

Consultation: Changes to the Housing Selection Scheme
Date: 17th January 2013

Introduction

The Northern Ireland Federation of Housing Associations (NIFHA) represents registered and non-registered housing associations in Northern Ireland. Collectively, our members provide over 38,000 good quality, affordable homes for renting or equity sharing, as well as a wide range of community services. Housing associations are responsible for over 30 percent of all social housing stock throughout Northern Ireland.

Registered housing associations and the Northern Ireland Housing Executive have established and operated a common waiting list for all social housing in Northern Ireland since 2000. The housing selection scheme has been used since then for the allocation, assessment and ranking of applicants for social housing in Northern Ireland.

Purpose of the Consultation

NIFHA understands that amendments will be required to the existing housing selection scheme to ensure that it complies with the government's proposals on welfare reform. The Welfare Reform Bill is currently with an adhoc committee of the Northern Ireland Assembly and we further understand that if the bill is passed by the Assembly and Northern Ireland maintains parity with Great Britain, a size criteria (bedroom tax) will be introduced for new and existing working age housing benefit claimants living in the social rented sector.

Main Consultation Proposals

1. *Changes to the Age Criteria Proposal*

Consultation Question 1

Do you agree with the recommendation that the Age Criteria for Children sharing bedrooms should be amended as outlined in line with the proposed amendments to housing benefit regulations?

NIFHA's view

NIFHA accepts that increasing the age to 10 years old within the housing selection scheme rules where two children are required to share a bedroom is required to bring the scheme into line with the criteria used for housing benefit purposes. NIFHA however queries the underlying principle and rationale of applying age 10 and asks if there is any guidance available on the appropriateness of using this age and the regulations it actually emerged from.

NIFHA is also concerned that consideration has not been given to sharing a bedroom by step brothers and sisters or grandchildren from different families

where the grandparents are the guardian. These children would not be required to share a bedroom under the current housing selection scheme.

2. Allocation of Difficult to Let Properties Proposal

Consultation Question 2

Do you agree with the proposal to retain flexibility to make allocations to applicants who do not meet the minimum bedroom requirements in difficult-to-let areas or properties?

NIFHA's view

NIFHA agrees that this flexibility should be maintained. We would however stress the importance of ensuring that if working age tenants are allocated a property of a size greater than their needs then they should be given appropriate advice informing them of the short fall between their housing benefit and rent payments. This advice would enable them to make an informed choice prior to accepting the property.

3. Parents with Access to Children not Residing with Them Proposal

Consultation Question 3

Do you agree with the proposal to continue to make allocations to certain applicants of one bedroom more than their minimum requirements to facilitate access to children?

NIFHA's view

NIFHA agrees that the allocation to applicants of a bedroom more than their minimum requirements to facilitate access to children should be maintained. However, we suggest that there should be a verification process in place to determine which of those working age tenants actually require an additional bedroom for overnight access.

We agree that the applicant should be informed when offered accommodation that their housing costs will not include an allowance for bedrooms for non resident children. Making applicants aware that they would have to pay any shortfall between their housing costs and their rent would enable them to make an informed choice prior to accepting an offer of accommodation.

4. Flexibility to Make Allocations One Bedroom in Excess of Minimum Requirements Proposal

Consultation Question 4

Do you agree with the proposal to retain the flexibility to make allocations one bedroom in excess of an applicant's minimum bedroom requirements for good housing management reasons as outlined?

NIFHA's view

NIFHA agrees with maintaining the flexibility associated with making allocations one bedroom in excess of the minimum bedroom requirements. We agree that this

flexibility may be used in circumstances to ensure the best use of the housing stock in meeting the housing needs of people on the waiting list.

We agree that under these circumstances the applicant should be informed, that their housing costs will not include an allowance for a bedroom in excess of the minimum requirements. Making applicants aware that they would have to pay any shortfall between their housing costs and their rent would enable them to make an informed choice prior to accepting an offer of accommodation.

5. Overcrowding Rules Proposal

Consultation Question 5

Do you agree that Rule 29 should be amended to bring the age criteria for sharing bedrooms in line with the proposed Housing Benefit size restriction?

NIFHA's view

NIFHA agrees that there is no choice only to amend rule 29 to bring the age criteria for sharing bedrooms in line with the proposed Housing Benefit size restriction. However we again query the underlying principle and rationale of applying age 10 and would query the guidance available on the appropriateness of using this age and what regulations it actually came from.

6. Policy Succession and Assignment Proposal

Consultation Question 6

Do you agree with the proposal that tenants who are awarded a policy succession or policy assignment and are under-occupying their property should be advised of the potential impact on a housing benefit application and will be asked to make a financial declaration of responsibility for any shortfall in rent?

NIFHA's view

NIFHA agrees that tenants who are awarded a policy succession or policy assignment should be advised that they would have to pay any shortfall between their housing costs and their rent. We have concerns with respect to tenants under these circumstances being asked to make a financial declaration of responsibility and other prospective tenants are not. A financial declaration should apply to all prospective under occupiers and not just those being awarded a tenancy through a policy succession or assignment.

We also query the legal value that the declaration will have and its impact, if any, on tenancy rights especially in cases where the proposed tenant does not sign the document.

7. Allocations to Transfers Proposal

Consultation Question 7

Do you agree with the proposal that the Housing Selection Scheme should relax the current transfer applicant allocations ratio and include an additional priority Management Transfer category to address the needs of tenants who are under occupying and are seeking to move to a smaller more affordable home?

NIFHA's view

NIFHA agrees that there should be an additional management transfer category to address the needs of tenants who are under occupying and are seeking to move to a smaller more affordable home. We also agree that the Housing Selection Scheme should relax the current transfer applicant allocations ratio but we believe that this flexibility has already been built in to the current scheme as presently landlords may use a ratio that is appropriate to the relative housing need of waiting list and transfer applicants.

8. Access to the Transfer List / Consent to a Mutual Exchange Proposal

Consultation Question 8

Do you agree with the proposal that the criteria for access to the transfer list and the discretion to withhold consent to a request for a mutual exchange should be amended in circumstances where the tenant is under occupying and impacted by the size restriction and seeks to move to smaller accommodation?

NIFHA's view

NIFHA agrees with changing the housing selection scheme to allow greater flexibility in access to the transfer list and giving consent for a mutual exchange. We suggest that the proposal should only be extended automatically to those existing tenants at the time of the introduction of the under occupancy regulations and to new tenants only under exceptional circumstances as the new tenants will have already been made aware of their under occupancy and its impact on their rent payments. There may be cases where tenants will ask for a transfer or exchange for reasons other than difficulties arising from welfare reform, but will cite this as the reason. Landlords should therefore have the facility to request reasonable proof from tenants to confirm that under occupancy is the main reason.

Care is also needed when allowing tenants who are in arrears to transfer or exchange to smaller homes provided by a different social landlord. It is usually easier to have rent arrears repaid if a person owing the money is the landlords own tenant. If the tenant has accrued more than four weeks of rent arrears and has transferred or exchanged to another landlord then this would cause significant arrears recovery problems. We therefore suggest that the transfer or exchange be restricted under these circumstances or limited to the current landlords' stock unless there is a protocol or agreement in place regarding the repayment of arrears.

9. Mobility and Mutual Exchange Schemes Proposal

Consultation Question 9

Do you agree with the proposal to allow tenant exchange across the UK?

NIFHA's view

NIFHA agrees with the proposal to develop a system to allow tenant exchange across the UK as this would facilitate greater social and labour mobility. The

majority of our members are particularly interested in participating with NIHE in the HomeSwapper scheme and they hope that it will bring positive benefits to social tenants.

However, we are again concerned about arrears and how these would be repaid if tenants were allowed to exchange to a different landlord. We suggest that some form of protocols and agreements would have to be put in place to ensure that arrears are repaid to the respective landlord.

10. Creation of Joint Tenancies Proposal

Consultation Question 10

Do you agree with the proposal to remove the existing 12 month residence requirement for the creation of joint tenancies?

NIFHA's view

NIFHA agrees with the proposal but we suggest that it will need to have arrangements in place to prevent any abuse of the selection system. In many cases, even with the current 12 month rule, situations can arise when a person becomes a joint tenant when the original tenant to whom the allocation was made moves out of the property. This means that the new joint tenant now has a property which they have not been assessed for or allocated through the housing selection scheme.

NIFHA therefore has concerns that without the 12 month residence requirement or clearly defined protocols in place that the selection scheme would be open to abuse. A solution to resolve this would be for the proposed joint tenant to live within the accommodation as a lodger for 12 months, as under the present arrangements, prior to their becoming eligible for tenancy rights.

11. Review of Local Lettings Plans Proposal

Consultation Question 11

Do you agree that the local lettings policies should be reviewed in light of the impending size restriction?

NIFHA's view

NIFHA agrees that policies such as the local lettings policy should be subject to periodic review. We would suggest though that care needs to be taken if there are plans to change these policies. The policies were developed and have been used to ensure that landlords through their housing allocations deliver balanced and sustainable communities. Housing associations would seek to retain some form of a local lettings policy that will enable them to do this in the future.

12. Equality Screening Proposal

Consultation Question 12

Do you have any information to help inform the screening process? Are there any particular equality issues that you feel should be taken into account in the screening (or equality impact assessment)?

NIFHA's view

NIFHA's view is that proposals within the Welfare Reform Bill will generally have a negative impact on people with children and specifically on single parents with access to children. Therefore we consider that the proposed changes to the housing selection scheme will have an adverse impact on the same groups.

13. *Rural Proofing*

Consultation Question 13

Do you have any evidence to suggest that the proposals within this paper would create any adverse differential impact on rural areas?

NIFHA's view

We have no comment to make on this question.

I hope you find this consultation response useful, for further information please contact **Maire Kerr T: 028 9089 7695 E:MKerr@nifha.org**.