Factsheet 8

Council and housing association housing

June 2023

About this factsheet

This factsheet has information about applying for housing from local authorities and housing associations (‘*social housing*’). It explains how waiting lists are organised and properties allocated, as well as options if you need to move to a different local authority area.

You can find information on private rented housing in factsheet 63, *Finding private rented accommodation*. Information on housing intended specifically for older people is in factsheet 64, *Specialist housing for older people* and factsheet 2, *Buying retirement housing*.

Information about your rights as a tenant can be found in factsheet 35, *Tenancy rights - rent*, factsheet 67, *Home improvements and repairs* and factsheet 68, *Preventing evictions*.

Information on homelessness is in factsheet 89, *Homelessness.*

This factsheet is applicable in England only. In Wales, Scotland or Northern Ireland, please contact Age Cymru, Age Scotland or Age NI for information applicable to those nations. Contact details can be found at the back of the factsheet.

Contact details for organisations mentioned in the factsheet can be found in the *Useful organisations* section.

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1 What is social housing?

The term '*social housing*' is generally used to mean lower-cost rented housing provided by landlords registered with the social housing regulator - the Regulator of Social Housing.

We refer to landlords registered with the regulator as '*social landlords*'. The majority are local authorities (councils) and housing associations. We refer to local authority housing as '*council housing*'.

Social housing is likely to be cheaper and offer greater security from eviction than private rented housing. It is usually a good option if you need an accessible or adapted property, although you may need to wait longer for this type of housing.

In many areas, it is difficult to get social housing unless you meet certain criteria, such as being homeless or needing to move on medical grounds. Waiting times can be long even if you meet these criteria.

Properties are often let unfurnished and you may have little choice over type and location if you do not have '*choice-based lettings*' in your area.

Speak to a housing adviser if you want to make an application for social housing or speed up an existing application. They can guide you through the process, make sure your application is given sufficient priority, and help you to challenge any negative decisions.

2 How do I get it?

Most social housing is '*allocated*' by local authorities. This means each authority has a list of people waiting for social housing, called its '*housing register*'. Applications for housing are prioritised in line with policies set by the authority (its '*allocation scheme*'), although the law says some people must be given preference.

When a property becomes vacant, the authority selects someone from the waiting list to be the new tenant. Typically, this is the person with the highest priority who meets any conditions attached to the letting. In areas with choice-based lettings, it is the person with the highest priority who bids for the property and meets any conditions.

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 in this way does not count as an '*allocation*'.

Some authorities appoint another organisation (a '*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.

3 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. The authority considers your application against their allocation scheme and gives you points or places you in a band, reflecting the priority you have been given.

You may need to provide details of income, savings, other assets, and length of residency and employment (if appropriate) in the local authority area. You may have to provide evidence supporting your application, for example a GP letter outlining your health needs, how they make using your home difficult and why re-housing is needed on medical grounds.

Tell the local authority what sort of housing you need, for example particular features due to disability or illness, or if you need to live close to particular people or facilities such as shops or a bus route. You have the right to request information to enable you to assess the likely outcome of your application, for example whether you are likely to be given priority, whether suitable housing is likely to become available, and how long this is likely to take.

Waiting times vary significantly and depend on:

- the local housing market – how much social housing is available and how many people want it
- your level of priority and how this compares to others on the waiting list
- your needs – the type, size, and location of property you want, and whether you can be flexible about these (e.g. widening search area).

Many local authorities have a limited number of housing vacancies and long waiting lists. Waiting times for sheltered housing may be shorter.

If you need help filling in the form, speak to the local authority. By law, they must ensure '*any necessary assistance in making…an application is available free of charge to [people] who are likely to have difficulty in doing so without assistance*'. Seek advice and support from a local advice agency like a local Age UK or Citizens Advice if you need help.

Keep the authority informed of changes in your circumstances affecting your level of priority. You may be sent a request each year for up-to-date information about your household. It is important to provide this or you may be taken off the list.

4 Local authority allocation scheme

Local authorities must have an '*allocation scheme*' setting out the procedure they follow when allocating social housing and how they prioritise applications. They must publish a summary of the scheme and you can request a copy free of charge.

Schemes vary between local authorities. The law says certain groups of people must be given '*reasonable preference*' for housing, but authorities can set their own rules to determine the relative position of different applicants with reasonable preference and reflect local priorities.

Local authorities have additional powers and can set rules restricting access to the waiting list, for example if you are not in a reasonable preference group or have not been living in the area for long enough. This should not prevent you from joining in exceptional circumstances.

Government guidance

In drawing up schemes and allocating accommodation, local authorities must consider government guidance. There is general allocations guidance, plus specific sets of guidance on residence requirements, domestic abuse, and support for serving and former members of the Armed forces. All guidance can be found at:

www.gov.uk/government/collections/social-housing-allocations-guidance

Eligibility

Local authorities can only allocate accommodation to '*eligible*' people. This is linked to nationality and immigration status.

British citizens are eligible so long as they are '*habitually resident*' in the Common Travel Area (the UK, the Republic of Ireland, the Channel Islands and the Isle of Mann).

In practice, habitual residence is generally only investigated if you have recently arrived or returned to live in the UK – this means within the two years before making your application.

Seek specialist housing advice if you are not a British citizen and want to know if you are eligible.

See factsheet 25, *Returning from abroad*, for more information.

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:

- are homeless due to violence or threats of violence
- need to move due to a life-threatening illness or sudden disability
- live in a severely overcrowded property posing a serious health hazard
- are a member or former member of the armed forces, or the spouse/civil partner of a member of the armed forces who has died in service.

Beyond this, authorities can set their own rules to determine priorities between applicants in reasonable preference groups. These rules may relate to:

- the financial resources available to applicants
- any local connection with the area such as past or present residence, employment, family connection, or other special circumstances
- the behaviour of the applicant or a member of their household where this affects their suitability to be a tenant.

In practice, many authorities determine relative priorities by reference to how long a person has been on the waiting list.

4.1 *'Qualifying'* people

Local authorities can only allocate accommodation to '*qualifying*' people. 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. These rules are often called '*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 preference category but does not meet the authority's 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 disqualifying homeless applicants in long-term suitable temporary accommodation was declared unlawful.

In another, a scheme containing a blanket five-year residence requirement that excluded a homeless mother fleeing domestic violence was unlawful.

Seek advice if you are prevented from joining or removed from a housing register due to the authority's qualification criteria. Whatever criteria are adopted, authorities are encouraged to have a policy on dealing with exceptional cases.

For more information on residence requirements and moving areas, see section 14.

5 Choice-based lettings

Although a local authority may allocate accommodation in whatever way it considers most appropriate, many operate choice-based lettings, allowing applicants to '*bid*' for properties advertised in local newsletters or websites. Bidding simply means expressing an interest in a property; it is not an auction and you should not have to pay to secure a property.

A local authority is likely to place restrictions on who can bid for a specific property, for example bidding might be restricted to homeless applicants or a household of a certain size. Bidders with the highest priority who meet the criteria attached to the property are invited to view it. The bidder with the highest priority who wants the property is formally offered it.

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 social housing regulator requires local authorities to '*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 should take reasonable steps to ensure you are not disadvantaged under a choice-based lettings system.

Disability is defined as a '*physical or mental impairment*' that has a '*substantial and long-term adverse effect on [a person's] ability to carry out normal day-to-day activities*.' Let the authority know if you are in this position. Seek advice from Shelter or the Equality Advisory Support Service if they do not make adequate provisions to help you bid.

6 Direct offers

Your local authority may allocate some, or all, of its housing by making direct offers to people on the waiting list. The law does not state how many offers of housing can or must be made, so different authorities have different policies on offers and refusals. Some make one offer only. Some reduce your priority if you turn down an offer.

You should be given a reasonable period of time to make a decision on an offer. You normally have a chance to look at the property before deciding. If unhappy with an offer, you may be able to have the suitability of the property reviewed. A property may be unsuitable if, for example, it is on the third floor without a lift and you have mobility difficulties.

Only households who are owed a duty under homelessness law have an automatic right to a suitability review, but your local authority may have policies on when it will review other offers. If you do not have a right of review, ask the local authority to make another offer and use their formal complaints procedure if they refuse.

Seek advice before refusing an offer, as the local authority may not give you any more help if they do not agree the property was unsuitable.

If you are concerned about the state of repair of the property, discuss this with your housing officer. Serious repairs should be done before you move in. If the property needs redecoration, you may be given an allowance to do it yourself. Seek advice if the landlord refuses to carry out the repairs.

7 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 fellow tenant's death.

Previous allocations guidance told local authorities they should normally grant joint tenancies '*where household members have long-term commitments to the home*'. This included couples, friends, 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 4 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 on when joint tenancies are granted. They should follow these.

If a local authority or housing association is unwilling to grant a joint tenancy to you and a partner, friend, or unpaid live-in carer, seek advice from Shelter or a local advice agency like Citizens Advice or local Age UK.

Check before you sign a joint tenancy

Signing a joint tenancy has implications in terms of rent liability, succession rights, and your rights following relationship breakdown.

Joint tenants are 'jointly and severally liable' for all the obligations owed under the tenancy, including payment of rent. This means that if the rent is not paid, the landlord can pursue all or just one of the tenants about this.

For more information about succession and relationship breakdown in a joint tenancy, see sections 10 and 11 of factsheet 68, *Preventing evictions.*

8 Fixed-term and '*lifetime*' tenancies

There are different types of social tenancies. The standard local authority tenancy is a secure tenancy and the standard housing association tenancy is an assured tenancy. Both can be granted for a fixed period, or on an open-ended basis.

Open-ended tenancies are sometimes referred to as '*lifetime*' tenancies. They offer greater security of tenure, as they roll on indefinitely unless terminated by the landlord or tenant. Landlords wishing to terminate can only do so on certain grounds and, in many cases, the court must be satisfied that it is reasonable to evict. By contrast, fixed-term tenancies can be brought to an end fairly easily at the end of the fixed term.

Social landlords have been encouraged to make greater use of fixed-term tenancies, although plans to require local authorities to grant them in most circumstances have been abandoned.

Check what kind of tenancy you will be offered before bidding for or accepting a property. Speak to the local authority or your landlord if unsure.

Challenging a fixed-term offer

If you are concerned the proposed tenancy does not offer you enough security, seek advice immediately.

You may be entitled to a lifetime tenancy if you are, or have recently been, a lifetime social tenant. This is the case if you need a new tenancy for reasons connected with domestic abuse and the tenancy is being granted by a local authority (not a housing association).

Otherwise, look at your local authority's tenancy strategy. This sets out matters the local authority and local housing associations must consider when drawing up their policies on the:

- types of tenancy they grant
- circumstances in which they grant a particular type of tenancy
- length of the terms, if they grant tenancies for a fixed term, and
- circumstances in which they will grant a further tenancy when an existing tenancy comes to an end.

In addition, the social housing regulator says social landlords must have a '*policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability*'.

Landlords must tell you how you can complain about the type of tenancy offered and, if fixed term, the length of the term.

You have a legal right of review if you are offered a fixed-term tenancy by a local authority and the length of the term is not in line with its policies.

9 Affordable rents

Social landlords can charge '*affordable rents*' in certain circumstances. Affordable rents can be up to 80 per cent of the local market rent. This means they are generally higher than rents on other social properties, but lower than local private rents.

Not all social properties are let on an affordable rent basis. It should be clear if a property advertised or offered has an affordable rent level, but check with the local authority or landlord if you are unsure.

Make sure you are clear about the type of tenancy on offer too, as these vary. When the affordable rent system was brought in, it was envisaged that most affordable rent tenancies would be offered for a fixed term.

10 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's waiting list. 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

Under the '*right to rent*' rules, housing associations 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*.

11 Sheltered housing

If you apply for social housing, you may be asked whether you are interested in sheltered housing. This is a type of housing-with-support intended specifically for older people. The support is generally low level and may be limited to an emergency alarm and visiting staff. If you already rent a local authority or housing association home and you need accommodation with more support, you may be able to transfer.

Sheltered housing is intended for people who may have some support needs but are able to live independently. In some areas, you are eligible for sheltered housing if aged 50 or over; in other areas, aged 60 or over.

Some local authorities place all sheltered housing applicants in the same band or give them the same number of points. Others give more priority to applicants seen as having particular needs for sheltered housing, for example mobility issues.

Usually, local authorities avoid allocating social housing to people who already own their own home, but they may do so in exceptional circumstances. Guidance on housing allocations specifically mentions older owner-occupiers who cannot safely stay in their own home and need to move into sheltered accommodation.

What if I do not want sheltered housing?

If you apply for social housing, you may be told you are only eligible for sheltered housing due to your age. You may be able to challenge this if you would prefer social housing that is not designated for older people (sometimes called '*mainstream*' or '*general needs*').

If the authority assessed your needs and decided these would be best met in sheltered housing, you can ask for a review of the type of property to be allocated (see section 12). If they have a blanket policy on allocating sheltered housing to applicants over a certain age, this may be unlawful and can be challenged via judicial review.

You are more likely to be successful if you can show you do not have significant support needs and other more suitable accommodation is clearly available. For more information, see factsheet 64, *Specialist housing for older people.*

12 Challenging decisions

You have a legal right to request an internal '*review*' of certain local 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
- not a '*qualifying person*'.

In addition, you have a right of review in relation to '*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*' to you. 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 (LGO) if you think a local authority has not followed correct procedures in handling your application or not acted fairly.

Your Ombudsman referral must usually be made after exhausting the authority's internal complaints procedure, and no later than 12 months after becoming aware of the issue at hand. The referral deadline may be extended in exceptional circumstances, for example if you could not complain on time due to poor health.

If you are an existing social tenant looking for a transfer, you may need to complain to the Housing Ombudsman instead. See section 13.1 for more information on transfers.

If you feel you have been discriminated against, get advice from the Equality Advisory Support Service. A public body like a local authority is not allowed to discriminate on the basis of a '*protected characteristic*' such as age, disability, gender reassignment, or race, under the *Equality Act 2010*.

See *factsheet 79, Equality, discrimination and the Public Sector Duty,* for more information.

13 Moving home

13.1 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. Getting on an internal list can mean you are able to move across local authority boundaries as well as within your local authority area.

If you are in a reasonable preference group and apply to the local authority for a transfer, you are treated the same as a new applicant for housing.

If you do not have reasonable preference, for example you need to move as you are under-occupying, your application does not count as an '*allocation*' and can be dealt with outside the usual rules.

This means your local authority may have separate policies that apply if you are an existing social tenant without reasonable preference.

Check whether your authority has a specific policy on the type of tenancies granted to transferring tenants. Always check what tenancy you will be granted at a property before you accept it.

Social landlords can grant a range of tenancies, some offering less security of tenure.

If your type of property is in high demand, you may be given additional priority. Some social landlords offer financial incentives to people who want to transfer from larger to smaller homes.

Before seeking a transfer, think carefully about your rights and the long-term suitability of any alternative property. This is particularly important if, for example, you are giving up a '*lifetime*' tenancy for one with lower security, transferring to a higher-rent property, or moving to a different area.

If things do not work out and you then ask the local authority for help in rehousing you, they may say you became homeless intentionally.

13.2 Mutual exchange

You may be able to move to another council or housing association property via '*mutual exchange*', also known as home swap. This could enable you to move across local authority boundaries as well as within your local authority area.

If you are interested in mutual exchange, you need to organise this through a mutual exchange website.

The social housing regulator requires landlords to subscribe to a mutual exchange website on behalf of their tenants, or pay the subscription fees of individual tenants wishing to exchange.

It requires landlords to provide '*reasonable support*' to tenants who want to arrange an exchange but do not have access to the internet. Contact your landlord if you want to know more.

Mutual exchange via 'assignment'

Exchanges generally happen via '*assignment*', where you swap tenancies as well as properties.

This means you could end up with a different tenancy giving you different rights. For example, if you are a secure council tenant and swap with an assured housing association tenant, you get their assured tenancy.

Before you swap, make sure you understand what kind of tenancy you are getting and are happy with the new position. Your rights against eviction are likely to be different from before. For example, you may have less protection if you get into severe rent arrears.

You must usually obtain your landlord's written permission before assigning your tenancy and your exchange partner must do the same. If you fail to do this, you could be putting yourself at risk of eviction.

Secure tenants have the right to assign their tenancies to another secure tenant or to an assured housing association tenant, so long as they obtain written consent. The landlord can only refuse consent on certain grounds, including:

- you or your exchange partner has a notice seeking possession or a court order against them, for example for rent arrears or anti-social behaviour
- exchange would leave your current accommodation overcrowded or substantially under-occupied
- your property is adapted for a disabled person and the person you are exchanging with does not have the same needs
- your property is sheltered accommodation and the person you are exchanging with is not an older person.

If you are an assured housing association tenant, your tenancy agreement is likely to say what rights you have around assignment. It may prohibit assignment absolutely – if so, your main option is to try negotiating with your landlord. It may permit assignment with your landlord's consent, in which case consent cannot be unreasonably withheld.

If your agreement says nothing about assignment and is '*periodic*' (rolling), you must usually seek consent before assigning and consent can be withheld for any reason.

Mutual exchange as a ‘transfer’

Exchange can happen as a ‘*transfer*’ in certain circumstances. This was introduced by the *Localism Act 2011* and should not be confused with the transfers in section 13.1. It enables ‘*lifetime*’ social tenants to swap homes with fixed-term social tenants without losing their security. The lifetime tenancy must have been granted before 1 April 2012.

When exchange happens as a transfer, you ‘*surrender*’ your old tenancy and are granted a new tenancy at the new property. The new tenancy is the same as your old one, if the landlord can grant that kind of tenancy, or one with a comparable level of security.

You may end up with a different tenancy. If you are a secure local authority tenant and swap with a housing association tenant, you surrender your secure tenancy and receive an assured tenancy.

Before you swap

If you have found a property you like, speak to a specialist housing adviser about the best way to carry this out. There may be situations where exchange can happen as an assignment or as a transfer, so you need to understand the implications in terms of your tenancy security and rights.

In all cases, make sure you understand:

- your new tenancy type
- the terms and conditions of your new agreement
- what rent you will be charged.

Make sure you look carefully at the new property and are happy with its condition. Your landlord is responsible for carrying out some repairs, but it is likely you will be responsible for decorating the property and maintaining the garden.

Make sure you are happy to make whatever improvements you feel are necessary. Check the Council Tax payable for the property, particularly if moving across local authority boundaries.

14 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. However, authorities should '*retain the flexibility to take proper account of special circumstances*'.

This means making exceptions to a residency requirement for specific groups, for example vulnerable people and under-occupiers, and having a policy on dealing with exceptional cases.

Certain groups cannot be excluded by a residency requirement, for example existing social tenants moving areas for work, and some members or former members of the armed forces.

You may find a local authority relaxes its residency requirement if you are looking for sheltered accommodation in the area, for example if you need to move closer to family and friends.

Speak to an adviser if you are interested in moving to a particular area but the authority will not make exceptions to its residency requirement. This is particularly important if you should be given reasonable preference for social housing.

Allocation schemes have been declared unlawful because they contained criteria disqualifying residents who were entitled to reasonable preference, including one scheme with a residency requirement.

15 Succession

If your partner or another family member dies, you may be able to take over their social tenancy via a process called '*succession*'. You may have a legal right to succeed ('*statutory succession*'), or the landlord may grant you a new tenancy on a discretionary basis.

The statutory succession rules for **secure tenancies** are set out in the *Housing Act 1985*. They differ depending on whether the tenancy was granted before or after 1 April 2012.

For tenancies granted before that date, a spouse, civil partner, or a member of the tenant's family can succeed. Member of the family is defined in law and includes live-in partners. To succeed, you must have been occupying the property as your only or principal home at the time of the tenant's death. If succeeding as a family member (including a live-in partner), this must also have been the case for the 12 preceding months.

For tenancies granted on or after that date, only a spouse, civil partner or live-in partner has a guaranteed right of succession, and only if they were occupying the property as their only or principal home at the time of the tenant's death. However, the tenancy agreement may give rights to other family members.

This is also the position for **assured tenants**, regardless of when the tenancy was granted, although their rights are set out in the *Housing Act 1988*.

Statutory succession can usually only happen once. This includes if a joint tenancy has become sole following the death of one tenant. If your partner or family member's tenancy has been passed on before, check whether a second succession is possible under their tenancy agreement.

If not, check whether the landlord has a policy of allowing discretionary succession in certain circumstances. They may, for example, allow adult children of deceased joint tenants to succeed. Technically, this is via the grant of a new tenancy.

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

Helpline provides information and advice about the *Equality Act 2010.*

Equality and Human Rights Commission
www.equalityhumanrights.com

Provides advice and guidance on people's rights and responsibilities under the *Equality Act 2010*.

Gov.uk
www.gov.uk

Government website providing information on a variety of subjects and services. The social housing allocations guidance for local authorities can be found here.

Housing advice services

There may be a specific housing advice or housing aid centre in your area, providing advice on a range of housing issues. Your local authority or Citizens Advice should be able to tell you about these services.

Contact your local authority as soon as possible if you are worried you may become homeless.

Housing Ombudsman Services
www.housing-ombudsman.org.uk
Telephone 0300 111 3000

Investigates complaints made by tenants of landlords registered with the social housing regulator. The complaint must relate to the landlord's 'landlord functions.'

Law Centres Network
www.lawcentres.org.uk
Telephone (general enquiries) 020 3637 1330

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.

Local Government and Social Care Ombudsman
www.lgo.org.uk
Telephone 0300 061 0614

Investigates complaints about local authorities 'public' housing activities, such as housing allocations, decisions on homelessness applications, general housing options advice and anti-social behaviour investigations.

Complaints about transfer applications by existing tenants that fall outside of statutory allocations rules are dealt with by the Housing Ombudsman.

Regulator of Social Housing
www.gov.uk/guidance/about-the-regulator-of-social-housing
Telephone 0300 124 5225

Regulates registered providers of social housing, including local authority landlords and housing associations. It sets consumer and financial standards that providers are expected to meet.

Shelter
www.shelter.org.uk
Telephone 0808 800 4444 (free call)

National charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

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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Our publications are available in large print and audio formats

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The evidence sources used to create this factsheet are available on request. Contact *resources@ageuk.org.uk*

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