



PO06 Lettings Policy

Approval

Approved by Tenants' Forum Community Issues Sub-Group	DATE 18 February 2009
Approved by Board	DATE 01 April 2009
Due for Review	DATE 31 March 2012

Review undertaken

Resident involvement As agreed with Tenants' Forum	<p>Consultation at Tenants Forum Family Fun Day, 03 July 2008.</p> <p>Focus Group consultation, 10 Feb 2009</p> <p>TF Community Issues Sub Group 18 Feb 2009</p>
Equality Impact Assessment	01 April 2009
Other consultation	<p>Consultation with CABx</p> <p>This policy review follows extensive consultation around the implementation of CBL in SODC area.</p>

1. Scope of policy

This policy sets out Soha's approach to letting properties for affordable rent. This includes working with local authorities in each of our areas of operation under the agreed allocations systems.

It also includes our approach to tenants transferring to other tenancies, mutual exchanges, lettings to Keyworkers, equitable tenancies to tenants younger than 18 years, market and intermediate rent and letting short term supported accommodation.

This policy does not cover Shared Owners, see PO40 Shared Ownership.

2. Aim

We aim to let properties to a consistent standard and minimise the length of any vacancies.

We will apply our Lettings policy consistently and fairly and will not discriminate against any person on grounds of their race, colour, ethnic or national origins, religion, sexual orientation, disability, gender, age or any other matter which may cause a person to be treated with injustice.

2.1 We recognise the need to create and maintain sustainable communities. We aim to work with local authorities to design new developments that have a mix of tenures and we will work with partner local authorities to ensure that we let our rented properties appropriately, developing local lettings agreements where necessary, to tackle tenancy management issues.

2.2 Our aim is for our lettings to reflect the local diversity of those in housing need in the community. We will use information from lettings and demand for our homes to influence our Asset Management Strategy.

2.3 Our lettings policy will reflect good practice and meet legal requirements at all times. We will continually monitor good practice and statutory requirements.

2.4 We will act in accordance with our charitable status.

3. Policy Statement

Soha will work in partnership with local authorities in our areas of operation to:

- reduce homelessness;
- provide access to affordable, good quality accommodation for people in housing need;
- have a fair, transparent system of letting properties in each area; and to enable those looking for accommodation to have choice where possible.

In Soha's view taking this course of action is in line with our charitable status but we will keep this policy under review in order to ensure it continues to do so.

4. Implementation

Soha has specific procedures in place to notify the Board of Directors when we receive nominations from employees, their relatives or Board Members and their relatives.

This is in line with Schedule 1 of the Housing Act 1996. Soha will maintain the highest standards of probity in all of its dealings in relation to this.

4.1 Lettings Systems

Soha will have procedures in place for each of the following lettings systems.

Choice based lettings (CBL)

Soha will let properties through CBL where local authorities have this system in place. This applies to properties let to new applicants and to tenants wishing to transfer to another Soha property. Where CBL is not in place, Soha will work within the existing nomination agreements but will encourage and support the local authority to introduce CBL or other systems to increase choice to potential tenants.

Where appropriate, Soha will put in place local lettings arrangements for particular properties to tackle tenancy management or lettings issues. We will implement such local lettings arrangements with the consent of partner local authorities and will be for specific aims and timescales. Examples of local letting agreements might be to tackle anti-social behaviour, or where a sheltered scheme might be let to other client groups.

Transfers

Where CBL exists, Soha will encourage and provide practical assistance to tenants to seek a transfer through this system.

In South Oxfordshire, the original stock transferring agreement remains in place and Soha retains the right to withdraw its 25% transfer nominations from South Oxfordshire District Council's CBL system. This percentage was established in the original stock transfer nominations agreement.

Soha will use information gathered from community safety partnership and other appropriate sources when considering whether it is appropriate to make an exceptional direct offer outside any formal nomination or CBL.

Successions & Assignments

If a tenant dies a spouse/co-habitee, civil partner/co-habitee, relative or other adult i.e. carer can apply to succeed to a tenancy under s17 Housing act 1988.

Soha might agree to assign a tenancy to a spouse/co-habitee, civil partner/co-habitee, relative or other adult i.e. carer. There are robust procedures in place for successions and assignments.

Mutual Exchanges

A customer may have the right to exchange their tenancy with another tenant of a registered housing association or a local authority, subject to the prior written consent of both landlords. Soha will encourage tenants to seek a mutual exchange as a way of moving to a more appropriate home and will only withhold approval for any mutual exchange on specified grounds set out in Schedule 3 of the Housing Act 1985.

Priority Lettings

Soha will have agreements in place for CBL schemes or other nomination arrangements with local authorities that reflect the need to temporarily decant or permanently move existing tenants in urgent need due to fire, flood, structural defects, harassment (including racial harassment), domestic abuse and redevelopment of properties (including closing a sheltered scheme).

Where a tenant needs to move urgently, Soha may consider a direct offer of a tenancy outside any CBL scheme, where the CBL scheme might unreasonably delay a move.

Under Occupation

Soha will encourage tenants who are under-occupying their homes to consider moving to more appropriate accommodation. Soha will develop practical and financial incentives to encourage such tenants to transfer. And will target these to free up properties in locations and of specific types where there is an identified high demand.

Adapted properties

If a property becomes available which has adaptations designed to help a tenant with mobility problems, Soha will have arrangements with partner local authorities so that applicants most likely to benefit from those adaptations have priority.

4.2. Information and support

Information

Soha will publicise how people can apply for a home and, where CBL is in place, how they can bid for a vacant property. Soha will work with local authorities to support its tenants to access vacancies through any CBL scheme.

Soha will provide information in different formats and different languages where required.

Vulnerable Applicants

Soha is committed to providing practical assistance to its customers to help them to keep their tenancies and to help vulnerable customers access appropriate support services.

Soha aims to identify the needs of vulnerable customers as early as possible and to offer appropriate support through a range of mechanisms, including working closely with other health and social care and support groups. Soha will attend appropriate partnership meetings to gather and analyse information about vulnerable customers. We will work with local authorities to maximise opportunities for vulnerable applicants to access vacancies.

4.3. Eligibility

Where a CBL system is in place, Soha will agree eligibility criteria for the joint housing register with the local authority. Soha will have its own procedures in place to check eligibility and may not accept an applicant where they do not meet these. The exclusions are set out in the attached guidance for applicants (Appendix A).

4.4 Types of Tenancies

Starter tenancies

Soha uses Starter tenancies for all new customers to help prevent and tackle problems of anti-social behaviour and nuisance. A Starter tenancy is a type of assured shorthold tenancy for a one-year period of time. After this period the tenancy will become a full assured tenancy unless Soha commences action to repossess the property on the grounds that Soha believes the conduct of the tenancy has been unsatisfactory.

Letting temporary tenancies to homeless applicants

Soha aims to assist local authorities with their duties towards homeless households in priority need. Soha will develop agreements with partner local authorities to provide temporary accommodation, where this is practicable. Soha will normally offer Assured Shorthold tenancies for a period of 6 months to temporary lettings.

Keyworker Housing

Soha will work with partner local authorities and zone agents (or their successors) to advertise vacancies. Where Soha is able to offer homes to Keyworkers, such tenancies will follow Tenants Services Authority (TSA) guidance on which specific occupations falling within the term “Keyworker” and any discounted rent will only apply for so long as the customer remains a Keyworker. Soha will follow TSA guidance in deciding whether to take possession action should the customer cease to be a Keyworker.

Tenancies for under 18s

Soha will let tenancies to 16-18 year olds where there are arrangements in place with the relevant local authority. In such cases, Soha will offer an equitable starter tenancy and will seek a guarantor where appropriate.

Market & Intermediate Rent and Private Sector Leasing

Soha will, on occasion, rent specific properties at market or intermediate rent and may also have specific agreements in place with local authorities for letting private sector leased properties as temporary lettings. Soha will offer Assured Shorthold Tenancies in these instances.

Licences

Soha will normally offer a licence to any tenant who needs to temporarily move as a result of fire, flood, structural defects, or other reasons for a temporary move. We will reinstate the original tenancy when the tenant returns to the repaired property.

5. Resident Involvement

Soha will regularly review the Lettings Policy and will involve customers in this process. We will gather the views of new tenants and use this information to evaluate customer satisfaction with the lettings process and develop the lettings service.

6. Appeals

Applicants have a right of appeal under Soha’s Complaints Policy if they feel that Soha has not treated them fairly. Soha will set up formal arrangements with local authorities or CBL schemes to discuss and resolve any dispute regarding the sustainability of a nomination.

7. Responsibility

The Director of Customer Services and Operations is responsible for effectively implementing this policy.

8. Monitoring and review

The lettings team will use lettings, customer satisfaction and central statistical data (CORE) to provide information to the Tenants’ Forum and Board. This will include

monitoring statistics on lettings to BME groups to ensure that such lettings reflect the makeup of local communities.

Soha will review this policy in 2012 (subject to any legislation or sector developments requiring earlier review) to ensure that it continues to meet its objectives and reflects good practice and statutory requirements.

Context

Housing Act 1985

Housing Act 1996

Homeless Act 2002

Audit Commission Key Lines of Enquiry No 7

Domestic Violence Policy

Vulnerable Adults Policy

Housing Corp Circular 0704

Housing Corp Good Practice Guide 16

Civil Partnership Act 2004

Appendix A

Soha may not accept the following for housing:

- Households who fail the European Residing Test (Housing Act 1996)
- Asylum seekers (Housing Act 1996)
- Applicants who have bought a property within the last ten years from any Local Authority or Registered Social Landlord with the benefit of a discount or incentive scheme subsidy. Or own a property.
- Applicants who Soha believes have sufficient capital or income to be able to reasonably afford to rent or buy a suitable property within the private sector. In making any such decision Soha will consider the availability of housing that might reasonably meet the applicants' needs within the reasonable local area.
- Applicants who commit violence, as per the Domestic Violence Policy. We will consider this alongside each applicant's relative housing need.
- Applicants with a rent arrears or other debt at a previous tenancy. Soha will encourage applicants to enter into reasonable agreements to repay their debts. If the applicant such agreements are kept for a reasonable period, Soha will offer a tenancy.
- Anti-social behaviour. Ineligibility for housing on the ground of the applicant's anti-social behaviour will be based on evidence of the behaviour. Evidence might include the previous eviction of an applicant or a member of their household for ASB, or a previous injunction or Anti-Social Behaviour Order (ASBO) taken out against the applicant or a member of their household. Previous tenancy enforcement action for ASB will not normally be taken into account if it occurred two or more years prior to the date of application and the tenant's household has conducted a tenancy satisfactorily in the intervening period.
- Tenants who might need support packages. An applicant may be excluded if Soha considers that they are unlikely to be able to meet the conditions of any tenancy without additional support and
 - (a) despite all reasonable efforts, Soha has not been able to secure a package of appropriate support from a suitable specialist provider, or to establish within a reasonable period of time whether such a support package might be made available, or
 - (b) the level of support likely to be required would be inappropriate for the sustainment of a tenancy.
- Nominations from Local Authorities where Soha considers the family will cause over crowding in a property. We will consider ages and sexes of children.

Appendix B

Jargon Buster

Assignment

An agreement between a landlord and tenant that a relative of the tenant can take over the tenancy.

Assured Shorthold Tenancy

Assured Shorthold tenancies give the tenant the right to occupy a property for a fixed period of time, provided that they keep to the terms of their Tenancy Agreement. At the end of the fixed period of time, the landlord or the tenant has the right to terminate the tenancy. Assured Shorthold Tenancies can be renewed for another fixed period of time if both parties agree to it.

Starter Tenancies

Starter Tenancy is the housing association term for introductory tenancies. The Housing Act 1996 allows landlords to offer introductory tenancies to new tenants. After one year they change to an assured tenancy if the tenant has not broken the terms of the agreement.

Choice Based Lettings

Choice-based lettings are based on advertising and letting homes and aim to give a more customer focused approach to letting social housing.

Succession

A succession is the right to automatically transfer the tenancy of a property on the death of a tenant. For example, if a husband and wife lived together in the property and the husband was the tenant, upon his death the wife would automatically take over the tenancy.

Zone Agents

Zone agents act as a one-stop-shop to key workers for housing options. Key workers must apply to the zone agent for housing.