

# LETTINGS POLICY

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## 1 Purpose

- 1.1 Hastoe's vision is to lead in building sustainable homes and sustainable communities. At the heart of that vision is that we provide good quality, sustainable homes at reasonable costs for people with limited options in the housing market in accordance with our charitable objects.
- 1.2 We aim to:
  - actively assist local authorities in carrying out their statutory duties, including by:
    - adopting a tenancy policy;
    - letting properties through partnership with local authorities through established choice based lettings (CBL) schemes or nomination agreements; and
    - agreeing local lettings policies to promote sustainable communities.
  - restrict child density to a maximum of 40% in any scheme. (Child density is the number of children under 16 expressed as a percentage of the total population of the scheme. 40% child density means adults outnumber children by three to two)
  - recognise the need for geographical and financial mobility
  - recognise the needs of those for whom mobility within their homes is restricted
  - make provision for tenants who wish to transfer due to changed circumstances which mean their homes are no longer adequate for their needs
- 1.3 This Policy has links to the following Policies and Procedures:
  - Lettings Procedure
  - Lodgers and Subletting Procedure
  - Complaints Policy and Procedure
  - Starter Tenancy Procedure
  - Equality and Diversity Policy

## 2 Equality and Diversity

- 2.1 Hastoe has a statutory duty to eliminate all forms of discrimination in its services. We are opposed to all grounds of discrimination covered by the Equality Act 2010, i.e. race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership, sex, sexual orientation, disability, age; or any other unjustifiable criteria.
- 2.2 We intend that every application for a home will be dealt with fairly and consistently in line with this policy and with our Equality and Diversity Policy, and will comply with all legislation and other equal opportunity regulatory requirements.

# LETTINGS POLICY

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## 3 Tenure types

- 3.1 We will issue affordable rent tenancies at up to 80% of local market rents on all new schemes developed using grant funding. Affordable rents will include any service charges. We will convert a proportion of relets to affordable rents.
- 3.2 For all other lets we will issue assured tenancies at social rents.
- 3.3 We will use starter tenancies where this is consistent with our Starter Tenancy Procedure.
- 3.4 We will normally offer lifetime tenancies.
- 3.5 As per the requirements of the Secure Tenancies (Victims of Domestic Violence) Act 2018, we will assist our local authority partners in housing victims of domestic violence by offering lifetime, assured tenancies in all cases.

## 4 Renting a Home from Hastoe

- 4.1 We generally let properties through local authority CBL schemes or via nomination arrangements.
- 4.2 We will continue to let homes to people who lack the resources to obtain good quality sustainable homes through their own means.
- 4.3 When we receive applications we will consider the personal, commercial and professional resources of all members of the family, or household. The criteria listed in this document are of equal weight and the order of listing does not imply an order of priority, except where clearly indicated.
- 4.4 In order to maintain sustainable communities we reserve the right not to offer a home to:
  - anyone with a record of serious anti-social behaviour; or serious neighbour nuisance; or damaging a landlord's property or anyone with an undischarged County Court judgement for debt.
  - anyone in serious rent arrears with another landlord who cannot demonstrate that they have made an agreement to pay the arrears and have been maintaining the agreement for a period of at least six months
  - someone who has unreasonably refused offers of similar accommodation.
- 4.5 These are the circumstances in which a tenancy may from time to time be offered to an applicant outside the normal lettings procedures. These are:
  - when certain members of our estate staff retire and have to vacate a house or flat occupied on a service tenancy, or where a move is necessary for operational reasons
  - when a tenancy has ended due to the death of a tenant or due to the tenant needing to move into residential or other supported housing and someone who has been living with them will as a result be made homeless
  - when a tenant is experiencing severe financial hardship as a result of

## LETTINGS POLICY

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the benefit cap or under occupancy rules introduced through welfare reform.

- when a local authority choice based lettings cycle has failed three times we will let the property direct through other means, such as Rightmove, or local estate agents, to a household whose total income is at a level that would prohibit them from successfully securing accommodation in the local market.

4.6 In these cases special criteria apply to ensure that we maintain fairness and that other potential applicants are not unreasonably disadvantaged.

4.7 We expect applicants who take up a tenancy with us to pay their rent by Direct Debit, unless there are exceptional circumstances why they cannot do so. We may also ask them to pay a deposit or rent in advance.

### 5 Eligibility for rented homes: general criteria

5.1 As a general rule, for an application or nomination to be eligible for consideration applicants must be unable through their own means to purchase or rent a satisfactory and sustainable home. Their current living conditions must also be unsuitable for one or more of the following reasons. They are:

- living in overcrowded conditions, or
- living in a property that falls short of the decent homes standard or lacks basic amenities, or
- occupying the home on a short term agreement that can be terminated in less than 12 months, or
- living in tied accommodation, or
- accepted as homeless or at risk of homelessness by a local authority because their present accommodation is unsuited to the needs of the applicant or someone who lives with them or
- unable to benefit from economic, social or community support which the applicant, or someone who lives with them, need and which is available close to our development, or
- spending a disproportionate amount of time commuting to work or to fulfil other responsibilities, or
- in circumstances which force them to live apart from a partner or other people or members of the family who would otherwise live with them, or
- adequately housed at home with their family and needing to set up home independently for the first time, or
- unable to afford outright purchase or market rent although able to pay intermediate or sub-market rent.

5.2 As affordable homes are in short supply in southern England we do not usually offer a home with a spare bedroom except in the following circumstances:

- on developments where child densities exceed, or are likely to exceed, 40%

## LETTINGS POLICY

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- if a member of the family has a long term illness or disability and may need a carer to stay overnight
- if the applicant's main employer requires them to work from home or someone who lives with them has to work from home
- in areas where we deem our housing to be in low demand
- if children, who normally live with their other parent, frequently stay overnight.

### 6 Matching applicants to size and type of property

- 6.1 Two and three bedroom houses or flats are generally offered to families and households made up of more than two people. We do not expect children of opposite sexes to have to share a bedroom at any age, and it is our policy to allocate separate bedrooms for families in these circumstances. The welfare benefit system allows for children of opposite sexes to share a bedroom until the eldest is 10 years old, so we will always advise applicants of the potential impact at the point of offer. We will require an undertaking from applicants that they understand the situation and that they will pay the full rent due whatever their benefit status.
- 6.2 If it is the best solution at the time of allocation and the applicant's choice, we will be flexible and allow children of opposite sexes where the oldest child is under 10 to share a bedroom.
- 6.3 We do not normally offer families with young children a home in certain high-rise blocks of flats or on some estates where the population is predominantly elderly. We will make details of these local criteria clear when we advertise properties or ask for local authority nominations.
- 6.4 Where necessary to address issues such as anti-social behaviour and social exclusion, or to promote diversity, we may, with the agreement of the relevant local authority, adopt a local lettings policy. When local or area based lettings policies apply we will give details when we advertise properties or ask for local authority nominations.
- 6.5 We only offer one bedroom properties and one room flats to single people or couples.
- 6.6 We will take legal action to evict any tenant found to have misrepresented their circumstances in their application.
- 6.7 We have built many affordable homes in villages and market towns. These are frequently developments for local people who would otherwise have to move away to find an affordable and sustainable home. We give priority to local people on these schemes even if those living further away are in greater housing need. As a rule, we only build these homes if they have strong support from District and Parish Councils. For this reason most are subject to additional allocations criteria which are a condition of the planning permission. The additional criteria apply to all applicants. As a general rule we apply the following criteria when homes in villages and market towns are offered to new tenants:

## LETTINGS POLICY

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- first priority is given to those who, live, work, have previously lived or previously worked or have family connections in the parish in which the homes are situated.
- second priority is given to those who, live, work, have previously lived or previously worked or have family connections in the parishes surrounding that in which the homes are situated.
- third priority is given to those who live, work, have previously lived or previously worked or have family connections in the local authority area in which the homes are situated.

6.8 In some villages different criteria apply. Where this is the case we will make them clear when we advertise a vacant property or ask for a local authority nomination.

6.9 If two or more applicants are equally eligible for a vacancy by virtue of their local connection we will prioritise their applications according to who comes highest on the choice based lettings or nomination shortlist. This will normally be the applicant with the greatest housing need or who has been on the list for the longest time.

6.10 We seek to fully occupy our rural homes in line with clause 6.1. We will, however, allow homes in rural areas to be under occupied by one bedroom by a local household before allocating to tenants from further away.

### **7 Lodgers and Subletting**

7.1 We do not allow tenants to sublet their homes. This is a breach of their tenancy agreement and will result in us taking action against them, up to and including eviction. It may also be tenancy fraud, which is illegal.

7.2 Households may take in a lodger. Lodging is covered in our Lodgers and Subletting procedure, available on request.

### **8 Buying a home from Hastoe**

8.1 We build some new houses and flats for sale on shared ownership terms. We decide the percentage split between what the share we sell and the share we rent to the occupant. We also nominate new purchasers to shared owners who wish to sell homes previously bought from us.

8.2 Shared owners buy a lease for a percentage of the value of in the home and pay a monthly rent for the percentage we still own. Some shared ownership leases include staircasing terms. This means the leaseholder can, at a later date, buy more shares in their home and in some instances acquire full freehold ownership.

### **9 Eligibility for shared ownership homes**

9.1 To be eligible for shared ownership applicants must be unable to afford to buy an adequate home on the open market. They must however be able to afford to purchase their share in the value of the home, pay the costs associated with house purchase and pay the monthly rent on the share we retain. We will

## LETTINGS POLICY

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arrange for all applicants for shared ownership to have a financial appraisal before we make them a formal offer.

- 9.2 Applicants for shared ownership must generally be first time buyers. Exceptionally we will make an offer to home owners who are going through a relationship breakdown, or who are elderly and looking to downsize with a lower mortgage or become mortgage free.
- 9.3 When we sell two and three bedroom houses or flats, first priority is given to families and households consisting of more than two people, although in some exceptional circumstances we may make an offer to a single person. We will only offer one bedroom properties to single people or couples.
- 9.4 When more than one applicant qualifies for a house or flat we will give priority to the applicant whose need for a new home is greatest. The criteria we use in this assessment are that they are:
- living in overcrowded conditions, or
  - living in a property that falls short of the decent homes standard or lacks basic amenities, or
  - occupying their home on a short term agreement that can be terminated in less than 12 months
  - at risk because their current accommodation is unsuited to the needs of a member of the household, or
  - unable to benefit from economic, social or community support needed by a member of the household and which is available close to our development
  - in circumstances which force the applicant to live apart from a partner or other people or members of the family who would otherwise live with them
  - unable to obtain appropriate housing through outright purchase or market rent although able to afford shared ownership
- 9.5 We also apply these additional priorities when assessing eligibility for shared ownership in villages.
- first priority will be given to applicants who, live, work, have previously lived or previously worked or have family connections in the parish in which the homes are situated.
  - second priority will be given to applicants who, live, work, have previously lived or previously worked or have family connections in the parishes surrounding that in which the homes are situated.
  - third priority is given to applicants who live, work, have previously lived or previously worked or have family connections in the local authority area in which the houses are situated.
- 9.6 We will allow homes in rural areas to be under occupied by one bedroom by a local household before allocating to applicants from further away.
- 9.7 In some villages different criteria apply. When these apply we will issue details with application forms.

## LETTINGS POLICY

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### 10 Applying for a shared ownership home

- 10.1 For all new shared ownership properties built with government funding since 2006 we obtain referrals from the relevant Homebuy Agency. Homebuy Agencies are designated organisations, set up by the Government, which hold waiting lists for all shared ownership schemes.
- 10.2 When an existing shared owner wants to assign their lease we will generally ask for referrals from the relevant Homebuy agent. For rural schemes we may also contact the local parish councils to see if they know of any interested parties.
- 10.3 We assess all applications referred to us. We write to all applicants who do not qualify under the scheme criteria telling them of this. We hold details of unsuccessful qualifying applications for two years. We may consider these applications again if a similar vacancy occurs during that time.

### 11 Intermediate and market renting

- 11.1 We may from time to time rent properties on an intermediate or full market rent basis. This may be a response to market conditions or to new product opportunities and will always be in accordance with any obligations under local agreements or funding conditions.

### 12 Transfers

- 12.1 We reserve the right to offer void properties outside existing CBL and local authority nomination arrangements to households who are in financial hardship because of welfare reform and who need to downsize.
- 12.2 Tenants whose situation has changed and who wish to move to a vacant home more suited to their current needs may apply directly to us for a transfer.
- 12.3 We normally only accept applications for transfer from tenants whose tenancy record is satisfactory.
- 12.4 We will advise transfer applicants of other options to help them resolve their housing needs.
- 12.5 The applications, assessment and lettings procedures for transfers will be the same as those for new applicants for rented homes.

### 13 Mutual exchanges

- 13.1 We will let tenants exchange homes with tenants of local authorities or other registered social landlords if:
- both landlords approve the exchange in writing
  - both landlords agree the date for the exchange in writing
  - in the case of a house or flat subject to a Section 106 Agreement or other legal or contractual restrictions, the incoming tenant can demonstrate that they meet the requirements of these legal agreements.
- 13.2 We will refuse our consent to an exchange if the incoming tenant qualifies under any of the grounds for withholding consent listed in Schedule 3 to the

## LETTINGS POLICY

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Housing Act 1985, including:

- the existence of a court order to evict the tenant
- the tenant's landlord has served notice of proceedings for possession
- the accommodation is either substantially larger than the household needs (one spare bedroom is allowed) or is too small and would be overcrowded
- it is tied accommodation or the property is part of a building not mainly used for housing purposes
- the landlord is a charity and the proposed new tenant would not qualify for help from that charity
- the property is adapted for, or has special facilities for, or is provided for specific groups of people and the proposed new tenant does not qualify for such accommodation
- a condition relating to tenant management co-ops.

13.3 Hastoe subscribes to Homeswapper, a national organisation which allows tenants of social rented landlords to find partners for mutual exchanges. We publicise this to our tenants. Exchanges set up through Homeswapper are subject to the eligibility criteria in this Policy.

### 14 Succession

14.1 Succession is the transfer of a tenancy (not a property) to a qualifying person following the death of a tenant. When a tenant dies we will investigate and respond promptly and sensitively to applications for succession. This policy allows for only one single right of succession to a tenancy. Where there is an existing joint tenant that person automatically becomes the sole tenant through succession. If there is no existing joint tenant statutory succession will apply in the first instance and over any other claim.

14.2 We will consider granting a new tenancy through succession if the applicant:

- is the deceased tenant's partner or immediate family member or carer or
- has taken on the responsibility for the deceased tenant's child or children; and
- has been living in the property as their principal home for over 12 months.

14.3 When exercising discretion under this policy we will take account of:

- the relationship between the proposed successor and the deceased tenant
- the length of time the applicant has been resident
- the applicant's eligibility to apply for alternative accommodation
- the applicant's housing need
- the size of the property and whether it would be under- or over occupied



## LETTINGS POLICY

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- whether the property has any adaptations or services which are not needed by the applicant
- whether refusing to grant a new tenancy would cause any undue hardship or distress.

### 15 Appeals

- 15.1 Appeals regarding the implementation of this policy, including appeals on the type of tenancy offered, can be made via our Complaint Procedure.
- 15.2 Anyone who is dissatisfied with our service or with any decision we make may follow our Complaint Procedure
- 15.3 Copies of the Complaint Policy and Procedure are available from any Regional Office, and the Policy is also on our website: [www.hastoe.com](http://www.hastoe.com)