

20 March 2025

Our Ref: FOI 688

Request

We received your request on 25 February 2025 for the following information:

I would like to request the following information,

Policy and procedures with respect to tenancy succession.

Rules / Criteria for tenancy succession.

All other relevant information with respect to tenancy succession.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

Our response

Please find enclosed requested policy with respect to tenancy succession.

The first four attachments are extracts from the Housing Selection Scheme Guidance Manual and General Housing Policy Guidance Manual. The Housing Selection Scheme Guidance Manual provides policy guidance relating to the rules of the Housing Selection Scheme and is used by the Housing Executive and registered housing associations in Northern Ireland. The General Housing Policy Guidance Manual provides guidance on internal landlord matters and is used by the Housing Executive only.

The final attachment (Landlord Services Advice Note Fundamental Review of Allocations Number 22/24 - Changes to the Housing Selection Scheme and Allocations Process under Stage Two of the FRA [Fundamental Review of Allocations] Project) is specific guidance issued to Housing Executive and registered housing association colleagues to advise of policy changes. Advice Notes are often issued in advance of changes to manuals which can take significant time to complete.

Landlord Services Advice Note Fundamental Review of Allocations Number 22/24 has not yet been incorporated into the Housing Selection Scheme and General Housing Policy Guidance Manuals and will require changes to the attached chapters. In the event of any conflict between the guidance contained in Landlord Services Advice Note Fundamental Review of Allocations Number 22/24 and the guidance contained in the Housing Selection Scheme and General Housing Policy Guidance Manuals the guidance in Landlord Services Advice Note Fundamental Review of Allocations Number 22/24 takes precedence.

Some staff names have been redacted in accordance with FOI Act Section 40(2) as this is considered to be personal Information of a third party and disclosure would contravene data protection principle (a) in Article 5 of the UK GDPR.

This concludes our response.

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1.0 TENANT NO LONGER LIVING AT HOME

A situation may arise where the tenant no longer resides in his / her principal home.

1.1.1 No one else Living in the Property

Where there are no other persons in the dwelling, investigations should be initiated to determine the reason for the absence from the dwelling and the likely date of return if applicable.

Where the designated officer has reasonable grounds to believe that the dwelling is unoccupied and that the tenant does not intend to occupy the dwelling as his / her principal home, then the Abandonment Procedures should be initiated (refer to Chapter 6 GHPGM).

1.1.2 Tenant in Nursing Home

Where the tenant has moved into a Residential/Nursing Home, investigations should be made to determine if the tenant has moved there on a permanent basis. If this is the case, the tenant should be asked to terminate the tenancy. If the tenant is unable to terminate the tenancy due to a lack of capacity, only a party with legal authority to act on behalf of the tenant can terminate their tenancy (further information is available in section 1.1.3).

Where it is established that the tenant has moved out for Respite or Temporary Care, the Patch Managers should actively monitor the case on a regular basis. A checklist designed to assist staff is contained in Appendix 1. This checklist also provides guidance for staff in relation to concerns regarding the mental capacity of a tenant.

1.1.3 Capacity

All requests regarding tenancy changes must be tenant led. However, if a tenant's capacity comes into question, the following guidance should be referred to for information.

In accordance with the Mental Capacity Act 2016, a person is deemed to lack capacity if they are unable to make a decision for themselves due to an impairment of, or a disturbance in the functioning of the mind or brain at that particular time. It is not condition specific, and it does not matter whether the disturbance or impairment is permanent or temporary.

There is always a presumption of capacity, unless otherwise stated or evidenced. New legislation which will be fully implemented in 2020 extends additional protections for individuals with regard to capacity. Essentially the Mental Capacity Act (Northern Ireland) 2016 provides a broader framework which includes;

- A statutory presumption of capacity.
- A requirement to support decision-making
- Mechanisms to allow individuals to plan for times that they do not have capacity
- Safeguards to protect the rights of individuals when compulsory interventions or substitute decisions are required.

Until it has been established that a tenant does not have capacity, reasonable efforts should be made to engage with the tenant at all times. If you suspect that the tenant may not have capacity, it would be appropriate to request that the Next of Kin (NOK), other family member or Social Worker be present at any interview. Staff should never make decisions regarding a tenant's capacity, ordinarily an assessment must be completed to determine an individual's capacity (this is normally verified by two qualified medical experts), without this, and evidence of such, there is a presumption of capacity.

When it becomes evident that a person no longer has capacity and this is presented to the Housing Executive, the following advice should be taken into consideration:-

- Has there been any assessment of the individuals' capacity?
- Has anyone been registered as an Enduring Power of Attorney? (see below)
- Has there been a Controller appointed by the Office of Care and Protection? (see below) It is important that staff liaise with Social Services, Next of Kin or a family member to determine if anyone has been appointed.
- Is the person still resident in their property?
- Are there any external agencies involved- e.g. Social Services, Consultants/GP?
- Supporting evidence regarding their capacity (i.e. registration certificates from the Office of Care and Protection or written confirmation from the Trust).
- Has additional support been offered/provided to enable the individual to make a decision?
- Rarely, when a tenant lives alone and does not have any family or representatives, a staff member may be the first person to suspect that the tenant could have capacity issues. In this instance the staff member should contact Social Services for further advice.

In the event of a tenant no longer having capacity, family members or Next-of-Kin (NOK) should only sign any change of tenancy requests or terminations if they have legal authority to do so:

1.1.4 Enduring Power of Attorney (EPA)

In the event of the sufficient information provided which demonstrates that the tenant does not have the capacity to make the decision in question at the time, it would be useful to determine if there is anyone registered as an Enduring Power of Attorney. Importantly, someone appointed to deal with their benefits via the Social Security Agency or just an Attorney will not be sufficient, as neither have the appropriate authority to act on the individuals' behalf.

An Enduring Power of Attorney is an individual (normally a next of kin or close family member) whom the individual has chosen to act on their behalf in the event of no longer having capacity. An EPA must be registered through the Office of Care and Protection (OCP). If this is applicable, a copy of the registration should be requested and retained on file.

1.1.5 Controllership

In the event of a tenant being assessed as no longer having the capacity to make a decision (in respect of his or her tenancy), and it has been established that there is no EPA appointed, it may be necessary for a family member or next of kin to make an application to the OCP for Controllership. If there are no family members or next of kin, the relevant Health Trust may apply to the Courts, or alternatively the OCP may appoint a solicitor to look after the affairs of the individual. The OCP will generally appoint a Controller to deal with the day to day affairs of the person. There are costs associated for registration, and further information is available from the Department of Justice website: <https://www.justice-ni.gov.uk/articles/how-apply-become-controller> . If this is applicable, a copy of the registration should be requested and retained on file.

1.1.6 Short Procedure Order

If the value of the individuals' assets or income is deemed to be relatively low, or in the case where there is no owned property or the level of income applicable is less than what the Court considered in need of being managed by a controller, the Master may authorise someone to manage the property and affairs of the Patient under a 'Short Procedure Order'.

This guidance regarding capacity is for information purposes only and should not be taken as a form of legal advice. Tenants (or their families/Controllers) should be advised to seek independent legal advice if they require this. Should staff require further guidance they should contact Legal Services or Housing Policy.

1.1.7 Tenant in Prison (Remanded in Custody/Convicted or on Bail)

When a Tenant is unable to remain at their home due to an imposed judicial condition:

- Remanded in custody; means that they will be detained in a prison until a later date when a trial or sentencing hearing will take place. The majority of prisoners on remand have not been convicted of a criminal offence and are awaiting trial following a not guilty plea.
- Where bail conditions require a tenant to reside away from their normal home.
- When a Tenant is found guilty of a criminal offence they may be given a term of imprisonment.

Tenancy Implications

In relation to the above circumstances a Tenant's tenancy continues until such times they voluntarily terminate their tenancy or they are in breach of their tenancy conditions and the NIHE has been successful in legal proceedings and gained possession of the dwelling.

Early contact should be established with the prisoner. This may be through family, PBNI or Housing Rights Service. HRS has dedicated Prisoner Liaison Officers who carry out an advocacy role. When

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HRS becomes aware a prisoner is living in social housing they may complete a Prison Liaison HA/NIHE Form (Appendix 2) and forward same to the relevant landlord.

The information contained on the Prison Liaison HA/NIHE form assists the landlord to manage the property.

It is important when a NIHE section has been advised that a tenant has been placed in prison this information is shared with all the relevant offices (HB, Accounts and Local office).

A tenant may be entitled to Housing Benefit/ Universal Credit Housing Costs Element for a limited period while on remand (maximum of 52 weeks). If a tenant has been sentenced as a general rule HB/UC entitlement ends.

Both HB and UC regulations allow, in certain circumstances, the liability to pay rent to be transferred to a person who is living in the property, in order to allow them to continue to reside in the property. This confers no tenancy rights to the person in temporary occupation.

In such circumstances the tenancy continues in the name of the tenant in prison, and if there are any breaches of tenancy conditions, the named tenant is still accountable.

If a tenant is in prison and continues to pay the rent and arranges to have the property maintained and they intend to return and live in the property after they have been released, their tenancy will continue.

If a tenant intends to return and live in their tenancy legal proceedings based on possession for non-occupancy is not appropriate. As a general rule, any possession proceedings against a prisoner are most commonly based on non-payment of rent.

1.1.8 Other Persons Remaining in the Dwelling

a) Sole Tenancies

Where other members of the immediate family / household remain in the property following a sole tenant leaving the property, investigations should be made to determine where the tenant has moved to and if he / she intends to return. Contact should be made with the tenant to seek out his/her intentions with regard to the tenancy.

Where there is evidence that the tenant is unlikely to return, efforts should be made to have a termination of tenancy completed and recover possession of the property. If a termination of tenancy is not received, the designated officer should seek advice from chapters 6 to 8 in the general housing policy guidance manual and Legal Services.

In exceptional circumstances, the outgoing tenant may be permitted to assign the tenancy to another individual (see Chapter 8 of the Housing Selection Scheme Guidance Manual; the form at Appendix 11 of this chapter should be used for assignment requests.)

b) Joint Tenancies

Where a joint tenant leaves a property, a joint tenancy still exists provided one of the joint tenants occupies the premises as his/her only or principal home. Where either joint tenant terminates the tenancy, however, this brings the whole tenancy to an end. For more details and guidance refer to Chapter 8 of the Housing Selection Scheme Guidance Manual and the form at Appendix 13 of this chapter.).

1.2 LODGERS

A Lodger is someone who does not have exclusive possession of any part of the dwelling in question; he or she lives there with the consent of the tenant. Secure tenants of the Housing Executive have the right to take in lodgers and do not have to seek permission. However, if the tenant is in receipt of benefits including Housing Benefit, these may be affected, and the tenant should be advised appropriately.

1.3 SUBLETTING

Subletting takes place when a part of a property is sublet. A Secure Tenant has the right to sublet part of the dwelling in question, however, such a request to sublet must be made in writing and can only take place with the written consent of the Assistant Area Manager. The tenant must be advised that benefit entitlement may be affected.

A tenant may not sublet the whole of the property as to do so will cause the secure tenancy to end. Instances where the whole property has been sublet should be made via email to tenancy.fraud@nihe.gov.uk with the following information included in the referral email:

- Personal details of the person to be investigated (e.g. Name, DOB, NINO, Address)
- The type of fraud suspected (e.g. subletting, false succession)
- A chronology of the action taken by the local office prior to referral

The Tenancy Fraud Unit will advise the local office upon receipt and risk assessment of the case whether the local office should continue to investigate the case or whether the Tenancy Fraud Unit will take over the investigation.

1.4 TENANT DECEASED

Upon notification of the death of a tenant there are THREE scenarios for the Patch Manager to consider

1. No one remaining in the dwelling – securing vacant possession of the dwelling
2. Death of a Joint Tenant
3. Request to succeed the tenancy

1.4.1 No-One Remaining in the Dwelling

Where the Patch Manager becomes aware that a tenant has died and there is no-one residing in the house, enquiries should be made with personal representatives or relatives in relation to the handing-in of the keys.

The Patch Manager should carry out as many checks within reason to try and locate family members or personal representatives. Where no person can be found or contacted, then they should begin the process to recover possession of the dwelling, take an inventory of any remaining property and store same for a period of time (refer to storage of furniture in Chapter 6 Abandonment Procedures for general principles to be followed). All investigations should be recorded and stored appropriately.

Where there are personal representatives or relatives of the deceased tenant, they are normally relied upon to clear the dwelling and give vacant possession. If there is no request for a succession Patch Managers should follow policies and procedures in Chapter 9 of the General Housing Policy Guidance Manual and the Notice of Termination of Tenancy on Death of Tenant (Chapter 9 - Appendix 3 GHPGM) should be completed by a personal representative or relative of the tenant. After a reasonable period of time has elapsed and no action has been taken to give vacant possession, the designated officer should contact the Housing Executive's Legal Services.

1.4.2 Probate Check

If a Probate Check is required this will be completed by Legal Services. This will determine if there is a Grant of Probate or Letters of Administration for the deceased.

1.4.3 Where no Grant of Probate or Letters of Administration Exist

Where the Probate check determines that there is no grant of probate or Letters of Administration, the Housing Executive's Legal Services will advise the designated officer on the letter and notice to serve on the Probate Judge which is also copied to the relatives who have failed to give vacant possession. Legal Services must approve the letters before issue to the relevant parties. As in the situation above, Legal Services must be contacted once again for advice where there is no suitable response within four weeks. (Copies of the specimen letters used by Legal Services are attached in Appendix 3 – 3.2).

Where vacant possession still cannot be obtained, legal advice should be sought from the Housing Executive's Legal Services.

1.4.4 Where Grant of Probate or Letters of Administration Exist

Where either of these is in place, a Notice to Quit must be served on the Executor(s) or the Administrator(s) (as relevant) giving four weeks' notice where vacant possession has not been given voluntarily. The Notice to Quit is used to bring the Contractual tenancy to an end. The designated officer will be asked to draft the recommended letter and notice as indicated in Appendix 4 – 4.1 and Appendix 3.1. These must be forwarded to Legal Services for approval before issuing. Where

there is no response from the Executor or Administrator, the Legal Department must be contacted once again for advice.

1.4.5 Death of a Joint Tenant

Where a Joint Tenant dies, the remaining joint tenant automatically becomes the sole tenant. A copy of the death certificate will be required to administratively change the tenancy on HMS. There is no succession investigation required regarding this type of request. (See Chapter 8 of the Housing Selection Scheme Guidance Manual).

Whilst rare, this also applies if, before the death of a tenant, a joint tenancy consisted of more than two persons. In this case the remaining joint tenants automatically continue as joint tenants of the property. Therefore, if a joint tenancy exists at the time of the death of a tenant any remaining joint tenant(s) automatically continue(s) as a tenant(s) of the property due to the legal doctrine of survivorship. Whilst evidence is required in the form of a death certificate to administratively change the tenancy on HMS, there is no requirement for the remaining tenant(s) to apply for a change of tenancy.

N.B. On the death of a joint tenant, if the resultant change of tenancy is a joint to sole this is considered a statutory succession upon the death of the remaining sole tenant (see Chapter 8 HHS Guidance Manual in relation to where there has been a previous succession). Therefore, it is important to ensure the correct tenancy reason is recorded on HMS and on file. Staff can find a form at Appendix 18 that they can complete for their own information and records. Please refer to the HMS keying guide on Gateway for the steps required to ensure that the appropriate tenancy reason is keyed

1.5 SUCCESSION REQUEST

Where an occupant of the deceased tenant's property (except a joint tenant) wishes to apply to succeed to the tenancy of the deceased tenant, the Patch Manager should initiate investigations into their relationship to the deceased tenant, residency at this tenancy and eligibility to succeed to the tenancy. The Patch Manager should carefully consider the legislative and specific policy requirements; and gather the necessary evidence gathered to support the decision. This should be done at the earliest opportunity by completing the Succession Request form (Appendix 6) Please refer to Chapter 8 of the Housing Selection Scheme Guidance Manual for further information on successions.

Where the investigation determines that there is no entitlement to a succession under statutory or policy criteria and the circumstances of the case are potentially of a very exceptional nature this may be referred to Housing Policy using the pro-forma (Appendix 8) to draft a brief for consideration by the Director of Housing Services (See Chapter 8 of the Housing Selection Scheme Guidance Manual)

The Local Office should complete a brief on the case (see Appendix 8) which should be approved and signed by the Assistant Area Manager/Area Manager and forwarded to the Housing Policy section with all the relevant files and information(via the Inbox: HousingPolicy@nihe.gov.uk). Housing Policy staff will then liaise with the Local Office and all relevant offices and draft a brief for consideration by the Director of Housing Services.

1.5.1 Investigations into a Succession Request (PLAN)

Throughout the investigation of a claim for the succession of a tenancy, all actions and decisions taken should be Proportionate, Legal, Auditable/Accountable and Necessary (PLAN). During the investigation staff should be mindful of how they are adhering to PLAN. Each claim must be examined on its own merits and the potential successor's individual circumstances.

Applying PLAN will ensure there is a structured approach for the Patch Manager to the investigation and interviews with the potential successor, and will help the Lettings Manager reach decisions with confidence. Please refer to Chapter 8 of the Housing Selection Scheme Manual for guidance on carrying out a full investigation and the rules regarding who can succeed to a tenancy.

Proportionate: Actions and decisions taken during the investigation with the potential successor should be balanced, in proportion with; and specific to, their individual circumstances. Part of establishing a proportionate investigation is to distinguish between the statutory and policy entitlement, evidence provided and the potential successor's vulnerabilities as well as their housing aspirations and needs. It is also important to remember that this will be a distressing time and staff should exercise sensitivity during the process of investigation.

Legal: Actions and decisions taken should be in accordance with our statutory duties and our policy requirements. Guidance on our legal and policy requirements can be accessed via the Housing Hub on Gateway

Note: When carrying out an initial interview with the potential successor and completing the succession application form, it is important that the Patch Manager provides advice and guidance on:

- GDPR and the relevant declarations/consent. If the potential successor refuses to sign the declarations regarding consent to share and receive information, then investigations may continue with the information available. Staff should annotate the form to indicate that the Potential Successor has declined to give his/her consent.
- liability for Housing (occupation and Rates) Costs during the investigation period (Permission to Occupy), with no influence or detriment to the decision, and help with these Housing (occupation and Rates) Costs
- any HB, Universal Credit implications and Social Sector Size Criteria mitigation
- all documentation needed dependent on the information provided (i.e. whether it is a statutory or policy succession) (refer to Chapter 8 of the Housing Selection Scheme Guidance Manual)

- the full process/timeline and what to expect if they are successful or unsuccessful
- whether the deceased tenant had a will or assets requiring Letters of Administration from Court.
- if they are unsuccessful the means of redress, i.e. the Review Process (see Chapter 10 General Housing Policy Guidance Manual)
- if necessary, Housing and Homeless advice can also be offered at this time.

Accountable/Auditable: The Patch Manager is responsible for the timely recording of relevant high quality and factual information that is relied upon to support the Lettings Manager's actions and decisions. The Patch Manager, in recording this information, should ensure that it is readily apparent to others as to the appropriateness of the recommendation. Similarly the Lettings Manager's should ensure that any action is reliable and accountable and how the decision was arrived at is clear and appropriate. All decisions must be taken in accordance with the delegated authority as set out in Standing Orders.

Necessary: Patch Manager's investigations and requests for evidence should only be carried out in the context of what is needed to inform the recommendation for a statutory or policy succession (or if they believe there are very exceptional circumstances) for the potential successor. Investigations should not be undertaken outside the scope of the potential successor's individual circumstances. Any decisions taken by the Lettings Manager should be based on the information provided about the potential successor and the individual circumstances provided of each specific claim.

1.5.2 PTO Process and the HMS Workflow

Upon the notification of the death of a tenant and receipt of Succession Request, the Patch Manager should register the details on the HMS Succession Workflow (please refer to the HMS Keying Guide). All documents and correspondence should be scanned and uploaded to the Documents tab in the workflow when received and the case should be processed and notes updated on the Notes tab in the workflow throughout the investigation.

As previously mentioned Patch Managers should ensure that potential successors are advised of the occupation (PTO) charge during the face to face interview, which should occur at the earliest opportunity to expedite the investigations. Patch Managers should also sensitively enquire at interview whether there is a will or any assets of the deceased tenant. This is to facilitate the process to end the deceased tenant's contractual tenancy after investigation if a negative decision is made by the Lettings Manager.

After the Succession request form is completed and the declarations signed at the initial interview with the potential successor a "Permission to Occupy" account should be created outside of the Succession workflow in Tenancy Management by the Patch Manager on HMS (following the steps in the HMS Keying guide) from the Monday following the death of the tenant. Should a Potential Successor decline to give their consent, staff should annotate the form accordingly.

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Once created a temporary “payment” barcoded letter for Permission to Occupy accounts should be generated and sent to the potential successor along with the Notification of Liability of PTO charge (Appendix 5). Note: this is NOT for payment of rent and it should not therefore be referred to as a method of paying rent.

At the same time, the Patch Manager should notify IT Assist as well as the Business Systems Support team via email to suppress any further payment cards. (Please raise a Service Request via the IT Assist Portal for these requests and send an email confirming this request to Tracey.Hunter@nihe.gov.uk , Mairead.Quinn@nihe.gov.uk , Clare.Mackle@nihe.gov.uk, John.Barr@NIHE.GOV.UK and Kevin.Devlin@nihe.gov.uk in Business Systems Support. In the email/IT Assist Request, please use the title PTO Account and include the HMS reference number, Occupiers name and the property address.)

Patch Managers should create add a “PTO Succ App” UDC to the PTO account on the Tenancy tab with the valid from date being the Monday following the death of the tenant (and creation of the PTO account) and the valid to date left blank. This will assist in the timeliness of the Patch Manager’s investigation, provide statistical analysis for the review of cases and management controls for the process, and facilitate a weekly report to manage the ongoing investigations of the succession request.

Patch Managers and Lettings Managers should refer to the HMS Keying Guide throughout for guidance on keying to the Succession HMS workflow and the creation and ending of the Permission to Occupy account. If applicable, they should notify the Housing Benefit Unit of the tenant’s death and succession claim.

NB: There are a THREE instances where a PTO account would not be created without further consideration,

- Where the potential successor holds a Housing Executive tenancy in their own right
- Where the potential successor is a minor

(staff should refer to Chapter 8 of the Housing Selection Scheme Manual and refer to Housing Policy for advice on any specific cases)

- Where all the information to make a positive decision is received on the same day that the declarations are signed on the Succession Request form by the potential successor (for example a spouse or civil partner who provides a marriage/civil partnership certificate and proof of residency at the property at the time of the tenant’s death). In these cases the full Succession workflow (see HMS Keying Guide) should be completed by the Patch Manager and Lettings Manager as soon as possible and a PTO account would not be necessary.

NB: In instances where the deceased was a U&O resident a PTO account should NOT be opened

NB: The Customer Portal gives the customer the benefit of being able to view their occupation charge and arrear. Whilst the Portal refers to the customer as the 'Lead Tenant' this does not confer any tenancy rights or responsibilities to the occupant and this should be explained fully at interview at the same time as the permission to occupy and associated liability for the occupation charge is being explained.

Abatements

The Patch Manager should investigate to see if there are any abated rent attributes on the deceased tenant's rent account. If during investigations the Patch Manager determines that the potential successor or a member of the household who is to remain is not entitled to these abatements, i.e. if the potential successor or remaining member of the household is not the person(s) any disabled adaptations were carried out for then the Patch Manager should advise Finance of any necessary action needed to remove the abatements from the PTO account. Further advice can be sought from Income Collection Policy.

Debt Recovery Action for Current PTO Account

The Patch Manager will remain responsible for monitoring any arrears in regards to a current Permission to Occupy account and should action these promptly. There are a number of arrears action codes/recommendations against the account for Patch Managers to action on an ongoing basis. There are three stages of debt letters (different letters depending upon whether the potential successor is in receipt of benefits or not. These letters generate in HMS as part of the arrears recovery process. Sample letters have been attached (see Appendices 7 – 7.5).

Where a potential successor is in receipt of benefits and is in arrears the Patch Manager can apply for a UC Direct Payment or a Direct Payment from legacy benefits where applicable. Further information can be obtained from the Income Collection Policy unit.

Where a potential successor is not in receipt of benefits, the threshold for formal debt recovery action will be £400. This action will be through the small claims court. Before proceeding to the small claims court, the Patch Manager should discuss the case with their Team Leader.

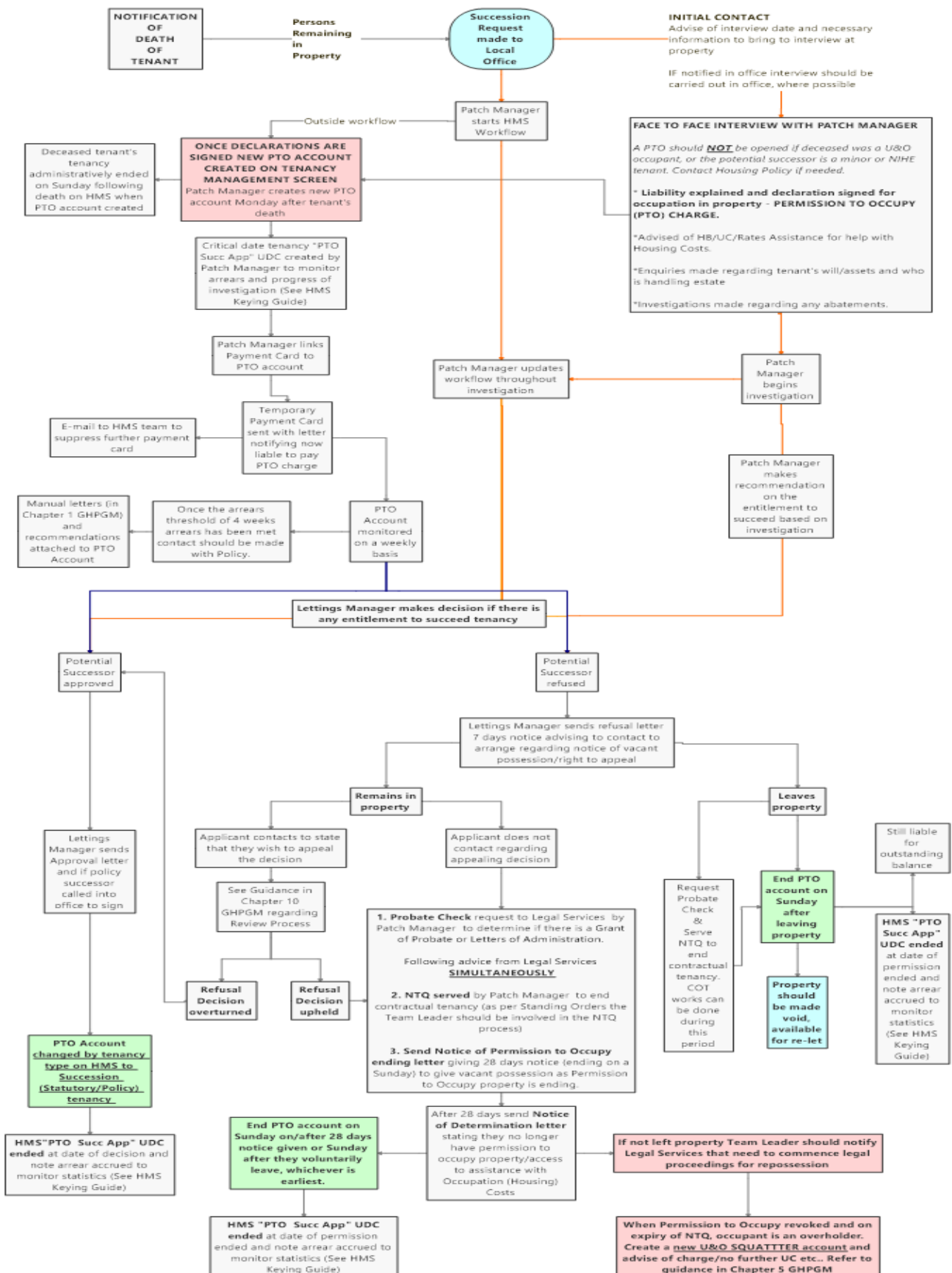
It should be noted that any other action in regards to recovery of the property cannot be taken on the basis of arrears for a Permission to Occupy Account. Further information on debt recovery issues with a Permission to Occupy account can be obtained from the Income Collection Policy unit.

GENERAL HOUSING POLICY GUIDANCE MANUAL

CHAPTER 1 TENANCY ISSUES

REVIEWED February 2025

1.5.3 Succession of Tenancy and Permission to Occupy (PTO) Process Decision Making



1.5.4 PTO Process

The investigation into a statutory or policy succession claim should be completed from succession request to decision in a timely manner along with a robust investigation into all the specific circumstances of the case.

1.5.5 Approving a Succession

If an application to succeed to a tenancy is approved, the Lettings Manager should notify the successor using the appropriate letter (depending on whether a Secure or Introductory Tenancy is being granted) in Appendix 8.1 or 8.1A of Chapter 8 of the Housing Selection Scheme Guidance Manual. The letter should be issued to the applicant who has a legal entitlement to succeed.

If a policy succession has been awarded the appropriate offer letter is found in Chapter 8 of the Housing Selection Scheme Guidance Manual should be used depending on whether a secure or introductory tenancy is being granted and the policy successor should be signed up as a secure or introductory tenancy (whichever is applicable)

On the HMS Succession Workflow the decision should be made and any letters scanned to the Documents tab in the workflow. This should then be ended by clicking to the next screen and clicking the “Complete” button and the new tenancy should then be amended via Tenancy Management on HMS. Please refer to the HMS Keying Guide.

The Permission to Occupy account should then be amended on HMS to the new introductory/secure succession tenancy from the Monday following the death of the previous tenant. This will retain the same HMS reference number and therefore should not impact on any ongoing UC claim. (Please see HMS Keying Guide on how to amend the tenancy type). Any arrears recovery should be actioned in accordance with current guidance as set out in Income Collection policy and guidance.

It is also essential that the “PTO Succ App” UDC on the Tenancy tab is populated with the end date on HMS when the decision to approve the succession was made and a note is added in the UDC that the succession was approved and of any outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide).

Where a person succeeds to a tenancy (because of a statutory right to succeed or because of circumstances that policy specifically allows) then new tenancy repairs will not be carried out. However, the normal health and safety checks should be carried out.

1.5.5.1 Approval of Succession when the Successor is a current Full Duty Applicant

If an application to succeed to a tenancy has been approved the Patch Manager should ascertain if the successor is a current Full Duty Applicant. Where the successor is a current Full Duty Applicant guidance should be followed depending on whether there has been a statutory (legal) succession or a succession on policy grounds. Full guidance can be found in Chapter 8 of the Housing Selection Scheme Guidance Manual.

Once awarded the full housing duty status (“FDA”), the duty may be discharged as follows:

“The Executive may perform any duty under Article 8 or 10 (duties to persons found to be homeless) to secure that accommodation becomes available for the occupation of a person—

- a) by making available suitable accommodation held by it, or
- b) by securing that he obtains suitable accommodation from some other person, or
- c) by giving him such advice and assistance as will secure that he obtains suitable accommodation from some other person.

Statutory (Legal) Successions

Where a person has been approved to succeed to a tenancy because of a statutory right to succeed the succession has occurred as a matter of law and is not considered an allocation of a tenancy so the Housing Executive cannot be said to have made accommodation available to the applicant.

In these circumstances the Patch Manager should endeavour to speak with the customer to determine what action should be taken in respect of their existing housing/homeless application. The customer may wish to withdraw their housing/homeless application if they feel their succession tenancy meets their housing need. At no time should any pressure be put on a customer to withdraw an application. If the customer does not wish to withdraw their application, they would then change to a Management Transfer applicant (if FDA has been awarded).

Staff should also refer to Appendices 15 and 16 of the Homelessness Policy Guidance Manual if the customer wishes to have their application withdrawn.

The Patch Manager should advise the customer to contact their Housing Solutions Advisor if they are satisfied that they now have available suitable accommodation and wish to withdraw their housing/homeless application.

Staff should note that if the successor wishes to retain their Homeless application and FDA status that this has no influence or detriment to the approval of the Succession tenancy. If the criteria set out in the relevant legislation¹ has been met then the tenancy vests as a matter of law.

Policy Successions

Where a person succeeds to a tenancy because of circumstances that policy specifically allows the succession is considered as an allocation of tenancy. If a customer has an active housing/homeless application, this would allow for closure of the application and the duty discharged through making available suitable accommodation.

¹ For secure tenancies in the Housing (NI) Order, 1983 or for introductory tenancies in the Housing (NI) Order 2003

The Patch Manager should liaise with Housing Solutions to ascertain if accommodation made available is suitable to the successor, this *may* include a further assessment of the customer's functionality points and ground floor need. If the Housing Advisor is content that the accommodation is suitable and discharges the duty the customer should be advised of their right to challenge through statutory review and appeal.

If it is determined that the accommodation is not suitable the customer can accept the policy succession, retain their FDA and remain on the Waiting List as a Management Transfer OR decide to accept the allocation of accommodation under policy succession rules and choose withdraw their housing and homeless application. Full guidance can be found in Chapter 8 of the Housing Selection Scheme.

1.5.6 Refusing a Succession

If the succession is refused, the Lettings Manager should notify the individual giving notice to contact the office within 7 days to arrange vacant possession and that if they are dissatisfied to appeal the decision through the Review process (see the initial Refusal letter in Chapter 8 of the Housing Selection Scheme Guidance Manual, Appendix 8.12 or 8.12A)

Where it has been decided that the applicant does not have an entitlement to succeed to the tenancy, vacant possession has not been given and they have exhausted or chosen not to avail of the Review procedure, a probate check must be carried out. A NTQ must then be issued to legally end the deceased tenant's contractual tenancy and revoking the Permission to Occupy status (see sections 1.5.10 and 1.5.11 below).

If possession proceedings have commenced and a Review request is received (even if this is outside the given 28 days) these proceedings should be suspended until a Review decision is made. Full guidance on the Review process can be found in Chapter 10 of the General Housing Policy Guidance Manual.

1.5.7 Notice to Quit (NTQ) and Probate Check (ending the deceased tenant's Contractual tenancy)

Before proceeding with a NTQ, the Patch Manager should liaise with their Team Leader and a Probate Check is required. Where the individual or next of kin provided information regarding a Will or assets of the deceased tenant, this information should be referred to Legal Services who will carry out a probate check to obtain details of the Grant of Probate or Letters of Administration for the deceased tenant.

Where Legal Services ascertain that there is no Grant of Probate or Letters of Administration the NTQ should be drafted and approved as outlined above, however the NTQ and letters should be served on the Probate Judge² and copied to the individual who is remaining in the property and has

² If the deceased tenant has no assets and no will the NTQ and letters to be served on Probate Judge and copied to Applicant occupying the premises

failed to give vacant possession. (See Appendix 3 – 3.2 for specimen copies of these letters used by Legal Services and sent by Patch Managers)

Where a probate check determines these are in place, the NTQ will be served on the Executor³ or the Administrator⁴ and copied to the applicant. The Patch Manager will draft the recommended letter and NTQ (Appendix 4 – 4.1 and 3.1) which the Team Leader should approve and sign. These must be approved by Legal Services before the Patch Manager serves them on the Executor or Administrator, as appropriate. Where there is no response from the Executor or Administrator, Legal Services should be contacted to issue further instructions.

1.5.8 Ending of Permission to Occupy

At the same time of the issue of the NTQ and associated letters to end the deceased tenant's contractual tenancy, following discussion with the Team Leader, the Patch Manager should also send the individual the Notice of Permission to Occupy Ending letter (see Appendix 9) giving 28 days' notice of the end of the permission to occupy these premises. Please note that the individual remains liable for a PTO charge throughout the 28 days' notice period. The Patch Manager should advise the individual that at the end of the 28 days' notice period that they will no longer be entitled to any further assistance from Universal Credit (the housing element), or Rates Rebate, where appropriate. Housing Benefit may continue to be paid in accordance with Housing Benefit legislation.

If vacant possession has not been given after 28 days of this letter the Notice of Determination (see Appendix 10) should be sent and if necessary if the applicant is in receipt of benefits to help with these occupation (housing) costs, the Patch Manager should advise the applicant to notify their work coach (UC) that the permission to occupy has ended. If they are in receipt of Housing Benefit they should notify their relevant Housing Benefit office of the change in their circumstances.

This will coincide with the 28 days' notice given in the NTQ and Legal Services should be contacted to further possession proceedings.

The PTO Account should be ended on the next Sunday through the Tenancy Management screen on HMS and the Succession workflow should have the decision keyed and all letters scanned to the Documents tab before the workflow is ended by clicking to the next screen and clicking the "Complete" button. Please refer to the HMS Keying Guide

It is also essential that the "PTO Succ App" UDC is populated with the end date (Valid To) on HMS when the NTQ expired and the PTO account was ended and a note is added in the UDC the date the Succession was refused, any means of redress taken and most importantly of any outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide).

³ If the deceased tenant has assets and a will there should be an Executor in place.

⁴ If the deceased tenant has assets but there is no will there may be an Administrator in place

Once the PTO account has ended the individual will still be liable for any arrears accrued during this period, where there was a permission to occupy.

1.5.9 If Vacant Possession is Given

If vacant possession is given at any stage the PTO account should be ended on the Sunday after the occupant has left the property, if this has not been ended previously. As above the "PTO Succ App" UDC on the Tenancy tab should also be ended with the "Valid To" date keyed on HMS when the PTO account ended, depending on when vacant possession was given. A note should also be added on the UDC detailing the date the Succession was refused, any means of redress taken and most importantly of the outstanding arrears accrued during the period that there was an occupation charge (please refer to the HMS Keying Guide). A Probate check should be carried out and a NTQ should be served to end the deceased tenant's contractual tenancy.

1.5.10 If Vacant Possession is Not Given

Vacant possession is required when permission to occupy the premises ends following the expiry of the NTQ. If vacant possession is not given the Patch Manager should discuss with their Team Leader to determine whether the occupation should be tolerated pending legal proceedings. If this is the agreed course of action, a Use and Occupation (Squatter) account should be created. Guidance can be found in Chapter 5 of the General Housing Policy Guidance Manual.

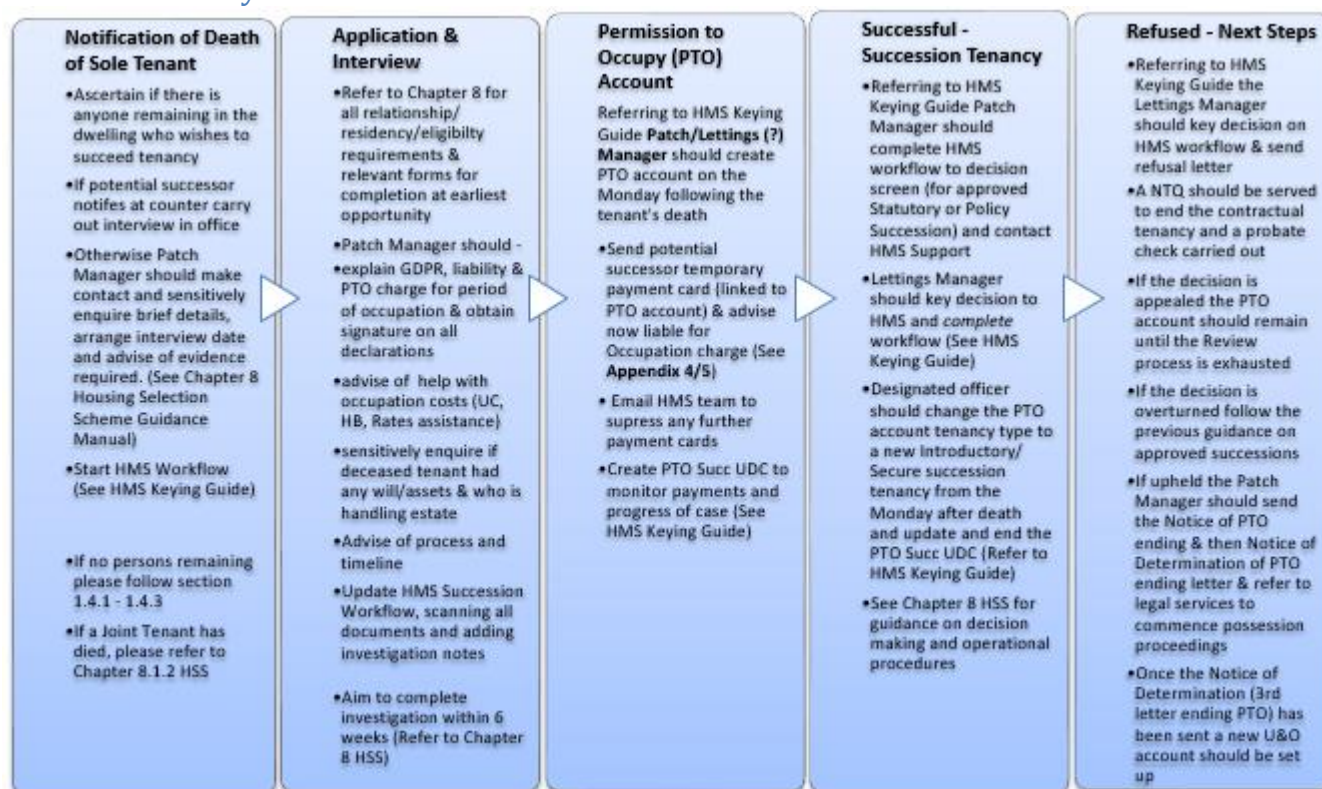
If the Patch Manager is aware that there are occupation (Housing) costs are still in payment they should contact the Welfare Benefit Unit if they were in receipt of Universal Credit or Rates Rebate to end this claim. If they are in receipt of Housing Benefit, this may continue but they should contact the relevant Housing Benefit office, as appropriate, to advise of a change in circumstances for their claim.

Any Universal Credit/Rates assistance payments made for periods following the expiry of the NTQ should be discussed with the Team Leader as they may be overpayments. Staff should not transfer payments received after the NTQ has expired and the Permission to Occupy ended from Universal Credit/Rates Assistance into a Use and Occupation account.

1.5.11 Debt Recovery for Former PTO Account

When permission for a PTO account has ended or where the potential successor has left the property, the account will become a former PTO account. At this stage, any arrears recovery action will be the responsibility of the income collection units.

1.5.12 Summary of Succession and PTO Process



1.6 ASSIGNMENT

An assignment of tenancy occurs when the existing secure / introductory tenant in effect transfers his / her tenancy rights to someone else. Such a request should be initiated by the current tenant in the first instance and not the individual who wishes to be assigned the tenancy. Patch Managers should ensure that they engage with the tenant to complete the Assignment Request form (See Appendix 11) to fully investigate the circumstances and that both the tenant (assignor) and the potential assignee sign the declarations. If consent is not given staff should annotate the form accordingly.

A secure / introductory tenancy cannot normally be assigned without the consent of the Landlord (except if the courts have ordered an assignment as part of family law proceedings or civil partnership proceedings). Guidance in relation to this matter is contained in the Housing Selection Scheme Guidance Manual (Chapter 8)

Please note where a person is assigned a tenancy (because of a statutory right or because of circumstances that policy specifically allows) then new Commencement of Tenancy repairs will not be carried out. However, the normal health and safety checks should be carried out.

1.6.1 Permission to Occupy Charge

The Permission to Occupy charge cannot be implemented for assignments as there is an existing tenancy and it is that tenant's responsibility to pay all rental charges as laid out in the General Conditions of Tenancy.

An assignment of tenancy can only therefore be assigned if there is an active tenant to assign and as such a termination of tenancy should not be taken.

There will be certain circumstances where the potential assignee may be considered to have a liability to pay the rental charge, for example, if the tenant has entered a residential/nursing home. In these instances, there may be entitlement to help with Housing Costs through full or partial assistance from Universal Credit or Housing Benefit. Staff should seek advice from Housing Policy and the Welfare Benefit Unit on a case by case basis and the liability section in the Assignment Form at Appendix 11 must be explained to and signed by the potential assignee.

The Patch Manager should establish in these particular cases if the potential assignee should apply for Universal Credit (UC) and help with housing costs at interview. Housing costs may be awarded if the following conditions apply:

- the person who is liable to make the payments is not doing so;
- the claimant has to make the payments in order to continue occupation of the accommodation;
- the claimant's circumstances are such that it would be unreasonable to expect them to make other arrangements;
- it is otherwise reasonable in all the circumstances to treat the claimant as liable to make the payments.

The Patch Manager should contact the Financial Inclusion Manager and Welfare Benefits Unit for further help and guidance when dealing with an application for help with housing costs in such cases. Patch Managers should ensure that detailed notes are recorded on the rent account notes on HMS. Where there are potential assignees and the tenant is incapable of consent to the assignment.

In such circumstances, in order to prevent any detriment, it may be in the best interests of the family to apply to the court to have a controller appointed in order to consent to the assignment of the tenancy. This request can only be initiated by someone who has the legal authority to act on behalf of the tenant and again should not be initiated by the potential assignee.

A member of the family (or the Social Worker) would apply to the Office of Care and Protection, PO Box 410, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. The process of appointing the controller is an administrative, office procedure taking approximately 3 months and there is no court hearing as such.

1.6.2 Where an Assignment has been granted and the Assignee has Full Duty Applicant Status

Where an assignment has occurred in pursuance of a Court Order, there have been no grounds under Schedule 3A of the Housing (NI) Order, 1983 to withhold consent to an assignment by way of exchange (Direct Exchange) or they have been approved under Rule 77 of the Housing Selection Scheme the Patch Manager should ascertain if the assignee is a current Full Duty Applicant. Where the assignee is a current Full Duty applicant guidance should be followed depending on whether there has been a statutory (legal) Assignment or an Assignment on policy grounds. Full guidance can be found in Chapter 8 of the Housing Selection Scheme Guidance Manual.

Statutory (Legal) Assignments (Rule 76 HSS)

Where a court has issued an order for a secure or introductory tenancy to be assigned from one person to another person or there are no legal grounds to withhold consent to a Direct Exchange the assignment has occurred as a matter of law and is not considered an allocation of a tenancy, so the Housing Executive cannot be said to have made accommodation available to the applicant.

In these circumstances the Patch Manager should endeavour to speak with the customer to determine what action should be taken in respect of their existing housing/homeless application. The customer may wish to withdraw their housing/homeless application if they feel their assigned tenancy meets their housing need. At no time should any pressure be put on a customer to withdraw an application. If the customer does not wish to withdraw their application, they would then change to a Management Transfer applicant (if FDA has been awarded).

Staff should also refer to Appendices 15 and 16 of the Homelessness Policy Guidance Manual if the customer wishes to have their application withdrawn.

The Patch Manager should take appropriate action should the customer wish to withdraw their housing/homeless application.

Staff should note that if the assignee wishes to retain their Homeless application and FDA status that this has no influence or detriment to the approval of the Assignment tenancy. If the criteria set out in the relevant legislation⁵ has been met then the assignment occurs as a matter of law.

Policy Assignment (Rule 77 HSS)

Where a person is granted a policy assignment as set out in Rule 77 of the Housing Selection Scheme and has an active housing and homeless application with Full Duty Applicant status the assignment of this tenancy would allow for closure of the application and the duty discharged through making available suitable accommodation.

The Patch Manager should ascertain if accommodation made available is suitable to the assignee, this *may* include a further assessment of the customer's functionality points and ground floor need.

⁵ For Assignments as a result of a Court Order; Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978, Article 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995, Part II of Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998 or t 2 of Schedule 15, or paragraph 9(2) or (3) of Schedule 17, to the Civil Partnership Act 2004; For Direct Exchanges Article 32A and Schedule 3A of the Housing (NI) Order, 1983

If the Designated Officer is content that the accommodation is suitable and discharges the duty the customer should be advised of their right to challenge through statutory review and appeal.

If it is determined that the accommodation is not suitable the customer can accept the policy assignment, retain their FDA and remain on the Waiting List as a Management Transfer OR decide to accept the allocation of accommodation under policy assignment rules and choose to no longer continue their housing and homeless application. Full guidance can be found in Chapter 8 of the Housing Selection Scheme.

1.6.3 Assignment by way of Exchange (Secure Tenancies)

This is a right conferred by Article 32A of the Housing (NI) Order, 1983 entitling secure tenants, subject to the written consent of the landlord, to assign (i.e. exchange) their tenancy with another secure tenant, who in turn will have acted similarly.

Consent cannot be withheld to an assignment by way of exchange for secure tenants except on the grounds as detailed in Schedule 3A of the 1983 Order as outlined in chapter 8 of the Housing Selection Scheme.

Guidance in relation to this matter is contained in the Housing Selection Scheme Guidance Manual (Chapter 8). For the relevant Assignment Request Form see Appendix 11 of this chapter. Assignment of Introductory Tenancies should only be consented to in exceptional circumstances.

1.6.4 Matching Facilities / HomeSwapper for Mutual Exchanges

Housing Executive and housing association tenants are able to avail of mutual exchanges or 'assignments by way of exchange'. For exchanges by way of assignment relevant staff should refer to Chapter 8 of the Housing Selection Scheme guidance.

Tenants can use various means to identify other potential social landlord tenants to request permission from their respective landlords to exchange with.

Detailed below is a list of some of the more popular matching tools that can be used

- HMS Mutual Exchange register
- Social Media
- Other media outlets
- Online Mutual Exchange register

All social housing tenants can now use 'HomeSwapper' to search for possible exchanges. HomeSwapper is a UK wide web based mutual exchange scheme, where tenants can register online, upload photographs and details of their home to the website and browse for any suitable homes in their selected area of choice that they may wish to consider 'swapping' with. This system is currently free to use for all social housing tenants living in NI who have been authorised by their landlord to use the service. Before moving, tenants will need to seek written permission from their landlord.

Social housing tenants who have requested a transfer or have enquired about moving/swapping should also be made aware of the Home Swapper facility and advised to register on the website.

Home Swapper will complement transfer requests and can help maximise opportunities for tenants wishing to move and tenants can register for both.

Detailed guidance on HomeSwapper is contained in chapter 9 of the Housing Selection Scheme manual. There is also a dedicated HomeSwapper section on the Housing Hub, which includes a user manual, FAQs, a welcome pack for tenants, and advertising material.

1.6.5 Housing Mobility Schemes Involving Social Tenants Living outside Northern Ireland Rule 83

Tenants living in Social Housing elsewhere in the UK do not have a statutory entitlement to complete a mutual exchange with tenants living in NI. Consideration for such an exchange however, can be given under Rule 83 of the Housing Selection Scheme. All requests must be approved by both landlords. If approved the new tenancy in NI should be treated as an allocation under Rule 83 and the new tenant signed up as an introductory tenant.

Guidance on the use of Rule 83 is detailed in Chapter 9 of the Housing Selection Scheme Guidance Manual.

1.7 CREATION OF JOINT TENANCIES

Rule 79 of the Housing Selection Scheme details the criteria required to be met in order to allow a joint tenancy after the commencement of the current tenant's tenancy.

Staff should refer to Chapter 8 of the Housing Selection Scheme Guidance Manual for additional guidance on this matter, and Chapter 2 when the eligibility of a proposed joint tenant is being considered. The relevant Joint Tenancy Request form can be found at Appendix 12 of this chapter.

1.7.1 Rule 79: Creation of Joint Tenancies

The Landlord will allow joint tenancies to be created only where the requirements of one of the sub-paragraphs listed below has been satisfied:

- The current tenant is the husband or wife / civil partner of the proposed joint tenant.
- The proposed joint tenant is, at the date of application for approval, a person who would be entitled to succeed (under statute or under policy) in the event of the existing tenant dying at that date.
- The proposed joint tenant was part of the current tenant's household when the current tenant was awarded the tenancy by the Landlord.
- The current tenant and the proposed joint tenant have been living together as part of the same household for at least a period of one year immediately prior to the date on which Landlord approval was sought. Exceptionally, a Designated Officer may decline to approve a joint tenancy under this category if he / she has compelling

evidence that the existing tenant is likely to move out of the property in the short-term future.

1.8 ACCESS TO THE TRANSFER LIST

Tenants holding Housing Executive or Housing Association tenancies who wish to be considered for a Transfer need to meet certain access criteria, except where these criteria have been waived. They must at time of application have:

- a) Held a secure tenancy for at least two years i.e. their name will not be placed onto the transfer list until 2 years after the commencement of the tenancy, and
- b) Have a clear rent account or, if there are any arrears the amount owed should be less than 4 weeks rent / rate arrears, (gross charges), and
- c) The tenant's existing property should be in a good state of repair and the tenant should not owe any recoverable charges (for repairs), and
- d) The tenant should not be guilty of any other serious breach of the tenancy conditions.

While these Access Criteria will generally apply in most situations, there will be occasions when they may or must be waived. Guidance on this matter is contained in the Housing Selection Scheme Guidance Manual (Chapter 7.2).

1.9 SOCIAL SECTOR SIZE CRITERIA (SSSC) IMPLICATIONS FOR TENANTS MOVING WITHIN THE SOCIAL SECTOR

Although Welfare Supplementary Payments have been extended indefinitely, the range of welfare mitigation measures is subject to review in 2024/2025, therefore, staff in discussions with incoming/ transferring tenants should advise them of the current position i.e.:

- (i) SSSC still applies in Northern Ireland but is currently fully mitigated.
- (ii) There is no end date set for mitigation payments.
- (iii) There is however, a review date of 2024/25 for the measures and it is not certain what the position will be after that. This will allow customers to make as informed a choice as possible.

1.10 GROUNDS FOR POSSESSION OF A PROPERTY OCCUPIED BY A SECURE TENANT

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED February 2025

Under Schedule 3 of Article 28 of the HOUSING (N.I.) ORDER 1983, a Landlord may seek to re-possess a dwelling under one or more of the following grounds:

Ground 1

Any rent due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

Ground 2

The tenant or a person residing in or visiting the dwelling-house-

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality , or
- (b) has been convicted of:
 - i. using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - ii. an indictable offence committed in, or in the locality of, the dwelling-house.

Ground 2A

The dwelling-house was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other or a couple living together as husband and wife or a couple living together as if they were civil partners and:

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) one partner has left because of violence or threats of violence by the other towards:
 - i. that partner, or
 - ii. a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (c) the court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house.

Ground 3

The condition of the dwelling or any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling house and in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought to reasonably have taken for the removal of the lodger or sub-tenant.

In this paragraph, the “common parts” mean any part of the building comprising the dwelling house, and any other premises that the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling houses let by the Landlord.

Ground 4

The condition of any relevant furniture has deteriorated owing to ill -treatment by the tenant or any person residing in the dwelling house and, in the case of any ill –treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph, “relevant furniture” means any furniture provided by the Landlord for use under the tenancy or for use in any of the common parts (within the meaning given in Ground 3).

Ground 5

The tenant is the person, or one of the persons, to whom the tenancy was granted and the Landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by:

- (a) the tenant, or
- (b) a person acting at the tenant’s instigation.

Ground 5A

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling house, by an assignment made by virtue of Article 32A and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that Article. In this paragraph “premium” means any fine or other like sum and any other pecuniary consideration in addition to rent.

Ground 6

The dwelling-house was made available for occupation by the tenant (or a predecessor in title of his) while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

- (a) the tenant or predecessor was a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home;
- (b) the tenant or predecessor accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy; and
- (c) the works have been completed and the other dwelling-house is so available

Ground 7

The Landlord intends, within a reasonable time of obtaining possession of the dwelling house:

- a) to demolish or reconstruct the building or part of the building comprising that dwelling house; or

- b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling house; and cannot reasonably do so without obtaining possession of the dwelling house.

Ground 8

The dwelling house has features which are substantially different from those of ordinary houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling house and:

- a) there is no longer such a person residing in the dwelling house; and
- b) the Landlord requires it for occupation (whether alone or with other members of his family) by such a person.

Ground 9 (This ground only applies to Housing Associations)

The dwelling house is let by a registered housing association which it lets dwelling houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing; and:

- a) either there is no longer such a person residing in the dwelling-house or the tenant has received from the Executive an offer of accommodation in premises which are to be let as a separate dwelling under a secure tenancy; and
- b) the association requires the dwelling-house for occupation (whether alone or with other members of his family) by such a person.

Ground 10

The dwelling house is one of a group of dwelling houses which it is the practice of the Landlord to let for occupation by persons with special needs and:

- a) a social service or special facility is provided in close proximity to the group of dwelling houses in order to assist persons with those special needs;
- b) there is no longer a person with those special needs residing in the dwelling house; and
- c) the Landlord requires the dwelling house for occupation (whether alone or with other members of his family) by a person who has those special needs.

Ground 11

The accommodation afforded by the dwelling house is more extensive than is reasonably required by the tenant and:

- a) the tenancy vested in this tenant, by virtue of Article 26 of the Housing (NI) Order 1983, on the death of the previous tenant;
- b) the tenant was qualified to succeed by virtue of paragraph (2) (b) of that Article; and

- c) notice of the proceedings for possession was served under Article 28 (or, where no such notice was served, the proceedings for possession were begun) more than six months, but less than twelve months, after the date of the previous tenant's death.

For NSP and accompanying notes see Chapter 8.

1.10.1 Taxi Operators Licensing Scheme

Tenants who register their address in order to obtain an independent Operator's Licence under the Taxi Operators Licensing Scheme (must provide their home address to the licensing authority, the DVA) will not be in breach of their tenancy agreement. The use of the address for the purposes of registration under the licensing scheme will not be treated as a breach of the relevant tenancy obligation to use it as a private dwelling house. However, this does not authorise any activity beyond that specified, for example, the use of the dwelling house as a pick up address/depot.

1.11 TENANCY FRAUD

The Northern Ireland Housing Executive first published its Tenancy Fraud Strategy in April 2013. The Northern Ireland Audit Office (NIAO) subsequently published a report in September 2013 on 'Tackling Social Housing Fraud in NI'. The management of Tenancy Fraud investigations was one of the issues highlighted and the NIAO report recommended that we implement more stringent checks and procedures to tackle the ongoing issue of Tenancy Fraud.

The term 'Tenancy Fraud' covers the following areas:

- Non- Occupation
- Abandonment
- Providing False Information on a Housing Application
- Subletting
- False Succession/Assignment
- Right to Buy Fraud

1.11.1 Tenancy Fraud Roles and Responsibilities

The Role of Housing Management

All cases of suspected Tenancy Fraud should be investigated first and foremost by the Local Office. Any suspected Housing Benefit Fraud should continue to be referred to the local Housing Benefit Office.

All cases of suspected Tenancy Fraud should be recorded on the HMS system or on the Local Office Tenancy Fraud Register.

It is the responsibility of those in frontline Housing Management roles to:

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- Identify Tenancy Fraud
- Carry out initial enquiries where suspicions arise
- Undertake pro-active Tenancy Audits
- Carry out Tenant Verification checks
- Work with Landlord Policy and the Tenancy Fraud Investigation Unit to identify, review and implement anti-fraud processes and procedures
- Refer cases to the Tenancy Fraud Investigations Unit where appropriate but only following discussions with Local Office Management
- Carry out unannounced visits

The Role of the Tenancy Fraud Investigations Unit

Investigators employed in the TFU provide assistance to Local Office staff.

It is the role of those in the Tenancy Fraud Investigations Unit to deal with any complex case of Tenancy Fraud that is referred to them including:

- Investigation of allegations using a variety of sources
- Gather documentary evidence
- Inter-agency liaison -PSNI, DfC, HMRC, UKBA, SSA, NIAO
- Carry out detailed interviews
- Surveillance
- Act as professional witness

The TFU will acknowledge receipt of all referrals and may contact Local Office Staff for more detail.

The TFU will liaise with Local Office staff when undertaking their investigation. On completion of their investigation the TFU will report their findings to the Local Office. The completed TFU report will be copied to both Local Office management and the referring case officer.

Local Office staff and management are responsible, in all cases, for deciding upon and implementing any necessary action, taking into consideration all current evidence and information available including any recommendations and completed report provided by TFU.

The Role of Landlord Policy

Staff in Landlord Policy with expertise in Tenancy Fraud issues will:

- Provide advice on policy matters
- Manage staff training needs
- Manage the collation of statistics and reporting
- Co-ordinate Tenancy Fraud Audits
- Liaise with DfC, Northern Ireland Audit Office and the Public Accounts Committee

1.11.2 Recording of Tenancy Fraud Cases

Local offices are required to maintain a record of all fraud referrals received along with relevant information on the actions taken and the outcome of investigations. These records are collated by Landlord Policy and reported quarterly to the Department.

In exceptional cases e.g. if the allegation involves a Housing Executive employee/relative or is deemed to be sensitive for another reason then the referral should not be recorded in the Local Office or on HMS but should be referred directly to the Tenancy Fraud Unit. For further guidance on the TFU referral process please see section 1.11.7

Non-sensitive allegations of tenancy fraud should be recorded either on the HMS system or on the Local Office Tenancy Fraud Register as detailed below. The abandonment/non-occupation module is located in the 'housing' dropdown menu on the HMS homepage.

HMS Abandonment/ Non-occupation Module	Local Tenancy Fraud Register
<ul style="list-style-type: none"> • All cases of suspected abandonment or non-occupation (introductory or secure tenure) 	<ul style="list-style-type: none"> • Providing false information on a housing application • Succession/assignment fraud • Key selling • Sub-letting • Right to buy • Abandonment/non-occupation(U&O tenure)

If a report of suspected tenancy fraud is received from a member of the public the 'social tenancy fraud referral form' (see Appendix 15) should be used to record details of the allegation. Part 'D' of Appendix 15 is a guide to enable the staff member to help gather additional information to help investigate the cases further.

The person reporting the fraud is not obliged to provide their personal details and may be recorded as 'anonymous' on the form. If staff receive a report or become aware of potential tenancy fraud while on site they should complete the form on their return to the office.

Any suspected HB fraud should not be recorded and must be referred directly to the local HB office.

1.11.3 Follow Up Actions No Access on Planned Heating Service

Under the Gas Safety (Installation and Use) Regulations 1998 there is a mandatory duty for landlords to carry out an annual safety check to all gas systems.

Robust procedures are currently in place to ensure that the gas service is carried out. In summary:

- Contractor informs Customer Service Unit (CSU) that there have been two “no accesses” to a property.
- CSU attempt to make contact with the customer within 72 hours of contact from Contractor.
- If no response is received, CSU immediately prepare a letter highlighting the customer’s obligations under their Tenancy Agreement and request them to contact the CSU within 7 days – this letter will advise that the gas supply will be disconnected if no response is received.
- The above letter will be hand delivered by a member of staff from the local office in a further attempt to contact the tenant.
- If after 7 days the CSU receive no response from either the tenant or the local office an Urgent Order will be raised on HMS to decommission the gas supply.

After following the steps outlined above, and on the completion of a disconnection order, the local office should then begin their investigations into whether the property has been abandoned or not occupied. It is on the commencement of this initial investigation that the case should be keyed to HMS as an open investigation.

Where it is identified where a disconnection cannot take place due to that property having an internal gas meter, local office staff should serve an injunction to gain access – the case should be referred to Legal Services. At this point, staff should also consider whether it is appropriate to begin a non-occupation/abandonment investigation. It is important that if the tenant comes back to the local office/CSU before the injunction has been served that Legal Services are notified.

In cases whereby failure to gain access to service the gas appliance occurs and where the occupant is identified as Use & Occupation local offices should speak to Legal Services before undertaking any action.

In relation to properties with a heat type of oil or solid fuel the following steps should be followed:

- Contractor informs Customer Service Unit (CSU) that there have been two “no accesses” to a property.
- CSU attempt to make contact with the customer within 72 hours of contact from Contractor.
- If no response is received, CSU immediately prepare a letter highlighting the customer’s obligations under their Tenancy Agreement and request them to contact the CSU within 7 days
- As there is no sanction i.e. gas disconnection, all oil and solid fuel no accesses should at this stage have a case opened on HMS and an investigation into non-occupation should commence.

1.11.4 Tenancy Fraud Compliance

Following the implementation of the Tenancy Fraud/Misuse Strategy 2013 revised guidance was issued in response to recommendations from the 2013 NIAO report 'Tackling Social Housing Tenancy Fraud in Northern Ireland'.

In particular this clarification and revised guidance related to:

- Fraud prevention checks at sign up
- Unannounced Visits
- Referral of Tenancy Fraud cases for further investigation to the Tenancy Fraud Investigations Unit
- Customer/Tenant Verification

1.11.5 Fraud Prevention Checks at Sign up

Local Office staff should carry out identity and residency verification checks on new tenants. This will be achieved by collating information during the sign up procedure and subsequently verifying the information in an unannounced visit to the property. All new tenants signing up (including transfers and joint tenants) should have a consent form signed at sign up stage and their photograph taken via webcam or by mobile phone (for those new tenants signed up out of office), for uploading to HMS. This will then allow staff to view the tenant's photograph on the HMS Customer Dashboard when there is any further contact for verification purposes.

Appendix 14 provides further clarification, step by step guidance on photographing tenants at sign up and the use of office webcams and mobile phones for uploading tenant photographs to HMS. Staff should contact the Servicedesk if there are any instances of faults occurring with the webcams.

The sign up process will be carried out as normal, but will now include the Tenant Verification Forms that will print along with the sign up documentation. These pages will not be visible on the PC and do not require any additional information to be captured at Sign Up. NB: THESE ADDITIONAL PAGES SHOULD NOT BE COPIED TO THE TENANT AND SHOULD BE USED FOR FOLLOW UP VISITS.

Tenant details captured during the Sign Up will populate the first page of the verification form (Tenant Verification Details).

Unannounced Visits

Staff are required to carry out unannounced visits within the first two months of a tenancy to ensure the correct tenant is in occupation and that the social dwelling is being used by someone who is entitled to do so.

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The ID provided or photograph taken at sign up should be used during the verification visit to confirm the identity of the resident matches that of the legal tenant. The Officer should complete the 'tenant verification form' to record the proof of identity and residency provided.

If the Officer is satisfied with the verification details, the completed tenant verification form should be attached to the sign-up documentation and retained on the tenant's file and a comment must be added to the tenant notes on the tenancy tab of HMS.

Recording the unannounced visit

To access the tenant notes from the HMS home screen

1. Click on 'property' tab and then 'select property' from the drop down menu
2. Enter the property address and click the 'search' button
3. Select the correct property and click on 'rent accounts'
4. Select the rent account of the new tenant and click on 'tenancy details'
5. Click on the 'tenant notes' tab
6. Click 'add' on the bottom menu
7. Click on the spyglass icon and select the 'common' module and click 'ok'
8. Click on the spyglass icon and select the lead tenant on the pop up box and click 'ok'
9. Add the details of the verification visit to the notepad and click 'ok'

The following information must be included on the notepad -

- Visit purpose i.e. unannounced visit
- Date of visit
- Visiting officer name
- Outcome i.e. tenant verified

Failure to gain access

In the event of a 'no access', another unannounced visit should be carried out within two weeks. If the Patch Manager fails to gain access on a second occasion they should issue a letter requesting that the tenant contact them.

If the tenant subsequently makes contact by telephone, the PM should ask the tenant to provide their personal details to confirm that they are speaking with the legitimate tenant. Staff should not provide them with details from HMS and ask them for confirmation.

If following this contact the Patch Manager is satisfied that the correct tenant is in occupation they should complete the tenant verification form and key a comment on HMS as above, detailing the dates of both the initial visit any follow up.

If they are not satisfied by the above, they may wish to follow up with a third unannounced visit; this should also be recorded on HMS.

If at any point during the above the Patch Manager suspects that tenancy fraud is occurring they should open a case and begin investigations.

1.11.6 Standard Tenant Verification – Existing Tenants

Staff are required to undertake verification checks on contact with customers via telephone or at the public counter other than in exceptional circumstances. The points below are included to provide further clarification as to how staff should approach different scenarios when dealing with customers.

If a customer is reporting a repair the staff member should continue to prompt the customer to provide their name and details (e.g. DOB). In cases where the customer is unable to provide this information and the staff member believes it merits further investigation they should continue to key the repair but also send an email to the appropriate local office asking them to consider carrying out further investigations.

In cases where a customer is making an enquiry whereby the information requested is of a personal nature (e.g. housing application), staff should prompt the customer to provide their name and details before giving out any information. In the case of a counter visit, staff may also use the photograph on HMS (if available). If a customer is unable to confirm these details, staff should advise the customer that they are only able to provide general advice and should not give out any personal details.

1.11.7 Referrals to Tenancy Fraud Unit

All cases of suspected tenancy fraud must be investigated first and foremost by the local office.

If the case is of a complex nature, staff should seek initial guidance from Landlord Policy or the TFU and if, at this point, the local office considers that the case should be investigated by the TFU then a formal referral can be made.

The local office will retain responsibility for the case even after a referral has been made to the TFU.

The referral process

All referrals should be made via email to tenancy.fraud@nihe.gov.uk.

Staff should attach a completed 'Social Tenancy Fraud Referral Form' relating to the specific type of fraud alleged. Staff should use the 'Social Tenancy Fraud Referral Form (Application)' at Appendix 15 (a) when reporting a suspected fraudulent

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- *housing/homeless application*
- *succession/assignment*
- *Joint tenancy request*
- *Direct exchange*

Staff should use the 'Social Tenancy Fraud Referral Form (Tenancy)' at Appendix 15 (b) when reporting

- *Key selling*
- *Non-occupation*
- *Sub-letting*
- *Right-to-buy fraud*

All referrals to the TFU must be approved by a Team Leader (or any equivalent or senior grade).

The referring officer should complete the referral template, providing as much relevant information as possible including:

- Personal details of the person to be investigated (e.g. Name, DOB, NINO, Address)
- The type of fraud suspected (e.g. subletting, false succession or assignment)
- A chronology of the actions taken by the local office prior to the referral
- Any information that might suggest that the person to be investigated, any member of their household or person linked to them may be potentially violent.

TFU will acknowledge receipt of all referrals. Upon receipt of an acknowledgment email, staff must ensure that they delete all electronic copies and dispose of any hard copies of the fraud referral. This should include the original referral email. A copy of the referral must not be stored on HMS.

The TFU report

On completion of their investigations the TFU will issue a report to the originating office. This report will detail their investigations and make a recommendation on a proposed course of action.

The completed report and any recommendations for action in the case will be copied to the Assistant Area Manager (AAM), the Team Leader and original referring case officer within the local office.

TFU reports relate solely to the allegations of tenancy fraud raised in the initial local office referral and are not to be used in any other matter or for any other purpose.

A completed TFU report is confidential and **must not** be stored on HMS.

Taking action

The Assistant Area Manager is responsible for deciding upon and implementing any necessary actions following a fraud investigation. They should take into consideration all current evidence and information available including the completed TFU report and/or any recommendations made by them. Along with the TFU recommendations, the AAM may also seek guidance from senior management, Housing Policy and/or Legal Services*, as appropriate, in advance of implementing any action. This is particularly important in cases linked to succession/assignment, housing applications or where it is proposed to commence possession proceedings.

*Legal advice is normally subject to legal professional privilege. Staff **must not** save emails/advice received from Legal Services, relating to fraud cases, on HMS.

Outcome

Any necessary action should be taken in a timely manner, preferably no later than 14 days after a decision is reached on the appropriate course to take.

Should the local office adopt an alternate course of action to that recommended by the TFU, they should notify them, via email, of their chosen approach and rationale.

If the local office implements the TFU recommendation(s) they should advise them by e-mail of the outcome of the recommended action (e.g. succession denied) to allow TFU to close their investigation.

1.12 ANTI-SOCIAL BEHAVIOUR

When dealing with complaints of nuisance, it is important to remember that the behaviour of individuals is not solely regulated by law, but also by the concept of “reasonableness”. Residents have the right to live in their own way, providing their behaviour does not adversely impact on the lives of others. In respect of any report of anti-social behaviour, it is necessary to distinguish between minor incidents of ASB and more serious matters where legal action would be appropriate.

Guidance in relation to this matter is contained within the Anti –Social Behaviour Guidance Manual which can be found on Gateway.

1.13 ADAPTATIONS

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A tenant may report to the Housing Executive that they are having problems managing activities on a daily basis in their home. This can be reported through HMS repairs. Adaptations are classified into 2 categories - Minor adaptation – Major adaptations. Some minor adaptations do not require an occupational therapist referral.

EXAMPLES OF MINOR ADAPTATIONS NOT REQUIRING A REFERRAL

- 1) Handrails at front and rear entrances
- 2) Widening of garden paths to provide wheelchair access
- 3) Provision of outdoor lighting for disabled tenants with visual or mobility difficulties
- 4) Re-siting of socket outlets or switches at a convenient level.
- 5) Provision of lever taps
- 6) Provision of intercom and door unlock systems
- 7) Provision of additional stair rail
- 8) Defining steps for people with visual impairments

EXAMPLES OF MINOR ADAPTATIONS REQUIRING AN OCCUPATIONAL THERAPIST REFERRAL

- 1) Level access shower
- 2) Over bath shower
- 3) Special baths
- 4) Special toilets
- 5) Graduated steps
- 6) Ramped access
- 7) Grab rails

EXAMPLES OF MAJOR ADAPTATIONS

- 1) Bedroom bathroom extensions
- 2) Vertical lift or stair lift
- 3) Provision of ground floor toilet

1.14 SIGN UP OF ACCESSIBLE/ADAPTED PROPERTIES

The Housing Executive possesses valuable assets in the form of purpose built or specially adapted accommodation, designed for users and their families. Situations may arise, post sign up, where the specially adapted accommodation is no longer required by the individual or family. Staff should make prospective tenants aware, at sign up that the Housing Executive wishes to fully utilise its specialist accommodation. We may ask the family to move from the property, with the Housing Executive's assistance, if the adapted facilities are no longer required by the occupants of the dwellings i.e. disabled person no longer resides in the property.

If this situation were to occur during a tenancy, staff should initiate discussions with the remaining occupants, sensitively, to consider the suitability of the accommodation. If the specially adapted

accommodation is no longer required by the individual or family, staff should ask the occupants to consider alternative accommodation and voluntarily vacating the property. If agreeable, staff should inform prospective tenants that they would encourage the tenant/prospective tenant (in cases of succession) to apply for a transfer (can be considered for a management transfer – see section 7.10 point (h) of the Housing Selection Scheme guidance). This would be the preferred route and staff should, at all times, be extremely sensitive in their handling of the case.

If the tenant does not agree to transfer, staff should be aware, that the Housing Executive can commence proceedings for possession of the property occupied by the tenant, although such action should only be taken after careful consideration. The staff member dealing with the case should contact the Assistant Area Manager, who will decide whether re-possession of the property is the most appropriate course of action where voluntary agreement for a transfer is not forthcoming. Staff should always be mindful, that it may be a sensitive issue for individuals and families, particularly if dealing with bereaved families. Cases should be assessed on an individual basis, compassionately.

1.15 Guidance on the Assessment and Re-housing of Tower Block Residents to Facilitate Clearance under the Tower Block Action Plan.

1.0 Introduction

This guidance has been developed to provide information to frontline staff that will be dealing with the assessment and rehousing of Tower Block residents to facilitate clearance under the Tower Block Action Plan. It contains information in relation to assessments of Housing Needs, Homelessness assessments, allocations of social housing stock and communications between Social Housing Providers. Staff should note that this guidance is only relevant where demolition of the Block is the agreed option.

1.1 The guide is divided into 4 sections as follows:

- Section 2: Housing Assessments
- Section 3: Homelessness Assessments
- Section 4: Allocations
- Section 5: Communications

1.2 In order to manage the clearance process, it is recommended that a spreadsheet is maintained for each Tower Block, to include void properties (Contact Housing Policy for a sample template, if required). Additional columns can be added as required, to possibly record details of offers made, contacts made with Lettings Managers/Housing Association allocation officers etc. There will be a need for the details on the spreadsheet to be updated as individual circumstances change for each property/occupant e.g. Areas of Choice are amended; occupants are rehoused/move out etc. Area Offices may have existing spreadsheets developed to monitor the clearance of Blocks; staff should continue to maintain, record and update relevant details. Staff should also update HMS with any relevant information.

2.0 Housing Assessments

- 2.1 This section of the guidance relates to the assessment/keying processes in relation to a Tower Block resident who, at the time that DfC approval for clearance is granted, wishes to be rehoused within social housing stock. It should be noted that if an NIHE tenant/U&O resident/occupying Leaseholder/Private Rented tenant does not want to be considered for social housing i.e. they will be making their own arrangements for alternative accommodation; there is no need for their circumstances to be assessed and keyed to HMS.

Area Managers have the discretion to decide whether the Patch Manager should take responsibility for assessing Housing Applications (for instance, applications from occupying leaseholders, private tenants, U&O residents) in addition to NIHE transfers, or if they want the Patch Manager to deal with NIHE transfers only. Should the Area Manager decide that the relevant Housing Solutions Team maintain responsibility for the assessment of Housing Applications, the Patch Manager should liaise closely with the assigned Housing Advisor(s) in order to facilitate the clearance of the Blocks.

This section of the guidance identifies the procedures to be followed if the Patch Manager is assuming responsibility for the assessment, advice and assistance to all residents.

The following guidance indicates how a request for social housing should be assessed and keyed for each type of Tower Block resident who applies:

2.3 NIHE Tenants

It should be noted that any NIHE tenant who is a Person from Abroad will automatically satisfy the PFA Eligibility test, simply by virtue of being a public sector tenant. However, a PFA Eligibility test will need to be carried out should they want another non-tenant household member to be added to the Transfer Application. Staff should note that decisions in relation to PFA must be made by a Team Leader.

This section identifies the different scenarios that may exist when assessing the Housing Need for NIHE tenants who remain in occupation and want to be rehoused in social housing, following DfC approval of the Business Case/Economic Appraisal for clearance. It also identifies the assessment processes, keying protocols and considerations to be taken into account in each scenario. Once the Business Case/Economic Appraisal has been approved by the DfC, the Transfer Access criteria should be waived.

If an NIHE tenant applies for a transfer prior to the approval of the Business Case by DfC (e.g. due to health/disability, intimidation, neighbourhood disputes etc.) the transfer should be assessed at the time of application, and the Housing Application Date should reflect that.

Where a NIHE tenant has been/is to be added to the Waiting List as a result of the Tower Block clearance process, whilst their transfer assessments may have been completed prior to DfC approval, their application should be keyed as soon as practicable following approval. (Please see paragraph 2.7 for more information.)

2.4 Management Transfer Action Dates (where there is more than one block in an area)

It should be noted that there may be circumstances whereby a Business Case/Economic Appraisal submitted to/approved by the DfC contains more than 1 Tower Block in the same area. In such circumstances it would be appropriate to key different Management Transfer Action Dates for the transfer cases in each block, in order to reflect the Clearance Plan/sequence e.g. the Business Case/Economic Appraisal was approved for Block A is to be cleared first; record the Management Transfer Action Date for Block A transfers as being the date of DfC approval; record the Management Transfer Action Date for Block B transfers as an agreed later date.

2.5 Existing Transfer Case (non-Management Transfer)

If an NIHE tenant already has an ACTIVE Transfer case at the time DfC approval of the Business Case/Economic Appraisal is received, the following action should be taken:

- Amend the *Application Type* on HMS to EM-NIHE Tfer-Man,
- Within the *Circumstances* table in their Transfer, add a Mgt T'fer Action Date to reflect the date on which DfC approval of the Business Case/Economic Appraisal was given (if applicable, see previous section where there DfC approved a BC/EA for more than one block in the same area),
- Within the *Circumstances* table in their Transfer, add a Management Transfer Reason of Demolition/Stock Transfer,
- Review the current award of Housing Needs points, areas of choice, Bedroom Requirements etc. under the Rules of the Housing Selection Scheme and determine whether or not any further amendments are required to reflect the current circumstances of the case.

2.6 Existing Transfer Case (Management Transfer)

There may be instances whereby an NIHE tenant has previously been awarded Management Transfer status prior to DfC approval for clearance (for a reason other than the clearance e.g. FDA, a deteriorating Neighbour Dispute etc.). If an NIHE tenant already has an ACTIVE Management Transfer case at the time DfC approval of the Business Case/Economic Appraisal is received, the following action should be taken:

- Within the *Circumstances* table in their Transfer, amend the Management Trans Reason of Demolition/Stock Trans,
- DO NOT amend the Mgt T'fer Action Date in the *Circumstances* table,
- Review the current award of Housing Needs points, areas of choice, Bedroom Requirements etc. under the Rules of the Housing Selection Scheme and determine whether or not any further amendments are required to reflect the current circumstances of the case.

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2.7 No existing Transfer Case

Where an NIHE tenant does not have an existing Transfer case on HMS, their circumstances should be assessed and keyed to HMS as soon as practicably possible following DfC approval of the Business Case/Economic Appraisal for clearance. In such circumstances the following action should be taken:

- Create a new Transfer case with an *Application Type* of EM-NIHE Tfer-Man (the *Application Date* should reflect the date on which DfC approval is granted).
- Record the *Application Reason* as Demolition/Stock Transfer (New Application Reason: Code 18).
- Within the *Circumstances* table in their Transfer, add a Mgt T'fer Action Date to reflect the date on which DfC approval of the Business Case/Economic Appraisal was given (see previous section where there DfC approved a BC/EA for more than one block in the same area),
- Within the *Circumstances* table in their Transfer, add a Management Trans Reason of Demolition/Stock Trans,
- Consider/award/key any Housing Needs points, areas of choice, Bedroom Requirements etc. under the Rules of the Housing Selection Scheme to reflect the current circumstances of the case.

2.8 Use & Occupation Occupants

In all instances where a Tower Block resident is identified as being a U&O Occupant, consideration should be given to whether or not the original tenancy should be re- instated.

As previously agreed by PRG:

1. For U&O residents who are complying with the Possession Order, the appropriate course of action is to reinstate the secure legal tenancy from the date of the original possession order.
2. For U&O residents who are not complying with the Possession Order, normal recovery of possession proceedings should be adhered to, and if necessary, eviction action should be expedited through the EJO as a priority.

2.9 In all cases, the decision on re-instatement of a secure tenancy has been delegated to the Regional Manager or Area Manager.

2.10 If approval to re-instate the secure tenancy is granted by the Regional/Area Manager, the occupant will be considered to be an NIHE tenant and their request for rehousing should be processed as indicated at 2.7 above. Any queries in relation to entitlement to Home Loss and Disturbance payments, and the clawback of arrears from these payments, should be referred to the Income Collection Policy Team.

2.11 Secondary Households

Normal procedures should ensue regarding information provided to transfer applicants that we require vacant possession if they are re-housed, and advise them of the consequences if this is not adhered to. The process for dealing with these cases would be the same as is currently in operation for any transfer/tenant who is being rehoused and for dealing with the remaining Illegal Occupant.

Where an application is received from a second family unit from a Block approved for clearance e.g. a married/civil partnership son or daughter, with / or without children and still living with the parents / tenants / owners, Other Homeless points may be considered. Such second family units in these circumstances are not entitled to compensation payments.

- 2.12 Current Applicants residing in Tower Block unit as Temporary Accommodation:
Such properties should be identified at a very early stage in the clearance process, and there should be active collaborative working with the Homeless Accommodation Team to source alternative temporary accommodation for these individuals at the appropriate time. As these applicants will already have existing applications and FDA, no additional points would be considered owing to the clearance. Additionally there would not be a requirement to wait for DfC approval date to seek alternative temporary accommodation for applicants in these circumstances.

2.13 Occupying Leaseholders

Efforts will be made by the NIHE to voluntarily agree to purchase all Leaseholders properties from them. To proceed with this voluntary sale, any occupying Leaseholders will normally be required to make their own alternative housing arrangements and provide the NIHE with vacant possession of the property prior to completion.

However, regardless as to whether or not they have made an agreement with the NIHE to purchase their property from them, an occupying Leaseholder has the same right to apply for social housing as any other customer.

If an Area Manager has decided that the Patch Manager will assume responsibility for assessing the Housing Needs of an occupying Leaseholder, the following identifies the procedures to be followed:

a. Existing Housing Application (no linked Homeless case)

As the relevant Housing Solutions Team will currently have responsibility for the management of the existing Housing Application, the Housing Advisor should be contacted in order to get the 'Refer to Section' in the Application amended on HMS, to reflect the code for the Local Office. This will enable the Patch Manager to manage the case/key amendments etc.

b. Existing Housing Application (linked Homeless case)

The action as indicated at a. above should be carried out. In addition, the relevant Housing Solutions Team should also be requested to change the 'Case Worker' details within the linked Homeless case, to reflect the details of the Patch Manager who will

be managing the clearance of that particular Tower Block. This will enable the Patch Manager to manage the Homeless case from that point onwards.

c. No Existing Housing Application

An occupying Leaseholder who is a Person from Abroad does not automatically satisfy the PFA Eligibility test, so an assessment should be carried out where appropriate. Eligibility tests due to Unacceptable Behaviour should also be initiated and completed where appropriate. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

Subject to the occupying Leaseholder satisfying the two Eligibility tests, they should be assessed and keyed to HMS as a Housing Application and their Housing Needs points, areas of choice, Bedroom Requirements etc. should be assessed in the same way as any other applicant (as identified in Chapter 3 of the Housing Selection Scheme Guidance Manual). The 'Refer to Section' in the Application should be keyed to reflect the code for the Local Office. This will enable the Patch Manager to manage the case/key amendments etc.

In any of the above scenarios, if the Leaseholder subsequently vacates the property/moves out and wishes to remain on the waiting list for social housing, the Patch Manager should liaise with the relevant Housing Solutions Team to transfer ownership of the application/any linked Homeless case to them for future management of the case.

2.14 Private Tenants

A Private Tenant has the same right to apply for social housing as any other customer. However, a Private Tenant who is a Person from Abroad does not automatically satisfy the PFA Eligibility test, so an assessment should be carried out where appropriate. Eligibility tests due to Unacceptable Behaviour should also be initiated and completed where appropriate. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

If an Area Manager has decided that the Patch Manager will assume responsibility for assessing the Housing Needs of a Private Tenant, the following identifies the procedures to be followed:

a. Existing Housing Application (no linked Homeless case)

As the relevant Housing Solutions Team will currently have responsibility for the management of the existing Housing Application, the Housing Advisor should be contacted in order to get the 'Refer to Section' in the Application amended on HMS, to reflect the code for the Local Office. This will enable the Patch Manager to manage the case/key amendments etc.

b. Existing Housing Application (linked Homeless case)

The action as indicated at a. above should be carried out. In addition, the relevant Housing Solutions Team should also be requested to change the 'Case Worker' details within the linked Homeless case, to reflect the details of the Patch Manager who will be managing the clearance of that particular Tower Block. This will enable the Patch Manager to manage the Homeless case from that point onwards.

c. No Existing Housing Application

Subject to the occupying Private Tenant satisfying the 2 Eligibility tests, they should be assessed and keyed to HMS as a Housing Application and their Housing Needs points, areas of choice, Bedroom Requirements etc. should be assessed in the same way as any other applicant (as identified in Chapter 3 of the Housing Selection Scheme Guidance Manual). The 'Refer to Section' in the Application should be keyed to reflect the code for the Local Office. This will enable the Patch Manager to manage the case/key amendments etc.

In any of the above scenarios, if the Private Tenant subsequently vacates the property/moves out and wishes to remain on the waiting list for social housing, the Patch Manager should liaise with the relevant Housing Solutions Team to transfer ownership of the application/any linked Homeless case to them for future management of the case.

3.0 Homelessness Assessments

- 3.1 Area Managers have the discretion to decide whether the Patch Manager should take responsibility for all Homelessness Assessments/duties from occupying leaseholders, private tenants, U&O residents, in addition to NIHE transfers, or if they want the Patch Manager to deal with NIHE transfers only. Should the Area Manager decide that the relevant Housing Solutions Team should maintain responsibility for homelessness services for these occupants; the Patch Manager should liaise closely with the assigned Housing Advisor(s) in order to facilitate the clearance of the Blocks.
- 3.2 In line with legislation, the NIHE has a duty to initiate a Homeless assessment when a customer presents to us as being Homeless/Threatened with Homelessness; where the Designated Officer has 'reason to believe' that they are Homeless/Threatened with Homelessness; or if a customer insists that we assess them under the Homelessness legislation. Where a Homelessness assessment is being considered for any reason other than the Tower Block clearance e.g. Intimidation, Domestic Abuse, Health/Disability etc., the 4 Homeless tests should be applied as normal.

However, the following should be taken into consideration when carrying out a Homeless assessment for a Tower Block resident as a result of the decision/approval to clear a block:

3.3 NIHE Tenants

Eligibility (Persons from Abroad/Unacceptable Behaviour)

All NIHE tenants who are Persons from Abroad will automatically satisfy the PFA Eligibility criteria for a Transfer request. However, they will NOT automatically satisfy the PFA Eligibility criteria associated with a Homelessness application. Therefore, a PFA Eligibility test will need to be carried in all relevant cases. An Unacceptable Behaviour Eligibility assessment should also be carried out in all relevant cases. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

3.4 *Homeless/Threatened with Homelessness*

An NIHE tenant in a Tower Block will not be considered to satisfy the Homeless test merely as a result of the decision to clear a Block. However, they should be considered to meet the Threatened with Homelessness test if they are still in occupation of the property within 28 days of the 'Block Clearance' date, as confirmed by the Area Manager in conjunction with the Tower Block Project Manager. A reminder should be set to ensure that Homelessness assessments are initiated at the appropriate time.

Given that the operational clearance date may be subject to change, staff should liaise with Area Managers and the Tower Block Delivery Team before making a decision with regards to the Threatened With Homelessness test under the Homelessness legislation.

3.5 *Priority Need*

Priority Need should be assessed as indicated in the Homelessness legislation.

3.6 *Intentionality*

Intentionality should be assessed as indicated in the Homelessness legislation, although the NIHE Tenants should not be considered to be Intentionally Homeless as a result of the NIHE decision to clear the block.

3.7 *Other Homeless*

Other Homeless points should be considered if a tenant/applicant does not meet the 4 FDA tests [but has been accepted as Eligible & Homeless/Threatened with Homeless]. Staff should refer to Chapter 3 of the Housing Selection Scheme Guidance Manual, with specific reference to Rule 24 (j) and (m) of the HSS.

Rule 24(j) a dwelling which has been served with a closing or demolition order or which has been acquired by a body with compulsory purchase powers, where the Applicant is residing in such accommodation, and

- i) no suitable, alternative, accommodation is currently available to the Applicant; and
- ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

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Staff should consider the use of Rule 24(j) *for applicants that are not Housing Executive tenants* (i.e. applicants including Private Tenants, Occupying Leaseholders etc.) in conjunction with guidance provided in Chapter 3.5.2 of the Housing Selection Scheme Policy Guidance Manual which includes the following provisions:

To qualify for these points the applicant must be living in:

- I. A dwelling that has been vested by a public body (including a Government Department and the Housing Executive) as part of a redevelopment area (RDA); or
- II. An individual unfit house that has to be closed or demolished; or
- III. A caravan/mobile home under specific circumstances.
- IV. A property acquired by a body who has compulsory purchase powers. (For example; where the property is purchased by agreement by that body).

Staff should consider the use of Rule 24(m) *for Housing Executive transfer applicants* if other parts of the rule are applicable to the individuals' circumstances.

Rule 24

(m) in circumstances analogous to those listed in sub-paragraphs a) to l) above and exceptional hardship would be caused by the withholding of this award of points and

- i) no suitable, alternative, accommodation is currently available to the Applicant;
- and
- ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

Each case should be considered on its own facts when considering the award of Other Homeless points.

3.8 Use & Occupation Occupants

Where a decision has been made by the Regional Manager/Area Manager that the tenancy is not to be re-instated, the following should be considered with regards to a Secure Homelessness assessment:

3.9 Eligibility (Persons from Abroad/Unacceptable Behaviour)

All U&O Occupants who are Persons from Abroad will NOT automatically satisfy the PFA Eligibility criteria associated with a Homelessness application. Therefore, a PFA Eligibility test will need to be carried out in all relevant cases. An Unacceptable Behaviour Eligibility assessment should also be carried out in all relevant cases. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

3.10 Homeless/Threatened with Homelessness

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A U&O Occupant in a Tower Block will not be considered to satisfy the Homeless test merely as a result of the decision to clear a Block. In addition, they should not be considered to satisfy the Homeless test as a result of the NIHE receiving a Possession Order/creating a U&O account.

Given that the operational clearance date may be subject to change, staff should liaise with Area Managers and the Tower Block Delivery Team before making a decision with regards to the Threatened With Homelessness test under the Homelessness legislation.

However, the U&O resident could be considered to meet the Threatened with Homelessness test if they are still in occupation of the property within 28 days of either of the following key events:

- the 'Block Clearance' date, as confirmed by the Area Manager in conjunction with the Tower Block Project Manager, (it is worth noting that Clearance dates may be subject to change) OR
- the *eviction date* as indicated by EJO.

A reminder should be set to ensure that Homelessness assessments are initiated at the appropriate time.

3.11 The Priority Need and Intentionality tests should be assessed as indicated in the Homelessness legislation. Guidance regarding the Intentionality test for Private and Public Sector tenants is located at 6.11.3 (ii) of the Homelessness Guidance Manual.

3.12 Occupying Leaseholders

If an Area Manager has decided that the Patch Manager will assume responsibility for assessing the Housing Needs of an occupying Leaseholder, the following identifies the procedures to be followed:

3.13 Eligibility (Persons from Abroad/Unacceptable Behaviour)

All occupying Leaseholders who are Persons from Abroad will NOT automatically satisfy the PFA Eligibility criteria associated with a Homelessness application. Therefore, a PFA Eligibility test will need to be carried in all relevant cases. An Unacceptable Behaviour Eligibility assessment should also be carried out in all relevant cases. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

3.14 Homeless/Threatened with Homelessness

An occupying Leaseholder in a Tower Block will not be considered to satisfy the Homeless test merely as a result of the decision to clear a Block. However, they should be considered to meet the Threatened with Homelessness test if they are still in occupation of the property within 28 days of the 'Block Clearance' date, as confirmed by the Area Manager in conjunction with the Tower Block Project Manager. A reminder should be set to ensure that Homelessness assessments are initiated at the appropriate time.

Given that the operational clearance date may be subject to change, staff should liaise with Area Managers and the Tower Block Delivery Team before making a decision with regards to the Threatened With Homelessness test under the Homelessness legislation.

The Priority Need test should be assessed as indicated in the Homelessness legislation.

3.15 Intentionality

When assessing Intentionality for a Leaseholder within a Tower Block, it would not be appropriate to reach an intentional decision even if the occupying Leaseholder has/had agreed to voluntarily sell the property to the NIHE and provide us with vacant possession.

If an Area Manager has decided that the Patch Manager will assume responsibility for assessing the Housing Needs of a Private Tenant, the following identifies the procedures to be followed:

3.16 Private Tenants

Existing Homeless case

As the relevant Housing Solutions Team will currently have responsibility for the management of the existing Homeless case, the Housing Advisor should be contacted in order to get the Homeless Case Worker amended to the Patch Manager on HMS. This will enable the Patch Manager to manage the case/key amendments etc.

3.17 Eligibility (Persons from Abroad/Unacceptable Behaviour)

All Private Tenants who are Persons from Abroad will NOT automatically satisfy the PFA Eligibility criteria associated with a Homelessness application. Therefore, a PFA Eligibility test will need to be carried in all relevant cases. An Unacceptable Behaviour Eligibility assessment should also be carried out in all relevant cases. Staff should note that decisions in relation to PFA and Unacceptable Behaviour must be made by a Team Leader.

3.18 Homeless/Threatened with Homelessness

A Private Tenant in a Tower Block will not be considered to satisfy the Homeless test merely as a result of the decision to clear a Block. As with any other Private Tenant, the tenancy agreement to occupy the property is with the Private Landlord/the Leaseholder. As a result the Designated Officer will need to satisfy themselves that the person is Homeless/Threatened with Homelessness e.g. they have been served with an appropriate Notice to Quit etc.

The Priority Need test should be assessed as indicated in the Homelessness legislation.

3.19 Intentionality

The Intentionality test should be assessed as indicated in the Homelessness legislation. The Designated Officer should investigate the circumstances as to why the landlord/Leaseholder has

requested vacant possession e.g. did the landlord/Leaseholder agree to voluntarily sell the property to the NIHE and provide vacant possession; was the Private Tenant asked to vacate the property due to a breach in their Tenancy Conditions etc.

4.0 Allocations

4.1 In accordance with Chapter 7 of the Housing Selection Scheme Guidance Manual, it is critical that the correct Transfer 'Application Type' and the appropriate Management Transfer category are correctly recorded on HMS as this information is used to determine the allocation order. Chapter 7.11 of the Housing Selection Scheme Guidance Manual specifies the Rules that govern allocations to Transfer as follows:

4.2 *ALLOCATIONS TO TRANSFERS: RULE 46A, RULE 71, RULE 72*

In making an allocation a landlord has to determine whether it should be made to an Applicant or a Transfer. The intention of the Rules that govern allocations are to uphold the principle of allocation on the basis of greatest objective need, whilst also empowering landlords to exercise good housing management when considering allocations to Transfer Applicants.

This section details the policy and procedures to be followed in relation to the allocation to a Transfer. Guidance in relation to the allocation to an Applicant is detailed in Chapter 5 of the Housing Selection Scheme Guidance Manual and should be read in conjunction with this section when making an allocation.

An allocation to a Transfer is made in accordance with Rule 46A (detailed below). The purpose of this rule is to allow a landlord to except Transfers from the general rule in relation to 'Applicants' as set out in Rule 46.

The exception allows a landlord to match both ordinary transfer applicants and management transfers together in the order determined below for an allocation and subject to a resultant vacancy being allocated to a relevant applicant.

4.3 *Rule 46A The General Rule (added 13th Sept 2013)*

Offers of accommodation made to Transfer Applicants under and pursuant to Rules 71 and 72 are an exception to the general rule set out in Rule 46.

For the purposes of this Rule and Rules 71 and 72 Transfer Applicants mean ordinary transfer applicants and management transfer applicants.

4.4 *Rule 71 Transfers*

The Landlord will consider Transfer Applicants for any vacancy in conjunction with those Applicants on the Waiting List used by all Participating Landlords. A Transfer takes place when a tenant moves

from one dwelling to another either within the Landlord's own stock or to a dwelling belonging to another Participating Landlord.

4.5 *Rule 72 Allocations to Transfers*

When considering allocations to Transfers the designated officer should follow the principles set out in Rule 72 and an appropriate matching list of Transfers should be considered alongside the housing needs of highly pointed Applicants.

4.6 Landlords will use the following principles when making allocations to Transfer applicants:

- 1) Allocations should be made as fairly and impartially as allocations to Waiting List Applicants.
- 2) Transfer applicant should not be re-housed less quickly than if he / she were an Applicant under the Selection Scheme.
- 3) The granting of a transfer should not lead to a reduction in the amount of suitable accommodation available for new Applicants.
- 4) The total benefit of any transfer (or a series of transfers) should be greater than if a dwelling were to be allocated to a new Applicant.
- 5) A ratio of one transfer allocation for every two Waiting List allocations should be employed, however, where this principle is not achievable, landlords should use an appropriate ratio paying due regard to relative housing need of Waiting List and Transfer applicants.

4.7 *Deciding whether to allocate to an Applicant or a Management Transfer/Transfer*

When making allocations; as stated in Rule 71 above, the total waiting list content should be considered each time a void property is being re-let. When making an allocation, an appropriate matching list of Transfers should be considered alongside the housing needs of all Applicants, particularly those with high points/intimidation points. When considering an allocation, the normal 'filters' should be applied to reflect the type of accommodation being allocated e.g. ground floor (GF), where the property is a bungalow or ground floor flat; non-ground floor (GFN), where the property has 2 or more storeys; wheelchair (WHEEL), where the property has been built/adapted to meet the needs of a wheelchair user etc. The following additional 'filters' can be applied on HMS to view the relevant matching lists as indicated:

- To view the full waiting list of both Applications AND Transfers for that property type: No additional filters should be applied.
- To view the waiting list for Housing Applications ONLY: Filter for Application Type AP only.
- To view the waiting list for NIHE and HA Management Transfer ONLY: Filter for Application Types EM, HM and IM only.
- To view the waiting list for NIHE and HA 'ordinary' Transfers ONLY: Filter for Application Types ET, HT and IT only.

As well as considering the highly pointed Applicants, a number of other factors should be taken into consideration when deciding whether to allocate a property to an Applicant or a Transfer e.g. the

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ratio of one transfer allocation to two Waiting list allocations, as indicated at point 5 in Rule 72 above. However, Point 5 above indicates that where this ratio is not achievable, an appropriate ratio should be applied. This allows greater consideration of relative housing needs of Management Transfers in order to facilitate clearance, as the agreed clearance date nears.

4.8 The wording in Rule 72(5) affords the scope to adjust the balance of the ratio in the context of specific housing need. Therefore in the case of clearance / redevelopment, an appropriate ratio may be higher towards transfers when “paying due regard to relative housing need of Waiting List and Transfer Applicants”. The specific mechanics/operation and timeframe for the ratio is not prescribed in the HSS and in practice can often be achieved retrospectively.

4.9 *Allocating to a Management Transfer/Transfer*

If, after considering the above circumstances, the landlord decides to allocate a property to a Transfer, they can then decide to consider Management Transfers only, or to include Ordinary Transfers. The Management Transfer categories are listed below:

List of Management Transfer categories			
1	Full Duty Applicant	5	Demolition/stock transfer move
2	Neighbourhood dispute deteriorating	6	District heating debt increasing
3	Redevelopment move imperative	7	Sheltered development internal move
4	Decanting move imperative	8	Adapted purpose built move

4.10 As the Department approves Business Cases/Economic Appraisals for individual Blocks in accordance with the Tower Block Action Plan, this will prompt urgency in the requirement to re-house residents. Assessment of tenants and other applicable residents has been outlined in Section 2.0. In order to facilitate stock clearance or redevelopment for decanting purposes, there is a higher duty incumbent upon the landlord to re-house the Transfer Applicant, as a transfer is imperative within a specific Action Date. The principles regarding allocations to Transfers should still apply in so far as possible. The criteria detailed below should be used to determine the order of merit in relation to an allocation to a Management Transfer:

- When a landlord is considering a Transfer for an allocation, the first group to be considered should be Tenants who have been awarded Management Transfer status because the landlord has to

work to a timetable to manage the stock and it requires the tenant to move (categories 3, 4, 5 & 8 in above table).

- Management Transfer applicants will appear on HMS Matching List by order of their points awarded, with the highest pointed applicant at the top. It will be necessary for the Lettings Manager to determine the Management Transfer reason and Management Transfer Action Date. The only way of establishing both of these critical points is by checking the *Circumstances Table* for each case. This is a cumbersome, but necessary exercise to enable the Lettings Manager to distinguish Management Transfer cases that require re-housing more urgently owing to the objectives of the Action Plan.

4.11 As it is likely that many Management Transfer applicants will have the same Application Date, Management Transfer reason and Management Transfer Action Date, it will therefore be necessary to further distinguish between cases to decide which MT applicant is allocated a void property. It is likely that the majority of MT applicants in a Block to be cleared will have similar:

- Application Date.
- Management Transfer Reason.
- Management Transfer Action Date.
- Awarded the same points.

4.12 In such circumstances, the order of preference for allocation purposes to be considered is prescribed as follows:

1. Management Transfer Action Date.
2. Points awarded.
3. Application Date.
4. The preferred order of clearance by the Area Office. For instance, if a decision has been made following consultation with Asset Management and in line with health and safety procedures to clear the block by floor or in another specified manner.
5. Date of occupancy in their current accommodation in the Block. The date of occupancy should prioritise the tenants that have resided in the Block for the longest period.

4.13 It is very important that Lettings Managers record the specific details relating to the steps taken and justification of the allocation. This would be good practice in the event of any future audits being carried out or any potential legal challenges, whilst ensuring there is accountability for each allocation being made.

4.14 *Deferrals*

In the event of a MT applicant being deferred for the refusal of two reasonable offers, in order to progress with the clearance of the Block, it may be necessary for the Local Office to manually lift the deferral to enable the individual to be offered a void property. Consideration for lifting a deferral should be done in respect of the guidance provided in the Chapter 5.8 of the Housing Selection Scheme Guidance Manual.

4.15 *Exceptional Circumstances*

Area Managers should contact the Housing Policy Team for further advice and guidance should they become aware of any exceptional circumstances that arise, in advance of DfC approval of the Business Case, that may have an effect on the assessment, allocation and subsequent re-housing of residents in a Tower Block.

5.0 Communication

5.1 Once DfC approval is acknowledged, re-housing of residents from Towers Blocks will be required as a matter of urgency, this may increase pressure on the effective use of available voids within a CLA. All social housing stock should be utilised and allocations made in accordance with the Scheme rules for Management Transfer cases. The majority of residents will have a preference to be re-housed in the local area, therefore this can be managed by Lettings Managers utilising available existing stock. However there will be instances where a resident will opt to move to another area. These cases should be highlighted and good communication will need to ensue with the following:

1. Internally with other Area Offices as Lettings Managers may not be aware of the urgency to clear a Block from other areas.
2. Externally with Housing Associations.

5.2 *Internal Communication*

It is anticipated that not all Tower Block residents will have a preference to be re-housed within the locality and some may wish to move to other areas. These cases should be identified and highlighted to other Area Offices, specifically engaging with Lettings Managers' and Management in the office where the preference is. As the Tower Block strategy is targeting different areas within different timescales, this should not bring forward any issues for re-housing for the areas clearance objectives. The Patch Manager should initiate contact with Lettings Managers in other offices when a resident has chosen an AOC outside of the locality to raise the profile of the applicant and to highlight the priority to re-house this resident to enable effective clearance of the Block.

The Patch Manager should discuss AOC's with Tower Block residents. It would be recommended that the Patch Manager makes contact with the appropriate Lettings Manager/Housing Association allocating officers who deal with allocations within the resident's preferred choices, in order to establish housing demand in the area and associated prospects for re-housing.

5.3 *External Communication*

It will be very important to ensure that Housing Associations with stock within the areas of choice are also aware of any clearance plans and there is collaborative working between housing bodies. Close links with Housing Associations with stock in the area will need to be established. Offices should endeavour to establish good communication with Management and staff from applicable Housing Associations. Accordingly, this should then result in strong liaison between Letting Managers, Patch Managers and HA Allocations Officers. A separate LSAN will be issued to Housing Associations highlighting any allocations and communications considerations. The Housing Policy team will ensure

that Housing Associations are made aware of the need for collaborative working to address the Tower Block Action Plan objectives utilising the Housing Executive and Housing Associations Joint Housing Forum.

- 5.4 It will be important to inform them of the current situation with respect to clearance of a Block within a specified CLA. It may also be beneficial to highlight specific Management Transfer applicants to raise the MT applicant's profile in order to make Allocations Officers aware of the urgency to re-house residents of Tower Blocks to enable clearance. This should be completed in adherence with the rules of the Housing Selection Scheme. This would enable Housing Associations to assist with re-housing Tower Block tenants with Management Transfer status and applicants resident in the Tower Blocks who require re-housing, in their void properties. Additional consideration should be given to the following:
- 5.5 *Nominations to Housing Associations (if applicable)*
In previous redevelopment areas, a nomination process has been utilised by working closely with colleagues in the social housing provider that is responsible for the new build scheme. This has been a process that has been carefully operated by establishing good communication between the Housing Executive and the new social housing provider responsible for the new build development on the site. The rules of the Housing Selection Scheme must be adhered to.
- 5.6 Relevant Local Office staff will have to work closely with Housing Association's Allocations Officers regarding the matching, selection and offer process when the allocations are being made to any applicable new build scheme.

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Appendix 1 Checklist for Tenants in Nursing Home/Residential Care

Checklist for Tenant in Nursing Home / Residential Care

This checklist is provided as a guideline to assist officers to make an informed decision in a timely manner. The list will also ensure a standard of customer service to our vulnerable tenants. This guidance should be read in conjunction with other relevant policy and procedures in relation to Assignment, Non Occupation and Breach of tenancy conditions (NSP).

A table is provided at the end of the document to record details/dates of T/calls /checks etc.

Name	
Address (NIHE)	
Nursing home/residential home	
Contact at the care home/number	
Social worker/number	

Date local office advised that the tenant had moved to nursing home:	
Actual date tenant moved to nursing home:	
Who and how where NIHE advised:	

Confirm with social services / nursing home status of the tenant i.e. respite assessment or permanent: (please provide details)	
---	--

Date HB / Accounts informed:	
------------------------------	--

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Does tenant live alone?	
If no, please detail other occupants with as much relevant detail as possible	
If yes, are there any details of relevant family (please provide details)	

Does tenant deal with their own affairs?	
[In law there is a presumption of mental competence. A tenant should therefore be presumed to have the requisite mental capacity to understand and to manage their affairs unless there is information from which it is reasonable to conclude otherwise.]	
If yes, does the tenant intend to return home?	

If no: Is there an enduring power of attorney in respect of the tenant (person(s) to deal with property and affairs where a person becomes mentally incapable of managing affairs) or a controller appointed to deal with the property and affairs of a person who has a mental disorder? Check with the Office of Care and Protection Telephone number: 90 724733	
Details of appointed attorney/controller: (Name, address, telephone, relationship etc.)	
If no person has been appointed, determine who, if anyone is to act on behalf of the tenant:	

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Case Review / Review Process

If the tenant remains in Nursing Home (but not granted permanent status) a regular review of the case should be carried out. Normally this would be on a 4 Weekly basis and would include obtaining updates from HB on decision of entitlement.

Date reviewed carried out:	
Outcome of review: i.e. remaining in home(permanent resident), temporary residence continuing, termination agreed (NIHE property) etc.	

Please note:

If a termination is received check the status on vacant possession, assignment etc.

If tenant has been made permanent resident the designated officer must seek a termination from the relevant party i.e. tenant, attorney, controller etc.

Detail all relevant information in regards to the review:

--

If the tenant has not obtained permanent status the following action should be taken:

Set new review date:	
Advise HB / Accounts	

Designated officers should continue to review the cases until a permanent solution has been obtained.

If no decision made within 6months a case review meeting should be arranged with all interested parties, i.e. Social worker, NIHE.

Following 6 month review, legal advice should be sought if, for example, recovery of possession is being considered, or if there are any issues relating to assignment or the role of a person purporting to act on behalf of the tenant, in the absence of an enduring power of attorney or appointment by the court.

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Contact History / Notes / Details

Date	Detail	Officer

Appendix 2 Prison Liaison HA/NIHE Form

<u>Prison Liaison Housing Association/NIHE Form</u>	
Name: _____ Prison: _____	
Prisoner no: _____	
National Insurance Number: _____ D.O.B: _____	
Address of NIHE/HA Tenancy: _____ _____	
Date Property was vacated: __ / __ / __: Tenancy Type: Joint / Single (Please circle)	
Prison Status: Remand / Sentenced (please circle)	
If you are on remand, do you expect to be released from prison within 52 weeks of the date you vacated your above home address: Yes / No (please circle)	
If you are serving a sentence, what is your expected discharge date: __ / __ / __	
Do you intend to return to the above address as your principal home: Yes / No (please circle)	
Do you wish to maintain your NIHE /Housing Association tenancy: Yes / No (please circle)	
NB: If the Landlord is aware of a risk to your property they may make suitable arrangements to secure it.	

Have you applied for Housing Benefit/Universal Credit to cover your prison term: Yes / No (please circle)	
Is there anyone else living in the property while you are in prison: Yes / No (please circle)	
If yes, please give name(s) and relationship to you:	
Name(s): _____	Relationship: _____
Do you wish to nominate a friend/relative as a contact: yes / No (please circle)	
If yes, please give details:	
Name: _____	Relationship to you: _____

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Contact Address: _____ **Tel No:** _____

Was someone living at your home before the date you were sentenced?

Yes / No (please circle)

Do they intend to continue living there? Yes / No (please circle)

Have they made a claim for Housing Benefit/Universal Credit to cover the rental cost?
(please circle) Yes / No / Will do soon

Name: _____ **Relationship to you:** _____

Date of Birth: _____

Tel No: _____

Signature: _____ **Date:** __ / __ / __

Please post to NIHE Local Office / Housing Association connected to your tenancy

Office use only: for clarification please contact Amy Lyness amy@housingrights.org.uk

Appendix 3 NTQ Specimen Letter 1

(To be used where there is no Grant of Probate or letters of Administration)

(This letter would be issued to the Occupier or relatives, note: this letter as well as those in Appendices 3.1 and 3.2 are normally used together at the same time)

Name

Address

Address

Address

Date: *(Insert Date Here)*

Dear: *(Insert Name Here)*

RE: Premises at *(insert address here)*

I enclose copy Notice to Quit which has been served on the Probate Judge by reason of the fact the former secure tenant has died and there is no Administrator or Executor appointed to administer the estate. The purpose in serving this Notice is to bring any contractual tenancy between the deceased and the Executive to an end.

The Northern Ireland Housing Executive will be entitled to vacant possession of the above premises on *(insert date here)* and if you or any other person is in occupation of the premises at that date you will be occupying the premises unlawfully.

In the event that you or any other person is in occupation of the premises on that date the Northern Ireland Housing Executive will have no choice but to institute proceedings for possession of the premises and to use this correspondence to fix you with all legal costs thereby incurred.

Yours faithfully

(Insert Relevant officer Name)

Appendix 3.1 NTQ Specimen Letter 2

(Copied to Occupier)
The Probate Judge
Probate & Matrimonial Office

Royal Courts of Justice
Chichester Street
Belfast

Date: *(Insert Date Here)*

NOTICE TO QUIT

TAKE NOTICE that you are hereby required to quit and deliver up possession of the dwelling house and premises situate and known as *(insert address here)*, on or before *(insert date here)* which said premises were held by *(insert name here)* (deceased) as a tenant of the Northern Ireland Housing Executive.

Dated this *(insert date)* day of *(insert month, year)*.

Signed *(Insert Name of officer)*

Insert Relevant officer

Appendix 3.2 NTQ Specimen Letter 3

(sent to Probate Judge)
The Probate Judge
Probate and Matrimonial Office
Royal Courts of Justice
Chichester Street
Belfast

Date: *(insert date here)*

Dear Sir

RE: PREMISES AT *(insert address here)*

I enclose Notice to Quit in respect of the above premises by way of service upon you by reason of the fact that the former secure tenant *(insert name here)* died on the *(insert date here)*. A check in the Probate Registry for Letters of Administration or a Grant of Probate has proved negative.

The purpose of this Notice to Quit is to bring to an end the contractual tenancy between the deceased estate and the Northern Ireland Housing Executive.

Yours faithfully

(Insert relevant Name Here)
Insert relevant officer

Appendix 4 NTQ Letter to Occupant

Specimen Letter

(To be used where there a Grant of Probate or letters of Administration)

(This letter would be issued to the Occupant, note: this letter as well as those in Appendices 4 and 3.1 are normally used together at the same time)

Name

Address

Address

Address

Date: *(Insert Date Here)*

Dear: *(Insert Name Here)*

RE: Premises at *(insert address here)*

I enclose copy Notice to Quit which has been served on *(enter name of Personal Representative here)* as the personal representative of *(enter name of deceased secure tenant here)*. The purpose in serving this Notice is to bring any contractual tenancy between the deceased and the Northern Ireland Housing Executive to an end.

The Housing Executive will be entitled to vacant possession of the above premises on *(insert date here)* and if you or any other person is in occupation of the premises at that date you will be occupying the premises unlawfully.

In the event that you or any other person is in occupation of the premises on that date the Executive will have no choice but to institute proceedings for possession of the premises and to use this correspondence to fix you with all legal costs thereby incurred.

Yours faithfully

(Insert Relevant officer Name)

Appendix 4.1 NTQ Letter to Personal Representative

Specimen Letter

(To be used where there is a Grant of Probate or letters of Administration)

(This letter would be issued to the Personal Representative, note: this letter as well as those in Appendices 3 and 4.1 are normally used together at the same time)

Name

Address

Address

Address

Date: *(Insert Date Here)*

Dear: *(Insert Name Here)*

RE: Premises at *(insert address here)*

I enclose copy Notice to Quit in respect of the above premises by way of service upon you by reason of the fact that the former secure tenant *(enter secure tenant's name here)* died on the *(enter date of secure tenant's death here)*. The Notice to Quit has been served on you because you are the personal representative of *(enter deceased secure tenant's name here)*. It is therefore a legal requirement to serve it on you. It has also been copied to *(enter Occupant's name here)* who is currently occupying *(enter address here)*

The purpose of this Notice is to bring to an end the contractual tenancy between the deceased's estate and the Northern Ireland Housing Executive.

If you need any further advice please contact me at the address above.

Yours faithfully

(Insert Relevant officer Name)

Appendix 5 Notification of liability of PTO charge

Date:

PERMISSION TO OCCUPY

Dear <Title> <Initial> <Surname>

As explained at interview on *(insert interview date here)* you were notified that you will be charged for your time in occupation of the property at

<Address 1>

<Address 2>

<Town>

<Postcode>

This letter is to notify you that you are liable for the occupation charge of this property from *(insert date of Monday following death of the tenant here)*, until a positive outcome to the application for succession, or the expiry of notice ending the permission to occupy, or vacant possession is voluntarily given, whichever is the earliest date.

The granting of this Permission to Occupy will have no influence or detriment to the outcome of the decision of your succession application.

Please note that this is an occupation charge only. It does not give you a tenancy or any tenancy rights.

Your weekly Occupation charge is £*(insert weekly occupation charge here)*

Please find your payment card attached.

Yours sincerely

Patch Manager

Appendix 6 Succession Request Form

SUCCESSION REQUEST FORM

This form refers to applications for the award of tenancy following the DEATH of a tenant. Please refer to Chapter 8 HSSGM when completing this form.

INFORMATION REGARDING EXISTING TENANCY

Address	
Name of deceased tenant	
Date of death	
Type of confirmation of death (to be provided at interview)	
Occupancy type (Introductory/ Secure)	
T/C date of existing tenancy	
House Type	
No. of Bedrooms	
Details of any previous successions (if any)	
Any special features at property (i.e. disabled adaptations)	

INFORMATION REGARDING POTENTIAL SUCCESSOR

Name		Tel No.*	
Relationship to Deceased Tenant		Email Address*	
D.O.B.		N.I.N.O.	

** Please note, only one contact method is mandatory.*

GENERAL HOUSING POLICY GUIDANCE MANUAL
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REVIEWED February 2025

To be completed at interview with Potential Successor/Applicant

Reason for Application

<u>Sensitively discuss if there are any potential assets*</u>
<u>Sensitively discuss if there is a will*</u>

**Information is not mandatory*

ADDRESS HISTORY

CURRENT AND PREVIOUS ADDRESS(ES) POTENTIAL SUCCESSOR HAS LIVED				
Address	Date from	Date to	Tenure Type (please provide Landlords name/contact details if Private Rental)	Reason for Leaving

(You should establish the applicants address, tenure type and reason for leaving the residence immediately prior to the succession address. This information is necessary to consider Rules 74 & 75 of the Housing Selection Scheme. You may also wish to establish any previous residence at the succession address. Where appropriate please include details of the private landlord or relevant Housing Association.)

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REVIEWED February 2025

Did you have any caring responsibilities for the deceased tenant or their dependants (if relevant)?	Dependants (of deceased tenant) Details	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Provision of Care for the Deceased Tenant Details	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Are you currently on any Housing/Transfer applications? (Detail address applied/Ref Number etc.)	
Do you or any of your household have any special requirements/needs? (Ground Floor, separate bedroom etc.)	

PERSON CONTACTS

Do you, or any member of your household have any support needs?*	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes detail below:		

**Information is not mandatory*

Is the Applicant/Potential Successor aged 18 years or over? Yes ☐ No ☐

If No, please provide

Details of Social Worker	
Details of any UNOCINI Referral	
Details of potential guarantor	

PERSONS FROM ABROAD

Is the Potential Successor a person from abroad? Yes ☐ No ☐

GENERAL HOUSING POLICY GUIDANCE MANUAL
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REVIEWED February 2025

If yes, gather all relevant information from the applicant and ensure all investigations are complete before making any decision; for example:

- ID (Such as Passport/EU Identity Card)
- Immigration Status
- Economic Activity in the UK

For guidance please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual. All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Potential Successor been involved in Unacceptable Behaviour which would make them unsuitable to be a tenant? Yes No ☐ ☐

For guidance please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual. If ineligible please discuss with Team Leader.

DETAILS OF ALL PEOPLE IN YOUR HOUSEHOLD WHO WILL BE LIVING AT THIS ADDRESS WITH YOU		
Full Name	Relationship to Applicant	Date of Birth

How many bedrooms are required? _____

GENERAL HOUSING POLICY GUIDANCE MANUAL
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Name	
Address applying to Succeed to	

DECLARATIONS

I understand:

Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.

By dishonestly giving false information, withholding information or failing to disclose a change in my circumstances at any time before a decision on my application is made regarding a statutory succession or before accepting an offer of tenancy (of a Policy Succession), I may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

I declare that the information given above is correct, true and complete to the best of my knowledge and belief. Furthermore, I hereby promise to notify the Landlord if there is any material change in my circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed _____	Date / /
--------------	--------------------------------

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	_____/_____/_____

YOUR RESPONSIBILITY

Housing Costs - Permission to Occupy charge

You will be liable to pay a Permission To Occupy charge from the Monday after tenant's death and until a positive outcome to your application or the expiry of notice ending that permission, or of you voluntarily leaving the property, whichever is the earliest date, and we will issue a temporary card for these payments. Please note that this will not affect, in any way, the decision regarding the succession.

Important note

If you do not sign the declaration below you will still be liable but may not be entitled to assistance with Housing Benefit or Universal Credit.

Your weekly charge will be £ _____

Help with housing costs

If you are on a low income you may get help with paying your permission to occupy charges. Depending on where you live that may be Housing Benefit or Universal Credit and Rates Assistance.

If you are of working age (over 16 but below State Pension age) please take into account Social Sector Size Criteria (SSSC) - also known as 'bedroom tax' - when considering to succeed a Housing Executive property. Further information is available on the Housing Executive website and can be provided to you if required.

Housing Costs with Universal Credit

If you are applying for Universal Credit please be aware that you will need to apply for rates assistance separately. As soon as the application for succession is made you should apply for Universal Credit with Housing Costs. The first payment should be made directly to the Housing Executive approximately 5 weeks after the date of your application.

If you are in receipt of Universal Credit without Housing Costs prior to the application for succession you should notify your work coach that you are now applying for Housing Costs.

Currently Receiving or applying for Housing Benefit*
Currently Receiving or applying for Universal Credit*

**Information is not mandatory*

GENERAL HOUSING POLICY GUIDANCE MANUAL
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Housing Costs:

I understand that I am liable to pay a weekly charge of £_____ while I am in occupation.

Signed _____	Date / /
--------------	--------------------------------

YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for a Succession of tenancy. The Housing Executive is providing these services to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website www.nihe.gov.uk/privacy_notice, or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for a Succession of tenancy.

SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments, (e.g. the Tenancy Fraud Unit and Housing Benefit).

The Housing Executive may share any of the information provided for the above purpose with others where appropriate, including individuals (e.g. health professionals), agencies/bodies (statutory and non-statutory), registered housing associations, local councils, employers, landlords, and service providers.

CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I consent to the Housing Executive receiving information from others with whom it has shared my information, for the purpose of deciding my Succession application.*

Signed _____	Date / /
--------------	--------------------------------

**Staff should note if the person has declined to provide consent.*

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for a Succession of Tenancy.

I consent to the Housing Executive requesting this information*

Signed	Date / /
--------	--------------------------------

**Staff should note if the person has declined to provide consent.*

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED February 2025

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. If you do not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your succession application.

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED February 2025

PATCH MANAGERS REPORT

OFFICE ONLY

Please Refer to Chapter 8 of Housing Selection Scheme Guidance Manual

Office		Person number	
Patch Manager		Case ID	
Date of Initial Contact (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS)	/ /
Date advised of Tenant's Death	/ /		

INVESTIGATIONS:-

CHRONOLOGY OF INVESTIGATION AND CONTACTS MADE:-

Please detail all investigations, interviews, telephone calls, information requested/received etc.

DATE INFORMATION REQUESTED/ RECEIVED	DETAILS/INFORMATION PROVIDED FOR CONSIDERATION (Continue on additional pages if necessary)

(Please attach extra sheet if needed)

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Unacceptable Behaviour and Person from Abroad (Note this will only affect the application if it is a Policy Successions or awarded by the Director's discretion under Exceptional Circumstances)

Please detail all investigations into Applicant's eligibility

Following the completion of Person from Abroad Investigations is the Applicant/ Potential Successor eligible?

(All decisions regarding PFA eligibility must be made by a Team Leader or above.)

Yes ☐ No ☐

Following the completion of Unacceptable Behaviour investigations is the Applicant/Potential Successor eligible? Yes ☐ No ☐

Yes ☐ No ☐

(If no, this decision must be made by a Team Leader)

TEAM LEADER/ NAME

TEAM LEADER SIGNATURE _____

DATE _____

ACCOUNT AT DATE OF INITIAL CONTACT

ACCOUNT AFTER INVESTIGATION

CONSIDERATION FOR ENTITLEMENT	
STATUTORY SUCCESSION (Refer to Chapter 8, Rule 73 of the HSS guidance)	

GENERAL HOUSING POLICY GUIDANCE MANUAL
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POLICY SUCCESSION (Refer to Chapter 8, Rule 74 and Rule 75 of the HSS guidance)	
REFERRAL TO HOUSING POLICY FOR DIRECTOR OF HOUSING SERVICES CONSIDERATION IF VERY EXCEPTIONAL CIRCUMSTANCES (Refer to Chapter 8 of the HSS guidance)	

PATCH MANAGER'S RECOMMENDATION

In summary the evidence collected would suggest that:

--

PATCH MANAGER NAME _____

PATCH MANAGER SIGNATURE _____

DATE _____

GENERAL HOUSING POLICY GUIDANCE MANUAL
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LETTINGS MANAGER ONLY

COMMENTS

(Please attach extra sheets if needed)

LETTINGS MANAGER APPROVAL

YES ☐

NO ☐

REFERRAL TO
HOUSING POLICY
FOR DIRECTOR'S
CONSIDERATION ☐

IF YES, TYPE OF SUCCESSION:

Legal Succession ☐

Introductory ☐

Secure ☐

Policy Succession ☐

Introductory ☐

Secure ☐

TYPE OF TENANCY AWARDED:

Secure Tenancy / Introductory Tenancy (delete as appropriate)

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of Housing Selection Scheme Manual.)

TENANCY COMMENCEMENT DATE:

____/____/____

IF NO, REASONS FOR REFUSAL

(Please attach extra sheets if needed)

Date Refusal Letter sent

(See Chapter 8 of the HSS guidance manual)

____/____/____

REFERRAL TO DIRECTOR OF HOUSING SERVICES FOR VERY EXCEPTIONAL CIRCUMSTANCES (SEE CHAPTER 8 HSS

GENERAL HOUSING POLICY GUIDANCE MANUAL
CHAPTER 1 TENANCY ISSUES
REVIEWED February 2025

GUIDANCE MANUAL)

(Note this should be discussed with the Assistant Area Manager before referral)

(NOTE: A BRIEF SHOULD BE PREPARED AND REFERRED TO HOUSING POLICY FOR DIRECTORS CONSIDERATION. SEE CHAPTER 8 OF THE HSS GUIDANCE MANUAL)

LETTINGS MANAGER NAME

LETTINGS MANAGER SIGNATURE

DATE

Appendix 7 PTO Arrears First Letter



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

Web: www.nihe.gov.uk

«title» «forename» «surname»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «occnum»

Dear «title» «surname»

PERMISSION TO OCCUPY ARREARS

Your Permission to Occupy account at «formbaldate1» was in arrears of £ «balance»

This amount does not include this week's Permission to Occupy charge.

Please pay the outstanding amount within the next seven days. If you have already paid this amount, please accept our thanks and ignore this letter.

If you need advice on payment methods or are having financial difficulties, please read the notes overleaf for further assistance.

If you need to talk to someone about this letter, please contact «username» at this office Tel: «UserTelNo» who will be pleased to help you.

Yours Sincerely

«mgrname»
Patch Manager

PAY US YOUR WAY

To set up a **Direct Debit** contact us using the details overleaf or log onto <https://bit.ly/3MACDKS> for a form

Pay by phone
You can call our secure automated telephone payment service on **03303 903 048** (lo-call rate) 24 hours a day, 365 days a year*

Pay by cash at any **PayPoint** outlet*

Payment App
Paying your Rent & Rates on the go is easy with our **payment app***

For **advice and assistance** or to make a payment over the phone with one of our staff contact us using the details overleaf

Search "NIHE" or "Housing Executive" on the Apple or Google Play stores and register to pay.
Once registered on the app you will have access to your own unique bar code which can be used to make payments in any shop with the PayPoint logo.

Pay online
<https://bit.ly/438OZkf>

*Have your **Housing Executive payment card** to hand when using these payment methods.
To request a new or replacement Rent payment card contact your local office or request online via the tenant portal MyHousingExecutive (<https://myaccount.nihe.gov.uk/>)

Could you be entitled to more money?



To find out make the call **FREE** to Benefits Advice Line on **0800 232 1271**

To find out if you're entitled to a Housing Cost benefit call us on **0344 892 0902** or download an application form from our website www.nihe.gov.uk

Having problems with debts?



For independent and confidential advice contact **Freephone 0800 915 4604**

www.nihe.gov.uk



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[@nihecommunity](https://twitter.com/nihecommunity)

WHAT ARE 'TECHNICAL ARREARS'?

Technical arrears are not a cause for concern. If you have been awarded a Welfare Supplementary Payment because of Social sector Size Criteria (Bedroom Tax) or Benefit Cap and/or you are a Universal Credit Claimant your account may show arrears because there has been a delay in the Housing Executive receiving the payments due.

FIN-1-04-23-JG

Appendix 7.1 PTO Arrears First Letter (WR Deductions)



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»
Web: www.nihe.gov.uk

«addressee»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «occnum»

Dear «addressee»

PERMISSION TO OCCUPY ARREARS

Your Permission to Occupy account at «formbaldate2» was in arrears of £«balance».

This amount does not include this week's Permission to Occupy charge. The balance on your Permission to Occupy account may also include 'technical arrears', for example, a Welfare Supplementary Payment or Universal Credit related payment which have not been received by us when this letter was printed. Please read the notes overleaf for further information on 'technical arrears'.

Please pay the outstanding amount within the next seven days. If you have already paid this amount, please accept our thanks and ignore this letter.

If you need advice on payment methods or help with housing costs please read the notes overleaf. You can also be provided with a Permission to Occupy statement upon request.

If you need to talk to someone about this letter, or you are having financial difficulties please contact «username» at this office Tel: «UserTelNo» who will be pleased to help you.


Yours sincerely

«mgrname»


Patch Manager

PAY US
YOUR WAY


HousingExecutive




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Paying your Rent & Rates on the go is easy with our **payment app***



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www.nihe.gov.uk



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[@nihecommunity](https://twitter.com/nihecommunity)

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Technical arrears are not a cause for concern. If you have been awarded a Welfare Supplementary Payment because of Social sector Size Criteria (Bedroom Tax) or Benefit Cap and/or you are a Universal Credit Claimant your account may show arrears because there has been a delay in the Housing Executive receiving the payments due.

FIN-1-04-23-JG

Appendix 7.2 PTO Arrears Second Letter



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

Web: www.nihe.gov.uk

«title» «forename» «surname»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «ocnum»

Dear «title» «surname»

PERMISSION TO OCCUPY ARREARS

I previously wrote to you regarding your Permission to Occupy arrears which have increased.

Your Permission to Occupy account at «formbaldate1» was in arrears of £«balance».

This amount does not include this week's Permission to Occupy charge.

Please pay the outstanding amount within the next 7 days. If you have already paid this amount, please accept our thanks and ignore this letter.

If you need advice on payment methods or are having financial difficulties, please read the notes overleaf for further assistance.


If you need to talk to someone about this letter, please contact «username» at this office
Tel: «UserTelNo» who will be pleased to help you.

Yours Sincerely


«mgrname»
Patch Manager

PAY US YOUR WAY


HousingExecutive




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For **advice and assistance** or to make a payment over the phone with one of our staff contact us using the details overleaf





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<https://bit.ly/438OZkf>



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Paying your Rent & Rates on the go is easy with our **payment app***

Search "NIHE" or "Housing Executive" on the Apple or Google Play stores and register to pay. Once registered on the app you will have access to your own unique bar code which can be used to make payments in any shop with the PayPoint logo.

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www.nihe.gov.uk

 facebook.com/housingexecutive

 [@nihecommunity](https://twitter.com/nihecommunity)

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FIN-1-04-23-JG

Appendix 7.3 PTO Arrears Second Letter (WR Deductions)



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

Web: www.nihe.gov.uk

«addressee»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «occnum»

Dear «addressee»

I recently wrote to you regarding your Permission to Occupy arrears which have increased.

Your Permission to Occupy account at «formbaldate1» is in arrears of £ «balance». The balance on your Permission to Occupy account may also include 'technical arrears', for example, a Welfare Supplementary Payment or Universal Credit related payment which have not been received by us when this letter was printed. Please read the notes overleaf for further information on 'technical arrears'.

If you have already paid this amount, please accept our thanks and ignore this letter. If you have not paid you must pay the outstanding amount straight away to avoid further action.

If you need advice on payment methods or help with housing costs please read the notes overleaf. You can also be provided with a Permission to Occupy statement upon request.

If you can not pay the outstanding amount immediately, or you are having financial difficulties please contact «username» at this office Tel: «UserTelNo»

Yours Sincerely

«mgrname»
Patch Manager

PAY US YOUR WAY

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Pay by phone
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For **advice and assistance** or to make a payment over the phone with one of our staff contact us using the details overleaf

Pay online
<https://bit.ly/438OZkf>

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the independent advice network

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www.nihe.gov.uk
facebook.com/housingexecutive
[@nihecommunity](https://twitter.com/nihecommunity)

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Appendix 7.4 PTO Arrears Final Letter



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

Web: www.nihe.gov.uk

«title» «forename» «surname»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «occnun»

Dear «title» «surname»

FINAL DEMAND FOR RECOVERY OF DEBT

I refer to the recent letter regarding the Permission to Occupy arrears of £«balance» for your property at «propaddress1» «propaddress2» «address3» «propaddress4» «proppcde»

To date this debt has not been paid.

I must advise you that if the debt is not cleared within 14 days or an acceptable arrangement made to do so, the Housing Executive will commence proceedings to recover this debt. You will be responsible for any legal costs incurred.

It is in your own interest to contact «username» at this office «UserTelNo» to discuss this matter.

Yours Sincerely

«mgrname»
Patch Manager



INVESTOR IN PEOPLE



PAY US YOUR WAY

HousingExecutive



To set up a **Direct Debit** contact us using the details overleaf or log onto <https://bit.ly/3MACDKS> for a form



Pay by cash at any **PayPoint outlet***



For **advice and assistance** or to make a payment over the phone with one of our staff contact us using the details overleaf



Pay online <https://bit.ly/438OZkf>



Pay by phone
You can call our secure automated telephone payment service on **03303 903 048** (lo-call rate) 24 hours a day, 365 days a year*



Payment App
Paying your Rent & Rates on the go is easy with our **payment app***




Search "NIHE" or "Housing Executive" on the Apple or Google Play stores and register to pay.
Once registered on the app you will have access to your own unique bar code which can be used to make payments in any shop with the PayPoint logo.

*Have your **Housing Executive payment card** to hand when using these payment methods.
To request a new or replacement Rent payment card contact your local office or request online via the tenant portal MyHousingExecutive (<https://myaccount.nihe.gov.uk/>)

Could you be entitled to more money?



To find out make the call **FREE** to Benefits Advice Line on **0800 232 1271**

To find out if you're entitled to a Housing Cost benefit call us on **0344 892 0902** or download an application form from our website www.nihe.gov.uk

Having problems with debts?



For independent and confidential advice contact **Freephone 0800 915 4604**

www.nihe.gov.uk

 facebook.com/housingexecutive

 [@nihecommunity](https://twitter.com/nihecommunity)

WHAT ARE 'TECHNICAL ARREARS'?

Technical arrears are not a cause for concern. If you have been awarded a Welfare Supplementary Payment because of Social sector Size Criteria (Bedroom Tax) or Benefit Cap and/or you are a Universal Credit Claimant your account may show arrears because there has been a delay in the Housing Executive receiving the payments due.

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Appendix 7.5 PTO Arrears Final Letter (WR Deductions)



«deptsect»
«deptaddr1»
«deptaddr2»
«deptaddr3»
«deptaddr4»
«deptpcde»
Tel No: «depttel»
Fax No: «deptfax»

Web: www.nihe.gov.uk

«addressee»
«address1»
«address2»
«address3»
«address4»
«postcode»

PLEASE READ NOTES OVERLEAF

Date «printdateform»

Reference «occnun»

Dear «addressee»

FINAL DEMAND – NOTICE OF INTENTION TO APPLY FOR DEDUCTIONS FROM A SOCIAL SECURITY BENEFIT

I refer to your Permission to Occupy account for the above address which is currently in arrears. The amount you owe the Housing Executive at «formbaldate2» is £«balance». The balance on your account may also include 'technical arrears', for example, a Welfare Supplementary Payment or Universal Credit related payment which have not been received by us when this letter was printed. Please read the notes overleaf for further information on 'technical arrears'.

If you need advice on payment methods or are having financial difficulties, please read the notes overleaf for further assistance. You can also be provided with a Permission to Occupy statement upon request.

You should contact «username» at this office, Tel. No. «UserTelNo» within the next seven days, to make an arrangement to pay the arrears.

If you fail to do this, the Housing Executive will request the Social Security Agency to make deductions from your benefit until the debt is paid.

Yours Sincerely

«mgrname»
Patch Manager

PAY US YOUR WAY

To set up a **Direct Debit** contact us using the details overleaf or log onto <https://bit.ly/3MACDKS> for a form

Pay by phone
You can call our secure automated telephone payment service on **03303 903 048** (lo-call rate) 24 hours a day, 365 days a year*

Pay by cash at any **PayPoint outlet***

Payment App
Paying your Rent & Rates on the go is easy with our **payment app***

For **advice and assistance** or to make a payment over the phone with one of our staff contact us using the details overleaf

Search "NIHE" or "Housing Executive" on the Apple or Google Play stores and register to pay.
Once registered on the app you will have access to your own unique bar code which can be used to make payments in any shop with the PayPoint logo.

Pay online
<https://bit.ly/438OZkf>

*Have your **Housing Executive payment card** to hand when using these payment methods.
To request a new or replacement Rent payment card contact your local office or request online via the tenant portal MyHousingExecutive (<https://myaccount.nihe.gov.uk/>)

Could you be entitled to more money?

To find out make the call **FREE** to Benefits Advice Line on **0800 232 1271**

To find out if you're entitled to a Housing Cost benefit call us on **0344 892 0902** or download an application form from our website www.nihe.gov.uk

Having problems with debts?

the independent advice network

For independent and confidential advice contact
Freephone 0800 915 4604

www.nihe.gov.uk
facebook.com/housingexecutive
[@nihecommunity](https://twitter.com/nihecommunity)

WHAT ARE 'TECHNICAL ARREARS'?

Technical arrears are not a cause for concern. If you have been awarded a Welfare Supplementary Payment because of Social sector Size Criteria (Bedroom Tax) or Benefit Cap and/or you are a Universal Credit Claimant your account may show arrears because there has been a delay in the Housing Executive receiving the payments due.

FIN-1-04-23-JG

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Appendix 8 Template for Brief for the Director of Housing Services to consider Succession/Assignment case due to very exceptional circumstances

Brief - Succession/Assignment cases for consideration by Director of Housing Services due to very exceptional circumstances.

Please refer to Chapter 8 of the Housing Selection Scheme.

Please complete template for brief below and send to Housing Policy Unit for review at HousingPolicy@nihe.gov.uk

BACKGROUND

ADDRESS			
NAME (Tenant)			
Date of Death/Assignment Request			
Tenancy Type/(Introd/ Secure/ T/C Date			
HOUSE TYPE			
DETAILS OF ANY PREVIOUS SUCCESSIONS/ASSIGNMENTS (IF ANY)			
ANY SPECIAL FEATURES AT PROPERTY IE DISABLED ADAPTATIONS			
PROPOSED SUCCESSOR/ASSIGNEE			
ADDRESS (If different to (Deceased) Tenants address)			
NAME		Tel No.	
RELATIONSHIP TO (DECEASED) TENANT			
DATES LIVING AT ADDRESS OF (DECEASED) TENANT (If applicable)			
Provide details of why the applicant does not meet Statutory/Policy requirements			

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DETAILS OF INVESTIGATION

EVIDENCE OBTAINED Chronology with dates	
CONSIDERATION OF APPLICANTS RESIDENCY AT PROPERTY	
Chronology with Dates	

Chronology with Dates	Information which relates to the Applicant's residence elsewhere, if applicable. (Please use separate sheet, if necessary.)

HOUSING NEED OF APPLICANT

DETAILS OF HOUSING / HOMELESSNESS APPLICATIONS & POINTS AWARD, IF RELEVANT	
---	--

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DETAILS OF ANY VULNERABILITIES & HOUSEHOLD COMPOSITION	
HOUSING PROSPECTS	

HOUSING COSTS

RENT ACCOUNT BALANCE AT DATE OF TENANTS DEATH/ASSIGNMENT REQUEST	
CURRENT RENT ACCOUNT BALANCE	
ANY HB/UC ISSUES (INTENTION TO CLAIM FORM COMPLETED)	

HOUSING DEMAND IN THE AREA

WAITING LIST FOR THAT SIZE OF PROPERTY/SPECIAL FEATURES	
---	--

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ALLOCATIONS FOR THAT SIZE OF PROPERTY/SPECIAL FEATURES	
OVERVIEW OF HOUSING NEED OF APPLICANT(S) AT TOP OF WAITING LIST IN THAT AREA	

<p>SUMMARY OF CIRCUMSTANCES <i>Please detail rationale for referring this to the Director of Housing Services</i></p>

Taking all of the above information into consideration, the Director of Housing Services is asked to consider the circumstances of this case and whether he is the view that there are any exceptional circumstances which would permit the award of the tenancy to the Applicant under Chapter 8.2.1 of the Housing Selection Scheme.

Area Manager's Name _____

Area Manager's Signature _____

Date ____/____/____

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Appendix 9 Notice of Permission to Occupy ending

Date:

NOTICE OF PERMISSION TO OCCUPY ENDING

Dear <Title> <Initial> <Surname>

I refer you to the letter dated *(insert date here)* advising that your request had been refused to succeed the tenancy at

<Address 1>
<Address 2>
<Town>
<Postcode>

As your request has been refused the purpose of this letter is to give you notice is to bring your permission to occupy this property to an end. This means that the Housing Executive will be entitled to vacant possession of the above premises on *(insert date here)*.

You must now arrange vacant possession and return the keys of the property to this Office (see address above)

If you or any other person is in occupation of the premises at that date they will be occupying the premises unlawfully and we will be obliged to take legal action to recover possession. You will also no longer be entitled to any assistance you may be in receipt of from Universal Credit or Rates Rebate.

Yours sincerely

Patch Manager

Appendix 10 Notice of Determination of PTO ending

Date:

NOTICE OF DETERMINATION

Dear <Title> <Initial> <Surname>

I refer you to the letter dated *(insert date here)* giving you 28 days' notice to vacate the property at

<Address 1>

<Address 2>

<Town>

<Postcode>

As explained, we did give you a permission to occupy the above property. This letter is to notify you that as that 28 day notice period has now expired this Permission to Occupy has now ended.

As you remain in occupation of the premises the Housing Executive has no choice but to institute proceedings for possession of the premises.

It is your responsibility if you are in receipt of the housing element of Universal Credit or Rates Rebate and getting help with your Occupation (Housing) costs, to contact the relevant agency to update and end your claim Failure to do so may incur an overpayment which you will be responsible for.

If you are in receipt of Housing Benefit, please contact your relevant Housing Benefit office to advise of your change in circumstances.

Yours sincerely

Patch Manager

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Appendix 11 Policy Assignment Request Form (Excluding Direct Exchange)

ASSIGNMENT REQUEST FORM (EXCLUDING DIRECT EXCHANGE)

This form refers to applications for the assignment of tenancy due to the existing tenant no longer being able to live in the property and apply to the transfer of his/her rights to another person. Please refer to the Policy and Procedures contained in Chapter 8 of the HSS Guidance Manual when completing this form. If this is a Direct Exchange please refer to Direct Exchange Form.

NOTE: THIS FORM SHOULD BE COMPLETED IN THE PRESENCE OF BOTH THE EXISTING TENANT AND THE PROPOSED ASSIGNEE AND WITNESSED BY A PATCH MANAGER.

INFORMATION REGARDING EXISTING TENANCY

Address	
Name of Existing tenant	
Date tenant left property (if applicable)	
Occupancy Type (Introductory/ Secure)	
T/C Date of Existing Tenancy	
House Type	
No. of Bedrooms	
Any special features at property (i.e. disabled adaptations, wheelchair accessible)	

INFORMATION REGARDING POTENTIAL ASSIGNEE (To be completed at interview)

Name		Tel No.*	
Relationship to Tenant		Email Address*	
D.O.B.		N.I.N.O.	
State when the potential assignee moved into the property			

**Either telephone number or email address is mandatory as this is required for contact purposes.*

REASON FOR APPLICATION

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ADDRESS HISTORY

CURRENT AND PREVIOUS ADDRESS(ES) POTENTIAL ASSIGNEE HAS LIVED				
Address	Date from	Date to	Tenure Type (please provide Landlords name/contact details if Private Rental)	Reason for Leaving

(You should establish the applicants address, tenure type and reason for leaving the residence immediately prior to the address the Assignor has applied to be assigned to the potential assignee This information is necessary to consider Rules 74 & 75 of the Housing Selection Scheme for consideration of Rule 77 (3) and (4). You may also wish to establish any previous residence at the address. Where appropriate please include details of the private landlord or relevant Housing Association.))

Regarding the potential assignee:

Do you now (or did you have) caring responsibilities for the Tenant or the Tenant's dependents? (if applicable)	Dependants (of existing tenant) (See HSS Chapter 8) Details	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Provision of Care for the Tenant Details	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Are you currently on any Housing/Transfer applications? (Use separate sheet if necessary)	
Do you or any of your household have any special requirements/needs? (Ground Floor, separate bedroom etc.)	

PERSON CONTACTS

Do you, or any member of your household, have any support needs?*	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes detail below:		

**Information is not mandatory*

Is the Potential Assignee aged 18 years or over? Yes ☐ No ☐

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If No, please provide

Details of Social Worker	
Details of any UNOCINI Referral	
Details of proposed guarantor	

PERSONS FROM ABROAD

Is the Potential Assignee a person from abroad? Yes ☒ No ☐

If yes, gather all relevant information and ensure all investigations are complete before making any decision; for example:

- ID (Such as Passport/EU Identity Card)
- Immigration Status
- Economic Activity in the UK

For guidance please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual. All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Potential Assignee been involved in Unacceptable Behaviour which would make them unsuitable to be a tenant? Yes ☐ No ☐

(For guidance please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual.) . If you believe the Potential Successor is ineligible the decision must be made by a Team Leader or above.

DETAILS OF ALL PEOPLE IN THE HOUSEHOLD WHO WILL BE LIVING AT THIS ADDRESS WITH THE PROPOSED ASSIGNEE

Full Name	Relationship to proposed Assignee	Date of Birth

(Use separate sheet if necessary)

NOTE INFORMATION REQUESTED

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Name	
Address	

DECLARATIONS

I understand:

Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.

By dishonestly giving false information, withholding information or failing to disclose a change in my circumstances at any time before a decision on my application is made regarding a statutory assignment or before accepting an offer of tenancy (of a Policy Assignment), I may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

I declare that the information given above is correct, true and complete to the best of my knowledge and belief.

I declare that the information given above is correct, true and complete to the best of my knowledge and belief. Furthermore, I hereby promise to notify the Landlord if there is any material change in my circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed (Tenant) _____	Date / /
Signed (Proposed Assignee) _____	Date / /

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	_____ / _____ / _____

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YOUR RESPONSIBILITY

Housing Costs

You will be liable to pay rent and rates charges whilst you occupy the property. The charges will be payable from the date the tenant was advised that they would be staying permanently in a nursing/care/residential home or a decision was taken that they would remain permanently at another address and until a decision has been made regarding your application for assignment of the tenancy, or of you voluntarily leaving the property, whichever is the earliest date. Please note that this will not influence, in any way, the decision regarding the assignment.

Important note

If you do not sign the declaration below you will still be liable but may not be entitled to assistance with Housing Benefit or Universal Credit.

Your weekly charge will be £ _____

Help with housing costs

If you are on a low income you may get help with paying the rent and rates charges. Depending on where you live that maybe Housing Benefit or Universal Credit and Rates Assistance.

If you are of working age (over 16 but below State Pension age) please take into account Social Sector Size Criteria(SSSC) -also known as 'bedroom tax'-when considering to accept an assignment of tenancy for a Housing Executive property. Further information is available on the Housing Executive website and can be provided to you if required.

Housing Costs with Universal Credit

If you are applying for Universal Credit please be aware that you will need to apply for rates assistance separately. As soon as the application for assignment is made you should apply for Universal Credit with Housing Costs. The first payment should be made directly to the Housing Executive approximately 5 weeks after the date of your application.

If you are in receipt of Universal Credit without Housing Costs prior to the application for assignment you should notify your work coach that you are now applying for Housing Costs.

Housing Costs:

I understand that I am liable to pay a weekly charge of £ _____ while I am in occupation.

Signed (Proposed Assignee) _____	Date / /
----------------------------------	--

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YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for an assignment of tenancy. The Housing Executive is providing these services to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website www.nihe.gov.uk/privacy_notice, or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for an Assignment of tenancy.

SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments, (e.g. the Tenancy Fraud Unit and Housing Benefit)

The Housing Executive may share any of the information provided for the above purpose with others where appropriate, including individuals (e.g. health professionals), agencies/bodies (statutory and non-statutory), registered housing associations, local councils, employers, landlords, and service providers.

CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I consent to the Housing Executive receiving information from others with whom it has shared my information, for the purpose of deciding my Assignment application.*

Signed (Tenant) _____	Date / /
Signed (Proposed Assignee) _____	Date / /

**Staff should note if the person has declined to provide consent.*

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for an Assignment of Tenancy.

I consent to the Housing Executive requesting this information*

Signed (Tenant) _____	Date / /
Signed (Proposed Assignee) _____	Date / /

**Staff should note if the person has declined to provide consent.*

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WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. If you do not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your assignment application.

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Office Use

REASON FOR ASSIGNMENT AND INFORMATION PROVIDED (IF ON POLICY GROUNDS)

Complete RELEVANT part as necessary. Please refer to Chapter 8 of the HSS Guidance Manual

INVESTIGATIONS AND DECISION

(1) NOT PRACTICABLE FOR TENANT TO CONTINUE AS TENANT <i>(Refer to Chapter 8 of the HSS Guidance Manual)</i>		
Please detail reason(s) provided of why it is impracticable for existing tenant to continue and any other evidence that may be relevant		
(2) DEPENDANT CHILDREN REMAINING <i>(Refer to Chapter 8 of the HSS Guidance Manual)</i>		
If assuming responsibility for existing tenant's dependants	Details of Social Worker	
	Proof in writing from outgoing tenant	
(3) MOVE TO RESIDENTIAL HOME <i>(Refer to Chapter 8 of the HSS Guidance Manual)</i>		
If existing tenant is in residential care please detail evidence provided	Name and address of Residential Home	
	Date existing tenant went into residential care	/ /
	Proof of length of proposed stay in residential care	

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<p>Investigations into Tenant's capacity (if relevant) <i>(please refer to Chap 8 of the HSS Guidance Manual)</i></p> <p>If the tenant no longer has capacity, is there any EPA/Controller appointed?</p>	<p>Proof of residency of applicant at address when tenant went into residential home</p>	
	<p>Confirmation from appropriate authority (e.g. Social Worker, Consultant)</p>	
	<p>Yes/No / Not Applicable</p>	
<p><u>(4) REHOUSED TO SHELTERED/SPECIAL NEEDS ACCOMMODATION</u> <i>(Refer to Chapter 8 of the HSS Guidance Manual)</i></p>		
<p>If existing tenant has been rehoused to Sheltered/Special Needs accommodation detail evidence provided</p>	<p>Name and address of Sheltered/Special Needs accommodation</p>	
	<p>Date existing tenant went into accommodation</p>	<p>/ /</p>
	<p>Proof of length of proposed stay</p>	
	<p>Is current address now unsuitable for their needs?</p>	
	<p>Is the new accommodation not able to house all the tenants in the current household?</p>	
	<p>Proof of residency of applicant at address when the tenant went into the sheltered/special needs accommodation.</p>	

(Use separate sheet if necessary)

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PATCH MANAGERS REPORT

OFFICE ONLY

Office		Person number	
Patch Manager		Case ID	
Date of Initial Contact (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS)	/ /

INVESTIGATIONS:-

CHRONOLOGY OF INVESTIGATION AND CONTACTS MADE:-

Please detail all investigations, interviews, telephone calls, information requested/received etc.

(Please attach extra sheet if needed)

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Unacceptable Behaviour and Person from Abroad

Please detail all investigations into the Applicant's eligibility

Following the completion of Person from Abroad Investigations is the Applicant/ Potential Assignee eligible?

(All decisions regarding PFA eligibility must be made by a Team Leader or above.)

Yes ☐ No ☐

Following the completion of Unacceptable Behaviour investigations is the Potential Assignee eligible?

Yes ☐ No ☐

(If no, this decision must be made by a Team Leader)

TEAM LEADER NAME _____

TEAM LEADER SIGNATURE _____

DATE _____

RENT ACCOUNT AT DATE OF INITIAL CONTACT _____

RENT ACCOUNT AFTER INVESTIGATION _____

CONSIDERATION FOR ENTITLEMENT(Please attach extra sheet if needed)

POLICY ASSIGNMENT – RULE 77
(Refer to HSS Chapter 8)
Please state the circumstance as
referenced in HSS Chapter 8 that this
recommendation refers to

REFERRAL TO HOUSING POLICY FOR
REFERRAL TO DIRECTOR OF HOUSING

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SERVICES IN VERY EXCEPTIONAL CIRCUMSTANCES (Refer to Chapter 8)	
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PATCH MANAGER’S/DESIGNATED OFFICER’S RECOMMENDATION

PATCH MANAGER NAME

PATCH MANAGER SIGNATURE

DATE

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LETTINGS MANAGER'S DECISION AND COMMENTS

(Please attach extra sheets if needed)

LETTINGS MANAGER DECISION *(Tick)*

APPROVED

☐

REFUSED

☐

REFERRAL TO HOUSING POLICY FOR DIRECTOR'S CONSIDERATION

☐

IF REFUSED, Reasons for Refusal

Note: This should be discussed with an Assistant Area Manager before refusal letter sent.

(Please attach extra sheets if needed)

Date Refusal Letter sent

____/____/____

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Referral to Director of Housing Services for Exceptional Circumstances (See Chapter 8)

(Note this should be discussed with the Assistant Area Manager before referral to Housing Policy)

(NOTE: A BRIEF OUTLINING THE CASE SHOULD BE PREPARED AND REFERRED TO HOUSING POLICY FOR THE DIRECTOR'S CONSIDERATION. SEE TEMPLATE PROVIDED IN CHAPTER 1 OF THE GENERAL HOUSING POLICY GUIDANCE MANUAL WHICH NEEDS TO BE COMPLETED BEFORE THE CASE IS REFERRED TO HOUSING POLICY).

LETTINGS MANAGER NAME _____

LETTINGS MANAGER SIGNATURE _____

DATE _____

Appendix 12 Joint Tenancy Request Form (Change of Tenancy)

JOINT TENANCY REQUEST FORM

This form is to be completed by Housing Executive staff ONLY for Joint Tenancy requests.

This form must be completed by the Patch Manager at interview with the Sole Tenant/existing Joint Tenant(s) and any proposed Joint Tenant(s) and should NOT be sent out in the post. Where possible this should be completed with the Sole Tenant/existing Joint Tenant(s) and proposed Joint tenant(s) in the property.

Please refer to Rule 78 and the four qualifying criteria in Rule 79 of the Housing Selection Scheme which can be found in Chapter 8 HSSGM.

Joint Tenancy requests are tenant led and we cannot investigate any entitlement to a Joint Tenancy without the tenant's request

N.B. Consent cannot be withheld if the criteria contained in Rule 79 (1), (2) or (3) is met.

INFORMATION REGARDING CURRENT TENANT(S)

Name of Current Tenant(s)	
Address of Property	
Tenancy Commencement Date	
Current tenancy status: Introductory/Secure	
House Type	
No. of Bedrooms	
Details of any previous successions (if any)	
Any special features at property (i.e. disabled adaptations)	
Do you or any of your household have any special requirements/needs? (Ground Floor, separate bedroom etc.)	<p><i>If yes, are these needs met by current adaptations?</i></p>

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INFORMATION REGARDING PROPOSED JOINT TENANT(S)

Name		D.O.B.	
Tel. No.*		N.I.N.O.	
Email*			
Relationship to Tenant			

* Please note, only one contact method is mandatory

Address History Please provide current address and previous address(es), if appropriate.				
Address	Date From	Date To	Tenure Type (Please provide Landlords name/contact details if Private Rental)	Reason for Leaving

Regarding the potential Joint Tenant

Do you have (or previously had) caring responsibilities for the Tenant or the Tenant's dependents? (if applicable)	Dependents (of existing tenant) (See HSS Chapter 8) Details
	Provision of Care for the Tenant Details

REASON FOR APPLICATION (and evidence provided)

To be completed at interview with current tenant(s) and Potential Joint tenant(s)

--

Is the Proposed Joint Tenant aged 18 years or over?

Yes

☐

No

☐

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If No, please provide:

Details of Social Worker	
Details of any UNOCINI Referral	
Details of Potential Guarantor	

PERSONS FROM ABROAD

Is the Proposed Joint Tenant a person from abroad? Yes ☐ No ☐

If yes, gather all relevant information from the applicant and ensure all investigations are complete before making any decision, for example:

- ID (such as Passport/EU Identity Card)
- Immigration Status
- Economic activity in the UK

For guidance please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual.

All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Proposed Joint Tenant been involved in Unacceptable Behaviour which would make them unsuitable to be a tenant?

Yes ☐ No ☐

For guidance please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual. If ineligible please discuss with a Team Leader.

DETAILS OF ALL PEOPLE IN YOUR HOUSEHOLD WHO WILL BE LIVING AT THIS ADDRESS WITH YOU		
Full Name	Relationship to Applicant	Date of Birth

How many bedrooms are required? _____

DECLARATIONS:

I/we understand:

- Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.
- By dishonestly giving false information, withholding information or failing to disclose a change in my/our circumstances at any time before a decision on my/our application is made or before accepting any offer of tenancy, I/we may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

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I/we declare that the information given above is correct, true and complete to the best of my/our knowledge and belief. Furthermore, I/we hereby promise to notify the Landlord if there is any material change in my/our circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed: _____	Date: _____ / _____ / _____
Signed: _____	Date: _____ / _____ / _____

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	_____ / _____ / _____

Housing Costs:

Currently receiving or applying for Housing Benefit	
Currently receiving or applying for Universal Credit	

If my/our application for the above tenancy is successful I/we wish to claim Housing Benefit / Universal Credit / Rates Assistance from the date the tenancy is awarded to me/us.

I/we understand that I/we are liable to pay a weekly charge of £ _____

Signed: _____	Date: _____ / _____ / _____
Signed: _____	Date: _____ / _____ / _____

YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for a change of tenancy. The Housing Executive is providing this service to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website
www.nihe.gov.uk/privacy_notice or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for a change of tenancy.

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SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments (e.g. the Tenancy Fraud Unit and Housing Benefit). The Housing Executive may share any of the information provided for the above purpose with individuals (e.g. health professionals/landlords), agencies/bodies (statutory and non-statutory), registered housing associations, local councils and service providers.

CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I/we agree to the Housing Executive receiving information from others with whom it has shared my information, for the purposes of deciding my application for a Change of Tenancy.*

Signed: _____	Date: _____ / _____ / _____
Signed: _____	Date: _____ / _____ / _____

*Staff should note if the person(s) has declined to provide consent.

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request information about your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for a Change of Tenancy.

I/we agree to the Housing Executive requesting this information.*

Signed: _____	Date: _____ / _____ / _____
Signed: _____	Date: _____ / _____ / _____

*Staff should note if the person(s) has declined to provide consent.

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. If you not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your Change of Tenancy application.

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PATCH MANAGER'S REPORT

(Please use extra pages if necessary)

OFFICE USE ONLY

Please refer to Chapter 8 of the Housing Selection Scheme Guidance Manual.

Office		Proposed Joint Tenant Person number	
Patch Manager			
Date of Initial Contact from Tenant (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS Tenancy Notes)	/ /

INVESTIGATIONS:-

CHRONOLOGY OF INVESTIGATION AND CONTACTS MADE:-

Please detail all investigations, interviews, telephone calls, information requested/received etc.

DATE INFORMATION REQUESTED/ RECEIVED/ON HMS/HOUSE FILE	DETAILS/INFORMATION PROVIDED FOR CONSIDERATION (Continue on additional pages if necessary)

(Please attach extra sheet if needed)

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PATCH MANAGER ASSESSMENT

SELECT APPLICABLE CRITERIA UNDER RULE 79 FOR CONSIDERATION BASED ON EVIDENCE PROVIDED

RULE 79 CRITERIA		EVIDENCE PROVIDED AND RATIONALE FOR RECOMMENDATION
1	The current tenant is the husband or wife/civil partner of the proposed Joint Tenant.	<p><i>Rationale:</i></p> <hr/> <p><i>Copy of Marriage/Civil Partnership Certificate received</i></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <hr/> <p><i>Proof of ID received</i></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
2	The proposed Joint Tenant, is at the date of application for approval, a person who would be entitled to succeed (under statute or policy) in the event of the existing tenant dying at that date.	<p><i>Please refer to Chapter 8 of the Housing Selection Scheme to assess information gathered on this form to be content that potential Joint Tenant would be able to succeed under statutory provisions (Article 26, 1983 Order) or on policy grounds (HSS Rules 74 & 75). Supporting Evidence is required to support your rationale for the Lettings Manager</i></p> <hr/> <p><i>Do you believe there would be</i></p> <ul style="list-style-type: none"> <i>Statutory Entitlement (please note evidence gathered that supports this)</i> <hr/> <p><i>If there is no statutory entitlement, do you believe there would be</i></p> <ul style="list-style-type: none"> <i>Policy Entitlement under Rule 74 (please note each criteria, rationale and evidence gathered that supports this)</i> <hr/> <p><i>Where there has been a previous succession do you believe there would be</i></p> <ul style="list-style-type: none"> <i>Policy Entitlement under Rule 75 and Rule 74 (please note specified family criteria met, if relevant, each criteria, rationale and evidence gathered that supports this)</i>

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3	The proposed joint tenant was part of the current tenant's household when the current tenant was awarded the tenancy by the Landlord.	<i>Detail evidence gathered during investigations i.e. Housing Application, HMS, PRAWL etc.</i>
4	The current tenant and the proposed joint tenant have been living together as part of the same household for a period of at least one year immediately prior to the date on which Landlord approval was sought.	<i>Detail 12 months residential evidence gathered</i> <i>If believe may meet Rule 79 (4) but there is compelling evidence that the existing tenant is likely to move out of the property in the short-term future please cite evidence gathered</i>

(Please use another sheet if necessary)

Please detail all investigations into Applicant's eligibility

Following the completion of Person from Abroad investigations is the Proposed Joint Tenant eligible?
 (All decisions regarding PFA eligibility must be made by a Team Leader or above).

Yes ☐ No ☐

Following completion of Unacceptable Behaviour investigations is the Proposed Joint Tenant eligible? (If no, this decision must be made by a Team Leader).

Yes ☐ No ☐

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Team Leader's Name (printed)	_____
Team Leader's Signature	_____
Date	____ / ____ / ____

PATCH MANAGER'S RECOMMENDATION

In summary, the evidence collected would suggest, as noted in detail in table of my assessment above, that the proposed Joint tenant;

- *meets Rule 79 (cite which criteria and the evidence for recommendation) OR*
- *does not meet any of the criteria in Rule 79 (provide rationale for why doesn't meet each) OR*
- *may meet Rule 79 (4) but there is compelling evidence that the existing tenant is likely to move out of the property in the short-term future (cite evidence):*

--

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	____ / ____ / ____

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LETTINGS MANAGER ONLY

COMMENTS

Continue on a separate sheet if necessary

LETTINGS MANAGER APPROVAL

APPROVED

YES ☐

NO ☐

IF YES, SELECT WHICH CRITERIA
MET

RULE 79 (1) ☐

RULE 79 (2) ☐

RULE 79 (3) ☐

RULE 79 (4) ☐

TYPE OF TENANCY AWARDED

INTRODUCTORY ☐ SECURE ☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of the Housing Selection Scheme Guidance Manual).

TENANCY COMMENCEMENT DATE _____

IF NO, REASONS FOR REFUSAL

DATE REFUSAL LETTER SENT _____
(See Chapter 8 of the HSS Guidance Manual)

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Appendix 13 Joint to Sole Tenancy Request Form where tenancy has been terminated (Change of Tenancy)

JOINT TO SOLE TENANCY REQUEST FORM (CHANGE OF TENANCY)

This form is to be completed by Housing Executive staff ONLY for Joint to Sole Change of Tenancy requests (this may also be used where a tenancy has been terminated and there are remaining persons who were Joint Tenants, where there had previously been 3 or more Joint tenants prior to termination).

This form must be completed by the Patch Manager at interview with the remaining party in the household (Sole tenancy applicant) and should NOT be sent out in the post

This is for use when a Joint Tenant has terminated the tenancy (or has requested to) which has brought the whole tenancy to an end and the remaining party in the household wishes to be considered for award of the sole tenancy (or a Joint tenancy if appropriate). Staff should ensure the outgoing Joint tenant wishes to terminate and has signed a termination form before completing this form (normal termination rules apply).

N.B. THIS FORM SHOULD NOT BE USED ON THE DEATH OF THE JOINT TENANT.

N.B. A Joint tenancy remains if only one Joint tenant is residing at the tenancy as their only or principal home and no party(parties) wishes to terminate.

Please refer to Chapter 8.7.4 HSSGM.

INFORMATION REGARDING CURRENT TENANCY

Name of Current Tenants	
Address of Property	
Tenancy Commencement Date	
Current tenancy status: Introductory/Secure	
Number of Bedrooms	

INFORMATION REGARDING PROPOSED SOLE TENANT/JOINT TENANTS (if applicable)

Contact details only to be recorded if not already available (or have been updated from records held)

Name		D.O.B.	
Tel. No.*		N.I.N.O.	
Email*			

* Please note, only one contact method is mandatory

REASON FOR APPLICATION

N.B. This form is NOT for use for a change of tenancy following the death of a Joint Tenant (Succession). Please refer to Chapter 8.1.1 HSSGM

--

To be completed at interview with remaining party wishing to be awarded tenancy

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Is the Applicant aged 18 years or over?

Yes ☐

No ☐

If No, please provide:

Details of Social Worker	
Details of any UNOCINI Referral	
Details of Potential Guarantor	

PERSONS FROM ABROAD

Is the Applicant a person from abroad?

Yes ☐

No ☐

If yes, gather all relevant information from the applicant and ensure all investigations are complete before making any decision, for example:

- ID (such as Passport/EU Identity Card)
- Immigration Status
- Economic activity in the UK

For guidance please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual.

All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Applicant been involved in Unacceptable Behaviour which would make them unsuitable to be a tenant?

Yes ☐

No ☐

For guidance please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual. If ineligible please discuss with a Team Leader.

DECLARATIONS:

I understand:

- Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.
- By dishonestly giving false information, withholding information or failing to disclose a change in my circumstances at any time before a decision on my/our application is made or before accepting any offer of tenancy, I may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

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I declare that the information given above is correct, true and complete to the best of my knowledge and belief. Furthermore, I hereby promise to notify the Landlord if there is any material change in my circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	_____ / _____ / _____

Housing Costs:

Currently receiving or applying for Housing Benefit	
Currently receiving or applying for Universal Credit	

If my application for the above tenancy is successful I wish to claim Housing Benefit / Universal Credit / Rates Assistance from the date the tenancy is awarded to me.

I understand that I am liable to pay a weekly charge of £ _____ .

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for a change of tenancy. The Housing Executive is providing this service to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website
www.nihe.gov.uk/privacy_notice or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for a change of tenancy.

SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments (e.g. the Tenancy Fraud Unit and Housing Benefit). The Housing Executive may share any of the information provided for the above purpose with individuals (e.g. health professionals/landlords), agencies/bodies (statutory and non-statutory), registered housing associations, local councils and service providers.

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CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I/we agree to the Housing Executive receiving information from others with whom it has shared my information, for the purposes of deciding my application for a Change of Tenancy.*

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

*Staff should note if the person has declined to provide consent.

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request information about your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for a Change of Tenancy.

I agree to the Housing Executive requesting this information.*

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

*Staff should note if the person has declined to provide consent.

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. If you not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your Change of Tenancy application.

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PATCH MANAGER'S REPORT

(Please use extra pages if necessary)

OFFICE USE ONLY

Please refer to Chapter 8 of the Housing Selection Scheme Guidance Manual.

Office		Proposed Sole/Joint Tenant Person(s) number	
Patch Manager			
Date of Initial Contact from Tenant (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS Tenancy Notes)	/ /

INFORMATION OBTAINED AND CONSIDERED BY PATCH MANAGER:

RENT ACCOUNT: _____ AT: _____

HOUSE SIZE/TYPE/FEATURES: _____

Please detail all investigations into Applicant's eligibility

Following the completion of Person from Abroad investigations is the Applicant eligible?
(All decisions regarding PFA eligibility must be made by a Team Leader or above).

Yes ☐ No ☐

Following completion of Unacceptable Behaviour investigations is the Applicant eligible? (If no, this decision must be made by a Team Leader).

Yes ☐ No ☐

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Team Leader's Name (printed)	_____
Team Leader's Signature	_____
Date	_____ / _____ / _____

PATCH MANAGER'S RECOMMENDATION

In Summary the evidence collected would suggest that:

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	_____ / _____ / _____

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LETTINGS MANAGER ONLY

COMMENTS

LETTINGS MANAGER APPROVAL

Yes

☒ No

☐

TYPE OF TENANCY AWARDED

INTRODUCTORY

☐

SECURE

☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8 of the Housing Selection Scheme Guidance Manual).

SOLE TENANCY COMMENCEMENT DATE

IF NO, REASONS FOR REFUSAL

DATE REFUSAL LETTER SENT

(See Chapter 8 of the HSS Guidance Manual)

Appendix 14 Fraud Prevention

Photographing Tenants at Tenancy Sign Up

1.0 Introduction

- 1.1** Following a review of our procedures for prevention and detection of Tenancy Fraud, it has been deemed necessary to introduce new working practices around the verification of tenants' identification.
- 1.2** Additional tenancy fraud prevention measures (as set out below) are therefore being included in the Tenancy Sign Up procedure for action by Officers in the Local Office.

2.0 Background

- 2.1** The NIAO published a report in 2013 on 'Tackling Social Housing Tenancy Fraud in NI'. The report highlighted examples of best practice adopted by housing providers in England and Wales, who have dealt proactively with tenancy fraud.
- 2.2** It recommended the Housing Executive should include best practice established in England and Wales in our Tenancy Fraud Strategy. With this in mind, photographing of all new tenants at Tenancy Sign Up is now being introduced.
- 2.3** This guidance puts measures in place to address both the NIAO recommendation and our Tenancy Fraud Strategy Action Plan.

3.0 Photographing tenants

- 3.1** The leaflet 'Taking photographs when signing for your new tenancy' (Appendix 1) should be included with an offer letter to advise the prospective tenant that, if they are accepting the property offered, their photograph will be taken during the Tenancy Sign Up.

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- 3.2 It should be noted that, where there are current outstanding offers, those who have yet to sign the tenancy agreement should be contacted to advise that their photograph will be taken during the Tenancy Sign Up.
- 3.3 A step by step guide providing further clarification on photographing tenants at sign up and the use of office webcams and mobile phones for uploading tenant photographs to HMS is attached. (Appendix 14)
- 3.4 Local offices should ensure that they select the correct person number from the Persons Details screen on HMS as there is no delete facility available
- 3.5 If the tenancy being awarded is a joint tenancy, a photograph should be taken of all persons named on the tenancy agreement
- 4.0 Tenant consent
 - 4.1 During the Tenancy Sign Up Local Offices should advise the tenant that their photograph may be used to confirm identification during any future visits at their home. The tenant should also be advised that the Housing Executive undertake a programme of tenancy audits which include residency verification visits.
 - 4.2 A consent form (Appendix 3) should be signed by all new tenants prior to the photograph being taken. The consent form should be retained on the tenant's housing file.
 - 4.3 Should the tenant not consent to their photograph being taken, Local Offices should discuss their refusal reasons and advise that this is a mandatory requirement and failure to provide that photograph may result in their offer of accommodation being withdrawn.



Taking photographs when signing for your new tenancy

All new housing applicants signing up for a new tenancy and existing tenants who are transferring or mutually exchanging properties with NIHE will be asked to have a photograph taken of them at sign up stage. If it is a joint tenancy, then photographs will be requested from both joint tenants.

About this leaflet

This leaflet explains why the NIHE has asked to take a photograph of you when you sign a tenancy agreement with us. It also explains how the photograph will be stored and used by us.

Why does NIHE need a photograph of me?

Most tenants who have signed up to an NIHE tenancy have done so perfectly legally and have every right to live in one of our homes. Unfortunately, a few people will take advantage of the Housing Selection Scheme which is used to allocate our homes to get something that they are not entitled to and commit tenancy fraud.

What is Tenancy Fraud?

Tenancy fraud is where a social home (either NIHE or Housing Association) is occupied by someone who is not entitled to be there.

It can take several forms:

- Giving false information on a housing application i.e. falsely claiming to be homeless;
- Abandonment of the property and living elsewhere;
- Subletting the property to someone who is not entitled to it;
- Succeeding a tenancy, often on the death of a tenant, by falsely claiming to have been living there for some time;
- Or providing misleading information on an application to purchase the property.

NIHE is dedicated to tackling tenancy fraud.

People who commit tenancy fraud are housing cheats that deprive other people in genuine need from re-housing.

Part of NIHE's Tenancy Fraud Policy is to have a photograph of each new tenant so that we can reduce the opportunity for identity impersonation and unlawful subletting.

What will the photograph be used for?

The photograph will be used to complement identity checks. So whenever we visit a tenant, for example a home visit, we can take a photograph along so we know that the right person is in the right property. Even if we get new staff, they will have a clear picture of what the tenant looks like.

The photograph will not be used for any other purpose other than to verify who a tenant is.

What kind of photograph is needed?

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We will take a digital photograph using a digital camera or a webcam. The photograph will be in colour and of your full face and shoulders.

How will the photograph be stored?

We will treat the photograph in the same way as we treat other personal data to ensure we comply with Data Protection principles where they apply.

We will store the photograph electronically on your tenancy file.

Once the photograph has been transferred onto your tenancy file it will be deleted from the camera/webcam.

Any paper copies printed for the purpose of verifying your identity at visit stage will be destroyed when the visit has been completed.

Will the photograph be shared with anyone outside of NIHE?

As with all personal data, NIHE will not share your data with other third party organisations unless it is necessary for managing your tenancy, for example, in relation to combating tenancy fraud, or where we have a statutory obligation to do so.

We will comply with the Data Protection Act 1998 whenever we share a photograph with other parties as it is the practice for personal data for tenants.

Will I still have to provide other identification at Sign Up?

Yes. When an applicant has been offered an NIHE tenancy you are required to provide us with valid

photographic ID at Sign Up stage. You are required to provide one form of primary identification or two forms of secondary identification.

These include:

Primary Identification (1 required)

- Current UK driving license
- Current passport or National Identity Card
- Translink Senior Smartpass
- Electoral Identity Card

Secondary Identification (2 required)

- Benefit payment book
- Birth Certificate
- Credit/Bank Cards
- Utility Bill (previous quarter)
- Medical Card
- Recent bank statement/wage slip
- Marriage certificate

What happens next?

When you have your appointment to sign your tenancy agreement, you will be asked to have your photograph taken at this appointment.

You will be asked to sign a consent form before the photograph is taken. This form gives us your permission to take and store the photograph in accordance with our Tenancy Fraud policy.

More Information

If you would like more information on this matter please contact us on the following details:

Telephone: 03448 920 900

Website: www.nihe.gov.uk

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Counter Fraud Photo Capturing Guide for Webcam

Step 1. Search for the required person in HMS and obtain the Person Number from the Person Details screen.

The screenshot shows a web form titled 'View Mr Paul Hanna'. It contains various fields for personal and contact information. A red arrow points to the 'Number' field, which contains the value '154821'.

Name: Mr P Hanna	User Code: 75244	Number: 154821
Gender: Male	Status: Current Lead Tenant	Date of Birth: 05/04/1964
Date of Death: / /	NI Number: NB702547A	
Marital Status: S Single	Daytime Tel: 3456789	Mobile: 2456778989
Main Language:	Home Tel: 12345678	Fax:
Preferred Language:	Email:	
Ethnic Group: U Unknown		

Step 2. Launch the Web application [Here](#) for checking and uploading new photos. When the application loads, key in the Person Number as below and click Go

The screenshot shows a web browser window with the URL 'http://sv500dc1/photomanager/Person.aspx'. The page has a menu bar (File, Edit, View, Favorites, Tools, Help) and a toolbar. Below the toolbar, there is a text input field labeled 'Enter Person Number:' containing the value '154821'. A red arrow points to this field. Below the input field is a 'Go' button.

Step 3. If there is no current photo for the person the following screen will load. To capture a photo click Add.

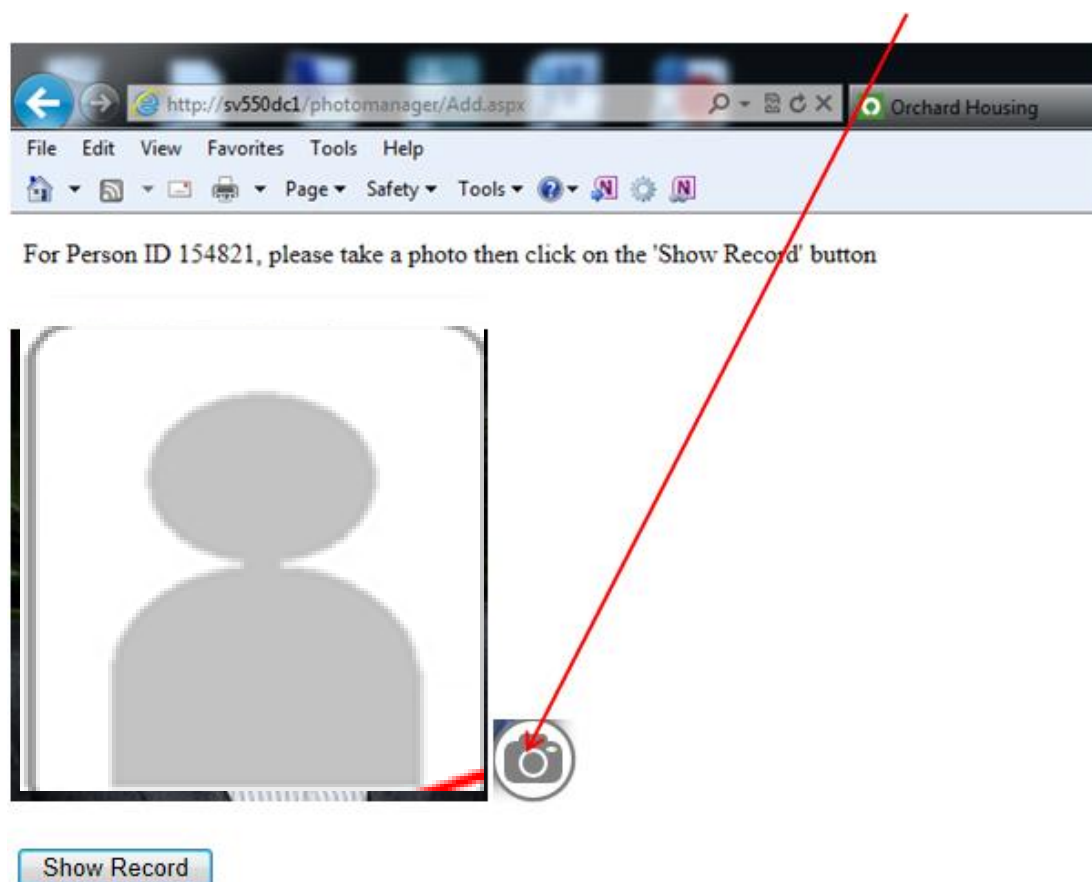
The screenshot shows a web browser window with the URL 'http://sv500dc1/photomanager/Person.aspx'. The page displays 'Person ID: 154821' and a placeholder image for a person's photo. Below the placeholder image is a button labeled 'Add'. A red arrow points to this button.

Step 4. Click on the Start Camera option and this will launch the Webcam.

The screenshot shows a web browser window with the URL 'http://sv500dc1/photomanager/Add.aspx'. The page displays the text 'For Person ID 154821, please take a photo then click on the 'Show Record' button'. Below this text is a large button labeled 'START CAMERA'. A red arrow points to this button. Below the 'START CAMERA' button is a 'Show Record' button.

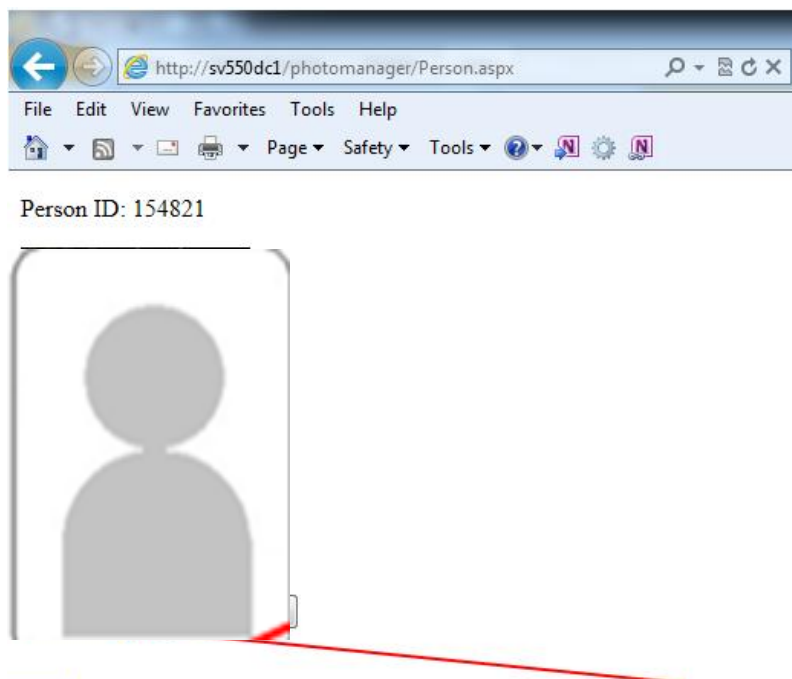
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Step 5. When capturing the photo please ensure that the image of the person is in the centre of the screen as the image will be cropped to the correct size for HMS as part of the process. When you are happy with the positioning, click the camera icon to capture and save the image.



Step 6. The following screen shows the cropped image for HMS Customer Dashboard purposes

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Step 7. If the user needs to change the photo for any reason, click on the Change button and repeat Steps 4-6. (This can be repeated until the user/customer is satisfied with the captured image)

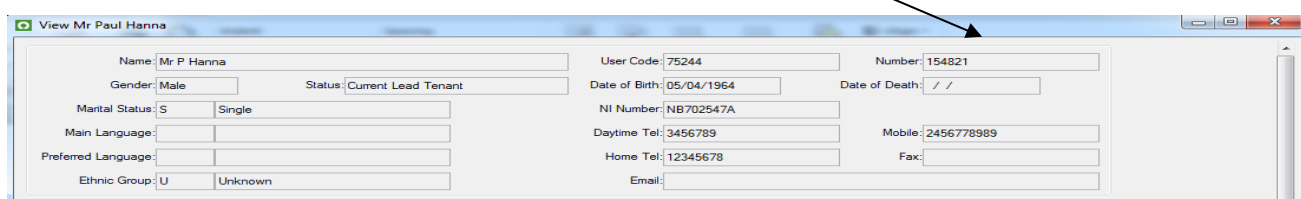
Clicking on the New Person button returns the user to the screen in Step 2.

In the case of the user recording the image against the wrong Person Number, a call should be raised at the service desk detailing the Person ID of the photo to be deleted.

Counter Fraud Photo Capturing Guide for Mobile Phone

Step 1. Photograph of tenant taken by local office staff on mobile phone.
_____ When capturing the photograph staff should ensure that the image of the person is in the centre of the screen as the image will be cropped to the correct size for HMS as part of the process.

Step 2. Search for the required person in HMS and obtain the Person Number from the Person Details screen.



The screenshot shows a web form titled "View Mr Paul Hanna". The form contains the following fields and values:

Field	Value
Name	Mr P Hanna
Gender	Male
Status	Current Lead Tenant
Marital Status	S Single
Main Language	
Preferred Language	
Ethnic Group	U Unknown
User Code	75244
Number	154821
Date of Birth	05/04/1964
Date of Death	/ /
NI Number	NB702547A
Daytime Tel	3456789
Home Tel	12345678
Mobile	2456778989
Fax	
Email	

Step 3. Local Office staff log a call via e-mail (with tenant photograph attached) with Service Desk (<servicedesk@NIHE.GOV.UK>) requesting that the attached photograph be loaded to the HMS dashboard. Local Office staff should ensure that the new tenant's Person Number, Name and the Address of new tenancy are clearly identified on the e-mail to Service Desk

Step 4. HMS IT Support will manually load the photograph to live photo share and link it to HMS using the picurl UDC.



I/We hereby consent to Northern Ireland Housing Executive (NIHE) taking and retaining a full-face photograph of me/us for the purpose of using it in accordance with the NIHE's Tenancy Fraud Policy.

I/We have read and understand the information contained in the leaflet 'Taking photographs when signing for your new tenancy'.

I/We agree with the following conditions of use of the photograph:

- Your photograph will be solely used for the purpose of complementing identity checks on your tenancy with NIHE.
- Your photograph will be held securely in accordance with the Data Protection Act 1998.

Tenant 1 _____

First Name: _____

Surname: _____

Address: _____

Postcode: _____

Signed: _____

Date: _____

Tenant 2 _____

First Name: _____

Surname: _____

Address: _____

Postcode: _____

Signed: _____

Date: _____

Appendix 15(a) Social Tenancy Fraud Referral Form (Application)

**Official &
Sensitive**



Social Tenancy Fraud Referral Form (Application)

Please note that all referrals must be submitted, in electronic format, by a Team Leader or more senior officer.

Part A	Details of the person reporting alleged tenancy fraud *
Name	
Address	
Phone	
Email	

**Please notify the person making the referral that they do not have to tell us who they are but it may be useful for us to be able to contact them again to clarify information in certain circumstances. Please advise them that any information they provide, including their personal details, will be held in the strictest confidence.*

If they would rather not, then please gather as much information about the fraud as possible. Assure them we will investigate every allegation and take action where appropriate. (Remember Who, What, Where, When, Why and How as a quick reference).

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Part B	Type of Alleged Fraud	Please select
	Housing Application	
	Homeless Application	
	Succession	
	Assignment	
	Joint Tenancy	
	Direct Exchange	

Part C	Applicant/Tenant details
Name of Applicant	
Name of Tenant (if different)	
DOB & NINO	
Full Address	
Tenancy Type (Transfers, Successions, Assignments, JT Request and Direct Exchanges)	Secure \ Introductory \ Use & Occupation

Provide details of the allegation:

Please detail below the investigatory actions the Housing Solutions Team / Local Office have taken so far (in the form of a detailed chronology). Continue on separate page if necessary:

--

Part D Question Guide

FALSE HOUSING/HOMELESS APPLICATION	Please provide details below
Did the applicant complete an application form? <i>If yes, please attach a copy to this referral</i>	
Did applicant sign the relevant declaration forms? <i>If yes, please attach a copy to this referral</i>	
Did applicant/alleged 3 rd parties supply relevant supporting documentation for their application? <i>If yes, please attach a copies to this referral</i>	
Are any of the documents provided suspected to be fraudulent?	
Is it suspected that the applicant lives at an address other than that detailed on their housing/homelessness application?	
Is it suspected that the applicant deliberately worsen their circumstances?	
Is it suspected that the applicant falsely stated that children reside with them when they do not?	
Is it suspected that the applicant falsely state they have been asked to leave their current accommodation?	
FALSE SUCCESSION/UNLAWFUL ASSIGNMENT/JOINT TENANCY	Please provide details below
Was a succession/assignment/COT request form completed with the customer? <i>If yes please attach a copy to this referral</i>	
Did applicant sign the relevant declarations? <i>If yes please attach a copy to this referral</i>	
Did applicant/purported 3 rd parties supply relevant supporting documentation for their application? <i>If yes please attach a copies to this referral</i>	
Are any of the documents provided suspected to be fraudulent?	
At what stage is the application? Application received, Application Declined, Review etc.	

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Is it alleged that the applicant was not resident with the previous tenant/tenant as per NIHE policy?	
Do you know the address the applicant may have been living at?	
Is it suspected that the applicant has made a false claim to be a specified / defined family member?	

Part E Further Applicant/Tenant Information

TENANT/APPLICANT INFORMATION	Please provide details below
Do you have photo ID for the tenant/applicant. <i>If yes, please attach a copy to this referral</i>	
Does the tenant/applicant have a known/alleged partner? <i>Please provide details if known e.g. name, DOB, NINO, address</i>	
Do they have children together? <i>Please provide details if known e.g. name, DOB</i>	
Does the tenant/ applicant have a known vehicle? <i>make, model, colour and registration.</i>	
Is the tenant/applicant in receipt of housing benefit? <i>Please note any relevant information.</i>	
Is the tenant/applicant a person of interest? <i>Please provide details if known e.g. potentially violent or have any known/suspected associations etc.</i>	

Report Taken by Patch Manager		Date:
Approved by Team Leader		Date

Referral forms must be sent to tenancy.fraud@nihe.gov.uk. Upon receipt of an acknowledgment email, please ensure that you delete all electronic copies and dispose of any hard copies of this referral. This should include the original referral email. A copy of this referral should not be stored on HMS.

[Appendix 15\(b\) Social Tenancy Fraud Referral Form \(Tenancy\)](#)

**Official &
Sensitive**



Social Tenancy Fraud Referral Form (Tenancy)

Please note that all referrals must be submitted, in electronic format, by a Team Leader or more senior officer.

Part A	Details of the person reporting alleged tenancy fraud*
Name	
Address	
Phone	
Email	

**Please notify the person making the referral that they do not have to tell us who they are but it may be useful for us to be able to contact them again to clarify information in certain circumstances. Please advise them that any information they provide, including their personal details, will be held in the strictest confidence.*

If they would rather not, then please gather as much information about the fraud as possible. Assure them we will investigate every allegation and take action where appropriate. (Remember Who, What, Where, When, Why and How as a quick reference).

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Part B	Type of Alleged Fraud	Please select
	Key Selling	
	Non Occupancy	
	Subletting	
	False Right To Buy Application	

Part C	Tenant/Applicant details
Name of Applicant	
Name of Tenant (if different)	
DOB & NINO	
Full Address	
Tenancy Type (Transfers, Successions, Assignments, JT Request and Direct Exchanges)	Secure \ Introductory \ Use & Occupation
<i>Provide details of the allegation:</i>	

Please detail below the investigatory actions the Housing Solutions Team / Local Office have taken so far (in the form of a detailed chronology). Please ensure you provide details of any attempted visits (dates, times, outcomes). Continue on separate page if necessary:

Part D Question Guide

KEY SELLING	Please provide details below
Do you know who the tenant sold their keys to? <i>Please provide details if known e.g. name, DOB, NINO</i>	
Do you know when the tenant sold the keys of their property?	
Do you know the where the tenant is residing?	
NON-OCCUPANCY	Please provide details below
Do you know the where the tenant is residing?	
When did you last see the tenant?	
Are there any personal possessions in the property?	
Are there any pets in the property?	
Is the property/garden in a bad state?	
Have you checked electricity/gas usage with the utility companies?	
Are the bins at the property being used and emptied?	
Have you taken photos of the property? <i>If yes, please attach copies to this referral</i>	
Is someone else occupying the property? <i>Please provide details if known e.g. name, DOB, NINO, address</i>	
What is their relationship to the tenant (if known)	

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Have you spoken to or have you taken statements from residents of neighbouring properties/local community representatives <i>If yes, please attach copies to this referral</i>	
SUBLETTING	Please provide details below
Do you know the where the tenant is residing?	
How long have they been living elsewhere?	
Do you know the name of the person(s) subletting the property? <i>Please provide details if known e.g. name, DOB, NINO, address</i>	
How does the person subletting make payment? E.g. cash, bank transfer etc.	
FALSE RIGHT TO BUY APPLICATION	Please provide details below
Was the applicant not occupying the property as their only, or principal home?	
Do you know where the applicant is living?	

Part E Further Tenant/Applicant Information

Tenant Information	Please provide details below
Do you have photo ID for the tenant/applicant. <i>If yes, please attach a copy to this referral</i>	
Does the tenant/applicant have a known/alleged partner? <i>Please provide details if known e.g. name, DOB, NINO, address</i>	
Do they have children together? <i>Please provide details if known e.g. name, DOB</i>	
Does the tenant/ applicant have a known vehicle? <i>make, model, colour and registration.</i>	
Is the tenant/applicant a person of interest? <i>Please provide details if known e.g. potentially violent or have any known/suspected associations etc.</i>	
Has the tenant signed their tenancy agreement?	

Report Taken by Patch Manager		Date:
Approved by Team Leader & Submitted to Tenancy Fraud Unit		Date

Referral forms must be sent to tenancy.fraud@nihe.gov.uk. Upon receipt of an acknowledgment email, please ensure that you delete all electronic copies and dispose of any hard copies of this referral. This should include the original referral email. A copy of this referral should not be stored on HMS.

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Appendix 16: Tenant Verification Form

Tenant Verification Form

Tenant Name	
Address	
Town	
Postcode	
Date of Birth	
National Insurance No	
Telephone	
Mobile No.	
Contact in case of emergency	
Primary I.D and reference	
Secondary I.D and reference	

Comments

Designated Officer:

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To Be Completed At Visit

Tenant Available?	Yes	No	Follow Up
	Required		
If Yes, DOB confirmed?	Yes	No	
NINO confirmed?	Yes	No	
Where tenant not present – if another adult/adults is/are present please record name/relationship to tenant	Name:		
	Relationship to tenant:		

Proof of Identity	
Form of Proof	Details (inc reference numbers)
UK Driving Li cense / Photo Driving License	
Passport	
Full Birth Certificate	
Other Photographic Identification	
Identity NOT Proven	

Proof of Residence	
Form of Proof	Details (inc reference numbers)
Utility Bill	
Rates Bill	
TV License	
Other (please state type)	
Residency NOT Proven	

Tenant Declaration	
I confirm that I am occupying the above address as my main residence and that information I have provided regarding my identity is correct.	
Signature:	Date:

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Tenant Verification Register

[illegible]

Appendix 17: Change of Tenancy (Sole to Sole Request)

SOLE TO SOLE CHANGE OF TENANCY REQUEST FORM

This form is for use by Housing Executive staff ONLY and refers to applications for a sole tenancy in exceptional circumstances where it may not be possible for the tenant to assign the tenancy (e.g. in cases where the tenant has left the property with no intention of returning or alleged domestic abuse cases, and the remaining person is still residing at the property).

This is an Allocation of Tenancy due to Marital / Civil Partnership / Relationship Breakdown and should not be considered as an Assignment.

Please refer to Chapter 8.8 HSSGM.

Please use the Assignment Request Form (Excluding Direct Exchange) for Assignment requests under HSS Rule 77.

PART ONE – CURRENT TENANT

INFORMATION REGARDING CURRENT SOLE TENANCY

Name of Current Tenant	
Address of Property	
Tenancy Commencement Date	
Current tenancy status: Introductory/Secure	
No. of bedrooms	

INFORMATION REGARDING SOLE TENANT

Contact details only to be recorded if not already available (or have been updated from records held)

Name		D.O.B.	
Tel. No.		N.I.N.O.	
Email			

INFORMATION REGARDING SOLE TENANT'S INTENTIONS

Reasonable attempts should be made to contact the current sole tenant to determine circumstances and if there is any intention to return

Has contact been made with tenant? If not, detail attempts at contact.	
Details of contact made (Reasons given for leaving tenancy)	

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Does the tenant intend on returning to property? (give details as appropriate)	

Has a Termination of Tenancy been received?

Yes ☐

No ☐

If yes, Date of Termination
(HB/UC should be notified)

____ / ____ / ____

If no, give reason

*If new Sole tenancy approved,
Non Occupation proceedings
will be needed to award tenancy*

Cannot be traced

☐

Refuses to terminate

☐

Other _____

Referral to HSST (if appropriate)

PART 2 – APPLICANT/PROPOSED SOLE TENANT

INFORMATION REGARDING APPLICANT/PROPOSED SOLE TENANT (Remaining Party)

Name		D.O.B.	
Tel. No.		N.I.N.O.	
Email			
ID Received			
Relationship to Current Sole tenant			

DETAILS OF ALL PERSONS LIVING AT THIS ADDRESS

Full Name	Relationship to Tenant	D.O.B

REASON FOR APPLICATION (From Remaining Party if not provided by Tenant who has left property)

--

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--

To be completed at interview with Potential Sole tenant

Is the Applicant aged 18 years or over?

Yes ☐

No ☐

If No, please provide:

Details of Social Worker	
Details of any UNOCINI Referral	
Details of Potential Guarantor	

PERSONS FROM ABROAD

Is the Applicant a person from abroad?

Yes ☐

No ☐

If yes, gather all relevant information from the applicant and ensure all investigations are complete before making any decision, for example:

- ID (such as Passport/EU Identity Card)
- Immigration Status
- Economic activity in the UK

For guidance please refer to Chapter 2.7 of the Housing Selection Scheme Guidance Manual.

All eligibility decisions must be made by a Team Leader or above.

UNACCEPTABLE BEHAVIOUR

Has the Applicant been involved in Unacceptable Behaviour which would make them unsuitable to be a tenant?

Yes ☐

No ☐

For guidance please refer to Chapter 2.6 of the Housing Selection Scheme Guidance Manual. If ineligible please discuss with a Team Leader.

DECLARATIONS:

I/we understand:

- Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.
- By dishonestly giving false information, withholding information or failing to disclose a change in my/our circumstances at any time before a decision on my/our application is made or before accepting any offer of tenancy, I/we may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

I/we declare that the information given above is correct, true and complete to the best of my/our knowledge and belief. Furthermore, I/we hereby promise to notify the Landlord if there is any material change in my/our circumstances and I also understand the consequences of not doing so, as has been explained above:

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Current (Leaving) Tenant (if applicable)	
Signed: _____	Date: ____ / ____ / ____
Applicant (Proposed Tenant)	
Signed: _____	Date: ____ / ____ / ____

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	____ / ____ / ____

Housing Costs (Applicant):

Currently receiving or applying for Housing Benefit	
Currently receiving or applying for Universal Credit	

If my application for the above tenancy is successful I wish to claim Housing Benefit / Universal Credit / Rates Assistance from the date the tenancy is awarded to me/us.

I understand that I am liable to pay a weekly charge of £ ____ .

Signed: _____	Date: ____ / ____ / ____
---------------	--------------------------

YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive for the assessment of your application for a change of tenancy. The Housing Executive is providing this service to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website
www.nihe.gov.uk/privacy_notice or by contacting the Housing Executive directly.

The Housing Executive requires this information to assess and decide your application for a change of tenancy.

SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments (e.g. the Tenancy Fraud Unit and Housing Benefit). The Housing Executive may share any of the information provided for the above purpose with individuals (e.g. health

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professionals/landlords), agencies/bodies (statutory and non-statutory), registered housing associations, local councils and service providers.

CONSENT FOR THE HOUSING EXECUTIVE TO RECEIVE INFORMATION

I agree to the Housing Executive receiving information from others with whom it has shared my information, for the purposes of deciding my application for a Change of Tenancy.*

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

*Staff should note if the person(s) has declined to provide consent.

CONSENT FOR THE HOUSING EXECUTIVE TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive may request information about your address history, dates of occupation and household details from Housing Benefit solely for the purposes of assessing your application for a Change of Tenancy.

I/we agree to the Housing Executive requesting this information.*

Signed: _____	Date: _____ / _____ / _____
---------------	-----------------------------

*Staff should note if the person(s) has declined to provide consent.

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

If consent is not given, or is subsequently withdrawn, then the Housing Executive will not be able to access information from other parties to assist in the purpose outlined above. If you not provide consent to the Housing Executive receiving information from others, this will not affect the service you receive. The Housing Executive will still use the information available to them to make a decision in relation to your Change of Tenancy application.

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PATCH MANAGER'S REPORT

(Please use extra pages if necessary)

OFFICE USE ONLY

Please refer to Chapter 8.8 of the Housing Selection Scheme Guidance Manual.

Office		Proposed Sole Tenant's Person number	
Patch Manager			
Date of Initial Contact from Tenant (Keyed to HMS)	/ /	Date of Interview (Keyed to HMS Tenancy Notes)	/ /

INFORMATION OBTAINED AND CONSIDERED BY PATCH MANAGER:

Please detail all investigations into Applicant's eligibility

Following the completion of Person from Abroad investigations is the Applicant eligible?
(All decisions regarding PFA eligibility must be made by a Team Leader or above).

Yes ☐ No ☐

Following completion of Unacceptable Behaviour investigations is the Applicant eligible? (If no, this decision must be made by a Team Leader).

Yes ☐ No ☐

Team Leader's Name (printed)	_____
Team Leader's Signature	_____
Date	____ / ____ / ____

PATCH MANAGER’S RECOMMENDATION

In Summary the evidence collected would suggest that:	
If applicable, date Tenancy Terminated _____ / _____ / _____	
Patch Manager’s Name (printed)	_____
Patch Manager’s Signature	_____
Date	_____ / _____ / _____

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LETTINGS MANAGER ONLY

COMMENTS

LETTINGS MANAGER APPROVAL

Yes ☐ No ☐

TYPE OF TENANCY AWARDED

INTRODUCTORY ☐

SECURE ☐

NOTE: Please ensure that the correct procedures are followed (See Chapter 8.8 of the Housing Selection Scheme Guidance Manual).

NB: IF APPROVED AND THE SOLE TENANT WHO LEFT HAS NOT BEEN ABLE TO BE TRACED/REFUSED TO PROVIDE A TERMINATION THEN THIS SHOULD BE REFERRED BACK TO THE PATCH MANAGER (AND TEAM LEADER) TO COMMENCE POSSESSION (NON-OCCUPATION) PROCEEDINGS SO THAT THE NEW SOLE TENANCY CAN BE AWARDED.

Guidance on Non- Occupation procedures can be found in Chapter 7 (for Introductory Tenancies) and Chapter 8 (for Secure Tenancies) of the General Housing Policy Guidance Manual.

TENANCY COMMENCEMENT DATE _____

IF NO, REASONS FOR REFUSAL

DATE REFUSAL LETTER SENT _____
(See Chapter 8 of the HSS Guidance Manual)

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Appendix 18: Change of Tenancy following death of Joint Tenant
(Information/Record Keeping Purposes ONLY)

JOINT TO SOLE TENANCY IN EVENT OF DEATH OF JOINT TENANT

This is to be completed by Housing Executive staff ONLY following the death of a Joint Tenant where a sole tenant remains. Please refer to Chapter 8.1.1 HSSGM.

Please note this is for record keeping purposes only - NO TENANT SIGNATURE IS REQUIRED.

The remaining tenant automatically becomes the sole tenant (survivorship) in accordance with Article 26 of the Housing (Northern Ireland) Order 1983 and the remaining tenant(s) should not sign up for the tenancy. It should be noted that this is considered a Legal Succession and should be considered when applying Rule 75 for any further applications to succeed.

INFORMATION REGARDING CURRENT TENANCY

Name of Current Joint Tenants	
Address of Property	
Tenancy Commencement Date	
Current tenancy status: Introductory/Secure	

INFORMATION REGARDING DECEASED TENANT

Name of Deceased Tenant	
Date of Death	
Copy of Death Certificate received	

INFORMATION REGARDING SOLE TENANT

Contact details to be recorded if not already available or have been updated

Name		D.O.B.	
Tel. No.*		N.I.N.O.	
Email*			
ID received			
HMS updated			

* Please note, only one contact method is mandatory

Patch Manager's Name (printed)	_____
Patch Manager's Signature	_____
Date	____ / ____ / ____

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Chapter 8 Changes of Tenancy Succession, Assignment and Joint Tenancies

8.0 INTRODUCTION

This chapter outlines the guidance to be used when considering a request for a change of tenancy. It sets out the legislative entitlement and policy requirements under the rules of the Housing Selection Scheme and details the procedures to be followed and the necessary evidence required. Further guidance for Housing Executive staff on the operational procedures for dealing with Changes of tenancy is contained in Chapter 1 of the General Housing Policy Guidance Manual and the HMS Keying Guide.

Note: References to the Patch Manager and Lettings Manager throughout this Chapter should be to the equivalent designated officers for Housing Associations.

8.1 SUCCESSION

Succession is the passing of a secure or introductory tenancy to another person and only occurs where the tenant has died. If the tenant has not died but wishes to assign their tenancy to another person, please refer to the policy and procedures regarding Assignment later in this Chapter.

A succession of tenancy may occur following the death of a tenant, either because of a statutory (legal) right to succeed¹, or because of circumstances which do not derive from legislative requirements, but which policy specifically allows.² From the outset, staff should conduct thorough investigations to ascertain whether a previous succession has occurred, and refer to Rule 75, if applicable.

8.1.1 Death of Joint Tenant

Where a joint tenant dies, the **remaining** joint tenant **automatically** becomes the sole tenant, and this is otherwise known as survivorship, in accordance with Article 26 of the Housing (Northern Ireland) Order 1983, this is deemed to be a statutory (legal) succession. Whilst evidence is required in the form of a death certificate, there is no requirement for any notification to be sent, and the

¹ Legislative requirements to succeed set out for secure tenancies in the Housing (NI) Order, 1983 or for introductory tenancies in the Housing (NI) Order, 2003 (see www.legislation.gov.uk) and come under Rule 73 of the HSS

² Specific policy requirements as set out in Rules 74 -75 of the HSS (See Chapter 12 of the Housing Selection Scheme Guidance Manual).

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remaining joint tenant should not sign for the tenancy as though he / she was being granted a new tenancy.

The tenancy will be a secure tenancy provided the previous joint tenancy was a secure tenancy. If the previous joint tenancy was an introductory tenancy the new tenancy will be an introductory tenancy for the remainder of the trial period.

Housing Executive Staff please note this change will have to be actioned through HMS. Please refer to HMS Keying Guide on Gateway. (See Chapter 1 of the General Housing Policy Guidance Manual).

It should be noted that in accordance with Article 26 of the Housing (Northern Ireland) Order 1983 this is a statutory (legal) succession and should be considered when applying Rule 75 for any further applications to succeed. For guidance on further succession requests following survivorship please refer to Rule 75 – where there has been a previous succession, later in this Chapter of the guidance.

8.1.2 Eligibility and Successions

Where a person has a statutory / legal entitlement to succeed to a tenancy it is not an allocation and therefore the eligibility provisions in relation to Unacceptable Behaviour and Persons from Abroad do not apply.

Policy successions constitute an allocation, and as such the eligibility of the potential successor must be considered in line with relevant policy before the allocation is made. If the Designated Officer determines, following the necessary eligibility assessment, that a policy succession cannot be awarded this should be reflected, quoting the relevant legislation where necessary, in the refusal letter at Appendix 8.4. Staff should refer to Chapter 2 of the Housing Selection Scheme Guidance Manual for detailed guidance on assessing eligibility.

Only one person can succeed to a tenancy, either by statutory (legal) entitlement or specific policy rules, i.e. there can be no Joint Succession. For further information on the requirement to allow a joint tenancy after a succession has taken place please refer to Rule 79 – Rules to allow a Joint Tenancy later in this Chapter of the guidance.

8.1.3 Potential Successors Under 18 Years of Age

There is no eligibility requirement in relation to age for a statutory (legal) succession. Where someone under the age of 18 years of age has requested to

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succeed to a tenancy, an adult, either a relative or a professional (e.g. a social worker) will have to hold the legal tenancy on trust until the child is 18 years of age. A guarantor will be required in this instance if a succession to a tenancy is approved. ***Housing Executive staff should contact Housing Policy regarding any cases where a minor appears to have a statutory entitlement.*** Staff should also note that there is a template of a form to be completed by the Guarantor contained in Appendix 5.2 of the HSS Guidance Manual.

8.1.4 Death of a Tenant

No Request for Succession

If there is no request for a succession Housing Executive staff should follow policies and procedures found in Chapter 1 and complete the Notice of Termination of Tenancy on Death of Tenant form in Chapter 9 - of the General Housing Policy Guidance Manual.

Request for Succession (please refer to flowchart below)

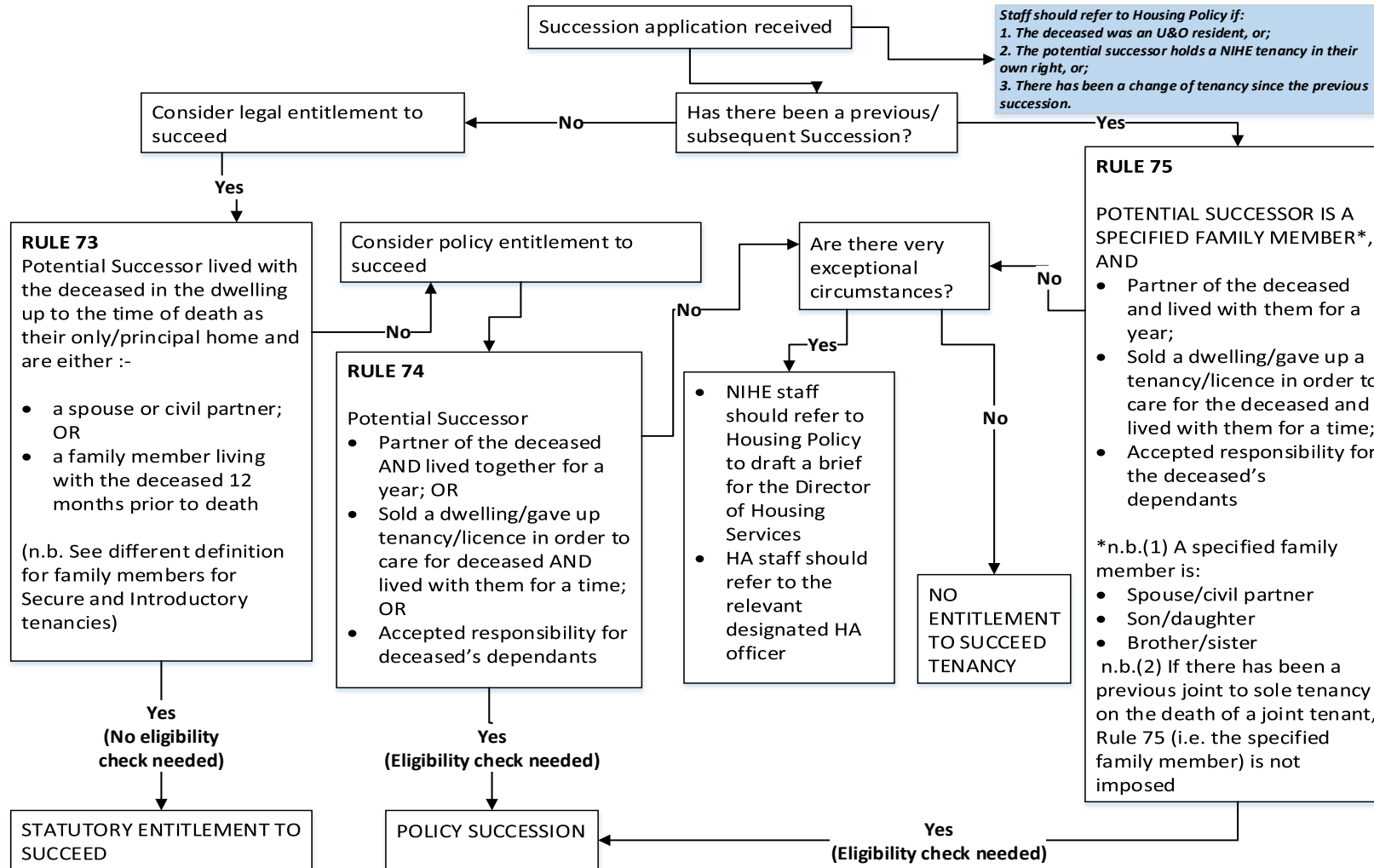
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Determining Entitlement to Succession Flowchart – When a sole tenant dies and there is a request for succession of tenancy

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8.1.5 SUCCESSIONS – STATUTORY (LEGAL) AND POLICY CRITERIA

When a request for a succession is received, the Patch Manager should investigate whether there is an entitlement to the tenancy under statutory (legal) grounds³ and if there is no statutory (legal) entitlement then proceed to examine whether the circumstances meet the criteria for a Policy Succession under the rules of the Housing Selection Scheme. Where the deciding officer is satisfied that there is no statutory (legal) or policy entitlement and the circumstances of the case are considered to be very exceptional, the case may be referred to Housing Policy for the Director's consideration.

The statutory (legal) and policy provisions in relation to succession are dependent upon whether a previous succession has taken place. When determining if there is a potential statutory (legal) right to a succession or if specific policy rules would apply to allow a potential succession to the tenancy it is important at the outset to determine whether the deceased tenant was himself/herself a successor. Staff should refer to Section 8.1.2 for more information if there has been a joint to sole tenancy on the death of a joint tenant.

Note: At the outset the Patch Manager should check the house file, the signed acceptance of tenancy, and deceased tenant's account to ascertain if he/she had been a successor.

8.1.6 Statutory (Legal) Succession – Secure Tenancy

A statutory (legal) succession **cannot** occur if the deceased tenant was a successor except in certain circumstances where a subsequent tenancy change, for example a transfer or the granting of a joint tenancy, has occurred. In cases with subsequent tenancy changes, or if there has been a previous assignment of tenancy, staff should contact Housing Policy for advice. The deceased is to be regarded as a statutory (legal) successor if any of the following circumstances applied to them:

- (i) The tenancy had been vested in them as a result of their statutory (legal) entitlement to succeed; or
- (ii) The deceased became the sole tenant on the death of their joint tenant; or

³ Article 26 of the Housing (Northern Ireland) Order 1983 for secure tenancies and Article 13 of the Housing (Northern Ireland) Order 2003 for introductory tenancies.

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- (iii) The tenancy was assigned to the deceased tenant by an Order of the Court⁴ and the other party to the marriage or the civil partner had been a successor; or
- (iv) The deceased tenant had been assigned the tenancy through a Direct Exchange and he/she had been a successor to the tenancy which he/she had exchanged from; or
- (v) The tenancy was previously an introductory tenancy and they were the successor to it.

Please note that if an individual meets the qualifying conditions in Article 26 of the Housing (Northern Ireland) Order 1983 then the tenancy vests in that person *automatically* by operation of law. Therefore s/he cannot 'opt out' of this in favour of a policy successor.

Staff should contact Housing Policy if they have any queries.

8.1.7 Statutory (Legal) Succession – Introductory Tenancy

A statutory (legal) succession cannot occur if the deceased tenant was a successor (as above: except in certain circumstances where a subsequent tenancy change occurred. In cases with subsequent tenancy changes, please contact Housing Policy for advice)

The deceased is to be regarded as a statutory (legal) successor if any of the following circumstances applied to them:

- (i) The tenancy had been vested in them as a result of their statutory (legal) entitlement to succeed; or
- (ii) The deceased became the sole tenant on the death of their joint tenant; or
- (iii) The tenancy was assigned to the deceased tenant by an Order of the Court⁵ and the other party to the marriage or the civil partner had been a successor.

⁴ An order under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 or under Part 2 of Schedule 15, or paragraph 9(2) or (3) of Schedule 17, to the Civil Partnership Act 2004.

⁵ An order under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 or under Article 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 or under Part II of Schedule 2 to the Family Homes

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8.1.8 WHERE THERE HAS BEEN A PREVIOUS SUCCESSION – Rule 75

Under Rule 75, where the Landlord is aware that the deceased tenant was a successor, whether a Statutory (legal) successor as defined above (in Sections 8.1.7 and 8.1.8); a ‘Policy Successor’ under Rule 74 of the HSS; or as a result of a decision by the Director to award an Exceptional Succession under the HSS Guidance, **then a further succession can only occur in the following limited circumstances:**

- there is a policy entitlement to succeed under one of the three criteria set out under Rule 74

AND

- the deceased tenant is one of the following family members of the potential successor:
 - the spouse
 - civil partner
 - parent
 - brother
 - sister

It should be noted for Rule 75 that in deciding whether the deceased tenant was a successor, any change from a sole tenancy to a joint tenancy, or vice versa, should be excluded.

The effect of this is not to ignore the earlier succession and thereby open the possibility of a further statutory (legal) succession, but rather to remove the specified family requirement of Rule 75. A potential successor must still meet one of the policy grounds outlined in Rule 74.

Consideration of Rule 75 - where the deceased tenant became the Sole tenant on the death of the Joint tenant

If the deceased tenant became the sole tenant on the death of the Joint tenant there can be no further statutory (legal) successions and while there is no specified family member requirement the potential successor must meet one of the three criteria in Rule 74 (please refer to the section on Policy Successions -

and Domestic Violence (Northern Ireland) Order 1998 or under Part 2 of Schedule 15, or paragraph 9(2) or (3) of Schedule 17, to the Civil Partnership Act 2004.

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Rule 74 for detailed guidance on these specific criterion further in this Chapter of the guidance).

Example

Consider two identical cases of grandchildren applying to succeed to their grandparent's tenancy as subsequent successors, who each meet one of the policy grounds to succeed (Rule 74). In both cases the deceased grandparents were statutory (legal) successors. In the first case the grandparent succeeded to the tenancy of their sole tenant spouse. In the second case the grandparent succeeded to a sole tenancy following the death of their joint tenant spouse (i.e. survivorship).

Because both cases are subsequent successions there is no further statutory (legal) right to succeed. Any further succession is governed by Rule 75: a potential successor must meet one of the policy grounds to succeed (i.e. Rule 74) and they must be one of the specified family members eligible to succeed as a subsequent successor. In both cases outlined above the policy grounds are met, but grandchildren are not one of the specified family members eligible to succeed as subsequent successors under Rule 75.

In the first case the decision on policy entitlement ends there – the grandchild does not meet both requirements of Rule 75 (Please *note: The Designated Officer may wish to consider whether there are any very exceptional circumstances to warrant a referral to the Director of Housing, or Housing Association equivalent.*)

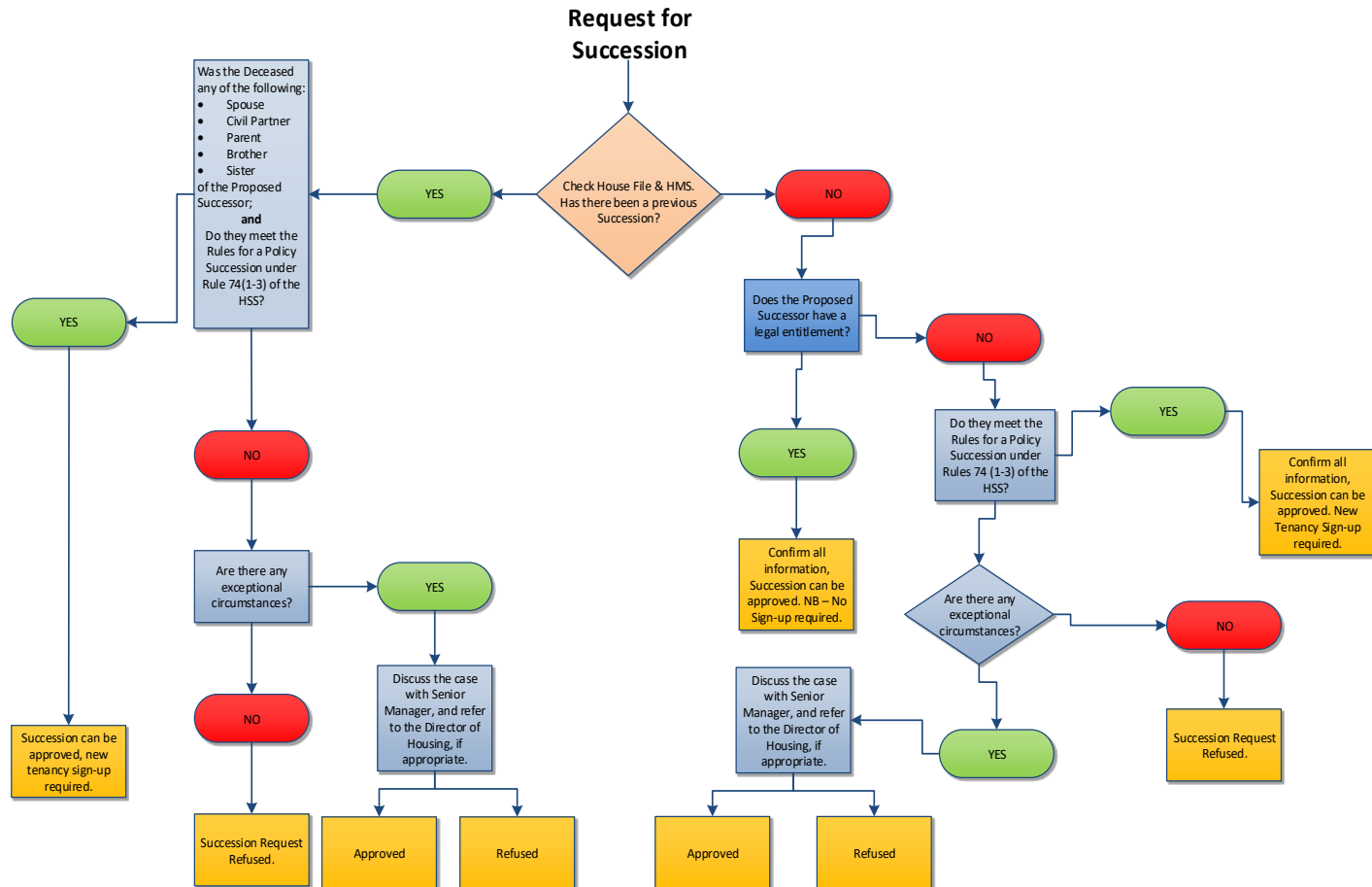
In the second case because the first succession was through survivorship (*the sole tenant succeeded to the tenancy on the death of the joint tenant*), **for the purposes of Rule 75 only** the specified family requirement is waived and the grandchild in the second case can succeed on the basis that they meet one of the policy grounds under Rule 74.

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SUBSEQUENT (SECOND) SUCCESSION FLOWCHART*

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****Remember: if there has been a subsequent change of tenancy following the deceased tenant's succession please contact Housing Policy for advice.***

The person who is entitled to a subsequent (second) succession by way of policy should sign for the tenancy as though he or she was a new, introductory tenant, and the offer letter in Appendix 8.1 should be used (If the person has been awarded a second succession by way of Rule 74 (3) and the incoming tenant was, immediately beforehand, already the secure tenant of a different dwelling, the new tenancy will be a new secure tenancy; and if the incoming tenant is an introductory tenant of a different dwelling, immediately beforehand, provided there is no interruption, the tenant will be awarded an introductory tenancy for the remainder of the trial period.). This is because the succession is not by operation of law but by an administrative action. This tenancy will not infer new statutory (legal) rights and should be keyed under Tenancy Reason as a succession tenancy.

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8.1.9 STATUTORY (LEGAL) ENTITLEMENT TO SUCCEED FOR SECURE OR INTRODUCTORY TENANCIES: **RULE 73**

Under Rule 73, if an individual has a statutory (legal) entitlement to succeed⁶, the Landlord cannot withhold consent. Indeed from a legal perspective the succession takes place automatically, and the Landlord will have to undertake operational procedures to deal with this change.

Provided there has not already been a statutory (legal) succession, the following categories of people can succeed the tenancy on statutory (legal) grounds, if

- A. At the time of the tenant's death, he / she occupied the dwelling as his/her only or principal home **and are either:-**
- B. The tenant's spouse or civil partner;
Or
A member of the tenant's family, who has resided with the tenant throughout a period of 12 months ending with the tenant's death.

Note: A spouse or civil partner **DOES NOT have to be living with the deceased tenant for 12 months prior to the tenant's death**, however they do have to have occupied the dwelling as their only or principal home at the time of the tenant's death. Other family members, as defined under the relevant legislation and set out below, must satisfy a minimum 12-month residency requirement residing with the deceased tenant.

8.1.10 A. Occupied the dwelling as his/her only or principal home at the time of the tenant's death: the residency criteria

In all cases the tenancy address **must** be:

- The potential successor's only or principal home *at* the time of the tenant's death.

The Patch Manager/Designated Officer should consider all evidence and facts of the case to make a decision about the only/principal home of the potential successor.

⁶ For secure tenancies in the Housing (NI) Order, 1983 or for introductory tenancies in the Housing (NI) Order 2003

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If the potential successor has indicated residence at another address *or* that they have an interest in another property this must be investigated further. Some questions to consider include:

- Is the pattern of residence such that the potential successor has been living in the tenant's dwelling as his/her only or main home?
- If absent from the tenant's dwelling what was the length and circumstances regarding this absence; and what was his/her enduring intention?

Staff should note that the potential successor's 12 months residency with the deceased tenant may pre-date residency in the current dwelling. An example of this would be an introductory tenant who had moved into the property less than 12 months, and who had lived with the potential successor in their previous dwelling.

For Housing Executive staff, further advice can be obtained from Housing Policy Unit or assistance from the Tenancy Fraud Unit can be requested if more in-depth checks are required. A referral must be made by a Team Leader and only following consultation with the Lettings Manager.

8.1.11 B. Member of the Deceased's Family

In deciding whether the family member is entitled to legally succeed it should be noted that there is a distinction between a secure tenancy and an introductory tenancy- . See Table 1: Definition of Member of Deceased's Family.

Table 1: Statutory (Legal) Succession: Definition of Member of Deceased Tenant's Family	
Secure Tenancy	Introductory Tenancy
Article 24 (3) of the Housing (Northern Ireland) Order 1983	Article 3 of the Housing (Northern Ireland) Order 2003
Spouse/civil partner ³ , or if they live together as husband and wife or as if they were civil partners. ⁴	Spouse/civil partner ³ , or if they live together as husband and wife or as if they were civil partners, ⁴

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<p>Parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece; treating -</p> <p>any relationship by marriage or civil partnership as a relationship by blood,</p> <p>any relationship of the half-blood as a relationship of the whole blood and the stepchild of any person as his child;</p> <p>and an illegitimate person as the legitimate child of his mother and reputed father</p> <p>(foster children are not considered members of the family for the statutory (legal) definition regarding Secure tenancies)</p>	<p>Parent, grandparent, child, grandchild, brother or sister, treating -</p> <p>any relationship by marriage or civil partnership as a relationship by blood,</p> <p>any relationship of the half-blood as a relationship of the whole blood, and the step-child of a person as his / her child.</p> <p>and an illegitimate person as the legitimate child of his mother and reputed father</p> <p>(foster children are not considered members of the family for the statutory (legal) definition regarding Introductory tenancies)</p>
<p>Notes:</p> <p>³ <u>A Spouse/Civil Partner does not need to have been living with the deceased tenant for 12 months prior to the tenant's death</u> but they do have to occupy the dwelling as their only or principal home at the time of the tenant's death</p> <p>⁴ <u>All other defined members of family (as set out above), including a person who had been living together with the tenant as husband and wife or as civil partners (cohabitees) must satisfy a minimum 12 month residency requirement.</u> Whether they are living as cohabitees will depend on the individual facts.</p>	

Where a spouse/civil partner is legally entitled to succeed as tenant, and where another member(s) of the family also qualifies, the spouse/civil partner is to be preferred.

If no spouse/civil partner is qualified to succeed, but more than one member of the family is entitled to succeed, the actual successor will be chosen by the potential successors themselves or, failing that, by the Housing Executive / Housing Association.

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Please note: Where a statutory (legal) succession has been approved; in this instance STAFF SHOULD NOT complete the sign up process. The successor must provide the required identification, and must be provided with the general conditions of tenancy. (Please refer to the operational procedures in Section 8.3.8 for further guidance)

8.2 POLICY SUCCESSION: **RULE 74**

Where investigations indicate that there is no statutory (legal) entitlement to succeed (e.g. the person was not occupying the property as their only or principal home at the time of the tenant's death; or they did not occupy the property for the relevant 12 month period for family members; or they do not meet the definition of family member; or there has been a previous succession in line with Rule 75 (See 8.1.9)) then further investigations should be made to ascertain if the potential successor's circumstances meet one of the three specific criteria set out in Rule 74 below.

Notes:

ELIGIBILITY - A policy succession is in fact an allocation under the Rules of the Housing Selection Scheme. Therefore, when considering a policy succession, the necessary eligibility checks regarding Unacceptable Behaviour and Persons from Abroad must be made as part of the investigation. Where it has been determined that there is a policy entitlement to succeed under Rule 74 of the Scheme but the potential successor is ineligible, following the necessary eligibility checks, the relevant ineligibility reasons should be included within the refusal letter, quoting the relevant legislation, where necessary. Please refer to Chapter 2 of the Housing Selection Scheme Guidance Manual.

PREVIOUS SUCCESSIONS - Where there has been a previous succession (statutory (legal), policy or exceptional) to the tenancy, then a further policy succession can only take place for specific family members, namely for the deceased tenant's spouse, civil partner, son or daughter, brother or sister; provided one of the following three criteria are met:

- (i) A partner of the deceased if they have been living together for a year.

Interpretation under this criterion:

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In this context '*partner*' means spouses, civil partners, or persons who were living together as if they were spouses or civil partners. In addition, the potential successor must have been living together with the deceased tenant for 12 months immediately prior to the tenant's death, as his/her only or principal home.

- (ii) **A carer only if he / she was living with the deceased for a time in order to care for him / her and for that reason had sold a dwelling or given up a tenancy or licence in relation to a dwelling.**

Interpretation under this criterion:

In this context, '*...living with the deceased for a time*' does not impose a specific time period on the residence of the potential successor prior to the tenant's death. '*...in order to care for him/her...*' requires that the landlord is satisfied that he/she was providing care for the deceased tenant. '*...for that reason*' requires that the potential successor demonstrate that they moved in to live with the tenant specifically for the purposes of becoming the deceased tenant's carer and for that reason had '*sold a dwelling or given up a tenancy or a licence*'. In this context, the criteria will not be met if the potential successor had acted for any other reason or also if the landlord / licensor was a relative of the carer. (For example, if a carer had given up a tenancy of which his brother was the landlord, that carer would not be entitled to succeed under this policy criterion).

It is important that the Designated Officer gathers all relevant information and acts reasonably in giving careful consideration to the facts of the case and all relevant information which is obtained. Staff should refer to Table 2 for all criteria being considered.

Staff should contact Housing Policy if further guidance is required in relation to this criteria.

- (iii) **The potential successor has accepted responsibility for the deceased tenant's dependants.**

Interpretation under this criterion

The potential successor need not have been living with the deceased tenant immediately prior to his / her death, but may have subsequently moved in,

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or is arranging to move into the dwelling, to care for the deceased's dependant(s).

It is important to note that in this context dependant does not specifically relate to children under the age of 16 for whom Child Benefit is in payment, or young persons under the age of 19 and still in full time education or in a Government Training Scheme. A dependant may also include those who have any dependence on the deceased tenant (i.e. emotional, physical or financial) and can include those over the age of 19. It may be useful to seek further information and clarification from Health and Social Care Trusts to determine responsibility for the deceased tenant's dependants. Further investigation will be required, and guidance should be sought from Housing Policy if necessary.

For clarity where it is stated "**living together**" in Part (i) and "**living with the deceased**" in Part (ii) this means that there is a requirement that the dwelling was the potential successor's only or principal home at the time of the deceased's death (refer to guidance provided earlier regarding only or principal home). Details of acceptable documents / evidence to demonstrate residence as only or principal home are listed in Table 2.

Where a policy succession is granted then the incoming tenant becomes an introductory tenant and should sign for the tenancy. However please note in relation to (iii); if the incoming tenant was, immediately beforehand, already the secure tenant of a different dwelling, the new tenancy will be a new secure tenancy; and if the incoming tenant is an introductory tenant of a different dwelling, immediately beforehand, provided there is no interruption, the tenant will be awarded an introductory tenancy for the remainder of the trial period.

8.2.1 Succession: Exceptional circumstances for cases to be referred to Director of Housing Services (or Housing Association Equivalent)

Where succession is not considered possible under statutory (legal) or policy criteria and the circumstances of the case are potentially of a very exceptional nature, the designated officer, at any stage in the process, whether prior to making an initial decision or as part of the consideration of a request for a Review of the decision, exercise their discretion and decide to refer the case to the Director of Housing Services (or HA equivalent) for consideration as to whether a tenancy could be awarded to the potential successor.

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When considering a referral to the Director of Housing Services (or HA equivalent) some examples of very exceptional circumstances are as follows (***this list is not exhaustive and each case should be considered on its own merits in the context of the specific circumstances of the case***):

- The potential successor's circumstances fall just outside/ narrowly miss the criteria for Statutory (Legal) / Policy Succession, e.g. does not meet the definition for member of the family or does not meet the 12 months residency criteria; and
- In these circumstances a combination of additional factors can also be considered, e.g.: (N.B: This list is not intended to be exhaustive)
 - The potential successor has high housing need / vulnerabilities;
 - The potential successor has lengthy connection with the tenancy, e.g. family home;
 - The property is in an area of low demand.

Housing Executive staff should complete a brief on the case and forward to the Housing Policy team in the first instance (via the Inbox: HousingPolicy@nihe.gov.uk). Further guidance on this issue and a template to capture all relevant information to include in the brief can be found in Chapter 1 of the General Housing Policy Guidance Manual. A Senior Manager in the Area Office should be apprised of such cases and involved in any decision to exercise discretion to refer the case to Housing Policy. Staff should also note that referrals for the Director's consideration can be made at any stage, including following submission of a Review request. Staff should contact the Housing Policy Team for further guidance, if required. On the outcome of the Director of Housing's decision staff should refer to:

- 8.3.10 (Exceptional Successions when approved by the Director) (**staff should note that this tenancy will not infer new statutory (legal) rights and should be keyed under Tenancy Reason as a succession tenancy**); or
- Appendix 8.4A (Refusal of Applications for Succession) as appropriate.

PLEASE NOTE: CASES MUST NOT BE SENT STRAIGHT TO THE DIRECTOR OF HOUSING SERVICES

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8.3 SUCCESSION AND INVESTIGATION

8.3.1 NOTIFICATION OF DEATH OF A TENANT

The Landlord may be informed about the death of a tenant in a number of different ways, for example, from a potential successor or from another member of the deceased tenant's household, another service provider or a neighbour and this may take place at the counter, on site or by telephone/email.

If disclosed to another member of staff, the Patch Manager should be notified immediately. The Patch Manager should make further enquiries and sensitively ascertain if any of the persons occupying the dwelling at the time of the tenant's death wish to apply to succeed the tenancy. Staff should be mindful that applicants, or the person who has notified staff regarding the death of the tenant, may be distressed as a result of bereavement and should exercise sensitivity, and where appropriate signpost them to Bereavement Services, (Housing Executive staff can find information on these services in their area on their Area's Mindmap on Gateway).

8.3.2 DEALING WITH A REQUEST FOR A SUCCESSION

If the potential successor notifies the death of the tenant at the Local Office the interview should be carried out immediately, where appropriate. Otherwise an interview should be arranged with the potential successor at the property as soon as possible. For those potential successors who are interviewed at the Local Office, it is recommended that a visit should be arranged at the property as soon as possible, as part of the investigation.

Patch Managers should ensure that the application for succession is completed with the potential successor at the earliest opportunity (Housing Executive staff should refer to, Chapter 1 of the General Housing Policy Guidance Manual and Housing Association staff may refer to the relevant Appendix 8.2 in this Chapter) All relevant information requested should be noted on the form and the declarations are signed and consent completed.

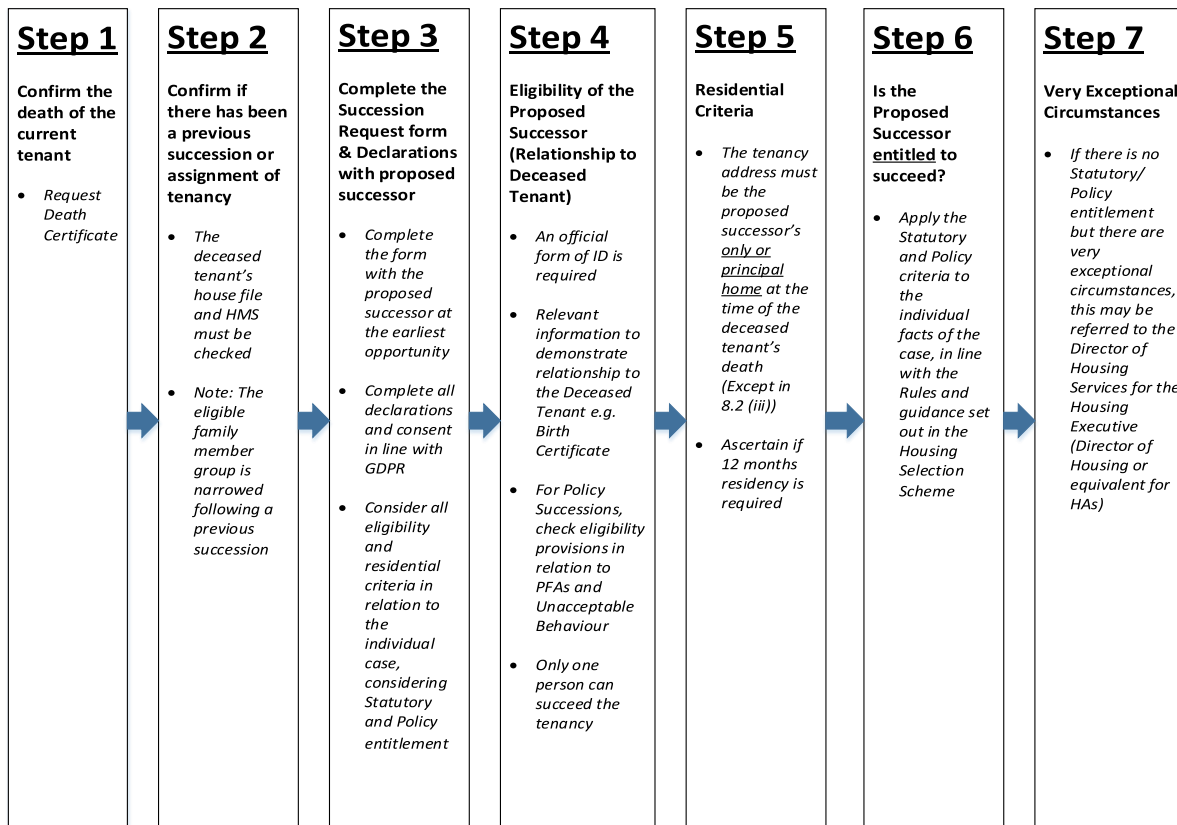
Through sensitive discussion, the Patch Manager should advise the potential successor that they will need to provide proof of identification, the deceased tenant's death certificate; proof of their relationship and proof of residency. The evidence requested will be based on the specific circumstances of each application to succeed (see Table 3) The potential successor should be notified that further evidence may be necessary during the investigation.

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Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual for important information on the applicable processes, and the Permission to Occupy charge.

8.3.3 Summary - Steps of Investigation



8.3.4 GUIDE TO OBTAINING EVIDENCE

If the applicant is unable to provide the required proof guidance should be sought from the Lettings Manager and/or Team Leader (relevant HA equivalent) whether the evidence available is enough to make a decision. If there are any discrepancies, Housing Executive staff can consider whether the case should be referred to the Housing Executive's Tenancy Fraud Unit for investigation.

Other more specific evidence may be required dependent on the particular circumstances and each case should be considered on its own merits.

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Table 2: Evidence requirements for applications of Succession

The requested evidence should be date stamped and scanned to the HMS Succession Workflow (HE staff only) as soon as they are provided (see Chapter 1 of the General Housing Policy Guidance Manual)

Evidence Requirement	Examples of Evidence – Note This Is Not An Exhaustive List
Proof of Death of Tenant	Death Certificate / Coroner's report (where relevant)
Identity of potential successor	<p>The potential successor must supply proof of identity.</p> <p>Examples:</p> <p>UK Driving Licence with a photograph (current and valid), current passport or National Identity Card, Translink Senior Smartpass or an Electoral Identity Card.</p> <p>If none of the above is available, two or more of the following should be produced:</p> <p>Benefit Payment Book, Birth Certificate, Credit Cards, Utility Bill (previous quarter), Medical Cards, recent Bank Statement/Wage slip, Marriage Certificate, Civil Partnership Certificate etc.</p>
Relationship to the tenant	<p>The potential successor must provide evidence of their relationship to the deceased tenant.</p> <p>Examples:</p> <p>Marriage certificate, civil partnership certificate, birth certificate, adoption papers.</p> <p>Where the potential successor is a more distant qualifying relative, their relationship may be evidenced through a combination of birth and / or marriage certificates.</p> <p>Where the potential successor was living with the deceased tenant as if they were a spouse or civil partner, their relationship may be evidenced through joint documents / correspondence or letters of support.</p>

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<p>Residence</p> <ul style="list-style-type: none"> • Only or principal home • Residing at time of tenants death (except Rule 74 (iii)) • 12 month residential criteria (if necessary) 	<p>Items of evidence from official sources that show the name and current address of the potential successor and clearly show that s/he was resident during the relevant period</p> <p>Examples:</p> <p>Housing Benefit Records (where consent has been given as part of the declarations), medical card, full driving licence, electoral card, credit agreements, contemporary utility bills, contemporary bank or building society statements, employers letter / contemporary pay-slips, Benefits / HSC letters, child benefit letter, legal letters, letter from child's school etc.</p>
<p>Specific Policy Considerations</p> <p>Partner (8.2 (i))</p> <p>Carer (8.2 (ii))</p> <p>Sold a dwelling/given up a tenancy/licence (8.2.(ii))</p> <p>Care for Dependants (8.2 (iii))</p>	<p>Examples: Marriage certificate, civil partnership certificate, Proof of Joint bank account, Letter of Support from a recognised profession (Social Worker, Teacher, Employer)</p> <p>Examples: Carers Allowance (This is NOT a prerequisite for this criterion but may be used as evidence of caring), Letter from Social Worker</p> <p>Estate Agents, statement from previous Landlord (this should be obtained by Patch Manager by contacting previous Landlord.) Staff should endeavour to obtain evidence regarding the sale of a home if this has been stated by the potential successor.</p> <p>NB The consent section on the Succession Form must have been completed by the Potential Successor.</p> <p>Examples: Payment of Child Benefit; Form of verification from Social Services to indicate that the process (e.g. guardianship) has commenced, evidence they have moved in or are in the process of arranging to move in. A Guardianship or Kinship Order is not specifically necessary under this criterion.</p>

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8.3.5 Investigation

The Patch Manager should ascertain if there has previously been a succession or assignment of the tenancy; and have completed the relevant sections of the Succession form (Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual and Housing Association staff may refer to the relevant Appendix 8.2 in this Chapter) before **meeting with the potential successor at the earliest opportunity**. This may be in the Local Office at the point of notification, from the potential successor, of the death of the tenant or an arranged visit at the property following other means of notification.

Note: If the interview is carried out in the office with the potential successor at the initial point of notification it is best practice for the Patch Manager to visit the potential successor at the property to evidence residency as soon as possible thereafter.

It should be noted that Housing Executive staff should not send out forms by post for completion by potential successors and that an interview, at the earliest opportunity in office or by arranged visit, is necessary to complete a full and robust investigation and fully explain the procedures to the potential successor. For those interviewed in the office, where possible, it is recommended that a visit should be arranged at the property as soon as possible, as part of the investigation.

At interview, through sensitive discussions, the Patch Manager should explain the statutory (legal) and policy criteria, the full process of a Succession investigation including advice of financial implications such as the current SSSC mitigation position and ensure that the Succession Request Form is completed (Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual and Housing Association staff may refer to the relevant Appendix 8.2 in this Chapter) Patch Managers should also ensure all declarations and consent have been explained and fully completed and that all documentary evidence has been requested and the potential successor advised this should be returned as soon as possible

The Patch Manager should ensure that they have gathered all relevant information and carried out a full investigation into the facts of the particular case, to make a recommendation to the Lettings Manager as to whether or not the potential successor meets either the statutory (legal) entitlement or the policy requirements necessary to succeed the tenancy. The case should be discussed with the Lettings Manager and Team Leader as appropriate.

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Housing Executive staff should note that all investigations should be Proportionate, Legal, Auditable/Accountable and Necessary (PLAN). For full guidance please refer to Chapter 1 GHPGM.

8.3.6 Tenancy Fraud Referrals

Note: The following process is for Housing Executive staff only.

In some more complex cases, conflicting information or discrepancies may arise with the information provided or established during the investigation of succession to a tenancy. In such circumstances, the Local Office may decide to seek guidance from the Landlord Policy team or the Tenancy Fraud Investigations Unit (TFU). It may then be necessary to refer a case to the Tenancy Fraud Unit as part of the investigation process, although all cases of suspected Tenancy Fraud should be investigated *first and foremost* by the Local Office (see Chapter 1 of the General Housing Policy Guidance Manual for further guidance)

A referral can be made at any stage in the investigation process, if deemed required.

Please note: It is the Local Office's decision to accept or refuse a claim for succession, the recommendation in the Tenancy Fraud Unit report will deal solely with the potential Tenancy Fraud matters raised by the Local Office. If staff have sufficient information to make a decision prior to the outcome/recommendations from TFU, staff should proceed with making their decision.

8.3.7 SUMMARY OVERVIEW OF THE INVESTIGATION

The Patch Manager is responsible for completing a thorough and impartial investigation into the circumstances of the case following the steps outlined earlier, and will make a recommendation to the Lettings Manager, who is responsible for making the decision as to whether or not, based on the individual circumstances of the case, there is a statutory (legal) right to succeed or the specific policy requirements have been met.

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TABLE 3 OVERVIEW OF THE INVESTIGATION INTO SUCCESSION

RULE/POLICY REQUIREMENT	BRIEF OVERVIEW OF GUIDANCE	EVIDENCE NEEDED FROM HOUSE FILE/HMS	EXAMPLES OF EVIDENCE THAT SHOULD BE REQUESTED FOR INTERVIEW AT INITIAL CONTACT	FOR FULL INVESTIGATION REFER TO
Where there has already been a previous succession (Rule 75)	<ul style="list-style-type: none"> If the deceased tenant was themselves a statutory (legal) or policy successor the following family members may be entitled to a Policy Succession provided they meet one of the three criteria under Rule 74: <ul style="list-style-type: none"> Spouse Civil Partner Son or daughter Brother Sister <p>Please note: Rule 75 is not applicable where previous succession was following the death and consequent survivorship of a joint tenant.</p>	Evidence of previous succession	<ul style="list-style-type: none"> Death Certificate Proof of I.D. Proof of residence at property with the tenant as only/principal home at time of death (with the exception of 74(iii) when responsible for the deceased tenant's dependants) Proof of relationship 	See 8.1.7 – 8.1.9 for full guidance and see Table 2 for guide to obtaining evidence
Statutory (Legal) Succession (Rule 73)	Provided there has not been a previous statutory (legal) succession the following categories of people can succeed on legal grounds, if at the time of the deceased's death, the potential successor occupied the relevant	Any evidence of potential successor living with the deceased tenant, for example.	<ul style="list-style-type: none"> Death Certificate Proof of I.D. Proof of residence with the tenant as only/principal home at time of death (for a period of 12 months if not spouse or civil partner) 	See 8.1.10 - 8.1.12 for full guidance and see Table 2 for guide to obtaining evidence

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	<p>dwelling as his/her only or principal home and are either:-</p> <p>a) The wife/husband/civil partner of the deceased</p> <p>b) A member of the deceased's family if they were residing with the deceased throughout a period of 12 months ending on the date of the deceased tenant's death</p>	<ul style="list-style-type: none"> • listed as a Household Member on the tenancy or another tenancy; • Live or cancelled Housing /Homelessness Applications 	<ul style="list-style-type: none"> • Proof of relationship 	
Policy Succession (Rule 74)	<p>If not eligible on statutory (legal) grounds and no previous succession the following persons may qualify</p> <p>A partner of the deceased if they have been living together for a year</p>	<p>Any evidence of potential successor living with the deceased tenant, for example</p> <ul style="list-style-type: none"> • listed in household details; • Housing Applications 	<p>For all cases:</p> <ul style="list-style-type: none"> • Death Certificate • Proof of I.D. • Proof that the potential successor was a partner of the deceased tenant – a marriage or civil partnership certificate; or for cohabitants e.g. evidence of joint accounts • Proof of 12 months residence with deceased tenant at property as only/principal home 	See 8.2 for full guidance and see Table 2 for guide to obtaining evidence

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	(i) A carer only if he / she was living with the deceased for a time in order to care for him / her and for that reason had sold a dwelling or given up a tenancy or licence in relation to a dwelling	Any evidence of potential successor living with the deceased tenant, for example. <ul style="list-style-type: none"> Household Housing Applications 	<ul style="list-style-type: none"> Proof of residence with the deceased tenant at property as only/principal home ending at date of deceased tenant's death (NOTE: this does not need to be for 12 months) Proof of caring for deceased tenant Proof had sold a dwelling or given up a tenancy or licence to move in to care (a tenancy or licence shall be ignored if the carer had been granted the said tenancy or licence by a relative) 	See 8.2 for full guidance and see Table 2 for guide to obtaining evidence
	(ii) The potential successor has accepted responsibility for the deceased tenant's dependants.	N/A	<ul style="list-style-type: none"> Proof of guardianship/confirmation potential successor is or will be responsible for dependants from Social Services/court order etc. Proof they are moving into that property or have already moved in. 	<p>See 8.2 for full guidance and see Table 2 for guide to obtaining evidence</p> <p>Please refer to 8.2 (iii) for the definition of a dependant</p>

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8.3.8 Approving a Statutory (Legal) Succession

The appropriate letter in Appendices 8.3 or 8.3 A (depending on whether a secure or introductory tenancy is being granted) to the applicant who has a statutory (legal) entitlement to succeed.

As a person who has such statutory (legal) entitlement should **NOT** sign for the tenancy as though he or she was being granted a new tenancy. The successor should provide ID and be provided by the Patch Manager with a copy of the General Conditions of Tenancy, and advice should also be provided to the successor on their rights and responsibilities, available support and help with their Housing Costs.

8.3.9 Approving a Policy Succession

The appropriate offer letter in Appendices 8.1 or 8.1A should be used depending on whether a secure or introductory tenancy is being granted and the successor should be signed up as a secure or introductory tenancy (whichever is applicable). The successor should provide ID and be provided by the Patch Manager with a copy of the General Conditions of Tenancy and advice should also be provided to the successor on their rights and responsibilities, available support and help with their Housing Costs.

Patch Managers should refer to Chapter 1 of the General Housing Policy Guidance Manual for guidance and the HMS keying guide.

8.3.10 Exceptional Successions when Approved by the Director

When a decision to approve an exceptional award of tenancy following a succession request has been made by the Director of Housing Services (or equivalent for HA's), a number of steps should then be followed, the appropriate offer letter (Appendices 8.1 or 8.1A) should be sent to the proposed successor. Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual for guidance and HMS keying guide. For the HMS workflow, the tenancy should be keyed as 'Director's Decision'. The Patch Manager should ensure that a Tenancy Agreement is completed and that they are signed up as a secure or introductory tenancy (whichever is applicable) The ID requirements must be met and the new tenant provided with a tenancy handbook and advice should on their rights and responsibilities, available support and help with their Housing Costs etc.

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8.3.11 Approval of Succession when the Successor is a current Full Duty Applicant

Once awarded the full housing duty status ("FDA"), the duty may be discharged as follows:

"The Executive may perform any duty under Article 8 or 10 (duties to persons found to be homeless) to secure that accommodation becomes available for the occupation of a person—

- a) by making available suitable accommodation held by it, or
- b) by securing that he obtains suitable accommodation from some other person, or
- c) by giving him such advice and assistance as will secure that he obtains suitable accommodation from some other person."

Statutory (Legal) Succession

As a statutory (legal) succession occurs as a matter of law, this is not deemed to be an allocation so the Housing Executive cannot be said to have made accommodation available to the applicant. Therefore staff should endeavour to speak with the customer to determine what action should be taken in respect of their existing housing/homeless application. The customer may indicate or decide that the application is no longer required and that they wish to withdraw their existing housing and homeless application if they felt that the property gained through statutory (legal) succession met their housing need. At no time should any pressure be put on a customer to withdraw an application. If the customer does not wish to withdraw their application, they would then change to a Management Transfer applicant (if FDA has been awarded).

Housing Executive staff should also refer to Appendices 15 and 16 of the Homelessness Policy Guidance Manual if the customer wishes to have their application withdrawn.

Policy Succession

A policy succession is deemed to be an allocation of a tenancy, therefore if a customer has an active housing/homeless application, this would allow for closure of the application and the duty discharged through making available suitable accommodation. Staff need to consider and be content that the accommodation made available through the policy succession is suitable. Considerations on this *may include* the award of functionality points or a requirement of ground floor. If

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the Designated Officer considers the accommodation to be suitable and subsequently discharges the duty, then the customer should be advised of the right to challenge this decision through the statutory review and appeals procedure.

If the accommodation is not considered to be suitable, then the customer could:

1. Still accept the allocation in accordance with the policy succession rules, but the duty would not be discharged and they will retain their FDA status and remain on the Waiting List as a Management Transfer applicant, or;
2. Accept the allocation of accommodation in accordance with the policy succession rules and decide that they no longer wish to pursue their housing and homeless application. In those circumstances the customer should be invited to agree or consent to treating the homeless and housing duty as ended and recorded. Both the housing and homeless applications should then be recorded as withdrawn.

Please note, Housing Association staff should refer this matter to the Housing Solutions Advisor, staff can contact Housing Policy if any further advice or information is required.

8.3.12 Refusal of Applications for Succession

Where a request for succession, is refused, the Applicant must be notified in writing; giving the reasons for the decision (Appendices 8.4 or 8.4A depending upon whether or not the request has been refused by the Director).

Note for HE Staff –

- The refusal letter is system generated by HMS however this should be removed from batch and the template letter in Appendices 8.4 or 8.4A should be used, amending as required to set out the reasons for the decision relevant to the individual request.
- Please refer to Chapter 1 in the General Housing Policy Guidance Manual for guidance to refusals in line with the Permission to Occupy status and where the succession is refused by the Director of Housing Services following a referral for very exceptional circumstances. Further advice can be obtained at the time from Housing Policy Unit.

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8.3.13 Challenges Relating to a Refusal of Succession

Housing Executive staff should note that if it is decided that there is no statutory (legal) or policy entitlement and the succession is refused, the potential successor has a right to redress through the one stage Review Procedure and they will be notified of this process in the refusal letter.

Note: Housing Association staff should follow their own similar Review procedure for any appeals to the decision to refuse a succession under statutory (legal) or specific policy grounds.

8.4 ASSIGNMENT

Assignment is the passing of a tenancy from a tenant to another person.

NOTE: The assignment process should be initiated by the tenant at all times, and the application should be completed by both the legal tenant and the potential assignee and witnessed by a Designated Officer/Patch Manager.

A secure / introductory tenancy cannot normally be assigned without the consent of the Landlord (except if the courts have ordered an assignment as part of family law proceedings or civil partnership proceedings). With the exception of Court Orders all Assignments should have the consent of the Landlord and should be initiated by the secure tenant.

8.4.1 Capacity

Where the Patch Manager has information to suggest that there may be an issue with the tenant's capacity the following guidance should be adhered to.

There is always a presumption of capacity, unless otherwise stated or evidenced. New legislation which will be fully implemented in 2020 extends additional protections for individuals with regard to capacity. Essentially the Mental Capacity Act (Northern Ireland) 2016 provides a broader framework which includes;

- A statutory presumption of capacity;
- A requirement to support decision-making;
- Mechanisms to allow individuals to plan for times that they do not have capacity;
- Safeguards to protect the rights of individuals when compulsory interventions or substitute decisions are required.

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In the event of a tenant no longer having capacity, family members or Next-of-Kin (NOK) should only sign any change of tenancy requests or terminations if they have legal authority to do so. This would be granted by the registration of an Enduring Power of Attorney (EPA) or by making an application to the Office of Care and Protection (OCP) for Controllership. Housing Executive staff should refer to Chapter 1 of the GHPGM for further guidance.

Housing Executive staff should note that where a request for a Policy Assignment is received and the Patch Manager has established that the tenant does not have capacity, further information should be obtained from Housing Policy.

It should be noted that a tenancy cannot be assigned if the tenancy has already been terminated. In such circumstances this could only be considered via exceptional award of tenancy route and would only be considered in very limited circumstances, such as where dependant children have been left in the property following the termination of a tenancy.

8.4.2 ASSIGNMENT OF A SECURE TENANCY; STATUTORY OBLIGATIONS: RULE 76

There are only two situations in which statutory provisions result in a landlord either being legally obliged to consent or being deemed to have consented to an assignment of tenancy. These are:

1. Assignment in pursuance of a Court Order; or
2. Assignment by way of Exchange (a Direct Exchange).

Note: where a person is granted an assignment because of a statutory (legal) entitlement this is not an allocation and therefore the eligibility provisions in relation to a person from abroad and unacceptable behaviour do not apply.

8.4.3 ASSIGNMENT FOLLOWING A COURT ORDER

A court may issue an order for a secure or introductory tenancy to be assigned from one person to another under:

- Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with matrimonial proceedings),
- Article 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (property adjustment orders after overseas divorce, &c.),
- Paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents), or

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- Part II of Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (orders transferring certain tenancies on divorce, etc., and on separation of cohabitees),
- Part 2 of Schedule 15, or paragraph 9(2) or (3) of Schedule 17, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)

Where it is clear that the property has been assigned as a result of a Court Order, a copy of the Order should be obtained and, if necessary, legal advice sought regarding its implications. If it is established that an Order transferring a tenancy has been made, the Landlord cannot refuse the assignment. Indeed from a legal perspective the Order transferring the tenancy takes effect automatically, although clearly the Landlord will have to undertake operational procedures to deal with the tenancy change.

The operational procedures are as follows:

- A copy of the Order should be date stamped placed on the tenant's file.
- Neither the Assignor nor the Assignee is required to complete an assignment form.
- Under no circumstances should the assignee be asked or allowed to sign up as though he or she was being granted a new tenancy by the Landlord. Please note for Housing Executive staff, this change will have to be actioned through HMS. Please refer to HMS Keying Guide on Gateway.

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8.4.4 ASSIGNMENT BY WAY OF EXCHANGE (DIRECT EXCHANGE)

Secure Tenancies

This is a statutory right⁷ entitling a secure tenant to assign their tenancy rights (i.e. Direct Exchange) to another secure tenant who will then in turn assign their tenancy rights. This right is subject to written consent from the Landlord. Consent can only be withheld on specified grounds and all parties are required to complete a Direct Exchange request form with their Landlord for consideration (see Appendix 8.5).

Introductory tenancies

Introductory Tenants do not have a statutory right to a Direct Exchange (even if one of the parties involved is a secure tenant) and generally speaking will not be considered for a policy exchange. However, in very exceptional circumstances, the Lettings Manager may decide following discussion with the Assistant Area Manager to allow such an assignment between parties that include an introductory tenancy to take place as a matter of good housing management.

8.4.5 The Direct Exchange Process

A tenant may find a potential exchange (or swap) through a number of different avenues; through identification of a possible swap by the Patch Manager using Exchange Data Matching on HMS; via an online mutual exchange system e.g. HomeSwapper; or sourced independently by the tenant(s) through word of mouth etc. Regardless of the method of finding the potential exchange, a tenant requires the written consent of their Landlord before any move can take place.

If a tenant has located another tenant that they wish to exchange with, they should be advised to contact their Patch Manager or designated Officer (HA) to complete the Direct Exchange Request Form (see Appendix 8.5).

8.4.6 Transfer Visits

When a tenant indicates that they wish to seek a transfer, and as part of the transfer application process, the Patch Manager will conduct a Housing Solutions interview to consider the range of options available to the tenant including the option of a Direct Exchange and HomeSwapper (please see Chapter 7 of the Housing Selection Scheme and for further information. Housing Executive staff should also refer to Chapter 1 of the General Housing Policy Guidance Manual).

⁷ This right is conferred by Article 32A of the Housing (NI) Order 1983.

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As part of the transfer application there is an automatic opt in for tenants to be included on the Direct Exchange register, though tenants can opt out of this process at their Housing Solutions discussion. If a tenant is interested in being included on the Direct Exchange register, the Patch Manager should explain the Data Protection implications and that their details may be shared with another tenant for the potential exchange. When keying the transfer application to HMS the Patch Manager(s)/Designated Officer(s) (HA) must ensure that the “Include on Exchange register” box is ticked to confirm the applicant is on the Direct Exchange register for future potential exchanges (refer to the HMS Keying Guide on Gateway, using the BOX function for Housing Association staff.)

8.4.7 HMS Exchange Matching – Within HMS Transfer Application

If the Patch Manager matches their tenant with another potential tenant through an exchange data matching exercise on HMS, they should contact the tenant to advise of this match and discuss the potential Direct Exchange. The Patch Manager(s) / Designated HA officer(s) should then visit the potential assignees as soon as possible to complete the Direct Exchange Request Form. Note: this is generally applicable for secure tenants, however in very exceptional circumstances managers can provide consent to waive the criteria for introductory tenants on the grounds of good housing management.

8.4.8 Tenants wishing to exchange who are not on the Transfer List

Where tenants have identified a potential Direct Exchange and they are not on the transfer waiting list, a Direct Exchange Request form should be completed (Appendix 8.5). The form will need to be signed by the tenant(s). During completion of the Direct Exchange Request Form with the tenant, if the Patch Manager determines that there may be Social Sector Size Criteria (SSSC) mitigation implications the tenant(s) should be advised of potential benefit implications so that they can make an informed decision. Although Welfare Supplementary payments have been extended indefinitely this is subject to review in 2024/25. SSSC still applies in Northern Ireland but is currently fully mitigated with no end date set for these mitigation payments. However it is not certain what the position will be after the review in 2024/25.

The Patch Manager will key the Tenants’ details onto HMS to facilitate the User Data Matching for the Direct Exchange.

In the event of the Direct Exchange not proceeding for any reason, the Patch

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Manager/Designated Officer should initiate contact with the tenant to ascertain whether they wish to remain on the waiting list as a transfer applicant. In those circumstances, follow up will be required if a housing needs assessment has not been fully completed previously. If the tenant does not wish to remain on the waiting list, signed consent should be received to remove their application for a transfer.

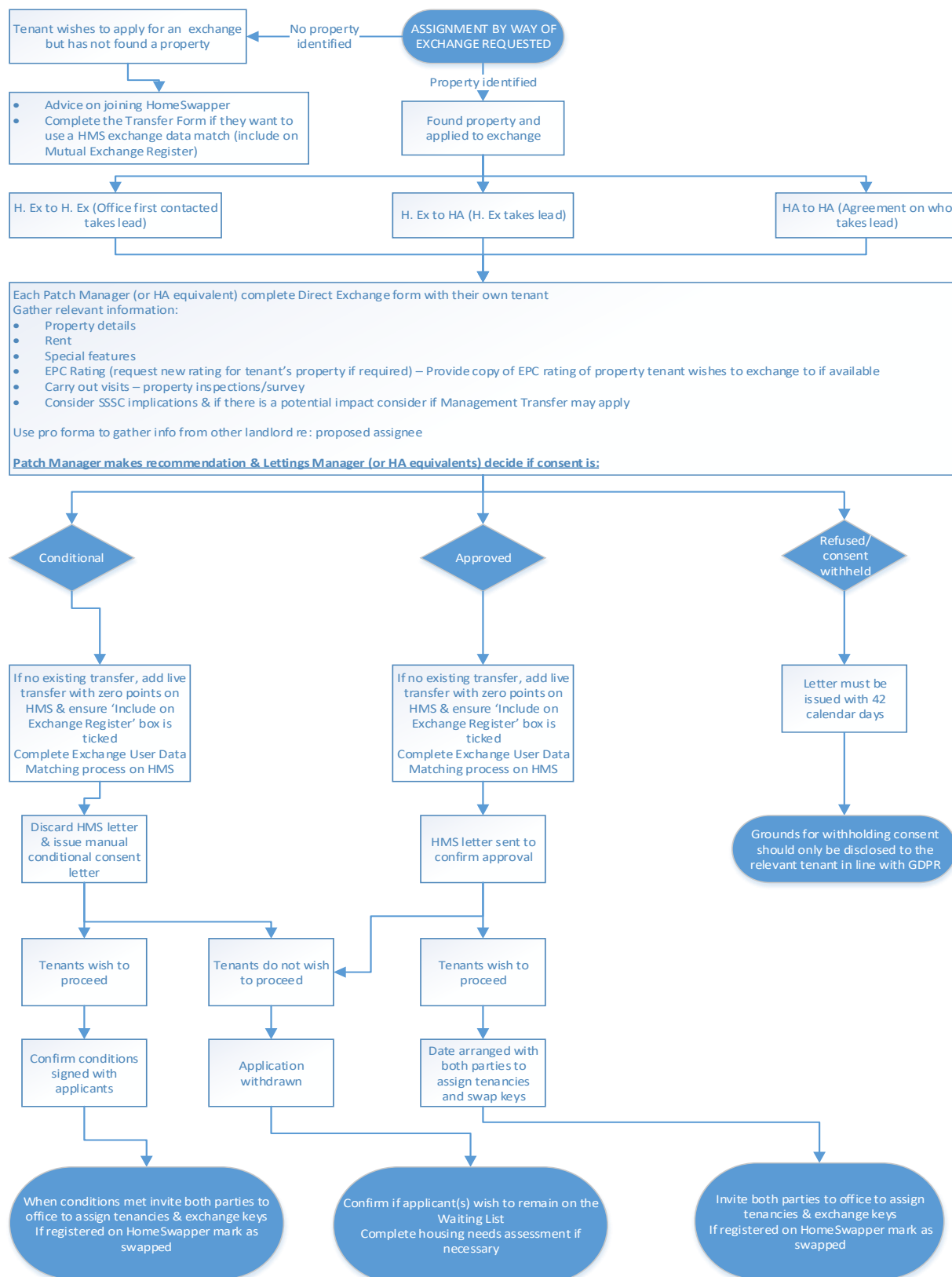
The full Direct Exchange process is detailed in the flowchart below (The zoom function should be used to view this page or if printing, A3 should be selected and adjusted accordingly).

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8.4.9 Overview of Exchange Process



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8.4.10 Interview and Investigation – Housing Executive Staff

A Direct Exchange Request form should be completed with the tenant(s), in their properties, by their Patch Manager/ Designated Officer(s) (HA) (Appendix 8.5). Following completion, this form should be scanned and added to the original tenancy Documents Tab on HMS.

Prior to the visit the Patch Manager(s) and/or Designated Officer(s) (HA) should ascertain if the tenant(s) are secure or introductory. If an introductory tenant has applied, it should be determined during interview if there are any very exceptional circumstances which can be brought to the attention of the Lettings Manager, and which would warrant proceeding with the Direct Exchange.

During the visit the Patch Manager/Designated Officer (HA) should inspect the property to identify any outstanding repairs or potential recoverable costs against the outgoing tenant. Advice should be given regarding housing costs, where relevant the potential loss of SSSC mitigation payments if not downsizing (dependent on current welfare mitigation arrangements), EPC ratings for the property that they wish to exchange to should be made available and if necessary, any recoverable charges that may be needed explained. Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual for further guidance on EPC ratings requirements, repairs, potential SSSC implications due to an exchange and Management Transfers.

On completion of the form at visit the Patch Manager(s)/Designated Officer(s) (HA) should ensure that all declarations and consent is explained and signed. A copy of these signed declarations **only** should be photocopied and provided to the tenant.

8.4.11 Inter-office/Inter-landlord exchanges

Patch Manager(s) and/or Designated Officer(s) (HA) should liaise with the other Patch Manager(s) and/or Designated Officer(s) (HA) involved in the direct exchange and share pertinent information as agreed by the tenant(s) on completion of signed consent on the Direct Exchange request form (Appendix 8.5). This will establish if there are any relevant tenancy or property issues which could result in grounds for consent being withheld (see Table 4) or grounds for conditional consent for either Landlord. A pro-forma for this can be found at Appendix 8.6.

Once a Direct Exchange has been approved the Lettings Manager will need to

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complete the User Data Matching process to generate an offer letter through HMS (Lettings Managers should refer to the HMS Keying Guide and ensure that the appropriate numbers of bedrooms are selected). Please note if it is an exchange between a Housing Executive office and a Housing Association, the Housing Executive office should take the lead in processing the exchange. Generally, for Housing Executive staff managing a Direct Exchange between Housing Executive tenants, the Local Office with the first notice of the exchange should lead the process by agreement with the corresponding Patch Managers of the other Office.

8.5 GROUNDS FOR WITHHOLDING CONSENT TO A DIRECT EXCHANGE (AN ASSIGNMENT BY WAY OF EXCHANGE)

A landlord cannot withhold consent to a Direct Exchange except on one or more of the grounds as detailed in Schedule 3A of the Housing (Northern Ireland) Order, 1983. These grounds are outlined and explained in Table 4 below. In the event of a decision made to withhold consent, the Landlord must notify the tenant in writing within 42 calendar days of the date of the tenant's signed application for the Direct Exchange. The notification should be issued by the Lettings Manager and should specify the grounds and give particulars of and reasons why consent is being withheld. Separate correspondence should be issued to each tenant, and staff should adhere to GDPR guidance in this respect when making disclosures about the reasons for withholding consent to a Direct Exchange. Sample letters for withholding consent to a direct exchange are contained in Appendices 8.7

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Table 4: Grounds for Withholding Consent for a Direct Exchange (An Assignment by Way of Exchange) of a Secure Tenancy⁸

Ground	Provision	Explanatory
Ground 1	The Tenant or the proposed assignee is obliged to give up possession of the dwelling house of which he is the secure tenant in pursuance of an order of the court, or will be so obliged at a date specified in such an order.	<p>This is for an immediate possession order or possession order with a specified date to give up possession.</p> <p>A suspended possession order would not fall within scope of this Ground. Such an order would only fall within the ground when breached and the Landlord has to return to court to get the decree lifted and immediate order of possession</p> <p>The Patch Manager(s)/Designated Officer(s) (HA) should liaise with staff in the other Local Office/HA to gather all relevant information from Local Offices / HAs as necessary</p> <p>Please see Pro-forma in Appendix 8.6.</p>
Ground 2	Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 5A as set out in	Consent may be withheld under Ground 2 in circumstances where the Landlord has started proceedings for eviction (Ejectment Civil Bill) or where

⁸ Schedule 3A of the Housing (Northern Ireland) Order 1983

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	Part 1 of Schedule 3 (of the 1983 Order) ⁹ or there has been served on the tenant or the proposed assignee a notice under Article 28 (“Notice of Seeking Possession”) which specifies one or more of those grounds and that notice is still in force.	an NSP has been served pending court action and remains in force.
Ground 2A	<p>Either -</p> <p>(a) a relevant order or suspended Ground 2 possession order is in force, or</p> <p>(b) an application is pending before any court for a relevant order or a Ground 2 possession order to be made, in respect of the tenant or the proposed assignee or a person who is residing with either of them.</p> <p>A “Relevant order” means –</p> <p>(a) an injunction under Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 2003 (injunctions against anti-social behaviour);</p> <p>(b) an injunction against breach of a tenancy agreement granted or sought on the grounds that the tenant –</p>	<p>These grounds relate to Anti-Social Behaviour. Housing Executive Patch Managers will find further details in the Anti-Social Behaviour Guidance Manual on Gateway.</p> <p>The Patch Manager/Designated Officer (HA) should liaise with the other Patch Manager/Designated Officer (HA) and staff in other Local offices / HAs as necessary regarding the tenant’s behaviour and whether any Orders are in force/ pending.</p> <p>Please see Pro-forma in Appendix 8.6.</p>

⁹ www.legislation.gov.uk

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	<p>(i). is engaging in, or threatening to engage in, conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality;</p> <p>(ii). Is using or threatening to use the premises for immoral or illegal purposes; or</p> <p>(iii). Is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct or use or threaten to use the premises for such purposes;</p> <p>(c) an anti-social behaviour order under Article 3 or 6 of the Anti-social Behaviour (Northern Ireland) Order 2004;</p> <p>(d) an interim anti-social behaviour order under Article 4 or 6A of that Order.</p> <p>A “Ground 2 possession order” means that an order for possession under Ground 2 in Schedule 3.</p> <p>Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants</p>	
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Ground 2B	<p>The tenant or the proposed assignee or a person who is residing with either of them has been convicted of –</p> <p>an offence involving using the dwelling house of which the tenant or the proposed assignee is the secure tenant, or allowing it to be used, for immoral or illegal purposes, or</p> <p>(b) an indictable offence</p>	<p>This Ground can be used to withhold consent to a Direct Exchange if either the tenant or proposed assignee has been convicted of offences related to the improper use of the property or an indictable offence.</p> <p>Housing Executive Patch Managers will find further details in the Anti-Social Behaviour Manual on Gateway.</p>
Ground 3	<p>The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.</p>	<p>This ground relates to the size of the accommodation only and <u>not</u> other factors such as accommodation type / features. 'Substantially more extensive' suggests that either property has more bedrooms than required (as set out under Schedule 3 of the rules of the HSS). Case law has clarified that 1 bed more than required is not overly substantial. Advice regarding potential implications of SSSC will be important in such circumstances.</p>
Ground 4	<p>The extent of the accommodation afforded by the dwelling – house is not reasonably suitable to the needs of the proposed assignee and his family.</p>	<p>This provision relates to the 'extent' size only of either property (i.e. it is too small) and allows a landlord to withhold consent if the exchange would result in overcrowding, determined on the basis of the minimum bedroom requirements set out under</p>

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		Schedule 3 of the rules of the Housing Selection Scheme.
Ground 5	The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and, if assignment were made, there would no longer be such a person residing in the dwelling-house.	This provision relates to grounds for refusing an Assignment by Way of Exchange on the basis that it would mean that there would no longer be a physically disabled person residing in the adapted house.
Ground 6	The landlord is a registered housing association which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and, if the assignment were made, there would no longer be such a person residing in the dwelling-house.	This ground may be used by Housing Associations in specific circumstances.
Ground 7	The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and, if the	This ground may be used by Housing Associations in specific circumstances in relation to special needs accommodation

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	assignment were made, there would no longer be a person with those special needs residing in the dwelling-house	
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N.B. Grounds 1, 2A and 2B applies for consideration of both the potential incoming tenant and the Designated Officer's outgoing tenant.

Grounds 3 – 5 (inclusive) are for consideration of the potential incoming tenant only.

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8.5.1 Consent given to a Direct Exchange

Under Standing Orders, the Lettings Manager is responsible for all decisions in relation to requests for Direct Exchanges.

Following the Patch Manager(s)/Designated Officer(s) (HA) investigation, if the Lettings Manager (or relevant designated officer for Housing Association) determines that there are no grounds to withhold consent, then the Direct Exchange can proceed, subject to written consent by the Landlord. If approval is granted to the Exchange please issue the Direct Exchange offer letter in HMS following the User Exchange Matching process.

Housing Executive staff should refer to the HMS Keying Guide on Gateway. The Direct Exchange form should be scanned to the Tenancy Documents Tab on HMS. For Housing Associations, if the property is linked to HMS, amendments to tenancies should be processed on HMS, and records should be maintained through normal tenancy management systems.

Housing Executive staff should refer to Chapter 1 of the General Housing Policy Guidance Manual and to the HMS Keying Guide throughout for guidance on keying the Direct Exchange. They should notify the Housing Benefit Unit of the tenant's change of address, if necessary.

NB: In the very exceptional circumstances, where the Lettings Manager, following discussion with the Assistant Area Manager has consented to an exchange for an introductory tenant, the User Matching Process on HMS should be followed. However, rather than issuing the HMS generated letter, the letter in Appendix 8.8A should be issued to introductory tenants.

8.5.2 Conditional Consent Given to a Direct Exchange

Arrears or any other tenancy obligations breached or not complied with, may not prevent consent to the Direct Exchange being given, subject to a condition requiring the tenant to pay the arrears, remedy the breach or perform the obligation concerned.¹⁰

¹⁰ Article 32A(4) of the Housing (Northern Ireland) Order 1983.

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If consent to the Direct Exchange is being given with conditions, these should be noted on the Direct Exchange request form. Housing Executive staff should scan the Direct Exchange request form to the original tenancy documents tab on HMS.

In addition, the Lettings Manager should complete the Exchange User Data Matching process on HMS and issue the manual consent letters rather than the HMS offer letters. The tenant should be issued with the conditional consent letter detailing the conditions of consent in line with statute (manual letters in Appendices 8.8 or 8.8A should be used). In order for consent to be given, the conditions set out must be met i.e. arrears must be paid or an agreement entered into for payment of arrears.

Please refer to HMS Keying Guide on Gateway. (Housing Executive staff should also refer to Chapter 1 of the General Housing Policy Guidance Manual for further guidance) Housing Association staff should access the HMS Keying Guide through the BOX function.

Operational Procedures for a Direct Exchange

The following operational procedures should be followed: -

Within Housing Executive offices

- All sections of the Direct Exchange request form, including investigations and decisions should be completed and scanned to HMS to the Tenancy Documents tab. The direct exchange information sharing proforma in Appendix 8.6 should also be completed in relation to the incoming tenant.
- Where consent to the Direct Exchange has been withheld the letter in Appendices 8.7 should be issued outlining the grounds for withholding consent and the steps below do not need to be followed. Where the Direct Exchange has been approved, the Direct Exchange has to be keyed onto HMS for the Matching process which should allow the Tenancy Reason to be selected. (If the Direct Exchange involves an exchange between Housing Executive and Housing Association property, Housing Executive staff will take the lead.)
- The Exchange User Data Matching on HMS should be completed, and the HMS generated letter should be issued unless conditional consent has been given, in which case the manual letter in Appendices 8.8 or 8.8A should be issued.

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- Both Exchanging Tenants (the Assignor and Assignee) must each complete an Assignment Form (Appendices 8.9 or 8.9A). Both tenants must provide ID and sign both of the forms at the same time, preferably in the presence of each other, and receive a copy of the General Conditions of Tenancy (1989 Edition) or HA equivalent. Each signature must be witnessed by a Housing Executive/housing association Officer who must sign as a witness.
- In no circumstances should a person who has acquired the right to become an assignee be asked to sign for the tenancy as though he/she were a new tenant.
- If the exchange was found via HomeSwapper this should be recorded as a successful swap on HomeSwapper.
- Housing Executive staff should note that, where relevant, a Social Sector Size Criteria Welfare Supplementary Payment Entitlement Form should be completed and scanned to the Tenancy Documents Tab on HMS. Staff should refer to Chapter 1 of the General Housing Policy Guidance Manual.

Within Housing Association offices

- All sections of the Direct Exchange request form, including investigations and decisions should be completed. The direct exchange information sharing proforma in Appendix 8.6 should also be completed in relation to the incoming tenant.
- Where consent to the Direct Exchange has been withheld the letter in Appendices 8.7 should be issued outlining the grounds for withholding consent and the steps below do not need to be followed. The customer should be notified of their right to request a review of the decision and the timeframes in which any Review request should be submitted.
- Where the Direct Exchange has been approved, the Direct Exchange has to be keyed onto HMS for the Matching process which should allow the Tenancy Reason to be selected. (If the Direct Exchange involves an exchange between Housing Executive and Housing Association property, Housing Executive staff will take the lead.)

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- The Exchange User Data Matching on HMS should be completed, and the HMS generated letter should be issued unless conditional consent has been given, in which case the manual letter in Appendices 8.8 or 8.8A should be issued.
- Both Exchanging Tenants (the Assignor and Assignee) must each complete an Assignment Form (Appendices 8.9 or 8.9A). Both tenants must provide ID and sign both of the forms at the same time, preferably in the presence of each other, and receive a copy of the General Conditions of Tenancy (1989 Edition) or HA equivalent. Each signature must be witnessed by a Housing Executive/housing association Officer who must sign as a witness.
- In no circumstances should a person who has acquired the right to become an assignee be asked to sign for the tenancy as though he/she were a new tenant.
- If the exchange was found via HomeSwapper this should be recorded as a successful swap on HomeSwapper.

NOTE: If the exchange request is between more than one Landlord or NIHE Office; all the appropriate Designated Officers will have to agree to the exchange. If it is decided to permit the request and it involves two NIHE offices, then one office must take the lead in processing the request. If the request is between an NIHE office and a HA office then NIHE must take the lead. If it is decided not to permit the exchange the parties involved in the request should be advised accordingly. They should also be advised they can apply again. For example, if one or more party is an introductory tenant they can be advised to apply again when all the interested parties involved in the transaction are secure tenants.

8.6 POLICY ASSIGNMENT – UNDER RULE 77 OF THE HOUSING SELECTION SCHEME

Rule 77 of the Housing Selection Scheme refers specifically to situations whereby Policy Assignments may be considered. Staff should conduct any relevant investigations to determine whether the tenant has capacity to make decisions regarding their tenancy. It is essential to state that as assignments are tenant led, if there are capacity implications; staff should refer to guidance earlier in this

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Chapter (and Chapter 1 of the GHPGM for Housing Executive staff) and current legislation.¹¹

Policy assignments constitute an allocation, and as such the eligibility of the potential assignee must be considered in line with relevant policy. If the Designated Officer determines, following the necessary eligibility assessment, that a policy assignee is not eligible this should be reflected in the refusal letter, quoting the relevant legislation, where necessary. Staff should refer to Chapter 2 of the Housing Selection Scheme Guidance Manual for detailed guidance on assessing eligibility.

Rule 77 of the Housing Selection Scheme sets out specific circumstances whereby a secure or introductory tenancy may be assigned from a tenant to another person, that is, in any of the following circumstances:

- (1) Where it is not practicable for the existing tenant to continue to act as such (for example extreme illness).**

Interpretation under this criterion

In this context 'practicable' refers to tenancy responsibility and obligations in accordance with the general conditions of tenancy. If the current tenant wishes to remain in the property but extreme illness has the effect of making it, for practicable purposes, impossible for the tenant to continue as such.

- (2) If the existing tenant leaves and someone else undertakes responsibility for any dependant children left in the household.**

Interpretation under this criterion

In this context a dependant is defined as a child who is dependant whilst Child Benefit is still in payment and can include children who are under 16 years of age, or who are under 19 years of age and in full time education or in a Government Training Scheme.

The situation may arise where the tenant leaves the property and his / her dependant children, and such dependant children need to remain in the family home. In such situations, a person who has assumed responsibility

¹¹ Please refer to The Enduring Powers of Attorney (Northern Ireland) Order 1987 and Mental Capacity Act (Northern Ireland) 2016.

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for the tenant's dependent children may be assigned the tenancy provided the outgoing tenant has agreed this in writing.

The Designated Officer must be satisfied regarding the circumstances surrounding this and contact may be required with Social Services to confirm arrangements.

Where the tenant cannot be traced or refuses to assign the tenancy, the landlord should seek possession on the grounds of non-occupation if satisfied that the tenant has no intention of returning to the home (NIHE staff should refer to Chapter 7/8 of the General Housing Policy Guidance manual). The tenancy may then be let to the party who has assumed responsibility for the dependent children

Note: If under (2) above the landlord has to terminate the tenancy an assignment cannot take place. In those exceptional circumstances a new tenancy would be allocated to the person who has assumed responsibility for the dependent children. The new tenant will be an introductory tenant (unless of course the incoming new tenant was immediately beforehand already the secure tenant of a different dwelling). (For further information see 8.8 in this chapter guidance).

- (3) If the existing tenant goes into a residential home on a long-term basis and other member(s) of the household remain in the property and wish to become tenant(s). In such circumstances all of the following conditions must exist:**

- (a) The tenant has had to go into a residential home and**
- (b) The tenant is unlikely to be able to return to the relevant dwelling within the next twelve months and**
- (c) The potential assignee was living with the tenant in the dwelling when the tenant had to go into residential home and**
- (d) The potential assignee would have had statutory (legal) entitlement, or an entitlement under the policy rules, to succeed to the tenancy if the tenant had died instead of entering the residential home.**

Interpretation under this criterion:

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It is essential that all the above conditions are met for a Policy Assignment to be considered in the event of a tenant being admitted to residential or nursing care. If there is relevant information received to indicate that the tenant no longer has capacity, staff should initially try to establish whether anyone has been appointed as an Enduring Power of Attorney or a Controller to act on the tenants' behalf.

Staff should endeavour to engage with the relevant Trust for confirmation of admission dates and any care reviews regarding the status of the tenant in residential or nursing care.

- (a) Staff should clarify the tenant's date of admission to the residential / care home.
- (b) The tenant is unlikely to be able to return home within the next 12 months. At present, Housing Benefit Regulations will continue to pay housing costs for a period of up to 52 weeks if there is an intention to return to the property. However staff should be aware that UC regulations do not adhere to the same 52 week rule and provide the housing costs element to be paid for up to 6 months. Staff should therefore regularly monitor any cases where a tenant has been admitted to residential or nursing care.
- (c) The tenant and the potential assignee must be living together as part of the same household when the tenant was admitted to residential or nursing care. There is no timeframe of residence together stipulated in the rule. Therefore in cases where it can be established that the proposed assignee moved into the property following the date of the tenant's admission to care, this condition cannot be met.
- (d) For the purposes of deciding whether the proposed assignee would have been entitled to a succession, (in the event that the tenant had died), staff should consider if they would have a statutory (legal) entitlement and staff should refer to Rule 73 of the HSS. Staff should consider whether the proposed assigned is a spouse or civil partner of the tenant /a member of the tenant's immediate family, who had resided at the property with the tenant as their only or principal home prior to their admission into residential or nursing

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care. Note if the family member is not a spouse or civil partner of the tenant, they must have resided at the property with the tenant throughout a period of 12 months, ending on the date of permanency into residential or nursing care. Furthermore – where the deceased tenant had been a successor, then a further Policy Succession can only be granted to one of the following: a spouse or civil partner; a son or daughter; a brother or sister of the deceased tenant.

Staff should also consider whether they would have an entitlement under policy rules to succeed the tenancy, in the event that the tenant had died. Staff should refer to Rule 74 of the HSS, if the potential assignee was the partner living together for a year, or if the potential assignee can demonstrate that they gave up their own home or tenancy/licence (so long as not granted by a relative) in order to care for the tenant at the property, or in the case that the potential assignee has accepted responsibility for the dependants.

- (4) If the tenant has to be re-housed in sheltered / special needs accommodation and other member(s) of the household remain in the property and wish to become tenant(s) and the following conditions exist:**
- (a) The tenant needs to go into sheltered / special needs accommodation and**
 - (b) The tenant's tenancy of the new accommodation is indefinite and the tenant is unlikely to be able to return to the original dwelling within the next twelve months and such accommodation would not be able to house all of the tenant's current household and**
 - (c) The potential assignee was living with the tenant in the dwelling when the tenant had to go into sheltered / special needs accommodation and**
 - (d) The potential assignee would have had statutory (legal) entitlement, or an entitlement under the policy rules, to**

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succeed to the tenancy if the tenant had died instead of entering the sheltered / special needs accommodation.

Interpretation under this criterion:

It is essential that all the above conditions are met for a Policy Assignment to be considered in the event of a tenant requiring a move into sheltered or special needs accommodation.

- (a) Staff should conduct investigations about whether there has been a care assessment carried out by the relevant Trust which demonstrates a need for additional support or services which can only be provided by the sheltered or supported housing scheme which they intend on moving to. It would not be sufficient for the tenant to choose to be rehoused in this type of specialised accommodation; there should be some level of intervention and assessment based on their needs, which can no longer be met in their current property or other general needs housing.
- (b) Staff should enquire whether the tenant has received an offer of new accommodation which is sheltered or special needs which they intend to accept. If this is the case, if all of the conditions are met, then the assignment of tenancy must take place before the tenant signs a new tenancy agreement for the new property.
- (c) The tenant and the potential assignee must be living together as part of the same household when the tenant had to go into sheltered or specialised accommodation. There is no timeframe of residence together stipulated in the rule. Therefore in cases where it can be established that the proposed assignee moved into the property following the date of the tenant's admission to care, this condition cannot be met.
- (d) For the purposes of deciding whether the proposed assignee would have been entitled to a succession, in the event that the tenant had died, staff should consider if they would have

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a statutory (legal) entitlement and staff should refer to Rule 73 of the HSS. Staff should consider whether the proposed assigned is a spouse or civil partner of the tenant /a member of the tenant's immediate family, who had resided at the property with the tenant as their only or principal home prior to their admission into sheltered or special needs accommodation. Note if the family member is not a spouse or civil partner of the tenant, they must have resided at the property with the tenant throughout a period of 12 months, ending on the date of admission into sheltered or special needs accommodation.

Staff should also consider whether they would have an entitlement under policy rules to succeed the tenancy, in the event that the tenant had died. Staff should refer to Rule 74 of the HSS, if the potential assignee was the personal partner living together for a year, or if the potential assignee can demonstrate that they gave up their own home or tenancy/licence (so long as not granted by a relative) in order to care for the tenant at the property, or in the case that the potential assignee has accepted responsibility for the dependants. Furthermore – where the deceased tenant had been a successor, then a further Policy Succession can only be granted to one of the following: a spouse or civil partner; a son or daughter; a brother or sister of the deceased tenant.

ELIGIBILITY - A policy assignment is considered an allocation under the Rules of the Housing Selection Scheme. Therefore, when considering a policy assignment, the necessary eligibility checks regarding Unacceptable Behaviour and Persons from Abroad must be made as part of the investigation. Where it has been determined that the potential assignee are entitled to a policy assignment under Rule 77 of the Scheme but are ineligible, following the necessary eligibility checks, the relevant ineligibility reasons should be included within the refusal letter, quoting the relevant legislation, where necessary. Please refer to Chapter 2 of the Housing Selection Scheme Guidance Manual.

Operational Procedures for Policy Assignment

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- Housing Executive staff should complete the Policy Assignment Request Form contained in Chapter 1 of the General Housing Policy Guidance Manual with the tenant and proposed assignee. Housing Association Staff may wish to use the Change of Tenancy form in Appendix 8.2 of this Chapter.
- Prior to the sign up of the assignee, all parties involved in the policy assignment should also complete the relevant assignment documentation in Appendix 8.9/8.9A; and
- The person who is granted a Policy Assignment under Rule 77 should sign for the tenancy as though he or she was an introductory tenant with normal sign-up processes adhered to, (unless he/she is currently a secure tenant and these circumstances they should be signed up for a secure tenancy). The assignor and assignee should be sent letters acknowledging this (Appendices 8.10 & 8.10A respectively).
- If the tenancy has been terminated (see the note below point (2)) Appendix 8.11 should be used to make the offer (as the tenancy has ended no assignment can take place and therefore Appendix 8.9A should not be completed)
- Signed up as a secure or introductory tenancy (whichever is applicable.)

Please note, this change will have to be actioned through HMS. Please refer to HMS Keying Guide on Gateway.

Refusal of Assignment - Where an application for Assignment under Rule 77 is refused, the Applicant/tenant/potential assignor must be notified in writing, giving the reasons for the decision (Appendices 8.12 or 8.12A). A copy of this letter should also be sent to the refused potential assignee. The customer(s) should be notified of their right to request a review of the decision and the timeframes in which any Review request should be submitted. Either the assignor/tenant or the refused assignee may request a Review of this decision. If the Review request comes from the refused potential assignee, then the assignor/tenant should be advised that this has been received and if there is any further information or statement they would like to add.

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Housing Association staff may wish to update this letter to reflect their own internal processes for challenges to the decision.

8.6.1 Where an Assignment has been granted and the Assignee has Full Duty Applicant Status

Where the assignee is a current Full Duty applicant guidance should be followed depending on whether there has been a statutory (legal) Assignment or an Assignment on policy grounds. Full guidance can be found at 8.4.3, 8.5 and 8.6 of this chapter.

Once awarded the full housing duty status ("FDA"), the duty may be discharged as follows:

"The Executive may perform any duty under Article 8 or 10 (duties to persons found to be homeless) to secure that accommodation becomes available for the occupation of a person—

- a) by making available suitable accommodation held by it, or
- b) by securing that he obtains suitable accommodation from some other person, or
- c) by giving him such advice and assistance as will secure that he obtains suitable accommodation from some other person."

Statutory (Legal) Assignments (Rule 76 HSS)

Where a court has issued an order for a secure or introductory tenancy to be assigned from one person to another person or there are no legal grounds to withhold consent to a Direct Exchange the assignment has occurred as a matter of law and is **not** considered an allocation of a tenancy, so the Housing Executive cannot be said to have made accommodation available to the applicant.

In these circumstances staff should endeavour to speak with the customer to determine what action should be taken in respect of their existing housing/homeless application. The customer may indicate or decide that the application is no longer required and that they wish to withdraw their existing housing and homeless application if they felt that the property gained through statutory (legal) assignment met their housing need. If the customer does not wish to withdraw their application, they would then change to a Management Transfer applicant (if FDA has been awarded).

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Housing Executive staff should also refer to Appendices 15 and 16 of the Homelessness Policy Guidance Manual if the customer wishes to have their application withdrawn.

Staff should advise the customer to contact their Housing Solutions Advisor if they are satisfied that they now have available suitable accommodation and wish to withdraw their housing/homeless application.

Staff should note that if the assignee wishes to retain their Homeless application and FDA status that this has no influence or detriment to the approval of the Assignment tenancy. If the criteria set out in the relevant legislation¹² has been met, then the assignment occurs as a matter of law.

Policy Assignment

A policy assignment is deemed to be an allocation of a tenancy, therefore if a customer has an active housing and homeless application with Full Duty Applicant status the assignment of this tenancy would allow for closure of the application and the duty discharged through making available suitable accommodation.

Staff should ascertain if accommodation made available is suitable to the assignee, this *may* include a further assessment of the customer's functionality points and ground floor need. If the Designated Officer is content that the accommodation is suitable and discharges the duty the customer should be advised of their right to challenge through the statutory review process and appeals procedure.

If it is determined that the accommodation is not suitable the customer can accept the allocation in accordance with the policy assignment rules, but the duty would not be discharged and they will retain their FDA and remain on the Waiting List as a Management Transfer OR decide to accept the allocation of accommodation under policy assignment rules and choose to no longer continue their housing and homeless application. In those circumstances the customer should be invited to agree or consent to treating the homeless and housing duty as ended and recorded. Both the housing and homeless applications should then be recorded as withdrawn.

¹² For Assignments as a result of a Court Order; Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978, Article 21 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, Paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995, Part II of Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998 or t 2 of Schedule 15, or paragraph 9(2) or (3) of Schedule 17, to the Civil Partnership Act 2004; For Direct Exchanges Article 32A and Schedule 3A of the Housing (NI) Order, 1983

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Please note, Housing Association staff should refer this matter to the Housing Solutions Advisor, staff can contact Housing Policy if any further advice or information is required.

8.6.2 ASSIGNMENT: CASES REFERRED TO DIRECTOR OF HOUSING SERVICES

Where consent to assignment is not possible under policy grounds under Rule 77 of the Housing Selection Scheme and the case is considered to be of a very exceptional nature, it may be referred to the Director of Services for the Housing Executive (Director of Housing or equivalent Officer for Housing Associations) for exceptional approval of an award of tenancy. For Housing Executive cases, Patch Managers/Designated Officers should discuss the case with a member of their Senior Management Team before it is referred.

Note: If the incoming tenant was, immediately beforehand, already the secure tenant of a different dwelling, the resulting tenancy will be a new secure tenancy; and if the incoming tenant is an introductory tenant of a different dwelling, immediately beforehand, provided there is no interruption, the tenant will be awarded an introductory tenancy for the remainder of the trial period.

8.6.3 Challenges Relating to a Refusal of an Assignment (Policy)

Housing Executive staff should note that if it is decided that there is no entitlement and the assignment is refused, the potential assignee has a right to redress through the one stage Review Procedure and they will be notified of this process in the refusal letter.

Note: Housing Association staff may wish to follow their own similar Review procedure for any appeals to the decision to refuse an assignment request on policy grounds.

8.7 CHANGE OF TENANCY REQUESTS

Housing Executive Staff - For the purposes of any changes, staff should check to see if the tenant is in receipt of any Social Sector Size Criteria (SSSC) payments or any additional Welfare Supplementary Payments (WSP), as changes to a tenancy may have an impact on these payments. Accordingly, staff should make tenants aware if there will be any SSSC or WSP implications.

Although Welfare Supplementary Payments have been extended indefinitely, the range of welfare mitigation measures is subject to review in 2024/2025, therefore,

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staff in discussions with incoming/ transferring tenants should advise them of the current position i.e.:

- (i) SSSC still applies in Northern Ireland but is currently fully mitigated.
- (ii) There is no end date set for mitigation payments.
- (iii) There is however, a review date of 2024/25 for the measures and it is not certain what the position will be after that. This will allow customers to make as informed a choice as possible.

8.7.1 CREATION OF JOINT TENANCIES: **RULE 78**

The rules in relation to Joint Tenancies apply in the context of any request to allow a person to become a joint tenant. If the request is made after the commencement of the current tenant's tenancy, an application for a Joint Tenancy should be completed and signed by both the tenant (or someone legally appointed to act on their behalf) and the applicant to the joint tenancy. (Housing Executive staff should use the form contained in Chapter 1 of the General Housing Policy Guidance Manual and Housing Association staff may use the relevant Appendix 8.2 in this Chapter) **This process should always be tenant led.** The forms should be witnessed by a Patch Manager or Designated Officer. Staff should then conduct relevant investigations into the entitlement to a joint tenancy under the criteria of Rule 79.

Note: There is no limit to the number of persons who may be joint tenants of a property. However, Housing Benefit or Universal Credit should be notified of any changes of tenancy.

8.7.2 RULES TO ALLOW A JOINT TENANCY: **RULE 79**

The Landlord will allow joint tenancies to be created only where the requirements of **one** of the sub-paragraphs listed below has been satisfied:-

Note: Staff cannot withhold consent to a joint tenancy if the circumstances of the tenant and proposed joint tenant are such that one of the criterion below are met.

1. The current tenant is the husband or wife / civil partner of the proposed joint tenant.

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2. The proposed joint tenant is, at the date of application for approval, a person who would be entitled to succeed (under statute or under policy) in the event of the existing tenant dying at that date.
3. The proposed joint tenant was part of the current tenant's household when the current tenant was awarded the tenancy by the Landlord.
4. The current tenant and the proposed joint tenant have been living together as part of the same household for at least a period of one year immediately prior to the date on which Landlord approval was sought. Exceptionally, a Designated Officer may decline to approve a joint tenancy under this category if he / she has compelling evidence that the existing tenant is likely to move out of the property in the short-term future. **(Note: this consideration applies to criterion 79(4) only.)**

Interpretation under this criterion:

1. Evidence of a marriage certificate or of civil partnership is required. There is no timeframe connected to this criterion.
2. For the purposes of statutory (legal) entitlement under succession rules, staff should refer to Rule 73 of the HSS, this includes a spouse or civil partner of the tenant, or a member of the tenant's family if they have resided at the property with the tenant throughout a period of 12 months, ending on the date that the application for a joint tenancy was made. For the purposes of interpretation of entitlement under policy rules to succeed the tenancy, staff should refer to Rule 74 & 75 of the HSS.
3. Staff should refer to the house file for original records to determine if the proposed joint tenant was included on the tenant's original application when the tenancy was awarded by the Landlord. There is no age limit specified in the Rule, nor is there a minimum length of residency in this scenario.
4. Staff should request additional evidence to prove that the applicant has been living with the tenant at the property for at least one year. With regard to the 'compelling evidence' for refusing an application, instances where the tenant is currently in a residential or nursing care home, with the likelihood of being made a permanent resident. Or in

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the event of the current tenant moving to the Private Rented Sector, or purchasing a home, or moving into specialised or supported accommodation to meet their needs. All information provided should be investigated in detail by the Patch Manager/Designated Officer. Staff can contact Housing Policy if further clarification is needed.

Operational Procedures for Single to Joint Tenancy:

Staff should carry out eligibility checks on the proposed joint applicants, particularly if they are a 'Person From Abroad' and in relation to Unacceptable Behaviour. Where it has been determined that the proposed joint tenant is ineligible, following these necessary eligibility checks, the relevant ineligibility reasons should be included within the refusal letter, quoting the relevant legislation, where necessary. (Please refer to Chapter 2 of the HSS manual for further guidance.)

Housing Executive Staff should carry out appropriate checks about any SSSC/WSP implications, dependent on current welfare mitigation arrangements and advise the joint tenants accordingly.

Notification should be sent in writing and both joint tenants should sign a new Acceptance of Tenancy, witnessed by the Patch Manager/Designated Officer. Normal sign-up process should ensue, including provision of identification, and issuing a new tenancy ID and a new rent card. This tenancy will be a secure tenancy provided the previous sole tenancy was a secure one, otherwise the trial introductory period would continue for the remainder of the twelve months.

Please note, this change will have to be actioned through HMS. Please refer to HMS Keying Guide on Gateway.

Refusal of Joint Tenancy - Where an application for a Joint Tenancy is refused, the Applicant must be notified in writing, giving the reasons for the decision (Appendices 8.13). The customer should be notified of their right to request an appeal of the decision through the Complaints process. Housing Association staff may wish to update this letter to reflect their own internal complaints processes.

8.7.3 Where a Joint Tenancy has been granted and the new Joint Tenant has Full Duty Applicant Status

A Joint Tenancy is deemed to be an allocation of a tenancy, therefore if a customer has an active housing and homeless application with Full Duty Applicant

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status the award of this joint tenancy would allow for closure of the application and the duty discharged through making available suitable accommodation.

Staff should ascertain if accommodation made available is suitable to the new Joint Tenant, this *may* include a further assessment of the customer's functionality points and ground floor need. If the Designated Officer is content that the accommodation is suitable and discharges the duty the customer should be advised of their right to challenge through the statutory review process and appeals procedure.

If it is determined that the accommodation is not suitable the customer can accept the allocation in accordance with Rule 78 and Rule 79 of the Housing Selection Scheme , but the duty would not be discharged and they will retain their FDA and remain on the Waiting List as a Management Transfer OR decide to accept the allocation of accommodation under the rules to allow a Joint Tenancy and choose to no longer continue their housing and homeless application. In those circumstances the customer should be invited to agree or consent to treating the homeless and housing duty as ended and recorded. Both the housing and homeless applications should then be recorded as withdrawn.

Please note, Housing Association staff should refer this matter to the Housing Solutions Advisor, staff can contact Housing Policy if any further advice or information is required.

8.7.4 Termination of Joint Tenancy:

Where either joint tenant terminates the tenancy this brings the tenancy to an end. The landlord is not legally obliged to agree to any request from a remaining party for the tenancy nor is that remaining party entitled to a tenancy of that dwelling. However, the Housing Executive may decide to grant a new tenancy of that dwelling if it considers it appropriate in all the circumstances to do so.

In making this decision, consideration should be given to the remaining tenant, along with a combination of the following: his/her circumstances; remaining dependants; length of time of joint tenancy; the reasons provided for the termination; any specific features of the property. Staff should make sure that decisions made regarding joint to single (i.e. creation of new tenancies) in these circumstances are consistently applied in their approach to decision making.

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8.7.5 Joint to Sole

Where a joint tenant leaves a property, a joint tenancy still exists provided one of the joint tenants occupies the premises as their only or principal home. Where either joint tenant terminates the tenancy, adhering to normal Termination of Tenancy procedures of 4 weeks' notice, this brings the whole tenancy to an end. During the 4 week termination period the landlord should attempt to notify the other joint tenant that the tenancy has been terminated.

The Landlord may award the legal tenancy to the remaining person who has applied for it. In such cases he / she should be notified in writing and signed up as a new tenant. The new tenancy will be a secure tenancy provided the previous joint tenancy was a secure tenancy. If the previous joint tenancy was an introductory tenancy the new tenancy being granted will be an introductory tenancy for the remainder of the trial period.

Where one of the joint tenants terminates the tenancy in writing and the remaining joint tenant applies for a sole tenancy, normal termination rules apply and 4 weeks' notice should normally be taken to terminate the tenancy. NIHE staff should refer to chapter 1 and 9 of the General Housing Policy Guidance manual. The Landlord may decide to award the sole tenancy to the remaining person, in which case he / she should be notified in writing and signed up as a new tenant. During the 4 weeks termination period the landlord should attempt to notify the other joint tenant that the tenancy has been terminated, staff should be sensitive to the individual circumstances and GDPR implications. The new tenancy will be a secure tenancy provided the previous joint tenancy was a secure tenancy. If the previous joint tenancy was an introductory tenancy the new tenancy being granted will be an introductory tenancy for the remainder of the trial period.

8.8 Allocation of Tenancy due to Marital / Civil Partnership / Relationship Breakdown (Sole to Sole Tenancies)

Generally tenancy changes for sole to sole tenancies should follow the assignment procedures, however in exceptional circumstances it may not be possible for the tenant to assign the tenancy (e.g. in cases where the tenant has left the property with no intention of returning or alleged domestic abuse cases, and the remaining person is still residing at the property).

In such circumstances the Patch Manager/Designated Officer should conduct the required investigations regarding residency, eligibility etc. regarding the remaining party and decisions for tenancy changes should be made by the Lettings Manager

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or HA equivalent. Where the tenancy is a sole tenancy, and the legal tenant has left the household, the landlord should attempt to contact the tenant and obtain a termination notice; in which case an introductory tenancy may be awarded to the remaining partner. Where the tenant cannot be traced or refuses to terminate, then the landlord may seek possession on the grounds of non-occupation if satisfied that the tenant has no intention of returning to the home (NIHE staff should refer to Chapter 8 of the General Housing Policy Guidance Manual). A new introductory tenancy may then be awarded to the remaining party.

Please note, this change will have to be actioned through HMS. Please refer to HMS Keying Guide on Gateway.

All requests for changes of tenancy must be accompanied by a standard “pro – forma” completed by the person(s) applying for the tenancy and the other party to the tenancy, if this is appropriate (Housing Executive staff should use the forms contained in Chapter 1 of the General Housing Policy Guidance Manual and Housing Association staff may use the relevant Appendix 8.2 in this Chapter). Staff should be aware of any applicable GDPR implications.

8.9 Accessible / Adapted properties in relation to change of tenancies

Following a change of tenancy, (i.e. following death of the tenant, or in the event of a tenant being admitted to care on a permanent basis) the tenants may be consulted in a sympathetic and sensitive manner if the dwelling was adapted and is no longer required by the occupants of the dwellings i.e. disabled person no longer resides in the property, that they may be asked to consider a transfer to more suitable accommodation (NIHE staff should refer to chapter 1 GHPGM for further details).

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APPENDIX 8.1 POLICY SUCCESSION OF TENANCY (Introductory Tenant)

Dear Sir / Madam

Re: Succession of Tenancy Request (Decision to consent to award an Introductory Tenancy to an applicant as a "policy" successor)

Following your recent bereavement I am writing concerning the tenancy of

the dwelling at _____

The Housing Executive has considered your request and is willing to offer to you the tenancy of _____ as the policy successor to _____.

The policy succession will be implemented by making you an introductory tenant.

NOTE

As the policy successor, you will be bound by the tenancy terms and conditions which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

Rent _____

Rates _____

Total _____

You will be liable for rent and rates from _____

You may be entitled to Housing Benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

PLEASE NOTE

This offer is in respect of an introductory tenancy which will last for a period of 12 months.

It will then become a secure tenancy unless within 12 months the Housing Executive has begun proceedings for possession.

This offer is conditional on the following:-

1. The statement of facts on your Succession Request application is correct and has not changed to date. If there has been a change we must be advised immediately and prior to accepting this offer.

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2. Acceptance of the Housing Executive's general conditions of tenancy (1989 edition), a copy of which will be provided to you prior to signing for the premises.

3. Please note that you may not be eligible to apply for a transfer until two years after your tenancy commences.

You should also note the following:

If the tenancy you are succeeding to, began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House sales Scheme in any circumstances.

If the tenancy you are succeeding to, began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both of the following conditions apply:-

- i A person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy you are succeeding to, began
- ii the tenancy you are succeeding to did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period. Please note you cannot apply to buy during an introductory tenancy year. However, upon completion of the introductory year, that year will be taken into account in calculating the qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Please call to the above office on _____ to complete the necessary documentation.

Yours sincerely

Insert relevant officer

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APPENDIX 8.1A POLICY SUCCESSION OF TENANCY (Secure or Introductory tenant)

Dear Sir / Madam

Re: Succession of Tenancy Request (Decision to award a Current Secure or Introductory Tenant(s) a "policy" succession)

Following your recent bereavement I am writing concerning the tenancy of the dwelling at _____.

The Housing Executive has considered your request and is willing to offer to you the tenancy of _____ as the policy successor to _____.

If you are currently secure tenant, this policy succession will be implemented by the granting of a new secure tenancy to you.

If you are currently an Introductory Tenant, this policy succession will be implemented by the granting of an introductory tenancy for the remainder of your 12 months trial period. It will then become a secure tenancy unless within the trial period the Housing Executive has begun possession proceedings.

You will be bound by the tenancy terms and conditions which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

Rent _____

Rates _____

Total _____

You will be liable for rent and rates from _____

You may be entitled to Housing Benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

PLEASE NOTE

This Offer is conditional on the following:

1. The statement of facts on your Succession Request application is correct and has not changed to date. If there has been a change we must be advised immediately and prior to accepting this offer.

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2. If you are currently a Housing Executive/ Housing Association Tenant you are required under the terms of your tenancy to provide written notice of the termination of your existing tenancy to your landlord. You will normally be required to give vacant possession i.e. (you must return the keys and not leave anyone living in the property).

3. Acceptance of the Housing Executive's general conditions of tenancy (1989 edition), a copy of which will be provided to you prior to signing for the premises.

4. Please note that you may not be eligible to apply for a transfer until two years after your tenancy commences.

You should also note the following:

If the tenancy you are succeeding to, began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House sales Scheme in any circumstances.

If the tenancy you are succeeding to, began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both of the following conditions apply:-

- i A person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy you are succeeding to, began
- ii the tenancy you are succeeding to did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period. Please note you cannot apply to buy during an introductory tenancy year. However, upon completion of the introductory year, that year will be taken into account in calculating the qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Please call to the above office on _____ to complete the necessary documentation.

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Yours sincerely

Insert relevant officer

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APPENDIX 8.2 APPLICATION FORM - SUCCESSION / ASSIGNMENT / CHANGE OF TENANCY (For Housing Associations)

***NB: THIS FORM IS FOR HOUSING ASSOCIATION USE ONLY.**

SECTION 1: APPLICATION TYPE

Please tick as appropriate

	Succession – We require a copy of the tenant’s Death Certificate; written consent of any other residents entitled to apply for the tenancy; proof of length of residence.
	Assignment (Statutory or exceptional circumstances) – We require a copy of the Court Order assigning the tenancy of the property to the Applicant / Proof of exceptional circumstances.
	Marital /Civil Partnership/ Relationship Breakdown – We require a written termination from the existing tenant along with a forwarding address; Proof of separation e.g. Court Order or other confirmation of relationship breakdown.
	New Joint/Sole Tenancy – We require proof of residence for one year or Marriage/Civil Partnership Certificate.

SECTION 2: INFORMATION REGARDING CURRENT TENANCY

Address of Property:
Tel No:
Name of Current Tenant (s)
Current tenancy status: Introductory/Secure

SECTION 3: INFORMATION REGARDING NEW APPLICANT (S)

Name of Person(s) requesting tenancy	Relationship to current tenant	How long have you lived at this address?	D.O.B.	N.I.N.O.	Tel. No.
1.					
2.					

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SECTION 4: DETAILS OF ALL PERSONS LIVING AT THIS ADDRESS

Full Name	Relationship to Tenant	Date of Birth

DECLARATIONS

I/we understand:

- Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.
- By dishonestly giving false information, withholding information or failing to disclose a change in my/our circumstances at any time before a decision on my/our application is made or before accepting an offer of tenancy, I/we may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

I/we declare that the information given above is correct, true and complete to the best of my/our knowledge and belief.

Furthermore, I/We hereby promise to notify the Landlord if there is any material change in my/our circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed	Date / /
Signed	Date / /
Designated Officer Name	

Help with Housing Costs:

If my/our application for the above tenancy is successful I/we wish to claim Housing Benefit / Universal Credit / Rates Assistance from the date the tenancy is awarded to me/us.

Signed	Date / /
Signed	Date / /

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YOUR INFORMATION

What we do with your information

You have applied to the Housing Executive/ registered housing association for the assessment of your application for a succession/assignment/change of tenancy. The Housing Executive/registered housing association is providing these services to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website www.nihe.gov.uk/privacy_notice, or by contacting the Housing Executive or your Housing Association landlord directly.

The Housing Executive / registered housing association requires this information to assess and decide your application for a succession / assignment / change of tenancy.

Sharing your information with others

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments, (e.g. the Tenancy Fraud Unit and Housing Benefit). The Housing Executive/ registered housing association may share any of the information provided for the above purpose with individuals (e.g. health professionals/landlords), agencies/bodies (statutory and non-statutory), registered housing associations, local councils and service providers.

CONSENT FOR THE HOUSING EXECUTIVE/REGISTERED HOUSING ASSOCIATION TO RECEIVE INFORMATION

I/We agree to the Housing Executive and/or registered housing association receiving information from others with whom it has shared my information, for the purposes of deciding my application for Succession / Assignment / Change of Tenancy *

Signed	Date / /
Signed	Date / /

**Staff should note if the person(s) has declined to provide consent.*

CONSENT FOR THE HOUSING EXECUTIVE/REGISTERED HOUSING ASSOCIATION TO REQUEST INFORMATION FROM HOUSING BENEFIT

The Housing Executive/registered housing association may request information about your address history, dates of occupation and household details from Housing Benefit solely for

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the purposes of assessing your application for a Succession / Assignment / Change of Tenancy.

I/We agree to the Housing Executive/registered housing association requesting this information*

Signed	Date / /
Signed	Date / /

**Staff should note if the person(s) has declined to provide consent.*

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

You can withdraw your consent, to registered housing associations in N.I. receiving information from others, at any time by contacting your housing association landlord directly.

If consent is not given, or is subsequently withdrawn, then the Housing Executive/registered housing association will not be able to access information from other parties to assist in the purpose outlined above. **If you do not provide consent to the Housing Executive/registered housing association receiving information from others, this will not affect the service you receive. The Housing Executive/registered housing association will still use the information available to them to make a decision in relation to your succession / assignment / change of tenancy application.**

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OFFICE USE ONLY (Please use extra pages if necessary)

INFORMATION OBTAINED AND CONSIDERED BY PATCH MANAGER / HA DESIGNATED OFFICER:

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HA DESIGNATED OFFICER REPORT:

RENT ACCOUNT: _____ AT: _____/____/____

HOUSE SIZE/TYPE/FEATURES: _____

SIGNED: _____

DATE: _____

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HA DESIGNATED OFFICER APPROVAL: YES / NO

HA DESIGNATED OFFICER COMMENTS:

DESIGNATED OFFICER

NAME: _____

SIGNATURE: _____ **DATE:** _____

REASON FOR TENANCY CHANGE:

Statutory (Legal) or Policy Succession / Assignment / New Tenancy (Joint or Sole)

TYPE OF TENANCY AWARDED:

Secure Tenancy / Introductory Tenancy (delete as appropriate)

NOTE: Please ensure that the correct procedures are followed See
Chapter 8 of Housing Selection Scheme Guidance Manual)

TENANCY COMMENCEMENT DATE: _____

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APPENDIX 8.3 STATUTORY (LEGAL) SUCCESSION OF SECURE TENANCY

Dear Sir / Madam

Re: Legal Succession of a Secure Tenancy

Following your recent bereavement I am writing concerning the tenancy of the dwelling at _____ which was held by

_____ (deceased) as a secure tenant.

I can inform you that the Housing Executive recognises your legal entitlement to succeed to the tenancy of the above named, with effect from the date of their death. As the legal successor, you will be bound by the same tenancy terms and conditions as the deceased which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)". A copy is enclosed for your attention.

Rent _____

Rates _____

Total: _____

You will be liable for rent and rates from: _____

You should note that you may be entitled to housing benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

Please note:

If the tenancy you are succeeding to, began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy you are succeeding to, began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both of the following conditions apply:-

- i. A person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy you are succeeding to, began

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- ii the tenancy you are succeeding to did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Yours sincerely

Insert relevant officer

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Appendix 8.3A STATUTORY (LEGAL) SUCCESSION OF AN INTRODUCTORY TENANCY

Dear Sir / Madam

Re: Statutory (Legal) Succession of an Introductory Tenancy

Following your recent bereavement I am writing concerning the tenancy of the dwelling at _____ which was held by

_____ (deceased) as an Introductory tenant.

I can inform you that the Housing Executive recognises your statutory (legal) entitlement to succeed to the introductory tenancy of the above named, with effect from the date of their death.

As the statutory (legal) successor, you will be bound by the same tenancy terms and conditions as the deceased which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)". A copy is enclosed for your attention.

Rent _____

Rates _____

Total: _____

You will be liable for rent and rates from: _____

You should note that you may be entitled to housing benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

Please note:

If the tenancy you are succeeding to, began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy you are succeeding to, began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both of the following conditions apply:-

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- i. A person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy you are succeeding began
- ii the tenancy you are succeeding to did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period. Where the tenancy you are succeeding to is an introductory tenancy, you cannot apply to buy during an introductory tenancy year, even if you were previously a secure tenant. However, upon completion of the introductory year, that year will be taken into account in calculating the qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Yours sincerely

Insert relevant officer

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APPENDIX 8.4 Refusal letter – Succession

Dear <Title> <Initial> <Surname>

Re: Succession Request

I refer to your application for Succession to tenancy at

<Address 1>

<Address 2>

<Town>

<Postcode>

STATUTORY (LEGAL) SUCCESSION

We have considered this request under the statutory (legal) eligibility to succeed; I regret to inform you this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with statute)

POLICY SUCCESSION

We have therefore gone on to consider this request under Rule 74 (and Rule 75) of the Housing Selection Scheme on Policy Succession grounds. However, I regret to inform you that this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 74; and Rule 75 if applies)

DIRECTORS DISCRETION

Where your request has not met the grounds required for a statutory (legal) succession or a Policy Succession it can, in *very exceptional circumstances*, be referred to the Director of Housing Services for their consideration. *On balance, your circumstances have not been*

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*deemed to be **very** exceptional to warrant a referral to the Director for their consideration as a very exceptional case.*

(Detail all reasons for refusal in line with very exceptional circumstances Chapter 8 HSS at 8.2.1)

VACANT POSSESSION

As your request for succession has not been approved, I would appreciate if you would contact me **within 7 days** to arrange vacant possession. If you do not voluntarily give the Housing Executive vacant possession then it will seek to recover possession by legal proceedings.

RIGHT TO REVIEW

If you are not satisfied with this decision then you have the right to ask us to review it. You should notify us of your intention to ask us for a review within 7 calendar days of the date on this letter. You can contact your Patch Manager or your Local Office to advise of your intention to ask for a review. It is important to note that you must then submit any actual request for a review, including any additional information or evidence you wish to be considered, as soon as possible and not later than 28 calendar days from the date on this letter, on **<insert date 28 calendar days after date of letter>**.

You should address your request for Review to the Area Manager at **<insert contact details>**.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Lettings Manager

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APPENDIX 8.4A Refusal letter after consideration by Director of Housing Services for Exceptional Circumstances – Succession

Dear <Title> <Initial> <Surname>

Re: Succession Request

I refer to your application for Succession to tenancy at

<Address 1>

<Address 2>

<Town>

<Postcode>

STATUTORY (LEGAL) SUCCESSION

We have considered this request under the statutory (legal) eligibility to succeed; I regret to inform you this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with statute)

POLICY SUCCESSION

We have therefore gone on to consider this request under Rule 74 (and Rule 75) of the Housing Selection Scheme on Policy Succession grounds. However, I regret to inform you that this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 74; and Rule 75 if applies)

DIRECTORS DISCRETION

Where your request has not met the grounds required for a statutory (legal) succession or a Policy Succession it can, in *very exceptional circumstances*, be referred to the Director of Housing Services for their consideration as to whether an exceptional award of tenancy may be made. *As a social housing landlord, we have a responsibility to manage and allocate housing in line with the Housing Selection Scheme, in a fair and impartial way.* I can advise

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you that the case was referred to the Director of Housing Services for their consideration; however I regret to inform you that *on balance, your circumstances have not been deemed to be **very** exceptional* for the reasons outlined below:

(Detail all reasons for refusal in line with very exceptional circumstances Chapter 8 HSS at 8.2.1)

VACANT POSSESSION

As your request for succession has not been approved, I would appreciate if you would contact me **within 7 days** to arrange vacant possession. If you do not voluntarily give the Housing Executive vacant possession then it will seek to recover possession by legal proceedings.

RIGHT TO REVIEW

If you are not satisfied with this decision then you have the right to ask us to review it. You should notify us of your intention to ask us for a review within 7 calendar days of the date on this letter. You can contact your Patch Manager or your Local Office to advise of your intention to ask for a review. It is important to note that you must then submit any actual request for a review, including any additional information or evidence you wish to be considered, as soon as possible and not later than 28 calendar days from the date on this letter, on **<insert date 28 calendar days after date of letter>**.

You should address your request for Review to the Area Manager at **<insert contact details>**.

If you have any further queries on this decision, please do not hesitate to contact me.

Yours sincerely

Area Manager

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APPENDIX 8.5 DIRECT EXCHANGE REQUEST FORM

Please refer to Chapter 8 HSS Policy when completing this form.

Where the landlord consents to the direct exchange between secure tenants this consent must be provided in writing before the exchange can take place. If the landlord is withholding consent on one of the specified grounds this must be issued in writing within 42 days (inclusive of Bank Holidays).

Date of initial contact	
Latest date decision (and written notice) to be sent by (42 days if withholding consent)	

DETAILS OF PROPOSED EXCHANGE

(NB: As much information as possible should be recorded prior to face to face interview with current tenant. This information can be obtained from the current tenant by telephone and HMS. Where the proposed assignee has a different landlord, they should be contacted following completion of the declarations).

	CURRENT TENANT	PROPOSED ASSIGNEE DETAILS
Landlord (incl. Office)		
Name of Tenant		
Address of tenant		
Active Transfer Include details (Ref no., Management Transfer status)		
Tenancy type		
Current Tenancy commencement date		
House type		
No. Of bedrooms		

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Weekly rent & rates charge		
Current Balance (please detail if there are any proceedings in place, where appropriate)		
Any active ASB complaints		
Is property on Homeswapper		
Any specialist features at property (i.e. disabled adaptations)		
Are there any abatements?		
Is this a Multiple Mutual Exchange (other names/addresses involved) (Use separate sheet if necessary)		

EPC RATING

Is there a valid EPC rating for current tenant <i>(if not on file/HMS view on public website)</i>	Yes / No
If no, provide dates EPC requested and received	<i>Requested</i> / / <i>Received</i> / /
Date valid EPC provided to tenant for property tenant wishes to exchange to	
If available print off copy of EPC rating of property that tenant wishes to exchange to (https://www.epbniregister.com/) A valid EPC rating should be provided at the interview	

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INFORMATION REGARDING TENANT (to be completed at interview)

DOB		Email address	
NINO		Tel no.	
ID provided			

DETAILS OF ALL PEOPLE IN YOUR HOUSEHOLD TO BE REHOUSED WITH YOU

Full Name	Relationship to Applicant	Date of Birth
Number of Bedrooms (including any additional bedrooms) and Property Type Required		

HOUSING COSTS

Are you in receipt of UC/HB?	UC / HB / Neither
Are there any potential SSSC mitigation implications	
Housing Executive staff should refer to Chapter 1 of the General Housing Guidance Manual for current guidance on SSSC, Welfare Supplementary Payments and welfare mitigation measures.	

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REASON FOR DIRECT EXCHANGE

<p>How did you hear about this exchange?</p> <p>i.e. NIHE, relative, word of mouth, HomeSwapper, FB, online etc.</p>	
<p>Reason for exchange</p>	

<p><u>STAY</u> Are there any issues that if resolved you would wish to remain? Have any actions been taken so far?</p>
<p><i>Stay(including any support that may be needed)</i></p>
<p><u>MOVE</u> What are the issues, has any action been taken?</p>
<p><i>Move (including any support that may be needed)</i></p>

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Has tenant agreed to be included on the HMS mutual exchange should their exchange be approved?	YES / NO (Delete as appropriate and detail any discussions)
--	---

TENANCY CONDITIONS *(NIHE Staff should complete a pre-tenancy termination inspection with tenant present)*

<p>Is the property in good repair and are there any potential Recoverable Repair charges</p> <p><i>All major repairs should be done before Direct Exchange</i></p>	
Has the current tenant replaced any fixtures or fittings? Please detail	
Discuss any other breaches in tenancy conditions (i.e. arrears; tenant repairs/improvements; neighbourhood nuisance/ASB).	
What remedies have been agreed for any breach in conditions of tenancy	

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Discussion with tenant on grounds for withholding consent/conditional consent	
---	--

Name	Person Number
------	---------------

DECLARATIONS

I understand:

Under the Fraud Act 2006 it is an offence to dishonestly make a false statement or representation or to dishonestly withhold information for personal gain.

By dishonestly giving false information, withholding information or failing to disclose a change in my circumstances at any time before a decision on my application is made regarding a statutory Direct Exchange or before ***accepting an offer of tenancy*** (of a Policy Direct Exchange), I may be guilty of an offence under the Fraud Act 2006 and may be prosecuted; have any offer of housing cancelled or be evicted from any housing provided.

I declare that the information given above is correct, true and complete to the best of my knowledge and belief. Furthermore, I hereby promise to notify the Landlord if there is any material change in my circumstances and I also understand the consequences of not doing so, as has been explained above:

Signed _____	Date / /
--------------	--------------------------------

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Patch Manager's/Designated Officer's (HA)	
Name (printed)	<hr/>
Patch Manager's/Designated Officer's (HA)	
Signature	<hr/>
Date	<hr/> / /

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YOUR INFORMATION

WHAT WE DO WITH YOUR INFORMATION

You have applied to the Housing Executive/ registered housing association for the assessment of your application for a Direct Exchange. The Housing Executive/registered housing association is providing these services to you as part of our statutory housing functions and legal obligations. Processing your personal information is necessary for us to perform public tasks based on those statutory functions and legal obligations.

More details are available on the Housing Executive website www.nihe.gov.uk/privacy_notice, or by contacting your Housing Association landlord directly.

The Housing Executive / registered housing association require this information to assess and decide your application for a Direct Exchange.

SHARING YOUR INFORMATION WITH OTHERS

In order to assess and decide your application, information you have provided may be shared with other Housing Executive departments, (e.g. the Tenancy Fraud Unit and Housing Benefit).

The Housing Executive/ registered housing association may share any of the information provided for the above purpose with individuals (e.g. health professionals), agencies/bodies (statutory and non-statutory), registered housing associations, local councils and service providers.

CONSENT FOR THE HOUSING EXECUTIVE/REGISTERED HOUSING ASSOCIATION TO RECEIVE INFORMATION

I consent to the Housing Executive/registered housing association receiving information from others with whom it has shared my information for the purpose of deciding my application for Direct Exchange.*

Signed _____	Date / /
---------------------	------------------------

**Staff should note if the person has declined to provide consent.*

WITHDRAWING CONSENT

You can withdraw your consent, to the Housing Executive receiving information from others, at any time by contacting any Housing Executive Officer by telephone, email or in writing.

You can withdraw your consent, to registered housing associations in N.I. receiving information from others, at any time by contacting your housing association landlord directly.

If consent is not given, or is subsequently withdrawn, then the Housing Executive/registered housing association will not be able to access information from other parties to assist in the purpose outlined above. **If you do not provide consent to the Housing Executive/registered housing association receiving information from others, this will not affect the service you receive. The Housing Executive/registered housing association will still use the information available to them to make a decision in relation to your direct exchange application.**

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PATCH MANAGERS REPORT

OFFICE ONLY

(or Designated Officer for Housing Associations)

(Record detailed chronology of all information received in Investigations and Grounds for Withholding Consent Investigation sections)

INVESTIGATIONS:- (Please refer to Chapter 8 of the HSSGM)

SUMMARY OF INFORMATION RELEVANT TO GROUNDS FOR WITHHOLDING CONSENT FOR CURRENT TENANT (Detailed reasons to be recorded in next section)

SUMMARY OF INFORMATION RELEVANT TO GROUNDS FOR WITHHOLDING CONSENT FOR PROPOSED ASSIGNEE (Detailed reasons to be recorded in next section)

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GROUND S FOR WITHHOLDING CONSENT INVESTIGATIONS: -

Please detail any grounds that consent can be withheld, referring to Chapter 8 of the HSSGM.

GROUND S FOR WITHHOLDING CONSENT (See Chapter 8 HSSGM)	REASONS TO WITHHOLD CONSENT (FOR TENANT AND PROPOSED ASSIGNEE <u>where appropriate</u>)	
	CURRENT TENANT	PROPOSED ASSIGNEE
<u>GROUND 1</u> There is an immediate possession order/Possession order with a specified date on the property of the tenant or proposed assignee		
<u>GROUND 2</u> There is an NSP in force up to a court date set for Possession proceedings of the property of the tenant or the proposed assignee		

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<p><u>GROUND 2A</u></p> <p>Due to ASB there is a Possession Order/ Suspended Possession Order on the property OR there is an injunction, Anti-Social Behaviour Order or interim Anti-Social Behaviour Order in place or being sought against the tenant/proposed assignee.</p>		
<p><u>GROUND 3</u></p> <p>The property is substantially larger than is needed by the family wishing to move into it.</p>		
<p><u>GROUND 4</u></p> <p>The property is not big enough (reasonably suitable) for the family wishing to move into it</p>		

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<p><u>GROUND 5</u></p> <p>The property has special adapted features that make it suitable for occupation by a physically disabled person who needs it and if the exchange took place there would no longer be such a person living in the property</p>		
<p><u>GROUND 6 (HA)</u></p> <p>The property is let for Supported Living only and if the exchange took place there would no longer be such a person living in the property</p>		
<p><u>GROUND 7 (HA)</u></p> <p>The property is let for persons with special needs only and a social service or special facility is provided in close proximity. If the exchange took place there would no longer be such a person living in the property.</p>		

(Please attach extra sheet if needed)

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ARE THERE ANY CURRENT BREACHES OF TENANCY CONDITIONS THAT MAY BE RELEVANT TO CONDITIONAL CONSENT (Refer to Chapter 8 HSSGM)

ASSESSMENT OF ENTITLEMENT

POTENTIAL LOSS OF SSSC MITIGATION PAYMENT

IF there is potential loss of SSSC mitigation payment
has consideration been given to whether there is any
Management Transfer status?

Yes ☐ No ☐ N/A ☐

Further details of consideration

PATCH MANAGER'S/DESIGNATED OFFICER'S (HA) RECOMMENDATION FOR EXCHANGE

In summary the evidence collected would suggest that:

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OUTCOMES

If the Direct Exchange did not proceed to a decision, please detail the reasons for this (e.g. Rehoused by other means, wished to remain (sustainment of tenancy), withdrawn due to mitigation implications etc.)

--

PATCH MANAGER/DESIGNATED

OFFICER (HA) NAME

PATCH MANAGER/DESIGNATED

OFFICER (HA) SIGNATURE

DATE

Please note: Following Lettings Manager's decision Transfers and Homeswapper should be updated, where applicable.

LETTINGS MANAGER ONLY

COMMENTS

--

(Please attach extra sheets if needed)

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LETTINGS MANAGER APPROVAL YES ☐ NO ☐

IF YES, TYPE OF DIRECT EXCHANGE:

Statutory Direct Exchange (Secure Tenancy) ☐

Policy Direct Exchange Introductory ☐ Secure ☐

YES, WITH CONDITIONAL CONSENT

Conditions of Consent

NOTE: If giving conditional consent, ensure that the appropriate letter is sent detailing conditions of such consent.

Please ensure that the correct procedures are followed (See Chapter 8 of Housing Selection Scheme Manual.)

EXPECTED COMMENCEMENT DATE: ____/____/____

IF NO: GROUNDS USED FOR WITHHOLDING CONSENT TO DIRECT EXCHANGE

Note: This should be discussed with the Assistant Area Manager (or equivalent HA) before relevant Withholding Consent letter sent.

(Please attach extra sheets if needed)

Date Approval/Withholding Consent Letter sent ____/____/____

LETTINGS MANAGER NAME _____

LETTINGS MANAGER SIGNATURE _____

DATE _____

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APPENDIX 8.6 DIRECT EXCHANGE INFORMATION SHARING PROFORMA

The information on this form should be about the potential incoming tenant and should only be completed once confirmation has been received that they have completed the information sharing declarations on the Direct Exchange Request Form.

Incoming Tenant Details	
Current landlord	
Name of contact in landlord who provided information	
Phone/email of contact in landlord who provided information	
Incoming Tenant Name	
Incoming Tenant Address	
Tenancy Type	
House Type	
No. of Bedrooms in property	
No of Bedrooms required	
Household Property Requirements (e.g. Ground floor)	
Are there grounds to withhold consent under Grounds 1 or 2? (if so provide details)	
Any other relevant information	

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APPENDIX 8.7 GROUNDS FOR REFUSING DIRECT EXCHANGE

Date:

Dear

REQUEST FOR DIRECT EXCHANGE

Having carefully considered your request to assign your tenancy by way of exchange, I regret that consent has not been approved on the following ground(s) as detailed in Schedule 3A of the Housing (NI) Order, 1983 as amended by s. 12 of the Housing (Amendment) Act (Northern Ireland) 2011.

(Type in the ground(s) that apply)

< (Type in a brief explanation e.g. a family wanting to exchange to a property that is too small for their needs)>

RIGHT TO REVIEW

If you are not satisfied with this decision then you have the right to ask us to review it. You should notify us of your intention to ask us for a review within 7 calendar days of the date on this letter. You can contact your Patch Manager or your Local Office to advise of your intention to ask for a review. It is important to note that you must then submit any actual request for a review, including any additional information or evidence you wish to be considered, as soon as possible and not later than 28 calendar days from the date on this letter, on **<insert date 28 calendar days after date of letter>**.

You should address your request for Review to the Area Manager at **<insert contact details>**.

If you have any further queries on this decision, please do not hesitate to contact me.

Yours sincerely,

Lettings Manager

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APPENDIX 8.8 ASSIGNMENT BY WAY OF EXCHANGE OF SECURE TENANCY

Dear Sir / Madam

Re: Direct Exchange of Secure Tenancies

I refer to the dwelling at _____ and your request to exchange the property with _____ of _____

Based on the information available the Housing Executive agrees that the direct exchange can proceed but not until **<insert conditional consent reasons if applicable and whether these need to be completed before documentation completed>** and after all necessary documentation has been completed by you and any other person(s) involved. As the assignee you will be bound by the same terms and conditions which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

You will be liable for rent and rates from Monday _____

Rent _____

Rates _____

Total: _____

You should note that you may be entitled to housing benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

Please note:

If the tenancy of the person who is assigning it to you began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy of the person who is assigning to you began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both the following conditions apply:-

- I. a person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy of the person who is assigning to you began

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II. the tenancy of the person who is assigning to you did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Please call to the above office on _____

It is in the best interests of both parties to call at the same time to complete the appropriate forms so that the assignment may be completed.

Yours sincerely

Lettings Manager

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APPENDIX 8.8A ASSIGNMENT BY WAY OF EXCHANGE: POLICY GROUNDS OFFER LETTER

Dear Sir / Madam

Re: Direct Exchange involving an Introductory Tenant

I refer to the dwelling at _____ and your request to exchange the property with _____ of _____

You have no statutory entitlement to the granted of an assignment because one of the parties involved in your direct exchange request is an introductory tenant.

However, because of the very exceptional circumstances of this request the Housing Executive has decided to consent to the direct exchange proceeding on policy grounds. It is important for you to note that it is a pre-condition of this consent that you and the other person(s) involved complete, to the Housing Executive's satisfaction, **<insert conditional consent reasons if applicable and whether these need to be completed before documentation completed>** and all the necessary documentation. As the assignee you will be bound by the terms and conditions which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

If you are currently a secure tenant of the Housing Executive or a registered housing association this policy assignment will be implemented by the granting of a Secure Tenancy.

If you are currently an Introductory Tenant this policy assignment will be implemented by the granting of an Introductory Tenancy for the remainder of your 12 month trial period. It will then become a secure tenancy unless within the trial period the Housing Executive has begun proceedings for possession.

You will be liable for rent and rates from Monday _____

Rent _____

Rates _____

Total: _____

You should note that you may be entitled to housing benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

Please note:

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If the tenancy of the person who is assigning to you began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy of the person who is assigning to you began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both the following conditions apply:-

1. a person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy of the person who is assigning to you began
2. the tenancy of the person who is assigning to you did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Please call to the above office on _____

It is in the best interests of both parties to call at the same time to complete the appropriate forms so that the assignment may be completed.

Yours sincerely

Lettings Manager

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APPENDIX 8.9 – ASSIGNMENT OF SECURE TENANCY

Form to be completed in Office

ASSIGNMENT OF SECURE TENANCY

Address of Dwelling: _____

Name(s) of Tenant(s): _____

Name(s) of Assignee(s): _____

I / we the above named Tenant(s) assign my/our tenancy of the above dwelling to the Assignee(s) named above.

Dated this _____ day of _____

Signed by the Tenant(s): _____

in the presence of : _____ (Witness)

The above Assignee(s) accept(s) the assignment of the above tenancy and confirm(s) that I/we understand that, with effect from the assignment, I am / we are bound by all the terms and conditions of the tenancy, as contained in the Executive's "General Conditions of Tenancy (1989 Edition)". A copy of which has been given to me today.

Signed: _____ (Assignee(s))

In the presence of _____ (witness)

Please note:

If the tenancy of the person who is assigning to you began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy of the person who is assigning to you began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both the following conditions apply:-

- i. a person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy of the person who is assigning it to you began

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ii. the tenancy of the person who is assigning it to you did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

On behalf of the Executive, I consent to the above Assignment

Signed: _____

Insert relevant officer

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APPENDIX 8.9A – ASSIGNMENT OF INTRODUCTORY TENANCY

Form to be completed in Office

Address of Dwelling: _____

Name(s) of Tenant(s): _____

Name(s) of Assignee(s): _____

I / we the above named Tenant(s) assign my/our Secure / Introductory tenancy (delete as appropriate) of the above dwelling to the Assignee(s) named above.

Dated this _____ day of _____

Signed by the Tenant(s): _____

in the presence of : _____ (Witness)

The above Assignee(s) accept(s) the policy assignment of the above tenancy and confirm(s) that I/we understand that, with effect from the assignment, I am / we are bound by all the terms and conditions of the tenancy, as contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

Signed: _____ (Assignee(s))

In the presence of _____ (witness)

The above policy assignment will be implemented by the granting of an introductory tenancy; unless

you are currently a secure tenant of the Housing Executive or a registered housing association in which case this policy assignment will be implemented by the granting of a Secure Tenancy; or

if you are currently an introductory tenant this policy assignment will be implemented by the granting of an Introductory Tenancy for the remainder of your 12 month trial period. It will then become a secure tenancy unless within the trial period the Housing Executive has begun proceedings for possession.

Please Note:

If the tenancy of the person who is assigning to you began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

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If the tenancy of the person who is assigning to you began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both the following conditions apply:-

1. a person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy of the person who is assigning to you began
2. the tenancy of the person who is assigning to you did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

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APPENDIX 8.10 ASSIGNMENT OF TENANCY (ASSIGNOR)

Dear Sir / Madam

Re: Assignment of Tenancy (Assignor)

I refer to the dwelling at _____ and your request to
assign the property to _____
of _____.

Based on the information available the Housing Executive agrees that the assignment can
proceed, but not until after all the necessary documentation has been completed by you
and any other person (s) involved.

Please call to the above office on _____ to complete the appropriate documentation.
It is in the best interests of all parties involved in the assignment to call at the same time to
complete the appropriate forms so that the assignment may be completed.

Yours sincerely,

Lettings Manager

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APPENDIX 8.10A ASSIGNMENT OF TENANCY (ASSIGNEE)

Dear Sir / Madam

Re: Assignment of Tenancy (Assignee)

I refer to the dwelling at _____ and your request to have the property assigned to you.

Based on the information available the Housing Executive agrees that the assignment can proceed on policy grounds but not until after all necessary documentation has been completed by you and any other person(s) involved. As the assignee(s) you will be bound by the terms and conditions which are contained in the Executive's "General Conditions of Tenancy (1989 Edition)".

The above policy assignment will be implemented by the granting of an introductory tenancy; unless

- you are currently a secure tenant of the Housing Executive or a registered housing association in which case this policy assignment will be implemented by the granting of a Secure Tenancy; or
- if you are currently an introductory tenant this policy assignment will be implemented by the granting of an Introductory Tenancy for the remainder of your 12 month trial period. It will then become a secure tenancy unless within the trial period the Housing Executive has begun proceedings for possession.

You will be liable for rent and rates from Monday _____

Rent _____

Rates _____

Total: _____

You should note that you may be entitled to housing benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

Please note:

If the tenancy of the person who is assigning to you began on or after 1st September 2002 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more

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than two bedrooms, the dwelling cannot be purchased under the Executive's statutory House Sales Scheme in any circumstances.

If the tenancy of the person who is assigning to you began prior to 1st November 2000 and the dwelling is a single storey or ground floor dwelling (other than a flat) with no more than two bedrooms, the dwelling cannot be purchased under the House Sales Scheme if both the following conditions apply:-

- 1 a person of at least 60 years of age was the tenant and/or a member of the tenant's household when the tenancy of the person who is assigning to you began
- 2 the tenancy of the person who is assigning to you did not begin because of a compulsory transfer from another Housing Executive dwelling in respect of which the tenant had the right to buy

Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous tenancy periods may, in some circumstances, count in calculating the required five year qualifying period.

If this property has been built, acquired or improved by the Housing Executive in the financial year in which you apply to buy or in the ten previous financial years, your right to discount could be greatly reduced if you apply to purchase.

Please call to the above office on _____ to complete the appropriate documentation. It is in the best interests of all parties involved in the assignment to call at the same time to complete the appropriate forms so that the assignment may be completed.

Yours sincerely

Lettings Manager

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APPENDIX 8.11 AWARD OF A NEW TENANCY IF ORIGINAL TENANCY IS TERMINATED (AS APPROVED BY DOHS)

Re: Tenancy Request

Following the recent termination of Mr/Mrs _____ tenancy at _____, I can inform you that the Housing Executive has considered your request to become the tenant at this address. The Housing Executive has decided, in the particular circumstances of this case to offer to you a new tenancy of this property. This offer is made to you as a matter of policy.

This offer is in respect of an introductory tenancy for a 12 month trial period. It will then become a secure tenancy unless within the 12 month trial period the Housing Executive has begun proceedings for possession.

If you are currently an introductory tenant this offer is in respect of an introductory tenancy for the remainder of the 12 month trial period.

If you are currently a secure tenant this offer is in respect of a secure tenancy.

Rent _____

Rates _____

Total _____

You will be liable for rent and rates from _____

Please call to the above office on _____, at _____ in order to sign for the new tenancy.

You may be entitled to Housing Benefit / Universal Credit / Rates Assistance to assist with the rent and rates, but should make an application so that your entitlement can be assessed.

PLEASE NOTE

1. The statement of facts on your Succession / assignment / Change of Tenancy application is correct and has not changed to date. If there has been a change we must be advised immediately and prior to accepting this offer.
2. If you are currently a Housing Executive/ Housing Association Tenant you are required under the terms of your tenancy to provide written notice of the termination of your

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existing tenancy to your landlord. You will normally be required to give vacant possession i.e. (you must return the keys and not leave anyone living in the property).

3. Acceptance of the Housing Executive's general conditions of tenancy (1989 edition), a copy of which will be provided to you prior to signing for the premises.
4. Please note that you may not be eligible to apply for a transfer until two years after your tenancy commences.

You should also note the following:

- a) If this property is either a single storey property or ground floor dwelling (other than a flat) with no more than two bedrooms, then it will not be possible to sell it to you under the Housing Executive's Statutory House Sales Scheme.
- b) Please note that the right to buy only arises after you have been a secure tenant of the Housing Executive or other relevant body for a period of not less than five years. Previous secure tenancy periods may count in calculating the required five year qualifying period. You cannot apply to buy during an introductory tenancy year, even if you were previously a secure tenant. However, upon completion of the introductory year, it will count towards the eligibility criteria.
- c) If this property has been built, acquired or improved by the Housing Executive in the current year or in the previous ten financial years, your right to discounts could be greatly reduced if you apply to purchase.

Yours sincerely

Insert relevant officer

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APPENDIX 8.12 Refusal letter – Assignment (Except Direct Exchange) Assignor (Tenant)

Dear <Title> <Initial> <Surname>

Re: Assignment Request

I refer to your application to assign your tenancy to <insert proposed Assignee's name> at

<Address 1>

<Address 2>

<Town>

<Postcode>

STATUTORY (LEGAL) ASSIGNMENT

We have considered this request under the statutory (legal) entitlement to an assignment, Rule 76 of the Housing Selection Scheme. I regret to inform you this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 76)

POLICY ASSIGNMENT

We have considered this request under Rule 77 of the Housing Selection Scheme on policy assignment grounds. I regret to inform you that this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 77)

DIRECTORS DISCRETION

Where your request has not met the grounds required for a for a statutory (legal) assignment as per Rule 76 or a policy assignment as per Rule 77 of the Housing Selection Scheme it can, in *very exceptional circumstances*, be referred to the Director of Housing Services for their consideration. *On balance, your circumstances have not been deemed to*

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*be **very** exceptional to warrant a referral to the Director for their consideration as a very exceptional case.*

(Detail all reasons for refusal in line with very exceptional circumstances Chapter 8 HSS at 8.3.8)

VACANT POSSESSION

As your request for assignment has not been approved, I would appreciate if you would contact me **within 7 days** to arrange vacant possession. If you do not voluntarily give the Housing Executive vacant possession then it will seek to recover possession by legal proceedings.

RIGHT TO REVIEW

If you are not satisfied with this decision then you have the right to ask us to review it. You should notify us of your intention to ask us for a review within 7 calendar days of the date on this letter. You can contact your Patch Manager or your Local Office to advise of your intention to ask for a review. It is important to note that you must then submit any actual request for a review, including any additional information or evidence you wish to be considered, as soon as possible and not later than 28 calendar days from the date on this letter, on **<insert date 28 calendar days after date of letter>**.

You should address your request for Review to the Area Manager at **<insert contact details>**.

If you have any further queries on this decision, please do not hesitate to contact me.

Yours sincerely

Lettings Manager

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APPENDIX 8.12A Refusal letter after consideration by Director of Housing Services for Exceptional Circumstances – Assignment (Except Direct Exchange)

Dear <Title> <Initial> <Surname>

Re: Assignment Request

I refer to your application for Assignment of tenancy at

<Address 1>

<Address 2>

<Town>

<Postcode>

STATUTORY (LEGAL) ASSIGNMENT

We have considered this request under the statutory (legal) entitlement to an assignment, Rule 76 of the Housing Selection Scheme. I regret to inform you this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 76)

POLICY ASSIGNMENT

We have considered this request under Rule 77 of the Housing Selection Scheme on policy assignment grounds. I regret to inform you that this has been refused as you fail to meet the grounds as detailed below:

(Detail all reasons for refusal in line with Rule 77)

DIRECTORS DISCRETION

Where an assignment of tenancy request has not met the grounds required for a statutory (legal) assignment as per Rule 76 or a policy assignment as per Rule 77 of the Housing Selection Scheme it can, in *very exceptional circumstances*, be referred to the Director of

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Housing Services for their consideration. I can advise you that the case was referred to the Director of Housing Services for their consideration; however I regret to inform you that the Director of Housing Services has refused the award of tenancy for the reasons detailed below:

(Detail all reasons for refusal in line with very exceptional circumstances Ch 8.3.8)

VACANT POSSESSION (Delete paragraph if not applicable)

As your request for assignment has not been approved, I would appreciate if you would contact me **within 7 days** to arrange vacant possession. If you do not voluntarily give the Housing Executive vacant possession then it will seek to recover possession by legal proceedings.

RIGHT TO REVIEW

If you are not satisfied with this decision then you have the right to ask us to review it. You should notify us of your intention to ask us for a review within 7 calendar days of the date on this letter. You can contact your Patch Manager or your Local Office to advise of your intention to ask for a review. It is important to note that you must then submit any actual request for a review, including any additional information or evidence you wish to be considered, as soon as possible and not later than 28 calendar days from the date on this letter, on **<insert date 28 calendar days after date of letter>**.

You should address your request for Review to the Area Manager at **<insert contact details>**.

If you have any further queries on this decision, please do not hesitate to contact me.

Yours sincerely

Area Manager

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APPENDIX 8.13 Refusal Letter – Joint Tenant

Dear <Title> <Initial> <Surname>

Re: Joint Tenancy Request

I refer to your application for a Joint Tenancy with <insert proposed Joint Tenant's name> at

<Address 1>

<Address 2>

<Town>

<Postcode>

We have considered this request under Rule 78 and 79 of the Housing Selection Scheme. I regret to inform you that this has been refused as the proposed Joint Tenant, <insert name> fails to meet the grounds as detailed below:

(Detail all reasons for refusal in line with each criteria in Rule 79; i.e. Rule 79 (1), 79 (2), 79 (3) and Rule 79 (4). If appropriate under Rule 79 (4) detail compelling evidence existing tenant is likely to move out.)

RIGHT TO APPEAL

If you are not satisfied with this decision or how the service was provided you have the right to make a complaint under the Housing Executive's internal complaints procedure. Further information, including the option to submit a complaint, can be found on our website at www.nihe.gov.uk/About-Us/Complaints Please contact the Area Manager **<Insert Area Manager's name>** at **<Insert Area Office address>**.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Lettings Manager

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Chapter 10 Review framework for challenges of refusal decisions to Successions and Assignments of tenancy

10.0 Introduction

This chapter provides guidance on the procedures to be followed when a Succession or Assignment applicant (the customer) requests the Housing Executive to Review the negative decision of their application to succeed to a tenancy or to assign/be assigned a tenancy. Any challenge is considered through a one stage Review process as detailed below.

Challenges to a negative decision to a Succession or Assignment of tenancy invariably involve a request for a Review of the decision regarding entitlement with a view to it being overturned. Any challenge may focus on statutory grounds, the Rules within the Housing Selection Scheme or residual discretion allowed for specific cases as per Succession and Assignment policy under very exceptional circumstances. The ultimate means to overturn the decision is through appropriate legal action.

Full guidance on the statutory grounds and policy requirements under the rules of the Housing Selection Scheme for a Succession or an Assignment; along with investigations, evidentiary requirements and operational procedures; can be found in Chapter 8 of the Housing Selection Scheme and Chapter 1 of the General Housing Policy Guidance Manual. These chapters also contain guidance on very exceptional awards of tenancies which may be made at the discretion of the Director of Housing.

10.1 Summary of Review process and links to other policies

The Review process can be outlined broadly as follows:

1. Customer receives negative decision and requests a Review (90 calendar days target timeframe starts from submission of Review Request).
2. Area Office conduct a review of any additional evidence/information to see if it would have changed their original decision.
3. If original decision changed by Area Office then Area Office issue revised decision letter.
4. If original decision unchanged then the case should be sent to Housing Policy Review Team for independent review.
5. Housing Policy Review Team conduct independent review.
6. Response issued to customer (90 calendar day target timeframe).

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More details on each of these stages and the considerations to be made are outlined below.

In all cases where a Review request is received Housing Policy (housingpolicy@nihe.gov.uk) should be informed upon

- (1) receipt of Review request and**
- (2) the Area Office decision on the Review as this will allow system recording and monitoring / reporting of cases including against the 90 day timescale.**

Definitions and Links to the complaints policy

For the purposes of the Review process the following definitions will apply:

- Review – the re-examination of a decision, including (re)consideration of evidence/information provided by the customer to ensure compliance with relevant legislation, Housing Selection Scheme Rules and our policies and procedures.
- Complaint – An expression of dissatisfaction or unhappiness that cannot be resolved at the initial point of service delivery about:
 - the standard of service provided by the Housing Executive
 - an action, delay or lack of action.

At times a customer may submit correspondence which whilst requesting a review of a decision also raises service delivery issues such as staff attitude or undue delays. Any service delivery issues not directly connected to the decision itself should be extracted, agreed with the customer and dealt with separately under the Complaints process.

This Policy should be read in conjunction with:

- Assignments, Successions and Changes of Tenancy - Chapter 8 of the Housing Selection Scheme Guidance Manual
- Tenancy Issues (specifically Capacity, Successions and Assignments) – Chapter 1 of the General Housing Policy Guidance Manual

10.2 Right to request a Review of the Decision

A refused succession or assignment applicant (the customer) has the right to challenge and request a Review of a decision by the Housing Executive –

- As to the individual's entitlement to succeed to a tenancy pursuant to Housing (Northern Ireland) Order 1983 Article 26 (Secure Tenancy) or Housing (Northern Ireland) Order 2003 Articles 13 -15 (Introductory Tenancy)
- Where there is no statutory entitlement the individual's eligibility to succeed on policy grounds based on Rule 74 (and where appropriate Rule 75) of the Housing Selection Scheme

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- As to the individual's entitlement to assign their tenancy rights pursuant to Article 32 of the Housing (Northern Ireland) Order 1983 (secure tenancies) and Article 16 of the Housing (Northern Ireland) Order 2003 (Introductory tenancies).
- As to an individual's entitlement to assign a tenancy based on the criteria as provided in Rule 77 of the Housing Selection Scheme.
- If they consider that their circumstances are very exceptional in nature and warrants an award of tenancy based on their very exceptional circumstances. This is applicable for both challenges to Succession and Assignment of tenancy refusal decisions.

A customer may request a review without specific reference to any of the above mentioned but rather with a general outline or a simple request that the decision be looked at again.

10.3 Review timescales

10.3.1 Receipt of a review

The customer should advise of their intention to review within 7 calendar days from the date of the refusal letter and provide their request for review (including any additional evidence/information) within 28 calendar days of same date. This information should be stated on the refusal decision letter. Please refer to the relevant letter specific to the case in the appendices of Chapter 8 of the Housing Selection Scheme Guidance Manual.¹

10.3.2 Internal Processing of the review

The Review process has a 90 calendar day target timeframe for completion. This will commence when a customer submits their request for Review including any further evidence/information they wish to be considered (see below). The Review is a one stage process with one workflow to the point of the Notice of Decision. On receipt of any Review request the Area Office should examine and investigate any additional evidence/information provided by the customer to determine if this would alter their original decision based on statutory grounds, policy criteria as provided in the rules of the Housing Selection Scheme or if it would now warrant a referral to the Director of Housing due to its *very exceptional* nature.

If the Area Office decides that there is no relevant additional evidence/information supplied or it is insufficient to have changed their original decision, the Review request should be sent to the Housing Policy Review team for independent investigation, review and response to the customer.

¹ Appendix 8.4/8.4 A for Refusal Letters - Succession and Appendix 8.12/8.12A for Refusal Letters – Assignment (except Direct Exchange), Chapter 8 Housing Policy Guidance Manual

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This should happen as soon as possible after receipt of the Review request and ideally within 7 working days.

On receipt of the request for Review at Area Office the full end to end processes should be aimed to be completed within 90 calendar days. If it is not believed that this will be achieved by the specified date the Central Housing Policy Review team should notify the customer of the extended timeframe. The 90 calendar day timeframe is designed to include,

- Area Office (re)consideration of evidence/information received as part of the request for review
- If appropriate, a notice of revised original decision; and/or
- Independent investigation and review by the Housing Policy Review team of the decision,
- Notice of the Review decision.

On receipt of a request for Review, the Area Office should notify the Housing Policy Review team (HousingPolicy@nihe.gov.uk) who will register case and manage the 90 calendar day timeframe.

10.4 Who may carry out the Review?

In the first instance, on receipt of the Review request from the customer the Area Office will consider any new evidence/information.

If it is decided that there is **still** insufficient relevant evidence/information provided to qualify for a Succession/Assignment, the case, with chronology and all files, should be referred by the Area Office to the Housing Policy Review team for review of the refusal decision.

The Review will be carried out by the Housing Policy Review team, by a person who was not involved in the original decision. They will carry out an independent investigation and review of the case and all evidence/information provided.

10.5 What will the Review cover?

The Review will reconsider the original decision; it will also allow for additional evidence/information to be considered and requires the Housing Policy Review team to make full and proper enquiries. The Review Officer is obliged to carry out their own independent investigations and cannot simply rely on matters raised by the customer/agreed representative. The Review will cover

- Evidence/information taken into account by the Designated Officer in arriving at the original decision

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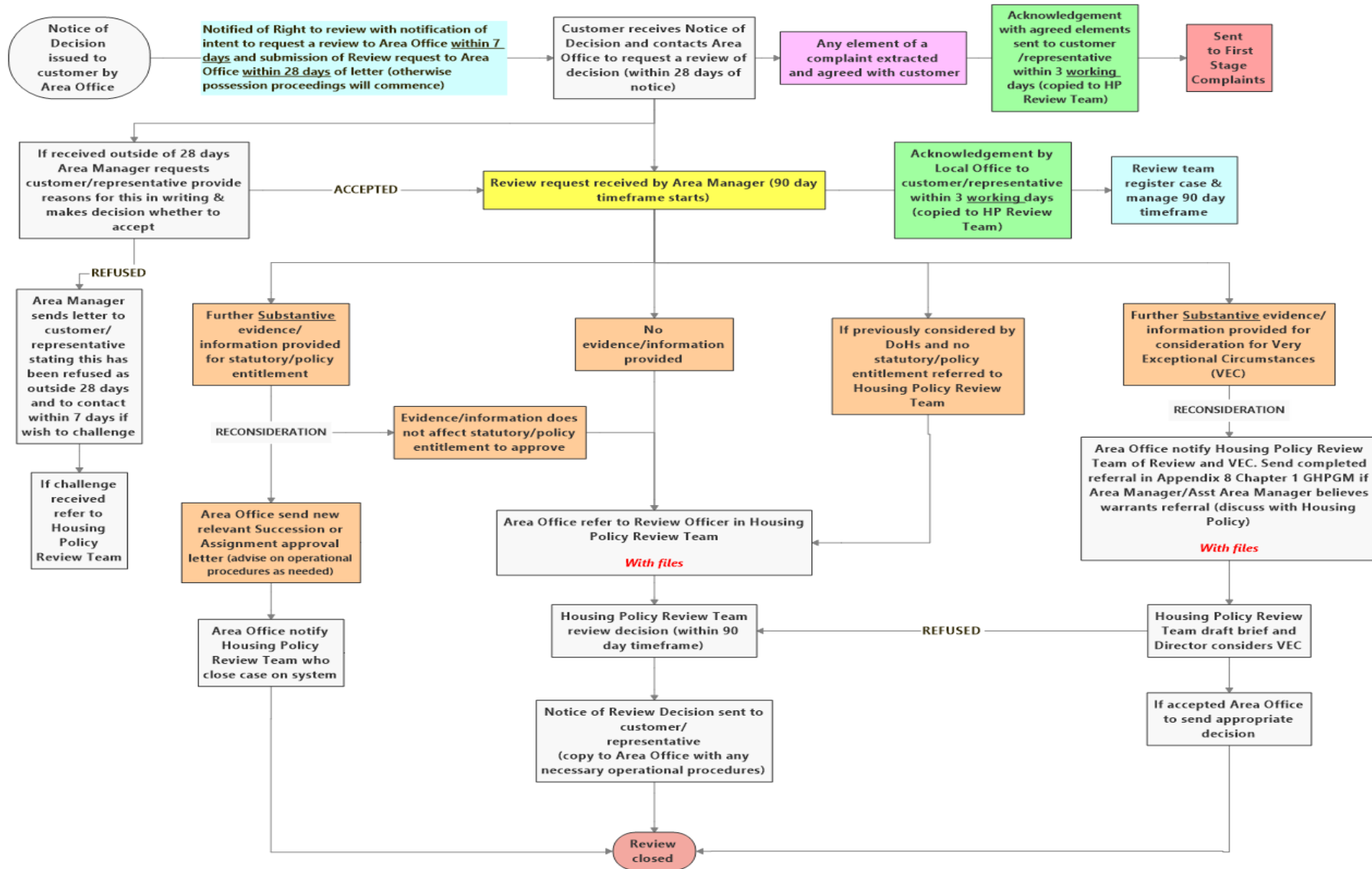
- adherence by the Designated Officer to the relevant legislation, Housing Selection Scheme Rules and Chapter 8 of the Housing Selection Scheme Guidance Manual, Chapter 1 of the General Housing Policy Guidance Manual
- additional evidence/information provided by the customer/agreed representative in their Review request
- any enquiries made and any additional evidence/information sourced by the officer undertaking the Review

10.6 Overview – Area Office and the Review Process

The following flowchart concentrates on Area Office action to be taken following receipt of a request for a Review. For details on further action taken by the Housing Policy Review team please refer to 10.9.1 in this chapter of guidance.

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To view this please use the Zoom function, if printing select size A3.



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10.7 Area Office: Receiving and Accepting a Review

10.7.1 Notifying the customer of the right to review

Following the necessary investigations of the application to succeed to/assign a tenancy, where it has been determined that there is no entitlement, the Lettings Manager should send the relevant refusal letter to the customer notifying the customer(s) of this decision. (See Chapter 8 of the Housing Selection Scheme Manual). The refusal decision letter will also inform the applicant (customer) that:

- the Area Office should be notified if they intend to request a Review of the negative decision within 7 calendar days of the date of the Refusal letter.
- any further request for a Review (including any additional evidence/information) pertaining to their case must be made before the end of the period of 28 calendar days, from the date of the Refusal letter in which they were notified of the decision.

10.7.2 Receipt of Intention for Request to Review Decision

The decision letter will ask the customer to notify the Area Office within 7 calendar days of their intention to ask for a Review of the decision. The customer/agreed representative can notify the Area Office of their intention to request this Review by letter, telephone, email, or in person.

If a notice of intention to Review is not received within 7 calendar days it is within Area Office management discretion to consider commencing possession proceedings. The customer has 28 calendar days from the date of the refusal letter to send a request for review to the Area Manager. Any proceedings initiated for possession of the property will need to be suspended if a Review request is received and accepted by the Housing Executive.

10.7.3 Receipt of Request to Review a negative Succession/Assignment Decision

A request for Review can be accepted in writing (including email), by telephone or in person. Where the review request is taken by telephone a record should be taken detailing all elements of the customer's request for review. This should be read and confirmed with the customer/agreed representative and signed by the designated officer to confirm that it is an agreed record of their request to the review of the Succession or Assignment decision. The agreed record of the customer's request for review should be included in the relevant acknowledgement letter found in the Appendices of this chapter of guidance. Where appropriate, the record of any request to review received by telephone may be logged onto the relevant system and uploaded to HMS. Similarly, where the request is received in person this should be signed by the customer or their representative and a copy provided to them.

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Any request for Review must include any additional evidence or information the customer wishes to be considered as part of their case.

10.7.4 Acknowledgement of a Review

Where a request for a Review has been received the Area Manager will notify the customer/agreed representative through sending the appropriate acknowledgment letter. This letter will advise of the procedure to be followed in connection with the review.

Sample acknowledgement letters can be found at Appendix 2, Appendix 2A, Appendix 3, Appendix 3A and Appendix 3B)

10.7.5 Submission of a Review after the (28 calendar days) notice period has expired

If the customer submits a request for a Review after the 28 calendar day notice period has expired, the Area Manager has discretion to accept the Review request outside this period.

Generally, the customer will be required, in writing, to show good reason for their failure to request the Review in time for this discretion to be exercised in their favour. However, the Area Manager should also examine:

- Was a clear and reasoned decision given to the refused Succession/Assignment applicant (customer) to enable them to understand their position in relation to that decision and the requirements for submitting a Review (staff should consider aspects such as capacity, any language barriers, for example where English is not their main language or if there are any noted advocates acting on the customers behalf)
- Was the relevant refusal letter appropriately posted/delivered to the customer?
- How far outside the notice period has the Review request been made?
- Was the refusal letter made available for collection by the customer or their representative, for a reasonable period of time?

Note: the above list is not exhaustive and further assistance can be obtained from Housing Policy where required.

10.7.6 The decision to accept a Review outside the defined notice period

This decision rests with Area Manager and the refused Succession/Assignment applicant (customer) must be notified in writing, of the Housing Executive's decision in relation to this.

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If the Area Manager does not accept the review request as it is outside 28 calendar days a letter should be sent to the customer/agreed representative stating that their request to review the decision has not been accepted as it is outside of the given defined period of 28 calendar days along with any additional reasoning behind the decision as required. If they wish to challenge this decision they should contact their Area Office within 7 calendar days to arrange for an independent review of the circumstances. A template of these letters can be found in Appendix 4/4A as relevant. Any request to challenge this decision should then be referred to the Housing Policy Review team for consideration.

10.8 Area Office: Reconsideration

10.8.1 Reconsideration by Area Office when new evidence/information is provided

The initial focus of the Review process is local and early resolution at Area Office level, where appropriate.

Following receipt of a request to review the negative Succession/Assignment of a tenancy decision new evidence/information provided by the customer/agreed representative will be considered at Area Office Level.

This review should be relatively brief (suggested timeframe 7 working days though in many cases it may be quicker) and restricted to considering if any new evidence/information contained with the Review request would change the decision made at Area office level. If not then the case should be sent to the Housing Policy Review Team for independent review.

10.8.2 Decision to award tenancy due to Reconsideration by Area Office

Where reconsideration determines that the customer now meets either statutory or policy entitlement to a Succession or Assignment of tenancy a revised decision letter(s) should be sent to the Successor or Assignor and Assignee (as appropriate). The revised decision should be sent using the appropriate letters in Chapter 8 of the Housing Selection Scheme Guidance Manual with an explanatory cover note informing the customer that on the basis of new information contained in your request of <<date>> it has now been determined that you qualify for succession /assignment and a revised decision letter is enclosed. Further guidance on the approval for Successions can be found in Chapter 8.3.8 and 8.3.9 of the Housing Selection Scheme Guidance Manual and in Chapter 8.6 of the Housing Selection Scheme Guidance Manual for Assignments.

The Lettings Manager should endeavour to advise the Housing Policy Review Team of this decision **on the same day** that the new decision letter is sent, to facilitate the closure of the case on the system.

10.8.3 Reconsideration by Area Office when new information prompts referral under very exceptional circumstances

Based on the new evidence/information provided where a Succession or Assignment is not considered possible under statutory or policy criteria and it is now believed that the circumstances

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of the case are potentially of a *very* exceptional nature, the Area Office can exercise their discretion and refer the case to the Director of Housing Services for consideration as to whether a tenancy could be awarded.

A brief (Appendix 8 Chapter 1 General Housing Policy Guidance Manual) should be completed, signed by the Assistant Area Manager or Area Manager and sent to the Housing Policy Review Team to draft a brief for the Directors consideration. Full guidance on this residual discretion can be found in Chapter 8.2.1 of the Housing Selection Scheme Guidance Manual for Succession referrals and Chapter 8.6.1 of the Housing Selection Scheme Guidance Manual for Assignment referrals.

It should be noted that this is included within the 90 calendar day's timeframe for the issue of a notice of Review decision. If it is considered an extension may be needed, this should be discussed between the Area Office and the Housing Policy Review team as soon as possible.

Where the Director of Housing Services revises the original decision due to very exceptional circumstances, notification of the decision, brief and files should be referred to the Area Manager/Assistant Area Manager in the relevant Area Office within 3 working days of receipt of the Directors decision.

The Housing Policy Review team will notify the customer/agreed representative and the Area Office of the outcome of the Directors decision following their consideration of the very exceptional circumstances. Following independent investigations if this has also included a review of any statutory or policy entitlement this will also be considered by the Director of Housing Services and the Director's decision included in the Review decision letter.

Further guidance on the approval for Successions and the operational procedures can be found in Chapter 8.3.8 and 8.3.9 of the Housing Selection Scheme Guidance Manual and in Chapter 8.4.4 and Chapter 8.6 of the Housing Selection Scheme Guidance Manual for Assignments.

10.8.4 Reconsideration of very Exceptional Circumstances where consideration has already been given by the Director of Housing Services

Where the Director has previously considered and concluded that there are no very exceptional circumstances to award the Succession or Assignment of tenancy based on the information available at the original decision, reconsideration for exceptional referral will only be considered by the Housing Policy Review team if further relevant evidence/information is provided as part of the customer's Review request. The Area Manager should refer these Review requests directly to the Housing Policy Review team if there is no additional evidence/information contained within the Review request that would change the original decision under statutory or policy entitlement.

10.9 Housing Policy Review

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Where the Area office determines that any new evidence/information provided for reconsideration is not sufficient to alter the original decision, the case, along with all files and a chronology of the case should be sent to the Housing Policy Review Team. The covering email should confirm briefly that any additional evidence/information has been considered and that it was not sufficient to warrant revision of the original decision.

The Housing Policy Review Team will independently investigate and consider the case including any new evidence/information in line with statute, Housing Selection Scheme Rules and policies and procedures to determine whether there is any statutory or policy entitlement. Any decision to award a statutory or policy Succession/Assignment should be approved by the Senior Post holder (Level 8). Where the Level 8 is not available and waiting for their return would unduly delay issuing the decision, approval may be given by a Level 7 officer.

As part of the independent investigation the Senior Review Officer will present the circumstances of the case to allow the relevant Level 8 officer to determine if a referral to the Director of Housing Services for their consideration of any very exceptional circumstances is warranted. In circumstances where the relevant Level 8 officer is not available and waiting for their return would result in an unnecessary delay in the case, this decision may be taken by a relevant Level 7 Officer.

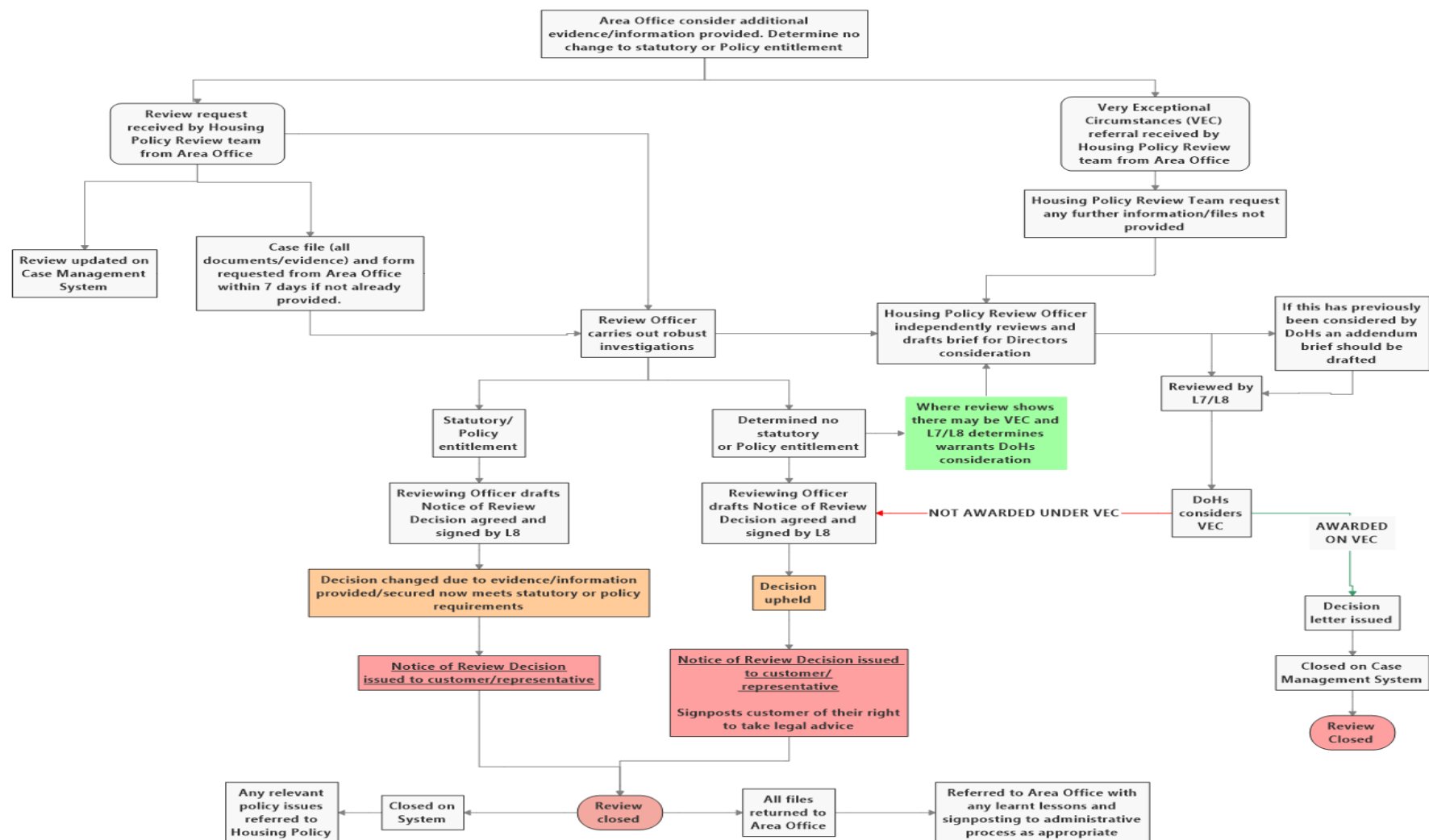
If agreed, the Review Officer will draft the appropriate brief, to be agreed by Senior Post holder(s) approval before consideration by the Director of Housing Services

Chapter 10 – Review Process for challenges to Successions and Assignments

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10.9.1 Overview of Process – Central Housing Policy Review Team

To view this please use the Zoom function, if printing select size A3.



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10.9.2 Notification of the Decision on a Review

The Housing Policy Review team will notify the customer/agreed representative and the Area Office of the outcome of the Review following investigations by the review team.

If the outcome is to revise the original decision the customer/agreed representative will be notified and a copy will be sent to the Area Office with signposting to any relevant operational procedures.

If the decision is to uphold the original decision the Housing Policy Review team shall also notify the customer/agreed representative of the reasons for this decision. The reasons given in the Notice of Review decision letter should be proper, intelligible and adequate to allow the customer/agreed representative to understand the reasons for the Review Officer's decision. The period within which notice of the decision on a Review shall be given to the customer by the Review Officer shall be 90 days (8 weeks), or an extended period as needed if notified to the customer by the Housing Policy Review Team before the exhaustion of the given 90 day timeframe.

The Housing Policy Review Team shall inform the customer/agreed representative that they may wish to take independent legal advice if they wish to challenge the decision.

Once the notice is treated as given the Review should be closed on the Review Management System

10.10 Summary of Review Process

Table 2 below provides a summary of the actions, processes and responsibilities for individual elements of the Review process for ease of reference.

Diagram 1 outlines steps of the procedure for the review of a decision split into Area and Central steps. Staff should refer to Chapter 8 of the Housing Selection Scheme Manual and Chapter 1 of the General Housing Policy Guidance Manual for consideration of statutory entitlement and policy grounds to allow a Succession or Assignment of tenancy and Chapter 5 of the General Housing Policy Guidance Manual for guidance on possession proceedings where there is no request for a review of the negative decision (to view the process diagram below (Diagram 1) please use the Zoom function and if printing please select A3).

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Table 2: Summary of Processes, responsibilities and timeframes

Process / Item	Responsibility	Expected Timeframe	Potential Exceptions
Refusal Decision letter sent (Succession or Assignment) detailing how statutory and policy criteria have not been met Signposting to <ul style="list-style-type: none"> 7 days from date of letter to give Area Office Notice of Intent to Review 28 days' notice to review decision to Area Manager with any further evidence/information for review or possession proceedings will commence 7 days' notice to contact Lettings Manager to arrange vacant possession if not requesting a review of decision Contact details of Area Manager to send Review 	Area Office - Lettings Manager (L5) or any more Senior Post Holder to this Post.	N/A	N/A
Notice of Intent to request a review of Succession or Assignment decision.	Customer/Agreed Representative	7 calendar days from date of Refusal letter (as signposted on letter)	<p>Possession proceedings may consider commencing (at discretion of Area Manager) if no notice of intent to request to review decision is received 7 calendar days from date of decision letter.</p> <p>Note: customer has 28 days (from date of decision letter) to submit review request and if received any possession proceedings should be suspended.</p>
Request to Review the decision with any further evidence/information the customer wishes to provide	Customer/Agreed Representative	28 calendar days from the date of Refusal letter (specific date given as signposted on letter)	<p>Area Manager discretion to accept a review out of time.</p> <p>Customer can also ask for review of decision not to accept an out of time review and this will be considered by Housing Policy Review team,</p>
Notification of Review request sent to Housing Policy Review Team. (May wish to copy Housing Policy Review team into acknowledgement letter as means of doing this)	Area Office	Preferably On the day the Review request is received in Area Office.	N/A

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Recorded on Review Management System	Housing Policy Review Team	On day received in Housing Policy.	N/A
Acknowledgement letter (see relevant Appendix 2, 2A, 3, 3A or 3B) sent to customer/agreed representative	Area Office	3 working days	N/A
Approval of succession/assignment after reconsideration by Area Office Decision made Appropriate Approval Letter to be issued. Housing Policy to be notified.	Lettings Manager (L5) or any more Senior Post Holder to this Post as per local office arrangements.	Ideally within 7 days of receipt Review request.	
New evidence/Information prompts Area Office to make very exceptional referral. Brief (See Appendix 8 in Chapter 1 GHPGM) completed and signed by Area Manager/Assistant Area Manager and sent with chronology and file to Housing Policy Review Team.	Lettings Manager (L5) or any more Senior Post Holder to this Post. Signed and agreed by Area Manager or Assistant Area Manager	Notify Housing Policy Review Team ideally within 7 days from receipt of new evidence/information of determined action	
Approval following Area Office exceptional referral as part of review process <ul style="list-style-type: none"> A new decision letter should be sent granting Succession to or Assignment of tenancy. Notify Housing Policy Review team letter sent to allow for system case closure 	Lettings Manager (L5) or any more Senior Post Holder to this Post	Within 90 calendar day timeframe. Housing Policy Review team to be notified on day new decision letter is sent to customer/agreed representative	

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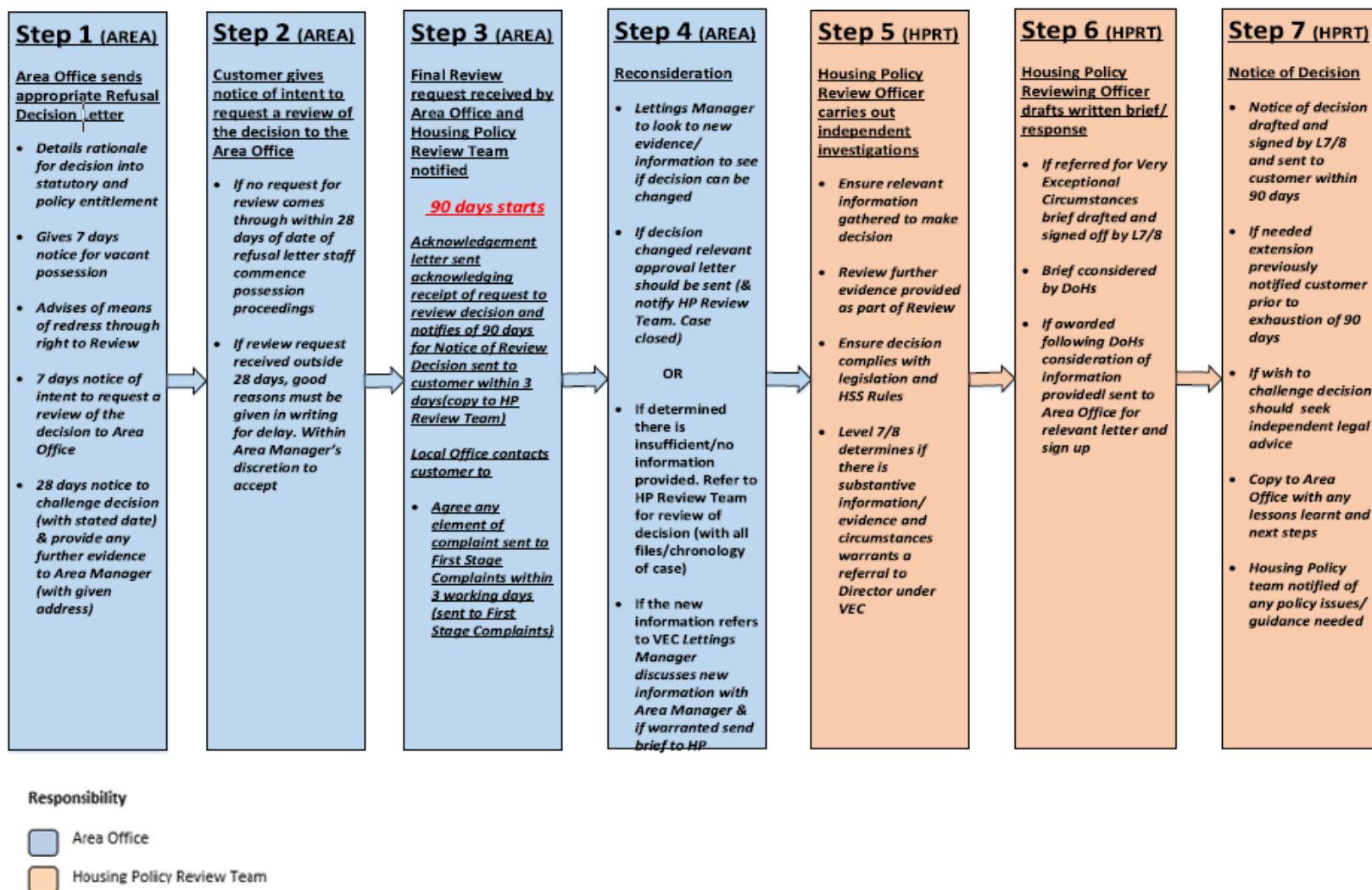
Referral to Housing Policy for Review No or insufficient evidence/information for Area Office to reconsider. Chronology and files sent to Housing Policy Review team.	Area Office as per local arrangements.	Preferably 7 days.	N/A
Housing Policy Review team consider exceptional referral to DHS L8 in Central Housing Policy to determine whether warrants referral to Director of Housing Services. Brief to be completed and agreed with Senior Postholder(s) Note: This may include a case previously considered by the Director prior to the original negative decision, where new evidence/information has been supplied.	L8 in Central Housing Policy to determine if warrants referral Senior Review Officer (L6) in agreement with more senior Post Holder to the Post in regards to brief	Within 90 day timeframe	N/A
Decision of Review following consideration by Housing Policy Team Decision Letter Issued. Area office informed and advised of any required action.	Senior Review Officer (L6) following approval from Senior Post Holder (L7) or any more Senior Post Holder in the Housing Policy Review team	90 calendar days from the date of receipt of request for Review	If an extension is needed this must be agreed between the Senior Review Officer (L6) with the Senior Post Holder (L7) (or any more Senior Post Holder in the Housing Policy Review Team) and the customer/agreed representative notified prior to the exhaustion of the 90 calendar days
Closure on System	Review Officer	On day Notice of Decision sent	
Links to Complaints Process	Responsibility	Expected Timeframe	Potential Exceptions
Determination that there that there are elements within Review request that fall under the remit of the complaints policy. Elements extracted to a separate complaint referral, customer contacted to agree this process and sent to relevant officer as necessary Separated elements detailed in Review Acknowledgement letter (see Appendix 2A or 3B as relevant)	Area Office	3 working days on receipt of Notice of Request to Review	

Chapter 10 – Review Process for challenges to Successions and Assignments

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Diagram 1 Summary of Review Process at Area and Central Level

To view this please use the Zoom function, if printing select size A3.



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Appendix 1 Succession/Assignment Review Request Form to record Review Requests taken from Customer/Agreed Representative by Phone

This form should be used where the customer/agreed representative wishes to request a Review by telephone (please refer to Section 10.7.3 in this chapter of guidance)

Customers Name		
Tenant or Deceased Tenant's name		
Decision challenged	Succession/Assignment/Assignment (Rule 77)/Assignment by Way of Exchange (Direct Exchange (delete as appropriate))	
Date Refusal letter sent		
Address of tenancy relating to decision being challenged		
Customer's address (if different to tenancy address above)		
Contact details	Tel:	Email Address:
Are there any named advocates/agreed representatives involved? <i>(Please provide details. You can also use this space if an agreed representative contacts on the customers behalf. Confirmation will be needed from the customer that they agree that they represent them)</i>		
Will the customer be providing any further evidence/information to support their Review Request? <i>(advise customer as necessary)</i>		
Record of all details of Review Request as stated by customer/agreed representative		

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(Continue on another sheet if necessary)

Please read all details captured to the customer including all details and elements of the customer's request for review.

If the customer agrees this is a true record of their request for a Review of their decision please sign and date below. The customer should be advised that the Housing Executive will be issuing a letter of Acknowledgement stating all agreed elements of their Review Request within 3 working days and a Review decision will be issued in 90 calendar days, unless otherwise agreed with the Customer. Please contact Housing Policy to advise of this Review Request.

I have confirmed with the customer/agreed representative the above as a true record of the customer/agreed representative's request for a Review of their decision,

Designated Officer's Name: _____

Role: _____

Office: _____

Date: _____

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Appendix 2 Acknowledgement Letter of Review (Succession)

Dear

Re: Acknowledgement of a request for a review of the decision to succeed to <insert address>

I confirm receipt of your correspondence dated <insert date> received in this office on <insert date> in which you request a review of the decision reached on your application to succeed to the tenancy at <insert address>.

We received your request to review this decision by telephone and I have provided the agreed record of your Review Request below:

(Insert agreed record of Review Request with customer taken by telephone) (Delete if not appropriate)

We will consider any additional evidence/information you have provided with your review request to determine if this changes the original decision. If we consider it doesn't change the original decision your case will then be sent to our Central Housing Policy Review team for an independent review.

The Housing Executive will aim to advise you of the outcome of the review of your case within 90 calendar days of receipt of your request. If the review process requires further time then we will contact you to discuss this. Please note that it may be necessary to contact you to clarify any additional evidence/information you have provided or to request further evidence/information.

When a final decision has been made you will receive a letter telling you the outcome and the reasons for the decision.

If you have any queries please do not hesitate to contact me on <insert number/email address>.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

Reviewed April 2024

Appendix 2A Acknowledgement Letter of Review (Succession) where elements sent to First Stage Complaints

Dear

Re: Acknowledgement of a request for a review of the decision to succeed to <insert address>

I confirm receipt of your correspondence dated <insert date> received in this office on <insert date> in which you request a review of the decision reached on your application to succeed to the tenancy at <insert address>.

We received your request to review this decision by telephone and I have provided the agreed record of your Review Request below:

(Insert agreed record of Review Request with customer taken by telephone) (Delete if not appropriate)

We will consider any additional evidence/information you have provided with your review request to determine if this changes the original decision. If we consider it doesn't change the original decision, your case will then be sent to our Central Housing Policy Review team for an independent review.

The Housing Executive will aim to advise you of the outcome of the review of your case within 90 calendar days of receipt of your request. If the review process requires further time then we will contact you to discuss this. Please note that it may be necessary to contact you to clarify any additional evidence/information you have provided or to request further evidence/information.

When a final decision has been made you will receive a letter telling you the outcome and the reasons for the decision.

In addition to challenging the decision not to award you the tenancy of <<address>> your correspondence also makes reference to <<List Issues to be dealt with under complaints process>>.

As these matters are not directly connected to your succession entitlement we need to deal with these separately under the complaints process. The complaints officer will be in contact to agree the above list of complaints with you along with a timescale for providing a response to your complaint.

If you have any queries please do not hesitate to contact me on <insert number/email address>.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

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Appendix 3 Acknowledgement Letter of Review (Assignment except Direct Exchange)

Dear

Re: Acknowledgement of a request for a review of the decision of the assignment of <insert address>

I confirm receipt of your correspondence dated <insert date> received in this office on <insert date> in which you request a review of the decision reached on your application to assign a tenancy at <insert address>.

We received your request to review this decision by telephone and I have provided the agreed record of your review request below:

(Insert agreed record of Review Request with customer taken by telephone) (Delete if not appropriate)

We will consider any additional evidence/information you have provided with your review request to determine if this changes the original decision. If we consider it doesn't change the original decision, your case will then be sent to our Central Housing Policy Review team for an independent review.

The Housing Executive will aim to advise you of the outcome of the review of your case within 90 calendar days of receipt of your request. If the review process requires further time then we will contact you to discuss this. Please note that it may be necessary to contact you to clarify any additional evidence/information you have provided or to request further evidence/information.

When a final decision has been made you will receive a letter telling you the outcome and the reasons for the decision.

If you have any queries please do not hesitate to contact me on <insert number/email address>.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

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Appendix 3A Acknowledgement Letter of Review (Assignment by Way of Exchange – Direct Exchange)

Dear

Re: Acknowledgement of a request for a review of the decision to the Assignment by way of Exchange (Direct Exchange)

I confirm receipt of your correspondence dated **<insert date>** received in this office on **<insert date>** in which you request a review of the decision reached on your application to assign your tenancy at **<insert address>** by way of direct exchange with the tenant of **<insert proposed address>**.

We received your request to review this decision by telephone and I have provided the agreed record of your review request below:

(Insert agreed record of Review Request with customer taken by telephone) (Delete if not appropriate)

We will consider any additional evidence/information you have provided with your review request to determine if this changes the original decision. If we consider it doesn't change the original decision, your case will then be sent to our Central Housing Policy Review team for an independent review.

The Housing Executive will aim to advise you of the outcome of the review of your case within 90 calendar days of receipt of your request. If the review process requires further time then we will contact you to discuss this. Please note that it may be necessary to contact you to clarify any additional evidence/information you have provided or to request further evidence/information.

When a final decision has been made we will write to you and tell you the outcome and the reasons for our decision.

If you have any queries please do not hesitate to contact me on **<insert number/email address>**.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

Reviewed April 2024

Appendix 3B Acknowledgement Letter of Review (Assignment) and Complaints

Dear

Re: Acknowledgement of a request for a review of the decision to the assignment of <insert address>

I confirm receipt of your correspondence dated <insert date> received in this office on <insert date> in which you request a review of the decision reached on your application to assign the tenancy at <insert address>

We received your request to review this decision by telephone and I have provided the agreed record of your review request below:

(Insert agreed record of Review Request with customer taken by telephone) (Delete if not appropriate).

We will consider any additional evidence/information you have provided with your review request to determine if this changes the original decision. If we consider it doesn't change the original decision, your case will then be sent to our Central Housing Policy Review team for an independent review.

The Housing Executive will aim to advise you of the outcome of the review of your case within 90 calendar days of receipt of your request. If the review process requires further time then we will contact you to discuss this. Please note that it may be necessary to contact you to clarify any additional evidence/information you have provided or to request further evidence/information.

When a final decision has been made you will receive a letter telling you the outcome and the reasons for the decision.

In addition to challenging the decision not to assign the tenancy of <<address>> your correspondence also makes reference to <<List Issues to be dealt with under complaints process>>.

As these matters are not directly connected to your entitlement to the tenancy we need to deal with these separately under the complaints process. The complaints officer will be in contact to agree the above list of complaints with you along with a timescale for providing a response to your complaint

If you have any queries please do not hesitate to contact me on <insert number/email address>.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

Reviewed April 2024

Appendix 4 Review Request refused - outside 28 days

Dear

Re: Your request for a review of the decision to the succession/assignment (*delete as appropriate*) of <insert address>

I confirm receipt of your correspondence dated **<insert date>** received in this office on **<insert date>** in which you request a review of the decision reached on your application to succeed/to assign (***delete as appropriate***) the tenancy at **<insert address>**.

Your request for a review has been received outside the period of 28 calendar days from the notice of this decision, dated **<insert date of Refusal letter>**. Unfortunately I cannot, therefore, accept your review request.

If you wish to challenge this please contact me on **<insert number/email address>** within 7 calendar days and I will arrange for an independent review of this decision. If you haven't already done so, you should tell us any good reasons why you did not send your review in within the required 28 calendar days.

I trust this is of assistance to you.

Yours sincerely

Area Manager

Chapter 10 – Review Process for challenges to Successions and Assignments

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Appendix 4A Review Request refused - outside 28 days (where customer has given reasons for delay)

Dear

Re: Your request for a review of the negative decision to the succession/assignment (*delete as appropriate*) of <insert address>

I confirm receipt of your correspondence dated **<insert date>** received in this office on **<insert date>** in which you request a review of the decision reached on your application to succeed/to assign (*delete as appropriate*) the tenancy at **<insert address>**.

Your request for a review has been received outside the period of 28 days from the notice of this decision, dated **<insert date of Refusal letter>**.

You have told us the reason for the delay was because

<<List any reasons given the customer has provided for the delay in sending the Review request>>

Unfortunately I cannot accept your review request. **<< Insert brief outline of rationale for not accepting customer's indicated reasons why they missed the 28 day deadline at this stage >>**.

If you wish to challenge this please contact me on **<insert number/email address>** within 7 calendar days and I will arrange for an independent review of this decision.

I trust this is of assistance to you.

Yours sincerely

Area Manager

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Part 1 Preliminary

Rule 1 Definitions

1) The Landlord

- a) In parts 1-3 of this Scheme the term “Landlord”, means the Participating Landlord to whom any particular Applicant has submitted his / her application form.
- b) In part 4 of this Scheme the term “Landlord” means the Participating Landlord who makes, or who should make, an offer of accommodation to that Applicant.

2) Participating Landlord

In this Scheme “Participating Landlord” means the Executive or any registered housing association which is participating in the Common Selection Scheme.

3) Housing Executive

In this Scheme the “Housing Executive” means the Northern Ireland Housing Executive.

4) The Applicant

The person in whose name an application is registered will be deemed to be the “Applicant” and will be treated as the representative of all persons intending to live together as specified on the application form. The term “Applicant” includes applicants.

5) Full Duty Applicant

A Full Duty Applicant is a person to whom the Executive owes a duty under Article 10 (2) of the Housing (NI) Order, 1988 to “secure that accommodation becomes available for his / her occupation”.

6) Designated Officer

In relation to any particular paragraph of this Scheme, the term “Designated Officer” means the Officer (whether of the Executive, or of any other Landlord) who is duly authorised to perform the function or to decide the issue referred to in that paragraph.

7) Accommodation Needs

In considering an Applicant’s needs pursuant to this Scheme, due regard shall be paid, not just to the Applicant’s personal needs, but also to the needs of all other persons who might reasonably be expected to reside with the Applicant.

8) Restricted Persons

A restricted person means a person –

- (a) Who is not eligible for assistance under Part II of the Housing (NI) Order 1988, as amended,
- (b) Who is subject to immigration control within the meaning of the asylum and Immigration Act 1996, and
- (c) Either –

- i. Who does not have leave to enter or remain in the United Kingdom, or
- ii. Whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.

Rule 2 Statutory Basis

This is the Scheme within the meaning of Article 22 of the Housing (NI) Order, 1981, which makes provision for determining the order in which prospective tenants of the Housing Executive's dwellings are to be granted tenancies of those dwellings.

Rule 3 Replacement Scheme

Article 22(4) of the Housing (Northern Ireland) Order 1981 provides for a replacement allocation scheme being submitted by the Housing Executive, approved by the Department and operated by the Housing Executive. This Scheme, with effect from 1st November 2000 replaces the Article 22 Scheme currently being operated by the Housing Executive. [This Scheme with effect from 1st November 2000 replaces the existing allocation scheme currently being operated by the Landlord for the allocation of accommodation on a permanent basis.]

Rule 4 Scope of the Scheme

1. All parts of this Scheme apply in relation to all applications first made to a participating Landlord on or after the date on which this Scheme comes into operation.
2. Parts 3 and 4 of this Scheme apply (in place of any equivalent provisions of any other scheme) in relation to any current application to a participating Landlord which was first made prior to 1st November 2000.
3. Applications pending at 1st November 2000 will be assessed and ranked under this Scheme, regardless of whether they have been assessed and / or ranked under any other scheme.

Rule 5 Boundaries of the Scheme

As a general rule the Scheme will apply to all applications to the Landlord for accommodation on a permanent basis. In particular the Scheme will not apply to accommodation for which the Landlord is providing support and / or shelter pending housing on a permanent basis.

Rule 6 Joint Applications

Any eligible application can be made in joint names, provided each joint applicant is currently living in the same household, or plans to live in the same household in the event of a dwelling being allocated pursuant to the Scheme. For the avoidance of

doubt, in the case of joint applications, each Applicant must be eligible under Part 2 of the Scheme.

Rule 7 Choice of Landlord

An application to any Participating Landlord will be deemed to be an application to all Participating Landlords unless the Applicant has expressly stated, in writing, that they does not wish to apply to a particular Participating Landlord (or Participating Landlords).

Rule 8 Legislation

It is noted that the Housing Executive continues to be subject to the legal requirements imposed upon it. The other rules of this Scheme must be construed in the light of the Housing Executive's obligations in that connection. [It is noted that the Landlord continues to be subject to the legal requirements imposed upon it. The other rules of this Scheme must be construed in the light of the Landlord's obligations in that connection.]

Part 2 Eligibility

Rule 9 Eligibility criteria

An Applicant is eligible to apply under this Scheme only if:

1. The Applicant complies with the Application Requirements as set out in paragraph 10 below; and
2. The Applicant complies with any of the requirements set out in sub-paragraphs a) to c):
 - (a) the Applicant is a Full Duty Applicant pursuant to the Housing (N.I.) Order, 1988; or
 - (b) the Applicant has been nominated through the National Mobility (HOMES) Scheme; or
 - (c) the Applicant meets both Age Requirements as defined in paragraphs 11-13 below and the Connection With Northern Ireland Requirements as defined in paragraph 14.

Rule 9A Ineligibility

An Applicant is also ineligible to apply (or to continue to apply) under this Scheme if he/she is a person who cannot be allocated accommodation by the Housing Executive because of:

- (a) the terms of Article 22A of the Housing (N.I.) Order 1981 (or any statutory modification or replacement of that Article); or
- (b) because of a decision made by the Housing Executive under paragraph (6) of that Article.

Rule 10 The Application Requirements

The Applicant must comply with all of the following:

1. The Applicant completes an application form containing such particulars as are required by the Landlord;
2. The Applicant renews his / her application each year;
3. The Applicant promises to notify the Landlord if there is any material change in his / her circumstances that might affect his / her place on the list.
4. The Applicant is not included in any other pending application under this Scheme.

Rule 11 The Age Requirements

The general rule is that an Applicant must have attained the age of 18 years at the date of application.

Rule 12 The Age Requirements

The only exceptions to that general rule are that the Applicant is aged at least 16 and:

1. is leaving care;
2. is a person, in relation to whom a duty is owed under Article 46 of the Children (NI) Order 1995;
3. has a dependent child or children;
4. is married, or has formed a civil partnership, with no children
5. the Applicant has an essential need for specific, independent living accommodation, because without that particular accommodation, the Applicant will have to refuse:
 - (i) a specific offer of substantial training; or
 - (ii) a specific offer of employment

Rule 13 The Age Requirements

An application from an individual who has not attained the age of 18 years at the date of application and who does not come under any of the categories referred to in paragraph 12 will be deferred until the individual attains the age of 18 years.

Rule 14 Connection with Northern Ireland Requirements

The Applicant meets the connection with Northern Ireland requirements if the Designated Officer is satisfied the Applicant has a substantial connection with Northern Ireland in that:

1. The Applicant (or a member of the Applicant's household) is, or in the past was, ordinarily or habitually or normally resident there, and that residence is, or was, of his or her own choice; or
2. The Applicant (or a member of the Applicant's household) is employed, or is making bona fide attempts to seek employment in Northern Ireland; or

3. The Applicant (or a member of the Applicant's household) has a substantial connection because of other circumstances.

Part 3 Ranking of Applicants

Rule 15 Ranking of Applicants

The housing selection process will rank Applicants on a Waiting List used by all Participating Landlords on a pointed basis, in descending order according to housing need. There will be four sections whereby Applicants may be awarded points namely:

1. Intimidation
2. Insecurity of Tenure
3. Housing Conditions
4. Health/Social Well Being Assessment

Applicants will be considered under each Section of this Part of the Scheme. Points will be awarded on a cumulative basis unless otherwise stated (see Schedule 4).

Rule 16 Ranking of Applicants

Where points are equal, the date on which the application is received will decide the order in which Applicants are offered accommodation.

Rule 17 Ranking of Applicants

Individuals with complex needs whose agreed housing option is housing with care schemes are an exception to this selection process. Arrangements for selection of such Applicants are outlined in paragraphs 19-22.

Rule 18 Deliberate Worsening of Circumstances

If a Designated Officer is satisfied that an Applicant has deliberately worsened his / her circumstances, in order to gain a higher ranking on the Waiting List, the Officer may decide to defer for a period of two years the advantage of any additional points which might otherwise have been granted because of that change in circumstances.

Rule 19 Applicants with Complex Needs

An Applicant with complex needs will be considered for housing as a result of a direct referral process from the Health and Social Services sector or, as an exceptional case arising from defined criteria identified in the health / social well being assessment process of the Scheme.

Rule 20 Applicants with Complex Needs

Where the agreed re-housing option is housing with care, the Applicant will be placed on a separate, administrative, non-pointed list.

Rule 21 Applicants with Complex Needs

Allocations from this list will be made on the basis of:

1. The individual needs of the Applicant;
2. The needs of other residents in accommodation for which the Applicant is being considered;
3. The interests of good housing management.

Rule 22 Applicants with Complex Needs

Where all such factors are equal, date order of application will be used to determine the order in which Applicants are offered accommodation. **Section 1 Intimidation**

Rule 23 Intimidation

An Applicant will be entitled to Intimidation points (see Schedule 4) if any of the following criteria apply in respect of the application:

1. The Applicant's home has been destroyed or seriously damaged (by explosion, fire or other means) as a result of a terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the Housing Executive's statutory powers to address neighbourhood nuisance or other similar forms of antisocial behaviour.
2. The Applicant cannot reasonably be expected to live, or to resume living in his/ her home, because, if he or she were to do so, there would, in the opinion of the Designated Officer, be a serious and imminent risk that the Applicant, or one or more of the Applicant's household, would be killed or seriously injured as a result of terrorist, racial or sectarian attack, or an attack which is motivated by hostility because of an individual's disability or sexual orientation, or as a result of an attack by a person who falls within the scope of the Housing Executive's statutory powers to address neighbourhood nuisance or other similar forms of anti-social behaviour.

Rule 23A Intimidation

An individual will be entitled to intimidation points under Rule 23 (see Schedule 4), if all of the following criteria are met:

1. That he/she was housed on or after 1st May 2006; and
2. That, at the time he/she was housed, he/she did not satisfy all of the criteria of Rule 23 in its former version, but that he/she would satisfy the criteria in the current Rule 23; and
3. That the application under this rule is made within three months of the coming into operation of the current Rule 23.

Section 2 Insecurity of Tenure

Rule 24 Homelessness

1) Homeless / Threatened with Homelessness - Full Duty Applicant (F.D.A.)

- (a) Full Duty Applicants, as defined in paragraph 1 of this Scheme, will be awarded points (see Schedule 4).
- (b) Such Applicants will also be entitled to Housing Conditions and Health and Social Well Being Points at the time of application and Interim Accommodation Points where relevant (see Schedule 4).

2) Other Homeless

Applicants, other than Full Duty Applicants, who have been found to be homeless because of any of the following factors, will be awarded points (see Schedule 4).

- (a) Marital / civil partnership / relationship breakdown, where there are no dependent children and the relationship has lasted more than one year and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (b) eviction, where the Applicant, or a member of the Applicant's household, has held an unprotected tenancy continuously for not less than two years immediately prior to the eviction and:
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (c) financial hardship, where the Applicant, or member of the Applicant's household, is forced to sell his / her property due to urgent and compelling reasons and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (d) end of tied accommodation where the Applicant, or a member of his / her household, has been in employment (other than temporary or fixed term employment) for a period of at least two years and the Applicant must leave that accommodation because of redundancy or retirement or the death of the tenant and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and
 - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

- (e) end of Service in Armed Forces, where the Applicant, or member of the Applicant's household, is returning to civilian life or the widow(er) / civil partner of a recently deceased serviceman / woman who is no longer eligible for married or other service quarters and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (f) release from prison, where the Applicant has been released from prison and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (g) leaving hospital, where the Applicant is leaving hospital and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (h) leaving institutional care, where an Applicant is leaving care and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (i) leaving care, foster care or in relation to whom a duty is owed under the provisions of the Children's Order, where the Applicant is a young person in such circumstances.
- (j) a dwelling which has been served with a closing or demolition order or which has been acquired by a body with compulsory purchase powers, where the Applicant is residing in such accommodation, and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (k) persistent change of address in order to obtain shelter;
- (l) leaving hostel accommodation, where an Applicant has been residing in such accommodation for a continuous period of more than six months and
 - i) no suitable, alternative, accommodation is currently available to the Applicant; and
 - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (m) in circumstances analogous to those listed in sub-paragraphs a) to l) above and exceptional hardship would be caused by the withholding of this award of points and

- i) no suitable, alternative, accommodation is currently available to the Applicant;
- and ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

3) Interim Accommodation Points

These points will be awarded to a Full Duty Applicant who has been residing for six months in accommodation provided to him / her in discharge of the Housing Executive's interim duty under the Housing (N.I.) Order, 1988. These points will be in addition to Homeless / Threatened with Homelessness-Full Duty Applicant Points (see Schedule 4).

Rule 24A Homelessness

1. A Full Duty Applicant will not be entitled to points under Rule 23 or Insecurity of Tenure points under Rule 24 if the Housing Executive decides that the Applicant is homeless, threatened with homelessness, or has a priority need but would not have done so without had regard to a member of the household.
2. An Applicant, other than a Full Duty Applicant, will not be entitled to points under Rule 24 if the Housing Executive decides that any of the requirements as set out in paragraph (2) of that Rule are met but would not have done so without having had regard to a member of the household who is a restricted person.
3. This Rule comes into operation on 2 March 2009.

Section 3 Housing Conditions

Rule 25 Sharing

Sharing points (see Schedule 4) will be awarded to an Applicant who, in his / her present accommodation, is required to share any of the rooms / facilities listed below in sub-paragraphs 1) to 4) with any person who will not be moving with the Applicant when re-housed and provided the Applicant has not the prior right of facilities:

1. kitchen
2. living room
3. toilet
4. bath / shower

Rule 26 Sharing

For the purposes of awarding points in recognition of this housing condition, there are three classifications of Applicant:

1. An Applicant with dependent children;
2. An Applicant aged 18 years and over without dependent children;

3. An Applicant aged 16-18 years without dependent children.

Rule 27 Sharing

An Applicant aged 16-18 years will only be entitled to sharing points if he / she is sharing with someone outside the family as defined in Article 2(4) of the Housing (N.I.) Order, 1981.

Rule 28 Overcrowding

Overcrowding points will be awarded to an Applicant if, in the view of the Designated Officer, that Applicant's current accommodation does not have the number and size of bedrooms reasonably required by the Applicant's household and all others residing in that accommodation.

Rule 29 Overcrowding

In making his / her decision under paragraph 28, the Designated Officer shall observe the following criteria:

1. Rooms which are less than 3.7 sq.m (40 sq.ft) will not be deemed suitable for use as a bedroom.
2. If a dwelling has two reception rooms, one of them will be counted as a bedroom.
3. Single parents and all adults (over 18 years old) will not be expected to share his / her bedroom.
4. A single bedroom between the sizes of 3.7 and 6.5 sq.m (40 - 70 sq.ft) is adequate for:
 - a. 1 child under 7 years old.
5. A single bedroom between the sizes of 6.5 and 9.3 sq.m (70 - 100 sq.ft) is adequate for any of the following:
 - a. 1 person of any age.
 - b. 2 persons of the same gender under 18 years old.
 - c. 2 children under 7 years old, regardless of gender.
6. A double bedroom over 9.3 sq m (100+sq.ft) is adequate for any of the following:
 - a. 1 person of any age.
 - b. 2 persons living as a couple.
 - c. 2 persons of the same gender under 18 years old.
 - d. 2 children under 7 years old, regardless of gender.
7. In addition to the size of the bedroom, consideration will be given to its shape and headroom. The room must be capable of containing a bed and appropriate furniture and allow sufficient access space.

Rule 30 Overcrowding

If, in the opinion of the Designated Officer, the Applicant's current accommodation does not meet the criteria set out in paragraph 29, an award of points will be made for each bedroom short of that criteria (see Schedule 4).

Rule 31 Lack of Amenities and Disrepair

Lack of Amenities / Disrepair points will be awarded to an Applicant if the Applicant's current accommodation does not meet each of the criteria set out in sub-paragraphs 1) – 8) below (see Schedule 4).

1. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation is not free from serious disrepair (see Schedule 4).
2. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation is not free from dampness which is prejudicial to the health of the occupants (see Schedule 4).
3. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have adequate provision for lighting, heating and ventilation (see Schedule 4).
4. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have an adequate supply of wholesome water (see Schedule 4).
5. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water (see Schedule 4).
6. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have a suitably located water-closet (w.c.) for the exclusive use of the occupants (see Schedule 4).
7. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower each of which is provided with a satisfactory supply of hot and cold water (see Schedule 4).
8. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have an electricity supply (see Schedule 4).

Rule 32 Time in Housing Need

An Applicant with points who has been on the Waiting List for two years or more will be entitled to Time in Housing Need points. These points will be awarded annually for a maximum of five years subsequent to the initial two year waiting time (see Schedule 4).

Section 4 Health/Social Well Being Assessment

Rule 33 Health/Social Well Being Assessment

This section of the Scheme measures the ability of an Applicant, or a member of the Applicant's household, to manage adequately within their existing home.

Rule 34 Health/Social Well Being Assessment

A Health / Social Well Being Assessment may be carried out under the following four headings:

1. Functionality
2. Support / Care Needs
3. Social Needs
4. Complex Needs

Rule 35 Health/Social Well Being Assessment

The Assessment differentiates between Applicants by determining the extent to which functional ability, support needs or adverse social factors may be alleviated through re-housing.

Rule 36 Health/Social Well Being Assessment

While the Support Needs of all Applicants will be assessed, points under this heading will only be awarded to those Applicants seeking sheltered or supported housing.

Rule 37 Functionality

The ability of an Applicant or a member of the Applicant's household to function within his / her current accommodation will be assessed using a functionality matrix (see Schedule 1). The scoring from this matrix will be added to the total points awarded to the Applicant (see Schedule 4).

Rule 38 Unsuitable Accommodation

This award of points will be made in addition to Functionality Points (see Schedule 4) where:

1. a second person in the Applicant's household scores above a threshold of points (as specified in Schedule 1) on the Functional Matrix; or
2. the Applicant or a member of his / her household has difficulty gaining access to his / her accommodation which is above ground floor level and is not served by a lift.

Rule 39 Support / Care Needs

An Applicant or a member of the Applicant's household, who, in the opinion of the Designated Officer, has support or care needs, will have his / her self-care and home management needs assessed using a support matrix (see Schedule 2). Only where the Applicant is seeking housing in a sheltered / supported scheme, will the scoring from the support matrix be added to the total points score (see Schedule 4).

Social Needs

Rule 40 Assessment

An assessment will be carried out on the Applicant's need for re-housing as a result of adverse social or environmental factors.

Rule 41 Social Factors

The various social factors affecting the Applicant will be recognised by the award of points at an upper and lower level to reflect Primary Social Needs and Other Social Needs respectively.

Rule 42 Capping

An Applicant may be awarded points for a combination of factors; however points will be capped (see Schedule 4).

Primary Social Needs Factors

Rule 43 Primary Social Needs points

Primary Social Needs points (see Schedule 4) will be awarded in the following circumstances:

1. Where the Applicant or a member of the Applicant's household is experiencing or has experienced violence or is at risk of violence including physical, sexual, emotional or domestic violence or child abuse.
2. Where the Applicant or a member of the Applicant's household is experiencing or has experienced harassment, including racial harassment and there is fear of actual violence (but the criteria for the award of Intimidation points (see paragraph 23) are not met).
3. Where the Applicant or a member of the Applicant's household, is experiencing or has experienced fear of actual violence for another reason and the Applicant is afraid to remain in his / her current accommodation.
4. Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced distress / anxiety caused by recent trauma which has occurred in the Applicant's current accommodation.

5. Where, in the opinion of Social Services, there is a need for re-housing, to prevent the Applicant or a member(s) of the Applicant's household going into care.
6. Where Social Services recommend that the Applicant or a member of the Applicant's household, move to larger or more suitable accommodation to enable him / her to become or continue to be a foster parent.
7. Where families with dependent children are living apart because of overcrowding or tension in previous accommodation, or where living together would result in children living in unsuitable accommodation.
8. In circumstances analogous to those listed in sub-paragraphs 1) to 7) above.

Other Social Needs Factors

Rule 44 Other Social Needs points

Other Social Needs points (see Schedule 4) will be awarded in the following circumstances:

1. Where the Applicant or a member of the Applicant's household, is experiencing or has experienced neighbour disputes and re-housing is likely to resolve the situation.
2. Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced harassment but there appears to be no fear of actual violence.
3. Where the Applicant or a member of the Applicant's household is experiencing or has experienced burglary or vandalism and there is an inability to cope at his / her current accommodation.
4. Where the Applicant, or a member of the Applicant's household, has been awarded staying or weekend access to dependent children and his / her current accommodation is unsuitable to facilitate this access.
5. Where the Applicant's current accommodation is too expensive.
6. Where the Applicant and member(s) of the Applicant's household, are unable to maintain their current accommodation.
7. Where a member of the household who will not be moving with the Applicant has a medical condition which is exacerbated by having the Applicant(s) in his / her home.
8. Where the Applicant, or a member of the Applicant's household, has experienced recent bereavement in his / her current accommodation and requests re-housing and the same is likely to be beneficial.
9. Where the Applicant is unable to reside with his / her partner for reasons beyond their control and there are no dependent children.

10. Where the Applicant or a member of the Applicant's household is socially isolated in their current accommodation and re-housing would be of clear benefit to him / her.
11. Where the Applicant needs to move to take up a new job or a full time course of study and he / she does not reside within reasonable travelling distance.
12. Where the Applicant needs to live in area to receive or give support.
13. Where the Applicant needs re-housing to be near to family for the provision of child-care to assist employment.
14. Where the Applicant needs to move to be near hospital, day centre, specialised unit of education or other essential facilities which would be of clear benefit to the Applicant or a member of the Applicant's household.
15. Where alternative accommodation is recommended by Social Services to meet the specific needs of the Applicant or a member of the Applicant's household because:
 - a. an extra room is needed for specialist medical equipment; or
 - b. an additional room is needed to accommodate a live-in carer; or
 - c. the Applicant's current accommodation is particularly unsuitable.
16. Where the Applicant's household contains a child less than 10 years of age and they are living in accommodation above ground floor level.
17. In circumstances analogous to those listed in sub-paragraphs 1) to 16) above.

Complex Needs Points

Rule 45 Complex Needs

Where an Applicant or a member of the Applicant's household has been identified as having complex needs, a multi-disciplinary care assessment has been carried out and the housing option is general needs accommodation, the Applicant will be made an award of Complex Needs points and ranked as a pointed Applicant on a Waiting List used by all Participating Landlords (see Schedule 4).

Part 4 Rules Governing Allocations

Rule 46 The General Rule (amended 13 Sept 2013)

All Applicants will be assessed and placed on a Waiting List which is used by all Participating Landlords. As a general rule each dwelling will be offered to the relevant Applicant with the highest points.

Rule 46A The General Rule (added 13th Sept 2013)

Offers of accommodation made to Transfer Applicants under and pursuant to Rules 71 and 72 are an exception to the general rule set out in Rule 46.

For the purposes of this Rule and Rules 71 and 72 Transfer Applicants mean ordinary transfer applicants and management transfer applicants. “

Rule 47 The General Rule

In the present context an Applicant is a ‘relevant applicant’ if:

1. he / she has applied for, or is deemed to have applied for accommodation with the locational and other characteristics of the dwelling in question, and
2. the Landlord is satisfied, on reasonable grounds, that the non-locational characteristics of the dwelling meet the Applicant’s needs, and having regard to all of the circumstances, do not substantially surpass those needs.

Rule 48 The General Rule

The Designated Officer has the authority to depart from the general rule only in the following circumstances and subject to the following conditions:

1. Exceptionally, such a departure is highly desirable in order to match the special and specific needs of an applicant with the facilities and amenities accessible in a particular dwelling or location.
2. Any such departures from the general rule must be notified in writing within three months to the Board (Director of Housing, DSD in the case of housing associations).

Rule 49 Disqualification Criteria

The Landlord (as defined in paragraph 1(1)) may disqualify any Applicant, other than a Full Duty Applicant if the circumstances referred to in any of the subparagraphs listed in 1) to 10) below exist in respect of that Applicant:

1. within the past two years, a County Court has granted an Order for Possession of a dwelling belonging to a Participating Landlord which the Applicant held under a secure tenancy; or
2. the Applicant owes an amount equal to or greater than four times the weekly full rent and rates in relation to a previous tenancy / tenancies of a Participating Landlord and has not made an agreement to repay the same; or
3. the Designated Officer is satisfied, on reasonable grounds, that the Applicant was guilty of Serious Anti-Social Behaviour (as defined at paragraph 51 below) within the past two years; or
4. the Designated Officer is satisfied, on reasonable grounds, that the Applicant wilfully caused substantial damage to relevant accommodation, which the Applicant was occupying at that time, and that the damage was caused within the past two years; or
5. the Designated Officer is satisfied, on reasonable grounds, that the Applicant abandoned a tenancy of a Participating Landlord within the past two years without giving due notice to the Landlord of that accommodation; or

6. the Designated Officer is satisfied, on reasonable grounds, that the Applicant is currently squatting, or has squatted during the past two years, in a dwelling belonging to a Participating Landlord; or
7. the Designated Officer is satisfied, on reasonable grounds, that the Applicant, within the past two years, has assisted or acquiesced in another squatting in a dwelling, belonging to a Participating Landlord, of which the Applicant was the tenant / licensee; or
8. the Designated Officer is satisfied, on reasonable grounds, that (within the past two years) the Applicant has engaged in violent behaviour while placed in relevant temporary accommodation; or
9. the Designated Officer is satisfied, on reasonable grounds, that, within the past two years, the Applicant has been guilty of violent behaviour towards the staff of any Participating Landlord; or
10. the Designated Officer is satisfied on reasonable grounds that, within the past two years, the Applicant has knowingly made a false statement or has knowingly given false information or has knowingly withheld information, in order to obtain an allocation of housing from a Participating Landlord.

Rule 50 Disqualification Criteria

For the purposes of Paragraph 49, accommodation is “relevant accommodation” if any of the following conditions apply:

1. the property belongs to a Participating Landlord; or
2. the property belongs to an agent of a Participating Landlord; or
3. the Applicant at the relevant time, was occupying the accommodation in consequence of the discharge by the Executive of its interim / temporary accommodation duties under the Housing (N.I.) Order.

Rule 51 Disqualification Criteria

For the purposes of Paragraph 49, Serious Anti-Social Behaviour is behaviour which affects another individual in his / her capacity as a residential occupier and which threatens the physical or mental health, safety or security of that individual (or the individual’s household). In particular, instances of Serious Anti-Social Behaviour are as follows:

1. The sale, supply and possession of illegal drugs.
2. Harassment and intimidation.
3. Any behaviour which causes, or is likely to cause, any significant or persistent danger, injury, loss or fear to any person living, working or otherwise lawfully in, or in the vicinity of, a dwelling.

Rule 52 Choice of areas

- 1) Where the Applicant has the right, they will be allowed to choose any number of Common Landlord Areas (areas of choice) in which to be re-housed.
- 2) A Common Landlord Area (CLA) is a geographical area designated by the Housing Executive which may include a number of Estates belonging to any of the Participating Landlords (Rule 1 (2)). Each CLA is listed in the Common Landlord Area Guide.

Rule 53 Landlord Properties – area of choice

An Applicant will be considered for all properties of all Landlords within their areas of choice unless they indicate otherwise.

Rule 54 Choice of General Housing Area (Removed on 30th January 2023)

Rule 55 General Housing Areas (GHA) (Removed on 30th January 2023)

Rule 56 Maximum Number of Offers

On or after 30th January 2023 (the Effective Date) all Applicants will be entitled to receive a maximum of two reasonable offers. This is subject to the transitional arrangement that any Active and/or Deferred Applicant who has, at the Effective Date, already received two reasonable offers of accommodation will be entitled to receive one further reasonable offer of accommodation.

Rule 56A Sequential Offers (added 13th Sept 2013)

The entitlement to receive a maximum of two reasonable offers or any offer of accommodation does not confer an entitlement to receive simultaneous offers.

For the avoidance of doubt, an Applicant will not be considered for any other accommodation while they have a pending offer of accommodation.”

Rule 57 Reasonable Offers

In considering whether a particular offer is reasonable, the Designated Officer must consider the reasonable needs of the Applicant, including the Applicant’s household, having particular regard to the following factors:

1) Size of Accommodation

The dwelling must be of a suitable size for the Applicant’s household. The minimum size of accommodation normally deemed as reasonable for the household is outlined in Schedule 3.

2) Suitability of Location

The offer of accommodation shall as far as possible be in an area corresponding with the Applicant’s choice. The location shall take into consideration the place of work, schools and essential support requirements of the Applicant, or a member of his / her household.

3) Suitability of Features

The dwelling must be reasonably suitable having regard to the particular needs of the Applicant or a member of the Applicant's household.

4) Condition of Accommodation

The dwelling must not be statutorily unfit and it must be in reasonable condition of repair and safe for occupation at the commencement of tenancy.

Rule 58 Offers

The Applicant's preference for a particular type of property will not be regarded as an essential need.

Rule 58A Withdrawal of Offers (added on 30th January 2023)

- 1) The Landlord may withdraw an allocation of accommodation any time after the offer of accommodation and before the grant of tenancy, where the Designated Officer decides, on reasonable grounds, that the requirements of one of the subparagraphs listed below have been met:
 1. That one or more of the conditions set out in the Offer letter is not met or has been breached.
 2. That the offer was made on the basis of a material error of fact or law by the Landlord (subject and without prejudice to Rule 58A (2).)
 3. That the offer is no longer considered reasonable under the rules of the Housing Selection Scheme on the basis of information subsequently becoming available.
 4. That the Applicant is no longer able to take up occupancy of the property within a reasonable period of time.
 5. That unless the offer is withdrawn, there is likely to be a significant risk to the personal safety of the Applicant, a member of their household or a member of another household within the locality of the property.
- 2) An allocation of accommodation will be withdrawn, any time after the offer of accommodation and before the grant of tenancy, in either of the following circumstances:

1. Where, the Applicant is no longer eligible for an allocation of accommodation on grounds of unacceptable behaviour because of a decision made by the Landlord pursuant to Article 22A(6) of the Housing (NI) Order 1981 or any statutory modification or replacement of that Article.
2. Where, for whatever reason, the Applicant is not eligible or no longer eligible, for an allocation of accommodation as a Person From Abroad or a Person Subject to Immigration Control under Article 22A(1)(a) or (b) of the Housing (NI) Order 1981 or any statutory modification or replacement of that Article.

Rule 59 Refusal of Reasonable Offers

Two reasonable offers will be made to an Applicant. If both offers are refused, no further offers will be made for one year after the date of the last refusal (subject to the transitional arrangement in Rule 56).

Rule 60 Substitution of Offers

In substitution for any one or more of those two reasonable offers, the Applicant, at his / her own request, may be made an offer of accommodation which the Landlord would not normally regard as being a reasonable offer. In those circumstances, refusal of that offer will be regarded as the refusal of a reasonable offer.

Restriction of Choice

Rule 61 Intimidation

The Landlord may restrict the area of choice of an Applicant who has been awarded Intimidation Points if the Designated Officer, on reasonable grounds, decides that the Applicant or a member of his / her household may be at significant risk of attack in any wider areas chosen by the Applicant.

Rule 62 Applicants Convicted or Charged with the Sexual Abuse of Children

Restrictions at permanent housing stage apply, as a general rule, to the following:

1. Any Applicant who has received a custodial sentence or a suspended custodial sentence in respect of “a relevant offence”, as defined below.
2. Any Applicant who has been charged with “a relevant offence” which could attract a custodial sentence.

Rule 63 Applicants Convicted or Charged with the Sexual Abuse of Children

1. In the present context “a relevant offence” means any of the following offences:

- a. Sexual offences against children which are listed in Schedule 1 of the Children and Young Persons Act (N.I.) 1968.
 - b. Sexual offences against children which are listed in Schedule 1 of the Sex Offenders Act (N.I.) 1997.
 - c. Offences relating to indecent photographs of children which are listed in Schedule 1 of the Sex Offenders (N.I.) Act 1997.
 - d. Offences under the law of some jurisdiction outside Northern Ireland, which, in the opinion of the Designated Officer, are similar in nature and seriousness to any of the offences listed at a) to c) above.
2. “Conviction” does not include any conviction which is a “spent” conviction for the purposes of the Rehabilitation of Offenders legislation.
 3. “Custodial sentence” includes a suspended custodial sentence.

Rule 64 Applicants Convicted or Charged with the Sexual Abuse of Children

Regardless of his / her place on the housing list, and regardless of his / her housing choices, an Applicant who is subject to restrictions at permanent housing stage should only be offered accommodation within the stock of any Participating Landlord which satisfies all of the following criteria:

1. It is accommodation which, in the opinion of the Designated Officer, is predominately let to tenants who do not have children within their households.
2. It is physically separate from accommodation which, in the opinion of the Designated Officer, is let predominantly to people who do have children within their households.
3. (Where applicable) the Applicant would not be in breach of the terms of his / her licence or Probation Order by accepting that accommodation.
4. It is not, in the opinion of the Landlord’s Chief Officer or his / her nominee, “unsuitable” accommodation as defined in the next paragraph.

Rule 65 Applicants Convicted or Charged with the Sexual Abuse of Children

“Unsuitable” accommodation is accommodation which complies with subparagraphs 1) to 3) of the last paragraph, but is unsuitable for a particular Applicant, because of exceptional circumstances of one or more of the following kinds:

1. The specific location of the particular accommodation.
2. The specific circumstances of that Applicant.
3. Detailed written advice received from the Probation Board, to the effect that, by housing the Applicant in that particular estate, an exceptional risk would be created.

Rule 66 Applicants Convicted or Charged with the Sexual Abuse of Children

“The general rule” referred to in paragraph 62 shall be subject to exceptions, if the Landlord, in the light of representations made by or on behalf of any affected Applicant, is satisfied that, because of that Applicant’s exceptional circumstances, the restriction at permanent housing stage should not apply to that Applicant, on that occasion.

Rule 67 Applicants Convicted or Charged with the Sexual Abuse of Children

In the event of an Applicant being subject to restriction at permanent housing stage because of pending criminal charges, every effort must be made to ensure that, if that Applicant is acquitted, the Applicant will not suffer any permanent housing detriment as a result of the restriction of choice.

Rule 68 Difficult to Let Properties (Amended 2nd September 2024)

A property may be designated difficult to let by a Landlord. When a property is designated as difficult to let the landlord may seek expressions of interest from Applicants on the Waiting List.

Rule 69 Difficult to Let Properties (Amended 2nd September 2024)

A Designated Officer has the discretion to seek expressions of interest under Rule 68 by writing to as many Applicants on the waiting list as they consider appropriate starting with the highest to lowest ranked Applicant until:

1. the accommodation is let; or
2. there are no eligible Applicants remaining on the Waiting List.

Rule 70 Difficult to Let Properties (Amended 2nd September 2024)

The highest pointed relevant Applicant who expresses an interest in the property must be made a formal offer of that property.

Rule 70A Rule 70A Designated Lettings Policy

- (1) Subject to paragraph (4) below, accommodation within a block of Participating Landlord dwellings which have shared access should not be allocated to a person under 35 years of age at any time when there is a valid designation in force in respect of that block.

- (2) In relation to any relevant accommodation block, there will be valid designation in force if, within 12 months prior to the relevant date, the Designated Officer has designated that block pursuant to this rule.
- (3) A Designated Officer must not designate any block of accommodation pursuant to this rule unless all of the following conditions are satisfied:
 - (a) The block is predominantly occupied by persons over 35 years of age.
 - (b) The Designated Officer is satisfied that anti-social behaviour is a serious problem in relation to that block.
 - (c) The Designated Officer is satisfied that complaints of anti-social behaviour in that block are mainly being made against persons under 35 years of age.
 - (d) The Designated Officer is satisfied that, in the event of the particular block of accommodation being designated pursuant to this rule:
 - The range of housing choices for persons under 35 years of age in the local office will not be substantially narrowed, and
 - The length of time which persons under 35 years of age have to wait for housing in the local office will not be lengthened by more than three months.
- (4) A Designated Officer should however allocate designated Accommodation to a person under 35 years of age if the Designated Officer is satisfied that, because of the exceptional personal circumstances of that individual, it is highly desirable that he or she should be allocated accommodation within a particular designated block, in particular because of an exceptional need for family support or because of exceptional circumstances relating to the health and welfare of a member of the Applicant's family.

Rule 71 Transfers

The Landlord will consider Transfer Applicants for any vacancy in conjunction with those Applicants on the Waiting List used by all Participating Landlords. A Transfer takes place when a tenant moves from one dwelling to another either within the Landlord's own stock or to a dwelling belonging to another Participating Landlord.

Rule 72 Allocations to Transfers

Landlords will use the following general principles when making allocations to Transfer Applicants:

1. allocations should be made as fairly and impartially as allocations to Waiting List Applicants.

2. a Transfer Applicant should not be re-housed less quickly than if he / she were an Applicant under the Selection Scheme.
3. the granting of a Transfer should not lead to a reduction in the amount of suitable accommodation available for new Applicants.
4. the total benefit of any Transfer (or a series of Transfers) should be greater than if a dwelling were to be allocated to a new Applicant.
5. a ratio of one Transfer allocation for every two Waiting List allocations should be employed. However, where this principle is not achievable, Landlords should use an appropriate ratio paying due regard to relative housing need of Waiting List and Transfer Applicants.

Rule 73 Succession to a Tenancy

Succession to a tenancy only occurs where the existing tenant has died. The Landlord will fully comply with the statutory provisions with regard to succession as set out in the Housing (N.I.) Order, 1983. Paragraphs 74 & 75 apply only if there is no statutory entitlement to succeed.

Rule 74 Succession to a Tenancy (Amended 2nd September 2024)

Where there is no statutory entitlement to succeed, the following people will be potentially eligible to succeed:

1. A partner of the deceased if they have been living together for a year.
2. A carer only if he / she was living with the deceased for a time in order to care for him / her and for that reason had sold a dwelling or given up a tenancy or licence in relation to a dwelling. (For the purposes of this paragraph, a tenancy or licence shall be ignored if the carer had been granted the said tenancy or licence by a relative).
3. The potential successor has accepted responsibility for the deceased tenant's dependants.

Where the criteria for Statutory or Policy Succession under Rule 73, Rule 74 or Rule 75 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Succession of the tenancy, or make one offer of suitable alternative accommodation in line with Rule 74B.

Rule 74A Policy Succession (Added 2nd September 2024)

Where a succession is granted under Rule 74 it is an allocation of a tenancy known as a Policy Succession.

Rule 74B Refusal of a Policy Succession (Added 2nd September 2024)

1. The Landlord may decide not to grant a policy succession under these Rules where the Designated Officer is satisfied that the property is required to meet the housing needs of an Applicant (or a member of their household*) and one or more of the following circumstances applies:
 - (i) The property is a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, and this property type is not required to meet the housing needs of the potential successor (and/or their household*), or
 - (ii) The property is *more* extensive than is required to meet the housing needs of the potential successor (and their household*); resulting in underoccupation, or
 - (iii) The property is *less* extensive than is required to meet the housing needs of the potential successor (and their household*); resulting in over-crowding, or
 - (iv) Where the property has features which are substantially different from those of ordinary properties, and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the property and—
 - a. There is no longer such a person residing in the dwelling-house, and
 - b. The landlord requires it for occupation to meet the housing needs of such a person (or a member of their household*), or
 - (v) Where the property is classified as wheelchair-standard accommodation and wheelchair-standard is not required to meet the housing needs of the potential successor (or a member of their household*).

**Household means any other person who normally resided with the potential successor as a member of their family or in circumstances in which it is reasonable for that person to have resided with them prior to the tenant's death. This does not include any person or persons who subsequently join or re-join the potential successor's household on or after the date of the tenant's death.*

2. Where the Landlord exercises discretion under Rule 74B (1) and does not grant a Policy Succession, it will seek to secure one offer of suitable alternative accommodation (the Offer).

3. In considering whether accommodation offered under Rule 74B (2) is suitable the Landlord will consider the particular needs of the potential successor and their household* having particular regard to the factors set out in Rule 57.
4. The offer of suitable alternative accommodation made as a consequence of a decision taken by the landlord under Rule 74B, will be considered as an allocation of tenancy.
5. Where the potential successor refuses an offer of accommodation which the Landlord considers reasonable, the Landlord will be entitled to seek vacant possession of the property.

Rule 75 Succession to a Tenancy

Those persons who are potentially eligible to succeed as set out at paragraphs 74 1) – 3) above shall not be eligible to succeed if the deceased tenant was himself / herself a successor unless the deceased tenant was the spouse /civil partner, parent, brother or sister of the potential successor. (For the purposes of this paragraph, in deciding whether or not the deceased tenant was himself / herself a successor, any change from a sole tenancy to a joint tenancy, or vice versa, shall be ignored).

Rule 76 Assignment of Tenancy

The Landlord will fully comply with its statutory obligations with regard to assignment. The rules set out in the next paragraph apply subject to, or in the absence of, any such statutory obligations.

Rule 77 Assignment of Tenancy (Amended 2nd September 2024)

As a general rule, the Landlord will not consent to any assignment. The very exceptional circumstances where the Landlord may exercise discretion to consent to assignment are as follows:

1. Where it is not practicable for the existing tenant to continue to act as such, (for example extreme illness);
2. If the existing tenant leaves and someone else undertakes responsibility for any dependent children left in the household;
3. If the existing tenant goes into a residential home on a long term basis and other member(s) of the household remain in the property and wish to become tenant(s). In such circumstances all of the following conditions must exist: a)
The tenant has had to go into a residential home; and

- b) The tenant is unlikely to be able to return to the relevant dwelling within the next twelve months; and
 - c) The potential assignee was living with the tenant in the dwelling when the tenant had to go into residential home; and
 - d) The potential assignee would have had statutory entitlement, or an entitlement under the policy rules, to succeed to the tenancy if the tenant had died instead of entering the residential home.
- 4. If the tenant has to be re-housed in sheltered / special needs accommodation and other member(s) of the household remain in the property and wish to become tenant(s) and the following conditions exist:
 - a) the tenant needs to go into sheltered / special needs accommodation; and
 - b) the tenant's tenancy of the new accommodation is indefinite and the tenant is unlikely to be able to return to the original dwelling within the next twelve months and such accommodation would not be able to house all of the tenant's current household; and
 - c) the potential assignee was living with the tenant in the dwelling when the tenant had to go into sheltered / special needs accommodation; and
 - d) the potential assignee would have had statutory entitlement, or an entitlement under the policy rules, to succeed to the tenancy if the tenant had died instead of entering the sheltered / special needs accommodation.

Where the criteria for Statutory Assignment or Policy Assignment under Rule 77 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Assignment of the tenancy, or make one offer of suitable alternative accommodation in line with Rule 77B.

Rule 77A Policy Assignment (Added 2nd September 2024)

Where an assignment is granted under Rule 77 it is an allocation of a tenancy known as a Policy Assignment.

Rule 77B Withholding consent to a Policy Assignment (Added 2nd September 2024)

1. The Landlord may withhold consent to a Policy Assignment under these Rules where the Designated Officer is satisfied that the property is required to meet the housing

needs of an Applicant (or a member of their household*) and one or more of the following circumstances applies:

- (i) The property is a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, and this property type is not required to meet the housing needs of the potential assignee (and/or their household*), or
- (ii) The property is *more* extensive than is required to meet the housing needs of the potential assignee (and their household*); resulting in under-occupation, or
- (iii) The property is *less* extensive than is required to meet the housing needs of the potential assignee (and their household*); resulting in over-crowding, or
- (iv) Where the property has features which are substantially different from those of ordinary properties, and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the property and –
 - a. There is no longer such a person residing in the dwelling-house, and
 - b. The landlord requires it for occupation to meet the housing needs of such a person (or a member of their household*); or
- (v) Where the property is classified as wheelchair-standard accommodation and wheelchair-standard is not required to meet the housing needs of the potential assignee (or a member of their household*).

**Household means any other person who normally resided with the potential assignee as a member of their family or in circumstances in which it is reasonable for that person to have resided with them immediately prior to and remains living at the property at the time the initial request by the tenant (the potential Assignor) for Assignment was received by the Landlord. This does not include any person or person(s) who subsequently join or re-join the potential assignee's household.*

2. Where the Landlord withholds consent to a Policy Assignment under Rule 77B (1), it will seek to secure one offer of suitable alternative accommodation (the Offer).

3. In considering whether accommodation is suitable the Landlord will consider the particular needs of the potential assignee and their household, having particular regard to the factors set out in Rule 57.
4. The offer of suitable alternative accommodation made as a consequence of a decision taken by the landlord under Rule 77B, will be considered as an allocation of tenancy.
5. Where the potential assignee refuses an offer of accommodation which the Landlord considers reasonable, the Landlord will be entitled to seek vacant possession of the property.

Rule 78 Creation of Joint Tenancies

The rules in the next paragraph apply in the context of any request to allow a person to become a joint tenant, if the request is made after the commencement of the current tenant's tenancy.

Rule 79 Creation of Joint Tenancies

The Landlord will allow joint tenancies to be created only where the requirements of one of the sub-paragraphs listed below has been satisfied:

1. The current tenant is the husband or wife / civil partner of the proposed joint tenant.
2. The proposed joint tenant is, at the date of application for approval, a person who would be entitled to succeed (under statute or under policy) in the event of the existing tenant dying at that date.
3. The proposed joint tenant was part of the current tenant's household when the current tenant was awarded the tenancy by the Landlord.
4. The current tenant and the proposed joint tenant have been living together as part of the same household for at least a period of one year immediately prior to the date on which Landlord approval was sought. Exceptionally, a Designated Officer may decline to approve a joint tenancy under this category if he / she has compelling evidence that the existing tenant is likely to move out of the property in the short-term future.

Rule 80 No Longer applicable from Jan 2014

Rule 81 No Longer applicable from Jan 2014 Rule 82 No Longer applicable from Jan 2014 Rule 83 Housing Mobility Schemes

Secure tenants of the Landlord who wish to move outside of Northern Ireland to permanent self – contained accommodation held by social sector tenants elsewhere

in Great Britain may use a housing mobility scheme [as approved by the Landlord] to do so. Both tenants involved in a proposed exchange must have the written permission of their respective landlords

Rule 84 Authority of the Department / Board

1. The authority of the Department / Board of the Housing Executive is defined as follows:
 - a) The Board of the Housing Executive may, after consultation with the Department of the Environment, make allocations otherwise than in accordance with this Scheme. [The Landlord may, with the prior approval of the Department, make allocations otherwise than in accordance with this Scheme].
 - b) In particular the Board may, after consultation with the Department, authorise the making of allocations in specific designated 'difficult to let estates', to Applicants who have not applied for housing in that estate; [In particular the Landlord may, with the prior approval of the Department, authorise the making of allocations in specific designated 'difficult to let estates' to Applicants who have not applied for housing in that estate].

Schedule 1 Functionality Matrix

	Mobility within existing accommodation	Independent	Needs help/ with difficulty	Dependent on Others
1a	walks without aid	0	2	4
1b	Uses walking aid	2	4	8
1c	Uses wheelchair	2	4	8
	Internal factors			
2	climbing existing stairs or access to w/c	0	6	8
3	climbing existing stairs or access to bedroom	0	6	8
	External Factors			
4	Negotiating external steps	0	2	4
5	Negotiating steep approach	0	2	4
	TOTAL SCORE			

Notes:

1. The actual score on the matrix, as outlined above, will be included in the total points score.

2. Where a second person in the Applicant's household scores 6 or more on the above matrix, an award of Unsuitable Accommodation points will be made

(see Schedule 4).

Schedule 2 Support / Care Needs Matrix

Self Care Needs	Needs Help	Cannot Do
Dress / Undress	1	3
Get in / out of bed	2	4
Get on / off toilet	2	5
Get in / out of bath or shower	1	2
Total Score		

Home Management Needs	Needs Help	Cannot Do
Light fire/manage heating system	2	4
Do heavy household duties	1	2
Cook meals	1	3
Make snacks	2	4
Do own shopping	1	3
Total Score		

Notes:

1. The actual score on the matrix as outlined above will be included in the total points score only in cases where the Applicant, or member of the Applicant's household, is seeking sheltered / supported housing.

Schedule 3 Minimum Size of Accommodation for Allocations

Bedrooms	Bed spaces	Applicant's Household Composition
1	1	One person
1	2	couple
2	2	two persons (not a couple) or one parent + 1 child
2	3	couple + 1 child or one parent + 2 children
2	4	couple + 2 children
3	3	one parent + 1 adult + 1 child

3	4	one parent + 3 children or one parent + 2 children or one parent +1 adult + 2 children
3	5	couple + 3 children or one parent + 4 children or couple +1 adult + 2 children
4	6	couple + 4 or more children or one parent + 1 adult + 3/4 children

Notes:

Other household compositions analogous to those above will be considered for equivalent accommodation.

For the purpose of this table all children sharing a bedroom are assumed to be under 7 years of age or of the same sex. Children of different sex over the age of 7 years should not normally have to share a bedroom.

A greater number of bedrooms may be reasonably required depending on the particular needs of the Applicant or the Applicant's household.

Where there are no other Applicants with the required household size on the Waiting List for the type of accommodation on offer, for example in a difficult-to-let estate, consideration should be given to smaller household Applicants.

Schedule 4 Points Schedule

		Points
Section 1	Intimidation	200
Section 2	Insecurity of Tenure	
Homeless / Threatened with Homelessness-Full Duty Applicant (FDA)		70
Other Homeless		50
Interim Accommodation		20
Section 3	Housing Conditions	
Sharing		
1) An Applicant with dependent children		
	Sharing kitchen	10
	Sharing Living Room	10
	Sharing Toilet	10
	Sharing Bath / Shower	10
2) An Applicant aged 18 years and over without dependent children		
	Sharing kitchen	5
	Sharing Living Room	5
	Sharing Toilet	5
	Sharing Bath / Shower	5
3) An Applicant aged 16 -18 years without dependent children		
	Sharing Kitchen	5

	Sharing Living Room	5
	Sharing Toilet	5
	Sharing Bath / Shower	5
Overcrowding	Each bedroom short of criteria	10
Lack of Amenities and Disrepair		
1) The Applicant's current accommodation is not free from serious disrepair.		10
2) The Applicant's current accommodation is not free from dampness which is prejudicial to the health of the occupants.		10
3) The Applicant's current accommodation does not have adequate provision for lighting, heating and ventilation.		10
4) The Applicant's current accommodation does not have an adequate supply of wholesome water.		10
5) The Applicant's current accommodation does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.		10
6) The Applicant's current accommodation does not have a suitably located water closet (w.c.) for the exclusive use of the occupants.		10
7) The Applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower, each of which is provided with a satisfactory supply of hot and cold water.		10
8) The Applicant's current accommodation does not have an electricity supply.		10
Time in Housing Need		
(Only awarded to Applicants with points on the Waiting List. 2 points per year (for a maximum of five years) after two years on the Waiting List)		Max 10

Section 4 Health and Social Well Being

Section 4	Health and Social Well Being
Functional Matrix	Max 32
Unsuitable Accommodation	10
Support / Care Needs Matrix (only applicable to those applying for Sheltered / Supported Housing)	

Home Management	Max 16
Self Care	Max 14
Each Primary Social Needs Factor (capped at 2 factors i.e. 2x 20 points)	20
Each Other Social Needs Factor (capped at 4 factors i.e. 4x10 points)	10
Complex Needs (General Needs Housing)	20

Notes:

1. Points will be awarded on a cumulative basis unless otherwise stated

Landlord Services Advice Note – LSAN (FRA) No. 22/24

Title:	Changes to the Housing Selection Scheme and Allocations Process under Stage Two of the FRA Project	Should you have any queries with the information contained within this document please contact:
Department:	Fundamental Review of Allocations Implementation Project	FRAProject@nhs.gov.uk
Responsible Officer:	[REDACTED], FRA Implementation Project Deputy Delivery Manager	Quoting reference: LSAN FRA xx/xx

Background: The purpose of this Implementation Note is to provide information and guidance for staff in relation to the implementation of second group of changes arising from the Fundamental Review of Allocations (FRA).

What is required: Staff should note those changes to policies and procedures and apply them when carrying out duties in relation to the multiple offer process and succession and assignments.

Who is responsible: All Housing Services staff and Housing Association staff involved in the assessment and administration of allocations.

Please read all of the following information contained within this advice note carefully and in full.

Should you have any queries regarding implementation please discuss in the first instance with your line manager. Any additional queries should be directed to the inbox which is detailed above and below.

LSAN Issued Date:	To be issued to FRA Project Training and Awareness session delegates 08.08.2024 and uploaded to Housing Hub / Box on 02.09.2024
Effective from Date:	02.09.2024
Approved By:	Caroline Connor

Linked Policy Documents & Hub:

HMS Keying Guide

[Chapter 1 GHPGM](#)

[Chapter 9 GHPGM](#)

[Chapter 5 HSSGM](#)

[Chapter 8 HSSGM](#)

[Chapter 10 HSSGM](#)

[Chapter 12 HSSGM](#)

[Housing Hub](#)

Landlord Services Advice Note – LSAN (FRA) No. 22/24

To: All NIHE Staff and Housing Association Staff involved in the Administration of the Housing Selection Scheme and Homelessness Regional Managers, Area Managers, Assistant Area Managers, Team Leaders, Lettings Managers, Housing Advisors, Patch Managers, Landlord Services Trainers.

Plus Normal Distribution

Subject: Implementation of Group 2 Changes under the Fundamental Review of Allocations

1.0 Introduction/Background

- 1.1 The purpose of this Implementation Note is to provide information and guidance for staff in relation to the implementation of the second Group of changes arising from the Fundamental Review of Allocations (FRA) which take effect 2nd September 2024.
- 1.2 The Proposals under Group 2 changes are as follows:
- Proposal 6 – Greater use of a mutual exchange service
 - Proposal 12 - For difficult-to-let properties: Social landlords should be able to make multiple offers to as many applicants as they think necessary.
 - Proposal 14 - For difficult-to-let properties: Social Landlords should be able to go direct to multiple offers if they have evidence that a property will be difficult to let.
 - Proposal 17 - Social landlords may withhold consent for a policy succession or assignment to a general needs social home in limited circumstances where there is evidence an applicant needs it; and
 - Proposal 18 - Social landlords may withhold consent for a policy succession or assignment of adapted accommodation or purpose-built wheelchair standard accommodation where there is evidence an applicant needs it.
- 1.3 Please note that there will be no full scale maildrop to communicate these changes to all Waiting List Applicants. Further information in relation to customer and stakeholder comms, as well as training on these changes are provided at Section 5 of this LSAN.

2.0 Mutual Exchange Service (Proposal 6)

- 2.1 An action plan to deliver greater use of a mutual exchange service has been developed based on stakeholder input. The delivery of the plan is ongoing and includes a maildrop to all tenant transfers and a consent refresh exercise which is required to ensure that the sharing of Tenant Transfer (both Housing

Association and Housing Executive) data for the purpose of mutual exchanges is GDPR compliant.

- 2.2 A user-friendly matching report to identify potential Mutual Exchanges has been built to support frontline staff to identify potential swaps for their tenants who have requested a transfer and have consented to for their data to be used for the purposed of providing them with a mutual exchange service.
- 2.3 Policy and procedures around the new report and consent will be provided in a separate advice note for staff and will be incorporated into existing Staff Guidance where relevant. The advice note will circulated prior to commencing the consent refresh and circulation of the maildrop.

NB. There are no Housing Selection Scheme (the Scheme) Rule changes required to implement this proposal.

3.0 Changes to the Multiple Offer process (Proposals 12&14)

- 3.1 The aim of Proposals 12 and 14 is to minimise the time that difficult to let stock is empty by making changes to the Multiple Offer process. Rule 68 to 70 of the Scheme have been revised to reflect the policy intent of these proposals and to facilitate changes to policy and procedures. See revised Scheme Rules in the box below.

Revised Scheme Rules

Rule 68 Difficult to Let Properties

A property may be designated difficult to let by a Landlord. When a property is designated as difficult to let the landlord may seek expressions of interest from Applicants on the Waiting List.

Rule 69 Difficult to Let Properties

A Designated Officer has the discretion to seek expressions of interest under Rule 68 by writing to as many Applicants on the waiting list as they consider appropriate starting with the highest to lowest ranked Applicant until:

- 1. the accommodation is let; or*
- 2. there are no eligible Applicants remaining on the Waiting List.*

Rule 70 Difficult to Let Properties

The highest pointed relevant Applicant who expresses an interest in the property must be made a formal offer of that property.

- 3.2 Designated Officers (Housing Executive Lettings Managers/Housing Association Allocations Officers) will now have the discretion to go straight to multiple offers for a property they deem to be difficult to let and will not have to wait four weeks or use formal offers first before seeking expressions of interest for Applicants on the

Waiting List for the area in which the property is situated.

- 3.3 Furthermore, Designated Officers will not be limited to the first ten highest pointed Applicants. Instead, they will now be able to seek expressions of interest from as many on the list as they deem appropriate starting from the highest to the lowest pointed relevant Applicant.

NB: The policy intent of these changes is not to see an increase in the use of multiple offers. For each property there should be clear rationale as to why it is designated as difficult to let. The outcome of the process will remain the same, in that, the highest pointed applicant to express an interest in the property will be made a formal offer of accommodation.

- 3.4 **Designating Properties as Difficult to Let:** Whilst it would be impossible to draw up a comprehensive list of all the scenarios that might lead to a property being designated as 'difficult to let', the following factors may be taken into consideration by a Designated Officer when making the decision.

- a. A dwelling that would normally attract considerable interest may prove difficult to let because a serious incident took place there e.g. a suicide / murder or a fire that caused death etc.
- b. The location of the dwelling as opposed to the area makes it 'difficult to let'. For instance, it is an end of terrace property, or on corner site, or next commercial buildings which attracts particular problems in relation to ASB or a clash of lifestyles;
- c. the dwelling is located in an area which has a lack of local amenities such as public transport, shops, library, schools.
- d. The dwelling type is deemed to be substantially different from other house types in that area e.g. bedsit; or a particular unsuitable house type such as a dwelling where the previous tenant had opted out of scheme works and refused substantial improvement works; or the dwelling(s) on offer differ(s) greatly from the main accommodation in that area e.g. it is an older property surrounded by new build or a block of flats/maisonettes which are located in an area where the majority of properties are houses.
- e. There is a high number of voids within the particular estate in an otherwise high demand area.
- f. The dwelling itself has been re-let a number of times within a short period of time and/or there is a lack of demand for the type of property, in the area e.g. the Designated Officer is aware that within the last year a similar type of property became available and they had to make a significant number of offers before it could be relet.

NB: The Designated Officer should ensure that they only go to the Multiple

Offer process once they have designated a property as 'difficult to let'.

- 3.5 Housing Executive Lettings Managers must ensure that the 'difficult to let' void code has been keyed to the property **before** making use of the multiple offer process to allocate the property. The rationale behind their decision should be recorded on HMS in the notes section of the Void Details tab.
- 3.6 It is accepted that Housing Associations may have their own set of void codes and related procedures. However, where possible, they should code the property as difficult to let, and record the rationale for audit and assurance purposes, before proceeding to the Multiple Offer process
- 3.7 **Seeking expressions of interest:** Once a property has been designated as difficult to let, the Designated Officer has the discretion to seek expressions of interest by writing to as many Applicants on the Waiting List as they consider appropriate, using the system generated Multiple Offer letter, starting with the highest to lowest ranked Applicant until:
- 1) The accommodation is let, or
 - 2) There are no eligible Applicants remaining on the Waiting List.
- 3.8 The highest pointed Applicant expressing an interest in the property must be made a formal offer of the accommodation. If the highest pointed applicant on the Waiting List expresses an interest before the closing date, then the Designated Officer can proceed to formal offer in advance of the closing date. If the offer is subsequently refused this should be deemed a reasonable refusal.
- 3.9 A report has been developed that identifies the number of allocations to which a multiple offer process has been used for properties designated 'difficult to let'. This will be used to monitor the use of multiple offers, and that when used, the property void code 'difficult to let' has been applied correctly.
- 3.10 As before the Rule changes, if a direct offer has already been made on a dwelling and refused, previous to proceeding to the multiple offer process, then that refusal should be consider a reasonable refusal for all applicants who were offered and refused the property.
- 3.11 **Changes to the Multiple Offer Letter:** Key stakeholders, including members of the Central Housing Forum have been engaged throughout the development of the implementation approach and have provided suggestions to improve the Multiple Offer letter content. The letter should now be more reader-friendly for Applicants so that it is explicit that it is an expression of interest as opposed to a formal offer but also at the same time to encourage applicants to express an interest.
- 3.12 **Printing Multiple Offer Letters:** Changes have been made to how system generated letters are printed for Housing Executive Staff have been noted during the planning of the implementation approach. These changes will mean that

Housing Executive Staff are required to input a passcode at the printer to release the relevant system generated letter. Given that several Multiple Offer letters are required each time a Lettings Manager engages in a multiple offer process, a workaround has been developed to enable staff to batch print multiple offer letters – see Appendix 1 for details.

4.0 Withholding consent to a policy assignment or refusal of a policy Succession (FRA Proposals 17 & 18)

- 4.1 **Introduction:** New and revised Housing Selection Scheme (HSS) Rules have been introduced to provide landlords with the discretion to refuse a policy succession or withhold consent to a policy assignment in circumstances where an individual meets the existing policy criteria under HSS Rules 74, 75 or 77 but where the property characteristics are not required by the potential successor / assignee and/or their household. Staff should refer to Chapter 8 of the Housing Selection Scheme Guidance Manual for detailed guidance on the roles and procedures involved in reaching a decision to withhold a policy succession (under Rule 74B) or policy assignment (under Rule 77B).
- 4.2 The purpose of this change is to allow social landlords to make best use of existing stock. Where a policy succession is not awarded, or a policy assignment is withheld, under new Rules 74B or 77B, the landlord will make one offer of suitable alternative accommodation. If this offer is not accepted the landlord will be entitled to seek vacant possession of the property.
- 4.3 The individual will have the right to challenge both the initial decision to withhold the policy succession or policy assignment and the suitability of the landlord's offer of alternative accommodation.

NB: Discretion to withhold consent only applies to the award of policy successions and policy assignments. Consent cannot be withheld where the prospective successor/assignee meets the statutory criteria for succession or assignment.

4.4 Amendments to Rules of the Housing Selection Scheme (the Scheme)

New Rules 74A and 77A have been added to the Scheme to make explicit that in granting a succession under Rule 74 or Rule 75, or providing consent to an assignment under Rule 77, these are considered a policy succession and a policy assignment respectively.

- 4.5 **New Rules 74B and 77B** have been added to the Scheme to allow Landlords the discretion to refuse a policy succession or to withhold consent to a policy assignment in specific circumstances where the property characteristics are not required by the potential successor/assignee and/or their household **AND** there is assessed need for such a property from the Waiting List. The specific

circumstances under these new Rules are provided below:

- (i) The property is a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, and this property type is not required to meet the housing needs of the potential successor/assignee (and/or their household*)

OR

- (ii) The property is more extensive than is reasonably required by the prospective successor/assignee (and/or their household*).

OR

- (iii) The property is less extensive than is reasonably required by the prospective successor/assignee (and/or their household*).

(In this context, 'more/less extensive' is defined as the property being under/over occupied by at least two or more bedrooms)

OR

- (iv) Where the property has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and, if the succession/assignment were made, there would no longer be such a person residing in the dwelling-house;

(In this context, 'features which are substantially different from those of ordinary properties' is interpreted as significant major adaptations made to the structure of a property and which cannot be easily reversed i.e., a single or double-storey extension. This also includes any properties with 'features which are substantially different from those of ordinary properties', but which may not have been adapted by the landlord).

OR

- (v) Where the property is classified as wheelchair-standard accommodation and wheelchair-standard is not required to meet the housing needs of the potential successor/assignee (and/or their household*).

AND

Where at least one of the above criteria are met, the landlord must also establish existing need on the Waiting List for the relevant characteristics of the property by Waiting List Applicant(s).

**In the above contexts, 'Household' means:*

- *any other person who normally resided with the potential successor as a member of their family, or in circumstances in which it is *reasonable for that person to have resided with them, prior to the date of the Tenant's*

death; OR,

- *any other person who normally resided with the potential assignee as a member of their family, or in circumstances in which it is *reasonable for that person to have resided with them, prior to the date the request for Assignment was received.*

***N.B.** An example of what may be ‘reasonable’ in the above context, could be a student at university who is ordinarily a member of the household but happens to be living at university accommodation on the date of the tenant’s death (in succession cases), or the assignment request. Other such examples are likely to arise, and each case should be considered on its own merits.

***N.B.** It would not include a situation whereby the potential successor / assignee brings a household member to reside in the property after the fact where before the death or move of that tenant meant there was no room for that household member to reside.

N.B. Any person or persons who subsequently join or re- join the potential successor’s household on or after the date of the tenant’s death, or, the potential assignee’s household on or after the date the landlord received the assignment request shall not be considered as members of the household.

- 4.6 **Process Map:** A process map [[link to process map](#)] is provided. This provides an overview of the various decisions and steps required to conclude the process when the decision has been made to withhold consent to a policy assignment or policy succession. The process map illustrates the crucial point that Rules 74B and 77B should only be considered if the person meets the criteria for a policy succession or policy assignment. These Rules must not be considered if there is a legal entitlement to a statutory succession or statutory assignment.

N.B. If the outcome of the initial investigation is that the person meets the criteria for a policy succession (under Rule 74/75) or policy assignment (under Rule 77), then the Designated Officer must consider whether the circumstances of the case meet the criteria to withhold that policy succession or policy assignment.

- 4.7 **Establishing whether the Criteria to Withhold Consent has been met:** Once the Patch Manager (or Housing Association Equivalent) has established that the criteria for a policy succession or policy assignment have been met, they need to consider the following:

- a. the housing needs/circumstances of the potential successor/assignee and their household; and,

- b. whether one or more of the property characteristics set out in Rules 74B (1) or 77B (1) are met;

The Patch Manager (or Housing Association equivalent) should then pass their recommendation on the case **and any relevant supporting documents / evidence (e.g. request form)** to the Lettings Manager (or Housing Association equivalent) who should establish whether there is:

- c. Need on the Waiting List for those particular property characteristics

- 4.8 Information and evidence of (a) and (b) above should be collected from the outset following the succession or assignment request, and during the required Patch Manager-led (or Housing Association equivalent) robust investigation. The Patch Manager (or Housing Association equivalent) should visit the property and record information to support and evidence decision-making in the case. The appropriate forms have been updated and should be used. Housing Executive staff should use the Succession Request Form in Appendix 6 of the GHPGM Chapter 1; or the Assignment Request Form in Appendix 11 of the GHPGM Chapter 1. Housing Association staff should use the Succession / Assignment Form in Appendix 8.2 of the HSSGM Chapter 8. The amendments to these forms should ensure that when carrying out the investigation, the Patch Manager (or Housing Association equivalent) can easily record all circumstances and evidence required inform the Assistant Area Manager's (or Housing Association equivalent's) decision on whether a policy succession can be refused, or policy assignment can be withheld (see section 4.9).
- 4.9 To inform and support decision-making, Patch Managers (or Housing Association equivalent) will be required to complete the relevant sections of the Succession Request Form or Assignment Request Form at the property during the investigation, paying particular regard to the following:
- Household composition on the date of the tenant's death, noting information/evidence of same
 - Property characteristics, noting detailed information, and evidence of same, particularly regarding:
 - the property type – is it a single storey or ground floor property
 - the number and size of bedrooms
 - the nature and extent of any adaptations made to the property
 - whether the property is deemed as wheelchair standard
 - Robust notes on whether the Potential Successor / Assignee (or any of their household members) require the property characteristics of the property to meet their housing needs. Evidence (where relevant) should be sought where it is believed that there is a need for the property characteristics

within the household.

- Robust notes (and evidence) on whether the potential Successor / Assignee (or any of their household members) have any circumstances of a very exceptional nature, which should be factored into decision-making, should also be gathered by the Patch Manager (or Housing Association equivalent) during their investigation.
- These circumstances and any other relevant factors may form the basis of referrals to the Director of Housing Services, and it is therefore crucial that these are captured from the outset during the investigation to ensure that if the case is referred, the Director can reach an informed decision.

4.10 As per 4.8 above, the relevant sections of the request form should be fully completed in every case by the Patch Manager (or Housing Association equivalent) as part of their investigation. The Lettings Manager (or Housing Association equivalent) should also complete the relevant section in relation to whether there is need on the Waiting List for the current property or not. This is important as it will provide an evidence-base for robust decision-making regarding the withholding of a policy succession or policy assignment when the criteria for either have been met under new Rules 74B and 77B.

4.11 Furthermore, if there is a challenge to the decision, then a robust investigation, at the outset, will allow the Reviewing Team to consider the facts of the case at the time the investigation took place. **Key to upholding any decision will be the provision of robust evidence of the facts of the case at the date of death of the tenant in Succession cases, or the date of the tenant request for Assignment was received.**

4.12 Following their investigation, if the Patch Manager (or Housing Association equivalent) establishes that the subject property is not required to meet the housing needs of the potential successor/assignee (or their household) (e.g. a single person household in a three bed property; or, a household not requiring ground floor accommodation in a one or two bed bungalow; or, a household in an majorly adapted or wheelchair standard property not requiring this); they should use this information to make a recommendation to the Lettings Manager that:

- The criteria for a policy succession (under Rule 74 (1), (2), or (3)), or policy assignment (under Rule 77 (1), (2), (3), or (4)) have been met; and,
- Based on the information/evidence gathered during their investigation, one or more of the criteria to withhold the policy succession (under Rule 74B 1), or policy assignment (under Rule 77B 1) are met.

4.13 In such circumstances, the Lettings Manager should then establish whether one or more Waiting List Applicant(s) require the specific characteristics of the subject

property to meet their housing needs. Such need may be established by examining the Waiting List in the area in which the property is situated. Where appropriate, Lettings Managers (or Housing Association equivalent) should pull on the expertise of others to establish need (see further details below).

- 4.14 **Establishing Housing Need of Waiting List Applicant(s)**: As evident above, Rules 74B and 77B include a number of property characteristics for which a policy succession can be refused or policy assignment can be withheld if the potential successor/assignee (or their household) does not require them to meet their housing needs **and** such property characteristics are required to meet the housing needs of one or more Waiting List Applicant(s). The following provides guidance in relation to establishing housing needs of Waiting List Applicants for the property characteristics included in both Rules.

- 4.14.1 **Single Storey or Ground Floor Properties (74B (1) (i) & 77B (1) (i))**: To establish Waiting List demand for a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, the Lettings Manager (or Housing Association equivalent) should refer to Housing Prospects data, as well as filter on HMS using the ground-floor indicator. Where there is a ground floor need this should be recorded on the Succession or Assignment Request form, whichever is relevant, as this will be necessary for the decision maker (Assistant Area Manager or Housing Association equivalent) to make a robust decision on the case.
- 4.14.2 **Size of property (74B (1) (ii) & (iii) / 77B (1) (ii) & (iii))**: To establish Waiting List need the Lettings Manager (or Housing Association equivalent) should filter on HMS for households requiring a general needs property, of the size in question, within the CLA in which the property is located. Where there is evidence that there is a household(s) requiring the size of property in question, this should be recorded on the relevant Succession or Assignment Request Form, as this information will be necessary for the decision maker (Assistant Area Manager or Housing Association equivalent) to make a robust decision on the case.
- 4.14.3 **Adapted or wheelchair accessible properties (74B (1) (iv) & (v) / 77B (1) (iv) & (v))**: In the case of an adapted property, there must be significant major adaptations made to the structure of the property which cannot be easily reversed i.e., a single or double-storey extension such as, a shower room and bedroom. Excluded from the list of major adaptations is a through-floor lifts and stair lifts as these can be removed from the property and the property made new.

Particular attention must be paid where the property is substantially adapted to ensure that there is a definite need for that type of adaptation, i.e. the adaptation must meet the needs of one or more Waiting List Applicant(s). This is also applicable to Wheelchair Standard properties. As such it will be

important to liaise with Housing Support Officers and/or Regional Welfare Officers to establish need for adapted/wheelchair standard accommodation. Any Occupational Therapist assessment may also need to be considered. Designated Officers should pull on others' expertise to establish need. This may include investigating potentially suitable applicants, who may not have chosen the CLA in which the property is located but have indicated preference(s) in the surrounding area.

Where there is evidence that there is a household(s) in need of wheelchair standard accommodation, or in need of the specific adaptations made to the property, this should be recorded on the Succession Request Form or Assignment Request Form by the Patch Manager (or Housing Association equivalent), during their investigation and following their visit to the property. This information will be necessary for the decision-maker (Level 7 Assistant Area Manager or Housing Association equivalent) to make an informed decision on the case.

It is only when evidence of need for the specific property characteristics has also been established by the Lettings Manager (in conjunction with the Housing Support Officer as required), that the Assistant Area Manager (or Housing Association equivalent) will have enough relevant information to establish if the discretion to withhold consent to a Policy Succession or Policy Assignment applies.

4.15 **Right to Challenge Decision to Withhold a Policy Succession / Policy**

Assignment: The potential successor / assignee will have the right to challenge the decision to withhold a policy succession or policy assignment via the review process as outlined in Chapter 10 of the GHPGM. The potential successor / assignee should be notified of their right to challenge via the decision letter. The decisions letters are provided to officers as manual letters templates and will be inserted in to Chapter 8 of the HSSGM appendices. They will have 28 calendar days from the date of the decision letter to challenge the decision.

NB. If a challenge is received the Designated Officer (Lettings Manager / HA Equivalent) must not make an offer of suitable alternative accommodation until such time as the review process has been completed.

4.16 **Very Exceptional Circumstances – under Rules 74 and 77**

- 4.16.1 Existing policy has provided for the following: where there is no statutory or no policy entitlement to succession or assignment, but where the circumstances of the case are believed to be of a very exceptional nature, the Director of Housing (the Director) or Housing Association equivalent has the discretion to award the tenancy of the property. This policy has been codified into the Scheme Rules, with additional provision included to bring this policy in line with the new policy introduced under FRA Proposal 17 and 18.

N.B. The process of referral has not changed for Housing Executive Officers who should follow the guidance provided in at 8.2.1 of [Chapter 8 of the HSSGM](#).

- 4.16.2 The box below provides the addition text to Rule 74 and 77 which puts the existing 'Director's Discretion' policy under the Scheme Rules. The text in bold under both Rules 74 and 77 is the additional provision, which goes further than the existing policy, as it allows the Director of Housing (the Director) or Housing Association equivalent to make an offer of suitable alternative accommodation where the property in question is not required by potential successor / assignee.
- 4.16.3 For, instance if the potential successor / assignee is a single householder and the property for which the request for succession or assignment is made from has four bedrooms, the Director of Housing (the Director) or Housing Association equivalent can be minded to award the tenancy of the property due very exceptional circumstance but can offer an alternative property which matches their needs. This brings the existing policy in line with the new policy being introduced under Proposals 17 and 18.

Addition to Rule 74:

*Where the criteria for Statutory or Policy Succession under Rule 73, Rule 74 or Rule 75 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Succession of the tenancy, **or make one offer of suitable alternative accommodation in line with Rule 74B***

Addition to Rule 77:

*Where the criteria for Statutory Assignment or Policy Assignment under Rule 77 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Assignment of the tenancy, **or make one offer of suitable alternative accommodation in line with Rule 77B.***

- 4.16.4 The Lettings Manager / Allocations Officer responsible for the property will be responsible for sourcing and offering suitable alternative accommodation in this instance. The offer of suitable alternative accommodation identified by the Lettings Manager should be endorsed by the Assistant Area Manager in such cases. Offering suitable alternative accommodation under these circumstances should ensure the best use of housing stock. New tenancy reason codes and descriptors have been added to HMS – see Section 4.29.2 for details.

4.17 Very Exceptional Circumstances - where a decision has been made to refuse a policy succession or withhold a policy assignment under Rules 74B and 77B

4.17.1 Where there is a policy entitlement and the criteria to refuse a policy succession (under Rule 74B) or to withhold a policy assignment (under Rule 77B), are met, but there are **very exceptional circumstances** to the case, the local office may refer the case to the Director or Housing or Association equivalent. Either of the following circumstances must apply before a referral is made to the Director of Housing or Housing Association equivalent:

- (i) The local office believes that the potential successor / assignee's (or their household) circumstances may be of a very exceptional nature and warrant consideration on whether the decision to refuse the policy succession / policy assignment to the property (under Rule 74B / 77B) may, on balance, be disproportionate.

Examples may include (but are not limited to): where the potential successor has a terminal illness and is very unwell and proceeding with the decision under Rule 74B would have a disproportionate impact, given their very exceptional circumstances. These, and other such changes in circumstances, should be considered on their own merits, on a case-by-case basis.

OR

- (ii) Where the Local Office establishes that there has been a change in the potential successor / assignee's (or their household) circumstances in the period of time between the decision to refuse under Rule 74B / 77B being reached, and the landlord securing one offer of suitable alternative accommodation, and where the original decision made under Rule 74B / 77B may need to be re-considered in light of such changes. There are likely to be two different sets of circumstances which may arise:

Changes in Household Composition / Size following a decision made under Rule 74B: Any person or persons who join (or re-join) the potential successor's household, on or after the date of the tenant's death, will not ordinarily be included as members of the household when making a decision under Rule 74B. However, there may be exceptional cases where legitimate changes in household composition / size arise (e.g. pregnancy of an existing household member).

AND / OR

Unforeseen changes in health / mobility: Where there is an unforeseen change in circumstances which may result in the property aligning with the potential successor's (and their household's) needs (e.g. ill health resulting

in a need for the adaptations in the subject property). These and other such changes in circumstances should be considered on their own merits on a case-by-case basis.

- 4.17.2 Where the Deciding Officer believes that the change in the potential successor's / assignee's household circumstances is legitimate and that their decision to refuse the policy succession or policy assignment to the property (under Rule 74B / 77B) may no longer be appropriate, they may refer the case to the Director, or Housing Association equivalent, for their consideration of the very exceptional circumstances. In exercising their discretion in such circumstances, the Director may revise the Decision to refuse and decide to grant a policy succession or policy assignment to the property, due to the change in household circumstances.

NB: Housing Executive staff should complete a brief on the case and forward to the Housing Policy team in the first instance (via the Inbox: HousingPolicy@nihe.gov.uk). Further guidance on this issue and a template to capture all relevant information to include in the brief can be found in Chapter 1 of the General Housing Policy Guidance Manual. A Senior Manager in the Area Office should be apprised of such cases and involved in any decision to refer the case to Housing Policy.

- 4.18 **Offer of Suitable Alternative Accommodation:** Where the Assistant Area Manager has made the decision to withhold a policy succession or policy assignment, the Lettings Manager/Allocations Officer (Designated Officer) will be responsible for sourcing and securing **one** offer of suitable alternative accommodation for the potential successor/assignee (and their household). Consideration should be given to the needs of the potential successor/assignee (and their household) particularly in relation to the location, size and features of any property offered.

NB. If the decision to withhold a policy succession or a policy assignment is challenged then the Designated Officer should hold off sourcing an offer of suitable alternative accommodation until such time as the outcome of the review is known.

- 4.19 This one offer of suitable alternative accommodation will sit outside Scheme Rule 46, and as such, is not subject to any of the associated HSS Rules Governing Allocations (refer to Chapter 12 of the HSSGM). In particular, it should be noted that the one offer of suitable alternative accommodation is not subject to the Scheme Rules provided in the box below.
- 4.20 However, factors under Rule 57 should be considered when determining whether the property being offered reasonably meets the requirements of the prospective Successor / Assignee. For instance, whilst the offer does not have to be within the

CLA within which the property is located (or if the potential Successor / Assignee is a Waiting List Applicant the property offered does not need to be located within their Areas of Choice). If the location of the property offered is too far from the individual's place of work, their children's schools, or the essential support requirements of their household, then the offer is unlikely to be considered reasonable.

- Rule 52 – Choice of Areas: The Potential Successor will not have the ability to select specific CLAs for the one offer of suitable alternative accommodation.
- Rule 56 – Maximum number of Offers: The one offer of suitable alternative accommodation does not count as one of the two Offers Waiting List Applicants are entitled to under Rule 56. The Potential Successor may or may not already be a Waiting List Applicant.
- Rule 57 – Reasonable Offers: The one offer of suitable alternative accommodation is not subject to the suitability criteria under Rule 57 per se

4.21 **Sourcing Suitable Alternative Accommodation:** All relevant staff should refer to the detailed guidance in Chapter 8 ('*Suitable Alternative Accommodation*') of the Housing Selection Scheme Guidance Manual.

In the first instance, the Designated Officer shall seek to identify and make one offer of suitable alternative accommodation from within their own landlord's housing stock, in the same or surrounding CLAs from that of the subject property. Housing Prospects data and local knowledge will assist in informing this process. Housing Executive Lettings Managers should liaise with other Lettings Managers in adjacent areas if there cannot source a suitable property from within their own designated stock. Such conversations should be documented.

4.22 There will be circumstances where the Designated Officer cannot source an offer of suitable alternative accommodation from within in their own landlord stock. Where this is the case, the landlord should complete the Suitable Alternative Accommodation Inter-Landlord Pro-Forma in found in the Appendices in Chapter 8 of the Housing Selection Scheme (HSS) to facilitate an offer of suitable alternative accommodation.

4.23 In cases where it is particularly difficult to source suitable alternative accommodation in the same or surrounding CLAs, the landlord may look beyond the surrounding CLAs to a wider geographic area (within a reasonable travelling distance) to ensure that one offer of suitable alternative accommodation can be secured as soon as possible. This may be particularly relevant where the property is

in a rural CLA with a lack of available stock. For example, an offer of suitable alternative accommodation may prove difficult to source in a small village, so widening the search area to include the nearest larger town is likely to ensure that an offer of suitable alternative accommodation could be made. Provided there is supporting evidence and a clear rationale noted, this offer would be deemed as 'suitable'.

- 4.24 **Making An Offer of Suitable Alternative Accommodation:** Where the offer of suitable alternative accommodation is made as a consequence of a decision taken by the landlord under Rule 74B or Rule 77B and is accepted, this is an allocation of a tenancy known as a policy succession or policy assignment. **As such the Designated Officer must verify that the potential successor or assignee remains eligible for an allocation of tenancy. Staff should refer to and follow the relevant Eligibility guidance in Chapter 2 of the HSSGM.**

N.B. The appropriate suitable alternative accommodation offer letter in the Appendices of Chapter 8 of the Housing Selection Scheme Guidance Manual should be used and should be amended to reflect whether a secure or introductory tenancy of suitable alternative accommodation is being granted.

- 4.25 **Accepted Offers of Suitable Alternative Accommodation:** Where an offer of Suitable Alternative Accommodation is *accepted* the following should be noted / actioned:
- **Change of Tenancy Repairs:** The property should undergo any necessary Change of Tenancy repairs.
 - **Tenancy Reason Code:** Lettings Managers (or Housing Association equivalent) must ensure that the appropriate Tenancy Reason code is keyed: **'SA' [Alloc of SAA – Pol Sucs R74B]; or 'AP' [Alloc of SAA – Pol Ass R77B]** in all cases where an allocation of tenancy is made as a suitable alternative accommodation under either Rule 74B or 77B. It is important that the correct Tenancy Reason code is selected so that it will identify and track such cases for future changes in tenancy of the property. For detailed keying steps, Lettings Managers (or Housing Association equivalent) should refer to the 'Keying A New Suitable Alternative Accommodation Tenancy' section of the HMS Keying Guide.
 - **Suitable Alternative Accommodation Tenancy Commencement Date:** The Tenancy Commencement date shall be the Monday the successor/assignee takes up residence in the property allocated as suitable alternative accommodation (as opposed to back-dated from the date of deceased Tenant's death- as is the case with Succession under Rules 73 and 74).
 - **Suitable Alternative Accommodation Tenancy Sign-up:** The successor/assignee should be signed up as a secure or introductory tenant (whichever is applicable) by the relevant Patch Manager (or Housing Association equivalent). Normal sign-up procedures will apply.

- 4.26 **Policy Succession /Assignment Allocation via Suitable Alternative Accommodation (SAA) where there is a housing / homeless application:** Where an offer of Suitable Alternative Accommodation results in an allocation **and** the successor / assignee has an active housing / homeless application, this **may** allow for the closure of the application and for the Duty to be discharged. Please refer to section 8.3.11 / 8.6.1 of Chapter 8 HSSGM for further guidance if this situation arises. If the successor / assignee has Full Duty Status and is an Full Duty Applicant, Housing Association Officers should liaise with relevant housing advisor / Housing Solutions Team.
- 4.27 **Right to Challenge Offer of Suitable Alternative Accommodation:** The potential successor/assignee has the right to challenge the suitability of the alternative offer of accommodation via the two-stage complaints procedure. Notification of their rights to challenge is included in the offer letter. In such circumstances the potential successor/assignee has 40 days to make a complaint.
- 4.28 **Where an Offer of Suitable Alternative Accommodation is Refused:** Where the prospective successor / assignee refuses an offer of accommodation which the Landlord considers reasonable, the Landlord will be entitled to seek vacant possession of the property when:
- the 40 days the potential successor/assignee has to challenge the suitability of the offer has lapsed and where they have not made a challenge; or
 - the potential successor/assignee has challenged the suitability of the offer via the two-stage complaints process and such process has been exhausted and where the suitability of the offer has been upheld.

When vacant possession is being sought the potential successor / assignee must be notified in writing using the relevant letter in the Appendices of Chapter 8 of the Housing Selection Scheme Guidance Manual. The potential successor should be signposted to the advice and assistance that is available from the Housing Executive.

- 4.29 **Roles and responsibilities and case management :** Lettings Managers / Housing Association equivalent officers responsible for the letting of the property are also responsible for sourcing, tracking and managing the one offer of suitable alternative accommodation for the potential successor / assignee. To assist with this, a **Suitable Alternative Accommodation cases spreadsheet** template has been created. Lettings Managers (or Housing Association equivalent) should maintain this spreadsheet for the cases in their Area requiring one offer of suitable alternative accommodation, AND also for cases where another Area or landlord has requested you to assist them in sourcing one offer of suitable alternative accommodation.

Once the decision to withhold a policy succession / policy assignment has been

made by the Assistant Area Manager (or Housing Association equivalent), the case is passed back to the Lettings Manager. The Lettings Manager (or Housing Association equivalent) should key the decision to the Workflow on HMS. This will automatically end/close the Workflow. At this point the Lettings Manager should add the case to the suitable alternative accommodation spreadsheet. Continuous monitoring of such cases will be required to ensure that one offer of suitable alternative accommodation is sourced and offered at the earliest opportunity. Monitoring of such cases should be integrated into the Lettings Managers' (or Housing Association equivalent) existing ways of working / void management, as a key priority. Where relevant, Lettings Managers (or Housing Association equivalent) will need to maintain regular contact with their counterparts in other Areas and across landlords to ensure any cases requiring one offer of suitable alternative accommodation are prioritised for allocation.

- 4.30 Housing Executive Letting Managers will be required to submit a monthly return to the Fundamental Review of Allocations (FRA) Team in order to maintain a case management approach and for oversight as the new policies and procedures bed in. The completed return should be emailed directly to the FRA Inbox (FRAProject@nihe.gov.uk) by 12pm on the last Friday of each month.
- 4.31 Housing Policy Staff are available to support officers in the operation of the new Rules, policy and procedures and will be closely monitoring the initial cases. It is important to have feedback on any issues arising so that the policy and procedures can be reviewed and amended if necessary. Details of any issues or concerns should be sent to the Housing Executive's Housing Policy Team mailbox: HousingPolicy@nihe.gov.uk.

4.31 Changes to Standing Orders - HOUSING EXECUTIVE OFFICERS ONLY*

- 4.31.1 To facilitate the above changes, amendments have been made to the Housing Executive's Standing Orders (Appendix 2 – *Powers Delegated to Specific Posts*). These include amendments 6A, and the insertion of new Standing Orders 6B, 6C, 6D, 6E, 6F, and 6G. Under new Housing Executive Standing Orders, the following applies as follows; the decision(s) to:
- refuse a policy succession or withhold a policy assignment under new Rules 74B or 77B must be made by the Assistant Area Manager (Level 7) or any more Senior Post Holder (6B and 6C of the Standing Orders).
 - award suitable alternative accommodation where a policy succession to a tenancy has not been granted under Rule 74B, or where consent has been withheld for a policy assignment of tenancy under Rule 77B must be made by the Assistant Area Manager (Level 7) or any more Senior Post Holder (6D).

- grant a policy succession or consent to a policy assignment of tenancy due to very exceptional circumstances where there is no statutory policy entitlement to a succession or assignment where one or more of the circumstances within Rule 74B or Rule 77B would apply must be made to the Director of Housing Services (6E of the Standing Orders).
- approve / consent to a policy succession /assignment of tenancy via a suitable alternative accommodation in cases where the criteria for statutory or policy succession or policy assignment under Rule 73, Rule 74, Rule 75 or Rule 77 are not met (6F of the Standing Orders) made to the Director of Housing Services (6F of the Standing Orders).
- grant a policy succession or consent to a Policy Assignment of tenancy due to very exceptional circumstances notwithstanding one or more of the circumstances within Rule 74B or Rule 77B being applicable must be made to the Director of Housing Services (6g of the Standing Orders).

**Housing Associations may seek to amend their standing orders at appropriate*

4.32 Changes to HMS workflows and Additional Tenancy Reason codes

- 4.32.1 To facilitate the implementation of Proposals 17 and 18, changes have been made to the Housing Management System (HMS). These changes include amendments to the Succession Workflow and the Assignment Workflow to:
- Facilitate the keying of decisions made under new Rule 74B and Rule 77B.
 - Facilitate the keying of discretionary decisions made by the Director.
- 4.32.2 New Tenancy Reason codes have also been added for cases where a tenancy of Suitable Alternative Accommodation is awarded under the new Scheme Rules. Table 1 shows the new codes and descriptors that have been added to HMS. The first two refer to when suitable alternative accommodation (SAA) is allocated due to the Directors (or Housing Association equivalent) discretion. The second two refer to when suitable alternative accommodation (SAA) is allocated under Rules 74B and 77B.

Tabel 1: New Tenancy code and associated descriptors

CODE	DESCRIPTOR	COMMENT
SE	Alloc of SAA-V Ex Cir Pol Suc	This Tenancy Reason code should only be used when a decision has been made by the Director (or Housing Association Equivalent) to grant a discretionary Policy Succession due to very exceptional circumstances and where Suitable Alternative Accommodation has been sourced for the successor.

AE	Alloc of SAA-V Ex Circ pol Ass	This Tenancy Reason code should only be used when a decision has been made by the Director (or Housing Association Equivalent) to grant a discretionary Policy Assignment due to very exceptional circumstances and where Suitable Alternative Accommodation has been sourced for the assignee.
SA	Alloc of SAA – Pol Sucs R74B	This code should be used when a Policy Succession has been granted on the basis of an allocation of SAA made under Rule 74B
AP	Alloc of SAA – Pol Ass R77B	This code should be used when a Policy Assignment has been granted on the basis of an allocation of SAA made under Rule 77B

4.32.3 Staff should ensure that the correct Tenancy Reason Code is selected for all relevant cases. Correctly keyed tenancy reasons codes are required for reporting, and to identify the reason for this change of tenancy in the future, where there is a further succession or assignment request for the tenancy submitted.

4.32.4 Staff should refer to the HMS Keying Guide for detailed step by step guidance.

NB. Please contact the FRA Project Team if you encounter any issues in relation to these systems changes.

5.0 Communications Plan for Group 2 changes

5.1 The communications plan for Group 2 changes involves updating the FRA Project and existing website content. The [FRA Project Gateway page](#) for Housing Executive Staff and Housing Association FRA Implementation Gateway will also be updated.

5.2 A number of online booklets have also be updated which includes business as usual content and as well as content to reflect Group 2 changes where relevant. N.B. these amendments have been made to online versions only and are available on the website. Housing Executive and Housing Association offices should dispose of any printed booklets especially where they may have them on display for customers. Further details on future arrangements for hard copy print of this booklet and other leaflets will be advised by the business owners. The following booklets have been updated:

- (i) *How we Allocate Homes booklet* – new content added to booklet to explain the Multiple Offer process.
- (ii) *Tenants' Your Rights & Responsibilities booklet* – business as usual

reviewed for Succession, Assignments and Mutual Exchange and additional content on Succession and Assignments for changes being made under Proposals 17 & 18.

- (iii) *The Housing Selection Scheme: Applying for social housing in Northern Ireland* booklet - new content added to booklet to explain the Multiple Offer process.

- 5.3 An elected rep letter has also been drafted for Group 2 changes and will be distributed to coincide with the effective date of 2nd September 2024 for the new and revised Scheme Rules.
- 5.4 Awareness session of key stakeholders will also be delivered to coincide with the date the new Scheme Rules come into effect.

6.0 Training and Awareness for Group 2 changes

- 6.1 In person training sessions on Group 2 changes will be provided to Assistant Area Managers; Lettings Managers and Patch Team Leaders. Online awareness sessions will be available for Housing Association staff and Housing Executive Patch Managers, as well as complaints, homeless review and policy staff. Both in-person and online sessions will be provided to coincide with the implementation of Group 2 Changes.
- 6.2 Ongoing advice and support in relation to Succession and Assignment cases will be available for Housing Executive and Housing Associations staff post 'Go Live' by contacting the HousingPolicy@nihe.gov.uk.

7.0 Further Information

- 7.1 If you require any further information in relation to this LSAN please contact the FRA Project Team at FRAProject@nihe.gov.uk.

Approved by Caroline Connor
Assistant Director, Housing Services
Date Issued _____

PLEASE BRING THE CONTENTS OF THIS CIRCULAR TO THE ATTENTION
OF ALL RELEVANT STAFF AFTER WHICH IT SHOULD BE PROPERLY
INDEXED AND FILED

HMS SYSTEM NOTE – 23/01/2024

WORKAROUND PRINTING MULTI OFFER LETTERS IN HMS

FOR ALL STAFF INVOLVED IN THE ADMINISTRATION OF HOUSING & LETTINGS ON HMS

In October 2023 a change was made to how letters in the Housing & Homeless modules were printed on HMS. This change was necessary to prevent data breaches occurring because of letters being left at printers. However, the change meant that when a Lettings Manager created a multi offer on HMS it was necessary to go into the documents tab of each application and print each multi offer letter, which could be time-consuming.

To make the printing of multi offer letters easier, MRI have been able to provide a **temporary** solution which will be in place until the new follow-on printing for HMS is introduced.

From today, when a multi offer is made on HMS the letters will be produced and will go to the document tab of each applicant invited as normal, but in addition to this, a PDF file with all the multi offer letters will be emailed directly to the user who created it. The email should be received within 15 – 20 minutes of keying and the letters can then all be printed from the PDF file. The email should go into your main folder, but you should check your junk mail if the email is not received within 15-20 minutes.

If you have any queries regarding this system note please contact the Housing Team, Business Systems Support.

[Redacted]

Business Systems Support

Team 4th Floor Housing Centre

[Redacted]