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CHAPTER 5 RULES GOVERNING ALLOCATIONS: **RULES 46 – 84**

5.0 INTRODUCTION

This chapter outlines guidance in relation to Choice, Restriction of Choice, Offers and Difficult to Let Properties. Guidance in relation to Disqualification, Transfers, Succession, Assignment and the Creation of Joint tenancies are outlined in other chapters. All Applicants will be assessed and placed on a Waiting List that is used by all Participating Landlords. As a general rule each dwelling will be offered to the relevant Applicant with the highest points.

5.1 RELEVANT APPLICANT DEFINITION

An Applicant is a “relevant Applicant” if:

- 1) He / she has applied for, or is deemed to have applied for accommodation with the locational and other characteristics of the dwelling in question, and
- 2) The Landlord is satisfied, on reasonable grounds, that the non-locational characteristics of the dwelling meet the Applicant’s needs and, having regard to all the circumstances, do not substantially surpass those needs.

5.2 DEPARTURE FROM GENERAL RULE: **RULE 48**

Designated Officers have the authority to depart from the general rule only in the following exceptional circumstances:

Consideration must be given to the special and specific needs of the Applicant in order to determine whether their particular requirements would merit a departure from the Waiting List in relation to the particular characteristics and amenities of the property to be offered.

A deviation under Rule 48 can be justified only if those Applicants higher up the Waiting List, including those with an earlier date of application, do not have similar specific needs for the particular accommodation or location to that of the Applicant being considered.

Factors which must be taken into account when applying Rule 48 are:

(a). **Profile of Waiting List**

Designated Officers should consider the number of Applicants on the

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Waiting List for the particular type of accommodation in that area. An analysis of those Applicants should be carried out to determine their specific needs in order to balance their needs against the Applicant in question.

(b). Turnover

Designated Officers should consider the turnover of that particular type of accommodation in that area. Consideration should be given as to whether, with the Applicant's level of assessed need and, given their position on the Waiting List, they would be offered accommodation to meet their specific requirements within a reasonable period of time. This would involve looking back at the number of past allocations of that type of accommodation over a reasonable period of time in that specific location.

(c). The Applicant's Specific needs

Designated Officers should consider the particular needs of the Applicant in question in order to determine whether, given the nature and intensity of their housing need, such an allocation is highly desirable to meet their special and specific requirements. For example, the Applicant's specific needs may be more acute if they have a terminal illness, or if they have a degenerative illness which will impact on their housing need.

(d). The characteristics or location of the property to be allocated

The facilities and amenities and / or the particular location of the dwelling must be highly desirable to match the special and specific needs of the Applicant in question. Examples would include ground floor accommodation, the location in relation to carer / essential facilities, specific adaptations, mobility standard accommodation.

Allocations under Rule 48 may also take place where:

- (a). The Applicant's need for that particular type of dwelling has been identified during the process for determining the housing mix of a New build Scheme. Designated Officers should ensure that administrative arrangements are put in place to maintain a record of such Applicants; or

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- (b). A property has been specifically identified for purchase by the Landlord to accommodate the specific needs of an Applicant.

[Consideration may only be given to this option where:

- i. There is no suitable accommodation available or likely to become available which is already in the Landlord's ownership and which could meet the needs of the household concerned; and
- ii. The accommodation requirement is a long term one, in that the allocation is not intended as a temporary arrangement pending further decanting.
Detailed guidance on the procedures to be used for Housing Executive staff is in HRAN 22/04 – Special Acquisition of Dwellings.

Housing Executive staff must notify all such departures from the General Rule in writing within three months to Client Services using the pro forma provided in Appendix 5.4. Client Services will compile a report on such departures for the Housing Executive Board. Housing Associations are required to notify the Director of Housing, Department of Social Development of all such departures within three months.

5.3 CHOICE: [RULES 52-54](#)

Within the HMS, there are three distinct levels of Areas of Choice, Estate / Project, Common Landlord Area and general Housing Area. Each of these is defined below:

Estate/Project

An Estate / Project is a scheme or group of properties in an area, belonging to one of the Participating Landlords, for which an Estate Code has been created. All Estates / Projects will be contained within a specific Common Landlord Area.

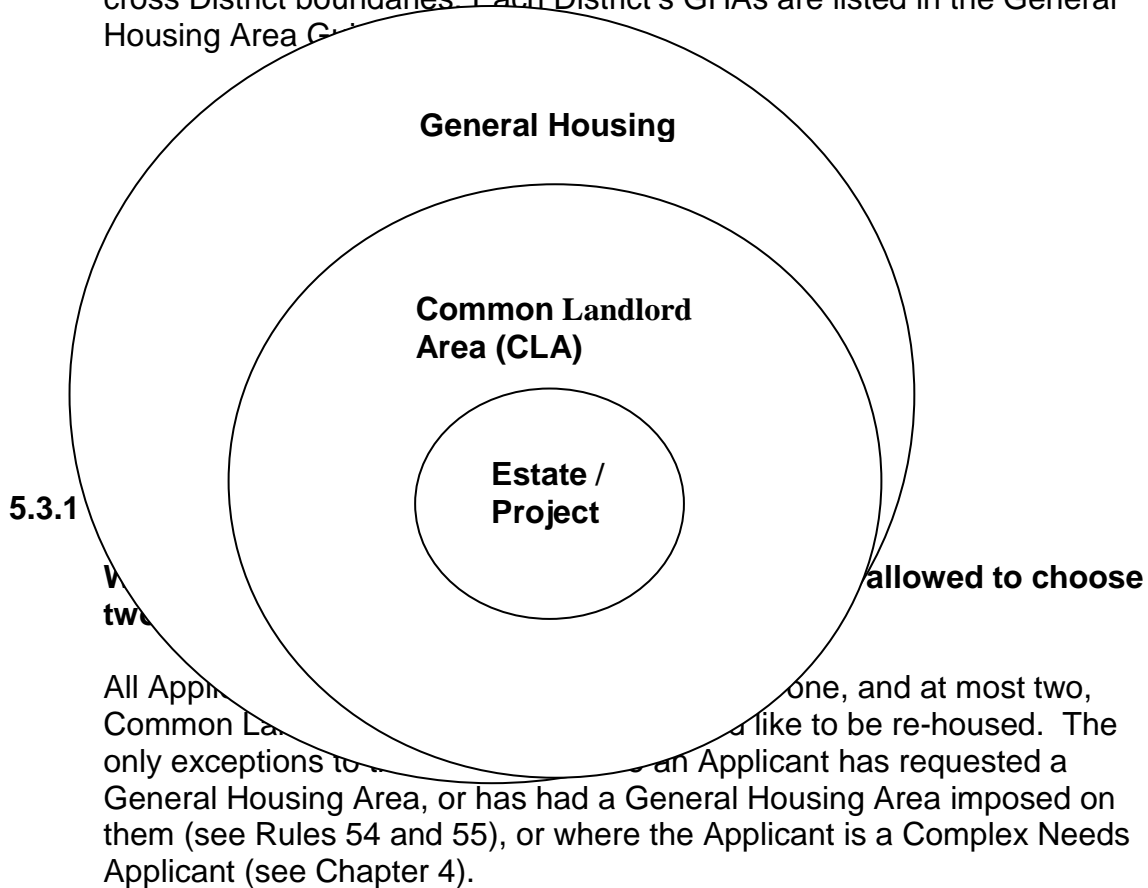
Common Landlord Areas (CLA)

A Common Landlord Area is a designated geographical area which may include a number of Estates / Projects belonging to any of the Participating Landlords. Each District's CLAs are listed in the Common Landlord Area Guide.

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General Housing Areas (GHAs)

A General Housing Area is a wider geographical area consisting of a number of Common Landlord Areas grouped together, which it is agreed form part of a natural area. An Applicant's 1st CLA of Preference is known as their Real CLA and those included by applying the GHA are known as the Associated CLAs. CLAs within a GHA need not be adjoining and may cross District boundaries. Each District's GHAs are listed in the General Housing Area Guide.



Certain Applicants may have restrictions placed on their areas of choice, for example, where the Applicant has been intimidated from a particular area or those Applicants who have been charged or convicted with the sexual abuse of children.

Change of Preference – Common Landlord Areas

Applicants may change their preferred Common Landlord Areas, but they must do so in writing. When a change of CLA has been made it may be necessary to discuss, with the Applicant, the Estates / Projects which are contained within their new CLAs in order to identify Estates / Projects which are not suitable / desirable. Amendments can only be keyed by the

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Office of Origin (as a general rule this will be the NIHE **Local Office** in the case of Applicants, and the Landlord of the tenant in the case of Transfers).

5.3.2 ESTATE / PROJECT CHOICE: **RULE 53**

An Applicant will be considered for all properties of all Landlords within their Common Landlord Area of choice unless there are exceptional circumstances.

If more than one Estate / Project exists within an Applicant's CLA of choice, it is vital that an Assessing Officer informs the Applicant of all the Social Rented accommodation available in that area.

Applicants should also be advised that, as a general rule they will be placed on the Waiting List at CLA level for their area of choice. It will only be in very exceptional circumstances with SHO approval that an application will be considered at landlord/scheme level. This information should be clearly marked on the Visit Report to enable Keying Officers to exclude unselected Estates / Projects / Landlords.

It is important that the Applicant is aware of the variety of accommodation available within the Common Landlord Area(s) of their choice. This is to ensure there is suitable accommodation to meet their needs.

Designated Officers of Participating Landlords should act as independent advisors, assessing the needs of an Applicant impartially, and providing unbiased information on **all** of the Participating Landlords accommodation existing within their chosen CLAs.

5.3.3 CHOICE OF GENERAL HOUSING AREA: **RULE 54**

An Applicant may also choose to be considered for a General Housing Area as an area of choice.

In order to maximise choice, all Applicants should be advised to consider the General Housing Area (G.H.A.) surrounding their Real CLA preference(s). Designated Officers should ensure that this facility is explained to all Applicants / transfers.

Where a GHA is to be applied at an Applicant's request, it will be necessary for the Designated Officer to advise the Applicant of all the CLAs contained in the appropriate GHA, and clearly identify any Estates / Projects within each CLA which are to be excluded.

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In relation to Sheltered schemes – When an applicant has expressed an interest in Sheltered and general needs accommodation, this should be recorded in the circumstances table under special requirements of the assessment form and keyed onto HMS. This will facilitate a landlord to filter for such applicants.

Change of Preference – General Housing Areas

Where an Applicant has requested the GHA to be applied and subsequently changes their CLA of Preference to one which is not contained in the current GHA, it will be necessary to discuss with them the new CLAs and Estates / Projects contained in the new GHA. This will be important in order to identify any CLAs and / or Estates / Projects, within the new GHA, which they would like to be excluded. It is necessary to obtain this information in writing from the Applicant. This Change of Preference information should be clearly identified for keying purposes.

5.3.4 GENERAL HOUSING AREAS – IMPOSITION: **RULE 55**

An Applicant who has been awarded Homeless / Threatened With Homelessness – Full Duty Applicant points and has not been allocated accommodation on a permanent basis after six months, will be considered for accommodation in a wider area which includes one or both of his / her areas of choice. This will be known as a General Housing Area (G.H.A.) - Rule 55.

This widening of choice will be applied automatically by HMS and a letter generated. All such Applicants will therefore be placed on the Waiting List for all estates / projects within that GHA and advised accordingly.

NB - Please Note due to a technical issue on HMS in relation to producing this letter, an incident has been raised with Orchard in February 2014. This is currently being investigated and when resolved this guidance will be updated.

Applicants are advised in the renewal letter that the GHA may be applied and also details relevant GHA codes as appropriate. Applicants should have been advised during their homeless assessment of the GHA being imposed, if they have not been rehoused at that stage.

It is important to note there is a maximum of 10 exceptions permitted in HMS.

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It would be good practice to attach a list of all the CLA's that are included within the GHA.

Change of Preference

Where a GHA has been imposed on a Full Duty Applicant, and they subsequently change their Real CLA(s), it may be necessary to review the case to determine the suitable Estates / Projects in the new CLAs contained in any new GHAs generated (if applicable). Any excluded Estates / Projects or CLAs within the new GHA(s) should be clearly identified for keying purposes.

5.4 RESTRICTION OF CHOICE

Landlords may restrict the Area of Choice of an Applicant in the following circumstances:

5.5 APPLICANTS WITH INTIMIDATION POINTS: [RULE 61](#)

Where an Applicant has been awarded Intimidation points, the Designated Officer may restrict offers of accommodation to areas where they consider the Applicant would not be at immediate risk.

Alternatively, an Applicant may not qualify for Intimidation points but may qualify for points under Primary Social Needs Factors (1 – 3) due to experiencing violence or fear of violence, or experiencing harassment with fear of actual violence, for whatever reason. Such Applicants must be considered under the Homeless Legislation. Allocating Designated Officers should exercise discretion in determining whether or not it is reasonable for the Applicant to remain in his / her accommodation, and may restrict offers of accommodation to areas where the Applicant would not continue to be at risk.

5.6 APPLICANTS CONVICTED OR CHARGED WITH THE SEXUAL ABUSE OF CHILDREN: [RULE 62](#)

Restrictions at **permanent housing** stage apply (as a general rule) to the following:

- 1) Any Applicant who has received a custodial sentence or a suspended custodial sentence in respect of "a relevant offence", as defined below.

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- 2) Any Applicant who has been charged with “a relevant offence” which could attract a custodial sentence.

5.6.1 RELEVANT OFFENCE: **RULE 63**

In the present context “a relevant offence” means any of the following offences:-

- 1) Sexual offences against children which are listed in Schedule 1 of the Children and Young Persons Act (N.I.) 1968.
- 2) Sexual offences against children which are listed in Schedule 1 of the Sex Offenders Act (N.I.) 1997.
- 3) Offences relating to indecent photographs of children which are listed in Schedule 1 of the Sex Offenders (N.I.) Act 1997.
- 4) Offences under the law of some jurisdictions outside Northern Ireland which, in the opinion of the Designated Officer, are similar in nature and seriousness to any of the offences listed at a) to c) above.

NOTE: “Conviction” does not include any conviction that is a “spent” conviction for the purposes of the Rehabilitation of Offenders legislation. “Custodial sentence” includes a suspended custodial sentence.

Designated Officers must satisfy themselves that the offence falls within the “relevant offences” listed. If there is any doubt, Designated Officers are advised to seek Legal advice.

Individual case circumstances will vary. In many cases, however, Social Services or the Probation Board, who will be in contact with the Housing Executive or Housing Association, will know the Applicant.

5.6.2 OFFERS OF ACCOMMODATION: **RULE 64**

The restrictions as outlined aim to strike a balance between promoting and preserving the peace of mind of parents, children and young families on one hand, while ensuring that we will be able to continue to offer suitable temporary and / or permanent accommodation to those who are entitled to it.

(a). **Permanent Housing**

Regardless of his / her place on the Waiting List, and regardless of his / her housing choices, an Applicant who is subject to restrictions

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at permanent housing stage should only be offered accommodation within the stock of any Participating Landlord which satisfies all of the following criteria:

- i. It is accommodation which, in the opinion of the Designated Officer, is predominantly let to tenants who do not have children within their households.
- ii. It is physically separate from accommodation which, in the opinion of the Designated Officer, is let predominantly to people who do have children within their households.
- iii. Where applicable, the Applicant would not be in breach of the terms of his / her licence or Probation Order by accepting that accommodation.
- iv. It is not, in the opinion of the Designated Manager or his / her nominee, “unsuitable” accommodation as defined in Rule 65.

Accommodation that satisfies the criteria set out above can conveniently be described as “adult” accommodation. Older people’s dwellings and, in many Local Offices, blocks of flats, are likely to satisfy those criteria. As a general rule, a “permanent” restricted Applicant should not be housed in any accommodation other than “adult” accommodation.

Each Housing Services Manager should identify all the Housing Executive accommodation within the Local Office area that satisfies the criteria above. The Local Office’s list should be agreed with the Regional Manager. Local Office’s should, in co-operation with the local Housing Association Office, identify the Housing Association accommodation within the local office area, which, if it was Housing Executive accommodation, could be classified as “adult”.

If the “adult” Housing Executive accommodation in any Local Office constitutes less than 5% of all the individual lettings which the Housing Services Manager expects to be made in the coming year, there should be further discussion between the Local Office, the Regional Office and the Housing Centre.

It may be helpful for Local Services Manager to take advice from other agencies, principally Social Services, prior to finalising their proposed list of Housing Executive and Housing Association accommodation for those with restricted choices. In this way, the relevance and proximity of schools, community and recreational facilities can be taken into account.

The Housing Executive should inform Social Services of the areas of choice (updated as necessary from time to time) chosen by all those who

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are subject to permanent housing restrictions. Social Services, the Probation Board and the Police should be informed of accommodation that is ***deemed to be unsuitable***. They should inform the Executive if, but only if, they consider that there is good reason to believe that the ***Rule 65 criteria*** are relevant to a particular Applicant in respect of any of his areas of choice.

In the above circumstances the following message should be recorded on the Person **UDC - (User Defined Characteristic) "Check Person Notes–Contact - SHO Rule 62 Relevant Offence"**

(b). Temporary Accommodation

Under the Housing Order 1988, the Housing Executive temporarily houses Applicants in any of the following circumstances:

- i. Pending a final Housing Executive decision under the Homelessness legislation in respect of an Applicant who may be homeless and has a Priority Need.
- ii. Where the Housing Executive accepts that it owes the Full homelessness duty towards the Applicant, it will continue to house the Applicant in temporary accommodation until an offer of permanent accommodation can be made.

Restrictions are imposed at the temporary housing stage in relation to:

- (a) Anybody who has been convicted of a relevant offence, regardless of whether or not a custodial sentence was served.
- (b) Any such Applicant who is currently facing charges in respect of any relevant offence (again regardless of whether or not such an offence if proven would attract a custodial sentence).
- (c) Any Applicant who is suspected by Social Services (in light of a Child Protection Case Conference or Risk Assessment Meeting) of currently posing a risk, in terms of sexual abuse, to any child or children generally.

(c). Distinction between Permanent and Temporary Restricttees

NOTE: In terms of temporary accommodation placement, the restriction policy also applies to individuals who were neither convicted nor charged with an offence, but whom Social Services consider a serious risk. The distinction between permanent and temporary Restricttees is merited for the following reasons:

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- Restriction of choice in the offer of permanent re-housing is a significant withdrawal of a human right as compared to a temporary placement in accommodation.
- The nature of temporary accommodation and the type of families to be found in hostels suggest that it would be prudent to adopt this approach.

(d). **Offers of Temporary Accommodation**

As a general rule “temporary Restricttees” should not be offered temporary accommodation:

- In any bed and breakfast establishment or guesthouse which is also used for housing families.
- In any hostel used for housing families.

The above does not prohibit the use of hotels.

Designated Officers will still be permitted to place an Applicant in a hotel (as a last resort until cheaper suitable accommodation can be accessed). Designated Officers are obliged, however, to advise the Hotel Manager that the person being placed is currently charged or has received a custodial sentence in respect of a relevant offence.

Information shared with Hotel Managers should be on a “need to know” basis and restricted to what the Designated Officer feels is appropriate to divulge regarding the background of a particular Applicant.

The Applicant should be advised that the Hotel will be made aware of his / her background.

In each Area, a detailed needs analysis should be carried out in order to assess the Housing Executive’s requirements for temporary accommodation for such Applicants.

Each Area should aim to meet all its own needs for the temporary accommodation of such Applicants within three years. The temporary accommodation strategy of each Area should be designed to achieve that aim.

Each Area should draw up a comprehensive list of all the temporary accommodation available for such Applicants within the Area.

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5.6.3 THE APPLICANT'S AREA OF CHOICE

Applicants who are “temporary” Restricttees, but who will not be “permanent” Restricttees, should be advised by the Housing Executive Local Office in relation to their permanent housing choices. In particular, unless there are exceptional circumstances, they should be advised to voluntarily narrow their choices, with a view to avoiding locations in which young families predominate.

In practice, many such Applicants are only too willing to avoid family accommodation, either because they are concerned for their own safety or because of a genuine wish to avoid re-offending. Accordingly, the Housing Executive's advice in this connection will not necessarily be unwelcome. In any event, the advice should be given in a non-confrontational manner, and the Applicant's perspective should be taken fully into account.

If such an Applicant, however, is determined to act contrary to advice, he should be advised that:

1. The Housing Executive might regard him as having made himself intentionally homeless;
2. The Housing Executive would not award him Intimidation Points should he subsequently be intimidated from a dwelling in a location in which he insists on being housed.

Nevertheless an Applicant would not be under any direct compulsion to accept the advice. He / she would be entitled to the offer of a particular dwelling and should be offered that dwelling if the rules of the Selection Scheme entitled him to such an award, even if the Housing Executive had advised the Applicant not to seek housing in the location in which the dwelling was situated.

The legal requirements in relation to suitability of temporary accommodation under the homelessness legislation are described below:

(a). **Suitability**

Accommodation provided to the Applicant must be reasonably suitable. Suitability refers primarily to matters of space and internal arrangements. It can, however, also relate to location. What is

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reasonably suitable for a particular Applicant depends on a number of factors. One of those factors is the length of time which the Applicant will be expected to occupy the accommodation. Accommodation that might fail the test of suitability because of its location, if it were being offered to the Applicant on a permanent basis, may well satisfy the test of suitability of location if it is being offered only on a temporary basis.

(b). **Location**

Location may be relevant in relation to questions of suitability because of issues such as nearness to an Applicant's work or nearness to people who can provide him with family support.

Each Area should draw up a comprehensive list of all the temporary accommodation available for the housing of people who are suspected or convicted of the sexual abuse of children.

Note that such accommodations need not, at the time of considering an allocation, meet the children / families criteria. It is the "predominantly let" aspect of the criteria that is important.

5.6.4 UNSUITABLE ACCOMMODATION: **RULE 65**

"Unsuitable" accommodation is accommodation which complies with subparagraphs 1) to 3) of Rule 64, but is unsuitable for a particular Applicant because of exceptional circumstances of one or more of the following kinds:

- 1) The specific location of the particular accommodation.
- 2) The specific circumstances of that Applicant.
- 3) Detailed written advice received from the Probation Board, to the effect that, by housing the Applicant in that particular estate, an exceptional risk would be created. Consideration of the circumstances of someone already living at that location (the most obvious being proximity of a victim or a relative of the victim) must be taken into account.

Exceptionally, accommodation which satisfies the criteria set out in Rule 64 may not be suitable for a particular Applicant because of the specific location of the particular accommodation, or because of the specific circumstances of that Applicant.

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In determining the suitability of permanent accommodation, especially as regards location, due account has to be taken of the fact that the Applicant will, potentially at least, be there permanently as distinct from being there only for a relatively short period.

In such circumstances that accommodation need not be allocated to a relevant Applicant if the prior written approval of the Housing Executive's Regional Manager has been received in respect of that course of action. It is suggested that the Regional Manager's power of approval in this context should be sparingly exercised. It is important, however, that the stock available for the housing of people subject to permanent housing restrictions should not be reduced disproportionately.

5.6.5 EXCEPTIONS TO THE GENERAL RULE

"The general rule" referred to in Rule 62 shall be subject to exceptions if the Landlord, in the light of representations made by or on behalf of any affected Applicant, is satisfied that because of that Applicant's exceptional circumstances, the restriction at permanent housing stage should not apply to that Applicant, on that occasion.

5.6.6 SUBSEQUENT ACQUITTAL

Where an Applicant is subject to restriction at permanent housing stage due to pending criminal charges, every effort must be made to ensure that the Applicant, if acquitted, will not suffer any permanent housing detriment as a result of the restriction of choice.

The implication of the "no detriment" proviso is that, in the event of an acquittal, an Applicant would have to be considered for a transfer. Alternatively the Applicant would have to remain in temporary housing pending the outcome of the proceedings, an outcome which might be months or years away.

5.6.7 SHARING OF INFORMATION

Sharing of information is crucial in dealing with such cases and it is therefore imperative that relevant information is shared between Local Offices to enable the policies to be applied. Health and Social Services have also endorsed the proposals consulted upon, as have the Police, and mutual sharing of information between the Housing Executive and these agencies should also be forthcoming. It is important to remember,

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however, that the Housing Executive must arrive at the appropriate re-housing decision based on the policies outlined.

The Housing Executive should share information with Social Services and with the Probation Board whenever law permits the disclosure of such information, and to the fullest extent allowed by law. The task of risk assessment is an important task. It is not, however, a function of the Housing Executive. Accordingly, Housing Executive Designated Officers should not participate in decision-making or discussion in the course of risk assessments carried out by one or more of the bodies who do have functions in that connection. In response to requests from any such bodies, the Housing Executive should, however, be willing to provide any information which can lawfully be provided in order to facilitate them in carrying out their task.

Comprehensive protocols must be agreed between the Housing Executive and Social Services and between the Housing Executive and the Probation Board.

Voluntary organisations should also be advised in any instance where a “restricted” Applicant is being offered / placed in their accommodation. Similarly, voluntary organisations should share relevant information with the Housing Executive when we are considering re-housing of such Applicants.

Whenever a relevant incident involving an Applicant becomes a controversial issue in the media, the Information Department of the Housing Executive will deal with the matter.

It is not appropriate that the Housing Executive informs tenants when such Applicants are allocated accommodation in a neighbouring area. Social Services are the agency with the primary responsibility for child-protection. They will inform individuals where they consider there is to be a need to do so.

Private sector establishments should be advised when an Applicant being placed falls within the category outlined. Inevitably, this may result in them refusing to accept the Applicant but the need to inform them appropriately is seen as over-riding.

It is quite possible that such Applicants may be considered for Housing Association accommodation within the general Housing Area containing their area of choice. Again such accommodation would have to meet the criteria outlined and liaison should occur with Housing Association

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providers regarding this. A view has been expressed by some Housing Associations that although sheltered accommodation might well fit the criteria outlined, it is not considered suitable by virtue of young families / grandchildren visiting such complexes on a regular basis. Ultimately this decision rests with the Landlord in question, but in any event effective liaison should occur when dealing with a specific Applicant and the Association must be fully informed of the circumstances.

5.7 OFFERS OF ACCOMMODATION

All Designated Officers are responsible for ensuring that every Applicant who receives an offer of accommodation has been selected in accordance with the rules of the Selection Scheme and that there is no higher pointed relevant Applicant on the Waiting List at the time the offer is made, (see also Allocations to Transfers, Chapter 7 paragraph 7.11).

Allocations should only be made from HMS Waiting List. – Designated Officers should make offers from a Match List on HMS, whilst an offer is outstanding the applicant's name will not appear on a subsequent Match List.

Subject to the property satisfying the specific location characteristics (in terms of e.g. work, schools, proximity to essential support), its size and features, it should be allocated to the person on the Waiting List with the highest points. Any Offer / Allocation made outside the strict order of the General rule should be clearly marked on the Applicant / transfer file.

Where practical, offers should be delivered *by hand* or, alternatively, sent to the prospective Applicant by *first class post*. In addition when an offer is made the local office should follow up the offer by sms texting, e-mailing or telephoning

When making offers to prospective tenants it is important to reduce the period given to consider the offer to a minimum, thus reducing the risk of illegal occupation or of any rental loss. Normally the Applicant should be allowed 2 / 3 working days to respond to the offer. Where the Applicant does not contact the office within the time allowed the offer should be deemed to be refused and keyed on HMS as "no reply to offer" and the dwelling offered to another Applicant on the Waiting List.

Before making offers a check should be made on the number of reasonable offers which have been made to date to make sure that the

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correct offer letter is issued. This is particularly important where a case is at the third offer stage and a refusal may result in deferral.

It is important to notify Area Housing Support Officers when Complex Needs Cases are being offered accommodation.

5.7.1 OFFERS TO 16 / 17 YEAR OLD APPLICANTS

When making an offer of accommodation belonging to one of the Participating Landlords to a 16 / 17 year old Applicant, the Applicant must be advised that a Guarantor will be necessary.

Where a 16 / 17 year old cannot or will not get a Guarantor, then he / she should not be granted a tenancy as there would be no way of enforcing the tenancy conditions.

If a tenant who is 16 / 17 years wishes to transfer and is offered accommodation prior to their 18th birthday, then it would be necessary to have a new guarantee form signed for the new address.

Guarantors

A Guarantor must be over 18 years and must sign a guarantee that he / she will ensure that the 16 / 17 year old meets the requirements of the tenancy agreement. The Guarantor can be held liable for all breaches and obligations under the Participating Landlord's tenancy agreement, including the payment of rent and / or any other charges relating to the tenancy, which may arise before the Applicant's 18th birthday.

Where Health and Social Services continue to provide support / services under the Children Order, 1995 for a 16 / 17 year old, then the Landlord may require a representative from Health and Social Services to act as Guarantor.

The guarantee form must be signed by the Guarantor and by the Designated Officer from the Landlord. A copy of the signed guarantee form must be returned to the Guarantor along with information on the General Conditions of Tenancy. This is very important as it is required to ensure offer and acceptance of what is actually a contract.

It is recommended that the Guarantor sign the guarantee form and the 16 / 17 year old Applicant sign for the tenancy together at the Landlord's Office. This guarantee must be signed prior to the 16 / 17 year old being granted a tenancy of the property.

HOUSING SELECTION SCHEME GUIDANCE MANUAL



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The prospective Guarantor should be advised that as they are signing a binding legal contract and therefore he / she may wish to take independent legal advice.

A copy of the guarantor form is attached at Appendix 5.1. This form should be reproduced at each Housing Executive Local office. Housing Associations may also wish to use this form.

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5.7.2 ALLOCATIONS TO STAFF AND RELATIVES (HOUSING ASSOCIATIONS)

In relation to an allocation in any of the circumstances detailed below please refer to Chapter 10 Section 10.1.5.3 of this Manual

- i) a member of staff, or a relative (refer to NIHE CoC 19.6 paragraph 2 appendix 1 copied below) of a member of staff.
- ii) an applicant who is closely associated with the officer or the partner of the officer who is responsible for making the allocation.

5.7.3 PRE-ALLOCATIONS

Designated Officers should, if possible, pre-allocate new dwellings prior to the handover stage to help prevent squatting. Prospective tenants should be issued with an appropriate pre-allocation letter to present to the Contractor when viewing the dwelling.

5.7.4 MAXIMUM NUMBER OF OFFERS: [RULE 56](#)

All Applicants are entitled to receive a maximum of three reasonable offers of accommodation. Any Applicant who refuses 3 reasonable offers will automatically be deferred for a period of one year, (see para 5.8.1, Refusal of Offers – Deferrals) regardless of whether they are Full Duty Applicants or are awarded FDA points during the offer process.

Exceptionally, where an Applicant has refused three reasonable offers, and subsequently becomes a Full Duty Applicant within then 1 year deferral period through the award of Intimidation and / or Homelessness points, he / she will be entitled to **one** further reasonable offer (See paragraph 5.8.4 below). If the Applicant refuses this 4th reasonable offer then the Housing Executive's duty under the provisions of the Housing (NI) Order, 1988 will be considered to have been discharged.

5.7.5 REASONABLENESS OF OFFERS: [RULE 57](#)

When deciding whether any offer of accommodation made was reasonable, the Designated Officer (who makes the offer) will have to take a range of factors into account:

- (a). **Size of Accommodation**

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Reference should be made to the “Size of Accommodation Guide” (contained within this section) to determine the minimum requirements of an Applicant’s household. This does not, however, restrict a Participating Landlord from offering accommodation that is larger than that needed for a particular household. In all cases, Allocating Officers should consider an Applicant for accommodation that meets their minimum requirements. Applicants may also be considered for accommodation which is one bedroom in excess of their minimum requirements.

The dwelling offered must be of a suitable size for the Applicant’s household. Normally Applicants will be considered for accommodation on the following basis:

Single adults, couples and two children of the same gender, or different genders if aged 7 or more, each require a minimum of a separate bedroom with a bed space for each person. Children of different genders aged 7 or more should not normally have to share a bedroom.

Where two or more different families are sharing accommodation the children from these families, irrespective of age and sex, should not be expected to share a bedroom with members of the other family.

Where an Applicant’s family contains children from one or more previous relationships these should be considered as being part of the one family group Applicants with regular overnight access to children should be treated the same as a family that contains children from one or more relationships and these should be considered as being part of the one family group.

5.7.6 SIZE OF ACCOMMODATION GUIDE

Single Person	1 Bedroom	1 Bed Space
Couple	1 Bedroom	2 Bed Spaces
2 Persons (not a couple) or 1 Parent and 1 Child	2 Bedrooms	2 Bed Spaces
Couple and 1 Child or 1 Parent and 2 Children	2 Bedrooms	3 Bed Spaces
Couple and 2 Children	2 Bedrooms	4 Bed Spaces
1 Parent and 1 Adult and 1 Child	3 Bedrooms	3 Bed Spaces
1 Parent and 3 Children or Couple and 1 Adult and 1 Child or 1 Parent and 1 Adult and 2 Children	3 Bedrooms	4 Bed Spaces
Couple and 3 Children or 1 Parent and 4 Children or Couple and 1 Adult and 2 Children	3 Bedrooms	5 Bed Spaces

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Couple and 4 or more Children or 1 Parent and 1 Adult and 3 or 4 Children	4 Bedrooms	6 Bed Spaces
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Other household compositions analogous to the above will be considered for equivalent accommodation.

Depending on the particular needs of the Applicant's household a greater number of bedrooms may be required. Also, where there are no other Applicants with the required household size on the Waiting List for the accommodation on offer, smaller household Applicants may be considered for the property.

The "minimum size" rule does not prevent a Participating Landlord from offering an Applicant accommodation that is larger or smaller than their needs. The overall demand, turnover and supply of a particular type of accommodation in an Estate / Project will need to be taken into account e.g. there may be occasions where a single Applicant will be considered for 3 bed accommodation where the demand for such accommodation in an Estate / Project has been met. Alternatively, there may be occasions where an Applicant who **needs** 4 bed accommodation will be considered for 3 bed accommodation, where the accommodation size required by a household is in very short supply in the Estate / Project of their choice.

Large Families

Although Applicants normally should be allocated accommodation appropriate to the size of the family, in many cases such accommodation will not be available for large families. Applicants with very large families should be allocated the largest accommodation available, even though this may not be ideal in the circumstances, provided it is larger than the family's current accommodation. Designated Officers may also consider offering very large families two properties in close proximity, if available.

(b). Location of Accommodation

The accommodation offered should, as far as is reasonably possible, be located in an area corresponding with the Applicant's preferred area of choice. The location of schools, work places and any essential care / support requirements of the Applicant, or member of the Applicant's household, must be considered.

(c). Suitability of Features

The dwelling must be reasonably suitable for the needs of the Applicant or members of the Applicant's household. For example, the Applicant may require ground floor accommodation or to have access to certain facilities

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on the ground floor, or the Applicant may also require sheltered or wheel chair accommodation.

(d). **Condition of dwelling**

The dwelling must be in a reasonable state of repair and must not be statutorily unfit. It should be safe for occupation at the commencement of the tenancy. In many cases Commencement of Tenancy repairs will be required to bring the dwelling back to its original condition for an incoming new tenant. It is good practice to issue potential tenants a list of the COT repairs to be carried out to a property that is being offered to them.

It is reasonable to expect a tenant to occupy a dwelling prior to the completion of these repairs providing that they are not of a serious or extensive nature.

5.7.7 APPLICANTS' PREFERENCES AND NEEDS: [RULE 58](#)

Applicants may indicate a preference for a particular type of property e.g. bungalow, mid-terrace house etc., but in making an offer the Designated Officer will not regard this preference as being an essential need. Only in those cases where there is an accepted need for a particular type of dwelling, e.g. a person with severely restricted functional mobility requiring ground floor accommodation, should the Designated Officer be restrictive in the type of accommodation offered (see paragraph 5.7.6, Reasonability of Offers and Applicant Preference).

5.7.8 REASONABLENESS OF OFFERS AND APPLICANT PREFERENCE: [RULE 60](#)

Occasionally Landlords may be approached by Applicants requesting an offer of accommodation which, in the normal course of events, the Landlord would not normally consider to be a reasonable offer. Where a Landlord is able to make such an offer to an Applicant, and that offer is subsequently refused, it will be treated automatically as being one of the Applicant's three reasonable offers (see paragraph 5.7.5, Maximum Number of Offers).

5.8 REFUSAL OF OFFERS: [RULE 59](#)

Where an Applicant refuses any offer of accommodation the reasons for refusal should be input to HMS and noted on the file. Where possible the reasons should be obtained in writing from the Applicant.

5.8.1 REFUSAL OF OFFERS – DEFERRAL

Applicants are entitled to a maximum of three reasonable offers of accommodation (see paragraph 5.7.5). The Applicant will automatically be deferred from receiving any further offers for a period of one year from the date

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that a 3rd reasonable offer is refused. When the refusal is keyed a system generated letter (see Appendix 5.3) is produced and should be forwarded to the applicant

A case that has automatically been deferred will appear on the H002 'Daily Deferred Housing Applicants' Crystal report and the H001 report 'Deferred Homeless' if they had been awarded FDA. Check the 'HMS Housing Management Reports User Manual' to see appropriate action to take.

The completion of the deferral period will appear on the H006 'Undeferred Applicants' daily Crystal Report. This will allow a further three reasonable offers to be made. An update assessment should be completed to establish if there has been any change in their circumstances. .

Exceptionally Designated Officers may decide not to defer an Applicant who has refused three reasonable offers of accommodation, e.g. where the Applicant is a Management Transfer Applicant and is residing in a Redevelopment Area. In such cases, however, if the tenant has refused three reasonable offers of accommodation, eviction proceedings may be started if it is considered that the re-housing of other families would otherwise be jeopardised.

5.8.2 LIFTING OF DEFERRAL

There are two methods of lifting a deferral prior to its expiry date:

- 1) Changing a "reasonable" offer to "unreasonable". The system will automatically lift the deferral and reduce the number of reasonable offers made accordingly. This can only be decided / keyed by the Landlord who has made the relevant offer. Circumstances where this may arise include the receipt of new information that would influence the reasonableness of the offer.
- 2) Manually removing the Deferral - By changing application status back to active. It should be noted that this has the effect of removing all previous reasonable offers and allowing a further three reasonable offers to be made. The lifting of the deferral in this scenario can only be keyed by the Housing Executive District Office / Landlord of ownership i.e. the Landlord who registered the case. This should only apply to those cases where an Applicant, who is subject to a deferral, subsequently becomes statutorily homeless (see para 5.8.4).

Where a deferral is lifted prior to its expiry date by either of the two methods listed in paragraph 5.8.2, the Homeless case should be re-opened and Insecurity of Tenure points reapplied. If dealing with a transfer case, the Management Transfer (FDA) status should be reapplied.

5.8.3 DEFERRAL PERIOD – NEW APPLICATIONS

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Any new applications received during a deferral period should also be deferred (for the remainder of the original deferral period).

5.8.4 DEFERRAL: FDAS / OTHER HOMELESS

Where an Applicant has been deferred from receiving further offers of accommodation as a result of circumstances outlined in 5.8.1 above, and they are either FDA or Other Homeless Applicants, then any Insecurity of Tenure points should be removed.

In addition, where an Applicant has been awarded Management Transfer status because he / she is a Full Duty Applicant, Management Transfer status (under this category) will no longer apply and should be removed. Management Transfer status under another category may still however, be applicable, though the case will still be deferred (note exceptions above). If Management Transfer Status is removed, their application type should be amended accordingly.

In addition, any homeless case should be closed, using the reason code "Duty Discharge - 3 reasonable offers", as the Housing Executive will be deemed to have fulfilled its obligations under the Housing Order (NI), 1988, by making three reasonable offers.

The completion of the deferral period will appear on the daily Crystal Report (H006) 'Undeferred Applicant'. This will allow a further three reasonable offers to be made. However, the Insecurity of Tenure points should not be reapplied, and the homeless case should not be re-opened. Where Management Transfer (FDA) had previously been awarded, this should not be reapplied.

Where a deferral is lifted prior to its expiry date by either of the two methods listed in paragraph 5.8.2, the Homeless case should be re-opened and Insecurity of Tenure points reapplied. If dealing with a transfer case, the Management Transfer (FDA) status should be reapplied.

Where an Applicant who has been deferred is subsequently awarded Full Duty Applicant points for Intimidation and / or Homelessness, he / she will be entitled to **one** further reasonable offer of accommodation. Management Transfer status (FDA) will also apply to tenants. **In such cases, the Applicant must be issued with a manual Final letter (see Appendix 5.2).**

Should the Applicant refuse this further reasonable offer before the original deferral end date, the Application status should be amended to 'Deferred' using the original deferral date. Any Insecurity of Tenure points must also be removed and the homeless case closed. In addition, where an Applicant has been awarded Management Transfer status because he / she is a Full Duty Applicant, Management Transfer status (under this category) will no longer apply and should be removed. Management Transfer status under another category may

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still however, be applicable, though the case will still be deferred (note exceptions above).

5.9 DIFFICULT TO LET PROPERTIES – RULE 68

A property is a difficult to let property if:

- 1) It has been void for at least 4 weeks, and
- 2) No eligible Applicants have applied for it.

(Guidance below reviewed 09/03/11)

In order to decide whether or not a property or properties should be classed as 'Difficult to Let' and the Multiple Offer process used, the following factors may be taken into consideration:

The criteria detailed above in Rules 68 of the Housing Selection Scheme state the conditions that have to be met for a property to reach the status of 'difficult to let' i.e. a dwelling has been void for 4 weeks and there are no eligible Applicants on the Waiting List. It is important, however, to consider the different factors that may bring this about and some of the circumstances are detailed below.

It would be impossible to draw up a comprehensive list of all the scenarios that would need to be met in order for a 'difficult to let' status to be reached. It is possible, however, to group a number of circumstances into categories that would result in a Designated Manager deciding that a dwelling(s) should be classed as 'Difficult to Let' and they are detailed below.

- 1 A District may decide that a dwelling that would normally attract considerable interest may prove difficult to let because a serious incident took place there e.g. a suicide / murder or a fire that caused death etc.
- 2 A District may consider whether the location of the dwelling(s) as opposed to the area make it / them difficult to let e.g. an end of terrace or corner site that has attracted particular problems in relation to ASB or a clash of lifestyles of existing neighbours e.g. mostly young or old people associated with that particular location.
- 3 A District may consider that the dwelling(s) may fall under this category if the following applies – the dwelling type is deemed to be substantially different from other house types in that area e.g. bedsit; or a particular unsuitable house type such as a dwelling where the previous tenant had opted out of scheme works and refused substantial improvement works; or the dwelling(s) on offer differ(s) greatly from the main accommodation in that area e.g. it is an older property surrounded by new build or a block of flats/maisonettes which are located in an area where the majority of properties are houses.

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- 4 A District consider a property difficult to let because they are aware that within the last year a similar type of property became available and they had to make a significant number of offers before it could be relet (minimum of four offers) which resulted in the property being void for an unreasonable period of time.

Note: The Designated Manager should ensure that he/she should only class a dwelling as 'difficult to let' if he / she is satisfied the above criteria has been met. The rationale behind their decision should be recorded on file.

The test of being void for at least 4 weeks may commence from the date the first offer was made on the property.

NB: If individual offers have already been made on a dwelling and refused and the Designated Manager subsequently decided that the property should be offered on a multiple offer basis, then the original offers should be considered unreasonable.

When a District decides to use the multiple offer process the matching criteria for size of accommodation may be extended by a bedroom e.g. someone assessed as requiring 2 bed may be included in a 2/3 bed match etc.

5.9.1 MULTIPLE OFFERS: **RULE 69**

A Designated Officer has the discretion to make simultaneous offers of difficult to let accommodation to the next ten highest ranked Applicants on the Waiting List that is used by all Participating Landlords until:

- 1) The accommodation is let, or
- 2) There are no eligible Applicants remaining on the Waiting List.

Designated Officers have the discretion to make simultaneous offers of accommodation to more than one Applicant, but not more than ten for each property. The normal offer period of 2 / 3 days must be adhered to. If more than one Applicant accepts the offer within the stipulated timescale, then the highest pointed Applicant who accepts the offer should be allocated the property.

All non-accepted multiple offers should be deemed unreasonable.

NOTE: The procedures for making offers to Transfers are dealt with in Chapter 7, paragraph 7.11.

The procedures for making offers to Applicants with Complex Needs are dealt with in Chapter 4, Applicants with Complex Needs.

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5.10 DESIGNATION OF FLATS: **RULE 70A**

The Designated Officer has the discretion to designate a block of flats with shared access providing the following criteria listed in the Rule apply.

- (1) Subject to paragraph (4) below, accommodation within a block of Participating Landlord dwellings which have shared access should not be allocated to a person under 35 years of age at any time when there is a valid designation in force in respect of that block.
- (2) In relation to any relevant accommodation block, there will be valid designation in force if, within 12 months prior to the relevant date, the Designated Officer has designated that block pursuant to this rule.
- (3) A Designated Officer must not designate any block of accommodation pursuant to this rule unless all of the following conditions are satisfied:
 - (a) The block is predominantly occupied by persons over 35 years of age.
 - (b) The Designated Officer is satisfied that anti-social behaviour is a serious problem in relation to that block.
 - (c) The Designated Officer is satisfied that complaints of anti-social behaviour in that block are mainly being made against persons under 35 years of age.
 - (d) The Designated Officer is satisfied that, in the event of the particular block of accommodation being designated pursuant to this rule:
 - The range of housing choices for persons under 35 years of age in the local office will not be substantially narrowed, and
 - The length of time which persons under 35 years of age have to wait for housing in the local office will not be lengthened by more than three months.
- (4) A Designated Officer should however allocate designated Accommodation to a person under 35 years of age if the Designated Officer is satisfied that, because of the exceptional personal circumstances of that individual, it is highly desirable that he or she should be allocated accommodation within a particular designated block, in particular because of an exceptional need for family support or because of exceptional circumstances relating to the health and welfare of a member of the Applicant's family.

5.10.1 DESIGNATION OF FLATS IMPLEMENTATION AND MONITORING ARRANGEMENTS

Housing Executive local offices initially were asked to identify properties for consideration of a local lettings policy for mature elderly applicants. Officers reviewing the new policy thought it prudent to take detailed legal advice which

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resulted with a new **Rule 70A** (designation of flats) of the Housing Selection Scheme being developed.

Section 75 of the Northern Ireland Act 1998, places an obligation to promote equality of opportunity. It is with this in mind that the new rule has been fine-tuned with a view to minimising any adverse effect upon young people's housing prospects. In this context the Designated Officer has to be satisfied that housing choices are not substantially narrowed and that young people's time on the waiting list is not greatly lengthened.

There is also provision within the new Rule to allocate designated accommodation to a person less than 35 years of age if the Designated Officer is satisfied that, because of the exceptional personal circumstances of that individual, it is highly desirable that he or she should be allocated accommodation within a particular designated block.

Further checks by Local Offices established whether the original properties identified for the local lettings policy met the new criteria and the amended list is detailed in Appendix 5.5.

The following guidelines detail the steps that need to be taken in order to designate a block of flats.

a) Implementation of the designated lettings policy

- (i) A Designated Officer for the purposes of Rule 70A refers to Housing Services Manager/ Housing Manager.
- (ii) To comply with Note 3 of the Rule the following evidence would need to be established:
 - a) Designated Officer should be satisfied that the majority of the current occupants of a block of flats being considered for Designation would be over 35 years of age.
 - b) Evidence in relation to Anti Social Behaviour may include; complaints in relation to ASB received from occupants, public representatives, resident groups, PSNI, Council Officials. Consultation with Community Safety Team or information already held on ASB file(s) and Maintenance Orders raised in relation to graffiti or vandalism etc.
 - c) The evidence in relation to the age group (under 35) of the persons responsible for the ASB should be established when gathering information / evidence for (b) above.

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- d) Designated Officers should be reasonably satisfied that subsequent analysis will prove that applicants under 35 will not have their wait for housing lengthened by more than three months, by being excluded from consideration for allocations within a designated block.

The above evidence, collated to designate a block of flats, should be maintained in a new designation file (a separate file should be maintained for each designation) along with any subsequent monitoring information that is generated.

b) Communication

- i. Points Notification letters now inform applicants that a designation policy can be applied and that they may not be considered for a specific block of flats in their area of choice if there is a designation in place and if there are no exceptional circumstances as outlined in note 4 of the rule in relation to family support or relevant health and welfare of a member of the Applicant's family.
- ii. New applicants with areas of choice which contain designated blocks of flats should be informed of the operation of this Designated Lettings Policy. This should be done at the visit stage and the visiting/assessing officer should check whether applicants' chosen areas include designated flats and if so advise them of the operation of the policy, and that they may not be considered for specific blocks of flats.
- iii. Existing applicants contacting the appropriate landlords about their housing options should also be advised of areas of choice containing a designated block.
- iv. Housing Executive and housing association staff, including those Offices which have not designated any flats should be aware of all stock that has been designated. This will enable them to provide accurate advice and assistance on areas of choice for any applicants or transfer cases who might wish to be considered for areas containing designated flats. For an up to date list of designated flats See Appendix 5.5 This list will be maintained and distributed by the Housing Policy Section.

c) Monitoring arrangements

- i. Allocation: Accommodation within a block of Participating Landlord dwellings which have shared access should not be allocated to a person under the age of 35 years of age **(the age criteria also applies to members of the household)** when there is a valid

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designation in force in respect of that block. Prior to an allocation being made a check should be made of all applicants that are being bypassed because of the age criteria to establish whether any exceptional circumstances exist to justify an allocation to a higher ranked but under 35 year old applicant/member of household.

- ii. Complaints: Any complaints arising as a result of the policy, both formal and informal, should be monitored and recorded on the Designation file.
- iii. Exceptional Circumstances: Where exceptional circumstances prevail, the Designated Officer should be satisfied that sufficient evidence has been collated and maintained on the Designation file for any future analysis or review of the designation. Evidence may include; confirmation of family connection, Invalid Care Allowance in payment or letter from health professional i.e. social worker CPN / OT Care Manager/District Nurse supporting the request or other relevant information which is deemed to be pertinent.
- iv. Anti social behaviour: Information in relation to any reports or information on ASB occurring in the block e.g. maintenance orders, letters/phone calls from residents or public representatives information from PSNI should be recorded on the Designation file.

d) Designation Evaluation/Review

i. Impact of Policy

Managers have a responsibility to evaluate the impact of any decision to designate a particular block of flats. The determination on whether to designate or re-designate a block of flats should consist of both quantitative and qualitative information.

- ii. Quantitative evaluation may consist of:
 - Information in relation to the age profile of existing occupants
 - Analysis of the Waiting List, including an indication of the length of time applicants being bypassed are waiting for an offer of accommodation.
- iii. Qualitative information may consist of analysis of information retained in the designated file, which may include the following:
 - Incidents of anti-social behaviour e.g. have they increased or decreased as a result of the designated lettings policy?
 - The nature of exceptional circumstances used to justify allocations to under 35 year old applicants/household members.

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- Correspondence received in relation to the Designation from applicants, occupants, public representatives etc.

The above evaluation should be carried out every 12 months to determine whether the Designation of the block of flats should still apply. Details of all new designations, amendments to or withdrawals from the current list should be forwarded to the NIHE, Housing Policy Section, 2 Adelaide Street, Belfast BT2 8PB in order to update appendix 5.5

5.11 AUTHORITY OF THE DEPARTMENT / BOARD: [RULE 84](#)

- 1) The authority of the Department / Board of the Housing Executive is defined as follows:
 - (a). The Board of the Housing Executive may, after consultation with the Department of Social Development, make allocations otherwise than in accordance with this Scheme. In the case of Housing Associations, the Landlord may, with the prior approval of the Department, make allocations otherwise than in accordance with this Scheme.
 - (b). In particular, the Board may, after consultation with the Department, authorise the making of allocations in specific designated “difficult to let estates” to Applicants who have not applied for housing in that estate. In the case of Housing Associations, the Landlord may, with the prior approval of the Department, authorise the making of allocations in specific designated “difficult to let estates” to Applicants who have not applied for housing in that estate.

Guidance in relation to (a) and (b) above

Managers must submit any proposal for such a departure in the context of the following general framework:

A potential circumstance in which a departure from the general Scheme might be warranted is where, in a changing pattern of demand, a particular block of flats might be designated exclusively for a specific group. An example might be a block of flats previously let to younger single Applicants, which, with a range of associated initiatives is re-designed exclusively for the elderly only.

The needs of ethnic groups or asylum seekers granted leave to remain in Northern Ireland might also warrant the use of specific lettings policies. Recent examples have been the planned scheme for Chinese Elders and the grouped accommodation schemes being developed for the Travelling Community.

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With the increased emphasis on meeting the support needs, as well as the accommodation needs of Applicants, more innovative responses to the needs of vulnerable groups may require specific letting arrangements linked to the provision of targeted support. The use of local lettings policies could facilitate this.

While it is recognised that allocation policies alone cannot guarantee the regeneration of an area, and are not therefore used in isolation, they may constitute one approach within a wider range of measures designed to regenerate a particular neighbourhood.

It is considered appropriate, therefore, to acknowledge the potential of a local lettings policy to support a clearly defined regeneration or renewal strategy.

The nature of any such lettings policy will of course depend on the circumstances which triggered the regeneration or renewal strategy in the first instance, and may therefore vary from location to location. Typical elements might however, include:

- an extension of the standard disqualification criteria to include homeless Applicants who were guilty of previous anti-social behaviour;
- an extension of the standard disqualification criteria to include Applicants who, on the basis of the evidence available to the District Manager, would be likely to contribute to an increase in anti-social behaviour within an area;
- restrictions on allocation of certain property types to particular household categories (examples might include families with young children not being offered flat accommodation, or single people not being allocated 3 bedroom accommodation in areas of low demand).

While by no means definitive, the circumstances outlined above, highlight a range of instances in which the development of a specific lettings policy might contribute to the achievement of a broader range of objectives beyond that of meeting housing need alone.

Such policies are likely to be the exception rather than the norm with the emphasis on promoting social inclusion rather than on exclusion. There may be instances, however, when exclusion of Applicants beyond the normal disqualification criteria might be merited as part of a broader package of initiatives and on the basis that such exclusions would not be applied on a blanket basis throughout all districts.

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Arrangements will be put in place to monitor and report on progress in achieving the objectives established at the outset of any agreed departure from the Housing Selection Scheme.

In relation to (a) for example, in March 2000, the Board of the Housing Executive and the Department for Social Development authorised, pursuant to Rule 84 of the Scheme, specific procedures for making allocations which would ensure that transitional protection is afforded to relevant A1(I) / PT1(I) and A1 / PT1 Applicants. These procedures are contained in Appendix 10.8. Housing Associations have also been advised by the Department for Social Development to adhere to the same Transitional Protection arrangements (Circular HAC02/01).

5.12 APPLICANTS LOSING TIED ACCOMMODATION

In relation to applicants losing Tied Accommodation the Board of the Housing Executive and the Department for Social Development authorised, pursuant to Rule 84 of the Scheme, Local Housing Services Managers to use their discretion to re-house, outside the usual terms of the Housing Selection Scheme certain persons who are about to lose tied accommodation in Northern Ireland providing they meet the following criteria.

The revised policy is approved on the basis that it will help prevent homelessness and contribute to the Housing Executive's overall Homelessness Strategy.

Criteria for applying Rule 84 for Applicants Losing Tied Accommodation

- (1). Applicants who have applied for accommodation on the basis that they are losing tied accommodation should be considered under the Housing Selection scheme in the usual way. However, further consideration in relation to an allocation may be given to the Housing Services Manager providing **all** the following criteria apply:
 - (i) The applicant or a member of his/her household has been in permanent (i.e. not temporary or fixed term) employment for a period of at least 2 years, and
 - (ii) The applicant must leave accommodation supplied in connection with that employment because of ill health, redundancy, retirement or the death of the tenant.
- (2) If the applicant states he/she, or a member of his household, left employment because of ill health, redundancy or retirement, verification should be sought from the employer.
- (3) The Housing Services Manager may approve or request another Local Office or other participating landlord to consider an Applicant likely to lose

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their tied accommodation in the near future (normally within 3 months) for an allocation of accommodation in accordance with **Rule 84** of the Housing Selection Scheme.

- (4) Where an Applicant or a member of his /her household voluntarily leaves employment to better him/herself in other employment, the Applicant should not be considered for an allocation in accordance with Rule 84, Similarly, where an Applicant must leave tied accommodation because he/she or a member of his/her household has been dismissed from their employment, the Applicant should not be considered for an allocation in accordance with Rule 84

Applicants losing tied accommodation in Northern Ireland and meeting **all** the above criteria should be considered under the Housing Selection Scheme in the usual way.

The Housing Services Manager should only consider making an allocation under Rule 84 of the Scheme or requesting another Housing Services Manager or Landlord to adhere to a request to do so if it is evident that the applicant will not be able to be rehoused in his/her area of choice within a reasonable period of time **before** the date they are expected to leave their tied accommodation.

If the Housing Services Manager wants to consider an allocation under Rule 84 of the Scheme for losing tied accommodation he/ she will need to have documentary evidence on file in relation to the above criteria from the applicant's employer of the following:

- i. The date the Applicant, or a member of his/her household, took up their current employment and that this contract of employment had been offered on a permanent basis and that part of the contract **included taking up tied accommodation**.
- ii. The employer must confirm in writing, that the applicant must leave the accommodation supplied in connection with that employment because of ill health, redundancy, retirement or the death of the tenant. **Please note that the two year qualifying period of employment applies in all of the above circumstances.**
- iii. The assessing Housing Services Manager will record on the applicants file that he/she is satisfied all the appropriate evidence has been obtained and that he/she has decided to use their discretion to make an allocation under Rule 84 of the Scheme on the basis that it is evident that the applicant would not be rehoused within their Areas of choice within a reasonable period of time before losing their tied accommodation.

Where the above criterion applies and the Applicant has requested accommodation with another Social Landlord or within another Local Office

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area, the assessing office should liaise with the relevant designated officer to establish the following:

1. Prospects of the applicant being rehoused with current points level
2. If there is suitable accommodation within their area of choice
3. The average turnover for that estate

Having carried out the above investigations, if it is evident that the applicant will not be able to be rehoused within their areas of choice within a reasonable period of time before losing their tied accommodation, the letter in Appendix 5.6, should be completed and forwarded to the appropriate Designated Manager.

Administration

In order to maintain a record of all cases to be considered for an allocation under Rule 84 of the Scheme for applicants losing Tied accommodation, the assessing office should record the following comment "Rule 84 Losing Tied Accommodation" on the comments field of the particular CLA. A file should also be maintained in all Offices to record all cases. The file may contain the following.

1. Details of when the Local Office has assessed a case and used Rule 84 to make an allocation within its own Local Office.
2. Retain a copy of relevant correspondence (Appendix 5.6) made by another assessing District Manager.
3. Retain a copy of any requests (Appendix 5.6) made to another Housing Services Manager/Housing Manager to consider an allocation under Rule 84 of the Scheme.

Please note this discretion can be applied up to three months prior to the date the applicant has to leave their tied accommodation. As the intention of this policy is to prevent homelessness it should be explained to the applicant that when they are considering their areas of choice they should give it careful consideration and widen their areas of choice to enhance the prospects of them being rehoused before being forced to leave their Tied Accommodation. It is generally expected that once an applicant has left tied accommodation an allocation under Rule 84 would no longer be considered appropriate and any allocation made to the applicant(s) would comply with the general rules of the Housing Selection Scheme.

- iv. Where an applicant or a member of his / her household voluntarily leaves employment or has been dismissed from their employment, **No Consideration should be given to an allocation under Rule 84.**

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- v. Normally no more than one allocation per household can be made under this policy.

Reviewed: August 2015

APPENDIX 5.1

Form of Guarantee in respect of Tenant under Eighteen.

Landlord: Northern Ireland Housing Executive of 2 Adelaide Street,
Belfast, BT2 8PB.

Premises:

Date of Commencement of Tenancy, the day of 20 .

Name(s) of Tenant(s):

Name(s) of Guarantor(s):

Address of Guarantor (s):

Telephone Number of Guarantor (s):

In consideration of the Landlord agreeing to let the premises referred to above to the Tenant, I, the above mentioned guarantor, guarantee to you that the Tenant shall at all times duly pay all rent that may accrue due in respect to the above premises and will duly perform and observe all the terms and conditions of the tenancy and I undertake and agree that I and my heirs, executors and administrators will at all times hereafter pay and make good to you on demand all loss, costs, damages and expenses occasioned to you by the non-payment of the said rent or any part thereof or the breach or non-performance or non-observance of any of the said terms and conditions on the part of the Tenant and all costs and expenses incurred by you in recovering possession of the premises,

AND any neglect on your part in enforcing or giving time to the Tenant for payment of the rent or any part thereof or the observance or performance of any of the said terms or conditions shall not in any way release me or my heirs, executors and administrators in respect of my or their liability under the foregoing guarantee and in particular any notice to terminate the tenancy given by either party to the other and afterwards withdrawn or waived either with or without any knowledge shall not affect this guarantee which will nevertheless remain in full force. This guarantee is to remain in force until the Tenant attains the age of eighteen.

A copy of the Housing Executive's General Conditions of Tenancy (1989 Edition) has been furnished to me / us.

Dated this day of 20 .

Signed _____
Northern Ireland Housing Executive

Signed _____ *Guarantor*

Reviewed: August 2015

APPENDIX 5.2

Your Ref:

Our Ref:

Date:

Dear

Draft Letter of Offer to Deferred Applicant who becomes FDA

Under the rules of the Housing Selection Scheme, you are not entitled to another offer for housing as you have been offered and refused the maximum of three reasonable offers and are currently deferred. However, as you have been assessed under the Homelessness legislation and accepted as a Full Duty Applicant, then pursuant of that homelessness duty, the Executive is prepared to treat you as though you were entitled to one further offer under the Scheme. If you refuse this offer of accommodation, you will lose all points you have been awarded in respect of your homelessness and you will be continue to be deferred from receiving any further offers for the remaining period.

The Executive can offer you (on the terms and conditions set out in the Executive's general conditions of tenancy, 1999 edition) the tenancy of @ ----- bedroom/s @ at ----- commencing on -----

The charges for the property are:

Rent	@	per week
------	---	----------

Rates	@	per week
-------	---	----------

Heating charge	@	per week
----------------	---	----------

Other charges	@	per week
---------------	---	----------

Total payment	@	per week
---------------	---	----------

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PLEASE NOTE:

If you are not already a secure tenant of the Housing Executive or a registered Housing Association, this offer is in respect of an introductory tenancy which will last for a period of 12 months.

Providing the Introductory Tenancy is not brought to an end before that time, it will become a secure tenancy unless possession proceedings have been commenced.

The Housing Executive operates the Housing Benefits Scheme which may entitle you to a reduction on the rent and/or rates. An explanatory leaflet is enclosed.

This offer is conditional on the following:

1. The statement of facts on your housing application is correct and as not changed to date. If there has been a change we must be advised immediately and prior to accepting this offer.
2. That the premises will be vacant and available for occupation by you on the date specified.

The Housing Executive will make every reasonable effort to ensure that the property is available for you on that date, but does not accept responsibility should unforeseen circumstances arise which prevent this happening.

3. If you are currently a Housing Executive/Housing Association Tenant you are required under the terms of your tenancy to provide written notice of the termination of your existing tenancy to your landlord. You will normally be required to give vacant possession i.e. you must return the keys and not leave anyone living in the property.
4. Acceptance of the Housing Executive's General Conditions of Tenancy (1989 edition) a copy of which will be provided to you prior to signing for the premises.
5. Please note that you may not be eligible to apply for a transfer until two years after your tenancy commences.

You should also note the following:

- a) If this property is either a single storey property or ground floor dwelling (other than a flat) with no more than two bedrooms, then it will not be possible to sell it to you under the Housing Executive's Statutory House Sales Scheme.
- b) Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five

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years. Previous secure tenancy periods may count in calculating the required five year qualifying period.

You cannot apply to buy during an introductory tenancy year, even if you were previously a secure tenant. However, upon completion of the introductory year it will count towards the eligibility criteria.

- c) If this property has been built, acquired or improved by the Housing Executive in the current year or in the previous ten financial years your right to discounts could be greatly reduced if you apply to purchase.

If you require clarification on any of the above matters before accepting the tenancy please contact the District Office at the above address before signing for the property.

I would like to take this opportunity to remind you that should you refuse this offer your Insecurity of Tenure points awarded will be withdrawn as a result. In addition, any duties owed to you under the Housing (NI) Order 1988, including the provision of temporary accommodation, will be withdrawn.

Please let me know immediately, by telephone if you can, whether or not you are accepting the dwelling. If you are, would you and/or your partner call to the above office on _____ a.m. in order to sign for the tenancy.

Yours sincerely

Area Manager

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APPENDIX 5.3

Your Ref:

Our Ref:

Date:

Dear

Deferral Letter (System Generated Letter)

I refer to your housing / transfer application.

Under Rule 59 of the Housing Selection Scheme all applicants are entitled to a maximum of three reasonable offers of accommodation which, if refused, would result in no further offers being made for a period of one year after the date of the last refusal.

On your offer letter dated _____ you were advised that, as that was your third reasonable offer, you would not be entitled to receive any further offers of accommodation for a period of one year if you refused that offer. In addition, you were advised that if you had been awarded Insecurity of Tenure points these points would also be removed.

I am writing to advise you that, as you have refused your third reasonable offer, your application will now be deferred until _____ (date). You will be notified of any amendment in your points, if applicable.

Yours sincerely

Area Manager

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APPENDIX 5.4: RULE 48 : DEPARTURES FROM THE GENERAL RULE

District / Hs Assoc.	Ref No.	Name of Applicant / Tenant	Address of Property Accepted	Property Details [Size, Type, Special Features]	Tenancy Com Date	Reason for Departure/ Comments

APPENDIX 5.5

Blocks of Flats to be Designated - Listed by Area

Belfast Area		
District 1		
Louisville Flats		17 x 2 bed flats
Trostan Garden Flats		12 bed sits
District 2		
Carnet House		58 x 2 bed flats; 14 bed sits
Bridge End Flats		1bed flats only (over35yrs only)
		Over 35yrs only
100 Hollywood Rd (Connswater Homes) & Mersey Street Primary School Apartments (Connswater Homes		
Dehra Grove Flats		Over 35yrs only
Finmore Court Flats – Lower Newtownards Rdd.		Over 35 yrs only
District 3		
Divis Tower		51 x 2 bed flats; 17 bed sits; 17 x 2 bed flats
District 4		
Whitewell Road Flats		9 x 2 bed flats; 3 x 3 bed flats
Mount Vernon House		20 x 1 bed flats; 42 x 2 bed flats
Grainne House		12 x 1 bed flats; 50 x 2 bed flats
Eithne House		50 x 2 bed flats
Maeve House		49 x 2 bed flats 1x 1 bed flat
Block 62 Carlisle Road		16 x 1 bed flats
Castleton Avenue Flats		5 x 2 bed flats
Fortwilliam Parade Flats		1 x 1 bed flat; 8 x 2 bed flats
Greencastle Place Flats		14 x 2 bed flats
Greencastle Close Flats		20 x 1 bed flats
Blocks No 1, 2 and 6 Shore Crescent		
Fold HA Ltd Apartment Block at 2a Edlingham St New Lodge Rd		Over 35year olds
District 5		

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Block 3 Forthriver Road	16 x 1 bed flats
Block 83 West Circular Road	6 x 2 bed flats
Block 85 West Circular Road	6 x 2 bed flats

District 6

Marsden Garden Flats	10 no. flats
Kansas Avenue Flats	18 x 2 bed flats
Henderson Avenue Flats	12 x 2 bed flats; 4 x 3 bed flats

Belfast South

NIHE

Marlborough Court Flats Lisburn Rd Belfast	Over 35 yrs. only
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Trinity HA

Block of Flats at 80A Haywood Ave	Over 35 yrs only
Blocks of flats at Blackwood St Ormeau Rd	Over 35yrs only

Total For Belfast Area

558 Flats

South Area

Newry

Cleary Crescent, Newry	47 no. flats
Parkside, Warrenpoint	13 no. flats
Toragh Park, Newry	9 no. flats
Unit O. North Street, Newry	17 no. flats

Armagh

Dobbins Grove Block 13 A-F	5 no. flats
Block 14 A-F	4 no. flats
Block 15 A-F	4 no. flats
Block 16 A-F	5 no. flats

Lurgan/Brownlow

Queen Street	9 no. flats
Foster Place	2 no. flats
Shaerf Drive	19 no. flats
Drumlin Drive	10 no. flats
Sloan Street	30 no. flats
Lime Grove	10 no. flats

Portadown

Magowan House	19 no. flats
Drumcree Grove	4 no. flats
Selshion Parade	6 no. flats
Corcrair Drive	16 no. flats
West Street	8 no. flats

Fermanagh

Cornagrade Road	13 no. flats
Market Street	20 no. flats

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Breandrum Park

14 no. flats

Total for South Area

284 Flats

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West Area

Waterloo Place

High Park	15 no. flats
Maureen Avenue	19 no. flats

Collon Terrace

Carnhill Flats	30 no. flats
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Limavady

Glenview Drive	9 no. flats
Kennaught Terrace	28 no. flats
Alexander Road	26 no. flats
Ballyclose Street	7 no. flats

Strabane

Meetinghouse Street	8 no. flats
Lower Main Street	2 no. flats
Hospital Road	4 no. flats
Koram Square	5 no. flats
Owenreagh Drive	3 no. flats

Omagh

Edinburgh Park	4 no. flats
Orangefield Park	7 no. flats
Winter Gardens	11 no. flats

Total for West Area:	178 Flats
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North East Area

Larne

Linn Road Antiville – Block 7-10 Loran Parade; Block 11-14 Loran Parade; Block 15-18 Loran Parade.	12 no. flats
Linn Road Craigyhill – Block 1 Greenway Block 4 Greenway Block 60 Dromaine Drive Block 118 Killyglen Road Block 7 Green Link Block 18 Garron Walk Block 19 Garron Walk	33 no. flats
Riverdale - Glenmore House	24 no. flats

Newtownabbey 1

Rathcoole – Blocks 30 & 32 Crossreagh Drive Blocks 1,2,3,4,5,7,9,11 Rathcoole Close (each block consists of 6 flats) Blocks 1,2,3 Rathcoole Gardens (each block consists of 6 flats)	6 no. flats 36 no. flats; 18 no. flats
Rushpark – Blocks 5,6,10,11 Woodland Crescent (each block consists of 8 flats)	32 no. flats

**Total for North East
Area:**

161 Flats

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South East Area

Castlereagh

Woodstock House, Cregagh Estate	44 no. flats;
Willowbrook House, Cregagh Estate	44 no. flats

Newtownards

Block 45 Bristol Park	6 no 1 bed flats
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Total for South East Area	94 Flats
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TOTAL FOR ALL AREAS: 1,275 Flats

Reviewed: August 2015

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB
Telephone: 028 9024 0588 : Fax 028 9031 8008

Textphone: 0845 6504381
www.nihe.gov.uk



INVESTOR IN PEOPLE

Housing Executive

APPENDIX 5.6

Designated Manager
2 The Office
Belfast
BT33 1LP

Your Ref:
Our Ref:

11th November 2006

Dear Designated Manager

Re: Joe Soap, 23 Any Street

The above applicant is currently being advised by their employer that they will have to leave their Tied Accommodation due to a change in their employment status.

Following the assessment of his/her housing application it has been deemed that the applicant's circumstances meet the criteria approved by the Department for Social Development to consider an allocation under Rule 84 of the Common Selection Scheme 'Losing Tied Accommodation' (Chapter 5.12 Housing Selection Scheme Guidance Manual).

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You are the Landlord/District Manager responsible for allocations in the area he/she wants re-housed in, namely_____. I am therefore requesting that you would consider him/her for the next allocation of suitable accommodation that becomes available in his/her area of choice as you are authorised to do so, under Rule 84 of the Selection Scheme.

This change will affect the Estate Project Waiting List for your District/Housing Association and the only current means of recording this change is by referring to this letter. Therefore, the letter should be retained on the new tenant's file to confirm on what basis the allocation has been made.

Yours sincerely

Local Housing Services Manager