

Durham Key Options Housing Allocations Policy Consultation Version

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Section 1: Introduction to Durham Key Options. Housing Allocations Policy

Introduction

- 1.1. All local authorities are required to have a housing allocation policy (also known as an allocations scheme) which sets out the priorities and defines the procedures to be followed in allocating social housing in accordance with the requirements of The Housing Act 1996 Part 6, and as amended by the Homelessness Act 2002 and the Localism Act 2011
- 1.2. This policy sets out how Durham County Council (the Council) and its partners allocate social housing in County Durham, the policy has been drafted considering local housing need, current demand and levels of available stock.
- 1.3. This document is available on request from the Council and can also be downloaded from our website ([link will be added once final policy is agreed](#)).
- 1.4. The Council operates a choice based letting scheme where you can bid for vacant properties when advertised. The Council works in partnership with Registered Providers with housing stock across the County. You can register in one central point via the Durham Key Options (DKO) Website. The Council has nomination agreements in place with the Registered Providers operating across the County.
- 1.5. The DKO Partnership is governed by a DKO Board that has its own, legally sealed, partnership agreement that sets out Board membership and voting rights. A full partnership agreement is in place with:
 - Durham County Council;
 - Believe Housing;
 - Karbon Homes;
 - Livin; and
 - North Star Housing.
- 1.6. The partnership of these five organisations enables a consistent policy and procedural approach to be followed by all Registered Providers and the Council when receiving nominations and allocating housing. As part of the partnership, the above four Registered Providers let 100% of their housing stock in County Durham via the Allocations Policy.
- 1.7. In addition to the formal full partnership, a further 15 Registered Providers are signed up to a nomination agreement which assists the Council in addressing housing need. This agreement requires the signatories (sub-partners) to nominate at least 50% of their empty properties to be let to applicants from the Housing Register. The sub-partners are:
 - Accent Group
 - Anchor Hanover
 - Bernicia Homes

- Castle and Coasts Housing
- Durham Action on Single Housing
- Durham Aged Miners Homes
- Gentoo
- Hellens Residential
- Home Group
- Housing 21
- Sanctuary Housing
- Places for People
- Railway Housing Association
- Riverside North-East
- Thirteen Group

1.8. In terms of the governance of DKO, the sub-partners do not sit on the DKO Board but have a say on procedural issues as members of the DKO steering group. The steering group meets regularly to update procedures and working practices related to Housing Register applications.

1.9. Our Allocation policy sets out the rules for:

- Who can apply to be rehoused by the DKO Partners into social housing
- What priority the Council will give to residents who need rehousing into a more suitable home
- How we will let social housing as part of the DKO scheme.

1.10. The Allocations Policy applies to both new people applying to join our Housing Register and residents already on the Register. It also applies to existing tenants who wish to transfer to another home and covers important issues including:

- Who is eligible to apply to be included on the Housing Register
- The circumstances when an individual or family will not be eligible to join the Housing Register or will not qualify to do so.
- The process of applying for housing, including bidding for homes
- How a family or individual's housing needs are assessed
- How properties are allocated
- How we will consider exercising discretion

Vision and Objectives

1.11. The vision for the final Allocations Policy is one that ensures that social housing across the county is allocated consistently and fairly to those in the greatest housing need in an open and transparent way.

1.12. The objectives of the DKO Allocations Policy review are as follows:

- work collaboratively and transparently with DKO partners and other stakeholders to develop a joint Allocations Policy
- ensure that the policy complies with current legislative and regulatory expectations and considers the Allocations Guidance issued by central Government
- ensure that housing is allocated to those most in need and makes best use of available housing stock
- help prevent homelessness and offer a realistic choice to those with a housing need
- contribute to creating balanced and sustainable communities; and,
- provide a clear mechanism to ensure that the Council and other DKO partners can be satisfied that the policy is applied fairly and consistently.

1.13. The output of the objectives is to have an up-to-date joint Allocations Policy that responds to national and local policy and helps to address the housing crisis. The outcome will mean that more people in higher housing need will have access to social housing of the right type and in the right place to meet their needs.

What is the Housing Register?

1.14. The Housing Register is a record of everybody we agree could be rehoused to a Council or Registered Provider home if they have a high enough housing need. It is not a waiting list; it is important to understand that it is not like a queue. Being offered a new home does not just depend on when you joined the Register.

1.15. Although the Council believes everyone on the Housing Register may have a need for a better home, we also believe that some reasons for needing to move are relatively more important than others. This means that we prioritise some reasons for needing to move above others. We are required by law to give reasonable preference to certain groups.

Reasonable Preference

1.16. The law says we must give reasonable preference to 5 groups of applicants:

- People who are homeless within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under section 192(3)).
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the authority's district, where failure to meet the need would cause hardship to themselves or others.

Additional preference

- 1.17. Properties are currently allocated in order of band and priority date. For example, when properties are advertised, applicants within Band 1 are considered first, then Bands 2, 3 and 4. If two or more eligible applicants with the same band (e.g. Band 1) bid for a property, the applicant with the earliest date has priority. National legislation gives housing authorities the power to create an allocation scheme that gives higher priority to groups of people who fall within the statutory reasonable preference categories and who have urgent housing needs. The Council's Allocations Policy allows the Council to give additional priority to:
- applicants who are severely overcrowded
 - those with urgent medical needs
 - those fleeing domestic abuse
 - those with a connection to the armed forces

What the national laws for housing allocation schemes tell us

- 1.18. The Housing Act 1996 Part 6, and as amended by the Homelessness Act 2002 and the Localism Act 2011, sets out how we must allocate social housing.
- 1.19. The national laws tell us:
- That nearly all the social housing we let to residents and households on our Housing Register must fall under the rules set out in our Housing Allocation Scheme
 - How someone's immigration status affects their right to be included on the Housing Register
 - That we must give a priority for rehousing to certain types of housing need applicants who are assessed as having 'reasonable preference'
 - That we must allow residents the chance to express choices or a preference about moving to a new home even if we are unable to meet their choices and decide to offer a home that would not necessarily be their choice
 - That we must take into account other Council policies when preparing our Housing Allocation Scheme
- 1.20. This is our revised Housing Allocation Scheme for Durham County Council and will take effect on or after (date to be added once when the Scheme has been approved and an implementation date has been agreed).
- 1.21. It is important to understand that these new rules will be applied to all new and existing cases from this date meaning for example someone who had a priority band under the old Scheme may not have one under the new Scheme.

What does our Housing Allocation Scheme aim to do?

- 1.22. As well as complying with legislation set by the Government, we want our Housing Allocation Scheme to help and support our residents by putting them at the heart of what we do. We want the Scheme to:
- Help those most in housing need
 - Rehouse our residents and households in a clear and transparent way that can be easily understood and trusted
 - Promote and support the strength of our diverse, mixed communities
 - Manage in the best way possible the challenges facing the Council and DKO Partners given the huge gap between the number of our residents who need more suitable homes, and the number of suitable and affordable homes that become available.
 - Provide accurate information on lettings across County Durham to highlight future priorities for development and investment, and to provide better information for strategic planning.

What is not covered by this Housing Allocation Scheme?

- 1.23. Under the Allocation Scheme laws, we must let the social housing that becomes vacant in the County Durham by only applying the rules set out in this Scheme. However, there are some exceptions where these rules do not apply. These are:

Helping someone move into a private rented home

- Where we help households who are homeless to move into a suitable home rented from a private landlord these moves are not covered by the Allocation Scheme rules

Temporary accommodation

- Sometimes we use a small number of Council homes to provide temporary accommodation to households who are homeless, and these are not let under the rules of the Scheme.

Succeeding to, or assigning a social housing tenancy

- Sometimes, when a Council tenant dies (or sometimes a Registered Provider tenant), family members living with the tenant have the legal right to take over the tenancy, this is called succeeding to a tenancy or succession. A living tenant can also pass a tenancy to a family member living with the tenant who would have the legal right to succeed. This is called assigning a tenancy, or assignment.
- Durham County Council or the Registered Providers may also offer 'discretionary succession' which are local rules that will allow a family member to take over the tenancy when the tenant dies, in cases where they do not legally have a legal 'right to succeed'. The Housing Act 1996 explains when succession and assignment can happen and are briefly described in this Scheme.

Mutual exchanges

- Mutual exchange opportunities will be stated on our website. A tenant who wants a mutual exchange must register with us through DKO HomeSwap. Tenants with secure or assured tenancies have the right to exchange their property as long as they comply with their tenancy obligations and meet the relevant conditions for an exchange. They can exchange with another secure or assured tenant. Starter tenants do not have an automatic right to exchange.

Extra Care schemes

- Extra Care offers older people or people with needs associated with old age an alternative to moving into a care home.
- Tenants have their own flat in a specially designed housing complex with 24-hour care and support available on site. Tenants have a tenancy agreement and pay rent to a housing association.
- Applications are made through Social Care Direct at the council, via a care assessment, and these homes are not allocated through the allocations policy.

Shared ownership

- This is where you buy a part of a house and a Housing Association owns the rest. The occupier pays mortgage as well as rent to the Housing Association. The purpose is to allow ownership with a smaller deposit as the mortgage would be less, with some rent also payable. These properties are directly allocated by the Housing Association and not through the allocations policy.

Section 2: Who is allowed to join our Housing Register and how we will assess your application

Who can join the Housing Register

- 2.1. Although anyone can apply to join our Scheme there are rules about who can, and cannot, be included on our Housing Register. This section explains these rules.
- 2.2. There are two types of rules:
 - i. Are you **eligible** to join our Housing Register? This is about your immigration status in the UK. These rules are set by the Government and are the same for all Council Housing Allocation Schemes.
 - ii. Do you **qualify** to join our Housing Register? These are rules set specifically by Durham County Council where we set some local rules about who can join our Housing Register or remain on the Register.
- 2.3. We explain both these sets of rules below.
- 2.4. We have adopted a clear set of qualification rules, but we will still consider whether to use our discretion and not apply a rule if you make a case for exceptional circumstances to be applied and we then agree with your claim. We will consider a claim for exceptional circumstances to be applied for any of the rules set out in our Scheme and not just for the qualification rules.
- 2.5. If you apply to join the Housing Register and think that you may not qualify then you can tell us on your application form why you think discretion should be applied to be applied for exceptional circumstances. Alternatively, where you have not made a case when you applied, you will still have a second chance to make your case through our appeal process.
- 2.6. It is important also to know that we cannot waive the eligibility rules for anyone who is not allowed to access social housing under the immigration and 'persons from abroad' laws set by the Government so this is an area where we cannot consider discretion.
- 2.7. In deciding whether your circumstances are exceptional we will of course fully consider the responsibilities placed on the Council and the DKO Partnership by the Equality Act 2010 and Children Act 2004, where you have dependent children that are part of your application.

Are you eligible to join our Housing Register?

- 2.8. This is about your immigration status in the UK, and the status of any members of your family. The list below is not a full list of all the eligibility rules we must apply as there are just too many to list.

- 2.9. Usually you will be eligible, meaning you can join our Housing Register, if:
- You are a British or Irish citizen
 - You have indefinite leave to remain
 - You have settled status under the European Settlement scheme
 - You have the 'right of abode' as a Commonwealth citizen
 - You have refugee status or humanitarian protection
 - You have a visa that allows you to live in the UK with access to public funds, like, benefits and social housing.
- 2.10. A good starting point is for you to check whether you (and members of your family) can claim 'public funds', for example, benefits such as Universal Credit and Housing Benefit. This usually means you can join the Housing Register if you meet the other adopted qualification rules. However, this is not a guarantee, it is just a useful first step.
- 2.11. Usually, you cannot be rehoused to social housing if:
- You are subject to immigration control
 - You are a person from abroad excluded by regulations made by the Secretary of State
 - You are a person not 'habitually resident' in the United Kingdom, or you are required to leave the UK by the Home Office.

[Can you qualify to join our Housing Register](#)

- 2.12. If you are eligible to join our Housing Register under the immigration rules, you must also ensure that you meet our local qualification criteria.
- 2.13. This is because we have adopted local rules about who can join our Housing Register. This section explains who can and who cannot join or remain on our Housing Register. The rules are listed below and explained in detail.
- You need to be aged 16 or over to join our Housing Register
 - You must have a local connection to County Durham,
 - If there is evidence of unacceptable behaviour
 - Current or former arrears
 - Tenants who have signed up to a new tenancy in the last 12 months and are adequately housed
 - Removal from the Housing Register if 2 suitable offers have been refused
 - Removal from the Housing Register if failure to bid in the last 12 months without good reason.

Note: when we talk about 'you' in this Scheme we mean you (who we call the applicant) and any joint applicant or any member of your household if you are not applying as a single person.

Qualification and Disqualification Rules

Rule 1: You need to be aged 16 or over to join

- 2.14. Anyone aged 16 or over can apply to join the Housing Register, providing they meet the eligibility criteria. Bids for properties cannot be made until you are 18 years or over.
- 2.15. DCC's Children's Services may support a 16- or 17-year-old to access social housing before their 18th birthday (where it is appropriate to do so). In these circumstances a Deed of Trust must be agreed by all concerned parties and signed by DCC's legal department.

Rule 2: You must have a connection to County Durham

- 2.16. You must be able to demonstrate that you have a connection to County Durham by: -
- a 'local residency qualification'
 - an 'employment connection'
 - a 'care connection'

Local Residency Qualification

- 2.17. Living in County Durham when applying to join the register and have evidence to prove you have lived within the County for a minimum of 2 years. This is called our 'local residency qualification rule'. If you meet this rule when you apply and we put you on the Housing Register, you must then continue to live in County Durham otherwise you will be removed from the Housing Register as you will no longer meet the 2-year rule.
- 2.18. Anyone applying to join the Register in the following circumstances will not normally be considered as having a residential connection to County Durham:
- If you have been admitted or detained in the County Durham area in prison, custody, or hospital, you will not be able to meet the residency rule in this way as this does not constitute being resident in County Durham by choice
 - People placed in supported housing in County Durham by another Council.

Employment Connection

- 2.19. If you are employed within County Durham, have been working for a minimum of six months and can demonstrate that your current address is too far to commute daily. If you meet this rule when you apply and we put you on the Housing Register, you must then continue to work within County Durham otherwise you will be removed from the Housing Register. Casual, seasonal, and voluntary work is not included. Reasonable evidence will need to be provided. This will include those with a Right to Move who have a secure tenancy elsewhere in the country and need to move for employment purposes.

Care connection

- 2.20. If you have an essential need to move to live closer to another person to provide or receive essential daily care or support. That person must have been a resident within Durham County for the last 2 years. You must also be able to demonstrate that your current address is too far to travel daily. Reasonable evidence will need to be provided.

Exemptions to the local qualification rule

- 2.21. The housing laws say that there are some circumstances where we cannot apply a local connection rule. There may also be exceptional circumstances where at our discretion we decide not to apply the rule.
- 2.22. All of the exemptions to the local qualification rule are set out below.
- 2.23. The circumstances where the housing laws mean we will not apply the local connection qualification rules are listed below.

If you are a person who is or has been a victim of domestic abuse carried out by another person, who needs to move for reasons connected with that abuse

- 2.24. If someone is fleeing domestic abuse, it is often the case that they will flee somewhere else first for safety before they make their application for social housing. This might be domestic abuse safe accommodation, temporary accommodation or the home of a friend or family member. In these circumstances, we would still regard their housing application as being for reasons connected with the domestic abuse.
- 2.25. We will ensure that the accommodation where you are staying is short term and is not under an arrangement where they are able to stay in the longer term for example where they have accepted a private sector tenancy or the arrangement with family is for an indefinite period. Once someone is in settled accommodation, and they are assessed as safe from the perpetrator of the domestic abuse violence, then we would not apply the exemption.

Armed Forces

- 2.26. If you come under the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 as amended which means we must not apply the 2 year residency qualification rule to:
- a) those who are currently serving or have ever served in the Regular Armed Forces
 - b) bereaved spouses or civil partners of those who have served 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 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

Care Leavers

- 2.27. Under Government Regulations passed in 2025, Care leavers under the age of 25 (specifically, eligible, relevant, or former relevant children as defined in the Children Act 1989) are now exempt from any local connection or residency requirements that a local authority might use to determine who qualifies for social housing.
- 2.28. In addition to the 3 groups above we will not apply the local connection residency qualification rule in the following circumstances:
- a) If you are homeless and owed a 'main' or 'relief' homelessness duty', or following assessment it is likely that you will be owed the main duty. However, this exemption only relates to the 2-year residency rule and not any of the other qualification rules, so for example you would not be allowed to join the register for former rent arrears or unacceptable behaviour despite being owed the main homelessness duty by Durham County Council.
 - b) Where we agree there are very exceptional circumstances requiring a move into our area. This will be decided on a case-by-case basis. For example, if someone is at serious risk of harm and needs to be relocated to another area for safety or receiving medical or respite care outside of the County. Evidence would be required from a relevant professional working with you and/or your household.

Rule 3: If there is evidence of unacceptable behaviour you may not be allowed to qualify for our Housing Register

- 2.29. We think it is very important to make sure that all social housing tenants living in County Durham can enjoy their home and surroundings and do not have to put up with any anti-social or other forms of poor behaviour from their neighbours.
- 2.30. If we have evidence that leads us to believe that you or a member of your family that are part of the application have behaved in a way that makes you or them unsuitable to be a social housing tenant due to unacceptable behaviour, you will not be able to join our Housing Register. Spent convictions and pending court cases will not be taken into account during our assessment.
- 2.31. Examples of unacceptable behaviour may include (although not exhaustive):
- Convicted of a drug-related offence
 - Convictions that we consider would make the individual a threat to the local community, this could include (although not limited to) a violent criminal offence or a sex-related offence
 - Violence, or threats of violence, harassment, crime or anti-social behaviour
 - Discriminating behaviour against anyone because of their sex, race, religion or faith, disability, sexual orientation, gender identity, or age or certain other personal characteristics
 - Physical or verbal abuse towards staff

- Giving false or misleading information when trying to join our Housing Register
- Previous eviction on any grounds in Schedule 2 of the Housing Act 1985 or any statutory amendment or re-enactment of it
- Unsatisfactory tenancy reports.

2.32. This unacceptable behaviour rule will also apply if you are already registered but there is evidence of recent unreasonable behaviour or new information has come to our attention.

2.33. If we decide that this rule should be applied to your case, we will write to you and tell you that the unacceptable behaviour rule has been applied to your case and you do not qualify to join or remain on the Housing Register.

2.34. To be re-considered for access to the Housing Register, you must demonstrate a substantial change in behaviour for a reasonable period of no less than 12 months, although every case will be looked at on a case-by-case basis and the risk and severity of the behaviour will be considered. This could include evidence and references from support agencies. You have the right to appeal our decision.

Rule 4: You may not qualify due to former or current rent arrears or another housing related debt

2.35. It is important that whenever someone rents a home that they pay the rent. The rents pay for the homes upkeep and staff to manage and repair it. It is also not fair to tenants that do pay the rent if some people ‘don’t play by the rules and are allowed not to pay with no consequence for their actions.

Current or former rent arrears, or another housing related debt

2.36. We will investigate arrears owing with landlords over the previous 6 years, this information will be obtained alongside acquiring your housing history for the past 6 years. We will apply this qualification rule to anyone applying, including members of your household, this will include consideration of:

- Rent arrears
- Court costs
- Rechargeable repairs
- Mortgage arrears
- Service charges

2.37. Each application will be considered on its own merits. In all genuine cases where it can be evidenced that arrears have accrued through genuine cause or circumstance and where you could not have been expected to pay costs incurred at that time (or since, as the case may be), you may not be expected to keep to the repayment rules.

2.38. If we cannot find genuine reasons why the arrears were accrued and you have not made significant steps to repay the debt, we will expect you to set up a

repayment plan and maintain regular payments before we allow you to qualify for the Housing Register.

Arrears accrued from a DKO partner (including Home Group)

- 2.39. If you have current or former rent arrears owed to Durham County Council, believe housing, Karbon Homes, Livin, North Star Housing or Home Group, the following repayments are required before we will consider your housing application: -

Current tenant arrears

- Arrears must be paid in full before acceptance onto the Housing Register. If this has escalated to a court order you will be automatically disqualified.

Former tenant arrears

- Paid back a minimum of 75% of the total debt owed, before you will be accepted onto the housing register
- Have a payment plan in place and have evidence that you have been making regular payments
- Regular payments being made throughout the bidding process
- If payments are missed, you might be suspended from the Housing Register until the arrears are cleared or payments are reinstated.

- 2.40. If any of the debt is still outstanding and we are considering offering you a home, you will be expected to sign an agreement and to continue to pay off the rest of the debt before you can sign for the tenancy.

- 2.41. If you have had your rent arrears or housing related debt included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA), a period of at least 12 months must pass from the declaration of insolvency to the point a debt is cleared. Should you maintain your finances satisfactorily for this period, this will be considered as strong evidence that you are likely to be able to maintain your rent for any new tenancy.

Current or former rent arrears owed to a private landlord or another landlord outside of the DKO Partnership

- 2.42. If you have current or former arrears accrued from either a private landlord or another landlord, (not including Durham County Council, believe housing, Karbon Homes, Livin, North Star Housing or Home Group), at the time of application, we may not allow you access to the Housing Register.

- 2.43. You would need to provide evidence that you have: -

- Paid back a minimum of 10% of the total debt owed
- Have a payment plan in place and have evidence that you have made regular payments for a minimum of 3 months, or be able to provide appropriate evidence, e.g. a bank statement or a letter from your

current/previous landlord that shows regular payments have been made towards clearing the accrued debt

- Regular payments are being made throughout the bidding process, once you are accepted on to the Housing Register.

2.44. Once you qualify for the Housing Register, we will expect you to maintain regular payments to continue clearing the debt. If you are offered a property with us, we will check you have continued to make payments. If not, we may withdraw the offer of housing and suspend your application.

2.45. If you can demonstrate and evidence that you have good tenancy references (in your name) for the last two years with no arrears, then a repayment plan for prior arrears will not be needed.

Rule 5: Tenants who have signed up to a new tenancy in the last 12 months through Durham Key Options and who we regard as adequately housed

2.46. All new adequately housed tenants will be disqualified until one year after their tenancy date unless they have had a material change of circumstances since their tenancy start date. However, in very exceptional circumstances where we agree that there is an urgent need to move, we may apply an exception.

Rule 6: Removal from the Housing Register if you have refused 2 suitable offers

2.47. If you have refused 2 suitable offers of a home in any rolling 12-month period, you will unfortunately be removed from our Housing Register and not allowed to reapply for a period of 6 months, unless you have had a significant change of circumstances since the date of removal.

2.48. If you reapply to join the Housing Register, you will be treated as a new applicant and assessed based on your circumstances at the point of application. We will also disqualify you if your partner has refused or did not respond to 2 offers of any suitable property in any rolling 12-month period.

2.49. If you are a homeless applicant you will only be provided with 1 reasonable offer of a suitable social housing property. Should this be refused, then we may discharge and end our homelessness duty. This is known as a final part 6 offer of the Housing Act 1996. This offer will be made in writing and will be made clear that it is a final offer for the purposes of ending the duty owed.

Rule 7: We will remove you from the Housing Register if you have failed to bid in the last 12 months without good reason

2.50. This disqualification rule will be applied if you are on the Housing Register, and you have not bid for more than 12 months when we think there have been suitable properties advertised that you could have bid for regardless of any area that you have stated that you would prefer to live in.

2.51. If you have not bid in 12 months, we take the view that you are unlikely to be in significant housing need or require a house, regardless of our original

assessment. Before removing anyone from the Register we will contact you and ask you to explain why you haven't bid, and in exceptional circumstances the rule may not be applied.

Appeal Process

- 2.52. The DKO Partnership is committed to providing high quality services, but occasionally things can go wrong. Often, matters can be quickly resolved by contacting the relevant officer or manager directly or the landlord that is administering your application. You can do this face-to-face, by telephone, or email.
- 2.53. Should you not be satisfied with any decision made in relation to your application to join the Housing Register, you can submit an appeal.
- 2.54. This could be in relation to qualification, disqualification, offers of accommodation or banding decisions.
- 2.55. Any request for a review of a housing offer to statutorily homeless applicants will be dealt with under section 202 Part 7 of the Housing Act 1996 by the local authority's Housing Solutions service (and not as part of this policy's appeal process).
- 2.56. You will have 28 days to notify us that you wish to make an appeal from the date of our notification letter. If you do not receive the letter, we will regard you as having received it if we have made it available at our offices for a reasonable period for collection (this is in line with section 160ZA of the Housing Act 1996).
- 2.57. We operate a 2-stage appeal process. While the appeal continues, you keep your assessed status until the appeal's outcome. We will not hold a property available to you pending the appeal's outcome. The appeal process is as follows:
- Stage 1**
- 2.58. Stage 1 is the first review of the decision made and will be carried out by the organisation that made the original decision.
- 2.59. Once we have been made aware that you wish to make an appeal, we will ask you to complete a Customer Appeal Form and provide evidence in support of your appeal. You should complete the Customer Appeal Form and return this, along with any additional information to support your appeal to the original decision-making body within 14 days. Your appeal will be considered by a manager not involved in the original decision.
- 2.60. We will notify you in writing of the decision and the reasons for it within 6 weeks of your original appeal.

Stage 2

- 2.61. Stage 2 is a formal review under this policy and will be carried out by an Officer in Durham County Council who was not previously involved in the application or assessment and who is senior to the officer who made the original decision.
- 2.62. If you are dissatisfied with the outcome of Stage 1, you may wish to appeal at the next stage. If so, you must complete a further Customer Appeals Form with additional information / evidence to the Head of Planning and Housing who will consider any second stage appeal you make. If the Head of Planning and Housing is absent, the Strategy and Delivery Manager will respond to the appeal.
- 2.63. We will notify you in writing of the decision and the reasons for it within 21 days of the Stage 2 appeal.
- 2.64. The Stage 2 decision is the final stage of the DKO process however if you are not satisfied with the response to the review, you can contact the Housing Ombudsman on 0300 111 3000 or email info@housing-ombudsman.org.uk.
- 2.65. You might want to get advice and support to help you with your case – for example from a solicitor or independent advice agency.

Section 3: Applying for a House – Our Housing Register

How to apply to join the Housing Register

- 3.1. Anyone over the age of 16 can apply to join our Housing Register. However, you cannot let a property until you are 18 or over (unless a Deed of Trust is agreed by the housing provider and DCC Children’s Services). You must apply by completing our online application form or someone on your behalf, can complete the form. The on-line form can be found at our ‘Durham Key Options’ website, using this link: [How to apply - Durham Key Options](#)
- 3.2. Free and confidential advice and support is available for anyone who may have difficulty in making an on-line application.
- 3.3. Please fill in the application form in full, taking care to make sure that the information is correct, and any relevant evidence is uploaded, you will not be able to submit your application if it is incomplete. When we have received your completed application form, with everything uploaded, we will assess it to decide:
 - If you meet the rules to be able to join the Housing Register
 - What band we will award you based on our assessment of your housing need.

Verifying your application

- 3.4. When you make your application, it will be subject to certain verification checks this may include:
 - At the point of your initial application
 - Following any change of circumstance request you have sent us
 - Following any routine validation audits
 - Following an annual review of your application
 - At the point of deciding whether to offer a tenancy to you.
- 3.5. At the point of making the application the DKO partners will need to see certain documents including identification documents, and confirmation of address. Documents may be requested that are needed, for example, to check your immigration status, proof of local connection, your housing need, and tenancy history. You will need to provide evidence of any medical condition if you claim that your current home is impacting your health. You will be required to complete an income and expenditure affordability check if you reach the point where we may be making you an offer of social housing.
- 3.6. If you are accepted onto our Housing Register, we will write to you to tell you: The band your application has been placed into, the priority date you have been awarded, and the size and type of properties for which you can bid for and be considered.

Who can be included in your family or household as part of your application?

Who can specifically be included on your application

- 3.7. You must include people who normally live with you and might be expected to live with you as their main and principal home. You and members of your family can only be on one Housing Register application to the Council.
- 3.8. You can only include persons on your application who will be a permanent member of your household and who will be occupying the accommodation offered as their only or principal home.
- 3.9. People who usually live with you but are temporarily absent due to circumstances beyond their control (for example, they are in prison on a short-term sentence, or staying in hospital, or undertaking a college or university course), may be considered as a 'usual' household member at the discretion of the Council, and depending on the facts presented.

When will a sole application or a joint application be allowed?

- 3.10. Sole applications will be accepted. We will accept joint Housing Register applications from couples where you are both aged 16 years or over and are married or civil partners; or have lived together for at least six months; or have a child of your relationship, provided each of you is eligible and qualifies to join the register in your own right. If you do not qualify, we would accept you as a member of the main applicant's household.

What about children who share their time between separated parents?

- 3.11. Many children will share their time between parents who have separated and now live in different homes. When you apply and wish to include children, we will look at whether they are with you for a minimum of three days a week on a consistent basis. We will ask for suitable evidence.

Keeping your Housing Register application up to date

- 3.12. If your situation changes, you need to tell us. Examples of changes you should tell us about include:
- If you have a baby
 - If someone moves into or out of your home
 - If you move home or change your address
 - Very important changes to your health or the health of a family member
 - A change to financial circumstances.
- 3.13. Before you are offered a new home, we will check that we have recorded your band and your situation correctly. If you have not told us about changes to your situation, you may not be allowed to accept an offer of a new home.

The circumstances when your Housing Register application will be closed

- 3.14. We will remove you from the Housing Register in the following circumstances:
- You request to be removed.
 - You accept an offer of housing.

- You have not replied to a request for further information or told us whether you are still interested in our housing.
- You or a member of your household who is to be rehoused with you become ineligible or disqualified in line with this policy.
- We find false information on your application form or in any supporting information.
- You refuse or do not respond to two suitable offers of a property in any rolling 12-month period.
- You tell us you do not want the size of home we have assessed you as being able to afford.

3.15. We will make a decision whether to remove you from the register only on the basis of known facts.

3.16. Before deciding to remove you from the register (except at your own request or when you accept an offer of accommodation), we will tell you in writing why it is considering removing you. In these cases, you will be suspended from the register and notified that you have the right to appeal. We will allow you 28 days to reply.

3.17. If an appeal against removal does not succeed, we must inform you when you may re-apply to our Housing Register.

[When we will review your application](#)

3.18. A review will be carried out on the anniversary of your application date. The review will ensure that the details we hold about your housing circumstances are up to date, if you still wish to be on our register and active bids you been made in the last 12 months.

3.19. The letter or email will ask whether:

- you still wish to apply for our housing and are still eligible and qualify to do so
- there has been any change of circumstances.

3.20. Our letter gives you 28 days from receipt to provide the information, and says that applications will be closed if you:

- fail to respond in the specified period, or
- no longer wish to apply for housing
- no bids have been placed.

3.21. Social housing in County Durham is an extremely scarce resource and wanted by a very large number of people. Where there is evidence, you have deliberately made your housing situation worse in order to gain a higher banding, we will assess your needs based on your original circumstances.

Section 4: The banding system for housing need

Introduction to Housing Need Banding

- 4.1. If you meet the rules to be able to join the Housing Register, we will then place you into a band based on our assessment of your housing need which we make using the assessment criteria set out in this section. There are 4 housing needs bands, we will place you in the band which reflects your assessed housing circumstances. Within each band, every application is given a priority date, which will determine your position when being shortlisted for a property, i.e. the earlier your priority date, the higher your position within the band.
- 4.2. The system works on the basis that people in Band 1 have a higher assessed housing need than people in Bands 2, 3 or 4. The 4 housing needs bands are:
 - Band 1 – Urgent or exceptional housing need
 - Band 2 – High housing need
 - Band 3 – Medium housing need
 - Band 4 – Lower housing need.
- 4.3. This section details how your housing need will be assessed and the categories that are within each band.

Housing Banding Overview

- 4.4. The 4 housing needs bands are:
 - Band 1 – Urgent or exceptional housing need
 - Band 2 – High housing need
 - Band 3 – Medium housing need
 - Band 4 – Lower housing need.
- 4.5. You will be placed in the most appropriate band after assessing your case. If you qualify under more than one of the housing need criteria you will be awarded the highest priority that you are entitled to under the criteria. You will not be awarded a higher band just because you meet more than one housing need criteria. For example, if you meet 2 housing need criteria for Band 2, you will still only be awarded band 2 and not promoted to Band 1 on the basis of having multiple Band 2 needs.
- 4.6. By law we must give a priority band for certain types of housing need known as 'reasonable preference'. The law also gives the Council the power to frame their allocation scheme to give 'additional preference' to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs.
- 4.7. The laws do not however tell us how to assess that need and what Band we must give. Those decisions are for the Council to make and will be based upon your housing need as set out in your application form.

Band 1 – Urgent or exceptional housing need

* Priority will be given when shortlisting in the order set out below.

- Domestic Abuse* (immediate threat to life)
- Urgent or Emergency Medical* (Unable to remain or return in their current accommodation or cannot return from a hospital or care)
- Regeneration*
- Temporary Accommodation
- Homelessness Main Duty
- Overcrowded by 2 or more bedrooms
- Supported Housing or Move on from a Supported Scheme
- Care Leavers

Band 2 – High housing need

- Armed Forces and Reserves Forces Connection (additional priority if applicant has additional Band 1 need)
- Domestic Abuse (high need to be rehoused)
- Unsanitary or otherwise unsatisfactory housing
- High Medical Need (Their medical condition is having a significantly detrimental effect on their ability to live in their current home)
- Existing social housing tenants wanting to downsize to a smaller property or release a property of high demand
- Homeless People – Prevention or Relief
- Move to foster, adopt, be a special guardian or kinship carer

Band 3 – Medium housing need

- Moderate Medical Need (A new home would significantly improve health)
- Welfare Need
- Hardship
- Overcrowded by one bedroom
- Applicants wishing to live independently

Band 4 – Lower housing need

- Those with Lower Housing Need

4.8. We now look at each of the housing need reasons for why a priority band can be awarded and set out fully when we will award a Band and what Band that would be.

Band 1 – Urgent or Exceptional Housing Need

4.9. Applicants placed into band 1, will be shortlisted in order of the following priority: -

- domestic abuse
- urgent or emergency medical
- regeneration
- all other categories in band 1.

Domestic Abuse

- 4.10. If you are fleeing domestic abuse and have been assessed as needing to move urgently for the safety and security of yourself or a member of your household will be allocated Band 1.
- 4.11. If you are fleeing domestic abuse, it is often the case that you will flee somewhere else first for safety before you make your application for social housing. This might be domestic abuse safe accommodation, temporary accommodation or the home of a friend or family member. In these circumstances, we would still regard the application as being for reasons connected with the abuse.
- 4.12. Band 1 would only be awarded where:
- there is an active Multi-Agency Risk Assessment Conference (MARAC) case or where the 'Domestic Abuse Stalking and Honor' (DASH) based violence risk identification form indicates a high-risk score
 - there is evidence that the perpetrator is in the near vicinity or there have been recent incidents
 - there is evidence of ongoing threats or stalking.

Urgent or Emergency Medical

- 4.13. This means you have been assessed as unable to remain in your current accommodation or you cannot return home from hospital or a care home and you would otherwise be owed the homelessness prevention duty.
- 4.14. Cases will be assessed via the appropriate housing provider or Durham County Council if it's a homeless application.
- 4.15. Band 1 may be awarded for the following circumstances if you:
- Can't return home and currently in hospital
 - Can't return home and in a care home
 - Current home is not appropriate for occupation due to current health conditions.

Regeneration

- 4.16. We award regeneration priority when you face permanently losing your property because of demolition / disposal in a designated regeneration area in County Durham.
- 4.17. This priority covers situations where we have decided to demolish or refurbish your existing Council home meaning that you will need to move to another home.
- 4.18. It also applies if you are a tenant or owner-occupiers living in County Durham in confirmed clearance areas, or in a property subject to a Compulsory Purchase Order (including those where a CPO could be made, but the owner agrees to sell their property to the Council by agreement) or subject to Prohibition, excluding emergency prohibitions, or Demolition Orders.

- 4.19. We award this status with effect from the date that Durham County Council or one of our partner landlords has made a final decision and agreed to the property's demolition or disposal. To qualify, you must have lived in the property at the time of this decision. Each demolition area may need to be managed on a scheme-by-scheme basis. So, to effectively manage the process we may have to apply extra letting criteria. The extra criteria will be made public in advance of any regeneration.

Temporary Accommodation

- 4.20. The Council has a legal responsibility to help you find a new place to live if you have become homeless. This includes helping you find a suitable home you can afford.
- 4.21. If you have presented to the Council as homeless and have been placed into temporary accommodated (TA) you may be placed into band 1 for rehousing. In these circumstances, a full homelessness assessment will be carried out.
- 4.22. You will only be awarded band 1 (TA) if it has been determined that:
- you are owed the Main Housing Duty under Section 193 of the Housing Act 1996
 - you are owed a relief of homelessness duty under Section 189B (2), where at the point the relief duty is accepted you are considered likely to be in priority need and unintentionally homeless.
- 4.23. If alternative suitable accommodation is found or sourced i.e. in the private sector, your Band 1 status will be removed.

Homelessness Main Duty

- 4.24. If you are homeless, have been in a 'relief stage' for 56 days and still have no offer of accommodation, the relief stage of your homelessness application will end (there are exceptions – in some cases, if after 56 days there are still outstanding enquires into whether a main duty would be owed or not then the relief duty will continue beyond 56 days), and you will now be in the 'main duty' decision stage. This decision considers if you are eligible, homeless, if you have priority need and your intentionality as per the homeless legislation.
- 4.25. If we accept that you are statutorily homeless and has a main duty to be housed under part 7 of the Housing Act 1996 (as amended by the Homeless Reduction Act 2017), we will award them band 1 status. We will remove this banding when the local authority's Housing Service informs us it has fulfilled this duty.

Overcrowded by 2 or more

- 4.26. Severely overcrowded (by 2 or more bedrooms) When deciding whether your home is overcrowded, we regard a separate bedroom as needed in each of the following circumstances:

- A single person aged 16 or over is in the household
- Couples, or a bedroom for each of them if medical or clinical evidence says it is needed
- Two children under the age of 10, regardless of their sex or a bedroom for each of them if medical or clinical evidence says it is needed.
- Children of the opposite sex aged 10 or over are not expected to share
- A foster child or future foster placement cannot yet live with you due to the current property size or its current occupants
- You or your partner has an established need for an extra room for overnight care that is provided by someone outside the household This priority will only be valid for bids on property sizes that would relieve the overcrowding.
- We regard an unborn child as though it is already in the household, at the MATb1 stage of pregnancy (around 20 weeks before the due date). Evidence will need to be provided.

4.27. In some circumstances, if you are claiming to be overcrowded, we might need to carry out a visit to your current home to check your circumstances.

Supported Housing (move on from a supported Housing Scheme)

4.28. You will be awarded Band 1 if you are ready to move out of supported housing or another form of support to live independently.

4.29. Before being given 'move on' banding we will require a suitable reference from the supported housing provider that are supporting you such as the workers in the Supported Housing scheme where you live. The references must explain what kind of help and support you need, any health problems that you have, and explain why you are now ready to live independently. In certain circumstances, we may need to determine if tenancy support is required before a property is awarded.

4.30. Until the criteria are met for assessing whether a person in supported housing is ready to move on to a tenancy, they will be allowed to join the register but suspended from bidding until we assess they are ready to move on.

Care Leavers

4.31. Some of our residents are young people who are ready to move on from being in care. We give these cases priority Band 1 if they meet the following rules.

4.32. A care leaver who meets the criteria is:

- a) A care leaver who was looked after by Durham County Council and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education), or
- b) A care leaver who was not looked after by Durham County Council but was placed into foster care or residential care in County Durham and has

been resident in County Durham for 2 continuous years and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education).

[Additional Preference for UK Armed Forces Connection](#)

- 4.33. We will give extra preference if you are in urgent medical need and have a prescribed connection to the armed forces. We will award this further priority as a 6-month backdate to your priority date.

Band 2 - High Housing Need

[Armed Forces or Reserved Forces Connection](#)

- 4.34. This connection can be through any of the following 3 categories:
- You have been discharged from the regular UK armed forces within the previous 5 years and who have served 3 years or more or been medically discharged (except people dishonourably discharged).
 - You are a current member of the UK armed forces, and current or former (previous 5 years) reserve forces, who have suffered an injury in service that makes their current home unsuitable.
 - You are a widow, widower or civil partner of UK armed forces members killed during service and needing to leave armed forces accommodation. Our policy ensures that we award priority to applicants in these preference groups.

[Domestic Abuse \(high housing need\)](#)

- 4.35. If you are a current victim of domestic abuse and you have been assessed as having a high need to be re housed for the safety of yourself or someone living in your household, will be allocated Band 2.
- 4.36. Band 2 would only be awarded where:
- you are a current victim of domestic abuse and are engaged with support services
 - there is a risk present, but this is mitigated (e.g., safety planning, perpetrator not nearby, target hardening)
 - there have been domestic abuse related incidents within the last 6 months

[Unsanitary or otherwise unsatisfactory housing](#)

- 4.37. This means you are occupying unsanitary or otherwise unsatisfactory housing. This is where it has been determined that your property poses a serious category 1 hazard under the Housing Health and Safety Rating System (HHSRS) and can be evidenced that the problem cannot be resolved by the landlord within 6 months.

- 4.38. Unsatisfactory' includes a property being in a poor condition, meaning it falls below the minimum standard for housing as defined by the Housing Act 2004 and is having a significant impact on you or a member of your household.
- 4.39. A property could have severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance. It should be evidenced that you do not have the financial means to resolve your own housing problem by moving to alternative accommodation.

High Medical Need

- 4.40. This means you have been assessed as requiring alternative accommodation because your medical condition (physical or mental health) and/or disability is having a significantly detrimental effect on their ability to live in their current home.
- 4.41. This significantly detrimental effect must be a professional opinion evidenced by a medical or clinical professional, or a social prescriber, working on behalf of a qualified medical or clinical professional.
- 4.42. If you are allocated a property based on medical need, you may be subject to additional checks at the point of offer.

Existing social housing tenants wanting to downsize to a smaller property or release a property of high demand

- 4.43. If you are a current social housing tenant within County Durham, and you would like a property with less bedrooms, and this could release a larger family property, you will be awarded band 2 status.
- 4.44. If you are a current social housing tenant living in a property in County Durham which has been specifically adapted, for residents with disabilities and/or mobility difficulties, you will be awarded Band 2 status. For example, the property might be suitable for residents who use wheelchairs, or residents who find stairs difficult. They help the residents live more independent lives.
- 4.45. We want to help households who do not need an accessible home to move to another home so we will award you Band 2. This is so we can then help a resident who needs an accessible place to live, to move into your old home.

Homeless people – Prevention or Relief

- 4.46. If you are still housed but are at risk of becoming homeless within the next 56 days, for example if you have been asked to leave your current accommodation by a landlord or friends/family, you will be in a 'Prevention Duty'. After 56 days have lapsed and if no accommodation has been found, you will move into a 'relief duty'.

- 4.47. You could be placed immediately into a relief duty if you are homeless upon application. You will remain in relief duty for a further 56 days. In these circumstances, if you are in either a prevention or relief stage of homelessness, you will be awarded Band 2.
- 4.48. If we owe you the prevention duty or the relief duty and we are not satisfied that you will be owed the main duty if that relief duty were to end unsuccessfully, we will award you Band 3.

[Move to Foster, adopt, be a special guardian or kinship carer](#)

- 4.49. To encourage more opportunities for children and young people in our care to be fostered and adopted, we will support residents who might wish to foster or adopt or become a Special Guardian for a child or young person by awarding Band 2 status. Usually, residents who would like to take care of a young person will need a home with more bedrooms.
- 4.50. If you need a new home because you have fostered, adopted or become a Special Guardian, you will need to be referred by our Children's Services or by an organisation the Council has contracted to deliver our fostering and adopting services.
- 4.51. The referral will need to explain why your current home is not suitable for you to foster, adopt or become a Special Guardian for children or young people. The referral will also provide us with information that will help us work out what kind of home you need.
- 4.52. You must be offering a home to a child living in County Durham or a young person in our care. Or you will need to be a resident of County Durham who has become a Special Guardian for a child or young person who may live within, or outside of, County Durham.
- 4.53. We do not expect foster children, adopted children, or children you are looking after under a Special Guardianship to share a bedroom with your own children. National guidance says that, at the very least, foster children aged over three need their own room.
- 4.54. If we assess that you meet these rules you will be awarded priority band 2.

Band 3 - Medium Housing Need

- 4.55. Four out of the five categories in band 3 are for applicants that have a 'reasonable preference':
- Moderate medical need
 - Welfare need
 - Hardship
 - Overcrowded by one bedroom.

- 4.56. These will be prioritised before those applicants 'wishing to live independently' during shortlisting.

Moderate Medical Need - A New Home would significantly improve health

- 4.57. This means you have been assessed as having a medical condition (physical or mental health) and/or a disability where a move to alternative accommodation would significantly improve their health.
- 4.58. If you are allocated a property based on medical need, you may be subject to additional checks at the point of offer.

Hardship

- 4.59. Examples of need to move on hardship grounds include:
- you cannot afford your current accommodation or are not likely to be able to afford it in the next 3 months
 - you need to move to a different locality in County Durham (or into County Durham from another local authority area) to take up a particular job, education or training and where failure to relocate is causing or would cause hardship.

Welfare

- 4.60. Examples of need to move on welfare grounds include:
- The need to be near family or friends to give or receive support
 - People who have a learning disability and people who need to give or receive care
 - To give or receive care that is substantial and ongoing
 - To access social services facilities where you are unable to travel across the county.
- 4.61. Any such welfare and hardship reason must be shown to be very likely to improve the person's living situation.

Overcrowded by one bedroom (Band 3)

- 4.62. Overcrowded by 1 bedroom. When deciding whether your home is overcrowded by 1 bedroom, we regard a separate bedroom as needed in each of the following circumstances:
- A single person aged 16 or over is in the household
 - Couples, or a bedroom for each of them if medical or clinical evidence says it is needed
 - Two children under the age of 10, regardless of their sex or a bedroom for each of them if medical evidence says it is needed.
 - Children of the opposite sex aged 10 or over are not expected to share

- A foster child or future foster placement cannot yet live with the you due to the current property size or its current occupants
- You or your partner has an established need for an extra room for overnight care that is provided by someone outside the household. This priority will only be valid for bids on property sizes that would relieve the overcrowding.
- We regard an unborn child as though it is already in the household, at the MATb1 stage of pregnancy (around 20 weeks before the due date). Evidence will need to be provided.

4.63. In some circumstances, if you are claiming to be overcrowded, we might need to carry out a visit to your current home to check your circumstances.

4.64. We know that families lacking one bedroom will still face problems due to overcrowding. However, we do not currently have enough family-sized homes to help all those families who are overcrowded by two bedrooms which is why those who are overcrowded by one bedroom are given a lesser band.

Applicants wishing to live independently

4.65. This band is if you wish to live independently with no other housing need but are currently:

- Living with family / friends
- Living in shared accommodation
- Suffering from a relationship breakdown where their ex-partner will remain in the last tenancy.

4.66. While those wishing to live independently will be allocated Band 3, according to national guidance, they are not classed as being in a reasonable preference group. Therefore, within Band 3, those living independently so will not be given additional priority within this Band.

Band 4 – Lower Housing Need

4.67. If you don't have a housing need as described in bands 1, 2 and 3, but are eligible and qualify to join the Housing Register, you will be placed into band 4.

Your Band Start Date

4.68. Your band start date is the date we assessed your Housing Register application after receiving all of the information requested. If following being banded, your housing need and/or circumstances change and a reassessment, results in you being placed in a higher band, your date for the higher band will be the date you were awarded that band for that higher assessed housing need.

Note: for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply about their band start date:

- a) Owed a Section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application.
- b) Owed a Section 189B (2) Relief of homelessness duty – If an applicant has not been owed a prevention duty, then the band date is the date the relief duty is owed and not the date of the homelessness application. If the applicant was owed a prevention duty which ended because they became homeless and they are then owed a relief duty, the effective date is the date the prevention duty was owed.
- c) Owed the Main Section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. This is because, to start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless.
- d) Circumstances where the relief duty has ended, and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- e) Circumstances where the relief duty has ended, and the applicant is assessed at that point as not being owed a main duty due to being intentionally homeless - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- f) Where the applicant becomes homeless unintentionally within 2 years of accepting a private rented sector offer, offered to bring the main Section 193 homelessness duty to an end, the effective date will be the date of the new application.

Section 5: General rules

Statement of Choice

- 5.1. The housing laws tell us to include within our Allocation Scheme a statement on choice and this is our statement to comply with the housing laws.
- 5.2. We are committed to:
- Enabling you to be active in choosing where to live, and
 - Letting homes to people in greatest need
- 5.3. The choice-based lettings scheme enables people to have access to a range of homes in County Durham. The scheme also enables us to nominate people from our Housing Register to various options offered by Registered Providers and Durham County Council. These options may include private sector rented properties, low-cost home ownership, mutual exchange, and mobility schemes. This increases the choice and availability of housing.

Direct Offers

- 5.4. For the sake of openness, the property will still be advertised but the advert will say we will not take bids and identify the reason why this property is available via a direct let.
- 5.5. With Direct Offers each RP will be able to offer up to 10% of their total advertised properties per year, this would also include any sensitive lets.
- 5.6. Such cases will be agreed by the partner landlords. Examples include:
- direct lets in homelessness cases in line with this policy (see below for more about these cases)
 - direct lets if you are in band 1 who have been unable to find suitable accommodation in the 12 months since their application
 - direct lets where you live in a partner landlord's property but does not meet the qualifying criteria to take up their succession rights to the tenancy
 - the letting of a significantly adapted property
 - cases where a property is unsuitable to meet the needs of a person with potential succession rights
 - any other cases where the need is specialist or urgent.
 - If the property has been identified as a sensitive let due to anti-social behaviour either at that property or in an adjoining residential street.
- 5.7. If a property has been difficult to let and we have already advertised it at least once (or where there is a history of low demand for that property type, size and location), we may make a direct let to you if you are interested in the property to avoid the cost of keeping the property empty.

Sensitive Lets

- 5.8. There may be sensitive circumstances when a property would benefit from a direct let. This could include, for example, where a property has previously housed a problem tenant, and we want to ensure that the next tenant will not bring similar problems, such as anti-social behaviour, to the area. If these lets are awarded sensitively to tenants with previous known good behaviour, this will help contribute to balanced and sustainable communities, particularly within our existing communities.
- 5.9. Direct let's will be continually monitored by the DKO Board to ensure that 10% direct lets is not exceeded on an annual basis. The 10% direct let's will be measured and monitored specifically as a number and compared to the total number of lets via the allocations policy for all bands using the choice base letting system. This is to ensure priority for reasonable and additional preference groups through the main allocations bidding system.

Refusal of Offers

- 5.10. A suitable offer is an offer of a property that meets your assessed needs within this policy.
- 5.11. If you refuse 2 suitable offers within a 12-month rolling period, we will suspend your application for 28 days to allow you to appeal against removal from the register. If you do not appeal or your appeal is unsuccessful, we will remove you from the register for 6 months. This means you will be unable to bid for properties unless your circumstances change materially, in which case you could reapply.
- 5.12. We regard the failure to respond to a suitable offer as a refusal.
- 5.13. Our partner landlord making the offer will decide whether the refusal is reasonable. For direct lets, they will decide on suitable action case by case.
- 5.14. If you are a homeless applicant and refuse a suitable offer, we will have fulfilled our duty to house you and you will lose your priority. In these circumstances, the local authority will decide whether the offer was suitable. We will reassess you and place you in the appropriate band. You will have a right to have the decision reviewed under section 202 Part 7 of the Housing Act 1996.

Local Lettings Policies (LLPs)

- 5.15. There are a number of LLPs within County Durham, which usually deal specifically with new build housing and sometimes with specific anti-social behaviour issues on existing housing estates. Sometimes LLPs the result of a S106 planning agreement but they can also be approved via delegated authority at the Council once they have been approved by the DKO Board.
- 5.16. LLPs introduce additional specific criteria for letting property in a defined area and effectively introduce additional criteria to the main Allocations Policy on the basis that there are important local issues that must be addressed when allocating housing.

- 5.17. LLPs must be specific to a local area and address specific issues. Our partner landlords may introduce a local letting policy (LLP):
- in areas where there is a shortage of a specific type of housing
 - to ensure balanced and sustainable communities
 - prevent anti-social behaviour
 - to take into account local related issues concerning the demand for and affordability of housing.
- 5.18. When producing an LLP, DKO partners must comply with the LLP framework and guidance. The LLP framework will include requirements around the benefits of the LLP to the local area and guidance related to the scope of the LLP, rationale for the LLP, relationship to the main allocations policy, justification and/or evidence for additional lettings criteria and levels of local community consultation. It would be entirely possible as part of an LLP to propose a quota system across the bands which support balanced and sustainable communities on new housing estates providing that the rationale for such a quota system was evidenced with locally specific data and or justification.
- 5.19. Details of local letting policies will be published on the Durham Key Options website, and are available on request from [our partner landlords](#). Property adverts will make clear when a local letting policy applies.

Equality

- 5.20. We are committed to including equality in everything we do. This includes eliminating unlawful discrimination, promoting equality of opportunity and access, and valuing diversity in delivering our services and in our employment practices.
- 5.21. When making decisions about employing staff, we will consider equality and diversity. We will also consider the broader impact of access to employment on community cohesion and social inclusion.
- 5.22. Under legislation called the Equality Act 2010 we will make sure that the Scheme has had a full Equality Impact Assessment (EQIA) before we adopt it. The EQIA will be regularly reviewed as more information regarding the impact of the Scheme is obtained or when we make any major changes.

Monitoring the Policy

- 5.23. We will monitor our policy to assess whether:
- it is meeting its aims and objectives and working well
 - it should be changed
 - it complies with our duty to give reasonable preference
 - it meets equality and diversity criteria.

- 5.24. To ensure that applicants in the greatest housing need (band 1) and the reasonable preference categories are using the scheme effectively, we will closely monitor their bidding activity.

- 5.25. The policy will be reviewed annually, which will be the responsibility of Durham County Council's Head of Planning and Housing, supported by the Strategy, Partnerships and Commissioning Manager in the Planning and Housing Service.

APPENDICES

APPENDIX 1 DEFINITIONS

Application date

Your application date is the date we receive your completed application form. But if you had registered with one of our partner landlords before we began operation in 2008-09, you keep your original application date.

Bands

These are categories of housing need that make up the system we use to show the level of priority that you have on our Housing Register.

Bidding

This is the way you express an interest in an advertised property. No money is involved in this form of bidding.

Choice based lettings

Choice based letting (CBL) is a way of letting properties that allows you and other applicants to see the number and type of properties available. You bid for properties you are interested in, and everyone can see how many bids were made and what band the successful applicant was in.

Housing register

Our Housing Register is a list of everyone seeking housing with our partner landlords.

Letting Policy

All our partner landlords have a shared set of rules on how properties will be advertised and let. This is our letting policy.

Direct Offer

In exceptional circumstances we may offer a property to an applicant without requiring a bid – this is called a direct offer or a direct let. For openness, the property will still appear in our weekly advertising, but other applicants will not be able to bid for it.

Housing service

This Council service offers advice and help on housing options and homelessness and aims to prevent homelessness.

Local Authority

For our scheme, the local government authority is Durham County Council.

Local Letting Policy

This is a policy that takes account of local circumstances, for example the shortage of affordable housing in rural areas.

Affordable home ownership

This is a scheme to enable home seekers who cannot afford to buy a property on the open market to get onto the property ladder by part-renting and part-buying, usually with a registered provider.

Nomination agreement

This kind of agreement says how the local authority and Registered Providers must co-operate and work in partnership to help people in housing need and to prevent homelessness.

Priority date

This is the date when a person is given additional priority, which will be later than their application date.

Reasonable preference

The Housing Act uses this phrase to describe the kind of priority a local Council should give to certain types of housing need.

Registered providers

These are social landlords registered with the Homes and Communities Agency to provide social housing. Most are housing associations, but some are registered charities, companies, trusts, and co-operatives.

Suitable Offer

Suitable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

The Council will consider that a property is suitable if all of the following criteria are met:

- it is located in an area that the Council considers to be suitable for the applicant and their household;
- if it is affordable for the applicant and their household based on their financial circumstances at the time of offer;
- it is sized in accordance with the criteria in this Policy;
- it complies with any recommendation made by a medical, clinical or other relevant advisor.

Tiebreaker

We use a tiebreaker to decide which of 2 applicants with equal priority will get our offer of a property.

We, Durham Key Options (DKO)

This means the partner organisations that provide a single advertising scheme for housing across County Durham. you, the applicant This means a person applying or wishing to apply for housing with Durham Key Options.

Any references in this policy to a numbered section means a section of this policy unless stated otherwise.