



Allocations & Lettings Policy

housing21

Policy statement

Housing 21 aims to ensure that all of its homes are occupied, in order to maximise income for the benefit of future improvements to our services.

We are committed to ensuring our homes attract a diverse range of applicants across the whole community. We welcome and respect differences in race, ethnicity, gender, sexual orientation, disability, nationality and religious belief.

Our stock profile means that most of our homes are suitable for people who are typically

- aged 55 and over
- will accept or benefit from the court environment
- will accept or benefit from our services (within sheltered housing and extra care housing)

We also have a small number of general needs homes.

1. Allocating our homes

1.1 We aim to make best use of our stock and related services and will therefore allocate homes based on the size of housing and care needs of the individual applying. We aim to let all our empty homes as quickly as possible.

1.2 We work in partnership with local authorities to allocate our homes. Local authorities are able to nominate suitable applicants for our properties from their housing waiting list, in line with local nomination agreements. We participate in local authority Choice Based Lettings (CBL) schemes where it is cost effective for us to do so.

1.3 CBL schemes across the country differ as follows:

- We are required to hand over 100% of our voids (empty homes) to the CBL scheme. This means that every void we get will be let via the CBL scheme and we will only use our own waiting lists if we get no nominees from CBL;
- We are required to hand over 75% of our voids to the CBL scheme. This means that 3 out of every 4 of our voids will be let via the CBL scheme, with 1 from 4 voids being let from our own waiting lists.

- We are required to hand over 50% of our voids to the CBL scheme. This means that 1 out of every 2 voids will be let via the CBL scheme and 1 out of every 2 voids will be let from our waiting lists.
 - Where it is decided not to join a CBL scheme, the reason(s) for this will be made clear to the local authority.
- 1.4 We will use our own waiting lists to allocate properties where no suitable nominations are made by the local authority or no referrals are received from the Choice Based Lettings system where in operation.
- 1.5 When using our own waiting list we operate a date order system. Allocations will be made to the person who has been waiting the longest.
- 1.6 Our extra care homes are usually allocated through a joint allocations panel involving the local authority for that area, the Social Care & Health Team and a Housing 21 representative. The approach to letting these properties may, therefore, vary in different areas.
- 1.7 In all cases, Court Managers are expected to meet with applicants before they receive an offer of accommodation to move into one of our homes. In instances where applicants are unable to travel to a court, arrangements should be made to visit the applicant in the community. This will enable us to understand any additional support needs the applicant may have.
- 1.8 For our general needs homes, we taken into account the size of the property as well as the date of the application in order to make the best use of our stock. For our general needs homes, the minimum age requirement for a person(s) taking up a tenancy is 18.

2. Exceptions and urgent housing need

- 2.1 We recognise that some applicants may have an urgent or severe housing need that could be resolved by a move into housing we provide. This includes Housing 21 residents who would benefit from more appropriate accommodation.
- 2.2 We operate Exceptions Panels which consider such cases and can award priority status to cases considered as urgent. The Exceptions Panels meet as and when required.
- 2.3 Applicants under the age of 55 years who would benefit from our services can also be considered for one of our properties at the discretion of an Exceptions Panel.

- 2.4 This may include applicants who:
- Are retired from full time employment due to poor health
 - Have a disability but are capable of independent living
 - Would benefit from living in one of our homes
- 2.5 For our general needs properties, guarantees for applicants aged 16 and 17 can be obtained. In exceptional circumstances lettings can be made at the discretion of the Exceptions Panel.
- 2.6 Referrals to the Exceptions Panels can be made by any member of staff or partner agency. The panel meeting will be organised by the appropriate Lettings & Marketing Officer at a date and time to suit all involved.
- 2.7 We will operate 28 Exceptions Panels, one in each of our Localities. They will consist of 3 members of staff from different teams, as follows:
- The Locality Manager;
 - A Court Manager (to be determined by the Locality Manager);
 - A member of the Lettings team.
- 2.8 The decision of the Exceptions Panel will be conveyed in writing to the applicant within 2 days of the decision being made.
- 2.9 If successful, applicants will receive priority for the next suitable property that becomes available in their chosen area(s) but dual priority currently exists. This means that applicants who have been awarded priority for issues such as medical or social needs will go to the top of the waiting list, but they can still be overtaken at a later date by a homeless applicant who would receive greater priority.
- 2.10 An applicant will only receive one offer of accommodation after referral to the Exceptions Panel. The offer of accommodation must be reasonable and meet the applicants' additional needs.
- 2.11 If an applicant appeals against the decision by the Exceptions Panel, the appeal will be considered by the Regional Services Director, who would not have been involved in making the original decision.
- 2.12 Our Exceptions Panels meet as and when needed.

3 Transfers

- 3.1 Current Housing 21 residents are entitled to transfer to other Housing 21 properties subject to certain conditions being met. The conditions are as follows:
- They must have held their current tenancy for at least 2 years;
 - They must have had a clear rent account for the last 6 months;
 - The home being vacated must be left in a clean condition and in good repair, including fixtures and fittings.
 - Outgoing residents that leave their home in a poor condition will be re-charged for any works we do to make the property available for re-letting, including the removal of any rubbish left behind;
 - They must be complying fully with all other requirements contained in the tenancy agreement.
- 3.2 The condition of the tenants' home will be checked by the Court Manager or Property Support Manager who must be satisfied with the condition before the transfer will be agreed.
- 3.3 Exceptional cases can be presented to the Exceptions Panel if there is a need to move urgently, but the conditions regarding the rent account and condition of the home will still apply.
- 3.4 Housing 21 will accept 2 weeks notice from tenants wishing to transfer.
- 3.5 We will also support residents to find other suitable housing should our properties no longer be appropriate for their needs.

4 Mutual Exchanges

- 4.1 Existing residents of Housing 21 have the right to exchange their home with another resident whose landlord may be another housing association or a Local Authority. Both landlords must give their permission for the exchange, which can only be refused for certain reasons (such as rent arrears or specific local agreements in place). The incoming resident must meet our eligibility criteria and all other requirements for living in one of our properties.
- 4.2 If permission is granted, all associated paperwork must be signed by both landlords before an exchange can go ahead.

4.3 We will consider participating in any national mobility scheme where it is cost effective to do so.

5 Exclusions

5.1 It may be necessary occasionally to exclude some applicants from our waiting lists. This will include people who:

- Are unable to live on their own without support and not willing to permit suitable support arrangements being put in place;
- Are not eligible for housing in the UK;
- Have a conviction for an offence incompatible with living in a retirement housing environment, or general needs housing in some cases;
- Have been evicted from any other retirement or general needs housing due to rent arrears, anti-social behaviour, damage to property or any other non-compliance with tenancy conditions;
- Currently have rent arrears;
- Are unable to pay the rental charges;
- Have had action taken against them for causing a housing related nuisance to others;
- Would not be using the tenancy as their only or principal home;
- Have refused three reasonable offers of accommodation from Housing 21;
- Have given false information;
- Hold an Ancestral Visa.

5.2 All decisions on excluding applicants will normally be sent to the applicants by letter, unless the applicants have stated that they prefer an alternative method of communication (e.g. email).

5.3 We will give appropriate advice and refer ineligible applicants to the Local Authority, Citizen's Advice Bureau or other landlord/agency as appropriate for assistance.

6 Housing employees and their relatives

- 6.1 Schedule 1 to the Housing Act 1996 (Schedule 1) is designed to prevent conflicts between the personal interests of Board members, officers and employees of a social landlord and their duties to the company.
- 6.2 Schedule 1 prohibits the granting of a benefit (which includes the issue of a tenancy) to:
- A Board member (including a co-opted member), officer or employee of Housing 21;
 - A person who has held such a position within the previous 12 months;
 - A close relative of any persons mentioned above.
- 6.3 Section 3.10 of Housing 21's Governance Handbook states:
- “Offers of accommodation by any group member to Board, Committee members and staff of any group member, those who have been a Board, Committee or staff member in the preceding 12 months and their close relatives is generally prohibited under Schedule 1. Exemptions enable the Board to approve the offer of accommodation to a Board/Committee member or their close relative who is homeless or has been nominated by a local authority under a nomination agreement or (in the case of a close relative) who required specialist supported housing provision. In each case, the person housed must go through the group members' allocation procedure and the allocation must be specifically approved by the Board of the relevant group member and Housing 21”.
- 6.4 However, to prevent setting a precedent where current staff would receive preferential treatment, applications for housing from current members of staff will not be considered unless a definite date for retirement has been given in writing and accepted by Housing 21. At that stage, the waiting list for the requested court will be revisited again and the application considered in line with the allocation procedure.

7 Applicants from abroad or recent arrivals to the UK

- 7.1 We recognise that on occasion, applications are received from people living abroad. This may be from a UK citizen returning to the UK, a person subject to immigration control or an EU national wanting to be housed.

7.2 General needs applicants may be eligible for housing if they are still working and therefore able to support themselves financially. Retired applicants similarly may be eligible if they are self supporting and/or entitled to benefits.

7.3 Other applicants if unable to prove they are self-sufficient will need to complete a Habitual Residency Test (HRT) to confirm their eligibility for an income, including housing benefit. Such a test would be carried out by the Local Authority.

7.4 If in doubt, it is reasonable for us to ask an applicant for proof of their ability to pay for their home prior to an offer of accommodation being made.

7.5 Usually an applicant may be deemed as habitually resident if they:

- Are a refugee;
- Have lived in the UK for over 2 years (in most cases);
- Have exceptional or indefinite leave to enter and remain in the UK;
- Have humanitarian protection or discretionary leave to remain in the UK;
- Are a national or family member of a national of the European Economic Area who has recently been employed or self employed in the UK.

7.6 The European Economic Area (EEA) countries at present are:
Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holland, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the UK.

While Switzerland is not in the EEA, Swiss nationals are to be treated as “de facto” EEA nationals and are granted the same rights as nationals of all the 30 EEA member nations.

Restrictions still apply to Bulgarian and Romanian nationals wanting to live and work in the UK, so people from these countries should seek permission beforehand from the UK Border Agency before making plans to move to the UK.

7.7 We will not make these checks when the applicant is currently a Local Authority tenant, a housing association secure or assured tenant, or a nominee from the Local Authority.

- 7.8 Persons subject to immigration control will not usually be eligible for housing unless they have been granted a refugee status. Proof of this will need to be supplied.
- 7.9 Persons in possession of an Ancestral Visa will not be eligible for housing as there is no guarantee that full UK citizenship will be granted at a later date.
- 7.10 Applicants from abroad will need to supply us with a contact email address for themselves (if available) and contact details for friends or family in the UK (if applicable) who could act as a representative on behalf of the applicant.
- 7.11 If there is any doubt regarding eligibility, the case should be referred to the Exceptions Panel for consideration.

8 Obtaining References

- 8.1 Applicants for our properties are required to fully complete our application form. If during the application stage we believe that we need more information regarding an individual's suitability for our housing, we may request a reference from the applicant's previous/current landlord or other agencies as appropriate.
- 8.2 In some instances we will require a reference that covers the applicant's housing for the last 5 years.
- 8.3 Where we ask for a reference, we will ask for the following information:
- Does the applicant have current or previous rent arrears?
 - Has action ever been taken against the applicant for nuisance or anti-social behaviour?
 - Has the applicant ever been served with an Anti Social Behaviour Order (ASBO), Acceptable Behaviour Contract (ABC) or a Notice of Seeking Possession (NSP)? If so, for what?
 - Has the applicant ever been evicted or been asked to leave their home for any reason?
 - Has the applicant ever deliberately damaged a property they have lived in?
 - Is there any indication that the applicant may be dependent on drugs?

- Is there any indication that the applicant may be dependent on alcohol?
- Would you house this applicant again?

8.4 References will be sought by the Lettings & Marketing team and all applications subject to reference requests will be deferred until a suitable reference has been received.

8.5 If no reference is received within two weeks of request, a reminder will be sent. If a further two weeks elapse without a reference being received we reserve the right to bypass the applicant and make an offer to the next eligible applicant.

9 Refusal of Offers

9.1 If applicants refuse 3 reasonable offers of accommodation, they will be removed from our waiting lists and their application will be terminated. If they would still like to be considered for a property, they must apply again and will join the waiting list from the date of their new application.

10 Tenancy Agreements

10.1 We will offer the most secure form of tenure to all new tenants in our retirement homes (both sheltered and extra care) in the form of an Assured Tenancy.

10.2 New tenants in our general needs homes may be issued with Introductory/Starter tenancies for the first 12 months of their tenancy. These tenancies will then automatically convert to Assured tenancies at the end of the 12 month period, subject to the tenancy being conducted to our satisfaction. We reserve the right to extend the introductory period if we deem it appropriate and the reasons for doing so will be clearly communicated to the tenant.

10.3 Assured Shorthold Tenancies (AST's) are not normally issued by Housing 21 but will be considered in certain cases for applicants moving into our general needs properties.

11 Applicants on Large Waiting Lists

11.1 In cases where applicants are interested in being housed at a court where there is a large waiting list and there is no realistic prospect of them being housed by us, we will advise the applicant accordingly and offer whatever assistance we can to help them in their search for accommodation.

- 11.2 We will limit the numbers of applicants on any of our waiting lists to 50 (excluding applications which have been deferred). Anybody applying to us after the limit of 50 applicants has been reached will be advised that the list is closed. We will provide advice and assistance regarding their housing options as appropriate.

12 Applicants with additional support needs

- 12.1 Where an applicant has been identified as having additional support needs, we will work with the applicants' support agencies to ensure that appropriate support will continue to be provided when the tenancy has been taken up.
- 12.2 We will require documentation from the support agency (such as a care plan or a GP report) setting out the applicants' needs and how they will be met, along with a commitment from the agency that the support will continue once the applicant has been housed.
- 12.3 This information will be collected by the Court Manager (or the general needs officer for general needs properties) and all applications will be deferred until all the required information has been received.
- 12.4 If the documentation has not been received and two weeks have elapsed since the request, we reserve the right to bypass the applicant and make an offer to the next eligible applicant.
- 12.5 Applicants and residents may request a transfer from a general needs property into sheltered accommodation and from sheltered accommodation into extra care accommodation as their care and support needs change. Such requests will be considered on their individual merit and other allocations and transfer criteria would still apply.

13 Applicants unable to sign their tenancy agreements

- 13.1 In some circumstances, it may be considered that applicants lack capacity to understand and sign their tenancy agreement. When this happens, we will work with the applicants support networks to establish whether the applicant has power of attorney or whether a Deputy has been appointed by the Court of Protection to sign documents on the applicants behalf.
- 13.2 We will not accept the signature of any person stating that they are able to sign on the applicant's behalf unless they provide proof that they are authorised to do so by the Court of Protection or provide proof that the applicant had capacity to make a power of attorney, and has done so.

- 13.3 Power of Attorney will be recorded on the applicants file in order to ensure that the Power of Attorney is able to deal with their affairs in the future.
- 13.4 We will provide information about the Court of Protections to applicants and their support networks when required.

14 Appeals

- 14.1 If an applicant is not satisfied with a decision we have taken in respect of their application, they may appeal to the Customer Services Manager (Sales, Marketing & Lettings) within 28 days of the decision being made.
- 14.2 In cases where an applicant wishes to appeal against a decision made at one of the Exceptions Panels, this appeal must be addressed to the appropriate Regional Services Director.
- 14.3 If the applicant is still not satisfied after the appeal, they will be able to make a formal complaint in accordance with Housing 21's complaints procedure.

Policy dated November 2011

Paul Richards
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