

Appendix 1

Amendments to the Housing Allocations Policy – Detailed Considerations

Detailed Considerations

The Council's Housing Allocation Policy sets out who is awarded priority on the 'My Choice' Housing Register. Any individual or family that qualifies to join the Housing Register must be given some priority, or what the legislation calls 'reasonable preference' if they:

- 1) Are homeless or fleeing violence, or are at risk of homelessness within 56 days
- 2) Live in overcrowded or very poor housing conditions
- 3) Need to move because of a medical health problem or disability
- 4) Need to live in a particular area to avoid hardship.

Explanation for the recommended banding awards set out in this appendix to the report

The changes set out in the report relate to the reasonable preference homelessness categories that, by law, have to be awarded priority within the 'My Choice' Allocations Policy to applicants owed one of the homelessness duties set out by the homelessness legislation which has been amended by the Homelessness Reduction Act 2017. There is no requirement to give equal banding to homeless applicants owed any one of the homelessness duties that qualify for priority banding. That is a decision for the local authority.

Within the current policy, which reflects the position before the Homelessness Reduction Act, there are only 2 homelessness duties:

- a) Applicants owed a 'statutory duty because they have been assessed as being in what the homelessness legislation terms 'in priority need' and 'unintentionally homeless'. These applicants are awarded Band C.
- b) Applicants not owed a statutory duty. These are applicants found to be 'not in priority need' or 'intentionally homeless' and are awarded Band D.

The 2 new duties brought in by the Homelessness Reduction Act 2017 must be given priority banding under the 'My Choice Scheme'.

The first proposal is to award Band C to applicants owed the new Homelessness Reduction Act section 189B (2) 'Relief of homelessness duty' and who have been assessed as likely to be in priority need and unintentionally homeless. This will give these applicants parity with applicants owed the section 193 statutory main homelessness duty. By awarding Band C it will increase an applicant's chances of being offered social housing thereby potentially reducing the time they may spend in temporary accommodation and the financial impact on the Council. It will not, however, 'guarantee' them an offer of social housing. The Council will also be taking steps to try and secure alternative accommodation in the private rented tenancy. By having two potential solutions the time spent in temporary accommodation is likely to be reduced.

The second proposal is to award Band C for applicants assessed as being owed the new threatened with homelessness within 56 days section 195(2) 'prevention of homelessness duty'. By awarding Band C for up to 56 days prior to losing their accommodation, and for 1 month afterwards (which may, depending on the circumstances, be extended, but not for longer than a period of 6 months), this will provide an incentive for both the applicant and the parents/family member

threatening to exclude, to remain in the accommodation and bid for social housing, or to seek alternative housing, without the need to become physically homeless. This in turn means they will not require temporary accommodation thereby reducing the costs on the Council.

Both changes will:

- a) Support the Council's prevention of homelessness strategy, and
- b) Reduce costs for temporary accommodation for the Council.

The third proposal is to award Band D to applicants owed the 'relief of homelessness' section 189B(2) duty but who do not meet the criteria set out above to be awarded Band C. This category will include single applicants who have been assessed as not in priority need or unlikely to be in priority need, or likely to be intentionally homeless. Their priority would be lower than Band C as their housing need has been assessed as not as high as Band C applicants or they have been assessed as having made themselves intentionally homeless.

The details for the changes proposed to the banding for homeless applicants owed any of the duties set out by the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 are set out below.

Note:

- a) In the case of homeless prevention, relief or main duty accepted applicants, the "effective date" within the band allocated is the date that Bracknell Forest Council accepts that particular duty.
- b) Applicants who meet the qualification criteria and are owed a statutory homeless duty by another local authority other than Bracknell Forest will be awarded Band D
- c) In circumstance 6 above, where a legal 'final offer' of suitable social housing or private rented housing is made, any refusal of that offer will bring the homeless duty to an end meaning an applicant will lose any priority banding through being owed a homeless duty.

Band C – High housing need (see notes 1 and 2 below)

Band C will be awarded in the following homelessness circumstances.

- 1) People owed the Section 193(2) main homelessness duty or
- 2) People owed a section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty, or
- 3) Homeless prevention meaning:

If the applicant has been assessed as threatened with homelessness within 56 days and owed the section 195(2) prevention of homelessness duty, they will be eligible for a Band C for up to 56 days prior to losing their accommodation, and for 1 month afterwards which may, depending on the circumstances, be extended, but not for longer than a period of 6 months (See note 1 below)

This will include for example where:

- a) The applicant is a tenant and a landlord has issued a valid section 21 and the Council is satisfied that it cannot prevent homelessness through enabling the household to remain in the property
- b) The applicant lives with family or friends and has been asked to leave within 56 days (and has no legal right to remain) and the Council is satisfied that it cannot prevent homelessness through enabling the household to remain in their property

- c) The applicant lives in a caravan or on a boat (or other moveable structure) and there is nowhere for them to pitch or moor their home,
- d) The applicant lives in a hostel or hotel where their Licence to occupy has been withdrawn.

Note 1: The circumstances where the Band C Prevention award may be extended for up to 6 months are:

A pregnant woman or applicant with a child or children who are sharing a home with family and where:

- a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and
- b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band C priority or seek alternative accommodation to rent, or with other family or friends and it is likely that they can remain for at least 6 months.
- c) The family member/person with the interest in the home where they are accommodated has agreed to allow the applicant to remain for at least 6 months.

The 6-month period is dependent on the applicant engaging with the Local Authority with any signposting done and taking steps to alleviate their housing need through the private rented sector and engaging with any reasonable assistance provided. If the applicant fails to engage in support, the Local Authority has the right to close down the application and remove the Band C priority. This will reduce the banding of the family to Band D priority category “Living with family/friends or other sharing arrangements.”

If the Local Authority works with an applicant in resolving the applicant’s homelessness with an offer of private rented property that is suitable and meets the requirements of the Housing Act 1996 as amended, the Housing register application will accordingly be closed as there will be no housing need thereafter.

Note 2: Where the Local Authority is satisfied through further enquiries that a verified rough sleeper in the borough falls within the category for the ‘Armed Forces Covenant’, they will be given additional preference within the Band C criteria where the application is made within five years after discharge.

By law, a local authority in England cannot disqualify any of the following because they do not have a local connection to the local authority’s district:

- (a) serving members of the Armed Forces
- (b) former Service personnel, where the application is made within five years after discharge
- (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death was attributable to their service)
- (d) serving or former members of the Reserve Forces suffering from a serious injury, illness or disability sustained as a result of their service

Band D – Medium Housing Need (see note 3 below)

Band D will be awarded in the following homelessness circumstances:

- 1) People that have been verified as rough sleeping in Bracknell Forest district regardless of whether they have made a homeless application with a Local Connection to the borough under Section 199 (1) Housing Act 1996 as amended. The Local Connection criteria under Part VII Housing Act 1996 as amended applies (6 out of the last 12 months rough sleeping in Bracknell or 3 out of the last 5 years.
- 2) Applicants owed the 'relief of homelessness duty under Section 189B(2) by Bracknell Forest Council only and do not meet the criteria to be awarded Band C. (Note: applicants owed a relief duty and are likely to be in priority need, unintentionally homeless and are in temporary accommodation will be placed in Band C)
- 3) Applicants where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need, or is intentionally homeless.
- 4) Applicants owed the 193 C (4) main duty where the prevention or relief duty was ended by the Council due to their deliberate non-cooperation
- 5) Applicants who were awarded Band C and have refused a suitable offer of accommodation under either the prevention or relief duties will be downgraded to Band D for a period of 12 months from the date of the decision. (See note 3 below)

Note 3: Any Band D priority banding is dependent on the applicant remaining homeless. If their circumstances change and they are no longer homeless the Band D priority award will be removed. If an offer of accommodation was to be made and, upon verification, the assessment is that the applicant is no longer homeless, that offer would be withdrawn.