



## PUBLIC SECTOR HOUSING (GENERAL NEEDS) (ALLOCATION) POLICY 2019

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Statutory Document No. 2019/0075

*Housing (Miscellaneous Provisions) Act 1976*

## **PUBLIC SECTOR HOUSING (GENERAL NEEDS) (ALLOCATION) POLICY 2019**

*Approved by Tynwald:* 20 March 2019  
*Coming into operation:* 1 June 2019

The Department of Infrastructure, having consulted all the local authorities that would be affected by it<sup>1</sup>, adopts the following Policy under paragraph 1A(1)<sup>2</sup> of Schedule 3 to the Housing (Miscellaneous Provisions) Act 1976.

### **1 Title**

This Policy is the Public Sector Housing (General Needs) (Allocation) Policy 2019.

### **2 Commencement**

If approved by Tynwald, this Policy comes into operation on 1 June 2019<sup>3</sup>.

### **3 Interpretation and extent**

(1) In this Policy, unless the context otherwise requires—

“**the Act**” means the Housing (Miscellaneous Provisions) Act 1976;

“**applicant**” means a person who has made an application for housing and, includes a single applicant and either (or both) joint applicants;

“**application for housing**” means an application made to a housing authority to be selected for public sector housing;

“**couple**” means—

- (a) two people who are married to, or civil partners of, each other; or
- (b) two people who are not married to, or civil partners of, each other but are living together, or have indicated on an application for

<sup>1</sup> As required by paragraph 1A(2) of Schedule 3 to the Act.

<sup>2</sup> Paragraph 1A was inserted by Schedule 3 to the Housing (Miscellaneous Provisions) Act 2011.

<sup>3</sup> Under paragraph 1A(3) of Schedule 3 to the Act, this Policy shall not come into operation until it is approved by Tynwald.

housing they intend to live together, as a married couple or as civil partners;

**“dependent child”** means a child or young person—

- (a) aged under 18; or
- (b) aged between 18 and 21, and receiving full-time education, whether in the Island or elsewhere,

and an applicant **“has a dependent child”** if that dependent child’s place of ordinary residence (disregarding any period during which the dependent child is receiving full-time education outside the Island) is with the applicant;

**“general needs public sector housing”** has the meaning given by paragraph 4;

**“housing authority”** means—

- (a) the Department; or
- (b) a local authority;

**“housing authority area”** means—

- (a) in relation to the Department, any area within the boundaries of the district of any local authority in which is situated housing owned by the Department;
- (b) in relation to a local authority, any area within the boundaries of the district of that local authority; or
- (c) in relation to a shared waiting list, the combined area within the boundaries of each of the housing authorities using that list;

a housing authority’s **“housing waiting list”** means the waiting list maintained by that authority for the purpose of allocating housing by that authority in accordance with this Policy and includes any shared waiting list;

**“joint applicant”** means a person who, with another, has made an application for housing;

**“notice to quit”, “property”, “rent” and “tenant”** have the meanings given in section 3 of the Landlord and Tenant Act 1954 and related phrases are to be construed in accordance with that Act;

**“private sector housing”** means housing which is not public sector housing;

**“public sector housing”** means housing provided by a housing authority under the Act or Part IV of the Housing Act 1955;

**“relevant housing authority”** means the housing authority to whom an application for housing has been made;

**“shared waiting list”** means an agreement between two or more housing authorities, which may include the Department, that their housing waiting list is to be shared by each of the authorities in that agreement;

“**sheltered housing**” has the meaning given by paragraph 4 of the Public Sector Housing (Older Persons) (Allocation) Policy 2019<sup>4</sup>;

“**single person**” means a person who is not a member of a couple; and

“**unjustified refusal**” means a refusal by an applicant, without a valid reason, of an offer of housing made by a housing authority which that authority considers suitable for the applicant.

- (2) This Policy applies only to any initial allocation of general needs public sector housing.

#### 4 Allocation of general needs public sector housing

- (1) An applicant may be selected by a housing authority for general needs public sector housing which is not sheltered housing (“**general needs public sector housing**”) provided by that authority if—
- (a) the applicant is, or has been, accepted for inclusion on that authority’s housing waiting list; and
  - (b) the applicant has the highest number of points among those other persons on the housing waiting list for that type of housing, subject to the housing being suitable for the applicant’s specific housing needs.

The number of points which an applicant has for the purpose of sub-paragraph (b) is the sum of the points obtained in accordance with Part 2 of the Schedule in the applicant’s case.

This sub-paragraph is subject to sub-paragraphs (2) to (4).

- (2) An applicant may be accepted for inclusion on a housing authority’s housing waiting list only if the applicant meets all of the conditions which apply in the applicant’s case specified in Part 1 of the Schedule.
- (3) An applicant shall not be selected by a housing authority for allocation of general needs public sector housing, unless—
- (a) the applicant has; or
  - (b) in the case of joint applicant’s either or both applicants have, been ordinarily resident in the Island for at least 3 months immediately prior to the date of allocation.
- (4) An applicant shall not be selected by a housing authority for allocation of general needs public sector housing if the applicant or either of the joint applicants owns residential accommodation in any jurisdiction.
- This is subject to sub-paragraph (5).
- (5) If the applicant, or either of the joint applicants, owns residential accommodation (“**the premises**”) in any jurisdiction, the applicant may

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<sup>4</sup> See SD 2019/0074

nevertheless be accepted for inclusion on the relevant housing authority's housing waiting list for general needs public sector housing providing all of the following conditions are satisfied prior to allocation—

*Condition 1*

In the opinion of the relevant housing authority, the premises are unsuitable for occupation by the applicant.

*Condition 2*

The applicant can provide evidence the premises are being actively marketed with a view to their disposal.

*Condition 3*

Disposal of the premises is anticipated within six months of allocation of general needs public sector housing.

This condition is subject to sub-paragraph (6).

*Condition 4*

The following are provided by the applicant—

- (a) an estate agents' current valuation of the premises; and
- (b) details of any financial charges currently held against the premises by third parties; and
- (c) any other documents or information requested by the relevant housing authority.

*Condition 5*

The sum of any savings or assets available to the applicant, along with the residual value of the premises, after the deduction of—

- (a) any financial charges held against the premises by third parties; and
- (b) any reasonable fees incurred in, or in connection with, the disposal of the premises,

will not exceed the financial condition specified in paragraph 3(2) of Part 1 of the Schedule.

- (6) If the premises have not been disposed of within the period specified in condition 3 of sub-paragraph (5) the applicant may nevertheless be considered to meet that condition if, in the opinion of the relevant housing authority, the applicant is continuing to actively market the premises at a price which reasonably reflects the prevailing market value.

## 5 Review of, and appeal against, decisions made by the Department

- (1) This paragraph applies to any decision (“the relevant decision”) made by the Department as to—

- (a) whether or not an applicant is to be accepted for inclusion on the Department's housing waiting list;
  - (b) the number of points which an applicant has in accordance with Part 2 of the Schedule; or
  - (c) whether or not an applicant is selected for allocation of a property.
- (2) If the applicant is dissatisfied with the relevant decision, the applicant may request the Department, in writing, to review that decision.
- (3) If on review, the relevant decision is upheld the applicant may appeal against that decision, in writing, to the Department.
- (4) Following an appeal made under sub-paragraph (3), the Department shall arrange for the appeal to be heard by one of the following persons as appointed by the Council of Ministers—
  - (a) a Minister other than the Minister for Infrastructure; or
  - (b) a Member of a Government Department other than the Department of Infrastructure.
- (5) Any decision of a Minister or Member on such an appeal is final.

## **6 Review of, and appeal against, decisions made by a local authority**

- (1) This paragraph applies to any decision (“**the relevant decision**”) made by a local authority as to—
  - (a) whether or not the applicant is to be accepted for inclusion on that local authority's housing waiting list;
  - (b) the number of points which an applicant has in accordance with Part 2 of the Schedule; or
  - (c) whether or not an applicant is selected for allocation of a property.
- (2) If the applicant is dissatisfied with the relevant decision, the applicant may request the local authority, in writing, to review that decision.
- (3) If, on review the relevant decision is upheld, the applicant may appeal against the relevant decision, in writing, to the Department.
- (4) Any decision of the Department on such an appeal is final.

## **7 Guidance**

- (1) The Department may issue guidance about the matters to be taken into account in determining (in particular)—
  - (a) how applicants with the same points on a housing waiting list may be prioritised;

- (b) the category of housing type for eligible applicants (for example the number of bedrooms applicable to the applicant's or joint applicants' requirements);
  - (c) how income and capital, including notional capital and notional income, are to be treated;
  - (d) the additional relationships of persons who may apply to a housing authority and be treated as joint applicants in exceptional circumstances;
  - (e) how the points may be allocated for joint applicants, where both applicants satisfy the same criterion in Part 2 of the Schedule;
  - (f) how points may be allocated for an applicant, or joint applicants, who share responsibility for a dependent child with another person;
  - (g) the circumstances in which an applicant in tied accommodation may be accepted on a housing waiting list;
  - (h) who the relevant housing authority is for the purposes of—
    - (i) a review or appeal under paragraphs 5 or 6;
    - (ii) the residential condition in paragraph 2(2) of Part 1 of the Schedule; and
    - (iii) the points available for each year of residence in criterion 3 of Part 2 of the Schedule; and
  - (i) the periodic review of the housing waiting list and the process of removing an applicant from the housing waiting list for failing to respond to any review, and circumstances for reinstatement.
- (2) For the purposes of sub-paragraph (1)(c), where, in the opinion of the relevant housing authority, the applicant deliberately and wilfully disposed of any capital, that capital shall be treated in the same way as notional capital under the Income Support Regulations<sup>5</sup>.
- (3) The guidance may, among other things, give examples in connection with discretion which may be applied in deducting points for—
- (a) unjustified refusal of an offer of allocation; and
  - (b) accumulated rent arrears.

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<sup>5</sup> See the Income Support (General) (Isle of Man) Regulations 2000 (SD 26/00).

**MADE 15 FEBRUARY 2019**

**R K HARMER**

*Minister for Infrastructure*



**SCHEDULE**

[Paragraph 4]

**ALLOCATION OF GENERAL NEEDS PUBLIC SECTOR HOUSING****PART 1****CONDITIONS FOR INCLUSION ON A HOUSING WAITING LIST FOR  
GENERAL NEEDS PUBLIC SECTOR HOUSING****1 Eligible applicant conditions**

- (1) An applicant must be—
  - (a) a single person who does not have a dependent child;
  - (b) a couple neither member of whom has a dependent child;
  - (c) a single person who has a dependent child;
  - (d) a couple either member of whom has a dependent child.
- (2) Despite sub-paragraph (1), in exceptional circumstances, and with the written approval of the Department, a joint application may be made by two single persons living together, or who intend to live together.
- (3) An applicant, or in the case of joint applicants' at least one of the applicants, must be at least 18 years old.

**2 Residential conditions**

- (1) In accordance with paragraph 1 of Schedule 3 to the Act, an applicant must have been ordinarily resident in the Island for a total period of not less than 10 years.  
This is subject to sub-paragraph (3).
- (2) An applicant must have been ordinarily resident in the relevant housing authority area for at least 3 years.  
This is subject to sub-paragraph (3).
- (3) In the case of joint applicants, only one of the applicants needs satisfy this paragraph.

**3 Financial conditions**

- (1) An applicant's gross annual income, or the sum of joint applicants' gross annual incomes, including any taxable benefits, must not exceed the maximum amount specified in the following table.

Table

Number of dependent children	Maximum gross annual income	
	Single applicant	Joint applicant
None	£30,000	£33,000
1 child	£35,000	£38,000
2 children	£38,000	£41,000
3 or more children	£41,000	£44,000

This is subject to sub-paragraph (3).

- (2) An applicant's or joint applicants' savings and other assets must not exceed £30,000.
- (3) For the purposes of sub-paragraph (1), an applicant's gross annual income is, or the sum of joint applicants' gross annual incomes are, to include all interest accrued.

This is subject to sub-paragraph (4).

- (4) Where actual interest accrued is not evidenced, notional interest of 2% shall be applied to the applicant's or joint applicants' financial savings and other assets.

## PART 2

### POINTS SYSTEM FOR GENERAL NEEDS PUBLIC SECTOR HOUSING

1. Points are to be added or deducted in an applicant's or joint applicants' case in accordance with the Table below.

This is subject to paragraph 2.

2. In the case of joint applicants' where both applicants satisfy the criteria to be allocated points in the Table below, only the points available to one of the applicants (whichever is the higher amount in each criteria) may be taken into account for the purposes of the sum calculated for the purposes of paragraph 4(1)(b) (allocation of general needs public sector housing).

Table

Criteria	Points
1. Time on housing waiting list	1 point per each 3 month period, subject to a maximum of 20 points.
2. Years of residence in the Island	1 point for every year in excess of ten years the applicant is ordinarily resident, subject to a maximum of 10 points.

<b>3. Years of residence in housing authority area</b>	1 point for every year subject to a maximum of 10 points.			
<b>4. Size of family</b>				
	(a) Each dependent child aged under 16;		5 points	
	(b) Each dependent child or young person aged between 16 and 21.		3 points	
	Items (a) and (b) are subject to a maximum of three dependent children or young persons.			
	(c) Each additional dependent child or young person in excess of the three maximum.		1 point	
<b>5. Gross annual income</b>				
	(a) including, where applicable, combined income and taxable benefits of joint applicants;			
	(b) for the purposes of assessing income in the table below, child benefit is to be disregarded;			
		<b>Single applicant</b>	<b>Joint applicant</b>	<b>Points</b>
No dependent children	£16,000 and under	£19,000 and under		10 points
	£16,001 to £19,500	£19,001 to £22,500		8 points
	£19,501 to £23,000	£22,501 to £26,000		5 points
	£23,001 to £25,500	£26,001 to £28,500		2 points
	£25,501 and over	£28,501 and over		0 points
		<b>Single applicant</b>	<b>Joint applicant</b>	<b>Points</b>
With dependent children	£18,000 and under	£21,000 and under		10 points
	£18,001 to £23,000	£21,001 to £26,000		8 points
	£23,001 to £28,000	£26,001 to £31,000		5 points
	£28,001 to £33,000	£31,001 to £36,000		2 points
	£33,001 and over	£36,001 and over		0 points
	(c) in this criterion, "child benefit" means a benefit under Part 9 of the Social Security Contributions and Benefits Act 1992 <sup>6</sup> (of Parliament), as it has effect in the Island <sup>7</sup> .			

<sup>6</sup> 1992 c.4<sup>7</sup> See SD 505/94

<b>6. Adequacy of present accommodation</b>		
(a)	Property condition/overcrowding (following assessment by an environmental health officer of the Department of Environment, Food and Agriculture )	
	Low priority	5 points
	Medium priority	10 points
	High priority	20 points
(b)	Health/welfare issues (validated by report from health/welfare professional & multidisciplinary assessment by health/welfare panel)	
	Low priority	5 or 10 points
	Medium priority	15 or 20 points
	High priority	25 or 30 points
<b>7.</b>	<b>Notice to quit</b> (excluding Court order for possession for rent arrears)	25 points
<b>8.</b>	<b>Manx Housing Trust Limited<sup>8</sup></b>	Accommodated in premises allocated by Manx Housing Trust Limited for 1 year or more (either at the time of application or during any period whilst on the housing waiting list)
<b>9.</b>	<b>Private sector tenant</b>	For 1 year or more (either at the time of application or during any period whilst on the housing waiting list)
<b>10.</b>	<b>Financial/property assets</b>	
	Including, where applicable, combined financial/property assets of joint applicants	
		£15,000 to £19,999 -1 point
		£20,000 to £29,999 -2 points
<b>11.</b>	<b>Unjustified refusal</b>	Discretionary deduction (per refusal) -10 points
<b>12.</b>	<b>Accumulated rent arrears</b>	Discretionary deduction -10 points

<sup>8</sup> Registered charity no. 400.

*EXPLANATORY NOTE*

*(This note is not part of the Policy)*

Paragraph 1A(1) of Schedule 3 to the Housing (Miscellaneous Provisions) Act 1976 provides that the Department may adopt an all-Island policy for the allocation of public sector housing by the Department and local authorities.

This policy specifies the criteria for applicants to be included on housing waiting lists for general needs housing (see Part 1 of the Schedule).

The policy also provides for allocation of points, based on an applicant's personal circumstances, for general needs housing (see Part 2 of the Schedule).

Finally, the policy provides for a review and appeal process for decisions made by the Department or a local authority as to—

- (a) whether or not an applicant is accepted onto a housing waiting list;
- (b) the number of points allocated; or
- (c) whether or not the applicant is selected for a property.