

CROYDON CHURCHES HOUSING ASSOCIATION

ALLOCATIONS AND LETTINGS POLICY

1.0 Introduction

- 1.1 Under the Regulatory Standards, we are required to adhere to the Tenancy Standard. This includes the requirement for registered providers (RPs) 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. It also requires them to have in place clear application, decision-making and appeals processes, and to enable tenants to gain access to opportunities to exchange their tenancy with that of another tenant.
- 1.2 This policy applies to the letting of our empty properties, both new build and re-lets. We will work closely with local authorities to meet local housing need, having regard to their published Tenancy Strategies and Allocations Schemes. The majority of properties in our general needs and housing for older people stock will be advertised using choice based lettings (CBL), where applicable, and let to people nominated by local authority partners. We reserve the right to decline nominations in accordance with the provisions in our nomination agreements and this policy.
- 1.3 We will let our empty homes in a fair, transparent and efficient way, minimising the period properties are empty, and making the most effective use of our stock. Our **Repairs and Maintenance Standards** details the standard to which we will bring empty properties between lettings.
- 1.4 We will offer and issue tenancies which are 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. See our **Tenancy Policy** for details of the different types of tenancies we provide.
- 1.5 We will seek to balance the needs of potential tenants with those of our existing tenants. We will provide existing tenants wishing to move with access to clear and relevant advice about their housing options. We will enable mobility through facilitating mutual exchanges, encouraging registration with the local authority / local CBL scheme and undertaking internal management transfers in line with the Transfer and Mutual Exchange Procedure.
- 1.6 This policy does not apply to any commercial lettings, intermediate rented properties, leasehold, shared ownership, London Living Rent properties or garages. It also does not apply to tenancies granted following a review of an existing tenancy, including a Starter or Fixed Term Tenancy.

2.0 Sourcing Tenants

2.1 We do not manage our own waiting list, except in the case of some housing for older people, and the majority of homes are let by providing nomination rights to local authorities. Existing tenants wanting to move are encouraged to register with the local authority or the local CBL scheme, where they are eligible to do so, and/or to pursue a mutual exchange.

2.2 Local authority nominations

2.2.1 Our nomination agreement with the London borough of Croydon for general needs and housing for older people properties provides for 90% local authority nominations at first letting (new build), as well as for all subsequent re-lets.

2.2.2 Our nomination agreement with the London borough of Sutton for general needs and housing for older people properties provides for 50% local authority nominations on re-lets for bedsits, studios, and 1-bedroom properties, and 75% for 2-bedroom and larger properties. Nominations for new-build properties are agreed on a case-by-case basis.

2.2.3 Our nomination agreement with the London borough of Bromley for general needs properties provides for 50% local authority nominations on re-lets for bedsits, studios, and 1-bedroom properties, and 75% for 2-bedroom and larger properties. Nominations for new-build properties are agreed on a case-by-case basis.

2.2.4 For all the above arrangements non-true voids are excluded from the nomination quotas. Non-true voids include those created through:

- Mutual exchanges and via other mobility schemes
- Returning decants
- Successions

2.2.5 Nomination rights on new build schemes may vary depending on the funding source and/or planning requirements.

2.2.6 For supported housing we have various schemes providing landlord management services which can be accessed via referrals/applications with the following local authorities:

- People with Learning and Physical Disabilities (Croydon) – referred via SHS.
- Mental Health (Croydon) – referred via SHS .
- Sutton Single Homeless (Sutton) – referred via Supported Housing Pathway
- Learning Disabilities (Bromley) – referred via the local authority.

2.2.7 The circumstances whereby we may decline a nomination are set out in the individual nomination agreements. 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 us, 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 (for example, Multi-Agency Public Protection Arrangements [MAPPA], Probation, Police, Social Services), we are 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;
- 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 and / or failed to provide the required up-front payment;
- The property is designated for specific use and the proposed household does not meet the criteria, e.g. the property is designated for people over the age of 55, or the property has been adapted and the proposed tenant does not require that level of adaptation. Or
- The applicants, or a member of their household, own or hold a tenancy for another property.

2.3 Direct lettings including Transfers

2.3.1 We will use up our nomination entitlement to undertake direct lettings on certain re-lets. These are lettings which, in our view, enable us to make the best use of our housing stock.

2.3.2 Circumstances in which we will use direct lettings will include the following:

- Lets for housing for older people properties where we have nomination rights. This will be via our waiting list or via other charitable organisations where we have close working relationships. This will ensure properties are effectively utilised, reduces void times and is in line with our ethos to reduce homelessness.

- Lets to a qualifying successor / an assignee in lieu of death who we move to more suitable accommodation;
- Lets in accordance with our **Succession and Assignment Procedure** (e.g. allowing 'succession' to a non-qualifying person), or;
- Management moves.

2.3.3 Management moves are internal transfers undertaken in the following circumstances:

- Lets in accordance with our **Transfer and Mutual Exchange Procedure** (this may include a move to a smaller / cheaper property to assist a tenant at risk of losing their home or a move to take up a permanent offer of employment as a means of assisting a tenant to maximise their income);
- In a situation where a property is uninhabitable (e.g. due to fire, flood, major structural defect, other health and safety risk) the local authority have a duty to rehouse residents, in accordance with Part 7 of the Housing Act 1996. If we can assist with rehousing and have suitable stock available, then we will do so. Temporary or permanent decants may also occur to aid the management of our assets (e.g. redevelopment, disposal). [Note: where the household is homeless, and we are unable to identify suitable alternative accommodation, the local authority has a statutory duty to assist];
- Moves which enable us to deal with a serious or protracted tenancy management matter;
- Where an adaptation is urgently needed and it is a more effective solution for the household to move;
- A move to release an adapted property (where there is demand for that type of adapted property and the current occupant(s) do not need it);
- A tenant who needs to move into, or within, older people's housing (where a direct offer is considered to be the most appropriate way of meeting the household's needs);
- Moves in accordance with local lettings policies agreed with the local authority;
- A move which assists a tenant to move on from one of our supported schemes, or;
- Where we consider a management move to be in the best interest of the tenant and/or ccha. .

2.3.4 In line with the guidance and criteria in our **Transfer and Mutual Exchange Procedure**, applicants will be offered a maximum of three properties within their area of choice, or an agreed alternative prior to viewing. If all offers are refused, they will be suspended from the Transfer List for a minimum of one year, or until they have a change in circumstances.

2.3.5 For all other management moves, eligibility restrictions will apply, and one reasonable offer will be made from across our area of operation. A reasonable offer will meet the

applicant's needs in terms of tenure, size (and floor level where relevant). A reasonable offer will also meet the applicant's requirements in terms of location, where this is relevant to the reason for moving.

2.3.6 In an emergency situation, the most appropriate route to rehousing is likely to be via the local authority under their statutory duty.

2.4 Mutual Exchanges

2.4.1 Most of our tenancies (excluding licence agreements, assured shorthold and starter tenancies) offer the right to mutually exchange. This gives tenants an opportunity to swap their home with another social housing tenant for a more suitable property. We are a member of HomeSwapper, a national mutual exchange scheme which helps to facilitate these moves. Further information is detailed in our **Transfer and Mutual Exchange Procedure**.

3.0 **Types of Tenancy**

3.1 The type of tenancy we issue will be influenced by a number of factors including:

- The type / purpose of the property to be occupied;
- The type of tenancy, if any, held immediately prior to the new tenancy being granted, and;
- Restrictions arising from existing nomination agreements, planning consents, title deed or funding arrangements used to provide the accommodation.

3.2 Tenants new to general needs / older people's housing will generally be offered a starter tenancy – an assured shorthold tenancy. After 12 months, if the tenancy has been conducted satisfactorily, the tenant will be granted an assured tenancy or if the resident has limited leave to remain, a fixed-term tenancy.

3.3 For tenants referred to us with limited leave to remain, we will initially offer a starter tenancy. This is to ensure that we are able to confirm leave to remain is extended and the resident has the right to rent. An assured tenancy will be granted if the tenant is subsequently granted indefinite leave to remain. If they still have the right to rent after the starter tenancy period but do not have indefinite leave to remain then we will issue a fixed term tenancy to allow us to monitor their status and ensure we are complying with government legislation.

3.4 Where an existing tenant moves into, or transfers to, one of our properties, they will retain their existing tenure rights in line with government legislation. Where the length of occupation is likely to be short term (e.g. some supported schemes, temporary housing), a periodic or fixed-term assured shorthold tenancy or a licence agreement will generally be used.

3.5 We will issue joint tenancies to those nominated by the local authority as joint applicants. If the potential tenant is not received by way of a nomination, we will usually offer joint tenancies to married couples, civil partners and people in a relationship who live together as a couple. We may offer joint tenancies to others at the discretion of

the Operations Manager (Neighbourhood or Housing Services). Any offer of a joint discretionary tenancy will be subject to verification of identity and immigration status. Joint tenancies can be granted up to a maximum of four people. There are some specific schemes where sole occupancy is a condition of the tenancy.

- 3.6 For incoming tenants who are under 18, the tenancy will generally be held in trust (e.g. by the local authority, support agency or a family member) until they reach 18. A licence agreement or excluded licence will be used where the tenant is not being given exclusive use of the premises.
- 3.7 The full range of tenancy and occupancy agreements we grant is detailed in our **Tenancy Policy**.

4.0 Occupancy Levels

- 4.1 Each local authority 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.
- 4.2 Where we undertake a management move or other direct letting, we will adopt the bedroom need assessment criteria adopted by Government for the purposes of housing benefit assessment. The size criteria allows one bedroom for each person or couple living as part of the household. This must not exceed the maximum occupancy levels of the property (e.g. a 2 bed with max 4 occupants). There are also 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, and;
 - 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.

Where these exceptions apply, we will require evidence to show that this is the case.

- 4.3 Single people living alone will be eligible for bedsit, studio or one bedroom accommodation.
- 4.4 In the case of an urgent management move, where the existing property is too small and the correct property size is not available, we may, in exceptional circumstances, make an offer of a 'like for like' property. A tenant moving to a 'like for like' property in these circumstances should be made aware that, where they are moving across a

local authority boundary, and have no local connection to the new area, there may be restrictions on their ability to register on the new local authority housing register.

- 4.5 We recognise there may be specific circumstances where additional space may be required over the size criteria outlined above. We will apply discretion in these circumstances, for example where some one bedroom properties with a particularly small bedroom may not be suitable for expectant couples.
- 4.6 We will normally look to maximise occupancy levels to make best use of stock. We may consider under occupying a property in certain circumstances, such as where there are sensitive lets or new developments; including through the use of local lettings plans.
- 4.7 There are two-bedroom properties within schemes designated for over 55's and older people which we may under occupy. An affordability check will be carried out beforehand to ensure that the resident can afford the property. We will also consider under occupying a property where it is in low demand, deemed as difficult to let, where concerns exist regarding density levels in a scheme and/or as part of a local lettings plan.
- 4.8 For any property that is under occupied, we will ensure the incoming tenant is aware of any restrictions on eligibility for housing benefit or equivalent. A current tenant who is under occupying and wishes to move will be provided with advice on the housing options available to them. These will include registration with the local authority / local CBL scheme and pursuing a mutual exchange.
- 4.9 We operate an incentive scheme designed to help free up properties and limit hardship for tenants who will be affected by any changes under Welfare Reform. This is aimed at assisting tenants where they:
 - have one or more bedrooms they do not need and want to downsize through a transfer;
 - have one or more bedrooms they do not need and want to downsize through a mutual exchange, or;
 - have a wheelchair-adapted property they no longer require (only available through ccha not the local authority).
- 4.10 Under this scheme tenants who are giving up these types of accommodation are eligible for variable cash incentives and are given a higher priority for re-housing on our transfer list. For more information see our **Transfer and Incentive Procedure**

5.0 Rents and Service Charges

- 5.1 We will instil a culture of rent payment from the very start of the tenancy by requiring payment on time. A minimum payment of one week's rent will be collected either prior to or at the point of sign-up. This will apply to all general needs and older persons tenancies (not supported) and the offer of a tenancy will be withdrawn if the full amount is not paid. Only in exceptional circumstances, to be agreed by the relevant Operations

Manager, may this payment be waived or reduced. See our **Income Recovery Policy** for more information.

- 5.2 Details of the total rent and service charge payable for the property will be provided in choice based letting advertisements and at the time an offer of accommodation is made. Rents will be set in accordance with our **Rent Setting Policy** and service charges will be set in accordance with our **Service Charge Policy**.

6.0 Equality and Diversity

- 6.1 We will ensure that all reasonable steps are taken to let our properties fairly and in line with the equality and diversity policy and appropriate legislation.
- 6.2 We aim to let properties in a reasonable timeframe in order to minimise void losses. However, there will be some discretionary flexibility from the operations manager of the service, in cases where an applicant requires more time to sign up due to extenuating circumstances such as physical or mental health.
- 6.3 To ensure that all applicants have fair access to available properties, in some cases a property may need to have minor aids and adaptations carried out so that an applicant can occupy it. If the referring body and/ or resident feel that minor aids and adaptations are required, they must arrange for an assessment with an Occupational Therapist. We will assess whether the available property is suitable for minor adaptations and, if so, will work with the recommendations provided by the Occupational Therapist and carry out any necessary works for the prospective resident(s).
- 6.4 Properties that have more major adaptations (i.e. stairlifts, through floor lifts, fixed hoists, fully adapted bathrooms or kitchens), or are fully wheelchair accessible will be let to those needing these features wherever possible, if the features are still useable and cannot reasonably be removed without significant cost or damage to the property.

7.0 Monitoring

- 7.1 We participate in the national CORE (COntinuous REcording of Lettings and Sales in Social Housing) system of recording lettings which is a national information source that records information on the characteristics of social housing tenants and the homes they rent.
- 7.2 Performance information is reviewed by the Leadership Team on a monthly basis and by the Board on a quarterly basis and a review of lettings within each borough is provided to our local authority partners on request.

8.0 Appeals Process

- 8.1 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. The Operations Manager should be made aware as soon as an applicant raises any concerns about an allocation/ letting decision or staff feel there is scope for a decision to be disputed. This will then be considered by the Operations Manager

before a final decision is made. If the applicant is still unhappy with the decision, a formal appeal may be made. Any such appeal should be put in writing to a Director and will be heard within 10 working days.

- 8.2 It is our policy not to hold any property vacant pending the outcome of an appeal, (unless the local authority is willing to cover the rent and other charges during the period the property is vacant), but an upheld outcome of any appeal may allow the resident to be referred to another property.

Version History	
Policy name	Allocations and Lettings Policy
Version code	3.0
Lead Officer	Director of Operations
Equality Impact Assessment	January 2021
Resident Consultation	October/November 2020
Colleague Consultation	October 2020
Stakeholder Consultation	January 2021
Date of Issue	April 2021
Review Date	April 2024
Policies and procedures replaced	Allocations and Lettings Policy v2.0
Version Changes	<p><u>V3</u> Updates include:</p> <ul style="list-style-type: none"> - HCA now referred to as Homes England - London Living Rent referenced - Updated schemes currently able to refer into supported housing services. - Additional examples of circumstances where we may decline a nomination have been added - Update on the use of ASTs for new residents with limited leave to remain - Reinforced equality and diversity section with discretion for managers to allow more time for sign ups in extenuating circumstances. - Added more information to the Appeals Process section.