

## Introduction and Overview

This procedure outlines the procedures that staff should follow when cancelling a housing application form or suspending an applicant from receiving an offer of housing.

## Housing Application Suspension & Cancellation Procedures

The document outlines the Association's procedures in relation to the following sections:

1. The Grounds for Suspending an Applicant from Receiving an Offer;
2. The Grounds for Cancelling a Housing Application Form;
3. Suspending an Applicant from Receiving an Offer of Housing;
4. Cancellation of a Housing Application;
5. Applicants wishing to Suspend their Housing Application;
6. Applicants wishing to Cancel their Housing Application.

### 1. The Grounds for Suspending and Applicant from Receiving an Offer

#### Suspension of applicants from an offer of housing

There are two types of suspensions:

- Statutory suspensions that can be applied at the point in which an applicant is placed on the waiting list; and
- Non-statutory suspensions that can be applied at any point during which there is an active housing application.

*Statutory Suspensions - The Association will reserve the right to suspend an application for a period of time from the date of application under any of the following grounds:*

#### Anti-Social Behaviour

Applicants with a history of anti-social behaviour may be suspended from receiving an offer of housing. Where there is evidence that the applicant, a member of their household or visitor to their property has acted in an anti-social manner within the vicinity of a house occupied by the person or has pursued a course of conduct amounting to harassment, the applicant can be suspended for a period on twelve months from the date of application.

The Association may impose a suspension where the person has:

- Acted in an anti-social manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person.
- Pursued a course of conduct amounting to harassment of another person, or course of conduct which is otherwise anti-social conduct in relation to another person, or
- Acted in an anti-social manner, or pursued a course of conduct which is anti-social conduct, in relation to an employee of the Association in the course of making the application.

Anti-social behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance. Conduct in this context includes things which a person has said as well as physical actions. A course of conduct must involve anti-social behaviour on at least two occasions.

## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

The Association may impose a suspension in the following circumstances:

- Drug-dealing from a tenancy;
- Prostitution from a tenancy;
- Fire-raising;
- Causing nuisance and disturbance to neighbours;
- Extensive damage to a landlord's property; or
- Harassment of or threats to neighbours.

The Association will use the following criteria in judging whether or not an applicant should be suspended from receiving an offer of housing:

- The nature, frequency and duration of the conduct;
- When the conduct took place;
- The extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
- The affect which the conduct is having on other people;
- Any alternative action taken by their landlord to address the conduct.

The Association will collect and consider all relevant evidence before judging whether or not an applicant should be suspended from receiving an offer of housing. The Association will consider the following:

- Whether the applicant was suspended from a previous tenancy because of anti-social behaviour;
- Whether a Decree has been granted against the applicant for anti-social behaviour;
- Whether an Anti-social behaviour order (ASBO) has been granted against the applicant;
- Whether the applicant had been served with a Notice of Proceedings for anti-social behaviour;
- Relevant evidence from Police or fire authority reports.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

#### Previous Convictions

An applicant who has previously been convicted may be suspended from receiving an offer for a period of twelve months from the date of application.

An applicant may be suspended if they or someone living with them has been convicted of:

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

Before deciding whether or not to impose a suspension the Association will consider the nature of the crime and whether the behaviour that led to the conviction has had an impact on the people living in, or in the locality of, the house.

Punishable by imprisonment means that the offence carries imprisonment as a possible penalty. A prison sentence does not need to have been imposed.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

#### Order for Recovery of Possession

An applicant may be suspended from receiving an offer for a period of twelve months from the date of application where an order for recovery of possession has been made against them in proceedings under the following acts:

- The Housing (Northern Ireland) Order 1983
- The Housing Act 1985
- The Housing (Scotland) Act 1987
- The Housing (Scotland) Act 1988
- The Housing (Scotland) Act 2001

The Association will consider each case on its merits so that individual circumstances can be taken into account when deciding on whether or not to impose a suspension. When considering whether or not to impose a suspension the Association will give consideration to when the order for recovery of possession was granted and the reason why the order was granted.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

#### Abandoning or Neglecting a Property

An applicant may be suspended from receiving an offer for a period of twelve months from the date of application where:

- Their previous tenancy has been terminated by their landlord under section 18(2) of the Housing (Scotland) Act 2001.
- The persons interest in a tenancy has been terminated by the landlord under section 20(3) of the Housing (Scotland) Act 2001 (abandonment by a joint tenant).
- The applicant was a tenant and a court has granted an order for recovery of possession on the ground set out in paragraph 3 or 4 of schedule 2 of the Housing (Scotland) Act 2001 (deterioration of the property due to neglect, or deterioration of furniture due to ill-treatment).

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

#### Rent Arrears and Tenancy Charges

Applicants with rent arrears of one month or more or other tenancy related debt equivalent to one months rent or more may be suspended from receiving an offer of housing unless the Association is satisfied that a repayment arrangement has been established and has been adhered to for a period of three months and the applicant is continuing to make payment in accordance with the agreement.

The Association will always be prepared to offer the applicant an opportunity to enter into a formal agreement to pay off tenancy debt.

Tenancy related debts include:

- Service charges;
- Rechargeable repairs;
- Costs of clearing an abandoned house;

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## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

- Costs of cleaning a house (a tenant is required to leave a house clean and tidy and in good decorative order and is liable for costs of doing this where the property has been left in poor condition).
- Heating charges;
- Factoring or property management charges relating to Yoker Housing Association properties.
- Tenancy debt that has previously been written-off.

The Association will not suspend an applicant from receiving an offer where:

- An applicant had rent arrears or other tenancy debt but that amount has been paid off;
- There was rent arrears or tenancy debt, but it is equivalent to or less than a month's rent;
- There was rent arrears or tenancy debt, but an arrangement has been made to pay it off and that agreement has been kept to for at least three months and is continuing to be kept to;
- The debt is not directly linked to the tenancy of the house (e.g. mortgage arrears or council tax arrears);
- Where the debt was not the responsibility of the applicant as a tenant or joint tenant;
- Where arrears were generated from overpayments that were clearly a result of errors made by Housing Benefit administration;
- The debts are for homeless people from temporary accommodation.

In seeking evidence of any outstanding tenancy debts and repayment schedules the Association will contact other landlords with whom the applicant has or has had a tenancy.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

### False or Misleading Information

The Association will suspend any applicant from receiving an offer of housing for a period of twelve months from the date of application if they have been found to have deliberately provided false or misleading information.

Examples of information deliberately withheld by an applicant may include previous or outstanding debts, poor tenancy conduct or not declaring an additional tenancy held by a member of the applicant's family seeking re-housing.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

### Offers of Housing

An applicant who has failed to respond to or has refused two offers without good reason may be suspended from receiving a further offer of housing for a period of twelve months from the date of application.

Applicants who are suspended under this ground have the right of appeal against their suspension to the Sheriff.

*Non-statutory Suspensions - The Association will reserve the right to suspend an application under any of the following grounds:*

### Anti-Social Behaviour

Applicants with a history of anti-social behaviour may be suspended from receiving an offer of housing. Where there is evidence that the applicant, a member of their household or visitor to their property has acted in an anti-social manner within the vicinity of a house occupied by the person or has pursued a course of conduct amounting to harassment, the applicant can be suspended for a period on twelve months.

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## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

The Association may impose a suspension where the person has:

- Acted in an anti-social manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person.
- Pursued a course of conduct amounting to harassment of another person, or course of conduct which is otherwise anti-social conduct in relation to another person, or
- Acted in an anti-social manner, or pursued a course of conduct which is anti-social conduct, in relation to an employee of the Association in the course of making the application.

Anti-social behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance. Conduct in this context includes things which a person has said as well as physical actions. A course of conduct must involve anti-social behaviour on at least two occasions.

The Association may impose a suspension in the following circumstances:

- Drug-dealing from a tenancy;
- Prostitution from a tenancy;
- Fire-raising;
- Causing nuisance and disturbance to neighbours;
- Extensive damage to a landlord's property; or
- Harassment of or threats to neighbours.

The Association will use the following criteria in judging whether or not an applicant should be suspended from receiving an offer of housing:

- The nature, frequency and duration of the conduct;
- When the conduct took place;
- The extent to which the conduct is the consequence of acts or omissions of people other than the tenant;
- The affect which the conduct is having on other people;
- Any alternative action taken by the landlord to address the conduct.

The Association will collect and consider all relevant evidence before judging whether or not an applicant should be suspended from receiving an offer of housing. The Association will consider the following:

- Whether the applicant was suspended from a previous tenancy because of anti-social behaviour;
- Whether a Decree has been granted against the applicant for anti-social behaviour;
- Whether an Anti-social behaviour order (ASBO) has been granted against the applicant;
- Whether the applicant had been served with a Notice of Proceedings for anti-social behaviour;
- Relevant evidence from Police or fire authority reports.

### Rent Arrears and Tenancy Charges

Applicants with rent arrears of one month or more or other tenancy related debt equivalent to one months rent or more may be suspended from receiving an offer of housing unless the Association is satisfied that a repayment arrangement has been established and has been adhered to for a period of three months and the applicant is continuing to make payment in accordance with the agreement.

The Association will always be prepared to offer the applicant an opportunity to enter into a formal agreement to pay off tenancy debt.

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## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

Tenancy related debts include:

- Service charges;
- Rechargeable repairs;
- Costs of cleaning a house (a tenant is required to leave a house clean and tidy and in good decorative order and is liable for costs of doing this where the property has been left in poor condition).
- Costs of clearing an abandoned house;
- Heating charges;
- Factoring or property management charges relating to Yoker Housing Association properties.
- Tenancy debt that has previously been written-off.

The Association will not suspend an applicant from offer where:

- An applicant had rent arrears or other tenancy debt but that amount has been paid off;
- There was rent arrears or tenancy debt, but it is equivalent to or less than a month's rent;
- There was rent arrears or tenancy debt, but an arrangement has been made to pay it off and that agreement has been kept to for at least three months and is continuing to be kept to;
- The debt is not directly linked to the tenancy of the house (e.g. mortgage arrears or council tax arrears);
- Where the debt was not the responsibility of the applicant as a tenant or joint tenant;
- Where arrears were generated from overpayments that were clearly a result of errors made by Housing Benefit administration;
- The debts are for homeless people from temporary accommodation.

In seeking evidence of any outstanding tenancy debts and repayment schedules the Association will contact other landlords with whom the applicant has or has had a tenancy.

#### Aggression / Violence / Threats of Violence

The Association reserves the right to suspend an applicant from receiving an offer of housing and re-evaluate applications where the applicant verbally or physically abuses any staff or Committee members.

Each case will be assessed on its own individual merits but the following grounds will be considered:

- the level and seriousness and the circumstances in which the conduct arose (i.e. threatening behaviour may be an applicant's symptoms of mental ill health or even momentary expression of frustration from someone under extreme stress);
- whether or not police action should be pursued against the applicant.

#### False or Misleading Information

The Association will suspend any applicant from receiving an offer of housing for a period of one year, if they have been found to have deliberately provided false or misleading information. Any applicant found to have deliberately withheld information relevant to their housing circumstances will also be suspended from receiving an offer of housing for a period of one year.

Examples of information deliberately withheld by an applicant may include previous or outstanding debts, poor tenancy conduct or not declaring an additional tenancy held by a member of the applicant's family seeking re-housing.

#### Offers of Housing

In order to restrict the number of offers being refused by applicants the Association promotes choice within the allocation process. However, any applicant who either fails to respond to or refuses two offers of housing without good reason will be suspended from receiving a further offer of housing for a period of one year from the date the second offer was refused.

## Housing Application Suspension & Cancellation Procedures (Continued)

### 1. The Grounds for Suspending and Applicant from Receiving an Offer (Continued)

#### Housing Needs

Due to the Association's low turnover of stock together with restrictions on the size and types of houses available, there are obvious restrictions to household sizes that the Association can accommodate. The Association may therefore be unable to meet the housing needs of applicants within its present or proposed housing stock profile. In such cases where housing need cannot be met an applicant may be suspended from receiving an offer of housing.

#### Housing Support

The Association will accept applications from vulnerable groups that may require housing support to allow them to maintain a tenancy within the community. The Association would therefore expect support packages to be in place from relevant agencies. If the Association feels that no support package or an unsuitable support package is in place then it reserves the right to suspend that applicant from receiving an offer of housing until it is judged that the housing support needs of the applicant can be met.

#### Deferral

An applicant may request that they remain on the waiting list but are suspended from receiving an offer of accommodation at a particular point in time. An applicant can request that their application is deferred for a set period of time or until further notice.

#### Applicants in Low or No Housing Need

Applicants with little or no housing need and who can be described as adequately housed are still entitled to apply and be included on the housing register. However, to reduce frustration and unrealistic expectations, they should also be advised of the full range of housing options available and be given a realistic view of the possibility of being housed.

### 2. The Grounds for Cancelling a Housing Application Form

The following grounds are the only circumstances in which an application for housing can be cancelled.

- The applicant is under sixteen years of age;
- The applicant has requested removal from the waiting list in writing;
- The death of the applicant;
- The applicant fails to respond to a review by two requests within a period of four weeks. In this case the second request must detail the consequences for the applicant if they fail to respond to the second request.

### 3. Suspending an Applicant from Receiving an Offer of Housing

Where staff are satisfied that the application should be suspended in accordance with the Association's Lettings Policy and Housing Application Suspension and Cancellation Policy, the applicant's waiting list entry should be updated with details of the date, reason and where appropriate date / method of reactivation. The status of the application should be amended to 'Suspended'. The applicant will be notified by letter of the reasons for the suspension and, where appropriate, how the application may be re-activated. The template suspension letter is stored in the System Admin folder in Housing Management's Letting Directory.

### 4. Cancellation of a Housing Application

Where a housing application is received but should be cancelled in accordance with the Association's Lettings Policy and Housing Application Suspension and Cancellation Policy, staff must notify the applicant by letter of the cancellation and the reason for cancellation. The applicant's details should be entered onto the waiting list and then classified as 'Cancelled'. The date and reason for cancellation should be recorded on the housing register. The records of applicants who have been cancelled should be removed from the 'Live Applications' tab and moved to the 'Cancelled Applications' tab on the housing register. The template cancellation letter is stored in the System Admin folder in Housing Management's Letting Directory.

## Housing Application Suspension & Cancellation Procedures (Continued)

### 5. Applicants wishing to Suspend their Housing Application

In the event that an applicant wishes to suspend their own application, the following procedures should apply.

- If the applicant notifies the Association in writing of their wish to suspend their application, staff should update the applicants housing register entry to the 'Suspended' classification. The date and reasons for suspension should also be recorded on the housing register.
- Where an applicant provides verbal confirmation of their wish to suspend their application, staff should record this on the applicants housing register entry and change the classification to 'Suspended'. The date and reason for the suspension should also be recorded on the computerised housing register. Staff should then issue a Suspension Notice to the tenant in order to obtain written confirmation of their wish to suspend their housing application.

The Suspension Notice is stored in the System Admin folder in Housing Management's Letting Directory.

### 6. Applicants wishing to Cancel their Housing Application

In the event that an applicant wishes to cancel their own application, the following procedures should apply.

- If the applicant notifies the Association in writing of their wish to cancel their application, staff should update the applicants housing register entry to the 'Cancelled' classification. The date and reasons for cancellation should also be recorded on the housing register.
- Where an applicant provides verbal confirmation of their wish to cancel their application, staff should record this on the applicants housing register entry and change the classification to 'Cancelled'. The date and reason for the suspension should also be recorded on the computerised housing register. Staff should then issue a Cancellation Notice to the tenant in order to obtain written confirmation of their wish to suspend their housing application.

The records of applicants who have been cancelled should be removed from the 'Live Applications' tab and moved to the 'Cancelled Applications' tab on the housing register.

The Cancellation Notice is stored in the System Admin folder in Housing Management's Letting Directory.