

POLICY: LETTINGS

1.0 Introduction

- 1.1 Thames Valley Housing (TVH) supports local authorities (LAs) with their strategic housing functions and their duties to meet identified local housing needs.
- 1.2 We develop and build new homes in our area of operation and ensure these are built to meet the needs of the local community.
- 1.3 We re-let vacancies in our existing stock to those in housing need.
- 1.4 We ensure wherever possible the homes built and let meet the needs of each household ensuring they are safe, secure and affordable.


2.0 Background Legislation

- 2.1 Housing Act 1996
- 2.2 Data Protection Act 2018

3.0 Definitions

- 3.1 'Letting' is the action of renting a property.
- 3.2 'Under-occupation' is where there are more bedrooms in the property than is considered necessary for the number of people in the household according to our bedroom standard.
- 3.3 'Overcrowding' is where the property is not large enough for the number of people in the household according to our bedroom standard.
- 3.4 'Local Lettings Plans' (LLPs) are agreed local plans for the allocation and letting of homes within an agreed community or location. LLPs are agreed in conjunction with the local authority.
- 3.5 A 'succession' is where a tenancy has been inherited.

4.0 Objectives

- 4.1 To actively promote and enable choice of accommodation for people who are in the greatest housing need.
 - 4.2 To ensure access into housing is fair and equitable.
 - 4.3 To ensure the properties are affordable at the time of letting.
 - 4.4 To encourage and support sustainable communities.
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- 4.5 To develop local letting plans that are scheme specific and promote balanced communities.
- 4.6 To make best use of the Association's stock.
- 4.7 To actively use the Association's transfer list.
- 4.8 To minimise the time properties are empty.
- 4.9 To comply with all statutory and regulatory requirements.

5.0 Allocation of Homes

- 5.1 Available homes will generally be offered to the local authority, where they have the right to nominate an applicant, or through our own transfer list.
- 5.2 The applicant will usually be verified by the local authority prior to nomination, and will meet their criteria. We will also carry out our own checks to ensure the applicant meets our criteria and are required by law to check that applicants who are not nominated by the local authority and other adult household members have the Right to Rent.
- 5.3 Applications are subject to a financial assessment to ensure the property is affordable. If an application is refused on affordability grounds, there is no right to appeal unless the applicant's financial circumstances have changed since the assessment was completed, or significant errors relating to the income were input. Evidence of any change in circumstances will be required for an appeal to be considered.
- 5.4 In conjunction with the local authority we will carry out additional research with other relevant services and agencies where:
 - ▲ Applicants, or a member of their household, own or hold a tenancy of another property;
 - ▲ Applicants, or a member of their household, have been evicted within the last five years for a serious breach of terms of tenancy such as anti-social behaviour (ASB) or hate crime. Consideration will only be given where a tenancy has been conducted satisfactorily after this date;
 - ▲ Applicants have been evicted for rent arrears or where it is known that rent arrears are outstanding to us or to another housing association or social landlord. Assessments will be made as to whether applicants have made reasonable efforts to remedy this and appropriate arrangements for repayment of debts are in place;
 - ▲ Existing care packages cannot be guaranteed at the new address or where there is an acute vulnerability and no history of ongoing and sustained engagement with support services;
 - ▲ Applicants, or a member of their household, have misrepresented personal or household circumstances or staff become aware before the tenancy starts that information pertinent to their housing application has been withheld or is false;



- ▲ Applicants, or a member of their household, have displayed behaviour that causes significant concern about their ability to sustain a tenancy, and/or maintain a reasonable landlord/tenant relationship;
- ▲ Applicants, or a member of their household, have been convicted of an offence or have been cautioned (whether it has been spent or not) and it is believed that the nature of the offence would not be conducive with the sustainability of a specific tenancy in a particular or general location;
- ▲ The nature and extent of adaptations is such that adaptations are not feasible or there is no guarantee that funding will be given and/or there is no guarantee that works will be completed within a reasonable timescale and will put the Association at a financial loss;
- ▲ Accommodation is for older people and we are of the opinion that the needs of the applicant or a member of their household cannot be met at the scheme. This may be due to the level of infirmity and level of care that needs to be provided but cannot reasonably be undertaken;
- ▲ The applicant has not demonstrated they will be able to financially maintain the tenancy.

5.5 The above list is not exhaustive and all cases are treated on individual merits and not part of a 'blanket' policy. We may refuse an offer of accommodation on the basis of these reasons above or for another reason linked to the list above.

6.0 Eligible Household Members

6.1 Save in exceptional circumstances, we will only consider household members who have been assessed as eligible by the local authority. These include:

- ▲ The tenant(s);
- ▲ A sole tenant's partner, if they are living permanently at the property;
- ▲ Any dependent children, including children for whom the applicant has long term legal guardianship, and children that are adopted or fostered (the tenant will be required to provide evidence such as guardianship/foster carers allowance etc);
- ▲ A carer (where the tenant can sufficiently evidence that a live in carer is required).

6.2 If the applicant is applying to move to a larger property, extended family and adult children over the age of 21 will be discounted when assessing bedspaces required unless there are exceptional circumstances. Exceptional circumstances may include, but are not limited to:

- ▲ Where an additional bedroom is required on medical grounds (the resident will be required to provide a report from an Occupational Therapist to confirm this).



7.0 Bedroom Standard

7.1 The bedroom standard used by different local authorities and registered providers vary. We use the following bedroom standard to allocate homes:

Studio or shared flat	1 person household
1 bedroom 2 person property	1 or 2 person household (single person or couple)
2 bedroom 3 person property	1 or 2 parent families * with 1 child
2 bedroom 4 person property	1 or 2 parent families * with 1 or 2 children **
3 bedroom 4 person property	1 or 2 parent families * with 2 children
3 bedroom 5 person property	1 or 2 parent families * with 2 or 3 children **
3 bedroom 6 person property	1 or 2 parent families * with 3 or 4 children **
4 bedroom 6 person property	1 or 2 parent families * with 3 or 4 children **
4 bedroom 7 person property	1 or 2 parent families * with 4 or 5 children **
4 bedroom 8 person property	1 or 2 parent families * with 5 or 6 children **
5 bedroom 7 person property	1 or 2 parent families * with 4 or 5 children **
5 bedroom 8 person property	1 or 2 parent families * with 5 or 6 children **
5 bedroom 9 person property	1 or 2 parent families * with 6 or 7 children **
5 bedroom 10 person property	1 or 2 parent families * with 7 or 8 children **

* A single adult tenant (holding a sole tenancy) is counted as 2 persons unless the accommodation is a bed sit for 1 person only.

** The number of children permitted is dependent upon their age and gender.

7.2 We consider other criteria and factors when determining the correct property size for a household. These are:

- ▲ The tenant or joint tenants are allocated 1 double bedroom;
- ▲ Same-sex couples are equivalent to opposite-sex couples;
- ▲ 2 children under 10 years old and either sex are eligible for 1 double bedroom;
- ▲ 2 children of the same sex are eligible for 1 double bedroom;
- ▲ A family with two children of the same sex with a 10 year age gap would be eligible for an extra bedroom, provided the children are below the age of 21;
- ▲ Families with three or more children are expected to share bedrooms regardless of gender or age;



- ▲ An unborn child of the legal tenant or their resident partner is considered as one person providing that the legal tenant or their resident partner will be the child's legal guardian. A MATB1 Certificate must be provided.

8.0 Under and Over Occupying

- 8.1 We do not permit over-crowding a property, and consider the space required by single parents to be the same as that required by a couple.
- 8.2 One additional bed space is permitted, providing this doesn't result in a bedroom in excess of our bedroom standard.
- 8.3 We may refuse a household where the ages of the children in the household would result in the need for an additional bedroom within 12 months.
- 8.4 Save in exceptional cases we consider the household to be substantially under-occupying the property if there would be two or more additional bed spaces than required. Exceptional circumstances may include, but are not limited to:
 - ▲ Where an additional bedroom is required on medical grounds (the resident will be required to provide a report from an Occupational Therapist to confirm this);
 - ▲ Where the ages of the children in the household would result in the need for an additional bedroom within 12 months; *
 - ▲ Where the resident is downsizing. *

* A tenant in receipt of benefits will need to demonstrate that a shortfall in benefit will be affordable in the intervening period.

9.0 Tenancy Type and Length

- 9.1 Unless a tenant already holds an assured or secure tenancy, probationary tenancies are issued to new residents. Provided the tenancy conditions are maintained during the full 12 month probationary period, the Association will consider either converting the tenancy to an Assured Tenancy or, offering an Assured Shorthold Fixed Term Tenancy (which will be for a minimum fixed term of at least 2 years).
- 9.2 An assured tenant can stay in the property for as long as they wish as long as they keep to the terms of their agreement. A fixed term tenant's eligibility will be reviewed one year before the end of the tenancy.
- 9.3 In a small number of cases, where the Association is working in conjunction with other housing support agencies to offer temporary or short term move on accommodation for their clients as part of a specifically agreed programme, assured shorthold tenancies will be issued.



10.0 Local Lettings Plans (LLPs)

- 10.1 We will work in partnership with local authorities to develop these plans to enhance, support and sustain balanced communities.
- 10.2 We encourage local letting plans in areas where we need to consider the mix of tenures, child density, ethnic and economic mix, vulnerability and affordability of incoming residents.
- 10.3 We will request a financial check is carried out for all applicants so that we can ensure the property is affordable.

11.0 Transfers

- 11.1 The Association has a transfer list providing existing tenants an opportunity to move within our own stock. It is our aim to offer 25% of our re-let properties to residents for internal transfers. The priorities set out in the transfer list help support the aims of our Lettings Policy and take into consideration the welfare reform changes. Transfer list applicants will also be subject to income and verification assessments, and are assessed in line with lettings criteria. Transfer list eligibility and banding priorities are detailed in the Transfer Policy.

12.0 Mutual Exchanges

- 12.1 The Association is a member of HomeSwapper, a national mutual exchange scheme which gives our tenants an opportunity to swap their home for a more suitable property. Most tenants are able to join the scheme, and further information is detailed in our Mutual Exchange Policy.

13.0 Succession

- 13.1 The right of succession to a tenancy differs according to the type of tenancy held, however, there can only be **one** act of succession to a tenancy. Further information is detailed in our Succession Policy.

14.0 Advice, Assistance and Vulnerability

- 14.1 We will work with tenants who require support and assistance and signpost them to the local authority and other appropriate agencies.
- 14.2 We have a Tenancy Support service providing specific support to vulnerable tenants.

15.0 Information Sharing

- 15.1 All applications and tenants are subject to Data Protection Act 2018. At the point of interview applicants are asked to sign a S171 declaration within the terms of the 1996 Housing Act. This declaration warns that it is an offence to knowingly withhold or provide



false information. In addition, applicants are made aware that information can be shared with other housing providers or relevant agencies. This can include information sharing protocols with public bodies.

- 15.2 Where specific permissions are required to make enquiries with individual support workers, the applicants are required to sign a declaration giving their permission. Identification markers on our computer databases are also used to denote risks, vulnerability or for regard to be given to special requirements.

16.0 Annual Lettings Feedback

- 16.1 We participate in the national CORE system of recording lettings reported through to our funding body the HCA.
- 16.2 An annual review of lettings will be provided to our local authority partners on request.

17.0 Appeals Procedure

- 17.1 With the exception of a refusal on affordability grounds (see section 5 above), applicants may make an appeal with regard to our refusal to accept their nomination. They should include any additional information they have in support of their appeal. The appeal will be considered by the manager of the relevant service area, for example, Lettings, Revenues, or Housing Management.
- 17.2 The appeal should be in writing or dictated over the phone to a member of staff and should be submitted within 5 working days of the refusal.
- 17.3 The Manager will investigate the reasonableness of the refusal and will advise the applicant of their decision within 10 working days unless an alternative timescale is mutually agreed. Where possible, applicants will be advised initially by telephone of an adverse decision with reasons, followed by a letter.
- 17.4 If the applicant disputes this decision there is a second right of appeal to the Director of Residential Services. This must be made within 5 working days of the initial appeal outcome and will include the reasons for the appeal.
- 17.5 The Director of Residential Services will give a written response based on a review of the initial appeal decision within 10 working days, and their decision will be final.
- 17.6 The property in question will remain available for letting to the original applicant until the outcome of the appeal.
- 17.7 This appeal procedure does not interfere with an individual's right to make a complaint to the Independent Housing Ombudsman or to request an agency or organisation to make the appeal on their behalf.

The Housing Ombudsman Service is at: 81 Aldwych, London, WC2B 4HN



18.0 Other Useful Policies

Tenancy Policy

Transfer Policy

Mutual Exchange Policy

Succession Policy

Assignment & Other Tenancy Changes Policy

19.0 Policy Information

Policy owner: Housing Services Manager

Approved by: Director of Residential Services

Last review date: August 2018

Next review date: August 2021

Equality assessment: N/A

Resident consultation completed: N/A

