Private Registered Provider's practices on performance these will be discussed with the Private Registered Provider and not reported to the Partnership.

Nominating Procedure

19. The Assistant Team Manager (Housing Liaison) will be responsible for circulating to every Private Registered Provider a list of lettings staff of Dudley MBC to whom nominations should be made, the area they cover, their office addresses, email address and fax numbers.
20. The nomination form completed by the Private Registered Provider will be emailed to the nominated officer. The form should include the estimated ready to let date of the void property and have a photograph in JPEG format maximum 450kb attached. The property will be advertised on the Dudley at Home (Choice Based Lettings) system. Properties are advertised in a weekly cycle from midnight on Wednesday to midnight on Monday. The Private Registered Provider should send the nomination form to the appropriate officer by 4.30pm on Tuesday to ensure that the property is advertised in the first available cycle, although the Housing Liaison Team will wherever possible accept nomination forms up to noon on Wednesday. Once the nomination form has been sent, the PRP undertakes not to let that property other than to the person(s) nominated by the Council unless there are no bids (para 21) **or** there is a failure to nominate (para 22) **or** the Council expressly agrees that the property may be withdrawn from the bidding cycle to meet an exceptional need.
21. The nominating officer will select up to three nominations or provide a direct match in accordance with its Allocations Scheme. The Private Registered Provider will be informed as soon as possible and always within three working days of the close of bidding. The top nomination or (where applicable) the direct match will also have attached a copy of their housing application form, the latest held proof of residence at current address and proof of ID, and (if they are not already a DMBC tenant) two references or equivalent evidence of suitability. Note: DMBC tenants will be subject to a pre-termination inspection and debt checks, to follow the initial nomination. If no bids are received for the property the Private Registered Provider will be notified within one working day of the close of bidding. In this case the Private Registered Provider will advise the nominating officer if the property should be re-advertised in the next available cycle.

22. If the nominations have not been received within the three working days, the Private Registered Provider will contact the nominating officers and establish the reason. If no nominations are received after three days the Private Registered Provider may if it wishes record as a failure to nominate and count the void as though a nomination had been made. Failure to nominate will be included in monthly returns.
23. If the Private Registered Provider considers that any of the three applicants are ineligible they will if necessary contact the nominating officer to withdraw the applicant and obtain a replacement. It is assumed that the offer will be made to the first applicant, and if this is refused then the second and if necessary the third applicant will be considered. The PRP will notify the Council of all outcomes, and in particular will record and notify its reasons for rejecting any nominations. Dudley Housing Partnership wishes to ensure that neither the Council nor Private Registered Providers are at risk from claims of maladministration, and any cases where an applicant is eligible as far as the Council is concerned but not acceptable to the PRP will be escalated to senior officers until an agreement is reached. All partners agree to work together to avoid such disputes by proactively identifying the potential for them and actively seeking to agree common approaches. In particular, partners will agree a common approach to affordability assessments.
24. It is recognised that the Council and Private Registered Providers may sometimes have different views in relation to the classes of persons eligible for an allocation, their priority for an allocation, and the occupancy standards and designation applicable to a particular void. Our aim is that customers should not be confused or disadvantaged by these different views, and we therefore commit to the following approach
- a) Voids offered as part of the 50% or other applicable nomination rights will be let entirely in accordance with the Council's Allocation Scheme unless a Local Lettings Policy has been agreed between the PRP and the Council.
 - b) Voids over and above the 50% or other applicable nomination rights will be clearly marked on the nomination form and will be advertised and let in accordance with the PRP's own Lettings Policy, should the PRP wish to do so.
 - c) For the first year of this Agreement, the Council will include in its Lettings Policy any occupancy standards agreed with individual PRPs and advertise properties accordingly, whilst an agreed approach to affordability is developed
 - d) The Council reaffirms its wish to work in partnership with PRPs and respect their independence, and therefore will always consult with them on any changes to its Allocations Scheme and seek a consensus as far as is compatible with its own strategic duties.
 - e) The Council currently provides unlimited advertisements and nominations free of charge to PRPs. The Council may charge for this service, and if so will advise the PRP of any charges in advance, and invoice for them on a quarterly basis.
25. In the event of all three applicants being agreed to be unsuitable or refusing the offers the 'return information' will be sent to the nominating officer with a request for an additional three names. If after the second request none of those nominated accept an offer, the HA will not be required to make the void available for further nominations but will count as a failure to nominate.
26. Once the nominated applicant has 'provisionally' accepted the offer, the Private Registered Provider will email the nominating officer within three working days. It is important that this timescale is achieved, because the top nominated applicant will have had their application suspended from bidding.

Review

27. This agreement will be reviewed every 5 years as a minimum or can be reviewed at any time if the needs of the housing market or housing providers change

Nomination Agreement Appendix 1 – Standard Nominations Agreement for New Schemes & Conversions

AGREEMENT BETWEEN DUDLEY MBC AND
[Name of PRP]

DATED

1. This document sets out an Agreement between Dudley MBC (“the Council”) and [Name of PRP] in respect of the land shown edged red on the annexed plan being land at [Address].

Amount and Quality of Accommodation

2. [Name of PRP] will ensure that the Council is given the opportunity to nominate applicants to a minimum of 100% of all first lettings and 50% of all subsequent lettings of its voids. DHP will review the percentage from time to time. The definition of void is set out below.
3. The re-let properties offered for nominees shall be a cross section of the quality and type of accommodation owned by [Name of PRP] at [Address] being or becoming void each year and take into account size, type and location. Adapted properties will be included.
4. Void shall mean a dwelling unit on the Property being or becoming available at a standard suitable for occupation and for which [Name of PRP] has vacant possession (excluding the Homebuy Direct Units on the Property being plot numbers []).
5. In calculating the number of Voids to which nomination arrangements apply, no account shall be taken of
 - a) Mutual Exchanges
 - b) Successions
 - c) Decants to facilitate major repairs or improvements, where the tenant will be returning
 - d) Transfers (to an agreed % or number of new lets)
6. Any arrangements for existing [Name of PRP] tenants to transfer into the new Scheme must be agreed as part of the Lettings Plan. If they are not so agreed, tenants may apply to the Council and bid for the vacancies via CBL.
7. Details of the new scheme, including layout plan, handover schedule, rents & service charges, property details and any other relevant information will be supplied by [Name of PRP] no less than six weeks prior to handover.

Equal Opportunities

8. Dudley MBC and the parties to this agreement are committed to advancing equality and to ensuring that services are accessible, provided fairly and meet the needs of those who require them most. Equality monitoring plays an important role in achieving this objective. Information will be collected and analysed in relation to the ‘protected characteristics’ – age, disability, race, religion or belief, sex and sexual orientation. All data must be collected, stored and used in accordance with the Data Protection Act 1998 (DPA).

Local Lettings Plan

9. [Name of PRP] will present its draft Lettings Plan to the Council at least six months prior to expected completion (nine months in the case of major area renewal/regeneration schemes), and the responsibility of the Council to enable appropriate local consultation. In order to protect the Council against claims of maladministration, Lettings Plans will be signed off by the relevant Director and Cabinet Member. Where a Lettings Plan is not submitted or cannot be agreed, the Council's standard/default Plan will apply.
10. For the avoidance of doubt it is hereby agreed and declared by the parties that the obligations contained in this Agreement on the part of [Name of PRP] shall not be binding on any persons or company lending money on the security of the Property or on any persons deriving title through under or from any such person or company.

Dispute Resolution

11. Any dispute or difference arising between the Council and [Name of PRP] regard to their respective rights and obligations arising out of or connected with this Agreement may be referred by any party to the decision of a single arbitrator who shall have experience in relation to affordable housing in the same locality as the Property to be agreed by the parties or failing agreement between them within 21 days to be nominated by the President of the Law Society. Any such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any subsequent amending or replacing legislation.

.....
Signed for on behalf of:
[Name of PRP]

.....
Signed for and behalf of:
Dudley Metropolitan Borough Council

Nomination Agreement Appendix 2 – Default Lettings Plan for New Schemes & Conversions

Lettings Plan : [Scheme name & address]

Numbers and types of properties

X	One bed apartments	General needs
etc		

How to apply

Choice based lettings through Dudley at Home

All shortlisted tenants will receive a home visit prior to offer

All shortlisted tenants who do not have a current landlord reference will be required to produce two references and demonstrate affordability

Who can be considered

One bed apartment – couple or single person, any age

Two bed apartment - family or all adult household up to three persons

Two bed house - family with one child or two of the same sex (including any adult sons or daughters)

Three bed house - family with two or more children (including any adult sons or daughters)

Four bed house – family with three or more children (including any adult sons or daughters)

One bed bungalow – couple or single person of pensionable age or with disability need

Two/three bed bungalow – couple/family/all adult household of pensionable age or with disability need

Who will have priority

Priority will be by waiting list band and band start date, except that:

- At least 50% of lettings will be to people with a strong local connection (residence or family) to the local area
- At least 50% of lettings of houses will be to households with someone working
- Lettings should reflect the ethnic mix of the borough as a whole
- Any four or more bed houses will be let to families whose needs they best meet ie larger families particularly those who are overcrowded
- Any two/three bed bungalows will be let to people whose needs they best meet ie households with age/disability needs who also need the number of bedrooms .

Local arrangements for [scheme name]

Limit the overall number of children under 16 within the initial lettings.

Appendix 3 - Equality Monitoring Categories

Age

What is your age?

- | | |
|--|--------------------------------|
| <input type="checkbox"/> 0-19 | <input type="checkbox"/> 40-49 |
| <input type="checkbox"/> 20-29 | <input type="checkbox"/> 50-59 |
| <input type="checkbox"/> 30-39 | <input type="checkbox"/> 60 + |
| <input type="checkbox"/> Prefer not to say | |

Disability

Do you consider yourself to be disabled*?

- ☐ Disabled ☐ Not disabled ☐ Prefer not to say

*The Equality Act 2010 defines a disabled person as “someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities”.

Extended disability question (optional)

If you are disabled, does this condition(s) or illness affect you in any of the following areas?

- ☐ Vision (e.g. due to blindness or partial sight)
- ☐ Hearing (e.g. due to deafness or partial hearing).
- ☐ Mobility, such as difficulty walking short distances, climbing stairs, lifting & carrying objects.
- ☐ Learning or concentrating or remembering
- ☐ Mental health
- ☐ Stamina or breathing difficulty
- ☐ Social or behavioural issues (for example, due to neuro diverse conditions such as Autism, Attention Deficit or Aspergers Syndrome).
- ☐ Other impairments(s), please state _____

Race/ethnic group

What is your ethnic group?

A White

- ☐ British
- ☐ Irish
- ☐ Gypsy or Irish Traveller
- ☐ Any other White background, please write below

B Mixed/Multiple Ethnic Groups

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other mixed/multiple ethnic background, please write below

C Asian/Asian British

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Chinese
- ☐ Any other Asian background, please write below

D Black/African/Caribbean/Black British

- ☐ African
- ☐ Caribbean
- ☐ Any other Black/African/Caribbean background, please write below

E Other Ethnic Groups

- ☐ Arab
- ☐ Yemeni
- ☐ Any other ethnic group, please write below

- ☐ Prefer not to say

Religion or belief

What is your religion or belief?

- ☐ No religion
- ☐ Christian
- ☐ Buddhist
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ Other
- ☐ Prefer not to say

Sex

What is your sex?

- ☐ Male
- ☐ Female
- ☐ Prefer not to say

Sexual Orientation

I would describe myself as:

- | | |
|---|---|
| <input type="checkbox"/> Heterosexual/ straight | <input type="checkbox"/> Gay or Lesbian |
| <input type="checkbox"/> Bisexual | <input type="checkbox"/> Other |
| <input type="checkbox"/> Prefer not to say | |

The following local arrangements were advised by Private Registered Providers (housing associations) when the Nominations Agreement was updated in January 2015. They are continuing to review the sustainability of tenancies in the light of the Government programme of Welfare Reform, and may undertake affordability checks prior to offering a tenancy. The Council will offer support and advice to any applicant who is nominated for a tenancy but has difficulty demonstrating that they can afford it.

Accord

Will consider allowing a property to be under-occupied where the individual circumstances of the applicant requires it, and the applicant is aware of the need and is prepared to pay the additional rent not covered by the housing costs element of Universal Credit (or equivalent benefit), where relevant.

Black Country Housing Group

Allows families with two children of any age and sex to have a three bedroom home subject to an affordability assessment

Bromford Living

Normally does not let two bed homes to singles/couples, and only lets homes with more than two bedrooms to families with two children of the same sex if the elder is aged over 16, or to families with two children of opposite sexes if the elder is aged over 10. Exceptions are:

- Expected children may be counted from 24 weeks pregnancy
- Couples/singles of pensionable age may be considered for two bedroom bungalows
- Individual exceptions where properties are particularly small or difficult to let

Midland Heart

Normally does not let two bed homes to singles/couples, and only lets homes with more than two bedrooms to families with two children of the same sex if the elder is aged over 16, or to families with two children of opposite sexes if the elder is aged over 10. Exceptions are:

- Where there are no families meeting the above requirements interested in the vacant property

Nehemiah

Normally does not let two bed homes to singles/couples, and only lets homes with more than two bedrooms to families with two children of the same sex if the elder is aged over 16, or to families with two children of opposite sexes if the elder is aged over 10. Exceptions are:

- Where the household is exempt from the removal of the under-occupation subsidy

Optima Group (including Family HA)

Allows families with two children of any age and sex to have a three bedroom home subject to an affordability assessment.

Sanctuary

Normally does not let two bed homes to singles/couples, and only lets homes with more than two bedrooms to families with two children of the same sex if the elder is aged over 16, or to families with two children of opposite sexes if the elder is aged over 10. Exceptions are:

- Two bed flats may be let to single people if there is no other demand for them and subject to an affordability assessment

Stonewater (formerly Jephson HA)

Allows families with two children of any age and sex to have a three bedroom home subject to an affordability assessment

Waterloo

Allows families with two children of any age and sex to have a three bedroom home subject to an affordability assessment

MANAGEMENT TRANSFERS APPROVED BY HOUSING COMMITTEE

17 June 1996

The Housing Committee approved a 12-month pilot scheme in the Lye & Wollescote Ward only. This would allow tenants living in overcrowded accommodation to be given priority for a transfer to a larger dwelling on the same estate.

23 March 1998

The Housing Committee approved the following where the move would benefit the interests of the Department, without reference to the Housing (Special Cases) Sub Committee.

a) In order to let a “No Wait” void

1. Where a tenant is eligible for the property but is restricted because of less than two year's residence
2. Where a tenant has been a tenant for 10 years, is single and is interested in a house.

b) In order to gain a more lettable void or one of similar lettings value

1. Where a tenant had child in flat points but wanted to use them to take another flat or maisonette and was prepared to have future child in flat points deferred for two years. The deferral would be lifted if there were changed circumstances, e.g. medical, overcrowding, resulting in additional housing need points.
2. Where the tenant was childless and occupied a ground floor flat or maisonette but would like to move to an upper floor flat or maisonette.
3. Where the tenant was under occupied by only one bedroom (i.e. did not qualify for a management move for under occupation points)

EXCEPTIONS TO ELIGIBILITY RULES

Exceptions to eligibility rules have been introduced and amended from time to time to deal with low demand properties.

- Applicants who do not fulfil the residency qualification may be considered for No Wait properties.
- Applicants with equity sufficient to afford private rent may be considered for No Wait properties providing they are sold subject to contract.
- Applicants with access to children may be considered for family homes that are No Wait.
- Homeless applicants not in priority need may be offered No Wait homes subject to eligibility.
- Applicants who are deferred for three refusals or for giving up a tenancy or worsening their circumstances may be considered for No Wait properties.

23 March 1998

The Housing Committee agreed variations to eligibility and designations

1. To allow single people who are aged 29 years and 4 months or over to be allocated undesignated flats.
2. To vary the eligibility and designation rules as set out below, when considering the allocation of no applicant voids.

a) REVISED ELIGIBILITY RULES FOR NO WAIT VOIDS

Policy Issue:	RESIDENCE
Existing Policy:	Applicants resident in the UK can apply except those subject to Immigration Control and those ineligible due to behaviour
New Policy:	No residential qualification required. If no fixed address, two professional references required.

Policy Issue:	TIME IN OCCUPATION
Existing Policy:	Council tenants, housing association tenants and owner occupiers regardless of length of occupation
New Policy:	No occupation criteria for all Council Tenants Housing Association tenants and owner occupiers.

Policy Issue:	EQUITY
Existing Policy:	Have equity of less than £60,000 or £85,000 for pensioners. (These limits have since changed)
New Policy:	Remove equity restriction.

Policy Issue:	MATRIMONIAL
Existing Policy:	Divorce/separation custody of child and legal interest in existing home must be resolved.
New Policy:	No marital state or relinquishment of interest need to be proven. Applicants wanting a family accommodation not required to produce Residence Order or Joint Statement.

Policy Issue:	HOMES MOBILITY
Existing Policy:	Had to have worked in the area or have a medical need equivalent to 15 medical points and be moving more than six miles from their address.
New Policy:	Work, medical and distance restrictions removed.

Policy Issue:	HOMELESS
Existing Policy:	Non-priority need cases that are unintentionally homeless are offered advice about the Waiting List or private sector and rehouse if possible.
New Policy:	Non-priority need homeless cases be offered a “no applicant” void.

Policy Issue:	DEFERRALS
Existing Policy:	Six month’s deferral for a) three unreasonable refusals b) two no responses c) worsening circumstances.
New Policy:	No deferral. If a applicant approaches the department for a property then offer a “no applicant” void.

b) The priority in which applicants may be considered for No Wait properties is

Mature Flats	<ol style="list-style-type: none"> 1. All members of household aged over 35 2. All members of household aged over 30 and no tenants in block over 60
General Flats (30+ and couples)	<ol style="list-style-type: none"> 1. Any applicant aged 25+ 2. Any applicant under 25 with children who do not stay overnight 3. Couples who are not already cohabiting 4. Couples who are not already cohabiting and one is under 18
Houses	<ol style="list-style-type: none"> 1. Families with fewer children than would normally be eligible 2. Families excluded by the matrimonial policy 3. Applicants with clearance priority 4. Childless couples over 18 5. Couples who are no already cohabiting 6. Applicant with daytime access to children 7. Couples where one is under 18 8. Any applicant
Bungalows	<ol style="list-style-type: none"> 1. Anyone aged over 60 or with urgent medical need 2. Anyone aged over 49

REVISIONS TO THE MANUAL IN DATE ORDER

4 November 1996

Housing Committee agreed changes to the equity limits, residency qualifications, applicants who had purchased under Right to Buy and succession in cases where there are no statutory rights.

9 December 1996

Housing Committee agreed changes in order to implement the Housing Act 1996. This cancelled the systems for awarding points for homelessness, tied tenancy, leaving Armed Forces accommodation and leaving prison and replaced them with systems which complied with the new statutory duty to award reasonable preference to homeless people. It also agreed arrangement for the Housing (Special Cases) Sub Committee to review all non-secure tenancies allocated because of homelessness.

15 September 1997

Housing Committee altered the designation of certain blocks of flats in Dudley Road, Upper Gornal and Wagstaff Close, Coseley.

8 December 1997

Housing Committee altered the rehousing arrangements for those eligible for Statutory rehousing (see Section 13). It also agreed to vary the succession rules for applicants not meeting the statutory requirements and reduce the age for offering undesignated flats from 30 to 29 years 4 months (appendix 4).

22 June 1998

Housing Committee agreed to award points to accepted homeless applicants, not already covered by existing policy and to adopt revised procedures for reregistration, refusing access to the Waiting List, removal from the Waiting List, reviewing decisions and the allocation of large houses in areas of high demand. Also a fee for the sale of the Lettings Manual and an annual updating service.

24 September 1999

The Housing Committee agreed to delegate authority for officers to agree management moves in cases of sexual/physical abuse, racial harassment and serious nuisance/harassment.

03 December 2001

The Director in conjunction with the Lead Member for Housing agreed amendments to the existing policy in relation to overcrowding, equity limits, provision of evidence on relationship breakdown, the removal of medical points after two years, registration of a joint application, and residency in the borough.

24 April 2003

The Director in conjunction with the Lead Member for Housing agreed to allocations outside existing designations where there are imbalances between supply and demand. Tenants are to

be consulted about the proposal before exceptions are made. It was also agreed that prospective tenants be selected who have a good tenancy record. It was further agreed that a review and evaluation (including further tenant consultation) should take place six months after the first allocation in each block.

30 April 2003

The Director in conjunction with the Lead Member for Housing agreed changes in order to implement the Homelessness Act 2002. This altered the arrangements for those eligible to apply for housing in the borough. It also agreed to allow applicants whose behaviour renders them unsuitable to be a tenant to be excluded from the Housing Register and that applicants who have a history of rent arrears or of damaging or neglecting a previous home may be excluded or deferred on the Housing Register or awarded less preference to their application but that all applicants must be advised of their right to review on any of the previous decisions.

The points awarded to families living in High Rise Flats were increased, The Lettings Policy will now include a statement on choice enabling applicants to make their own decision about available properties.

16 April 2004

The Director in conjunction with the Lead Member for Housing agreed a policy change in respect of Council employees leaving tied accommodation through retirement after ten years' service or more

20 December 2004 (Implemented 1 February 2005)

The Director in conjunction with the Lead Member for Housing agreed changes to make better use of stock, meet homelessness responsibilities and remove inconsistencies within the policy. Amendments were made to the arrangements for prioritising homeless applicants according to suitability, restricting the numbers of offers to applicants with less preference, occupancy standards for three bedroomed houses, equity considerations, lodgers left in possession, creating joint tenancies, allocating to people with disabilities, sensitive lettings and reviews and special cases.

5 May 2006

The Director in conjunction with the Cabinet Member for housing agreed to give 5 extra points to young people successfully engaged in the Pre Tenancy Savings Scheme.

18 May 2007

The Director in conjunction with the Cabinet Member for Housing implemented the recommendations of the Select Committee on the Environment to enhance the assistance offered to under occupying successors and people not qualified to succeed.

13 December 2007

Dudley at Home (choice based lettings) pilot commenced in Halesowen and Stourbridge.

12 December 2008 (Implemented 9th February 2009)

The Director in conjunction with the Cabinet Member for Housing implemented the recommendations of the Select Committee on the Environment concerning occupancy standards, applicants with equity, the timescale and number of offers for housing homeless applicants, service and key worker tenancies, policy exceptions, and the revised Statement on Choice.

29th March 2009 (Implemented 4th May 2010)

The Director in conjunction with the Cabinet Member for Housing agreed

- To correct an anomaly in the treatment of Right to Buy purchasers and other home owners, by specifying that all would be limited to flats and maisonettes following any transfer of ownership unless an exception is made
- To authorise officers assessing overcrowding to take into account the location, layout and overall suitability of any bedrooms in addition to their size.

23rd June 2010

Points scheme replaced with bandings scheme.

21st March 2011

The Cabinet Member for Housing authorised a strategy to deal with High Cost Voids, including allocations to applicants who would not normally qualify but have been assessed as suitable to carry out their own repairs.

12th September 2011

The Cabinet Member for Housing Libraries and Adult Learning authorised a Local Lettings Plan for various new build council homes and to allow the Assistant Director of Housing to authorise further local lettings plans to deal with anti social behaviour.

29th February 2012

Lettings Policy updated to include

- changed responsibility and process for assessing medical needs for rehousing
- authority for local lettings plans
- allocations of High Cost Voids for Tenants' Own Repair
- membership of House Exchange scheme
- section on partnership working

12th April 2012

The Director in conjunction with the Cabinet Member agreed

- To require all new applicants for housing to provide two references
- To give preference to suitable waiting list applicants with no housing need over transfer list applicants with no housing need
- To allow families with two children of opposite sexes to bid for two bedroom homes if they choose to do so
- To allow two or more single applicants or couples to take on joint tenancies of suitably sized non family flats and maisonettes
- To include suitable private sector tenancies within the options for meeting and discharging homelessness duties

25th January 2013

Lettings Policy updated

- To comply with Statutory Instrument 2012 No 2989 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012
- To add a formal role for elected members into the process for reviewing decisions
- To include a Statement on Fraud

18th April 2013

The Director in conjunction with the Cabinet Member agreed

- To give additional priority for housing allocations to service personnel with a connection to Dudley, by backdating their application and band start date to their date of enlistment.
- To give additional priority for a larger home where needed for approved foster carers/adoptive families, by including them in Band 2
- To allow for additional priority for housing allocations to other groups who make a contribution to the community, only where this forms part of a formally approved local lettings plan
- To allow for additional priority for housing allocations where an existing home has become unaffordable, by recognising this as a need within the bandings scheme
- To consider affordability issues in decisions on transfers and exchanges with arrears
- To amend from 18 to 16 the age at which a young person is considered to need their own bedroom within the family home
- To prevent transfers within two years of a tenancy start date unless there are exceptional, unforeseen circumstances, or the move is of benefit to the Council

1st May 2014

In accordance with the Cabinet decision of February 2014, the Director in conjunction with the Cabinet Member for Housing and Community Safety, implemented a two year Residency Qualification for joining the housing waiting list.

7th August 2014

Clarification of the position of council service tenants on retirement/flexible retirement.

30th April 2015

Lettings Policy updated

- To incorporate the revised Nominations Agreement with Private Registered Providers
- To comply with Statutory Instrument 2015/967 The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 and associated Statutory Guidance.

11th January 2017

Lettings policy updated with Netherton Clearance arrangements, procedural changes and clarifications, including new property type (one bed house), the availability of Pre Tenancy Workshops, and a change of mutual exchange provider.

6th September 2018

Minor amendments to comply with Homelessness Reduction Act 2018, procedural changes

to sections 9 and 10, Beech Road apartments added to designations list, and a change of mutual exchange provider.

8th June 2021

Implementation of changes to occupancy standards and age designations agreed by Cabinet October 2020.

PROCEDURE FOR REVIEWING A DECISION UNDER PART 6 & 7 OF THE HOUSING ACT 1996 AS AMENDED BY THE HOMELESSNESS ACT 2002

1. The following decisions on housing and homelessness decisions carry a right to review:
 - a) Decisions to exclude from the list or give less preference
 - b) Decisions not to make exceptions to policy
 - c) Eligibility, homelessness duty, priority need, intentionality, local connection
 - d) Suitability of offers

This list is not exhaustive, and it is often helpful for a customer who is dissatisfied to be offered a review of any decision they are unhappy with.

2. The review should generally be requested within 21 days of the negative decision being notified. However, later requests may be considered where reasonable and particularly where there is a specific cause of the delay.
3. All requests for reviews and their outcomes must be logged on the central record.
4. Reviews must be carried out by a senior officer who was not involved in the original decision, although they may take advice from other officers including those who have been previously involved. The review should be completed within 56 days of the request unless a longer timescale is agreed, or a shorter timescale is prescribed in law. Shorter timescales apply to certain homelessness decisions, and the timescale will generally be confirmed when the request for review is acknowledged.
5. The customer has the choice of submitting the grounds for their appeal in writing or at a meeting with the reviewing officer. They also have the right to be accompanied and assisted in putting their case. The meeting may take place at the customer's home, especially where that may help to inform the decision.
6. It is the responsibility of the reviewing officer to have regard to relevant legislation, case law, Codes of Guidance and local policy, and to write to the customer explaining the decision and the reasons for it. The possible outcomes are
 - a) That the reviewing officer upholds the original decision
 - b) That the reviewing officer makes a different but still negative decision, in which case the customer should be informed and given opportunity to comment before the final response is issued (this mainly applies to homelessness reviews)
 - c) That the reviewing officer upholds the appeal and makes a new decision if it is within their authority to do so, or otherwise recommends it for authorising by whoever is appropriate.
7. The Reviewing Officer will write to the person who requested the review, explaining their decision and the reasons for it. They will also advise of any further right of review or appeal, including the right of appeal to the County Court within 21 days of being notified of the review decision. It is important to note that the court has the power to consider appeals which are to be brought, or are actually brought after the time limit has expired, where there is good reason for the applicant's failure to appeal in time.
8. In the case of a homeless application, the person requesting the review may also appeal against the authority's decision in the event that it decides not to exercise the power to accommodate the applicant pending the appeal.