



Lettings Policy

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MONITORING, APPROVAL AND REVIEW

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1 What is the Purpose of this Policy?

- 1.1.1 This Policy details the statutory, regulatory, and operational requirements that inform our approach to letting homes in a fair, transparent, and efficient way.
- 1.1.2 The Policy outlines how we make the best use of available housing, ensuring that our lettings are compatible with our charitable objectives and how we co-operate with local authorities to meet housing need and support them to fulfil their duties under the Housing Act 1996, including aiding with their homelessness obligations.
- 1.1.3 The policy applies to general needs properties and excludes certain designated properties such as those built for shared ownership and rent to buy.

2 The Policy

2.1 Co-operative approach to housing need

- 2.1.1 FCHO operates across a number of local authority areas and co-operates with local authority nominations requirements as set out in a nomination agreement, common allocations framework or choice-based lettings agreement (CBL) where they are in place. Where nominations rights do not apply, we let in accordance with this Policy.

2.2 Prioritisation for housing

- 2.2.1 Customers can apply for housing through a local authority scheme. The local authority Allocations Policy will usually describe the types of properties eligible applicants can apply for, how eligible applicants will be prioritised, and the method of allocating homes.
- 2.2.2 In most cases FCHO will allocate its homes through nominations or through the common allocation arrangements in place with local authorities. Where that process fails to provide a suitable applicant, FCHO will advertise properties on MyMove (MyMove (mymoveoldham.co.uk)) and the shortlisting of customers for a property will be based on a first come first serve basis.
- 2.2.3 FCHO may advertise some homes outside of the local authority scheme, for example, in cases of low demand or where the local authority scheme does not apply, e.g., low-cost home ownership options such as “rent to buy” and “shared ownership”.

2.3 Qualifying Customers

- 2.3.1 Applications from customers will be considered on an individual basis. An application can be made by anyone aged over 18 and that has the right to reside in the UK and who is habitually resident in the UK, Channel Islands, the Isle of Man, or the Republic of Ireland.
- 2.3.2 Applications from customers aged 16-17 years will only be considered if a trustee is available.

2.3.3 Applications from customers, who do not have the right to reside in the UK, will be considered subject to evidence:

- Of refugee status;
- They have been granted humanitarian protection under immigration rules;
- They have exceptional leave to enter or remain in the UK and have recourse to public funds, they have leave that is not subject to any limitation or control i.e., has indefinite leave to enter or remain.

2.3.4 Applications from customers from the European Economic Area (EEA) who are not habitually resident in the UK, Channel Islands, the Isle of Man, or the Republic of Ireland will also be considered subject to evidence they are:

- Self-employed;
- Working;
- A family member of a customer that is working;
- Economically self-sufficient;
- Entitled to a permanent right of residency in the UK.

2.4 Non-qualifying Customers

2.4.1 Applications from customers who are ineligible in accordance with section 2.3.

2.4.2 Applications from homeowners and customers earning £60,000 or more will not usually be accepted unless there are exceptional circumstances e.g., the type of property required is unavailable on the open market.

2.4.3 An applicant will not qualify for housing and will not be eligible for an offer of accommodation if they or a member of their household is considered to be responsible for any unacceptable behaviour.

2.4.4 An applicant will not qualify for housing if at the time of the application or offer of housing, they are still deemed to be unsuitable to be granted a tenancy by reason of that behaviour.

2.5 Property adverts

2.5.1 Property adverts may be uploaded to the MyMove website at any time. Each listed property that is not subject to local authority nomination will have a closing date within which the applicants will need to register their bids.

2.6 Conditional Property Offers

2.6.1 Information about rehousing and how to bid for properties is available by visiting www.mymoveoldham.co.uk website.

2.6.2 Conditional offers apply to new applicants and existing customers wanting to transfer.

2.6.3 A property offer is made on a conditional basis until all verification and pre-tenancy checks have been completed.

2.6.4 Where nominations with a local authority apply, we will make conditional offers, as set out in a nomination agreement, to applicants that have been nominated. If these conditional offers are not accepted or there is no suitable nominee, we will let the property free of any rights of nomination.

2.7 Pre-tenancy eligibility checks

2.7.1 FCHO may use the following checks or other relevant checks to determine eligibility:

- Identification of all people listed on the application;
- Right to Rent checks;
- Proof of income, including three months bank statements;
- Credit checks;
- References;
- Police checks;
- Checks with medical professionals;
- Affordability check;
- Personal circumstances and indicators of vulnerability;
- Anti-fraud and Money Laundering checks;
- Proof of Working Extra.

2.7.2 FCHO may also review a customer's personal circumstances to determine any vulnerability indicators that may impact on their ability to sustain a tenancy, including but not limited to:

- Drug/alcohol and/or other addiction problems e.g., gambling;
- Learning difficulties including problems with literacy and/or numeracy;
- Severe/multiple debt problems (even if the property was deemed affordable);
- Recently been in temporary or supported accommodation;
- Homelessness;
- Domestic violence/abuse;
- Mental health condition;
- Currently in rent arrears/threat of eviction/possession;
- 16/17-year-old and/or care leaver;
- Families with multiple or complex needs.

2.7.3 Where a customer is classed as being at risk of not sustaining a tenancy this does not necessarily deem them as unsuitable for rehousing. Tenancies may be offered subject to specific lettings conditions; all conditions are subject to FCHO discretion and may include but are not limited to:

- A customer being able to provide a rent guarantor;
- A statutory service provider agreeing to underwrite the rent,
- A third party entering into a Direct Debit arrangement on behalf of the customer.

2.8 Withdrawal of offers.

2.8.1 Customers may be classed as ineligible and deemed too high risk to sustain a tenancy and any offer that has been made will be withdrawn. In these cases, the reason for the property withdrawal will be explained and alternative re-housing advice will be offered. An offer may be withdrawn for any of the reasons stated below, this list is not exhaustive:

- Customer does not have sufficient income available to them to meet the costs of the rent and maintaining the property that has been offered.
- The customer refuses to attend the required tenancy training course or misses a pre-arranged training session.
- Refusal to engage with a Support Worker to complete a required needs assessment.
- Refusal to agree to a credit check or to provide previous addresses for the purposes of landlord referencing.
- Refusal to give authorisation for a police check when an unspent conviction has been indicated.
- If the customer is unable to provide the information/documentation required to carry out checks or sign up.
- An appropriate care or support package that will enable the customer to live independently and sustain their tenancy is not available.
- Following a review of new information, the customer is no longer eligible for the property that has been offered.

2.8.2 An offer may also be withdrawn where there is unacceptable behaviour by the customer, a member of their household or visitor to the property that would be serious enough to make them unsuitable to be a tenant of FCHO. This can include the following (this list is not exhaustive):

- Causing nuisance or annoyance to neighbours or visitors.
- Paying money illegally to obtain a tenancy.
- Abandoning/surrendering a previous property.
- Committing certain criminal offences in or near the property and still posing a threat to the community.
- Owing rent arrears.

2.8.3 Customers that owe rent arrears will not normally qualify for a property offer until all the arrears have been cleared. This includes recharges and court costs.

2.8.4 It is recognised that there may be occasions when a customer with arrears may need rehousing due to exceptional need, including where the local authority owes a statutory duty. These situations will be resolved by use of management discretion and reviewed by the Risk Assessment Panel. The following are examples of exceptional circumstances, this list is not exhaustive:

- Customers with an assessed medical need for immediate rehousing or those awaiting discharge from hospital.
- Customers whose current accommodation is inappropriate for their needs and there is an imminent risk of exploitation, abuse, or significant loss of daily living skills.

- Customers who are unintentionally homeless, or about to be homeless and in a category of priority need.
- Where a member of the household requires adaptations, and their present home is not adaptable due to cost or structural issues identified by the Community Occupational Therapist Team.

2.8.5 Any customer with an exceptional need for rehousing must still meet the following criteria, unless agreed by a Head of Service, to qualify for a property offer:

- Have debt from no more than one tenancy with FCHO or any other housing provider.
- Customers with housing debt must have reduced this debt by at least 50%.
- There must be a current arrangement to pay the remainder of the housing debt in place and this must be by direct debit transfer.
- The housing debt must not exceed £500.00 at the time that the offer is due to be made and normally there should have been at least 12 consecutive repayments.

2.8.6 FCHO have the right to prioritise the offering of properties to customers that do not owe any housing debt.

2.8.7 Other debts will also be reviewed as part of the pre-tenancy checks to determine eligibility. Any customer without a payment plan in place for these recoverable debts will be ineligible until a payment plan has been arranged.

2.8.8 Property offers to customers with debts of over £1,000 must be approved by a director, even if those debts are statute barred. Director approval is also required for property offers to customers with written off debts of under £2000. Any property offers to customers with active or written off debts over £2,000 will need to be agreed by the Assistant Chief Executive Officer.

2.9 Refusals

2.9.1 Customers who have refused suitable offers of accommodation will not be excluded from bidding for homes however repeat refusals may impact on their chances of securing a property. FCHO may exercise its discretion to suspend applications from customers or bypass bids where the customer is known to repeatedly refuse offers of accommodation.

2.9.2 FCHO will provide details to a nominating local authority of any offers refused by a customer. FCHO may also request that the local authority sends no future nominations for this customer or request that they remove them from their housing register.

2.10 Transferring Customers

2.10.1 FCHO may suspend or refuse an application from an existing customer for a transfer of tenancy on any of the grounds set out in Schedule 14 of the Localism Act 2011. The main grounds are set out below:

- Any injunction or possession order is in place for anti-social behaviour or any breach of tenancy.

- Legal or enforcement action is being taken for anti-social behaviour or any other breach of tenancy.
- The tenancy has been demoted.
- Rent lawfully due for the existing tenancy has not been paid.

2.10.2 FCHO will in exceptional circumstances e.g., the customer is at risk of violence, consider an application to transfer to another property without full repayment of arrears or debts. In these circumstances it is expected that the customer would either be transferring as part of an emergency move or to alleviate financial hardship caused by under occupation of their property.

2.11 Property eligibility

2.11.1 The Government's bedroom standard will be used to assess the property size appropriate for the household. Customers will normally only be considered for properties with a suitable number of bedrooms or bed spaces for their household.

2.11.2 FCHO will consider the need for an additional bedroom where:

- The customer receives support from carers that may be required to stay overnight.
- There are medical requirements.
- The customer is a prospective foster carer or adoptive parent.
- The customer has formal shared care of a child or children.

2.11.3 When letting houses, preference will be given to families with children under 16 or households with children who have learning or physical disabilities and who are over the age of 16.

2.11.4 Families with children under 10 will not usually be considered for high rise accommodation. For the purpose of this Policy, high rise accommodation is considered to be any property that is above the fifth floor.

2.12 Local lettings

2.12.1 FCHO may develop local lettings policies for certain neighbourhoods to address specific issues and/or to help to promote sustainable communities. Properties which are subject to a local lettings policy will have additional criteria applied in relation to the customers who are eligible to apply for the property.

2.13 Working Extra

2.13.1 This Lettings Policy seeks to recognise and reward those who work or who contribute to the community.

2.13.2 50% of properties that are let free from rights of nomination will be initially prioritised to customers who meet the Working Extra criteria. Where there are no suitable customers who meet the Working Extra criteria, the offer will be made to the next suitable customer.

2.13.3 To qualify for Working Extra status, at least one member of the customer's household must be working, volunteering, acting as a carer or taking part in approved training. These categories are defined in Appendix A.

2.14 Low demand

- 2.14.1 Any property that has failed to be let through a local authority advert is free from the rights of nominations and will be classed as difficult to let. These properties can be offered on a first come first serve basis to customers.

First come first serve' properties will be advertised via the MyMove Oldham website at www.mymoveoldham.co.uk . These properties will be made available to the first applicant to express an interest in the property, provided they are eligible for housing and their household meets the advertised property criteria. Under-occupation may also be permitted subject to an affordability assessment.

Applicants for properties allocated on a first come first serve basis may be subject to a right to rent check to ensure that they are eligible to rent a home. If an adult household member is found not to have a right to rent in the UK, the household will not be eligible for the property. More information about Right to Rent is available from the Government website:

Checking your tenant's right to rent: Who you have to check - GOV.UK
(www.gov.uk)

2.15 Letting at an Affordable Rent and other rent products

- 2.15.1 Properties may be let at an affordable rent pursuant to an agreement with the Regulator of Social Housing (RSH). We may charge an affordable rent even if it is higher than the local housing allowance level.

2.16 Fraudulent Applications

- 2.16.1 We carry out investigations where we suspect fraud or where potential fraud has been reported to us. Our Legal Services Team may carry out anti-fraud checks and visits where we may film and record events. We also work with local authorities and the National Anti-Fraud Network, alongside the Police to investigate and apprehend fraudsters. We use a variety of anti-fraud tools to prevent loss or misuse of social housing assets.

2.17 Complaints and Reviews

- 2.17.1 Customers who are dissatisfied with any aspect of this policy have the right to make a complaint. We offer a range of ways in which customers can make a complaint:

Online – by filling in a complaint form

By phone – 0161 393 7117 - lines are open from 9am to 5pm, Monday to Friday and 9am to 4pm Saturday.

By post – FCHO Tellus, First Place, 22 Union Street, Oldham, OL1 1BE.

In person – First Place, 22 Union Street, Oldham, OL1 1BE, 9am to 5pm Monday to Friday.

2.18 Equality and diversity

2.18.1 It is our intention to provide a fair approach to the letting of homes, ensuring that no customer experiences discrimination relating to the protected characteristics defined in the Equalities Act 2010.

2.18.2 We are committed to providing clear and easily understandable information. Support will be offered to customers who have difficulty reading or understanding this Lettings Policy.

3 Monitoring Performance

3.1 This policy will be monitored by the Head of Tenancy and Neighbourhood Services and will be reviewed every three years.

3.2 The following performance measures will be monitored:

- Overall rehousing satisfaction
- Void Rent Loss – with Lettings
- % Customer Retention at 12 months
- CORE returns submitted for all new customers
- % of Stock Turnover

4 Legislative or other Guidelines

4.1 This policy will be updated to reflect and comply with changes in relevant law and the Regulator of Social Housing regulatory framework.

4.2 Relevant Legislation:

- Equality Act 2010
- Localism Act 2011
- General Data Protection Regulation 2018
- Data Protection Act 2018
- Housing Act 1988
- Housing Act 1985
- Housing Act 1996 (as amended by the 2002 Homelessness Act)
- Housing and Planning Act 2016
- Welfare Reform and Work Act 2016
- Homeless Reduction Act 2018
- RSH - Neighbourhood and Community Standard
- RSH – Tenancy Standard

5 Links to the Corporate Plan

5.1 This policy links to the following areas in the FCHO Big Plan 2022 – 2025:

Great Services:

- Understand, appreciate, and proactively respond to the diverse make-up of our customers.
- Listen to and understand our customers to improve the services they receive.
- Improve the customer's experience of moving into their new home.
- Support customers to live in an independent way.

Great Homes:

- Develop a “right sizing” strategy to free up family homes.

Great Neighbourhoods:

- Reduce anti-social behaviour in our neighbourhoods so that customers feel safe in their homes and the areas where they live.

Appendix A – Working Extra Status

Working Extra	<p>Working - this is defined as working for at least 16 hours / week. At least one adult household member must have been employed for at least six months. For the purposes of this policy, employment can mean a permanent contract, working as a temporary member of staff or being self-employed. Proof will be required, e.g., contract of employment, payslips, P60, bank statements, verifying letter on headed paper.</p>
	<p>Approved training – at least one adult household member must be taking part in approved work-related training. The following are examples of approved courses:</p> <ul style="list-style-type: none">• Modern apprenticeship• NVQ levels 1, 2 and 3 <p>Proof of enrolment, attendance, satisfactory progress, etc. will be required</p>
	<p>Volunteering – this is defined as carrying out voluntary activities for a minimum of 16 hours / month with an approved organisation. The following types of organisations are approved:</p> <ul style="list-style-type: none">• A constituted tenants / residents organisation• A registered charity• A not-for-profit organisation <p>The qualifying person must have been carrying out voluntary activities for at least six months. Proof will be required, e.g., verifying letter on headed paper.</p>
	<p>Registered carer – where the customer (or someone in the customer's household) is caring for another member of the household.</p>