

Manningham Housing Association
Choice Based Lettings Policy
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Background

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs, sheltered and supported housing for rent and shared ownership. MHA provides housing for people in need in a way that leads to sustainable and balanced communities where people want to live, work and play.

Our mission is to empower communities to be successful and vibrant. We focus on quality, making a difference and fairness in the way we provide housing services in the communities we serve.

This policy sets out how people can apply to the Association for re-housing. We have taken account of the following legislation and publications:

- Homelessness Act 2002
- Section 106 of the Housing Act 1985 (as amended by HA 1988)
- Schedule 1 of Housing Act 1996
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Monitoring the Longer Term Impact of Choice-based Lettings
- Revision of the Code of Guidance on the Allocation of Accommodation
- Housing Corporation Circular 02/07 Tenancy Management Eligibility and evictions.
- Housing Corporation Good Practice Note 14 Tenure November 2007

We are aware that the new regulator of tenant services is the Tenant Services Authority (TSA). The TSA will in due time publish their own standards to replace Housing Corporation standards.

We will ensure that we operate a fair and transparent letting system, easily understood by applicants and existing tenants.

Choice-Based Letting

The government is committed to ensuring that social housing tenants have more choice and control over where they live in order to ensure that communities are stable, viable and inclusive. It is therefore the government's view that allocation policies should provide for choice wherever possible.

In view of this, the Association will set up a Choice Based Letting (CBL) Scheme which will be in full operation from 1st April 2010. The Association will advertise its vacancies on its CBL website, namely, **MyChoice**. This will allow applicants to see the full range of available properties and can apply for any home which matches their housing needs.

Each property advertised will include where the house is, how many bedrooms there are, if it is suitable for children or and the disabled, and how much the rent is.

Priority will be given to those with urgent needs (see below). Properties will be allocated only to those who are registered members of **MyChoice**. Where requested, the Association will provide feedback that helps applicants to assess their chances of success in subsequent applications.

Eligible Applicants

- Local Authority nominations;

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- Anyone over 16 years old who has residency rights in the UK, including those assessed as Statutory Homeless and in priority need by the Local Authority;
- Existing tenants of MHA and any other Housing Association who wish to transfer.

Method of Application

Applicants will need to register their interest to join **MyChoice** by completing a membership registration form online.

Application Process

Step 1 – Applicants will register with **MyChoice** online. If they are successful, they will be issued a login username and password and the level of their housing need will be either “priority” or “non-priority”.

Step 2 – Applicants will bid (i.e. apply) for suitable vacant homes as advertised weekly online. At least 70% of lettings annually will go to “priority” applicants. Moreover, because MHA was established to cater, primarily, for the housing needs of people from the Black and Ethnic Minority (BME), at least 60% of our lettings annually will go to BME applicants.

Step 3 – The Association will select the top three applicants for each property and visit them to check that the information they have provided online is accurate and valid. The person who comes out on top following the home visit assessment will be allocated the property. Where applicable, for instance, in order to quickly let our home, the Association may choose to visit only the top two applicants, or even only the top applicant for home visit assessment.

The Association reserves the right to actively market vacant properties by writing to members of **MyChoice**, or telephoning, e-mailing, or texting them to advise them of current and forthcoming properties to let.

Step 4 – Successful applicants will be accompanied to view the home and decide if they want it. If so, they will be taken through the paperwork and given a date to move in.

Once properties are allocated, the Association will release lists to show which properties were allocated, the priority status of the successful applicants and how long they have been members of **MyChoice**.

Membership Time

The length of time people will have to wait for housing will depend on their individual circumstances, the type of property they require, where they wish to live and the number of properties that become available.

Application Categories

Applications will be classed either as “Priority” or “Non-priority”.

“Priority” will be given to people who meet any of the following criteria:

- Statutory homeless
- Statutory overcrowding
- Staying in supported accommodation, fleeing violence or suffering severe racial or other forms of harassment
- Severe medical condition or disability
- Subject to possession order

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- Living in properties described by the local authority as statutorily unfit

All other applicants will be classed as “Non-priority”. However, in order to ensure balanced communities, the Association will carefully consider the housing needs of “non-priority” applicants if they meet any of the following criteria:

- In employment and able to afford renting without recourse to public funds, particularly, Housing Benefit
- Access to private income or savings and can afford to rent
- Moving to take up paid or voluntary employment (especially, if in a key worker role)
- Moving to give and/or receive support in long term family / extended family situations
- Moving to be close to a community in which they are active
- Moving to have access to medical or other specific community support
- Moving because they have a smaller family necessitating a smaller house

Please note that this list is not exhaustive and not in priority order.

Eligibility for property size and type

The Association is committed to make best use of its existing stock and will allocate properties in line with the following guidelines.

- Couple or single person with 2 children of the same sex where the eldest child is under 12 or the age difference between the children is not greater than 7 years - 2 bedrooms
- Couple or single person with 2 children of a different sex or of the same sex where the eldest child is over 12 or the age difference between the children is greater than 7 years - 3 bedrooms
- Couple or single person with 3 children - 3 bedrooms
- Couple or single person with 4 children - 3 or 4 bedrooms
- Couple or single person with 5 or more children – 4 or 5 bedrooms

Where applicable, especially in working with the Occupational Therapy department, the Association will consider granting an additional bedroom if anyone in the applicant’s household has health or mobility problems and an additional bedroom is required for carer’s overnight stay or storage of essential equipment needed for daily living. (Please note that equipment requiring outdoor storage will not be considered in this category.)

In these guidelines a child includes a baby who is expected within 12 weeks.

Applicants for Anchor Court, which is a sheltered housing scheme, specifically for applicants over 55 years old (or in some cases those below 55 with a disability), will be assessed in accordance with the Association’s supported housing policy.

Pre-allocations

Every effort will be made to let our homes quickly. Homes under construction will be

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advertised before completion and applicants selected ready to move in as soon as the homes are completed.

The same applies to homes which are going through void repairs. We will advertise such homes before the void works are completed. Applicants will be selected, ready to move in as soon as the void repairs are completed. In some instances, where there are no risks to health and safety, we may require successful applicants to move in whilst the void works are being carried out.

Priority will be given to applicants requiring adaptations when allocating adapted properties. In cases requiring newbuild wheelchair adapted homes, we will work with the successful applicant and their Occupational Therapists to ensure the new home meets their need, subject to funding from the Occupational Therapy service, Social Services or any other relevant funder. It is the responsibility of the applicant and their Occupational Therapists to secure necessary adaptation funds for recommended adaptations to their newbuild home.

Description of Priority & Non-priority Assessments

Statutory Overcrowding

Statutory Overcrowding applies where the household is at least 2 bedrooms short of statutory guidelines or resulting in two children of the opposite sex sharing a bedroom (where either child is over 10 years of age).

Severe Harassment (including Racial Harassment) & Physical Violence

Applicants must provide evidence/proof (for instance, medical records, police reports or crime numbers, care and support letters from recognised agencies and can only be awarded priority in cases where the harassment is so serious that they cannot reasonably remain in the property.

Serious Medical Condition & Disability

This applies where a member of the household cannot return to their present accommodation or it is unreasonable for them to remain where they are, because it is unsuitable or to do so would seriously affect their physical or mental health.

The disability priority will apply when a person's mobility needs are so severe they require major adaptations to their home.

Supporting medical and disability evidence will be required. It is applicant's responsibility to provide such evidence, such as assessments by their GP or medical specialist, the Local Authority's Disabled Persons Housing Service, their Occupational Therapist, and other similar professional agencies.

Trauma or Serious Social Reasons

This is defined as serious incidents in or around the home, such as incidents of sexual abuse or violent or accidental death, where to remain in the home would cause undue hardship or distress. Supporting evidence would be required from Police, GP or Social Services.

Under-Occupation

This will apply where an existing MHA's tenant wishes to transfer to a smaller property and they are currently under-occupying by one or more bedrooms. Also includes statutory

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successions in this circumstance.

Decants

Transfer Applicants only, where the property is required for development or regeneration of an area or major works are required which cannot be carried out with the tenant in occupation.

Emergencies

Transfer Applicants only, defined as fire, flood etc where the tenant would be endangered if they were to remain in the property because it is dangerous or unsafe.

Exceptional Allocations/Emergency Transfers

As the list of cases deserving of consideration under this policy is inexhaustible, the Association will consider granting exceptional allocations and emergency transfers where there are additional grounds justifying this.

Less urgent Medical

This applies where the current accommodation does not have a serious detrimental effect on a medical condition, but a medical condition may be improved by re-housing.

Non-Statutory Overcrowding

This applies where the need for additional bedrooms has been identified (by reference to bedroom calculations), but applicants are not statutorily overcrowded. This would include additional bedrooms required on medical grounds for those that would normally share.

Like for Like

This applies where applicants need or wish to move to the same size/type of property in a different location. Applicants will also be advised to pursue a mutual exchange. This also applies to families who are currently occupying a flat who wish to move to a house.

HOMES/HEMS Mobility Scheme and HOMESWAP (also known as Move UK)

HOMES is a national mobility scheme which enables tenants in social housing to move around the country. Applications will only generally be accepted for more readily available accommodation, such as sheltered and one-bedroom flats and not for family sized accommodation.

Refusals of Offers of Accommodation

Any property that has been refused more than twice will be flagged up with the Director of Housing for review of options under the Association's "Hard to Let" procedure. These could include revised decoration allowance or void works, consideration for redevelopment or changes to any letting restrictions (e.g. over 55 for sheltered accommodation) and disposal.

Exclusions/Refusals of Applicants

The Association is committed to assisting the Local Authority to discharge its housing functions by housing people defined as in priority need. However, the following are grounds on which applications may be refused:

- Unacceptable Behaviour

Applicants or members of their household who are currently responsible for behaviour, which would make them unsuitable to be a tenant, may not be housed. Such behaviour

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would include incidents of anti-social behaviour, harassment (including racial harassment), violence or threats of violence, and involvement in criminal or immoral activities. Refusal of applicants on these grounds will be based on evidence. Evidence may include criminal conviction, previous eviction for ASB, or a previous injunction or ASBO within the last two years. Section 160 of the Housing Act 1996 contains provisions which apply to housing authorities and refers to behaviour which would have led to a possession order being made.

Previous tenancy enforcement action will not be taken into account if it occurred more than two years prior to application and the tenant's household has conducted a tenancy satisfactorily in the intervening two years.

The Association reserves the right to take full account of the needs of the local community as well as the Applicant's when deciding to make an allocation of accommodation to the Applicant. In exceptional cases this right may extend to not allocating accommodation to an Applicant in the area that they have shown a preference. In such cases a decision may be made after carrying out a risk assessment in conjunction with other appropriate agencies.

- **Housing Related Debt**

Although previous rent arrears will not necessarily prevent us from offering our homes to applicants, an applicant who owes any housing related charges or is currently in arrears with their rent to their current or previous landlord may not be considered for housing.

Applicants will generally not be considered for allocation until the charges or arrears have been paid in full or an agreement for payment by instalments has been reached and there has been compliance with this by the applicant for a reasonable period which is considered acceptable by the landlord. Debts for non-housing related matters will not affect eligibility.

Local Lettings Policies & Use of Starter Tenancies

The Association is committed to creating sustainable communities, where people want to live. In some instances, this may require a Local Lettings policy (LLP). A LLP may be considered on the following grounds:

- Planning Restrictions, Section 106 agreements and Rural Exception site requirements;
- Restrictions on the age of children who will be offered properties due to physical characteristics of the property e.g. steep gardens or balcony making properties unsuitable for young children;
- Restriction on the family size on new schemes to reduce child density;
- Exclusion of vulnerable applicants, or those with a known history of Anti-Social Behaviour (ASB), from particular schemes where, for instance, there have been cases of serious ASB;
- Changes to eligibility criteria for difficult to let schemes, for instance, lowering the age of applicants to sheltered developments.

The Association will advise applicants when it needs to a LLP and will ensure that every LLP demonstrates a balance between the competing concerns for community safety and policies promoting balanced communities.

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All new tenancies will be Starter Tenancies in the form of Assured Shorthold Tenancy. Starter tenancies are probationary tenancies. They allow the Association to terminate the tenancy quickly when the tenant has persistently failed in keeping to their tenancy obligations. Otherwise, the starter tenancy will be converted to a full Assured Tenancy after 12 months. Starter tenancies will be reviewed every 6 months.

Allocation of housing to employees and their close relatives

In compliance with the requirements of Schedule 1 of the 1996 Housing Act, staff and Board members will not receive housing or other benefits from the Association except as allowed by special exemptions agreed by the Housing Corporation and those in the Schedule.

The Association shall generally decline to provide accommodation to its employees, Board members, former employees and members or their close relatives except in exceptional circumstances.

The Housing Corporation Determination 2000 does allow for RSLs to grant a tenancy to a person who is a close relative of an employee of the RSL, and who is in housing need and fully meets the published criteria and priorities by which the RSL allocates housing. The tenancy may be granted provided that the employee has had no involvement in or influence over the process by which the RSL allocated the tenancy.

Therefore Board approval will be sought for any allocation that falls within the above criteria.

Appeals

Applicants who wish to appeal against decisions regarding their application will be advised to use the Association's complaints procedure.

In cases where applicants are refused on grounds of behaviour, there will be written notification of the decision, including clear grounds for the decision which will be based firmly on the relevant facts of the case. Rejected applicants will be referred to housing advice agencies, and if the appeal is to be dealt with through the Association's complaints process, it will be clear what this will involve, and complaints will not be dealt with or heard by staff who were involved in the original decision to reject the application.

Performance Targets

When our properties become vacant we will ensure void repairs are carried out and completed within seven working days, and the properties are re-let within seven working days.

Where needed void repairs are complex, as classified by CORE, we will set an appropriate target for the works to be completed on assessment of required works. Such voids will be reported separately in our performance monitoring.

We aim to let newly completed properties within 7 working days of being handed over to the Association. Handover of new developments will only be accepted on a day that ensures minimal delay in letting.

Confidentiality and Data Protection

Under the Data Protection Act 1984 an applicant has the right to see any information

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stored about him or her on computer, or in a paper file. Under these terms, the Association will respond to requests made by applicants in writing, to have access to information held about them.

Equality & Diversity

The Association is a BME association, committed to addressing the housing needs of, primarily, BME communities. However, increasingly, the Association is diversifying its stock into non-traditional BME areas, and attracting non-BME residents. Additionally, in order to ensure its commitment to achieving balanced communities, applicants from different social backgrounds will be considered for re-housing on particular schemes in a way that seeks to address issues of community cohesion and diversity of tenure.

In carrying out these obligations, the Association is committed to a policy of fair and equal treatment for all its tenants, employees and applicants, regardless of religion, sexual orientation, age, class, racial origin, sex, disability or marital status as determined in the Association's Equality & Diversity Policy.

Monitoring and Review

We will monitor and review this policy in conjunction with residents to ensure its effectiveness and relevance to the Association's stated aims and objectives.

The Director of Housing has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in resident involvement directly. The policy will be reviewed annually by the Director of Housing.