

LETTINGS POLICY

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:
 - adhering to our 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.
- 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 (in accordance with section 10 of this policy)

1.3 This Policy has links to the following Policies and Procedures:

- Lettings Procedure
- Management Move procedure
- Lodgers and Subletting Procedure
- Complaints Policy and Procedure
- Starter Tenancy Procedure
- Domestic Abuse policy
- Safeguarding 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 will comply with all legislation and other equal opportunity regulatory requirements.

3 Tenure types

3.1 For all lettings (relets and new builds) we will issue either an affordable rent or social rent tenancy. This will depend on the grant funding at the time of construction.

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- 3.2 We will generally offer Starter Tenancies for all new rented lettings (relets and new builds). Exceptions are where we are required to comply with the tenancy standard.

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 recent history of anti-social behaviour or neighbour nuisance; or damaging a landlord's property or anyone with an undischarged County Court judgement for debt.
 - anyone with previous criminal convictions, which would make the allocation inappropriate.
 - 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 twelve months
 - someone who has unreasonably refused offers of similar accommodation.
 - If the property is deemed as unaffordable to the incoming applicant, being unaffordable means that the overall outgoings exceed the total income to the home. These cases will always be assessed by our Benefits and Welfare Advisors prior to any refusal
- 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. This is dependent on the suitability of the property and is assessed on a case by case basis

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- when a tenant is experiencing severe financial hardship as a result of 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 Homeswapper, Rightmove, Zoopla, 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.

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 to purchase or rent a satisfactory and sustainable home through their own means. We will default to Local Authority guidance regarding affordability.

Their current living conditions must also be unsuitable for one or more of the following reasons. They are:

- living in overcrowded conditions,
 - living in a property that falls short of the decent homes standard or lacks basic amenities,
 - occupying the home on a short term agreement that can be terminated in less than 12 months,
 - living in tied accommodation,
 - 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
 - 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,
 - spending a disproportionate amount of time commuting to work or to fulfil other responsibilities,
 - 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,
 - adequately housed at home with their family and needing to set up home independently for the first time,
 - 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:

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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 for at least 50% of their working week where full time hours apply (minimum of 35 hours per week).
- in areas where we deem our housing to be in low demand
- To comply with the local connection criteria of a Section 106 or local lettings plan

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. Where possible we will allocate separate bedrooms for families which would be 1 bedroom above assessed need. 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 financial 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 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 provide details when we advertise properties or ask for local authority nominations.
- 6.3 We only offer one bedroom properties and one room flats to single people or couples.
- 6.4 We will take legal action to evict any tenant found to have misrepresented their circumstances in their application.
- 6.5 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 (this includes under-occupancy by one bedroom). 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 applies to all applicants. As a general rule we apply the following criteria when homes in villages and market towns are offered to new tenants:

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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.

6.6 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.

6.7 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

6.8 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.

6.11 Applicants for flat accommodation above the ground floor need to be able to evacuate the property in the event of an emergency using the stairs. Where applicants are unable to do this we reserve the right withdraw any offer of property.

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 (subject to receiving permission in writing). Lodging is covered in our Lodgers and Subletting procedure, available on request.

8. Buying a home from Hastoe

8.1. We have a specialist Sales team, who will handle sales of Hastoe homes (new build and resales).

8.2. All properties are advertised on Share to buy and Zoopla, rural properties are also advertised through the parish council and Local Authority

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- 8.3 We build mainly new houses and some flats for sale on shared ownership terms. For new build homes the minimum share available to purchase is based on the type of model lease and in line with the affordability assessment. For resale homes, the minimum share available to purchase is the share that the current owner owns.
- 8.4. Shared owners purchase a share of the property and pay Hastoe rent on the remaining Hastoe equity. Most shared ownership leases allow for staircasing to 100% ownership over time, this means that the shared owner can purchase the ownership of the property. In some cases they are able to acquire the freehold. Most of Hastoe's rural shared ownership leases are restricted to 80% maximum ownership, which means the shared owners can never own 100%. This is to ensure that the property remains as an affordable shared ownership home for local people in perpetuity. Fixed percentage leases do not allow for any staircasing. The latest Homes England shared ownership model lease allows for incremental staircasing at 1% each year for 10 years

Eligibility for shared ownership homes

8.5. To be eligible for the shared ownership scheme, applicants must be unable to afford to buy an adequate home on the open market. Their combined household income must be £80,000 a year or less and they must fulfil the following criteria:

- Be a first time buyer, forming a new household,
- Be an existing shared owner who wants to sell,
- Be a current or previous home owner who wants to move but cannot afford a home on the open market.

8.6. Applicants must complete an application form to allow the Sales Team to assess their eligibility for the shared ownership scheme.

8.7. Applicants must also pass a financial assessment with an independent financial advisor before Hastoe is able to formally offer the property. Applicants must be able to demonstrate that they can afford the monthly rent, service charge and mortgage payments for the home. This affordability assessment is based on two stages in line with Homes England requirements. .

8.8. When Hastoe sells two and three bedroom houses or flats, first priority is given to families and households consisting of more than two people. We will only offer one bedroom properties to single people or couples.

8.9 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

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- 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

8.10. We also apply these additional priorities when assessing eligibility for shared ownership in rural areas:

- 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.

Applying for a shared ownership home

8.11. All interested applicants must follow the application process to apply for a shared ownership property

8.12. An application form must be completed so the Sales Team can assess the applicants eligibility for the shared ownership scheme and local connection if required. The applicant must also pass a financial assessment with an independent financial advisor.

8.13. Once an application has passed all assessments, Hastoe would offer a viewing to the eligible applicant and inform all unsuccessful applicants accordingly

9 Intermediate and market renting

- 9.1 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.

10 Management moves

- 10.1 We will only accept applications from existing Hastoe tenants for direct permanent allocations where there is a significant housing need, in the following circumstances:
- The property they currently reside in is deemed unsuitable due to an ongoing medical issue and this need is confirmed by a suitably qualified medical professional.
 - Where the applicant is accepted as homeless by the local authority due to violence/abuse or the threat of violence/abuse. Where this involves issues of domestic abuse, please also refer to our Domestic Abuse policy.
 - To resolve ongoing and serious neighbour disputes where formal tenancy action cannot be taken to resolve the issues.
 - To enable a tenant to downsize where they cannot afford to continue living in their existing home.
 - Where the tenant and their permanent household is overcrowded in accordance with the Housing Act 1985, Part 10, sections 324, 325 and 326.
 - Where leaving the household in their existing home would present a risk to life due to the condition of the property and where this has not been caused by an act or omission by the tenant, a member of their household or a visitor to their home.
 - Where the property has been identified for redevelopment or market sale, we may encourage existing tenants to move to alternative accommodation by offering them a tenancy directly.
- 10.2 With the exception of tenants whose reason for requiring a move are due to the size of the property (i.e. they are either upsizing or downsizing) any property directly offered will have the same number of bedrooms as the tenant's existing home, unless this will cause the household to be under occupying by more than one bedroom or over occupying in accordance with the Housing Act 1985 Part 10 as set out above.
- 10.3 Tenants accepted for a management move must demonstrate that are also on the local housing register and have registered for a mutual exchange.

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- 10.4 Hastoe staff must not prioritise a tenant accepted for a management move over the requirements set out in local nominations agreements. Any direct offer must not exceed the percentage of homes we are allowed to exclude from local authority nominations, nor must it breach any other requirements such as local connection criteria.
- 10.5 We only accept applications for a management move from tenants whose tenancy record is satisfactory.
- 10.6 We will advise applicants of other options to help them resolve their housing needs.

Applications for management moves will be reviewed on an annual basis, to see if the applicant's circumstances have changed and whether a move to an alternative property is still required. Where the reasons for the application being accepted no longer apply, then the application will be cancelled.

- 10.7 Tenants accepted for a management move will be given one reasonable offer of accommodation. Where this is refused the application will be cancelled and no further application will be considered for a minimum of 12 months from the date the offer is refused.
- 10.8 The applications, assessment and lettings procedures for management moves will be the same as those for new applicants for rented homes.
- 10.9 Residents who are ineligible for rehousing via the local authority housing register due to income levels will not be accepted for a management move.
- 10.10 In the event that we have more than one household accepted for a management move for the same location and property type, priority will normally be in date order from the date the application for a management move has been accepted. The only exception to this is where there is a risk to life for one of the tenants or a member of their household by leaving them in their current accommodation. This risk must be confirmed by a suitable professional.

11 Mutual exchanges

11.1 We will let tenants exchange homes with tenants of local authorities or other registered social landlords if:

- our current resident complying with the obligation to pay their rent
- 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.

11.2 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 Housing Act 1985, including:

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- 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.

11.3 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.

12 Succession

12.1 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.

12.2 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 which they will need to provide evidence of.

12.3 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
- whether the property has any adaptations or services which are not needed by the applicant

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- whether refusing to grant a new tenancy would cause any undue hardship or distress.

12.4 Please refer to our succession Policy and Procedure for full details

13 Appeals

Anyone who is dissatisfied with the service we provide or a decision we make, can submit an appeal. The appeal will be dealt with by the Regional Manager and no further right of appeal will be available. The aim is to review the allocation process and ensure it adhered to our policies and procedures and to establish (where necessary) whether the original decision was correct and/or reasonable

Roles and Responsibilities

- Regional Manager: Responsible for each Regional team following our Lettings Policy and Procedure. Will review any appeals that result during an allocation. Will review and monitor lettings performance against targets
- Housing Team Leader: Will generally approve Allocations at the appropriate stage of the process. Will assist HO's with allocations/sign-ups should any difficulties or delays occur.
- Housing Officer: Will be responsible for the allocation process each time a vacancy (rented or new build) occurs. Completes all necessary application forms and ensures that supporting documentation is received. Generally carries out sign-ups with new residents
- Benefits and Welfare Advisors: will be responsible for reviewing all applicants on a low income or receiving support to ensure that the property is affordable for the applicant
- Regional Housing Administrators: Support the HO with the allocation process. Will arrange for properties to be advertised on Choice Based Lettings schemes, or request nominations from Local Authorities. Updates with the Active H system and processes all sign-up paperwork.
- Customer Services: Will often be the first point of contact for residents wishing to provide notice to end their tenancy. Will provide advice to residents who are looking to end their tenancy.
- Sales Team: Will oversee the process of New Builds sales and Resales, when an existing shared owner wishes to sell their home.

15 Monitoring and Reporting

The following areas will be subject to monitoring:

- Risk Management.
- Provision of training.

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- Compliance with policy and procedures.

These will be monitored by appropriate managers within each region, and reported to the Director of Housing. This policy is subject to Board approval.

16 Review

We will continually review our processes to ensure they are effective, proactive and fit for purpose, with formal review at least every two years.