

# **Allocations and Lettings Policy**

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| <b>Policy ref:</b>           | Allocation & Lettings      |
| <b>Policy author /holder</b> | Director of Neighbourhoods |
| <b>Date approved:</b>        | 13 November 2024           |
| <b>Approved by:</b>          | Executive Team             |
| <b>Effective date:</b>       | November 2024              |
| <b>Review date:</b>          | November 2027              |

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## **1 Purpose and anticipated outcomes**

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- 1.1 We own and manage over 40,000 homes across the Southwest of England. We know that far more people are in housing need in our region than we have homes available. Our ability to offer housing to people is limited by the number of vacancies that become available, and the size, type and location of these homes. This policy sets out how we will provide opportunities to our customers and potential customers who need to move and work in partnership with local authorities to allocate our available homes in a fair and transparent way that takes the needs of customers and prospective customers into account.
- 1.2 Through this policy we aim to:
- Provide access to affordable, good quality housing for those in housing need who are unable to meet their reasonable housing expectations in the open market.
  - Allocate our homes in a fair and transparent way which is easy for our customers to access and understand.
  - Provide opportunities for our customers who need more suitable housing to move home.
  - Make the best use of our available housing.
  - Let tenancies which are sustainable in the long term and contribute to stable and balanced communities.
  - Be efficient to minimise the amount of time our homes are empty.
  - Assist local authorities with their strategic housing responsibilities and to meet local housing needs.
  - Meet our legislative, regulatory and contractual requirements (Including nominations agreements).
  - Let homes in line with our charitable objects and the purpose of our housing.
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## **2 Scope and definitions**

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- 2.1 This policy explains how we allocate our social and affordable rented homes, including our rented housing for older people. We have other policies which apply to our Supported Housing, Extra Care Schemes, Market and Intermediate Rented Housing, and Home Ownership homes (including leasehold, retirement leasehold and Shared Ownership).
- 2.2 We have included definitions of some of the key terms used in this policy at Appendix A.

## **3 Routes to a LiveWest home**

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- 3.1 We currently allocate the majority of our homes through choice-based lettings (CBL) schemes. We believe that a CBL approach is transparent, fair, understood by our customers, and enables those applying for housing with us to best select a home which meets their needs for the long term.
- 3.2 We allocate a proportion of homes to applicants who are nominated by their local authority in accordance with the nominations agreements we have, this is usually but not necessarily through a local CBL scheme.
- 3.3 Where we are members of a local CBL partnership, we generally choose to advertise and allocate our homes, which are not subject to nominations agreements, through the CBL scheme.
- 3.4 A small proportion of homes available for re-letting may be allocated through alternative routes. These include direct matches of existing customers to vacancies to meet their emergency or priority housing needs that cannot be met or met quickly enough through the CBL route. Moves for LiveWest customers in this way are approved by a senior manager.
- 3.5 We will not normally keep separate waiting lists, but we may maintain records of our customers needing emergency or priority moves as described above or records of people seeking housing in areas of where we have low demand.
- 3.6 We will proactively encourage LiveWest customers with low energy performing homes to move into more energy efficient homes through our new build programme where the home cannot be brought up to the required standard and a business decision has been made to dispose of the property.
- 3.7 We may at times have referral agreements with other agencies to support a short or long term need outside of CBL for example Housing First which is a scheme where we provide homes for rough sleepers.

- 3.8 For some homes, we have specific referral arrangements with external agencies, for example our “seaside and country homes” are available to older people who are relocating or other specialist schemes available to ex-military personnel.
- 3.9 Very occasionally where there is a lower level of demand for our homes, we use alternative methods of advertising such as an estate agent, signboard or marketing on external property websites.
- 3.10 Whichever route you use to apply for a LiveWest home, including making an application through an approved CBL scheme, you will always need to demonstrate that you meet our eligibility criteria.
- 3.11 **Local authority nominations** - Local authorities have nomination rights over a large number of our homes in accordance with historic stock transfer agreements or grant funding for new developments.

We ensure that the relevant proportion of our vacant homes are let to households nominated by local authorities under the agreed nomination arrangements.

Where agreed with the local authority, lettings advertised and completed through CBL, are regarded as equivalent to local authority nominations.

- 3.12 **Employees, Board Members and their relatives** - All applicants are asked to declare if they have a significant personal relationship with, are related to, or are a LiveWest Board member or employee.

We may provide accommodation to you if you have a significant personal relationship with, are related to or, are a LiveWest Board member or employee, where:

- You are in housing need and meet the allocations criteria.
- You applied for housing through your local authority (we are unable to consider direct applications).
- You receive exactly the same consideration as any other applicant.
- You have no involvement or influence over the allocation decision.

Close scrutiny will apply to all potential allocations and any allocations will require impartial review and Executive Director level approval.

## 4 Eligibility

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- 4.1 If you apply for a LiveWest home, you will need to demonstrate to us that you meet our eligibility criteria.

#### 4.2 To be eligible for our homes you will need to:

- Be in housing need and find it difficult to access privately rented housing or to buy a home because, for example, of your low income, or other personal circumstances (we will work in line with the local authority's threshold on upper income household limits to determine your housing need).
- Demonstrate that you are ready and willing to fulfil the obligations of the tenancy, including those to pay the rent on time and respect the property and neighbourhood.
- Show us that you can afford the rent, taking account of your income, benefit entitlements and financial commitments.
- Be willing to accept and engage with support if it is considered necessary to enable you to sustain the tenancy and afford the rent.
- Be suitable for the vacancy in terms of your age, household composition, past tenancy history and any vulnerabilities.
- Usually be at least 18 years old. In exceptional circumstances we will let homes to people aged 16 or 17 who are able to demonstrate that the tenancy will be held in trust.
- Have the mental capacity to enter into a tenancy agreement and if not, have someone with the relevant Power of Attorney who can support you in making this decision.
- Be habitually resident and have the "right to rent" in the UK.
- Hold an immigration or settled status that enables you to remain in the UK with a 'right to rent' for the duration of the tenancy, in general we will not offer you a tenancy if this is less than 2 years.

#### 4.3 If you are a homeowner and have been assessed as needing social housing, you will be expected to be actively selling your existing home, or if this is not possible, you must be able to provide supporting evidence as to why it is not.

### 5 Assessment and allocation

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- 5.1 We want all of our customers to have a long and successful tenancy with us. When you apply for a home, we will assess your eligibility and whether there is any risk that you will not be able to sustain your tenancy or pay your rent. Our assessment will include reviewing your previous tenancy history and we will normally ask you to provide a reference to support your application. We will also ask you to complete an affordability assessment. You will need to demonstrate to us that you can afford to make regular rent and service charge payments and will be expected to provide information to support your assessment.
- 5.2 If you need care and support to sustain your tenancy, we will check that this is available to you. If you need support but do not have this in place, we will signpost you to the appropriate provider. If you need support in order to maintain your tenancy, you will need to demonstrate you are actively engaging with the support provided prior to and actively throughout your tenancy.
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- 5.3 **Unsuccessful applications** - There are some reasons why we may not be able to offer you a home. If we are not satisfied that you have a reasonable chance of sustaining the tenancy, with or without appropriate support, we will decline your application. We will only do so after fully considering your individual circumstances. We will explain our reasons for our decision and provide advice on what you can do to bid successfully for our homes in the future. You can find out more about the reasons why we might decline your application in the additional guidance which accompanies this policy. Refusal reasons are set out in Appendix B.

If your application is unsuccessful, you have the right to appeal our decision and ask us to review your case. You must provide us with additional information as to why you feel our decision was wrong. We do not hold properties vacant whilst appeals are considered.

## 6 Making best use of our housing

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- 6.1 We will generally offer you a home which meets the size needs of your household.
- 6.2 If you are applying through CBL you will have your property size determined by the local authority. In general, we will make offers of accommodation based on the local authority assessment and under- occupation room rate ("bedroom tax") criteria. If you are expecting another child, we will take this into account.
- 6.3 Except in the circumstances set out below we will not normally offer you a home bigger or smaller than you need and/or where you will be affected by the housing benefit under-occupation deduction ("the bedroom tax").
- 6.4 Some of the circumstances where we may offer you a home which is outside of the current size and type guidelines include:
- You are downsizing from a larger home.
  - You need a large family home of a type which is currently unavailable or is limited, and where the local authority agrees that the move would improve your current living circumstances.
  - It is standard practice for the property type concerned, for example schemes of two-bedroom bungalows that are designated for people over 60.
  - There is a local lettings plan or planning requirement in place that allows us to do so.
  - Where we consider our own customers to have an exceptional need due to the criteria listed in our exceptional transfer policy.
  - There is low/no demand for the home from other households who would meet the occupation size and type criteria.
  - There is low demand for the home, and you are a separated parent who has regular care responsibilities, and this is having a significant impact on the health and well-being of your child(ren).

- Where a property has disabled adaptations and we are unable to let to an applicant requiring the adaptations who also meets the full bedroom requirement, we may allow someone who needs the adaptations to under occupy.

**6.5 Our adapted homes** - Where one of our homes has been significantly adapted for the needs of a disabled person, we will try to let the property to a person or household that requires the aids and adaptations. However, we recognise that the specific nature of many adaptations and individual customer needs may mean that re-use is not always possible.

If you require adaptations, we will offer homes that may require new or further adaptations before your household moves in. You will need to demonstrate that the tenancy will be sustainable for you and that the adaptations are possible by providing medical or supporting evidence. In some circumstances the property may not be suitable for adaptations and therefore we will assess your application in line with the local authority guidance and refer you back to the relevant local authorities Choice Based Lettings system. Where your new home requires significant adaptations and can be adapted to meet your needs, you will be expected to take the tenancy when it meets our lettable standard with the understanding this could be prior to the adaptations being completed.

**6.6 Creating sustainable and balanced communities** - Some of our homes, particularly those that are newly built or those in rural areas, have planning, legal or funding restrictions, known as Section 106 agreements, which give priority to local people. We let these homes in line with the agreements that are in place. In some circumstances we will also agree a local lettings plan for a neighbourhood. These are agreed in partnership with local authorities and other statutory agencies.

Our local lettings plans may give preference to particular customer groups depending on the needs of that locality. Our local lettings plans are time-limited and help to ensure our neighbourhoods are great places to live.

In line with relevant and current legislation, we may apply specific criteria to the allocation of an individual home to avoid concentrations of similar household types in one block or part of an estate or to avoid lifestyle clashes. Our aim is to deliver a sustainable tenancy through the best possible fit between a person's housing needs and the home they are offered and giving consideration to the interests of the wider community.

**6.7 Rightsizing** – If a home is too big or small for a household, we will encourage 'rightsizing' by working with partners in incentivising downsizing and giving additional priority for those in homes too large for their needs to move to a more suitable property. We will work with the local authority in ensuring the homes we have and build meet the needs of the community as well as those within our existing homes where the property is no longer suitable.

## **7 Existing Customers Who Need to Move**

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- 7.1 We offer advice to our existing customers who wish to move home, whether to another social housing property, into the private rented sector or through homeownership.
- 7.2 We will take every opportunity to explain the requirements in respect of property condition, the need to have a clear rent account and no current tenancy breaches before looking for a move; for example, during tenancy visits and when you contact us for advice on how to move.
- 7.3 Where you ask, we will support you with any housing applications. For example, helping with access to IT and where appropriate providing supporting information to CBL schemes.
- 7.4 You may be accepted for an exceptional transfer if you meet the criteria set out in our exceptional transfer policy.
- 7.5 We may work with you and other agencies to meet your housing needs. We support our customers in finding mutual exchanges through our membership of a national exchange scheme.
- 7.6 If you have applied for a transfer because a disability has made your current home unsuitable, we will work with you and other agencies to see whether adapting your home might offer a better long-term solution than a move.
- 7.7 If your relationship has broken down, we will give you advice on applying to your local or other CBL schemes. We will not normally make a direct offer of alternative accommodation to the person leaving the property.
- 7.8 In situations of domestic abuse, we may work with you and other agencies to meet your housing needs. We will work with you to find an option where you can feel safe in your home. This may include supporting a CBL application, considering a direct match to another home and/or giving advice on retaining your tenancy. Further information on how we respond to Domestic abuse can be found in our Domestic abuse policy. We will take the local authorities lead on how we respond to the housing needs of survivors and perpetrators of Domestic Abuse.

## **8 Vulnerability and Reasonable Adjustments**

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- 8.1 When allocating our homes, we will review any information we receive on support needs and any vulnerability to help us ensure any offer of housing is right for the individual and their family, as a commitment to longer-term tenancy sustainment. We will require confirmation from a medical professional or other support agency of the applicants' circumstances before giving any additional priority due to vulnerability in line with our Local Authority partners' duty.

- 8.2 Applicants will be given the opportunity before the tenancy commences to tell us about the needs of any vulnerable household member and any existing care and support services received. Where appropriate a referral can be made to an external support agency or referred for further advice and support from our own support or tenancy sustainment services.
- 8.3 We will adjust our communication with applicants where required, ensuring their preferences and needs are taken into account where reasonable and proportionate.
- 8.4 We will make reasonable adjustments for those with disabilities, in line with our Reasonable Adjustments Policy.

## **9 Appeals**

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- 9.1 If a customer believes that they have not been offered or granted the correct type or length of tenancy or their application for housing with us has been rejected, they can make an appeal for the decision to be reviewed. The appeal must be in writing usually within 21 days of the decision, in some urgent cases this may be less; we will advise you in writing of the deadline for your appeal. Applications for appeal can be made through our website. We will also accept request to appeal decisions by email or post.
- 9.2 An applicant has the right to appeal against a number of housing decisions including:
- The type of tenancy being offered.
  - The length of any fixed term tenancy being offered.
  - A decision not to grant another tenancy on the expiry of a fixed term tenancy.
  - A decision to reject an application for housing.
  - A decision to reject a mutual exchange application.
  - A decision to serve a Section 21 notice to end a starter tenancy.
- 9.2 All appeals will be responded to in writing, we aim to do this within 14 days; where circumstances prevent this, we will provide you with the reasons why and agree an updated timeframe to respond with you.

## **10 Monitoring and review**

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- 10.1 We have a full commitment to this policy and will ensure appropriate training will be given to all relevant staff.
- 10.2 This policy will be made widely available to customers and stakeholders via an appropriate range of online and printed communication platforms.
- 10.3 We will review customer feedback, look for trends and hotspots and identify areas for service improvement on a continuous basis so that we improve the value for money of services being delivered.
- 10.4 This policy will be reviewed every three years or earlier in line with any legislative, regulatory or good practice changes

## **11 Legal consideration**

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This policy has been written with regards to the following:

- Relevant Housing Acts as amended by the Localism Act 2011
- The Regulator of Social Housing's Consumer Standards
- The Domestic Abuse Act 2021
- The Equality Act 2010
- Charter for Social Housing Residents 2020
- Social Housing Act 2023
- Rehabilitation of offenders Act 1974
- The Prevention of Social Housing Fraud Act 2013

## **12 Linked / associated policies and other references**

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This policy has been written with regards to the following:

- Complaints, Compliments and Feedback Policy
- Neighbourhood Management Policy/Procedures
- Tenancy Management Policy
- Tenure Policy
- Anti-social Behaviour Policy/Procedures
- Vulnerability Policy
- Domestic Abuse Policy
- Exceptional transfer Policy
- Mutual Exchange Policy
- Unacceptable behaviour Policy
- Allocations and Lettings Procedure

## Version Control

| Version Ref: | Date Approved | Approved by:                | Summary of changes                                                                                                                                                                                                   |
|--------------|---------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1            | Nov 21        | Customer Services Committee | Policy approved and published                                                                                                                                                                                        |
| 2            | Nov 24        | Executive Team              | 1.1 Purpose and anticipated outcomes: Changes to stock size                                                                                                                                                          |
|              |               |                             | 3 Routes to a LiveWest Home: Additional point of 3.6 regarding disposals and direct matching                                                                                                                         |
|              |               |                             | Changes to wording in these sections to provide clarity:<br>4.2 Eligibility<br>5.2 Assessment and Allocation<br>6.4 and 6.5 Making best use of our housing<br>7.3, 7.4, 7.5, 7.8 Existing customers who need to move |
|              |               |                             | 9 Legal Consideration: Additional Legislation added                                                                                                                                                                  |
|              |               |                             | 10 Linked/Associated policies and other references: Additional policies added                                                                                                                                        |
|              |               |                             | Appendix B- Reasons for refusal: Change to wording to provide clarity                                                                                                                                                |

## Definitions

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**Housing Need** - We consider applicants to be in Housing Need if they:

- Are homeless or threatened with homelessness, or living in accommodation, which is temporary or occupied on insecure terms.
- Live in unsatisfactory living conditions for example the home is in disrepair.
- Live in a home which is no longer suitable for the household for example overcrowding, under occupying, household's mobility needs which cannot be met in the current home.
- Need to move because the current home is unaffordable for the household.
- Need move to provide or receive care or take up an offer of employment.

**Choice based lettings (CBL)** - is an approach to letting homes which aims to give prospective customers more control over the lettings process and make the process of getting a Local Authority or housing association home more transparent. Rather than homes being allocated directly by the local authority or association, choice- based lettings allow customers and prospective customers to bid for the available properties they are interested in. Priority Bands are used to assess relative housing need. Available homes are advertised on a cycle, allowing applicants to see what local authority or housing association housing is available.

**Nomination Agreement** – is a legal agreement between LiveWest and a local authority which sets out how vacant homes will be let. A nominations agreement gives the local authority the right to use a percentage of LiveWest's homes that become vacant to house those in housing need from their housing lists.

**Section 106 agreement** – When new homes are developed special planning criteria may set out how the homes will be allocated in the future. This legal agreement between LiveWest and a Local Authority may give priority to particular groups of applicants. This could be to applicants who have a Local Connection to a particular area/parish or may be applicants within certain age range for example over 55 years of age.

**Right to rent** – Under the Immigration Act and the EU Settlement Scheme, we are required to check that all occupants of any new tenancy we let have the legal right to rent a home in the UK. We will do this when we assess applications. We will need to see supporting evidence from each member of the household over the age of 18 and we may need to retain copies of these. We are unable to grant tenancies to applicants who do not have the right to remain in the UK.

**Local Lettings Plan** - Is a time limited plan for the allocation and letting of homes within a specific Neighbourhood. A local lettings plan allows us to be more flexible in allocating homes to meet specific local issues. We include additional criteria which are considered when allocating homes, for example, we may under-occupy property, where there are concerns about density levels to achieve a balanced community or include criteria that aim to reduce the likelihood of anti-social behaviour.

Where we agree local lettings plans, we will do this in consultation with partners and publish details of the additional criteria when we advertise a vacant home. In addition, for individual homes we may adopt a 'sensitive lettings' approach which exclude some customers from being considered. We will do this to manage specific issues, such as lifestyle clashes or where a property has become vacant following a period of serious nuisance or anti-social behaviour.

## **Reasons for refusal**

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### **Affordability**

Whilst we will always take everyone's individual circumstances into account, we are unlikely to be able offer a home where:

- The applicant does not complete our affordability assessment.
- We identify that they have provided false information.
- The assessment shows that the applicant is unlikely to be able to meet and sustain the rent payments.
- The applicant owes rent, mortgage or other housing debts.
- The applicant has a history of making erratic or late payments to a previous landlord.
- The applicant has only recently cleared arrears or housing debt in order to be considered for another home.
- The applicant has previously been evicted from their home for rent arrears.
- The applicant has expenditure that regularly exceeds their income.

### **Tenancy breaches**

We will not usually offer a home where an applicant or a member of the household has a history of anti-social or unacceptable behaviour. When we consider this we will take into account, the extent of the anti-social behaviour and the impact it had on the local community, the length of time since this behaviour occurred, what has been done to change the behaviour and how they have conducted any subsequent tenancies they have held. We will not be able to offer a tenancy unless we have a reasonable belief that an applicant is now able to manage the terms of the tenancy.

### **Criminal Offences and Illegal use**

We may not offer a home where an applicant or member of their household has been convicted of an offence that is not classed as spent, or where they are under investigation for an offence. Where an investigation is current or where an applicant or household member has been charged and is awaiting trial, we will undertake a risk assessment to determine whether we are able to offer a home. We will not be able to offer a home if our risk assessment suggests that there is a threat/risk to other customers, our staff or the community or where there is a risk of further offences which would be a breach of the tenancy.

### **High earners**

We are unlikely to offer someone a home if they can afford to make their own arrangements in the private sector. We set a higher earners limit. We will usually only offer a home if the household's gross income (before tax) is below this limit. Our higher earnings limit will be reviewed periodically in line with Local authority guidance. If the household income is over these amounts, we'll consider whether the applicant/s have sufficient financial resources to meet their own housing need, before deciding whether to offer a home. We'll consider whether a Local Authority would have a duty to the household under homelessness legislation and the other eligibility criteria outlined in this policy.

## **Social Housing Fraud**

We will not offer a home where an applicant or a member of their household commits or has previously committed an act of housing fraud in their application with either LiveWest or in respect of a previous tenancy.

Examples of tenancy fraud are (but not exhaustive):

- Obtaining housing by deception - where a person is offered or applies for a home by withholding/giving false or misleading information on their housing application.
- Unlawful subletting - where a tenant has rented out their home without the knowledge or permission of the landlord.
- Unlawful assignment - where a customer stops using their tenancy as their main or principal home, allowing another person to live there without permission.

We take tenancy fraud very seriously and will take action to regain possession of properties and recover any unlawful profits made by customers wherever we find evidence of tenancy fraud. Our right to do this has been enforced by the government in The Prevention of Social Housing Fraud Act 2013.

## **Unacceptable behaviour towards LiveWest staff**

We have a duty of care to ensure the health, safety and wellbeing of our colleagues and Partnership Agencies. This means that we are unlikely to offer a home where an applicant or a member of their household has been verbally or physically abusive towards any LiveWest member of staff during the allocations process or throughout their tenancy. More information on unacceptable behaviour is detailed in our Unacceptable behaviour policy.

Other reasons for rejecting an applicant or refusing to make a tenancy offer include but not limited to:

- Where the assessment indicates a high risk that the tenancy will not be successfully sustained.
- Where the applicant has a joint tenancy elsewhere or included in a mortgage agreement.
- Relevant document not supplied to confirm identification and/or financial checks etc.
- No right to reside in the UK.
- Lack of mental capacity to understand the rights and obligations of such tenancy unless they have someone with the relevant Power of Attorney who can support them in making this decision.
- Where we consider the property or its location to be unsuitable for an applicants' needs or circumstances.