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Local housing associations may fill some or all of their vacancies through the housing register. Some associations have their own waiting lists and accept direct applications or referrals from organisations such as social services a letting made *allocation*

Some authorities appoint another organisation (*contractor*) to manage the allocations process on their behalf. The authority remains responsible for drawing up and making changes to the allocation scheme. Decisions made by a contractor can be challenged in the same way as decisions made by an authority.

Sheltered housing allocation

Sheltered housing provided by local authorities and housing associations is allocated in the same way as *mainstream* social housing, although there may be specific rules on who gets priority. See factsheet 64, *Specialist housing for older people*, for more information.

4 Making an application

To join a local authority waiting list, you must fill in an application form with details of where you live now, medical conditions, and other relevant factors.

Who gets priority on the list?

Certain groups of people applying to join a housing register must be given reasonable preference, giving them priority for social housing.

You should be given reasonable preference if you:

are homeless, even if you have not made a homelessness application

are threatened with homelessness and owed a duty by the authority

live in overcrowded, unsanitary, or unsatisfactory housing. For example, your property lacks adequate heating or is in disrepair

need to move on medical or welfare grounds e.g. a mental or physical health condition or disability making your current home unsuitable

need to move to a particular area to avoid hardship to yourself or others.

You may need to move to give or receive care or access specialised medical treatment.

Can others get priority?

An allocation scheme does not need to allocate every available property to people in the reasonable preference groups. A scheme can take local priorities into account, so long as these criteria do not dominate the scheme. For example, it can promote work-related mobility or prioritise social tenants who are under-occupying their current housing.

How do authorities decide between people with priority?

Authorities can set rules giving more priority to people within the reasonable preference groups who have more urgent housing needs.

You may receive this *additional preference* if you: 7.5sh1 0 0 1 278.33 6ake local

are homeless due toET@.000008871 0 595.32 841.92 reW*nBT/F1 12 Tf1 0 0 1 227.33 6682.33 Tm0

5.1 'Qualifying People

Local authorities can only allocate accommodation *qualifying*
Subject to the immigration rules noted above and any other rules put in
place by the Secretary of State, authorities can decide who qualifies to
join their waiting list. *qualification criteria*

An authority may decide only certain people qualify, such as people in a reasonable preference group. They may decide certain people do not qualify, such as people who are not living in the area, owner-occupiers, and people with a history of rent arrears or anti-social behaviour.

The allocations guidance states that authorities may wish to disapply a policy of excluding owner-occupiers in cases where an older homeowner needs to move into sheltered accommodation.

Reasonable preference and qualification criteria

Problems can occur if an applicant for housing falls within a reasonable *qualification*
criteria. It is lawful for authorities to disqualify individuals who would otherwise be given reasonable preference, e.g. you have medical need to move but have been accused of anti-social behaviour.

However, qualification criteria should not exclude entire sub-groups of people who should be given preference and must comply with equalities, human rights, and public law. In one legal case, an allocation scheme

If you think you may have trouble with bidding, for example if you do not have access to a computer, tell the local authority. They should tell you how you can access the property listings, for example at your local library or housing office, or you may be able to place bids by phone.

The Regulator of Social Housing requires local authorities *develop and deliver allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs*

Disability

If you have a disability within the meaning of the *Equality Act 2010*, the authority

8 Joint and sole tenancies

Social landlords usually grant joint tenancies to couples (including same-sex couples) and may offer joint tenancies in other circumstances. When one joint tenant dies, the tenancy transfers into the name(s) of the remaining tenant(s) via a process called survivorship. That way, their right to stay is not prejudiced by their death.

Previous allocations guidance told local authorities they should normally grant joint tenancies *where household members have long-term commitments to the home*, and unpaid live-in carers. Where an authority refused an application for a joint tenancy, the guidance stated clear, written reasons should be given.

The current statutory guidance noted in section 5 is silent on this issue. However, authorities (and other social landlords) may continue to follow the old rules, or they may have their own policies

11 Renting from a housing association

Housing associations and other non-local authority social landlords are known as *private registered providers of social housing*. Registered means registered with the Regulator of Social Housing.

Many housing associations have arrangements with local authorities whereby some, or all, of their accommodation is let to people on the authority

Some housing associations accept direct applications for housing, but may still require you to be assessed by the authority. Some accept referrals from organisations like social services and charities. Speak to the local authority or a local advice agency about the routes to obtaining social housing in your area.

When running their own waiting lists, housing associations must have clear application, decision-making and appeals processes. The Regulator of Social Housing requires associations to have accessible allocations processes for people with support needs.

Housing associations must have published policies stating how they make use of local authority housing registers and allocation schemes and the criteria used to exclude people from their own waiting lists. You can ask to see a copy of these policies.

If you are interested in making a direct application to a housing association, ask them about the terms on which they make such lettings. They may grant tenancies with less security in this way.

However, as most housing associations are classed as public bodies and their actions can be scrutinised by the courts, you are still likely to be in a stronger position than if you rent privately.

If you are not satisfied with the way your application for housing is handled by a housing association, you can complain via their internal complaints procedure. If you have completed this and remain dissatisfied with the outcome, you can complain to the Housing Ombudsman.

Complaints should be referred to the Ombudsman no later than 12 months after the internal complaints procedure is completed.

Right to rent checks

right to rent must carry out immigration checks on the prospective adult occupiers of a property let through their own waiting list. Only those people with a right to rent can lawfully occupy the property.

Housing associations do not need to do this when making lettings through the local authority waiting list, because authorities already check that applicants are eligible based on their immigration status. For more information, see factsheet 63, *Finding private rented accommodation*.

13 Challenging decisions

You have a legal right to request an *review* authority decisions. This means a senior officer or panel of officers looks at the decision again. You have this right if the authority decides you are: not eligible for an allocation on the basis of your immigration status, or *qualifying person*.

In addition, you *any decision about the facts of [your] case which is likely to be, or has been, taken into account in considering whether to allocate housing*. This is likely to include decisions about:

the type of property you will be allocated

who is considered as part of your household

your medical condition and welfare needs

factors taken into account when deciding whether you have reasonable or additional preference

the level of priority you are awarded.

Seek advice to find out if you have good grounds to ask for a review and how to prepare your case. Normally, you have 21 days to do this.

If you are not satisfied with the outcome of your review, seek specialist advice from Shelter, Citizens Advice, or a law centre about challenging the decision, for example through judicial review. You should also seek advice if you are not given a right of review.

You can complain to the Local Government and Social Care Ombudsman (LGSCO) if you think a local authority has not followed

14 Moving home

14.1 Transfers

If you are an existing council or housing association tenant, you can apply for a transfer. Most transfer applications are dealt with by the local authority, but some housing associations have their own transfer lists.

If you are a housing association tenant, ask your housing officer what the arrangements are.

Mutual exchange as a 'transfer'

Exchange can *transfer* in certain circumstances. This was introduced by the *Localism Act 2011* and should not be confused with the

15 Moving to another area

If you have a particular need to move to another area, you may be able to ask your local authority to nominate you for an allocation of accommodation by another local authority. Alternatively, if you want to move to a neighbouring area, ask your local authority whether it has an arrangement allowing cross-border bids.

Otherwise, you can apply directly to the local authority of your choice. You can apply to join any local authority waiting list, but authorities can consider local connection when determining relative priorities between applicants with reasonable preference. Connection includes employment, past residence, family associations, and other special circumstances.

Some local authorities have set residency requirements as part of their policies on who qualifies for social housing. Residency requirements exclude applicants who do not live in the area or have not lived there long enough.

The allocations guidance encourages authorities to have a residency requirement and suggests that two years might be a reasonable qualification period.

16 Succession

Useful organisations

Citizens Advice

www.citizensadvice.org.uk

Telephone 0800 144 8848

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Equality Advisory Support Service

www.equalityadvisoryservice.com

Telephone 0808 800 0082

Their helpline provides information and advice about

Law Centres Network

www.lawcentres.org.uk

Supports a national network of community law centres that help defend the legal rights of people who cannot afford a lawyer. They can tell you if there is a community law centre in your area and signpost you to other legal advice providers if not.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0300 303 4498

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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