

HARBOROUGH HOMES

ALLOCATIONS

POLICY

2019

(Amended 8th December 2020)

Housing Options
The Symington Building
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Introduction

Legal Background

The Allocations Policy has taken into account all legal requirements outlined in the Housing Act 1996, Part VI and amendments made under the Homelessness Act 2002 subject to the issue of any further guidance by the Secretary of State.

Statement on Choice

Harborough District Council operates a choice-based lettings scheme, known as Harborough Homes for Registered Providers under a service level agreement. The purpose is to ensure that there is consistency and fairness in the allocation of social housing and affordable rented properties in the district.

Harborough Homes aims to give every eligible applicant choice in relation to their affordable housing options.

The Allocations Policy does ensure that those applicants who are in urgent housing need are given reasonable preference within the choice-based lettings scheme.

Equal Opportunities

Harborough Homes promotes equal opportunities in the services it provides. Our 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, colour, 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.

Harborough Homes seeks to ensure that it is accessible to all applicants by ensuring individuals who have difficulty in participating in the scheme receive help. Advice and assistance is available to ensure that all households are able to access Harborough Homes. Applicants who are not able to search and bid for properties due to their assessed vulnerability will be assisted with their search either by applying auto-bidding or by providing a search and support service. Information can be translated into different languages, or made available in large print or other formats upon request.

As part of Harborough District Council, Harborough Homes operates in accordance with the council's equal opportunities policy. A copy of the policy is available from the Harborough District Council, The Symington Building, Adam & Eve Street, Market

Data Protection

Applicants have the right to information on all decisions made about the assessment of their application.

Information held by Harborough Homes about applicants will only be used in connection with their application for housing and in accordance with the Data Protection Act 1998. In normal circumstances, this information is disclosed to partner Registered Providers or other landlords who may be able to offer accommodation. This means that the information will not normally be passed onto any third parties without the applicant's prior written consent, *or* in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined as follows:

- Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed.
- Where information is required by the police as part of a criminal investigation.
- Where information is required by an authority for the assessment or collection of any tax or duty of a similar nature
- Where, because the Council is under a duty to protect the public funds it handles, it may need to use the information provided by customers, to prevent and detect fraud. The information may also be shared for the same purposes with other organisations that handle public funds.
- The information may also be used for statistical purposes, which means we may pass this information, in confidence, to the relevant government department.

Objectives of Harborough Homes

- To meet the legal requirements for the allocation of affordable housing under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homeless Reduction Act 2017)
- To ensure appropriate levels of priority are afforded to Applicants
- To ensure priority status on the scheme for Applicants with an urgent housing need
- To offer as much choice to, and housing options advice to, Applicants as is reasonably possible
- To let properties in a fair and transparent way
- To support and assist vulnerable Applicants so that they are able to actively participate in Harborough Homes
- To provide feedback to Applicants about homes let through Harborough Homes
- To encourage and support sustainable communities and social inclusion
- To ensure Applicants are treated fairly, individually and in accordance with the commitment to Equality and Diversity.
- To make best use of affordable housing, to meet the needs of the local community.
- To enable vacant properties to be let as quickly as possible

Harborough Homes Service Standards

- We aim to assess completed applications within 10 working days of receipt, provided that all supporting documents have been provided. Incomplete applications will be deleted automatically within 14 calendar days of the application being started.
- If we need more information in order to assess an application we will contact the Applicant within 10 working days of receipt of the additional information requested. Applicants will be contacted by telephone or email stating the information required before the assessment can be completed.
- When an application is approved the Applicant will be sent an email or letter confirming their housing need band, unique reference number and information on how to bid for a property.
- We will review applications at regular intervals to ensure that the housing register accurately reflects the housing need of the district. Any advised changes in circumstances will be updated promptly, (if the change of circumstances relates to a change of tenure a fresh application may be required as this is considered to be a significant change in circumstances).
- We will give advice and information about their application to Applicants who request it.

Harborough Homes will monitor performance in respect of these service standards.

1. The Housing Register

1.0.1 Harborough Homes maintains a register of Applicants who want to be accommodated in the Harborough District. Properties that become available to let are advertised through the scheme and will normally only be allocated to Applicants on the housing register. The exception to this would normally be where the Landlord has made a management allocation.

1.1 Joining the Housing Register

1.1.1 Any person over the age of 16 can apply to join the housing register. This applies whether they are currently living within the Harborough district or outside of the district, providing they have a local connection with the Harborough district. Applicants aged 16 and 17 will be subject to locally agreed protocols which will determine the type of property and support services that they can be considered for (see section 3).

1.1.2 Every applicant must complete the online choice based lettings housing registration form. The information given by the applicant must be correct. Harborough Homes reserves the right to disqualify any Applicant from joining the register, or assist the Landlord to withdraw an offer of a tenancy or recover possession of a property, if the applicant has knowingly given false information.

1.1.3 Applicants will be asked to provide proofs to support their application, for example, they may be asked to provide proof of identity, income, benefits, access rights to children or levels of equity and savings (the application form clearly indicates what proofs are required). Without these proofs the application will not be complete. Failure to complete the application within 14 calendar days will normally result in the application being deleted without further notice.

- 1.1.4 Harborough Homes will make any other enquiries as they deem necessary in order to assess the application. This may involve contacting previous landlords, other local authorities, health or medical advisors, police, etc.
- 1.1.5 Applicants will be asked to provide a mailing address to which all correspondence can be sent and an email address. The mailing address can be the applicant's home address or an alternative correspondence address such as a family member or friend.
- 1.1.6 The final decision regarding whether an Applicant qualifies to join the housing register will rest with the Housing Services Manager and Applicants will be informed in writing of the reason why their application does not qualify. They will have the opportunity to appeal against this decision if they feel it is incorrect.

1.2 Review of the Housing Register

- 1.2.1 Harborough Homes will undertake a regular review of the housing register. Applicants will be contacted and asked to confirm whether they want to remain on the register and to update any changes in their circumstances.
- 1.2.2 Applicants will be expected to respond to the review within 28 days. Failure to respond will result in a letter being sent advising the Applicant that their application will be cancelled within 14 days unless there is a response.
- 1.2.3 Applicants can ask for their application to be reinstated if they believe that it has been cancelled incorrectly or unreasonably. An example of where an application could be reinstated is where an Applicant has been in hospital for the duration of the review and does not have a mailing contact who could have responded on their behalf. A request to reinstate an application should be made in writing to the Housing Services Manager. If the Applicant does not agree with the decision of the Housing Services Manager they have the right to request a review of this decision (see section 5).

2. Eligibility to join the Housing Register

Applicants do not qualify to join the register if they, or a member of their household, are;

2.1 Subject to immigration controls under the Asylum and Immigration Act 1996, unless they

- Already hold a secure tenancy allocated to them by their local Council.
- Already hold an assured tenancy allocated to them by a housing association
- Are in a class prescribed by regulations made by the Secretary of State, these classes include those with
 - Refugee status
 - Exceptional leave to remain in the UK
 - Indefinite leave to remain in the UK
 - Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter

Any application identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. Harborough Homes reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

2.2 Applicants who have no local connection to the Harborough District will not normally qualify to join the housing register other than in exceptional circumstances.

Exceptions will include:

- Households fleeing the threat of violence and advised not to return to a particular area (where Harborough District Council has accepted a statutory duty to re-house them as a homeless household and they have been assessed in Priority housing need band)
- Armed Forces and former service personnel or bereaved spouses and civil partners of members of the Armed forces who are leaving service accommodation and the application is made within five years of discharge or who need to move because of serious injury, medical condition or disability sustained as a result of their service.

2.3 Applicants with the financial means to meet their own housing need

Applicants who have in excess of the income capital and savings thresholds set for entry onto the housing register will be considered to have the financial means to address their own housing needs (see Appendix 1).

Such Applicants will not qualify to join the housing register unless they are aged 55 plus and they can demonstrate that they have a need for Independent Living Schemes or Extra Care housing which they cannot purchase or rent the equivalent of on the open market.

Or, where the Applicant has a need for wheelchair adapted accommodation and they do not have the financial means available (through savings, Grants or Equity Loan) to adapt their existing property, or the property is not suitable for adaptation, and they do not have a need or meet the criteria for Independent Living Schemes or Extra Care housing. Applicants accepted for this reason would be restricted to bidding for either Independent Living or Extra Care housing as per their need.

In assessing the Applicant's ability to meet their own housing needs, the joint income, savings and equity of any partner or other adult member moving with the Applicant will be taken into account having regard to the thresholds set for the District.

2.4 Applicants who have been assessed as requiring supported accommodation

The Housing Register does not advertise any form of supported accommodation for those who have specific needs, such as learning difficulties or mental health support needs. Therefore, applicants who have been assessed as needing this type of support will not be eligible to join the housing register. This does not include those over the age of 55 who require independent living or extra-care schemes, which are advertised through the Housing Register.

2.5 Guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant

When making this decision we will consider:-

a) What action a landlord, would have taken against the perpetrator of the unacceptable behaviour.

The behaviour must be serious enough that a Registered Social Landlord would have been entitled to a possession order under schedule 2 of the Housing Act 1985 or schedule 2 of the Housing Act 1988. As an example, cases relating to noise problems, domestic violence, racial harassment, intimidation and drug dealing would probably lead to a possession order. Rent arrears often only lead to a suspended possession order.

b) Whether the behaviour is serious enough to make the Applicant unsuitable as a tenant.

As an example, accrual of rent arrears which have resulted from factors outside of the Applicant's control, e.g. delays in housing benefit payments or liability for a partner's debts, are not serious enough to make the Applicant unsuitable as a tenant. However, an Applicant who has current or former tenant arrears or any sundry related housing debt that is not being repaid will not qualify to join the housing register, unless they demonstrate an overriding housing need (e.g. they are statutorily homeless or do not have the financial means to address their debts). Such housing related debts could include rent arrears, court costs, temporary accommodation charges, sundry debts such as clearance, damage or repayment of rent deposit or rent guarantee – this is not an exhaustive list.

This would mean the Applicant would not qualify to join the housing register or if already on the housing register, such a debt without a payment plan which is being repaid on a regular basis (and can be evidenced as such) would prompt a review of eligibility when such circumstances are known to the authority and could lead to cancellation of the application. Other examples of behaviour that could make the Applicant unsuitable to be a tenant may include having been convicted of violence towards a partner or members of the family, obtaining a tenancy by deception or subletting without permission of the Landlord or committing (or a member of the household committing) certain criminal offences in or near the home, for example drug dealing and/or posing a threat to neighbours, the community staff from the Council, the Council's Contractors or Registered Providers and their Contractors.

c) When the unacceptable behaviour took place, the length of time that has elapsed, and whether there have been any change in circumstances.

2.5.1 Applicants may not qualify to join the housing register if all three conditions are satisfied. When making this decision Harborough Homes will consider whether it is reasonable to exclude the Applicant. We will take into account all relevant factors such as health, dependants or other factors. Applicants will be informed in writing of the reason why they do not qualify to join the register. They will have the opportunity to appeal against this decision if they feel it is incorrect (see section 4).

2.5.2 If an applicant, who has been refused entry onto the housing register because of unacceptable behaviour, considers that their unacceptable behaviour should no longer be held against them they should make a new application. The Applicant will need to show that there has been a sufficient lapse of time, in the opinion of Harborough Homes, since the previous application was submitted or that his/her circumstances or behaviour have changed.

2.6 Applicants who cannot demonstrate a housing need will not be eligible to join the housing register for example:

- Social tenants who would only be eligible for a move to the same size of property and who have not demonstrated a welfare/medical or other exceptional need to move
- Private tenants and Tied tenants who are adequately housed (those who have not demonstrated a significant medical/welfare or exceptional need to move)

- 2.7 If at any time Harborough Homes obtains evidence that an applicant already accepted onto the housing register is ineligible, then the Applicant will be advised that their application will be cancelled. Applicants will have the opportunity to use the appeals procedure if they are able to show this decision is incorrect (see Section 5).

3. Applicants under the age of 18

- 3.1 Applicants aged 16 and 17 can apply to join the housing register.
- 3.2 Applicants under the age of 18 must provide details of a guarantor. The guarantor must be a responsible person such as a parent or other close member, or a representative from a support agency, such as Social Services.
- 3.3 Applicants aged 16 and 17 will be assessed in the same way as all other applicants joining the housing register.
- 3.4 When an application is received from a lone parent under the age of 18 Harborough Homes will seek to carry out a joint assessment of needs and support with Social Services. The assessment will only be undertaken after the Applicant has given their consent. This may be subject to change dependent upon locally agreed protocols.

4. Definition of a Local Connection

4.1 Applicants will not qualify to join the housing register unless they have a valid local connection to the Harborough District, or if exceptional circumstances can be demonstrated. Examples of exceptions might be households fleeing the threat of violence and the Council has accepted a duty to them as a homeless household, or Armed Forces and former service personnel where the application is made within five years of discharge, or bereaved spouse and civil partners of members of the Armed forces who are leaving service accommodation following the death of their spouse or partner, serving or former members of the reserved forces who need to move because of serious injury medical condition or disability sustained as a result of their service within the last five years.

4.2 District Connection

A district connection is established by Applicants meeting one or more of the following criteria:

- (a) they have normally resided in settled accommodation in the District for at least two years preceding application, an exception will be made for homeless Applicants who do not meet the 2 year residence criteria in Local Connection, where the Council has a statutory duty to discharge to a homeless household.
- (b) they, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of twelve months, within the district (confirmation will be

required from the employer)

- (c) having parents, brothers, sisters or adult children and step equivalents (aged 18+ years) who are living in the district now and have done so far at least the past five years in settled accommodation and where a meaningful relationship exists. (See Appendix 2)
- (d) They have no local connection but are fleeing violence or threats of violence and have been accepted as priority homeless by the Council. (See Appendix 2)
- (e) Other special circumstances may exist, and all applications will be considered on their individual circumstances.

4.3 Exceptions to the rule of establishing local connection will normally apply as follows:-

- Time spent in any prison or secure unit
- Time spent in hospital
- Time spent in any institution such as a refuge or rehabilitation centre
- Armed forces personnel (see 4.1 above)

4.4 Parish Connection

For some village housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the village or parish. Each district has its own local policy.

4.5 The factors used to determine a village connection will be as follows, where the main applicant or joint applicant can answer 'yes' to any one of the following:-

- I have lived in the village for the last five years
- I work permanently in the village (at least 15 hours a week)
- My Mother was living in this village when I was born or previously lived in the village for 5 years or more
- I have close relatives who have lived in the village for at least five years (close relatives are defined as parents, children, siblings, grandparents or grandchildren)
- I need to move to the Parish to be close to a relative or other person in order to provide or receive significant amounts of care and support

5. Appeals Process

- 5.1 If an Applicant does not agree with a decision made by Harborough Homes in respect of their application or in respect of any decision that affects their housing application, they have the right to appeal. Circumstances in which an appeal is likely to be submitted include:
- Where an applicant has been advised they do not qualify/are not eligible to join the housing register.
 - Where an applicant believes that their application has been assessed incorrectly and placed in the wrong housing need band.
 - Where an Applicant's application has been cancelled and their request to have the application reinstated has been refused.
- 5.2 If an Applicant has successfully been shortlisted for a property but has been refused the offer of accommodation by one of the Registered Provider partners, they can ask the Registered Partner to review their decision. Each partner operates its own appeals process.
- 5.3 Applicants wanting to request a review of a decision made by Harborough Homes will need to submit a written request to the following person. The appeal will normally need to be submitted within 21 days of the original decision letter.

The appeal should be addressed to:-

Housing Services Manager
Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough
Leicestershire,
LE16 7AG

- 5.4 The Officer considering the appeal will not have been involved in the original decision and this Officer's decision will be final.

6. Applicants with a disability or a mobility need

- 6.1 If an Applicant indicates on their application that they require ground floor accommodation, accommodation that has been specially adapted or they have a mobility problem, then they will be asked to complete the Medical Assessment Form.
- 6.2 The Medical Assessment asks a series of questions about the Applicant's mobility needs

and asks them to self-assess their needs by ticking one of the following descriptions:

- A) My legs are unable to support my weight and I need to use a wheelchair when indoors and outdoors.
 - B) I use a wheelchair outside the property but am able to walk to a limited extent. I cannot climb steps or stairs.
 - C) I do not use a wheelchair but walk with difficulty. I cannot climb steps or stairs.
 - D) I do not use a wheelchair; I walk with difficulty, but can manage one or two steps.
 - E) I need a downstairs toilet to address my mobility difficulties.
 - F) I have a disability or a medical problem, such as kidney dialysis or epilepsy, requiring more suitable accommodation, which does not fall into any of the above categories.
- 6.3 The Mobility Self-Assessment will be verified by a Housing Advisor at Harborough Homes, and if necessary, by other suitably qualified medical advisors.
- 6.4 Harborough Homes will advertise all vacancies as they become available; this includes those properties that are suitable for the needs of disabled Applicants, or those that have been specially adapted in some way. Harborough Homes will include information on the level of adaptations and/or accessibility features within the property advertisement.
- 6.5 Such properties will be assessed by the Landlord according to the level of access or adaptation. The categories that are used are shown below, and will be clearly identified within the adverts:
- A) A property that is fully suitable for a wheelchair to be used inside. It will include all the access criteria as listed for a “B” property, plus would have additional features such as a kitchen adapted to mobility standard, light switches lowered, plug sockets higher, track hoists, etc.
 - B) A level access property with a threshold no higher than 15mm. The entrance doorways must have a minimum clear opening of 775mm. The approach to the property needs to be level access or ramped. Internal doorways need to have 775mm clear opening.
 - C) A ground floor property with level access into the property by one or more entrances (level access means no steps approaching or into the property), also no steps internally.
 - D) A property with no stairs, i.e. ground floor only, can be within a complex or a bungalow and has one or more steps at each entrance or approach to the entrance.
 - E) A property with a ground floor toilet but which has steps and stairs.
 - F) A standard property suitable for Applicants that need extra space. These could include such “one-off” examples as: a house with substantial adaptations like bedroom / bathroom extension; or, an older terraced type house with ground floor bathroom and two reception

rooms downstairs or a step in or level access shower.

- 6.6 For those properties labelled with either an “A” or “B” category, normally only Applicants who have been awarded an “A” or “B” status can apply. The remaining categories, “C” to “F”, will serve as an indication to the Applicant of the level of suitability. These properties are also available to general Applicants, there is no preference given to Applicants with mobility needs over Applicants without mobility needs for properties advertised with mobility keys C-F. The shortlisting criteria remains as per the criteria on the advert, the housing need band and effective date.
- 6.7 Applicants who apply for either “A” or “B” properties, will be selected on the basis of the level of adaptation suitable for their needs – irrespective of whether they are a Transfer or New Applicant. Because there is a limited amount of property of this kind it is only available for Applicants who have been assessed as needing it.
- 6.8 Any Applicant must consider carefully when bidding for a property whether the property will meet their mobility needs or whether any adaptations or additional adaptations may be required. Applicants need to be aware that each Registered Provider will have their own Adaptations Policy which may not include significant adaptations to a family home.

7. Household Eligibility

- 7.1 Once accepted onto the housing register, every Applicant will be provided with information about the size and type of properties they are eligible for. For example, a family with 1 child will be eligible for a 2 bedroom flat and 2 bedroom house. They will also be eligible for supported housing if their circumstances warrant the need for this type of accommodation.
- 7.2 Information on eligibility will be individual to each Applicant. Applicants are advised to check with the Landlord (Registered Provider) of the property if they are unsure, or check their Allocations Policy which will be available on either the www.harborough.gov.uk website or the Landlord’s own website.

7.3 Household Definitions - Guidance

- 7.3.1 *Single person households who have access to children but with whom the children do not reside on a permanent basis must be able to show that they do have access to children by providing at least two nights of secondary care on a regular basis (e.g. weekly).*
- 7.3.2 Single person households with access to children cannot normally be considered for properties larger than a 2 bedroom flat within the Harborough district, irrespective of the number of children they have access to.
- 7.3.3 Accommodation designated for older Applicants will be advertised with a minimum age criteria. This can be 55+ or 60+ years or other stated age, dependent upon the Landlord’s

policy, and properties will be advertised accordingly indicating additional services available (if any). Where joint applicants are bidding for a property of this type, only one of the Applicants has to meet the age criteria on the advert.

- 7.3.4 Family with a disability refers to a household where at least one of the members has a medical or mobility need and they require an adapted property to help meet those needs.
- 7.3.5 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- 7.3.6 Households that include a pregnant woman are assessed as if the baby has already been born (i.e. the baby is counted as a child) where pregnancy is at 28 weeks). Exceptions may apply.
- 7.3.7 A child must spend a minimum of 4 nights per week with the Applicant and the Applicant must be in receipt of benefits for the child, in order for them to be classed a permanent resident. Benefits can include child benefit, child tax credits or the child allowance under Universal Credit. Exceptions may be considered, for example in circumstances where the child resides away from the Applicant on a temporary basis but their permanent home is with the Applicant.
- 7.3.8 An Applicant may add a joint Applicant or household member to their Harborough Homes application. Checks will be made to ensure that those added are eligible to join. The Applicant's application will be reassessed and they will be notified of any changes, for example a change in their housing need band.
- 7.3.9 A joint Applicant may wish to leave a joint application and have an application in their own name. In such circumstances the Applicant's new application will be backdated to the date they joined the original joint application.
- 7.4. In exceptional circumstances Applicants who are ineligible for a certain property type or scheme can be considered as eligible. In making this decision Harborough Homes will consider the needs of each household and the needs of each landlord to make best use of their housing stock. Ultimately it will be the decision of the landlord as to whether they will make an offer of tenancy.

8. Defining Bedroom Requirements

- 8.1 The partner landlords within Harborough Homes operate different policies in relation to households who have children of a different sex, or a different age, sharing a bedroom. Normally the following bedroom occupancy guidelines would be as follows but there may be variations between Registered Providers:-

A separate bedroom is needed for each of the following:

- Every adult couple or single parent
- Any other adult aged 16 years or over

- Any two children aged under 10 years of opposite sex

- Any two children aged under 16 years of the same sex
- Any other child

Large families (i.e. those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.

- 8.2. Each landlord reserves the right to use their discretion in cases. For example, where the age of the eldest child is only slightly under the age limit the organisation may refuse to consider the household for a property.
- 8.3 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need may be allowed.
- 8.4 Where an Applicant has care or support needs that require overnight assistance on a permanent or casual basis, then the need for an additional bedroom may be awarded to permit this. This can include prospective foster carers, on evidence that Children's Services will approve the Applicant as a foster carer subject to availability of suitable size accommodation.
- 8.5 Households that include a pregnant woman are assessed as if the baby has already been born (i.e. the baby is counted as a child, where the pregnancy is at 28 weeks or more).

9. Assessing Housing Need

- 9.1 Harborough Homes, whilst offering choice must take into consideration the housing needs of each Applicant or a member of their household (who reside with them on a permanent basis); to allow those Applicants in greatest need to be given precedence.
- 9.2 The housing needs of each household will be considered and assessed. All Applicants who are eligible to join the housing register will be placed in one of four housing need bands. These are bands 1 to 4.
- 9.3 Applicants must notify Harborough Homes of any change in their housing circumstances and, once notified, Harborough Homes may need to undertake further enquiries before reassessing the application. An Applicant's application may move from one housing need band to another or may not qualify to be included on the housing register as a result of the reassessment. A re-assessment of housing need would also be undertaken by Harborough Homes if information about an Applicant was brought to the attention of Harborough Homes which could affect their current housing need band or eligibility to qualify to join the housing register.
- 9.4 If an Applicant feels that their application has been placed in an incorrect housing need band they have a right to request a review of the decision (see section 4).

9.5 Band 4:

9.5.1 Applications will be accepted but will normally be given no preference if the Applicant:

- Is guilty of behaviour within the last twelve months which affects their suitability to be a tenant. The behaviour is serious enough that enforcement action would normally have been taken but does not warrant exclusion from the housing register. This relates not only to the Applicant but also other members of their household and they will remain in Band 4 for a period of 12 months. The application will then be re-assessed. If there is a relevant change in the household's circumstances during the twelve month period the Applicants can contact Harborough Homes to request that their housing need is re-assessed.
- Only wishes to be considered for low cost home ownership schemes.

9.5.2 Applicants who have deliberately worsened their circumstances to gain an unfair advantage over other Applicants on the housing register will normally remain in Band 4 for a period of 12 months. The application will then be reassessed. If there is a relevant change in the household's circumstances during the twelve month period the Applicants can contact Housing Services to request that their housing need is re-assessed.

9.6 Band 3:

9.6.1 Preference will be given to applicants who fall into one of the following categories:

9.6.1.2 Poor housing conditions – households living in unsanitary or otherwise unsatisfactory housing conditions.

This could include:

- Housing that is not in a reasonable state of repair.
- Households lacking adequate toilet, bathing or cooking facilities.
- A property that, although not unfit for habitation, is in a serious state of disrepair and poses a high health and safety risk to the Applicants. This could include properties where there is inadequate lighting, heating and ventilation or where there is ineffective drainage for waste and surface water.
- In exceptional circumstances other poor housing conditions will be considered. These will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

(These criteria will be assessed in partnership with Environmental Health Services. Where

a home is found lacking in relation to these standards, the Environmental Health officer will consider using the powers available to ensure that the property is made to meet acceptable standards).

- Where a household is overcrowded, in that it is one bedroom short of the assessed need for that household. Including where the Applicant has applied to adopt or foster a child and they require an extra bedroom to accommodate the child.

9.6.1.3 Medical needs – households with a medical, disability and mobility problem.

This could include Households with a medical disability or mobility problem including:

- High verified medical need where a move will improve or prevent the deterioration of a condition. This will apply when an Applicant's condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition.
- Level access accommodation is required and there is no prospect of adaptations to the Applicant's current property within 12 months. Suitable proof will be required, i.e. confirmation from a local occupational therapist and landlord. The Applicant may be referred to local agencies for assistance with adaptations (see section 6.8).

9.6.1.4 Welfare need to move

This could include:

- Applicants suffering from harassment or neighbour nuisance, such as verbal abuse or damage to the property. The problems will have been reported, for example to the landlord or the Police, but a satisfactory conclusion not found. The harassment is not at a level whereby the Applicant has an emergency need to move. Enquiries will be made to verify the situation.
- The need to be near relatives to give or receive support. This would only apply where NOT moving would cause emotional, physical or financial hardship to either party. Enquiries will be made to verify the situation.
- The need to move closer to specialist educational or other organisation, agency or institution. This would only apply where NOT moving would cause emotional, physical or financial hardship to either party. Enquiries will be made to verify the situation.

9.6.1.5 Right To Move

Where a relevant person has a need to move because they either:

- Work in the district or

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- Have been offered work in the district and the authority is satisfied that the relevant person has a genuine intention of taking up the offer

(Applicants who have been assessed in a higher housing need band for these reasons may be restricted to bidding only in areas they have demonstrated a need to move to).

9.6.1.6 Applicants who are suffering financial hardship through reasons outside of their control and who are having difficulty in meeting their housing costs, examples could include adverse impacts of Welfare Reform such as the Benefit Cap etc.

9.6.1.7 Insecure accommodation

This would include Applicants who are:

- Currently renting accommodation privately on an assured shorthold tenancy, or tied accommodation and have been served with a valid notice to leave
- Living with family, relatives or friends, accommodated as a licensee/lodger
- Households accommodated for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation.
- Rough sleepers and those of no fixed abode who have not presented as homeless.

9.7 Band 2:

9.7.1 An Applicant who has been assessed as having two or more needs from Band 3, excluding the insecure accommodation category. An Applicant will not be placed in Band 2 if the 2 combined needs are a duplication of the same housing need, where both aspects of housing need effectively amount to the same need. The two needs must be from different sections.

9.7.2 Applicants in Band 2 can remain in this band for up to 16 weeks. If no suitable properties come available during the period, or the Applicant has not been successful in their search for accommodation, the application will be reassessed, taking into account any change in circumstances. In exceptional circumstances Applicants can be granted an extension to the 16 weeks. The length of the extension will be determined by the Housing Services Manager.

9.7.3 The following circumstances will also qualify an Applicant to be placed in Band 2:

Threatened with Homelessness: An applicant who is eligible and threatened with homelessness within 56 days, and they are working with the council to try and prevent their homelessness. Except where there is a valid S.21 notice to quit where band 2 will

commence from the date that the valid notice is received by the council.

Overcrowding: Applicants where there is overcrowding by two or more bedrooms short of the assessed need (*the Applicant would not be considered eligible to bid for the same size property as currently occupied*)

Supported Accommodation: An Applicant who is living in supported accommodation and the Council has a formal Move On agreement with the housing provider or their key worker has agreed that independent accommodation would now be appropriate.

Under-Occupying Social Housing: Social Housing tenants who are under-occupying a home which is in high demand from other Applicants and where there may be assistance available from a local tenant's incentive scheme (*the Applicant would not be considered eligible to bid for the same size property as currently occupied*).

Under-Occupying and financial difficulty: Applicants who are under-occupying a home and are affected by Welfare Reform.

9.7.4 Applicants in Band 2 retain the right to bid for properties of their choice. Applicants will be expected to consider all suitable properties. Failure to bid for suitable properties or refusal of an offer of suitable accommodation will be taken into account if the application is reviewed at the end of the 16 week period. If no suitable properties come available during the period, or the Applicant has not been successful in their search for accommodation their application will be reviewed.

9.8 Band 1:

9.8.1 Applicants who have been assessed as having an emergency need to move will be placed in Band 1. Applicants can remain in this band for a period of up to 8 weeks. If no suitable properties have become available during the 8 week period, or the Applicant has not been successful in their search for accommodation, their application will be reviewed. In exceptional circumstances Applicants can be granted a further 8 weeks in the priority need band. The length of extension of Band 1 will be determined by the Housing Services Manager.

9.8.2 Applicants in Band 1 retain the right to bid for properties of their choice. Applicants will be expected to consider all suitable properties. Failure to bid for suitable properties or refusal of an offer of suitable accommodation may result in Band 1 not being renewed at the end of the 8 week period.

9.8.3 The relevant date for shortlisting - Applicants placed in Band 1 will not be the date they joined the housing register, it will be as follows

- Homeless households where a homeless application has been accepted – their date will be the date they presented as homeless
- All other Band 1 Applicants – the date a decision for Band 1 was made.

9.8.4 Band 1 will be recognised in the case of:-

Homeless Households: An Applicant who is currently homeless and either in the relief stage of homelessness or the Council has found a Main Duty to assist them under Part VII Housing Act 1996 and amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017

Where an offer of accommodation has been made during the 8 week period in Band 1 the Council will consider this to be one offer of accommodation under the above mentioned Act. This will mean that the Council's duty is discharged. The Applicant would be informed of this in writing and they would be given the right to appeal this decision under the legislation.

If the Applicant has failed to bid on suitable sized properties during their period in Band 1 then the Housing Team will place bids on their behalf on suitable sized properties in order to discharge the Council's statutory duty to that household.

Emergency Welfare need – circumstances could include (this is not an exhaustive list):

- Applicants who are subject to severe harassment, threats of violence, or actual violence or threats of physical, emotional or sexual abuse.
- Applicants living in a property where the conditions are classified as unsafe or at risk of imminent harm which cannot be remedied within a reasonable time (not resulting from damage caused by the Applicants).
- Applicants living in a property where they are assessed as statutorily overcrowding
- Care leavers and other vulnerable Applicants whose social or economic circumstances are such that they have difficulty in securing settled accommodation. The Applicant will have been through their housing options with Harborough Homes and all other options will have been exhausted.

Emergency Medical need – circumstances could include (this is not an exhaustive list):

An Applicant with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation or the inability to be discharged from hospital to their current accommodation.

Complex needs

Would include a number of factors which when assessed in isolation would not indicate an emergency need to move but when viewed as a whole, would. This could, for example, be a combination of severe physical and learning disabilities combined with stress caused by harassment.

Management need – circumstances could include (this is not an exhaustive list):

- Tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
- Applicants succeeding to a tenancy that is not suitable to their needs and they have lived in the property for at least the last twelve months
- Applicants who have no right in law to remain in their current Housing Association or Council accommodation, i.e. they have no right of succession but the Applicant has lived in the property for at least the last twelve months
- Tenants occupying a wheelchair adapted property they no longer need but which could be used by somebody else.

9.9 Moving between housing need bands

- 9.9.1 An Applicant's housing need band will change if their level of need changes (see Section 9).
- 9.9.2 When an Applicant moves up to a higher housing need band, their effective date will change to the date they moved in to the higher band. The exceptions to this rule are as follows:
- Applicants moving to Band 1 because the Council has a full homelessness duty to them will have their effective date changed to the date they presented as homeless.
- 9.9.3 Applicants who move to a lower category will retain their registration date or the date they were previously in that housing need band.

10. Advertising Properties

- 10.1 Registered Providers advertise the majority of their vacant properties with Harborough Homes. The advert will contain basic information about the property and the eligibility criteria that applicants must meet. Property adverts may be restricted to receiving bids from certain types of applicants, where this is in line with local lettings policies. For example property adverts may be restricted to Applicants by:
- Support needs (i.e. Independent Living Schemes or Extra Care)
 - Banding
 - Applicant Age
 - Mobility
 - Household type and size
 - Village connection
- 10.2 Studio flats, one-bedroom properties, two bedroom flats and all supported accommodation

(including Independent Living and Extra Care schemes) will be advertised with equal preference to all applicants. Short listing will be completed on the basis of the property criteria, Applicants' housing need band and effective date.

- 10.3 Properties will normally be advertised in accordance with Applicant eligibility. In exceptional circumstances a Registered Provider partner may need to advertise a property in accordance with a Local Lettings Policy. A Local Lettings Policy will normally be used when there are issues of sustainability and there is a need to create a balanced community. Properties advertised under a Local Lettings Policy will be allocated in accordance with normal Harborough Homes procedure, i.e. on the basis of housing need category and effective date.
- 10.4 All applicants will be able to view the weekly property adverts on the [Harborough Homes](http://www.harborough.gov.uk) website, available through the Council's website: www.harborough.gov.uk. Available properties can also be viewed in the customer service area in The Symington Building in Market Harborough.
- 10.5 Applicants who are unable to view the property adverts online themselves, or with help from relatives/friends/support worker, should contact Harborough Homes to discuss alternative ways of viewing adverts and placing bids.
- 10.6 Applicants who are unable to apply to join the housing register on the website or are unable to use the public computers available in libraries or in the customer services area of The Symington Building, Market Harborough, are able to arrange either a face-to-face appointment or telephone appointment with a member of the Housing Team to complete the application.

11. Bidding for properties

- 11.1 Applicants are responsible for bidding for properties that are advertised..
- 11.2 Applicants are responsible for ensuring that they bid on properties by the closing time and date published.
- 11.3 Registered Applicants can bid for properties online. Details of how to bid will accompany the property adverts but normally bids can be made online..
- 11.4 Applicants can make up to two bids per advert cycle. Applicants who have not bid on a property that would meet their housing need (based on number of bedrooms) within a twelve month period from joining the housing register would have their application reassessed to ensure that their circumstances have not changed or that they still have a need to move.
- 11.5 If an Applicant does bid and fails to respond to three suitable offers of accommodation or fails to attend three arranged viewings or refuses three offers of tenancy, their application will be reassessed.
- 11.6 Harborough Homes reserves the right to change the frequency of advert publication.

12. Management Allocations

- 12.1 Harborough Homes aims to give all Applicants choice in where they live. In exceptional circumstances it may not be possible to offer the Applicant's choice and in certain circumstances a direct offer of accommodation, or a Management Allocation, may be made.
- 12.2 A Management Allocation may be made in one of the following circumstances (this list is not exhaustive):
- When a tenant of a Registered Provider partner needs to be decanted from their property because it requires major refurbishment or repair
 - Where a property has been compulsory purchased and there is a legal requirement to offer the household a specific property
 - Where the Registered Provider partner has decided that this is the best use of stock. This would only take place in exceptional circumstances, following discussion with Harborough Homes.
 - Applicants who could pose a risk to individuals or other members of the community
- 12.3 Properties being allocated on a Management Allocation basis will be advertised through Harborough Homes but labelled **Management Allocation Do Not Respond**. Applicants will not be able to register a bid on the property. These properties are advertised in order to demonstrate the transparency of the choice-based lettings scheme.

13. Difficult to let procedure

Where properties prove to be difficult to let the Landlord may, for example, alter the eligibility criteria on the next advert to encourage Applicants of a different age, or household type, to bid. Harborough Homes will work with the landlord to identify and encourage Applicants to bid who would meet the revised criteria.

14. Shortlisting criteria

- 14.1 For all properties advertised, unless they are advertised on a "best fit basis", Applicants who have bid for and meet the criteria for that property, will be shortlisted in the following order:

Applicants in Band 1 category

If more than one Applicant bids for a property they will normally be shortlisted in the

following order unless a village/local connection criteria is applicable to the property

- i) By housing need band (1 – 4)
- ii) By effective date (= date of registration or more recent date of change of band)

If more than one Band 1 Applicant bids for a property, the Applicant who has been in Band 1 for the longest period of time will be shortlisted first. If both joined Band 1 on the same date, the Applicant who has been on the housing register the longest will be shortlisted first.

- 14.2 In the event of two Applicants with the same registration date applying for the same property, Harborough Homes will make a decision between both cases taking into consideration the housing circumstances and housing need of each case.
- 14.3 Information on availability of social housing within Harborough District can be found on the Council's website: www.harborough.gov.uk
- 14.4 Adapted properties, for example those that are suitable for wheelchair users assessed with an A/B mobility key, will be advertised on a 'best fit' basis. These properties will be exempt from the shortlisting process outlined in 14.1 above. Applicants who bid and have been assessed with an A/B mobility key (have a need for wheelchair accessible accommodation) will be invited to view the property and an assessment of each of the Applicants needs in relation to the facilities the property offers will be made, and a recommendation of who would be the best fit for the property will be made to the Landlord.
- 14.5 Where a disabled Applicant applies for accommodation which does not meet his or her access needs, Harborough Homes will take into account whether it is reasonable and practicable to adapt the property (see Section 6.8) when assessing his or her bid. If Harborough Homes takes the view that it is reasonable and practicable to adapt the property, the disabled Applicant will be considered for the vacancy on the same basis as other Applicants who have submitted a bid.

15. Offering a property

- 15.1 The shortlisting results for each property will be nominated to or accessed directly by the Registered Provider landlord. They will be responsible for contacting Applicants who have been shortlisted for a property and for allocating the property in accordance with their own Allocations Policy. Each landlord will work from the shortlist results provided by Harborough Homes. Applicants who are contacted regarding a property will be asked to provide proof to confirm the circumstances detailed on their application.
- 15.2 Applicants who owe a housing related debt to a Council, Registered Provider or private landlord (see section 2.5) may be advised that any offer of accommodation is subject to the remainder of the debt being paid in full. Applicants may be asked to provide evidence to prove the debt has been paid.
- 15.3 If the Applicant is unable to provide proof of their circumstances or if their circumstances

have changed to an extent that they are no longer eligible for the property then an offer of a tenancy will not be made.

- 15.4 If the Applicant is able to provide the Registered Provider with the proof requested then the applicant should be offered the tenancy of the property.
- 15.5 The Registered Provider will complete the tenancy agreement with the Applicant. This agreement is the formal contract between the Landlord and Applicant, and sets out the details of the property, rental charge, the full names, and the start date of the tenancy.
- 15.6 Applicants should be given sufficient time to consider an offer of a tenancy, however all Registered Providers wish to minimise the time a property is vacant and it is therefore important for Applicants to respond promptly to any contact from the Landlord of a property they have bid for.
- 15.7 Applicants who are identified as vulnerable may be given longer to consider the offer of a tenancy. Examples of this will include Applicants who are currently in hospital or in some form of temporary accommodation, such as a hostel or refuge. A decision will be made by the individual landlord according to the circumstances of the Applicant.
- 15.8 Applicants will be penalised if they fail to respond to three suitable offers of accommodation or fail to attend three arranged viewings or refuse three offers of tenancy. If an Applicant refuses three suitable offers of a tenancy or fails to attend three arranged viewings their application will be reassessed.
- 15.9 Applicants in the Priority housing need band may jeopardise their Priority status if they refuse a reasonable offer of a tenancy. In the case of "homeless" priority households, if they fail to respond to properties that would be considered suitable for their needs, or if they refuse a reasonable offer of accommodation within their priority period, their Priority status will not be renewed and from week 9 the Housing Team will place bids for them on suitable size properties in order to discharge the Council's homeless duty.
- 15.10 The Registered Provider partners within Harborough Homes reserve the right to withdraw any offer of accommodation. Offers will only be withdrawn when there is just cause. The Registered Provider will explain why the offer has been withdrawn. The applicant will have a right to appeal against the decision (see section 5).

16. Joint tenants

- 16.1 Applicants seeking a joint tenancy should make a joint application to join the housing register.
- 16.2 The partner landlords within Harborough Homes encourage joint tenancies.
- 16.3 If one Applicant of a household is ineligible to join the register (i.e. would be excluded as per section 2), then a joint tenancy cannot be granted.
- 16.4 The partner landlords will consider offering a joint tenancy to household members who

have long term commitments to the home, for example when adults share accommodation as partners (including same sex partners), friends or unpaid live-in carers.

- 16.5 When a joint tenant serves notice to quit, the partner landlords can, at their discretion, grant the remaining joint tenant a tenancy in their sole name. In exercising their discretion the landlords will consider whether this is making best use of their stock. The former tenant may join the housing register as a new Applicant.

17. Feedback information

- 17.1 Harborough Homes seeks to provide every Applicant with feedback information on previous allocations. This helps Applicants to make informed choices when bidding for properties.
- 17.2 Every property that is allocated through Harborough Homes will be included in the feedback information. This information is published on the www.harboroughhomes.org website.
- 17.3 The feedback information will include details of the number of Applicants who bid for the property, the effective date of the successful Applicant and their housing need band.
- 17.4 When bidding on-line, Applicants will be able to see their position on the shortlist at that point in time.
- 17.5 Harborough Homes will seek to contact Applicants who have not bid for a property in the last 6 months to ensure they understand how Harborough Homes works and discuss their housing needs.

18. Mutual Exchange

- 18.1 Assured tenants of the partner Registered Providers have the right to exchange their property with secure tenants of any other Council, or assured tenants of any Registered Provider.
- 18.2 Harborough Homes does not hold a Mutual Exchange Register.
- 18.3 Landlords may hold their own mutual exchange register and tenants who are interested in this option should contact their own landlord for advice and assistance.

19. Complaints Procedure, Service issue

- 19.1 If an Applicant wishes to register a complaint about the service provided by Harborough Homes, or if they feel they have been treated unfairly by one of the landlords within the partnership, then the Applicant should be encouraged to register their dissatisfaction through the complaints procedure.

- 19.2 The Applicant should advise the Housing Adviser, (with whom they have been dealing), of the nature of their complaint. The complaint can be made in person or in writing. The Adviser will then acknowledge and record the complaint. All complaints will be investigated and wherever possible, a full response will be sent to the Applicant within 20 working days from receipt.
- 19.3 If the complaint relates to the service offered by the Adviser they have been dealing with, then the Applicant should bring their complaint to the attention of the Housing Services Manager who will conduct all enquiries relating to the complaint in a fair and sensitive way.
- 19.4 If the complainant is then not satisfied with the response received he/she may write to Mr T Day, Services Manager, Community Partnerships, Harborough District Council, The Symington Building, Adam & Eve Street, Market Harborough. LE16 7AG, setting out the following details:-
- name, address and telephone number
 - the nature of the complaint
 - the date the complaint was first made and to whom
 - the reason for dissatisfaction with the response received
 - how they would like to see matters put right
 - copies of correspondence (if any) relating to the complaint
 - any additional relevant information to that already received
- 19.5 Where possible the reviewing officer will aim to complete their enquiries and respond to the complaint within 28 working days.
- 19.6 All correspondence will be sent to the complainant's home address or a mailing address of their choice. If the complainant is of no fixed abode then the correspondence can be collected from The Symington Building. Correspondence will be kept by Harborough Homes for a period of 28 days.
- 19.7 If the complainant remains dissatisfied with the service they may request a review of their complaint by the Directors which will follow the procedure set out in Harborough District Council's Official Complaints procedure.
- 19.8 Details of Harborough District Council's Official Complaints procedure can be obtained from the Customer Services Desk, The Symington Building, Adam & Eve Street, Market Harborough or by telephoning 01858 828282.

20. Glossary and Definition of Terms

Allocation Policy	This explains the rules relating to joining the housing register and how Harborough District Council will operate the choice based lettings scheme
Choice Based Lettings	A scheme that enables Applicants to choose a home (subject to meeting the eligibility criteria on the property advert)
Eligibility	The term used to describe factors your household must meet in order to be shortlisted for i.e. the size of household and number of bedrooms in the property
Applicant	This is the term used for Applicants who have joined the housing register and are searching for housing
Mutual exchange	A swap of accommodation between two social housing tenants which relies on each tenant moving permanently into the other's property with the permission of their landlord
Registered Provider	A Housing Association or not-for-profit company registered by Homes England to provide social housing
Shortlist	A list of Applicants that have bid for a particular property advertised by Harborough Homes
Social Housing	The term used to describe affordable rented accommodation owned by a Registered Provider
Succeeding to a tenancy	When a tenant dies, the tenancy would normally pass to a joint tenant or member of the family if they have been living with the tenant for the preceding 12 months and are still living in the property at the time of death of the tenant. Anyone who takes over a tenancy in this way is called a successor. Each Registered Provider will have a policy regarding succession.

Appendix 1:

Financial Means Thresholds

Equity:	Savings:	Income:
£36,000	£22,000	£56,000

Assessing Financial Hardship

In assessing financial hardship Harborough Homes will consider the following:

- The household's declared income and outgoings and whether the household has sufficient income to meet their priority housing debts e.g. rent/mortgage, council tax, utilities, food etc.
- Their spending on non-priority items can be reduced or removed,
- Affordability of the property they are occupying,
- Whether they have maximised their income through benefits or increased hours of work or sought a greater contribution from non-dependents in the household,
- Whether they have permanent employment in the district,
- Could their financial hardship could be alleviated through debt counselling services – if so, a referral would be made to Citizen's Advice/Money Advisor to confirm any recommendations,
- Would a one-off grant from a charity or a Crisis Loan resolve or relieve their hardship relieving the need to move home,
- Have they recently been made redundant/lost their job,
- Have they recently found employment in another area and the cost of getting to their employment has had an adverse effect on their finances and there is a justified need to move closer to work (this would need to be verified).

Appendix 2:

Local Connection:

4.2 (c) Having parents, brothers, sisters or adult children and step equivalents (aged 18+ years) who are living in the district now and have done so far at least the past five years in settled accommodation and where a meaningful relationship exists.

A meaningful relationship is defined as a relationship that is significant and ongoing. It could be a relationship where at least one party gives or receives support or where they would give or receive support if they were to live nearer to one another, such as childcare or emotional support. Proof of this relationship should be provided in the form of a personal letter or email from the family member stating why the applicant needs to live in the district.

Proof will also be required of the family member's 5 years continuous accommodation within the district. The onus will be on the applicant to provide proof of the connection.

4.2 (d) They have no local connection but are fleeing violence or threats of violence and have been assessed that a relief duty is owed by the Council.

If there is no other local connection but the applicant is fleeing violence, a homeless declaration must have been taken and at least the relief stage triggered in order for them to be accepted onto the housing register. The applicant should only be accepted if it is deemed that there would be no risk of violence within the Harborough District.

A local connection under 4.2 (d) would also apply to referrals made by other councils, under Section 198 of the Homelessness Reduction Act 2017, where it is agreed that the council accepts the referral due to fleeing violence.

Section 10.52 of the Homelessness Code of Guidance for Local Authorities states: "A housing authority cannot refer an applicant to another housing authority if they or anyone who might reasonably be expected to reside with them would be at risk of violence. The housing authority is under a positive duty to enquire whether the applicant would be at such a risk and, if they would, should not assume that the applicant will take steps to deal with the threat."