

# Lettings Policy



Directorate: Communities

Issue Date: July 2020

Revision Date: April 2023

Version: V3

## Document Information

### Scope:

The aims and objectives of this policy are:

- To make full and effective use of our housing stock
- To ensure we help those in most need
- To ensure the widest possible access to social housing by offering people a choice of affordable accommodation
- To promote equal opportunities of access for all eligible applicants
- To ensure we do not discriminate on the grounds of race, gender, age, disability, religion, sexual orientation, pregnancy and maternity, gender reassignment or marriage & civil partnership
- To ensure responsible lets through sensitive affordability assessments
- To set out clear standards of service and performance
- To ensure Salix Homes complies with housing law and best practice
- To aid in the prevention of Homelessness
- To achieve sustainable communities where people choose to live

### Service Standards / Performance Measures / Corporate Strategy:

#### Average Standard re-let time (days)

% of General Needs properties currently tenanted

% Sheltered properties currently tenanted

% of void loss due a property being void

#### Tenancy turnover

% of lets made on 1<sup>st</sup> offer

### Risks:

**Risk - Low Demand for Salix properties:** General Need properties / Sheltered:

#### Mitigation:

- Direct offers to Homeless applicants
- Direct offers to Homeless supported accommodation in Salford
- Direct offers via non CBL systems – Zoopla / Rightmove
- Complete marketing review of sheltered housing schemes

**Risk - Welfare reform legislation:**

#### Mitigation:

## Document Information

- Robust affordability assessments completed as & when required
- Referrals to Welfare rights Officer to maximise individual income
- Responsible landlord – will not allow applicant to go into financial hardship

### Risk - Tenancy turnover

#### Mitigation:

- Quarterly analysis of exit survey questionnaire per Neighbourhood
- Complete a sustainability assessment of current stock

### Risk - Removal of age banded properties

**Mitigation:** Proactive neighbourhood management

### Related Policy/Procedure & Documents:

- Empty Properties Procedures
- Empty Properties Lettable Standard
- Salford City Council Allocations and Lettings Policy
- Management Move Policy
- ASB policy & Procedure

### Related Legislation / Relevant Regulation:

Salix Homes is required to comply with statutory requirements and rules and guidance issued by the government and their departments

Whilst the following is not exhaustive the requirement laid out have been taken into account when formulating this policy and all staff will refer to the documents listed for further clarification or seek legal advice where necessary:

- Housing Act 1985
- Housing Act 1996
- Data Protection Act 1998 (as amended by statutory instrument 2002 No 2905)
- Localism Act 2011
- Defective premises act 1972
- Landlord & tenant act 1985

### Retention & Legal Basis for Storage:

Information captured from Salford Home Search will be kept for the length of the tenancy plus 10 years as per the Data Retention Schedule.

Salix Homes processes personal information in relation to the letting process to provide housing, which is processed using the purpose “Necessary for Contract”.

**Stakeholders:**

The review of this policy resulted in minor changes; therefore, Stakeholder consultation was not required.

**Data Protection Impact Assessment (DPIA)**

A DPIA was completed and determined that no changes to processing activities were required.

**Equality Impact Assessment (EIA)**

An EIA was completed and determined that no changes to processing activities were required.

## Introduction

1. This policy is designed to support our vision of helping our communities to live, grow and thrive together, by providing good quality, desirable and affordable accommodation. The policy will ensure that our housing stock is allocated to applicants who are in the most genuine need of a home and who can reasonably be expected to afford and sustain a tenancy with us.
2. The policy recognises Salix Homes' statutory and regulatory responsibilities as a Registered Social Landlord (RSL) to assist the local authority in the discharge of their duties under Part VII of the Housing Act 1996.

## Salford Home Search

3. Salix homes work in partnership with Salford Council who advertise our properties via the Choice Based Lettings system (CBL). CBL allows applicants who are registered on Salford Home Search to express an interest on properties available to rent.
4. Salix Homes will keep the process as straightforward and as easy to understand as possible and provide information and advice so that applicants can make informed choices. Salix Homes are aware of the potential impact of Welfare Reform on our tenants and this policy also aims to enable existing customers to use the CBL system to identify the most appropriate accommodation that meets their housing needs.
5. Salford Home Search gives applicants more choice when looking for a new home in Salford. It allows the applicant to register, express an interest in properties and make amendments to an application. Managed by Salford City Council, Salford Home Search aims to give new and current tenants greater choice.
6. Applicants can express an interest in a property either online, by text, on the telephone or in person at the Home Search Offices.
7. Successful applicants will be contacted and given the chance to view the property. All applicants will be able to see their final position in their expression of interest history on the Home Search Website.

## Housing Register

8. To be eligible to join the Salford Home Search register applicants must meet at least one of the following criteria:
  - Have lived in settled or permanent accommodation in Salford for a minimum six months out of the last 12 months.
  - Be permanently employed in Salford.
  - Have a close family member (parents, children or brother/sister) living in Salford now and has done so for at least five years.
  - Are statutory homeless and Salford City Council has a legal duty to help.

## Banding of Properties

9. All housing applicants will be allocated a band appropriate to their housing need. Banding is a way of ensuring fairness in the allocation process that takes into account housing circumstances and needs. Applicants will be allocated one of the following bands:
- Full duty statutory homeless
  - General housing need
  - Accessible accommodation

## Allocating / Offering Properties

10. At the end of each bid cycle, a shortlist of bidders is generated for each property advertised. The sort order for each shortlist is as follows:
- Applicants band
  - Number of bedrooms
  - Size of moving group
  - Number of needs
  - Date registered with Salford Home Search
11. There will be no restrictions placed upon any of Salix Homes properties based on age or any other defined characteristics. Salix Homes will complete all pre-allocation checks to determine if the applicant is still eligible and qualifying. If so a provisional offer of accommodation will be made.
12. Once an applicant has been made an offer of accommodation and the applicant has accepted, the applicant will be unable to express an interest in further properties advertised during future bid cycles.
13. From March 2020, an applicant can receive two offers of suitable accommodation. If the applicant refuses two offers of suitable accommodation which meets their housing needs, the applicant (and their households), housing application would be cancelled, and they can then reapply in 12 months' time.
14. Statutory homeless applicants will be made one offer of suitable accommodation which will bring their housing duty (under the homelessness legislation) owed to them to an end. If refused, their housing application will then be moved into the General Housing needs category. A second offer of accommodation may be made but only after their Salford Home Search application has been updated and moved into the General Housing Needs category.
15. Applicants have the right to request a review of the decision to suspend their application, this is completed by a Service Manager from Salford's Housing Options team.

## Mutual Exchange

16. Salix Homes will support mutual exchanges where appropriate to do so. A mutual exchange is simply a home swap with another social housing tenant. People move for a variety of reasons for example their current home is too large or too small. Applicants can swap homes with any council tenant or Housing Association tenant in the UK providing that they and the other tenant have the right to mutual exchange and both parties agree to swap.

## Transfers

17. Existing Salix Homes customers who are in housing need can register on Salford Home Search and express an interest in any available property. Applicants will be assessed in the same way as a waiting list applicant. Their application will be determined according to their individual need.
18. All offers to transfer will be subject to a property inspection, must have a clear rent account and have a good tenancy history. If the property does not pass a transfer inspection the customer will be expected to remedy any identified issues and will not qualify for transfer until they have been completed.

## Management moves

19. In exceptional circumstances where interventions and legal powers may not be adequate, Salix Homes will consider rehousing customers outside of the CBL system. These applications will only be approved in exceptional circumstances and due to significant issues at the current property which Salix Homes and the customer agree can only be resolved by urgent relocation.
20. Circumstances which would be considered for approval include:
  - Serious harassment and/or victimisation.
  - Targeted criminal or anti-social behaviour.
  - Serious detriment to a customer's health due to the type of accommodation.
21. All applications will be assessed by a panel of managers in the Communities Directorate. All applications will be assessed on merit and should be supported by evidence such as Police reports or medical evidence.
22. Customers granted a management move will be made one offer of suitable accommodation. Depending on the reason why the management move was agreed, the panel may insist that the applicant moves outside of the locality where the risk has been identified.

## Downsizing

23. Salix Homes will help and support customers who wish to downsize, the household must meet the following criteria:

- They must be under-occupying the property under the housing benefit regulations.
  - Be claiming housing benefit and be affected by the removal of the spare room subsidy.
  - Are unable to meet their rent obligation as a result of welfare reforms.
24. If the above criteria is not met households will be considered to be adequately housed and therefore not eligible to downsize.

## Affordability assessments

25. Salix Homes is committed to ensuring that we do not contribute towards placing people in financial hardship and indebtedness. Therefore, as a responsible Landlord we will only let properties to people who are able to demonstrate that they can afford them. In turn this will help us to develop sustainable tenancies and communities.
26. The affordability assessments are designed to ensure that any new lets made by Salix Homes are sustainable and are in the best interest of the applicant. To ensure we create sustainable communities we will:
- Ensure that the applicant designated as in most housing need and is able to afford the property will be made a firm offer.
  - Affordability assessments will be based on disposable income only and not on employment status.
  - Only allow an applicant to under occupy a Salix Homes property if they have been in work for 6 months or longer.
  - Ensure any applicants who are economically active must have a disposable income of £30 or more per week after all essential outgoings have been taken into consideration.
  - Complete an assessment on all applicants who have seen a reduction in their income due to the benefits cap or other welfare reforms.
27. The only exception to this will be current customers moving as a result of redevelopment / clearance, who will be allowed to under occupy by one bedroom where they previously had one or more spare bedrooms in their current property.

## Hard to let Properties

28. On occasions when a property becomes hard to let, Salix Homes will look at other advertising options including:
- The 'ready to let' cycle on Salford Home Search
  - Rightmove, Zoopla and other agents
  - Pinpoint

29. These options will only be considered once a property has been advertised through Salford Home Search and we have not been able to allocate

## Non-Traditional Housing Stock

30. Where Salix Homes manages bespoke housing schemes that fall outside our core housing stock an appropriate agreement will be provided that is appropriate to the use and type of accommodation that is provided including but not limited to:
- Excluded licence agreements
  - Assured Fixed Term Tenancies
  - Assured Shorthold Tenancies

## Alexander Gardens

31. Salix Homes operates an exclusivity arrangement with Salford Royal NHS Trust for the allocations and letting of homes at Alexander Gardens. The rationale underpinning the arrangement is the ability to offer new employees stable, local, high quality accommodation, which would assist the Trust in its recruitment and retention of clinical staff.
32. Salix Homes will grant Assured Fixed Term Tenancies of two years to the applicants provided by the Trust in order to encourage a high turnover of accommodation, meeting the long-term needs of the Trust in its recruitment and retention of staff.

## The Hive

33. Salix Homes has a shared accommodation unit, the Hive, the scheme is designed for young people aged 18-25 who are currently in employment and/or training. Due to the shared nature of the accommodation, Salix Homes grant customers licence agreements.

## Caravan Site

34. Salix Homes manages a caravan site on behalf of Salford City Council. Applicants wishing to be considered for a pitch on the caravan site can do so by contacting Salix Homes direct. Applicants will be considered under the Caravan Site Lettings Policy. The site consists of 25 permanent and 5 transient pitches. Salix Homes will provide a written agreement as outlined by the Mobile Homes Act 1983.

## Fixed Term Tenancies

35. During the fix term tenancy, Salix Homes can serve on the Tenant at least 2 months' notice in writing under Section 21(1)(b) of the Housing Act 1988 to expire on the last day of the fixed Term.
36. At the end of any fixed term tenancy, Salix Homes will undertake a review of the



tenancy, if this has been managed appropriately and throughout this fixed term there has been no tenancy breaches, Salix Homes will offer a new fixed term contract. If the tenancy hasn't been conducted appropriately Salix will end the tenancy at the end of the fixed term period.

37. During any fixed term period, Salix Homes will accept 4 weeks' notice if the current tenant wants to leave the property. If there is a breach of any of this Agreement by the Tenant, Salix Homes may serve Notice in accordance with Section 8 of the Housing Act 1988 (as amended). If the rent falls into arrears for at least 21 days after it was due (whether legally demanded or not) or if there is a breach of any of Fixed term agreement by the Tenant, Salix Homes may re-enter the property ( subject to obtaining a Court order for possession ) and immediately terminate the tenancy without prejudice.

## High Rise Buildings

38. Salix Homes will allocate properties within high rise buildings to families; however it is recognised that additional risks are associated with young children living in this type of accommodation. In order to make suitable offers to families for this type of accommodation, a comprehensive risk assessment has been completed to support the decision-making process of determining suitability. A copy of the risk assessment can be found at Appendix 2 of this policy.

A summary of this approach is outlined below:

- Properties in high rise buildings which benefit from an open balcony will not be allocated to families.
- Families with children 11 years and older can be allocated any property within a high-rise building, save for other restrictions within this criteria.
- Families with children under the age of 11, will not be offered any property within a high-rise building situated on the fourth floor or above.

## Ineligibility

39. Salix Homes will consider applicants ineligible for a number of reasons including:
- Applicants who provide false or misleading information in relation to their Salford Home Search application.
  - Applicants who do not provide evidence to confirm they have UK or EU citizenship.
  - Applicants with indefinite or limited leave to remain in the UK; or they have applied for an extension of their leave to remain if it has expired.
  - Applicants who own or have a legal interest in a property anywhere in the UK or abroad
  - Applicants who have been convicted of a serious criminal offence, or have been guilty of anti-social behaviour, or other unacceptable behaviour including a history of causing serious nuisance or annoyance to neighbours within the

past five years. Unacceptable behaviour may also include serious damage or neglect of a property.

- Applicants who have a conviction for using accommodation or allowing it to be used for immoral or illegal purposes such as drug dealing.
  - Applicants who have current or former tenant arrears with Salix Homes. We may make exceptions if the applicant is needing to downsize because of a reduction in welfare benefits which means their home is no longer affordable ( any arrears will be written into the new tenancy agreement ) or if we have identified that their current home is no longer suitable due to medical reasons.
  - Applicants who have current or former tenant arrears with another Landlord. We may make exceptions if the applicant has been given a statutory duty by the local authority.
  - Applicants who are subject to legal action by Salix Homes or another Landlord on the grounds of a serious breach of tenancy, such as anti-social behaviour or action under the environmental protection act.
  - Applicants who do not provide evidence to confirm they have the means to pay the weekly rent charge.
  - Applicants who fail an affordability assessment due to insufficient funds available to pay the weekly rent.
  - Applicants with support needs which we are unable to meet internally or through an external support agency.
  - Applicants who are Salix Homes customers who have not resided in their current property for a minimum of 12 months (this may not apply to management moves or decants).
40. Salix Homes will reject or suspend an application where an applicant is deemed ineligible using the above criteria. However, Salix Homes reserves the right to decide, on a case by case basis and where there are exceptional circumstances, to rehouse an applicant who does not meet the eligibility criteria.
41. Salix Homes further reserves the right, in exceptional circumstances, to restrict offers of accommodation that are considered to be inappropriate in relation to any information obtained via a risk assessment or support needs assessment.
42. We will only consider high risk offenders where appropriate and robust support and risk assessment plans are in place and will continue after re housing has occurred. We will need to be satisfied that such an allocation complements our approach to safe, secure and sustainable communities.
43. Salix Homes will take action against any customer attempting to fraudulently obtain accommodation found to have deliberately lied, provided us with false information, or withheld information as part of the application process. Housing fraud is a criminal offence and we will take action against tenancy fraud. A property obtained by deception will be repossessed. If we discover this type of irregularity at the offer

stage, we will withdraw the offer.

44. Before any offer of accommodation is made, all applicants will be required to provide Salix Homes with references from their current landlord where they have one.

## Appendix

1. Lettable Standard.
2. Families living in high-rise risk assessment.