



Department for
Communities and
Local Government

Providing social housing for local people

Statutory guidance on social housing allocations for local
authorities in England

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Introduction

1. This is guidance by the Secretary of State for Communities and Local Government under section 169 of the Housing Act 1996 (the 1996 Act). Local housing authorities (housing authorities) are required to have regard to it in exercising their functions under Part 6 of the 1996 Act.
2. It is in addition to the Guidance for Local Housing Authorities in England on the Allocation of Accommodation issued in June 2012 (the 2012 guidance).
3. References to sections in this guidance are references to sections in the 1996 Act.
4. Housing authorities are encouraged to review their existing allocation policies and revise them, where appropriate, in the light of this guidance as soon as possible.

Purpose of the guidance

5. Social housing – stable and affordable – is of enormous importance for the millions who live in it now and for those who look to it to provide the support they need in future. The way it is allocated is key to creating communities where people choose to live and are able to prosper.
6. The Government has made clear that we expect social homes to go to people who genuinely need and deserve them. That is why the Localism Act has maintained the protection provided by the statutory reasonable preference criteria which ensure that priority for social housing continues to be given to those in the greatest housing need.
7. The Localism Act has also given back to local authorities the freedom to better manage their social housing waiting list, as well as providing authorities with greater flexibility to enable them to tackle homelessness by providing homeless households with suitable private sector accommodation. Local authorities can now decide who qualifies for social housing in their area, and can develop solutions which make best use of the social housing stock. This guidance is intended to assist housing authorities to make full use of the flexibilities within the allocation legislation to better meet the needs of their local residents and their local communities.
8. The Government has also taken decisive steps to increase the supply of affordable housing, with £19.5 billion of public and private investment in the current Spending Review, and up to £23.3 billion more money invested from 2015 to 2018 alongside receipts from Right to Buy sales.
9. This investment in new affordable housing will help to meet housing need. We now want to see local authorities take an approach to social housing allocations which gives greater priority to those in need who have invested in and demonstrated a commitment to their local community.

10. The Prime Minister has made clear the Government's determination to tackle the widespread perception that the way social housing is allocated is unfair, and to address concerns that the system favours households who have little connection to the local area over local people and members of the Armed Forces. Another important aim of this guidance, therefore, is to encourage authorities to be open and transparent about who is applying for and being allocated social housing in their area.

Qualification for social housing

11. Section 160ZA(6) provides that housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' and section 160ZA(7) gives them the power to decide the classes of people who are, or are not, qualifying persons.

12. The Government is of the view that, in deciding who qualifies or does not qualify for social housing, local authorities should ensure that they prioritise applicants who can demonstrate a close association with their local area. Social housing is a scarce resource, and the Government believes that it is appropriate, proportionate and in the public interest to restrict access in this way, to ensure that, as far as possible, sufficient affordable housing is available for those amongst the local population who are on low incomes or otherwise disadvantaged and who would find it particularly difficult to find a home on the open market.

13. Some housing authorities have decided to include a residency requirement as part of their qualification criteria, requiring the applicant (or member of the applicant's household) to have lived within the authority's district for a specified period of time in order to qualify for an allocation of social housing. The Secretary of State believes that including a residency requirement is appropriate and strongly encourages all housing authorities to adopt such an approach. The Secretary of State believes that a reasonable period of residency would be at least two years.

14. We are aware that in some parts of the country, housing authorities share a common allocation policy with their neighbours and may wish to adopt a broader residency test which would be met if an applicant lives in any of the partners' districts. Such an approach might be particularly appropriate where an established housing market area spans a number of local authority districts, and could help promote labour mobility within a wider geographical area.

15. Housing authorities may wish to consider whether there is a need to adopt other qualification criteria alongside a residency requirement to enable and ensure that applicants who are not currently resident in the district who can still demonstrate a strong association to the local area are able to qualify. Examples of such criteria might include:

- family association – for example, where the applicant has close family who live in the district and who have done so for a minimum period of time

- employment in the district – for example, where the applicant or member of their household is currently employed in the district and has worked there for a certain number of years

16. Whatever qualification criteria for social housing authorities adopt, they will need to have regard to their duties under the Equality Act 2010, as well as their duties under other relevant legislation such as s.225 of the Housing Act 2004.

17. Housing authorities are reminded of the desirability of operating a housing options approach (see paragraph 3.19 of the 2012 guidance) as part of a move to a managed waiting list. In this way, people who have not lived in the area long enough to qualify for social housing can be provided with advice and any necessary support to help them find appropriate alternative solutions.

Providing for exceptions

18. Housing authorities should consider the need to provide for exceptions from their residency requirement; and must make an exception for certain members of the regular and reserve Armed Forces – see further at paragraph 23 below. Providing for appropriate exceptions when framing residency requirements would be in line with paragraphs 3.22 and 3.24 of the 2012 guidance.

19. It is important that housing authorities retain the flexibility to take proper account of special circumstances. This can include providing protection to people who need to move away from another area, to escape violence or harm; as well as enabling those who need to return, such as homeless families and care leavers whom the authority have housed outside their district, and those who need support to rehabilitate and integrate back into the community.

20. There may also be sound policy reasons not to apply a residency test to existing social tenants seeking to move between local authorities. Housing authorities should assist in tackling under-occupation, for example allowing tenants to move if they wish to downsize to a smaller social home. There may also be sound housing management reasons to disapply a residency test for hard to let stock.

21. These examples are not intended to be exhaustive and housing authorities may wish to consider providing for other appropriate exceptions in the light of local circumstances. In addition, authorities retain a discretion to deal with individual cases where there are exceptional circumstances.

22. The Government wants to increase opportunities for hardworking households. That is why we have announced an intention to introduce a Right to Move for social tenants seeking to move to take up a job or be closer to their work, whether within the local authority district or across local authority boundaries. We will consult on options for implementing this policy in Spring 2014. In the meantime, we expect housing authorities to make appropriate exceptions to their residency test for social tenants so as not to impede labour market mobility.

Members of the Armed Forces

23. The Government is committed to ensuring that Service personnel and their families have access to appropriate accommodation when they leave the Armed Forces. The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869) ensure that, where housing authorities decide to use a local connection¹ requirement as a qualification criterion, they must not apply that criterion to the following persons so as to disqualify them from an allocation of social housing:

- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
- b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- c) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

24. The Regulations give effect to the Government's commitment that those who serve in the regular and reserve Armed Forces are not disadvantaged in their access to social housing by the requirements of their service.

25. When adopting a residency test, we expect housing authorities to also consider the wider needs of the Armed Forces community, and to be sympathetic to changing family circumstances, recognising, for example, that the spouses and partners of Service personnel can also be disadvantaged by the need to move from base to base.

Prioritising local connection

26. Housing authorities have the ability to take account of any local connection between the applicant and their district when determining relative priorities between households who are on the waiting list (s.166A(5)). For these purposes, local connection is defined by reference to s.199 of the 1996 Act.

27. Housing authorities should consider whether, in the light of local circumstances, there is a need to take advantage of this flexibility, in addition to applying a residency requirement as part of their qualification criteria. Examples of circumstances in which the power might be useful would include:

¹ As defined by s.199 of the 1996 Act. A person has a local connection with the district of a housing authority if he has a connection because of normal residence there (either current or previous) of his own choice, employment there, family connections or special circumstances.

- dealing sensitively with lettings in rural villages by giving priority to those with a local connection to the parish, as part of a local lettings policy (section 166A(6)(b) – see paragraph 4.21 of the 2012 guidance)
- where a group of housing authorities apply a wider residency qualification test, to give greater priority to people who live or work (or have close family) in any of the partner authorities' own district

Information about allocations

28. It is important that applicants and the wider community understand how social housing is allocated in their area, and that they know who is getting that social housing, so that they can see that the allocation system is fair and the authority is complying with its allocation scheme. We would encourage housing authorities to consider how accurate and anonymised information on waiting list applicants and lettings outcomes could be routinely published, to strengthen public confidence in the fairness of their allocation scheme.