

Lettings Policy

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Author:	Lisa Russell

1.0 Issue identification

- 1.1** Affinity Sutton operates across more than 100 local authorities providing general needs, sheltered and supported housing for rent. We also provide low cost home ownership opportunities in many areas.

Affinity Sutton through Broomleigh Housing, Downland Housing and William Sutton Homes aims:

To allocate our available homes to those in the greatest need, as quickly and efficiently as possible.

To help create sustainable communities where people choose to live.

To operate a policy which is fair, transparent, and accountable to customers, regulators and other agencies.

This policy will be applied where direct applications for housing are accepted in a particular area and where Affinity Sutton has an agreement with individual local authorities to apply its own criteria.

- 1.2** The legislative and regulatory framework which apply to this policy are:

Homelessness Act 2002
CLG Code of Guidance on the Allocation of Housing 2002
Asylum & Immigration Act 1999
Data Protection Act 1998
Race Relations Act 1976 (and Amendment Act 2000)

Sex Discrimination Act 1975
Disability Discrimination Act 1995
Human Rights Act 1998
Crime & Disorder Act 1998
The Audit Commission's Key Line of Enquiry on Allocations & Lettings and Homelessness & Housing Advice
Tenant Services Authority's Regulatory Code
Tenant Services Authority Applicants & Tenants Charter

1.3 Dependencies

- Transfer Policy
- Mutual Exchange Policy
- Anti-social Behaviour & Harassment Policy
- Equality & Diversity Policy
- Tenancy Management Policy
- Lettings to Under 18s
- Starter Tenancies
- Housing (Ex) Offenders
- MSDC & Downland Joint Allocation Scheme
- MSDC Common Housing Register Partners SLA
- Void Property Management Policy
- Sheltered & Supported Housing Policy
- Schedule 1 Housing Applications Policy
- Broomleigh – Lettings Strategy for Community Sustainability
- Broomleigh – Choice Based Lettings
- Broomleigh – Lettings for Key Workers
- Downland – Choice Based Lettings
- William Sutton – Choice Based Lettings
- Affinity Sutton Customer Service Standards
- Voids & Lettings Service Standards

2.0 Policy analysis

2.1 Benchmarking/good practice

Requirement of the Tenant Services Authority's Regulatory Code and Lettings Standards and the Audit Commission's Key Lines of Enquiry for Allocations & Lettings. Good practice identified by the Chartered Institute of Housing.

2.2 Value for money

Value for money will be achieved by:

- Letting homes quickly and efficiently, thereby minimising void periods and rent loss

- Making effective use of our housing stock by addressing under-occupation
- Create and, where possible maximise customers choice in where they live
- Contributing to the development of balanced and sustainable communities which reduce turnover

2.3 Resident involvement

Customers of Broomleigh, Downland and William Sutton have separately been consulted and involved in formulating our approach to letting our homes and this policy represents a consolidated approach.

2.4 Equality & diversity

In the implementation of this policy, Affinity Sutton will not discriminate against any resident on grounds of their race, ethnic origin, gender, sexuality, marital status, disability, age, religion or class. We will also ensure that all residents are given advice and assistance, which reflects their varying needs and abilities in accordance with the Associations Equality and Diversity Policy.

3.0 Delivery

3.1 Actions

Access to housing

- In many of the areas where we work and in particular where we have a large concentration of stock e.g. London Borough of Bromley and Mid Sussex District Council, we will not operate any housing or transfer application registers. All available to let homes will be allocated through local choice based or common housing register schemes. Enquiries from customers will be directed to apply to the appropriate scheme. (link to website pages which lists where we accept and do not accept applications direct).

Joint Working

- In all of the areas where we work we will offer a minimum of 50% of our true voids in an area, to the local authority for them to nominate a household in need of housing to us.
- Increasingly we are working closely with our local authority partners and in many cases have an agreement for 100% nominations rights.
- For new build homes, where Social Housing Grant is received, the local authority will have 100% nomination rights for first lets and subsequent lettings will be negotiated by individual scheme.

Mobility

- At this time of increasing demand for social housing and local authority waiting lists becoming longer, existing tenants can find it very difficult to move to more suitable accommodation. Mutual exchanges are often the only way that tenants can satisfy this need and experience has shown that many exchanges are very successful in making good use of stock. In some local authority areas if tenants have little priority their chances of obtaining a move are almost non-existent so this offers a successful alternative. Affinity Sutton has therefore subscribed to HomeSwapper, a web based mutual exchange service which will be free for our residents.

Eligibility

- European Nationals, Workers from Abroad & Housing Rights - the definition provided in immigration law is that anyone who needs permission to enter or to remain in the UK is subject to immigration control. This covers anyone who is not a UK national or a national of a country within, the European Union or European Economic Area as people from these areas have freedom of movement.

People from the following countries can enter the UK, have a right to work, access to benefits and housing:-

Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland (EEA), Ireland, Italy, Liechtenstein (EEA), Luxembourg, Malta, Netherlands, Norway (EEA), Portugal, Spain, Sweden, United Kingdom.

People from the following countries have limited access to housing public funds i.e. welfare benefits. If they are in full time work they will have access to housing but it may be limited to 3 months or 12 months. As long as they are not out of work for more than 30 days they are not subject to immigration control and have access to housing. EEA nationals usually have 5 year resident permits:-

Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia.

People from any other country are subject to immigration control. They may have a visa or be related to a British National. They may have refugee status or be granted Humanitarian Protection or be asylum seekers. For any of these cases please contact the Service Development Manager for Voids & Lettings who will obtain any clarification. (see advice note People subject to immigration control).

- In accordance with the Objects in the William Sutton Homes rules, the following criteria will apply in order for applicants to be eligible for:-

Applicants must be 18 years old

Applicants under 18 will not be granted a tenancy as this represents an 'interest in land'. Instead we will grant an 'equitable' tenancy where a trust is created and the legal title vests in the trustees. The trustee has a legal responsibility to grant the equitable tenant a legal lease as soon as he or she reaches 18 years of age. Equitable tenants have the same statutory protection as legal tenants and can be evicted for non-payment of rent on the same grounds. Affinity Sutton will not act as trustee for someone under 18. We will therefore only consider granting an equitable tenancy where a third party will act as trustee. We expect that in the case of a local authority nomination, the council will nominate an appropriate person to act as trustee; similarly in the case of a 'child in need' that Social Services will nominate an appropriate person to act. We will use our discretion to approve another appropriate adult to act as trustee where the ability to guarantee at least 3 months rent is demonstrated.

Applicants should have a nett household income below the median gross weekly earnings for all employees as given in National Statistics (Annual Survey of Hours and Earnings ASHE).

Applicants should have savings and/or capital (including equity from property to be sold) below:

£85,000 for applicants under state-pensionable age

£100,00 for applicants over state-pensionable age

In some areas, average house prices compared with average earnings may limit the range of affordable housing options despite an applicant's income or capital. The Head of Voids & Lettings has discretion to approve an application over these financial limits, having received a recommendation from the Voids & Lettings Manager evidencing it is reasonable to do so.

- Under Schedule 1 of the Housing Act 1996, and by the Affinity Sutton Groups' Code of Conduct which sets out the requirements for Schedule 1 in relation to the provision of housing and other benefits, a registered Housing Association cannot make a payment, grant a benefit or a housing association tenancy to a board member, officer or employee (now or within the last 12 months), or to any of their relatives. (see Schedule 1 Policy & Procedure on Application for housing and granting tenancies).

Prevention and Detection of Crime including Fraud and False Information

- An applicant who gives, or has previously given, false information to obtain housing, maybe excluded from the waiting list. The application form completed by applicants will include a statement that informs applicants that the details they provide may be used for the prevention and detection of crime, including fraud and that they may be shared with other relevant bodies including the Police for these purposes. An applicant has the right to request a review of a decision to exclude him/her from the waiting list if he/she feels he/she has been wrongly accused of specific actions. The review will be undertaken by AS employees who have had no previous involvement with the application. If a tenancy is granted to a person and AS discovers that, at the time of

his/her application, that person had knowingly made a false statement or withheld information, AS will seek to repossess the property.

- Affinity Sutton participates in the National Fraud Initiative. The aim is to identify tenants who are housed in social dwellings, but who fail entitlement rules perhaps because they have tenancies elsewhere. The processing of data by the Audit Commission in a data-matching exercise is carried out with statutory authority under its powers in Part 2A of the Audit Commission Act 1998.

Confidentiality and Data Protection

- Under the Data Protection Act 1998 an applicant has the right to see any information stored about him/her on computer, or in a paper file. We will respond to written requests made by applicants to have access to information held about them.
- Information obtained and held by Affinity Sutton will be used for the purpose of assessing and assisting with your application for housing. Information will be made available to statutory authority(s) in line with relevant legislation.
- Affinity Sutton will obtain a signed authority from applicants to make enquiries about conduct of current and former tenancies, any criminal record and health / welfare support requirements including risk management.

Application and Registration

- In many local authority areas Affinity Sutton will not accept direct applications. This may be because we allocate 100% of our vacancies through local choice based schemes or common housing registers. We may have a 100% nomination agreement with the local authority or we may have very low rate of vacancies with high demand. Our website will have up to date information on whether we are accepting applications direct in certain areas. Applicants will be advised when they make an enquiry by 'phone or in person.
- An application form and information pack can be obtained by telephone to our customer service team or lettings team. By email request. By collecting in person from one of our neighbourhood offices. By downloading from our website. On request, we will provide assistance to an applicant who needs support to apply. We can provide translation and interpretation services, we can complete an application on behalf of an applicant by taking information over the 'phone and sending the completed document for signature only and for vulnerable applicants or those with mobility difficulties we can arrange for a member of staff to visit to complete the necessary paperwork.
- Fully completed application forms are assessed against the eligibility and suitability criteria.
- The applicant will be informed in writing if their application is accepted onto the waiting list. The registration letter will include information on the priority given to their application, where they are registered for and

an indication of the likely waiting time.

- If an applicant feels their application has been incorrectly assessed, he/she can request a review. Details of how to do this will be included with the registration letter.
- All applicants will receive a home visit nearer the time that an offer of accommodation is likely.
- An appropriate vacancy is offered to the applicant with the highest need from the banding system. Where two or more applicants have the same priority, then offers will be determined by the length of time waiting.
- All offers are approved by the Voids & Lettings Manager prior to the applicant being informed of the offer.
- In exceptional circumstances, the Voids & Lettings Manager has discretion to vary the offer criteria; for example where a property is particularly suited to adaptation for a person with physical disability, it may be offered to an applicant with less priority who can make full use of the property.

Priority Bands

Urgent Need for rehousing - Band 1

- Decants: Transfer Applicants only, where the property is required for development or regeneration of an area or major works are required which cannot be carried out with the tenant in occupation.
- Emergencies: Transfer Applicants only, defined as fire, flood etc where the tenant would be endangered if they were to remain in the property because it is dangerous or unsafe.
- Serious Harassment or Physical Violence (including Racial Harassment): Must be supported by the Neighbourhood Manager and can only be awarded priority in cases where the harassment is so serious that the tenant cannot remain in the property, and all other measures outlined in the Nuisance and ASB have been exhausted or deemed unreasonable. If an offer cannot be made within a reasonable period a referral should be made to the LA.
- Urgent medical: where a member of the household cannot return to their present accommodation or it is unreasonable for them to remain where they are, because it is unsuitable or to do so would seriously effect their physical or mental health; or a property cannot be adapted for a disabled persons needs. Medical conditions justifying this priority would include severe or acute disability, which may render an applicant housebound or technically homeless. Supporting medical evidence must accompany the application.
- Trauma or Serious Social Reasons: this is defined as serious incidents in or around the home, such as incidents of sexual abuse or violent or accidental death, where to remain in the home would cause undue hardship or distress. Supporting evidence would be required from Police, GP or Social Services.
- Under-Occupation: where an existing tenant wishes to transfer to a smaller property and they are currently under-occupying by one or more bedrooms. Also includes statutory successions in this circumstance.

- Overcrowding; Statutory Overcrowding (at least 2 bedrooms short of statutory guidelines) or resulting in two children of the opposite sex sharing a bedroom (where either child is over 9 years of age).

Non Urgent need to move – Band 2

- Less urgent Medical: where the current accommodation does not have a serious detrimental effect on a medical condition, but a medical condition may be improved by rehousing.
 - Non-Statutory Overcrowding: where the need for additional bedrooms has been identified, but applicants are not statutorily overcrowded. This would include additional bedrooms required on medical grounds for those that would normally share.
 - Like for Like: need or wish to move to the same size/type of property in a different location. Applicants should also be advised to pursue a mutual exchange. (This includes families who are currently occupying a flat who wish to move to a house).
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- Relationship breakdown; where one party is required to leave the home because of a relationship breakdown
 - Threatened with homelessness; where the applicant is required to leave the property within the next three months
 - Home in need of repair; where the applicant needs to be rehoused because the current accommodation is unsuitable due to outstanding repairs required
 - Verbal abuse and nuisance; where the applicant is suffering persistent abuse or nuisance in the current property
 - Local Connection; where the applicant has a connection to the estate e.g. family living on the estate or involvement in the local residents group.
 - Lack of facilities and sharing facilities; where the current accommodation has limited facilities or where the applicant is required to share facilities with none family members
 - Separated families; where larger accommodation is required because families are living separately due to current living conditions.

Offers

- There will be no specific limit on the number of offers an applicant may refuse. However, after three refusals of reasonable offers, the Voids & Lettings Manager will undertake a review of the refusals and likelihood of finding something suitable for the applicant. This review will be carried out in conjunction with the applicant.
- A reasonable offer will take into consideration the property type required for the household, any adaptations needed by the household, and the location preferred by the household.
- All offers will be confirmed in writing and will include details of the property address, type and location, along with the rent and other charges.
- A sample tenancy agreement will be issued at the time of the offer.
- A customer profile form will be issued at the time of the offer.
- If the applicant accepts the property, an appointment will be made for

sign-up by the local staff representative.

Waiting List Review

- Each waiting list will be reviewed every six months.
- Applicants will be invited to remain on the list in writing.
- Applicants will be given 28 days to confirm he/she wishes to remain on the list
- Cancelled applications will be retained for 3 months to give late renewals an opportunity to be reinstated without completing a new form.

Suitability Checks

- We will carry out rigorous pre-tenancy checks to confirm identities including obtaining and retaining photo identification of applicants and household members over the age of 18.
- We will source references where possible. We will enter into and utilise information sharing protocols to satisfy ourselves about an applicant's identity and suitability.

Rejection & Suspension from our waiting list(s)

- General: we maintain a waiting list for each estate or neighbourhood, by property type. We will normally accept only those people who are likely to be housed within 12 months. The likelihood of being re-housed is assessed based on the rate of vacancies in the previous 12 months. If there is no realistic chance to assist an applicant, we can reject their application. We will provide advice on alternative housing options and rejection from our direct list will not prevent the applicant from being considered via a nomination or choice based system.
- Unacceptable Behaviour: applicants or members of their household who are currently responsible for behaviour, which would make them unsuitable to be a tenant, may not be housed. Such behaviour would include incidents of anti-social behaviour, harassment (including racial harassment), violence or threats of violence, and involvement in criminal or immoral activities. Evidence might include criminal conviction, previous eviction for ASB, or a previous injunction or ASBO within the last two years. Previous tenancy enforcement action should not be taken into account if it occurred more than two years prior to application and the tenant's household has conducted a tenancy satisfactorily in the intervening two years. Affinity Sutton reserves the right to take full account of the needs of the local community as well as the applicant's when deciding to make an allocation of accommodation to the applicant. In exceptional cases this right may extend to not allocating to an applicant in an area that they have indicated a preference for.

- Housing Related Debts: an applicant who owes any housing related charges or is currently in arrears with their rent to a local authority, other social landlord or Affinity Sutton companies may not be considered for housing. Generally we will not consider the application until the charges or arrears have been paid in full or an agreement for payment by instalments, has been reached and maintained for a minimum of 3 months.
- In deciding whether to suspend an applicant we will consider whether there is evidence that the unacceptable behaviour was serious enough to have entitled an authority to obtain a possession order, the behaviour was serious enough to render the applicant or household member unsuitable to be a tenant and the behaviour is unacceptable at the time of the application.
- We will provide written information about the suspension to the applicant which explains why he/she is suspended, how long for, what he/she must do to access the waiting list, information about their right to appeal.
- Any suspension period should last no more than 2 years. Applicants can reapply after a specified time or for specified reasons eg, for unacceptable behaviour the applicant reapply after 2 years and for housing related debts, the applicant can reapply if the debts are cleared or payments maintained for 3 months minimum.

Appeals Process

- An applicant can appeal against a decision to suspend their application from the waiting list, but this should be done within 21 days of being notified of the suspension.
- The appeal should be made to the Service Development Manager for Lettings at Affinity Sutton, Holme House, Manor Lane, Holmes Chapel, Cheshire CW4 8AF.
- The Service Development Manager will review and notify the applicant of the decision within 21 days of receiving the appeal. Where the Service Development Manager was party to the decision being challenged, the review will be undertaken by the Head of Voids & Lettings for Affinity Sutton.
- We will also provide contact details for agencies that can assist with making an appeal.

Housing Ex-offenders

- We aim to co-operate with our local authority partners, Police and Probation Services where access to social housing is the most appropriate solution for ex-offenders including dangerous offenders. We will obtain a completed risk assessment and assess whether our property type, location and existing neighbourhood environment is compatible to their housing needs.
- We will only consider housing ex-offenders where appropriate and robust support and risk management plans are in place and will

continue after re-housing has occurred.

- We will need to be satisfied that such an allocation complements the local lettings plan and our approach to safe, secure and sustainable communities.

Local Lettings Plans

- We will use local lettings plans where appropriate, to balance policies on nominations and needs against policies to promote sustainable communities. We will involve local tenant representatives in developing these plans.
- We will develop local lettings initiatives on estates or in areas where there is a wish to alter the balance of the community. We will time limit the local plan and ensure we monitor the outcome to ensure that our original objectives are being met. Examples of initiatives which may be contained in a local lettings plan are:

Restrict the eligibility for re-housing of people with certain characteristics, eg. a history of criminal behaviour

Disregard household type/property type matching rules, eg. allow under-occupation to promote longer-term tenancies and reduce child density

Change the proportion of people housed through different access routes eg waiting list, transferring tenants and homeless households

Targets for a range of characteristics, eg. applicants in paid employment

Every plan will have a percentage target to allocate homes to BME applicants which is reflective of the local population. Targets will be set using customer profiling data and/or local census information.

Planning restrictions, Section 106 agreements and Rural Exception site requirements.

Performance and Service Standards

- Affinity Sutton Customer Service Standards will be followed in implementing this policy. The lettings service will also have a set of performance standards for specific tasks carried out by the team. (See separate document on Voids & Lettings Service Standards).
- Void and Relet Targets 2009 – 2010:

% rent loss for all social housing - target less than 2%

% of new customers overall satisfied – target 90%

% of properties vacant and available to let for all social housing – target 1.5% or less

% of properties vacant and not available to let for all social housing – 2.5% or less

Average days to relet general needs properties – 23 days

Average days to relet sheltered/supported properties – 40 days

Average days to relet all social housing – 31 days

3.2 Scope

Existing and future customers

Local Authorities

Other Providers

Funders

3.3 Measurement & evaluation

We will monitor, measure and review the implementation of the lettings policy through:

- Applications – number by access route, ethnic origin, gender, disability, type of household, property type and size needed, income and employment status
- Suspensions – number by access route, ethnic origin, gender, disability, type of household
- Length of waiting time – number by access route, ethnic origin, gender, disability, type of household
- Refusals by applicants – number by access route, ethnic origin, gender, disability, type of household, property type and size needed, income and employment status plus reasons for refusal
- Lettings made – number by access route, ethnic origin, gender, disability, type of household, property type and size needed, income and employment status plus performance against any set targets
- Nominations made and accepted – number by ethnic origin, gender, disability, type of household, property type and size needed, income and employment status plus performance against any targets set and reasons for refusal
- Cost of the service – maintaining the registers, visiting applicants, assessment of medical and social needs, cost per letting
- Tenancy turnover rates
- Void loss
- Performance against service standards
- Customer satisfaction, complaints, reviews and appeals

- Reports will go to Affinity Sutton Ops SMT quarterly, to Resident Panels/Service Review Committees quarterly and to operating company Boards annually.
- Service Review & Improvement Groups will meet bi-monthly to monitor outcomes at operational level.

Approver:	Neil McCall – Group Operations Director
Review date:	October 2012