

Lettings Policy

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Reviewed By	Jay Gill	Approval By	BCHG Board
Equality Impact Assessment	Completed	Responsible Officer	Head of Housing
Distribution	Website/Extranet/Teams/Schemes	Version No.	02

1. PURPOSE

This policy sets out how BCHG will allocate homes and the eligibility criteria that applies to applicants, including those nominated by local authorities. It ensures BCHG is letting properties fairly, transparently, efficiently and making best use of its available homes.

BCHG has a stock portfolio of 2205 homes across 5 different Local Authority areas each with different nomination agreements, allocation policies and varying levels of demand for housing.

BCHG aims to provide housing for people in housing need and to create communities where people want to live. We will do this by: -

- Making best use of BCHG's housing stock
- Help customers and applicants access homes that meet their needs
- Promote and sustain diverse & vibrant communities
- Ensure that our eligibility criteria and process is transparent and fair
- Contribute to our Local Authority partners strategic housing strategy

2. SCOPE

This policy applies to BCHG's General Needs and Retirement Living. It does not apply to the letting of Residential Care Homes, Shared Owners, or garages.

3. RELATED POLICY AND PROCEDURES

- Mutual Exchange Policy
- Letting's procedure
- Tenancy Policy
- Probity Policy
- Equality & Diversity Policy
- Income collection Policy
- Complaints Policy
- Aids & Adaptations policy
- Health & Safety Policy
- Safeguarding Policy
- Tenant Succession and Death Policy
- Relationship Breakdown Procedure

4. ABBREVIATIONS

BCHG	Black Country Housing Group
RSH	Regulator of Social Housing
ACRM	Area Customer Relations Manager
ASB	Anti-Social Behaviour
AFC	Armed Forces Covenant
Section 106	A planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The common uses of planning obligations are to secure affordable housing, and to specify the type, timing, and restrictions of this; and to secure financial contributions to provide infrastructure or affordable housing.
GDPR	General Data Protection Regulations
EIA	Equality Impact Assessment

5. LEGAL & REGULATORY FRAMEWORK

[The Homelessness Reduction Bill](#) received Royal Assent and therefore became an Act of Parliament on the 27th April 2017. The Act will place new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, if they are eligible for assistance. The Act will amend part VII of the Housing Act 1996.

[Housing Act 1996 \(as amended\) - Part 6](#) of the Act governs the allocation of local authority housing in England; it was substantially amended by the Homelessness Act 2002 and the Localism Act 2011. Local authorities must have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation. They must ensure that they only allocate to “eligible persons” and “qualifying persons as defined in the 1996 Act. This also applies to nominations by local authorities for any allocations to properties owned by housing associations where the local authority has nomination rights.

[Immigration Act 2014](#) – requires landlords to establish that the applicant and all adults in the household have the right to rent property in the UK. BCHG will comply with the governments Code of Practice (www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice) which requires landlords to conduct initial right to rent checks before letting a property; conduct follow-up checks at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent and make a report to the Home Office if follow-up checks indicate that an occupier no longer has the right to rent.

[The Localism Act 2011](#) gave more freedom to Local Authorities and Social Landlords to establish local rules for re-housing homeless applicants and relaxed the right to a lifetime tenancy.

The [Tenancy Standard](#) within RSH Regulatory Framework states that Registered Providers shall:-

- ✓ Let our available homes in a fair, transparent, and efficient way.
- ✓ Consider the housing needs and aspirations of tenants and potential tenants.
- ✓ make the best use of available housing for those in housing need
- ✓ ensure our lettings are compatible with the purpose of the housing by for example ensuring disabled people are prioritised for adapted properties

- ✓ Contribute to local authority's strategic housing function and assist in fulfilling their homelessness duties and our obligations in nominations agreements.
- ✓ Try to create sustainable communities, including local lettings plans, and address under-occupation and over-crowding through our allocation system.
- ✓ make allocation decisions and criteria for excluding applicants from consideration for allocations
- ✓ consider appeals from customers against our decisions relating to their application

[Right to Rent](#) was introduced on 1st February 2016 and amended from July 2021 as part of Brexit. The new rules mean that landlords need to carry out [quick and simple checks](#) on all new adult tenants to make sure they have the right to rent property in the country. The [fact sheet](#) gives information for landlords on the right to rent checks now the EU settlement Schemes deadline (30th June 2021) has passed.

Right to Rent, which also applies to people who are subletting their property or taking in lodgers, was introduced in the Immigration Act 2014. Landlords who fail to carry out checks risk a potential penalty of up to £3,000 per tenant.

6. ROLES AND RESPONSIBILITIES

Overseeing the implementation of this Policy will be the Deputy Chief Executive. Review and updates will be by the Head of Housing and Managers. The Area Customer Relations Manager (ACRM) for Lettings will be responsible for the Operation of the Policy.

7. ACCESS TO HOUSING

Accommodation with BCHG can be accessed in the following ways: -

Local Authority Nominations

Section 167 of the Housing Act 1996 (the Act) requires local authorities to have a scheme in place for determining the priority and procedure for allocating housing. Section 170 of the Act 1996 requires registered providers to co-operate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority on the local authority's housing register. The social housing regulator requires housing associations to make available at least 50% of their properties of publicly funded stock to nominees of the local authority.

The percentage of properties made available to any Local Authority in which BCHG operates will be defined in the nomination agreement for each area including new developments.

Nominations will not normally be refused, and the LA may be asked to withdraw a nomination if the applicant (list not exhaustive):

- Does not meet BCHG's eligibility criteria, such as unsatisfactory references, high level of arrears with no payment plan, cannot afford the property or would be over or under occupying the property
- Is a former customer of BCHG with a serious breach of tenancy such as high rent arrears and serious ASB
- Does not meet the criteria of a Local lettings plan

Waiting list

The remaining 50% of homes will be let through our Direct Waiting List. We aim to re-let 25% of vacancies to applicants on our Waiting List and 25% to internal transfers. We will use a banding system to identify those in greatest housing need. The banding criteria is illustrated in Appendix 1

A review of the Housing Register will take place annually. All applicants subject to review are asked, to confirm that their circumstances have not changed and that they still wish to remain on the Housing Register.

Transfers and Management Moves

BCHG will consider transfer requests to make best use of our stock. We will use the banding criteria in appendix 1. Careful consideration will be given to those who have not maintained their property or have rent arrears before they accepted onto the waiting list. All transfers will be encouraged to register on HOMESWAPPER for an exchange.

A Management move will be considered where an emergency issue arises such Domestic Abuse, safeguarding concerns, hate Crime, fire, flood, or an incident where emergency services require us to move individuals. Such moves will be approved by the Head of service and will be raised as risk events to the Executive Team.

Direct Lets

There may be occasions where the Group make a direct offer to someone outside of our waiting list process. This will be rare but will support other policies and procedures. Such an offer will be approved by the Deputy Chief Executive. This may happen when:

A) A customer left in property following the death of a tenant and there is no right of succession. Other housing options are exhausted, criteria are met, one reasonable alternative accommodation may be considered by way of a direct offer, if a property does not become available within 3 months legal action will be started.

B) Relationship breakdown and the person left in the property is not eligible. Other housing options are exhausted, criteria are met, one reasonable alternative accommodation may be considered by way of a direct offer, if a property does not become available within 3 months legal action will be started.

C) Where a customer clears the debt after the enforcement of the warrant, criteria are met, the same property is offered back by way of a direct offer.

D) Where a property is unaffordable due to the impact of welfare reforms and the debt is as a direct result of this, a direct offer may be considered if this is a solution.

Armed Forces Community

The Group is a signatory to the Armed Forces Covenant (AFC), and this shows an intention to support the Armed Forces community with housing. Our pointing system at Appendix 1 gives added points to current

and former members of the Armed Forces Community.

Referrals & Move on

BCHG will accept referrals from Organisations working with applicants with complex needs. The same eligibility criteria for direct waiting list applicants will apply and a comprehensive risk assessment will be required to ensure accommodation is the right the first time. Any referrals made through projects funded through Homes England such as Rough Sleepers Programme will be assessed according to the criteria within the contract.

Decants

Temporary re-housing may occur when a property needs substantial repair or improvement work that cannot be reasonably completed while the resident is in occupation. In these cases, the customer remains the tenants of the original property. The Decant procedure will provide details of the process to be followed.

Mutual Exchanges

In accordance with the mutual exchange policy, BCHG will encourage home swaps and are members of Homeswapper

New Development

New developments will generally be pre-allocated in accordance with any planning, Local lettings plan or nomination agreements.

8. ELIGIBILITY

Anyone over the age of 16 can apply for accommodation with BCHG. The eligibility criteria for joining the waiting list is as follows: -

- ✓ The main applicant must not be subject to immigration control or be a person from abroad, unless they are an 'eligible person as defined in [Section 160A of the Housing Act 1996](#)
- ✓ The main applicant and their household must be habitually resident in the UK or the Common Travel (UK, Republic of Ireland, Channel Islands, and Isle of Man)
- ✓ If the applicant is 16 or 17, they will not be offered a tenancy unless they have a guarantor.
- ✓ Not already hold a tenancy elsewhere, unless they are giving up that tenancy as part of being rehoused
- ✓ Not own or have a legal interest in a residential property in the UK, unless it is a home which is not suitable, in which case we will accept that the applicant is actively selling the property.

9. REFUSALS

BCHG has the right to refuse applications if any of the following applies to an applicant or a member of their household:

- Where a home is unaffordable (outgoings far exceed income) and the tenancy will not be sustained

- An applicant cannot supply proof of the right to rent under the **Immigration Act 2014**
- Where an applicant has impacted a community because of Anti-social behaviour, or where conduct has been unacceptable toward staff. Including they have been evicted or had a possession order (suspended or outright) or an injunction made against them in the past 5 years, for serious anti-social behaviour including harassment, intimidation, or domestic abuse and/or criminal or immoral behaviour while a tenant with their previous landlord.
- Unacceptable behaviour due to persistent delay of rent payment, eviction due to rent arrears on previous tenancy in the last 5 years, or attempted to obtain a tenancy through deception
- An existing tenant in the first 12 month of their tenancy, or if the account is in rent arrears, or there is a breach of their tenancy obligations or where the current property is in poor condition and will require significant cost
- Homeowners who have not placed their property on the market or can afford housing through other means

BCHG work with relevant agencies under MAPPA (Multi-Agency Public Protection Arrangement) to make a full assessment and carefully consider any risks set out in a management plan before deciding to offer a home to a serious offender. Approval at level 1 (Low) offence will be with the Head of Housing, level 2 and 3 offences (High) will be with the Deputy Chief Executive.

10. TYPES/SIZE OF ACCOMMODATION OFFERED

Applicants will be made one reasonable offer of accommodation. If an applicant refuses the offer of housing without a valid reason, such as property needs or circumstances have changed, BCHG will cancel the application. Further offers will be made if the reasons for refusal are valid. After 3 offers of accommodations the application will be cancelled. All offers of accommodations must be approved by the ACRM.

BCHG will optimise the best use of stock and offer homes of a suitable size to meet housing and needs of individual applicants. We will consider any aids & adaptations in accordance with Aids & Adaptations Policy for any existing customer if it means a tenancy is sustained. We will consider lettings a property to be under-occupied where the individual circumstances of the applicant require it and the applicant is able to pay the additional rent not covered by housing element of any benefit.

Property eligibility is dependent on household's size. The definition of property type eligibility based on household size is as follows: -

- A child under the age of 16 would be expected to share with one other child of the same gender
- A child under 10 years would be expected to share with one other child under 10, regardless of gender
- A disabled tenant, partner or child who needs non-resident overnight carer will be allowed one extra bedroom
- A bedroom for a non-resident carer will be allowed in the calculation of necessary bedrooms where that carer provides necessary overnight care for the claimant or their partner.
- A bedroom where shared access for a child is on a frequent basis and no impact on benefits or Local lettings plans

We will in most circumstances apply the following criteria when making offers: -

Property type	Household size
One bedroom flat	An adult Childless couple (Max 2 people)
Two bedrooms flat	A single adult or 2 single adults Adult(s) with older child Childless couple
One-bedroom bungalow	An adult or a couple (one member of the household must have medical and or disability needs (Max 2 people)
Two-bedroom bungalow	Childless couple (must be medical needs) Adult(s) with one child (must be medical and or disability needs) (Max 3 people)
Two-bedroom house	Childless couple Parent(s) with 1 or 2 children (Max 4 people)
Three-bedroom house	Parent(s) with 2 or 3 children (Max 5 people)
Four-bedroom house	Parent(s) with 3 or 4 children (Max 6 people)
Five/six-bedroom house	Parent(s) with 5 or 6 children (Max 9 people)

11. LOCAL LETTINGS PLANS

BCHG may from time to time introduce a Local Lettings Plan as part of a wider Community or Neighbourhood Plan for an area, or a new scheme. The purpose of the Plan will be to ensure sustainable lettings in a clear and transparent way. The Plan will require the approval of the Local Authority, Head of Housing and Deputy Chief Executive.

The Lettings Plan will include the following:

- ✓ Why the plan is needed
- ✓ The aim of the plan
- ✓ Who has been consulted about the plan?
- ✓ The make-up of the scheme and locality
- ✓ Transport links, shops & facilities, health services and alternative housing options
- ✓ The profile of the Locality
- ✓ Review Date
- ✓ An Equality Impact Assessment

Scheme specific lettings' criteria will also be included to ensure that the aim of the plan(s) is achieved. This may mean that our priorities for rehousing may differ from this policy and we reserve the right to do this in these circumstances. Outcomes of any Plan will be measured annually by the Head of Housing to see if it has achieved its ambitions and to review its purpose going forward.

12. PRE-OFFERS & REFERENCES

At pre-offer interview, we will ensure right checks are undertaken about the conduct of any earlier tenancies. We will also require proof of documents that confirm an applicant's identity, *immigration status and entitlement to benefit. As and when circumstances dictate, a visit to the applicant's current home may be undertaken.

During the pre-offer stages we will take a photograph of both main and joint tenants which will be kept within our electronic filing system this will assist to combat tenancy fraud.

Where a tenant intends to pay weekly, we will expect one week to be paid in advance. Where rent is paid monthly, we will expect one month in advance. If an applicant is in receipt of benefit, we will request a small amount is set up by direct debit to build up a credit.

Right to Rent Check

[Right to Rent](#) was introduced on 1st February 2016; the new rules mean that landlords need to carry out [quick and simple checks](#) on all new adult tenants to make sure they have the right to rent property in the country.

Right to Rent, which also applies to people who are subletting their property or taking in lodgers, was introduced in the Immigration Act 2014. Landlords who fail to carry out checks risk a potential penalty of up to £3,000 per tenant. The scheme has been in operation in the West Midlands since December 2014 and extending it across England is the next phase of a UK-wide roll-out.

13. AFFORDABILITY CHECKS

In seeking to achieve our stated aim of creating sustainable communities, BCHG will carry out affordability checks prior to any formal offer of accommodation.

We will undertake an assessment of a prospective tenant's status including their ability to afford the property. If the assessment shows that the applicant is not able to afford and sustain the tenancy, they may be advised about more affordable options suitable to their needs. Alternatively, if a prospective tenant has sufficient equity and/or income to purchase their home they will be advised of options available such as shared ownership.

Applicants must usually have no housing related debt, which could include rent or mortgage arrears, both current and former. If an applicant presents with debt, then a risk assessment will be undertaken, taking into considerations reasons for debt and risk of not being able to pay the rent.

14. RENT IN ADVANCE

All new customers will be expected to pay rent in advance from the start of their tenancy. Rent is due weekly on a Monday; however, payment agreements can be made fortnightly or monthly if they are paid in advance. The payment is not a deposit and will only be refunded at the end of the tenancy if the account is not in arrears and no other debt is outstanding BCHG.

15. TENANCY FRAUD

Social housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by us. A tenancy obtained by deception will be repossessed. If we discover this type of irregularity at the offer stage, we will withdraw the offer.

16. RE-HOUSING COLLEAGUES, BOARD MEMBERS & RELATIVES

Any application made by employees of any organisation within BCHG and their close relatives, contractors, board members and their close relatives are permissible so long as the decision is made fairly and in strict accordance with this policy. To ensure fairness, any offers of accommodation will require sign off by the Chief Executive in accordance with the Probity Policy.

17. PERFORMANCE & MONITORING

BCHG will benchmark performance against other similar sized landlords. We will monitor performance through a monthly Key Performance Indicators which will be reported to the Exec Board and Board of Management.

18. APPEALS

If a customer or applicant feels that they have not been given the correct level of priority and banding set out in this policy, or if their application is refused, they can ask for the decision to be reviewed. The request should be made in writing within 10 working days of the decision and must clearly state the reason for the review.

All appeals will be decided within 10 working days, but properties will not be held while the appeal is being considered. The review will be conducted by the Head of Housing.

If the customer or applicant is still dissatisfied, the matter will be dealt with under the Organisations Complaints Policy.

19. DATA PROTECTION

We recognise that applicants trust us with personal and sometimes sensitive information. We undertake to treat this with care and respect, and we will keep our records in the strictest of confidence by conforming to the GDPR (General Data Protection Regulations).

20. EQUALITY & DIVERSITY

BCHG recognises that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect, and fairness, regardless of their characteristics.

An Equality Impact Assessment has been carried out on this policy which will be updated in line with policy reviews to ensure there is no discrimination and opportunities to improve equality and access are maximised.

21. CUSTOMER VOICE

BCHG has committed to consult customer facing policies, we work on a 'no voice no approval' basis and we aim to consult customers at stages where they can influence change. Customer's consultation was undertaken with customer, colleagues and stakeholders and is attached in Appendix 3

22. REVIEW

This Policy will be reviewed every 3 years or sooner to incorporate legislative, regulatory, and best practice developments, by Head of Housing and in conjunction with BCHG Customers, stakeholders, and colleagues.

Appendix 1

BCHG Points and Bands System

To properly assess the housing needs of our applications and to ensure that we allocate properties in a fair and appropriate manner, BCHG uses a point-based system. Points are allocated to various circumstances and housing situations as per the table below:

Management Move - Major works, emergencies, flood, fire, storm damage or other urgent re-housing is required.	100
Transfer – where a property has been well maintained we will enhance the points through a one off uplift in keeping with our culture of reciprocity	10

Band One- Has to move	
Council Nominations including those for RASP	100
Severe Under Occupation – Where the current accommodation is a house which is too large for the current occupants and/or under occupation by 2 bedrooms or more (excluding owner occupiers)	99
Domestic Abuse – Where applicant is living in the same property as the perpetrator or a high-risk case referred through MARAC	97
Medical – Where applicant is unable to reside in the property due to medical requirements.	96
Racial Harassment – Disputes deemed to be serious and supported by the police, social services and/or LA Environment Protection including Hate Crime	97
Harassment – Disputes deemed to be serious and supported by police, social services and/or LA Environment Protection	94

Band Two – Need to move	
Under Occupation – Where the current accommodation is a flat/house and/or under occupation by 1 bedroom (excluding owner occupiers)	67
Severe overcrowding – Where the current accommodation is too small by 2 or more bedrooms.	67
Threatened Homeless - This applies where formal notice has been received from the landlord.	65
Financial Reasons – Where a court order has been received regarding re-possession due to affordability.	64
Medical Applicants – that the medical condition will be alleviated by moving from one type of accommodation over another. To qualify the applicant's present accommodation should be detrimental to health.	63
Nuisance – Neighbour disputes or acquaintances deemed to be significantly affecting applicants quality of life – supported by landlord	62
Insecure accommodation – This applies to living with friends or family only on a temporary basis	61
Ex Armed forces – Retired with minimum of 5 years' service and/or coming out of service accommodation.	60

Band Three – Would like to move	
Relationship breakdown – Applicant living in the same house	39
Overcrowding – Where the current accommodation is too small by 1 bed Note: All adults (including any family member over the age of 18 or over) should have a room (a shared bedroom for couples) no more than 2 people should share and children aged 10 or over should not have to share a bedroom with a member of the opposite sex.	38
Financial Reasons – Where the current accommodation costs exceed household income and causing hardship. i.e. including private rent.	37
Medical – Applicants specify a medical condition; has aspiration to move in the near future but is not classed as urgent.	36
Neighbour Nuisance/disputes – deemed to be minor with neighbours affecting quality of life.	35
To be near employment – Where applicant needs to move in order to take up job offers/existing jobs.	34
Lacking facilities – Awarded where current accommodation lacks or has poor basic facilities such as Kitchen, WC and shower/bath	33
To be near family – Where the applicant needs to give or receive support from family, which is made difficult by the distance at which they currently live apart.	32
Requiring independence – To be awarded for applicants wishing to set up home for the first time.	31
Aspirational – We acknowledge there is an aspiration to move; however, there are no priority needs at present.	30