

POLICY: Lettings Policy

Date Approved: 30 November 2017

Next Review: November 2020

Responsible Board/Committee: Board

Author: Nick Brake, Senior Housing Manager

1.0 POLICY STATEMENT

The Buckinghamshire Housing Association Ltd (BHA) will provide fair access to its rented housing, giving priority to those who need it most. For any vacant property we will let our homes in a fair, transparent and efficient way, minimising any void period.

2.0 KEY POLICY PRINCIPLES

- 2.1 For the majority of our properties the relevant local authority has the nomination rights and our vacant properties will be allocated to nominees received from our local authority partners.

Properties in the Wycombe, Aylesbury and Chiltern District Council areas are allocated through a choice based lettings scheme called Bucks Home Choice. For the eligibility criteria see Bucks Home Choice Allocation Policy May 2014 Appendix 1.

In the Slough Borough Council area, properties are allocated directly by the Council. The eligibility criteria is in their Housing Allocation Scheme 2013-2018 (Revised 1 April 2016). Appendix 2.

BHA owns a very small number of properties in the South Oxfordshire District Council (SODC) area and vacant properties will be allocated by SODC by their choice based lettings scheme called South Oxfordshire Home Choice.

- 2.2 BHA maintains a specific waiting list for St Hughs Close, our sheltered housing scheme, in Stokenchurch. Applicants are prioritised via a points scheme.
- 2.3 We aim to balance the needs of our existing and potential tenants. We will provide existing tenants wishing to move with access to clear and relevant advice about their housing options. For our existing tenants we hold an internal transfer list. We also encourage those tenants who are seeking to transfer, to join the waiting list with the local authority where they reside, where they are eligible to do so.

- 2.4 To encourage mobility our tenants can register for free with HomeSwapper a national scheme to facilitate mutual exchanges. We will support tenants who need assistance to use this service.

3.0 REFERENCE DOCUMENTS

- 3.1 This policy should be read in conjunction with the following BHA policies and procedures:

- Equality and Diversity Policy
- Lettings Procedure
- Void Control Procedure
- Rent Arrears Policy
- Anti-Social Behaviour Policy

4.0 DEFINITIONS

- 4.1 **Choice based lettings** is an approach to letting homes which aims to give prospective tenants more control over the lettings process, so making the process more transparent. Rather than homes being allocated by the local authority, choice based lettings allow tenants and prospective tenants to bid for the available properties they are interested in. Priority Bands are used to assess relative housing need. Available homes are advertised on a weekly cycle, enabling applicants to play a greater role in the process of selecting their home.

- 4.2 **Nomination Agreements** are documents setting out the process for managing nominations for vacant homes made between a local authority and BHA.

- 4.3 **Rural Exception Schemes** are used in some smaller rural parishes to help provide affordable homes for local people. Such schemes prioritise local connections to a parish over level of need.

- 4.4 **CORE** - the continuous recording of lettings and sales in social housing in England (referred to as CORE) is a national information source that records information on the characteristics of both private registered providers and local authority new social housing tenants and the homes they rent. This collection provides all of the statistical information that the Department for Communities and Local Government produces on social housing lettings and includes:

- trends in social housing lettings over time
- characteristics of tenants with new social housing lettings
- types of tenancy agreement

5.0 SCOPE

- 5.1 This policy applies to the letting of our empty properties including new build and the re-letting of existing properties.
- 5.2 This policy does not apply for the following:
- Key Worker properties
 - Shared Ownership properties

6.0 LEGAL & REGULATORY FRAMEWORK

6.1 Housing Act 1985

- Introduced the secure tenancy regime for social housing tenants.

6.2 Housing Act 1996 (as amended by the Homelessness Act 2002) and Housing Act 1988

- The framework within which local authorities allocate their stock. LA nominations to RPs are within the same framework. Introduced introductory tenancies for local authority tenants. The Housing Corporation advised that HAs could use ASTs to provide starter tenancies.

6.3 Localism Act 2011

- Allowed local authorities greater control over who they admit to waiting lists for social housing
- Enabled local authorities to more easily discharge their duties to homeless people into the private rented sector
- Supported greater tenant mobility across the social housing sector
- Required local authorities to develop a tenancy strategy in partnership with local registered providers
- Introduced a new form of local authority secure tenancy – the Flexible Tenancy which could be used from 1 April 2012 for new tenants. Made provision for RPs to offer fixed term tenancies for new social tenants

6.4 The Homes and Communities Agency's (HCA) Regulatory Framework (April 2015)

Registered providers are required:

- to co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs, including assistance with their homelessness duties and through meeting obligations in nominations agreements

- to offer tenancies compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock
- to have in place clear application, decision-making and appeals processes
- to enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant
- to participate in CORE

6.5 **Immigration Act 2014 & 2016**

- Require the checking of immigration status and the 'right to rent' in certain circumstances.

6.6 **Data Protection Act 1998**

- Governs the protection of personal data. It is not a barrier to sharing information but provides a framework to ensure that personal information about a person is shared appropriately.

6.7 Our Lettings Policy takes account of the Tenancy Strategies and Allocations Schemes of our partner local authorities.

7.0 **ACCESS TO BHA PERMANENT GENERAL NEEDS HOUSING**

7.1 **Local Authority Nominations**

The majority of our homes will be let via choice based lettings schemes by the local authority or, in the case of Slough Borough Council, they provide a nomination from their waiting list. Agreements are held with each local authority which includes the percentage of lets we are able to let outside of their system.

We will offer advice and assistance to our residents about how to access these systems.

All new build properties will be let via the local authority. If the local authority is unable to provide a nomination, we will offer the property to a transfer applicant.

BHA reserves the right to decline a nomination as set out in the individual nomination agreement.

7.2 Rural Exception Scheme in Speen

BHA has an agreement in place with Wycombe District Council and Speen Parish Council, which aims to ensure the letting of properties to those with a local connection. Vacancies are notified to Wycombe DC, and the council will source an applicant via names put forward by Speen Parish Council.

7.3 Mutual Exchanges

All BHA residents will have access to an internet based mutual exchange system, named HomeSwapper. This is promoted on our website. Assistance will be given to residents to access this where required.

7.4 Transfers

In local authority areas where we do not have to let 100% nomination rights, we may consider requests from our own transfer list in the following circumstances:

- To address financial hardship caused by under occupation (Bedroom Tax / Spare Room subsidy) where the resulting allocation will make best use of our stock;
- Victims of serious harassment;
- Irresolvable neighbour complaints where there is supporting evidence that we have followed our ASB procedure and all other intervention has failed;
- Unauthorised occupants which may include relationship breakdowns or successors, for whom the property is unsuitable;
- To support redevelopment projects or the change of use of a site;
- Serious medical conditions where the current accommodation is unsuitable and cannot be adapted to support the tenant's needs.

8.0 ACCESS TO TEMPORARY HOUSING SCHEMES

8.1 BHA operates a number of temporary housing schemes. Properties will be allocated as described in the nomination agreement with the relevant local authority for that particular scheme.

9.0 ACCESS TO ST HUGHS CLOSE

9.1 BHA has an older persons' accommodation scheme at St Hughs Close in Stokenchurch, where BHA keeps their own waiting list. St Hughs Close has a Scheme Manager and there is a qualifying criteria of a minimum age of 60.

9.2 Vacant properties will be offered to either an applicant on our transfer list or to an applicant on the waiting list. Waiting list applicants are prioritised by BHA's own points based scheme. Applicants with the highest number of points will have greatest priority for any suitable vacancy that arises.

9.3

St Hughs Close Housing Points Scheme	
Existing Housing Conditions	Points
Sharing a kitchen	10
Sharing a living room	5
Sharing a bathroom/WC	5
Lacking hot water	5
Household with one or more members who have mobility problems in accommodation that can only be accessed by stairs	1 per stair
Lacking a kitchen	15
Lacking a living room	10
Lacking a bathroom	10
Severe dampness and or structural disrepair	5 to 15
External WC	5
Priority may be reduced if the applicant could reasonably be able to remedy any or all of the defects.	
Personal Considerations	Points
Medical Problems – depending upon seriousness	Up to 20
Victim of harassment and/or violence	Up to 20
Living apart because of inadequate housing	Up to 20
Unable to cope financially because of high housing costs	Up to 20
Need to be near friends, relatives, carers and employment	Up to 20
Homelessness	Points
Threatened with becoming homeless	Up to 40
In temporary accommodation	Up to 20
Homeless	50
Discretionary Points	Points
Where the Chief Executive considers that there are exceptional circumstances not specifically covered by the Points Scheme	Up to 30
Length of Time on the Waiting List	Points
For every year on the waiting list	5

10.0 TYPE OF TENANCY

10.1 New tenants to BHA's permanent housing are granted an Assured Tenancy, if the nomination is received from one of our local authority partners. We will issue joint tenancies to those nominated by the local authority as joint applicants.

10.2 Lettings to the following schemes will be granted a tenancy as specified in the nomination agreement with the relevant local authority:

- Temporary Housing Schemes with partner local authorities
- Key Worker properties
- Shared Ownership properties
- Rural Exception scheme

10.3 For new tenants who are under the age of 18, the tenancy will be held in trust either by a local authority, support agency or a family member until they reach 18.

11.0 **PROPERTY SIZE ALLOCATED**

11.1 Local authorities will set out their approach to the assessment of bedroom need in their tenancy strategy and / or allocations policy. They will make nominations on this basis.

11.2 Where BHA undertakes a transfer, or is housing someone from their waiting list, the following criteria applies. Applicants are normally entitled to a bedroom each for the following groups:

- single or co-habiting couple
- any child over the age of 16 years
- any two children of the same sex under the age of 16 years
- any two children any sex aged under 10
- a disabled person who cannot share a bedroom with another person
- a resident care worker.

11.3 Foster carers will be allowed one additional room, so long as they have fostered a child or become an approved foster carer within the last 52 weeks.

11.4 Parents with adult children in the armed forces (or reservists) who normally live with them will be able to retain the bedroom for that adult child when they are deployed on operations.

12.0 **GARAGES**

12.1 BHA owns a very small number of garages. If we have a vacancy we will advertise the vacancy to residents in the location of the garage. Offers will be made on a 'first come, first served' basis.

13.0 APPEALS

13.1 We are committed to operating in a way that is transparent and fair. We will review any allocation / letting decision that an applicant or tenant believes is unreasonable or unfair. Any such appeal will be to the Chief Executive and will be heard within 10 working days.

14.0 EQUALITY & DIVERSITY

14.1 BHA is committed to equality and diversity when delivering all of our services. Our aim is to deal with all customers in a fair and equitable manner; where possible we will take into account customers' diverse needs, cultures and backgrounds.

15.0 MONITORING & REPORTING

15.1 BHA will monitor and report performance to our Board and our Residents Forum Committee on a quarterly basis. All lettings information is reported to CORE on a quarterly basis.

16.0 POLICY REVIEW

16.1 This policy will be reviewed every three years, unless there are significant changes in legislation or local authority policy.

APPENDICES

Appendix 1: Bucks Home Choice Allocation Policy (May 2014)

Appendix 2: Slough Borough Council Housing Allocation Scheme 2013-2018 (Revised 1 April 2016)