

MID SUSSEX DISTRICT COUNCIL

HOUSING ALLOCATION

SCHEME

Choice-Based Lettings with effect from 1st June 2025



MID SUSSEX DISTRICT COUNCIL

HOUSING ALLOCATION SCHEME

(Choice-Based Lettings with Sussex Homemove)

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Introduction and overview

1. INTRODUCTION

1.1 Since the transfer of its rented homes in 1990 to a housing association now known as Clarion Housing, the District Council no longer owns or manages any social housing available for long term renting. It does, however, have extensive formal and informal nomination rights for homes owned by housing associations and other affordable housing providers which enable it to put forward prospective tenants for social housing owned by those landlords and this Housing Allocation Scheme applies to those nominations.

1.2 Part VI of the 1996 Housing Act (as amended by the Homelessness Act 2002 and the Localism Act 2011) requires that the Council has, and publishes, an Allocation Scheme which sets out how it decides who to put forward as a prospective tenant of a housing association. The Scheme must show how the Council awards priority to particular descriptions of applicants and the procedure that is followed in allocating housing. In revising the Allocation Scheme, the council has taken into account:

- 1996 Housing Act (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017)
- Localism Act 2011
- Regulations and guidance (including the codes of guidance in England issued under section 169, Housing Act 1996 in relation to allocations) issued by the government relating to allocations.

This Housing Allocation Scheme, which has been approved by elected Members, is intended to meet these legal obligations and has been framed with due regard to the Council's published Homelessness and Rough Sleeping Strategy and Tenancy Strategy.

1.3 In Mid Sussex, applying through the Mid Sussex Common Housing Register is the usual route to social housing for most people, including, current tenants of social landlords living either inside or outside Mid Sussex, who wish to move to a home in the district owned by their own landlord or a different social landlord.

1.4 The Allocation Scheme sets out who does and does not qualify to go on the housing register; how priority is given to Applicants with differing housing circumstances; and the procedures that are to be followed when applicants are selected to be allocated accommodation by the Council.

1.5 **Effective Date 1st June 2025**

This Housing Allocation Scheme will take effect and will be applied to new Applications made live on or after 1st June 2025 and qualifying criteria set out at **11** below will be applied to new Applicants from this date.

1.6 **Changes to the Allocation Scheme**

All major changes to the Housing Allocation Scheme must be approved at a council cabinet meeting. Minor changes may be approved by a nominated council officer in consultation with the Portfolio Holder for Housing. Where necessary, the Head of Housing or equivalent, is authorised to make changes to the Scheme in the interest of remaining compliant with the statutory and operational obligations. Where we need to make a significant change to the Scheme, we will measure the impact to households already on the housing register and we will undertake formal consultation.

1.7 **Key Aims and Objectives**

- To meet legal requirements for the allocation of social housing as set out in key legislation,

including the Housing Act 1996, Homelessness Act 2002, Localism Act 2011 and Homeless Reduction Act 2017

- To provide a common housing register which will enable residents in housing need to access social housing across Mid Sussex
- To make the housing application process accessible, transparent, fair and easy to use
- To ensure that social housing is allocated fairly and objectively to those in the greatest housing need
- To prevent homelessness and offer realistic choice to those in housing need
- To reduce the use of temporary accommodation
- To make effective use of the available social housing stock
- To advertise available properties to provide the opportunity to make informed choices and actively find a home
- To contribute to creating balanced and sustainable communities by offering choice to people about where they live
- To ensure that every resident is treated fairly and consistently irrespective of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion and belief and age.

1.8 **Qualifying/Eligibility criteria**

The Council will only arrange housing for an Applicant if they are 'eligible' and 'qualify' for social housing and their name appears on the Mid Sussex Common Housing Register.

- The rules which govern who is 'not eligible' for housing are set out in Part VI of the Housing Act 1996 and details of this are given at **10** below.
- The rules covering who does not 'qualify' for social housing are set out at **11** below.
- Applicants may cease to be eligible or to qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register.

1.9 **Priority Bands**

An Applicant's priority for housing is assessed by assessing the housing needs of their household and comparing them against the needs of other Applicants. By law, the Council must give reasonable preference to certain categories of Applicant who are on its housing register, and these categories are set out at **7** below. The law allows the Council to give different priority to Applicants falling within these categories and details of how it does this are set out in the Scheme.

Applicants are placed in one of four broad Bands of housing need according to their circumstances. With some exceptions, applicants are ranked in date order within each Band by the date they registered or moved into a higher Band. However, in some circumstances where an Applicant has been allowed to join the register, despite not satisfying the local connection criteria, they may be afforded reduced priority than those who do have a local connection.

1.10 **Choice-Based Lettings through Sussex Homemove (www.homemove.org.uk)**

Since April 2010, the Council has adopted a Choice-Based Lettings Scheme which is operated through a countywide partnership called Sussex Homemove.

An Applicant's permission to share their personal information with all Sussex Homemove partner organisations is a condition of being accepted on the Council's housing register as set out at **12.12** (Data Protection) below.

Vacant homes in Mid Sussex are advertised in a regular electronic magazine on the internet at www.homemove.org.uk . Applicants who are registered on the Mid Sussex Common Housing Register may actively 'bid' for (express an interest in) any home that matches their need. With certain exceptions, the successful 'bidder' will be the highest placed suitable

applicant in the highest Priority Band.

- 1.11 **The Council's policy on offering choice and preference** to housing applicants is set out at **6** below.

1.12 **'Affordable Rented homes,' 'Social Rented Homes' and 'Flexible Tenancies'**

Since April 2011 housing associations have been allowed to offer some homes for rent at 'Affordable Rents' set at a maximum of 80% of market rents in the private sector. In Mid Sussex 'Affordable Rents' must be set at this level or the level of the prevailing Local Housing Allowance for the size of unit, whichever is lower. These rents are higher than the 'Social Rents' that other social housing is let at. All advertisements of homes will indicate which type of rent applies and will also detail the actual rent payable so that this is clear to any Applicant who bids.

The way Applicants are selected, and the way bids from Applicants are prioritised, is the same whether the rent is set as an 'Affordable Rent or at a 'Social Rent.'

Housing associations are now also allowed to offer homes for rent on Flexible Tenancies for a minimum fixed term of 5 years on an assured shorthold tenancy rather than on a permanent assured tenancy, as they have normally done previously. (However, The Renters' Reform Bill, which is expected to become law in the summer of 2025, will abolish the use of fixed term tenancies and all assured tenancies will be periodic.)

Most fixed term tenancies will be renewed when they come to an end, but this cannot be guaranteed. At the end of a fixed term tenancy the tenancy and the individual tenant's circumstances will be reviewed by the housing association landlord. At that stage, the tenancy may be renewed for a further fixed term or in some circumstances may be ended.

It is possible that a tenancy might not be renewed if the tenant has not complied with their tenancy agreement (e.g., they have rent arrears), or they no longer need the accommodation because their income is now high enough for them to afford to buy or rent privately. A tenant could also be asked to move at the end of their fixed term to a different affordable home if the home they occupy is more suitable for someone else e.g., because some of their family have moved away and they no longer need so many bedrooms. The housing association landlord will be able to advise the tenant about its own particular policies on renewing tenancies.

1.13 **Direct Allocation of some homes**

Some homes (e.g., most supported housing) are allocated direct to Applicants and are not advertised through choice-based lettings. Details of rules associated with the Direct Allocation of these homes are set out at **50** below.

1.14 **In summary, the Allocation Scheme explains:**

- Who is excluded from joining the housing register (see **9-11**)
- How to apply, register and renew an application (see **12-13**)
- The Priority Bands and categories of need within them (see **14-17**)
- Assessment of housing need and banding (see **18-27**)
- How Transfer requests are managed (see **28**)
- How we advertise homes to let (see **29-30**)
- How to bid (see **31-36**)
- How we prioritise bids (see **37-48**)
- The letting process (see **49**)
- Direct allocation of some homes (see **50**)
- Other housing options available to applicants (see **51**)

2. THE MID SUSSEX COMMON HOUSING REGISTER

- 2.1 The Mid Sussex Common Housing Register is a partnership between Mid Sussex District Council housing associations and other approved providers who provide homes in the District. It is a list of people (and their details) who want to apply for social housing in Mid Sussex.
- 2.2 The purpose of the Common Housing Register is to make it easier for Applicants to be considered for housing by the Council and all the housing associations in the partnership, without them having to complete a separate form for each one.
- 2.3 The current housing associations and other approved providers who are our Common Housing Register partners are as follows:

Abri Group	Pinnacle Group
Accent Housing	Places for People Group
Anchor Hanover Group	Raven Housing Trust
Aster Group	Rentplus-UK
Clarion Housing Group	Sage Housing
Eldon Housing Association	Saxon Weald
English Rural Housing Association	Southern Housing Group
Fairfax Acquisitions	Sovereign Housing Association
Greenoak Housing Association	Stonewater
Hastoe Housing Association	Sussex Housing & Care
Home Group	The Guinness Partnership
Housing 21	Town & Country Housing
Hyde Housing Association	Worthing Homes
James Bradford Almshouse Trust	Franklands Village HA (associate member)
Legal & General Affordable Homes	
Moat Housing Group	
Optivo	
Orbit Group	

- 2.4 The Council's Common Housing Register is administered by the Council's Homemove Team. Staff in the Homemove Team process all applications from Applicants and assess which Band they should be placed in according to their housing need as set out in this Allocation Scheme.

All applications and enquiries about the Common Housing Register should be made to the following address:

**The Homemove Team
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS**

Tel: 01444 477486

Email: homemove@midsussex.gov.uk

3. WHO CAN APPLY TO JOIN THE COMMON HOUSING REGISTER

- 3.1 **Any Applicant aged 16 or above** may apply to join the register, although some may not be eligible or qualify to join (see **9-11** below).

An Applicant under the age of 18 will not usually be allocated accommodation. Exceptions may include:

- an Applicant who has been accepted for housing by the Council because they were

homeless

- an Applicant who has been in the Care of Social Services or otherwise considered to be vulnerable and will be receiving on-going support

A guarantor may be required by some housing associations and other approved providers when letting to an Applicant who is under 18.

3.2 Existing social housing tenants currently living within Mid Sussex who wish to apply for a transfer may also join the register (see **28** below).

Details of how transfers are dealt with are set out at **28** below.

3.3 Members of the Council, Staff & Relatives

Any housing register applicant, including existing housing association tenants, must advise the Homemove Team if they are:

- An elected member of the Council
- A council member of staff
- A board member of a partner social landlord
- A relative of any of the above

All applications in any group set out above will be identified on the council's computer systems to show their status under this section of the Allocation Scheme.

Where an applicant fails to disclose the above information and it subsequently comes to the council's attention, the Housing Register application may be cancelled.

The approval of the Council's Director of Housing or Head of Housing or their equivalent is required for any lettings made to all applicants in any group set out above.

3.4 Who can be included on the application?

- Anyone who is part of the Applicant's household and residing with the Applicant
- Anyone who normally resides with the Applicant or who it would be reasonable to expect to live with the Applicant on a permanent basis as part of their household. Family members who do not currently reside in the UK cannot be included.
- Children can normally only be included if they normally live with the Applicant as a dependent and the Applicant can demonstrate that they have responsibility for them, they are in receipt of child benefit for them, and the child does not have their main home elsewhere. (see **18.3** below). Dependent children are those aged below 18 years or are in full-time education. Non-dependent children will normally only be considered where they have continually resided with the applicant previously without leaving the parental family unit.
- A person cannot be on more than one application

4. AN APPLICANT'S RIGHT TO REQUEST GENERAL INFORMATION

4.1 An Applicant has the right to request general information that will enable them to assess: -

- How their application is likely to be treated under the Allocation Scheme and, in particular, whether they are likely to fall within the reasonable preference categories.
- Whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

4.2 We aim to make available comprehensive information on the whereabouts of social housing stock in the District, broken down by town and village and size of accommodation, together with details of how often vacancies have occurred. Up-to-date information, when available, will be made available on the Council's website www.midsussex.gov.uk/homemove.

- 4.3 We also aim to publish anonymised information on housing register Applicants and those who are selected for housing to strengthen public confidence in the fairness of our Allocation Scheme.
- 4.4 The law prohibits us from divulging to other members of the public that a particular individual is an Applicant without their consent. All information about individual Applicants is kept strictly confidential.
- 4.5 All enquiries and requests for general information should be made to the Homemove Team at Mid Sussex District Council.

5. NOTIFICATION OF DECISIONS AND THE RIGHT TO REVIEW

- 5.1 An Applicant has the right, on request, to be informed of any decision made by the Homemove team concerning his/her application for housing.
- 5.2 An Applicant who is unhappy with any decision made on their case should first raise the matter with the Homemove Team who will informally review their decision.
- 5.3 An Applicant who is still unhappy with a decision has the right to request a formal review and to be notified in writing of the review decision and the grounds for it.
- 5.4 A request for a formal review must be made within 21 days of the Applicant being notified of the decision (or the outcome of an informal review as described at **5.2** above). Any request must be in writing and should indicate why the Applicant believes the decision is wrong.
- 5.5 The review request should be made to the **Housing Options Manager, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath RH16 1SS**. The Housing Options Manager or their deputy will undertake the review and will notify the Applicant of the decision within eight weeks of the request being made or such longer period as may be agreed in writing.
- 5.6 An Applicant who is considering requesting a review may find it helpful to consult Citizens Advice, Shelter, or perhaps a solicitor on how best to do this.
- 5.7 Where the Housing Options Manager or their deputy was a party to the decision being challenged, the review will be undertaken by the Head of Housing Services or equivalent.
- 5.8 If an Applicant considers that the review decision is wrong, the Applicant may wish to get advice from a solicitor or other adviser as to what options are available to them.

6. OUR POLICY ON OFFERING CHOICE AND PREFERENCE TO HOUSING APPLICANTS

- 6.1 The Council is committed to giving people greater choice in where they live. Our aim is to take account of people's views about where they wish to live and who they wish to have as a landlord. We will consider preference where possible and practical for direct offers. We wish to balance the real housing needs of people who apply for housing with the need for sustainable communities where people want to live. We believe that people who have a part to play in the decision about where they live are more likely to contribute to their community and to encourage others to do the same.
- 6.2 To assist Applicants to make informed choices about their future housing we will wherever possible, provide them with accurate and relevant information about the stock of social housing in the district together with details of the number of lettings in previous years to

enable them to assess the likelihood of them successfully obtaining housing of the type and in the area they wish to live.

- 6.3 We are committed to a system of Choice-Based Lettings in which applicants are encouraged to actively search for a home. Vacant housing association and other approved provider homes are advertised on the internet via the Homemove Scheme. Applicants are able to express an interest, or 'bid', for suitable homes they like. The Council can offer no guarantee that it will be able to meet any such expressions of preference.
- 6.4 Applicants are placed in one of four broad Priority Bands of housing need according to their housing circumstances. With certain exceptions, the successful Applicant will be the person who bids who has the highest housing need and who has been registered with that need the longest.
- 6.5 **Refusing an offer of accommodation**
With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation. (see **34.1** and **36**)

7. THE CATEGORIES OF APPLICANT TO WHOM WE MUST GIVE REASONABLE PREFERENCE

- 7.1 The law says we must give reasonable preference to certain categories of people on our register when we decide who to offer accommodation to. The Allocation Scheme therefore takes account of these categories and does so by placing people in an appropriate Priority Band, although the priority given to each category is not necessarily equal.
- 7.2 **The categories of people the law says we must give reasonable preference to are as follows:-**
- (a) People who are homeless (within the meaning of Part VII of the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017);
 - (b) People who are owed a duty by any housing authority under the following sections of the Housing Act 1996:-
 - s.190(2) (intentionally homeless and in priority need);
 - s.192(3) (non-priority need homeless who are occupying accommodation arranged by the Council);
 - s.193(2) (unintentionally homelessness and in priority need);
 - s.195(2) (threatened with homelessness intentionally and in priority need);
 - (c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
 - (d) People who need to move on medical or welfare grounds, including any grounds relating to a disability;
 - (e) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

8. EQUALITY AND DIVERSITY

- 8.1 Mid Sussex District Council is committed to the principle of equal opportunity and accessibility in relation to affordable housing and full regard to the Equality Act 2010 has been given when drafting this Allocation Scheme. We seek to ensure that all housing Applicants are treated fairly, are not discriminated against and that no one receives less favourable treatment on the grounds of age, disability, gender, religion, race, ethnic or national origin, sex, sexual orientation, gender reassignment or any other factor that might cause disadvantage that cannot be justified.
- 8.2 Mid Sussex District Council is committed to helping anyone who needs assistance in

accessing affordable housing in the District. The Homemove Team will work closely with all agencies to assist customers wherever possible. As part of the Homemove Partnership's commitment to equalities, an Equality Impact Assessment has been undertaken which includes the basis of this Allocation Scheme. Additionally, the Council has undertaken its own Equality Impact Assessment on any changes to its Allocation Scheme as and when they are introduced.

- 8.3 In order to ensure that all applicants are treated fairly, equality monitoring information is requested on the housing application form. Additionally, equality monitoring of the allocation of accommodation is undertaken.

Who is excluded from joining the register

9. OVERVIEW

- 9.1 Although anyone aged 16 or above may apply to join the Common Housing Register, the law does not allow the Council to allocate accommodation to people unless they are 'eligible for an allocation of accommodation' and such people will not be allowed to join the register (see **10** below).
- 9.2 In addition, the law allows the Council to disqualify other categories of people from joining or remaining on the register. For a description of who does not 'qualify' see **11** below.
- 9.3 Applicants may cease to be eligible or qualify if they cease to meet the relevant criteria set out at **10** or **11** and may then be removed from the housing register.
- 9.4 Any Applicant who is excluded from the register will be notified in writing by the Homemove Team of the decision, the grounds upon which it was based and of their right to request a review of that decision. Details of the procedure for requesting a review of such a decision are set out at **5** above.
- 9.5 The Homemove Team will also notify the Council's Housing Options Manager of any Applicant found not to 'qualify' because of unacceptable behaviour under **11.6** in writing and with full reasons.

10. APPLICANTS WHO ARE 'NOT ELIGIBLE' FOR SOCIAL HOUSING

- 10.1 Eligibility for social housing depends on the applicant's nationality, immigration status and whether they have recently lived abroad. The provisions are contained in section 160ZA of the Housing Act 1996 and in regulations made by the Secretary of State. The law on eligibility is not set out fully here but, broadly, a person is ineligible and may not be allocated accommodation under Part VI of the Housing Act 1996 if they are subject to immigration control unless that person falls within an exemption specified by the Secretary of State in regulations. Further detail and information relating to eligibility can be found in the Allocation of accommodation: guidance for local housing authorities in England, which is guidance that the Council must have regard to.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered not to be eligible. The Council can, however, grant a tenancy to the person who is eligible. This means that if you are eligible for housing, but your partner is not eligible, you will be able to bid for accommodation, but if you are successful in securing a tenancy, you will not be able to have a joint tenancy with your partner.

11. APPLICANTS WHO DO NOT QUALIFY TO BE ON THE HOUSING REGISTER

- 11.1 The Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide that some categories of Applicant do not qualify to join the housing register. The Council has decided that the following categories of Applicant do not qualify to join the housing register:
- a) Applicants without a Local Connection to Mid Sussex (see **11.2**)
 - b) Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months (see **11.3**)
 - c) Applicants whose annual household gross income exceeds specified threshold (see **11.4**)
 - d) Applicants who own accommodation; have a legal interest in homeownership; or

have the financial resources to own accommodation (see **11.5**)

- e) Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant. (see **11.6**)
- f) Applicants who are found to have given false information or have withheld relevant information in connection with their application for housing (see **11.7**).

11.2 Applicants without a Local Connection to Mid Sussex do not qualify to be on the housing register

Applicants who do not have a Local Connection with Mid Sussex do not qualify to join the housing register unless they are exempted as set out at **11.2.1** or **11.2.2** or **11.2.3** or **11.2.4** or **11.2.5** or **11.2.6** below.

To establish a 'Local Connection' with Mid Sussex an Applicant or joint Applicant must (with certain exceptions as set out below) meet at least one of the following criteria:-

The Applicant or joint Applicant has a Local Connection if s/he

- a) resides in the District as their only or principal home and has done so continuously for the previous 2 years; (where this criteria is satisfied; the Local Connection will be retained for a 12-month period from the date the Applicant leaves the District); or
- b) is in paid employment in the District (working 16 hours or more a week) and has been continuously for the previous 2 years; or
- c) has close relatives who reside in the District as their only or principal home and have done so for at least the previous 5 years, (or the previous 2 years if the Applicant is aged 65 or over) where the Council considers that it is necessary for the Applicant to be accommodated within the District in order to provide or receive significant and essential medical or social support to/from the relative. Close relatives will normally only include parents, adult children or brothers or sisters, including corresponding step relationships
- d) is a care leaver who is owed a continuing duty under s.23C of the Children Act 1989 by West Sussex County Council; or is owed that duty by another authority but has resided in Mid Sussex for at least two years, some or all of which falls before they turned 16.

If an Applicant ceases to meet the Local Connection criteria they will cease to qualify.

11.2.1 Armed Forces Personnel – exemption from Local Connection qualifying criteria

Armed Forces Personnel do not need to meet the Local Connection criteria set out at **11.2** above to qualify if they are an Applicant who

- a) is serving in the regular forces or who has served in the regular forces within the previous 5 years; or
- b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was attributable to their service; or
- c) is serving or has served in the reserve forces and who is suffering from serious injury, illness or disability which is attributable to their service.
- d) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following divorce or separation from their spouse or civil partner who is serving in the regular forces. Such Applicants will be exempt from the Local Connection qualifying criteria for a period of 6 months following the divorce or separation.

For this purpose, "the regular forces" and "the reserve forces" have meanings given in section 374 of the Armed Forces Act 2006(b).

Additional priority is given to bids from Armed Forces Personnel - see **44**
(Armed Forces Personnel – additional priority, special rules).

11.2.2 **Right to Move – exemption from Local Connection qualifying criteria**

Existing social tenants of accommodation in England who wish to exercise their Right to Move to a social tenancy in Mid Sussex for employment reasons do not have to meet the Local Connection criteria set out at **11.2** above to qualify if they are an Applicant who:

- a) is already either a secure or introductory tenant of a local authority or an assured tenant of a private registered provider; and
- b) needs to move to a particular locality in the district, where failure to meet that need would cause hardship (to themselves or others); and
- c) needs to move because they work, or have been offered work, in Mid Sussex. In the case of an offer of work the Council must be satisfied that the Applicant has a genuine intention of taking up the offer of work. A need to move which is associated with work, or the offer of work, which is a short-term or marginal in nature, ancillary to work in another district, or voluntary work will not qualify for exemption under this paragraph.

Applicants exempted under this paragraph will be placed in Band C, category (i) but will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are exempted from requiring one under paragraphs **11.2.1**, See **27** below (The Right to Move)

Right to Move quota – Allocation to those Applicants who qualify for exemption under this paragraph is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex and the small number of requests that are likely to be made under the Right to Move. This quota will be reviewed in the light of changing circumstances.

11.2.3 **Homeless Acceptances – exemption from Local Connection qualifying criteria**

An Applicant to whom Mid Sussex District Council has accepted the main housing duty (under s.193 of the Housing Act 1996) which is continuing, and the Council has not referred the duty to another council, do not need to meet the Local Connection criteria set out at **11.2** above.

11.2.4 **Applicants over 55 applying for Sheltered/Extra Care Schemes only – exemption from Local Connection qualifying criteria**

Such Applicants do not need to satisfy the Local Connection qualifying criteria set out at **11.2** above but can only bid on and be considered for Sheltered Schemes. Applicants exempted under this paragraph will be placed in Band D and will be given less priority than other Applicants who do have a local Connection with Mid Sussex as set out at **15.4(d)**.

11.2.5 **Gypsy and Travellers – exemption from Local Connection qualifying criteria**

An Applicant who is a Gypsy or Traveller, does not need to meet the Local Connection criteria set out at **11.2** above where they do not fully meet the residence requirement, where that period has been broken by travelling, if they have spent the majority of the last 2 years residing in the District and do not have a Local Connection with any other local housing authority.

11.2.6 **Applicants who are homeless as a result of fleeing domestic abuse – exemption from Local Connection qualifying criteria**

An Applicant who is homeless as a result of fleeing domestic abuse as defined by the Domestic Abuse Act 2021 does not need to meet the Local Connection criteria set out in **11.2** above where:

- a. they have established accommodation in Refuge or other temporary accommodation in the District (unless placed in the District by another local housing authority) and it is safe for them to remain in the District, and
- b. they are identified as a high-risk victim of domestic abuse at a local MARAC within the last 6 months
- c. do not have a local connection with any other local housing authority where it is safe for them to reside.

11.2.7 Other exemptions from Local Connection qualifying criteria

Other Applicants who cannot meet the Local Connection criteria set out at **11.2** above may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Options Manager or their deputy. In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at **5** above.

To be exempted from the Local Connection criteria under this paragraph the Housing Options Manager or their deputy will normally need to be satisfied that the Applicant's circumstances are exceptional and that there is a particular need for the Applicant to live in Mid Sussex to meet their housing need and a particular reason why that housing need can only be met in social housing rather than in the private rented sector.

11.3 Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months do not qualify to be on the housing register

Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months cease to qualify to be on the Council's register and may be removed.

It is considered that Applicants who are not regularly bidding for homes are unlikely to be in sufficient housing need to qualify.

The Homemove Team will, at its discretion, make exceptions to this where it considers that there is a reasonable explanation for the Applicant's inactivity. Sensitivity will be applied, for example, where the Applicant is identified as being particularly vulnerable or in need of a specific type of property which does not commonly become available to let.

Applicants who are disqualified due to their inactivity may make a fresh application by completing a fresh application form. However, their earlier Priority Date will not be retained.

11.4 Applicants who are deemed to have sufficient income to secure housing through the private market do not qualify to be on the housing register

This will be defined as combined household gross income equal to or greater than four times the applicable Local Housing Allowance rate for the size of home they are entitled to. Most of the properties for private rental in Mid Sussex share a Broad Market Rental Area with Crawley and Reigate and therefore it is this Local Housing Allowance rate that is used for determining the household income threshold.

The table below illustrates the thresholds using the LHA allowance as at April 2025. LHA rates are reviewed annually.

Size of accommodation required	Monthly LHA rate	LHA yearly rate x 4. Household Income threshold
shared	£476.33	£22,863.84
1 bed or studio	£860.01	£41,280.48
2 bed	£1,100	£52,800
3 bed	£1,365.01	£65,520.48
4 bed	£1,750	£84,000

11.5 Applicants who own accommodation, have a legal interest in homeownership, or have the financial resources to own accommodation do not qualify to be on the housing register

- (a) **Homeownership or legal interest in homeownership** - Applicants who own or part own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) do not qualify.

However, if as a result of a divorce settlement a Court has ordered that the Applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years, then the Applicant will be treated as if they do not own or part own accommodation.

Applicants who have previously owned a property will be required to provide proof of the proceeds from the sale and of the disposal of any proceeds. Where proceeds from any sale have been spent recklessly and, as a result, this takes an applicant's financial resources below the disqualification level, an applicant can still be determined as not qualifying for the Housing Register.

- (b) **Financial resources** - Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Mid Sussex also do not qualify. Sufficient financial resources means sufficient capital to buy; or sufficient income to raise a mortgage to buy; or a combination of both. It is considered that normally a mortgage can be obtained amounting to 3 times a single annual income or 2½ times joint annual incomes in addition to a suitably sized deposit. 'Sufficient capital' includes any assets or investments even if they are not immediately available to the Applicant, such as any residential or non-residential property that they own, or part own anywhere in the world. Valuation evidence of any capital or assets will be required. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability on active service is disregarded.

11.5.1 Exemption from disqualification for some Applicants who are substantially disabled or over pension age

Applicants who do not qualify under the criteria set out above at **11.5** may be considered as an exception by the Homemove Team if:

- they own or part own accommodation or have a legal interest in accommodation; and
- they are over state pension age or have a substantial disability; and
- their current home is not suitable for their specific needs; and
- they have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market in Mid Sussex

This exemption is intended to cover situations where a person owns their own home but is no longer able to manage in it due to their advancing years or due to developing a substantial disability that makes living in their home impracticable. Where selling up would not provide sufficient funds to purchase a more suitable alternative in Mid Sussex, such people can find themselves in a difficult position. This paragraph allows such cases to be considered on their individual merits.

11.5.2 Other exemptions from disqualification

Other Applicants who do not qualify under the criteria set out above at **11.5** may be allowed to qualify, in exceptional circumstances only, at the discretion of the Council's Housing Options Manager or their deputy. In such cases the Applicant should request a formal review of a decision by the Homemove Team that they do not qualify, as set out at **5** above.

11.6 Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant who do not qualify to be on the housing register

Where the Council is satisfied that the Applicant (or a member of their household) is guilty

of, or has a history of, unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council, the Applicant does not qualify.

Each application is considered on its merits, and consideration is given as to whether the behaviour flowed from a disability, the length of time that has elapsed since the unacceptable behaviour occurred and whether there has been any relevant change in circumstances.

The Homemove Team will notify the Council's Housing Options Manager of any Applicant found not to qualify because of unacceptable behaviour in writing and with full reasons.

The only behaviour which can be regarded as unacceptable for these purposes is behaviour by the Applicant or by a member of their household that would – if the Applicant had been a Council tenant at the time – have satisfied any of the grounds (other than Ground 8) in Part I of Schedule 2 to the Housing Act 1985. These are known as fault grounds for possession and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the home for immoral or illegal purposes.

There is no need for the Applicant to have actually been a Council tenant when the unacceptable behaviour occurred. The test is whether the behaviour would satisfy one of the grounds (other than ground 8) in Schedule 2 of the Housing Act 1985 so that the Council may have been entitled to a possession order if, whether actually or notionally, the Applicant had been a secure tenant.

If an Applicant, who has in the past been deemed by the Council not to qualify, considers their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they can make a fresh application. It will be for the Applicant to show that their circumstances or behaviour have changed.

11.7 Applicants who are found to have given false information or have withheld relevant information in connection with their application for housing do not qualify to be on the housing register

Where an Applicant or a member of their household is found to have given false information or withheld relevant information in connection with their application for housing they will not qualify, and if already registered will be removed from the Council's housing register as set out at **12.11** (Providing false information) below.

How to apply, register and renew an application

12. HOW TO APPLY

- 12.1 Application to register on the Mid Sussex Common Housing Register must be made by completing an online application form at www.midsussex.gov.uk/homemove.
- 12.2 If an Applicant cannot access the internet, or needs any help completing the form, they should contact The Homemove Team, who are based at Clarion Housing, for assistance. In exceptional circumstances, a paper form can be obtained from the Homemove Team.
- 12.3 All correspondence in connection with a housing application should be uploaded with your application via the customer portal, or sent to the **Homemove Team, Mid Sussex District Council, Oaklands, Haywards Heath RH16 1SS** or email: homemove@midsussex.gov.uk
- 12.4 Applications will not be registered until all information has been received by the Homemove Team that they consider is necessary to assess an application. Before an application can be verified, applicant will be asked to provide proof to support their application. This includes proof of identification for all members of the household. They may also be asked to provide proof of income, benefits, care of children, or levels of capital, this list is not exhaustive.
- 12.5 When an application is registered, notification will be sent to the Applicant confirming the registration date and which Band they have been placed in, along with the right to request a Review of the decision. Information regarding your Housing Register application can also be accessed via the customer portal at <https://www.homemove.org.uk/>
- 12.6 **Medical circumstances**
If the Applicant or a member of their household has a 'Medical Need' to be rehoused, i.e., has any significant medical issue that is directly affected by the Applicant's current housing circumstances and would be relieved by rehousing, then the Medical Circumstances section of the form should be completed. Applicants may supply letters of support from their GP, Consultant etc. if they wish. For more information about how 'Medical Need' is assessed, see **19** below.
- 12.7 **Needing to move for care and support reasons**
Where the Applicant or a member of their household has a need to move for care and support reasons, the Support section of the form should be completed. This should also be completed where the Applicant needs to move in order to give care and support to another person. For more information on needing to move for care and support reasons see **21** below.
- 12.8 **Need for Supported Housing**
Those Applicants who may need supported housing or who have special housing needs should indicate this where requested to on the application form. The information on the form will be used to assess the Applicant's need so they can be allocated appropriate housing and or support.
- 12.9 **Notifying changes of circumstances**
The applicant is responsible for notifying the Homemove Team of any relevant changes in their circumstances which will affect the assessment of their housing application. This can be done via the customer portal, or if this is not possible by post or e mail. Examples of this are: - changes of address; changes in the household such as the birth of a baby or the

departure of a household member; the development of a relevant medical condition; or threatened homelessness. This list is not exhaustive, and if the Applicant is in any doubt about whether a change is relevant, they should contact the Homemove Team to discuss the matter. Applications may be suspended whilst the Homemove Team assess the information provided. The reassessment of the application may result in the increase or decrease of banding. The Applicant will be notified in writing of any changes.

12.10 Help if you become homeless or threatened with homelessness

If Applicants become homeless or threatened with homelessness, they should contact the Council and make an appointment to see the Housing Options Team at the earliest opportunity to discuss their housing options. The Housing Options Team will assess whether the Council has legal responsibilities towards an Applicant and advise and assist as appropriate.

12.11 Providing False information

A person may commit an offence if;

- he/she knowingly or recklessly makes a statement which is false in a material particular, or
- he/she knowingly withholds information which the authority has reasonably required him/her to give in connection with their application for housing.

The offence covers material reckless statements which are false as well as knowingly withholding information which an authority has reasonably sought from an applicant.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently unlimited (for offences committed after 13 March 2015). For offences committed before 13 March 2015 the level 5 maximum is £5,000).

If it is found that false information has been given or relevant information withheld, the application will not be registered or, if already registered, the Applicant may be removed from the Housing Register (as they will not qualify to be on the Council's housing register (see **11.7** above)) and will not be able to reapply for a period of 24 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given and an assessment of why the information was withheld.

Any tenancy granted on the basis of information subsequently found to be false or because material information has been withheld, may be terminated and legal action taken by the landlord to recover possession of the home (see Ground 5, schedule 2 of the Housing Act 1985 (secure tenancies) and ground 17, schedule 2 of the Housing Act 1988 (assured tenancies)).

12.12 General Data Protection Regulations 2018

We will ensure your information is stored lawfully and we are fair and transparent in the way it is processed. We will only collect data that is specific, explicit and legitimate for the purpose of your housing register application and data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Your information will only be shared with other organisations or individuals in order to legitimately progress your housing register application, for the prevention of fraud or with your explicit consent.

An Applicant's permission to share their personal information is a condition of being accepted on to the Council's housing register.

12.13 Privacy Notice

We have a duty to protect the public funds we administer.

The Council may share your personal data provided for housing application purposes; internally to provide statutory services or other functions the Council is empowered to exercise. We may pass the information to other agencies or organisations, as allowed by law. We may check information you have provided, or information about you that someone else has provided, with other information held by us.

We may also get information about you from certain third parties, or give information to:

- prevent or detect crime or fraud
- protect public funds
- make sure the information is correct

These third parties include government departments, local authorities and private sector companies, including companies that assist us in fraud detection and prevention, such as Credit Reference Agencies. We may also obtain information about you from social media. We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

Any use of personal data will be in full accordance with the Data Protection Act 1998.

13. THE REGISTRATION AND ASSESSMENT PROCESS

- 13.1 Once a completed application form is received, the Homemove Team will make an assessment of the Applicant's housing needs based on the information provided and other documentation made available to them.
- 13.2 A decision will be made on whether the Applicant is 'eligible' and 'qualifies' to join the register set out at **10** and **11** above. If it is considered that an Applicant is not 'eligible' or does not 'qualify', the Homemove Team will notify the applicant of this decision and the grounds for it, along with the right to request a Review of the decision.
- 13.3 Where relevant, medical priority is assessed by the Homemove Team based on the information supplied by the Applicant using the medical criteria set out at **19** below.
- 13.4 Once their housing need has been assessed, the Applicant will be placed into one of the four Priority Bands as set out at **14** and **15** below and will be given a Priority Date which will be the date they applied to go on the Register or entered a Band. Applicants will also be assessed for the appropriate size of home they can bid for using the bedroom entitlement criteria set out at **18** below. Where a family unit is not currently residing together the assessment will be based on the part of the household that occupies accommodation that provides them with the most suitable housing, providing there is a reasonable expectation that they should reside together. The residency qualification will be based on that part of the household with the longest residency in the District.
- 13.5 Sussex Homemove will write to the Applicant to inform them of their successful registration giving them the following information:
- Their Priority Date and reference number
 - Their Priority Band
 - The type and size of home they can bid for
 - Their Mobility Group (physical disability level) if applicable
 - Their right to request a Review if they are not happy with their assessment.

13.6 Renewals of Application

All Applicants must periodically complete a re-registration form to stay on the Common Housing Register.

If the Applicant fails to re-register when requested, the Homemove Team will check their contact details and if the Applicant appears to be a vulnerable person and/or has a high priority need, they will be contacted by phone, visited or referred to the relevant support service for help.

If there is no contact and the Applicant fails to re-register, within the time specified, the application will be deregistered.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of

their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is renewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

13.7 Closing an Application

The Homemove Team may close an application and remove an Applicant from the housing register in any of the following circumstances:

- a) at the request of an Applicant
- b) where an Applicant does not respond to request for information or an application review, within the specified time set out in any correspondence sent to them
- c) an offer of accommodation has been made, and the Applicant has failed to respond to the offer, or the Homemove or Housing Options Teams have been unable to establish any contact with the Applicant through any of the given contact details
- d) where the Applicant is no longer eligible or qualified to be on the register.
- e) No bids are placed during a 12-month period unless it is demonstrated that no suitable accommodation has become available
- f) Applicant has been re-housed or completed a mutual exchange
- g) where the Applicant moves and does not provide a contact address.
- h) where the Applicant has died

The Priority Bands

14. OVERVIEW

- 14.1 When Applicants are registered on the Common Housing Register, their application will be assessed, and they will be placed in one of four Priority Bands according to their category of need as set out at **15** below and given a Priority Date which is the date they applied to go on the register or entered the Band.
- 14.2 When bids are considered for advertised homes, priority will normally be given to eligible bids from Applicants in the highest Priority Band. Within a Band, a bid from the Applicant with the earliest Priority Date will normally be considered first. However, there are some important exceptions to how bids are prioritised which are described at **37-47** below.

15. THE PRIORITY BANDS

15.1 BAND A – emergency or urgent priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories (includes reasonable preference categories s.166A(d), (e)):

- (a) The Applicant has a High Medical Priority to be rehoused (see **19** below)
- (b) The Applicant is a Transfer Applicant who is under-occupying their home (see **28.2(a)** below)
- (c) The Applicant is a Transfer Applicant who is occupying a significantly adapted home they no longer need but which could be used by someone else who needs the adaptations (see **28.2(c)** below)
- (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel see **17** below)
- (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel see **17** below)
- (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel see **17** below)
- (g) The Applicant is a Transfer Applicant who is a successor (or a non-statutory successor who has been **approved by their landlord**) wishing to move to smaller or more suitable accommodation. (See **28.2(d)** below)

15.2 BAND B – high priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories (includes reasonable preference categories s.166A(a), (c), (d), (e)):

- (a) The Applicant has been assessed as lacking two or more bedrooms (see **18** below)
- (b) The Applicant is a Transfer Tenant who needs to move urgently because of serious harassment or threat of violence that is likely to be carried out (to be approved by the Discretionary Priority Panel see **17** below)
- (c) The Applicant has a Medium Medical Priority to be rehoused (see **19** below)
- (d) The Applicant has been selected for a tenancy in general needs housing with specialist floating support (to be approved by the Discretionary Priority Panel) (see **22** below)
- (e) The Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Options Manager or their deputy (see **23.5**; or **24.5** below).
- (f) The Applicant is a Care Leaver who has been assessed as ready to move from their care

placement to independent settled accommodation and a support package has been assessed and is in place if required

- (g) The Applicant has been in care between the ages of 16 & 18 and is currently residing in supported accommodation and has been assessed as ready to live independently:
- (h) The Applicant is fleeing domestic abuse and has been assessed by MARAC as needing to move urgently for the safety and security of themselves and or any dependent children, and it is safe for them to live in Mid Sussex
- (i) The Applicant has had to leave their current home due to domestic abuse or significant harassment and:
 - are either living in a Refuge, or temporary accommodation provided by the Council; and
 - are owed the s.189B Relief duty or s.193 main housing duty under Part 7 of the Housing Act 1996
 - it has been assessed by the Council and relevant partners that they are safe in Mid Sussex

15.3 **BAND C – medium priority**

To be placed in this Priority Band the Applicant must fall within one or more of the following categories (includes reasonable preference categories s. 166A(a), (c), (d), (e):

- (a) The Applicant is homeless and is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council (see **24** below).
- (b) The Applicant is owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been accepted as being in priority need or is considered likely to be in priority need. (see **24** below).
- (c) The Applicant is ready to move on from supported housing in Mid Sussex (to be confirmed in writing by a manager from the supported housing provider); or is ready to move into the community from a mental health hospital and would otherwise be homeless (to be confirmed in writing by the Acute-Setting Worker based at the hospital) (see **23** below)
- (d) The Applicant has a home, but Mid Sussex District Council has a statutory duty to rehouse them (e.g. Compulsory Purchase Order; Rent (Agriculture) Act duty) (see **25** below)
- (e) The Applicant has been assessed as lacking one bedroom (see **18** below)
- (f) The Applicant has a Low Medical Priority to be rehoused (see **19** below)
- (g) The Applicant resides in unsanitary or unsatisfactory housing conditions (excluding overcrowding) that cannot be addressed by Environmental Health action such as lacking either a kitchen, bath/shower room, or inside WC
- (h) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship (see **21** below) (to be approved by the Discretionary Priority Panel).
- (i) The Applicant has exercised their Right to Move and has been exempted from the requirement to meet the Local Connection requirement as set out at **11.2.2** and **27**.
- (j) The Applicant is recovering from the impact of domestic abuse and has a medical condition or disability as a result which would significantly be improved by re-housing, and it would be safe for them to live in Mid Sussex.
- (k) The Applicant has been verified by the Council as rough sleeping in the District and meets the Local Connection requirement as set out in **11.2**.

15.4 **BAND D – low priority**

To be placed in this Priority Band the Applicant must fall within one or more of the following categories (includes reasonable preference categories s. 166A(a), (b), (c)):

- (a) The Applicant has a housing need that is not identified in Band A, B or C

- (b) The Applicant has deliberately worsened their circumstances or become homeless intentionally (see **26** below)
- (c) The Applicant is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by another local authority (see **24.2** below).
- (d) The Applicant does not have a Local Connection but is over 55 and applying for sheltered accommodation only as set out at **11.2.4**. Such Applicants will be accorded reduced preference than those who do have a Local Connection. (See **11.2.4** above).
- (e) The Applicant is owed the s.195 Prevention Duty under the homelessness legislation by Mid Sussex District Council (see **24.1(b)**)
- (f) The Applicant is owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been assessed as being intentionally homeless or not being in priority need (see **24.1(c)** & **(d)**) below
- (g) The Applicant is owed either the s.189B Relief Duty or the s.193 main duty under the homelessness legislation and refuses a Final Offer of accommodation (see **35.1(a)**)
- (h) The Applicant is living in supported housing, and is not ready to live independently (see **23.1**)

16. REASSESSING NEED AND CHANGING BAND

16.1 Re-assessing need because of changes in circumstances

The Homemove Team reviews all applications periodically. If an Applicant's circumstances change, they may be moved up or down a Band depending on their need and if this happens the Applicant will be informed in writing of their move to a new Band and their new Priority Date.

It is important that the Homemove Team is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application.

Changes should be notified to the Homemove Team by the Applicant as soon as they occur and not left until the application is reviewed. Failure to do so may result in the Applicant being removed from the Common Housing Register.

When an Applicant notifies of a change that is likely to entitle them to a move to a higher Band, they will not be moved to the higher Band until any evidence or documentation requested by the Homemove Team is received.

When an Applicant notifies of a change that is likely to mean they will be moved to a lower Band, they will be moved to the lower Band immediately whilst their case is considered. In the event that it is decided that the Applicant is entitled to remain in the higher Band they will be returned to that Band.

16.2 Moving up a Band

If an Applicant moves up a Band after they are re-assessed because of a change in their circumstances, they will be given a new Priority Date which will be the date that the Homemove Team was notified in writing of the Applicant's change in circumstances.

If an Applicant has moved up a Band as a result of a formal Review/Appeal under **5** above, they will be given a new Priority Date of the date they requested a Review, or an earlier date if considered appropriate by the Housing Options Manager or their deputy.

If an Applicant has moved up a Band as a result of a duty being accepted by Mid Sussex District Council under the homelessness legislation, they will be given a new Priority Date of the date the duty was accepted.

If an Applicant moves up a Band as a result of being ready to move on from supported housing, they will retain the Priority Date they had when they were in Band D (see **23.2** below).

16.3 Moving down a Band

If an Applicant moves down a Band, then the Priority Date they had in the higher Band will

be retained or their Priority Date will revert to an earlier date that they had if they had been in the lower Band previously.

17. THE DISCRETIONARY PRIORITY PANEL

17.1 The Discretionary Priority Panel will include, as a minimum, the following officers:

- The Homemove Manager or their deputy
- The Council's Housing Options Manager or their deputy.

17.2 An Applicant may be awarded Discretionary Priority by the Discretionary Priority Panel to recognise cases of exceptional need under the following Band categories:

Band A

Category (d) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because there is a serious personal risk if they remain

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A.

This could include:

- an Applicant in need of housing as a Permanent Decant because their current home is being demolished or redeveloped (but see 28.6)
- an Applicant who is in need of urgent housing under Witness Mobility arrangements with the Police

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A

Band B

Category (b) The Applicant needs to move urgently from a Mid Sussex tenancy with a housing association because of harassment or threat of violence

Category (d) The Applicant has been selected for a tenancy in general needs housing with specialist floating support (see 22)

Band C

Category (h) The Applicant needs to move for care and support reasons (see 21 below)

17.3 In all cases a formal report will be prepared either by the Applicant's current social landlord if they are an existing social tenant, or the Homemove Team or the Council's Housing Options Team if they are not and submitted to the Discretionary Priority Panel.

17.4 An Applicant who is awarded Discretionary priority will be subject to a 12-week time limit for bidding as detailed at 34 below.

17.5 The Discretionary Priority Panel may remove any priority it has awarded if the Applicant's circumstances change, or the Panel considers that priority is no longer justified.

17.6 If the Discretionary Priority Panel is split and unable to reach a majority decision, the case will be referred for a decision to the Housing Options Manager or the Head of Housing Services or their equivalent.

17.7 All decisions of the Discretionary Priority Panel must be approved by the Head of Housing Services or their equivalent or delegated person.

Assessment of housing need and banding

18. BEDROOM ENTITLEMENT

- 18.1 Applicants will be assessed for overcrowding in their current home, and the size of home they may bid for, according to the standards set out below which are based on the Local Housing Allowance (LHA) bedroom entitlement rules. Letting at more generous levels of occupation may mean that the tenant becomes subject to the Removal of the Spare Room Subsidy and may receive a reduced level of Housing Benefit/housing element of Universal Credit that may not fully cover their rent.

Applicants will be considered to be lacking a bedroom for each bedroom their current accommodation falls short of this standard.

Applicants will be entitled to be placed in

- Band C if they lack 1 bedroom; or
- Band B if they lack 2 or more bedrooms.

18.2 The bedroom entitlement calculation – subject to a maximum 4 bedrooms in total

The number of bedrooms needed by a household is calculated as follows:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 16 or over
- 1 bedroom for any two children under 16 of the same sex
- 1 bedroom for any two children aged under 10, regardless of sex
- 1 bedroom for any additional child under 16

For these purposes

- a room under 50 square feet in floor area does not count as a bedroom
- a second reception room will generally be considered to be available as a bedroom
- kitchens and bathrooms are ignored
- Applicants occupying a studio flat are considered to have access to a bedroom.

18.3 Children of separated parents

Save for exceptional circumstances, in order for a dependent child to qualify as part of the Applicant's household when determining bedroom entitlement, they would need to be currently living with the Applicant 100% of the time or could reasonably be expected to live in the Applicant's household a 100% of the time. A child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with another parent/guardian.

18.4 Expected baby

Reference to a child includes a baby who is expected within 12 weeks. For the purposes of calculating bedroom entitlement until the baby is born, it will be assumed that the expected baby can share a bedroom with an existing child who is under 16, regardless of the expected sex of the baby.

18.5 Additional bedroom because of a medical need

The Homemove Team may, at its discretion, consider that an Applicant needs an additional bedroom over and above the calculation set out above where there is a medical requirement for a household member to sleep in a room alone or where an additional room for medical equipment or an overnight carer is required.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA) and may not be fully covered by housing benefit/housing element of Universal Credit as it could be subject to the Removal

of the Spare Room Subsidy.

18.6 **Additional bedroom for approved foster carers or adopters**

The Homemove Team may consider that an Applicant needs an additional bedroom over and above the calculation set out above where the Applicant has been approved by West Sussex County Council to enter into an adoption, fostering, or special guardianship arrangement.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA) and may not be fully covered by housing benefit as it could be subject to the Removal of the Spare Room Subsidy, even after a child has been placed with them.

18.7 **Transfer Applicants who are under-occupying accommodation**

Transfer Applicants who are under-occupying their current accommodation and have been placed in Band A (see **28.2(a)**) are entitled to bid for suitably sized homes according to the rules set out above, with the exception of those entitled to bid for sheltered/retirement housing who may bid for 2-bedroom vacancies in such housing as and when these occasionally become available.

18.8 **Example calculations**

Example 1

John and Mary have a girl and a boy aged 7 and 9.

They need a bedroom for themselves and one for their children to share.

This makes 2 bedrooms in total.

Example 2

Krishnan and Meera have a girl of 16, a boy of 14 and a girl of 12.

They need a bedroom for themselves, one for each of their children.

This makes 4 bedrooms in total.

Example 3

Peter and Cathy have three boys aged 11, 8 and 6. Peter's mother also lives with them.

They need a bedroom for themselves, one for their 11-year-old, one for the 8 and 6 year olds to share and one for Peter's mother.

This makes 4 bedrooms in total.

Example 4

Lindsey has 2 boys aged 18 and 16, two girls aged 14 and 12, and a boy of 10.

Lindsey needs a bedroom for herself, one each for her boys aged 18 and 16, one for the girls aged 14 and 12 to share and another bedroom for her youngest boy aged 10.

This makes a total of 5 bedrooms which is above the maximum of 4 allowed. Lindsey is therefore entitled to 4 bedrooms.

19. **MEDICAL NEED FOR REHOUSING**

- 19.1 The procedure for establishing the priority given to an Applicant with Medical Need for rehousing is set out below.

Low Medical Priority entitles an Applicant to be placed in Band C

Medium Medical Priority entitles an Applicant to be placed in Band B

High Medical Priority entitles an Applicant to be placed in Band A

- 19.2 The medical aspects of a housing application will be assessed by the Homemove Team, with regard to appropriate professional advice as necessary. An Applicant may be visited in order to complete the medical assessment. Any Applicant who completes the Medical Circumstances section of the housing application form is asked to authorise contact with their GP or other medical practitioner, if necessary, in order to verify or obtain further information about their medical condition.
- 19.3 Medical Priority may be awarded if the Homemove Team considers that the accommodation of an Applicant or a member of their household is unsuitable because of a medical condition or disability. Medical priority will be awarded according to the extent to which the health of one or more members of the Applicant's household is affected by their housing conditions and the expected benefits of providing alternative housing. Medical Priority will not be awarded just because the Applicant or a member of their household has a significant medical condition or disability. The property in which they are currently living must be exacerbating the medical condition or disability to an extent that medical priority should be granted under the criteria adopted for the scheme. A household will be assessed together, and one award made for the whole household. Medical priority will not be awarded where the circumstances are already recognised in the banding scheme – e.g. reflected in the assessment of bedroom need.
- 19.4 **Medical Priority** is awarded as follows to reflect the urgency of rehousing: -
- a) **No Medical Priority** will be awarded where an Applicant, or a member of their household, has a medical condition or disability where it is considered by the Homemove Team that:
 - rehousing would not improve their health or ability to cope with the condition
 - the medical condition or disability, however severe, is not affected by housing or cannot be improved by moving
 - the medical impacts are caused by housing defects that are likely to be rectified in a reasonable time frame
 - another reasonable course of action is available to the Applicant to resolve their difficulties
 - the medical condition or disability is a time-related medical issue – e.g. a broken leg
 - the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time
 - b) **Low Medical Priority** (Band C) will be awarded where the current housing conditions are having a moderate detrimental effect on the medical condition or disability of the Applicant, or member of their household, and is likely to be improved by rehousing. This would also apply where it is considered that the ability to cope with the medical condition or disability is likely to be improved by rehousing even where it is unlikely that the condition or disability itself may be improved.
 - c) **Medium Medical Priority** (Band B) will be awarded where the Applicant or a member of their household has a severe, long term medical condition or disability and they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to their health and their health is likely to seriously deteriorate unless early rehousing takes place.
 - d) **High Medical Priority** (Band A) will be awarded where an Applicant, or a member of their household, is suffering sudden or severe progressive life-threatening medical conditions or disability requiring immediate rehousing. Medical conditions justifying High Medical Priority would include severe/acute disability and their current home is unsuitable, and it does not meet the medical needs and/or cannot be adapted and poses an immediate and serious danger to the individual.

20. MOBILITY NEEDS OF THE APPLICANT OR A MEMBER OF THEIR HOUSEHOLD

- 20.1 All Applicants who have a substantial or permanent physical disability affecting their mobility will be placed in one of the following Mobility Groups that reflects their level of mobility or that of a member of their household. Applicants will then be able to bid for homes that have been labelled as suitable for the Mobility Group they have been placed in, although they may bid for, and be nominated for, any suitable home of their choice.

For the avoidance of doubt, if an Applicant bids for a property which is advertised as suitable for Applicants with a lesser mobility need than theirs, then they should not be automatically barred from the shortlist of bidders. Instead, they will be contacted to discuss whether the property might be suitable for them in view of their particular needs.

Mobility Group 1 - Full-time wheelchair user

Mobility Group 2 - Uses a wheelchair some of the time

Mobility Group 3 - Has limited mobility but can manage three steps or less.

- 20.2 The Homemove Team will have regard to advice from the Applicant's Occupational Therapist, where available, or any other relevant medical evidence that confirms the household's mobility issues when making an assessment of which Mobility Group should apply.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups, see **42** below.

21. NEEDING TO MOVE FOR CARE & SUPPORT REASONS

- 21.1 Applicants who need rehousing for 'Care & Support reasons' where failure to meet that need would cause hardship (to themselves or others) are placed in Band C, category (h), unless a higher Band applies, subject to approval by the Discretionary Priority Panel (see **17** above).
- 21.2 The welfare, care and support needs of an Applicant will be assessed by the Homemove Team with the help of and in liaison with social services and other relevant agencies as appropriate. The Applicant or member of their household should be in receipt of Attendance Allowance or Personal Independence Payment at the middle or highest rate (or equivalent).
- 21.3 'Care & Support reasons' for rehousing would apply to an Applicant whose household includes someone who has an established need for on-going and long-term care and support in order for them to manage in their own home within the community and it is shown that they require rehousing to suitable and settled accommodation in order that these needs can be met and support services arranged and provided.
- 21.4 'Care & Support reasons' might also apply to a care leaver or other vulnerable person who needs a secure base from which they can build a stable life. This would include a person with a disability that renders them less able than others to find their own accommodation and who is ready to live independently from their parent or carer.
- 21.5 'Care & Support reasons' for rehousing may include the need of an Applicant to move to a different locality to give care and support to another person which is required on an on-going and long-term basis. The need for such a move will be assessed on the basis of the recipient's need and the Applicant should be in receipt of Carer's Allowance (or equivalent). If they do not qualify for this on financial grounds, they must be able to demonstrate that this level of support is required.

22. VULNERABLE APPLICANTS PRIORITISED FOR GENERAL NEEDS TENANCIES WITH SUPPORT (VAPs)

- 22.1 Particularly vulnerable Applicants who have been selected for general needs housing where a specialised package of support from outside specialist agencies will be provided will be placed in Band B category (**d**). The specialised package of support must be in place or a commitment that it will be in place will be needed before priority will be awarded.
- 22.2 Referrals under this scheme will be considered by The Discretionary Priority Panel who will select appropriate Applicants using the scheme criteria which have been agreed with the Council.
- 22.3 A maximum of 10 such Applicants will be accepted onto this scheme in any one year, subject to the requisite support being available.
- 22.4 Applicants will be selected on the basis of a combination of their housing need, their support needs, the support that will be provided and the likelihood of a successful outcome in terms of independent living after the support is eventually withdrawn. Such Applicants could, for example, be particularly vulnerable Applicants who are considered to be ready for move on from supported housing (see **23** below).
- 22.5 An Applicant's housing related debt should not affect their selection for this support. The rules at **38** below do not apply in these cases. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant a tenancy until the debt is cleared.
- 22.6 Once selected under these arrangements, the Applicant will be subject to a 12-week time limit for bidding as detailed at **34** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct/Auto Bidding on their behalf, and also the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at **35** below.
- 22.7 **Local Connection to Mid Sussex** – Only Applicants on the Mid Sussex Housing Register may be considered by the Panel. As with all Applicants, in order to qualify, they must meet the Local Connection criteria that are set out at **11.2** above.
- 22.8 The categories of Applicants this arrangement applies to may include Applicants with enduring mental health issues; Applicants with alcohol and substance misuse issues where the Applicant has undergone successful rehabilitation; Applicants with significant learning disabilities; and some young people with long-term support needs, e.g. some care leavers.

23. APPLICANTS IN SUPPORTED HOUSING WHO ARE READY TO MOVE ON

- 23.1 An Applicant who is living in supported housing, and is not ready to live independently, will be placed in Band D.
- 23.2 Where it is confirmed to the Homemove Team in writing by the manager of the supported housing provider that the Applicant is ready to live independently and move on to general needs housing, the Applicant will be placed in Band C, category (**c**) whatever other housing need they may have. Applicants to whom this applies will retain the Priority Date they had when they were in Band D in order to reflect the time they spent in supported housing.
- 23.3 An Applicant will not be placed in this category if they are being required to leave supported housing because of a breach of tenancy conditions.
- 23.4 An Applicant who is placed in Band C, category (**c**), will be subject to a 12-week time limit for bidding as set out at **34** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct/Auto Bidding, and the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at **35** below.

- 23.5 **Review of Applicant's Priority** - the Housing Options Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of supported housing without an increase in priority.

Any Applicant whose priority is increased in this way will be subject to Direct/Auto Bidding as set out at 35 below.

23.6 **Applicants who are residing in a mental health hospital and would otherwise be homeless**

An Applicant who is residing in a mental health hospital and would otherwise be homeless will be treated as if they were an Applicant living in supported housing. When an Applicant to whom this applies is ready to move into the community from a mental health hospital, this will be confirmed to the Homemove Team, in writing, by the Acute-Setting Worker based at the hospital.

This is intended to avoid mental health patients being discharged from hospital into a homeless situation where the hospital is prepared to delay discharge in the interest of sustaining the patient's well-being.

24. APPLICANTS WHO HAVE BEEN ACCEPTED AS HOMELESS

- 24.1 An Applicant who is homeless and is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council will be placed in Band C, category (a), whatever other housing need they may have.

- 24.1(a) An Applicant who is owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been accepted as being in priority need or is likely to be considered to be in priority need, will be placed in Band C, category (b) unless they are already in a higher band.

- 24.1(b) An Applicant who is owed the s.195 Prevention Duty under the homelessness legislation by Mid Sussex District Council will be placed in Band D, category (e) unless they are already in a higher band.

- 24.1(c) An Applicant who is owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been assessed as being intentionally homeless will be placed in Band D, category (f)

- 24.1(d) An Applicant who is owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been assessed as not being in priority need will be placed in Band D, category (f) unless they are already in a higher band

- 24.2 **An Applicant who is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by another local authority and** therefore is already being considered for further social housing by that authority, will be placed in Band D category (c) regardless of their current housing circumstances, unless they have been disqualified from joining the housing register as set out at 11 above.

- 24.3 Applicants who make a homelessness application to the Council will remain in the Band they were in before they applied as homeless unless 15(3)(b) or 24.1 applies whilst their application is considered. Applicants who apply to join the register after they have applied as homeless will be placed in Band D unless 15(3)(b) applies whilst their homelessness application is considered, unless they have been disqualified from joining the housing register as set out at 11 above.

24.4 An Applicant who is placed in Band C, category (a) or (b), will be subject to Direct/Auto Bidding, and the rules on refusing an offer resulting from a Direct/Auto Bid, as set out at 35-36 below.

24.5 **Review of Applicant's Priority** - the Housing Options Manager, or their deputy in their absence, may increase an Applicant's priority by authorising a move into Band B category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of temporary accommodation without an increase in priority.

Any Applicant whose priority is increased in this way will be subject to Direct/Auto Bidding as set out at 35 below.

25. RENT (AGRICULTURE) ACT 1976 CASES

25.1 The Rent (Agriculture) Act 1976 requires the Council to use its best endeavours to provide accommodation for displaced agricultural workers who meet the criteria of that Act and to whom the Council have accepted a duty to rehouse. Applicants to whom this applies will be placed in Band C category (d) and will be subject to a 12-week time limit for bidding as detailed at 34 below.

26. DELIBERATE WORSENING OF CIRCUMSTANCES AND BECOMING HOMELESS INTENTIONALLY

26.1 The Council considers that Applicants who have deliberately worsened their housing circumstances or have become homeless intentionally should not receive immediate priority over other Applicants as a result of their worsened circumstances.

26.2 An Applicant who is considered to have deliberately worsened their circumstances or is found by the Council to have become intentionally homeless within the meaning of the homelessness legislation, will therefore be placed in Band D (the lowest Band) for a period of 12 months from the date of the decision that this paragraph should apply to them, whatever other housing need they may have. Examples of deliberately worsened circumstances include:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Applicants who have moved from previously suitable or more suitable accommodation, which was reasonable for them to continue to occupy, to less suitable accommodation.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Homeowners who have sold a property within the last 5 years and who no longer have the capital available to make provision to meet their housing needs. Consideration will be made on what capital has been used for during this period.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

These are examples only. There will be other circumstances considered to decide whether an applicant has deliberately worsened their circumstances. All such cases will be assessed on their own particular circumstances.

26.3 After 12 months, the Applicant's housing need will be re-assessed, and they will be placed in the Band that applies to their new circumstances at that time.

- 26.4 If within the 12-month period the Applicant is subsequently accepted as homeless and owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by the Council, they will be placed in Band C as set out at **24** above.

27. THE RIGHT TO MOVE

- 27.1 Applicants who have exercised their Right to Move and who are exempted from the requirement to meet the Council's Local Connection qualifying criteria, as set out at **11.2.2** above, will be placed in Band C, category **(i)**.
- 27.2 However, such Applicants will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are otherwise exempted from requiring one under paragraphs **11.2.1** or **11.2.3**.
- 27.3 **Right to Move quota** – Allocation to these Applicants is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex.

How Transfer requests are managed

28. TRANSFER APPLICANTS

28.1 Definition of a Transfer Applicant

Any reference to Transfer Applicants in this Allocation Scheme refers only to Mid Sussex tenants of housing associations that are partners of the Mid Sussex Common Housing Register listed at **2.3** above (or others that become partners subsequent to the publication of this Allocation Scheme) who wish to transfer to another tenancy in Mid Sussex with the same or a different social landlord.

- Other social tenants, not fitting this definition, are considered in the same way as all other Housing Applicants.
- Homeless Applicants residing in temporary accommodation arranged by the Council are not considered as Transfer Applicants.

Transfer Applicants may join the Housing Register and will be considered for an allocation of accommodation through the Choice-Based Lettings process in the same way as any other Applicant, subject to the following:

28.2 Banding decisions affecting Transfer Applicants

(a) Transfer Applicants under-occupying accommodation

In the interests of freeing up family-sized accommodation for those in need, it is appropriate that existing social tenants who wish to move to smaller accommodation are given the priority to do so.

Transfer Applicants who have exclusive occupation of bedrooms in excess of the standard set out at **18** (Bedroom Entitlement) and express a wish to move to smaller accommodation will be placed in Band A, category **(b)**.

Such Applicants will be entitled to bid for suitably sized homes according to the rules set out at **18** (Bedroom Entitlement) with the exception of those entitled to bid for sheltered/retirement housing who may bid for 2-bedroom vacancies in such housing as and when these occasionally become available.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are under-occupying their home will also be placed Band A, category **(b)**.

(b) Transfer Applicants under-occupying accommodation who move into the private rented sector

In the interests of freeing up family-sized accommodation for those in need, it is considered appropriate that existing social tenants who choose to move to smaller accommodation in the private rented sector to avoid the Removal of the Spare Room Subsidy are protected.

Transfer Applicants who have been placed in Band A under the provisions detailed in **28.2(a)** above and who choose to give up their social housing tenancy to move into the private rented sector to avoid the Removal of the Spare Room Subsidy will remain in Band A for a period of up to 3 years or until such time as they move back into social housing, whichever is sooner.

(c) Transfer Applicants occupying a significantly adapted home

In the interests of freeing up significantly adapted homes that are no longer needed but which could be used by someone else who needs the adaptations, Transfer Applicants in this position and wishing to move will be placed in Band A, category **(c)**.

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are occupying a significantly adapted home which they no longer need will also be placed Band A, category **(c)**.

(d) Transfer Applicants who are successors

A Transfer Applicant who is a successor (or a non-statutory successor who has been approved by their landlord) wishing to move to smaller or more suitable accommodation will be placed in Band A, category (g).

(e) Transfer Applicants facing serious personal risk

A Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain will be placed in Band A, category (d), subject to approval by the Discretionary Priority Panel.

(f) Transfer Applicants facing harassment

A Transfer Applicant who needs to move urgently because of harassment or threat of violence will be placed in Band B, category (b), subject to approval by the Discretionary Priority Panel.

28.3 Priority given to bids from Transfer Applicants

In order to make better use of the housing stock priority is given to bids from Transfer Applicants in certain circumstances. These are detailed in 'How we Prioritise Bids' section of this scheme at 37 below.

Additionally, some priority is given to bids from Transfer Applicants for the following accommodation:

- Ground floor accommodation (or lift-access accommodation in blocks of flats) or other homes advertised as being suitable for Mobility Groups 2 or 3 (see 42.2 below)
- 2 Bedroom 4 Person houses (see 43.1 below)
- 3 Bedroom 6+ Person houses and 4 or more bedroom houses (see 43.2 below)

28.4 Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession or notice to quit (as the case may be), unless the possession action is due to rent arrears only and their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears.

28.5 Temporary Decants

A temporary decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see 50.7) so that major works can be carried out before a tenant can return to their home. A Temporary Decant may be converted to a Permanent Decant where repairs to a tenant's home become so extensive, and the decant time so long, that it is considered unreasonable to expect the tenant to return to their original home.

28.6 Permanent Decants

A permanent decant into a suitable property may be arranged by a housing association landlord through Direct Allocation (see 50.7) where a tenant's home is to be demolished or redeveloped.

Alternatively, with Discretionary Priority Panel approval, the Applicant may be placed in Band A Category (e) to allow them to bid for a home of their choice as set out at 17 above.

28.7 Management Transfers

All Transfers required in cases of exceptional need, e.g. where special medical, social, or unusual circumstances arise, may only take place through the normal Choice-Based Lettings process and must be considered within the provisions of this Allocation Scheme. In such cases, consideration may be given as to whether the Applicant should be considered for an award of 'Discretionary Priority' by the Discretionary Priority Panel in order for the Applicant to be placed in a higher Band (see 17 above).

How homes are advertised for bidding

29. HOW WE ADVERTISE HOMES TO LET

29.1 Housing association and other approved provider homes to let in Mid Sussex are advertised through the Sussex Homemove Partnership via its website at www.homemove.org.uk. Available properties are advertised online for eligible applicants to bid on, the frequency and cycle dates are published online. Successful applicants will be contacted as soon as possible by the landlord.

29.2 Only Applicants who are registered on the Mid Sussex Common Housing Register can bid for Mid Sussex Homes, unless the Homemove Team decides to make hard-to-let homes available for other applicants from within the Sussex Homemove Partnership.

29.3 Labelling of homes in adverts

(a) Each home that is advertised in the magazine is accompanied by a photograph and a brief description as well as symbols for an at-a-glance guide to the details and who can bid for it.

This will also include:

- whether the home is to be let at a Social Rent or an Affordable Rent
- whether the home is subject to a Local Lettings Scheme
- whether the home is within a rural exception site and subject to strict Local Connection criteria
- whether the home is a first letting within a new development and subject to strict Local Connection criteria
- whether the home is subject to strict Local Connection Criteria because the vacancy results from the previous tenant moving into a home on a new development of under 250 units in the same town or village
- whether the home is subject to a sensitive letting

(b) **Homes suitable for disabled people** - All homes that are suitable for disabled people will be advertised for bidding from Applicants in any Band and will be labelled with a mobility classification as set out below.

Mobility Group 1 - Suitable for full-time wheelchair user

Mobility Group 2 - Suitable for those who use a wheelchair some of the time

Mobility Group 3 - Suitable for those who have limited mobility but can manage three steps.

For details of how bids are prioritised for homes that are advertised as being suitable for Applicants in Mobility Groups see **42** below.

(c) **Older persons accommodation or sheltered homes** – All homes that have been designed to provide facilities which are intended specifically for use by an older person will be advertised for bidding from Applicants in any Band. However, such homes will only be allocated to older people and will be labelled as such when advertised.

(d) **Local Lettings Schemes** - Some homes will be advertised as being subject to a Local Lettings Scheme agreed with Mid Sussex District Council, to ensure that communities are as balanced as possible.

In such cases this will be clearly indicated in the advert.

Further details about Local Lettings Schemes can be seen at **30** below.

30. LOCAL LETTINGS SCHEMES

30.1 Achieving Balanced Communities

The Council may, where appropriate, in consultation with the relevant housing association, or other approved provider adopt a Local Lettings Scheme whereby individual homes, blocks, streets, estates or neighbourhoods may be allocated according to different criteria to those normally used.

Some Local Lettings Schemes limit who can be considered as a tenant, e.g. they may limit allocation on the basis of Local Connection to the town or village where the home is situated. Others may allow for a 'sensitive letting' so as to exclude Applicants with a history of antisocial behaviour.

Some Local Letting Schemes may include a requirement that a percentage of lettings should go to Applicants who are in paid employment or making a positive contribution to the District.

Such a scheme might be adopted in order to achieve a balanced community on a new estate for example or to assist in rectifying problems on an existing estate where there are management difficulties or the homes have become difficult to let.

Any such Local Letting Scheme will endeavour to ensure that the twin aims of firstly meeting housing need and secondly maintaining sustainable communities within the social housing stock are achieved.

Such schemes will be agreed to operate for a strictly one off letting or for a limited period of time after which the scheme will be reviewed by the Homemove Manager and the Council's Housing Options Manager or their deputy. By exception some schemes may be subject to a local lettings scheme from first lettings onwards due to particular characteristics of the scheme.

- 30.2 Any home that is subject to a Local Lettings Scheme will be identified when advertised along with details of restrictions on who may be considered when allocating the home.

30.3 Schemes subject to a Planning Agreement

Where the accommodation is subject to a planning agreement or other restriction, whether legally enforceable or not, only Applicants who can meet the terms of that agreement or restriction will be allocated that accommodation. This can be the case for housing in some rural locations, called Rural Exception sites, which are intended for occupation by local people from the village or parish. Such homes will be labelled when advertised.

30.4 Essential or Key Workers

The law allows the Council to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Occasionally, specific funding is made available for schemes to develop low cost home ownership and affordable rented housing for keyworkers such as teachers, nurses and police officers. These homes will be made available only to Applicants who meet the qualifying criteria. Such homes will be labelled when advertised.

30.5 Sensitive lettings

Some homes will be advertised as being 'subject to sensitive letting' to assist in rectifying problems on an estate where there are management difficulties or the homes have become difficult to let. Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for. For full details of how such bids are considered see **39** below.

How to bid

31. THE BIDDING PROCESS

- 31.1 Full details of how to bid are set out in the Scheme User Guide which is available on the www.homemove.org.uk website. Contact the Homemove Team if you require more information.
- 31.2 All bids for a home are checked against the criteria that have been set for the home, e.g. the size of the home, or any age restrictions that might apply. Bids that do not meet the set criteria will be excluded from consideration. The Homemove Team will provide advice and support to Applicants who regularly bid for homes where they do not meet the correct criteria.
- 31.2.1 Applicants can bid for up to three homes each fortnight and, if done online at www.homemove.org.uk, Applicants can switch their bids to other homes if they change their mind before the bidding deadline. However, Applicants placed in temporary accommodation and to whom Mid Sussex District Council has accepted the s.193 main housing duty to under Part 7 of the Housing Act 1996 can place unlimited bids.
- 31.3 Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months will cease to qualify to be on the Council's register and may be removed (see **11.3**).
- 31.4 **Auto bids/Direct bids**
The Council recognises that some applicants will not be able to bid for themselves and may not have a friend or family member that can help. An applicant can request auto-bidding by contacting the Homemove Team on 01444 477486; homemove@midsussex.gov.uk

Where applicants are set up on auto-bid the computer automatically places bids on the properties which the applicant has the greatest chance of success for.

Homeless Applicants who the s.193 Main housing duty or the s.189B Relief duty is owed will also be placed on auto bidding and or direct bids made to help maximise their chances of resolving their housing issue. (see **35.1** below).

32. THE SIZE OF HOME APPLICANTS CAN BID FOR

- 32.1 Applicants may only bid for the size of home that is considered to be suitable for their household. Applicants will be advised of the size they can bid for when they register.
- 32.2 **Bedroom entitlement calculation**

The calculation and rules used to decide the size of home an Applicant may bid for are the same as those used to assess how many bedrooms an Applicant is lacking in their current home.

The bedroom entitlement calculation and rules can be found at **18** above.

33. FEEDBACK ON LET HOMES

- 33.1 All homes that have been advertised that have been let will be listed on the Homemove website showing the number of bidders for each home and the Priority Band and Priority Date of the successful Applicant.

34. TIME LIMITS FOR BIDDING

34.1 With certain exceptions (see below) we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

34.2 Where an Applicant has been placed in either:

Band C (a) because they are owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council or:

Band C (b) because they are owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been accepted as being in priority need or is considered likely to be in priority need or:

Band B (e) because they are owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council and their priority has been increased at the discretion of the Council's Housing Options Manager or their deputy

Such applicants are not entitled to any time in which to freely bid. They will be required to accept the first suitable offer of accommodation, regardless of whether the offer resulted from a bid they made or a direct/auto bid. The refusal of any such offer will be subject to the rules set out at 36 below including those made as a result of a bid they made. Any such offer and/or refusal is also subject to any relevant provisions under Part VII of the Housing 1996.

34.2 There is a **12 week time limit** for free bidding for the following categories of Applicants within Bands A, B and C. Within the 12 week time limit for free bidding Applicants who successfully bid for a home may reject an offer of a tenancy without any penalty.

Band A

Category (d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Priority Panel (see 17))

Category (e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Priority Panel (see 17))

Category (f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Priority Panel (see 17))

Band B

Category (b) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence (to be approved by the Discretionary Priority Panel (see 17))

Category (d) The Applicant has been selected for a tenancy in general needs housing with specialist floating support (to be approved by the Discretionary Priority Panel (see 22))

Band C

Category (c) The Applicant is ready to move on from supported housing in Mid Sussex (see 23)

Category (d) The Applicant has a home, but Mid Sussex District Council has a statutory duty to rehouse them (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) (see 25)

Category (h) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship, e.g. to give support to, or receive support from, a family member (see 21) (to be approved by the Discretionary Priority Panel (see 17)).

34.3 **The 12 week time limit starts from:**

- the date the Applicant is ready to move on from care or supported housing; or
- the date of the Discretionary Priority Panel decision, as applicable.

34.4 The 12 week time limit may be extended at the discretion of the Homemove Manager.

34.5 Failure to bid within time limit

The Homemove Team monitor the 12 week time limit. If an Applicant does not bid successfully within the time limit, then the Applicant loses their right to bid for the home of their choice and any bids they make may be removed or disqualified.

After the 12 week time limit has expired, the Homemove Team and the Council's Housing Options Team may make Direct or Auto Bids (see **35** below) on their behalf until a bid is successful and a reasonable offer is made to the Applicant, having reasonable regard to the areas of choice that the Applicant has indicated.

Any bid made by the Applicant after the time limit expires, which is not removed or disqualified, will be treated as if it was a Direct or Auto Bid that was made on their behalf, and the refusal of any offer resulting from this bid will be subject to the rules set out at **36** below.

35. Direct and Auto Bidding on Behalf of Applicants

35.1 In certain cases, the Homemove Team and/or the Council's Housing Options Team may make Direct or Auto Bids on behalf of Applicants as follows:

- (a) **Where the Applicant is homeless and is owed the s.193 main housing duty under Part 7 of the Housing Act or the s.189B Relief duty under the homelessness legislation by Mid Sussex District Council (see **24**)** - the Homemove Team and or the Housing Options Team may, having reasonable regard to the areas of choice that the Applicant has indicated place Direct and or Auto bids. This is in order to reduce the need for households to spend time in unsettled accommodation (in line with government requirements) and to ensure that a supply of accommodation continues to become available for newly homeless households.
- (b) **After the expiry of a time limit for bidding** – where an Applicant who is subject to a time limit for bidding (see **34** above) fails to successfully bid within the specified time limit that applies to them, Direct or Auto Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (c) **Where the Applicant's priority has been increased at the discretion of the Council's Housing Options Manager** – where the Applicant is ready to move on from supported housing in Mid Sussex; or is homeless and is owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council; and their priority has been increased at the discretion of the Council's Housing Options Manager or their deputy (see **23.5**; or **24.5** above), Direct or Auto Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.
- (d) **Where the Applicant is a MAPPA case** - Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPPA) will be restricted from bidding and will not be allowed to choose their home. Instead, Direct or Auto Bids may be made for suitable homes on their behalf until a reasonable offer is made and accepted by the Applicant.

36. Refusing an Offer of Accommodation

With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

36.1 An Applicant is considered to have refused an offer of accommodation where they:

- fail to attend a viewing without good reason
- fail to attend an interview with a registered provider without good reason
- fail to provide the information requested by a registered provider resulting in the offer being withdrawn
- are offered a property and decline it

36.2 Homeless Applicants

Where an applicant has been placed in either:

- Band C (a) because they are owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council or:
- Band C (b) because they are owed the s.189B Relief Duty under the homelessness legislation by Mid Sussex District Council and has been accepted as being in priority need or is considered likely to be in priority need or:
- Band B (e) because they are owed the s.193 main housing duty under Part 7 of the Housing Act 1996 by Mid Sussex District Council and their priority has been increased at the discretion of the Council's Housing Options Manager or their deputy

They will be required to accept the first suitable offer of accommodation, regardless of whether the offer resulted from a bid they made or a direct/auto bid. The refusal of any such offer may result in the ending of that housing duty and an ending of the provision of any temporary accommodation that has been arranged for the Applicant. The Applicant will be placed in Band D for a period of 12 months from the date the decision that this paragraph should apply to them whatever other housing need they may have (see 15.4(g) above).

The above is subject to the provisions of Part VII of the Housing Act 1996. Generally, whether or not a Homeless Applicant accepts an offer, they have the statutory right to request a review of the suitability of the accommodation they have been offered. Any offer of a home will not be kept open while the Applicant's case is considered but may be let to another Applicant who has bid. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a statutory review of its suitability.

36.3 Other Applicants who the Council has a statutory duty to re-house

An Applicant owed a statutory duty to re-house other than a duty under the homelessness legislation (e.g. under a Compulsory Purchase Order; or Rent (Agriculture) Act duty) who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will result in the ending of that housing duty.

36.4 Applicants who are ready to move on from supported housing in Mid Sussex

An Applicant who is ready to move on from supported housing in Mid Sussex who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will lose their priority in Band C (or Band B) and be re-banded to according to their current housing circumstances. An Applicant who refuses a reasonable offer may request a review of the suitability of the home they have been offered. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

36.5 Applicants in a Band A, B or C category requiring approval by the Discretionary Priority Panel

An Applicant who is in one of the Band A, B or C categories that requires approval by the Discretionary Priority Panel who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will have their case referred back to the Discretionary Priority Panel who will consider whether the refusal was reasonable and whether the award of Discretionary Priority should remain or be removed. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

36.6 Applicants selected by the Discretionary Priority Panel for a tenancy in general needs housing with specialist floating support (see 22)

An applicant who has been selected by the Discretionary Priority Panel for a tenancy in

general needs housing with specialist floating support who refuses a reasonable offer of a home resulting from a Direct or Auto Bid on their behalf will have their case referred back to the Panel who will consider whether the refusal was reasonable and whether their selection should remain. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant. Where the Panel decides that the Applicant should no longer be selected, they will lose their priority in Band B and be re-banded according to their current housing circumstances.

How we prioritise bids

37 HOW BIDS ARE PRIORITISED

37.1 All bids that meet the criteria for each home are placed in priority order on a shortlist. With certain exceptions, priority is normally decided first by Priority Band and then by Priority Date within the Band. Exceptions to this are detailed under the headings below and under the further headings at **38–47** below.

37.2 Where an Applicant's bids are first on the shortlist for more than one home

When an Applicant is first in priority order on more than one home, the Homemove Team will use its best endeavours to contact the Applicant to allow them to choose which of these homes they should be nominated for.

37.3 Tied bids

Every bid will be assigned a random number when a bid is made, and this number will be used to resolve a tie. The highest random number gets priority.

37.4 If there are no successful bids on a home

If there are no bids that meet the criteria for a home, the Homemove Manager will decide whether the home should be re-advertised or be offered as a direct let (see **50**).

37.5 Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession or notice to quit, unless their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears due solely to the Removal of the Spare Room Subsidy (and the possession action is in relation to arrears only).

37.6 Homes advertised as being 'subject to a sensitive letting'

Bids from Applicants with a history of anti-social behaviour may be given less priority than bids from other Applicants for homes that are advertised as 'subject to a sensitive letting.' For full details see **39** below.

37.7 Homes advertised as being 'subject to a local lettings scheme'

Bids from Applicants for homes advertised as being 'subject to a local lettings scheme' will be prioritised according to specific criteria specified in the agreed scheme as detailed at **30** above.

37.8 Nomination or Offer withdrawn

The Council reserves the right to withdraw any nomination or offer of accommodation where there is a just cause. An explanation of the withdrawal will be made to the person or household directly affected.

38 HOUSING RELATED DEBT OR RENT ARREARS AFFECTING PRIORITY – special rules

38.1 Bids for homes will not normally be considered from a Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession or notice to quit. See **28.4** above.

38.2 The Council considers that priority should be given to those applicants who do not owe

money to a council or housing association in connection with housing.

- 38.3 Less priority will therefore be given to bids from an Applicant who has any housing related debt or rent arrears (whether legally recoverable or not) with the Council, another local authority, or a housing association, unless
- they are being considered for supported housing which is allocated under **50.3** below; or
 - they are being considered for specialised floating support in self-contained general needs housing which is allocated by the Discretionary Panel under **22** above; or
 - they have a debt but have kept to regular payments and the creditor expressly advises the Homemove Team, in writing, that they are happy for them to be housed with the debt; or
 - they are a Transfer Applicant, and their landlord expressly advises the Homemove Team, in writing, that they are happy for their tenant to move with arrears; or
 - the Arrears Panel has decided, as an exceptional case, that priority should be given to the Applicant as if they did not have a debt, as described below at **38.9**.
- 38.4 Bids from an Applicant in housing need in Band A, Band B, or Band C to whom this applies will be given less priority than bids from other Applicants in any of these Bands until the debt or arrears have been cleared in full.
- This means, for example, that a bid from an Applicant in Band A with a debt could be given less priority than a bid from an Applicant in Band B or Band C who does not have a debt.
- 38.5 Bids from Applicants in Band D to whom this applies will be given less priority than bids from other Applicants in Band D until the debt or arrears have been cleared in full.
- 38.6 For the avoidance of doubt, a bid from an Applicant in Band D will not be given a higher priority than a bid from an Applicant in housing need in Band A, B or C who has a housing related debt or arrears.
- 38.7 Although an Applicant with a housing related debt may be nominated for an allocation of housing, the housing association to whom the debt is owed or indeed any other housing provider may reserve the right to refuse the Applicant a tenancy until the debt is cleared.
- 38.8 Any Applicant affected by a decision that they are to be given less priority than other Applicants because of a housing related debt will be notified in writing, with reasons, by the Homemove Team.
- 38.9 **The Arrears Panel**
- The Discretionary Priority Panel of officers described at **17.1** above may, as an Arrears Panel, consider cases where an Applicant would otherwise be allocated accommodation but for a debt. In exceptional cases, the Panel may consider that there is no reasonable prospect of the Applicant repaying such a debt, perhaps because it is considered that they are unlikely or unable to gain employment because of mental illness, learning or physical disability, or are considered to be unable to adequately manage their affairs. The Arrears Panel will also take into account the reason(s) why the arrears accrued. In such cases, the Panel may decide that priority is to be given to the Applicant as if they did not have such a debt. However, many housing associations may refuse nominations of applicants with a poor history of rent payments or debt in line with their individual lettings policies.

39 ANTI-SOCIAL BEHAVIOUR AFFECTING PRIORITY – special rules

- 39.1 Some Applicants are excluded from joining the register because they do not qualify as a result of unacceptable behaviour see **11.6** above (Applicants who not qualify to be on the housing register).
- 39.2 However, even where it is decided that an Applicant does qualify, any history of anti-social

behaviour of the Applicant (or member of their household) which affects their suitability to be a tenant may still be taken into account when allocating a home that is 'subject to a sensitive letting' under a Local Lettings Scheme as described at **30.5** above.

- 39.3 Any Applicant affected by a decision that their history of anti-social behaviour may be taken into account when allocating a home that is 'subject to a sensitive letting' will be notified in writing, with reasons, by the Homemove Team.
- 39.4 Any home that is 'subject to a sensitive letting' will be identified as such when it is advertised.
- 39.5 Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homemove Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.
- 39.6 The Council reserves the right to take full account of the needs of the local community as well as the Applicant's when deciding to make a nomination for an allocation of accommodation for the Applicant. In very exceptional cases this right may extend to not nominating an applicant for an allocation of a particular home even where the home has not been advertised as being 'subject to a sensitive letting'. In such cases the Homemove Team will seek the authority of the Council's Housing Options Manager. In addition, housing associations or other approved providers may refuse nominations of applicants with a history of anti-social behaviour in line with their individual lettings policies.

40 FIRST LETTINGS OF A NEW HOUSING DEVELOPMENT – special rules

- 40.1 The Council is concerned that new developments of general needs housing in the towns and villages of Mid Sussex should enable those local people in housing need who wish to do so to remain in their local community so as to contribute to the sustainability of that community. Special rules designed to ensure this happens are set out below, although important exemptions to these rules are set out at **40.8** and **40.9**.

For the avoidance of doubt, the expression 'new developments of general needs housing' includes new developments of units for affordable home ownership where the Applicant may part own their home and new developments of units of affordable rented housing unless the property is included within the Affordable Homes Programme when it will be exempt from the Council's local connection criteria.

40.2 How Priority is given to local people

When allocating the first letting of a home within a new development of general needs housing in the towns and villages of Mid Sussex, priority will be given to bids from Applicants who have a Local Connection with the town or village where the new development is located, as defined at **40.6** below. In the case of a rural exception site, the local connection criteria that apply to the individual exception site will be used instead.

For the avoidance of doubt, with the exceptions set out **40.4**, **40.8** and **40.9** below, bids from suitable Applicants who have a Local Connection with the new development will be given priority over other bids. In practice, this means that the prioritising rules set out at **37 – 45** will first be applied to bids from a tranche of Applicants who have a Local Connection with the new development before these are applied to bids from other Applicants.

- 40.3 If the successful Applicant is a Transfer Tenant who currently occupies a home in the town or village where the new development is situated, the home they vacate will be treated as if it was a first letting of a home within a new development and bids for their home will be prioritised accordingly. For the avoidance of doubt in the case of rural exception sites, the home vacated will be allocated in accordance with the local connection criteria that apply to the individual exception site.

40.4 **New homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)**

The Council is concerned that new homes that have been developed for full-time wheelchair users are given to applicants who need them, wherever this is possible.

Therefore, where a new home is advertised as suitable for Mobility Group 1 (full-time wheelchair users), priority will be given to bids according to the special rules set out at **42.1** below.

In other words, priority for these homes is determined by need rather than local connection. However, subject to those special rules, priority will be given to bids from suitable local Applicants who have a specific mobility need for these homes and who have the relevant Local Connection with the new development.

40.5 **New homes advertised as suitable for Mobility Groups 2 and 3**

When a new home is advertised as suitable for Mobility Group 2 or 3, priority will be given to bids from Applicants with a Local Connection to the town or village according to the special rules for prioritising bids for first lettings of new developments, whether or not the Applicant has mobility need.

However, bids from local people with mobility needs will be prioritised above those without mobility needs according to the special rules set out at **42.2** below.

40.6 **Local Connection with a town or village**

To establish a Local Connection with a town or village an Applicant or joint Applicant must meet one of the following criteria:

The Applicant or joint Applicant

- a) resides in the town or village as their only or principal home and has done so continuously for the previous 2 years; (where this criteria is satisfied; the Local Connection will be retained for a 12 month period from the date the Applicant leaves the District; or
- b) is in paid employment in the town or village (working 16 hours or more a week) and has been continuously for the previous 2 years; or
- c) has close relatives who reside in the town or village as their only or principal home and have done so for at least the previous 5 years, (or the previous 2 years if the Applicant is aged 65 or over), where the Council considers that it is necessary for the Applicant to be accommodated within the District in order to provide or receive significant and essential medical or social support to/from the relative. Close relatives will normally only include parents, adult children or brothers or sisters, including corresponding step relationships

40.7 **Where no suitable Applicant bids with a Local Connection with the town or village**

- In the event that no suitable Applicant has bid for a home in a town using the above Local Connection criteria, then bids from other Applicants on the register will be considered in the same way as if they had a Local Connection with the town in which the new housing development is situated.
- In the event that no suitable Applicant has bid for a home in a village or the part of the village falling within Mid Sussex using the above Local Connection criteria, then bids from Applicants with a Local Connection to the parish in which the village or the part of the village falling within Mid Sussex is located will be considered in the same way as if they had a Local Connection with the village or the part of the village falling within Mid Sussex.
- In the further event that no suitable Applicant has bid for a home in a village or the part of the village falling within Mid Sussex who has a Local Connection with the parish in which the village is or the part of the village falling within Mid Sussex located, then bids from Applicants with a Local Connection to a neighbouring parish will be considered in the same way as if they had a Local Connection with the village or the part of the village falling within Mid Sussex.

- In the further event that no suitable Applicant has bid for a home in a village or the part of the village falling within Mid Sussex who has a Local Connection with a neighbouring parish, then bids from other Applicants on the register will be considered in the same way as if they had a Local Connection with the village or the part of the village falling within Mid Sussex in which the new housing development is situated.

40.8 Exemption for larger new developments

Larger new developments are intended to meet the housing needs of the whole District and are therefore exempt from the special rules set out above.

The exemption applies to new developments containing 250 homes or more in total. The total number of homes includes all private market and affordable homes in the whole development, whether or not the development comes forward in phases.

40.9 Other exemptions

The criteria set out above for the allocation of new general needs housing developments specifically excludes the allocation of new developments where there is a social or support service provided in conjunction with the accommodation or where the accommodation has been designed to provide facilities which are intended specifically for use by older people.

41 HOMES IN AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) OR THE SOUTH DOWNS NATIONAL PARK (SDNP) – special rules

- 41.1 The Council recognises that new developments within AONB or the SDNP that have been brought forward through Neighbourhood Plans are exceptional and intended to meet local housing need. To this end priority will be given to Applicants with a Local Connection to the village or parish where the homes are located, as set out below.
- 41.2 In the case of all first lettings of such developments, priority will be given to Applicants who have a Local Connection with the village or parish according to the rules set out above at **40** that cover First Lettings of a New Housing Development.
- 41.3 In the case of all subsequent lettings of a designated 50% of the homes in the development, priority will be given to applicants with a Local Connection with the village or parish as if they were first lettings of such developments. The rules set out above at **40** that cover First Lettings of a New Housing Development will therefore apply to all subsequent lettings of a designated 50% of the homes in such developments.
- 41.4 A development has been brought forward through a Neighborhood Plan when a Neighborhood Plan has been submitted to the Council in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. For the avoidance of doubt, the special rules set out above would also apply where a development has been brought forward in this way but planning permission for that development has been granted in advance of the adoption of the Neighbourhood Plan.

42 ACCESSIBLE HOUSING – special rules

42.1 Homes advertised as suitable for Mobility Group 1 (full-time wheelchair users)

- Priority will be given to bids from Applicants in Mobility Group 1 (full-time wheelchair users) who are in Bands A, B, or C.
- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 2 (part-time wheelchair users) who are in Bands A, B, or C who have a progressive degenerative condition that is likely in time to make them full-time wheelchair users or who have a substantial disability and are likely to be reliant on a wheelchair for the foreseeable future.

- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 1 (full-time wheelchair users) who are in Band D.
- If no suitable Applicant is available, then priority will be given to bids from Applicants in Mobility Group 2 (part-time wheelchair users) who are in Band D and who have a progressive degenerative condition that is likely in time to make them full-time wheelchair users or have a substantial disability and are likely to be reliant on a wheelchair for the foreseeable future.
- If no suitable Applicant is available, then bids from other Applicants will be given priority according to **42.2** below (Ground floor accommodation (or lift-access accommodation in blocks of flats)).

42.2 Ground floor accommodation (or lift-access accommodation in blocks of flats) or any home advertised as suitable for Mobility Groups 2 or 3.

See **29.3(b)** for description of Mobility Groups.

If the home is advertised as suitable for full-time wheelchair users (Mobility Group 1), then **42.1** above applies.

If the home is not advertised as suitable for Mobility Group 1, or it has been but there are no suitable bids from applicants meeting the criteria at **41.1**, then bids for any ground floor accommodation (or lift-access accommodation in blocks of flats) will be prioritised as follows:

- Priority will be given to bids from Applicants in Band A or B who are in any Mobility Group
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band C who are in Mobility Groups 1 or 2
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band C who are in Mobility Groups 1 or 2
- If no suitable Applicant is available, then bids from other Applicants will be prioritised in the normal way, prioritising first by Band and then by Priority Date within the Band, giving bids from Armed Forces Personnel priority over bids from other Applicants in their Band (see **44** below).

43 LARGE FAMILY HOUSES – special rules

43.1 2 bedroom 4 person houses

So that best use is made of these larger 2 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from any Applicant in Band A with 2 children
- If no suitable Applicant is available, then priority will be given to bids from Transfer Applicants in Band B or C with 2 children
- If no suitable Transfer Applicant is available, then priority will be given to bids from other Applicants in Band B or C with 2 children
- If no suitable Applicant with 2 children is available, then bids from Applicants in Bands A, B or C with only 1 child will be considered, following the order of priority set out above
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 2 children will be considered.
- If no suitable Applicant from Band D with 2 children is available, then bids from Applicants in Band D with 1 child will be considered, following the order of priority set out above.
- If no suitable Applicant is available, the Homemove Manager will decide whether the home will be re-advertised or offered as a direct let (see **50** below.)

43.2 3 Bedroom 6+ Person houses and 4 bedroom houses

So that best use is made of these larger 3 and 4 bedroom homes, whilst also giving priority to urgent housing need, Applicants bidding for these will be prioritised as follows:

- Priority will be given to bids from Transfer Applicants in Band A or B or C with 4 or more children or with fewer children but a 4 bedroom need
- If no suitable Applicant is available, then priority will be given to bids from other Applicants in Band A, B, or C who have 4 or more children or have fewer children but a 4 bedroom need
- If no suitable Applicant is available, then bids from Applicants in Band A, B, or C who have 3 children or have fewer children, but a 3 bedroom need will be considered
- If no suitable Applicant from Bands A, B or C is available, then bids from Applicants in Band D with 4 or more children or with fewer children but a 4 bedroom need will be considered.
- If no suitable Applicant is available, the Homemove Manager will decide whether the home will be re-advertised or offered as a direct let (see **50** below).

44 ARMED FORCES PERSONNEL – additional priority, special rules

- 44.1 Bids from Armed Forces Personnel will be given priority over bids from other Applicants in their Band when they bid on a suitable home if they are an Applicant who
- a) is serving in the regular forces and is suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
 - b) formerly served in the regular forces
 - c) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who has served in the regular forces and whose death was wholly or partly attributable to their service; or
 - d) is serving or has served in the reserve forces and is suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.
 - e) has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following divorce or separation from their spouse or civil partner who is serving in the regular forces

For this purpose, “the regular forces” and “the reserve forces” have meanings given in section 374 of the Armed Forces Act 2006(a).

- 44.2 However, the additional priority given to bids from Armed Forces Personnel will not take precedence over the special rules set out above at:
- **40** (First lettings of a new housing development)
 - **41** (Homes in areas of outstanding natural beauty or the South Downs National Park)
 - **42** (Accessible housing)
 - **43** (Large family houses)

45 HOMELESS HOUSEHOLDS OWED THE MAIN HOUSING DUTY – special rules

- 45.1 Bids from Homeless Applicants who are owed the main housing duty by the Council under s.193 of the Housing Act 1996 (Band C (a)) will be given priority over bids from other Applicants in their Band.
- 45.2 However, the additional priority given to bids from Homeless Households owed the main duty by the Council will not take precedence over the special rules set out above at:
- **40** (First lettings of a new housing development)
 - **41** (Homes in areas of outstanding natural beauty or the South Downs National Park)
 - **42** (Accessible housing)
 - **43** (Large family houses)

- **44** (Armed Forces Personnel)

46 THE RIGHT TO MOVE – special rules

46.1 Applicants who have exercised their Right to Move and who are exempted from the requirement to meet the Council's Local Connection qualifying criteria, as set out at **11.2.2** and have been placed in Band C, category (i) will be given less priority than other Applicants in Band C who do have a local Connection with Mid Sussex or are otherwise exempted from requiring one under paragraphs **11.2.1** or **11.2.3**.

46.1 Right to Move quota – Allocation to these Applicants is limited to a maximum of 1% of properties allocated each year, amounting to 3 or 4 properties per year. The Council considers this to be reasonable, taking into account the particularly high demand that exists from other Applicants who do have a Local Connection with Mid Sussex.

47 APPLICANTS ALLOWED TO JOIN THE HOUSING REGISTER DESPITE NOT SATISFYING THE LOCAL CONNECTION CRITERIA – special rules

Where Applicants over 55 have been allowed to join the housing register to bid for sheltered schemes but do not have a LC, they will be given less priority than those Applicants who do have a local connection. (see **11.2.4** above).

48 Changes to advertising, shortlisting, selection and offers

In the event the Council changes the IT system used to underpin the assessment and allocation of social housing, this policy may need to be updated to reflect the new IT system in how properties are advertised, shortlisted or offered to applicants and to reflect any enhancements that may be available that increases customer choice, or reduce property void times such as daily or continuous bidding. These changes may be made without the need to refer to Committee, so long as it does not make changes to eligibility, qualifying persons, local connection or exemptions agreed in the policy.

The letting process

49 THE LETTING PROCESS

- 49.1 The prioritised list of Applicants who bid for a home will be nominated to the housing association or other approved provider so that the home can be let.
- 49.2 After close of bidding, and to minimise delays, the housing association or other approved provider may arrange multiple viewings for no more than the 3 highest bidding Applicants per home. The first Applicants to view the home are normally contacted within 5 working days of close of bidding. If contact cannot be made with an Applicant within 5 days, then another Applicant may be contacted. Where the first Applicants are owed the s.193 main housing duty or the s.189B relief duty the Housing Options Team must be informed before another Applicant is contacted to give them a reasonable opportunity to try and contact the Applicant.
- 49.3 Applicants will be required to bring proof of identity e.g. driving licence or passport to the viewing.
- 49.4 To ensure homes are let quickly and so minimise any loss of rent and homes being left empty unnecessarily, Applicants must be available and ready to sign for and take up an offer of accommodation they have bid for and viewed. If the successful Applicant has not signed for the tenancy within 3 days of viewing and verbally accepting the offer of the home, then the housing association or other approved provider is entitled to offer the home to the next Applicant. Where the successful Applicant is owed the s.193 main housing duty or the s.189B relief duty the Housing Options Team must be informed before the home is offered to the next applicant to give them a reasonable opportunity to try and contact the Applicant to help ensure the sign up goes ahead.
- 49.5 If the Applicant at the top of the prioritised list refuses the home, the next Applicant will be offered it, and so on down the list of bidders. Where the Applicant is owed the s.193 main housing duty or the s.189B relief duty the Housing Options Team must be informed before the home is offered to the next applicant to give them a reasonable opportunity to try and contact the Applicant to secure their acceptance.
- 49.6 In exceptional cases the housing association or other approved provider may refuse to accept the nomination of an Applicant who appears on the prioritised list if to do so would conflict with its own Lettings Policy. In such cases, the housing association or other approved provider will have to give reasons for its refusal to the Homemove Team who will consider the refusal in consultation with the Housing Options Manager at Mid Sussex District Council.
- 49.7 For General Needs housing, the housing association lettings team will:
- usually arrange accompanied viewings, advising of any non-essential work to be completed after the tenancy start date, giving a target date for the completion of these
 - offer the Applicant the option to accept and invite to sign for the tenancy or agree to a decision within a reasonable time. Some flexibility is needed when vulnerable Applicants are involved who may need to consult with support staff or their Occupational Therapist before making a decision.
 - on refusal by the Applicant, note the reasons for refusal, and offer the home to the next Applicant
 - on failure of the Applicant to provide adequate proof of identity at the viewing, give the Applicant further time to provide this at the Letting Officer's discretion
 - notify the Homemove Team immediately the accommodation has been accepted and the name of the successful Applicant.

Direct allocation of some homes

50 DIRECT ALLOCATION OF SOME HOMES

50.1 Some homes will not be advertised and will not be available for bidding by Applicants. These homes will be allocated by Direct Allocation by the Homemove Team in liaison with the housing support provider; West Sussex County Council; or the Council's Housing Options Team as appropriate. Direct Allocation will apply as follows below:

50.2 Supported housing

Most supported special needs housing (except sheltered housing) will be allocated through Direct Allocation and will not be advertised.

However, we allow Applicants who have been selected for specialised floating support in self-contained general needs housing to bid for a home of their choice (see **22** above).

50.3 Supported housing subject to Council nomination rights

50.3.1 Referrals of Applicants considered to be appropriate for specific supported housing schemes will be considered by the scheme provider who will select the appropriate Applicant using scheme criteria which have been agreed with the Council.

50.3.2 All Applicants who are referred to supported housing vacancies that are subject to Council nomination rights will be prioritised on the basis of a combination of housing need and need for the specific support provided by the scheme in question.

50.3.3 An Applicant's housing related debt should not affect their selection for supported housing or the support that such Applicants may need. The rules at **38** above do not apply in the allocation of supported housing. However, the housing provider to whom the debt is owed may reserve the right to refuse the applicant a tenancy until the debt is cleared.

50.3.4 Local Connection to Mid Sussex – Only Applicants on the Mid Sussex Housing Register may be considered by the Multi Agency Panel. As with all Applicants, in order to qualify they must meet the Local Connection criteria that are set out at **11.2** above.

50.4 Supported housing for Young People (YMCA)

Vacancies are allocated outside of the terms of this scheme. Applicants who meet the eligibility criteria will be referred via the Young Person Housing Team at West Sussex County Council. The YMCA will then arrange an interview for the applicant and determine suitability for the service.

50.5 Extra Care housing schemes

Vacancies are allocated outside of the terms of this scheme by WSCC in partnership with the Extra Care Housing providers to best meet the housing and care needs of frail older people.

50.6 Temporary accommodation

Short term tenancies for homeless households in designated (or temporarily designated) temporary accommodation will be allocated through Direct Allocation.

50.7 Temporary and Permanent Decants of housing association tenants

Some homes may be allocated through Direct Allocation in order to affect Temporary and Permanent Decants of an existing tenant whose home is undergoing extensive repair or is to be demolished or redeveloped. See **28.5** and **28.6** above.

50.8 Bespoke or Adapted property

Which has been specifically procured for an Applicant with specific needs who needs cannot otherwise be met.

50.9 WSCC 'House Project' move on -

Where the young person is assessed to be ready to live independently as their next step on from this project. Oversight of this project is maintained by the House Project Steering Group, which includes the agreement for young people under the age of 18 to be eligible to move on from the project into independent, general needs accommodation via social housing registers. In circumstances where a young person under the age of 18 is eligible to move on, the tenancy will be held in trust by WSCC until the young person reaches 18 years of age. A maximum of 4 properties a year.

50.10 Hard to Let Properties - Properties which have been previously advertised but have not been successfully let.

50.11 Multi Agency Public Protection Assessment (MAPPA) cases

in circumstances whereby the Council is required to rehouse an applicant who is subject to MAPPA proceedings or otherwise may present a risk to public safety.

50.12 Legal Requirements - to ensure compliance with legal requirements such as judicial instructions, or to meet the requirements to provide new accommodation for clients subject to Witness Protection arrangements.

50.13 Housing Stock Identified for Demolition – Registered Provider stock identified for future redevelopment or demolition can be allocated outside of the Allocations Scheme as a direct let and offered on an assured shorthold tenancy for a period of twelve months

50.14 Homeless Applicants

Where an applicant is homeless and in temporary accommodation AND OWED A S189B relief duty or s193 main duty or s193C(4) duty under the Housing Act 1996 and the Council wishes to make a direct offer to move applicants out of temporary accommodation to manage any budgetary or legal requirements placed on the Council. Each case will be considered on an individual basis taking into account the length of time the Applicant has been in temporary accommodation.

50.15 The number of direct lets of general needs housing will be kept to a minimum wherever possible in order to maintain a fair and transparent and flexible housing allocation scheme, with the majority of allocations being made to Applicants that fall within the reasonable preference categories set out in section 166A(3) of the Housing Act 1996.

Other housing options available to applicants

51. ALTERNATIVES TO SOCIAL RENTED HOUSING

51.1 As in many areas in the South East of England there is a shortage of social rented housing in Mid Sussex compared to the demand for such accommodation. Applicants may wish to consider other housing options including the following:

51.2 Renting Privately

Renting privately is a good option to consider and offers several advantages over waiting a long time for social housing. Help with housing costs is available in the form of either Housing Benefit or Universal Credit. Tenants may be entitled to receive Housing Benefit or the housing cost element of Universal Credit even if they are in paid employment. Help and advice on renting privately and financial help with deposits and rent in advance is available from the Council's Housing Options Team or from the housing pages of the Council's website www.midsussex.gov.uk/housing.

51.3 Shared Ownership Schemes

Shared ownership gives first time buyers and those who do not currently own a home the opportunity to purchase a share in a new build or re-sale property, with rent being paid on the remainder. The purchaser has the option to increase their share during their time in the property via a process known as 'staircasing' and in most cases they can staircase all the way up to 100%. The household's total annual income must be no more than £80K

On first sales priority will be given to Applicants with a Local Connection with Mid Sussex as defined at **11.2** above for a period of 3 months from Practical Completion of the relevant property (unless the property is included within the Affordable Homes Programme when it will be exempt from the Council's local connection criteria. Priority will then be given to Applicants who are existing social housing tenants in Mid Sussex because this frees up affordable homes for other people, and Applicants who are armed forces personnel. Next priority is given to Applicants who are first-time buyers. Exceptions to this may be where funding has been provided to meet the housing needs of specific categories of people, such as key workers.

Priority for new developments of such schemes will be given to Applicants with a Local Connection to the town or village and then parish where the new development is situated, (unless the property is included within the Affordable Homes Programme when it will be exempt from the Council's local connection criteria as set out in detail at **40** above.

Priority for Re-Sales will be given to Applicants with a Local Connection with Mid Sussex for a period of 4 weeks only starting from the date on which the property is placed on the market.

In all cases, unless the property is included within the Affordable Homes Programme, Applicants will be allowed to apply for a property with one additional bedroom to their needs, i.e. singles and couples will be able to apply for a one or two bedroom property and families for a two or three bedroom property.

51.4 Build to Rent Schemes

Built to Rent (BTR) is a distinct product within the private rented sector that may also include affordable housing in the form of Affordable Private Rent. As with the Council's first BTR scheme, it is expected that on future Build to Rent schemes the affordable units will be managed by either a housing association or an approved provider. BTR schemes in Mid Sussex will have Affordable Private Rents that are capped at the maximum amount of Local Housing Allowance applicable for the size of the relevant dwelling. Tenants will be offered tenancy agreements of at least 3 years, providing security and stability to those who need or want it.

The properties will be advertised by the Homemove Team in the same way that other

properties are advertised, and the same principles will apply. Those applicants to whom (35.2) is applicable and where the Council considers that the offer of accommodation is suitable to fully discharge the s. 189B relief duty or the s.193 main housing duty by a 'private rented sector offer' (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148 (5)-(7) Localism Act 2011.

51.5 Rent Plus Rent to Buy

Rent to Buy is another distinct product which helps lower income households onto the property ladder without the need for a deposit, by giving them 10% of the value of their home on purchase. Properties can be acquired on a pre-agreed date in either year 5, 10, 15 or 20, and properties will be let at the Local Housing Allowance for the relevant size of property.

Priority for such schemes will be given in the first instance to tenants living in existing social housing properties in Mid Sussex, with second priority being given to applicants from the Council's Housing Register. Third priority will be given to those with a local connection to Mid Sussex.

51.6 First Homes

First Homes are a form of discounted market sale housing delivered by Developers. First Homes must be discounted by a minimum of 30% against the market value, on both first sales and re-sales. After discount, the selling price is capped at £250K on first sale, but no rent is payable. The homes will remain as First Homes in perpetuity, due to a legal restriction on the title

Purchasers must be first time buyers who are able to get a mortgage for at least half the price of the home and the household must have a total annual income of no more than £80K. Specific local connection criteria and exemptions apply, as detailed on the Council's website, for a period of 3 months from the date of Practical Completion of the relevant property.

51.7 Mutual Exchanges

Existing social tenants of any social landlord who wish to swap homes with another social tenant may wish to consider a Mutual Exchange. To do this, they should register on one or more of the home swap schemes available on the internet. However, both tenants must have the agreement of their landlords to carry out a Mutual Exchange.

Social tenants living in a Rural Exception Site Scheme may only carry out a Mutual Exchange with another tenant who meets the local connection criteria for the Scheme.