

Lettings Policy 2022



Approved By	Assistant Director of Customer Services	Version	2
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Author	Business Partner (Support)	Approval Level	Assistant Director
Regulatory/ Governance	N/A	Review Date	28 th Feb 2025
Links	Social Priority Policy, Assignment Policy, Decant Policy, Succession Policy, Tenancies for Minors, Tenancy Management Policy, Tenancy Sustainment Policy		

1. Introduction

- 1.1 This policy defines how we let a property and to whom.
- 1.2 mhs homes are committed to letting homes in a fair, transparent, and efficient way, minimising the period properties are empty, and making the most effective use of our housing stock.
- 1.3 The policy applies to general needs, affordable, and supported living properties owned and managed by the mhs group. It does not include private rent, Foyers, garages, commercial properties, leasehold and freehold.
- 1.4 Lettings relating to succession, assignment and mutual exchange have their own policies.
- 1.5 The policy is supported by a set of business rules which detail the processes and procedures to follow when letting a property.

2. Purpose

- 2.1 This policy details our approach to making the best use of our available homes.
- 2.2 The key objectives of this policy are to:
 - make the best use of our homes
 - work in partnership with local authorities to assist them to meet their statutory obligations
 - let our properties to people in line with published eligibility criteria
 - develop and maintain sustainable communities
 - minimise void turnaround times and rent loss
 - provide a customer focused service that is fair and transparent
 - ensure that any new tenancies granted are sustainable

3. Legislation and Regulation

3.1 The allocation of social housing is covered by the following legalisation and regulations.

3.2 Regulatory of Social Housing Tenancy Standard as set out in the Regulatory Framework states that 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:

- *Make the best use of available housing*
- *Are compatible with the purpose of the housing*
- *Contribute to local authorities' strategic housing functions and sustainable communities*
- *Have a clear application, decision-making, and appeals processes'*

3.3 Legalisation and guidance relating to the allocation of social housing, includes:

- Housing Act 1996
- Localism Act 2011
- the Equalities Act 2010
- The Immigration Act 2014.
- Right to Move and social housing allocations statutory guidance
- Local Authority Allocations Policies

3.4 Local Authority nominations agreements

- Our nominations agreement with Medway stipulates we shall offer:
 - A minimum 50% of empty properties from the original stock transfer
 - 100% for new builds and 75% of relets.
- Maidstone, Tonbridge & Malling, Dartford, Gravesham – 100% of all new builds 75% of relets.

4. Letting a property

4.1 mhs homes do not hold a housing register.

4.2 We advertise our general needs, affordable rent and supported living properties through the Local Authority Choice Based Lettings Scheme (Kent HomeChoice) where registered applicants can bid on properties.

4.3 We advertise Lord Kitchener Alms House Trust properties via Rightmove. See Section 7

4.4 We may also receive direct nominations from a local authority.

- 4.5 On receiving applications/nominations we will assess in order of priority banding (high to low). We will not normally offer a tenancy to an applicant if one or more of the following applies:

The tenant(s) or a member of their household listed on the housing application:

- have been evicted from or have abandoned a previous tenancy because of a serious tenancy breach.
- have an existing debt with mhs, or another housing provider¹, which has not been reduced via a written and agreed repayment plan between the landlord and nominee for at least six months or they have an otherwise unsatisfactory tenancy history e.g. history of anti-social behaviour.
- have caused severe and costly damage to a former property e.g. have allowed the property condition to deteriorate significantly.
- have had a conviction relating to use of their property for illegal or immoral purposes.
- the property has been advertised as requiring a sensitive let and the nomination does not meet the criteria.
- have a history of non-compliance with housing staff, e.g. repeatedly refusing entry to their property to carry out essential repairs.
- will be unable to sustain the tenancy, e.g. because of a care or support plan not being in place or available or inadequate.
- owns their own home and it is reasonable for them to live there or sell it to resolve their own housing need (except where the local authority has accepted a homeless duty to rehouse them permanently).
- a risk assessment identifies that housing the nominee in the property poses a serious risk to the safety and wellbeing of themselves, staff and/or neighbours and that risk cannot be mitigated or managed.
- are a potentially dangerous offender, and, following a risk assessment through Multi-Agency Public Protection Arrangements (MAPPA), mhs is not satisfied that an appropriate level of support and/or monitoring can be put in place to manage or mitigate the risk.
- do not meet mhs' bedroom occupancy criteria for the property they have been nominated for.

¹ Debts and tenancy breaches over six years old should be discussed with Business Partner or Assistant Director before bypassing.

- have provided false or misleading information in support of their application. have obtained a tenancy by deception as a result of giving false or misleading information (if housed by mhs we will take possession action to recover the property).
- have been convicted of housing or welfare benefits related fraud and the conviction is unspent.
- do not have a valid immigration status because their visa or permit has expired, and they do not have leave to remain. Where temporary leave to remain has been granted, mhs may issue a discretionary renewable tenancy in line with the time limits of the temporary leave to remain.
- have failed to satisfy mhs that they have the means to meet the rent charged or would not receive adequate Housing Benefit/housing element of Universal Credit should they need to make a claim for either. mhs may waive this requirement where an appropriate third party or agency has agreed to guarantee or underwrite the rent liability.
- the identity of the nominee at sign up is not verified.
- the nominee refuses to sign their tenancy agreement and/or fulfil the conditions set out in it in full.
- If the applicant requires adaptations, the property is within the new home warranty period and the development team consider the property unsuitable for the required adaptations.

4.6 Supported Living Eligibility:

- Applicants must be aged 60 or over to be eligible for supported living.
- Supported living applicants will need to complete a 'Needs and Risk Assessment' to determine their housing, medical and support needs as well as personal and practical care needs, sensory impairments, nutrition, and health.
- If the customer requires a greater level of support than can be provided, the Supported Living Advisor will write to the customer informing them that we will not be offering a tenancy and signposting to other support agencies.
- The applicant has the right to appeal the decision which will be dealt with by the Supported Living Manager and approved by the Assistant Director of Customer Services.

4.7 Properties built or acquired by mhs homes, that are not part of the original stock transfer from Medway Council, are treated as private rental properties for the purposes of Housing Benefit. This means that LHA rates apply and housing benefit payments for under 35's are restricted to shared room rate. However, Universal

Credit treat all mhs stock as social housing and do not apply these restrictions. This means that a person under 35, who is reliant on benefits for their housing payments, will need to claim Universal Credit.

4.8 Eligibility will be assessed by:

- Credit checks
- Affordability assessments/income and expenditure
- Reference checks
- Needs and Risk Assessment for supported living

4.9 In some circumstances, for example applicants escaping domestic abuse or homelessness; we reserve the right to disregard the above eligibility criteria and checks and offer outside of our lettings policy

4.10 Any decision to let outside of the policy is made at the discretion of the Business Partner (Tenancy or Support), Assistant Director or a Director. The reason for any exceptional approval will be recorded.

5. Direct Lets

5.1 We will use our entitlement of up to 25% of relet properties to undertake direct lettings. These are lettings which, in our view, enable us to make the best use of our housing stock.

5.2 Circumstances in which we will use direct lettings will include the following:

- lets to a qualifying successor / an assignee in lieu of death who we move to more suitable accommodation
- lets in accordance with our policy on Discretionary Tenancies (e.g. allowing 'succession' to a non-qualifying person)
- management moves.

Management moves are internal transfers undertaken in the following circumstances:

- temporary or permanent decants where the existing property is uninhabitable (e.g. due to fire, flood, major structural defect, other health, and safety risk) or to otherwise aid the management of our assets (e.g. redevelopment, disposal).
- moves which enable us to deal with a serious or protracted tenancy management matter
- lets in accordance with our Tenancy Sustainment Policy. This will include a move to a smaller / cheaper property to assist a tenant at risk of losing their home or a move to take up a permanent offer of employment as a means of assisting a tenant to maximise their income
- where an adaptation is urgently needed, and it is a more effective solution for the household to move

- a move to release an adapted property (where there is demand for that type of adapted property and the current occupant(s) do not need it)
 - a tenant who needs to move into, or within, older people's housing (where a direct offer is considered to be the most appropriate way of meeting the household's needs)
 - internal moves in accordance with local lettings policies agreed with the local authority
 - a move which assists a tenant to move on from the Foyer or one of our supported schemes. A move under this category would be to a property identified as low demand
 - other reason where a management move is considered by mhs to be in the best interest of the tenant and/or mhs.
- 5.3 In addition, we have several referral and reciprocal agreements in place with partner organisations, including other housing associations and care and support agencies, whereby we provide properties to meet specific housing needs (e.g. for people with learning disabilities, homeless, people leaving care and probation schemes).
- 5.4 Eligibility restrictions apply to management moves and referrals. One reasonable offer will be made from across mhs' area of operation. A reasonable offer will meet the applicant's needs in terms of tenure, size (and floor level where relevant). A reasonable offer will also meet the applicant's requirements in terms of location, where this is relevant to the reason for moving.

6. Offering a property

- 6.1 If required to, prospective new tenants will be interviewed, and an affordability assessment undertaken.
- 6.2 Prior to sign up the new tenant will be required to pay their first weeks rent in advance. In special circumstance a Business Partner, Assistant Director or Director can agree to waiver this payment.
- 6.3 We will consider an applicant to have refused an offer of accommodation where they do not respond to the offer within the 24 hours unless a valid reason is given.

7. Special Circumstances

- 7.1 Where homes have been built, or adapted to be accessible to people with disabilities, we will allocate these to people with similar needs wherever possible to make best use of these homes. Where we cannot match an adapted home to a suitable applicant we may remove adaptations and return the property to a general

needs void standard subject to any current funding conditions and following consultation with the relevant local authority.

- 7.2 We will generally reserve bungalows for applicants 55 and older, or those who have accessibility issues and are most in need for such accommodation.
- 7.3 We may consider a "sensitive let" is required in certain circumstances where there are restrictions on who can move into a property. This may be because of ongoing anti-social behaviour, the vulnerability of the potential tenant, or where the new or current resident could pose a risk to their neighbours.
- 7.4 If we have not successfully managed to secure a new applicant using Kent HomeChoice after 2 rounds of advising we will look at other ways to fill the property, either through Rightmove or offering to the neighbouring local authority for direct nominations.

8. Transfers

- 8.1 If an existing tenant of ours wishes to apply for another property, applicants will need to apply to the housing register with the Local Authority. The Local Authority will ask mhs homes to verify applicant & occupant details and provide approval to proceed with their application.
- 8.2 To be approved for a transfer, tenants must comply with all the following, as set out in the conditions of Kent HomeChoice:
 - Have lived in their present property for at least 12 months and hold an assured or protected tenancy agreement.
 - Have a clear rent account and no other outstanding debt to mhs homes or Heart of Medway, for example: rechargeable works, court costs etc.
 - Their property including garden if applicable, meets the standard identified in the Moving Home Standard
 - Have no breach of tenancy that has resulted in a NOSP / legal action over the last 12 months. Discretion can be applied dependant on the severity of the need to move and the length of time since the breach occurred.
- 8.3 Any applicant that meets the above criteria will be awarded transfer status with the Local Authority. This will enable them the opportunity to bid for properties allocated purely advertised for transfer. They will be able to bid for transfer properties with mhs homes or other social housing providers. For mhs / HoM properties, unless it is agreed that the new tenancy can overlap with the existing tenancy, the tenancies with end and start on the same date, which can be any day agreed with the tenant

9. Lord Kitchener Alms House Trust

- 9.1 Lord Kitchener Arms House Trust properties managed by mhs homes are re-let via Rightmove and we will advertise the property there, with priority given to current or former servicemen and their families.
- 9.2 The property will be offered to the applicant with the greatest housing need and will be identified with a local connection in line with the Local Authority housing criteria.
- 9.3 The trust also offers a licence to occupy rather than a tenancy.
- 9.4 Rent will be charged at the rate of the previous occupant so that all properties have the same rent in line with the agreement put in place when mhs homes became corporate trustees.

10. Sex Offenders and Dangerous Offenders

- 10.1 We acknowledge the role that the provision of stable accommodation may play in helping to reduce the risk presented by an offender.
- 10.2 We will not operate a blanket ban on the rehousing of potentially dangerous offenders or their victims.
- 10.3 We will ensure when a person with a conviction, which suggests they may be high risk, is nominated for housing by a local authority, a multi-agency risk assessment is carried out. It is the role of the Police, Probation service (ViSOR), Prison service and Adult Services to undertake this risk assessment and to provide us with a copy.
- 10.4 We will work with the local authority to ensure that the nomination is to a suitable property.
- 10.5 Risk assessments for Level 2 and Level 3 offenders (the categories used by MAPPA) must be approved by the Business Partner, Assistant Director or Director.

11. Tenancy Agreements

- 11.1 Each tenant is issued with their own tenancy agreement containing the terms and conditions associated with their tenancy.
- 11.2 Rents are determined in accordance with our Rent Setting Policy.
- 11.3 Tenants that are new to social housing will generally be offered a starter tenancy. After twelve months, if the tenancy has been conducted satisfactorily the tenancy will automatically convert to an assured tenancy.

- 11.4 We will offer joint tenancies to those nominated by the local authority as joint applicants i.e. married couples and civil partners. We will generally not offer joint tenancies in other instances, e.g. friends, siblings, parent/child etc.
- 11.5 Where an existing mhs assured tenant moves into or transfers to a mhs property, they will retain their existing tenure rights.
- 11.6 Where an existing Heart of Medway assured tenant moves into or transfers to a Heart of Medway property, they will retain their existing tenure rights.
- 11.7 Where an existing mhs assured tenant moves into or transfers to a Heart of Medway property (and vis-versa) they will be issued an assured tenancy.
- 11.8 For incoming tenants who are under 18, the tenancy will generally be held in trust (e.g. by the local authority, support agency or family member) until they reach 18
- 11.9 Customers who transferred over to mhs when we took the original stock transfer from Medway Council have Protected Tenancy's which give them additional benefits, such as the right to buy and lower rents. When they move to another mhs property they retain some, or all these rights.
- 11.10 Protected customers falling into one of the three categories below will keep both their protected tenancy and protected rent
- Protected customers moving because of a medical reasons or Domestic Abuse on a Social Priority Move
 - Protected customers moving because of a decant
 - Protected customers moving into sheltered (even if they have bid to move on Kent HomeChoice)
- 11.11 Protected customers moving from mhs to mhs for all other reasons will retain their right to buy but not their protected rent.
- 11.12 Protected customers moving from mhs to Heart of Medway will lose their protected tenancy and will go on to a Starter tenancy.

12. Occupancy Levels

- 12.1 We will offer a property within the following property size ranges:

Property Size	Household Size
Bedsit	Single person
1 bedroom	Single person or Couple
2 bedrooms	1 or 2 adults with 1 child or more than 6 months pregnant

	1 or 2 adults with 2 children of the same sex aged 16 or under 1 or 2 adults with children of opposite sex aged 10 or under
3 bedrooms	1 or 2 adults with 2 children of the same sex when one is over the age of 16. 1 or 2 adults with 2 children of opposite sex when 1 is over 10 1 or 2 adults with 3 or 4 children if age and sex meet the criteria (see below)
4 bedrooms	1 or 2 adults with 3 or more children depending on age and sex criteria (see below)
5 bedrooms	1 or 2 adults with 4 or more children depending on age and sex criteria (see below)
Bungalow	Bungalows will be offered to applicants over 55. In areas that are not predominantly elderly they will be offered to applicants with a proven medical need for this type of accommodations.

12.2 The table is based on the following principles:

- Adults sharing accommodation full time but not living as a couple should have separate bedrooms
- Children of the same sex can share a bedroom until the age of 16
- Children of the opposite sex may share a bedroom until the age of 10
- No more than 2 children can share a bedroom regardless of age or sex

12.3 Using a dining room as a bedroom –Where a property has a dining room, we would normally expect that this room will continue to be used for this purpose or some other function and would not normally be used as a bedroom. However, we recognise that some large households may only be suitably accommodated if the dining room is used as a bedroom and this would be permitted.

12.4 When an applicant has joint custody of a child(ren) we will only consider the child(ren) of the household where the parent or guardian has the principal care and control. This is identified as the person claiming Child Benefit.

12.5 Where an individual or member of a family has a disability, we will try to ensure that the property meets their needs. Where a property has specialist adaptations and is let to non-disabled applicant adaptations such as flush floor showers will not be removed.

13. Local Lettings Plan

- 13.1 Local Lettings Plans will be drawn up as required for new developments. Any Local Lettings Plans approved by the relevant Local Authority will be on first lettings only and will override the Nomination Agreement. On any subsequent lettings the conditions of the Nominations Agreement will apply.
- 13.2 We will, as required develop Local Lettings Plans for existing neighbourhoods. These arrangements varying our usual allocations policy and will aim to address very specific local / estate problems such as anti-social behaviour, high tenancy turnover rates, high void rates.

14. Monitoring

- 14.1 The letting of social housing is reported through Continuous Recording (CORE).
- 14.2 Internally we monitor lettings activity by:
- Property type and location
 - Tenancy and rent type
 - Number of refusals
 - Applicant type
 - Levels of satisfaction
- 14.3 The allocations and void process are subject to annual audits to ensure the procedures and process are followed.
- 14.4 An annual lettings report will be presented to the Board and Local Authority partners detailing letting activity during the year.

15. Appeals

- 15.1 We are committed to operating in a way that is transparent and fair. We will review any allocation / letting decision that an applicant or tenant believes is unreasonable or unfair. Any such appeal will be to the Business Partner or Assistant Director and will be heard within 5 working days.
- 15.2 It is our policy not to hold any property vacant pending the outcome of an appeal, (unless the local authority is willing to cover the rent and other charges during the period the property is vacant).

16. Equality Statement

- 16.1 This policy applies to customers of all the tenures listed in section 2 of this policy.
- 16.2 mhs homes wants to make sure that no person receives less favourable treatment from the organisation on the grounds of age, disability, gender reassignment, marriage, civil partnership, pregnancy, religion or belief, race, sex, or sexual orientation.
- 16.3 mhs homes recognises it must comply with the statutory duties imposed by the Equality Act 2010, including the Public Sector Equality Duty, having due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other detrimental conduct
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 16.4 This policy will be reviewed in three years' time or earlier if required by legislation, new significant guidance or in response to specific incidents.

Change Log		
Version	Date	Change
V2	Feb 22	Policy rewrite and reformat
	April 22	Occupancy Levels - In Maidstone children over the age of 16 should be allocated a room each. Agreed by Operations Director Eoin Keogh
	August 2022	Debts over six years old to be discussed with BP or AD before bypassing
	Jan 2023	Occupancy levels in all areas have been aligned to children over the age of 16 should be allocated a room each.
	May 2023	Age changed from 60 to 55 for supported living 11.7 customers transferring from HoM to mhs and vice versa will retain their assured tenancy.
	Oct 2023	Age for sheltered reverted back to 60 due to issues advertising on the new Huume system
Minor Change – Approval by Assistant Director		
Major Change – Approval by Assistant Director		