

Council and housing association housing

About this factsheet

This factsheet gives information about rented housing that may be available either from the council (local authority) or a housing association. It explains how to apply for it and who is likely to be made an offer. It also describes what to do if you want to move to another local authority area.

You can find information on private rented housing in Age UK's Factsheet 63, *Finding private rented accommodation* and information on specific housing for older people in Age UK's Factsheet 64, *Retirement (sheltered) housing* and Age UK's Factsheet 2, *Buying retirement housing*. For information on your rights as a tenant see our range of factsheets on tenants' rights.

The information in this factsheet is correct at the time of writing.

The information given in this factsheet is applicable in England. Different rules may apply in Wales, Northern Ireland and Scotland. Readers in these nations should contact their respective national Age UK organisations for information specific to where they live – see section 12.

For details of how to order other factsheets and information materials mentioned inside go to section 12.

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1 Recent developments

Last year the Government introduced the Localism Bill that includes reforms of social housing (in part 6). The details of proposals were published in consultation paper *Local decisions: a fairer future for social housing* and can be found on Communities and Local Government website (see section 11). It is envisaged that the Bill will come into force in autumn 2011. The proposals include:

- new form of flexible tenure for new social housing tenants for fixed term not shorter than 2 years
- new 'affordable rent' for housing associations tenancies set at 80% of market rents
- power for locals housing authorities to decide who can apply for social housing within their area (but the rules who should get priority for social housing will continue to be set by central government, by means of the statutory Reasonable Preference categories; see section 3)
- local authority will be able to discharge homelessness duty by arranging an offer of suitable accommodation from a private landlord
- abolishing the Tenant Services Authority and transferring of functions to the Homes and Communities Agency
- Improving the ability of social tenants to move to different areas.

2 Introduction

In many areas, local authorities (councils) are the main provider of affordable, rented housing. Many councils work in partnership with local housing associations, which means that a large number of housing association properties are given to people nominated by the council.

Council housing is allocated according to the councils' allocation (letting) policy. Every applicant has the right to see this policy.

Council housing and housing association housing is likely to be cheaper and more secure than private rented housing. It may be easier to get a suitable property if you have special needs but you may have to wait a long time for an offer. It is usually unfurnished and you may have little choice over type and location (unless you bid through the council's choice-based letting scheme – see section 5).

Allocation of local authority housing is based on the *Housing Act 1996* as amended by the *Homelessness Act 2002* and the Code of Guidance on the 'Allocation of accommodation for local housing authorities November 2002 (in England)', 'Allocation of accommodation: choice based lettings – Code of Guidance for local housing authorities (2008) (in England)' and 'Fair and flexible: statutory guidance on social housing allocation for local authorities in England' (2009).

3 Local authority allocation scheme

The allocation scheme describes which people will have most priority for council housing in the local council area and what the procedures for allocating housing are.

The law states that certain groups must be given reasonable preference, effectively giving these groups priority for housing. These include:

- people who are homeless or threatened with homelessness (for more information about a council's duty to assist if you are homeless see section 6)
- people who are living in housing which is overcrowded, unsanitary or unsatisfactory in another way. This includes people who live in housing which is unsuitable for them because of their disability. For example, if you are living in a house where you are unable to get upstairs to use your bathroom or bedroom you might have priority for housing
- people who have a particular need for settled accommodation because of medical or welfare needs. This may include someone who has a particular illness or disability or a need for support in their housing
- people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship to themselves or to others. For example, someone who needs to move to give or receive care or to access specialised medical treatment, etc.

Local authorities also have the power to give additional preference to particular groups of people who fall within the reasonable preferences categories (see above) and who have urgent housing needs, for example:

- those who are 'owed a homelessness duty' as a result of violence or threats of violence likely to be carried out and who as a result require urgent housing
- those who need to move to adapted accommodation because of an injury, disability or medical condition which they or a member of their household, have because of service in the armed forces.

Allocation schemes are also allowed to determine priorities in relation to applicants who fall within the reasonable preference and additional preference categories. The criteria may include:

- financial resources available to the applicant
- any local connection with the area such as residence in the area, family connection or any other special circumstances
- waiting time
- any behaviour of the applicant or a member of his/her household that affects his/her suitability to be a tenant.

4 Making an application

To apply for council housing, contact your local council office. You can apply to the local authority in an area where you do not currently live as the council cannot exclude you just because you do not already live there. However, the council's allocation scheme may favour existing local residents (see above for additional preference categories) so you may have very little chance of being housed there.

Most people are eligible to apply but you may not be eligible if you have come to UK from abroad or the council thinks that you are guilty of unacceptable behaviour. If you are in this situation get advice (see section 11).

To register for housing, you will probably have to fill in an application form giving details about where you live now, your income, your savings, medical conditions and any other relevant factors. You may have to provide proof of your income and savings and any evidence supporting your application, for example a letter from your GP if you feel you need re-housing on medical grounds.

You should also tell the council about what sort of housing you need, for example whether you need any particular features because of a disability or illness or whether you need to live close to particular people or facilities such as shops or a bus route.

If you need help with filling in the form, staff at the council should be able to assist free of charge.

Once you have made an application, it is likely that you will have to wait some time for housing. Many councils have a limited number of housing vacancies and long waiting lists. If you are homeless and have nowhere to live see section 6.

The council may send you a form every year, to make sure that you still need housing and that your circumstances have not changed. It is important that you return this to the council or you may be taken off its records.

5 Choice-based allocation scheme

Although a local authority can allocate accommodation in a way they consider the most appropriate, most will operate choice-based allocation scheme which allows applicants to 'bid' for properties that are advertised through local channels such as local newspapers, newsletters or websites. The properties must be suitable to their needs so, for example, a single person would not be allowed to apply for a three-bedroom house. Some properties may be reserved for certain types of applicants, for example older people or people with a disability. Property will be awarded to the 'bidder' with the highest priority.

In some schemes applicants are placed in bands according to their preference and housing need. Applicants in the highest band will be offered housing first.

Some local authorities operate points-based scheme. In these schemes applicants are awarded points depending on their preference and housing need. Those with the most points are made a housing offer as suitable housing becomes available.

6 Help if you are homeless

You do not always have to leave your home just because you have been told to do so. As soon as you are given a notice to leave you should get advice (see section 12). For more information about your rights as a tenant see Age UK's Factsheet 68, *Tenants' rights – security of tenure*.

The council has a legal duty to provide advice and assistance free of charge to those who are homeless or threatened with homelessness. Threatened with homelessness means that you are going to become homeless within 28 days. For example, you have a notice from the court saying that your home is going to be repossessed in four weeks.

Most people are eligible for assistance but some groups of people who have lived abroad may not be. Get advice if you are in this situation (see section 12). Information for people who are British citizens who have lived abroad and are considering returning to live in the UK are contained in Age UK's Factsheet 25 *Returning from abroad*.

Remember that being eligible for assistance does not mean that you will be housed by the council. The council has a legal obligation to ensure that homeless people have somewhere suitable to live if they are in priority need (see section 6.1) and not intentionally homeless (see section 6.2).

6.1 Who is in the priority need group

The following groups are considered to be in priority need for accommodation:

- pregnant women or someone who lives with a pregnant woman
- people who live with dependant children
- people who are homeless because of fire, flood or similar emergency
- people who are vulnerable because of old age, mental illness, physical disability or other special reasons.

Other priority groups include some young people in particular circumstances and people who become vulnerable as a result of serving in the armed forces, having been in custody or becoming homeless because of violence or threats of violence that are likely to be carried out.

Local councils can decide who is vulnerable. For example, the council may decide that you are not vulnerable if you are over the State Pension age but in good health and have no other special needs. The test of vulnerability is whether the homeless person would be less able to fend for themselves than an ordinary homeless person and more likely to suffer harm. If you think you are in a priority need group and the council does not agree with this, seek help from an advice agency (see section 12).

6.2 Who is intentionally homeless

'Intentionally homeless' means that the council believes it was your fault that you became homeless. For example, you chose to leave accommodation that was suitable when you could have carried on living there or you lost your accommodation because you did not pay rent or mortgage. But, if you were unable to pay your rent or mortgage because of financial difficulties, you should not be treated as intentionally homeless. Get advice if you think it was not reasonable for you to stay in your accommodation but the council says it was (see section 12).

6.3 Local connection

Councils have discretion to consider whether applicants have a local connection with the local district, or with another district. If you do not have a connection with the area, the council may refer you to another area where you do have a connection but not if you are at risk of violence there. Local authority can only make a referral to another local authority if it has accepted that the applicant is homeless, eligible for assistance, in priority need, and not intentionally homeless.

You should be considered as having a local connection with a council if you:

- have lived in the council's area for 6 months out of the past 12 months, or 3 years out of the past 5
- have work in the area

- have close family who have lived in the area for more than five years
- have connection with the area for other reasons, for example you need specialist medical treatment.

The above considerations are guidelines and each case should be considered individually.

6.4 Emergency and temporary accommodation

When you apply to the council for housing as someone who is homeless it may take the council a while to decide whether it has a duty to assist you with obtaining accommodation. For example, it may need to investigate if you are intentionally homeless.

If you appear to be in priority need and homeless then the council has a duty to provide you with emergency accommodation while it makes its enquiries.

If you are homeless but do not have a priority need the council must make sure that you get advice and assistance to help you find accommodation but it does not have to ensure that accommodation is available for you. It might, for example, put you in contact with an advice agency that can help.

If you are in a priority group but intentionally homeless the council must make sure that you have accommodation available for a reasonable period of time to give you a chance to find accommodation. Most councils consider 28 days to be reasonable but the use of a 'blanket policy' of offering a set number of days would be unlawful and each case should be considered individually.

Once the council has completed its enquiries and accepted that it has a legal duty to house you it may offer you a temporary longer-term accommodation while you are waiting for an offer of permanent accommodation.

The accommodation must be suitable for your needs.

Important: If you think the temporary accommodation is not suitable for you, get advice before you reject it. If you refuse the accommodation that the council considers suitable for you, it may not give you any more help. You can ask the council to review its decision about suitability of the accommodation after you move in. (see section 8)

7 The offer

The law does not state how many offers of housing must be made, so each housing authority will have its own policy on offers and refusals, some might make one offer only. You should be offered a reasonable period of time to decide on the offer. Normally, you will have a chance to look at the property before deciding. If you are not happy with the offer, discuss it with the housing officer. If you can show that the offer is not suitable, you may be able to get another one. For example, you have been offered a property with steps and you have mobility problems or the council agreed to house you in a particular area because of your needs and then failed to do so.

Important: If you consider the offer to be unsuitable, get advice before you make a decision to refuse it as the council may not have to give you any more help.

If you are concerned about the state of repair of the property, discuss it with the housing officer. Some serious repairs have to be done before you move in. If the property needs redecoration the council may give you an allowance. Get independent advice if the council refuses to carry out the repairs (see section 12). For more information about your rights to repairs see Age UK's Factsheet 67, *Tenants' rights - repairs*.

The council should provide you with a written tenancy agreement, which sets out the rights and responsibility of both you and your landlord. The council should also tell you how much rent you will have to pay. On the top of the rent you will also have to pay Council Tax. If you are on a low income you may be able to get help with rent and Council Tax payment; see Age UK's Factsheet 17, *Housing and Council Tax Benefit*. You may also be able to get a Social Fund payment to help with buying furniture; see Age UK's Factsheet 49, *The Social Fund*, for more information.

Note: Local authority may offer joint tenancy to a couple (including same-sex couple), friends or unpaid carers. This ensures that one joint tenant is able to automatically take over the whole tenancy following the death of the other tenant. However, there are implication of joint tenancies regarding rent liability and rights in case of relationship breakdown. Local authority should be able to explain this but you may also want to take independent advice.

8 Challenging the decision

If you are not happy about the local authority decision on your application, in most cases you can ask for a review. Get advice to find out if you have a good ground to ask for a review and how to prepare your case. Normally, you have 21 days to do this. If you are still not satisfied, get further advice about challenging the decision in court.

You may also be able to complain to the Local Government Ombudsman, if you think that the council did not follow the correct procedures or did not act fairly (see section 12).

9 Renting from a housing association

Housing associations and housing trusts are non-profit-making organisations that also provide rented housing. Many of them are registered with the Tenant Services Authority (TSA), the regulator for social housing, and are known as private registered providers of social housing (PRPSH), formerly known as registered social landlords (RSL).

Many housing associations have arrangements with local councils which ensure that much of their accommodation will be let to people through the council's allocation scheme.

Some housing associations accept direct referrals but they may still require that you register for housing with the council.

You should be able to find out about housing associations in your area from the council or a local advice agency or you can access a database of housing association on the TSA website (see section 12).

All PRPSHs must have written housing allocations policies that explain the type of housing services they provide, who can apply and how applications will be considered. You can ask to see these policies. They should also explain how to complain if you are not satisfied with the way your housing association handles your application for housing.

10 Sheltered accommodation

If you apply to a council or a housing association you may be offered sheltered housing, which is intended specifically for older people, usually those over 60.

For general information about sheltered housing see Age UK's Factsheet 64, *Retirement (sheltered) housing*. For more information regarding buying retirement housing see Age UK's Factsheet 2, *Buying retirement housing*.

11 Moving to another council or housing association area

Existing council and housing association tenants who want to move to another area can apply directly to the council of that area. They have then to be considered through the same allocation scheme as new applicants for housing. The council cannot exclude anyone from applying just because they do not have an existing local connection but it can apply local connection rules as one of the additional preference categories (see section 2).

11.1 Mutual exchange

If you are a council or housing association tenant and want to move to another area you may be able to exchange your home with another council or housing association tenant.

Contact your housing office for details. You will usually have to complete a form to join the exchange list of tenants. There are also a number of national exchange schemes; some of them charge a fee. You can find details of these schemes on Directgov website (see section 12 for details).

You will need to get permission from your landlord but the landlord is not allowed to refuse permission unreasonably. You will not be given permission, if, for example:

- either of the exchanging tenants has a notice seeking possession and/or a court order against them, for example for rent arrears or anti-social behaviour
- the exchange would leave either of the homes overcrowded or under occupied.

Once you have found a suitable accommodation for a swap, you will have to sign up for a new tenancy, which may differ from your current one. Make sure that you are happy with it; check:

- what kind of tenancy you will have; for example, if you are moving from a council to a housing association tenancy, you may lose certain rights
- the terms of your new tenancy
- what your new rent will be.

Make sure you are happy with the state of repairs and the level of other bills. For example, your council tax may be higher if you are moving to a different local authority area.

11.2 Transfers

If you want to move to another area within your local council you can apply for a transfer. Your application will be assessed according to the allocation policy of the council (see section 3). If you have an urgent need to move you will get priority. If you live in accommodation for which there is a high demand you may also be given higher priority. Some councils may have financial incentives for people who want to transfer from a larger to a smaller home.

Do not move out of your current home without getting advice; you may be assessed as intentionally homeless (see section 6.2).

12 Useful organisations

Citizens Advice Bureau (CAB)

National network of free advice centres including advice about national housing provision.

Tel: 020 7833 2181 (for contact details only – not telephone advice))

Website: www.citizensadvice.org.uk

Communities and Local Government

Communities and Local Government website has a useful website for more information. Free information materials can be downloaded or obtained by calling the publication centre.

Tel:0870 1226 236

Website: www.communities.gov.uk

Directgov

Directgov is the government website that provides online information on variety of subjects and services.

Website: www.directgov.gov.uk

Housing advice services

The availability and quality of housing advice varies from area to area. Local councils have a legal duty to ensure that advice and information about homelessness and how to prevent homelessness is available in their local area. Contact your local council as soon as possible if you are worried you may become homeless.

In some areas there may be a specific housing advice or housing aid centre, providing advice on a range of housing issues. Your local council or CAB should be able to tell you if there is a housing advice centre in your area.

Housing Ombudsman Services

Investigates complaints made by tenants of registered social landlords, such as housing associations, that are members of the scheme.

Tel: 0300 111 3000

Website: www.housing-ombudsman.org.uk

Local Government Ombudsman (LGO)

For advice on making a complaint, or to make a complaint call the advice line on 0300 061 0614 or 0845 602 1983, write to The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH or fill in the form on the LGO.

website: www.lgo.org.uk

Shelter

A national charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

Tel: 0808 800 4444 (free call) (textphone for deaf callers)

Website: www.shelter.org.uk

Tenant Services Authority (TSA)

Tenant Services Authority is the new independent regulator of social housing in England, which took over regulatory functions of the Housing Corporation on 1 December 2008.

Tel: 0845 230 7000

Website: www.tenantservicesauthority.org

13 Further information from Age UK

Age UK Information Materials

Age UK publishes a large number of free Information Guides and Factsheets on a range of subjects including money and benefits, health, social care, consumer issues, end of life, legal, issues employment and equality issues.

Whether you need information for yourself, a relative or a client our information guides will help you find the answers you are looking for and useful organisations who may be able to help. You can order as many copies of guides as you need and organisations can place bulk orders.

Our factsheets provide detailed information if you are an adviser or you have a specific problem.

Age UK Advice

Visit the Age UK website, www.ageuk.org.uk, or call Age UK Advice free on 0800 169 65 65 if you would like:

- further information about our full range of information products
- to order copies of any of our information materials
- to request information in large print and audio
- expert advice if you cannot find the information you need in this factsheet
- contact details for your nearest local Age UK/Age Concern

Age UK

Age UK is the new force combining Age Concern and Help the Aged. We provide advice and information for people in later life through our, publications, online or by calling Age UK Advice.

Age UK Advice: 0800 169 65 65

Website: www.ageuk.org.uk

In Wales, contact:

Age Cymru: 0800 169 65 65

Website: www.agecymru.org.uk

In Scotland, contact:

Age Scotland: 0845 125 9732

Website: www.agescotland.org.uk

In Northern Ireland, contact:

Age NI: 0808 808 7575

Website: www.ageni.org.uk

Support our work

Age UK is the largest provider of services to older people in the UK after the NHS. We make a difference to the lives of thousands of older people through local resources such as our befriending schemes, day centres and lunch clubs; by distributing free information materials; and through calls to Age UK Advice on 0800 169 65 65.

If you would like to support our work by making a donation please call Supporter Services on 0800 169 80 80 (8.30 am–5.30 pm) or visit www.ageuk.org.uk/donate

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