

Allocations Policy Review October 2019

Introduction

Every time we advertise a property that has become available for let, an average of 131 people apply for it. Our Allocations policy is very important because it sets out the rules for how we decide who will be offered the property, how we award priority, when we will cancel or suspend registrations, and how we comply with the Law.

Because of changes to the Law we would like your opinion on some of the options we have when allocating homes. We have also looked at how well our Allocations policy works and think that some further changes could make it better. We want to know what you think about the following:

- **Home ownership**
- **Suspensions**
- **Transfers**
- **Overcrowding**
- **Under-occupancy in new developments**
- **Domestic abuse**
- **Kinship, fostering and adoption**
- **Lettings initiatives**
- **Dogs in flats**

We appreciate this is a long document and it may seem a bit daunting. If you do not want to, or can't complete the whole survey, we are more than happy to hear your views on the areas you feel are important to you.

We have sent this consultation out to all our tenants, stakeholders, as well as around approximately 3,500 people on our housing register, Homehunt. If you are a tenant, we appreciate that you might not be looking for a home just now, but you may well know someone who is. Because there aren't enough properties available for everyone who needs a home, it's in everyone's interest to try to make sure that the properties that do become available are allocated as fairly as possible to people who need them most.

Please take the time to complete our questionnaire no later than **Friday 29th November 2019**, either on-line at **elha.com** or by post. If you need more information about our Allocations policy to answer the questions, it is available on-line at elha.com, as well as the Guide to Homehunt. Alternatively, please let us know and we will be happy to send out some information.

Our Management Committee will consider the views of everyone who responds to this survey before they approve any changes to our Allocations policy.

Proposed Changes to the Policy

1. Home Ownership

Before the introduction of the Housing (Scotland) Act 2014, we could not take home ownership into account when considering an application for housing. Under the new law, we can take account of property ownership in certain circumstances, except:

- The owner is unable to access their property perhaps because it is uninhabitable or has structural faults
- Living in the property could lead to abuse
- Living in the property could damage their health

We currently assess applications from home owners and award priority based on their Housing Need in exactly the same way as anyone else, but they must occupy a property we allocate them as their only and principle home.

If we take home ownership into account it would allow us to ensure that social housing is allocated to applicants who do not already own a property that they could live in, and it may also lead to more properties being available to applicants who can only consider social housing. However, the law does not let us take income into account, and an owner may have serious Housing Need which they may not be able to address themselves.

**What do you think? Should we take home ownership into account?
And if yes, under which circumstances should we do this?**

2. Suspensions

The Law gives us the statutory right to suspend applicants from receiving an offer of housing for up to three years (in certain circumstances). An applicant can appeal the decision to be suspended. A suspension is when a landlord decides that it will not make an offer of housing until certain circumstances have changed, conditions are met, or a set period has passed. The applicant remains on the housing list while suspended.

Our policy states that we will suspend applicants for two years in cases such as; for providing false or misleading information or for being aggressive or threatening to our staff. We will also suspend those applicants with tenancy debt of more than one month until they have maintained a repayment arrangement for a minimum of three months. Timescales for suspending applicants for issues such as anti-social behaviour is discretionary based upon the circumstances.

We aim to keep suspensions to a minimum and be clear about when they will apply and for how long. In view of this we want to change what we do slightly, by making all suspensions an initial twelve months, with the discretion to extend the suspension for further periods of six months to a maximum of two years.

However, we may end the suspension at any time where we are satisfied the issue that gave rise to the suspension has been resolved.

Reasons for suspension are:

An applicant has:

- provided false or misleading information in connection with an application
- carelessly or intentionally worsened their current housing circumstances to gain greater priority
- acted in an antisocial manner in the locality of their house
- acted in an antisocial manner towards a member of our staff or Management Committee member during the application process
- had an ASBO issued to them or a member of their household within the last two years
- been convicted of an offence that was committed in, or in the vicinity of their house
- has housing debt (includes rent arrears) of more than one month and has not arranged to pay off their debt or has not kept to an agreed arrangement for at least thirteen consecutive weeks. (Debts older than 5 years, which have not previously been pursued by the former landlord will be disregarded)
- been evicted from a previous tenancy
- turned down one reasonable offer of housing
- deliberately given us false information with the intention of being assessed with greater housing need than is the case

What do you think? Should we make all suspensions for an initial period of 12 months, with an option to extend this depending on the severity of the matter?

3. Transfers

(a) Priority for Living in a Flat

Our tenants are assessed for priority in the same way as everyone else. However, when one of them is allocated a property (transfer), they move out of the home they are living in and it can then be advertised and allocated to someone else. So only one available property can address two (or more) people's Housing Need and, given the shortage of available properties, we feel that this is an important way of trying to do more with what we have available.

We are considering awarding priority at Bronze level if an existing ELHA tenant has been living in a flat for more than 2 years and wants to move to a house. We hope that this change would primarily help families with young children, who would otherwise have no Housing Need. It could potentially resolve management issues, particularly with the number of children in a stair where there are no play or storage facilities.

What do you think? Should we give a level of priority to tenants who want to transfer to a house? How long do you think they should have to live in the flat before priority is awarded?

(b) Medical Adaptations

We receive grant funding from the Scottish Government for medical adaptations which has been reducing over the years. Since the grant is public funding, we need to ensure that we make best use of the money available; and so we have had to make the decision that adaptations that would not render a property suitable for a future disabled applicant will generally be refused. For example, a family home with an upstairs bathroom will never be entirely suitable for someone with a disability. In the past we have installed a wet floor shower for a disabled tenant, only to rip it out when the next family has moved in. The approximate cost of a wet floor shower room can be as much as £7,000.

If we cannot reach an agreement to adapt a tenant's home to meet their needs, then we believe a move should be prioritised and would like to award Gold priority to anyone where we have refused to carry out a major adaptation.

What do you think? Should we award Gold priority to anyone where we have refused a major adaptation?

4. Overcrowding

The Housing (Scotland) Act 1987 defines overcrowding. When the number of people sleeping in a home exceeds the room or space standard set out in the Act, a house is overcrowded. Our policy recognises this Housing Need by the award of Gold, Silver and Bronze priority passes, and sets out the occupancy levels used to assess overcrowding.

Our policy states that all adults over 16 years are entitled to a bedroom of their own unless living with a partner, when they will be expected to share a double room. We will assess overcrowding by the number of bed spaces required by the applicant and family. We regard two or more bed-spaces as significant overcrowding and award Gold priority. We have identified that this is not completely fair; i.e., if a couple were sleeping in the living room they would be assessed as being 2 bed spaces short and would be given Gold priority for a 1 bedroom property. Whereas a single person in exactly the same situation would receive Silver priority for a 1-bedroom property.

What do you think? Should a couple needing a 1-bedroom property receive more priority than a single person with the same needs?

We often assess applications for overcrowding priority from applicants who have given up or lost accommodation and moved in with family or friends where there is no room for them. They have then applied to us because they are overcrowding the property, when in fact their primary issue is that they are homeless. We want to amend our policy to make it clear that we will assess

and award overcrowding priority solely for households who have outgrown their accommodation, and won't count others moving in. We see this as a positive change as it sets clear boundaries in how overcrowding is assessed by us and ensures that applicants are given clear information on how they can address their Housing Need.

What do you think? Should we focus our overcrowding assessments only on those who have solely outgrown their accommodation?

5. Under-Occupancy in New Developments

We know that there is a high demand for one bedroom properties in East Lothian, but we would prefer to build homes with a minimum of two bedrooms rather than one (there will always be occasional exceptions where we cannot; for example, in a restricted town centre or a conversion of an existing property). Building two bedroom homes is more cost efficient. It can help to address issues such as the expense of having to move, for example, because an elderly person requires an extra room for a carer to stay over, a couple need an extra room for medical reasons, people who want to start a family, or in general, for family who want to visit but have nowhere to stay. If we were to build two bedroom properties in a new development we would agree to under occupy a percentage of them to ensure that those households qualifying for one-bedroom properties are not at a disadvantage, i.e. we would advertise some of them as only available to households needing one bedroom.

Below is the current breakdown of the size of property our Homehunt applicants make best use of:

1 Bedroom	42%
2 Bedrooms	27%
3 Bedrooms	16%
4+ Bedrooms	15%

Let us know what you think. Is this a good idea, or should we still build some one bedroom homes? What proportion of our two bedroom homes do you think we should reserve for households that only need one bedroom?

6. Domestic Abuse

We currently recognise Housing Need due to harassment and abuse, (which includes domestic abuse) by the award of Silver and Bronze priority passes.

There is a national focus on domestic abuse, and the recent introduction of the Domestic Abuse (Scotland) Act 2018 now makes it a criminal offence. Because of this we feel it's important to include domestic abuse as a specific Housing Need group.

In terms of priority we believe that a high level should be awarded to anyone experiencing domestic abuse. Applicants that approach their Local Authority Homeless Service and assessed as homeless are awarded Platinum priority. However, we understand that not everyone will want to take that route and we know that victims and children are potentially at severe risk and continue to remain in that position whilst they remain in their home. In such cases, we will work closely with their Landlord, Women's Aid or other support agencies to help secure alternative housing and want to award our highest level of priority (other than homelessness) which is Gold priority, to applicants fleeing domestic abuse.

We already have a separate Domestic Abuse policy for how we will work with our tenants experiencing abuse.

What do you think? Should we award Gold priority to victims of domestic abuse?

7. Kinship, Fostering & Adoption

Kinship care is when a child is looked after by their extended family or close friends if they cannot live with their birth parents. Fostering a child or young person is a temporary arrangement with the idea that the child or young person will return to their parents, though some are not able to return home. This can result in long term care or the young person being adopted.

Our policy is silent on how we assess applicants who are regular kinship or foster carers or for those that want to adopt but don't have the right size of property. Other than pregnancy, we always base the need of an applicant on their current circumstance.

We want to consider giving a level of overcrowding priority to applicants who can provide formal evidence of being a regular foster or kinship carer, or who are in the process of adoption and need an extra bedroom. We would work closely with the Children and Young People's Services to decide at what stage it is appropriate to decide whether additional bedrooms are required. If we don't give priority, should we be considering the size of home the household will need, i.e. we assume that a fostered or adopted child is already part of the household?

What do you think? Should we give overcrowding priority to applicants who are approved kinship or foster carers, or for those adopting where their property is too small to allow this? If you don't think so, should we account for the size of home the household will need in the future at the time of applying?

8. Lettings Initiatives

From time to time, we will consider using local lettings initiatives to address serious management issues or imbalance within a particular area. Any that we introduce will have received prior approval from our Management Committee and have been carefully monitored to ensure that the desired objectives are achieved. Lettings initiatives are usually short term however in three of our developments we believe that it is essential they remain permanently:

5 Hardgate Court, Haddington

Hardgate Court comprises a block of 6 family flats situated adjacent to a main road and a communal car park which is surrounded by other blocks of flats (a mixture of ELHA stock, shared ownership and Lothian Homes). For years we had ongoing management issues with young families living in the stair. Constant complaints were received about bikes and buggies being stored in the stair posing a health and safety risk. There were also safety concerns raised regarding children playing in the car park, as well as reports of cars being vandalised. Children playing in the stair caused flooring and walls to be vandalised, damaged, or in general created difficulty in keeping the area clean.

In order to address the number of the children in the stair, and reduce the health and safety risks, it was agreed that a sensitive approach to allocations should be taken to letting all future vacancies to families with children aged 12 years or older. This approach has been very successful in reducing almost all the issues.

The Granary, Haddington

Learning from the issues we had at Hardgate, the flats at The Granary have been allocated to families with children aged 12 years or older, since the completion of this development in 2011. Similar problems exist, i.e. the lack of storage space and no play area / external communal areas, and the communal entrance in this case opens directly onto the pavement adjacent to a busy road.

Osborne Court, Cockenzie

Osborne Court is a sheltered housing scheme with 16 properties, including 8 upper flats. Given the age of the tenants who are housed in this development (over 60s) their needs can change and some find it increasingly difficult to climb the stairs. This generally means that an upper flat can become unsuitable and the tenant needs a transfer to ground floor accommodation.

If a ground floor property in this development becomes available, we will offer it to any first-floor residents at Osborne Court who require ground floor accommodation, without advertising the actual vacancy. If such a transfer is accepted, the resulting first floor vacancy is advertised as normal. It is possible that the need for such a transfer is not known about before a ground floor flat is advertised and that this only comes to light once the property has been made available through Homehunt. If this happens then we will offer the ground floor flat to our tenant and the resulting vacant upper flat to the first suitable applicant on the list. Managing stock this way ultimately meets the needs of two applicants and potentially reduces the needs for medical adaptations.

What do you think? Do you agree that we are managing these particular properties in the right way or do you have a better suggestion?

9. Dogs in Flats

As a result of a high level of complaints about pet nuisance, we introduced a ban on dogs in our communal stairs or in accommodation where there is no private garden, for all new tenancies from 1 April 2017. This was done in consultation with our tenants and approved by our Management Committee.

We clearly advertise a vacancy as 'dogs are not allowed' where appropriate and do not penalise anyone who refuses an offer of suitable accommodation because they have a dog. We do, in exceptional circumstances, allow dogs, for example, working dogs for the blind or for health reasons.

Introducing this ban has been very successful in improving the lives of some tenants and reducing the number of complaints about dogs fouling in common areas where children play, and disturbance caused by incessant barking. We saw complaints of this nature reduce by over 50% after the first year of introducing the ban and they have remained at a low level ever since. However, we are now wondering if this should remain a permanent ban or should just be restricted to blocks of flats. We are concerned that it does restrict access to housing for people who are responsible dog owners.

We do you think? Do you think we should continue with this ban, limit it to just communal flats, or scrap it all together and take more robust action against inconsiderate dog owners?

Please fill in our questionnaire to let us know what you think.