

POLICY: TRANSFER

1.0 Introduction

- 1.1 Thames Valley Housing (TVH) are committed to providing a choice of quality affordable homes that people want to live in, and are a member of HomeKey, a choice-based lettings scheme. The majority of properties available for transfer are advertised through this scheme.
- 1.2 This Transfer Policy aims to increase opportunity for our general needs residents to move across all local authorities where we have properties available.


2.0 Background Legislation

- 2.1 Housing Act 1996
- 2.2 Welfare Reform Act 2012

3.0 Definitions

- 3.1 A 'transfer' allows a tenant to move to another of the Association's properties.
- 3.2 'Under-occupation' is when there are more bedrooms or bedspaces in the property than is considered necessary for the number of people in the household according to our bedroom standard.

4.0 Objectives

- 4.1 To provide a choice of accommodation for people who are in housing need who do not have other housing options.
 - 4.2 To provide equality of opportunity to applicants, regardless of their race, colour, ethnic or national origin, or because of their religion, sex, sexuality, life style, appearance or marital status.
 - 4.3 To provide our existing tenants with the opportunity to transfer to other accommodation which is suitable for their household size.
 - 4.4 To make best use of our stock.
 - 4.5 To build sustainable communities.
 - 4.6 To support residents affected by Welfare Reform changes.
- 

5.0 Transfer List Eligibility & Priorities

- 5.1 Our transfer list is open to our existing eligible tenants who have successfully completed their probationary period. Not all residents will be eligible to transfer, or to register on the transfer list. This may be due to restrictions relating to the type of tenancy they have, or the property they live in. Reasons may include, but are not limited to:
- ▲ The tenant holds an assured shorthold tenancy;
 - ▲ The property was acquired under a scheme such as Mortgage Rescue or Flexible Tenure.
- 5.2 Applicants are assessed using a banding system which is attached at Appendix 1. Each application will be assessed on the information and evidence provided.

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 evidence guardianship);
 - ▲ 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 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 Applicant Assessment and Suitability

- 9.1 The decision to allocate a property will also include an assessment as to the sustainability of the future tenancy and the contribution to maintaining a stable and balanced community.
- 9.2 This will include situations where 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.
- 9.3 Where an applicant has had rent arrears outstanding, or where there have been proven incidents of antisocial behaviour or other serious breaches of the tenancy within the previous 2 years, an assessment will be made as to whether the applicant has made reasonable efforts to remedy these breaches. It is not the policy generally to exclude applicants who have been in rent arrears or involved in other previous tenancy breaches.
- 9.4 Where applicants are reassessed which has resulted in a higher band, the priority date will be effective from the date of the banding reassessment.
- 9.5 Applicants could be refused at any point in the process if they do not meet the banding criteria. In addition, reasons for refusing an applicant may include, but are not limited to:
- ▲ The resident is in the review period of their fixed term tenancy;
 - ▲ The resident is unable to demonstrate they can afford the property;
 - ▲ The resident owns, or holds a tenancy of, another property;
 - ▲ Where required, the tenant and/or adult household members have not allowed a legal Right to Rent check to be completed;
 - ▲ Where the bid is based on over-crowding caused by non-eligible household members;
 - ▲ Where 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 application has been withheld or is false;
 - ▲ Where the property is larger than required for the current household size;
 - ▲ Where we consider the property to be unsuitable for the resident or their household;
 - ▲ Where there are rent arrears or other significant tenancy breaches;
 - ▲ Where the property was acquired via a scheme for home owners (e.g. Mortgage Rescue);



- ▲ Where the resident has already transferred or exchanged property within the last 6 months (unless the tenant pays reasonable costs to include the required electrical and gas checks for the subsequent move, or requires an emergency move);
- ▲ The current property has not been suitably maintained and does not pass inspection.

10.0 Exceptions to the Shortlist

10.1 We may, in some circumstances, override the transfer bidding system where a property is more suited to another tenant/their family. Reasons may include, but are not limited to:

- ▲ Applicants in band C for overcrowding and assessed as missing 2 bedspaces may be prioritised over those in the same band who are missing 1 bedspace;
- ▲ Where an adapted property is more suitable for an applicant or a member of their household, because the adaptations are more suited to their needs;
- ▲ Where a property is more suited to the composition of a household. For example, larger families with two older children of a different sex requiring their own rooms would be more suited to a 4 bedroom, 6 person property, rather than families with younger children who could occupy a 3 bedroom 6 person property.

11.0 Medical Assessment

11.1 If the transfer application is on the basis of health grounds and is supported by a specialist healthcare professional (for example, an Occupational Therapist), we will seek an independent assessment from a medical professional, to which there is no right of appeal.

11.2 GP letters can be accepted in support of evidence from a specialist healthcare professional.

11.3 Following the assessment, if additional evidence is provided by an Occupational Therapist or other specialist healthcare professional, we will submit this for reassessment. Additional assessments may incur a charge payable by the resident.

12.0 Under-Occupying

12.1 Residents will be able to transfer to a property that is suitable for their current household need. However, we may consider under-occupiers who are freeing up larger properties to move to a property with one bedroom in excess of their needs. Under-occupiers may be subject to a financial assessment to ensure affordability.

13.0 Offers

13.1 All offers are subject to the Association being satisfied that the tenant and other adult household members living at the property have the Right to Rent. This is a legal requirement.



- 13.2 Applicants are required to keep the Association up to date with any changes in their circumstances, or additional information that is relevant to their current banding. At or around the time an offer is made, transfer applications will be reviewed to determine the banding awarded is still relevant. Applicants may be required to provide evidence to support this, and failure to provide that may result in them being withdrawn from the shortlist, a revision to their banding, or an offer being withdrawn.
- 13.3 There will be one direct offer only for Band A+ emergency applicants. If the applicant declines the offer, their application will be reassessed and their band revised appropriately. With the exception of under-occupiers, applicants in Bands A and B who have not bid within 6 months and where suitable properties have been available, will be made a direct offer. Applicants who fail to accept a suitable offer will have their application reassessed.
- 13.4 Following acceptance of an offer of accommodation, applicants will be expected to commence their new tenancy as soon as possible and within 5 working days of the offer being made. A longer notice period may be accepted in exceptional circumstances, at the sole discretion of the Association, but properties cannot be kept vacant for extended periods. The Association reserves the right to withdraw an offer if the tenancy has not commenced within 5 working days of the offer being made.
- 13.5 Residents must provide a set of keys to their former home on or before the date their new tenancy starts. If we have to force entry to the property, the cost for arranging this will be recharged to the resident.
- 13.6 Residents must vacate their property by midnight on the day after their new tenancy starts. Additional time may be agreed in exceptional circumstances, at the sole discretion of the Association. If the property is not vacated by midnight on the day after the new tenancy starts, rent will be charged on both properties starting from the day the new tenancy starts. Rent will continue to be charged on both properties until the previous property has been vacated, and keys have been returned. Where an extension has been agreed, residents will be required to confirm their agreement in writing at the time they sign their new tenancy.

14.0 Information Sharing

- 14.1 All applications and tenants are subject to Data Protection Act 1998. 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.
- 14.2 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 with the tenant's permission to denote vulnerability or for regard to be given to special requirements.
- 14.3 In some circumstances, where it is considered that staff, contractors or residents may be at risk, permission will not be sought but a marker placed at a Manager's discretion.



15.0 Appeals Procedure

- 15.1 Applicants may make an appeal with regard to their transfer request. Additional information should be provided in support of their appeal and this will then be considered by the Housing Advice & Lettings Manager.
- 15.2 The appeal should be in writing or dictated over the phone to a member of staff and the deadline for this is 5 working days (weekdays not including public holidays) from the date of refusal. Applicants are to be advised initially by telephone wherever possible of an adverse decision. They are to be given the reasons and the deadline for their appeal and this will be followed up in writing.
- 15.3 The Housing Advice & Lettings Manager will investigate the reasonableness of the refusal and will advise the applicant in writing of the decision. This process will be concluded in 10 working days (not including public holidays) unless a mutually agreed alternative timescale is agreed.
- 15.4 If the applicant disputes this decision there is a second right of appeal to the Deputy Housing Director. This must be made within 5 working days of the initial appeal outcome and will include the reasons for the appeal. The Deputy Housing Director will give a written response based on a review of the initial appeal decision within 10 working days. The decision of the Deputy Housing Director will be final.
- 15.5 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.
- 15.6 The property in question will remain available for letting to the original applicant until the outcome of any internal appeal.

16.0 Transfer Lettings Feedback

- 16.1 Each year feedback on transfer lettings will be provided to the Board and to local authority partners on request.

17.0 Related Policies

- ▲ Tenancy Policy
- ▲ Lettings Policy
- ▲ Mutual Exchange Policy
- ▲ Succession Policy

18.0 Policy Information

Policy owner: Housing Services Manager

Approved by: Residential Services Director

Last review date: November 2018

Next review date: November 2019



Appendix 1

<p>Band A+</p>	<p>Emergency (one direct offer only)</p> <ul style="list-style-type: none"> ▲ Emergency Domestic Violence, Harassment or Hate Crimes (to avoid an immediate threat to life).
<p>Band A</p>	<p>High Priority (time-limited with the exception of under-occupiers)</p> <ul style="list-style-type: none"> ▲ Serious Domestic Violence, Harassment or Hate Crimes (to avoid a potential threat to life and supported by third party evidence). ▲ Emergency Medical (the resident is unable to return to the property for medical reasons. This will be supported by a medical professional and assessed by independent medical advisors). ▲ Under-Occupiers (where 2 or more bedrooms are being released). ▲ Severe Overcrowding (where 3 or more extra bedrooms are needed). ▲ Decants (where someone must move urgently, e.g. property disposals).
<p>Band B</p>	<p>Medium Priority</p> <ul style="list-style-type: none"> ▲ Urgent Domestic Violence, Harassment or Hate Crimes (where this is serious and supported by third party evidence but not life threatening). ▲ Urgent Medical (where this is serious but someone is able to occupy their property in the short term. This will be supported by a medical professional and assessed by independent medical advisors). ▲ Under-Occupiers (where one bedroom is being released). ▲ Urgent Overcrowding (where two extra bedrooms are needed). ▲ Benefit Cap (where residents are affected by the benefit cap) ▲ Decants (where a move is needed, but the need is not immediate).
<p>Band C</p>	<p>Low Priority</p> <ul style="list-style-type: none"> ▲ Non-Urgent Domestic Violence, Harassment or Hate Crimes (where this is non urgent and supported by third party evidence). ▲ Non-Urgent Medical (where the property or locality is unsuitable and this is supported by a medical professional and assessed by independent medical advisors). ▲ Non-Urgent Overcrowding (where one extra bedroom is needed). ▲ Serious Financial Hardship (due to current property costs). ▲ Local Connection (a need to move to another Borough for an evidenced local connection e.g. work, family support, support for vulnerable tenants, education etc). Bids made for properties outside the local connection area will not be considered valid.
<p>Band D</p>	<p>No Priority</p> <ul style="list-style-type: none"> ▲ Reasons not covered in other bands.

