

Paradigm Housing Group

Lettings Policy

April 2017





Lettings Policy

Policy ref. number

Policy statement

We will let our empty homes in a fair, transparent and efficient way, minimising the period properties are empty, and making the most effective use of our stock.

We will work closely with local authorities to meet local housing need. The majority of our properties will be advertised using choice based lettings (CBL) (where applicable) and let to people nominated by local authority partners. We reserve the right to decline nominations in accordance with the provisions in our nomination agreements and this policy.

People new to social housing will be offered tenancies of a length compatible with the purpose of the housing and the sustainability of the community.

We will normally look to maximise occupancy levels to make best use of stock. We may consider under occupying a property, including through the use of local lettings plans, for example where there are concerns about density levels.

We will seek to balance the needs of potential tenants with those of our existing tenants. We will provide existing tenants wishing to move with access to clear and relevant advice about their housing options. We will enable mobility through facilitating mutual exchanges, encouraging registration with the local authority / local CBL scheme and undertaking internal management moves (in defined and limited circumstances).

We aim to achieve equality of outcomes for customers with differing needs, including through the early identification of support needs. We will instil a culture of rent payment from the very start of the tenancy by requiring payment in advance at, or before, sign-up stage.

Our Void Standard details the standard to which we will bring empty properties between lettings.

Legal and regulatory framework

Our Lettings Policy takes account of:

- 1) the provisions in the HCA Regulatory Framework (April 2015). These include the requirement for registered providers:
 - to co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs, including assistance with their homelessness duties and through meeting obligations in nominations agreements
 - to offer tenancies compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock
 - to have in place clear application, decision-making and appeals processes
 - to enable their tenants to gain access to opportunities to exchange their tenancy with that of another tenant

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| | <p>2) the provisions in the Localism Act 2011, which:</p> <ul style="list-style-type: none"> • allowed local authorities greater control over who they admit to waiting lists for social housing • enabled local authorities to more easily discharge their duties to homeless people into the private rented sector • supported greater tenant mobility across the social housing sector • required local authorities to develop a tenancy strategy in partnership with local registered providers. <p>3) the programme of housing benefit reforms and welfare reforms introduced by successive governments since 2010</p> <p>4) the published Tenancy Strategies and Allocations Schemes of our partner local authorities</p> <p>5) Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 and Localism Act 2011</p> <p>6) the provisions in the Immigration Acts 2014 and 2016, which require the checking of immigration status and the 'right to rent' in certain circumstances.</p> |
| <p>Scope</p> | <p>This policy applies to the letting of our empty properties, both new build and relet, across general needs and housing for older people. It also applies to some supported housing schemes and temporary units managed by our regional teams.</p> <p>Separate lettings policy statements are in place for the Lea Bridge Hostel, the Welwyn Hatfield Foyer and private sector leasing. Similarly, this policy does not apply to market / intermediate rented properties, key worker properties, other commercial lettings, leasehold and shared ownership properties or garages.</p> <p>This policy does not apply to tenancies granted following a review of an existing tenancy, including a Starter, Fixed Term or Demoted Tenancy. Information regarding criteria used to let a property following a review of tenancy is provided in our Tenancy Management Policy. Though referenced under 'Direct Lettings' in this document, our policies in relation to Succession, Assignment, Discretionary Tenancies and Mutual Exchange are also detailed in our Tenancy Management Policy.</p> |
| <p>Links to other Paradigm policies</p> | <p>The Lettings Policy links to several other Paradigm policies and strategies, including:</p> <ul style="list-style-type: none"> • Tenure Policy • Tenancy Sustainment Strategy • Rent Policy • Service Charge Policy • Rent Recovery Policy • Tenancy Management Policy • Vulnerable Persons Policy • Equality, Diversity & Inclusion Policy • Housing of Potentially Dangerous Offenders (under review) |

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| | <p>Other relevant documents include:</p> <ul style="list-style-type: none"> • Individual Nomination Agreements • Guidance on Management Moves • Local Lettings Plans • Void Standard • Memorandum of Understanding (for use in circumstances where the incoming tenant will be under-occupying the property) • Granting Tenancies for Minors Guidance |
| <p>Sourcing tenants</p> | <p>Paradigm does not manage its own waiting list, letting the majority of homes by providing nomination rights to local authorities. Existing Paradigm tenants wanting to move are encouraged to register with the local authority or the local CBL scheme, where they are eligible to do so, and/or to pursue a mutual exchange.</p> <p>Local authority nominations</p> <p>Our nomination agreements provide for 100% local authority nomination at first letting and generally 75% for all subsequent lets. The nominating partner will set the criteria for an applicant’s eligibility for a Paradigm vacancy.</p> <p>The circumstances whereby Paradigm may decline a nomination are set out in the individual nomination agreement. As a general rule, we will decline a nomination where:</p> <ul style="list-style-type: none"> • the proposed tenant has been evicted from, or has abandoned, a previous tenancy as a result of a tenancy breach • the proposed tenant has an existing debt with Paradigm, or another landlord, which is not being repaid at an acceptable rate • the proposed tenant has an otherwise unsatisfactory tenancy history, for example, anti-social behaviour, failure to provide access or poor property condition • the proposed tenant has not been able to demonstrate that they will be able to meet the rent and other charges • the proposed tenant will be unable to sustain the tenancy, for example, as a result of a care or support plan not being in place or available • a risk assessment identifies that housing the proposed tenant in the property poses a serious risk to the safety and well-being of themselves, staff and / or neighbours and that risk cannot be mitigated or managed • the proposed tenant is a potentially dangerous offender and, following a risk assessment through an appropriate agency (for example, Multi-Agency Public Protection Arrangements [MAPPA], Probation, Police, Social Services), Paradigm is not satisfied that an appropriate level of support and/or monitoring can be put in place to manage or mitigate the risk • the property is too small for the household and will be statutorily overcrowded • the identity, and/or the ‘right to rent’ status, of the proposed tenant, and all adult occupiers, are not verified at sign up |

- the proposed tenant has failed to provide the required information in support of their application and / or failed to complete the pre-tenancy training

Direct lettings

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

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

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

Management moves are internal transfers undertaken in the following circumstances:

- temporary or permanent decants where the existing property is uninhabitable (e.g. due to fire, flood, major structural defect, other health and safety risk) or to otherwise aid the management of our assets (e.g. redevelopment, disposal). [Note: where the household is homeless, and Paradigm is unable to identify suitable alternative accommodation, the local authority has a statutory duty to assist].
- moves which enable us to deal with a serious or protracted tenancy management matter
- lets in accordance with our Tenancy Sustainment Strategy. This will include a move to a smaller / cheaper property to assist a tenant at risk of losing their home or a move to take up a permanent offer of employment as a means of assisting a tenant to maximise their income
- where an adaptation is urgently needed and it is a more effective solution for the household to move
- a move to release an adapted property (where there is demand for that type of adapted property and the current occupant(s) do not need it)
- a tenant who needs to move into, or within, older people's housing (where a direct offer is considered to be the most appropriate way of meeting the household's needs)
- internal moves in accordance with local lettings policies agreed with the local authority
- a move which assists a tenant to move on from the Foyer, Lea Bridge, or one of our supported schemes. A move under this category would be to a property identified as low demand
- other reason where a management move is considered by Paradigm to be in the best interest of the tenant and/or Paradigm.

Eligibility restrictions apply to management moves. One reasonable offer will be made from across Paradigm's area of operation. A reasonable offer will meet the applicant's needs in terms of tenure, size (and floor level where relevant). A reasonable offer will also meet the applicant's requirements in terms of location, where this is relevant to the reason for moving.

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| | <p>Further details, including eligibility restrictions and the registration process, are provided in the Guidance on Management Moves.</p> <p>Referral agreements</p> <p>In addition, we have a number of referral agreements in place with partner organisations, including other housing associations and care and support agencies, whereby we provide properties to meet specific housing needs (e.g. for people with learning disabilities, people leaving care and probation schemes).</p> |
| <p>Type of tenancy</p> | <p>The type of tenancy issued by Paradigm will be influenced by a number of factors including:</p> <ul style="list-style-type: none"> • the type / purpose of the property to be occupied • the type of tenancy, if any, held immediately prior to the new tenancy being granted • restrictions arising from existing nomination agreements, planning consents, deed title or funding arrangements used to provide the accommodation <p>The full range of tenancies granted is detailed in our Tenure Policy. Each tenant is issued with their own tenancy agreement containing the terms and conditions associated with their tenancy. Rents are determined in accordance with our Rent Policy.</p> <p>Tenants new to general needs / older people's housing will generally be offered a starter tenancy – a periodic Assured Shorthold Tenancy. After 12 months, if the tenancy has been conducted satisfactorily, the tenant will be granted an Assured Shorthold Fixed Term Tenancy.</p> <p>Where an existing secure or assured tenant moves into, or transfers to, a Paradigm property, they will retain their existing tenure rights. The specific tenancy provided will be in accordance with Paradigm's Tenure Policy.</p> <p>Where the length of occupation is likely to be short term (e.g. some supported schemes, temporary housing), a periodic or fixed term Assured Shorthold Tenancy or a Contractual Tenancy will generally be used, again in accordance with our Tenure Policy.</p> <p>We will issue joint tenancies to those nominated by the local authority as joint applicants. If the potential tenant is not received by way of a nomination, we will usually offer joint tenancies to married couples, civil partners and people in a relationship who live together. We may offer joint tenancies to others at the discretion of the Regional Team Manager. Any offer of a joint discretionary tenancy will be subject to verification of identity and immigration status. Joint tenancies can be granted up to a maximum of four people. There are some specific schemes where sole occupancy is a condition of the tenancy.</p> <p>For incoming tenants who are under 18, the tenancy will generally be held in trust (e.g. by the local authority, support agency or a family member) until they reach 18. A licence agreement will be used where the tenant is not being given exclusive use of the premises.</p> |

Occupancy levels

Local authorities will set out their approach to the assessment of bedroom need in their tenancy strategy and / or allocations policy. They will make nominations on this basis.

Where Paradigm undertakes a management move or other direct letting, we will adopt the bedroom need assessment criteria adopted by Government for the purposes of housing benefit assessment. The size criteria allows one bedroom for each person or couple living as part of the household with the following exceptions:

- children under 16 of the same gender are expected to share
- children under 10 are expected to share regardless of gender
- households where a member of the household requires a non-resident overnight carer will be allowed an extra room
- households where a member of the household is unable to share a room because of their disabilities will be allowed an extra room
- foster carers will be allowed one additional room, so long as they have fostered a child or become an approved foster carer within the last 52 weeks
- parents with adult children in the armed forces (or reservists) who normally live with them will be able to retain the bedroom for that adult child when they are deployed on operations.

In addition, Paradigm has determined that bedrooms under 4.6 sqm will be let to a child under five.

Single people living alone will be eligible for bedsit, studio or one bedroom accommodation.

Note: In the case of an urgent management move, where the existing property is too small and the correct property size is not available, we may, in exceptional circumstances, make an offer in a 'like for like' property. A tenant moving to a 'like for like' property in these circumstances should be made aware that, where they are moving across a local authority boundary, and have no local connection to the new area, there may be restrictions on their ability to register on the new local authority housing register. In an emergency situation, the most appropriate route to rehousing is likely to be via the local authority.

We recognise there may be specific circumstances where additional space may be required over the size criteria outlined above. We will apply discretion in these circumstances.

We also recognise that some one bedroom properties with a particularly small bedroom may not be suitable for expectant couples.

There are a number of two bedroom properties within schemes designated for over 55's and older people which we may under occupy. We will also consider under occupying a property where it is in low demand, deemed as difficult to let, where concerns exist regarding density levels in a scheme and/or as part of a local lettings plan.

For any property that is underoccupied, we will ensure the incoming tenant is aware of any restrictions on eligibility for housing benefit or equivalent.

A current tenant who is underoccupying and wishes to move will be provided with advice on the housing options available to them. These will include registration with the local authority / local CBL scheme and pursuing a mutual exchange.

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| Rent and service charges | <p>Details of the total rent and service charge payable for the property will be provided in choice based letting advertisements and at the time an offer of accommodation is made. Rents will be set in accordance with Paradigm's Rent Policy and service charges will be set in accordance with our Service Charge Policy.</p> <p>We have a commitment to not convert target rents to affordable rents where the incoming tenant is currently paying a target rent and is moving via a management move.</p> <p>We expect incoming tenants to make payment in advance, at or before sign-up stage, as detailed in our Rent Recovery Policy.</p> |
| Void standard | <p>Paradigm has an agreed Void Standard, which details the standard to which we will bring our empty properties between lettings. The Standard is designed to provide a clean, safe and secure property. A summary of the standard is available to customers via our website or on request. The Void Standard applies to relet properties within our General Needs, Older People's Services and Supported Housing stock. For some Supported Housing schemes, there are additional requirements (e.g. provision of white goods, redecoration between lets).</p> |
| Service standards | <p>Service standards are in place and cover:</p> <ul style="list-style-type: none"> • provision of information about the property, tenancy rights and obligations, services provided by Paradigm and those available locally • accompanied viewings • a comprehensive sign up process • a follow-up call and/or visit within 1-6 weeks of moving in. |
| Appeals | <p>We are committed to operating in a way that is transparent and fair. We will review any allocation / letting decision that an applicant or tenant believes is unreasonable or unfair. Any such appeal will be to the Regional Director and will be heard within 5 working days.</p> <p>It is our policy not to hold any property vacant pending the outcome of an appeal, (unless the local authority is willing to cover the rent and other charges during the period the property is vacant).</p> |
| Responsibility | <p>The Executive Director of Operations will have overall responsibility for the policy. The Service Lead is the Regional Director.</p> <p>The policy will be implemented by the Regional Team Managers, Regional Team Leaders, Voids & Lettings Co-ordinators, Housing Officers and the Facilities & Admin Co-ordinator (West Region).</p> <p>The Executive Director for Business Development will be responsible for ensuring new nomination agreements with local authorities contain clauses needed to deliver Paradigm's Lettings Policy. Nomination Agreements will be signed on behalf of PHG by the Executive Director of Operations or a Regional Director.</p> |
| Equality and Diversity | <p>An Impact Assessment was undertaken in June 2013, with a view to identifying any potential barriers that may adversely affect a customers' ability to access and benefit from the Lettings Service. A fresh Impact Assessment will be undertaken at the specification stage of the pre-tenancy work.</p> |

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| <p>Customer focus</p> | <p>A new Void Standard was launched in February 2017 as part of our overall Tenant Deal. A draft of the Standard was discussed at Residents Forum..</p> <p>Resident Quality Inspectors are involved in quality checking a percentage of voids.</p> <p>As part of our commitment to continuous improvement, we will seek feedback from customers on our Lettings Service. In addition, we encourage feedback through our well-publicised customer compliments and complaints process.</p> |
| <p>Risks</p> | <p>We have identified the following risks associated with the implementation of our Lettings Policy:</p> <ul style="list-style-type: none"> • Loss of rental income if we fail to let empty properties promptly • Increase in failed tenancies and property turnover if we fail to match applicants to suitable properties and fail to identify vulnerability / tenancy sustainability issues at an early stage • Housing a potentially dangerous offender if adequate checks are not conducted • Poor customer satisfaction if we fail to meet our Void Standard and/or agreed service standards • Increased void turnover and costs if we significantly increase the number of internal management moves undertaken • An increase in management moves may also have an adverse impact on the income we generate via affordable rents to support our development programme (see Rent & Service Charges section above) • Reputational risk if we are, or are perceived to be, failing to let our properties in a fair and transparent way • Poor relations with our partner local authorities should we fail to liaise regularly or fail to have clear service level agreements in place • Risk of letting a property to someone with no ‘right to rent’ should we fail to implement the requirements under immigration legislation. Civil and criminal penalties apply in cases where a Landlord fails to comply with the Right to Rent scheme and lets a property to a household where they know, or have reasonable cause to believe, that an adult occupier does not have the right to rent. |
| <p>Definitions</p> | <p>Choice based lettings (CBL) - an approach to letting homes which aims to give prospective tenants more control over the lettings process, so making the process more transparent. Rather than homes being allocated by the local authority, choice based lettings allow tenants and prospective tenants 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, and enabling them to play a greater role in the process of selecting their home.</p> <p>Nomination Agreement – a document setting out the process for managing nominations for vacant homes usually made between a local authority and a housing provider</p> <p>Local letting plan – an agreement to vary nomination criteria to achieve sustainable housing in a locality</p> |

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| | <p>MAPPA (Multi-Agency Public Protection Arrangements) - the process through which the Police, Probation and Prison Services work together with other agencies to manage the risks posed by violent and sexual offenders living in the community in order to protect the public.</p> <p>Right to Rent Scheme - A requirement, introduced by immigration legislation, that landlords check that potential tenant(s), and all adult occupiers, are permitted to be in the UK and have the 'Right to Rent'</p> |
| Policy Owner | Tracey Gray, Executive Director of Operations |
| Written by | Claire Morton, Regional Team Manager Helen Green, Policy Manager |
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