



# RENTED ALLOCATIONS POLICY

<b>Written by:</b>	<b>Head of Housing &amp; Customer Services</b>	<b>Version:</b>	<b>12</b>
<b>Approved by:</b>	<b>Management Committee</b>	<b>Date:</b>	<b>29.05.19</b>
<b>Next Review Date:</b>	<b>April 2024</b>	<b>Pages:</b>	<b>29</b>

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## **Section 1 - General Information**

### **1.1 Introduction**

1.1.1 The Association is a Registered Social Landlord. This Policy details how the Association will allocate its rented properties. In line with good practice, the underlying principle is to allocate our rented housing stock to those households displaying the highest level of housing need.

1.1.2 The Association is committed to creating a system which makes finding a home as simple, straightforward and fair as possible. We will do this by:

- Providing applicants with a housing application form which is common to both the Association and Orkney Islands Council (OIC);
- Working with OIC through Protocols for housing nominated households and homeless households (See Para 1.6 below);
- Providing an effective and accessible Housing Information & Advice Service to ensure the best possible advice and assistance on housing options;
- Operating a Choice Based Lettings (CBL) scheme for the allocation of its rented housing stock.

1.1.3 The Association actively seeks nominations from Orkney Islands Council to maximise access to our existing stock. We will aim to allocate existing properties from the following different routes:

<b>Orkney Islands Council (Section 5 &amp; Nominations)</b>	<b>Direct Waiting List Applicants</b>	<b>Transfer Applicants (Existing OHAL Tenants)</b>
<b>60%</b>	<b>30%</b>	<b>10%</b>

Priority will be given in the first instance to applicants who are existing Association tenants in the allocation of new property development completions, new build properties. Allocations of this type will be delivered via a Local Lettings Initiative.

Where there are no suitable applicants identified via this method allocation of new build properties will be opened to all other applicants in line with the quota above. Further details are available at paragraph 1.8.

1.1.4 This policy does not cover the allocation of:

- Low Cost Home Ownership (LCHO)  
These housing options are offered by the Association and are covered by the LCHO Policy. Further details of this can be obtained by contacting the Association or can be downloaded from the website at [www.ohal.org.uk](http://www.ohal.org.uk).
- Wheelchair and Specially Adapted Housing  
The Association has properties which have either been built for use by wheelchair users or specially adapted. The allocation of properties within this stock are let based on housing need as determined by the Wheelchair Allocations Group which consists of officers within the Association's Tenancy Support Team, OIC's Housing Allocations, Community Social Services and

an independent Medical Adviser. Applications for this type of housing should be made on the standard Housing Application Form.

- Supported Housing

Where properties have been designated for a particular client group a separate allocation process will be agreed with the partner organisation providing the support.

1.1.5 The Scottish Social Housing Charter states that social landlords must ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them;
- tenants and people on housing lists can review their housing options;
- people at risk of losing their homes get advice on preventing homelessness; and
- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

## **1.2 Aims and Objectives**

1.2.1 The aim and objective of this Policy is to:

- Ensure that people have fair and open access to our housing register and assessment process;
- Allocate properties in a way which gives reasonable preference to those in housing need, makes best use of the available stock and helps to sustain communities;
- Ensure that allocations comply with relevant legal and good practice guidelines;
- Collect and analyse housing needs information and feed this back into the development programme;
- Ensure that allocations procedures are carried out effectively and efficiently to minimise void periods;
- Develop close inter-agency links to meet housing need, to tackle homelessness and meet other housing needs;
- Process applications to ensure confidentiality and access to information in line with legal requirements;
- Monitor performance in allocations and report to relevant stakeholders.

## **1.3 Law and Good Practice**

1.3.1 This Policy complies with current legislation, good practice and performance standards.

## **1.4 Equal Opportunities**

- 1.4.1 This Policy will be delivered in a way which recognises and respects diversity and in accordance with the Association's Equality & Diversity Policy.

## **1.5 Complaints & Appeals**

- 1.5.1 Anyone who feels that the Association has not complied with this Policy can use the Association's Complaints Procedure. Details of how to do this can be found in the Complaints Policy which is available on our website at [www.ohal.org.uk](http://www.ohal.org.uk) or on request from the office.

## **1.6 Section 5 Referrals Protocol**

### **1.6.1 Section 5 Referrals**

It is a requirement that the Association has a Section 5 Referrals Protocol in place between the Association and OIC. This Protocol enables OIC to refer homeless applicants to the Association for rehousing which the Association is obliged to accept. Further detail can be found in the Section 5 Referrals Protocol.

- 1.6.2 OIC will be offered 60% of the lets as detailed at 1.1.3 for Referrals/Nominations.

## **1.7 The Tenancy Agreement**

- 1.7.1 The tenure type offered will normally be a Scottish Secure Tenancy. However, in certain very limited circumstances the Association may decide to let the property on a Short Scottish Secure Tenancy in compliance with the Housing (Scotland) 2014 Act.

## **1.8 Local Lettings Initiative**

- 1.8.1 The Association will develop, from time to time in consultation with local communities, Local Lettings Initiatives (LLIs) for specific areas. Such LLIs will meet both legislative and equalities requirements.
- 1.8.2 These LLIs will have the effect of suspending the usual allocations criteria, as set out in this document, and will be designed to address specific local issues (eg where there is a need to employ key workers or people with specific employment skills thereby assisting in sustaining that community).
- 1.8.3 LLIs will be used for the initial allocation of new property developments, new build properties. Where the Association has built general needs housing, preference will be given to existing Association tenants.
- 1.8.4 The purpose of such an LLI is to maximise the opportunity for meeting housing needs that the additional supply of new build Association properties offers. For

example, rehousing existing tenants in this way results in more Association properties becoming available for letting to other housing applicants. In effect two households can benefit from each new build property.

- 1.8.5 Existing Association tenants that bid for new build general needs housing will be prioritised according to their housing need, defined by the points awarded on their housing application.
- 1.8.6 In the event that there are no suitable bids for these properties from existing Council tenants then other applicants will be considered.
- 1.8.7 Any initiatives will be carefully monitored and changed in line with changing local circumstances and LLIs, once developed, will be available from the Association and published on the website.

## **1.9 Policy Review**

- 1.9.1 This policy will be reviewed every 5 years or sooner if required due to legislative changes or updated good practice.

## **1.10 Consultation**

- 1.10.1 Consultation with the community and tenant participation has always been one of the key aspects of the way in which the Association operates and welcome tenants' views which are taken into account when formulating key service delivery policies.
- 1.10.2 Any amendments to this Policy will be consulted upon with applicants, tenants and the wider community.
- 1.10.3 Comments on this policy are always welcome and should be made, in writing, to the Head of Housing & Customer Services, Orkney Housing Association Ltd, 39a Victoria Street, Kirkwall, KW15 1DN. Or via email to [allocations@ohal.org.uk](mailto:allocations@ohal.org.uk)

## **Section 2 – Admission to the Waiting List**

### **2.1 Registration**

- 2.1.1 The Association and OIC have a joint application form which means that applicants who wish to be housed by either the Association and/or OIC only need to complete one form which will be copied to the partner organisation.
- 2.1.2 Anyone interested in being registered on the Association's rented housing list must first complete an application form detailing their present housing circumstances.
- 2.1.3 Applications will be accepted from anyone aged 16 years and over. However, an applicant can only be included in one application form.
- 2.1.4 Any incomplete and/or unsigned housing application forms will not be processed but will be returned to the applicant advising what is needed to correctly complete the form.
- 2.1.5 As part of the awarding of priority points applicants may be required to confirm or provide proof of their circumstances. Prior to the allocation of a property a home visit or telephone interview will be undertaken to confirm the details provided by the applicant in their application.
- 2.1.6 The application will be awarded priority points based on the information provided in the application form. The applicant will receive written confirmation that they have been accepted on to the rented housing list and this letter will detail their total priority points and the groups under which they qualify.
- 2.1.7 Applicants will be encouraged to consider their housing options and staff will offer housing information and advice to guide applicants in their choices.

### **2.2 Taking Property Ownership Into Account**

- 2.2.1 The ownership and/or value of heritable property can be taken into account in allocating social housing (Housing Act 1987 and Section 5 of the Housing (Scotland) Act 2014). Heritable property includes land, as well as anything built on land, and can be property currently owned, or that has been previously owned, in Scotland, the rest of the UK or abroad.

This means that if the applicant, or a current or future member of the household, currently owns land or property or previously owned land or property, this can be taken into account when deciding on an applicant's priority for the allocation of social housing. This applies to existing tenants as well as new tenants.

- 2.2.2 The Association will, therefore, consider property ownership when assessing an applicant's housing needs and their circumstances and the applicant may be awarded a lower level of priority points if an applicant either owns their own current home or could reasonably occupy one that they own.

- 2.2.3 Property ownership will **not** be taken into account in the following circumstances:
- In cases where the property has not been let, but the owner cannot secure entry to the property. This could, for example, be where it is not safe to enter the property due to severe structural faults or where there are squatters living in the property;
  - Where it is probable that occupying the property will lead to abuse from someone currently living in the property;
  - Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere;
  - Where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger.
- 2.2.4 The circumstances of each case will be considered and the Association may decide to allocate a property to an applicant who owns property. For example, where the applicant owns property but it does not meet their needs and they required to be rehoused urgently. In these circumstances the property to be allocated will be offered under a Short Scottish Secure Tenancy which will allow the person to make arrangements for the sale or installation of adaptations, that will allow the person’s housing need to be met. **Any decision to do so must be approved by the Head of Housing & Customer Services.**

**2.3 Lets to Staff, Management Committee or Close Relatives**

- 2.3.1 Any applicant who is defined as being a ‘Connected Person’ must complete full details in the declaration at the end of the housing application form and includes a relationship with any of the following:
- a) a committee member **or** a former committee member (in the previous 12 months); **or**
  - b) a staff member **or** a former staff member (in the previous 12 months).
- 2.3.2 Connected people are defined as those in groups 1 and 2 below:

<b>Group 1</b> <i>Members of your household</i>	<ul style="list-style-type: none"> <li>• Anyone who normally lives as part of your household, whether they are related to you or not, including partners (and spouses) who work away from home; and children (regardless of their age) who are studying away from home.</li> </ul>
<b>Group 2</b> <i>People closely associated with you</i>	<ul style="list-style-type: none"> <li>• Parents, parents in law and their partners.</li> <li>• Sons, daughters, stepsons and stepdaughters.</li> <li>• Brothers, sisters and their partners.</li> <li>• A partner’s parent, child or sibling.</li> <li>• Grandparents, grandchildren and their partners.</li> <li>• Someone who is dependent on you, or whom you are dependent upon.</li> <li>• Close friends.</li> </ul>
<b>Group 3</b> <i>Others you need to consider</i>	<ul style="list-style-type: none"> <li>• Other relatives (eg uncles, aunts, nieces, nephews &amp; their partners).</li> <li>• Other friends (eg someone you are acquainted with socially, neighbours, business contacts and associates).</li> </ul>

- 2.3.3 Please refer to the Association's Entitlement, Payments & Benefits Policy. This policy states the Association's approach to managing lets to 'connected people'.
- 2.3.4 This does not mean they cannot be considered for an allocation but ensures that the necessary procedures are followed in accordance with the Scottish Housing Regulator's good practice and guidance.

## **2.4 Joint Applications**

- 2.4.1 Where a joint application is made by applicants currently living in separate accommodation, assessment will be based on the main applicant's circumstances as described in the application form.

## **2.5 Applications from Prisoners, Sex Offenders & Potentially Dangerous Offenders**

### 2.5.1 Prisoners

Applications from prisoners will be awarded priority on the basis of having no tenancy, but only up to one calendar month before a confirmed date of release. If no offer of tenancy is made before the prisoner's release date, the application will be reassessed in accordance with circumstances then prevailing.

The Association is entitled to and may ask OIC's Community Social Services Department if the prisoner will be under a Supervision Order on release and if so what the Order relates to. If there is any potential sensitivity, the matter will be referred to the Head of Housing & Customer Services for consideration.

It is anticipated that most applications from prisoners will come through the Section 5 Referral process.

### 2.5.2 Sex Offenders & Potentially Dangerous Offenders

The Association has a 'duty to co-operate' with the local authority and Police Scotland where applications are received from Registered Sex Offenders, violent offenders or from other potentially dangerous offenders. The Association will collaborate with OIC's Criminal Justice Social Work Department and Police Scotland on any risk assessment and action plan for such offenders looking for housing. Any allocation would only be made in accordance with agreed Policy and Protocols.

## **2.6 Applicants from Outwith the United Kingdom**

- 2.6.1 Anyone subject to immigration control must declare this on the housing application form and will require to be assessed in terms of the legislation and the Right to Remain.
- 2.6.2 Such applicants may remain on the Housing Register but will be required to provide evidence of status before eligibility for accommodation can be confirmed.

## **2.7 Change of Circumstances**

- 2.7.1 It is the applicant's responsibility to keep the Association updated on any changes to their circumstances as this may affect their priority level. This would include information such as a change in their household composition eg new partner, child born, change of address, any other information which might affect their housing situation.

## **2.8 Annual Review of Rented Application List**

- 2.8.1 To ensure that the information held is up to date and that each applicant still wishes to be considered for housing by the Association, the rented applications list will be subject to review. Applications will be reviewed annually, from the date of the original application, in which all applicants will be required to confirm that they wish to remain on the rented housing list.
- 2.8.2 If the applicant does not respond within one month this will result in the application being cancelled and the form securely disposed of.

## **2.9 Suspension from Receiving an Offer**

### 2.9.1 General Applications List

The Association will suspend an applicant from receiving an offer for a maximum period of 12 months in the following circumstances:

- Deliberate Worsening of Circumstances  
Reasons for this decision may include but are not limited to:
  - Giving up secure accommodation to move into insecure accommodation;
  - Moving to a property which is unsuitable for social or medical reasons;
  - Moving to a property which is in serious disrepair or below the tolerable standard.
- False, Misleading or Withheld Information  
Where it is confirmed that an applicant has withheld or has provided false or misleading information which is relevant to their housing need.
- Rent or Other Housing Related Debts  
Where an applicant or joint applicant has rent or other housing related debts ie rechargeable repairs or service charges until either:
  - The debt has been paid off;
  - The debt is equivalent to less than one twelfth of the annual rent receivable;
  - An agreement has been made to pay off the debt and that agreement has been kept for at least 3 consecutive months and is continuing to be kept.
- Anti-Social Behaviour  
Where there is a current Anti-Social Behaviour Order against the tenant or a

member of the household to be re-housed, an eviction in the last 3 years or violence to staff in the past three years. (The final criterion would have to be evidenced and legal advice sought on an individual case basis).

➤ Abandoning or Neglecting a Property

Where a tenant or joint tenant have previously abandoned a tenancy.

- A suspension will be imposed where the applicant has previously had a property repossessed by a social landlord through the abandonment process. This applies where the applicant was an individual or joint tenant.
- A suspension will be imposed where a court has ordered recovery of possession due to the deterioration of the condition of the property or furniture provided for the tenants use.
- These circumstances will only apply to repossessions (abandonments) or orders for repossession made in Scotland under the provisions of the Housing (Scotland) Act 2001. The Association will still impose a suspension even if the repossession or court order listed relates to properties owned by a different Scottish social landlord.

➤ Previous Convictions

The Association will impose a suspension where:

“The person has been, or has resided with a person who has been, convicted of –

- I. Using a house or allowing it to be used for immoral or illegal purposes, or
- II. An offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person”.

In the above circumstances the Association will suspend an applicant (including a tenant applying for a transfer) from receiving an offer of housing for a period where they, or someone they live or have lived with, have been convicted of a crime that has been committed in or near the property where they were a tenant. We shall consider carefully the nature of the crime and whether the behaviour that led to the conviction has had an impact on the people living in, or in the locality of, the house before suspending an applicant on this basis.

Punishable by imprisonment means that the offence carried imprisonment as a possible penalty. A prison sentence does not need to have been imposed. For example, a community payback order may be given by the criminal court as an alternative to a prison sentence.

2.9.2 Internal Transfer Applicants

The Association will suspend an internal transfer applicant from receiving an offer in the following circumstances:

- Where the existing tenant has rent arrears of one month’s rent or above and they have not adhered to an agreed repayment schedule for a minimum of 3 months; **or**

- Where a Notice of Proceedings for rent arrears which exceed one months' rent is outstanding, the applicant will be required to have kept to a repayment arrangement for at least 3 consecutive months otherwise their application will be suspended until this criterion has been met.
- Where an internal transfer applicant's current home does not meet our Relet Standard the Association may suspend an offer of a transfer until such works have been carried out by the tenant. A copy of the Relet Standard is available upon request.

2.9.3 Applicants who are suspended from receiving an offer will be notified of this in writing with an explanation on the reasons. The suspension will normally be for a period of 12 months from the date of the deliberate worsening of circumstances. However, should the applicant's circumstances change during the period of suspension, their application will be reassessed and the suspension may be lifted. Applicants may appeal this decision using the Complaints Policy as detailed at 1.5 above.

2.9.4 It will not be usual practice for the Association to remove applicants from the rented housing list and, where this does occur, it will be confined to the following circumstances:

- the applicant has been offered a tenancy by us or another RSL, and this offer has been accepted;
- the applicant has requested to be removed from the list;
- the applicant has not returned a new application form following a change of address;
- the applicant has not responded to the annual review process;
- the applicant has not responded to offers of housing; or
- the applicant is deceased.

## **Section 3 – Choice Based Lettings**

- 3.1 The Association operates a Choice Based Lettings (CBL) scheme. This means that the Association will advertise available properties to let in 'The Orcadian', on the website at [www.ohal.org.uk](http://www.ohal.org.uk) and on its Facebook page. Circumstances in which available properties would not be advertised would be those considered for a management transfer (see 4.16), section 5 referrals or those earmarked for demolition.
- 3.2 Properties advertised will detail:
- The street/area of the property;
  - Property size and type eg 2 storey, 3 bedrooomed semi-detached house;
  - The rent including any service charge;
  - The Energy Performance Rating;
  - Whether the property will be available for Applicants of both the Association and OIC and **/or** Association Transfer Applicants, and OIC only;
  - The closing date for registering an interest.
- 3.3 Applicants who are on the rented housing list and who are interested in being considered for a property which is advertised must register an interest prior to the time and date of closing **as advertised**. This can be done by either emailing [allocations@ohal.org.uk](mailto:allocations@ohal.org.uk) or by phoning our office on 01856 875253. Late registrations of interest will not normally be accepted but discretion on this will lie with the Head of Housing& Customer Services.
- 3.4 It is the applicant's responsibility to put their name forward for a property advertised. Another person can register an interest on behalf of an applicant, if the applicant has given them permission to do so eg household member, friend or carer etc.
- 3.5 Where a new tenant has not been identified after the 2<sup>nd</sup> advert, the Association will take whatever steps are necessary to identify a tenant for the property.
- 3.6 Applicants under consideration for an offer will be contacted to verify their circumstances.

## **Section 4 – Allocation Process**

### **4.1 Allocation of Properties**

- 4.1.1 In reaching a decision on the allocation of Association property the following approach will be taken:
- a) Best fit – all applicants who have applied for the property whose household composition require the size and type of the property advertised will be identified according to the criteria as at 6.3.1; then
  - b) Total points will be considered - the applicant with the highest overall points will normally be allocated the property.
  - c) Where applicants have the same points level the allocation of the property will normally be based on the date order of their application with the applicant who registered their application earliest being preferred.
- Any decision to allocate to an applicant who does not meet any of the above criteria will be made by the Head of Housing & Customer Services.**

### **4.2 Transfer Applicants**

- 4.2.1 The Association is keen to ensure that existing tenants are given the opportunity to transfer to alternative accommodation where a need for a move is identified.
- 4.2.2 Existing tenants who wish to be considered for a move must complete a housing application form and will be awarded priority according to the priority points system contained within this policy, detailed at section 6.
- 4.2.3 When advertising properties through CBL the adverts will highlight when the properties are available to the Association's transfer applicants.
- 4.2.4 In the case of transfer applicants, in reaching a decision on the allocation of a property the following approach will be taken:
- a) Best fit – all transfer applicants who have applied for the property whose household composition require the size and type of the property allocated will be identified according to the criteria as at 5.3.1; then
  - b) Total points will be considered - the transfer applicant with the highest overall points will be allocated the property; or
  - c) Where transfer applicants have the same priority points level the allocation of the property will be based on the date order of their application.
- Any decision to allocate to an applicant who does not meet either of the above criteria will be made by the Head of Housing & Customer Services.**
- 4.2.5 To ensure the best and most efficient use of the Association's housing stock, the Association reserves the right to allocate a property to a transfer applicant, in line with the Lettings Plan, even where their overall priority points are not greater than any general needs applicants who may have applied.

### 4.3 Orkney Islands Council Referrals

- 4.3.1 In line with the existing Protocol between the Association and OIC, properties identified as being available to OIC applicants will be allocated in the following way:
- a) Best fit – all applicants who have applied for the property whose household composition require the size and type of the property advertised will be identified according to the criteria as at 5.3.1; then
  - b) In the case of OIC general needs lets, the highest OIC pointed applicant; then
  - c) In the case of OIC homeless applicants, in date order of their OIC homeless assessment.

**The decision on who is put forward for the vacancy lies with OIC.**

### 4.4 Armed Forces Personnel & Veterans

- 4.4.1 In line with the Community Covenant (adopted October 2012) the Association will continue to offer a specified level of priority to serving, transitioning and veteran Armed Forces personnel residing in Orkney, in line with housing legislation.

### 4.5 Offer of a Property

- 4.5.1 Following the closing date for expressions of interest in an advertised property an offer letter will be issued to the prospective tenant. This letter will provide details of the property and allow 4 working days for the applicant to contact the Association to confirm if they wish to view the property. ***If the applicant fails to contact the Association within 4 working days the offer will be formally withdrawn.***
- 4.5.2 Viewing is recommended but is not compulsory and would normally be expected to take place within 14 days of the date of the offer letter.
- 4.5.3 The applicant will have a maximum of 3 working days following the viewing to either accept or refuse the property, and if applicable the tenancy will begin immediately the property becomes available. ***If the applicant fails to confirm acceptance of the property within these 3 days the offer will be formally withdrawn.***

### 4.6 Refusal of an Offer

- 4.6.1 Applicants who refuse an offer of a property for **after having expressed an interest in an advertised property** will be suspended from receiving a further offer for a period of 12 months.

## 4.7 With-holding an Offer of Accommodation

4.7.1 An offer of accommodation may be with-held as a result of the following:

- If the applicants have an arrear of more than one twelfth of the annual rent receivable outstanding in respect of a former or existing tenancy and a satisfactory repayment arrangement\* is not in place. This applies to both new and existing tenants applying for a transfer or mutual exchange. ***This rule may be relaxed at the discretion of the Head of Housing & Customer Services where the tenant wishes to move under the Removal Grant Scheme (see Compensation & Other Payments Policy) as this would allow the arrear to be reduced substantially.***

\* A satisfactory repayment arrangement is defined as being where the applicant has come to an arrangement for paying the arrear and has kept to the arrangement for a minimum of 3 consecutive months and is continuing to make payments.

- If the applicant has no means of paying the rent and is not eligible for Housing Benefit or Housing Costs through Universal Credit.
- If the applicant has misrepresented information or circumstances at the registration.
- If there are issues associated with their current tenancy which must be resolved.
- If the applicant's housing need situation requires to be clarified eg Statutory Noise Nuisance.
- If the applicant or any member of their household has been:
  - evicted within the previous 3 years for anti-social behaviour from any Local Authority or Registered Social Landlord (RSL) within the United Kingdom.
  - taken to court and a Decree for possession of their house has been granted, within the previous 3 years, on the grounds of anti-social behaviour but the applicant left prior to eviction taking place.
  - the subject of an Anti-Social Behaviour Order (ASBO) within the past 3 years.

***If the above applies the Association may choose to offer housing under a Short Scottish Secure Tenancy (SSST) with a tailored package of support.***

## 4.8 Transfers

4.8.1 Transfers for Existing Tenants

Requests from existing tenants for a transfer to another property will be considered for the following reasons:

- Medical needs relating to the accommodation occupied;
- Change in household size resulting in overcrowding/under occupation;
- Where the tenant is subject to the Under-occupancy reduction in Housing Benefit/Costs;
- Personal or social reasons eg harassment (written confirmation will be required from eg Police), relationship breakdown, employment;
- Best use of housing stock eg the vacated property may be in higher demand than that of the property the transfer tenant is moving to;
- Where there would be an improvement in social or personal circumstances, eg, through a reduction in outgoings.

- 4.8.2 The following conditions will apply:
- Transfers will not normally be considered where adaptations have been undertaken to their existing home to meet their, or a member of their household's housing need.
  - The transfer must not normally result in the property being vacated becoming a lengthy void.
  - The property must meet the Association's Relet Standards.
  - The transfer must not result in overcrowding or under-occupancy of the new accommodation.
  - The tenant must not be in breach of their tenancy conditions except in cases where the breach is the reason or part of the reason for transfer.
  - The tenant must normally have a clear rent account or arrears of not more than one twelfth of the annual amount payable and have agreed and adhered to a repayment schedule for at least 3 consecutive months. However, where the arrear is caused by or is likely to increase due the Under-occupancy reduction imposed under Welfare Reforms a transfer may be granted.

#### **4.9 Mutual Exchange**

- 4.9.1 The Association will not unreasonably refuse permission for a mutual exchange between tenants provided that both tenants are tenants of an RSL or a local authority and that both landlords have given their consent. The landlord does not need to be us. The other landlord must also agree to the exchange. Reasonable grounds for refusing permission include the following:
- The Association has served a Notice of Proceedings on the tenant or any joint tenant warning that we may seek eviction on certain grounds because of conduct;
  - The Association has obtained an order for eviction;
  - The property was designed or adapted for persons with special needs and if the exchange was allowed, there would be no person living in the house who required those designs or adaptations;
  - The other house is substantially larger than the transferring tenant or their household need or it is not suitable for the needs of the transferring tenant and their household;
  - The proposed exchange would lead to the criminal offence of overcrowding.
- These examples do not in any way alter the Association's general right to refuse permission on reasonable grounds.**

#### **4.10 Joint Tenancies**

- 4.10.1 If the tenant wishes another person to be a joint tenant, both the tenant and joint tenant must apply to us in writing.
- 4.10.2 The proposed joint tenant must have lived at the property as their only, or principal, home for the 12 months before the existing tenant applies for the person to become a joint tenant. (Housing (Scotland) Act 2011, Section 11 & Housing (Scotland) Act 2014, Section 12 (1)).

- 4.10.3 This 12 month' period:
- cannot begin unless the Association has been told that the person is living in the property as their only or principal home; and
  - applies to anyone wanting to be a joint tenant including the tenant's spouse, civil partner or co-habiting partner.
- 4.10.4 If a joint application is made then a joint tenancy agreement must be signed.
- 4.10.5 If a tenant wants to change the joint tenancy to a single tenancy because the other joint tenant has abandoned the tenancy, they should ask the Association to use the powers detailed in the Scottish Secure Tenancy Agreement. (Housing (Scotland) Act 2001, Section 20)

#### **4.11 Sub-Letting**

- 4.11.1 If the tenant wants to sublet all or part of their tenancy they must apply to us in writing.
- 4.11.2 The Housing (Scotland) Act 2001, Section 32 and amended by the Housing (Scotland) 2014 Act, Section 12(2) states that:
- A person must have been the tenant throughout the 12 months immediately before they apply for written permission to sublet their home; or
  - If they were not the tenant throughout that period, the house must have been the person's only or principal home during those 12 months; and
  - The person who was the tenant at that time must have notified the Association that the person who is now the tenant was living there.
- The 12 month' period does not start until the Association has been notified. (An example of this could be where the tenant was not the tenant throughout the previous 12 months but has during this period succeeded to the tenancy and immediately wants to sublet it.)**
- 4.11.3 There are no residency conditions for the person that wants to live in the property as a sub-tenant.
- 4.11.4 Where permission is granted to sub-let the tenancy, the tenant cannot increase the rent or other payments made to them by the other person unless the Association gives permission.
- 4.11.5 If the tenant is married, or is living in the property with someone as husband and wife, the Association will need the other occupant's consent. Where a joint tenancy exists, the Association requires the other tenant's written consent to the proposed change.

#### **4.12 Assignment**

- 4.12.1 If the tenant wishes to assign their tenancy to someone else they must first get the Association's written permission. To do this, the following information must be provided in writing:

- the details of the proposed change including details of who the tenant wishes to assign their tenancy to; **and**
  - the amount of rent and any other payments (including any deposit) the tenant proposes charging; **and**
  - the date on which the tenant wishes the assignation to take place.
- 4.12.2 • If the tenant wants to assign their tenancy the property must have been the only or principal home of the person to whom the tenant wants to assign the tenancy to during the **12** months before the date of the written request.
- 4.12.3 The Association will not unreasonably refuse permission for an assignation. Reasonable grounds for refusing permission include the following:
- where the Association would not give the person the tenant wishes to assign the tenancy to reasonable preference under the Rented Allocations Policy;
  - the Association has served a Notice of Proceedings on the tenant and/or any joint tenant warning that the Association may seek eviction on certain grounds because of the tenants' conduct;
  - The Association has obtained a Decree for Eviction Order;
  - It appears that the tenant proposes to receive a payment or an unreasonable rent or deposit;
  - The proposed change would lead to the property being either overcrowded or under-occupied;
  - The Association intends to carry out work on the house (or the building of which the house forms part) which would affect the part of the house connected with the proposed change.
- These examples do not in any way alter the Association's general right to refuse permission on reasonable grounds.**
- 4.12.4 If the tenant is married, or is living in the property with someone as husband and wife, the Association will need the other occupant's consent. Where a joint tenancy exists, the Association requires the other tenant's written consent to the proposed change.

#### **4.13 Succession to a Scottish Secure Tenancy**

- 4.13.1 While succession is passed by law, the Association requires the person who wishes to succeed to the tenancy to apply in writing for permission to do so and for the person to get the Association's written consent.
- 4.13.2 The Association also requires the (succession) tenant to advise them of any changes to their household, as part of their tenancy agreement.
- 4.13.3 The Association will consider all the circumstances of the individual case and ensure that appropriate checks are made to determine whether the applicant meets the succession criteria. If they do not, then they cannot succeed to the tenancy.
- 4.13.4 Section 13 of the Housing (Scotland) Act 2014 introduces a 12 month' qualifying period and notification requirement before certain categories of persons become

'qualified persons' and have the right to succeed to a Scottish Secure Tenancy on the death of the tenant.

- 4.13.5 There continues to be no qualifying period for the tenant's spouse, civil partner or joint tenant, provided (in all three cases) that the person's only or principal home was the property in question at the time of death.
- 4.13.6 The rules apply to the following 'qualifying persons' where the property has been their only or principal home throughout the 12 months ending in the tenant's death:
- Partners (co-habitees of either sex and including same sex co-habitees);
  - Members of the tenants's family aged 16 years or over; **and**
  - Carers aged 16 years or over who have given up a previous only or principal home.
- 4.13.7 Where there are several 'qualifying persons' and/or a 'qualified person' advises that they do not wish to succeed to the tenancy, the Association will apply the rules about the order of succession rights and the Rented Allocations Policy about succession for properties designed or substantially adapted for the use of people with special needs. (See Para's 4.13 above and 5.4 below)

#### **4.14 Succession – Exceptional Circumstances**

- 4.14.1 When considering all applications for succession, at what will be a difficult time for applicants coping with bereavement, the Association will ensure that this is done sensitively and quickly. The Association will need to consider all the circumstances of the individual case and ensure that appropriate checks are made to determine whether the applicant meets the succession criteria.
- 4.14.2 Where an applicant does not have the right to succeed, the Association has **no** discretion to grant a succession of tenancy.
- 4.14.3 Depending on the individual circumstances there may be cases where the Association considers it appropriate to allocate a tenancy, perhaps of another property, to the applicant. In these cases, a new tenancy will be granted and it will **not** be a succession.

#### **4.15 Succession - Carers**

- 4.15.1 The Association recognises the important role of carers and the valuable contribution they make and aim to ensure that they are not disadvantaged by the new criteria for succession. Some of the most common reasons for moving in are to provide care to a parent or older relative with dementia or illness or frailty associated with old age or to care for someone who has a terminal or life limiting illness, with many carers giving up their home, career and financial security to provide care.
- 4.15.2 There will be some cases where an individual has given up their main residence to care for the tenant, or have not informed the Association that they have

moved in, and the tenant dies before the 12 months qualifying period has been met. In such cases the carer may then find themselves with no right to the tenancy and potentially homeless at a time when they are also experiencing bereavement.

- 4.15.3 These cases will not be common and in some cases, there may be understandable and genuine reasons why a carer or tenant has not told the Association of the changes to the household composition. This could include where the carer moved in following a medical emergency or where they were providing a high level of care which left them with little time for seeking out information and support, or informing the Association that they have moved in.
- 4.15.4 Were an applicant does not meet the criteria for succession the Association will consider carefully all the circumstances of the individual case and consider whether it is appropriate to allocate a tenancy, perhaps the tenancy to another property, to them. **In such cases the decision whether to allocate a tenancy will lie with the Head of Housing & Customer Services.**

#### **4.16 Management Transfer – Exceptional Circumstances**

- 4.16.1 A Management Transfer may be approved in exceptional circumstances with the agreement of the Head of Housing and Customer Services and the Chief Executive. This is an emergency housing measure that allows an Association tenant to move to alternative housing usually of a similar property type and size elsewhere within our stock. The grounds under which a Management Transfer may be considered include, but are not limited to are:
- Threats of physical violence to the applicant or a member of the household.
  - Racial or other physical or mental or emotional harassment of the applicant or a member of the household.
- 4.16.2 A Management Transfer is a preventative measure of last resort to avoid homelessness. The Association will not consider a Management Transfer where effective action under A.S.B Policies and procedures can be taken, or other enforcement routes are available. The Association will investigate each case considered for a Management Transfer and obtain supporting evidence from external agencies such as Police Scotland.

#### **4.17 Allocations Audit**

- 4.17.1 The Head of Housing and Customer Services will audit a 10% sample of allocations on a monthly basis. This will help ensure that the Association is complying with its legal and regulatory requirements.

## **Section 5 – Assessment & Eligibility**

### **5.1 Groups Plus Points Scheme**

- 5.1.1 In the assessment of applications, the Association operates a groups plus points scheme, which gives priority to those in greatest housing need.
- 5.1.2 Applicants are eligible to be awarded points from within the groups the following groups, if they meet the relevant criteria:
- Group 1 - Unsatisfactory Housing Conditions
  - Group 2 - Unsatisfactory Living Arrangements
  - Group 3 - Overcrowding and/or Under-occupying
  - Group 4 - Insecure Tenancies
  - Group 5 - Medical
  - Group 6 - Need to Live in the Area

### **5.2 Lettings Plan**

- 5.2.1 The Association will, on an annual basis, develop a Lettings Plan, as part of its Business Plan for the coming year. The aim of this is not only to meet a range of housing needs but also to provide the detail on the percentage of properties that are to be allocated to transfers and general needs lets, along with the proportion to be let to each of the groups as specified above.
- 5.2.2 A copy of the Lettings Plan is available upon request.

### **5.3 Size of Accommodation Offered**

- 5.3.1 The size of accommodation offered is determined by the size of the applicant's household ie each member of the household should have their own single bedroom, except where the household includes:
- a) A couple including same sex couples, single parent or pregnant woman (double bedroom).
  - b) Two children under 8 years where the age difference is less than 5 years who can share a double bedroom.
  - c) Two children of the same sex under the age of 16, where the age difference is less than 5 years and they can share a double bedroom.
  - d) A single person household would be eligible for a property with one double bedroom.
- 5.3.2 The exceptions to the general rules set out in Para 6.3.1 above are:
- Where there is a medical reason – confirmation will be required from a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment;
  - In non-pressured areas the Association reserves the right to allocate a property to those in greatest housing need without reference to the size of the household, provided the property is not then overcrowded; or

- Where an applicant has regular frequent contact with children who do not live with them permanently, the applicant will be considered for one additional bedroom.
- The ages of the children are such that an extra bedroom will be required in the next 12 months;
- Where an extra bedroom is required for a carer where there is an assessed need for regular ongoing sleepover care.

#### **5.4 Application checks prior to Allocation**

- 5.4.1 The Association will undertake the following checks prior to the formal offer of accommodation:
- A home visit or telephone interview will be undertaken to confirm details on the application form. Priority points may be added or removed to reflect the applicant's circumstances. Where priority points are amended this may result in the property not being offered to the applicant.
  - A tenancy check may be sought from the applicant's current landlord. This will seek information about how the applicant has managed their tenancy.
  - Tenancy Debts – the applicant may not be allocated a property if they have outstanding housing debt in relation to a property of which they were the tenant. The exceptions to this are where:
    - The applicant owes less than the equivalent of one month's rent; or
    - Arrangements have been made with the former landlord to pay the debt; **and**
    - The applicant has made the agreed payments for at least 3 consecutive months and is continuing to make those payments.
  - Anti-social behaviour – The applicant may not be awarded a Scottish Secure Tenancy where they or anyone to be housed with them have previously been evicted for anti-social behaviour or have an ASBO (Anti-Social Behaviour Order). They may, however, be offered a Short Scottish Secure Tenancy.

#### **5.5 Applicants living outwith Orkney**

- 5.5.1 Applicants not currently living in Orkney, and not able to demonstrate a need to live in the area will be eligible for points under the following housing need categories only:
- Unsatisfactory Housing Conditions
  - Unsatisfactory Living Arrangements
  - Overcrowding
- 5.5.2 If the applicant is not currently residing in Orkney and does not meet the criteria at 5.5.1 above they will not be able to demonstrate a need to live in the area and will not normally be made an offer of accommodation unless they meet one or more of the following criteria:
- Is employed, or has been offered employment in Orkney (clear evidence required);
  - Is seeking employment – the applicant will be asked to provide copies of correspondence relating to any job applications they have made;

- Has special social or medical reasons for requiring to be housed in Orkney – consideration will be given to the nature of the social or medical need and contact will be made with relevant agencies or persons in coming to a judgement about whether a move to Orkney is appropriate;
- Is subject to harassment and wishes to move to Orkney – confirmation of the harassment will be sought from appropriate agencies eg Police Scotland, existing landlord;
- Fleeing domestic abuse – It is recognised through partnership working that not all victims of domestic abuse will disclose this to other agencies, therefore, further investigations will be undertaken with the applicant and agencies, where appropriate.
- Are in the Armed Forces or veterans who have left the forces in the last 2 years;
- Widows, widowers and other partners of service personnel killed in action for up to 2 years after their partner has been killed whilst serving.
- Has immediate family in Orkney ie parents and or dependent children.

**The Head of Housing & Customer Services has delegated authority to exercise discretion in the relation to the above criteria in exceptional circumstances.**

## Section 6 – Schedule of Points

### 6.1 Group 1 – Unsatisfactory Housing Conditions

Category		Points
1.	The applicant lives in a property which has been inspected by an Officer of OIC's Environmental Health Team and found to be Below Tolerable Standard (BTS), and a written report to that effect has been provided to the Association. (BTS is defined in the Housing (Scotland) Act 1987 as amended.)	50
2.	a) The applicant lives in a property which the applicant or another member of their household owns which although not BTS, is in a state of serious disrepair, as determined by an officer of OIC's Environmental Health Team and the Association is satisfied on the basis of the evidence provided that the repairs are uneconomical or impractical. This may include evidence from OIC's Building Control Section.	25
	b) The applicant lives in a property rented from a private sector landlord, which although not BTS, is in a state of serious disrepair, as determined by an Officer of OIC's Environmental Health Team.	
3.	The applicant lives in a property/mobile home/caravan which has physical shortcomings which are not defined as being in serious disrepair eg single glazing, draughts, dampness, difficult to heat.	7
<i>Note: Where Environmental Health has deemed the house condition to be caused by the lifestyle no priority will be awarded.</i>		

### 6.2 Group 2 – Unsatisfactory Living Arrangements

Category		Points
1.	a) The applicant is fleeing domestic abuse where this is not covered by Homelessness.	25
	b) The applicant is in the Armed Forces or a veteran who has left the forces in the last 2 years.	
	c) The applicant is a widow, widower or other partner of service personnel killed in action for up to 2 years after their partner has been killed whilst serving.	
2.	a) Relationship breakdown resulting in shared facilities with people who are not members of their household.	20
	b) The family are forced to live apart due to unsatisfactory or overcrowded housing.	
	c) The applicant is a family unit who live in a property where they are required to share amenities with people who are not members of their household.	

3.	a)	The applicant is a single person who lives in a property where they are required to share amenities with people who are not members of their household.	15
	b)	The applicant has visiting dependent child(ren) and lives in a property which is unsuitable to allow access to the dependent child(ren).	
	c)	The applicant is suffering from harassment or is the victim of anti-social behaviour from neighbours.	
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li><i>The categories of this group are mutually exclusive. Applicants will not be eligible to be awarded points from more than one category.</i></li> <li><i>A household is defined as the people with whom the applicant wants to be rehoused.</i></li> <li><i>Where there is a conflict in the information provided the Association may contact Community Social Services to clarify the child contact arrangements.</i></li> <li><i>Clear evidence of need is required in all cases.</i></li> </ol>			

### **6.3 Group 3 - Overcrowding / Under occupying**

#### 6.3.1 Overcrowding

Applicants will be assessed to be overcrowded where their present accommodation falls below the occupancy standard set out at Para 6.3.1 above. Points will be awarded as follows:

Category		Points
<ul style="list-style-type: none"> <li>Living with people the applicant wants to be rehoused with (see note 1 below)</li> </ul>	3+ bed spaces lacked	15
	2 bed spaces lacked	10
	1 bed space lacked	5
<ul style="list-style-type: none"> <li>Living with other people (see note 2 below)</li> </ul>	3+ bed spaces lacked	25
	2 bed spaces lacked	15
	1 bed space lacked	10
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li><i>Points will be calculated according to the size of the accommodation and the composition of the household and not according to the household's use of the existing space.</i></li> <li><i>Points will be calculated according to the size of the accommodation and all those presently residing in the property irrespective of whether they will be moving with the applicant.</i></li> </ol>		

#### 6.3.2 Under Occupying

An applicant already living in social rented housing will be considered to be under occupying where, according to the occupancy standards detailed above, there is surplus space in their present accommodation.

Category	Points
<ul style="list-style-type: none"> <li>3+ surplus bed rooms</li> </ul>	25
<ul style="list-style-type: none"> <li>2 surplus bed room</li> </ul>	20
<ul style="list-style-type: none"> <li>1 surplus bed room</li> </ul>	15

Notes:

1. Points will be calculated according to the size of the accommodation and the composition of the household and not according to the household's use of the existing space; **and**
2. Points will only be awarded in this category where rehousing the applicant would free their current accommodation into the social rented sector.

**6.4 Group 4 – Insecure Tenancies**

6.4.1 This group is concerned with the degree of insecurity of the applicant's accommodation, and deals with applicants whose accommodation is short term or where there is a threat to or loss of that accommodation. Priority points will be awarded as follows:

Category	Points
<p><b>1.</b></p> <ul style="list-style-type: none"><li>• Private rented with a valid Notice to Quit not on breach of tenancy grounds (written evidence required);</li><li>• Holiday let with end date (written evidence required);</li><li>• Tied accommodation with Notice to Quit (written evidence required);</li><li>• Owner occupier obliged to sell and with fixed entry date (written evidence required);</li><li>• Applicant living with friends or relatives and asked to leave (written evidence required);</li><li>• Bed and Breakfast/ Lodgings with board/part board and asked to leave (written evidence required);</li><li>• Applicant living in an institution with discharge date;</li><li>• Halls of Residence with end date (written evidence required);</li><li>• Applicant with no fixed accommodation. These points are awarded as a provisional assessment. <i>Final assessment will be based on the accommodation in which applicant most commonly finds him/herself. Where accommodation is identified then the priority points relating to that property will be assessed. If no accommodation is or can be identified, then the only priority points the applicant will be entitled to are No Fixed Abode and Medical.</i></li></ul>	<b>25</b>
<p><b>2.</b></p> <ul style="list-style-type: none"><li>• Owner occupier obliged to sell and unlikely to be able to buy suitable accommodation with proceeds and existing income (written evidence required).</li></ul>	<b>20</b>
<p><b>3.</b></p> <ul style="list-style-type: none"><li>• Private rented accommodation;</li><li>• Tied tenancy;</li><li>• Holiday let;</li><li>• Applicant living with friends or relatives;</li><li>• OIC temporary/emergency accommodation including children leaving care;</li><li>• Bed and breakfast or lodgings with board or part board;</li><li>• Applicant resident in an institution;</li><li>• Halls of Residence.</li></ul>	<b>15</b>

Notes:

1. The categories of this group are mutually exclusive and applicants will not be eligible to be awarded points from more than one category.
2. Points are removed where a Notice to Quit date has expired and the applicant remains in the accommodation. The exception to this is where there is evidence that a landlord is taking court action, in which case the points will remain in force until the decision of the court has been obtained.

**6.5 Group 5 - Medical**

6.5.1	Category	Points
1.	The applicant's present housing is completely unsuitable for their medical condition. The quality of the applicant's life is seriously limited and would be greatly improved by moving to more suitable accommodation. Urgent action is recommended. (High)	50
2.	The applicant has a serious medical condition which would be improved by moving to more suitable accommodation. (Medium)	25
3.	The applicant has a medical condition which would be improved by moving to more suitable accommodation, but rehousing is not urgently required. (Low)	10
<i>Note: Applicants who indicate that they have a medical condition will be sent a medical form to complete and return to the Association. This will then be assessed by a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment and a priority will be awarded as detailed above.</i>		

**6.6 Group 6 – Need to Live in the Area**

6.6.1 This group is concerned with other specific reasons for an applicant requiring accommodation in the area:

Category		Points	
1.	a)	The applicant cannot reasonably travel to their place of work from their current housing location.	25
	b)	The applicant is employed in the area and requires to remain within that area to continue in this employment.	5
2.	a)	The applicant requires to move into the local area to access support which is not available in their present accommodation and without which they would be unable to live independently.	10
	b)	The applicant requires to remain in the local area to access support which would not be available if they moved out of the area and without which they would be unable to live independently.	
	c)	The applicant requires to move to the area to provide support to a family member, or is a carer, which cannot otherwise be provided.	

Notes:

1. *Clear evidence required in all the above.*
2. *The categories of this group are mutually exclusive and applicants will not be eligible to be awarded points from more than one category.*
3. *Applicants already living in the area will only be eligible for these points if their accommodation is otherwise unsuitable.*
4. *A family member is defined by Section 83 of the Housing (Scotland) Act 1987:*
  - *A spouse or a person with whom the tenants has lived as husband and wife*
  - *The tenant's parent, grandparent, child grandchild, brother, sister, uncle, aunt, nephew or niece.*
  - *A relationship by marriage is treated as a relationship by blood*
  - *A stepchild of a person is treated as his or her child*
  - *An illegitimate child is treated as the legitimate child of his mother and reputed father.*
5. *A carer is defined as the following:*
  - *Being in receipt of carers allowance, carers credit.*
  - *Having met Orkney Islands Councils local eligibility assessment.*
6. *If the above criteria for a carer isn't met points may still be awarded for receiving or providing support in the following circumstances:*
  - *Details are provided in writing of the specific support requirements for the provision or receipt of support from those responsible and;*
  - *Where not already evidenced through an existing medical application additional evidence may be required via an independently qualified professional such as but not restricted to, Doctor, Occupational Therapist, Nurse, Social Worker.*