



## **Introduction**

The Association allocates its homes to applicants in line with our Letting Policy. Our Letting Policy and Housing Suspension and Cancellation Policy are currently under review. These policies are underpinned by Scottish Government legislation. 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 background information about the legal framework regarding the both allocation of houses and the suspension of housing application forms.

As part of the review, the Association is seeking your opinions and feedback on the effectiveness of our current policies. The Association welcomes your views and will consider any recommendations for improvement during the review process.

In addition to obtaining a general opinion regarding the terms of these policies, the Association is particularly interested in hearing the views of both tenants and housing applicants in relation to the following:

- Whether a points scale should be introduced for under-occupancy where points are increased in line with increasing levels of under-occupancy;
- How we assess applicants with medical needs and whether our approach remains relevant and fit for purpose;
- How we define and assess housing applicants social needs;
- How we define and assess housing applicants with care and support needs;
- Whether or not home ownership should be taken into account when assessing housing needs;
- Whether the refusal of previous offers of accommodation should be a ground for suspending a housing applicant from receiving further offers of accommodation; and
- Any factors the Association does not yet cover, but you think should be considered as part of our allocations policy.

This documents includes individual sections that provides information for each of the reasonable preference groups defined by the Scottish Government. At the end of each section, those being consulted are advised of the relevant consultation questions that relates to that specific section.

The final section of this document also provides and overview of the grounds in which the Association can suspend a housing applicant from receiving an offer of Accommodation.

If you would like to discuss any of the information provided in this document, please speak to a member of Housing Services staff who can be contacted by telephone on 0141 950 9052 or via email at [housing@yokerha.org.uk](mailto:housing@yokerha.org.uk).

### **Section 1 - Reasonable Preference Groups**

In selecting housing applicants to receive offers of accommodation, the Act states that landlords must give reasonable preference to:

- Homeless persons and persons threatened with homelessness and who have unmet housing needs;
- People who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- 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.

#### **Section 1A - Homeless Persons and those Threatened with Homelessness**

A person is considered 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 defined as 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); 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 Glasgow City Council.

**There are no consultation questions for this section.**

**Section 1 - Reasonable Preference Groups** (continued)

**Section 1B - 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; or
- Properties subject to serious defects and / or lacking facilities.

**Medical Needs Assessment**

The Association recognises that an applicant's physical health, mental health and / or disability may relate to or be aggravated by their physical, social or environmental living conditions. An applicant's quality of life may therefore be improved by re-housing or through adaptation of their current home.

The Association aims to ensure that all applications for medical points are assessed in a fair and consistent manner, requiring all of the relevant information to enable an accurate assessment. The assessment and the category of points awarded are based on two criteria:

- The severity of the problem being experienced within the current accommodation; and
- The extent to which re-housing would alleviate these problems or improve the sufferer's quality of life.

Consideration is given to the type and floor level of accommodation required.

---

**Section 1 - Reasonable Preference Groups** (continued)

The three categories of medical points awards are:

- High Priority
- Medium Priority
- Low Priority

High priority is awarded to applicants who are housebound and can therefore not access or leave the property without support. High priority is also awarded in cases where an applicant cannot access all parts of their house due to the property not being adapted to reflect their physical or medical needs.

Medium medical priority is awarded to applicants whose health and quality of life is severely affected by their living circumstances. Examples include cases where an applicant's physical health is affected by widespread mould or dampness in a property or where their mental health is exacerbated by anti-social behaviour within the vicinity of their property.

Low medical priority is awarded to applicants whose living circumstances are having an adverse effect on their health. Examples include cases where the applicant's property is severely overcrowded which can result in a breakdown in relationship within the house which in turn can cause stress or anxiety.

*The Association would like your views on whether you consider the three existing levels of priority to be adequate or whether you think these categories should be either reduced or expanded.*

**Social Needs Assessment**

The Association currently awards social priority in the following circumstances:

- Imminent Danger / Risk / Abuse

Priority points are awarded in cases where an applicant or a member of their household can demonstrate the risk of violence or abuse if they remain living in their present accommodation. This risk may arise out of ongoing severe harassment (e.g. racial / religious / homophobic), domestic abuse or sexual abuse and will be at a level where the applicant can no longer continue to reside safely in their current accommodation.

- Social Needs

An applicant may be severely impacted as a result of criminal activity or severe anti-social behaviour in the locality of their home. An applicant may not be the direct victim of such behaviour but their quality of life may be severely affected. Points are awarded where an applicant can demonstrate that their quality of life is being seriously affected because of social or environmental factors in the locality.

- Environmental Needs

Points are awarded where an applicant's quality of life may be impacted as a result of vandalism, environmental or other adverse social issues within the vicinity of their property (e.g. youths gathering at the property or residents having a detrimental impact on the applicants living environment by failing to dispose of refuse in the correct manner).

---

**Section 1 - Reasonable Preference Groups** (continued)

- Local Employment

Points are awarded where the applicant is working or has been offered employment within a three mile radius of the Association's area of operation.

*The Association would like your views on whether you consider the four existing categories of social priority to be adequate or whether you think these categories should be expanded. Where you think that additional categories should be included, the Association would like to hear your views on what circumstances should be included within the policy.*

**Care and Support Needs**

The Association recognises that some applicants may seek re-housing in the area in order to seek essential practical care and support from family, friends or community care services. Points are awarded to applicants who can demonstrate that the distance and / or travelling difficulties between their current home and the source of the care and support makes it unreasonable for them to receive the necessary care and support they require.

The following three categories of care and support points are:

- Intensive Levels of Support
- Medium Levels of Support
- Low Levels of Support

The level of points awarded will be based on both the nature and frequency of care and / or support that is required.

The Association considers care and support points for the following reasons:

- Family support (e.g. the applicant assists family members with daily living).
- Childcare support (e.g. the applicant requires to be within a close distance to a child's parental / family support).
- Personal support (e.g. the applicant provides intensive support such as personal care to a relative).
- Support from family or friends with household duties.

*The Association would like your views on whether you consider the current categories for providing care and support points to be adequate or whether you think these categories should be expanded. Where you think that additional categories should be included, the Association would like to hear your views on the categories that you think should be included within the policy.*

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

**Section 1 - Reasonable Preference Groups** (continued)

Social housing 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 tenants of social landlords who under-occupy their home. The Association currently awards the same level of points per each room that is under-occupied.

*The Association would like your views on whether or not under-occupancy points should be increased for each additional room by which a tenants under-occupies. This proposal would mean that a person who under-occupies by one bedroom would be awarded 12 points for under-occupancy while a tenant who under-occupies by two bedrooms would be awarded 12 points for the first bedroom and 14 points for the second bedroom.*

**Consultation question 5 relates to this section.**

**Section 2 - 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.**



**Section 3 - 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; and
- 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 reasonable offers of accommodation.

*The Association would like your views on which grounds you think are appropriate for a housing applicant to be suspended from receiving an offer of accommodation.*

*The Association would also like your views on whether you consider the Association's current policy of being allowed to refuse two offers before being suspended for a period of 12 months is reasonable?*

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