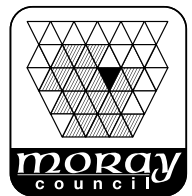




Housing Allocations Policy



244293

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0300 123 4566

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Moray Council Allocations Policy

Our Allocations Policy sets out the framework that we use to allocate council housing. It helps us to decide who we think is in most need of housing and how to make best use of the stock that we have available. It aims to tackle housing need in Moray. Where possible, we take account of what you would like as a new home and where you would like to live.

The policy complies with housing legislation that governs the allocation of social housing. This legislation is contained in the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014. This sets out what we must and must not do when allocating our houses. This framework still gives us discretion to develop our Allocations Policy in line with local priorities in certain areas.



You can view our Allocations Policy on our website:

www.moray.gov.uk/AllocationsPolicy

Allocations policies contain complex and detailed information. Therefore, we have also developed an 'easy to read' question and answer version which you can find on our website.



Easy read policy:

www.moray.gov.uk/EasytoReadAllocationsPolicy

If you need a paper copy of the Allocations Policy, please [contact us](#) (see page 46).

What is the housing list?

The housing list includes the waiting list, the transfer list and the homeless list. Anyone aged 16 years and over is entitled to go on to the housing list.

- The waiting list includes people who do not currently rent from us but who would like a council property in Moray.
- The transfer list includes people who are already our tenants but who would like to transfer from their current home to another.
- The homeless list includes people who have been assessed as unintentionally homeless (who have become homeless through no fault of their own). On the homeless list, you will not be awarded points. We usually give priority to the applicant who has been on the list the longest.

The ratio of the allocations made from each list is decided by the Council's Housing and Community Safety Committee and is reviewed every year.

What if I am homeless or at risk of homelessness?

If you are homeless or at risk of homelessness you should contact our Housing Options Team as soon as possible for free housing advice.



Housing Options Team
Council Offices
PO Box 6760
Elgin, IV30 1BX



email:
housing.options@moray.gov.uk



phone:
0300 123 4566

If you become homeless after 5pm or on a weekend, phone our out-of-hours emergency service on 03457 565656.

How do I apply for council housing in Moray?

1. You will need to register for a Housing Online account, on our website:



Online Housing Account:

www.moray.gov.uk/housingonline

2. Once you have registered, log in to your account using your email address and password.

3. Then select an option:

- **Create a housing application:** to create a new application
- **Incomplete housing application:** to continue with an application that has been partially completed
- **Completed and accepted:** to update and amend an application which has been completed and submitted already

If you don't have access to the internet, you can visit your local library. If you need advice help to apply online, please phone us.



Help to apply online:

0300 123 4566

Housing Online only collects your information. It does not make any assessment of your housing need. This will be assessed in line with our Allocations Policy which you can find on our website.



Moray Council Housing Allocations Policy:

www.moray.gov.uk/AllocationsPolicy

You will need to apply separately to any other social landlords in Moray using their own application process.

Will I need to give you any other information?

There are times when you will need to give us information. Once you are logged into your account you can upload the documents we need to support your application.

Below are some examples:

Confirming a pregnancy:

If you, or anybody who will be living with you, is pregnant, you must tell us the due date. You should send us a copy of the certificate of pregnancy as soon as possible and a copy of the birth certificate when the baby is born.

Occasional overcrowding:

If you need an extra bedroom because you have children who regularly stay with you overnight, we will ask you for proof (e.g. a solicitor's letter or court papers).

Bedroom size:

If you think any of the rooms you use for sleeping are too small to allow two people to share. We may need to visit your home to confirm this.

Key worker:

If you meet our key worker criteria, your employer will need to give confirmation of your employment and that they are supporting your request for key worker points.

Tied accommodation:

If you live in tied accommodation as part of your employment, we will need evidence that your right to live in your home will end when your employment ends. For example, if you are a member of the Armed Forces, we will need a copy of your Certificate of Cessation of Entitlement to Occupy Service Living Accommodation.

Your choices

We try to take your preferences into account.

Areas you prefer to live in

We have 62 lettings areas in Moray. When you apply for housing you will be asked to select as many areas as you would like to live in. We will try and match you to an area that you want to live in.

You will be considered equally for all the lettings areas that you have chosen. For example, if you select all 62 lettings areas, we may offer you a property in any of these areas. It is important to note that if we offer you housing in an area that you selected and you then refuse the offer because of the property's location, we would consider this to be an [unreasonable refusal](#) (see p.39).

It is important that you only select an area that you actually want to live in. You can change your choices by updating your application. If you only want to live in one area or just a few, you may have to wait longer for a property to become available.

You will also be asked to choose the top three areas that you would prefer to live in. We will only use this information for strategic planning purposes. For example, to aid the development of the Local Housing Strategy and to help us identify where there is most demand for housing. You can read the Local Housing Strategy on our website.



Local Housing Strategy:

www.moray.gov.uk/housingstrategies

Type of housing

Normally, you can choose whatever type of property you want (such as a house or a flat), but some kinds of housing are designed for a particular group of people.

For example:

- Specialist housing will be allocated to a household with an identified need for that housing. For more information about [specialist housing](#) please refer to page 23.
- Sheltered housing will be allocated to households who have an assessed health or support need meaning that they need to live in a sheltered housing environment. These are people who have been assessed and awarded points through our functional assessment process.
- If you have children under five years of age, we will not consider you for flatted / maisonette accommodation which has communal access and is above the ground floor, unless you tell us that you would like to be offered this property type.
- If you are aged 70 years or over, we will only consider you for ground floor accommodation unless you tell us otherwise.

We will not offer you housing that would make your housing situation worse.

Size of housing

We try to make the best use of the housing available. You will be asked to choose a size of house. We will take into account the actual size of house you need, when we allocate you a property. We work out your house size based on the following rules:

Separate bedrooms are needed for:

- each couple (husband/wife or similar partnerships);
- each person aged 16 years or over;
- children aged five years or over who are of an opposite sex from other children;
- children of the same sex where there is an age difference of five years or more between the elder and the younger child.

No more than two people of any age should occupy one bedroom.

To help make the best use of our housing stock and to address housing need, we offer flexibility in the size of the property that couples will be offered.

Examples of the house size we will consider applicants for:

Household size	Bedrooms
Single person	one
Couple	one / two
Single parent or couple with one child or pregnant	two
Single parent or couple with two children of the same sex	
Both children are aged under 16 and there is an age gap of less than five years	two
Both children are aged under 16 but there is an age gap of more than five years	three
One or both of the children are aged 16 or over	three
Single parent or couple with two children of the opposite sex	
Both children are under the age of five	two
One child is aged five or over	three
Single parent or couple with three children of the same sex	
Two children have an age gap of less than five years and both are under 16 years of age	three
There is an age gap of more than five years between all three children	four
All children are over the age of 16	four
Single parent or couple with three children of the opposite sex	
Two children are able to share a room (both the same sex, less than a five year age gap and both under 16 years of age)	three
None of the children are able to share a room due to opposite sexes and age	four
Single parent or couple with four children of the opposite sex	
All children are able to share a bedroom	three
Only two of the children are able to share a bedroom	four
None of the children are able to share a bedroom	five

Note: The rules we use to work out the number of bedrooms you will need are different to those used by the Department of work and Pensions (DWP). For [more information](#) please see page 39.

We assess each case on its own merits. There may be circumstances where we may offer you a bigger house.

Here are some examples:

- **Ground floor properties (bungalows and ground floor flats):** If we assess that you need a one bedroom ground floor property, we will also consider you for two bedroom ground floor properties. We will offer a property to the applicant with the highest level of need.
- **Access to children:** In most cases children should be adequately housed by their main carer. Therefore, if you need an extra bedroom because of frequent or regular contact with children, we may award one extra bedroom. This is regardless of the number of children covered by any contact agreement (unless exceptional circumstances apply).
- **Health reason for needing an extra bedroom:** If a member of your household needs to use special medical equipment at home and it would be unreasonable for them to share a room while they use this equipment. We will consider their health needs through our housing functional assessment process.
- Couples will be considered for both a one or two bedroomed property.

How are applications for council housing prioritised?

We will assess all applications for housing and will give priority to those in greatest housing need. In line with housing law, we must give 'reasonable preference' to the following:

- People who are homeless or threatened with homelessness through no fault of their own and have unmet housing needs;
- Social housing tenants who are under occupying their home; and
- People who are living in unsatisfactory housing conditions and have unmet housing needs.

What do you mean by unmet housing need?

We will consider you to have unmet housing needs if you have a housing need which is not capable of being met by your current housing circumstances. For example, an applicant with disabilities whose housing needs can only be met in social housing because it is not possible to make essential adaptations to their current home.

How does the Housing List operate?

Our Allocations Policy uses a group plus points system. This means that you will be placed into a group, dependent on your housing need. We have three groups on our housing list:

- Homeless list
- Transfer list
- Waiting list

All applications are assessed and placed in a group and points awarded for a range of circumstances.

What criteria do you use to award points?

After we have checked your application and made sure that we have all the information we need, we will work out the total points for your application, depending on your circumstances. The number of points that we give your application will decide your place on the housing list.

We may give you points for the following:

Your household is homeless or threatened with homelessness

If you are assessed as being homeless or threatened with homelessness and have unmet housing needs. We will put your application on the homeless list. This list is not part of the points system.

Under occupancy

If your home is too large for your needs	points
If you are a transfer applicant, for every bedroom that you don't need	250
If you are a waiting list applicant, for every bedroom that you don't need	50

Overcrowding

The definition of overcrowding is set out in the Housing (Scotland) Act 1987 (Part VII).



Housing (Scotland) Act 1987 (Part VII)

<https://www.legislation.gov.uk/ukpga/1987/26/part/VII>

If your home is too small for your needs

points

For every bedroom that you are short

100

If you have children who do not live with you permanently. For example, they only stay with you a few nights a week. You will only be eligible for one additional bedroom regardless of the number of children who stay with you. We will need proof.

50

If you need an additional bedroom because a member of your household is pregnant, your application will be assessed in line with the size of property your household needs. However, overcrowding points will only be added once we have confirmation that the baby has been born.

You have an assessed functional need for housing

This a functional assessment is not an assessment of a person's condition or disability. It is a more holistic approach, which also takes into account mental health, physical and learning disability issues.

You may be awarded these points if we consider that you need another home in order to stabilise a clinical health condition or disability or to allow you to live more independently. You will need to fill in a Housing Functional Assessment Form, which you can download from our website. If you contact us, we can send you a form.



Functional Assessment form:

www.moray.gov.uk/functionassessmentform

Who carries out this assessment?

A housing occupational therapist (or their representative) will review and assess your functional assessment form so we can fully establish your level of functional need. They will award points in line with the criteria detailed in the policy and set out below.

If we need to carry out a home visit to assess your functional need, our housing occupational therapist will contact you.

If there is more than one person in a household with a health issue or disability which may mean that their current home is not suitable, only one award of points will be given. This will be based on the applicant with the highest need.

We will be sensitive to situations where an application includes a person with rapidly progressive conditions which has a life limiting terminal diagnosis, for example, Motor Neurone Disease (MND) and their current home is unsuitable for their current or future needs.

Where can I get more information on functional assessments?

You can read more information in our leaflet 'Housing Functional Assessment – a Guide' on our website.



Our guide to Functional Assessment:

www.moray.gov.uk/functionalassessmentleaflet

What criteria do you use to award points for functional assessments?

Points may be awarded where it has been established by health professionals that:

Category	Criteria	Points
A	<ul style="list-style-type: none">• the person can no longer stay in their current home; and• there is a critical and urgent need for the person to move to accommodation which will support them to carry out essential daily living activities or will help them with the provision of essential health and social care need to carry out daily living activities.	500
B	<ul style="list-style-type: none">• the person is long term and substantially disabled and this is likely to increase whilst living their current home; and• the person cannot safely access and use facilities in their home needed to carry out the essential activities of daily living.	350
C	<ul style="list-style-type: none">• a change of property would significantly increase the person's level of safety, ability and independence when carrying out essential activities of daily living.	150
D	<ul style="list-style-type: none">• a change of property would moderately increase the person's level of safety, ability and independence when carrying out essential activities of daily living.	50
E	<ul style="list-style-type: none">• No points will be awarded where there are no recognised barriers in place for a person to carry out their day to day activities.• No points will be awarded where alternative solutions can be provided (for example, aids and adaptations).	0

Activities of daily living is the term used to describe the essential areas of self-care and general activities in and around the home that people need to do every day.

Downsizing

Our Tenant Downsizing Incentive Scheme aims to help us to make best use of our housing stock by freeing up housing which is then allocated to others in housing need. This voluntary scheme offers practical and financial help to those who qualify.

criteria	points
To be eligible you must be either: <ul style="list-style-type: none">• a Council tenant living in a three or more bedroom property which is larger than your household needs, with at least one spare bedroom; or• a tenant or qualifying occupier who lives in an adapted property and you no longer need the adapted or specialist feature of the house.	500

Downsizing applicants will get unlimited offers of housing and will not have their application suspended if they refuse an offer of housing.



You can find more information, including how to apply, on our website: www.moray.gov.uk/downsizing

Domestic abuse

Our policy uses the Scottish Government’s definition.

‘Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).’

The term gender-based abuse is used because women and girls are more likely to experience it and men are most likely to perpetrate it. However, the definition will apply to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

We understand the importance of housing advice and flexible housing options which are person centred and prioritise the person’s safety and well-being. This will support the person to make informed choices regarding their housing situation.

criteria

points

If a person needs urgent rehousing because of domestic abuse

500

If a person advises they are experiencing domestic abuse and either can’t, or decides not to stay in their home, our focus will be on preventing homelessness where possible and maximising opportunities for them to access settled accommodation.

In order to help us assess applications promptly, we may ask applicants who are experiencing domestic abuse to provide supporting letters or documentation from agencies who are supporting them. We will never contact the perpetrator.

You are leaving institutional or supported care

You may be awarded these points if any of the following apply and these can be confirmed by a professional such as a Social Worker, Care Manager, Care Provider, Housing Support Provider, Community Psychiatric Nurse, General Practitioner, Doctor or Consultant.

If you are leaving institutional or supported care points	points
Where residential care / hospital / specialist supported housing is no longer appropriate.	350
Where you are leaving a care environment. For example, supported accommodation, supported lodgings or foster care.	
Where a kinship care placement is no longer appropriate.	

Although points may be awarded, unless a valid and up to date support plan is in place which confirms that you will have enough support to help you to sustain your tenancy, you may be bypassed for an offer of housing.

If you are a care experienced young person, points will be awarded up to the point that you are permanently housed. Then if you experience housing difficulties and reapply for council housing (up to the age of 26) your application will be referred to the Housing Needs Review Group to consider.

You live in specialist housing that your household no longer needs

Specialist housing can help people with personal independence and can improve their wellbeing and quality of life. We consider specialist housing to be any social housing property in Moray which meets the following criteria:

- A fully adapted/accessible ground floor property; or
- A property:
 - with wheelchair accessible access (either level or ramped); and
 - has a wheelchair accessible level access shower or wet room facilities on the ground floor; and/or
 - has enough space to enable a wheelchair dependent person to live there (as set out in 'Housing for Varying Needs' 1998 or any subsequent updated design guidance).

This criteria will apply to new build properties which are designed to these standards.

We always try to make sure that we allocate specialist housing appropriately. There can be situations where, the person who the property was originally allocated for no longer lives there and nobody else living there has a need for specialist housing.

If you live in specialist housing that you no longer need	points
You may be awarded these points if:	250

- the property is defined as specialist housing; and
- your household was allocated the property because they had a specific need for specialist accommodation within their household; and
- you are moving from specialist housing to other housing which is not defined as specialist housing.

You live in poor housing conditions

If you are living in poor housing	points
The property is considered to be Below Tolerable Standard and a Closing / Demolition Order has been served	250
The property is assessed as Below Tolerable Standard and lacks two or more facilities [Note: Facilities are defined as sink, wash-hand basin, bath or shower, an inside toilet and hot and cold water supply to facilities.]	150
There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	100

The tolerable standard is a basic level of repair your property must meet to make it fit for a person to live in. The definition is set out in Section 86 of the Housing (Scotland) Act 1987. If a property fails to meet one or more of the criteria, it is considered to be Below Tolerable Standard.



Housing (Scotland) Act 1987:

<https://www.legislation.gov.uk/ukpga/1987/26/section/86>

You are sharing facilities with another household

If you are sharing facilities with another household	points
You may be awarded these points if your household shares a kitchen, toilet or bathroom with another household. We will not award points if you own or rent the property that you live in.	100

You live in a flat or maisonette

If you have children under the age of five, you will not be offered flatted / maisonette accommodation with communal access which is above the ground floor, unless you have expressed an interest in being housed in this type of property.

If you are currently living in flatted or maisonette accommodation where there is shared access and you have children under 16 years of age, we will award points as follows:

Flat or maisonette shared access	points
if you live in a first floor or above flat, or above ground floor access maisonette	40
if you live in a second floor or over flat or a maisonette where the living accommodation is on the second floor or above	75

Tied accommodation

Applicants may live in accommodation which is part of the conditions of their employment. Once their employment ends, they will no longer have a right to live in the accommodation.

If you live in tied accommodation

points

You may be awarded these points if you live in accommodation that is part of the conditions of your employment and your right to live there will finish when your employment ends.

350

Points for tied accommodation will be awarded up to six months before the tenancy ends. If an applicant has tied accommodation points but cannot accept an offer of housing due to restrictions in ending their current tenancy, they will not be penalised. They will continue to receive offers in line with the Allocations Policy.

- You must give us valid evidence that your right to live in the accommodation will end.
- If you are a serving member of the Armed Forces and your right to remain in service accommodation is due to end, you must give us a copy of your Certificate of Cessation of Entitlement to Occupy Service Living Accommodation.
- If a tenant has died, points for tied accommodation may be awarded to the partner or spouse of the tenant. However, in instances of relationship breakdown, points will not be transferred to family members.

Key workers

If you are a key worker

points

You may be awarded these points if:

400

- you are professional staff needed to fill a role in the public sector, such as NHS health care professionals (e.g. consultants, GPs, physiotherapists, speech and language therapists, nurses) or teachers or technical staff [Note: This list is not exhaustive]; and
- you have skills which cannot be filled locally and
- recruitment shortages can be evidenced by the prospective employer;

In addition:

- you must live outwith Moray when you apply for housing; **and**
- you must be willing to accept a short Scottish secure tenancy (SSST).

We will have the final say about what role is considered to be a 'key worker' and if the allocation of housing will address a recruitment shortage.

We will need conformation from the employer to confirm that the employment criteria and that they are supportive of your application.

Care and support

If you are providing or receiving care and support

points

You may be awarded these points if you need to move to either:

150

- provide essential care and support to a vulnerable person which will allow them to continue to live independently at home and reduce demand on statutory care services; or
- receive essential care and support which will allow you to live independently at home, reduce demand on statutory service and/or eliminate admission to a care home. For example, if you are vulnerable and need to be closer to their carer so that you can live independently in your own home, rather than move into a care home; and
- it is not reasonable to deliver or receive the level of care and support needed, unless you live closer to the person in receipt of / person providing the care and support.

We will need evidence of the care and support requirements before points are awarded to your application. For example, evidence of entitlement to relevant benefits such as Carer's Allowance Supplement or Disability Living Allowance, Personal Independence Payment or Adult Disability Payment or other supporting evidence from a professional agency (e.g. Social Work or NHS).

You have been assessed as having exceptional circumstances

You may be awarded these points in cases which cannot be appropriately considered within the Allocations Policy. You can ask that your circumstances to be considered by the Housing Needs Review Group.

If you have exceptional circumstances

points

The Housing Needs Review Group will assess this based on your circumstances.

0-500

Summary of priorities and points level

Priority category	points
Homelessness	0
Under occupancy (per bedroom short):	
• Transfer tenants living in social housing	250
• Waiting list applicants	50
Downsizing scheme	500
Domestic abuse	500
Overcrowding	100
Periodic contact	50
Functional housing need	0-500
Leaving institutional/supported care	350
Underuse of specialist housing	250
Poor housing condition:	
• Below Tolerable Standard and a Closing / Demolition Order has been served	250
• Below Tolerable Standard and lacks two or more facilities*	150
• There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	100
Sharing amenities	100
Flatted/maisonette accommodation:	
Applicants with children under 16 years of age who are currently occupying flatted/maisonette accommodation where there is shared access within the building are awarded points as follows:	
• Residing in a first floor flat or above ground floor access maisonette.	40
• Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor.	75
Tied accommodation	350
Key workers	400
Care and support	150
Exceptional circumstances	0-500

What are management transfers?

Management transfers are used when a landlord needs to move one or some of its current tenants. We use management transfers in cases where we need to urgently rehouse tenants but we cannot do so quickly enough using the options in the Allocations Policy. We will only use this option if there is a serious risk to a tenant if they stay in their current home or there are urgent and exceptional reasons.

We will make sure a transparent and accountable process is followed and that a robust audit trail of all decisions on management transfers is kept.

Why are some applicants awarded points for under occupancy, but they don't get points for downsizing?

Housing law states that any person who lives in social housing and is assessed as under occupying their home, will get reasonable preference. Our Allocations Policy will award 250 points to applicants on our transfer list and 50 points to other applicants on our waiting list.

To be eligible for downsizing points, applicants must meet the eligibility criteria and be accepted on to the Downsizing Incentive Scheme. The criteria is that you are a Moray Council tenant and you are:

- live in a three or more bedroom Council property;
- have at least one bedroom spare; and
- want to move to a smaller property. This does not have to be the same type as your current home.

or

- are a tenant or qualifying occupier who lives in an adapted property of any size and there is nobody in your household who needs the specialist features.

Not every applicant who is eligible for under occupancy points will meet this criteria. Therefore not every applicant with under occupancy points will be eligible for downsizing points.

We do actively encourage those who may be eligible to apply for the Tenant Downsizing Incentive Scheme. However, it is a voluntary scheme. You can find more information on our website:



Downsizing:

www.moray.gov.uk/downsizing

Why are key workers only offered short Scottish secure tenancies?

We know that key workers are often unable to accept an offer of employment due to a lack of available housing. The aim of key worker points is to offer housing for a limited period of time which will help people moving into Moray and who will be providing skill which are not available locally to take up employment.

- A short Scottish secure tenancy (SSST) can only be offered in specific circumstances set out in law, including when ‘the tenancy is let on a temporary basis to someone moving into the area to take up work and to allow them to find accommodation’.
- SSST have an initial term of at least six months. SSSTs for key workers will last no longer than 12 months. This will give key workers time to source alternative suitable housing. After, the property the property will be available for allocation to others on the Housing List in line with the Allocations Policy.

What if I need specialist accommodation?

We provide a range of housing which has been specially designed, built or adapted to meet the needs of certain groups, particularly elderly people and people with specialist needs. We will consider what type of accommodation will suit you. If you would like advice on the options available, please [contact us](#) (see page 46).

What do you mean by suspension for an offer of housing?

A suspension means that an applicant can be assessed for and accepted on to the Housing List but will not be eligible for an offer of housing until:

- a specified period has passed;
- there is evidence that their conduct has changed; or
- there has been a change in circumstances.

In line with housing law, homeless applicants cannot be suspended from receiving offers of housing.

When would you suspend an applicant from receiving an offer of housing?

We will not automatically suspend applicants from receiving an offer of housing. We work hard with applicants to make sure that suspensions are kept to a minimum and will assess each case on its own merits. We will take into account personal circumstances and the level of housing need before we suspend applicants from an offer of housing.

Circumstances include the following:

Housing related debt

If you, or any member of your household that is applying to be housed with you, are behind in your current rent, owe rent from a previous tenancy or have other housing debts, you must make an arrangement to clear the amount you owe. We may suspend your housing application from receiving any offer of accommodation unless:

- the housing debt is no more than 1/12th of the total amount of yearly rent you owe on your tenancy or previous tenancy; or
- you have made a payment arrangement with your current or previous landlord and you have kept to this for at least three months. You will need to prove that you have kept to the repayment agreement. If you still owe some of the debt, we will expect you to continue to make repayments.

A poor tenancy report

We carry out tenancy checks on all applicants. We may suspend your housing application from receiving an offer of accommodation if:

- you have not kept to the terms of your current or former tenancy in a satisfactory way;
- there is proof that you or a member of your household is responsible for antisocial behaviour; or
- you or a member of your household has been evicted.

If you are a transfer tenant, we will inspect your home before we make you an offer of housing.

Deliberate worsening of circumstances

If we think that you have deliberately done, or failed to do something, to make your housing situation worse in an attempt to get higher up the housing list, we will carry out an investigation.

As part of our investigation we will take into account all contributing factors. We will find out if you were aware of your actions and will decide if your actions were reasonable.

Where we have evidence that you have unfairly gained an advantage, you will be suspended from receiving an offer of housing for six months. After the six month period, the suspension will be lifted and your housing application will be reassessed.

Refusal of two reasonable offers of housing

If an applicant refuses two reasonable offers of housing, they may be suspended from receiving an offer of housing for six months. There are exceptions to this. For example, we would not suspend applicants who have downsizing points or those with tied accommodation points who are not able to accept an offer because of restrictions with ending their tenancy.

When will you bypass applications for housing?

In most circumstances we will offer the property to you if you have the highest number of points and have a need for that particular size and type of property. However there may be some situations where you are bypassed for an offer of housing.

For example:

- if you have support need and do not have an up-to-date support plan;
- if you are not ready to sustain a tenancy; or
- if a property is not suitable for you.

What is a local lettings plan?

There are times when we will deviate from our Allocations Policy. For example, when we allocate new build council housing, we will use a local lettings plan.

This allows us to develop policies and letting arrangements that:

- • respond to local housing need and demand;
- • help to suitably match applicants to properties; and
- • help us to achieve a balanced housing mix within a particular area.

The main aim of a local lettings plan is to build a strong and sustainable community. You can find more information on local lettings plans on our website.



local letting plans:

www.moray.gov.uk/locallettingsplan

What are sensitive lettings?

We may use sensitive lettings in exceptional circumstances – where we will deviate from our Allocations Policy. When considering a sensitive let, instead of allocating a property to the person at the top of the list (the person in the most housing need) we will consider the suitability of the applicant for the property. This will be based on information we have about applicants, the property, its location and neighbours. We will make sure that the needs of the applicant and the suitability of the property match.

How do you process my application?

We process personal information you give in your application form in line with legal provisions. This means, we only share information with other agencies if we have your consent, or if permitted by law. We may ask for references from a landlord to confirm housing and tenancy details. We ask your consent to do this on the application form.

We check application details before making offers. This is good practice to make sure that information is recorded accurately so that offers are appropriate.

- For instance, we may phone you to confirm details on your application form.
- If information held is not accurate, they will be updated and amended. This might result in an offer not being made, or withdrawn.
- If an applicant is re-housed based on false information that an applicant has made knowingly, we can take legal action to recover the tenancy.

You are responsible for telling us about any changes to you housing circumstances by updating your housing application.

What should I do if my circumstances change?

If any of your circumstances change, you should go online and update your application.



Housing Online:

www.moray.gov.uk/housingonline

If you need advice to do this, phone us:

0300 123 4566

How long will I stay on the housing list?

Your application will be active for 12 months from when you first apply or make any changes to your online application.

If there have been no changes made to your application for 12 months, we will contact you to ask if you still want to stay on the list. If you do not reply we will assume that you no longer want to be considered for housing and will cancel your application.

How do you decide who to give properties to?

For each empty home, we produce a short list of people who are looking for that size and type of home in that particular area. This list will include people on the homeless, waiting and transfer lists. For the transfer and waiting list we usually offer the house to the person on the shortlist with the most points. For the homeless list, we will usually offer the house to the person who has been on the list the longest. However, we may not do this in every case.

This is because:

- we need to let homes to people from all of the lists to make best use of our housing stock;
- we consider quotas set for each of the lists to allocate properties fairly to people most in housing need;
- we try to take account of anyone who has a particular need to live in that area, perhaps because they work there, or live there already;
- we will consider any exceptional circumstances when we decide your position on each list;
- we try to take account of any person who has a clinical condition or disability and needs a certain type of accommodation (for example, if the house has special features, such as a wheelchair access, or does not have stairs); and
- we also look at the preferences you have shown on your application. For example, if you say you only want a home with gas heating, we will not consider you for a home with electric heating.

How long will I have to wait before I am offered housing?

There is no average waiting time. How long you wait for an offer of housing will depend on:

- the number of points we give your application (unless you are on our homeless list, where it will depend on when you applied);
- how popular the area is that you have applied for;
- the size and type of the property you need; and
- how often vacant properties come up.

How can I find where I am on the Housing List?

You can find out your position on our Housing List on our website.



Housing list:

www.moray.gov.uk/positiononthehousinglist

What happens if you offer me a property?

We will write and tell you. If you have given us your email address we will email you. Our letter will give you details of the home that we are offering you, who to contact to arrange to view the property and how long you have to make up your mind. If you accept the offer, your new tenancy will normally start as soon as the property is ready for you to move into. We will charge you rent from the date the tenancy starts.

What type of tenancy will you offer me?

In most cases we will offer you a Scottish secure tenancy (SST). However in some cases, we will offer you a short Scottish secure tenancy (SSST). SST and SSST agreements set out the responsibilities of tenants and the behaviour expected from members of their household as well as visitors both within and around the locality of their home. A SSST is a short term or probationary tenancy that can be given to tenants in certain circumstances. You will find more information on our website:



Tenancy information:

www.moray.gov.uk/housing

What if I refuse an offer of housing?

You have the right to refuse any offer of housing. However, if you refuse two reasonable offers of housing within a period of one year, we will not make any other offers of housing to you for six months from the date of your last offer. If you are going to refuse an offer of housing, you should discuss your reasons with the area housing officer who deals with the area the property is in before you make a final decision. This is because it may be some time before we can make another offer to you.

What if I refuse an offer of housing due to the removal of the Housing Benefit Spare Room Subsidy (often called the 'Bedroom Tax')?

The way that we work out the size of property that you need is different from the criteria used by the Department of Work and Pensions (DWP). We may offer you a house which the DWP would view as being bigger than you need. This means that if you are entitled to Housing Benefit, the DWP may consider that you have a 'spare bedroom' and you may get less Housing Benefit than the amount of rent due.

If you refuse an offer for this reason, then we would consider this to be a reasonable refusal. We will not take the refusal into account when considering the number of refusals that may have been made. In the future your application for housing will only be considered for a smaller size property.

Do I have any other housing options?

There are other social landlords that have housing in Moray. You will need to apply to them separately.

You can find out more about other housing options, such as the private rented sector and low cost home ownership in our 'Guide to housing options in Moray' which you can view at your local library or online.



our website:

www.moray.gov.uk/housing

Can I apply for a mutual exchange?

You can apply for a mutual exchange if you are:

- our tenant;
- a tenant with another local authority; or
- a tenant with a housing association.

A mutual exchange is where you exchange your home with:

- another of our tenants;
- a council tenant from another local authority; or
- a tenant from a housing association.

House Exchange is a website that brings people together who are looking to swap their home. To register you will need to visit the House Exchange website.



House Exchange:

www.apply4homes.houseexchange.org.uk

If you do not have internet access at home you can visit your local library.



If you need help to apply, phone:

0300 123 4566

The landlords of each property must give permission before a mutual exchange can take place. We will not withhold our permission unreasonably.

What happens to all the information that I give?

We may ask for information about your health, household, housing needs and previous addresses. We will use the information you give us to assess and meet you and your households' housing needs.

We may also ask you for information about you, including your sex, ethnicity, disability and religion. This information will be used for statistical or planning purposes. We need this information to make sure that we protect your rights and make sure we keep to any relevant laws.

In some cases we can share your personal information with other agencies, such as the health service, if you agree. We may share personal information with our partners. However we will not give this information to any other organisation unless you give us your permission in writing or we have to provide it by law.

We may take court action against you and take back any tenancy we may have granted if you have provided false or misleading information.

What if I disagree with your decision?

If you are not satisfied with our decision, you can request a review. You should submit your request in writing, including the reason for your request to:



Senior Housing Needs Officer
Moray Council
PO Box 6760
Elgin, IV30 1BX

A senior manager not previously involved with the original decision will complete the review and will aim to respond to you within 28 days of your request.

If you are still not satisfied, you can request that the Housing Needs Review Group consider your case. You should make your request to:



Housing Needs Operations Manager
Moray Council
PO Box 6760
Elgin, IV30 1BX

The Housing Needs Review Group which sits monthly will decide if the decision made on your application will remain or be overturned. The Housing Needs Review Group will write and tell you of their decision within seven days.

How do you monitor the operation of the Allocations Policy?

We regularly monitor the time it takes to relet our vacant properties and the amount of rent lost as a result of a property being vacant.

We also monitor:

Annually

- the ethnic origin of applicants on the housing list and new tenants
- the number of people who consider themselves to have a disability

Quarterly

- the percentage of allocations by group (homeless list / waiting list / transfer list)
- the percentage of tenancy offers refused during the year.

How often do you review your Allocations Policy?

We try to review our Allocations Policy every three years. If monitoring of the Allocations Policy identifies areas for improvement, the policy may be amended or a review carried out. If the law changes, the policy will be changed to make sure that we comply with the law.

What are the consultation arrangements for reviewing of the Allocations Policy?

If the changes being made to the Allocations Policy are substantive, we will consult with tenants, applicants and other key stakeholders before making any changes. Consultation will be ongoing during the review process and not just once the policy has been finalised.

We will prepare and publish a report following the consultation on the Allocations Policy.

Jargon buster

Allocations Policy: The document that explains how we let our houses.

Appeal: When you do not agree with a decision that has been made about your housing application.

Complaint: When you are unhappy about the service provided to you by us.

Consultation: Exchanging information to help reach a decision.

Housing Online: The online form used to register for housing with Moray Council.

Housing stock: The properties that we own and let.

Joint applicants: When two people register for housing who want a joint tenancy.

Nomination agreement: An agreement between Moray Council and another agency to allocate a percentage of houses to their.

Owner occupiers: Someone who owns their own home.

Qualifying occupier: You are a

qualifying occupier if you live in one of our tenant's homes as your only and main home, and:

- you are a member of the tenant's family and aged at least 16;
- the tenant has, with our agreement, transferred the tenancy, sublet, otherwise given up possession of their home or any part of it to you; or
- they have, with our agreement, taken you in as lodger.

Registered Social Landlord (RSL): A not for profit, independent housing provider / housing association.

Scottish secure tenancy: The agreement you sign when you become our tenant.

Section 5 referral: When the local authority refer a homeless applicant to one of the landlords to be rehoused.

Short Scottish secure tenancy: A short term tenancy that can be created by us in specific circumstances (set out in housing law).

Suspension: You will not receive any offers of housing during this period.

Tenancy reference: A report from a current or previous landlord giving information about your tenancy, e.g. any antisocial behaviour or rent arrears.

Contacts



Housing and Property
PO Box 6760
Elgin, IV30 1BX



email:
housing@moray.gov.uk



phone:
0300 123 4566

We are continually trying to improve the services that we offer and welcome any comments or suggestions. Please send them to:



Housing and Property (Housing Policy) Moray Council
PO Box 6760
Elgin, IV30 1BX



email:
housingpolicy@moray.gov.uk



We review our leaflets regularly to make sure you have the most up-to-date information. However, the content of this leaflet is only correct at the time it is published.