

Appendix 1

Monmouthshire Common Allocations Policy Minor amendments re implementing the Housing Wales Act 2014

The proposed minor changes to the Common Allocations Policy are listed below

CoG section	Text	Minor changes to Policy
<p>2.57 Refer to Anti-social Behaviour, @C@rime and Policing Act 2014</p>	<p>7.3.2 Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant of the Council, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour includes:</p>	<p>Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant of the Council, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. To be reasonably classed as unacceptable behaviour there must be a belief that the court would be prepared to grant a possession order based on the behaviour (normally an outright order should be expected). The circumstances at the time of the application must also still mean the applicant is unsuitable. Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved. Unacceptable behaviour includes:</p>
<p>3.158 Include statement re The Rent (Agriculture) Act 1976</p>	<p>Add to policy under Section 7</p>	<p>7.5 Displaced Agricultural Workers 7.5 The Rent (Agricultural) Act 1976 (the 1976 Act) requires MCC to use its best endeavours to provide accommodation for displaced agricultural workers s27 of the 1976 Act requires MCC to be satisfied that: 7.51 The dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker 7.52 The farmer cannot provide suitable alternative accommodation for the displaced worker and 7.53 The need to re-house the displaced worker in the interests of efficient agriculture. 7.54 It is important, therefore, for Local Authorities to include in their allocation schemes</p>

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<p>3.2 Section 167 (2) of the Housing Act has been amended by the Wales Act 2014 to include within reasonable preference all applicants now owed the new section 66, 73 or 75 duty.</p>	<p>Band 2B – Homeless Applicants 16.2.12 Applicants accepted as being owed a full duty under Sections 193(2) or 195(2) of Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) by MCC</p> <p>Band 3 – Medium Housing Need 16.3.1 Non Priority Homeless Households Applicants who have a reasonable preference because they have been found by MCC to be unintentionally homeless but not owed a priority need under Sections 190 or 192(2) of Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) by MCC</p>	<p>Band 2B – Homeless Applicants 16.2.12 Applicants accepted as being owed a duty under Section 73 of Part 2 of the Housing (Wales) Act 2014 by MCC, considered to be in priority need and unintentionally homeless 16.2.13 Applicants accepted as being owed a duty under Section 75 of part 2 of the Housing (Wales) Act 2014 to be in priority need and unintentionally homeless</p> <p>Band 3 – Medium Housing Need 16.3.1 – Applicants accepted as being owed a duty under Section 66 of Part 2 of the Housing (Wales) Act 2014 by MCC, who are threatened with homelessness within 28 days and where priority need and/or intentional homelessness remains under investigation by MCC 16.3.2 Applicants accepted as being owed a duty under Section 73 of Part 2 of the Housing (Wales) Act 2014 by MCC, and where priority need is not considered likely, and/or intentional homelessness remains under investigation by MCC 16.3.3 Applicants previously accepted as being owed a duty under Section 73 of Part 2 of the Housing (Wales) Act 2014 but remains homeless following Section 73 duties ending</p>
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Who can and can't register (Allocation Policy)	Add to 7.2.4	<p>The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 amends the eligibility of persons for allocation of social housing and the eligibility of homeless applicants for housing assistance under Parts 6 and 7 of the 1996 Act (effectively bringing eligibility in line with England).</p> <p>These regulations govern applications for social housing made on or after 31 October 2014. Applications made before that date need to be considered under the Housing Act 1996.</p> <p>Applicants subject to immigration control who are/aren't entitled to go on the register (also are/aren't entitled to homelessness assistance) are contained in the The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations.</p>
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Choice and Preference Options (Allocation Policy)	<p>9.1.5 Applicants who are owed a full homeless duty by MCC and fail to bid appropriately within 13 weeks of the date of acceptance of the homeless duty will still be entitled to bid, however, Monmouthshire County Council's Housing Options Team will bid on properties which are considered to be suitable for that applicant's household. Any suitable offer from bids placed by MCC's Housing Options Team will be deemed to be an offer under this scheme.</p>	<p>Applicants who are owed a Section 75 duty by MCC and fail to bid appropriately within 13 weeks of the date of acceptance of the homeless duty will still be entitled to bid, however, Monmouthshire County Council's Housing Options Team will bid on properties which are considered to be suitable for that applicant's household. Any suitable offer from bids placed by MCC's Housing Options Team will be deemed to be 9.1.5 Applicants who are owed a full homeless duty by MCC and fail to bid appropriately within 13 weeks of the date of acceptance of the homeless duty will still be entitled to bid, however, Monmouthshire County Council's Housing Options Team will bid on properties which are considered to be suitable for that applicant's household. Any suitable offer from bids placed by MCC's Private Housing Sector Team will be deemed to be the Council's final offer under Section 75, Part 2 Housing (Wales) Act 2014. The banding would then be re-assessed and as per the allocation policy, section 11.1.4 would then apply – See Section</p>
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<p>Offers and Refusals (Allocation Policy)</p>	<p>11.2.2 Homeless applicants will generally be expected to bid for advertised properties in the same way as other applicants, but bids may also be submitted for suitable properties on behalf of homeless applicants at the discretion of MCC's Housing Options Team. This will be applied if in the opinion of Monmouthshire County Council's Housing Options Team, the applicant has not maximised their bidding for a period of 13 weeks following acceptance of duty or at any period after the initial 13 weeks.</p> <p>Accepted homeless applicants will therefore be expected to bid on all properties that are suitable for the needs of their household.</p> <p>11.2.8 If a homeless applicant refuses to accept two suitable offers of accommodation, MCC may decide to cease it's homeless duty to them. The homeless applicant has a right of review of this decision.</p> <p>11.2.10 Add to policy</p>	<p>Homeless applicants will generally be expected to bid for advertised properties in the same way as other applicants, but bids may also be submitted for suitable properties on behalf of homeless applicants at the discretion of MCC's Housing Solutions/Private Sector Housing Team. This will be applied if in the opinion of MCC's Housing Solutions/Private Sector Housing Team, the applicant has not maximised their bidding for a period of 13 weeks following acceptance of duty or at any period after the initial 13 weeks.</p> <p>Any suitable offer from bids placed by the team will be deemed to be a final offer under S75, Part 2 Housing (Wales) Act 2014, to discharge its statutory duties. If the offer is refused and the homelessness duty is ended, the Council will automatically remove the reasonable preference awarded for homeless. The application will be reassessed and the applicant placed in a band that reflects their newly assessed need. Accepted homeless applicants will therefore be expected to bid on all properties that are suitable for the needs of their household.</p> <p>If a homeless applicant refuses to accept one suitable offers of accommodation, MCC may decide to cease it's homeless duty to them. The homeless applicant has a right of review of this decision. Then after being reassessed, Section 11.1.4 would apply</p> <p>There may be circumstances when a Housing Association partner may bypass an applicant who is next in line to be offered accommodation. Refer to Appendix 3 for a list of these circumstances.</p>
<p>Appendix 2 Exclusion and Reduced Preference Policy (Allocation Policy)</p>	<p>Add to 3.1.3</p>	<p>To be reasonable there must be belief that the court would be prepared to grant a possession order (normally an outright order) and the circumstances at the time of the application must also still mean the applicant is unsuitable.</p>

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Appendix 2 Exclusion and Reduced Preference Policy (Allocation Policy)	Add 3.1.5	ASB Crime and Policing Act enables the partners of the Monmouthshire Housing Register (MHR) to treat an applicant as ineligible for an allocation of housing accommodation if that persons' behaviour would be sufficient to entitle a possession order on the grounds of serious Anti-social Behaviour in line with the ASB Crime and Policing Act 2014.
Appendix 3 By passing an applicant (Allocation Policy)	Add to policy	See attached