



**manningham**  
HOUSING ASSOCIATION

**CHOICE BASED LETTINGS POLICY**



## CHOICE BASED LETTINGS POLICY

### 1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider which is regulated by the Homes and Communities Agency. The Association provides general needs housing for rent and shared ownership.

This policy is consistent with the Homes and Communities Agency's Regulatory Framework's Tenancy Standard which requires that:

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

- Make best use of available housing
- Are compatible with the purpose of the housing
- Contribute to local authorities' strategic housing function and sustainable communities.

The framework also requires registered providers to demonstrate "a clear application, decision-making and appeals processes

The policy also takes account of the Government's Affordable Homes regime, which was implemented by the Government in 2011. The paper 'Local Decisions – a fairer future for social housing' suggested:

- Striking a balance between the needs of new and existing tenants; providing social housing for those who need it most for as long as they need it.
- Seeing social housing as a stepping stone and not a tenure for life other than for those experiencing disability or long term illness.
- Making best use of social housing taking account of the needs of individual households and the local area.

In accordance with these regulatory requirement, this policy sets out how we will operate choice based lettings which people can use to apply to the Association for re-housing.

#### Local Authority nominations

We co-operate with local authorities at a strategic and operational level and have entered into nomination and referral agreements to give reasonable preference to people who are homeless or who have a high level of housing need. Nominations received from the local authority are provided using the priority status given to them by the local authority rehousing policies.

### 2. CHOICE-BASED LETTINGS

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.

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In view of this, the Association has set up Choice Based Lettings (CBL). The Association will advertise vacancies on its CBL website, namely, *mhahomeoptions*. This will allow applicants to see the full range of available properties and apply for any homes which match their housing needs.

Each property advertised will include as a minimum where the house is, how many bedrooms there are, if it is suitable for children or those with a disability, 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 *mhahomeoptions*. Where requested, the Association will provide help and support to applicants registering for a home with MHA.

### 3. ELIGIBLE APPLICANTS

- Local Authority nominations;
- 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.

Applicants must be over 16 years old and be a permanent resident of the UK or granted some form of leave to remain.

Where an applicant is 16 or 17 they should have a guarantor. This will often be the Social Services team. Support for the tenancy should include a support plan. In these cases minors (16-17 year olds) will be given an Equitable Tenancy until they are 18.

### 4. RIGHT TO RENT

The Immigration Act 2014 (part 3, chapter 1) places a duty on a landlord to carry out a 'right to rent' check on each letting. Failure to comply can result in a civil penalty. This law applies to any new lettings starting on or after 6 February 2016.

The checks do not apply to any new letting or transfer made directly by or through the local authority. In relation to nominations, housing associations can rely on the Local Authority performing its own checks on the eligibility of any nominee. Therefore housing associations will not be held responsible should an error occur.

A right to rent check must be carried out for **each adult occupier** - not just the prospective tenant(s).

The Home Office provide guidance on which documents are acceptable for each type of right to rent. MHA will use this guide to carry out the necessary checks before any offer of a tenancy is made.

MHA will apply the right to rent checks in a fair, justifiable and consistence manner, regardless as to whether they believe the perspective tenant to be British, settled or a person with limited permission to be here.

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### 5. METHOD OF APPLICATION

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

### 6. APPLICATION PROCESS

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

**Step 2** – Applicants will bid for suitable vacant homes as advertised online. At least 70% of lettings annually will go to “priority” applicants. Moreover, because MHA was established to primarily, although not exclusively, meet the housing needs of people from the Black and Ethnic Minority (BME) community, we expect at least 60% of our lettings annually to be from these communities.

**Step 3** – The Association will select the top three applicants for each property based on housing need and check that the information they have provided online is accurate and valid. The applicant(s) who has been registered with MHA the longest following the successful assessment will be allocated the property. A home or office visit will be arranged as part of the assessment process.

**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.

A record of the applicant bids and the successful letting are maintained on file for audit purposes.

All lettings are signed off by the Housing Manager before an offer of property is made to a customer.

### 7. 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.

### 8. APPLICATION CATEGORIES

Applications will be determined either as “Priority” or “Non-priority”, using a filtering system.

Once an applicant priority has been determined their final position within a shortlist will be determined according to their registration date, with preference being given to applicants that have been members of mhahomeoptions the longest.

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

- Statutory homeless
- Overcrowding by two or more bedrooms
- Staying in supported accommodation, fleeing violence or suffering severe racial or other forms of harassment
- Severe medical condition or disability
- Subject to possession order
- Living in properties that would be considered by the local authority as statutorily unfit

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- Transfer applications under-occupying their home by one or more bedrooms
- Trauma or serious social reasons

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:

- 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

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

### 9. MANAGEMENT TRANSFERS AND PRIORITY LETTINGS

From time to time there may be a requirement outside of MHA Home Options to carry out management transfers and lettings. Examples where this discretion may be required are:

- Customers on a low income who will face extreme financial hardship following the introduction of the Housing Benefit under-occupation rules and want to transfer to a smaller property;
- Customers facing domestic violence, racial and other forms of harassment where their wellbeing is at risk;
- Clients from supported housing, such as Domestic Violence projects, for move on accommodation;
- Clients from a government’s initiated Refugees and Homeless Families programme requiring housing in the UK;
- Decants
- Emergency situations

In all instances management transfers and lettings will need to be approved by the Housing Manager before any offer of accommodation is made.

### 10. ELIGIBILITY FOR PROPERTY SIZE AND TYPE

The Association is committed to making best use of its existing stock. The property size eligibility criteria will take into consideration how Housing Benefit and the Department of Work and Pensions will assess family size and the number of bedrooms required.

The property size criteria is as follows:

One bedroom is allowed for:

- each adult couple
- any other person aged 16 or over
- two children of the same sex under the age of 16

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- two children regardless of sex under the age of 10
- any other child
- when a disabled child or disabled non-dependant adult reasonably requires, and has, overnight care from a non-resident carer (or group of carers) and is in receipt of a specified disability benefit
- In the case of a disabled couple, when the Local Authority is satisfied that a couple cannot reasonably share a bedroom as a result of a member of the couple's disability and that member is in receipt of a specified disability benefit
- 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).

Pregnant women are required to present their MATB1 (12 weeks) as evidence of their pregnancy which can entitle them to an additional bedroom depending on their existing household size.

We are aware this may cause difficulties for people in receipt of benefits as they will not be able to claim rent if they are under-occupying until the baby is born. We will help to reduce the impact by providing advice about benefits on submission of the application including Discretionary Housing Payments (DHP) and an assessment of whether the applicant will be able to afford the rent of an under-occupied property.

### 11. PRE-ALLOCATIONS

Every effort will be made to let our homes quickly. Homes under construction will be 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 empty property repairs. We will advertise such homes before the works are completed. Applicants will be selected, ready to move in as soon as the 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. Where applicants have been pre-allocated a new home which has been adapted for mobility needs, 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 new build home.

### 12. DESCRIPTION OF PRIORITY AND NON-PRIORITY ASSESSMENTS

#### *Priority*

#### **Statutory Homeless**

'Statutory homelessness', is where local authorities have defined a household as homeless within the terms of the homelessness legislation, where they are found to be in priority need and not intentionally homeless.

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### **Overcrowding**

Based on the property and size eligibility above, an applicant is overcrowded by 2 or more bedrooms

### **Severe Harassment (including Racial Harassment) and 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 and 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.

### **Under-Occupation**

This will apply where an existing MHA tenant wishes to transfer to a smaller property and they are currently under-occupying by one or more bedrooms. Also includes statutory 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 and flood etc. where the tenant would be endangered if they were to remain in the property because it is dangerous or unsafe.

### **Non-priority**

#### **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

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who are currently occupying a flat who wish to move to a house.

### 13. REFUSALS OF OFFERS OF ACCOMMODATION

Any property that has been refused more than twice will be raised with the Housing Manager for review of options under the Association's "Hard to Let" procedure.

### 14. 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, will not be housed. Such behaviour 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.

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.

### 15. LOCAL LETTINGS POLICIES AND USE OF STARTER AND FIXED TERM TENANCIES

The Association is committed to creating sustainable communities, where people want to live. In some instances, this may require a Local Lettings policy (this is known as 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

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for young children;

- 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 if a LLP is in force and will ensure that every LLP demonstrates a balance between the competing concerns for community safety and policies promoting balanced communities.

### STARTER TENANCIES

All new tenancies will be Starter Tenancies in the form of Assured Shorthold Tenancy. Starter tenancies are probationary tenancies. They allow the Association to manage and end 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 within the first 12 months.

### TWO YEARS FIXED TERM TENANCIES FOR UNDER 35's

Fixed Term Tenancies, or FTTs, were introduced in England by the Localism Act 2011. The Government in its 2016 Autumn Statement announced that for applicants aged under 35 years of age without children who apply for properties with housing providers on or after the 1st April 2016 their rents will be capped at the Shared Accommodation Rate (SAR) from April 2019.

This rate is already in place for recipients of housing benefit who live in private rented accommodation. *This rate is much lower than the LHA or current housing benefit, so those affected will need to find the shortfall or will need to consider sharing homes with other tenants.*

To ensure that we do not set individuals up to fail a fixed two years tenancy will be offered to applicants aged under 35 years of age affected by the SAR. A fixed two years tenancy will only be granted after a comprehensive affordability check has been carried out and where we are confident that the individual can sustain their tenancy thereafter.

At the end of this two year fixed period, we will consider renewing the fixed term tenancy or ending the tenancy depending on the ability of the tenant to sustain their tenancy. If the decision is made not to offer another 2 year fixed-term, the tenant will be issued with a notice to leave the property and where possible support will be provided to find alternative accommodation.

## 16. AFFORDABILITY CHECKS

We understand that the effects of the recent welfare reforms have contributed significantly to the financial burden placed on some low income families to make ends meet.

As a responsible landlord we will carry out affordability checks on each applicant to ensure that we and the applicant understand their financial situation prior to making an offer of a tenancy.

We will conduct a pre-tenancy interview with all of our prospective customers to determine whether they can afford to pay the rent and ensure that applicants can sustain their tenancies.

The affordability checks will determine whether an applicant will be granted a tenancy or not.

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### 17. SUCCESSION

Only a spouse, civil partner or co-habitee may succeed if a tenant passes away. They must be occupying the property as their only or principal home at the time of the tenant's death. There can be only one succession and a partner cannot therefore succeed to a tenancy held by a successor.

Other family members do not have a legal or contractual right to succeed to the tenancy. However, in some circumstances, we may use our discretion to allow a succession for example where there is a need to take into account vulnerable household members.

### 18. MUTUAL EXCHANGES

A mutual exchange occurs when two tenants decide to swap homes. If you rent from a council or housing association this could be a fast way to find a new home.

Tenants have a right to exchange their home with another Manningham Housing tenant, a tenant from a council or another housing association.

There are certain conditions in accordance with Housing Legislation which must be met before a mutual exchange application can be considered and permission must be obtained by respective landlords.

Manningham Housing will help tenant's access mutual exchange opportunities to increase the options available and to provide their tenants with the best opportunity of finding a home suitable for their needs.

### 19. ALLOCATION OF HOUSING TO EMPLOYEES AND THEIR CLOSE RELATIVES

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 tenancy may be granted provided that the employee or Board Member has had no involvement in or influence over the process by which allocation for a tenancy was made. A full declaration of interest will need to be made by the appropriate persons which will be held by the Company Secretary.

### 20. APPEALS

Applicants who wish to appeal against decisions regarding their application will be advised to use the Association's complaints procedure. Such complaints will not be dealt with or heard by staff who were involved in the original decision to reject the application. If the applicants are unhappy with the outcome of their appeal they have the right to escalate their complaint in line with our Complaints Policy.

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.



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### 21. CONFIDENTIALITY AND DATA PROTECTION

Under the Data Protection Act 1998 and the General Data Protection Regulations 2018 (GDPR) an applicant has the right to see any information stored about him or her on computer, or in a paper file. Under these terms, the Association will of course respond to requests made by applicants in writing, to have access to information held about them.

### 22. EQUALITY AND DIVERSITY

Manningham Housing Association is a BME Association, committed to addressing the housing needs of primarily, but not exclusively, BME communities.

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 and Diversity Policy.

### 23. 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 Customer Services 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 as necessary by the Housing Manager but at the least every three years.

<b>Policy Name</b>	Choice Based Lettings Policy
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