

# Lettings policy

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**All policies are the responsibility of the leadership team to own, deliver, disseminate, monitor and review**

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## **Purpose**

This policy covers all Selwood Housing properties, except a limited number of supported living schemes.

The policy has been developed with regard to the Housing Act 1996 Part IV under which the local authorities make nominations and the Homes and Communities Tenancy Standard 2012 which sets out the following expectation of Registered Providers:

### **Allocations and mutual exchange**

*1.1.1 Registered providers shall let their homes in a fair, transparent and efficient way.*

*1.1.2 They shall consider the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:*

- (a) make the best use of available housing*
- (b) are compatible with the purpose of the housing*
- (c) contribute to local authorities' strategic housing function and sustainable communities*

*There should be clear application, decision-making and appeals processes.*

The purpose of this policy therefore, is to set out how we will advertise and let our homes to ensure we meet the housing need of our customers, create sustainable neighbourhoods and make the best use of our stock.

The introduction of the Localism Act in 2011 has provided flexibility to local authorities to set their own priorities depending on the needs of the area. This has resulted in more restrictive policies in some local areas and particularly in Wiltshire around local connection and level of housing need criteria. This has also significantly reduced their waiting lists and increased the proportion of vulnerable applicants applying for our homes. The impact of this upon the Selwood Housing Group (SHG) is that we have less demand for some of our homes and in some cases are not able to consider applicants who we feel have a housing need. We are also finding it increasingly difficult to create sustainable communities and have an increased number of vulnerable tenants who do not meet the thresholds for support. Consequently, Selwood will take a flexible

approach to how and where we will advertise our vacancies to ensure we meet our objectives detailed below.

Supported living accommodation with specialist support such as Barton Lodge, Rowan House and care homes are not advertised or allocated through choice-based lettings schemes, so are not covered by this policy. Other allocation arrangements are in place with external agencies that have the responsibility for meeting the needs of the client group.

The appendices attached to this policy detail how we will assess housing need, suitability for our properties including the eligibility criteria for different types and sizes, circumstances when we will refuse applications for our housing and when we will make direct lets.

Appendix A – Housing Need Categories

Appendix B – Property eligibility

Appendix C – Direct lets

Appendix D – Reasons for refusal

Appendix E – Policy context and references

Further details and guidance can be found in the following documents:

- Lettings Procedure
- Difficult to Let Lettings Strategy
- Lettings Guidance Notes
- Procedure for the Handover of New Build Properties
- Right to Rent Procedure

### **Underpinning principles**

The focus of this policy is to achieve Selwood Housing Group's overall purpose:

**'to provide housing to people in housing need. Around this core purpose we provide other services and invest in enterprises and initiatives which will help improve our customers' homes and communities that they live in.'**

We will also have regard to our charitable objectives when letting our homes and the specific objectives relevant to this policy are:

**'providing Houses or Hostels and any associated amenities for persons in necessitous circumstances upon terms appropriate to their means'**

**'providing for aged, disabled (whether mentally or physically) or chronically sick persons in need thereof Houses or Hostels and any associated amenities specially designed or adapted to meet the disabilities and requirements of such persons;**

**'the relief of poverty amongst the residents of the local authority areas in which the Company owns or manages housing stock;'**

An applicant must satisfy one of these charitable objectives and in most cases will not be eligible for our homes if they are financially capable of accessing other housing tenures. In relation to relieving poverty there may be circumstances where an applicant has a moderate income or savings but due to a complex need our housing maybe the most appropriate available in the locality in which case they will be considered.

The income or savings of an applicant will also not be a barrier if the property is designated difficult to let if there is a housing need, although applicants who satisfy one of the other objectives will take precedence.

Other Key Principles

- Achieve our corporate targets for void performance and void rent loss through effective collaboration with other teams within the Selwood Housing Group.
- Work in partnership with the local authority and other agencies to ensure we let our homes to those who most need them and in a fair and transparent way.
- Make best use of our stock including our adapted properties.
- Create balanced and stable communities.
- Prevent tenancy fraud.
- Support our tenants affected by welfare reform changes to move to more appropriate housing through the relevant CBL system or a direct let. A direct let is when we make a direct offer of a vacant home without advertising it through the local authority choice-based lettings scheme.
- Satisfy the legal nomination agreements we hold with the relevant local authority for the allocation of our relets and new build homes in their area.

- An applicant will have the right to request an appeal of a decision to refuse accommodation.

### Lettings Authorisation

- Every Letting will be investigated and approved by a Lettings Coordinator or equivalent member of staff.
- Lettings under exceptional circumstances will be approved by the Income and Lettings Manager or Lettings Supervisor and the appropriate Neighbourhood Service Manager or Senior Neighbourhood Manager in their absence.
- A monthly audit of 10% of lettings will be done retrospectively to ensure compliance with the policy and procedure.

## **Policy areas**

### Nomination Agreements and Advertising Properties

We have nomination agreements with the local authorities where we have properties. This sets out the percentage of our relets and new build homes we will aim to let to applicants on their housing registers, which is classed as a nomination. It also details the percentage of properties we can let outside of these arrangements. A relet is a vacant home which has been let before and a new build home is one which is being let for the first time. Often there are different lettings targets for these.

To ensure we meet our nomination agreements and offer our accommodation to people in housing need we will advertise our properties in most cases through the local authority choice-based lettings scheme.

We will let our homes in accordance with lettings plans agreed with the local authority or criteria set out in planning conditions where relevant.

We will use all available marketing tools to advertise our properties.

### Rent in Advance

Applicants will be required to make a payment of 2 weeks rent in advance plus the licence fee before the tenancy can commence.

### Eligibility and Immigration Status

We will comply with all legislative requirements regarding eligibility and immigration status when letting our homes.

#### Under 18-year olds

We will consider applicants under 18 years of age.

#### Pre-Tenancy Interviews

We will undertake suitable checks prior to offering a home to ensure affordability and sustainability of the tenancy.

#### Support Needs

When support needs are identified, and the applicant is involved with a statutory or voluntary agency an appropriate support package must be in place before an offer can be made. This can be an interim support package.

#### Adapted Homes

Selwood Housing wishes to be flexible about how we manage and let our adapted homes and this policy aims to compliment the adaptations policy.

#### Under Occupation

We will aim to maximise the occupancy of our properties; this means ensuring that under occupation is used in limited circumstances.

#### Transfers

We will support transfers where there is an identified housing need and will encourage transfers through the relevant choice-based lettings scheme. We will consider making a direct let if the circumstances meet the criteria detailed in Appendix C and there are no outstanding breaches of tenancy.

#### Exceptional Circumstances

These cases include management transfers and situations when an urgent move is required.

## Housing debt

### Existing Social Housing Tenants

We would not normally wish to consider an existing tenant or leaseholder of Selwood or another social landlord for a property if they owe housing debt to their current landlord.

### Former Selwood Housing Tenants

We will not offer accommodation to someone if they or their partner owes us any form of housing debt for a previous tenancy. This includes statute barred debt. All debt must be paid before an application can be considered (except where the Local Authority have confirmed they will clear the debt).

### Other Applicants

If the applicant owes housing debt to an existing or previous landlord, we will expect them to have maintained a repayment plan for a minimum of 6 months for each debt. This is reduced to 3 months for applicants in acute housing need (band 1 or equivalent).

### Anti-Social Behaviour

We will not normally offer one of our properties to an applicant or tenant if they or a member of their household have been responsible for anti-social behaviour in the last 2 years. If the anti-social behaviour was longer than 2 years ago we will expect to see evidence that they have changed their behaviour and maintained a tenancy/stable accommodation for a minimum of 6 months or can demonstrate responsibility in another aspect of their lives if they haven't had the opportunity of a tenancy since the last incident occurred.

### Pets

Pets will be allowed in all our properties with prior consent which will not be unreasonably withheld except flats where there are communal entrances or communal facilities such as a lounge or laundry. This also applies to flats in sheltered housing. Each case will be considered individually, and discretion will be exercised where there is an evidenced medical need or exceptional circumstance.

### High Risk Applicants

We will support the re-housing of applicants who may pose a risk to the community to enable rehabilitation, and provided that in such cases appropriate support and monitoring is or will be given by other agencies. A multi-agency approach will be taken, and a decision will be based on the information collected to ensure the property offered is suitable and that the risk to others is minimised.

### House of multiple occupation

We will consider an application that would create a House of multiple occupation from a trusted partner, if we have been involved in the consultation process and mutual agreement reached prior to its application.

### Unacceptable Behaviour Towards Staff

Offensive behaviour towards our staff or contractors will not be tolerated. This would include verbal or physical aggression as well as comments of a discriminatory nature.

### Appeals

If the applicant wishes to appeal our decision, they can do so within 14 days from our notification to them.

The applicant does not have the right to instigate our complaints process if they remain dissatisfied.

## Appendix A – Housing need categories

There is a housing need if a move to one of our properties will improve the living condition of the applicant and their family, the quality of their lives or the lives of someone they are supporting. Below is a list which includes examples of what would constitute a housing need (non-exhaustive):

- Medical need – (physical or emotional) a move to alternative housing will improve the medical condition of the applicant or a member of their household
- Support needs – to give or receive support which will improve quality of life and independent living
- Statutory homeless
- Tenancy succession when the property is not suitable for the needs of the remaining household
- No fixed accommodation
- Insecurity of tenure – under notice to leave
- Under occupation
- Overcrowding (based on our eligibility criteria in appendix B)
- Sharing facilities with people who are not part of the household
- Lacking basic facilities such as a kitchen or bathroom
- Harassment
- Affordability issues – Struggling to afford to run the current home, look after the household and to maintain financial responsibilities and a move will alleviate poverty
- To move from supported accommodation to independent living accommodation
- Applicant is at risk of violence, emotional abuse or exploitation in current accommodation
- To sustain employment or take up stable (secured fixed term or permanent) employment or, training or education
- Leaving the care system
- Social isolation
- Housing in disrepair when it is unlikely the condition will or can be improved.
- Special circumstances such as witness protection or refugee programme

## Appendix B – Property eligibility

Maximum occupancy for each property will be considered in line with the tenancy agreement to prevent overcrowding. The types of accommodation that will normally be offered to different sized households are set out below and have incorporated restrictions applied by welfare reform for the spare room subsidy.

<b>Applicant</b>	<b>Accommodation</b>
Single person	Studio 1 bedroom flat 1 bed house 2 bed flat - if the applicant is not in receipt of basic working age benefits and can afford to pay the spare room subsidy.
Couple	1 bedroom flat 1 bed house 2 bed flat – if the applicant is not in receipt of basic working age benefits and can afford to pay the spare room subsidy.
Joint applicants, (separate households e.g. 2 adult siblings or friends) or applicant with an adult child	2 bed flat or bungalow if one of them meets the relevant supported living accommodation criteria.
Single person or couple with 1 child	2 bedroom flat 2-bedroom house
Single person or couple with 2 children of same sex under the age of 16	2 bedroom flat 2-bedroom house
Single person or couple with two children of same sex where one is above the age of 16	3-bedroom house
Single person or couple with 2 children of different sex under the age of 10	2 bedroom flat 2-bedroom house

<p>Single person or couple with 2 children of different sex where one child is over the age of 10</p>	<p>3 bedroom maisonette/flat 3-bedroom house</p>
<p>Single person or couple with 2 children and are expecting their third child, or already have 3 children</p>	<p>3-bedroom maisonette/flat 3-bedroom house 3-bedroom parlour type house (separate dining room) 4-bedroom house (depending on age and sex of children in line with criteria for spare room subsidy regulations and maximum occupancy allowances)</p>
<p>Single person or couple with 4 or more children</p>	<p>Suitability will depend on bedroom sizes and maximum occupancy allowances. 3-bedroom house (large bedrooms) 3-bedroom parlour type house 4-bedroom house or bigger (depending on age and sex of children in line with criteria for spare room subsidy regulations)</p>
<p>These groups of applicants will be eligible for all these types of properties but will also need to demonstrate for sheltered housing that they will benefit from the environment or the support services which are available:</p> <p>Older person or couple planning for their existing or future housing needs (age 50 or over)</p> <p>Vulnerable, disabled person under the age of 50 where there is a medical need for level access accommodation in the household who will benefit from this type of accommodation and support services or the environment of sheltered housing.</p>	<p>1 or 2 bed general needs bungalow</p> <p>1 or 2 bed bungalow or flat with a lifeline (hardwired, CAT 1). Tenants can have the lifeline switched off but still must pay for it.</p> <p>Flat or bungalow within a sheltered housing scheme (CAT 2). Unless the sheltered scheme is within our sheltered housing investment pilots,</p>

<p>Applicants when it is deemed general needs housing are unsuitable often because of communal areas and the individuals' vulnerability. Suitability needs to be considered for schemes with communal facilities as well as the impact on other residents. These cases would be the exception and each case will be considered individually</p> <p>We will allow under occupation of our supported housing if the property is assessed as affordable</p>	<p>in which case applicants will need to be over 55, have given up their main employment and have a support need.</p>
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General needs bungalows will be advertised to all applicants on the housing register, in the first instance. Where applicants with level access needs are identified then these will be given priority over applicants in the same band. If no suitable applicants are found, then the difficult to let strategy will be implemented.

- We will not normally offer a house with a garden to an applicant unless they have at least 1 dependent child because this would not be best use of our stock unless due to their household size or specific circumstances other types of accommodation are not available or suitable. We consider a dependent child to be aged under 18 years old.
- We would not wish to allocate an upstairs flat within a general needs block of flats or a sheltered scheme to someone who cannot manage stairs and who would need to rely on a lift to access their flat.
- An extra bedroom will be allowed for an overnight carer or a disabled child where the need is evidenced, or for a fostered or adopted child and the property is deemed affordable.
- Properties at Navigator Close, Towpath Road, and Harford Street in Trowbridge will only be allocated to a household with a child under the age of

10 because the size of the second bedroom is small. Each vacancy will also need to be assessed to determine whether the first bedroom can be occupied by one or 2 adults.

- Properties that are significantly adapted for disabled occupants or which have been purpose built for the disabled should be advertised for an applicant requiring the facilities at least twice. Contact with local occupational therapists should also be made to identify potential applicants.
- Properties that have limited adaptations i.e. ramps or walk in showers should be advertised in the first instance for an applicant that will benefit from the alterations. If there are no bidders requiring the specific adaptation it can be offered to someone else who has applied on this shortlist or be re-advertised to normal categories on the second advert. The successful applicant must be happy to accept the adaptation as part of the home. Applicants still need to meet the basic criteria for the property type e.g. age or medical need for a bungalow
- We will follow the local authority's criteria for extra care housing unless the vacancy is designated as difficult to let when normal sheltered housing criteria will be applied.
- An expected baby will be considered when assessing minimum bedroom requirements. For example, an applicant expecting their first child will need a 2-bedroom property. An applicant expecting their third child will require a 3-bedroom property. However, the property also needs to be suitable in terms of affordability.
- A child can only be considered for accommodation purposes providing they are residing permanently with the applicant who is their main carer. Where care is shared the main carer is the parent or guardian who receives the child benefit.

## **APPENDIX C – Direct Lets**

We will make direct offers of accommodation in the following situations:

- To assist with meeting lettings targets between transfers and other allocations
- In line with our Anti-social Behaviour Policy incorporating Domestic Abuse Policy and Harassment and Hate Crime Policy.
- In line with our succession policy when a successor or household member requires a move to more suitable accommodation by way of a direct let.
- When a tenancy is going to end leaving someone in the property who has lived at the address for some time but does not have the legal right to remain and who is vulnerable and less able than most to secure suitable alternative accommodation. This will assist the local authority in preventing homelessness.
- When an existing tenant has an urgent need to move – taking up a hospital bed because their accommodation is unsuitable
- For lettings and move on from special housing projects such as the under shared accommodation pilot.
- To tenants who have been let a 2-bedroom sheltered property since April 2016 and are subject to universal credit rules and cannot afford to pay the shortfall.
- Letting properties that are difficult to let.
- Where an applicant or existing tenant has been successful in an appeal against an earlier decision to refuse accommodation
- When an applicant or existing tenant has been offered a property, but the property is no longer available, and they have suffered a loss as a result.
- To an existing tenant who requires significant adaptations (over £5000 or several elements of the property will need to be adapted).

- To a tenant who needs to move to a different type of property because of their medical circumstances which would otherwise require significant adaptations (over £5000 or several elements of the property will need to be adapted).
- To a tenant who no longer requires the adapted property they live in and a suitable household has been identified who would benefit from the adaptations.
- To an applicant on the Council's housing register who has complex needs and requires a significantly adapted property.
- When a property has been purpose built for an applicant or tenant.
- For a significantly adapted property to a homeless applicant as temporary accommodation until a suitable household can be identified.
- To make best use of our properties. Examples would include if they are under occupying a home which is in demand.
- To an existing tenant of Selwood Housing who is subject to the spare room subsidy, is in rent arrears and meets the criteria set out in the Lettings Procedure.
- To an existing tenant whose children are subject to child protection plans and housing has been identified as having a significant impact on the future safety and welfare of the family.
- In exceptional circumstances where appropriate approval has been given.
- Tenant needs to be decanted from their home temporarily or permanently due to repairs required or to support development, refurbishment, redevelopment, disposal of stock, change of use of a site/scheme.
- To applicants for schemes with specialist support which are not advertised through choice-based lettings e.g. Rowan House.
- Requests by the Council to assist with the provision of permanent or temporary accommodation in emergency situations such as fire or flood or exceptional cases of acute housing need (homelessness when temporary accommodation is not available or suitable or very urgent medical cases).

## **APPENDIX D – Reasons for Refusal**

Offers of accommodation can be refused, or delayed for the following reasons (this is not an exhaustive list):

- Property is in our opinion unsuitable for the applicant. This will include when significant adaptations will be required, and it is deemed unreasonable or other properties would be more suitable
- The property is upstairs, and the applicant would need to rely solely on a lift for access
- Adaptations would be needed to a new build property which will invalidate the warrantee and require the removal of new fixtures and fittings which would lead to a misuse of resources
- Area is in our opinion unsuitable for the applicant
- Information is not available to assess suitability, tenancy sustainment or risk
- Inadequate or inappropriate support available including debt advice, support or the applicant is not engaging with support services
- Affordability issues – if the applicant cannot afford to pay the rent and run the home, or if they refuse to provide details of their financial circumstances (including authorisation for us to complete a credit check) so that we are unable to assess this
- Circumstances are found to be different to those on the application form, which could affect priority status
- Failed landlord reference
- Housing debt
- Anti-social behaviour
- Poor property condition of an existing home
- Applicant does not have meet the criteria for supported housing (hardwired, sheltered or extra care accommodation)
- Applicant is unsuitable for supported housing
- The applicant doesn't meet the requirements for a transfer
- Applicant is aged 16/17 and does not have a responsible adult to hold the tenancy in trust for them and do not have the skills or support to maintain a tenancy and home
- Applicant has a pet(s) and has applied for a property where pets are not allowed

- Applicants who have been abusive or threatening towards staff and/or contractors at Selwood Housing Group
- Applicant or tenant has the financial means to access other forms of tenure and there is demand for the property
- Fraudulent application

### **Reasons to Withdraw an Offer**

- If the applicant is believed to have given false information, or has failed to disclose information which would make them unsuitable for the property
- If it is suspected the application is fraudulent and the applicant is not able to evidence their circumstances
- There has been a change of circumstances in the period between offer and sign up which means they are no longer eligible for the property
- The applicant has been abusive or threatening towards staff or contractors of Selwood

## **APPENDIX E - Policy Context and References**

The statutory framework for this policy includes:

- Equalities Act 2010
- Homelessness Act 2002
- Housing and Regeneration Act 2008
- Housing Act 1988
- Housing Act 1996 (part VI and VII as amended)
- Human Rights Act 1998
- Localism Act 2011
- Welfare Reform Act 2012

Other policies and guidance documents which are linked to this are:

- Anti-social Behaviour Policy incorporating Domestic Abuse Policy and Harassment and Hate Crime Policy
- Decant policy
- Adaptations Policy
- Rent Arrears Collection Procedure
- Single Equalities and Diversity Policy 2010.
- Empty Homes Policy
- Tenancy Fraud Policy
- Allocating social housing: Briefing paper by House of Commons May 2016
- Allocation of accommodation: guidance for local authorities in England June 2012.
- Chartered Institute of Housing - New approaches to allocations - June 2014
- Chartered Institute of Housing - How to make effective use of adapted properties - January 2014
- Home Adaptations for Disabled People - A detailed guide to related legislation, guidance and good practice – 17 October 2013
- Homes & Communities Agency - Home Standard - April 2012
- Homes & Communities Agency - Tenancy Standard 2012

### Decision making record

<b>Date</b>	<b>Meeting / Minute Reference</b>	<b>Version / Amendment</b>
May 2008		New policy approved by Board
19th March 2009		Minor updates to take account of Homes4wiltshire
10th May 2009		Minor update to reflect local connection required for 1-9 Woodpecker Close
28th July 2010		Review of policy approved by exec
1st March 2011		Minor update to reflect Sainsbury's development
18th January 2012		Review of policy approved by exec
15th February 2012		Review of policy approved by exec following introduction of Council's 'help to live at home' service.
December 2012 and January 2013	Executive Team	Review of policy in preparation for the introduction of Welfare Reform initiatives
March 2013	Board of Management	Review of policy for introduction of welfare reform initiatives
November 2013	Diane Hall, Adrian Walshe, Verena Buchanan	Amendment of policy following implementation of Bedroom Tax
May 2015	Barry Hughes/Adrian Walshe	Temporary amendment pending full policy review to reflect charitable objectives when doing direct lets of difficult to let homes as recommended by solicitors.
July 2016	Board of Management	Reviewed and amended Lettings Policy
December 2017	Verena Buchanan	Light touch review following welfare reform changes
October 2019	Board of Management	Review of Policy approved by the Board
November 2020	Executive Team	Amendment to Policy to cover House in multiple occupation