

Co-op Homes Lettings Policy

1. STATEMENT OF INTENT

- 1.1 Co-op Homes wants to ensure that its housing stock is used effectively to meet the needs of current and future residents. In particular, Co-op Homes wishes to provide good quality housing at affordable rents to those in the greatest housing need.
- 1.2 Co-op Homes also wishes to be flexible and sensitive in responding to the complex individual circumstances of households applying for housing .
- 1.3 We hope to assist the borough with whom we work in meeting their statutory duties towards people in housing need. This will be achieved by providing an agreed percentage of true voids to the local authority each year in line with their nomination rights agreements.
- 1.4 Co-op Homes is also committed to work in partnership with local authorities to provide temporary accommodation for homeless households.

2. POLICY STATEMENT

- 2.1 Co-op Homes will allocate its property on the basis of housing need. Housing need is assessed by a person's eligibility for housing and on their current housing circumstances.
- 2.2 The Housing Act 1996 defines housing need within section 167(2). This section identifies 7 areas to which "reasonable preference" should be given. A summary of these categories is attached as Appendix 1.
- 2.3. The Housing Corporation's Regulatory Code and guidance sets out the fundamental obligations for Registered Social Landlords in meeting the Housing Corporations regulatory requirements:

This Allocations Policy meets the key requirements of the Housing Corporation set out in Appendix 1 and 2.

- 2.4 This policy is designed to ensure that the specific housing difficulties experienced by particular groups are met. These include older people, single people, families with young children, single parent families, ethnic minorities, young people without family support, people who are victims of domestic violence and people with disabilities.
- 2.5 Access to housing will be open and equal to all sections of the community in housing need. Co-op Homes' allocation policy will be made widely available to residents and the wider community by being published on our web page or sent on request.

- 2.6 Co-op Homes wishes to ensure equality of opportunity in access to its accommodation and in allocation of property. Co-op Homes will monitor the ethnicity, disability and vulnerability issues of applicants and of those who are re-housed to assess whether it is achieving this objective.
- 2.7 All new tenants in General Needs Housing will be issued with an Starter Tenancy Agreement at the commencement of their tenancy. This is a periodic assured shorthold tenancy. If at the end of the periodic term steps to terminate the tenancy have not been taken, under the terms set out in the agreement it will automatically convert to a fully assured weekly tenancy agreement.
- 2.8 All new tenants in short life property will be issued with an assured shorthold tenancy.
- 2.9 No tenancy agreements, whether Assured or Assured Shorthold will be issued unless they are signed or authorised for signature by a Manager from Co-op Homes

3. IMPLEMENTATION

3.1 Identification of housing need

Co-op Homes has allocations agreements with all its XX authorities. New customers are given the opportunity to comment on the Allocations Policy via feedback form in correspondence.

3.2 Access to housing

All new applications for general needs housing must be made on the standard form, which is issued by the Council through the Common Housing Register, not by letter or verbal request. Applicants will be provided with a summary of Co-op Homes' allocations policy. Co-op Homes will house an agreed percentage of nominated applicants from the Council who meet the eligibility criteria.

Co-op Homes will maintain a separate waiting list for existing tenants who wish to transfer within our stock. The waiting list will also include other priority applicants who require a transfer due to an immediate risk to their safety or have suffered severe disability (management transfer), repair work that cannot be carried out with the tenant in occupation (decant) and customers who have been granted succession to a tenancy on condition that they transfer to smaller accommodation.

3.3 Nomination arrangements

Co-op Homes undertakes to assist the Boroughs with which it works to meet its statutory duties towards people in housing need. Co-op Homes will provide an agreed percentage of its true voids to the local authority each year. This will be in accordance with signed nominations rights/allocations agreements.

A true void is defined as:

- Voids within new build / newly rehabilitated schemes.
- Voids created by the death of a tenant where there is no statutory right to succession.
- Voids created by tenants buying their own property in the private sector.
- Void created by eviction or abandonment of the property.
- Non-priority transfers (only priority transfers are counted as non – true voids).

The remainder of the properties will be used to facilitate transfers of existing Co-op Homes customers. Following transfers any remaining property will be offered to the relevant Local Authority.

3.4 *Refusals of Nominations*

On receiving a nomination from a Borough Co-op Homes will assess the suitability of the nominated applicant. Co-op Homes may reasonably refuse a nomination from the Local Authority where:

- There is a mismatch between the requirements of the nominee and the size of the dwelling for which they have been nominated.
- A particular dwelling has been designated for use by a particular category of applicant and the nominee does not fall within such category.
- The nominee has been previously evicted from a Co-op Homes property for a serious breach of tenancy other than rent arrears.

This above is not an exhaustive list of reasons for refusal. Outside of the agreed terms set out in the nomination rights agreement, Co-op Homes will also consider rejecting a nominee where there is evidence of a previous serious breach of tenancy, such as anti-social behaviour, harassment or threats to other residents, staff or agents working for Co-op Homes.

In the case of vulnerable customers with a complex set of needs where inadequate provision has been made to meet their support needs and/or where any behaviour demonstrated gives concern that the applicant is not engaging with the support package provided, Co-op Homes reserves the right to reject the applicant for a given property until further investigations are carried out. Such investigations will be monitored to ensure that there is no unlawful discrimination against the applicant.

3.5 *Transfers*

Co-op Homes encourages transfers as a means of making the best use of its housing stock and will accept applications for transfer from all its tenants.

Whilst all tenants are permitted to register for a transfer, they will not normally be permitted to move unless they have:

- A clear rent account.

- Conducted their tenancy in a satisfactory manner.

In exceptional circumstances Co-op Homes may agree to waive the clear rent account or satisfactory conduct requirement where:

- The tenant has kept to a repayment agreement for a period of 12 months immediately prior to the time at which an alternative offer of accommodation would be made.
- Agreeing to a transfer may assist in the resolution of anti social behaviour
- The existing tenancy is likely to fail if the housed is not re-housed and there is a support and care plan in place from statutory agencies designed to support the household at a new address.

Applications for transfer will be assessed in accordance with our points system.

Under the nominations agreement with partner Boroughs an agreed quota of true void properties will be given to the Council for nominations. The remaining quota will be retained by Co-op Homes to house customers from the transfer register as stated above.

All transfer applicants, with the exception of management transfers, decants, and those transferring because of conditional succession will be registered and priority for a transfer will be determined by the length of time an applicant has been registered for a transfer and then on a points based system..

In the case of under-occupancy or pressing medical or welfare needs the Co-op Homes may award Priority status to transfer applicants. Priority applicants will take precedence over standard applicants. Should more than one Priority applicant apply for a vacant property, the applicant who has held their priority status the longest will take precedence. This follows our parent company procedure which was determined after consultation with customers as part of their Best Value Review of Lettings carried out in 2005.

Welfare Needs

These are defined generally as any condition that affects a person's quality of life. Co-op Homes takes welfare needs for its transferring customers into account because we are very concerned to address problems that threaten our customer's ability to live independently or to improve the life chances either of themselves or of members of their family.

Welfare needs particularly includes but are not confined to mental distress, which is exacerbated by a person's housing environment and while it persists impairs their ability to manage family affairs.

Normally welfare needs are not sufficient on their own to passport an applicant for a management transfer. However an applicant may be approved as a priority on welfare grounds alone provided their condition gives rise to:

- a significant risk to their welfare or that of a member of their family; and

- a move to a different environment is likely to alleviate the condition; and
- the transfer is to a “like for like” or smaller property.

Priority status will take preference over the usual criteria of length of time registered for a transfer.

All transfer applicants will be required to renew their application in writing on an annual basis..

Co-op Homes will take action for repossession if an applicant knowingly and recklessly provides false information that results in the inappropriate allocation of a property.

Medical Grounds

Applicants or anyone else included on the application, who considers that living in their Co-op Homes property is having a harmful effect on their health or the health of anyone else included in the application, will be asked to complete a Medical Self-Assessment form, describing their health problems. This will also apply to applicants or other household members who consider they need to move on grounds relating to disability.

This form will be presented to the Local Authority’s Medical Adviser who will assess whether the information provided entitles the customer to medical priority. Co-op Homes will convert assessments of a severe nature to that of a Priority under medical grounds. Medical assessment of mild or moderate will be noted on the application but will not be considered for Priority consideration unless the award will take the applicant over the threshold mentioned above.

3.6 *Management Transfers*

Co-op Homes will give overriding priority to tenants requiring transfers to alternative accommodation to remove them from an immediate risk or a potentially dangerous situation. Such situations may include but are not confined to domestic violence and racial harassment. All applications for management transfer must be made in adherence to the Emergency Rehousing Procedure and approved by the Operations Manager before submission.

Properties required for management transfer cases are deemed to be non-true voids and fall outside of the quotas contained within the Nomination Rights Agreements.

Management Transfer is a one-offer policy and allocations will be made on a like-for-like bedroom size basis, unless the applicant is already a Priority on the waiting list for a larger property or their current property is too large for their needs.

All approved Management Transfer cases are subject to a 3 month review whilst waiting for an offer to ensure that the priority awarded remains relevant and also

to ensure that the best and most appropriate offer is made taking into account the presenting contributory factors.

Applicants housed by Management Transfer may still retain their existing status on the transfer list.

3.7 *Decants*

Co-op Homes will give priority to tenants requiring transfers to alternative accommodation due to major works, extensive repairs or improvements that cannot be carried out while the tenant remains in occupation.

Generally tenants will be offered short-term temporary accommodation arranged whilst the work is carried out, although in some cases permanent alternative accommodation can be considered.

Properties required for decant cases are deemed to be non-true voids and fall outside of the quotas contained within the Nomination Rights Agreements

3.8 *Under Occupancy*

In order to release much needed larger accommodation and to assist in the primary objective of Co-op Homes and a Local Authority of housing those in the greatest need and make best use of our housing stock, Co-op Homes will also award priority to customers who are under occupying their property and wish to move to smaller accommodation through transfer.

3.9 *Adapted Properties/Disabled Clients*

Co-op Homes is committed to deliver an equal service to all its client groups, especially the disabled who needs may not be best met through either the local authority's standard allocation processes or Co-op Homes allocations process.

Co-op Homes will endeavour to ensure that any adapted property returned for letting will not be modified to remove adaptations save for repairs necessary to fulfil current health and safety regulations or on the advice of the occupational therapist. Both the local authority's waiting list and Co-op Homes' own transfer lists will be interrogated to identify a suitable client in need of such adaptation.

3.10 *Conditional Succession cases*

Co-op Homes will make available a proportion of its percentage of properties where there is a legal requirement that they need to move. This includes but is not restricted to existing households who have the legal right to succeed to the tenancy of a family sized property. Such succession will be on the condition that the move is to a smaller or more suitably sized property. Properties will be allocated within a given time period of 6 – 12 months from the date the succession was granted. Co-op Homes wishes to take customers needs into account and will endeavour to meet all their requirements in the first offer made.

3.11 *Mutual exchanges*

Co-op Homes tenants have the right to exchange their home with any other secure tenant, or with an assured tenant of a registered housing association or a charitable housing trust, provided they have the written permission of their landlord before the exchange takes place. Co-op Homes encourages mutual exchanges between tenants within its own housing stock, or with tenants of other housing associations or local authorities.

Co-op Homes will operate the scheme in accordance with the Housing Act 1985 and may only refuse the exchange on specific grounds which are set out in Schedule 3 of the Housing Act 1985. These grounds are if:

- The tenant or the proposed assignee is subject to a possession order or a suspended possession order (this includes action for rent arrears).
- A notice seeking possession is in force against the tenant or proposed assignee or possession proceedings have begun against either party (this includes action for rent arrears).
- The accommodation is substantially larger than is required by the proposed assignee.
- The size of the accommodation is not reasonably suitable for the needs of the assignee.
- The landlord is a charity and the proposed assignee's occupation would conflict with the objects of the charity.
- The property is designed to make it suitable for a physically disabled person and if the exchange took place, there would be no such person living in the property.

The Group will maintain a mutual exchange register on its RHP website (www.rhp.org.uk)

3.12 *Restrictions on RSL lettings*

Co-op Homes will not grant a tenancy to anyone who is, or in the last 12 months has been, a Management Committee Member or employee of the Co-op, or is a close relative of such a person, as set out in Schedule 1 of the Housing Act 1996 (unless the exemptions set out in Schedule 1 apply).

3.13 *Access to information*

Co-op Homes will provide information to potential applicants for housing about its allocations policy, including guidance on eligibility, how to apply for housing and the assessment of housing needs. Co-op Homes will provide similar information to transfer applicants.

3.14 *Equal Opportunities*

Co-op Homes is committed to providing equal access to its housing, regardless of race, nationality, ethnic origin, cultural background, religion, sexual orientation, gender; disability, age, illness, marital or employment status.

Co-op Homes will work to eliminate discrimination in all aspects of housing allocations, including the acceptance of applications for re-housing, the prioritisation of applicants and the letting of properties.

Co-op Homes will maintain records of the ethnic origin of applicants and will monitor lettings made to such applicants to ensure that lettings to BME households are proportionate to the BME housing need or census data in the area where we have homes.

3.15 *Appeals*

Applicants for re-housing, including transfer applicants, may appeal to the Council against a refusal to accept them on to the Housing Waiting List (operated by the Council or its nominee) or a specific property allocation in accordance with the appeals procedure.

Appeals, concerning decisions made by Co-op Homes, should be sent in writing to the Allocations Officer and are dealt with in line with Co-op Homes complaints procedure

4. **RESPONSIBILITY**

4.1 The Allocations Officer is responsible for:

- The effective implementation of this policy.
- Ensuring that the management arrangements, and systems in place are undertaken efficiently and effectively.
- Ensuring that relevant staff are trained in the policy and the associated procedures.
- Monitoring housing allocations to different groups.
- Proposing management transfer applications for approval with all relevant documentation.
- Awarding social and welfare points and priority status in line with the point system.
- Ensuring that all lettings are recorded in the Continuous Recording (CORE) of lettings system and submitted to the Housing Corporation.

5. **CONSULTATION**

5.1 Co-op Homes will consult with the local authority and other appropriate agencies on a regular basis to identify housing need and to maintain good practice in housing allocations. Co-op Homes will also encourage new, existing or potential customers to comment and feedback on this document to ensure that it remains relevant.

6. REVIEW

- 6.1 The Partnership will review this policy at least every 3 years.
- 6.2 Reports on lettings activity will be submitted to the Service Committee, providing details of Co-op Homes performance in this area of work, including information about housing needs, the average length of time it takes to let properties and details of which groups have been allocated properties.

**APPENDIX 1
REASONABLE PREFERENCE – DEFINITION**

Section 167 (2) of the Housing Act 1996 sets out a definition of Housing Need:

- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory conditions.
- People occupying housing accommodation which is temporary or occupied on insecure terms.
- Families with dependent children.
- Households consisting of or including someone with a particular need for settled accommodation on medical or welfare grounds.
- Households consisting of or including someone who is expecting a child.
- Households whose social or economic circumstances are such that they have difficulty in securing settled accommodation.
- Persons owed a duty under homelessness legislation.

**APPENDIX 2
THE HOUSING CORPORATION'S REGULATORY CODE**

Under the Housing Corporation Regulatory Code, Housing Associations are expected to publish lettings policies that:

- Are responsive to local authority housing duties.
- Give reasonable priority to transfer applicants.
- Are responsive to national, regional and local mobility and exchange schemes.
- Are demonstrably fair and effectively controlled.

KEY POINTS OF THE REGULATORY CODE AND GUIDANCE

Properly Governed

- Housing Associations must demonstrate a commitment to equal opportunity and work towards eliminating discrimination and demonstrate an equitable approach to the rights and responsibilities of individuals.

- An Association should ensure that lettings to BME households are proportionate to the BME housing need or census data in the area where the association has homes.
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Properly Managed

- Housing Associations must have management arrangements, resources, skills and systems that ensure their activities are adequately monitored, undertaken efficiently and effectively and are backed by proper systems of assurance for internal control.
- An Association should ensure that all lettings recorded in the Continuous Recording (CORE) of lettings system.
- Services can be demonstrated to be relevant and accessible to customers and potential customers
- Housing Associations must provide good quality housing services for residents and prospective tenants by seeking to offer a choice of home while giving reasonable preference to those in housing need, by offering the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community, have tenancy agreements that set out the tenants and landlords right and obligations, be responsive to the individual characteristics and circumstances of residents and have lettings policies that are fair and reflect the diversity of the client group.
- Housing Associations must work with local authorities to help them fulfil their duties to the homeless and those in priority housing need, the vulnerable and those covered by the Government's Supporting People policy.
- An Association should ensure that letting policies are flexible, non-discriminatory, and responsive to demand and contribute to the need to be inclusive and ensure sustainable communities.
- An Association must demonstrate their co-operation with local authorities in homelessness reviews, the formulation of homelessness strategies and the delivery of homelessness functions.
- An Association, in consultation with the local authority, must adopt criteria for accepting or rejecting nominations.
- An Association must ensure that applicants are only excluded from housing when their unacceptable behaviour is serious enough to make them unsuitable to be a tenant and only in circumstances that are not unlawfully discriminating.