

## Delegated powers

Aberdeen City Council recognises that very occasionally an applicant may have exceptional housing circumstances which fall out with the points scheme. In these rare situations applicants may be offered re-housing through powers given to Senior Officers within the Housing Service. Applicants in this section are awarded two offers of accommodation. The delegated powers are as outlined below:

### 1. Matrimonial home

The provision of temporary accommodation during absence from the matrimonial home. To provide temporary flatted accommodation on a non-secure basis to a person who is pursuing a court action for the transfer of the tenancy of the matrimonial home.

### 2. Break in a joint tenancy

Applications from partners living within the matrimonial home and wishing to be rehoused separately from other partners will be dealt with in accordance with the Waiting list of the Allocation Policy, having been pointed based on the applicant occupying half the accommodation available, unless otherwise decided by the Chief Officer Early Intervention and Community Empowerment.

### 3. Better use of Amenity, Sheltered/Very Sheltered, or Disabled Adapted Accommodation

Where a transfer request is received from an applicant occupying a sheltered house, or a house which has been designed or adapted for occupation by a person with special needs, and there is no longer a person with such needs occupying the dwelling house, to offer a transfer to the most appropriate suitable alternative accommodation of appropriate size, as determined by the Chief Officer Early Intervention and Community Empowerment.

### 4. Better use of ground floor accommodation

Where a transfer request is received from an applicant occupying a ground floor flat which is found to be suitable for an applicant within the medical priority on the Urgent Housing List, to offer the ground floor tenant a transfer to the most appropriate suitable alternative accommodation of appropriate size, as determined by the Chief Officer Early Intervention and Community Empowerment.

### 5. Transfer within the same sheltered housing development

To transfer sheltered housing tenants within the same sheltered housing development, where the tenants' circumstances have changed since originally allocated sheltered housing, and where the current accommodation is now considered to be no longer suitable.

### 6. Moves within a tenement block

Where a vacancy arises within a tenement block (except for any ground floor flat which is required for letting on medical grounds), to grant a request for transfer to accommodation of the same size from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block, and who expresses an interest in the vacancy. In the event of more than one tenant expressing such an interest, we will offer the vacancy to the tenant with the longest period of residence within the block.

### 7. Moves within a multi-storey block

Where a vacancy arises within a multi-storey block comprising two bedrooms and one-bedroom flats or flats of the same size, to grant a request for transfer from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block, and who expresses an interest in the vacancy, regardless of the size of accommodation. In the event of more than one tenant expressing such an interest, we will offer the vacancy to the tenant with the longest period of residence within the block.

#### 8. Hard to let houses

To define individual houses as hard to let and subsequently to allocate such houses out with priority in the interests of good housing management.

#### 9. Applications with rent arrears or outstanding debt due to the Council

To accede, in appropriate circumstances, to requests for housing/rehousing from applicants who are in rent arrears or have any other outstanding debt due to the council, on the basis that a satisfactory arrangement has been made in relation to the outstanding debt. Thereafter, the application would be considered on normal turn of points priority.

#### 10. Termination of tenancy on admittance to hospital or residential care Establishment

Where a tenant has been admitted to hospital or a residential care establishment on a long term basis, to accept the voluntary termination of the tenancy on the understanding that accommodation of the same size and type in the same letting area if readily available, otherwise in an area of similar letting demand, will be offered on discharge, provided the tenancy has been considered to have been conducted satisfactorily and that a satisfactory arrangement has been made, at the termination of the tenancy, to pay any outstanding debt.

#### 11. Termination of tenancy by a tenant sentenced to a term of imprisonment exceeding 26 weeks

Where a single tenant sentenced to a term of imprisonment which will lead to an absence from home for a period exceeding 26 weeks has terminated the tenancy (on the basis that the tenant shall be responsible for the removal, storage of any furniture and personal effects), to offer accommodation of a suitable size and similar type within the same letting area if readily available, otherwise in an area of similar letting demand, on release from prison, provided the tenancy has been conducted satisfactorily and that a satisfactory arrangement has been made, at the termination of the tenancy, to pay any outstanding debt.

The following delegated powers cover requests for transfer of tenancy:

#### 12. In relation to requests for transfers of tenancies

To accede in appropriate circumstances to requests by a member or members of a tenant's family, over 16 years of age, arising from the tenant's intention to leave the house (for example to marry), even if the accommodation is in excess of the applicant's requirements; and in the event of the declinature of such a request, to offer, in appropriate circumstances, suitable alternative flat accommodation.

#### 13. In relation to requests for transfers of tenancies

To accede in appropriate circumstances to requests by sole tenants to transfer the tenancy to a partner.

The following delegated powers cover requests for succession to a tenancy:

14. In relation to a first or second succession to a tenancy from a qualified person

To grant the succession and thereafter offer a transfer should the person so wish and if it is in the interests of the Council. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.

15. In relation to requests for succession to a tenancy from a non-qualified person

Where the non qualified person has been in the property for up to 10 years, consideration should be given to the size, type and letting demand of the property. Thereafter, if deemed appropriate, the applicant should be granted the succession or alternatively offered suitable alternative accommodation. This should be of flatted accommodation of appropriate size and may be in any area, as determined by the Chief Officer Early Intervention and Community Empowerment.

16. In relation to requests for succession to a tenancy from a qualified or non- qualified person

Where they have been in the property for more than 10 years, the applicant should be granted the succession and thereafter offered a transfer should they so wish. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.

17. In relation to a request for a third succession to a tenancy from a qualified or non-qualified person

Where the qualified or non-qualified person has been in the property for up to 10 years, consideration should be given to the size, type and letting demand of the property. Thereafter, if deemed appropriate, the applicant should be granted the succession or alternatively offered suitable alternative accommodation. This should be of flatted accommodation of appropriate size and may be in any area, as determined by the Chief Officer Early Intervention and Community Empowerment.

18. Acceptance of offer of accommodation where one partner dies or goes into a residential home or institution before the lease is signed

Where an offer of accommodation has been accepted but one partner dies or goes into a residential home or institution, prior to the lease being signed, to permit the remaining partner to occupy the accommodation provided that the accommodation is of a size suitable to their needs.

19. Transfer a tenant who is unwilling to maintain the garden

Where a tenant is unwilling to maintain their garden in a tidy condition and the tenant is willing to move of their own accord, to arrange to re-house the tenant in flatted accommodation without a garden.

20. Essential repairs - temporary housing

To transfer tenants, on a temporary basis to same size and similar type accommodation. Within the same letting area, if readily available, otherwise in an area of similar letting demand, where transfer is considered by the Chief Officer Early Intervention and Community Empowerment to be necessary to enable essential repairs or improvements to be carried out.

21. Essential repairs - permanent housing

To transfer tenants, on a permanent basis to same size and similar type accommodation. Within the same letting area, if readily available, otherwise in an area of similar letting demand, where transfer is considered by the Chief Officer Early Intervention and Community Empowerment to be necessary to enable essential repairs or improvements to be carried out.

## 22. Repairs notice

To arrange for the provision of temporary flatted accommodation. Of a suitable size within the same letting area, if readily available, otherwise suitable alternative letting areas, to tenants of private sector accommodation which is the subject of a Repairs Notice under Section 108 of the Housing (Scotland) Act 1987 in cases where a landlord is unable to secure alternative accommodation.

The objective of the following delegated powers is to rehouse tenants to similar type accommodation within the same letting area, subject to availability of suitable accommodation and the safety of the individual tenant. Where re-housing out with the area is recommended, it will be to an area of similar letting demand. Re-housing is normally to the same size of accommodation. Smaller accommodation may be considered only where the supply and/or demand warrants this or where exceptional circumstances apply.

## 23. Fear of victimisation or other harassment

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of violence, intimidation, fear of victimisation or other harassment by neighbours or any party where no other suitable remedy exists.

## 24. Death due to violent or traumatic circumstances

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of bereavement where death was due to violent or traumatic circumstances within the property.

25. To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a former partner or close relative of a former partner have moved into or are living in accommodation situated in close proximity to the tenant.

26. Harassment by a partner ex-partner or relative To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner or relative of ex-partner, following a decision of the Court regarding the tenancy of the matrimonial home.

## 27. Suffering harassment by a partner, ex-partner, or relative of ex-partner

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner, or relative of ex-partner, where the Chief Officer Early Intervention and Community Empowerment is satisfied that an attempt to continue living in the current accommodation would likely be met with violence or threats of violence.

## 28. Adopted or foster children

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the natural parent(s) of adopted or foster children move into accommodation situated in close proximity to the tenant.

#### 29. Repeated break-ins

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where there have been repeated break-in incidents directed at the tenant, subject to corroboration by the Police.

#### 30. Unsatisfactory tenancy

To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a tenancy has recently been created (normally within 12 months) is proving unsatisfactory and the tenant concerned is prepared to move.

#### 31. Dispute between two neighbours

Where there has been an irreconcilable dispute between two non-compatible neighbours to offer accommodation of similar size (or smaller) than currently occupied and similar type to either or both parties.

#### 32. Victim of racial harassment

To re-house a tenant to accommodation of a similar size (or smaller) and type in an area of similar letting demand in cases where the tenant or their family are considered, to the satisfaction of the Chief Officer Early Intervention and Community Empowerment, to be the victim of racial harassment or live in fear of such harassment.

#### 33. Unsatisfactory tenancy

To permit a tenant of Aberdeen City Council to be re-housed to accommodation of a similar or smaller size and type and letting area where a Scottish Secure Tenancy proves to be unsatisfactory, and the tenant is prepared to be re-housed and to accept a Short Scottish Secure Tenancy, together with appropriate housing support.

#### 34. Witness Protection Programme

In the case of an applicant included by Police Scotland in the witness protection programme to grant that applicant priority rehousing to the same size and type of accommodation as currently occupied, in an area of the City deemed to be appropriate (as advised by Police Scotland). The priority to be of a similar level to emergency homeless applicants where those applicants are placed at the top of the list. Where accommodation of the type and size requested is not available, then, due to the urgency of these types of cases, power to deal with the case as appropriate and submit a report to the first available Committee for information.

#### 35. Downsizing Scheme

To grant approval for officers to provide priority and financial incentive to re-house a tenant, currently down sizing their accommodation to a smaller and suitable sized property under the approved "downsizing scheme"

#### 36. Kinship Carer

To grant delegated powers to the Chief Officer Early Intervention and Community Empowerment to assess individual kinship carer applications on a case by case basis and grant increased priority where the need for alternative accommodation is of an urgent nature.