

Housing Allocation Scheme Summary

Effective from
April 2017



Birmingham City Council Housing Allocation Scheme Summary

All Councils must have an allocation scheme for determining priorities for allocating social housing and the procedures that will be followed. Birmingham City Council's (the Council) Housing Allocation Scheme describes the criteria that the Council will use to prioritise applications for homes owned by the Council and homes offered to the Council by registered providers through nominations agreements.

Please refer to the Housing Allocation Scheme document for further explanation of any detail contained within this Summary.

Who can apply and how does it work?

Anybody can apply to join the housing register. However, only applicants from households who are eligible, and who qualify, will be accepted on to the Council's housing register. Those who do not qualify will be offered help to look at alternative housing options, including private renting.

Applicants must generally be 18 years or over to apply. An application can include the applicant, their spouse or partner, and the members of their household who would normally live with them.

If an application is accepted, the applicant will be awarded a priority band (1-4) and will then be able to bid for homes that are advertised by the Council and registered provider partners on the Council's Choice Based Lettings system.

How to apply

Applicants can apply for an allocation by completing a housing application form. The application form can be completed online. Should applicants require assistance in completing the form this can be requested by telephone or by prior arrangement at a designated office.

Once a fully completed application form has been received, along with the required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation, followed by an assessment of their housing need.

Who is not eligible for housing?

Everyone who applies is asked about their legal status. The law states that the Council is not allowed to offer a home to certain people. This includes anyone subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (*unless he or she comes within a class prescribed in regulations made by the Secretary of State*) or who fall within a class of persons from abroad prescribed as being not eligible.

Who will not qualify for housing?

Not everyone will qualify to join the Council's housing register.

Applicants will be asked to provide certain documents to confirm that they are eligible and qualify for housing. If they are unable to provide the documents needed their application will not be accepted. Reasons for not qualifying include:

Unacceptable behaviour or actions

Unacceptable behaviour can include (but is not limited to):

- The applicant or a member of the household having been evicted from a tenancy due to a breach of any tenancy condition
- The applicant or a member of the household having a possession order made against them for arrears of rent regardless of tenure
- The applicant or a member of the household having left owing rent at a former property
- The applicant or a member of the household having been served with a legal Notice of Seeking Possession because of behaviour or conduct. Either linked to a property or in the locality
- Some perpetrators of domestic violence
- The applicant or a member of the household having been convicted of using a property for immoral or illegal purposes
- The applicant or a member of the household having an unspent criminal conviction committed in, or in the locality of a property
- The applicant or a member of the household having obtained public funds or services fraudulently
- The applicant or a member of the household having displayed: threatening, violent or otherwise abusive behaviour towards an employee of the Council or a related organisation.

No assessed housing need:

When someone applies for housing, they are asked about their housing circumstances and an assessment will be completed to determine their housing need, or priority.

Applicants who do not have an identified housing need (or priority) will not normally qualify for social housing.

Asset/income threshold:

Household income and assets will be taken into consideration. Applicants at or above the income or assets threshold will not normally qualify for social housing.

Applicants who own their homes in the UK or abroad, or with savings over the threshold (consistent with the Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates), are also unlikely to qualify for social housing, unless there is an exceptional need.

No local connection to Birmingham:

With the exception of Armed Forces personnel, any applicant will be required to have a local connection to Birmingham in order to qualify for social housing. A local connection will be established if:

- The applicant has lived, through choice, in Birmingham for the last twelve months, unless they have been relocated to Birmingham by another Council, in which case they must have lived in the city for 2 years
- The applicant has on-going caring responsibilities for someone living in Birmingham
- The applicant works, or has an offer of work in Birmingham
- The applicant is training or in higher education in Birmingham and this will last for longer than six months
- The applicant is aged 18, 19 or 20 and was looked after, housed or fostered by the Council between the ages of 16 and 18
- The applicant is a former Council care leaver aged 21 years of age or over, who is not a relevant student and who is vulnerable as a result of having been looked after, accommodated or fostered.

Incapable in law of holding a legal tenancy

If the applicant is unable by law to hold a tenancy they will not normally qualify for social housing unless:

- They are in the care of the Council, or a care leaver
- They are a child in need as a result of a statutory assessment
- They are owed a full statutory homeless duty following a statutory assessment
- They have an adult or adults who will act as a trustee(s) for them and hold a legal tenancy until the legal incapacity to hold a tenancy ends.

Refusing offers of social housing

If an applicant refuses 2 suitable offers of social housing they will be disqualified from applying for social housing for 12 months, after which time a new application can be made.

Exceptional circumstances

The Council recognises that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify. The Council may reconsider the qualification of these individuals in extreme exceptional circumstances, for example where there is a threat to life and no other housing options are available.

How priority is decided: the housing Bands

Applicants who are eligible and qualify for housing will have their housing need assessed based upon their current circumstances. By law, a council's Allocation Policy must give priority to certain groups of people. This is called reasonable preference.

Applications will be placed in one of four priority Bands depending on the household's housing circumstances. Applicants will be notified of the date that the band priority was awarded. The priority Bands are:

Band 1

People who have a reasonable preference and are granted additional preference (very urgent need to move). All applications in this band will be reviewed after six months.

Band 2

People who need to move and fall within one of the reasonable preference categories. All applications in this band will be reviewed after twelve months.

Band 3

Households one bedroom overcrowded and certain homeless households (those with a reasonable preference but who do not qualify for a Band 2 award). All applications in this band will be reviewed after eighteen months.

Band 4

Want to move – no reasonable preference but qualify for other specified reasons.

The priority Bands summarised

Band 1: People who have a reasonable preference and are granted additional preference (very urgent need to move)	
Clearance & Demolition	<p>A council tenant, leaseholder or owner of a property in a designated clearance or regeneration area in Birmingham and the property is required within 6 months.</p> <p>A Council tenant of a property for which the Council does not own the freehold and the lease is coming to an end within 6 months.</p>
Acute Overcrowding	Applicants who are acutely overcrowded according to the 'bedroom standard' (3 or more bedrooms too few).
Releasing Social Housing	<p>A social housing tenant releasing a house with at least one bedroom spare by moving to a property with fewer bedrooms than they currently have.</p> <p>Where a Council tenant is releasing a significantly adapted property and that property can be re-let to a suitable applicant/household.</p>
Private Sector Properties unsanitary, unsatisfactory or unfit AND the condition of the property cannot be resolved within a reasonable time	<p>Applicants who occupy a private sector property where the Council has determined that the property poses a Category 1 hazard (excluding overcrowding) under the Housing Health and Safety Rating system, and the Council is satisfied that the property condition cannot be resolved by the landlord within 6 months, and, as a result, continuing to occupy the property will pose a considerable risk to the applicants' health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or has living conditions which are a statutory nuisance, and there is no prospect of the conditions being remedied within a 6 month time period and the applicant is unable to resolve their own housing circumstances by moving to alternative private sector accommodation.</p> <p>Applicants occupying a private sector property which is subject to a prohibition or demolition order related to disrepair and the effect of that order is likely to mean that the applicant will lose the use of the property on a permanent basis. Additionally, the relevant conditions of the property must present an immediate threat of serious injury to the occupants or be life threatening.</p>

Band 1: continued	
Emergency medical / disability or welfare need to move AND the existing accommodation is a contributory factor and the condition of the property cannot be resolved within a reasonable time	<p>Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations</p> <p>Where an applicant's condition is terminal and re-housing is required to provide a basis for the provision of suitable care</p> <p>Where an applicant's condition is life threatening and the existing accommodation is a major contributory factor</p> <p>Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening</p> <p>Disabled persons (as defined in the Equality Act 2010) who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities or have difficulties accessing facilities inside and outside of their accommodation and the current accommodation cannot be reasonably adapted</p> <p>Any applicant who needs to move to suitably adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in Her Majesty's regular armed forces. This award only applies where the applicant's current accommodation does not meet the requirements of the occupants in terms of adaptations.</p>
Serious threat to a child	<p>Serious threat to the well-being of a child under 18 and there is a need to move to stabilise a family situation or remove children from an immediate risk from others in the area the property is located.</p>
Move On From Care	<p>Young people who have reached the age of 18 referred by the Council's Children's Services as leaving the care of the Council. The young person will have a completed Pathway Plan that is approved by the Independent Reviewing Officer. The approved plan will clearly set out that the young person has been assessed as having acquired the skills needed to make the transition to the responsibilities of adulthood. This will include an assessment that the young person has the financial capability and practical skills required to manage and hold a tenancy and that arrangements are in place for continuing care and support.</p>

Band 1: continued

Foster Carers	<p>Foster carers, those approved to adopt, or those being assessed for approval to foster or adopt who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.</p> <p>Special guardians, holders of a residence order and family and friends carers, who are not foster carers but who have been formally approved to take on the care of a child because the parents are unable to provide care and need to move to a larger home in order to accommodate the child.</p>
Exceptional need	<p>Examples include:</p> <p>Applicants who are at risk of/suffering domestic abuse, extreme violence or harassment whose facts and circumstances demonstrate to the Council that the threat is immediate and it is not safe for the applicant / household to remain in their present home. This will be based upon verification by senior officers within the police or other agencies as necessary in conjunction with a Council approved risk assessment.</p> <p>Where an applicant's circumstances fall outside of the scheme and have been assessed by a Senior Service Manager or equivalent as an exceptional need to move.</p>
Applicants who fall within one of the 'reasonable categories' as defined AND are a current or former member of Her Majesty's Armed Forces	<p>Applicants who meet the criteria for a Band 2 award AND</p> <p>Are serving in the regular forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service</p> <p>or</p> <p>Formerly served in the regular forces</p> <p>or</p> <p>Have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service</p> <p>or</p> <p>Are serving or has served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.</p>

Band 2: People who need to move and fall within one of the reasonable preference categories	
Clearance & Demolition	<p>A Council tenant, leaseholder or owner of a property in a designated clearance or regeneration area in Birmingham and the property is required within 12 months</p> <p>Council tenant of a property for which the Council does not own the freehold and the lease is coming to an end within 12 months</p>
Overcrowding	Applicants overcrowded by 2 bedrooms according to the 'bedroom standard' (2 beds too few)
Releasing social housing	A social housing tenant releasing a flat or maisonette with at least one bedroom spare by moving to a property with fewer bedrooms than they currently have.
Lacking basic facilities	<p>Permanent lack of any or all of the following and there is no prospect of the conditions being remedied within a 6 month time period:</p> <ul style="list-style-type: none"> • A bathroom • A kitchen • An inside wc • Hot or cold water supplies • Electricity, gas, or adequate heating in the living area and a temporary supply cannot be installed. <p>Applicants who have access to shared facilities in shared accommodation will not qualify under these criteria.</p>
Medical / disability or welfare reasons to move AND the existing accommodation is a contributory factor and the condition of the property cannot be resolved within a reasonable time	<p>Accommodation unsuitable for severe medical reasons or due to disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health</p> <p>The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.</p> <p>Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without suitable accommodation.</p>

Band 2: continued

A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.

A person with a severe disability requiring substantial adaptations to a property which is not, and cannot be, provided for in their current accommodation.

A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

A person suffering with mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.

Move On**Move on from supported housing**

Applicants will be awarded this category if they fall into Council defined projects. Not all applicants who occupy listed supported housing projects will qualify for this award. The criteria for this award is:

The applicant is in need of long-term rather than short-term on-going tenancy support.

The applicant has been assessed as ready to move to independent accommodation

A support package (if required) has been assessed and is in place.

An applicant's vulnerability is such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their vulnerability

Move on from care

Qualifying young people between the ages of 16 and 18 referred by the Council's Children's Services as young people leaving the care of the Council who have been assessed as tenancy ready and where access to suitable accommodation provides the secure platform that will contribute to the young person moving towards greater independence.

Band 2: continued	
Child in need	Children who have a need to move and their accommodation is a contributory factor to the risk to the child and there is a child protection plan
Threat of abuse, violence or harassment	Applicants who need to move due to threat of domestic abuse, violence or harassment but who are not in immediate danger.
Eligible and Qualifying Homeless Households	Applicants accepted as being owed a full duty as eligible homeless, in priority need and unintentionally homeless. Applicants accepted as being owed a full duty as being threatened with homelessness, eligible, in priority need and not intentionally threatened with homelessness.
Care and support	Those who need to move to give or receive care that is substantial and ongoing Older or disabled applicants assessed as requiring retirement, extra care or sheltered housing.
Hardship	Where hardship can be demonstrated, Social Housing tenants from outside of the Birmingham Local Authority area with the statutory Right to Move.
Band 3: Households one bedroom overcrowded and certain homeless households (those with a reasonable preference but who do not qualify for a Band 2 award).	
Overcrowding	Where the applicant and the applicant's household are 1 bedroom short in accordance with the bedroom standard.
Eligible and qualifying homeless households	Where an applicant is homeless as the law describes and has been classed as being non-priority and/or intentionally homeless
Band 4: Want to move – no reasonable preference but qualify for other specified reasons	
No reasonable preference, Other specified group award	Applicants aged 55 or over or disabled applicants seeking retirement or extra care housing. Ex Armed Forces Personnel who lived in Birmingham for at least 6 months prior to enlisting.

Award date

An applicant's award date is used to determine their priority within their band. Initially, their award date will correspond to the date their application was accepted as complete – the 'registration date'. However, if their circumstances change and they move to a higher band, the award date will be the date that the higher priority was given. Applicants whose priority is reduced will retain the original registration date.

Bedroom entitlement

For the purposes of allocating a home the Council will use the bedroom standard. Under the standard a separate bedroom is allocated to:

- a. Two persons (of the same or opposite sex) living together as a couple
- b. A person aged 21 years or more
- c. Two persons of the same sex aged 10 years to 20 years
- d. Two persons (whether of the same sex or not) aged less than 10 years
- e. Two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- f. Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above.

Social housing tenants releasing a property with three or more bedrooms may choose a property with one bedroom more than they need.

Choice

The Council operates a Choice Based Lettings system. For each advertised property, all applicants who bid are placed in order of priority according to their band and award date, and in most cases the highest ranking household will be offered the property.

There are some circumstances where this will not apply and the Council will restrict some applicants from bidding for certain types of properties or within certain areas of the city.

The Council may, at times, place bids on behalf of an applicant. In doing so, the Council will consider only the number of bedrooms needed and essential requirements about the type or location of housing.

Applicants within Band 2 awarded a homelessness reasonable preference award will be expected to bid for suitable properties in the first available bidding cycle. Should applicants within Band 2 with a homelessness reasonable preference fail to bid for suitable properties at the first opportunity, the Council reserves the right to place bids on their behalf.

Applicants can receive up to 2 suitable offers. A suitable offer will be a home of an adequate size in an area where the household is not at risk.

If one suitable offer is refused, applicants could lose their priority for housing. If two suitable offers are unreasonably refused, the household will be disqualified for 12 months.

What if an applicant's circumstances change?

It is the applicant's responsibility to notify the Council immediately of any change in their circumstances by completing an online form. This will include for example:

- A change of address
- Any additions to the family/household
- Any change in income, assets or savings
- Any change in employment or training.

The applicant will not be able to bid for or be considered for an allocation whilst their application is re-assessed. This will include situations where circumstances have changed but the applicant has failed to inform the Council, and it subsequently comes to the Council's attention.

Applicants who no longer qualify under the Scheme, or who are not actively bidding, will be advised that their application will be reviewed. In some situations, this may lead to the application being cancelled. Applicants will be advised if this is the case.

Decisions and reviews

Applicants have the right to information about decisions and rights of review of decisions made relating to their application. Applicants or their representatives should request a review in writing within 21 days of being notified of a decision. The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The Council's decision on review is final and can only be challenged by way of a judicial review.

Fraudulent activity and withholding Information

It is a criminal offence for applicants and/or anyone providing information in relation to this Scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application. Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be excluded from being considered for offers during the investigation and until an outcome is reached. In addition the Council reserves the right to take legal action including prosecution under any relevant legislation including fraud where it possesses the evidence.

Equality and Diversity

The Council's aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible. The policy will fully comply with the Equality Act 2010.

For further information about the Council's Housing Allocation Scheme,
please go to www.birmingham.gov.uk/allocation-scheme

Approved by Cabinet on 28 July 2014 with minor revisions on 18 May 2016