

Allocation and Lettings Policy

November 2020

1 Policy statement

- 1.1 Rooftop develops and manages properties to improve the quality of life for its customers. It will work in partnership with Local Authorities to meet housing need within their communities.
- 1.2 This policy sets out Rooftop's approach to letting its properties to support sustainable communities for the benefit of its customers and is guided by the statutory and regulatory context in which we work.
- 1.3 This policy is aligned to the Tenancy Policy which gives detail on the types of tenancy we provide.

2 Statutory and Regulatory context

- 2.1 This policy has been developed in the context of the following legislation and regulatory framework:

- Welfare Reform and Work Act 2016
- Localism Act 2011
- Modern Slavery Act, 2015
- Immigration Act 2016
- Homelessness Reduction Act, 2017
- Domestic Abuse Bill, 2020
- The Regulatory Standards for Social Housing in England. The Tenancy Standard contains the following requirements:

1.1 Allocations and mutual exchange

- 1.1.1 Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:

(a) make the best use of available housing.

(b) are compatible with the purpose of the housing.

(c) contribute to Local Authorities' strategic housing function and sustainable communities.

There should be clear application, decision-making and appeals processes.

- 1.1.2 Registered providers shall enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant, by way of internet-based mutual exchange services.

3 Priority and access to housing

3.1 Major Works and Regeneration

3.1.1 There may be certain circumstances such as property requiring major works or subject to development and re-generation, which necessitates the customer being moved to alternative accommodation, preferably within our own stock. In such instances, we will seek to offer suitable alternative accommodation which may be temporary (Decant) or permanent and we will liaise with the customer throughout the process. The move may include the payment of removal expenses and other associated costs. The Decant procedure covers this process.

3.2 **Choice Based Lettings (CBL)**

3.2.1 We work in local authority areas where CBL arrangements operate and our properties are normally advertised on these platforms.

3.2.2 Some properties may not be advertised on CBL schemes for the following reasons:

- Where the property is an Extra Care property and new customers are selected via CBL and a multi-agency allocations panel
- Keyworker accommodation where units are allocated to health care workers in accordance with the agreement, we have with the relevant National Health Service (NHS) Trust.
- Market rent properties are advertised and let through local letting or management agents where required.
- Where the property is one provided for those with support needs and specific arrangements are in place to let to an applicant with need for the support services or adaptations provided.
- To facilitate down-sizing and making best use of the stock available.
- Where a property is to be used for a purpose designated by management or is needed urgently to prevent hardship. For these instances, a Protection from Eviction Group (PEG) is convened, and a decision reached.
- Where properties are difficult to let, for example, they have been offered and refused more than twice, we will advertise on social media and through external agencies.

3.3 **Accommodation for older people**

3.3.1 Properties that become available at our older persons' accommodation will be advertised on the CBL system for those over 55 years of age or in receipt of Disability Living Allowance (DLA) or Personal Independent Payments (PIP).

3.3.2 Bungalows will be advertised as being available for people over 60 years of age, or those on DLA or PIP. Bungalows with two or more bedrooms can be occupied by families with children where one applicant is on DLA or PIP.

3.4 **Occupation levels**

3.4.1 We aim to make the best use of our stock and tackle any cases of over-crowding and under-occupation of our properties. Where a customer is under-occupying their home and wishes to move, advice on housing options will be given which will include applying to the Local Authority, applying for a mutual exchange or via a submission to 'PEG'.

3.4.2 When allocating properties, we will use the size criteria determined by the Government for the purpose of assessing housing benefit. There may be circumstances when we permit under-occupation, for example as part of a Local Lettings Plan (LLP) or where a property is difficult to let. In these exceptional cases, we will ensure that the applicant has the financial capacity to sustain the tenancy and that potential benefit reduction is understood.

3.5 Local lettings plans (LLP)

3.5.1 Local lettings plans can be agreed with the relevant Local Authority with a view to helping create sustainable communities. We will regularly review existing plans with the appropriate Local Authority to ensure we are meeting local need and addressing any challenges such as anti-social behaviour (ASB).

3.5.2 In addition, plans may be agreed for new developments, or for existing schemes, where the usual criteria may be varied, for example, where there are planning conditions with letting restrictions or Section 106 agreements.

3.5.3 Where LLPs are in place, vacant properties will be advertised accordingly.

3.6 Management moves

3.6.1 We recognise that there are occasions when a customer will need to move urgently such as survivors of domestic abuse, unsuitable allocations into Extra Care, racial harassment or sudden health reasons. It is not intended to give existing customers an unfair advantage over other applicants but to acknowledge that there are occasions when we will need to act outside of any established prioritisation scheme. The circumstances of each case will be considered, and this may include rent arrears. Generally, we will not permit an internal transfer where any housing debt exists however, we would seek to agree a repayment plan to enable further review. Such moves will be assessed and determined by the PEG and appropriately recorded.

3.7 Mutual exchanges

3.7.1 We are committed to promoting and supporting customer mobility and will provide information and advice to customers who wish to move to another home, to seek a mutual exchange within our own stock, or with another provider or local authority customer.

3.8 Assignments and successions

3.8.1 Succession rights are only granted with the spouse/partner/civil partner being able to succeed the tenancy following the death of the sole or joint tenant. Other members of the family, other than the above, may succeed to the tenancy taking into account their level of vulnerability subject to certain eligibility criteria or as defined in the tenancy agreement. Assignment may be via mutual exchange, in furtherance of a Court Order made under the Matrimonial Causes Act, 1973 or to a person who would be qualified to succeed the tenant subject to certain provisions.

3.8.2 Other members of the family, other than the above, may succeed to the tenancy but must be able to evidence having lived with the deceased for at least 12 months prior to their death.

3.9 Under 18-year olds and vulnerable adults

3.9.1 Applicants aged 16/17, or who are defined as vulnerable, will be accepted subject to the Local Authority having a legal duty to rehouse them. The definition of vulnerability may include the following examples: those with additional support needs such as survivors of domestic abuse, a history of, or current issues with drug and alcohol misuse, and a history of homelessness.

3.9.2 We will undertake additional assessments to ensure that there is a good prospect of the tenancy being sustained. This could include ensuring that there is appropriate financial and personal support in place either via statutory or third-party agencies. We may refuse an applicant if there is inadequate support in place or where a guarantor is not available to countersign the tenancy agreement where an applicant does not have legal or cognitive capacity to enter into a legal agreement. A contact will be entered onto the housing management system to indicate that a guarantor is in place.

3.10 Accommodation for homeless persons

3.10.1 In its work to address homelessness, Rooftop provides a number of units to be occupied as temporary accommodation for homeless households. These units are managed in partnership with the Local Authority who will determine the clients in discharging their homelessness duties. This includes initiatives such as 'Housing First' (the provision of accommodation with intensive support built around the client), temporary accommodation for recovering addicts and other temporary accommodation as agreed with the relevant local authority.

3.11 Exclusion/refusal of applicants

3.11.1 We will consider each case on an individual basis and make every effort to resolve any possible ineligibility. Where we decline an applicant, the reasons for the decision will be explained and we will endeavour to work with the Local Authority to prevent homelessness. We will also provide details of our appeals process and signpost to housing advice services.

3.11.2 The reason an application may be declined or deferred whilst a recovery plan is put in place may include, but are not limited to:

- Those subject to immigration control and who are not eligible for housing under the Allocation of Housing (England) Regulations 2002.
- Where an applicant or any member of their household has had action taken against them for ASB.
- Those who have been evicted for any breach of tenancy in the last three years.
- Those who owe money to a former landlord unless they have an agreement to clear the debt. Existing customers are usually required to have a clear rent account before they can move.
- The existence of a serious criminal conviction where due to the nature of the offence and the risk assessment, it is not safe to house them (this does not apply to those convictions that are legally spent or are covered by the Rehabilitation of Offenders Act 1974).
- Where false information is given. It is a criminal offence if an applicant withholds or provides false information in relation to their housing application.

- Applicants who, following a financial assessment, are deemed unlikely to be able to sustain a tenancy. In such circumstances, the applicant will be encouraged to engage with relevant support services.

3.12 The Scheme of Delegation specifies that the Housing Director has delegated authority to approve decisions to allocate properties, rehouse or transfer employees (other than members of the Executive Team) and/or their close relatives in accordance with Rooftop's Allocations and Lettings, Shared Ownership and Probity policies.

4 Tenancy sustainment

4.1 Tenancy sustainment refers to a customer's ability to successfully manage a tenancy independently or with support. In terms of tenancy compliance an applicant would need to demonstrate a clear understanding of their responsibilities and rights as a tenant at the pre tenancy stage.

4.2 Pre-tenancy assessment

4.2.1 All applicants will be required to undergo a thorough assessment process to be able to fully consider their suitability for the property. This includes a sustainability assessment which considers an applicant's ability to pay rent, their support needs and other factors which may determine suitability. The assessment process will consider any benefit restrictions that may be in place, as well as any potential changes to benefits. The applicant will be advised that we require a minimum of a week's rent in advance and that direct debit is our preferred method of payment.

4.2.2 Landlord references will be sought for all former tenancies held by the applicant for the previous five years.

4.2.3 The assessment includes a robust process to ensure the applicant's identity which includes background and photographic identification checks. This is aligned to the principles of our Anti-Slavery and Human Trafficking Statement.

4.2.4 In determining whether an applicant is able to be offered a tenancy the following factors will be considered:

- Previous tenancy history
- Support required to manage the tenancy
- Income and expenditure assessment
- Customers access to furniture and household items
- Use of Customer Emergency Fund
- Tenancy training requirements
- Clear understanding of the Tenancy Agreement and Rights and Responsibilities of Landlord and Tenant

4.3 Tenancy support

4.3.1 All new customers will receive at least three planned visits in their first year of tenancy. Where a customer has been identified as vulnerable, we will ensure that as far as possible, support is available to them before granting a tenancy.

4.3.2 At least one contact is made with existing customers every two years to ensure that we know who our customers are and to keep the correct data. All frontline staff carry out regular visits in the course of their day to day duties. In

addition, we have a programme of Home MOTs where we focus on those customers that we know to be vulnerable and/or where no recent contact has been received.

- 4.3.3 Customers in housing for older people and bungalows will receive annual visits to assess the suitability of their homes and to plan for their future housing needs and this will be monitored via task centre in QL.

5 Review of decisions

- 5.1 Any applicant who is unhappy with the decision can ask for a review. To enable reviews to be made swiftly, the appeal would be considered by the Head of Housing. All decisions made can be challenged using the provisions in the Complaints policy.

6 Equality and diversity

- 6.1 We will ensure that this policy is applied fairly and consistently to all our customers.
- 6.2 We will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds set out in our Equality and Diversity policy or legally protected characteristic.
- 6.3 Our aim is to ensure that policies and supporting procedures do not knowingly create an unfair disadvantage for anyone, directly or indirectly.

7 Data protection

- 7.1 We will hold all information about applicants and customers in a secure manner, in line with the principles of the General Data Protection Regulation (GDPR) 2018.

8 Review

- 8.1 This policy will be reviewed after 12 months to give an opportunity to assess the impact of any changes related to the Social Housing White Paper, legislation or regulation.

9 Consultation

- | | | |
|-----|-----------------------------------|---------------|
| 9.1 | Leadership Team | November 2020 |
| 9.2 | Executive Team | December 2020 |
| 9.3 | Other – Resident Excellence Panel | November 2020 |

10 Responsibilities

- | | | |
|------|------------------------------------|-----------------|
| 10.1 | Responsible body | Executive Team |
| 10.2 | Formulation and approval of policy | Executive Team |
| | Amendments to policy | Leadership Team |
| | Monitoring of policy | Leadership Team |

	Implementation of policy	Housing Director
	Operational management of policy/policy author	Head of Housing
10.3	Date of formulation of policy	April 2013
10.4	Dates of policy reviews	April 2016
		May 2017
		November 2018
		November 2019
		November 2020
10.5	Date of next review	November 2021

Associated documents

Internal – Rooftop policies, procedures and processes

- Tenancy policy
- Equality and Diversity policy
- Probity policy
- Rent policy
- Complaints policy
- Anti-Slavery and Human Trafficking Statement
- Equality Impact Assessment

External

- RSH Tenancy Standard, 2015
- Modern Slavery Act 2015
- Homelessness Reduction Act, 2017