

## **EAST AYRSHIRE COUNCIL**

### **HOUSING COMMITTEE – 22 MAY 2002**

#### **HOUSING (SCOTLAND) ACT 2001 SEDD CIRCULAR 1/2002 HOUSING LISTS AND ALLOCATIONS**

##### **Report by the Director of Homes and Technical Services**

### **1.0 PURPOSE OF THE REPORT**

- 1.1** To highlight to the Committee the implications for East Ayrshire's Housing Allocation Policy arising from the implementation of sections 9 and 10 of the Housing (Scotland) Act 2001.

### **2.0 INTRODUCTION**

- 2.1** The Housing (Scotland) Act 2001 received Royal assent on 18<sup>th</sup> July 2001. Several sections of the act are now in force but others have still to be enacted. Sections 9 and 10 of the Act amend sections 19 and 20 of the Housing (Scotland) Act 1987 in respect of admission to a local authority's housing list and allocation of housing. The relevant provisions of the Act came into effect on 1<sup>st</sup> April 2002
- 2.2** This report covers the issues surrounding Housing Lists and Allocations, and specifically the amendments required to the Council's existing Housing Allocations Policy.

### **3.0 THE ALLOCATIONS POLICY**

- 3.1** The key changes to our current policy and procedures relate to:-

- Non housing debt e.g. Council Tax
- Rent arrears which have been paid off
- Rent arrears which are less than 1/12<sup>th</sup> of annual rent
- Rent arrears that are currently being paid off
- Applicant fleeing harassment
- Applicant moving to be near relative/carer

### **3.2 Non Housing Debt**

The Council will no longer be able to refuse an applicant admission to the waiting list on the grounds that the applicant has current or former Council Tax arrears or other non-housing council debt.

### **3.3 Rent Arrears**

The Council will no longer be able to refuse an applicant admission to the waiting list for up to five years on the grounds that the applicant was evicted from a previous tenancy for rent arrears if the rent arrears are no longer outstanding.

### **3.4 Rent Arrears**

The Council will no longer be able to refuse an applicant admission to the waiting list if the rent arrears are less than 1/12<sup>th</sup> of the annual rent. This will mainly affect transfer applicants.

### **3.5 Rent Arrears**

The Council will no longer be able to refuse an applicant admission to the waiting list if they have come to an arrangement to pay off their rent arrears and have kept to that arrangement for 3 months.

### **3.6 Harassment**

An applicant should be admitted to the waiting list where they wish to move into an area because of harassment or because they run the risk of domestic violence. Harassment is defined as causing a person alarm or distress. In these circumstances there is no need for any form of local connection.

### **3.7 Relatives/Carers**

An applicant should be admitted to the to the waiting list where they wish to move into an area to be nearer a relative or carer. In these circumstances there is no need for any other form of local connection.

## **4.0 FINANCIAL IMPLICATIONS**

4.1 While there are no direct financial implications associated with these changes to the HRA, the ability of the authority to negotiate with prospective new tenants over outstanding other council debts such as Council Tax arrears is diminished.

## **5.0 LEGAL IMPLICATIONS**

5.1 The Council requires to comply with its statutory obligations in terms of sections 19 and 20 of the Housing (Scotland ) Act 1987 as amended by Sections 9 and 10 of the Housing (Scotland ) Act 2001 in respect of admission to the Council's Housing list and allocation of housing.

## **6.0 RECOMMENDATIONS**

- (i) That the Director of Homes and Technical Services be authorised to make the necessary alterations to the Housing Allocation Policy and Tenants' Guide leaflet to bring them in line with current statute.
- (ii) Members otherwise note the content of this report.

James Lavery  
Director of Homes and Technical Services  
JC/  
7 May 2002

### **LIST OF BACKGROUND PAPERS**

- 1) SEDD Circular 1/2002.
- 2) Housing Allocation Policy.

For further information please contact Joseph Cassidy, Policy Manager on 01563 576617.

Implementation Officer: Gerry Darroch, Operations Manager.

**AGENDA**