

Royal Borough of Kensington and Chelsea

Rehousing Policy

Barandon Walk, Hurstway Walk, Testerton Walk

Draft October 2017

Draft



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1. Introduction

This exceptional housing policy has been adopted pursuant to paragraph 1.11 of the Council's Housing Allocation Scheme, February 2017 revision.

The Grenfell Tower fire that occurred on 14 June 2017 was a humanitarian disaster on an unprecedented scale within the borough. The loss of life and harrowing events of the fire as well as its aftermath have devastated an entire community.

This rehousing policy forms part of the Council's commitment to the residents of the Lancaster West Estate following the fire at Grenfell Tower, to help the community heal and to rebuild their lives.

The policy sits alongside the Council's commitment to invest in the community, to refurbish residents' homes and environment, and to work with the community to ensure it remains desirable and revitalised place to live, albeit with one with such tragic memories.

The policy explains how the Council will prioritise Royal Borough of Kensington and Chelsea (RBKC) council tenants of Barandon Walk, Hurstway Walk and Testerton Walk ('the Walkways') for rehousing where those tenants feel unable to remain in their current home as a result of the Grenfell Tower fire. It sets out the Council's priorities and procedures to be followed in allocating housing accommodation to this group.

The policy also sets out the housing assistance available to other Walkways residents who are not existing Council tenants.

The Director of Housing has the delegated authority in exceptional circumstances to amend or waive this policy.

2. Who is covered by this policy

This policy applies to anyone who immediately before the fire was living at Barandon Walk, Hurstway Walk, or Testerton Walk as their main home.

Priority for rehousing will be awarded to residents who fall within one of the following groups (subject to satisfying the criteria at section 6 below):

- Council introductory or secure tenants and their households
- Statutorily homeless households placed by the Council in temporary accommodation pursuant to the main housing duty under Part 7 of the Housing Act 1996 (s.193).

The above will be referred to as '**Council tenants**' within this policy.

3. Eligibility

The statutory rules on eligibility under section 160ZA of the Housing Act 1996 apply to the allocation of tenancies under this policy. There is no eligibility requirement in relation to granting a tenancy to a former resident of Grenfell Tower and Grenfell Walk who is already an introductory or secure tenant of the Council.

4. Type of accommodation to be offered

4.1 Security of tenure and tenancy terms for existing Council tenants

There is a range of landlord providers who will be offering homes to let to existing tenants under this policy. They include:

- The Council
- Registered providers (housing associations)
- Other neighbouring local housing authorities

For all Council and other local authority tenancies, these will be let as secure tenancies.

For registered providers, all tenancies will be let on Assured Tenancies under the Housing Act 1988.

Where an existing secure tenant chooses to be rehoused to a Council property they will be given a new tenancy that reflects their previous security of tenure. Therefore, if the tenant holds a lifetime secure tenancy, the new tenancy will be the same or of equivalent security. If the tenant has a flexible secure tenancy, the new tenancy will be granted in accordance with the Council's Tenancy Policy.

Where an existing secure tenant chooses to be rehoused to a registered provider property or a property belonging to another local housing authority, the new landlord's tenancy terms will apply.

4.2 Rent charges and service charges for existing Council tenants

Existing Council tenants rehoused to another Council property will pay the target rent and the service charges for that property.

Where tenants choose to be rehoused to a registered provider property or a property belonging to another local housing authority, the new landlord's rent and service charges policies will apply.

5 Assessment of need

5.1 Needs assessments

To support the household in achieving their best housing option all households are being assisted to complete a housing needs assessment. In order for a full and proper assessment of housing needs to be made, all households are encouraged to provide accurate and detailed information as requested.

As part of the needs assessment process officers will ask households to provide Equality and Diversity information. The Council asks households to assist in this process in order to help to deliver the Council's commitment to equality of opportunity when applying this policy.

The applications shall be kept up to date and the Council will assist households to include any changes in circumstances which affect the accommodation they require.

5.2 Bed size recommendations for existing Council tenants

The size of property each Council tenant and their household requires will be assessed as set out below:

Broad principles

We will offer properties of the same bedroom size as the one where the household was living, or

If the household is overcrowded, they will be offered a larger property that meets the needs of their household.

Council tenants who currently have spare bedrooms can downsize to a smaller property if they wish to do so.

Assessment of property size

We assess the size of property each household requires. This is set out below:

- One bedroom for you and your partner, if you have one
- One bedroom for every two children of the same sex, aged up to and including 20
- One bedroom for a child of the opposite sex, aged over ten
- One bedroom for any other adult aged 21 or over.

Table 1: bedroom eligibility

	One person	Couple	Two adults not living as a couple	One adult or a couple plus					
				One child or other adult	Two children of the same sex aged 20 or under	Two children of opposite sexes aged 9 or under	Two children of opposite sexes, one or both aged over 10	Three children	Four or more children
Studio	X	X							
One bed		X							
Two bed			X	X	X	X			
Three bed							X	X	X
Four or more bedrooms									X

In exceptional circumstances, the allowance of an extra bedroom will be considered and determined by the Director of Housing or a senior delegated officer within the Housing Department.

5.3 Adaptations and accessibility

The property offered will be adapted to meet the needs of the household (as assessed by an occupational therapist) if there is a disabled household member.

Available social housing properties are allocated an Accessible Housing Register (AHR) category. Different categories indicate how accessible the property is: for example, if it has a small number of steps, or no steps, or lift access, and whether it is suitable for someone who uses a wheelchair. The AHR category will be displayed in every property advertisement on Home Connections, the Council's choice-based lettings website. This will include all wheelchair-accessible properties. Further information about access is available on the Home Connections website, or from the Housing Occupational Therapy Team who can be contacted on 020 7361 3008.

If you need accessible housing, you should have a **health and independence assessment**. We will tell you which property categories we recommend you to bid for. There are an extremely limited number of the more accessible properties in the borough. To move quickly, you should be as flexible as possible with regard to where you will move to and you may consider properties outside of the borough. The Housing Occupational Therapy Team may be able to accompany you to view a property you have been offered or shortlisted for, to offer you tailored advice and guidance.

6. Points and priority

Due to the compelling and exceptional circumstances, all former **Council tenants** (see section 2 above) of Barandon Walk, Hurstway Walk and Testerton Walk who wish to be rehoused to an alternative social housing will be awarded 900 points resulting in a high priority for rehousing.

This priority for rehousing will be known as 'Walkways priority'. Tenants awarded Walkways priority cannot be awarded any other priority category for rehousing under the Allocation Scheme.

Tenants cannot be awarded Walkways priority while they remain in occupation of hotel accommodation provided for them following the Grenfell Tower fire. Tenants may apply for and be awarded Walkways priority when they are residing in self-contained temporary accommodation provided by the Council, or when they occupy their home in Barandon Walk, Hurstway Walk or Testerton Walk.

No time restriction will be placed on making an application for Walkways priority.

Where two or more tenants with the same priority for rehousing have expressed an interest in the same vacant property, the property will first be offered to the tenant with the greatest length of residence in the Walkways.

7. The allocation process

7.1 Expressions of interest in advertised properties

Once a tenants has been included on the Council's Housing Register and assessed under this policy, they will be eligible to express interest in vacant properties. Tenants can bid for properties that meet their specified needs as agreed through the needs assessment, including the number of bedrooms needed, any essential requirements concerning property type, floor level, location or mobility.

Tenants will be able to exercise choice by expressing an interest in properties advertised through the Council's online CBL (Choice Based Letting) scheme, Home Connections.

Tenants who are unable to access or use the online CBL scheme will receive assistance and support from the Council to ensure they can participate fully in the allocation process.

7.2 Direct Offers

Tenants awarded Walkways priority can be offered a suitable property even if they have not expressed an interest in it. This is called a 'direct offer' and it may be used to facilitate the rehousing of tenants to suitable settled social housing. Where the Council makes a direct offer it will ordinarily be made to tenants with the highest priority

Some properties have characteristics that mean that they should be reserved for tenants and households with particular needs. For example, accessible properties will be offered first to households who have been assessed as requiring them because of restrictions on their mobility. Within that group, the Council will usually select the households to whom these specific properties are to be let using the above prioritization process.

7.3 Rehousing

If a tenant accepts a property, then their application for rehousing under this policy will be closed.

If a tenant declines two suitable property offers, either as a result of expressions of interest or direct offers, their Walkways priority will be removed. In such circumstances, tenants may seek a review of this decision (see section 10).

8. Other housing assistance

8.1 Decant status for tenants who wish to return

A number of tenants currently residing in hotel or temporary accommodation may wish to return home, rather than be rehoused to an alternative property, but do not yet feel able to do so. In such circumstances, the Council will provide suitable self-contained temporary accommodation until such time as they feel able to return home, within a reasonable timeframe. Tenants who wish to return home from temporary accommodation rather than be rehoused to an alternative property will not receive a priority for rehousing but be awarded a temporary decants status.

8.2 Rehousing Options for residents who are not existing Council tenants

Households placed by the Council in temporary accommodation

Households placed by the Council in temporary accommodation pursuant to the main housing duty in Part 7 of the Housing Act 1996 (s.193) will be treated as **Council tenants** for the purposes of rehousing priority and will be awarded Walkways priority for rehousing.

Alternatively, if the household wishes to remain in their current property on a permanent basis, the Council will seek to allocate that property to them where possible; however, this discretion lies with their existing landlord and not the Council.

Existing private rented sector tenants and lodgers

The Council will offer a full financial resettlement package to enable existing private rented sector tenants and lodgers to be rehoused into an affordable alternative private rented tenancy. Where possible, the Council will negotiate a long tenancy term.

Household members of Council tenants

Adult household members living with existing council tenants who no longer feel able to remain living in their current home (nor with the existing tenants if those tenants also wish to be rehoused) will be provided with a full resettlement package to be rehoused into an affordable private rented tenancy. Where possible, the Council will negotiate a long tenancy term.

Leaseholders and family members of leaseholders

The Council will offer to purchase a property owned by a resident leaseholder, who does not feel able to remain in their home, at open market value as of 13 June 2017.

Leaseholders who were not residing in their home or who were renting out their home on 13 June 2017 will not be offered this option by the Council.

Adult household members living with existing resident leaseholders who no longer feel able to remain living in their current home (nor with the resident leaseholders if those leaseholders also wish to be rehoused) will be provided with a full resettlement package to be rehoused into an affordable alternative private rented tenancy. Where possible, the Council will negotiate a long tenancy term.

9. Exceptional cases

It is not possible to set guidelines that are appropriate for every individual situation in advance. The Council will exercise discretion in exceptional cases.

10. Complaints and appeals

This policy aims to provide everyone to which it applies with a safe, settled and secure new home. If residents are not happy with the way their case has been handled in the first instance they should raise this with the Council's Housing Department. Residents can contact the Housing Department direct by telephone on 020 7361 3008.

If a resident of Barandon Walk, Hurstway Walk or Testerton Walk wishes to submit a complaint or an appeal about the application of this policy to their own circumstances, they may contact the Council's Housing Review and Scrutiny Team in the following ways.

By email housingreviews@rbkc.gov.uk

In writing Housing Review and Scrutiny
Housing Needs Department
Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

11. Equality and diversity

In adopting this policy, the Council has had due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council will continue to monitor the effect of this policy on the above needs and in particular will review this policy after it has been in force for a period of three months. Further reviews will be carried out as necessary and appropriate.

The Council will continually monitor, review and improve the delivery of this policy with the aim of ensuring that it meets the community's needs in the best way that it possibly can.