



Horsham  
District  
Council

# Housing Register and Nominations Policy



April 2023

## Translation

If you would like help communicating with us in your language, please contact the number below and we will arrange for an interpreter to help.

**Polish:** Jeżeli potrzebują Państwo pomocy w komunikowaniu się z nami w Państwa języku, prosimy o skontaktowanie się z nami pod poniższym numerem telefonu. Zorganizujemy pomoc tłumacza ustnego.

**French:** Si vous avez besoin d'aide pour communiquer avec nous dans votre langue, veuillez nous contacter au numéro de téléphone ci-dessous et nous vous offrirons les services d'un interprète.

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### **Cantonese**

如欲尋求協助，以你的母語和我們溝通的話，請撥以下電話，我們便會為你安排傳譯員，提供協助。

### **Bengali**

যদি আপনি আমাদের সাথে আপনার ভাষায় কথা বলার জন্য সাহায্য চান, দয়া করে নিম্ন লিখিত নাম্বারে ফোন করুন এবং আমরা একজন দো-ভাষীর ব্যাবস্থা করব আপনাকে সাহায্য করার জন্য।

### **Gujarati**

જો તમને તમારી ભાષામાં અમારી સાથે વાતચીત કરવામાં મદદ જોઈતી હોય તો, કૃપા કરી નીચેના નંબરે સંપર્ક સાધવાથી અમે મદદરૂપ બનવા ઈન્ટરમિટરની ગોઠવણ કરીશું.

### **Punjabi**

ਜੇ ਸਾਡੇ ਨਾਲ ਤੁਸੀਂ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਗੱਲਬਾਤ ਕਰਨ ਵਿਚ ਮਦਦ ਲੈਣਾ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਹੇਠ ਲਿਖੇ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਅਤੇ ਅਸੀਂ ਕਿਸੇ ਇੰਟਰਪ੍ਰੀਟਰ ਕੋਲੋਂ ਤੁਹਾਨੂੰ ਮਦਦ ਦੁਆਵਾਂਗੇ।

### **Urdu**

اپنی زبان میں ہم سے بات چیت کے لیے اگر آپ کو مدد کی ضرورت ہو تو براہ مہربانی مندرجہ ذیل نمبر سے رابطہ کیجئے۔ ہم آپ کے لیے مترجم (انٹرمیڈیٹر) کا انتظام کریں گے۔

 Phone us on **01403 215204**

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# Introduction

The demand for social and affordable rented housing in the Horsham District ('the District') exceeds supply and it is very important that the Council has a fair and transparent allocations policy which gives priority to certain groups. This must reflect local needs and demands for housing and contribute to building balanced, mixed, living and working communities.

## Legal Requirement for an Allocations Policy

Section 166A(1) of the Housing Act 1996 (as amended) ('the Housing Act 1996') requires every local housing authority to have a scheme for determining priorities and the procedure to be followed in allocating housing accommodation.

Section 166A(14) of the Housing Act 1996 requires that a local housing authority shall not allocate housing accommodation except in accordance with its allocation scheme. Section 166A(12) of the Housing Act 1996 also provides that Local Housing Authorities must, in preparing or modifying their allocations scheme, have regard to:

- a) their current homelessness strategy under section 1 of the Homelessness Act 2002 and
- b) their current tenancy strategy under section 150 of the Localism Act 2011.

Relevant documents for the purposes of Section 166A(12) of the Housing Act 1996 are Horsham District Council's Tenancy Strategy, Housing Strategy and Homelessness Prevention Action Plan and regard has been given to them in the preparation of the Housing Register and this Nominations Policy, referred to as 'the HDC Nominations Policy'.

## Government Position

The Government is of the view that the changes to Sections 145 to 147 of the Localism Act 2011 which came into effect on 18 June 2012 will enable local authorities to manage their waiting lists more effectively and to tailor their allocation schemes to reflect local needs and priorities.

In devising the HDC Nominations Policy, Horsham District Council ('the Council') has had regard to *Allocation of Accommodation: Guidance for Local Housing Authorities in England (June 2012)*.

## Local Situation

The Council is a stock transfer authority – therefore any properties ('Void Properties') it is able to allocate to applicants on the Housing Register will be made available through its affordable housing provider partners ('Housing Associations').

The HDC Nominations Policy sets out how the Council intends to make the best use of Void Properties to create mixed and balanced, communities while maintaining a commitment to supporting vulnerable people and working households on a low income in housing need.

# 1. Eligibility

In order to be eligible for housing assistance in the UK, applicants will need to meet certain national criteria. For instance, they must be a British citizen who is habitually resident; a European Union worker or a person from abroad with indefinite leave to enter or remain in the UK. Please note that this is not an exhaustive list but purely an indicator of eligible groups (see Appendix A – Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended through subsequent amendments).

National regulations set by central government prevent admission onto the Housing Register until eligibility has been established. Eligibility will be considered both when the application is made and when the Council is considering making an allocation of housing.

## 1.1 Joint Tenancies

A joint tenancy cannot be granted if one of the tenants is ineligible, however, a tenancy may be granted to the eligible person and their ineligible family members can be taken into account in determining the size of accommodation which is to be allocated.

## 1.2 Eligibility for Existing Private Registered Provider ('PRP') Tenants

Eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. All PRP tenants who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5) of the Housing Act 1996.

## 2. Qualification

**In order to qualify for admission onto the Council's Housing Register ('the HDC Housing Register'), applicants must meet one of the following criterion and have a need for housing for one of the reasons below as defined in points 2.1 to 2.9.**

- Have lived in settled accommodation of their own choice in the Horsham District for the past two years either as a social or private tenant or
- Be working in Horsham District for at least nine months out of the last twelve months undertaking a minimum of 16 hours employment a week. Employment is defined as being in a permanent, temporary contract or being self-employed or
- Be homeless or threatened with homelessness or
- Be occupying accommodation secured under section 192(3) under the Council's power to provide accommodation or section 193 where a housing duty is owed or
- Be a former or serving member of the armed forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service or
- Be a bereaved spouse or civil partner of a member of the armed forces leaving Services Family Accommodation following the death of their spouse or partner or
- Be a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of his/her service or
- Be a member of the Armed Forces or former service personnel that has been discharged in the previous five years
- Care leavers (in accordance with the Children Act 1989) placed by West Sussex County Council in the Horsham District who are 16 years of age or over. They cannot be offered accommodation until they are aged 18 or over. They will benefit from a band allocation date relevant to their application date and considered for accommodation following their 18<sup>th</sup> birthday.
- Young people engaged with and supported by the House Project and are identified for move on by West Sussex County Council

**and**

Have a need for housing for one of the reasons below as defined in points 2.1 to 2.9.

### 2.1 Homeless or facing homelessness

Includes all homeless people as defined in Part VII of the Housing Act 1996 namely:

- priority;
- non priority;
- intentionally homeless applicants and people who have been served a valid notice to quit, notice seeking possession, bailiff's warrant or valid notice to end a licence to occupy.

Reduced preference will be accorded to homeless applicants without a two-year local connection through residence to the Horsham District with the exception of Armed Services personnel with reasonable preference who have not been dishonorably discharged or households that have fled domestic abuse and who only have a connection to one area and cannot return there.

## 2. Qualification continued

### 2.2 Overcrowding

Overcrowding will be assessed against the bedroom standard as set out in the Housing (Overcrowding) Bill. A household is considered to be overcrowded if one bedroom is lacking when a separate bedroom is allocated to the following persons:

- a. A person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b. A person aged 16 years or over
- c. Two persons of the same sex aged 10 years to 16 years
- d. Two persons (whether of the same sex or not) aged less than 10 years
- e. Two persons of the same sex where one person is aged between 10 years and 16 years and the other is aged under 10 years of age
- f. Any person aged under 16 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above due to high medical need for a separate bedroom.

When an applicant says that their children are unable to share a bedroom, it will be for the Housing Officer, Allocations and Online Services to satisfy themselves that this is the case – for example – a claim is likely to be supported by specialist medical evidence and how many children are likely to be in receipt additional benefits in relation to their medical condition.

In addition, housing officers will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. In all cases this will come down to a matter of judgement on facts of each individual case.

In addition:

- g. A household with a confirmed pregnancy or dependent children sharing kitchen, bathroom, toilet and living room facilities with others not included in the application for housing.

### 2.3 Insanitary/unsuitable living conditions

The Council's Environmental Health Department will notify Housing Services when they are aware of applicants without any access at all to any one of the following facilities:

- bathroom
- kitchen
- inside WC
- hot or cold water supplies
- electricity
- adequate heating

The Environmental Health Department will also notify Housing Services of applicants living in the following conditions:

- A Prohibition Order or a Demolition Order in relation to the whole property that an applicant is occupying is has been served as the conditions present a serious threat to health or safety but where remedial action is considered unreasonable or impractical.
- An applicant occupying a private property where a Prohibition Order on the whole of the house or a Demolition Order has been issued as conditions present a serious threat to health or safety but where remedial action is considered unreasonable or impractical.
- Applicants of private sector properties and residents of dwellings that the Environmental Health Department has determined poses a Category 1 hazard under the Housing Health & Safety Rating System and the Council is satisfied that the problem cannot be resolved by the landlord within six months and, as a result, occupation of the accommodation will pose a considerable risk to the health or safety of the applicant, or a member of their household.
- Living conditions which constitute a statutory nuisance and there is no prospect of the problems being remedied within a six-month time period.

### 2.4 Medical

The criteria to be considered on medical grounds relates to the extent that the health of an applicant or a member of the applicant's household will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant or a member of their household's condition but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing (See below for Classes 1 and 2 Medical).

## 2. Qualification continued

### 2.5 Welfare and/or hardship

This category applies applicants to those who need to move to a particular area within the Horsham District where a failure to meet that need would cause difficulty with daily living or hardship to themselves or others. This applies to applicants needing support from relatives or friends in the case of severe mental health, medical or welfare issues relating to this applicant or a member of this applicant's household and exceptional reasons why this support cannot be made available through a reliance on public transport or the applicant's own transport.

#### **Support or employment**

- Applicants who need to move to give or receive care that is substantial and ongoing include:
  - foster carers;
  - those approved to adopt or those being assessed for approval to foster or adopt who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.
  - special guardians;
  - holders of a residence order and family and friend carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care.
- Applicants who need to access social services facilities and are unable to travel.
- Applicants who wish to take up (or continue) employment, education or a training opportunity that is not available elsewhere and who does not live within reasonable commuting distance (1 hour journey on public transport or equivalent).

#### **Infirmity due to old age**

An assessment of an applicant's need to move due to infirmity caused by old age will be made by the Council taking into account information provided by one or more of the following:

- Applicant's GP or consultant
- Social Services
- Occupational Therapist
- Age UK or any other voluntary sector organisation representing the applicant

#### **Ability to fend for self restricted by**

- Mental illness or disorder
- Physical or learning disability
- Behavioural difficulties
- Young people at risk

## Need for

- Opportunity to recover from the effects of violence (including racial attacks), threats of violence, physical, emotional or sexual abuse
- Adapted housing and/or extra facilities, bedroom or bathroom
- Improved heating (on medical grounds)
- Sheltered housing (on medical grounds)
- Ground floor accommodation (on medical grounds)
- Move from hospitalisation or long-term care

## 2.6 Under occupation

Applicant(s) must occupy a social or affordable rented property with two or more bedrooms and be assessed as needing a smaller property.

Or

## 2.7 Applicants registered prior to 1 April 2013

Applicants in Bands A, B or C of the HDC Housing Register on 31 March 2013.

## 2.8 Age restriction

In order to qualify as an applicant or co-applicant, a person must be a non-dependent and have the capacity to understand the purpose of joining the HDC Housing Register and the responsibility and legal liabilities involved in being a tenant.

Applicants over the age of 55 will normally be considered for retirement housing unless there are exceptional circumstances which would render this type of accommodation unsuitable for their needs.

## 2.9 Children

Children under the age of 18 will be deemed to be part of a household when:

- they are living with an applicant or co-applicant as a dependent
- the applicant or co-applicant is in receipt of child benefit for them and
- the child does not have a principal home elsewhere

Applicants over the age of 18 may be considered to be dependents if they are deemed to be unable to live independently from an applicant or co-applicant, for reasons such as mental or physical impairment.

Young people engaged with and supported by the House Project and are identified for move on by West Sussex County Council

# 3. Disqualification

A household will not be admitted to the HDC Housing Register if any of the following are applicable to any member of the applicant's household:

- Ownership of a property either in the UK or abroad (except where home ownership is not sustainable for longer than six months)
- A conviction of a criminal offence in the preceding 12 months or has not lived crime free (convicted of a crime which resulted in a custodial sentence or community order) in the community for six months since leaving prison. A conviction is taken to be a Community Order or custodial sentence but does not include suspended custodial sentences or extend to convictions that only resulted in fines.
- Has social or private sector rent arrears exceeding the equivalent of eight weeks' rent (includes "mesne profits" also known as "use and occupation charge") or has any other housing related debt incurred as a tenant of a social or a private landlord.
- Has refused one reasonable offer of accommodation from Horsham District Council in the past year.
- Is homeless without a two-year local connection through residence to the Horsham District or employment connection to the Horsham District. For the purposes of the HDC Nominations Policy, an employment connection is defined as households who are working in the Horsham District for a minimum of 16 hours or more employment per week for at least 9 out of the last 12 months undertaking. The exceptions are homeless applicants owed a main housing duty by Horsham District Council who have secured accommodation outside the district under part VII of the Housing Act 1996 (as amended).
- Has a housing related debt to the Council exceeding £500 where a payment arrangement has not been adhered to for six months.
- Has been found guilty of benefit fraud in the preceding 12 months.
- Has been found guilty of or evicted for anti-social behaviour in the preceding 12 months.
- Has an annual net income from employment/benefits (combined) exceeding £60,000 for joint applicants and £40,000 for single applicants and /or savings/capital/assets of £16,000 and above. Lump sum payments received by a member of the armed forces as compensation for an injury or disability sustained on active service will be disregarded.
- Has by their deliberate action or omission has worsened their housing circumstances. The household will be disqualified from the HDC Housing Register for 12 months.

Homeless applicants owed the main housing duty by Horsham District Council who are disqualified in accordance with the criteria above will be placed in Band C of the HDC Housing Register until the reason for disqualification has been resolved or has expired.

**Qualification and disqualification criteria will apply at the time of the initial application and when considering making an allocation.**

## 3.1 Exceptional Cases

In exceptional cases, it may not be necessary to apply qualification and disqualification criteria. Provision will be made for such cases on their merits.

## 4. Application for Housing

The application process for housing assistance to the Council will begin with the submission of an online housing application or an interview with a member of the Housing team, the person making the application is known as an applicant. The interview may be held at the Council offices or, in cases where the applicant is unable to travel to the Council offices, in the applicant's home or a place that is accessible to the applicant.

If an applicant is eligible for housing assistance in the UK, meets the qualification criteria for admission to the HDC Housing Register and is not disqualified, they will be registered and receive confirmation of their band allocation. Prior to any allocation of housing being made, applicants will be contacted by a member of the Housing Services team to confirm whether they are still eligible for the HDC Housing Register, that they qualify, are not disqualified and are in the correct band. If this is the case, they will be visited in their home for a verification visit and will be required to provide accompanying documentation as requested in advance by the Housing Services Team. An exception to this would be existing Registered Provider tenants who would be required to submit supporting documentation.

Housing Services team in accordance with Section 166(1) of the Housing Act 1996, the Council will provide advice and assistance free of charge about the rights to make an application and the Council's duty to provide any necessary assistance in the making of such an application to persons who are likely to have difficulty in doing so without assistance.

The Council will notify applicants in writing of any decision regarding their ineligibility under Section 160ZA(2) or (4) of the Housing Act 1996 or is not a qualifying person for the HDC Housing Register under section 160ZA(7) of the Housing Act 1996. This written notification will give clear grounds for the decision and sent to the applicant, if the applicant is unable to receive post or provide an address for service, it will be deemed 'received' if a copy is made available at the Council's office for a reasonable period (section 167ZA(10)).

The Council will normally retain a record of cancelled applications for a period of three years from the date of cancellation.

Applications for housing will be reviewed on a twelve monthly basis where a renewal will need to be completed via the customer portal. The first reminder is sent initially, after seven days a second reminder is sent. If the renewal is not completed within fourteen days, the application for housing will be removed from the HDC Housing Register.

# 5. Banding

Households on the HDC Housing Register will be given additional, reasonable or reduced preference for an allocation of social or affordable rented housing as detailed below:

## 5.1 Additional Preference

In order to reflect national and local priorities and to support vulnerable groups within the District, additional preference will be accorded to the following groups by allocating up to the stated number of properties per annum outside of the reasonable and reduced preference date order scheme. This represents a total of approximately 20% of properties Horsham District Council anticipates it will allocate per annum over the next two years.

Cases where additional preference may be accorded will be brought to the attention of the Housing Services Manager, Head of Housing and Community Services or Director of Communities by Housing/Homeless Officers following assessment. Additional preference will only be accorded at nomination by the Housing Services Manager, Head of Housing and Community Services or Director of Communities, the list below shows the number of additional properties that can be accorded on a per annum basis:

- Armed forces personnel in urgent housing need.
- Tenants of social or affordable rented properties with two or more bedrooms and assessed as needing a smaller property.
- Households with an active child in need plan at the time of application and further confirmed at point of nomination in addition to a housing need as defined in Section 2 of this Policy. The household will be expected to provide confirmation from their Social Worker. This does not include households that have found to be intentionally homeless.
- Move on from Y Centre managed housing schemes and Crossley Hughes House – up to six properties per annum.
- Move on from Blatchford House (mental health) – up to two properties per annum.
- Applicants leaving care (in accordance with the Children Act 1989) placed by West Sussex County Council in the Horsham District where supported housing is not suitable. There must be evidence that plans are in place to meet any future care and support needs and Horsham District Council will have nomination rights to the vacancy arising, as agreed by the Housing Services Manager, Head of Housing and Community Services or Director of Communities – Up to two properties per annum.
- Move on from Refuge placements for applicants that have a local connection to the Horsham District, and it has been assessed by the Council and relevant partners that it is safe to return – up to four properties per annum.

## 5.1 Additional Preference continued

- Class 1 Medical Needs (as defined below) – up to ten properties per annum.
  - Where an applicant's condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care.
  - The condition is life threatening and the applicant's existing accommodation is a major contributory factor.
  - The applicant's health is so severely affected by the accommodation that it is likely to become life threatening.
  - The applicant is unable to mobilise adequately in his or her accommodation and requires rehousing into accommodation suitable for his or her use.
  - The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within six months.
  - Where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is suffering from AIDS.
- Prevention of homelessness.
  - Where a household in priority need for housing with at least one child has been permitted to stay with another household under a licence arrangement for at least one year and the situation is no longer sustainable – up to five properties per annum.
- The Council may allocate a maximum of a further five properties per annum to an applicant in Band A, B or C of the HDC Housing Register who has an exceptionally urgent need to move. The reasons for requiring such a move will be approved by the Housing Services Manager, Head of Housing and Community Services or Director of Communities who will also decide on the relative severity of need of individual applicants to enable rational prioritisation based on the information available for each case.
- A maximum of two properties per annum may be allocated to truly exceptional cases not on the HDC Housing Register. The reasons for requiring such a move will be approved by the Housing Services Manager, Head of Housing and Community Services or Director of Communities.
- The Council also reserves the right to remove additional preference from a housing application should a suitable offer of accommodation is made and subsequently refused by the applicant.

# 5. Banding continued

## 5.2 Band A

Reasonable preference will be established and authorised by the Housing Services Manager, Head of Housing and Community Services or Director of Communities, delegation of their authority may be delegated to the Housing/Homeless Officers.

### 5.2.1 Working households

A working household is where either the applicant or co-applicant is in employment for a minimum of 16 hours per week. For the purposes of the HDC Housing Register and HDC Nominations Policy, employment is defined as the applicant or co-applicant as having the requisite minimum of 16 hours per week as a permanent or temporary contract, or being self employed. In addition, applicants will only qualify if the applicant has been employed for 9 out of the last 12 months.

Verification will be sought at point of offer of accommodation. In order to qualify, applicants must provide payslips, P60, verifying letter on headed paper or tax return.

### 5.2.2 Applicants unable to work due to ill health or disability

Households will be classed as unable to work where either the applicant or co-applicant is in receipt of:

- Disability Living Allowance (high-rate care or high-rate mobility).
- Personal Independence Payment (enhanced rate daily living component or enhanced rate mobility component).
- Attendance Allowance.
- Employment and Support Allowance.
- Statutory Sick Pay.
- Industrial Injuries Disablement Benefit or War Disablement Pension,
- Carers Allowance.
- Any other State benefit which indicates that the applicant is not able to work.
- Any household in receipt of Universal Credit with the following element.
- Income related Employment and Support Allowance.

Applicants who secure employment for at least 16 hours per week having previously been unable to work due to ill health or disability will retain their Band A allocation. After nine months of employment, they will have Band A allocation as a working household. If the employment is not retained for a period of nine months, then the band allocation will be further assessed in light of benefits received.

### 5.2.3 Households in receipt of the state pension

#### **5.2.4 Applicants unable to work due to learning or other disability**

This applies to households where either the applicant or co-applicant is in receipt of Income Support because they have a long-term learning or other disability which prevents them from working.

Applicants that secure employment for at least 16 hours per week having previously been unable to work due to learning or other disability will retain their Band A allocation. After nine months of employment, they will have Band A allocation as a working household. If employment is not retained for a period of nine months, then band allocation will be further assessed in light of benefits received.

#### **5.2.5 Foster carers**

Households where either the applicant or co-applicant is unable to work due to their duties as a foster carer for West Sussex County Council.

**Verification of all of the above will be sought at point of offer of accommodation.**

#### **5.2.6 Class 2 medical needs (can apply to the applicant or a member of their household)**

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.
- The applicant with a dependent(s) within their household with severe conditions such as autism, or cerebral palsy, where their long term needs cannot be met without settled accommodation.
- A member of the applicant's household seeking accommodation is disabled and rehousing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.
- A member of the applicant's household severe disability requiring substantial adaptations to a property which is not provided for in their current accommodation.
- A member of the applicant's household terminal illness or long-term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.

# 5. Banding continued

## 5.2 Band A continued

### 5.2.6 Class 2 medical needs (can apply to the applicant or a member of their household) continued

- A member of the applicant's household suffering with mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.

GP's are unlikely to provide a letter of support unless there is a factual reason for doing so. Applicants can therefore supply additional information from a medical specialist confirming their diagnosis and the reasons why their current accommodation is unsuitable, and that a move would significantly improve their condition. If the health professional charges a fee to provide this information, it is the responsibility of the applicant to pay the fee to obtain the supporting information.

### 5.2.7 Under occupiers

Tenants of social or affordable rented properties with two or more bedrooms and assessed as needing a smaller property.

### 5.2.8 Applicants on the HDC Housing Register prior to 1 April 2013

Applicants who have received written confirmation that they are in Bands A, B or C of the HDC Housing Register on or before 31 March 2013 will be accorded reasonable preference under this scheme.

## 5.3 Band B

The following classes of applicant will be in Band B:

- Armed forces personnel who have been dishonorably discharged
- Non-working households with an assessed housing need
- Non-working homeless applicants in priority and non-priority need or who have been found to be intentionally homeless

## 5.4 Band C

### 5.4.1 Homeless Applicants with Reduced Preference

Homeless applicants without a local connection or who are owed the full housing duty by the Council but with accorded reduced preference in accordance with disqualification criteria will be placed in band C of the HDC Housing Register until the reason for their disqualification has been resolved or has expired.

Applicants who meet the qualification criteria but have a charge pending for a criminal offence will be placed in band C of the HDC Housing Register. The onus is on the applicant to advise the Council of the outcome of the charge or prosecution against them so that a Housing Officer can assess whether they should be disqualified from or admitted into band A or B of the HDC Housing Register.

## 5.4.2 Local Connection

The Council is committed to sustaining rural communities and assisting people who live or have lived and work in them.

Band C of the HDC Housing Register is for applicants with a local connection to towns and villages in the rural locations who do not have reasonable preference or need for housing but are living with family as a concealed household or who are living outside of the district but would like to move to a rural town or village where they have a family connection.

In order to qualify for Band C of the HDC Housing Register under local connection, the applicant must have a two-year local connection with their area of choice in accordance with the criteria set out below and their area of choice will be restricted to the settlement to which the applicant has a local connection:

- Immediately before taking up occupation of an affordable housing unit had their only principal home in the local connection parish for a continuous period of not less than two years; or
- Either themselves or a member of their household has a parent, adult child, brother or sister whose only principal home is and has been for a continuous period of not less than two years in the local connection parish and their wishes to be near that relative; or
- Is and has been permanently employed in the local connection parish for a continuous period of not less than two years for a minimum of 16 hours per week.

The date applicants can apply to be added to the HDC Housing Register for a local connection scheme will be listed on the Council's website. The date will be approximately eight weeks prior to the proposed completion date of the scheme. This information will also be available by contacting the Housing Department. Applicants will be removed from the HDC Housing Register once local connection scheme properties have been allocated.

Accommodation schemes within both the South Downs National Park and Horsham District will be allocated to households on the HDC Housing Register that meet the specific criteria of the housing scheme. If the Council cannot nominate an applicant to the property from the HDC Housing Register it will consider nominations from other local authorities who have households on their registers with a local connection to neighbouring parishes within the South Downs National Park area.

# 5. Banding continued

## 5.5 Band Date

An applicant's band date is the date on which they are placed on the HDC Housing Register. If an applicant's circumstances change and they are moved into a different band, their band date will be the date on which they are moved into the different band.

## 5.6 Change of Circumstances

In the event that an applicant's circumstances change resulting in a change of band, the new band date will be the date on which the Council is made aware of the change of circumstances and changes their banding.

It is the responsibility of an applicant to notify the Council of a change of any circumstances relating to eligibility, qualification, disqualification or reason for needing housing. It is also the applicant's responsibility to notify the Council of any changes of address, contact telephone numbers, household members, areas of choice as well as any other material changes such as income or assets.

The Council's nominations are based on the information available and held by Housing Services, therefore, all nominations are subject to the information being up to date and accurate, which will be verified by a verification visit when they are approaching the top of the list for nomination. If it is discovered that a change of circumstances weren't reported to the Council, the applicant may no longer qualify for the housing register or the nomination.

# 6. Allocation of Void Properties

## 6.1 Definition of an "allocation"

For the purposes of Part VI of the Housing Act 1996, a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority.
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority.
- Nominates a person to be an assured tenant of accommodation held by a PRP.

The term "assured tenant" includes a person with an assured shorthold tenancy, including a tenancy of an affordable rent property. "Secure tenant" includes a person with a flexible tenancy granted under Section 107A of the Housing Act 1985.

## 6.2 Allocations Procedure

The process of allocation, known as the 'Allocations Procedure' will be undertaken by the Senior Allocations Officer / Housing Services Manager. Housing / Homeless Officers may also undertake the procedure subject to authority delegated by the Head of Housing and Community Services in accordance with the Council's constitution.

On request for a nomination for a Void Property from one of its Registered Provider partners, the Council will assess the suitability of the Void Property for applicants on the Council's Housing Register who could be accorded additional preference due to their urgent need to move or because they are part of a scheme which the Council supports by moving tenants who no longer need the support provided by the scheme to create vacancies for other vulnerable people.

If the Void Property for nomination is suitable for an applicant on the HDC Housing Register with accorded additional preference, the offer for that Void Property will be made in writing to the applicant.

### **Situations where a Void Property is offered to an applicant on the HDC Housing Register from the additional preference groups**

The decision as to which applicant on the HDC Housing Register from the additional preference groups will be offered a Void Property available will be based on a combination of:

- best fit with the Void Property on offer and the applicant's needs based on information supplied by the applicant;
- the scheme the applicant is moving on from (if relevant) and
- the views of professionals involved in the applicant's care (if relevant).

Where there are no other determining factors, properties will be allocated within the band in banding date order.

### **Situations where a Void Property is not suitable for any applicants in any of the additional preference groups**

If the Void Property is not suitable for any applicants in any of the additional preference groups, it will be allocated to an applicant on the HDC Housing Register from the reasonable preference group (Band A).

The decision as to which applicant from the reasonable preference group will be offered a Void Property available will be based on a combination of:

- best fit with the Void Property on offer and the applicant's needs based on information supplied by the applicant; and
- the views of professionals involved in their care (if relevant).

In respect of new build properties at first nomination, households residing in Registered Provider accommodation in bands A and B will be prioritised into new build rented properties. Where there are no other determining factors, Void Properties will be allocated within the band in banding date order.

# 6. Allocation of Void Properties continued

## 6.2 Allocations Procedure continued

### **Situations where a Void Property is not suitable for any applicant in the reasonable preference groups and consideration of reduced preference group (Band B)**

If the void property is not suitable for any applicant on the HDC Housing Register in the reasonable preference group (Band A), it will be allocated to an applicant from the reduced preference group (Band B).

The decision as to which applicant from the reduced preference group will be offered a Void Property available will be based on a combination of:

- best fit with the Void Property; and
- the applicant's needs based on information supplied by the applicant and the views of professionals involved in their care (if relevant).

Where there are no other determining factors, Void Properties will be allocated within the band in banding date order.

### **Situations where a Void Property is not suitable for any applicant in Band A or Band B and consideration of reduced preference group (Band C)**

If the Void Property is not suitable for any applicant in the reasonable preference group (Band A) or reduced preference group (Band B) it will be allocated to an applicant from the reduced preference group (Band C).

The decision as to which applicant from on the HDC Housing Register in the reduced preference group will be offered a Void Property available will be based on a combination of:

- best fit with the Void Property; and
- the applicant's needs based on information supplied by the applicant and the views of professionals involved in his or her care (if relevant).

Where there are no other determining factors, Void Properties will be allocated within the band in banding date order.

### 6.3 Verification of your housing application and supporting evidence

The nomination process will include a Housing Officer verifying your circumstances with you. This process usually involves an appointment at your home or you may be invited to an appointment at the Council's offices.

For the appointment the Housing Officer will need to see supporting evidence of the following categories:

1. Evidence of Identification and proof of Residence
  - Photographic ID – passport, driving licence
  - Birth Certificates
  - National insurance card
  - Change of name by deed poll
  - Proof of residence within the District, utilities or phone bill with your current address
  - Residency Card
2. Evidence of Income – all applicants are required to supply evidence of their financial income and resources.
  - Benefit entitlements including universal credit
  - Recent wage slips
  - Recent bank/building society statements – for all accounts held
  - Universal credit – proof required concerning which benefits you are in receipt of.
3. Evidence of employment (if applicable)
  - Contract of employment
  - Self-employed status – Invoices, tax returns, company registration
4. Proof of any capital or assets owned (if applicable)
5. Evidence of medicals and health (if applicable)
  - Letters from medical professionals such as specialists
  - Occupational therapist reports
6. Proof of tenancy held (if applicable)
  - Copy of tenancy agreement
  - Current rent statement

The above is not an exhaustive list of documents required and the Council may require additional information to verify any information provided.

# 6. Allocation of Void Properties continued

## 6.4 Choice

Applicants who are admitted on to the HDC Housing Register will be offered a variety of areas within the District to choose from. It is not possible to choose specific streets or neighbourhoods within these areas or type of property (flat, house or bungalow).

Applicants with a medical need for a level access or an adapted property will be given priority for bungalows and ground floor flats.

The most common types of one and two bed properties offered to applicants on the housing register are first and second floor flats.

## 6.5 Size of Property

The size of the property required by applicants will be determined on the basis of each of the following requiring a separate bedroom:

- a. A person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b. A person over 16 years of age
- c. Two persons of the same sex aged 10 years to 16 years
- d. Two persons (regardless of the same sex or not) under 10 years of age
- e. Two persons of the same sex where one person is aged between 10 years and 20 years and the other is less than 10 years of age
- f. Any person under 21 years of age in any case where they cannot be paired with another occupier of the dwelling so as to fall within 4.5 (c), (d) or (e) above due to high medical need for a separate bedroom.

## 6.6 Refusal of an offer of accommodation

Within the Allocations Process, should applicants refuse their one offer of suitable accommodation, this will result in applicants being removed from the Housing Register for one year. After a period of one year, applicants will be able to reapply, and their circumstances will be reassessed.

## 6.7 Properties excluded from this policy

The HDC Nominations Policy covers all properties provided by its partners over which the Council has nomination rights that are available to let on introductory, secure, assured tenancies and includes flexible tenancies and those let under the Affordable Rented regime (up to 80% of market rents) save for those subject to statutory exceptions and for properties within the phased development West of Bewbush (also known as Kilnwood Vale) 50% of the nomination rights for which are given to Crawley Borough Council. The decision as to which vacancies will be put forward to Crawley Borough Council for their applicants will be made by the Housing Services Manager or Head of Housing and Community Services.

# 7. Policy for the allocation of temporary accommodation

In the absence of permanent affordable, social or private rented accommodation, the Council will wherever possible, attempt to place homeless applicants with reasonable preference in the temporary accommodation it owns or leases.

## **193. Duty to persons with priority need who are not homeless intentionally.**

- (1) This section applies where:
  - (a) the local housing authority:
    - (i) are satisfied that an applicant is homeless and eligible for assistance, and
    - (ii) are not satisfied that the applicant became homeless intentionally,
  - (b) the authority are also satisfied that the applicant has a priority need, and
  - (c) the authority's duty to the applicant under section 189B(2) has come to an end.
- (1A) But this section does not apply if:
  - (a) section 193A(3) disapplies this section, or
  - (b) the authority have given notice to the applicant under section 193B(2).
- (2) Unless the authority refer the application to another local housing authority (see section 198), they shall secure that accommodation is available for occupation by the applicant.

If the Council's own accommodation is full or unavailable, the Council may, on occasions need to use Bed & Breakfast ('B & B') accommodation which may be outside of the District. Priority for moving on from B & B into temporary accommodation will be given to households with children, expectant mothers and households with at least one member of the household working a minimum of 16 hours per week.

If a vacancy arises in temporary accommodation which is not suitable for households placed in B & B or there are no households in B & B, priority will be given to applicants resident in the North Sussex Women's Refuge.

Where an applicant or their household breach their license agreement: for example: rent arrears, anti-social behaviour, keeping pets or any other breaches, the accommodation provider or the Council will terminate the agreement for accommodation, which can also lead to the Council discharging its duty to accommodate that applicant and the household.

# 8. Upfront charges

Applicants need to take note that some Housing Associations may require substantial upfront charges when offering a tenancy, which may include a rent in advance, deposit and reference fee.

## 9. Mutual Exchange

Housing Association tenants in the District who wish to swap their home with a tenant either from the same or another housing association within the District are advised to register their details with nationwide mutual exchange registers such as Home Swapper: [www.homeswapper.co.uk](http://www.homeswapper.co.uk).

A property exchange will be subject to the approval of their landlord and can be undertaken without involvement of the Council.

## 10. Tenancy Deposit Loan

The Council's Tenancy Deposit Loan provides discretionary help with the deposit for privately rented accommodation for eligible people in housing need. This loan is NOT designed to help an applicant into emergency accommodation on the day the applicant become homeless. An applicant may receive help if they are over 18 years of age.

Funding for a discretionary loan is restricted and priority will be given to those households who have been or are likely to be assessed as in priority need under Part VII of the Housing Act 1996.

To qualify, the applicant will need to:

1. Demonstrate that they are on a low income with little or no savings or receiving benefit and unable to get this help from any other source.
2. have an appropriate guarantor available to support their application.
3. have a local connection or other valid reason for needing to be in the Horsham District – for example – employment in the area.
4. Be assessed by Housing Services as able to maintain a tenancy and repay the loan on a periodic basis by monthly Direct Debit.

The scheme can be discussed with a Housing Officer on 01403 215204.

# 11. Balanced Communities

In areas of the district where there are concentrations of deprivation or vulnerable households with support needs, there may be instances where the Council will offer housing specifically to working households or those with a lower assessed housing need, or who can demonstrate a specific need that could be addressed by the locality. Through this process, lettings can contribute toward balanced, sustainable communities, with a positive impact on education, by influencing school populations, on local businesses and on health and by balancing the demand for services with local provision. These nominations will be carefully considered to ensure that, in correcting an imbalance in one area, they do not create another.

# 12. Refugee Support

Following arrangements established by Central Government, the Council will work in partnership with West Sussex County Council and other local authorities in the County to facilitate accommodation for two refugee families per year that would not be nominated through standard processes.

# 13. Information, Decisions and Reviews

## 13.1 Access to Personal Information and Data Protection

The Data Protection Act 2018 and the Housing Act 1996 (as amended) give applicants the right to access certain information. Under data protection law, applicants are entitled, upon request, to be told if any personal data is held about them whether this is held in computerised or in some cases paper form and, if so, to be provided with a copy. This may include any entry on the Housing Register.

Requests for your personal information (Subject Access Requests) can be made in three ways and should be supported by evidence of your identity:

- Email [DataProtectionAct@horsham.gov.uk](mailto:DataProtectionAct@horsham.gov.uk)
- Use our Subject Access Request Form
- Write to The Data Protection Officer, Horsham District Council, Parkside, Chart Way, Horsham, RH12 1RL

More information about making Subject Access Requests can be found on our website via the following link: [www.horsham.gov.uk/data-and-freedom-of-information/subject-access-request](http://www.horsham.gov.uk/data-and-freedom-of-information/subject-access-request)

All applicants who make an application for assistance from the Council are required to sign a declaration that the information provided is true and accurate to the best of their knowledge. The applicant's declaration also acknowledges that their personal data is processed in accordance with data protection legislation and agrees that their details and information provided may be verified and shared with other statutory bodies and other agencies working in partnership with the Council in order to undertake its duties. For further information on how the Council may process your personal data, please see the Privacy Statement on our website: <https://www.horsham.gov.uk/privacy-statement>

In addition, under the Housing Act 1996 (as amended), applicants are entitled to request such general information as will enable them to:

- assess how their application is likely to be treated under the Policy including, in particular whether they are likely to be regarded as a member of a group of people who are to be given statutory preference by virtue of section 166A (3); and
- whether housing accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

Applicants are also entitled to request that they be informed of any decision about the facts of the case which is likely to be or has been taken into consideration when considering whether to allocate housing accommodation to them. Applicants are entitled to request an internal review of certain decisions and to be informed of the decision on any review and the grounds for it (for further information, please see below).

If you wish to request any of this information, please contact the Head of Housing and Community Services.

Data Protection also prohibits disclosure to any other member of the public (including relatives) other than the applicant, without specific permission from the applicant. Therefore, if you would like another person to assist you on your behalf, you must provide the Council with written authority for your information to be shared.

## 14. Right to Review

Applicants will be notified in writing of any decision as to their ineligibility under Section 160ZA and their right of appeal. They will be advised that if they are ineligible, do not qualify for the Housing Register or that they are disqualified, have the opportunity to make a fresh application if they consider that their circumstances have changed since the last application so that they are now eligible, do qualify or should no longer be disqualified.

## 15. Review Process

All decisions with a right to review will advise the applicants that they have a period of 21 days within which to request a review, the Reviewing Officer will hold a position senior to the original decision maker. On occasions, a review may need to be outsourced to an external organisation. In the interests of transparency and fairness, this time limit may be extended in exceptional circumstances at the Reviewing Officer's discretion.

Requests for reviews should be made in writing by the applicant or a representative on their behalf, the applicant must provide the Council with written authority for a representation to act on their behalf.

On receipt of a request for a review, the Reviewing Officer will write to the applicant and/ or their representative, introducing themselves, explaining their role, requesting any relevant information, setting out the timescale for the review and, where appropriate, offering the applicant the opportunity of an office interview.

The review will be considered on the basis of all relevant information provided by the applicant and any subsequent information obtained by the Reviewing Officer, Council Policy and relevant legal requirements.

If an extension to the deadline is unavoidable, the applicant and/or their representative will be informed of the reasons for this and advised what the new deadline will be.

Applicants will be advised of the outcome of the review in writing and of their rights to appeal through the Courts.

## 16. Equalities Statement

Horsham District Council is firmly committed to providing and promoting equality, diversity and eliminating all forms of discrimination for all its employees and service users. The Council Operates a Single Equality Scheme within the Equality Act 2010 that will ensure that the nine “protected characteristics – equality strands” race, gender, disability, age, religion and belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity are carefully considered in any decisions made to ensure that discrimination does not occur. To achieve this we endeavour to create an environment in which there is respect for everyone.

## 17. Validity of Allocations Policy

This Allocations Policy is valid from 1 January 2016 and will be reviewed periodically by the Head of Housing and Community Services.

# Appendix A

## Excerpts from the Allocation of Housing and Homeless (Eligibility) (England) Regulations 2006

### **Regulation 3 – Persons subject to immigration control who are eligible for an allocation of housing accommodation**

The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 Act:

- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person:
  - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
  - (ii) who is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person:
  - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by his sponsor;
  - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his sponsor gave the undertaking in respect of him, whichever date is the later; and
  - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;
- (d) Class D – a person who has humanitarian protection granted under the Immigration Rules;
- (e) Class E – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules;
- (f) Class F – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted:
  - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules 10, and
  - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds

# Appendix A continued

## **Regulation 3 – Persons subject to immigration control who are eligible for an allocation of housing accommodation** continued

- (g) Class G – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules [; and] 14
- (h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.

## **Regulation 4 – Other persons from abroad who are ineligible for an allocation of housing accommodation**

- (1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if:
  - (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
  - (b) his only right to reside in the United Kingdom:
    - (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
    - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
    - (iii) is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations; or
    - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or

- (c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland:
    - (i) is a right equivalent to one of those mentioned in sub-paragraphs (b)(i),(ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
    - (ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside:
      - (a) in the Republic of Ireland arises because an Irish citizen, or
      - (b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there
- would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

(1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act is to be disregarded.

- (2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a):
- (a) a worker;
  - (b) a self-employed person;
  - (c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
  - (d) a person who is the family member of a person specified in sub-paragraphs (a)–(c);
  - (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; and
  - (g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

# Appendix A continued

## Regulation 5 – Persons subject to immigration control who are eligible for housing assistance

- (1) The following classes of persons subject to immigration control are persons who are eligible for housing assistance under Part 7 of the 1996 Act:
  - (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
  - (b) Class B – a person:
    - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
    - (ii) whose leave to enter or remain is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
  - (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person:
    - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by his sponsor;
    - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his sponsor gave the undertaking in respect of him, whichever date is the later; and
    - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;
  - (d) Class D – a person who has humanitarian protection granted under the Immigration Rules;
  - (f) Class F – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules;

- (g) Class G – a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted:
  - (i) under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and
  - (ii) who is not subject to a condition requiring that person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds;
- (h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules;
- (i) Class I – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules.

#### **Regulation 6 – Other persons from abroad who are ineligible for housing assistance**

- (1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part 7 of the 1996 Act if:
  - (a) subject to paragraph (2), he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
  - (b) his only right to reside in the United Kingdom:
    - (i) is derived from his status as a jobseeker or the family member of a jobseeker; or
    - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
    - (iii) is a derivative right to reside to which he is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations; or
    - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of the rights attaching to the status of European Union citizen; or

# Appendix A continued

## Regulation 6 – Other persons from abroad who are ineligible for housing assistance continued

- (1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part 7 of the 1996 Act if:
- (c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland:
    - (i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i),(ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
    - (ii) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside:
      - (a) in the Republic of Ireland arises because an Irish citizen, or
      - (b) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside therewould otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.
- (1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act is to be disregarded.
- (2) The following are not to be treated as persons from abroad who are ineligible for housing assistance pursuant to paragraph (1)(a):
- (a) a worker;
  - (b) a self-employed person;
  - (c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
  - (d) a person who is the family member of a person specified in sub-paragraphs (a)–(c);
  - (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; and
  - (g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom

