



Transfer Policy

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1 Introduction

- 1.1 Maidstone Housing Trust aims to help its own tenants wishing to move to more appropriate accommodation within its stock and will therefore maintain a Transfer List of applicants.
- 1.2 Maidstone Housing Trust's 'Transfer Policy' sets out who is eligible for an offer of accommodation, how priorities are decided and how allocations are made.
- 1.3 Following the introduction of the Homelessness Act 2002 (which from 31 January 2003 has amended Part 6 of the 1996 Housing Act), the Trust considers all applications which meet the procedural requirements that is those who have completed an application form and provided the necessary information.
- 1.4 The objective of the Trust's Policy in relation to transfer is to make the best use of the Trust's housing stock and to allocate property fairly, giving applicants a choice of allocation whilst continuing to give a reasonable preference to those with the most housing need.
- 1.5 The Trust will operate its own waiting list as well as accepting nominations from the Council. The Trust will apply its own selection procedure in deciding which applicants it will house from the lists. The approach being adopted for a waiting list is a Choice Based Lettings scheme, which is currently being piloted for Retirement Housing only.
- 1.6 Note: All applicants on the Trust's transfer list will continue to be allocated a base 30 points until such time as the Trust reviews its pointing scheme. This originates from when the Council administered the list and was used to balance applicants against those on the waiting list.
- 1.7 Throughout this document the term couple refers to both same sex partners, civil partnerships and male and female partnerships, either co-habitees or married couples.

2 Aims and Principles

- 2.1 The Trust's Transfer Policy reflects the following principles:
 - To support the strategic aims of the Trust.
 - To identify, define and meet the individual housing needs of applicants.
 - To comply with current legislation.
 - To be fair and consistent.
 - To acknowledge best practice and encourage creativity.
 - To give best value, set standards and monitor performance.
 - To work towards the development of sustainable communities.
 - To encourage user participation.
 - To allow equal opportunity.

3 Who will Maidstone Housing Trust house?

- 3.1 MHT will consider applications for housing from people in the following categories:
 - 3.1.1 Nominations from the Council;
 - 3.1.2 Existing tenants who wish to transfer to other accommodation;
 - 3.1.3 Other persons taking into account their housing needs and other housing options available to them.

4 Eligibility for the Trust's Housing Transfer List

- 4.1 Applicants will qualify for the Housing Transfer List if they fulfil the following criteria:
 - 4.1.1 They are an Assured Tenant of Maidstone Housing Trust
 - 4.1.2 They have been resident in their current property for at least two years and have a clear rent account.
 - 4.1.2 Their current home has become unsuitable for their needs (e.g. medical grounds, overcrowding, under occupying).
 - 4.1.3 A family living in a flat without a garden may be considered for a transfer to another property when they have lived in the flat for a period of not less than one year if they have at least one child under the age of fifteen and are using the tenancy address as their sole home.
- 4.2 MHT will also transfer households if it needs to do so for the effective management of its stock and where a family is experiencing problems of a nature which MHT is unable to resolve other than by a move to other accommodation. These are 'Management transfers' and undertaken with authority delegated to the Homesearch Manager.
- 4.3 A management move will only be agreed if there is written support from either Social Services or the Police.
- 4.4 A management move will be considered only where a request to move using the normal Homesearch system does not identify the applicant as having an immediate need to be rehoused and there is the possibility of the tenant's health and/or safety being affected by them continuing to remain in the property.

5 Selecting Applicants

5.1 Acceptance onto the Transfer List and any subsequent transfer offer will be subject to the tenants existing home being in an acceptable condition and the applicant being tenancy compliant.

5.2 A property reference will be provided by the Housing Manager giving full details of the condition of the applicants existing accommodation, rent account details and any other tenancy issues BEFORE any offer is made.

6 Making an Application

6.1 Applications for Transfer must be made by completing an application form (and medical assessment where appropriate).

6.2 The application must be sent to the Trust's Homesearch Team.

6.3 The details on application forms will be checked for accuracy and to ensure that the applicant is eligible.

6.4 The application will be assessed and awarded priority using The Points Scheme.

6.5 Applicants who have sufficient needs, which are reflected in the numbers of points they are allocated, will be given the opportunity to register for the trusts Choice Based Lettings Scheme

6.6 Applicants with very few priority points will be contacted and offered an opportunity to meet with their Housing Manager to discuss other housing options.

6.7 The following table shows what type of property an applicant may be considered for:

Household Type	Property Type
Single Person	1 bedroom or bedsit
Couple Cohabiting	1 bedroom
Single/Couple + Pregnant	2 bedroom
Single/Couple + 1 Child	2 bedroom
2 adults (not couple)	2 bedroom
3 adults (1 couple cohabiting)	2 bedroom
Family with 2 children same sex	2 or 3 bedroom
Family with 2 children different sex	3 bedroom
Family with 3 children same sex	3 bedroom
Family with 3 children different sex	3 or 4 bedroom
Family with 4 children or more	3 or 4 bedroom

6.8 Where households have a special need for a particular type of accommodation (e.g. ground floor, disabled adaptations, access to a garden etc) supporting evidence must be provided.

- 6.9 Where households need larger accommodation than indicated in the above table due to particular circumstances, supporting evidence must be provided and a decision will be made by the Homesearch Manager as to what would be a reasonable property size for the household.
- 6.10 Where a non-dependent adult joins a household creating overcrowding, residence must be established for at least six months before they can accrue overcrowding points.
- 6.11 Where a household are foster parents and this leads to overcrowding the same criteria in relation to awarding of points will prevail as set out in 6.10.
- 6.12 Applicants requesting Sheltered Accommodation (5*) or Semi-Sheltered Accommodation (4*) will be assessed by one of the Trust's Support Co-ordinators to ensure that they are in need of this type of accommodation.
- 6.13 For existing tenants, any allocation of accommodation will be made following an inspection of their current home by the Housing Manager. Home visits will be carried out on high priority (pointed) cases. If the home does not meet the required standard, an offer will not be made and the application will be suspended until the applicant is tenancy compliant.
- 6.14 Any applicant's failure to respond to an offer of accommodation within 3 working days will result in the withdrawal of the offer and the application may be suspended.

7 Maintaining and Monitoring Applications

- 7.1 Applicants must advise the Homesearch Team of any changes in circumstances which may effect their application.
- 7.2 The Trust will review applications annually to ensure that they remain current and accurate.

8 Refusing Applications

- 8.1 MHT reserves the right to refuse an application subject to providing reasonable justification for such a refusal. For example:-
- 8.1.1 Where the allocation is not in the interests of good housing management.
- 8.1.2 Where unsatisfactory or deficient references are provided i.e. following a Housing Manager inspection.
- 8.1.3 Where there is insufficient evidence of a satisfactory package of care and support and the offer would therefore not be in the best interests of the applicant.

8.1.4 Where a tenant has breached their Tenancy Agreement.

8.2 In order to encourage sustainable communities and quality of life in Trust accommodation, applicants will not be eligible for re-housing if there is evidence of displayed anti-social behaviour likely to affect the management of their tenancy and/or impact on the community. Such exclusions would be time limited and at the discretion of the Homeseach Manager, examples of exclusions could be:

8.2.1 An applicant, or member of the applicant's household, has been convicted of a violent or other serious offence.

8.2.2 An applicant, or member of the applicant's household, is a drug user or drug dealer known to the Police or the Courts.

8.2.3 An applicant, or member of the applicant's household, has used threatening language or behaviour to any officer of the Trust.

8.2.4 Where there is evidence that the applicant, or member of the applicant's household, has been subject to an injunction order for violent behaviour in the past three years.

8.2.5 Where there is evidence that the applicant, or member of the applicant's household, has behaved in an anti-social manner towards neighbours.

8.3 The Homeseach Manager will in each instance of exclusion ensure that there is sufficient evidence to support the decision.

9.1 Suspension from Transfer List

9.1.1 In some circumstances applications may be temporarily suspended during which time an applicant will not receive an offer of accommodation.

9.1.2 It is essential that applicants advise the Trust of any changes in circumstances which may affect their application. Failure to advise the Trust of changes in circumstances could result in an application being suspended or refused.

9.1.3 Where a tenant's property, during a pre-transfer inspection by one of the Housing Managers, is found not to meet the necessary standards the application will be suspended until the applicant is tenancy compliant. (See leaflet 'A Guide to Pre-transfer Inspections').

9.1.4 Applicants will be suspended for 12 months where the applicant has supplied information which is false or misleading when making an application.

9.1.5 Where an applicant has deliberately worsened their housing situation without reasonable cause their application will be suspended.

- 9.1.6 Applicants will be suspended from the Transfer List for 6 months following refusal of two reasonable offers of accommodation.
- 9.1.7 In the event that an applicant submits a right to buy application after joining the transfer list or has a right to buy application being processed when they apply to join the list, their application will be suspended. It will be for the applicant to advise the Homesearch Team that their right to buy application has been withdrawn in order for their transfer application to be made active.

9.2 Removing Applications

- 9.2 In certain circumstances applicants will be removed from the Transfer List. For example:
- 9.2.1 Where an applicant fails to respond to correspondence from the Trust or if the applicant ceases to be eligible. In these circumstances the applicant will be given 28 days notice that they will be removed from the Transfer List, and they will be given the right to appeal against that decision.

10 Allocations

10.1 How a property is allocated

- 10.1.1 When a property is (or will soon become) vacant, the process of matching a suitable applicant to that property commences.
- 10.1.2 75% of vacant properties the Trust have are given to Maidstone Borough Council for them to nominate a new tenant to. (That is for example, three out of four houses or three out of four flats in a particular retirement housing scheme).
- 10.1.3 For each vacancy there could be a number of competing applications which will be considered.
- 10.1.4 Priority will be given to households with Top Medical Priority or other Special Priority Groups.
- 10.1.5 Applicants matching the type of property available (e.g. bedroom size, area, any adaptations etc) will be selected from the top of the Transfer List in accordance with the Trust's agreed Transfer Policy.
- 10.1.6 For properties included on the Trusts Choice Based lettings scheme "Homesearch", bids with the highest points for each property will be allocated that property.
- 10.1.7 Applicants will not normally be entitled to receive an offer of accommodation unless their rent account is clear.

10.1.8 This process will be open and accountable and records kept of all decisions made.

10.1.9 The Homesearch Officer will verify all allocations.

10.2 **Choice of Area**

10.2.1 The Trust wishes to ensure that all applicants have the widest choice possible both of area and type of accommodation given competing needs and the very limited availability of accommodation in some areas of the Borough.

10.2.2 Applicants can select as many areas of choice as they wish in which they would like to be offered accommodation. However, it must be noted the Trust's ability to assist will be dependant on availability of empty properties in that area.

10.2.3 The Borough is divided into 45 areas (9 in the urban area and 36 rural areas).

10.2.4 Applicants can amend their areas of choice at any time prior to an offer of accommodation being made.

10.2.5 To enable transfer applicants to exercise more choice in the area and type of home they live in, the Trust has a Choice Based Lettings scheme; Tenants are able to bid for available properties advertised on a weekly basis.

10.3 **Standard of Accommodation Offered**

10.3.1 All properties offered will meet the standard agreed by the Trust. This is available on request and includes both the interior and exterior of the dwelling.

11 **Customer Care**

11.1 Maidstone Housing Trust seeks to promote itself as a caring, courteous and efficient service provider which is responsive to customers needs and which welcomes their participation in decision making.

11.2 Written communications to customers will be clear and simple to understand using everyday language. Copies are available in other languages or in audio upon request.

12 **Equal Opportunities**

12.1 MHT is committed to equal opportunities and aims to give equal treatment and the same opportunities to Black and Minority Ethnic (BME) households,

communities, MHT employees and job seekers. MHT will develop initiatives to understand the needs and aspirations of BME communities and will strive to tailor all its services to BME households and will work in partnership with BME organisations to achieve this aim.

- 12.2 The Trusts' Equality and Diversity Policy sets out the following access to housing statement:

"Maidstone Housing Trust will ensure fair and equal treatment in the letting of our homes, in accordance with our allocations and transfer policies. We will work in partnership with other agencies to provide homes which are accessible to people with disabilities, and will take positive action to eliminate discrimination in this area of the Trust's activities".

13 Confidentiality

- 13.1 Information kept on personal files will be kept confidential in accordance with the Trust's Confidentiality Policy.

- 13.2 The Trust has adopted the following Confidentiality Policy Statement:

"MHT will take all necessary steps to prevent the unauthorised disclosure of confidential sensitive and personal information about its customers, officers, members and contractors, and will treat the unauthorised disclosure of any such information very seriously. MHT will maintain secure files, systems and procedures in order to prevent such a disclosure. The Trust will liaise with the Police, Local Authority and other agencies (e.g. Benefits Agency) concerning the exchange and sharing of information. Such disclosures will usually be made within an agreed inter-agency protocol or by written authorised disclosure.

14 Data Protection

- 14.1 The Trust has adopted the following Data Protection Policy Statement:

"Maidstone Housing Trust will comply with the Data Protection Act 1998 and all guidance and Codes of Practice issued by the Information Commissioner. MHT will protect personal and sensitive data necessarily held and processed in its files or systems. MHT will ensure that all data held will be secure, accurate, relevant, up to date, held no longer than necessary and processed fairly, lawfully and only for specific purposes".

- 14.2 The *Data Protection Act 1998* gives applicants the right to see information about them. Any request for such information will need to be made in writing.

- 14.3 The Trust does not have to supply this information if a) it would identify another individual who has not consented to the disclosure, or b) in the opinion of a health professional or the Trust, it would be likely to cause

serious harm to the physical or mental health of the applicant or any other person.

15 Appeals – The Right to Review

- 15.1 A person who is excluded or removed from the Transfer List has a right to appeal within 21 days of the date of the exclusion. A review will be undertaken by the Homesearch Manager and the tenant will be advised of the decision and the reasons for it.
- 15.3 Applicants have the right to request such information as will enable him/her to assess how the application is being treated, including whether he/she is likely to be regarded as a member of a group accorded preference. Also to request general information on whether housing accommodation appropriate to his/her needs is likely to be made available and, if so, how long it is likely to be before he or she is made an offer.
- 15.4 Applicants also have the right to request the Trust to inform him/her of the facts of the case that are likely to be taken into account when considering whether to allocate accommodation.
- 15.5 An applicant has the right to be notified in writing of a decision that he or she falls within Section 160A (which gives lower preference on grounds of behaviour) and the reasons for it.
- 15.6 Applicants have the right to request a review of a decision to accord lower preference on grounds of behaviour, of the facts that the authority has found when making its decision and of any decision to exclude him/her from the Transfer List.
- 15.7 Where a review is sought, the applicant will be advised of the review decision together with the grounds.
- 15.8 Challenges to review decisions can be made using the Trusts' Complaints process.

The Points Scheme

Each application will be assessed and given priority according to the following categories:

- 1) **Date of application**
- 2) **Present Accommodation**
 - a) **Bedrooms lacking**
 - b) **Under-occupation**
 - c) **Access to garden**
- 3) **Local Connection**
- 4) **Medical Priority**
- 5) **Waiting Time**
- 6) **Tenancy Points**
- 7) **Special Priority Categories**

1) Date of Application

The Transfer List will be maintained in order of the date the application is received or where an applicant is removed or suspended from the Transfer List, the date that their application is reinstated. If two applicants share the same points, the oldest application will take priority.

2) Points Related to Present Accommodation

a) Bedrooms lacking

The Points Scheme awards points for every single adult, couple, child and full time carer who lack a separate bedroom.

Bedroom Deficiency	Points
Person of 16 years or more (or cohabiting couple)	20
Child 10-15 years	15
Child up to 10 years	10
Bedroom shared by those of the opposite sex when one is 5 years or more	5
For each bedroom occupied by a person 10 years or over which is less than 70 sq ft	5
Unborn child for whom there would be no separate bedroom when born	5

b) Under-occupation

Points will be awarded to any tenant who is under-occupying their property. Priority is given for each bedroom given up by the transfer.

20 points for each surplus bedroom

MHT tenants moving out of 3 or 4 bedroom houses into smaller accommodation may be eligible for cash incentive payments. Further information is available from the Trust's Reception or Area Offices.

c) Access to Garden

Points will be awarded for each child under 16 years of age without access to an individual garden.

2 points per child

3) Local Connection Points – 30 points

All tenants of the Trust will be allocated 30 points at the point of application. This is an historical feature from when the Council maintained the Housing Needs Register.

4) Medical Priority

Medical points will be awarded in consultation with the Trust's independent Medical Advisor. Priority is awarded according to the effect of an applicant's housing circumstances on their medical condition.

	Points	Description	Examples
Priority 4	5	Medical condition could be improved to a limited extent by a move to more suitable accommodation	Asthma Stress
Priority 2/3	10/15	Medical condition would be improved by a move to more suitable accommodation. Points will depend on degree of potential improvement.	Bronchitis Arthritis
Priority 1	20	Medical condition can be substantially improved by a move to more suitable accommodation	Unable to manage stairs
Top Priority	Special Category	Present accommodation is totally unsuitable due to medical condition	Needs wheelchair adapted property

The medical priority is generally awarded to a specific applicant (in the case of there being more than one member of the household). In the event the applicant to whom the medical priority has been awarded moves out of the household or dies then the medical priority will be removed from the application. The overall points awarded on the application will then be readjusted accordingly.

5 Waiting Time

Points will be awarded for each completed year on the Transfer List.

2 points per year

6 Tenancy Points

Points will be awarded for each year completed in your current tenancy at the time of registration on the Transfer List.

1 point per year

Additional Bonus Tenancy points will be awarded to tenants who have maintained a clear rent account for the previous 12 months prior to registration on the Transfer List.

5 points (one off)

7 Special Priority Groups

Certain categories of applicants will be dealt with outside of the points system and allocated a home as and when a suitable property becomes available.

This includes for example:

- Top Medical Priority
- Applicants who are referred by the Police as part of a Witness Protection Programme
- Cases not covered by the Management Move policy and agreed as needing priority move by the Head of Housing, in conjunction with the Homeseach Manager

In exceptional circumstances the Homeseach Manager may authorise an offer of accommodation outside the points system where it is considered reasonable to do so. This will be on the basis of one reasonable offer only.

Examples of this could be:

- HOMES nominations from outside the Borough.
- Applicants who are leaving Trust tied accommodation.
- An applicant who is part of a joint MHT assured tenancy, where the relationship has broken down.
- Non-successors to Trust accommodation where the applicant would have succeeded to the tenancy but for the fact that the deceased was him/herself a successor.

- Tenants of a Retirement Housing Scheme requesting a move **within the Scheme**, where such a move would help create a balanced community.
- Provision of 'move on' accommodation for selected Special Needs groups.
- Discretionary offer of accommodation to households who are considered to be intentionally homeless on the condition that they will have no choice of area.
- Granting a new Assured Tenancy to tenants of a Fully Mutually Assured Housing Co-operative who are mutually exchanging with an assured tenant of Maidstone Housing Trust where it is not possible to exchange by way of assignment.

These Special Needs Categories will be authorised by the Homesearch Manager and closely monitored to ensure that allocations are fair and consistent.

Distribution of duties

	Homesearch Assistant	Homesearch Officer	Homesearch Manager	Others
Receive applications/amendments and check for accuracy	✓			
Assess eligibility	✓			
Decision to exclude applicant from the Transfer List		✓		
Appeal against this exclusion			✓	
Removal of applicants from the Transfer List			✓	
Appeal against decision to remove applicant			✓	
Assessment of housing condition of applicants	✓			EHO
Assessment of Medical Priority	✓			Medical Advisor
Authorisation of Special Priority Categories			✓	
Decision as to what is a 'reasonable offer' for Special Priority Categories		✓		
Appeal against that decision			✓	
Decision as to whether an applicant has a special need for a particular type of accommodation		✓		
Consideration for larger accommodation on the basis of particular circumstances		✓		
Allocation of vacant properties in accordance with Allocations, Lettings and Transfer Policy		✓		
Verification of allocation			✓	
Record keeping of allocation		✓		
Designation (and de-designation) of accommodation for selective letting (e.g. for elderly, or other types of applicant) where appropriate			✓	
Authorisation to offer accommodation to debtors			✓	
Decision as to whether a refusal of accommodation is reasonable		✓		
Appeal against this decision			✓	
Awarding additional priority to applicants, outside of normal policy				Director of Housing

Further appeals against any of these decisions may be made to the next most senior officer and ultimately the Director of Housing.