

1.	<b>Introduction</b>	
1.1	<b>Purpose</b>	
	<p>The Hackney Lettings Policy sets out Hackney Council’s policy and procedures for allocating homes within the social sector (Council housing and nominations to Registered Social Landlords) to those people on the Council’s Housing Register, and the legal framework within which the Council must operate.</p> <p>This policy supersedes all previous policy documents and procedures and the conditionalities outlined within the policy document are applicable to all applicants seeking to be included on the Council's waiting list.</p>	
1.2	<b>Context</b>	
	<p>Hackney is a global and diverse borough that has undergone enormous change over the past 15 years. The borough’s public services and schools have gone from the worst in the country to amongst the best. Public transport has improved hugely and the borough has experienced more than 40% business growth since 2010, with particular emphasis on the tech, hospitality and creative sectors.</p> <p>Hackney is the 6th most ethnically diverse borough in London, down from 3rd in 2005, but it has a higher ethnic diversity score than in 2005, which suggests that London as a whole is becoming more ethnically diverse, rather than Hackney less. It is also a relatively young borough with a quarter of its population under 20. The proportion of residents between 20-29 years has grown in the last ten years and now stands at just under 25%. People aged over 55 make-up only 15% of the population.</p> <p>Since 2001, Hackney’s population has grown by over 73,500 persons to around 281,100. These growth trends are projected to continue with the population expected to reach just over 294,300 by 2028, and just over 325,600 persons by 2050, a forecast increase of around 44,500 persons in the next 30 years.</p> <p>Hackney continues to face significant challenges, and there remains high levels of poverty and inequality, particularly in how people access work and housing. In March 2020, 10.3% of the working age population claimed some sort of out-of-work benefit, the highest rate of any London borough. Hackney also has the highest rate of working-age adults who have no qualifications (10.8% compared to 6.7% for London overall).</p> <p>Housing is a challenge in Hackney, with rents for an average one-bedroom dwelling in the borough standing at 61.2% of median pre-tax pay in London, one of the highest ratios in London. Equally, Hackney has one of the highest rates of households in temporary accommodation with 26.83 households per 1,000 in Hackney in temporary accommodation compared to an average of 16.55 across London.</p> <p>In Hackney around 44% of households rent from a social landlord like the Council or a registered provider such as a housing association, 26% of households are owner occupiers or in shared ownership schemes and 29% rent from a private landlord. The size of the private rented sector more than doubled between 2001 and 2011 rising from 14,760 to</p>	

		29,449 households.
	<b>1.3</b>	<b>Demand on Social Housing</b>
		<p>Hackney is in the midst of an affordable housing crisis. The inadequacy of Local Housing Allowance (LHA), the benefit designed to help households on a low income rent in the private sector, means that just a small proportion of local private rent properties are affordable. Low income families wanting to remain living in Hackney continue to feel the impact of spiralling rents. This has caused an adverse trend in families taking up occupancy in properties with one or more bedrooms less than their need, which is sharply increasing the number of overcrowded households in the borough. It is estimated that between 12-15% of households living in the private sector are overcrowded. This is not sustainable, both in terms of the financial and social strain it places on families, and can cause loss of a settled home and result in these households presenting to the Council threatened with homelessness.</p> <p>The lack of adequate affordable accommodation in Hackney has seen the demand for social housing rapidly increasing. The number of households seeking social housing in Hackney now significantly exceeds 13,000, while the proportion of these families considered to be in high priority has also increased; from 18% in April 2014 to 35% in July 2020. There are now over 4,700 households identified as in urgent or very urgent need.</p> <p>While the demand has increased significantly, the number of social properties becoming available to be let has reduced due to a number of factors such as the impact of right to buy and fewer households moving out of a social tenancy. The number of social tenancies becoming available to be let has reduced by almost 50% over the last 5 years: in 2018/19 only 640 lettings became available, despite there being over 45,000 social rent homes in the borough and this decline has continued.</p> <p>At a time of increasing demand and reduced supply, the Council must prioritise applications to ensure that the limited stock of social housing that becomes available goes to those in greatest need. This includes households that have significant health needs that require them to move into social housing or those that are severely overcrowded. Even then, the level of demand is such that households could be waiting a considerable period before a suitable property becomes available, particularly for those households needing large sized accommodation or ground floor properties.</p> <p>The Council seeks to assist all residents in housing need to make informed choices about their accommodation and will provide advice and support to help residents achieve their objectives. This includes helping households find a tenancy in the private sector if this will result in a new home that meets their needs sooner.</p>
	<b>1.4</b>	<b>Legal Context</b>
		Hackney Council is required under the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002 and Localism Act 2011 to have a housing allocation scheme. The Act also sets out the legal framework by which it is bound. The key legal requirements and powers are set out below:
	<b>1.4.1</b>	<i>Eligibility and Qualifying Persons</i> - To receive an allocation, an applicant must be eligible and a qualifying person. A person subject to immigration control is ineligible for

		<p>an allocation of housing accommodation unless s/he comes within one of the exceptional classes prescribed by the Secretary of State.</p> <p>A person who is not subject to immigration control will be ineligible if s/he falls within one of a number of classes of people proscribed by the Secretary of State in regulations. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.</p> <p>An applicant must also meet the qualifying persons criteria set by the authority. It is down to the authority to decide who qualifies subject to regulations made by the Secretary of State.</p> <p>Regulations provide that the authority must not disqualify by reason of local connection certain members of the Armed Forces, and former partners and spouses of members of the Armed Forces as prescribed by the Secretary of State. The authority must also not disqualify by reason of local connection certain persons looking to move to work in the borough. If an applicant does not qualify, he or she must be informed of the decision and the grounds for it.</p>
	1.4.2	<p><i>Reasonable preference</i> - An allocation scheme must give Reasonable Preference to:</p> <ul style="list-style-type: none"> <li>● People who are homeless (within the meaning of Part 7 of the Housing Act 1996),</li> <li>● People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3),</li> <li>● People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions as defined in para 4.8 of the MHCLG Guidance for local housing authorities in England Allocation of accommodation ,</li> <li>● People who need to move on medical or welfare grounds (including any grounds relating to a disability); as defined in para 4.10 of the MHCLG Guidance for local housing authorities in England Allocation of accommodation,</li> <li>● People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).</li> </ul> <p>Under part VI, section 166 of of the Housing Act 1996, the Council will give additional preference to a person who:</p> <ul style="list-style-type: none"> <li>● is in a reasonable preference category</li> <li>● has an urgent housing need, and: <ul style="list-style-type: none"> <li>○ is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to their service</li> <li>○ formerly served in the regular armed forces</li> <li>○ is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces</li> <li>○ is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.</li> </ul> </li> </ul>
	1.4.3	<p><i>Information, Review &amp; Choice for Applicants</i> - The allocation scheme must set out the local authority's policy on offering applicants:</p> <ul style="list-style-type: none"> <li>● a choice of housing accommodation; or,</li> <li>● the opportunity to express preferences about the housing accommodation to be</li> </ul>

			<p>allocated to them.</p> <p>The Scheme must be responsive to the rights of applicants in terms of;</p> <ul style="list-style-type: none"> <li>● Access to information regarding how applications for housing are assessed and the likelihood of being allocated a property and waiting time.</li> <li>● An applicants' right to a review of any decision(s) on their applications, including if they are considered to be ineligible or are considered to be a non-qualifier.</li> </ul>
	<b>1.5</b>	<b>Legal powers and flexibilities granted to Local Authorities</b>	
		1.5.1	<p><i>Qualifying Persons</i> - To determine participation in the allocation scheme, a local authority may decide what classes of persons are, or are not qualifying persons subject to any regulations made by the Secretary of State (Housing Act 1996 Part 6 s.160ZA (7))</p>
		1.5.2	<p><i>Eligibility</i> - To determine eligibility in joining the Housing Register scheme the Council may take the following into account;</p> <ul style="list-style-type: none"> <li>● The financial resources available to a person to meet housing costs.</li> <li>● Any behaviour of a person (or of a household member) which affects his/her suitability to be a tenant.</li> <li>● Any local connection (within the meaning of section 199 of the Housing Act 1996) which exists between a person and the authority's district.</li> </ul>
		1.5.3	<p><i>Homelessness</i> - The Localism Act allows Local Authorities to discharge their homelessness duty into the private rented sector (with a minimum 12 month tenancy) without the consent of applicants.</p>
		1.5.4	<p><i>The Secretary of State</i> - The Secretary of State may by regulations;</p> <ul style="list-style-type: none"> <li>● Prescribe classes of persons who are, or are not, to be treated as qualifying persons by local authorities in England, and</li> <li>● Prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.</li> </ul>
		1.5.5	<p><i>Other</i> - Local Authorities may include provision in their lettings policy for the allocation of housing accommodation to persons who do not fall into statutory reasonable preference categories in order to meet local priorities and needs provided that such persons do not dominate the scheme, and overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not.</p>
	<b>1.6</b>	<b>Changes to the scheme - Consultation and delegated authority</b>	
		1.6.1	<p>Prior to adopting or making any major change to policy, Hackney will consult with every Private Registered Provider with which the authority has nomination rights. However, The Corporate Director of &amp; Resources, in consultation with the appropriate Cabinet Member, may make minor amendments to the scheme if required to ensure that the policy can reflect the changes to the legislative framework. In framing this Policy the Council has had regard to the following strategies:</p> <ul style="list-style-type: none"> <li>● The Homelessness Strategy</li> <li>● The Temporary Accommodation Strategy</li> <li>● The Tenancy Strategy</li> </ul>

			<ul style="list-style-type: none"> <li>• The London Housing Strategy</li> </ul>
	<b>1.7</b>	<b>Properties and persons not covered by this policy</b>	
		<p>This policy is intended to cover the letting of introductory and secure tenancies in respect of Hackney Council property and nominations to assured and fixed term tenancies with housing associations with which the Council has nomination rights. However, this policy does not apply if;</p> <ul style="list-style-type: none"> <li>• You are seeking temporary accommodation and/or a non-secure tenancy</li> <li>• You want to apply for housing within a supported housing unit, including extra care sheltered accommodation</li> <li>• You are a Hackney Housing tenant and have purchased/are looking to purchase the leasehold through right to buy,</li> <li>• You are seeking detailed information on a statutory succession to a social rented unit,</li> <li>• You have a query regarding the vesting or disposal of a property pursuant to a court order,</li> <li>• You are moving from your current home/estate as part of an identified regeneration scheme and you are to be decanted/rehoused as part of the regeneration estate programme.</li> </ul> <p>This policy does not apply to requests for a transfer, mutual exchange or similar transfer of the tenancy by Hackney Housing or Housing Association tenants (you should contact your landlord or your local neighbourhood office).</p>	
	<b>2.</b>	<b>Applying to join the register</b>	
	<b>2.1</b>	<b>People who may be able to join the register</b>	
		<p>To be considered for inclusion on the Hackney Housing Register you must confirm that you meet the eligibility criteria:</p> <ul style="list-style-type: none"> <li>• You must be normally residing in Hackney (subject to certain exemptions*) <b>and</b>,</li> <li>• have resided within the borough of Hackney continuously for the last three years at the point of application, or</li> <li>• Be a nominee under the National Witness Mobility Scheme, or</li> <li>• Have been accepted as Homeless by the Council with a duty to provide accommodation under the Housing Act 1996, or</li> <li>• You are moving to Hackney to provide care to a Hackney resident that has been agreed as medically required by the Council's medical advisor and there is no alternative provision/arrangements available</li> <li>• Be fleeing domestic or familial violence, or need to move to Hackney due to social or welfare reasons and the Council accept that it is reasonable to waive the residency requirements in your case, or</li> <li>• Be a student living and studying away from the borough, provided; <ul style="list-style-type: none"> <li>○ You have not entered into a long term tenancy (i.e. more than three years) outside the borough, and</li> <li>○ You confirm that you intend to return to live in the borough at the conclusion of your course of study.</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>● Be a serving member of the “regular forces” (Royal Navy, Royal Marines, the Army and the Royal Air Force),or</li> <li>● Be someone who has served in the regular forces within five years of the date of your application, or</li> <li>● Be someone who has ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of your spouse or civil partner and where; <ul style="list-style-type: none"> <li>○ the spouse or civil partner has served in the regular forces and</li> <li>○ their death was attributable wholly or partly to that service, or</li> </ul> </li> <li>● Be a divorced or separated spouse or partner of a serving member of the armed forces who has to move out of MOD accommodation, or has separated from a serving member of the armed forces within the last 3 years. or</li> <li>● Be someone who is serving or has served in the “reserve forces” (Royal Fleet Reserve, Royal Navy Reserve, Royal Marines Reserve, Army Reserve, Territorial Army, Royal Air Force Reserve, Royal Auxiliary Air Force) and you are suffering from a serious injury, illness or disability which is attributable wholly or partly to that service.</li> </ul> <p><b>* Exceptions</b></p> <ul style="list-style-type: none"> <li>● If you are already a tenant of accommodation provided by a registered housing provider and; <ul style="list-style-type: none"> <li>○ You are applying through the Housing Moves scheme or other similar special scheme that includes within it reciprocal arrangements agreed with other boroughs or housing associations, or</li> <li>○ be applying through the Right to Move scheme, or</li> <li>○ be an existing social housing tenant in Hackney who has a secure, assured or fixed term tenancy and you are currently under occupying your property and are seeking to downsize to a smaller property, or</li> <li>○ be an existing social housing tenant in Hackney who is over 55 and are seeking to move into sheltered/retirement housing, or</li> <li>○ be an existing social housing tenant in Hackney and are a foster carer requiring a move into larger accommodation to accommodate your foster children.</li> </ul> </li> </ul> <p>In which instance your application will be accepted subject to restrictions on the properties you can access through the lettings scheme (see the below banding restrictions for details).</p>
2.2	<b>Persons who <u>cannot</u> join the Housing Register</b>
	<p>Certain persons will not be included on the Housing Register:</p> <ul style="list-style-type: none"> <li>● <b>Persons from abroad</b> - By law the Council cannot allocate accommodation to certain people from abroad. The relevant law is too complex to be summarised here and may be amended from time to time. Additional guidance can be found in chapter 9 and annexes 11-13 of the Homelessness Code of Guidance for Local Authorities. If the Council considers that you fall within one of the excluded categories then you will be notified of the decision in writing with reasons, and as noted above you will have the right to request a review of the decision.</li> </ul>

- **Residential property owners/home owners** - Owners of residential property are excluded from joining the Housing Register. This applies if you, or you spouse, civil partner, or cohabitee own property anywhere, including outside of the UK. You will be excluded regardless of the status of occupation, so that leaseholders, freeholders, and owners of properties placed in trust are all excluded. The exclusion will also apply whether or not the property is subject to a mortgage or other loan or financial charge. Owners of a share of a shared ownership property will also be ineligible for inclusion on the housing register. If you have let or otherwise agreed to allow your property to be occupied by other persons this exclusion will still apply. The only exception to this rule is where you (or someone in your household) has a long term medical condition and that continuing to live in the property will significantly aggravate the condition and there is no alternative effective remedy other than moving from the accommodation.

In circumstances where an owner occupied property has been sold, or otherwise divested, in the five years prior to an application being made, you (or your partner) will be treated as if you were still an owner occupier and excluded from the waiting list unless you can demonstrate you have a housing need, there were additional exceptional circumstances which caused the sale (such as a relationship breakdown), and the proceeds from the sale were minimal.

- **People aged under 18** - The Council will not accept waiting list applications from children aged less than 18 years. The only exceptions will be as a result of a Court Order, or to meet an urgent social need approved by a qualified, Hackney Council employed, social work manager with an appropriate rent guarantee.
- **Persons considered to to have wilfully worsened their housing circumstances to take advantage of the application process** - If you have been issued with a decision of intentional homelessness by any local housing authority (in accordance with the Housing Act 1996 Section 184) you will be excluded from the waiting list for a period of three years, unless there are exceptional circumstances which, in the view of the appropriate designated officer, would make it unreasonable to exclude the application. You may reapply after that date.

This will also apply where, in the opinion of the appropriate designated officer, you have knowingly increased your household size, or knowingly moved into accommodation too small, or damaged your current accommodation with the purpose of gaining access to the housing register.

- **People who are squatting or undertaking an unauthorised occupation** - If you are squatting, or are knowingly in unauthorised occupation of social housing, you will not be included on the Housing Register unless a Court Order requires the Council to do so, or it is decided, under this policy, to make a discretionary offer to you as an unauthorised occupant.
- **People undertaking unauthorised subletting** - If you are a social tenant or homeless and living in temporary accommodation, and you have either sublet part of your accommodation without permission or sublet the whole of your accommodation without permission, you will be excluded from the housing register.

		<ul style="list-style-type: none"> <li>● <b><i>You are someone with extensive support needs.</i></b> The Council's Housing Register is aimed at those households seeking general needs social housing and/or low support sheltered/retirement housing. If the Council determines that you would not be able to maintain a social tenancy in an appropriate manner because of the extent of your support needs, then you can be referred for supported housing instead and you will be excluded from the Housing Register on that basis.</li>   <li>● <b><i>You are someone with sufficient financial assets to enable you to secure suitable housing within the Private Sector.</i></b> Social housing is in very short supply and we must target lettings at those most in need, therefore we will need to determine whether you and those in your household could reasonably afford to rent privately or even purchase your own property. The threshold will differ regarding the size of the property you require: <ul style="list-style-type: none"> <li>○ If you require a one/two bedroomed accommodation and your household income exceeds £80,000 per annum you will not be accepted onto the Housing Register,</li> <li>○ If you require three bedroomed accommodation (or larger) and your household (as defined in para 2.4) has an income exceeding £100,000 per annum you will not be accepted onto the Housing Register.</li> <li>○ If you have total realisable capital assets exceeding £80,000 you will not be accepted onto the Housing Register.</li> </ul> </li> </ul>
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	<b>2.3</b>	<b>Making an application to join the Housing Register</b>
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		<p>If you wish to go on to the Hackney Council's Housing Register you must complete and submit the appropriate application form. The application form can be found on the Council website and should be completed online. The application will only be valid once all the sections of the application have been completed. This will then generate an electronic acknowledgement and receipt for your records. The date of your application will be the date that the online application is submitted successfully.</p> <p>Applicants unable to access the online application process will be provided with appropriate assistance and advice to make an application through alternative means.</p> <p>As part of the application process, you will be required to provide confirmation and evidence of your household circumstances. The Council has a responsibility to ensure that the details you have provided are accurate. When you make an application, the information you provide may be checked against other information held by the Council, such as the electoral register, education records, housing benefit, Council tax records and local welfare provision claims, as well as other waiting lists and rent account data retained by the Council. The Council will also undertake checks with recognised Credit Check agencies.</p> <p>The information may also be shared with other public bodies that have responsibility for protecting public funds. You may be prosecuted if you provide false information and/or relevant information is withheld. You will also need to keep the Council informed of any</p>
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		<p>change in your circumstances, such as people joining or leaving your household.</p> <p>The online process includes the function for you to upload any documentation relevant to your application and in some cases this will be required before the application can be submitted. For those unable to apply online, we will provide assistance to make an application and submit any supporting information.</p>
	<b>2.4</b>	<b>Completing the application - Who is part of your household?</b>
		<p>When identifying any housing need, the Council looks at the size of the household and when you apply to join the Housing Register you are applying on behalf of your “household”; that is the people who are or will be living with you as part of your family. The household is identified as any/all of:</p> <ul style="list-style-type: none"> <li>● The applicant</li> <li>● A spouse/partner</li> <li>● Any dependent children - a child must be normally resident with you, and you or your partner must be in receipt of Child Benefit in respect of the named child. Any adopted child will be included within your household, but not a foster/care placement unless the placement is permanent.</li> <li>● The children of relatives are included where: <ul style="list-style-type: none"> <li>○ The child’s parent or guardian is dead or otherwise unable to care for the child and</li> <li>○ The placement has been approved by the court and the placement is permanent, and</li> <li>○ Child Benefit or Child Tax Credit for the child is being paid to you or your partner, or the child is included as within the household assessment for Universal Credit.</li> </ul> </li> <li>● Any carer where the need for a live-in carer has been supported by medical or social services recommendations, the medical condition is permanent and there is no other potential carer for the relative and there is no other property where care could be provided.</li> <li>● Older children up to the age of 21 who have continuously remained a member of the household since the age of 18. This will include grown up children who have temporarily left the household to study but reside in your household in the normal residence outside of term time.</li> <li>● Other adults where an appropriate officer decides: <ul style="list-style-type: none"> <li>○ the adult is unable to live independently and,</li> <li>○ there is a medical or social requirement for them to be included as part of the household and,</li> <li>○ there is no alternative provision/arrangements available</li> </ul> </li> </ul> <p>A child can only be included in one household for the purposes of the Housing Register. If you are a divorced or separated parent with access to your children that includes them staying with you, the Council will apply a residence test to establish whether the child (or children) normally live with you.</p>

		<p>This test takes into consideration not just whether the child or children stay with you regularly (even in cases of joint custody or joint residence or similar orders) but whether this would be considered their normal residence taking into account the degree of permanence or regularity. Account may also be taken of whether the child is dependent upon you and where they go to school.</p> <p>The Council may also take account of the supply and demand for accommodation, the general housing circumstances within Hackney and any under-occupation that may result where a child spends part of a week with one parent and part of a week with another. A child that is adequately housed elsewhere cannot be included.</p>
	<b>2.5</b>	<b>Completing the application - Assessing your housing need</b>
	To demonstrate that you are in housing need you and your household will need to fall within at least one of the following criteria:	
	2.5.1	<p><b>A household considered to be severely overcrowded</b> - Overcrowding is normally based on the number of rooms you have relative to the size and needs of your household. When identifying rooms that can be used as a bedroom, we will include all the rooms that could be used for this purpose, for example a living room or a dining room. All households consisting of more than 1 adult are considered entitled to access to a separate living room from their bedroom, although this room may be shared with non-household members - we will not count this room when assessing overcrowding.</p> <p>An applicant and their spouse or civil partner will be expected to share a room. Single people under 21 are expected to share a room with other people aged 21 or under of the same sex, whereas children aged 9 and under are expected to share a room regardless of their sex.</p> <p><b><i>To be considered as <u>severely</u> overcrowded your household must require two more bedrooms (or rooms that can be used as bedrooms) than you currently have available in your current accommodation.</i></b></p>
	2.5.2	<p><b>A household with a significant social need</b> - this would apply where there is a threat to the life of you or someone in your household and there is no alternative effective remedy other than moving you from the accommodation.</p> <p>The types of circumstances that may fall within this category include:</p> <ul style="list-style-type: none"> <li>● Violent incidents where there is reason to believe the incident might be repeated e.g. rape, violence or harassment as a result of race, ethnicity, sexuality or disability,</li> <li>● Gang violence where moving would end or minimize the danger,</li> <li>● Sexual abuse of or attacks on children and moving would end the danger,</li> <li>● Witnesses or potential witnesses where actual violence or threats of actual violence have been made supported by Police intelligence,</li> <li>● Domestic violence where moving would end or minimize the danger.</li> </ul>

			Safety is of prime importance and a move into temporary accommodation may be necessary, although based on the availability of temporary accommodation this is likely to be outside the borough. Due to the shortage of available housing all options should be considered, for example schemes that enable a move out of the borough such as Safer London and Housing Moves. For those that wish to remain in the borough, sanctuary schemes are available.
		2.5.3	<p><b>A household with a significant medical need</b> - Where accommodation is unsuitable because you or a member of your household has a severe and enduring medical condition.</p> <p>Applications will not be accepted where the effect of the households housing conditions on health is moderate, slight or variable. See para 2.7.3</p>
		2.5.4	<p><b>A household that has been identified as homeless</b> - An applicant will only be considered as homeless where Hackney council has accepted a homeless duty. See para 2.7.4</p>
		2.5.5	<p><b>A household living in unsanitary accommodation</b> - accommodation will be considered unsanitary where it is lacking the basic essentials for daily life, such as electricity, water or sanitation.</p> <p>It is expected that efforts will be made to inspect the property and make it habitable before a housing register application is accepted.</p> <p>see para 2.7.5</p>
		2.5.6	<p><b>A household qualifying for transitional protection</b> - where the applicant and the household;</p> <ul style="list-style-type: none"> <li>• were included on the Council's housing register on 30/09/21, and,</li> <li>• Your household at that point included one or more children, <b>and</b> you are currently living in single bedroomed accommodation, or</li> <li>• at this point in time the household included children where one or more of the children were within 24 months of attaining an age where they qualify for a bedroom in their own right, (see 3.4.1), and,</li> <li>• you have been assessed as overcrowded by one room.</li> </ul>
			<p><b>Only those applicants that can demonstrate that their household falls within one of these criteria, will be added to the Council's housing register unless they are applying for social housing under a recognised specific scheme or purpose.</b></p>
	2.6		<b>Completing the application - providing supporting evidence</b>
		2.6.1	<b>Proving you have been resident in Hackney for 3 or more years</b>

		<p>Residence must have been continuous although breaks of up to three months may be discounted. Time unavoidably spent outside of Hackney in hospital, prison, care home, foster placement, or analogous institutions will count towards the residential qualification provided residence was in Hackney both immediately prior to and after the out of borough placement. Similarly temporary accommodation provided by Hackney outside the borough will for the purposes of this section count as residence in Hackney.</p> <p>Applicants who are unable to reside in Hackney because of an injunction or court order resulting from their unacceptable behaviour will not be treated as resident for the period covered by the injunction or order.</p> <p>You must provide continuous proof of residence for the last full three years prior to your application. This could include benefit claims, employment records, electoral registration, education records, rent and/or tenancy records. It is up to you to prove that you meet the residential qualification and the Council will use its own records, and those of other public bodies to assess applications. If you are not on the electoral register, or not included as a non-dependant/occupant on housing benefit/Council tax reduction claims where it was appropriate for you to have been included, it will be treated as evidence that you were not living in the borough unless you can provide a satisfactory explanation.</p> <p>If you were previously placed in temporary accommodation in Hackney by another local authority, then the time spent living in the temporary accommodation does not count towards residence for the purposes of meeting the residential qualification.</p> <p>If you meet the residential criteria and are placed on the Housing Register, you must continue to live in the borough of Hackney, as outlined above, or your application may be removed from the Housing Register. If you have moved into sustained accommodation outside of Hackney, and it is not considered to be a temporary arrangement, you should apply to join the Housing Register for the area you now reside in.</p>
	2.6.2	<b>Confirming who is part of your household</b>
		<p>To enable us to make a full assessment of your application, it is important that you provide documentation so we can verify your eligibility to join our housing register and the details of who is living with you. Please note that we will not be able to process your application without all the documentation and a fully completed application form. This could include:</p> <ul style="list-style-type: none"> <li>● passports (current and valid)</li> <li>● full birth certificates.</li> <li>● immigration documents from the Home Office confirming your status</li> <li>● full driving licence (current address)</li> <li>● photo provisional driving license only (current address) (paper form is not accepted)</li> <li>● marriage certificate / civil partnership certificate</li> <li>● divorce papers from the court</li> <li>● residence permit</li> <li>● NHS medical card (current address)</li> <li>● award letter from the Department for Work and Pensions / Jobcentre Plus</li> <li>● naturalisation document</li> </ul>

			<p>You will also be asked to confirm your current address, this could include:</p> <ul style="list-style-type: none"> <li>● utility bills eg gas, electricity, water etc with current address.</li> <li>● bank / building society statements with current address</li> <li>● award letter from the Department for Work and Pensions / Jobcentre Plus / Pension Service with current address</li> <li>● letters from official bodies eg Council Tax, Housing Benefit, schools, hospitals, solicitors, social services etc</li> <li>● other relevant documents with the current address e.g. hospital letters, discharge papers for ex-armed forces, etc.</li> </ul>
	<b>2.7</b>	<b>Demonstrating you have significant housing needs</b>	
		<b>2.7.1</b>	<b><i>Living in significantly overcrowded accommodation</i></b>
			<p>Identifying whether or not you are living in overcrowded accommodation is based on the number of rooms you need and the number available within your accommodation.</p> <p>When looking at the number of rooms your household needs, the Council allocate a room in each of the following circumstances:</p> <ul style="list-style-type: none"> <li>● One room for each couple who are married, in a civil partnership or otherwise cohabiting who live in your household</li> <li>● One room for each single person over 21 in your household</li> <li>● One room for every two persons under 21 of the same sex in your household,</li> <li>● One room for every two children of opposite sexes, provided each is under the age of 10 in your household,</li> <li>● One room for every single person of any age, including an adult child, of either sex in your household when there is no-one else in the household suitable to share with. Studio accommodation is considered adequate accommodation for a single applicant or a couple and you will not be considered as lacking a room until you or your partner are aged 35. If you or anyone else in your household is pregnant, the baby will not be counted towards the room assessment until after they have been born and a copy of the full birth certificate has been provided to the Council.</li> </ul> <p>Where there are a number of persons in your household and there are a variety of ways in which they could be counted, the Council will assess your household in such a way as to allocate the minimum number of rooms required.</p> <p>You will only be considered as severely overcrowded if your household requires two or more rooms than you have available in your current accommodation. If this is not the case you will not be able to join the waiting lists and will be assisted to find alternative accommodation.</p>
		<b>2.7.2</b>	<b><i>You or someone in your household has a significant social need</i></b>
			<p>If you are an existing social tenant and you or your household need to move because you have been threatened or assaulted, you may qualify for consideration for inclusion on the Housing Register as a social priority.</p> <p>This will apply where there is a threat to the life of you or someone in your household</p>

		<p>and there is no alternative effective remedy other than moving you from the accommodation. Such moves will happen within the Borough unless this will not remove or substantially reduce the threat, in which case you will not be eligible for a social award but we will assist in finding suitable out of borough properties where the threat will be alleviated either through the Pan London Scheme, or similar social housing scheme or the Private Rented Sector.</p> <p>Circumstances considered a social need include:</p> <ul style="list-style-type: none"> <li>● Violent incidents e.g. rape or harassment as a result of race, ethnicity, sexuality or disability.</li> <li>● Sexual abuse of or attacks on children and moving would end the danger</li> <li>● Witnesses or potential witnesses where actual violence or threats of actual violence have been made.</li> <li>● Domestic violence where moving would end or minimise the danger</li> <li>● Gang violence where moving would end or minimise the danger</li> <li>● In cases of criminal activity where there have been associated threats and violence.</li> <li>● At the recommendation of the police, to help to provide witness protection</li> </ul> <p>Reasonable enquiries will be made to assess the severity of the threat or risk and to ensure that a move will eliminate or minimise the future risk to life. The final decision will be made by the appropriate designated officer and will be informed by information and evidence he or she receives from the police, local neighbourhood offices and other professional/advisory agencies as appropriate.</p> <p>Housing associations should take action to help their tenants facing life threatening situations via their own housing stock. This should be the tenants first contact and a Housing Register application may not be accepted where no approach to the landlord has been made.</p>
	2.7.3	<b><i>You or someone in your household has a significant medical need</i></b>
		<p>If you or someone in your household Medical need will be determined based on the extent to which the health of the applicant's household is affected by their housing conditions and the expected benefits of providing alternative housing. You can be added to the Housing Register on medical grounds. For example, if you or someone in your household has severe mobility problems and the accommodation is unsuitable because of stairs.</p> <p>Medical need will be determined based on the extent to which the health of the applicant's household is affected by their housing conditions and the expected benefits of providing alternative housing.</p> <p>A medical priority is awarded only where there are medical conditions that are long term. For example, priority will not be awarded for conditions associated with pregnancy or for a short time after surgery/injury.</p> <p>You will need to demonstrate that your medical condition is being caused or made worse by your housing conditions, that your current property cannot be improved or</p>

		<p>adapted to meet your needs at a reasonable cost, and that rehousing is likely to significantly improve your condition. You will not be accepted to join the register where your existing accommodation is suitable or may be readily adapted to meet the medical need.</p> <p>Extra room due to a medical condition - In some circumstances you may be allocated an additional room if you (or someone in your household) would normally be expected to share a bedroom but cannot do so because of a medical condition. An assessment as to whether an additional bedroom is appropriate will be carried out by the Council's Medical Assessment Team and any award will be approved by the appropriate designated officer. This will not mean that your application attracts a higher priority, but you will be able to bid for properties which would otherwise be considered too large for your household's needs.</p> <p>With regard to identifying a medical priority, Officers will always take an evidence based approach and seek the input of independent qualified medical practitioners as well as the occupational therapists employed directly by the Council. In addition, Officers work with colleagues in the Council's multi-disciplinary teams to try to ensure that a complete understanding of the household circumstances is taken into account.</p> <p>The existence of a medical condition is not in itself enough to qualify for a medical priority; the key issue is whether the current accommodation is significantly amplifying the impact of the condition. An example of this would be a household with members on the autistic spectrum; there will be different needs and risks related to the property and the severity of the condition, and the assessment will take into account the potentiality for increased harm.</p> <p>As part of the assessment process for applications to the Housing Register, Officers will undertake a risk assessment of the home where practicable. This will examine the level of risk associated with the property as it relates to the medical needs and whether these risks can be significantly reduced by other measures.</p> <p>Examples of circumstances that do <b>not</b> accrue a medical priority include:</p> <ul style="list-style-type: none"> <li>● damp, mould, dust and broken down lifts. These are not medical matters and are the responsibility of the landlord, the household member will need to contact the repairs service or their landlord</li> <li>● lack of space, living in cramped conditions, overcrowding (assessed during the application process)</li> <li>● Temporary conditions, such as pregnancy, knee surgery, broken limbs (arm, leg), hip replacements (as these are not considered a permanent disability) (this list is not exhaustive)</li> </ul> <p>Because not all properties will suit applicants with certain medical requirements, if you are considered to be in medical need we will advise you as to the type of properties you can bid for.</p>
	2.7.4	<b><i>You are homeless</i></b>

			If you or your household have been assessed as homeless. You will need to have been accepted as a statutory homeless household by the Council and that you are owed the full housing duty under section 193(2) of the Housing Act 1996.
		<b>2.7.5</b>	<b><i>Your accommodation is unsanitary</i></b>
			<p>If you are living in accommodation that is in an unsanitary condition you can be placed on the Housing Register. Examples of this include:</p> <ul style="list-style-type: none"> <li>● You do not have access to a bathroom or kitchen within the house</li> <li>● You do not have a sink or cooking facilities</li> <li>● You do not have an inside WC</li> <li>● You not have running water and/or a functioning electricity supply</li> <li>● Your accommodation has other defects that make it uninhabitable</li> <li>● The Council has served a closing order on a property</li> </ul> <p>Applicants will not qualify to join the register until the property has been inspected and a full report made on the condition of the property and appropriate remedial actions identified. Where there is a good prospect the property will be made habitable in a reasonable timespan a housing register application may not be accepted.</p> <p>The final decision will be made by the appropriate designated officer based on the information and evidence he or she receives from the assessment team. There are legal options available to you to resolve issues of disrepair with your landlord.</p>
		<b>2.7.6</b>	<b><i>Rehousing in an emergency</i></b>
			<p>If your housing need is such that it constitutes an emergency you will be added to the housing register; examples of circumstances that would represent an emergency include:</p> <p><b><i>Emergency Hospital Discharge Cases</i></b> – if you or someone in your household is fit to be discharged from hospital but the discharge is prevented only by the unsuitability (in the medical context) of your home, or if you do not have a home and there is no available suitable temporary accommodation – the decision whether to make an award is at the discretion of the appropriate designated officer.</p> <p><b><i>Police Witnesses</i></b> – where your life or the life of someone in your household is at risk as a consequence of providing assistance to the police or other law enforcement body - the decision whether to make an award is at the discretion of the appropriate designated officer and will be based on evidence from the police or similar organisation and include referrals made under the National Witness Mobility Scheme.</p> <p><b><i>Fire, flood and roof collapse</i></b> – where you are a current Council tenant and your property has become uninhabitable because of a fire, flood and roof collapse - the decision whether to make an award is at the discretion of the appropriate designated officer.</p> <p><b><i>As ordered by the Local Authority Ombudsman</i></b> – where you have complained to</p>



		<p>the Local Authority Ombudsman and they have identified a case of maladministration by the Council, or by an agency acting on behalf of the Council, and recommend that emergency housing is appropriate.</p> <p><b>Following a successful Judicial Review</b> – You have applied to the Administrative Court and a judicial review has decided that your housing need is such that it constitutes an emergency.</p> <p><b>Connected Carers needing additional rooms</b> - Where children are unable to live safely with their parents and need to come into our care and we are supporting them to live with friends or family in a connected carers arrangement.</p>
	2.7.7	<b>You have specific housing needs</b>
		<p>If you or your household meets the qualifying and eligibility criteria but do/does not meet the threshold for significant housing need, you may be added to the Council's Housing Register if:</p> <ul style="list-style-type: none"> <li>• You are a person over 55 and are seeking to move into Sheltered/Retirement and Older People's Housing,</li> <li>• You are a young person who is leaving Council care provision; The Children (Leaving Care) Act 2000 requires that 16/17 year old relevant children are provided with or maintained in suitable accommodation (unless the Local Authority is satisfied that their welfare doesn't require it). For care leavers 18 and over, The Children and Young People team will work directly with the Downsizing and Rehousing Team for housing.</li> <li>• You are already a tenant of accommodation provided by a registered housing provider and are applying through the Right to Move scheme, or</li> <li>• You are a foster carer requiring a move into larger accommodation to accommodate your foster children.</li> <li>• You or someone in your household has a medical condition that would be alleviated by a move to alternative accommodation, the need is urgent but the accommodation is not a threat to significantly exacerbating the condition, and a change of housing would make a substantial improvement in the quality of life of the affected person.</li> <li>• You are a council or social housing tenant and you occupy a property that is larger than your household needs, and you wish to downsize through the Under Occupation Incentive Scheme (<b>Appendix 1</b>)</li> </ul> <p>The number of properties exclusively available to Care Leavers and Foster Carers is capped to an agreed quota each year. (<b>Appendix 2</b>)</p>
	2.7.8	<b>You qualify for transitional protection</b>
		<p>In recognition that some households who were included on the Housing Register prior to the implementation of this policy were overcrowded but not to the extent that they meet the threshold to join Band B, transitional protection may apply.</p>

		<p>If you were on the housing register as of 30/09/2021, and:</p> <ul style="list-style-type: none"> <li>• Your household at that point included one or more children, <b>and</b>,</li> <li>• You are currently living in single bedroomed accommodation,</li> </ul> <p><b>You will be included on the housing register within Band C (see para 3.2).</b></p> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• Your household at that point included more than one child, <b>and</b></li> <li>• one or more of the children will achieve the age of 10 and/or 21 before 01/10/2023, <b>and</b></li> <li>• there are no other children in the household with whom it would be appropriate to share a bedroom as defined in para 3.4.1,</li> </ul> <p><b>You will be included on the housing register within the transitional band (see para 3.2).</b></p>
	<b>2.8</b>	<b>Misrepresentation</b>
		<p>If you make a false representation either deliberately or negligently, by action or omission, to cause your application to be:</p> <ul style="list-style-type: none"> <li>• accepted as qualifying to be included on the Housing Register, or</li> <li>• Placed within an inappropriate band,</li> </ul> <p>then the application will be removed from the Housing Register and no further application from the household will be considered for at least five years.</p> <p>This is without prejudice to the Council's right to bring civil or criminal proceedings against the applicant and/or other parties involved in the misrepresentation.</p>
	<b>2.9</b>	<b>Internal transfers</b>
		<p>The Council reserves the right to make a transfer of existing council tenants in extremely exceptional circumstances with minimal cost to the Council. Transfers of this type will be outside the normal allocation and bidding process.</p> <p>The property offered should be similar in type and amenities and no additional bedroom will be allocated.</p>
	<b>3.</b>	<b>How we assess your application to join the Housing Register</b>
	<b>3.1</b>	<p>Once you have submitted your application, the Council will make two assessments; the first assessment will be whether your household has a significant housing need that merits inclusion on the Housing Register, and the second will be to identify which <b>band</b> your application will be placed in.</p> <p>Hackney operates a Choice Based Lettings (CBL) scheme and if you have been accepted onto the Council's Housing Register you will be asked to "bid" on Council properties and those nominated by our Housing Associations. Because the demand for social housing in Hackney far exceeds that which we can supply, your application will be dealt with according to the band into which you have been placed and then prioritised on the length of time you have been waiting in that band.</p>
	<b>3.2</b>	<b>Bandings</b> - Hackney Council's Housing Register works on four different bands that determine

	<p>how we will deal with your application and any restrictions on the type of social properties you can apply for.</p> <p>Households placed in Band A will be treated as an emergency and will be made a direct offer.</p> <p>Households placed in Band B will be prioritised above those in Band C and the Transitional band due to the more significant housing needs they are facing.</p> <p>Households placed in Band C will be prioritised above those placed into the Transitional Band</p>
3.2.1	<p>Those placed in <b>Band A</b> will have been accepted as needing emergency rehousing; households where a move is imperative to alleviate the immediate risk to the applicant's well being or the well being of a member of their household and there is no alternative but to rehouse that household in housing in Hackney. In all cases, these households will be made a direct offer of accommodation. (Appendix 3)</p>
3.2.2	<p>Those placed in <b>Band B</b> will have demonstrated they have a significant housing need (as specified within paras 2.7.1- 2.7.5) or have been accepted on the Under Occupation Incentive Scheme (<b>Appendix 1</b>). If you have been placed within this band you will be invited to bid for the properties currently that match your need. The properties that are available will be advertised via the Hackney section of the East London Lettings Company website. There is no restriction on the types of properties that the Council will advertise through its Choice Based Lettings scheme. The Council advertises both its own Council housing as well as housing association properties to which the Council has nomination rights.</p> <p>This means that the household with the longest waiting time bidding for a property is given first refusal on whether they take up this offer, and if not the opportunity passes down to the household with the next longest waiting time.</p> <p>Most social housing will only be provided to you based on the number of rooms you and your household need.</p> <p>You should note that you should only bid for properties that meet your identified housing need. For example if you have been accepted onto the housing register due to a significant medical need, you will only be considered if the property meets those needs. Similarly, if you have been accepted onto the housing register due to overcrowding, you should only bid for properties that are large enough to accommodate your household.</p> <p>Consequently, if you have specific property requirements your choice will be limited and you will wait longer.</p> <p>The Council reserves the right to make a direct offer to any household on the Housing Register at any time. (<b>Appendix 3</b>)</p>
3.2.3	<p>Those placed in <b>Band C</b> will have a specific housing need (see para 2.7.7). Consequently, if you are placed in Band C, you will still be invited to bid for properties advertised via the East London Lettings Company website but you will be restricted to bidding for those properties that meet the specific requirements in your application, such as older persons housing.</p>

		3.2.4	Those placed in the <b>Transitional Band</b> will have met the requirements set out in para 2.7.8 and you will still be invited to bid for properties advertised via the East London Lettings Company website.
	3.3		<b>Effective Date : Priority on the Housing Register is determined firstly by band and subsequently by effective date. Paragraph 3.3.1 explains how we will determine the effective date.</b>
		3.3.1	The effective date will be either: The date a fully completed application form is received by the council, or where the circumstances of an applicant, who is already in the housing register, have changed such that they are eligible for a higher priority band, the date the council are advised of that change, or Where the applicant is eligible for additional preference under part VI, section 166 of the Housing Act 1996 (see para 1.2.2) the effective date will be backdated 12 calendar months prior to the date of the application or date the council are advised of a relevant change, as identified in this paragraph.
	3.4		<b>Bedroom Need:</b> In order to ensure best allocation of Social Housing it is important that applicants are matched with properties that most closely meet their household's needs. Based on the household composition the council will determine the number of bedrooms and bed spaces appropriate for each applicant and their household. Applicants will be expected to bid for properties advertised that most closely meet <b>both</b> the number of rooms and bed spaces they need. The Council will determine the number of bedrooms and bed spaces in a property as part of the allocations process using information provided by the landlord, and this will be clearly indicated in an advertisement when the property is let through Choice Based Lettings, or on the tenancy agreement for direct offers. <b>(Appendix 3)</b> Applicants who bid for properties that do not match their assessed need for bedrooms <b>and</b> bed spaces will be overlooked for lower ranked applicants with an appropriate match.
		3.4.1	Number of bedrooms: When looking at the number of bedrooms your household needs, the Council allocate a bedroom in each of the following circumstances: <ul style="list-style-type: none"> <li>• One bedroom for each couple who are married, in a civil partnership or otherwise cohabiting who live in your household</li> <li>• One bedroom for each single person over 21 in your household</li> <li>• One bedroom for every two persons under 21 of the same sex in your household,</li> <li>• One bedroom for every two children of opposite sexes, provided each is under the age of 10 in your household,</li> <li>• One bedroom for every single person of any age, including an adult child, of either sex in your household when there is no-one else in the household suitable to share with.</li> </ul> Studio accommodation is considered adequate accommodation for a single applicant or a couple and you will not be considered as lacking a room until you or your partner are aged 35 or older.
		3.4.2	In some circumstances an additional bedroom may be allocated if the applicant or someone in the household would normally be expected to share a bedroom but cannot do so because of a medical condition. An assessment as to whether an additional bedroom is appropriate will be carried out by the Council's Medical

		Assessment Team and any award will be approved by the appropriate designated officer.
	3.4.4	Where there are a number persons in your household and there is a variety of ways in which they could be counted, the Council will assess your household in such a way as to allocate the fewest bedrooms possible
<b>4.</b>	<b>If you disagree with your assessment or banding</b>	
	<b>4.1</b>	<p>Households wishing to apply for social housing have the right to request the Council to provide general information as to how their application is likely to be treated under this Lettings Policy.</p> <p>Applicants also have the right to request the Council to provide general information as to whether accommodation appropriate to his/her needs is likely to be made available to him/her and if so how long it is likely to be before such accommodation becomes available.</p> <p>If you are unhappy with the Council's decision not to include your application on the Housing Register, or you are unhappy with the Band into which your application has been placed, you can request a review of that decision. You will need to submit your request for a review within one calendar month of the formal decision notice being issued.</p> <p>All reviews will be carried out in accordance with the statutory requirements and guidance. At the conclusion of the review the applicant will be notified of the decision on the review and the grounds for the decision.</p>
<b>5.</b>	<b>Responsibilities</b>	
	<b>5.1</b>	Once you have been accepted onto the Housing Register, you will need to bid for potential lettings via the Council's Choice Based Lettings scheme. You should bid for any suitable lettings that become available. If you have not submitted a bid for any suitable properties within a 12 month period and there is no reasonable cause for this, the Council will assume that you no longer have a housing need and your application will be removed from the Housing Register.
	<b>5.2</b>	Hackney Council retains the right to move any applicant onto auto bidding - where the Council places bids on suitable properties on their behalf - where it is in the interests of the applicant and there are no circumstances that would make this inappropriate.
<b>6.</b>	<b>Reviews</b>	
	<b>6.1</b>	Once you have been accepted onto the Housing Register you will be required to ensure that the information held is up to date. You must advise the council immediately if anything relevant to your application changes.
	<b>6.2</b>	The Council may choose to review any Housing Register application at any time to ensure that an applicant remains eligible to be on the waiting list and remains entitled to the priority and bedroom needs assessment previously awarded. It may choose to review individual applications, or different classes of application. Details of the Review process are shown in <b>(Appendix 4)</b>

7.	<b>Appeals</b>
7.1	<p>Under the Housing Act 1966 (166A (9)) an applicant has the right to request a reconsideration of certain decisions.</p> <p>If you disagree with a decision made by the council in relation to your application to join the Housing Register you may ask the Council to reconsider it.</p> <p><b>Appendix 4</b> details how appeals must be made, the time limits that apply and how it will be considered.</p>