



PUBLIC SECTOR HOUSING (OLDER PERSONS) (ALLOCATION) POLICY 2019

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Statutory Document No. 2019/0074

*Housing (Miscellaneous Provisions) Act 1976*

PUBLIC SECTOR HOUSING (OLDER PERSONS) (ALLOCATION) POLICY 2019

Approved by Tynwald: 20 March 2019
Coming into operation: 1 April 2019

The Department of Infrastructure, having consulted all the local authorities that would be affected by it¹, adopts the following Policy under paragraph 1A(1)² of Schedule 3 to the Housing (Miscellaneous Provisions) Act 1976.

1 Title

This Policy is the Public Sector Housing (Older Persons) (Allocation) Policy 2019.

2 Commencement

If approved by Tynwald, this Policy comes into operation on 1 April 2019³.

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

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

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

³ 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;

“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;

“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 sheltered housing.

4 Allocation of sheltered housing

- (1) An applicant may be selected by a housing authority for public sector housing for older persons (**“sheltered 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 sheltered 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) If the applicant, or either of the joint applicants, owns residential accommodation ("**the premises**") in any jurisdiction, the applicant may be accepted for inclusion on the relevant housing authority's housing waiting list for sheltered housing providing all of the following conditions are satisfied prior to allocation—

Condition 1

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

Condition 2

Disposal of the premises is anticipated within six months of allocation of sheltered housing.

This condition is subject to sub-paragraph (5).

Condition 3

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 4

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(3) of Part 1 of the Schedule.

- (5) If the premises have not been disposed of within the period specified in condition 2 of sub-paragraph (4) 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 that 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) the circumstances in which an applicant in tied accommodation may be accepted on a housing waiting list;
 - (g) who the relevant housing authority is for the purposes of—
 - (i) a review or appeal under paragraphs 5 or 6; and
 - (ii) the local connection in criterion 3 in Part 2 of the Schedule; and
 - (h) 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 Regulations⁴.
- (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.

8 Revocations

The following are revoked –

- (a) the Housing (Public Sector Sheltered Housing) (Criteria for Allocation of Housing to Older Persons) Policy 2016⁵;
- (b) the Public Sector Housing (Allocation) Policy 2018⁶; and
- (c) the Public Sector Housing (Allocation) (No.2) Policy 2018⁷.

MADE 15 FEBRUARY 2019

R K HARMER

Minister for Infrastructure

⁴ See the Income Support (General) (Isle of Man) Regulations 2000 (SD 26/00).

⁵ SD 2016/0101

⁶ SD 2018/0239

⁷ SD 2018/0255

SCHEDULE

[Paragraph 4]

ALLOCATION OF OLDER PERSONS (SHELTERED) HOUSING**PART 1****CONDITIONS FOR INCLUSION ON A HOUSING WAITING LIST FOR OLDER PERSONS (SHELTERED) HOUSING****1 Eligible applicant conditions**

- (1) An applicant must be—
- (a) a single person who—
 - (i) is at least 65 years old; and
 - (ii) has no dependent children; or
 - (b) a member of a couple—
 - (i) either or both of whom are at least 65 years old;
 - (ii) neither of whom has a dependent child; and
 - (iii) the younger of whom is at least 50 years old.
- But this is subject to sub-paragraph (2).
- (2) In exceptional circumstances, and with the written approval of the Department, an applicant may nevertheless be treated as satisfying the condition specified in sub-paragraph (1) if the applicant is—
- (a) a single person who—
 - (i) is less than 65 years old; and
 - (ii) has no dependent children;
 - (b) a couple—
 - (i) either or both of whom are less than 65 years old; and
 - (ii) neither of whom has a dependent child; or
 - (c) two single persons—
 - (i) either or both of whom are less than 65 years old; and
 - (ii) neither of whom has a dependent child.
- (3) For the purposes of this paragraph, “**dependent child**” means a child or young person—
- (a) aged under 18; or

- (b) aged between 18 and 21, and is 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.

2 Residential condition

In accordance with paragraph 1 of Schedule 3 to the Act, an applicant, or in the case of a joint applicant, either or both applicants, must have been ordinarily resident in the Island for a total period of not less than 10 years.

3 Financial conditions

- (1) An applicant’s annual gross income must not exceed annual median earnings.

But this is subject to sub-paragraph (4).

- (2) Joint applicants’ annual gross incomes must not exceed 110% of annual median earnings.

But this is subject to sub-paragraph (4).

- (3) An applicant’s or joint applicants’ financial and other assets must not exceed the median house price.

But this is subject to sub-paragraph (4).

- (4) In exceptional circumstances where there is a profound housing need, and an applicant falls outside the financial conditions in sub-paragraphs (1) to (3), an applicant may be included on the housing waiting list, subject to the written approval of the Department.

- (5) For the purposes of sub-paragraphs (1) or (2), 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 (6).

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

- (7) In this paragraph—

“**annual median earnings**” means the median weekly earnings of full-time employees on adult rates as published in the Isle of Man Earnings Survey Report from time to time⁸, multiplied by 52; and

⁸ For current rates see [GD 2018/0004](#).

“the median house price” has the meaning given in the Isle of Man Housing Market Review from time to time⁹.

4 Health and welfare condition

An applicant, or both joint applicants, must be—

- (a) capable of independent living (with an appropriate and continuing package of support, provided by or on behalf of the applicant, if necessary); and
- (b) able, and prepared, to live without presenting unmanageable risks to themselves and others.

PART 2

POINTS SYSTEM FOR OLDER PERSONS (SHELTERED) HOUSING

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

This paragraph 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 sheltered 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.	
3. Local connection with housing authority area	Living in the housing authority area for more than 5 years	5 points
	Living in the housing authority area for more than 1 year	4 points
	No residence but family/welfare connections	3 points
	No connection	0 points

⁹ For current median house price see <https://www.gov.im/media/1361664/2018-02-08-2017-housing-market-report.pdf>

4. Public sector tenant	Releasing a general needs public sector property suitable for a family	10 points
5. Gross annual income	Including, where applicable, combined income and taxable benefits of joint applicants.	
	£25,001 and above	0 points
	£22,501 - £25,000	3 points
	£20,001 - £22,500	6 points
	£17,501 - £20,000	9 points
	£15,001 - £17,500	12 points
	£15,000 and under	15 points
6. Adequacy of present accommodation	(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
7. Notice to quit (excluding for rent arrears)	Formal legal notice to quit	5 points
	Landlord/advocate court order	10 points
8. Private sector tenant	For 1 year or more (either at the time of application or during any period whilst on the housing waiting list)	5 points
9. Financial/property assets	Including, where applicable, all financial/property assets of joint applicants	
	£25,000 to £34,999	-3 points

	£35,000 to £49,999	-6 points
	£50,000 and above	-10 points
10. Unjustified refusal	Discretionary deduction (per refusal)	-10 points
After two unjustified refusals the applicant will be removed from the housing waiting list.		
11. Accumulated rent arrears	Discretionary deduction	-10 points

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 older persons housing, also known as sheltered housing (see Part 1 of the Schedule).

The Policy also provides for allocation of points, based on an applicant's personal circumstances, for sheltered 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.

Paragraph 8 revokes the previous version of the policy for allocation of sheltered housing, the Housing (Public Sector Sheltered Housing) (Criteria for Allocation of Housing to Older persons) Policy 2016 (SD 2016/101), the Public Sector Housing (Allocation) Policy 2018 (SD 2018/0239) and the Public Sector Housing (Allocation) (No.2) Policy 2018 (SD 2018/0255).