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Introduction

The Association allocates its homes to applicants and tenants in line with our Letting Policy. Our Letting Policy and Housing Suspension and Cancellation Policies are both now under review. These policies are underpinned by Government legislation and regulatory requirements, therefore as part of the review process the Association must take into account new provisions introduced by the Housing (Scotland) Act 2014 (the Act) and any guidance that has been published in relation to the Act.

This document provides you with some information about the introduction of the Act and how this affects the allocation of houses, as well as new rules regarding the suspension of housing application forms. To help with our review process, the Association would appreciate your opinion on our current policies. The Association welcomes any recommendations for improvement that you would like to be considered in our review.

The Association wishes to hear the view of both tenants and housing applicants on a range of issues including:

- The allocation of points to households in social housing tenancies who have more bedrooms than they require;
- What should be classed as unsatisfactory housing conditions;
- Whether or not home ownership should be taken into account when assessing housing need; and
- What factors should the Association consider when suspending an applicant applying for housing.
- Any factors the Association does not yet cover, but you think should be considered as part of our allocations policy.

Reasonable Preference Groups

In selecting tenants for their houses the Act states that landlords must give reasonable preference to:

1. Homeless persons and persons threatened with homelessness and who have unmet housing needs;
2. People who are living under unsatisfactory housing conditions and who have unmet housing needs; and
3. Tenants of houses which are held by a social landlord and which the social landlord selecting its tenants considers to be under-occupied.

The sections below highlights the Association's current practice with regards to these preference groups. Where your feedback is sought, the consultation question will also be highlighted **in bold** under each section.

1. Homeless Persons and those Threatened with Homelessness

A person is homeless if they have no accommodation in the United Kingdom or elsewhere, or if they have accommodation, but it would not be reasonable for him or her to occupy it. A person is homeless if they have accommodation, but:

- Cannot secure entry to it;
- It is probable that occupation of it will lead to abuse;
- It is probable that occupation of it will lead to abuse from someone who previously lived with him or her whether in that property or elsewhere;
- It is a moveable structure, vehicle or vessel and there is no place where he or she is entitled or permitted to place it and live in it (this has particular relevance for Gypsies/Travellers);
- It is overcrowded and may endanger the health of the occupants; or
- It is not permanent accommodation and the local authority has a duty to provide permanent accommodation.

A person is considered to be threatened with homelessness if it is likely that he or she will become homeless within two months.

Reasonable preference is already given to these groups in accordance with the Association's Letting Policy. The Association also awards priority to homeless applicants who are referred by the local authority.

There are no consultation questions for this section.

2. People who are living under unsatisfactory housing conditions and who have unmet housing needs

There is no legal definition of 'unsatisfactory housing conditions'. The term covers a wide range of circumstances such as the physical condition of the house, the unsuitability of the house as a result of a medical condition or disability of the occupant or other aspects of an applicant's circumstances, such as unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse.

Unsatisfactory housing conditions could also cover houses which do not meet the tolerable standard or households which are overcrowded.

Landlords are required to make reasonable judgements / considerations on factors which can be classed as unsatisfactory housing conditions. The Association currently considers the following issues to constitute unsatisfactory housing conditions:

- Homelessness;
- People at imminent risk, serious harassment and those subject to abuse;
- Housing that doesn't meet an applicants need owing to medical conditions;
- Potential homelessness (e.g. notice to quit / repossession / people leaving armed forces);
- People who need to move address owing to support requirements;
- Living in a property where an applicant has experienced a relationship / marital breakdown;
- People living in temporary accommodation or living care of friends / family;
- Overcrowding / Under-occupancy
- Properties subject to serious defects and / or lacking facilities.

Consultation questions 1, 2,3 and 4 relate to this section.

3. Tenants who are under-occupying

The Act states that reasonable preference in the allocation of housing must be given to tenants of social housing who are under-occupying. Landlords are expected to make best use of their housing stock. To do this a landlord could provide information on the benefits of downsizing (e.g. lower fuel bills) or could award extra points or priority for each bedroom under-occupied within their allocations policy.

The Association currently awards points to Yoker Housing Association's tenants who under-occupy their home. The Association will extend this to tenants of all housing associations and local authorities.

The Association would like your views on whether or not under-occupancy should be given the same level of priority as overcrowding.

Consultation question 5 relates to this section.

4. Taking property ownership into account

Landlords may now take into account the ownership and / or value of property owned, either by:

- The applicant;
- A person who normally lives with the applicant; or
- A person who will live with the applicant.

Property includes land as well as anything built on that land, including property that is currently owned or has previously been owned in Scotland, the rest of the UK or abroad.

As a result, landlords can consider property ownership as part of the process for assessing an applicant's housing needs and their circumstances (e.g., a landlord could give a lower level of priority or number of points to an applicant who owns their own home).

However landlords may not take property ownership into account in the following circumstances:

- In cases where the property has not been let, but the owner cannot secure entry to the property. For example, this may be where it is not safe to enter the property due to severe structural faults;
- Where it is probable that occupying the property will lead to abuse from someone currently living in the property;
- Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant;
- Where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger.

Landlords do not need to use this flexibility if they do not wish to consider property ownership as a factor in allocating housing.

The Association would like your views on whether or not property ownership should be taken into account when processing an application for housing.

Consultation questions 6 and 7 relate to this section.

5. Suspension of a housing application form

The Act 2014 introduces an additional power to social landlords to impose suspensions on applications for social housing in certain circumstances. Landlords may impose a suspension on a housing applicant for the following reason:

- Anti-social behaviour;
- A person has been convicted of using the house for illegal or immoral purposes or an offence punishable by imprisonment that took place in the locality of a house occupied by that person;
- An order for recovery of possession has been made against the applicant;
- Where an applicant has previously abandoned a tenancy;
- Rent or tenancy related debts;
- The applicant has provided a false statement as part of their application for housing;
- An applicant has refused one or more reasonable offers of housing.

The Association currently imposes a suspension on housing applicants for anti-social behaviour, rent and tenancy related debts, the provision of a false statement as part of the application and for the refusal of two or more reasonable offers off accommodation.

Consultation questions 8, 9 and 10 relate to this section.