

ALLOCATIONS AND LETTINGS POLICY

Board/EG Approval:	November 2020	Responsible Board:	Ocean Housing Ltd
Next Review:	November 2022	Responsible Executive:	Managing Director of Ocean Housing Ltd

1.0 INTRODUCTION

- 1.1 This policy sets out Ocean Housing's approach to allocating and letting homes for rent. It covers all social rent, intermediate rent and affordable rented properties, including new build and homes available for re-let.
- 1.2 Ocean is a partner to the Cornwall Homechoice Scheme which is a Common Housing Register where tenants can apply for homes owned and managed by Ocean housing and other partners including Cornwall Housing. The register includes a common housing needs assessment framework where all partners to the scheme agree with the prioritisation of households on the Register.
- 1.3 Ocean commits to letting its vacancies through Cornwall Homechoice, in accordance with the agreed nomination rights, with the exception of management transfers, direct lets (e.g. lettings related to Move On Policy) and where a property has previously been advertised through Homechoice and is deemed hard to let. Ocean aims to work with the Council to reduce homelessness in the county.
- 1.4 The Council has nomination rights to 100% for the first letting of new homes and 50% of relets thereafter. The Council also has 50% nomination rights to relets of existing homes. Where the property is subject to nomination rights, the Council's Allocations Policy applies.
- 1.5 Properties identified as having nomination rights will be advertised via Cornwall Homechoice, and allocated in line with Cornwall Council's Allocation Policy. The remainder of properties will be advertised via Cornwall Homechoice, and allocated via Ocean's Allocation Policy.
- 1.6 Cornwall Council's Allocation Policy provides different criteria to the Ocean policy, namely:
- that applicants must demonstrate that they have a local connection, 3 year residency or 3 years continuous employment in Cornwall or have lived for 10 of the first 16 years of their life, in Cornwall in order to qualify for an allocation of a home owned by Ocean to which it has nomination rights subject to any statutory requirements which override these criteria.
- 1.7 We use the following criteria to identify properties suitable for the Council to nominate to:
- All re-let properties, which have a section 106 agreement attached to them at the time of development.
 - All houses where there is no evidence of previous allocations being considered as difficult to let.
 - Flats and older person's properties, which have been identified from previous allocations as being within sought after locations.
- 1.8 For properties that are not subject to nomination rights, Ocean Housing's Allocations Policy applies.

2.0 THE SCHEME IN BRIEF

2.1 The aims of the Homechoice scheme are to:

- Provide an open and transparent route for applicants to bid for affordable housing
- Meet our legislative, regulatory and contractual requirements (including nominations agreements)
- Assist Cornwall Council with their strategic housing responsibilities and to meet local housing needs.
- Let properties in a fair and transparent way and provide a consistent lettings service
- Make best use of housing stock across the county
- Minimise the amount of time our homes are empty
- Ensure that applicants are not discriminated against whether directly or indirectly
- Support vulnerable applicants
- Provide increased choice and information to applicants
- Provide information and feedback on properties let through the scheme

2.2 Applicants for affordable housing in Cornwall will be included on the common housing register and all landlord partners to the scheme are committed to advertising their empty properties to those on the register. Adverts will be publicised through the Homechoice website and applicants may bid for a property, provided they meet the stated eligibility criteria for that property. Successful applicants will normally be selected from those who apply, on the basis of level of housing need and the length of time they have been in such need.

3.0 ASSESSMENT OF APPLICANTS AND BANDING

3.1 In accordance with the Homechoice scheme, applicants housing need will be assessed against agreed criteria and a banding of housing priority will then be awarded to them. There will be 5 bands available ranging from Band A to Band E.

4.0 ADVERTISING, LABELLING AND 'PREFERENCE' LABELLING

4.1 Where appropriate and possible Ocean will seek to advertise its void properties through the Homechoice scheme, although we reserve the right to allocate certain properties outside of the scheme, in the following instances:

- a) **Management transfers** – A tenant, or a member of their household, is subject to violence or threats of violence, and the Police support a move. Management transfers will be granted on the basis of one reasonable offer only and like for like in terms of bedroom size, unless the applicant wants to downsize. Permission may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.
- b) **Decants** – where the required work necessitates a move either temporarily or permanently. Permanent decants will also be considered where it may help manage a disrepair claim. Permission may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.
- c) **Property disposals** – where a property is deemed suitable for disposal we will seek to sell the property and if necessary move the occupant to another suitable property.

Permission may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.

- d) **Difficult to let** – where the shortlist of applicants has been exhausted or the property has been refused on three occasions by three shortlisted applicants, or the letting history of similar properties within the locality in the last 12 months has generated difficult to lets. Permission be granted by a Neighbourhood Services Manager or a more senior manager of Ocean Housing Limited.

In all such instances, Ocean will report any allocation via the Homechoice process as a direct let.

- 4.2 Ocean will label every property advertised with information appropriate to that property, (e.g. property size/type/details of service utilities etc.). The label will also indicate which band of applicants may apply for the property, based on the type of property advertised.
- 4.3 In accordance with the Homechoice Scheme, additional 'preference' labels may be added to the property advert which indicates that preference in the allocation of a particular property may be given to an applicant with a certain housing need, (e.g. the applicant is priority homeless or is disabled or has a local connection to a particular parish). Where 'preference' labels are used but no suitable applicant applies for the property, then the allocation will be made to the person who has been in the greatest housing need for the longest period of time. (see Section 19.0 of Cornwall Homechoice Scheme found on Ocean's intranet).
- 4.4 Ocean also operates a Local Lettings Plan criteria for certain developments with a set list of criteria to ensure developments are sustainable and future demand is maintained. Such a Plan will be consulted with Cornwall Homechoice prior to advertising with a preference label.

5.0 VERIFICATIONS & ACCOMPANIED VIEWINGS

- 5.1 Ocean staff will shortlist applicants who have bid for individual properties and undertake a verification with each applicant to check the applicants' circumstances including a Right to Rent check to ensure that all occupants have the legal right to rent a home in the UK, A financial assessment and a risk assessment to ensure that the details of their application are correct. In certain circumstances the verification will be carried out at a home visit. If the verification is satisfactory then a formal offer may be made, subject to authorisation by the Neighbourhood Services Manager.
- 5.2 All new tenants will be advised as part of the verification process that they are required to pay a minimum of the first periods rent at the commencement of their tenancy.
- 5.3 Ocean staff aim to undertake an accompanied viewing of the property with the applicant prior to acceptance and sign-up.
- 5.4 Where a verification reveals that an applicant's details are not as stated on their application form or are false, their offer may be withdrawn and another application shortlisted from the Homechoice scheme.
- 5.5 If an applicant obtains an Ocean tenancy on the basis of false information given on their Homechoice application form for a part of the verification process, Ocean will take legal action to end the tenancy, unless there is mitigating evidence to consider

otherwise. We will advise Cornwall Homechoice of this decision as it may affect the customer's ability to seek social housing in Cornwall.

6.0 GROUNDS FOR REFUSING AN APPLICATION

6.1 Ocean will not accept an application for a tenancy from:

- a) Someone who does not have the Right to Rent
- b) People under 16 years of age.
- c) People who do not have the capacity to enter into a tenancy agreement unless someone has the Power of Attorney to act on their behalf.
- d) An applicant where there is reliable evidence they, or someone in their household, has been guilty of the following in the two years prior to the application. Sources of such evidence will include but not be limited to the Police, the Courts, other landlords and the local authority:
 - Serious or persistent breaches of the terms of a current or previous tenancy
 - Anti-social behaviour
 - Criminal activity
 - Threatening behaviour
- e) People who do not meet a local connection criteria or cannot provide suitable evidence of local connection.
- f) People who currently hold an Ocean tenancy and are in breach of its terms.
- g) People who have held an Ocean tenancy and have an unpaid debt
- h) A financial assessment shows the applicant does not have the financial capacity to sustain the tenancy
- i) People whose circumstances do not comply with the Charitable Objectives of Ocean Housing Limited.

6.2 Where an applicant has liquidated assets over £100,000 or an annual net income in excess of the £60,000 would be subject to further financial review to assess their ability to purchase or rent a home suitable for their needs within their area of choice. Applications will need the approval of Head of Neighbourhood Services or MD of Ocean Housing Ltd.

7.0 SEX OFFENDERS PROTOCOL

7.1 Along with other social landlords, Ocean has entered into an agreement with Devon & Cornwall Police to exchange information on any register applicant or member of their household convicted under the Sex Offenders Act 1997. Any applicant or member of their household who has confirmed on their Homechoice application or who is suspected or accused of being a sex offender will be subjected to the provisions set out in the protocol.

7.2 There is no blanket ban which prevents sex offenders from accessing Ocean tenancies but, before any offender is offered housing with Ocean; consultation will be undertaken

with the Police and relevant support agencies, to assess any risk involved. Permission may only be granted by the Head of Neighbourhood Services and then approved by the Managing Director of Ocean Housing Limited.

8.0 VULNERABLE PERSONS

- 8.1 Cornwall Homechoice ensure that all applicants who register with the scheme have equal access to affordable housing. Where any vulnerable applicant has difficulty in accessing the Homechoice scheme, help and guidance will be offered to the individual, including the offer of personalised services, such as regular contact regarding available properties and assisted bidding. (see Appendix 7 of the Homechoice Scheme).
- 8.2 Where a vulnerable applicant successfully bids for an Ocean property, the letting will only proceed if there is a satisfactory care and/or support package in place to ensure that the new tenant can conduct and maintain their tenancy satisfactorily.
- 8.3 Where a vulnerable tenant is receiving such support, Ocean Housing will seek to maintain a regular review, with the support provider, of the tenant's support progress. Risk Assessments will be updated as necessary.

9.0 AFFORDABILITY

- 9.1 The Government has introduced a range of Welfare Reforms which will have an impact on the ability of certain groups of tenants to access necessary financial support to pay their rent. As a result, emphasis is placed upon a customer's ability to sustain their tenancy.
- 9.2 Ocean will undertake a financial assessment for any applicant who has been shortlisted for a property. The financial assessment forms part of the verification process, and Ocean will only consider applications from tenants who demonstrate that they are able to meet the costs of running the home they are applying for.
- 9.3 Applicants who are unable to demonstrate that they can do so will be rejected and signposted to agencies who may be able to assist them.

10.0 ALLOCATING TENANCIES TO UNDER-18 YEAR OLDS

- 10.1 Where an applicant is under-18 years of age, they will be required to:
 - identify a suitable person to act as a 'Trustee' who will co-sign the 'Equitable Starter Tenancy' agreement and hold the tenancy in trust for the applicant until they reach the age of 18
 - identify a suitable person to act as 'Guarantor' for the payment of rent for the property and who will sign an 'Equitable Tenancy Guarantor agreement'
 - sign an Equitable Starter Tenancy agreement
- 10.2 The Trustee and Guarantor may be the same person or different people. They can include Cornwall Council representatives; parents, guardians, or a person deemed responsible by Ocean Housing.
- 10.3 Individuals who have a record of serious tenancy breaches or are considered otherwise unsuitable may not act as Trustee or Guarantor. All individuals proposed as Guarantor must be able to demonstrate that they are able to meet the rent liability on the proposed tenancy.

11.0 HOMELESSNESS AND ADDITIONAL SERVICES

11.1 Ocean supports the Council in its duty to respond to homelessness by:

- Using preference labels where appropriate to encourage bids from homeless households. Such labels will be selected based on evidence provided by Cornwall Council on a regular basis in regard to need and demand within the county
- Using Direct Offers as agreed by Cornwall Homechoice Partnership and Ocean's Board in emergency and business continuity situations Ocean is a signatory to the National Housing Federation's voluntary commitment to refer an individual or household to Cornwall Council if they are homeless or threatened with homelessness, thereby supporting the aims of the Homelessness Reduction Act and particularly the Duty to Refer
- Signing up to Cornwall Council's Pilot Housing First Protocol. Housing First is an evidence based approach to successfully supporting homeless people with high needs and histories of entrenched or repeat homelessness to live in their own homes
- Working with other partners, such as Cornwall Care, in the provision of appropriate accommodation for tenants with complex additional needs, with support provided by specialist agencies
- Working with any other suitable partners to assist in housing tenants in housing need who may have additional needs and requirements, and who have limited options in regard to finding suitable accommodation

12.0 STARTER AND ASSURED PERIODIC TENANCIES (LIFETIME TENANCIES)

12.1 Ocean properties will be let on fully Assured Periodic tenancies at either social, affordable or intermediate rent.

12.2 All new tenants to Ocean, unless they are assigned by way of a mutual exchange, will hold a 'Starter' tenancy for the first 12 months.

13.0 SIZES OF PROPERTY

13.1 Ocean Housing will seek to match properties to the size of individual applicants and their households in accordance with the size criteria as set out in Cornwall Homechoice Scheme which can be found on Ocean's intranet.

13.2 Exceptions to the size criteria detailed in Cornwall Homechoice's Scheme may be considered in the following circumstances:

- a) Where an Ocean tenant wishes to downsize to smaller Ocean accommodation preference will be given to tenants willing to consider accommodation that meets their needs without under occupying. In exceptional circumstances Ocean will not apply restrictions to the size of property they can move to, as long as the new property has at least one bedroom less than their current home and they can demonstrate that the rent is affordable, as per 6.1e. (E.g. a single person in a 3-bed house may downsize to a 2-bed property).

- b) Applicants with a 4-bed need or higher may be accepted for 3-bed properties, where the property in question has a separate living room and dining room.
- c) Where an applicant has been assessed by Cornwall Homechoice's Welfare Panel as requiring an extra bedroom, outside of their bedroom size criteria, due to medical conditions and they can demonstrate that the rent is affordable, as per 6.1 f.
- d) Where an applicant is a foster carer and they have fostered a child or become an approved foster carer in the last 12 months, they should be allowed an additional bedroom in their allocated accommodation, even if they are between foster placements.
- e) Where an applicant has an adult son or daughter who is in the Armed Forces but continues to live with their parents, they will be treated as continuing to live from home even when deployed on operations. As such, their allocated accommodation size should include a bedroom for the adult son or daughter.
- f) Where an applicant has a son or daughter who normally lives at home but is away studying at University and:
- they are not claiming Housing Benefit or Housing Cost Element of Universal Credit in their own right, and
 - they intend to return home within 52 weeks, and
 - their bedroom has not been let out
 - their allocated accommodation size should include a bedroom for the son or daughter.
- g) Applicants – or their partners - who are more than 12 weeks pregnant, may be allocated an additional bedroom to accommodate their unborn child and they can demonstrate that the rent is affordable, as per 6.1 f.
- h) Unless the terms of a Section 106 agreement prohibits the under occupation by 1 bedroom provided the applicant(s) can prove affordability, as per 9.0. However priority will be given to those households which fully occupy the property.

An extra bedroom to be offered for households that meet the following criteria	
Single older person or couple	2 beds (older persons accommodation only)
Foster Carer	1 extra bedroom
Adult child in Armed Forces	1 extra bedroom
Severely disabled child (per child) as assessed by Homechoice Welfare Panel	1 extra bedroom
Students intending to return within 52 weeks who are not in receipt of Housing Benefit at another address	1 extra bedroom
One of the prospective tenants is more than 12 weeks pregnant	1 extra bedroom

13.3 All the exceptions listed in 12.2 above may only be considered:

- a) following a positive financial assessment of the applicant to show that they can afford to meet the rental costs of their new home, taking into account planned legislative changes
- b) after the provision of appropriate evidence to confirm their particular circumstances

13.4 The exceptions listed in 13.2 above are not exhaustive and any other individual circumstances related to each applicant should be considered prior to any allocation being made.

13.5 Where any other exception is made to Ocean's Allocation and Lettings policy, authority to make the exception may only be granted under delegated authority by the Managing Director Ocean Housing Limited or the Head of Neighbourhood Services.

14.0 TRANSFERS

14.1 Existing Ocean tenants have the right to apply for a transfer via Cornwall Homechoice and will be subject to the conditions laid out within the Homechoice Policy.

14.2 Where any of the Cornwall Homechoice Policy above criteria are not met, Ocean will consider any mitigating circumstances, which may allow exceptions to be made, under 4.1 of this Policy.

Where the tenant is subject to the effects of the implementation of the removal of 'spare room subsidy', such consideration will be dependent on the following criteria:

- The tenant must be registered on Home Swapper and Homechoice
- For a minimum of 8 weeks the tenant must have maintained engagement and co-operation with Ocean in respect of their rent. During this time they must have made contributions to their rent liability that reflects the maximum amount that they could reasonably be expected to make
- Tenants whose rent account is currently clear but who owe sundry debts must have a payment plan in place, for a minimum of 4 weeks that is reducing the debt
- The tenant must not be in breach of any other tenancy ground (for example harassment or anti-social behaviour etc.) for which they have been served with either a Notice of Seeking Possession or an injunction.
- The property should be in a reasonable condition to minimise the risk of incurring a recharge (where a property inspection indicates a likely recharge, an agreement must be made before the transfer approval)
- The tenant must undertake a financial health check with Ocean to demonstrate that the proposed move is affordable for them and that they will be able to clear all existing debts following this move
- Tenants whose debt liability to Ocean exceeds £1,000 (including any likely recharges) will not normally be eligible for downsizing unless they are subject to serious harassment.
- In principal approval received from Cornwall Council of any award of Discretionary Housing Payments.

16.0 DIFFICULT TO LET PROPERTIES

16.1 Where a property is unable to be let through the Homechoice process, the property may be considered to be difficult to let. Where this occurs, the property may be let, outside of the normal Homechoice process, in anyway deemed appropriate by Ocean.

Permission to let a tenancy in this way must be authorised by the Head of Neighbourhood Services, or the Managing Director of Ocean Housing.

17.0 DESIGNATED PROPERTIES & LETTING CONDITIONS

- 17.1 Ocean will designate certain properties for particular client groups only and introduce certain letting conditions on selected properties, where it is considered appropriate to do so.

18.0 LOCAL LETTINGS PLANS AND SECTION 106 AGREEMENTS

- 18.1 Ocean recognises the need to create and maintain sustainable and well-balanced communities on its housing estates. Where any issues or a redevelopment of a particular scheme arise in a particular neighbourhood, Ocean may seek to work with Cornwall Council, to propose a specific 'local lettings plan', to help address and resolve any problems that may exist.
- 18.2 Ocean recognises that, where a property is let under a local authority Section 106 agreement, the terms of the agreement would take precedence over the allocation criteria detailed in this policy, where such terms differ.

19.0 EQUALITY AND DIVERSITY

- 19.1 Ocean Housing is committed to a fair and equitable housing policy and to providing equal opportunities for all when allocating available properties. The circumstances of all housing applicants will be assessed objectively according to their housing and other diverse needs and as a result, exceptions may be considered to the size of property allocated to the applicant.
- 19.2 Ocean Housing is opposed to direct or indirect discrimination and recognises the need for appropriate systems to actively prevent discrimination on the basis of race, colour, ethnic or national origins, gender, age, sexuality, mental status, religion, physical disability or mental health.

20.0 OTHER RELEVANT POLICIES

- 20.1 In the allocating and letting of its properties, Ocean Housing staff work with potentially vulnerable people in many areas of service delivery and policies are in place to recognise and respond appropriately. For this reason it is important to read this policy in conjunction with other relevant policies as listed below:
- Anti-Social Behaviour Policy
 - Customer Feedback: compliments, comments and complaints
 - Domestic Abuse Policy
 - Equality, Diversity and Inclusion Strategy
 - Harassment and Racial Harassment Policy
 - Income Recovery Policy
 - Safeguarding Adults Policy
 - Safeguarding Children's Policy
 - Services for Vulnerable People Policy
 - Tenancy Policy
 - Succession Policy
 - Asset Disposal Policy
 - Mutual Exchange Policy