



Letting Policy

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1. Policy Objectives

- 1.1 This Policy addresses the statutory, regulatory and organisational requirements that inform our approach to letting homes in a fair, transparent and efficient way.
- 1.2 The Policy details our approach to making 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 providing assistance with their homelessness obligations.
- 1.3 The policy applies to all general needs properties and excludes certain designated properties such as those built for shared ownership.

2. Policy Details

2.1 Co-operative approach to housing need

- 2.1.1 We co-operate with the Local Authority's nominations requirements as set out in a Nominations Agreement 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 applying for housing with us are prioritised in accordance with the banding framework detailed in Appendix A.
- 2.2.2 Where a customer has been assessed and awarded priority by the Local Authority we will also award the equivalent priority to this customer, subject to supporting evidence being provided to us or confirmation from the Local Authority.
- 2.2.3 The shortlisting of customers for a property will be based on the priority of bids received, with emergency band customers having the highest priority and customers without housing need (First Come First Serve) having the lowest priority.
- 2.2.4 If bids for properties are received from customers in the same priority band, then the customer who has been registered longest in that band will be offered the property. If two or more customers were awarded priority on the same date, then the property will be offered to the customer with the earliest registration date. If two or more customers have the same priority banding, band award date and registration date, then all relevant factors will be taken into account in deciding which customer should get the offer.

2.3 Qualifying Customers

- 2.3.1 Applications from customers will be individually considered. 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 from abroad, 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 EEA (European Economic Area) 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.

2.5 Property adverts

2.5.1 Property advertisements may be uploaded to the MyMove website at any time. Each listed property will have a closing date within which the customers will need to register their bids. All properties will be advertised for a minimum of 24 hours.

2.6 Conditional Property Offers

2.6.1 Information about rehousing and how to bid for properties is available by visiting www.mymove.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 Oldham Council apply we will make two conditional offers 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.
- ❖ A credit check.
- ❖ References.
- ❖ Police checks.
- ❖ Checks with medical professionals.
- ❖ Affordability check.
- ❖ Personal circumstances and indicators of vulnerability
- ❖ Anti-fraud checks
- ❖ Proof of Working Extra

2.7.2 Probable vulnerability indicators that may impact on sustainability could include:

- ❖ 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 If the customer is classed as being at risk of sustaining a tenancy this does not necessarily deem them as unsuitable for re-housing. Tenancies may be offered subject to specific lettings conditions, all conditions are subject to FCHO discretion:

- ❖ Customer is able to provide a rent guarantor.
- ❖ A statutory service provider agrees to underwrite the rent.
- ❖ A third party will enter into a Direct Debit arrangement on behalf of the customer.

2.8 Withdrawal of conditional offers

2.8.1 Customers may be classed as ineligible and deemed too high risk to sustain a tenancy and any conditional 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. A conditional 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 conditionally 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 in order 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 in order 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

2.8.2 A conditional offer may also be withdrawn where there is unacceptable behaviour by the customer or a member of their household 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 former tenancy 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 We recognise that there may be occasions when a customer with arrears may need re-housing 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; customers have the right to request a review of any lettings decision in line with our Complaints Policy. 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 therapy / adaptations

2.8.5 Any customer with an exceptional need for rehousing must still meet the following arrears criteria, unless agreed by an Assistant Director or Executive Director, to qualify for a property offer:

- ❖ Have no more than one arrears or recharges account with FCHO or any other housing provider.
- ❖ Customers with an arrears/recharges account must have reduced this account by at least 50%.
- ❖ There must be a current arrangement to pay the remainder of the arrears/recharges in place and this must be by direct debit transfer.
- ❖ The arrears/recharges 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 We have the right to prioritise the offering of properties to customers that do not owe any housing related debt.
- 2.8.7 Non-housing related debts will also be reviewed as part of the pre-tenancy checks. Any customer without a payment plan in place for recoverable non-housing related debts will be ineligible until a payment plan has been arranged; this will be reviewed as part of pre-tenancy checks to determine eligibility.

2.9 Transferring Customers

- 2.9.1 We may suspend or refuse an application from an existing customer for a transfer of tenancy for any of the grounds set out in Schedule 14 of the Localism Act 2011. The main grounds are set out below:
- ❖ An injunction, possession order, suspended possession order or postponed possession 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
- 2.9.2 We will usually refuse to permit an existing customer to transfer to another property where there are rent arrears.
- 2.9.3 We 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 be transferring as part of an emergency move or to alleviate financial hardship caused by under occupation of their property.

2.10 Property size eligibility

- 2.10.1 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.
- 2.10.2 We will take into account 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 Local lettings

- 2.11.1 We may develop local lettings policies for certain neighbourhoods to address specific local issues and/or to help to build 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

2.12 Working Extra

- 2.12.1 This Lettings Policy seeks to recognise and reward those who work or who make a contribution to the community.
- 2.12.2 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.
- 2.12.3 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 B.

2.13 Low demand

- 2.13.1 Any property that is free from the rights of nominations and has been refused on three or more occasions will be classed as difficult to let and can be offered on a first come first serve basis to customers.
- 2.13.2 If a property has been identified as difficult or hard to let prior to advertising then it may be advertised as first come first serve in the first instance.

2.14 Letting at an Affordable Rent and other rent products

- 2.14.1 Properties may be let at an Affordable Rent pursuant to an agreement with the Regulator of Social Housing. We may charge an Affordable Rent even if it is higher than the Local Housing Allowance level.
- 2.14.2 We may from time to time offer other rent products to customers.

2.15 Fraudulent Applications

- 2.15.1 We carry out investigations where we suspect fraud or where potential fraud has been reported to us. Our Legal Service 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.

2.16 Complaints and Reviews

- 2.16.1 Customers who are dissatisfied with any aspect of this policy have the opportunity to make a complaint pursuant to our Complaints Policy which can be found online at our website.

2.17 Equality and diversity

- 2.17.1 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.
- 2.17.2 We are committed to providing clear and comprehensible information and support will be offered to customers who have difficulty reading or understanding this letting policy.

3. Legislative or other Guidelines

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

3.2 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

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Appendix A

Emergency Band	Customers with a very serious medical need for immediate rehousing or awaiting discharge from hospital, residential care and with no suitable accommodation to move back to.
	Customers whose current accommodation is inappropriate for their assessed needs and there is an imminent risk of exploitation or abuse, of significant loss of daily living skills or of placement breakdown.
	Where the current accommodation impacts negatively on a member of the household's nursing needs on health and safety grounds.
	Where there are very serious management reasons, including; <ul style="list-style-type: none"> • High risk victims of domestic abuse who are subject to a MARAC as part of an agreed safety plan • Customers suffering extreme violence, race hate or harassment and can demonstrate that it is not safe for them or their household to remain in their current home. • Where there is serious threat to the well-being of a child and the current accommodation is a contributory factor to the risk • Where a customer is either one of the few remaining residents in an area and there are concerns as to their health and safety or where the customer is delaying a demolition scheme
High Band	Customers who are subject to a Compulsory Purchase Order or where there is a decision to include their homes for compulsory purchase and a voluntary sale has been agreed.
	Customers who are unintentionally homeless, or about to be homeless and in a category of priority need.
	Customers who live in accommodation that is intended to provide short-term housing and support, and where the support provider confirms that the applicant has satisfactorily completed a programme of intensive housing-related support and is ready to move to independent living.
	Customers who have a high need to move home on social or management grounds, including; <ul style="list-style-type: none"> • Households with a child who is deemed as a child in need and where the property is a contributory factor to the risk of the child and where a move would contribute significantly to the wellbeing of the child. • Customers experiencing violence, race hate or harassment where it has been demonstrated that the family can only remain in their current home on a temporary basis until suitable alternate housing is found.
	Customers who are living within an overcrowded household in such circumstances that the household needs at least 2 more

	bedrooms than it has and an allocation would mean that the overcrowded household will either cease to be overcrowded. This category will not be available to any customers whose overcrowding is reasonably believed to have been brought about intentionally to gain an advantage in terms of rehousing.
	Customers who are tenants of a Registered Provider who are living in accommodation which is under-occupied by two bedrooms or more in circumstances where an allocation would mean that the customers new home will not be under-occupied and the formerly under-occupied premises are to be allocated to a household that will not under-occupy it.
	Where a member of the household requires specialist adapted accommodation and the present home is not adaptable due to cost or structural issues, or the landlord refuses to allow major adaptation as identified by the Community Occupational Therapy / Adaptations Team. The move on property should either meet their needs or have the potential to meet their needs through adaptation.
	Where a member of the household is unable to access a bedroom, bathroom and toilet. Cases where the customer does not want their existing home adapted and needs to move to a property that either meets their needs or has the potential to meet their needs through adaptation.
	Customers living in a house that has been purpose-built / significantly adapted for a person with disabilities, where the adaptations are no longer required.
	Customers living in an unfit or hazardous private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.
	Customers who are private sector tenants and the council's public health team has decided that their property poses a category 1 hazard under the health and safety fitness rating and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result of continuing to occupy the accommodation will pose a risk to the customers health.
	Customers who are applying to adopt or become foster parents whose current accommodation is too small or unsuitable for the addition of children to the household.
Medium Band	Customers occupying insanitary housing or otherwise living in unsatisfactory housing conditions not covered in High band above.
	Where the home environment and medical condition is restricting the normal activities of daily living of a member of the household and rehousing will significantly resolve these issues.
	Social and welfare needs – this includes customers whose current accommodation is inappropriate for their assessed needs and, within three months, there is a risk of significant loss of daily living skills or of placement breakdown. This category includes customers who are living in long-stay supported accommodation and are ready to move into their own home, with or without a further support package.
	Customers who need to move to a particular locality in the district

	of the authority, where failure to meet that need would cause hardship to themselves or to others. This category includes customers who need to move to provide or receive care or support from others.
	Customers who are homeless but who have either not been mentioned in High band above, or where the council is working with the applicant to prevent homelessness.
	Overcrowded households where the household needs one more bedroom than it has, in accordance with the bedroom standard. This category will not be available to any customers whose overcrowding is reasonably believed to have been brought about intentionally to gain an advantage in terms of rehousing.
	Members of the Armed Forces who have been discharged within 5 years from the date of application for rehousing. Priority will also be awarded to any customer who is due to be discharged from service.
	Customers who are tenants of a Registered Provider who are living in accommodation which is under-occupied by one bedroom in circumstances where an allocation would mean that the customer's new home will not be under-occupied and the formerly under-occupied premises are to be allocated to a household that will not under-occupy it.
Low Band	Owner occupiers in exceptional circumstances who have Reasonable Preference and are applying for general needs housing.
	Customers who have reasonable preference and are applying for general needs housing whose assets or income are above the threshold (30% equity or earning of £60,000 or more)
	Cases where the customer qualifies for reasonable preference but he or she or a member of their household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant (but not serious enough to decide that they are not a qualifying person) and at the time of application for housing they are still considered to be unsuitable to be a tenant by reason of that behaviour, but where it is believed that the customer or member of their household is prepared to take action to address that behaviour. In such cases, no preference will be awarded until they have through their actions improved the behaviour.
	Customers in medium, high and emergency bands with housing related debts of under £500 until at least 50% of their housing related debts have been cleared or until the applicant has made payments towards the debt at an agreed level for at least 12 consecutive weeks.

Appendix B

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>