

LETTINGS POLICY

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Responsible Board/Committee: Board

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1.0 POLICY STATEMENT

The Buckinghamshire Housing Association (Bucks Housing) 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 We will work closely with local authorities to meet local housing need. For many 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.
 - 2.1.1 Properties in the Buckinghamshire Council area are allocated through a choice-based lettings scheme, Bucks Home Choice. The eligibility criteria are available [here](#).
 - 2.1.2 In the Slough Borough Council area, properties are allocated directly by the Council. The eligibility criteria are set out in their [Housing Allocation Scheme](#).
 - 2.1.3 The Association owns a very small number of properties in the South Oxfordshire District Council (SODC) area and vacant properties will either be allocated from Bucks Housing's Transfer List or be allocated by SODC by their choice-based lettings scheme, [South Oxfordshire Home Choice](#).
- 2.2 Bucks Housing maintains our own waiting list for St Hughs Close, a Housing for Older People 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 provide existing tenants wishing to move with clear and relevant advice about their housing options. For 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.

- 2.4 To encourage mobility our tenants can register with HomeSwapper, a national scheme to facilitate mutual exchanges. We will support tenants who need assistance to use this service.
- 2.5 Our Lettings Service incorporates:
- advertising vacant properties accurately and in a timely way
 - carrying out accompanied property viewings
 - a comprehensive sign up process – including provision of accurate information about the property, tenancy rights and obligations and services provided by the Association
 - a settling-in visit within six weeks of the tenancy commencing.
- 2.6 In accordance with our Tenancy Sustainment Policy, we will seek to identify potentially vulnerable customers at lettings stage to enable preventative action and timely, targeted support.
- 2.7 In accordance with our Tenure Policy, we will issue the most secure form of tenancy, compatible with the purpose of the housing

3.0 REFERENCE DOCUMENTS

- 3.1 This policy should be read in conjunction with the following Bucks Housing's policies and procedures:
- Equality, Diversity and Inclusion Policy
 - Lettings Procedure
 - Void Policy
 - Rent Arrears Policy
 - Anti-Social Behaviour Policy
 - Aids & Adaptations Policy
 - Safeguarding Policy
 - Domestic Abuse Policy
 - Tenure Policy
 - Tenancy Sustainment Policy
 - Resident Involvement and Consultation 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 agreed between a local authority and a registered provider, setting out the process for managing nominations for vacant homes and the obligations of both parties.
- 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 social housing tenants and the homes they rent. This collection provides the statistical information that the Ministry for Housing, Communities and Local Government produces on social housing lettings and includes:
- trends in social housing lettings over time
 - characteristics of new and transferring social housing tenants
 - types of tenancy granted.
- 4.5 **Decant** – term used to cover situations when Bucks Housing may require customers to move from their homes either permanently, for redevelopment purposes, or temporarily, due to major works or an emergency.

5.0 SCOPE

- 5.1 This policy applies to the letting of our void properties, including new build and newly acquired/purchased properties and the re-letting of existing properties.
- 5.2 This policy does not apply to the following:
- Key Worker properties
 - Shared Ownership properties
 - Leasehold properties
 - Owned but managed by another agency
 - Garages

6.0 LEGAL & REGULATORY FRAMEWORK

- 6.1 **Regulator for Social Housing 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

6.2 **Housing Act 1985**

Introduced the secure tenancy regime for social housing tenants and defines how secure tenancies can be let, managed and terminated.

6.3 **Housing Act 1988**

Introduced the assured (including assured shorthold) tenancy regime for social housing tenants and defines how assured tenancies can be let, managed and terminated.

6.4 **Housing Act 1996 (as amended by the Homelessness Act 2002)**

Provides the framework within which local authorities (LA's) allocate their stock. LA nominations to registered providers are within the same framework. Introduced introductory tenancies for local authority tenants. The Housing Corporation advised that Housing Associations could use Assured Shorthold Tenancies to provide starter tenancies.

6.5 **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 registered providers to offer fixed term tenancies for new social housing tenants.

6.6 **Immigration Act 2014 & 2016**

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

6.7 **Data Protection Act 2018**

The Act is the UK's implementation of the General Data Protection Regulation (GDPR) and controls how personal information is used by organisations, businesses and the government. It is not a barrier to sharing information but provides a framework to ensure that personal information about a person is shared appropriately.

6.8 **Local Tenancy Strategies**

Our Lettings Policy will take into consideration the Tenancy Strategies and Allocation Policies of our partner local authorities.

7.0 **ACCESS TO BUCKS HOUSING'S GENERAL NEEDS PROPERTIES**

7.1 **Local Authority Nominations**

7.1.1 Many of our homes will be let via choice-based lettings schemes run by our local authority partners. In the case of Slough Borough Council, they provide a nomination from their waiting list. Agreements are held with each local authority indicating the percentage of lets the LA is entitled to on each property owned by Bucks Housing.

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

7.1.3 All new build or purchased properties will be let, as agreed in the nomination agreement with the relevant local authority.

7.1.4 If the local authority is unable to provide a nomination, we will offer the property to an applicant on our Transfer List.

7.1.5 Bucks Housing reserves the right to decline a nomination, as set out in the individual nomination agreement. As a general rule, we will decline a nomination where:

- the proposed tenant has been evicted from, or has abandoned, a previous tenancy as a result of a tenancy breach
- the proposed tenant has an existing debt with Bucks Housing, or another landlord, which is not being repaid at an acceptable rate
- the proposed tenant has an otherwise unsatisfactory tenancy history, for example, anti-social behaviour, failure to provide access or poor property condition
- the proposed tenant has not been able to demonstrate that they will be able to meet the rent and other charges
- the proposed tenant will be unable to sustain the tenancy, for example, as a result of a care or support plan not being in place or available

- a risk assessment identifies that housing the proposed tenant in the property poses a serious risk to the safety and well-being of themselves, staff and / or neighbours and that risk cannot be mitigated or managed
- the proposed tenant is a potentially dangerous offender and, following a risk assessment through an appropriate agency, Bucks Housing is not satisfied that an appropriate level of support and/or monitoring can be put in place to manage or mitigate the risk
- the property is too small for the household and will be statutorily overcrowded (excluding temporary properties, not owned but managed by Bucks Housing)
- the identity, and/or the 'right to rent' status, of the proposed tenant, and all adult occupiers, are not verified at sign up
- the proposed tenant has failed to provide the required information in support of their application

7.2 Rural Exception Scheme in Speen

Bucks Housing has an agreement with the Buckinghamshire Council and Speen Parish Council, which aims to ensure the letting of properties to those with a local connection. The Buckinghamshire Council are notified of vacancies and the Council will source an applicant from the applicants put forward by Speen Parish Council.

7.3 Mutual Exchanges

Bucks Housing tenants have free access to an internet based mutual exchange system, named HomeSwapper. This is promoted on our website as a means of improving tenant mobility. We provide assistance to any of our customers in making applications.

7.4 Transfers

For Bucks Housing owned properties, where the local authority does not have 100% nomination rights, we may consider applications from existing tenants on 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;
- To support our customers living in overcrowded accommodation to move to larger accommodation;
- To support victims of serious harassment or domestic abuse
- Irresolvable neighbour complaints, where there is supporting evidence, we have followed our ASB procedure and all other intervention has failed;

- Unauthorised occupants, typically resulting from a relationship breakdown or a succession, for whom the property is unsuitable;
- To support redevelopment projects or the change of use of a site;
- To assist customers with serious medical conditions where the current accommodation is unsuitable and cannot be adapted to support the tenant's needs.

7.5 Decants

When developing a decant programme or requiring individual households to move, Bucks Housing will comply with current legislation, regulatory guidance and best practice and will work in partnership with Local Authorities.

We will work with our customers to facilitate their move and ensure that customers are advised of any compensation or financial assistance they may be entitled to. This includes a statutory Home Loss Payment for permanent decants and reasonable disturbance payments to cover the cost of the move itself.

8.0 TEMPORARY HOUSING SCHEMES

- 8.1 Bucks Housing owns or manages, properties used to provide temporary accommodation. Properties will be allocated as described in the nomination agreement with the relevant local authority.

9.0 ST HUGHS CLOSE WAITING LIST

- 9.1 Bucks Housing owns one Housing for Older People scheme at St Hughs Close in Stokenchurch, where there is a minimum age requirement of 60.
- 9.2 Vacant properties will be offered to either an applicant on our internal transfer list or to an applicant on the St Hughs waiting list. Waiting list applicants are prioritised by Bucks Housing's own points-based scheme.
- 9.3 Where Bucks Housing has been unable to find a suitable applicant from their waiting list, the property will be advertised on Bucks Home Choice. In the event that a prospective tenant cannot be found from a local authority, we may contact other Housing Associations or agencies in the area for a referral. We will also advertise the vacancy on our website, the local press and / or HomeSwapper. Applicants are required to meet the needs / size criteria set out in this policy.

10.0 TYPE OF TENANCY ALLOCATED

- 10.1 New tenants will be granted a tenancy, as specified in our Tenure Policy and in accordance with the relevant LA nomination agreement. 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 schemes
- 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 the age of 18.

11.0 SIZE OF PROPERTY 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 Bucks Housing undertakes a transfer, or is housing someone from their waiting list, the following criteria applies.

The size criteria allows one bedroom for each person or couple living as part of the household with the following exceptions:

- children under 16 of the same gender are expected to share
- children under 10 are expected to share regardless of gender
- households where a member of the household requires a non-resident overnight carer will be allowed an extra room
- households where a member of the household is unable to share a room because of their disabilities will be allowed an extra room
- 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
- 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 RENT & SERVICE CHARGES

- 12.1 Details of the total rent and service charge payable for the property will be provided in any choice based letting advertisements or nomination requests and at the time an offer of accommodation is made.
- 12.2 Developing a payment culture is central to our arrears management and this message is instilled at the start of the tenancy. Incoming tenants are required to pay their rent in advance.

13.0 LETTABLE STANDARD

- 13.1 Bucks Housing has an agreed Lettable Standard which applies for all our properties. Details of the Standard are provided to the new tenant at viewing stage. We may vary the Standard to assist letting a property which is considered low demand.

14.0 APPEALS

- 14.1 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 Head of Housing and Customer Services and will be heard within 10 working days.

15.0 EQUALITY, DIVERSITY & INCLUSION

- 15.1 Bucks Housing is committed to promoting equality, diversity and inclusion in the delivery of all of our services, as detailed in our Equality, Diversity & Inclusion Policy.
- 15.2 We aim to achieve equality of outcome for customers with differing needs, including through the early identification of any additional support needs.

16.0 RESPONSIBILITIES

- 16.1 The Chief Executive will be responsible, for agreeing nomination agreements with the local authority.
- 16.2 The Head of Housing & Customer Services will be responsible for ensuring that the resources are provided to deliver the lettings service. They will also hear appeals from applicants challenging a lettings decision.
- 16.3 The Housing Manager has responsibility for ensuring that our Lettings Policy is adhered to and that new tenants are identified quickly to ensure that relet times and void rent losses are minimised.

- 16.4 The Head of Property Services is responsible for ensuring that any necessary void works and health and safety compliance checks are carried out diligently and to the required standard within agreed timescales, and that all properties offered for letting meet our Lettable Standard.
- 16.5 The Housing Officer is responsible for advertising vacant properties, undertaking accompanied viewings, signing-up new tenants and undertaking the settling in visit.

17.0 MONITORING & REPORTING

- 17.1 The activities covered by this policy will be subject to ongoing performance management, including through recording accurate and up to date information and through weekly meetings of the voids and lettings teams.
- 17.2 The following performance information is reported quarterly to the Board and to the Residents' Panel, and annually to all residents via the annual performance report:
- Number of lettings and average relet times
 - Percentage of stock void
 - Void rent loss
 - Number of mutual exchanges.

Performance is benchmarked with similar registered providers at least annually.

- 17.3 All voids are post-inspected to ensure they meet the Void Specification and the minimum Lettable Standard.
- 17.4 Periodic audits of policy compliance will be conducted by managers and by the internal auditor.
- 17.5 Feedback on the voids and lettings process will be sought from new tenants at the six week settling in visit.
- 17.6 All lettings information is reported to CORE on a quarterly basis.

18.0 POLICY REVIEW

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