

Lettings Policy

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Summary

This policy sets out how Housing and Care 21 will let void (empty) properties.

Housing & Care 21 aims to let homes in a fair, transparent and efficient way to older people of modest means.

We shall ensure that our lettings

- make the best use of available housing
- are compatible with the purpose of the housing
- contribute to local authorities' strategic housing function and sustainable communities

This policy applies to

- New applicants
- Existing tenants who wish to transfer
- Nominated applicants from Local Authorities

Lettings Objectives and Priorities

Housing and Care 21 are committed to the following objectives in letting our rental properties:

- To let properties quickly and appropriately, minimising the number of empty properties and maximising rental income.
- To let homes whilst giving applicants as much choice as possible, with the aim of housing people where they want to live to maximise their satisfaction.
- To ensure effective and best use of our stock.
- To enable access to appropriate accommodation to those in the greatest need of housing.
- To work with local authorities to meet housing needs and improve customer care.
- To contribute to creating and maintaining sustainable communities.
- To provide good quality homes to a good lettable standard.

Letting Properties

Properties will be let in the following order:

1. Priority applicants (as agreed via the Exceptions Panel based on health priority need / homelessness).
2. Local Authority nomination obligation. Each Local Authority Partnership Agreement confirms the percentage of units which can be relet directly by us, or must be notified to the Local Authority for their nomination. For example, if the agreement confirms 50% / 50% where possible, each party will take it in turn to relet a vacancy.
3. Direct applicants / transferring applicants.

Applicants will be registered on a waiting list which is collated in date order of when the application has been received.

Who is Eligible for Retirement Housing?

Applicants must:

- Be actively looking to move.
- Be at least 55 years old (minimum age criteria varies from 55 – 65 years). If a couple are applying then at least one applicant must meet the minimum age requirement.
- Intend to use the property as their only and principle home.
- Meet the “right to rent” requirements set out in the Immigration Act 2014.
- Have sufficient income or recourse to public funds to pay the rent and sustain the tenancy.

Applications can be accepted from applicants who are living abroad who are either a UK citizen, an EU national or subject to immigration control and meet the right to rent requirements. Applicants from abroad who are not financially self-sufficient should complete a Habitual Residency Test with the Local Authority to confirm eligibility for benefits.* Appendix 1

Eligibility for Extra Care Housing

Housing & Care 21 Extra Care schemes are allocated through joint allocation panels which includes Housing & Care 21 and the Local Authority; in the majority of cases Local Authorities have 100% nomination rights. Ideally applicants will have a care need, however eligibility will vary dependant on Local Authority allocation policies.

What is the Applications Process?

All applicants should be encouraged to visit the court they are interested in to ensure the property is suitable to meet their needs before they apply.

- **Direct Applicants**

To join the waiting list applicants will need to complete either a paper or electronic application form. Digital signatures will be accepted on application forms, tenancy agreements and notice to leave forms.

Applications will be added to the waiting list in date order from the date the application is received by Housing and Care 21.

- **Nominations**

Applicants that are nominated by Local Authorities must also complete a Housing and Care 21 application form (in conjunction with the LA assessment). The nomination will not be processed without this form. Housing and Care 21 reserve the right to refuse a nomination if the applicant does not meet the normal eligibility rules.

- **Transfers**

Both the tenant and the Court / Housing Manager are required to complete a Transfer form.

When processing an application Housing and Care 21 may ask for additional information or references.

Change in Circumstances

If an applicant moves address or there is a change to their household members the application will be updated and they will remain on the waiting list from their original application date.

Exclusions

Housing and Care 21 have to balance the needs of the applicant with the needs of their existing tenants many of whom are frail or vulnerable and will on occasion refuse an application from an applicant who is deemed unsuitable. Appendix 2 List of Grounds for Refusal

Housing of employees, Board Members and ex employees or ex Board Members

- Anyone from these groups making an application for housing will receive the same consideration as any other applicant.
- We will not consider applications for housing at any sites where the applicant has previously been employed.

Housing of relatives of employees and Board Members

- Relatives of employees who make an application for housing will receive the same consideration as any other applicant.
- We will not consider them for a site in which a relative is employed.

All such offers must be authorised by the relevant Director (or in the event of a conflict of interest, the Chief Operations Officer).

Choice

Housing and Care 21 is committed to offering choice whilst at the same time making best use of its housing stock. Applicants can choose to be added to the waiting list of up to 4 courts. If an applicant wishes to move to a different waiting list they will join this in date order from their original application date.

Applicants will be made up to three reasonable offers; if the third offer is refused the applicant will be removed from all waiting lists. Applicants who without reasonable explanation have made no contact to view the property; failed to turn up for the viewing or sign up meeting will also be removed.

Transfers

Residents on a starter tenancy are not permitted to transfer to a new property until their tenure has converted to an assured tenancy (after the initial 12 month period).

All other Housing and Care 21 tenants are allowed to transfer providing they meet the eligibility criteria. There is no limit to the number of times a resident can apply for a transfer.

Eligibility Criteria

- The rent account and all other charges must be clear
- The home being vacated must be left in a good state of repair and decoration.

The Court / Housing Manager is required to confirm the above criteria have been met and authorise the transfer (completing the transfer form and an application form if the resident has had a tenancy for more than 1 year). The transfer form also records the current rent account number which is transferred to the new tenancy agreement. Upon receipt, the Lettings Team will process the transfer application and the resident will be placed in date order on the waiting list.

Existing residents with a tenancy that was signed before 2009 are required to pay 2 weeks rent in advance when transferring to meet the 4 weeks advanced payment. Post 2009 residents will have paid 4 weeks' in advance and are not required to pay this again when transferring.

At offer stage the Lettings Officer must check the existing tenancy type and issue a tenancy agreement as follows:

- Secure tenants transferring to another property will be granted a secure tenancy.
- Assured tenants transferring to another property will be granted an assured tenancy.

Exceptions

A high proportion of applicants will be vulnerable or have a range of age related medical conditions which are not unusual for older people; this in itself will not provide the applicants any priority. Instead an Exceptions Panel process will consider awarding priority to applicants, or a member of their household, who demonstrate an exceptional and urgent need for rehousing. *Appendix 3 Criteria for Exception Panels*

Management Moves

Starter tenants do not have permission to transfer during the starter period of their tenancy, however where there are exceptional circumstances and with the approval of the Head of Service the tenant will be allowed to move.

In other exceptional one off circumstances a tenant may be offered another property outside of the normal allocation process. Examples of where this may apply include where the tenant is a victim of a serious crime in their property or the police advise that for the safety and welfare of the tenant they should be moved immediately. In all cases the move must be authorised by the relevant Director.

Payment Methods and Rent In Advance

Direct Debit is the preferred payment method. Four weeks rent in advance is required unless this will create financial hardship when 1 week may be accepted. (Refer to Arrears Protocol).

Closing Waiting Lists

To manage the expectations of prospective applicants, the waiting lists will be closed to new applicants where the size of the list means it is unlikely that they will be housed. The Retirement Housing Manager will ask for the list to be closed and the Retirement Housing Project Manager will check annually that this continues to be the case.

Priority medical and homeless applicants will continue to be accepted onto closed waiting lists via an exception panel.

Right of Appeal

All applicants have the right to appeal any decision made in connection with their application for housing. The appeal should be made within 14 days.

Review of Waiting Lists

Applicants will be required to re-register annually and to advise Housing and Care 21 of any changes to their circumstances as they arise. Failure to re-register will result in the applicant being removed from the waiting list. Applications may be reinstated up to 28 days after the removal date. After 28 days if the applicant wishes to reapply

their application will start from the date their new form is received and will not normally be backdated.

Tenancy Sign Up

Tenancies wherever possible should start on the Monday following the offer being made in exceptional circumstances the start date can be up to two weeks after the offer.

If an applicant is unable to accept the tenancy from this date the offer will be withdrawn and made to the next eligible person on the waiting list. This offer will count towards the applicants 3 refusals.

Mental Capacity

For a person to be a tenant and enter into a tenancy agreement, he or she must have the capacity to understand the contract. A prospective tenant without mental capacity can not sign a tenancy agreement and will not normally be offered a tenancy. There are exceptions to this where there is a Power Of Attorney or Deputyship of where extremely tight criteria are met.

If there is any concern about the applicant's mental capacity an assessment can be conducted by a mental health professional or a social worker. (See Appendix 5 Mental Capacity.)

Applicants from Abroad

Applications may be accepted from applicants living abroad providing they meet the Right to Rent requirements. Applicants must provide an email address for correspondence and be actively looking to move. (See Appendix 1 EU Countries and Eligibility of Persons from Abroad.)

Joint Tenancies

In a joint tenancy both tenants are severally and jointly liable for ensuring the terms of the tenancy agreement are met and all charges are paid.

A joint tenancy agreement can be issued at either:

- The start of the tenancy
- When the joint tenant has lived at the property for 12 months and it is their main and principle home
- If the tenant marries the spouse can be added from the date of the marriage

Joint tenancies will only be offered to:

- Married or cohabiting couples where they both meet the minimum age requirement for the Court. Where one person is younger than the minimum age requirement they will not be added to the tenancy agreement and will not be eligible to succeed or assign the tenancy until they reach the minimum age.
- Siblings or close relatives but only at the start of a tenancy and providing this does not create any statutory overcrowding. Siblings will not normally be added at a later date to prevent any abuse of the waiting list.

To change the tenancy from sole to joint the Court / Housing Manager must get the tenants to sign the Assignment of Sole to Joint Tenancy Form. This should be returned to the Property Income who will update QL and save the form in Housing Docs.

Where a joint tenant wishes to be removed from the tenancy the Court / Housing Manager must get both tenants to sign the Assignment of Joint to Sole Tenancy form. This should be returned to the Property Income who will update QL and save the form in Housing Docs. If a tenant moves out of the property and does not relinquish their tenancy they are still liable for any rent, service charges or recharges due.

Licences

Where appropriate a property may be allocated directly to a Local Authority for them to use for respite or temporary accommodation. Approval is required from the Head of Service and will be processed via a license agreement. (New procedure)

Void Management

There is a separate Voids Management Policy which covers the void standard and the sign up process

Fraud

Where applicants have provided false information or withheld information and this comes to light after a tenancy has been granted we will take legal action to end the tenancy in accordance with the Housing Act 1996.

Equalities

We will ensure that all applications are dealt with fairly and consistently and will comply with all legislation and other equal opportunity regulatory requirements.

Confidentiality

We may seek information about applicants from other agencies and we will seek the applicant's consent to do this. The applicant does not have to give permission for us to seek this information. However; failure to give this permission may result in termination of the applicant's application for housing.

We will treat any information received about the applicant in confidence. However information provided may be used to detect and prevent fraud and/or used for statistical surveys.

Support

Reasonable support will be provided to vulnerable customers with the application process.

Appendix 1 EU Nationals and Eligibility for Applicants from Abroad
Appendix 2 Grounds for Refusing an Application
Appendix 3 Exceptions Panel Process
Appendix 4 Exceptions Panel Application Form
Appendix 5 Mental Capacity and Signing the Tenancy Agreement
Appendix 6 Assignment of Sole to Joint Tenancies
Appendix 7 Assignment of Joint to Sole Tenancies