

## **Northern Housing Consortium response to consultation on reforms to social housing allocations**

The Northern Housing Consortium is a not-for-profit membership organisation whose membership is comprised of housing associations, local authorities, ALMOs and combined authorities. Our members collectively manage 9 out of 10 socially rented homes in the North while our local authority members are primarily responsible for the allocation of social housing across the North.

### **Response summary:**

- The scarcity of social housing, both in England and across the North, is primarily the result of a consistent undersupply of new homes, rather than how social housing is allocated. It is unlikely that changes to allocations will make significant improvements in this area.
- We strongly support the principle of localism in social housing allocations. It is critical that local housing authorities can align their housing policies and allocations to the diverse housing and labour markets across the North of England. Genuine local control over allocations allows authorities to do this effectively and should be supported where possible, rather than requirements being imposed by central government.
- There are concerns within our membership as to how these proposals interact with existing legislation around housing and homelessness. Government could allay these concerns by clarifying how cases deemed ineligible for social housing under these proposals but are owed a homelessness duty under the Housing Act 1996 are to be handled by local housing authorities.
- Under these proposals, those who are deemed ineligible for social housing will have to rely on the private rental sector to be housed. Currently, due to issues of housing quality, weak regulation, and insufficient financial support for private renters on low incomes, this tenure does not consistently offer an affordable, safe and high-quality home in much of the North. We are concerned that the government is not acting at the required scale or speed to effectively improve this situation.
- The implementation of several of the proposals (national disqualifications, ASB, terrorism and false declaration tests) would require new national databases or data sharing practices that do not currently exist. These would take substantial time and funds to establish, or local housing authorities would see significant new administrative burdens in their allocations processes. Prior to implementation, the government should carry out a comprehensive assessment of the additional burdens that these proposals would represent, and pledge proportionate levels of additional burdens funding.
- The proposed requirements for increased amounts of information to be assessed and verified prior to allocation (enhanced eligibility requirements, ASB test, terrorism test, fraudulent declaration test) may delay the allocation process. This risks increasing the length of time that households remain in unsuitable accommodation and increasing void times for landlords. These proposals should prioritise making the allocations process as swift and easy as possible for both applicants and landlords.

## **Supplementary information**

### **Scarcity of social housing**

It is important to note that the scarcity of social housing in both the country and the North of England is not due to how social housing is allocated. It is instead a direct result of a consistent undersupply of new affordable homes. Waiting lists in the North now include more than 425,000 households, <sup>1</sup> while over the last ten years (2013/14-2022/23) we have built just over 115,000 new affordable homes. <sup>2</sup>

When consulted, our members do not believe that reforms to the allocations system can address issues that are, at their root, caused by a consistent undersupply of new homes. We do not believe that the proposed changes to eligibility or qualification will make a meaningful positive difference to the housing crisis, and there are numerous concerns within our membership that these proposals could make their situations worse

### **The North's diverse housing markets and the localism principle**

The North of England includes a diverse range of housing markets, each with unique challenges. At one end of this spectrum are urban areas, such as Leeds, Manchester, Newcastle, and other cities where housing demand and homelessness pressures are higher than elsewhere. Here, social housing is an even scarcer resource than in other parts of the country.

At the other end of this spectrum are rural areas – such as in North Yorkshire, rural Northumberland and Cumbria – where in addition to the scarcity of affordable housing, issues relating to accessing employment opportunities, poor transport infrastructure and community isolation are more pressing for social housing providers and local housing authorities.

Different towns, cities and villages across the North also have private rental sectors that vary significantly in both the quantity and quality of accommodation available. For example, more than 30% of privately rented homes in Yorkshire & Humber are estimated to have a Category 1 Hazard under the Housing Health and Safety Rating System (HHSRS), compared to just 4.9% in the North East. According to the English Housing Survey, Yorkshire & Humber is also the only region in the North where the private rental sector is still growing. <sup>3</sup>

It is critical that any proposals to change how social housing is allocated allow for local housing authorities to align their allocations to the varied market conditions in different areas of the North. This is why we have consistently supported the localism principle in social housing allocations throughout our response to this consultation.

### **Income test**

Income levels vary significantly across the North. The highest earning MSOA in the North (Sheffield 055 MSOA), has an average household income level more than three times higher than the lowest earning MSOA area (North Lincolnshire 002 MSOA) [£75,000 to £22,200].<sup>4</sup> Within the Sheffield local authority area alone, the average household income between MSOA areas ranges from £75,000 to £25,700.

Any income test and the related threshold would need to allow local housing authorities to consider the disparities in pay within their areas, as well as those between different parts of the country. We believe that it is unlikely that any national threshold would be able to do so effectively.

Any income test threshold that would result in reducing qualification for social housing in higher earning areas, would be unlikely to have any impact on areas where incomes are lower. Alternatively, any income threshold that reduced qualification in lower earning areas would likely be far too low in higher earning areas and would result in allocation of social housing going solely to the poorest in such a community.

While we appreciate that social housing is a finite resource and it is important that it is allocated to those most in need, both ourselves and our members also hold the view that social housing should not be viewed as something just for the poorest in society. Our members work hard to support sustainable communities where people want to live, rather than simply operating an emergency service to shelter those most in need. One of the most important components of a truly sustainable community, and a means of tackling the stigma facing social housing, is a diverse range of incomes within an area. This is something that our members look to ensure in their communities.

While many of our members currently use income tests to determine qualification for social housing, we strongly believe that the decision to impose an income test, the level at which any associated threshold would be set, and how to calculate income, would be best decided by local housing authorities themselves. Local housing authorities, along with other local stakeholders such as housing associations, are best placed to understand the existing composition of their communities, demand for their homes and the relative merits and challenges of any income threshold. They can then use their local knowledge to ensure that the threshold best aligns with local housing and labour markets in a way that a national threshold could never do.

## **Homelessness**

There are significant concerns within our membership as to how these proposals may impact on homelessness and local authorities' duty to support those at risk of experiencing homelessness. One key concern is that our local authority members are unclear as to how these proposals interact with existing housing legislation, specifically Part 7 of the Housing Act 1996. It is not clear how somebody who is owed a homeless duty under Part 7, but is deemed ineligible for social housing under these proposals, is to be treated by the local authority.

If those who are deemed ineligible for social housing under these proposals remain ineligible even if they are owed a homelessness duty under Part 7, local authorities will only be able to house people in a privately rented home or temporary accommodation. Both options will have significantly greater financial cost for the local authority than providing a socially rented home (where this is available).

Local authorities across the country, including in the North, are already facing significant financial pressures due to their increasing temporary accommodation costs. In 2022/23, local authorities spent £1.74 billion on temporary accommodation, with the number of households in temporary accommodation increasing 89% on the previous year.<sup>5</sup>

We urge the government not to do anything to make this worse. We would also like to see clarification on how these proposals will interact with existing legislation. We believe that

those who are owed a homelessness duty under Part 7 should be exempted from these proposals.

### **The Private Rental Sector (PRS) in the North**

As these proposals will make a portion of the population ineligible for social housing, it is critical that the private rental sector – which is likely to be the only option for housing people ineligible for social housing under these proposals – provides a high quality, affordable option. Unfortunately, across large parts of the country and the North, and especially towards the lower priced end of the private rental sector, this is not the case. In the North, the proportion of privately rented homes that fail to meet the Decent Homes Standard is 27.9%, compared to 11.5% in the social rented sector and 17.4% across all tenures. This issue is worse within certain regions, with non-compliance being as high as 37.7% in Yorkshire & Humber's private rental sector.

On energy efficiency, the pattern of the privately rented sector performing significantly worse than the social sector continues. Across the North, 44.2% of all homes currently achieve EPC Band C. In the social rental sector, this figure is much higher at 65.2% while just 35.2% achieve this same standard in the private rental sector. Again, the Yorkshire and Humber region performs substantially worse than other regions with only 26.2% of their privately rented homes currently achieving EPC Band C.

Finally, while the Chancellor did uprate Local Housing Allowance (LHA) rates to the thirtieth percentile of local market rates in his 2023 Autumn Statement, this will not alleviate the issues of affordability in the private rental sector – especially for those on low incomes. Our members report that across the North, even the uprated LHA rates set to come into force from April 2024 are swiftly being overtaken by rising rents. This means that the support available to private renters is becoming increasingly inadequate as time goes on. One of our members has reported that the improved LHA rates cover approximately 18-20% of the current property market, rather than the 30% that they are intended to.

Furthermore, there are concerns within our membership that despite the increases to LHA rates, the fact that the benefit cap has remained unchanged means that households may not be able to receive the full support that they need. As an indicative example, support with privately renting a 4-bedroom home in Southern Greater Manchester would take up £16,744 of a £22,020 benefit cap, leaving just £5,276 to cover all other expenses.<sup>6</sup> As rents and the wider cost of living continue to rise, these issues will only get worse.

This will risk greater numbers of tenancy failures and homelessness, as well as greater financial burdens for local authorities required to pay for temporary accommodation. This issue will be compounded by a portion of the population being made ineligible for social housing under these proposals, leaving temporary accommodation as their only immediate option.

All of these issues come at a time when it appears that the government is retreating from its commitments to drive up standards in the private rental sector. Last year, the Prime Minister abandoned improving the energy efficiency of privately rented homes through strengthening regulation. Meanwhile, the government has still not consulted on a new Decent Homes Standard to be applied to the private rental sector for the first time. This is despite the Levelling Up White Paper promising to halve non-decency rates, with the greatest improvements in the worst performing areas, more than two years ago.

If these proposals are to mean that a greater number of people in need are pushed into the private rental sector, it is vital that the government ensures that it can provide a safe, secure and affordable home.

To ensure that this is the case, we would urge the government to:

- Ensure that the welfare system can adequately support private renters on low incomes, by pegging Local Housing Allowance rates to the thirtieth percentile of local market rents in perpetuity and ensuring that the existing benefit cap does not limit households from receiving adequate support to maintain their tenancy.
- Provide greater security for private renters and drive up the quality of privately rented homes by delivering the Renters Reform Bill. This should include the application of the Decent Homes Standard to the PRS for the first time and ensure that local authorities have adequate capacity to effectively monitor and enforce compliance.
- Revisit the case for increasing energy efficiency regulation in the private rental sector and establish Minimum Energy Efficiency Standards that reduce the performance gap between the private and social rented tenures.

### **Pre-allocation verification**

Finally, the requirements to verify increasing amounts of information prior to allocation risks delaying the allocation process. This risks households in need remaining in unsuitable accommodation for longer than necessary, as well as increasing void times for landlords. These proposals should prioritise making the allocations process as swift and easy as possible for both applicants and landlords.

If these proposals are implemented, it is critical that a full assessment takes place and additional burdens funding is provided to local authorities so they can be effectively implemented.

## Questions:

### UK connection test

#### Question 2 – Do you agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing (if they do not meet the test otherwise or are exempt)?

No.

As will be made clear throughout this response, we strongly support the principle of localism in social housing allocations – which has been supported and encouraged by the government since 2010 – and believe that it should be maintained wherever possible. If local authorities deem it necessary to introduce a requirement based on residency, local connection or UK connection as the best means of allocating their housing stock, then they should be given the authority to do so.

Imposing a ten-year UK connection requirement, however, presents a significant change to the existing system that will disproportionately impact certain groups and is not supported by the local housing authorities in our membership.

Local housing authorities, and their partner stakeholders such as housing associations, best understand their local housing markets, demand for their properties and the needs of their communities. They are therefore best placed to decide how best to allocate housing in their local areas.

If the government is to impose a UK connection requirement, we believe that **it should be set at two years, in line with the proposals relating to the local connection qualification test.**

Some of our members have also raised concerns about how the proposed changes to social housing eligibility break down the universalist principle in public services and social housing. Historically, if you were eligible to work or had arrived in the UK through a resettlement scheme, you would be eligible for social housing regardless of your background, even if you may not subsequently qualify for social housing in your local area. These proposals move away from this principle as select nationalities of people (non-British, Irish, EEA or Commonwealth) who have not arrived in the UK through a resettlement scheme will be deemed ineligible for social housing for up to 10 years. There are concerns within our membership as to how this abandonment of the universalist principle may impact community cohesion.

#### Question 3 – Do you think there should be further exemptions to the UK connection test, for example, for care leavers?

Yes.

Following consultation with our members, we believe that the following groups should be exempted from the proposed UK connection test:

- Care leavers
- Unaccompanied minors who have not left the care system but would not meet the requirement to be 18+ years of age under the proposed eligibility criteria
- Members of and veterans of the armed forces

- Those fleeing domestic violence
- Those owed a statutory homelessness duty under Part 7 of the Housing Act 1996. This would ensure that those most in need can access a social home rather than being forced into temporary accommodation at increased cost to local authorities and clarify concerns from our members around how Part 6 and Part 7 of the Housing Act 1996 interact under these proposals.
- Those already living in supported accommodation and looking to move on to general needs accommodation. This would ensure that those who no longer need to live in supported accommodation could more easily move to a home that meets their needs, while freeing up a supported home for somebody in greater need.

**Question 5 – Do you foresee any challenges delivering this change to eligibility in your local housing authority’s social housing allocation system?**

Yes.

Many of the proposals, if implemented in full, will require substantial additional work for local housing authorities and housing associations.

Proposals such as a national ban on applicants who have made a fraudulent declaration on an application will require IT infrastructure and data sharing practices that do not currently exist. The development of such systems would be a significant undertaking, but unfortunately, there has been no assessment of the additional burden that any of these proposals will place on local housing authorities and housing providers.

Furthermore, the requirements to verify increasing amounts of information prior to allocation risks delaying the allocations process. This risks households in need remaining in unsuitable accommodation for longer than necessary, as well as increasing void times for landlords. These proposals should prioritise making the allocations process as swift and easy as possible for both applicants and landlords.

If these proposals are implemented, it is critical that a full assessment takes place and additional burdens funding is provided to local authorities so they can be effectively implemented.

**Local connection test**

**Question 9 – Do you agree that an individual should have to demonstrate a local connection with an area for two years before qualifying for social housing (unless exempt)?**

No.

As the accompanying text to this consultation shows, approximately 75% of local housing authorities already utilise a local connection test when determining qualification for social housing.

Many local housing authorities may decide that a two-year local connection requirement, or any other qualification criteria, will be the best way of allocating their housing stock. Others, however, may wish to decide on a longer or shorter requirement and should be supported to do so based on a judgement of their existing stock and local housing market conditions. This



is the primary reason why we and our membership support the localism principle in social housing allocations, and the need for genuine local control of allocations.

**Question 10 – The government intends to use the same definition of local connection as in section 199 of the Housing Act 1996. This definition would mean that a person has a local connection:**

- because they are, or in the past were, normally resident there, and that residence is or was of their own choice;
- because they are employed there;
- because of family associations; or
- because of special circumstances.

Do you agree that this definition should be used?

Yes.

**Question 11 – Government proposes to exempt care leavers from the local connection test for social housing up to the age of 25 to align with broader Corporate Parenting Principles, which sets out the responsibilities of local authorities towards children and young people in care. Do you agree?**

Yes.

**Question 12 – Do you think there should be any further exemptions to the local connection test?**

Yes.

Following consultation with our members, we believe that the following groups should be exempted from the proposed local connection test:

- Care leavers
- Unaccompanied minors who have not left the care system but would not meet the requirement to be 18+ years of age under the proposed eligibility criteria
- Members of and veterans of the armed forces
- Those fleeing domestic violence
- Those owed a statutory homelessness duty under Part 7 of the Housing Act 1996.
- Those already living in supported accommodation and looking to move on to general needs accommodation. This would ensure that those who no longer need to live in supported accommodation could more easily move to a home that meets their needs, while freeing up a supported home for somebody in greater need.
- Rather than a blanket exemption, we believe that local housing authorities should be granted the authority to give additional considerations to prison leavers in social housing allocations.



## Income test

### Question 16 – Should the same threshold for the income test apply across England or should it vary?

Any income test threshold should vary by locality and be set by the local housing authority.

### Question 17 – Should income data be assessed at household or individual level? If household, whose income data should be assessed.

Other.

As stated elsewhere, we strongly support the localism principle in social housing allocations as a means to align policies and procedures with the needs of communities and residents, as well as local labour and housing markets.

Local housing authorities and partners such as housing associations are best positioned to understand how any income test would impact their allocations process and how it would relate to their housing stock and communities. They should therefore be granted the authority to design any income test as they see fit, including how income is assessed.

### Question 18 – Assuming household income is based on the two highest earners working full time, what should the income cap be set at?

£70,000 or more.

To ensure that homes can be allocated in a way that supports sustainable communities with a diverse range of incomes, it is critical that any imposed income threshold must not be set at too low a level.

Of the listed options, we would support a household income threshold of £70,000 or above, purely because it is the highest available option and would more greatly allow local housing authorities to ensure a diverse range of incomes within their communities. If a local housing authority decided that a lower threshold would better suit their communities, then this should be allowed.

### Question 19. Should capital assets be included in the assessment? If yes, what type of capital assets should be included, and what threshold should be set? Capital assets could include savings in an interest-bearing savings account; savings in a non-interest-bearing current account; bonds, stocks and shares; property that the applicant does not live in; and land.

No.

Throughout our engagement with our members on this consultation, they were clear that the principle of localism in housing allocations and management, supported and encouraged by

the government since 2010, provides them the ability to align relevant policies to their own housing stock, residents' needs and their local housing markets.

Our members feel strongly that this principle of localism should be maintained, and government should look to grant autonomy over relevant policies to local areas wherever possible.

One concern that we would have if capital assets were included in any income assessment, would be how this could prevent effective 'downsizing'. Across the North, large affordable family homes are in incredibly short supply compared to need. As an example, one large local authority recently told us that while there were over 1,000 households on their waiting list who required a home with four-or more bedrooms, only 26 homes of that size were allocated in the previous year.

In addition to increasing the supply of larger affordable homes, making the most efficient use of our existing housing stock through supporting downsizes is therefore critical. Registered providers already make significant effort to support those living in larger family homes to downsize to more suitable accommodation, as it ensures that residents are living in homes that meet their financial and accessibility needs, as well as providing a larger home for a younger family.

If, however, an income threshold is established that both includes capital assets and is set at too low a level, this would risk preventing some elderly homeowners from selling their home and moving to a socially rented bungalow or other accessible accommodation. They would instead have to remain in unsuitable housing, which may be financially unsustainable for them, as well as presenting additional risks of accidents and falls, all while preventing the more efficient use of a larger home by a younger family. Primarily for this reason, we do not believe that government should impose an income test that includes capital assets in any assessment.

Before considering any limit on capital assets, it is imperative that the Department for Levelling Up, Housing and Communities works closely with other government stakeholders, such as the Department of Health and Social Care and local authorities, to understand the impacts on, and complex interaction with, the social care system. This should also take account of any proposed changes as part of charging reforms to social care, including the intricacies of the cap on care costs.

**Question 20 - Do you agree that households where an individual is in receipt of Universal Credit, housing benefit or other legacy benefits (which are being replaced by Universal Credit); households who need or live in supported housing; and members and veterans of the UK armed forces should be exempt from an income test?**

Yes, and there should be exceptions for other groups.

In addition to the listed groups, we also believe that care leavers, any unaccompanied minors and those fleeing domestic violence should be exempted from any income test to ensure that they can access secure, affordable rented accommodation where necessary.

Furthermore, we believe that local housing authorities should be given the flexibility to exempt prison leavers from requirements at their own discretion.

**Question 22 - Do you think there are any circumstances where a minimum income threshold to determine who should be allocated a social home is appropriate, for example to incentivize being in work?**

No.

We believe that the allocation of social housing needs to find a delicate balance between providing support for those most in need and supporting sustainable communities where people want to live, containing households with a diverse range of incomes. Establishing such a balance is an important component of supporting a sustainable community where people want to live, as well as tackling stigma related to social housing. Local housing authorities and their partner stakeholders, such as housing associations, are best positioned to make decisions over allocations to achieve such a balance. We do not, however, believe that it would ever be right for a local housing authority to deny social housing to an applicant because their income is too low. Especially as those on the lowest incomes are those who most need and will benefit the most from a social home.

Landlords who take part in Choice-Based-Lettings (CBL) schemes to allocate their social housing may wish to make some allocations away from the wider CBL allocations policy through a Local Lettings Policy. This can allow the provider to introduce additional criteria, such as employment status or age, required for any applicant to be allocated specific housing. These can be used following agreement by the landlord and local housing authority to help achieve balanced communities. We believe that the CBL system supplemented with Local Lettings Policies is an arrangement that currently works for all parties and would not be improved by establishing a minimum income threshold across an area.

Local housing authorities and landlords should be granted the authority to make these decisions themselves, using their knowledge and expertise to tailor policies to their local areas.

**Anti-social behaviour test**

**Question 24 – Do you agree that a conviction/sanction for anti-social behaviour should result in a disqualification period from accessing social housing? If yes, how long should someone be disqualified for?**

No.

We believe that this decision should be at the local authority's discretion depending on the severity and context of the conviction/sanction.

A recurring theme in our engagement with our members was that they and partners, such as the police, would prefer to monitor individuals who are at risk of causing disruption to their community. Should an individual be disqualified from social housing, they will become more difficult to monitor, especially if they enter the private rented sector. It is therefore critical that housing associations and their partners are sufficiently resourced to manage and tackle cases of anti-social behaviour and genuinely solve these issues, rather than potentially moving the issue elsewhere through eviction.

In addition, a national disqualification would be almost impossible to enforce without a national database of ASB cases which does not currently exist. Short of establishing this national database, local housing authorities will require additional burdens funding to effectively implement this proposal.

**Question 25 – Should all members of a household be subject to a check for history of anti-social behaviour, rather than just the lead tenant.**

No.

Local authorities and housing associations are best placed to make any such decisions based on the context of the application.

A requirement for all members of a household to be subject to an ASB check would create significant additional work for local housing authorities. Our members have also been clear that the police do not have the capacity to 'vet-to-let' every applicant and certainly not every member of a household.

Moreover, our members feel it would be unfair to disqualify an entire household due to e.g. a historic ASB conviction of the lead tenant's dependent. It would be more beneficial to allocate social housing to a household where the dependent has a previous conviction for ASB and for the landlord to provide support to manage and address ASB in the usual manner.

**Question 26 - The government is considering whether exemptions to the anti-social behaviour test should be made for victims of domestic abuse; or those with a condition or disability that was a relevant contributing factor to the anti-social behaviour. Are there any additional groups that should be considered for an exemption from this test?**

Yes.

In addition to the groups listed, and in line with our wider responses to this consultation, we believe that local housing authorities should be able to use their own judgement on granting exemptions where they believe that an individual case would benefit from receiving a social tenancy.

We also believe that care leavers and individuals in or with a history of rough sleeping should be exempted from an ASB test.

**Terrorism test**

**Question 29 - The government is proposing that an unspent conviction, including under the Terrorism Acts 2000 and 2006 (such as for membership of a proscribed terrorist organisation) should result in a permanent disqualification from accessing social housing, unless doing so would increase public safety risks. Do you agree with this proposal? If no, please explain.**

Don't know.

We have not received any significant intelligence from our membership which leads us to believe that this change is necessary for social landlords and the police to address issues relating to terrorism. These cases can usually be managed using existing legislation and our members have not raised this as an issue which requires legislative changes to tackle.

We do not know how many individual cases across the North this proposal would impact.

Furthermore, police services do not have the capacity to vet each social housing applicant prior to allocation. Failing this, housing providers and local housing authorities would need a national database to cross-check applicants against, prior to each allocation. This database does not exist in a form that is accessible to landlords and social housing authorities, and would need to be developed at significant cost. Short of establishing this national database, local housing authorities will require additional burdens funding to effectively implement this proposal.

### **Grounds for eviction**

**Question 32 – The government has committed to exploring a three strikes and you're out eviction expectation for all social landlords, meaning that three proven instances of anti-social behaviour, accompanied by three warnings from a landlord, would result in eviction. How should a 'strike' be defined?**

It should be left to local housing authorities to decide.

**Question 33 – Do you believe that a new ground for eviction should be introduced to ensure that those with unspent convictions for terrorism offences be evicted from social housing, unless doing so would increase public safety risk?**

No.

We do not believe that this is a necessary change to the current system, as existing powers grant housing providers the ability to evict following convictions for serious offences. This is not something that our members have previously raised as an issue, and we are unsure as to how many cases this change would impact on that would not be covered by existing legislation.

Where necessary, landlords will work in partnership with local police services when they wish to monitor a resident's activity. If the individual is evicted and moves into the private rental sector, this will reduce the extent to which this partnership working can take place. These proposals, if implemented, should consider this.

### **Fraudulent declaration**

**Question 34 – Do you agree that those who provide fraudulent information in social housing applications should be prevented from qualifying for a set period, in addition to any disqualification period that would have applied had they not made a false declaration? If yes, how long should this period be?**

Yes, they should not qualify in the area they applied to.

We believe that the decision to disqualify on these grounds should be taken locally, and that the period of disqualification should also be decided locally. As well as local housing authorities and landlords being best placed to assess the potential impacts of disqualification, an England-wide disqualification would also require a database of individuals who have previously provided fraudulent declarations. Such a database does not exist and would take significant time and financial cost to establish.

Furthermore, our members have raised the point that knowledge of fraudulent declarations is generally only available if the individual admits to providing false information themselves. Beyond self-declaration, it would be a significant increase in administrative burden for allocations teams to verify each applicant's information prior to allocation, for which no assessment or additional burdens funding has been provided.

Creating additional verification requirements prior to allocation (such as fraudulent declaration, anti-social behaviour, and terrorist checks), without additional burdens funding to increase capacity, risks delaying allocations. This would risk households in need spending longer than necessary in unsuitable accommodation and risks increasing void times for social landlords. These proposals should be designed in a way that minimises void times and makes allocation as easy as possible for both residents and landlords.

**Question 38 – Should there be a limit on how many local housing authorities an applicant can apply to? If yes, please indicate the limit?**

No.

**Equalities impacts**

**Question 39 - Do you expect that any of the policies affecting social housing applicants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact.**

Yes.

There are concerns in our membership that some of these proposals, especially relating to eligibility, risk falling foul of existing equalities legislation by having disproportionate impacts on certain protected groups e.g. non-EEA immigrants who have lived in the UK for less than 10 years and refugees who have not arrived through a resettlement scheme.

As a similar example, the [London Borough of Hillingdon's](#) attempt to introduce a 10 year residence test was found unlawful in the High Court. Our members do not wish to be found guilty of unlawful conduct through the implementation of these proposals. Government could reassure our membership that these proposals will not result in this by conducting a thorough Equalities Impact Assessment and laying out how these proposals fully align with the Equality Act 2010.

**Question 40 - Do you expect that any of the policies affecting social housing tenants would have a particular impact on those with a particular protected characteristic? If so, please give further detail on the relevant policy and its impact?**

Yes.

One area where the government could reassure our membership of the impact of these proposals on existing tenants is clarifying how they will impact existing tenants who apply for another home.

Firstly, it is unclear if an existing tenant who is deemed ineligible for social housing under these proposals will be able to apply for a mutual exchange. Mutual exchanges allow residents to swap homes so that residents can be in a home that better suits their needs.

They are especially useful for older residents or those living with disabilities who need to find a more accessible home. If these residents are unable to do so, these proposals may present a specific impact on older residents or those living with certain disabilities.

Secondly, there are concerns in our membership as to how these proposals will impact existing tenants, who are deemed ineligible for social housing, but need to apply for another home. An example raised by some of our members is an individual, not from the UK, Ireland, EEA or Commonwealth, living in a one-bedroom property whose family members arrive in the UK through the family visa or other established routes. The household would then be required to apply for a new, larger, home but would be deemed ineligible for social housing through these proposals. Depending on the specific circumstances of the household, their home may subsequently be classed as overcrowded, they would be unable to remain where they are, and be ineligible for another social home. This would leave either the private rental sector or temporary accommodation as the only available options, both of which would cost the local authority more than if a social home could be found. It is currently unclear if a household such as this would be exempted from the proposals and able to apply for a larger social home. Our members would appreciate clarification on this matter prior to any implementation of these proposals.

The Northern Housing Consortium welcomes the opportunity to discuss the issues related to these proposals with the department in further detail.

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