

# SOCIAL HOUSING

## ALLOCATIONS AND ELIGIBILITY POLICY

### Document Control

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### Relevant Legislation and Policies

The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2006
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2007
The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2016
States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005
Data Protection (Bailiwick of Guernsey) Law, 2001
Transfer & Exchange Policy
Review of Tenancy Policy
Income Thresholds Policy
Capital Sums Policy
Pet Policy

## 1.0 INTRODUCTION

- 1.1 The Allocations and Eligibility Policy has been developed jointly by Housing and Guernsey Housing Association (GHA).
- 1.2 This policy defines a single point of access for social housing, a single set of eligibility criteria and a single waiting list based on an agreed method of prioritisation.
- 1.3 This policy sets the eligibility criteria against which applications will be assessed and the means by which properties are allocated.
- 1.4 This policy details the process by which Housing and GHA establish how adults living in or applying for a unit of social housing are classed as tenants when processing applications or eligibility of existing tenants.
- 1.5 People applying for social housing (hereafter 'applicants') can refer to this policy to understand how their application will be processed, and on what basis Housing and GHA decides to accept applications and allocate properties. The policy makes clear the rights and responsibilities of applicants, Housing and GHA.

## 2.0 POLICY DESCRIPTION

- 2.1 This policy describes:
  - 2.1.1 The principles which underpin the allocation of social housing in Guernsey.
  - 2.1.2 The rules that apply to households containing more than one adult. It explains how and when joint tenancies are created, and what they mean for individual tenants and families.
- 2.2 For the avoidance of doubt, this policy does not cover partial ownership, keyworker or extra care housing.

## 3.0 ELIGIBILITY CRITERIA

- 3.1 Housing and GHA do not discriminate on the grounds of race, religion, or sexual orientation.
- 3.2 An applicant will be placed on the waiting list if they satisfy the following criteria:

**Age:** At least 18 years old.

**Residential status:** The applicant must be able to demonstrate they have the long-term ability to reside lawfully in any local market accommodation. Where one person in a couple does not meet this criterion the non-qualified applicant

will only be eligible to live in social housing while they remain partners with the tenant. If the non-qualified applicant subsequently becomes eligible in their own right, they will then be expected to become a joint tenant of the household.

**Tenancy history:** An application for social housing may be rejected if the applicant has had a previous tenancy terminated as a result of a breach of tenancy on their part.

Where applicants have outstanding arrears or debts owing, they may be excluded from applying for social housing unless there are exceptional circumstances.

**Household income:** Applicant(s) NETT family income must be below the relevant income threshold as defined by the Social Rented Housing Income Thresholds Policy.

**Capital:** Applicants' family capital or assets must meet the requirements as defined by the Capital Sums Policy.

**Property ownership:** Applicants who currently own property will not be eligible however previous property owners may still be eligible, if they meet criteria.

Applicants who part-own property or own land must provide details of the value of their share so Housing can include in the capital assets calculation.

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

#### 4.0 JOINT TENANTS

- 4.1 Where an application is made by more than one person to share a property, the application will only be accepted if they agree to a joint tenancy. Joint tenants are usually a couple, but they can also be friends or siblings – or even parents and adult children. Each joint tenant enjoys equal rights and is jointly and severally liable as regards to their obligations under the Tenancy Agreement or Licence to Occupy, which they must all sign.
- 4.2 Non-dependent children (financially independent) of applicants and existing tenants will not be expected to meet the eligibility criteria or become a joint tenant unless they are applying in their own right. If they choose to become a joint tenant they will need to meet the eligibility criteria.
- 4.3 Joint tenants are equally responsible and liable for the total rent payable on the property; it is for them to work out who within the household contributes towards the rent, and to what extent. Every tenant in a household is equally responsible for

any rent arrears. If a tenant leaves a property whilst in arrears, they remain jointly and severally liable for any outstanding debt.

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

## 5.0 THE APPLICATION PROCESS

- 5.1 All applicants must complete an application form for social rented housing which Housing will process. The date Housing receives the application will be noted and, should the application be successful, the date of receipt will be the commencement date onto the waiting list.
- 5.2 Applicants must have the capacity to understand and comply with any tenancy agreement/licence to occupy. Housing & GHA will assume capacity (Guernsey follows best practice which relies upon the Mental Capacity Act 2005 of England and Wales) unless circumstances or information indicate otherwise and professional advice will be sought if this were to affect the application or any future tenancy.
- 5.3 If an applicant (or anyone on whose behalf they are applying) have any medical or special needs that may have a bearing on the type of property they require, they will be asked to complete a Health Needs Assessment Questionnaire with the application (further information may be required with consent, from a clinical professional). Should the applicant require assistance with completing the form they can contact Housing in the first instance.
- 5.4 Where an ‘assistance dog’ is required, housing need will be assessed giving consideration to the medical need and type of property required.
- 5.5 If the applicant wishes to seek permission to keep a pet or pets, they will be required to meet the requirements stated in the Pet Policy for Housing or GHA and complete a Pet Application form. A pet cannot be accommodated until permission is granted. The tenant will be informed of the decision in writing within 10 working days of receipt of the application form.
- 5.6 Housing and GHA reserve the right to accept applicants onto the waiting list subject to conditions. Such conditions may include engagement with professional and support services.
- Such conditions must be set out clearly in a statement and signed by Housing and GHA, the person/people to whom the conditions apply and the other agencies that will be providing a service.

- The statement must set out:
  - why such conditions are being imposed;
  - how long they will apply;
  - how they will be reviewed and;
  - a date on which the applicant's compliance will be reviewed by Housing and GHA officers.
  
- 5.7 Any special conditions will need to be approved by Housing and GHA before the applicant is accepted onto the waiting list. Should GHA disagree with an exception being made, Housing can then opt to consider the applicant for their stock only or vice versa.
  
- 5.8 Any other adults who wish to be accommodated in the same property as the applicant must qualify for social housing in their own right (to be determined upon receipt of a separate application form) and agree to a joint tenancy.
  
- 5.9 Should safeguarding concerns arise, Housing and GHA will make referral to the appropriate professionals under the information sharing guidelines.
  
- 5.10 Every applicant will be informed in writing of the outcome of their application within 28 days of receipt of the application form, unless additional supporting information has been requested. The decision letter will advise successful applicants of the type of accommodation and the band within the waiting list in which they sit (Appendix One).
  
- 5.11 If an application is rejected, the reasons will be given in full and will detail whether a reapplication would be considered and if so, when and under what circumstances.
  
- 5.12 Every decision letter will set out the applicant's rights to an internal review and/or an appeal.

## **6.0 DETERMINING PROPERTY REQUIREMENTS**

- 6.1 Housing and GHA will endeavour, within the constraints of its stock, to offer applicants a property that gives each child their own bedroom, however a lack of four-bedroom properties means that they will generally be reserved for the largest families. A property with two reception rooms may require the "dining room" to be used as a bedroom.
  
- 6.2 Subject to availability of stock, where possible property type will be allocated according to the bedroom requirement as shown below. Further examples are shown in Appendix Two.



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

- 6.3 Where an applicant, or a member of the family, is more than 28 weeks pregnant, the needs of that child will be included in Housing’s assessment of household requirements and income thresholds.
- 6.4 In the event an applicant would prefer to pay less rent for a smaller property they can request a smaller property – provided that, in Housing’s or GHA’s opinion, the smaller property meets the minimum bedroom requirement.
- 6.5 If the applicant has shared parental responsibility of any children under the age of 18 and those children will regularly be staying over for at least one night a week, the bedroom needs of the children will be taken into account when assessing the size of property required by the applicant. This rule applies even if the other parent already lives in social housing.
- 6.6 Applicants who have shared parental responsibility will be asked to provide proof of regular contact arrangements e.g. copy of Court Order or letter from the other parent.
- 6.7 Single applicants may require a spare bedroom if a friend or relative needs to stay in order to deliver care. Couples may sleep in separate rooms for health requirements. Housing will take this into account when deciding on the size of property that an applicant requires.
- 6.8 In addition to an applicant bedroom requirement, consideration will also be given to any facilities required (e.g. accessibility and bathroom facilities).

## 7.0 BANDING

- 7.1 Successful applications will be placed on the waiting list and banded (Appendix One) in the order in which the application was received (as opposed to the date when a decision was made to accept the application), unless special conditions apply.
- 7.2 The waiting list is divided into bands, and each band is subdivided by property requirements, i.e. one, two, three and four bedrooms and accessibility needs.
- 7.3 The banding criteria will be reviewed and amended if required at regular intervals. New criteria must be agreed by the Committee *for* Employment and Social Security and GHA's Board.

## 8.0 MATERIAL CHANGES AFTER A SUCCESSFUL APPLICATION

- 8.1 After acceptance onto the waiting list, applicants must advise Housing immediately of any material change to their circumstances e.g. changes to the number of people in the household, income or capital, children over the age of 18 leaving full-time education, health and medical need or accessibility.
- 8.2 Material changes may lead to an applicant being placed in a different band, but the date of their original application will be used to determine where in the band they sit.

## 9.0 OFFERS OF ACCOMMODATION

- 9.1 Properties are allocated using the banding criteria (Appendix One) with reference to need and length of time spent on the waiting list).
- 9.2 When a property becomes available, Housing or GHA Allocations Officers will access the waiting list and offer the applicant at the top of the relevant band the property using the table below for each property size and accessibility. Changes can be made to the band sequence if there is nobody within that band to allocate to, at the discretion of the Tenancy Manager and GHA Housing Manager.

Allocation Sequence	Band Sequence
1	Band One
2	Band Two
3	Band One
4	Band Two
5	Band One
6	Band Two
7	Band One
8	Band Two
9	Band One
10	Band Three



- 9.3 If the property is unsuitable for the applicant, it will be offered to the next person on the list, and so on, until it is accepted. In practice, it is not necessary for the Allocations Officer to formally make the offer of a property when they know it will be unsuitable; however their reasons for not making an offer must be recorded and signed off by both Housing and GHA.
- 9.4 In truly exceptional cases, Housing or GHA may offer a property to an applicant ahead of other applicants who would ordinarily be offered that property, i.e. to bypass the banding system. Any such exceptions must be agreed between Housing and GHA Officers, the Tenancy Manager and GHA Housing Manager and recorded in an agreed format that is auditable.
- 9.5 Applicants will be offered a property first by telephone and then in writing by Housing or GHA.
- 9.6 The needs of the household are taken into account as part of the application process; therefore Housing and GHA expect applicants to accept the property being offered.
- 9.7 The applicant will be offered either;
- Six/twelve month licence to occupy or a tenancy by GHA
  - Fixed-term or statutory tenancy by Housing
- 9.8 If Housing offers a fixed-term tenancy the applicant will be informed in writing of the grounds on which this decision has been taken. Applicants have a right to request an internal review of this decision.
- 9.9 Housing and GHA have the option to make allocations to persons outside of the waiting list if a property has been made available to all applicants and has not been let. Alternative means of letting the property will be considered e.g. for key workers, private rental or swap with partial ownership.

## **10.0 REASONABLE GROUNDS FOR REFUSAL OF OFFERS OF ACCOMMODATION**

- 10.1 An applicant may refuse an offer of accommodation, without prejudice to their position on the waiting list, where Housing and GHA are satisfied that moving into the property would:
- Likely result in the breach of a Court Order awarded in favour of or against the applicant;
  - Cause unreasonable inconvenience for the applicant or their family regarding isolation, travel to work or school;
  - Put the safety of the applicant or their family or other residents in the area at risk from another individual.



- 10.2 Applicants must explain the reasons for their refusal in writing no later than 48 hours after the property has been offered and viewed. Housing or GHA will decide whether to accept or reject the grounds for refusal within 48 hours. Housing or GHA will communicate its decision to the applicant verbally then in writing, giving them a further 24 hours to decide whether to change their mind.
- 10.3 Applicants will only be permitted to refuse a property on reasonable grounds three times, thereafter any further refusal will result in the application being re-dated and placed at the bottom of the band below. If already in Band 3 their application will be re-dated and moved to bottom of that band.

### **11.0 UNREASONABLE GROUNDS FOR REFUSAL OF OFFERS OF ACCOMMODATION**

- 11.1 If an applicant refuses a property for any other reasons than defined in 10.1, it will be considered as unreasonable grounds; their application will be re-dated and moved to the bottom of the waiting list for their band. Additionally, if an applicant in Band One unreasonably refuses an offer of accommodation they will be re-dated and placed at the bottom of the Band Two waiting list.
- 11.2 After three refusals on unreasonable grounds, the applicant will be advised that they have been removed from the waiting list and a new application will not be considered for a period of twelve months, unless their circumstances change.

### **12.0 WITHDRAWING OFFERS OF ACCOMMODATION**

- 12.1 Housing or GHA reserve the right to withdraw offers of accommodation should information be brought to their attention which then affect the family's eligibility and the suitability of accommodation offered.

### **13.0 PERMISSION TO ACCOMMODATE**

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

Permission may be refused if:

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

- Overcrowding occurs.

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

#### **14.0 FALSE INFORMATION**

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

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

14.3 Existing tenants who knowingly give false information, fail to disclose information or refuse to provide information will be referred to the Compliance Manager/Housing Manager, which may result in termination of the tenancy and/or referral for criminal prosecution.

#### **15.0 RIGHT OF REVIEW AND APPEALS**

15.1 If an applicant is dissatisfied with a decision, they may ask to have an internal review to be carried out. Any request to have a decision reviewed should be made in writing within 28 days of the date of the letter communicating the original decision.

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

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

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

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

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

## 16.0 MONITORING

- 16.1 Housing and the GHA will review the Allocations and Eligibility Policy every three years or earlier if change is identified and to keep it up to date with changing Law or best-practice guidance.
- 16.2 This policy will be monitored to ensure that it is operating in the most effective way and that any issues are identified and addressed as early as possible.

### Change History

Version	Date	Description	Change ID



**APPENDIX ONE: SOCIAL HOUSING BANDING CRITERIA**

BAND 1	Key Criteria	Notes	Additional evidence required / conditions			
<b>Applicants in this Band will be limited to one offer of accommodation. If the applicant refuses a reasonable offer of accommodation they will be placed at the bottom of the Band 2 waiting list.</b>						
				<p><b>Homeless</b></p>	<p>Applicant living in St Julian’s House, the Women’s Refuge, or Sarnia Housing accommodation.</p> <p>Applicant is of no fixed address and is reliant on the goodwill of friends and family for somewhere to live – do not have a bed of their own.</p> <p>Applicant has no option but to sleep on the streets, a tent, car, or boat unless social housing is provided.</p>	<p>Anybody in this category should engage with the relevant identified services as required.</p> <p>Sofa surfing is distinct from living with friends or relatives (Band 2). Applicants in this category are frequently having to change address.</p> <p>Applicants in the ‘homeless’ group should be put in contact with providers of crisis accommodation in the first instance.</p>
				<p><b>Delayed Discharge</b></p>	<p>Applicant in hospital / respite care. They would be discharged, but cannot be because their home is unsuitable (or they are homeless, as defined above).</p>	<p>Written confirmation from appropriate health professional that the applicant’s housing situation is a decisive factor in their health professional’s inability to discharge their patient.</p>
				<p><b>Tied accommodation</b></p>	<p>The applicant’s current accommodation is tied to their employment, which is about to come to an end; whether or not this is the choice of the employee.</p>	<p>Confirmation from employer</p>
				<p><b>Urgent medical need and Safeguarding issues</b></p>	<p>The applicant is at risk of coming to serious harm as a direct result of their current accommodation.</p> <p>Note that non-urgent medical needs are likely to fall into Band 2.</p>	<p>Medical questionnaire.</p> <p>Applicants need to take measures to assist themselves and engage with services to remain in Band 1.</p>
				<p><b>Stay of Eviction/Closure Notice/Notice to Quit</b></p>	<p>The applicant has been issued with any of these through no fault of their own.</p>	<p>Housing and GHA may not accept applications where the eviction is a result of the applicant’s behaviour.</p>
				<p><b>Care leaver</b></p>	<p>The applicant is approaching adulthood and will have to leave care.</p>	<p>The applicant may be required to engage with the relevant services.</p>



BAND 1	Key Criteria	Notes	Additional evidence required / conditions
	<p><b>Decants</b></p> <p><b>Review of Tenancy Transfers where urgent or identified need for their current accommodation has been identified by Housing Officers</b></p> <p><b>Extra care and Supported living tenants that no longer require such support and/or facilities</b></p>	<p>Housing or GHA needs to empty the property. Housing/GHA will provide information to confirm reasons.</p> <p>To free up much needed accommodation.</p>	<p>Internal decision.</p>

BAND 2	Key Criteria	Notes	Additional evidence required / conditions
	<p><b>Property too small to meet needs</b></p>	<p>The applicant's current property is classified as being 'overcrowded' (6.2).</p> <p>This will include non-residential parents with inadequate room for children to stay over.</p>	<p>May require a Home visit by Housing to inspect current property in line with the Bedroom requirements table (6.2). This may not always be necessary if the overcrowding is obvious - for instance where staff already have details regarding the property that have been verified.</p> <p>If the applicant's situation will not be improved by moving to social housing (e.g. they are already in a four-bed property) the applicant will not be placed in Band 2 on grounds of overcrowding but will be awarded Band 3 priority.</p>
	<p><b>Unaffordable rent</b></p>	<p>The applicant is living in private sector accommodation but has less income, after paying rent, than their personal benefit allowance.</p>	<p>Copy of lease and bank statements</p>
	<p><b>Poor housing standards</b></p>	<p>The applicant is living in accommodation that has been classified as sub-standard by EHO, and the responsibility for bringing it up to standard lies with the landlord, not the tenant.</p>	<p>The applicant will be expected to approach Environmental Health, allow Housing or another professional i.e. social worker/health visitor to make a referral on their behalf. If the applicant refuses they will be placed into Band 3.</p>



<b>BAND 2</b>	<b>Key Criteria</b>	<b>Notes</b>	<b>Additional evidence required / conditions</b>
	<b>Training flat tenant/Shared housing tenant within Housing or GHA stock</b>	Ready to live independently	Assessment from support agencies
	<b>Health is negatively impacted by current housing situation</b>	<p>The applicant's medical condition is actively worsened by their accommodation, location, lack of amenities and support.</p> <p>The applicant/tenant does not have the facilities they need, which is causing or contributing to a quicker deterioration in their health.</p>	<p>Medical Questionnaire</p> <p>Applicants/tenants need to take all measures to assist themselves and engage with services to remain in Band 2.</p>
	<b>Review of Tenancy-led transfer</b>	Housing has carried out a Review of Tenancy which has determined that the tenant is not in the appropriate size or type of accommodation.	Internal decision

<b>BAND 3</b>	<b>Key Criteria</b>	<b>Notes</b>	<b>Additional evidence required / conditions</b>
	<b>Anyone who does not meet key criteria in bands 1 or 2</b>	Must meet eligibility criteria	

