

Policy Guidance Notes - Criteria for acceptance onto waiting lists for Older Persons Housing

1. Eligible Applicants:

1.1 Application to the Housing Waiting List for Older Persons Housing is open to all persons over the age of 65 who fulfil the following criteria, in addition to the criteria for residence and income (see 2 & 3 below).

1.2 An applicant must be either:

- (1) A single person aged at least 65 years with no dependent children; or
- (2) A couple, with no dependent children, with at least one person of the couple being 65 years or over. If the second person in the couple is younger than 65 they must be at least 50 years of age.

1.3 Where there is a welfare/wellbeing benefit to the arrangement, for example support or companionship, joint applications/ tenancies may be considered between parents and children, for example with an adult child with learning disability, or friends/companions, provided that the party to be added to the tenancy/application is at least 50 years of age. In the case of joint tenancy arrangements both parties have equal responsibility and liability in legal terms so both parties must have the capacity to enter into this agreement.

Couples granted a tenancy shall be joint tenants only if both are residentially qualified. Where one person of the couple does not have residential qualification at time of allocation, the tenancy may become joint, if the tenancy holder wishes, when residential qualification is achieved.

2. Residential Qualification:

2.1 Applicant(s) must have been **ordinarily resident** on the Island for a **minimum of ten years**. Residence need not be consecutive.

2.2 Applicant(s) must have been **ordinarily resident** on the Island for a **minimum of 3 months** immediately prior to allocation.

Any period during which a person has served (whether in the Island or elsewhere) in the armed forces of the Crown, immediately following a period of residence in the Island of not less than three years, shall be reckoned as a period during which that person was **ordinarily resident** in the Island. This can also be applied to the spouses and children of service personnel where such a period of off island residence is the result of service in the armed forces of the Crown by their spouse or parent/s.

Periods of full-time education, training, or periods of specialist health treatment spent off island where the applicant is **ordinarily resident** on the IOM can be included in the aggregated total residence.

3. Financial Qualification:

3.1 Maximum gross income of applicant(s) must not exceed the median Island income – currently £28,392 per annum.

For couples an enhancement of 10% is applied to the maximum income criteria – the maximum gross income for couples is currently £31,231 per annum.

In joint applications total **joint** gross income should be assessed.

Gross Income relates to **all** sources of income including Occupational Pensions and Social Security Benefits

Income limits will be reviewed annually to reflect the prevailing median income as published annually by the Economic Affairs Division of Treasury.

3.2 Financial and/or property assets must not exceed the median house price as published annually by the Economic Affairs Division of Treasury (currently £245,000) or such other amount as the Department may determine from time to time, as it is considered that persons with access to capital in excess of this amount are able to rent suitable accommodation in the private sector or exercise choice in purchasing alternative accommodation.

Financial assets include proceeds of sale and savings and investments.

Savings and Investments include shares, premium bonds, debentures, money on loan to another person or a trust fund.

Property assets include the market value of any land or property in the applicant's part or full ownership.

3.3 Where there is a profound housing need which cannot be met in the private sector, and the applicant falls outside financial qualifications 3.1 and 3.2, special consideration can be given, in consultation with Central Government's Housing Department, for allocation on a higher rental basis as determined by the Department from time to time.

Property Ownership:

Once allocated a public sector property the applicant must not own or continue to own residential property in any jurisdiction.

Where an applicant is a property owner they must evidence their intention to dispose of their property/ies prior to allocation. A current estate agent valuation of the property is required in any case in order to determine financial eligibility.

In general terms disposal should be within 6 months of being allocated a public sector Older Persons property. However, given that property market conditions may fluctuate over time, then provided that all reasonable efforts are being made to sell the property i.e.

it is being actively marketed at a price which reasonably reflects the prevailing market value, the applicant will be considered to be meeting this condition.

Any income generated by letting the property during the period of marketing for sale should be considered to be gross income for the purpose of Financial Qualification and if this income places the applicant outside of the Financial Criteria they will pay an increased rent until such time as the property is disposed of and the rental income ceases.

In line with Social Security Benefit assessment applicants will be asked to disclose whether in the 10 years preceding their application they have ever gifted any monies or other assets. Where there appears to have been deliberate disposal of assets in order to qualify for public sector housing, applicants will be refused access to the housing waiting list, or subject to the provisions at 3.3 will be required to pay a higher rental value when allocated.

Savings/ Proceeds of sale:

Interest from savings or other such deposits should be taken into account and calculated as part of total allowable income. Where actual interest figures are not available notional interest at a rate of 2% should be applied E.g. if an applicant has savings of £15,000 then £300 should be added to their total gross income. If the total gross income then exceeds the total allowable income qualification, the applicant is not eligible for inclusion on the Housing Waiting List, subject to the provisions at 3.3.

Declared savings and/or proceeds of sale should be verified by appropriate legal and financial documentation (E.g. Statements, conveyance docs, discharge of mortgage docs. etc.).

4. Health and Welfare Qualification

4.1 The applicant(s) must be capable of independent living.

It is appropriate for independence to be achieved with support from Social Services or other welfare agencies if required provided that the applicant remains capable of holding a contract of tenancy and meeting the terms and conditions of that tenancy agreement, and does not exhibit behaviours which cannot be effectively managed or mitigated that may pose a risk to themselves or others, or that may significantly reduce the peaceful enjoyment of their homes for other tenants.

During their contracted hours of work, the Warden is there to manage the complex on a day to day basis and to make regular contact (usually daily) with each resident, notifying relatives or relevant services if the applicant needs assistance. The Warden cannot deliver care or support with activities of daily living, such as bathing, cooking, cleaning or shopping. The Warden should not have any involvement in the tenant's financial affairs, e.g. banking or paying bills.

Older persons accommodation is not a substitute for health or social care and where a person's needs exceed what can be reasonably be delivered or supported in this environment without detriment to the applicant or others then Older Person's housing is not an appropriate accommodation option.

APPLICATION OF HOUSING POINTS ACCORDING TO THE UNIFORM CRITERIA FOR HOUSING – Older Persons (Sheltered)

Points are awarded for a variety of criteria which in combination determine the applicant with the highest priority for housing for the property type available. Health and welfare needs have greatest priority but the cumulative effect of the pointing means that a person with identified health and welfare needs who has the funds to support themselves in the interim will receive less priority than a person in similar circumstances with reduced finances and little or no alternative housing options.

1. Days on Housing Waiting List: Applicants accrue 1 point for each 3 month period spent on the Housing Waiting List. There is a maximum limit of 20 points.

2. Years of Residency on Island: 1 point is accrued for every year in excess of ten years resident on the Island to a maximum limit of 10 points.

Any period during which a person has served (whether in the Island or elsewhere) in the armed forces of the Crown, immediately following a period of residence in the Island of not less than three years, shall be reckoned as a period during which that person was **ordinarily resident** in the Island. This can also be applied to the spouses and children of service personnel where such a period of off island residence is the result of service in the armed forces of the Crown by their spouse or parent/s.

3. Local connection with housing authority area:

This provision provides a degree of priority to existing local residents whilst also supporting the relocation of applicants who may have a need to move closer to family or essential support services

An applicant(s) who has been living in the area more than five years is awarded 5 points

An applicant(s) who has been living in the area for less than five years but more than one year is awarded 4 points

An applicant(s) who has no residence in the area but has family or welfare connections, e.g. essential support services are based in the area, is awarded 3 points

An applicant(s) who has no connections with the area but has a preference to live there is awarded 0 points

In the case of couples only one person needs to have the relevant connection with the area to be awarded points.

4. Existing Public Sector tenant:

10 points are awarded to existing public sector tenants who will be releasing a family house for allocation to a family in need either from the general Housing Waiting List or as a transfer.

Existing tenants who currently reside in properties unsuitable for families but whose properties are required by the landlord to meet another specific housing need e.g. to

release a flat for a younger single person or couple in housing need, can also be awarded points under this provision to facilitate release of that property.

5. Gross Income per annum (including combined income of joint applicants)

£25,001 & above	0 points to be allocated
£22,501 - £25,000	3 point to be allocated
£20,001 - £22,500	6 points to be allocated
£17,501 - £20,000	9 points to be allocated
£15,001 - £17,500	12 points to be allocated
£15,000 and under	15 points to be allocated

The income scale is reviewed and adjusted on an annual basis in accordance with Isle of Man annual average wage inflation.

Pointing for income ensures that applicants with the lowest income and therefore least ability to support themselves in the private sector whilst awaiting allocation are awarded greatest priority.

6. Financial/property assets

£25,000 to £34,999	minus 3 points to be allocated
£35,000 - £49,999	minus 6 points to be allocated
£50,000 or over	minus 10 points to be allocated

Negative pointing for financial assets ensures that applicants with the least ability to support themselves in the private sector whilst awaiting allocation are awarded greatest priority.

7. Adequacy of present accommodation

Environmental Health – maximum 20 points (in total)

Unfit housing (must be certified by Environmental Health) 5, 10, or 20 points
Statutory Overcrowding (as certified by Environmental Health) 20 points

Health/Welfare – maximum 30 points (in total)

Unfit for health/welfare consideration
(must be supported by a Support for Housing report by a health professional & award of points is subject to assessment by a multi-disciplinary health/welfare panel) 5, 10, 15, 20, 25 or 30 points

(Subject to the professional assessment above, points can be allocated for both health/welfare and unfit housing or statutory overcrowding. A maximum of 50 points in total is available comprised of; 20 points for Environmental Health issues including overcrowding, 30 points for health/welfare).

8. Supported Housing

20 points are awarded for supported housing

Supported Housing is where those with more complex needs, such as learning disability, may be supported to live independently in their own home on an ongoing basis by a care or support agency in partnership with the applicant and the landlord by way of a three way agreement. This is subject to the person meeting the requirements of the Health and Welfare Qualification for access.

9. Notice to quit (excluding rent arrears and anti-social behaviour)

From Landlord/Advocate	5 points
Court Order	10 points (maximum)

Points relating to the re-possession process are applied only in respect of the person who is named as the tenant of the property in question. A landlord Notice to Quit must be a formal legal notice to the tenant compliant with section 4 of the Landlord and Tenant (Miscellaneous Provisions) Act 1976 rather than a simple request to vacate the premises.

Points for Notice to Quit or Court Order should not be applied if rent arrears or any other significant breach of tenancy are the reason for the Notice or Order. Neither should points be applied where the Possession proceedings relate to the ending of a temporary arrangement for housing provided by a public sector housing authority, such as a short term license to occupy, which was clearly not intended to represent a formal tenancy agreement.

If the applicant subsequently signs a new lease for alternative housing then any points for Notice to Quit no longer apply.

The points (max. 10 in total) represent the progression and urgency of the legal process.

If a person presents to the HWL with a legal NTQ in respect of their current accommodation they are awarded **5** points.

If a person presents to the HWL with a Possession Order subsequent to a NTQ in respect of their current accommodation they are awarded **10** points.

A person may present to the HWL at either stage of proceedings. If they initially present with a NTQ upon which the Courts later grant Possession the points are updated to reflect the Possession Order status and increase to **10 points in total**. The NTQ is simply an earlier part of the same legal process and does not attract additional points in its own right.

Tied Accommodation

It would appear reasonable to take into account, in advance, an inevitable conclusion to an applicant's employment and tied tenancy. This could be because of retirement or other genuine reason. Therefore, an applicant in tied accommodation (who whilst still in employment is outside the income criteria) can be accepted on the waiting list if they meet the following criteria:-

- Their employer can demonstrate that the employee has a contract with a fixed termination date and that their current accommodation arrangements are contractually tied to their contract of employment.
- At the date of the termination the applicant will clearly have an income that is within the Criteria income limits – this does not include a temporary hiatus between jobs.
- The applicant in all other respects qualifies for inclusion on the waiting list.

The following criteria would be applied to points:-

- The applicant can apply six months in advance of termination and points for the time on the waiting list will start to apply
- Points for income will also apply to genuine income and assets calculated at the time they have to leave their employment and tied home
- Points for Landlord's Notice to Quit will apply 3 months prior to the termination date.

10. Emergency Housing: requires verification of circumstances / referral by Social Services, Police, Fire Service, Environmental Health or other relevant authority.

(1) Damaged Property (uninhabitable) Certified by fire services, insurance assessor	20 points
(2) Closure Notice Property Condemned by Environmental Health	20 points
(3) Social reasons (serious & immediate risk) (E.g. Victim Support Witness Protection, Domestic Violence, Child Protection; verified/referral by Police and/or other relevant agency)	20 points

The 20 emergency points available under the uniform criteria for housing relate specifically to formally validated situations **where the person has no option but to vacate the current address with immediate effect** whether that be due to serious fire; the property being formally condemned and closed down in terms of fitness for habitation; or immediate high risk social welfare situations, for example to remove a person from sexual abuse.

11. Prior unjustified refusal by applicant of a housing unit: Where an offer of a property considered suitable for the applicant was refused without valid reason (such as reasonable proximity to family, accessibility if there are health considerations e.g. ground floor accommodation required), a discretionary deduction of 10 points is allowable for each unjustified refusal.

Social factors such as proximity to violent ex-partners and/or relatives, vulnerability and adult protection issues etc. can all be considered as legitimate issues.

This is intended to be a permanent deduction in line with the fact that the Housing Waiting List and allocation process is based on housing need. After two refusals of suitable properties the applicant will be removed from the Housing Waiting List but will not be precluded from reapplication at a later date.

12. Accumulated rent arrears: a deduction of 10 points is allowable if there are existing public or private sector rent arrears. As above, discretion & common sense should be applied in a consistent and equitable manner. For example, if a person has previously had a proven good rent history but significant changes to personal circumstances such as serious illness, bereavement, marital breakdown etc. has led to problems with the account they should not be penalised if it can be demonstrated that reasonable attempts are being made to rectify the debt.

Rent cards or equivalent payment record should be produced by applicant for verification on application and prior to allocation of property.

Appeals Procedure:

Any applicant having an application for acceptance on to a waiting list rejected, or any applicant dissatisfied by reason of non-allocation of a property by virtue of non-allocation or erroneous allocation of points, may

1. Seek a review of that decision by submitting a request in writing to Marashen Crescent Housing Committee, and
2. If the decision is upheld by the Committee, an applicant can seek an appeal against that decision in writing to the Housing Directorate, Markwell House, Market Street, Douglas, IM1 2RZ, whose decision shall be final.