



## **Midlothian Council**

### **Housing Allocation Policy**

**Version: January 2017**

In line with all Midlothian Council's commitment to equality and diversity, all our policies and procedures where required can be translated into other languages on request. For people with visual impairment, large print or audio taped versions can also be provided.

## **Contents**

- 0.1 Defined Terms**
- 1. Aims and Principles**
- 2. Applying for a house**
  - 2.1. Application forms**
  - 2.2. Processing Application Forms**
  - 2.3. Joint Applications**
  - 2.4. Review of Applications**
  - 2.5. Cancellations**
  - 2.6. Relationship Breakdown**
  - 2.7. Suspended Applications**
  - 2.8. Pre-tenancy Checks**
- 3. Making Offers of Housing**
  - 3.1. Information to be considered when making an offer of housing**
  - 3.2. Size of Housing**
  - 3.3. Definition of Family**
- 4. Description of Groups**
  - 4.1 Homeless group**
  - 4.2 Choice group**
  - 4.3 General Needs group**
  - 4.4 Specialist Housing**
- 5. Points awards and groups targets**
- 6. Properties Advertised as Ready to Rent Now**
- 7. Number of offers**
- 8. Incentive to move scheme**
- 9. Mutual Exchanges**
- 10. Local lettings initiatives**
- 11. Monitor and review**
- 12. Appeals and complaints**

## **0.1 Defined terms**

**Applicant** – person submitting a housing application form (“Application”).

**Common Housing Register** – Midlothian Council and Melville Housing Association hold a joint waiting list for housing, which means you won't have to make separate applications to the council and Melville Housing Association.

**Joint application** – two or more parties submitting a housing applicant request

**RSL** – a Registered Social Landlord is a housing association or housing cooperative that is registered with the Scottish Housing Regulator.

**Mutual exchange** - the term mutual exchange describes the ability of two (or more) tenants in the public housing sector to move house by swapping their homes, with the agreement of their landlords.

**Home Swapper** – website scheme to allow tenants to advertise properties to try to swap a council or housing association home. You can swap your council or housing association home with another tenant if you follow certain rules and get permission from your landlord. This is often called 'mutual exchange'.

**CHS** – a community health specialist aims to assist applicants who have a Health or Housing need to move to a property better suited to their needs or where possible ensure that their existing property meets their needs by the provision of adaptations or support. A medical assessment by the CHS will assess any priority.

**Head of Service** – Head of Customer and Housing Services for Midlothian Council

## 1. Aims and Principles

Midlothian Council is committed to the principles of good governance and aims to develop fair and consistent policies, procedures and practices.

In line with Midlothian Council's commitment to equality and diversity and in accordance with Section 39 of the Housing (Scotland) Act 2010, Midlothian Council observes the requirements of current legislation relating to equal opportunities. The Housing Allocation Policy can be made available in a variety of formats, including large print, translated into another language or on audio tape. Reasonable adjustments will also be made to assist individuals who have a disability.

Midlothian Council allocates housing in accordance with the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014. The Housing Allocations Policy will apply to everyone who is eligible to apply to Midlothian Council for housing, the overall aims of the policy include:

- Ensuring all applications are treated fairly and consistently
- Ensuring Midlothian Council complies with the law and operates with good practice.
- Ensuring Midlothian Council meets its legal obligations at all times

When allocating housing Midlothian Council will give preference to applicants considered being in the greatest housing need. In particular:

- a) Homeless people or those threatened with homelessness
- b) People occupying houses which do not meet the tolerable standard
- c) People who are subject to overcrowding
- d) People who are under-occupying social-rented housing
- e) People who have large families
- f) People living under unsatisfactory conditions including:
  - People who have a medical need for re-housing People suffering from domestic abuse, suffering from racial harassment or other hate crimes
  - People who need to live close to carers or other support

On assessing applications for housing, applicants will be placed into one of three groups depending on their circumstances and need.

These groups are Homeless, General needs and Choice, refer to section 4 for more detail.

## **2. Applying for housing**

### **2.1. Application forms**

Midlothian Council has made the application process as straightforward and accessible as possible, this is achieved by:

- Operating a Common Housing Register with Melville Housing Association so applicants are only required to complete one application form.
- Making application forms available in a variety of formats, both at the Council's housing office, libraries and online at [www.midlothian.gov.uk](http://www.midlothian.gov.uk)
- Providing assistance to complete application forms in person or by calling Housing Services on 0131 271 3394.
- Accepting applications from anyone eligible aged 16 or over who wishes to live in Midlothian.
- Applicants choosing the areas they would prefer to live in and the type of property they would like.
- Advice and information on the availability of housing as well as the applicants' housing prospects will be provided to help them make this decision.
- Setting a qualifying age for sheltered/retirement housing of over 60 and amenity housing of 55. Check with each RSL for details of their specific housing developments.

### **2.2. Processing Application Forms**

On receipt of a completed application form, using the information supplied on your form, Housing Services will determine the group the applicant will be placed in and how many points are to be awarded within that group as determined by this policy. Midlothian Council aims to process application forms within 15 working days of them being received. Application forms from people who will not be considered for housing at the time will be suspended (section 2.7).

Applicants will be provided with written confirmation that their application has been processed. This letter will advise the applicant of the following:

- The group they have been placed in.
- The number of points awarded to their Housing Application, and how these have been calculated.
- How to appeal this decision if they think they have been treated unfairly.
- Where the applicant may seek further advice and information about their housing needs.
- Information on the availability of Council housing in Midlothian.

### **2.3. Joint Applications**

Midlothian Council accepts joint applications from persons aged 16 or over who wish to be housed together. Where joint applications are not members of the same family, no more than 2 joint applicants may apply as otherwise a "House in Multiple Occupation" (HMO) is created in a tenancy. HMO occupation has specific regulations to comply with which are not considered by the policy.

Joint applicants do not have to be living at the same address to apply, but each will have to supply details of their present circumstances so that their application for housing can be assessed. Any priority for housing will be based on whichever applicant has the greatest need to ensure they are awarded the highest number of points possible.

Should circumstances change, and joint applicants no longer wish to be re-housed together, a new assessment will be carried out for each applicant. The original applicant will be entitled from the date they first applied. The former joint applicant will have their own application effective from the date they joined the former joint application.

On notification of a joint applicant's death, the application will automatically be transferred to the surviving joint applicant.

#### **2.4. Review of Applications**

All applications for housing will be reviewed annually. For those applicants who have been suspended, their applications will be reviewed at least once a year. Applicants will be contacted to ensure their circumstances remain the same and they wish to remain on the waiting list.

Applicants can make changes to their housing application at any time. This can be done by telephone, by e-mail, in person or in writing. In all contact we have with applicants, we will advise them that it is their responsibility to inform the Council if their circumstances change.

Applicants will have 14 days to reply using the free post envelope provided. If an applicant fails to respond to this letter the Housing Application will be cancelled with a further letter sent to the last address the applicant had provided.

#### **2.5. Cancellations**

Applications will be cancelled in the following circumstances:

- At the applicant's request and a letter of confirmation will be sent to the applicant.
- In the event of failure to respond to correspondence.
- On the death of the applicant.
- When the applicant has been re-housed by the Council or RSL or in a mutual exchange that meets the household needs.

Where an application is cancelled the applicant has the right to appeal where appropriate. When considering an appeal the applicant's circumstances will be taken into account (section 12).

Where an appeal is successful the application will be reinstated with the date of the current form. It is the applicant's responsibility to advise us of a change in

circumstances to allow Midlothian Council Housing Services staff to re-assess their application.

Where an applicant deliberately makes a false statement in order to gain access to housing, or withholds important information, their application will be cancelled.

Midlothian Council will take action to repossess a tenancy that has been gained by the tenant providing false and misleading information in respect of their housing application and may pass this information to the police and other relevant services / agencies.

## **2.6. Relationship Breakdown**

In the event of a relationship breakdown or where the partners wish to be housed separately, the following will apply:

- Where the application is in joint names and they no longer wish to be re-housed together, a new assessment will be carried out for each applicant. The original applicant will be entitled from the date they first applied. The former joint applicant will have their own form effective from the date they joined the former joint application.
- Where one of the partners wishes to leave the household and apply for housing, they can submit a new application form in their own name, which will be assessed according to their current circumstances.

## **2.7. Suspended Applications**

The Council suspends applications (i.e. from receiving an offer of housing) for those who are not actively seeking housing at the present time, or who, through the pre-tenancy checking process, results in suspension. The reasons are:

- Applications suspended at the applicant's own request.
- Applicants where there is evidence of them engaging in anti social behaviour.
- Applicants living in tied accommodation until served with a Notice to Quit.
- Applicants currently serving a custodial prison sentence; six months prior to an Applicant's release their form can be activated.
- Where further information is awaited from the applicant before a priority can be awarded.
- Applicants who are suspended through the pre-tenancy checking process.

Applicants held on the suspended list can make changes to their application. Where a change in circumstances is made which could affect their priority, the Housing Services Team will review the application to ensure any priority awarded is accurate and up to date.

Where applicants are suspended at their own request, or live in tied accommodation and later activate their application, they will be placed on the waiting list with their original date of application. Similarly, where an applicant has been suspended awaiting the award of a priority, the original application date will be given.

Applicants can be suspended through the pre-tenancy checking process; this may be for the following reasons.

- The applicant has debt related to a tenancy more than one-twelfth of the annual rent owed in respect of the tenancy and agreement has not been kept for the last three months to pay off the debt, this does not apply to applicants who are on the homeless list.
- Where there is clear evidence of anti-social behaviour or a breach of tenancy, the council will consider the nature, frequency and duration of the behaviour.
- Applicants, who have refused previous offers of accommodation, see S7.
- Where we believe there may be false or incorrect information provided and we require reasonable time to investigate.

If the application is suspended, the applicant will receive written confirmation of the following:

- The reason why the applicant will not be offered housing now.
- An explanation of the next steps in the process.
- The steps they can take to resolve the problem.
- Advice on when their case will be reviewed.
- Their right to appeal the decision.

When reinstated on the waiting list applicants will have any waiting time points back dated to the original date of application.

## **2.8. Pre-tenancy Checks**

Before making a formal offer of housing, Midlothian Council will complete relevant pre-allocation checks. This may include, but is not limited to, the following:

- Checks for outstanding housing debt for any current or former tenancy.
- Checks for other breaches of tenancy, including anti-social behaviour.
- Checks that any current tenancy is maintained to an acceptable standard.
- References from other RSLs, or private landlords.

If an application is suspended as a result of these checks, the applicant will be informed of this as stated in this Policy (see section 2.7).

## **3. Making Offers of Housing**

### **3.1. Information to be considered when making an offer of housing.**

In accordance with Part II of the Housing (Scotland) Act 1987, the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014 Midlothian Council will not take any of the following factors into consideration when making an offer of housing:

- The age of an applicant, provided they are aged 16 or over
- The length of time the applicant has lived in Midlothian
- The applicants household income
- Whether or not the applicant is living at the same address of the spouse or partner.



- Whether a judicial divorce or separation has been obtained.
- Rent arrears or other tenancy related debt from a tenancy where the applicant is/was not the tenant, the debt has been repaid, or the amount due is less than one month's rent.
- Any outstanding debts, including Council Tax, due by the applicant or their household that are not related to a tenancy.

All offers of housing will be made reflecting the applicants assessed housing need. Offers of housing will only be made on completion of satisfactory pre-tenancy checks (see section 2.8).

### 3.2. Size of Housing

<b>Minimum Household Sizes for Midlothian Council Housing</b>		
<b>Property Size</b>	<b>Bed Space</b>	<b>Household Size</b>
Studio	Single	1 person
Studio	Double	2 person
1 Bedroom (1 person)	Single	1 person
1 Bedroom (2 person)	Double	1 person or couple
2 Bedroom (3 person)	1 Double + 1 Single	1 person or couple. With or with out one child/access to children. Or a pregnant person in the household.
2 Bedroom (4 person)	2 Double	1 person or couple. With or with out 1 or 2 children/access to children. Or a pregnant person in the household.
3 Bedroom (4 person)	1 Double + 2 Single	Single person/Couple with 2 Children
3 Bedroom (5 person)	2 Double + 1 Single	Single person/couple with 2 or 3 children
3 Bedroom (6 person)	3 Double	Single person/couple with 2, 3, or 4 children. Provided not more than 2 children of the same sex have to share a room
4 Bedroom (6 person)	2 Double + 2 Single	Single person/couple with 4 children
4 Bedroom (8 person)	4 Double	Single person/couple with 4, 5 or 6 children. Provided not more than 2 children of the same sex have to share a room
5 Bedroom	5 Double	Single person/couple with 6, 7 or 8 children.

		Provided not more than 2 children of the same sex share a room
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Applicants will only be offered housing suitable to the size of their household and the housing needs of their household, dependant on demand for housing.

If two or more applicants have the same number of points, priority will be given to the applicant whose household will make best use of the number of bedrooms the property has. Any permanent member of the household who is temporarily absent will still be considered to be part of the household when assessing size requirements.

Single applicants or couples are able to apply for either a one or two bedroom property. Households who already qualify for two or more bedrooms will not be granted any additional rooms for access to children.

### 3.3. Definition of Family

For the application of the Housing Allocation Policy the term “family” is used as defined in the Housing (Scotland) 2001 Act. The Act defines a family as:

- A single adult, a married couple or a couple, regardless of sex, living as if married.
- Their children, parents, grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.
- A child raised or treated by the partner as if their own, even if the child is not related to them, shall be considered part of the family.
- Two unrelated households or people who apply for housing will be considered as one household if requested by them.

An application for housing containing any of the above family relationships will be accepted as a household which can be given a priority reflecting their needs. It may be that the applicant does not currently live with their extended family or have not yet taken guardianship of an adopted or foster child or as kinship carer but wishes housing to accommodate them all together and they would be offered a Short Scottish Secure Tenancy initially until the carer was settled.

## 4. Description of Groups –

A group and points system is used to assess applications. A summary of the points awarded to each group and the targets for each group is detailed in Section 5.

Waiting time points are awarded to all applications, and 1 point is awarded for every two complete months on the waiting list.

### 4.1 Homeless: Target 45% of all Council lets.

Homeless applicants account for a growing proportion of the housing list as a result of legislative changes. Applicants from those leaving HM forces and tied accommodation will also be placed in this group.

Midlothian Council has responsibilities in relation to homeless households, people threatened with homelessness and the prevention of homelessness. Services to homeless households or those threatened with homelessness are based on current legislative requirements and the Scottish Government's Code of Guidance.

This group will consist of those applicants who have been assessed as being unintentionally homeless or threatened with Homelessness under the terms of the Housing (Scotland) Act 1987 and the Homelessness etc (Scotland) Act 2003.

Unintentional homeless applicants will be awarded 97 points. Homeless applicants will be entitled to additional points where they have priority medical needs that are not related to the award of their homelessness.

Applicants who are vulnerable as a result of having been discharged from a hospital or prison will be assessed under the terms of the Homelessness Etc. (Scotland) Act 2003. Appropriate points will be awarded three months prior to discharge.

Applicants who are discharged from HM Armed Forces will be assessed under the terms of the Homelessness etc. (Scotland) Act 2003. Appropriate points will be awarded three months prior to discharge.

Serving members of HM Armed Forces who have lived in Midlothian Council area prior to joining the forces, or who have a spouse or partner who have lived in Midlothian Council area prior to enlistment date, or where the applicant or family have been resident in Midlothian Council area for at least 3 years while on service will receive Forces points on their application at 1 point awarded for each 2 months from the date of enlistment.

Tied applicants will be assessed as homeless from receipt of a Notice to Quit, or written confirmation from their employer that they are required to vacate their tied accommodation within three months. Applicants may be given a priority under the terms of current homeless legislation depending upon their vulnerability and circumstances.

#### **4.2 Choice:** Target is 10% of all Council lets.

This group includes applicants who are deemed to have secure accommodation and no defined housing or medical need. Applicants will be awarded points based on whether they are currently resident in Midlothian or applicants employed in Midlothian but are resident elsewhere.

#### **4.3 General Needs:** Target 45% of all Council lets.

Applicants will be awarded points based on whether they are currently resident in Midlothian or applicants employed in Midlothian but are resident elsewhere.

Applicants will be placed into one to the following three groups – Medical, Overcrowded/Under-Occupying and General. The target of 15% of Council tenancies being allocated to each.

**Overcrowded/Under-Occupying group** - Applicants who are overcrowding/under-occupying their current accommodation but with no medical need will be placed in this group, applicants will be awarded these points in addition to any points for general housing need. When considering the number of bedrooms an applicant requires reference will be made to the table in section 3.2 of this policy.

Overcrowding, points will be awarded to applicants who are currently living in overcrowded conditions. A household is regarded as being overcrowded if an applicant does not have all the bedrooms they need for their household. Excluding kitchen and bathroom, a household's requirements are for a living room plus bedrooms as follows:

One single bedroom where it will be occupied by only one person.

In addition one double bedroom for:

- A single person, couple, single parent or pregnant single woman.
- Two children of the same sex.
- Two children of different sexes under the age of 10.
- Two children of the same sex under the age of 16.

Applicants who knowingly cause overcrowding by allowing other people to move into their home or by moving into another person's home will not be awarded any points for overcrowding.

Under-Occupying points will be awarded to Midlothian Council and Melville Housing applicants who are Under-Occupying. For the purposes of this calculation, the extent of under-Occupation will relate only to the difference between the number of bedrooms in the applicant's current accommodation, and the number of bedrooms required from their application.

**General group** - Applicants living in unsuitable accommodation with no medical need, and are not overcrowded/under-occupying their current accommodation.

Applicants living in unsuitable accommodation with no medical need, and are not overcrowded/under-occupying their current accommodation will be placed in this category. Points will be awarded based on the following factors:

Living in insecure accommodation, applicants who are currently residing with family/friends and wish to live independently, this also includes applicants who do not have a secure tenancy of their own, such as a private let.

Lacking/sharing facilities, applicants will be awarded points under this category if the household is either sharing or lacking one or more of the following; bathroom, kitchen, or toilet.

Harassment, points may be awarded at the discretion of the Head of Service if anyone included on the application is suffered from domestic violence, harassment, racial abuse or any other hate crime. Points will be awarded after the Head of Service has sought the appropriate advice from any relevant internal and external agencies.

In some circumstances the applicant may be referred to the Homelessness Service.

Living in sub-standard housing conditions, points will be awarded to applications on receipt of confirmation from Environment Health that the current property is suffering from rising/penetrating damp or has no adequate drainage.

In some circumstances applicants may be referred to the Homelessness Service if their current accommodation does not meet the tolerable standard as defined in the Housing (Scotland) Act 1987.

Management transfers, should be the exception to the rule and only granted where there is a serious risk to the tenant should they remain in the current property or where, for compelling and exceptional reasons, we wish to re-house the applicant as a matter of urgency. In granting a management transfer, the Head of Service must be satisfied that the proposed transfer will resolve or significantly alleviate the problem and that the tenant would not be otherwise re-housed in a reasonable timescale through the Housing Allocations Policy.

Tenants may be offered a transfer at the discretion of the Head of Service for an exceptional situation requiring emergency re-housing. This will be to a house which is appropriate to the applicant's requirements and similar in terms of demand. Only one offer of a management transfer will be given and should this be refused the management transfer will be cancelled, unless there are highly exceptional circumstances which can be justified to permit a second offer.

Applicants awarded points for a management transfer will not receive additional points from any other category; it will be considered they have been awarded sufficient points to reflect the severity of their circumstances.

**Medical group** - Households where their current accommodation does not meet the medical needs of the household. They will be awarded medical points in addition to any other points relating to overcrowding/under-occupancy or other general housing need.

To qualify for medical points an application must have been assessed by the Community Health Specialist.

Points will only be awarded if the applicant's current housing is wholly unsuitable for their health needs and it is not possible to provide cost effective adaptations to alleviate the problems. In order for health priority points to be awarded at least one of the following criteria must be met:

Internal access, the applicant is unable to access essential areas within the home e.g. WC upstairs and can't manage stairs even with a stair lift, or where a stair lift cannot be installed.

External access, the applicant lives in an upper floor property and cannot manage stairs, or stays in a ground floor property where it is not possible or practical to provide a ramp or alter steps.

Bathing, the applicant is unable to use standard facilities and it is not possible or practical to adapt the current property to provide the type of bathing facility required.

Additional room, an additional room is required for a live in carer or other exceptional circumstances relating to the applicant's health needs.

Heating, the applicant's health condition is exacerbated by particular characteristics of the property such as dampness or dry heat and it is not possible to remedy the identified problems.

Applicants with serious mental health conditions will only be awarded priority if professionals involved in their care can demonstrate clearly how re-housing will significantly improve the applicant's condition.

Applicants suffering from drug or alcohol addiction need to demonstrate that they are currently participating in a recognised rehabilitation programme in order to be considered for assessment for health priority. Clear evidence must be supplied by a professional involved in their care that re-housing will make a significant contribution to their recovery.

Particular Needs, applicants in this category will not require specially adapted housing, but owing to a mental illness, learning disability, sensory impairment or other incapacity, may require housing of a particular size, type or location to suit their needs. Points will be awarded after a medical assessment and, where appropriate, points for a social reason, for those categories and as applicants who require housing under this category will have their medical needs assessed and agreed by the Community Health Specialist, points will be awarded to reflect the applicant's level of need and recommendations regarding suitable housing will be taken into account when offers of housing are made.

#### **4.4 Specially Adapted Housing** (Including Sheltered, Retirement, Very Sheltered, Extra Care Housing, Amenity and Disabled Adapted Housing).

Applicants for specially adapted housing will have their medical needs assessed by the Community Health Specialist and will be awarded points to reflect their need. These applicants may also be eligible for points to reflect other defined housing need. Applications for sheltered/retirement housing are invited from people aged 60 years or more, and in amenity housing aged 55 years or more. An applicant for sheltered/retirement or amenity housing can also apply for mainstream housing. An applicant awarded points for specially adapted housing can only use these points towards the allocation of that type of property. In Disabled Adapted Housing, Very Sheltered Housing and Extra Care Housing, one-to-one matching of applicants to housing will operate.

## 5. Points awards and groups targets

Points Group	Points Awarded
<b>Waiting Time Points</b>	
Awarded to applicants from all groups	<b>1 Point for every two complete months on waiting list</b>
<b><u>Homeless Group - Lettings Target 45%</u></b>	<b>97</b>
Unintentionally homeless	
Tied housing with notice to quit	
Members or former members of HM Forces with a discharge date or a notice to quit	
Housing which is below a tolerable standard	
Released from prison or who are within three months of release	
<b><u>General needs Group – Lettings Target 45%</u></b>	
Resident in Midlothian	<b>20</b>
Applicant employed in Midlothian but resident elsewhere	<b>10</b>
When placed onto the general needs list you will be put into one of the following groups - general, medical or overcrowded/under occupied	
<b>General - Lettings Target 15%</b>	
<b>Current Housing Circumstances Points</b>	<b>30</b>
Living care of family or friends	
Insecure accommodation, i.e. short assured tenancy	
Harassment - can remain in property	
Independent Living – Non Householders	
<b>Condition of property points</b>	
Lack of facilities where a property does not have facilities:	
Kitchen/cooking facilities	<b>10</b>
Toilet (within the house)	<b>10</b>
Bath or Shower	<b>10</b>
Lack of facilities where a property does have facilities, but they are shared:	
Kitchen/cooking facilities	<b>5</b>
Toilet	<b>5</b>
Bath or Shower	<b>5</b>
<b>Sub Standard Housing Points</b> (Environmental Health Inspection required before being awarded. Separate assessment from the Below Tolerable Standard property points)	
Property has rising or penetrating damp	<b>10</b>
Inadequate system for drainage and disposal of foul water	<b>10</b>

## **Social Need**

**Racial Harassment** - Points at discretion of the Head of Service **30**

**Receive support or give care** - Points at discretion of the Head of Service **30**

**Victims of Domestic Abuse** - Points at discretion of the Head of Service **30**

**Management transfer** - Points at discretion of the Head of Service **250**

### **Overcrowded/Under-occupying - Lettings Target 15%**

**Overcrowded** (Per bedroom required Max. 90) **30**

**Under occupation** (Per bedroom required Max. 90) **30**

### **Medical - Lettings Target 15%**

In order for health priority points to be awarded at least one of the following criteria must be met:

<b>Category A</b>	<b>100</b>
<b>Category B</b>	<b>50</b>
<b>Care required/Carer</b>	<b>30</b>

### **Choice Group - Lettings Target 10%**

Resident in Midlothian **20**

Applicant employed in Midlothian but resident elsewhere **10**

## **6. Properties Advertised as Ready to Rent**

Properties may be advertised as Ready to Rent in the following circumstances:

- When there is no demand for a particular empty property, or
- The property has been formally offered and refused three times, or
- The property has been available to let for 6 weeks or longer

Properties advertised as Ready to Rent will be let as deemed appropriate by the Head of Service but will take account of interested applicant's number points awarded and their housing need.

## **7. Number of offers**

To achieve consistency across groups, all applicants will be entitled to 2 formal offers of housing. Applicants will have the right to appeal against offers of housing made. Where 2 reasonable offers are refused, the application will remain on the waiting list, but no further offers will be made for a period of 12 months. If after this period a further offer of housing is refused the housing application will be cancelled. If a homeless applicant refuses an offer for a property, the applicant may appeal to Homelessness Team Leader to retain their homeless points. Where an applicant's



circumstances change, their case will be reviewed by the Housing Services Manager to determine if further offers are appropriate.

#### **8. Incentive to move scheme**

The Council offers a grant of £1,500 to Midlothian Council tenants who move to a smaller property, by 2 bedrooms or more, owned by the Council through normal letting or by a mutual exchange. This grant payment is designed to encourage Midlothian Council tenants living in under-occupied situations to downsize and release family sized housing. Any tenants with an outstanding debt owed to Midlothian Council will have this offset against the grant before any payment is made.

#### **9. Mutual Exchanges**

Provided all landlords grant permission mutual exchanges can take place between two or more tenants, this includes tenants of:

- Any Scottish Secure Tenant of a Scottish local authority or Housing Association.
- A tenant of any other local authority, registered social landlord or housing association in the United Kingdom.
- A Water Authority tenant in Scotland.

Midlothian Council will participate in the Home Swapper scheme <https://www.homeswapper.co.uk>, to allow tenants to find properties to exchange with in a simple, safe and effective way. Midlothian Council tenants will be able to register with this service for free.

Midlothian Council will consider all applications for a mutual exchange on an individual basis and will not unreasonably withhold consent to a mutual exchange. However, Midlothian Council may refuse an application for a mutual exchange on any ground it considers reasonable. Some of the grounds to which consent for a mutual exchange may be withheld are:

- One or more of the households does not qualify for the size of property they are exchanging to.
- Any applicant involved in the exchange has outstanding housing debt
- Where Midlothian Council finds a property to be in an unacceptable condition
- Where legal action has been taken to end the tenancy
- If one of the properties has adaptations or design features not required by the person it is proposed to exchange with
- Where any person involved in the exchange has pursued a previous course of antisocial behaviour
- Where another landlord provides an unsatisfactory reference for a person involved in the exchange

#### **10. Local lettings initiatives**

In order to allow flexibility where target performance shows that there are difficulties in letting houses of a particular size, or in a particular area, or where we need to find houses for applicants who need to be housed in a specific area, local lettings initiatives may be operated.

Local Lettings Initiatives will be developed for the Council's future new build housing sites and a proposed Local Letting Initiative for each site will be recommended to Cabinet prior to the allocation of properties.

When setting up these initiatives, regard will be taken of the legislative requirements. Local tenants, residents and Elected Members will be involved in the development of local letting initiatives, in accordance with the Council's Tenant Participation Strategy and details of the scheme will be advertised. We will monitor local lettings initiatives in order to assess their effectiveness.

## **11. Monitor and review**

The Council will review this Housing Allocation Policy every 2 years together with tenant representatives in accordance with the Tenant Participation Strategy. It will also be monitored regularly to ensure that equality requirements are met in terms of access to and allocation of housing.

Midlothian Council will operate the Housing Allocation Policy according to these rules and the relevant legislation. To make sure this happens:

- Applications are checked for accuracy.
- Every offer of housing is checked by another officer.
- Assessments and housing offers are recorded.
- Managers regularly review staff performance and managers are also reviewed.
- There is an appeals process and a customer complaints procedure.

## **12. Appeals and complaints**

Service users who feel that they have been treated unfairly, or who are unhappy with the level of service they have received, can complain using the Corporate Complaints Procedure. We will assist service users wherever necessary to complete complaint forms and associated documentation. We will monitor the number of complaints we receive, analyse the data and use our findings to improve our future performance.

If you are unhappy with any decision we make about your housing application, you can appeal against our decision. All appeals are considered by independent officers that had no part in making the decision you are unhappy with. You must appeal within 21 days (consistent with homeless legislation) of being told about the decision you are unhappy with. Appeals should be in writing but if you have difficulties reading or writing, or your first language is not English, contact us by phone. You must tell us why you think the decision is wrong whatever way you contact us. We will write to you with a decision on your appeal in 28 days. You can ask for help from Shelter Scotland or the Citizens Advice Bureau if you need help with your appeal.