

ALLOCATIONS AND LETTINGS POLICY

Board/EG Approval:	November 2022	Responsible Board:	Ocean Housing Ltd
Next Review:	November 2024	Responsible Executive:	Managing Director - Ocean Housing Ltd

1.0 Introduction

- 1.1 This policy sets out Ocean Housing's approach to allocating and letting homes for rent, including new build homes.
- 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.
- 1.3 The register includes a common housing needs assessment framework where all partners to the scheme agree with the prioritisation of households on the Register.
- 1.4 Ocean commits to let its empty homes through Cornwall Homechoice, in accordance with the agreed nomination rights, with the exception of management transfers, decants, direct lets and where a property has previously been advertised through Homechoice and is deemed hard to let. Ocean aims to work with the Council to address housing need in the county.
- 1.5 The Council has nomination rights to 100% for the first letting of new homes and 50% of relets thereafter. The Council also has 75% nomination rights to the homes transferred from Restormel Borough Council. Where the property is subject to nomination rights, the Council's Allocations Policy applies.
- 1.6 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 are currently advertised via Cornwall Homechoice, and allocated via Ocean's Allocation Policy.
- 1.7 Cornwall Council's Allocation Policy provides different criteria to the Ocean policy, namely that applicants must demonstrate that they have a local connection i.e., a three year residency or three 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.
- 1.8 We use the following criteria to identify properties suitable for the Council to nominate to:
- a) All re-let properties, which have a section 106 agreement attached to them at the time of development.

- b) All houses where there is no evidence of previous allocations being considered as difficult to let.
- c) Flats and older person's properties, which have been identified from previous allocations as being within sought after locations.

2.0 The Scheme in Brief

2.1 The aims of the Homechoice scheme are to:

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

2.2 Applicants for affordable rented 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.

2.3 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, and, where applicable, evidencing they meet the required local connection.

3.0 Assessment of Applicants and Banding

3.1 In accordance with the Homechoice scheme, an applicant's housing need will be assessed against agreed criteria and a banding of housing priority

will then be awarded to them. There are currently five bands ranging from Band A to Band E.

4.0 Verifications & Accompanied Viewings

- 4.1 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 to ensure the property is affordable, and an assessment of support needs, will be undertaken.
- 4.2 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.
- 4.3 New tenants will be required to give authority for a credit check to be completed, to assess their financial background. 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 before the start of their tenancy i.e. four weeks rent.
- 4.4 Ocean aim to undertake an accompanied viewing of the property with the applicant prior to acceptance and sign-up.
- 4.5 Where a verification reveals that an applicant's details are not as stated on their application form, or are false, their offer will be withdrawn and another application assessed from the scheme.
- 4.6 If an applicant obtains an Ocean tenancy on the basis of false information, Ocean will take legal action to end the tenancy, unless there are mitigating circumstances. We will advise Cornwall Homechoice of any such decision as it may affect the customer's ability to seek social housing in Cornwall.

5.0 Grounds for Refusing an Application

- 5.1 Ocean will not accept an application for a tenancy from:
- a) Someone who does not have the Right to Rent
 - b) People aged 16-18 years, unless they have an adult guarantor who will hold the tenancy in trust and guarantee the rent until the applicant turns 18
 - c) People who do not have capacity to enter into a tenancy agreement unless some 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 three 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) An applicant who is threatening or abusive to staff during the allocations process.
- f) People who have a support need that makes them likely to be unable to sustain a tenancy and we do not have evidence that support will be available when the tenancy starts, or there is evidence they will not engage with the support.
- g) People who do not meet a local connection criteria or cannot provide suitable evidence of a local connection.
- h) People who currently hold an Ocean tenancy and are in breach of its terms.
- i) People who have held an Ocean tenancy and have an unpaid debt. The exceptions to this are where they are moving to a smaller home because a reduction in welfare benefits has made the current home unaffordable. Current tenants must have had a clear rent account for at least three months at the time of application and are expected to clear any debt accrued since registering their application prior to an offer of rehousing.
- j) People who owe rent arrears to a previous landlord. Rent arrears of less than one month's rent may be considered where evidence of an acceptable repayment plan can be provided.
- k) People where a financial assessment shows the property is unaffordable for them.
- l) People whose circumstances do not comply with the Charitable Objectives of Ocean Housing Limited.
- m) People who do not submit evidence sufficient to fully and properly assess their suitability for a tenancy or particular property. The onus will be on the applicant and support network to provide the evidence in the set timescales.
- n) Where an applicant has readily available assets i.e. cash or cash equivalents over £100,000 or an annual net income in excess of 60,000 we will carry out an assessment of their ability to purchase or privately rent a home suitable for their needs within their area of choice. Offers to applicants in this situation will need the approval of Head of Neighbourhood Services or MD of Ocean Housing.

6.0 Sex Offenders Protocol

6.1 Along with other social landlords, Ocean has entered into an agreement with Devon & Cornwall Police to exchange information on any 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 application, or who is suspected or accused of being a sex offender, will be subjected to the provisions set out in the protocol.

6.2 There is no blanket ban on sex offenders accessing social housing but, before any offender is offered housing with Ocean consultation will be undertaken with the Police and relevant support agencies, to assess the risk involved. Any offer to a household containing prosecuted someone under the Sex Offenders Act 1997 must be approved by the Managing Director of Ocean Housing.

7.0 Vulnerable People

7.1 The Cornwall Homechoice scheme ensures that all applicants have equal access to affordable housing. Where any vulnerable applicant has difficulty in accessing the 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 by the scheme operators.

7.2 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.

7.3 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. Support assessments will be updated as necessary.

8.0 Affordability

8.1 Ocean believes it is important our tenants can sustain their tenancy. We will not set people up to fail.

8.2 Ocean will undertake a financial assessment, including a credit check, 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 they are able to meet the costs of running the home they are applying for.

8.3 Applicants who are unable to demonstrate they can do so will be rejected and signposted to agencies who may be able to assist them.

9.0 Allocating Tenancies to Under-18 year olds

9.1 Where an applicant is under-18 years of age, they will be required to:

- a) 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
- b) 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'
- c) sign an Equitable Starter Tenancy agreement

9.2 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.

9.3 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.

10.0 Homelessness and Additional Services

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

- a) Using preference labels where appropriate to encourage bids from homeless households. Such labels will be agreed with Cornwall Council to help meet need and demand within the county
- b) Using Direct Offers as agreed by Cornwall Homechoice Partnership, and either the Head of Neighbourhood Services or Managing Director, 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
- c) 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
- d) Working with 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

11.0 Property Size

11.1 Ocean Housing will match properties to the size of applicants' household in accordance with the size criteria set out in Homechoice Scheme.

11.2 Exceptions to the size criteria detailed in the Homechoice Scheme may be considered in the following circumstances:

- a) Where an Ocean tenant wishes to downsize, 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.
- b) Applicants with a need for a four-bedroom home or larger may be offered a three-bedroom home where it 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 the rent is affordable.
- 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 at 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, where they can demonstrate the rent is affordable.

11.3 All the exceptions listed in 11.2 may only be considered following a financial assessment that shows they can afford to meet the costs of running the new home.

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

11.5 Where any exception to Ocean's Allocation and Lettings policy is proposed authority must be granted by the Managing Director or the Head of Neighbourhood Services.

12.0 Transfers

12.1 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 scheme.

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

- a) The tenant must be registered on Home Swapper and Homechoice
- b) 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
- c) 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
- d) 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.
- e) The property should be in a reasonable condition to minimise the risk of incurring a recharge.
- f) 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
- g) Tenants whose debt liability to Ocean exceeds £1,000 (including any likely recharges) will not normally be eligible for downsizing
- h) In principal approval received from Cornwall Council of any award of Discretionary Housing Payments.

13.0 Difficult to Let Properties

13.1 Where a property has not been let after being advertised via Homechoice, it will be considered to be difficult to let. Where this occurs, the property will be let, in any way deemed appropriate by Ocean. Permission to let a property in this way must be provided by a Neighbourhood Services Manager.

13.2 Permission will generally be granted 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.

14.0 Management transfers

14.1 A management transfer may be agreed where a tenant, or a member of their household:

- a) has been subjected to actual violence and that is likely to reoccur
- b) has received severe threats of violence and there is evidence those threats will be acted on

14.2 We would usually expect the Police to provide evidence to support a move but in some circumstances we may consider evidence supplied by other agencies. To agree a move Ocean would need to be satisfied the risk exists and would be significantly reduced by a transfer.

14.3 Where the risk is so severe an immediate move is needed the tenant must approach Cornwall Council. Ocean Housing cannot provide emergency housing.

14.4 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. Tenants living in a flat or maisonette will not be offered a house. A tenant living in a house may choose to accept a flat or maisonette.

14.5 The purpose of a management transfer is to move the tenant to a safer home as quickly as possible and the areas they will move to should not be unnecessarily restricted. Decisions on reasonableness will rest with Ocean, and restrictions the applicant wishes to place on the areas they will move to, will need to be supported by evidence.

14.6 Management transfer cases will be reviewed every three months to check if the status remains necessary.

14.7 Permission for a management transfer may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.

15.0 Work Required to a Property

15.1 There may be exceptional circumstances where the work required to a property necessitates a move, either temporarily or permanently.

- 15.2 A move will only be agreed where the work required cannot be carried out with the tenant present. Such work often forms part of a larger programme and if the tenant has to move temporarily they will only be provided with that accommodation for the duration of the relevant work.
- 15.3 Alternative accommodation will not be provided for the period of any work that would usually be carried out around a tenant, including kitchen and bathroom replacement unless there are demonstrable extenuating circumstances. Tenants may reasonably be required to make adjustments to their routines to accommodate work.
- 15.4 Permanent moves will also be considered where it may help manage a disrepair claim.
- 15.5 Permission for either a permanent or temporary move may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.

16.0 Emergency Rehousing Incidents

- 16.1 There will be occasions where an event such as a fire or flood make a property uninhabitable.
- 16.2 Ocean Housing does not have emergency housing available and a tenant affected by an event such as a fire or flood will usually need to make arrangements to stay with family or friends. If that is not an option they will need to approach Cornwall Council which has the legal obligation to provide emergency accommodation.

17.0 Property disposals

- 17.1 Where a property is suitable for disposal, we may seek to sell it and, if necessary, move the occupant to another suitable property.
- 17.2 Permission may only be granted by the Head of Neighbourhood Services or the Managing Director of Ocean Housing Limited.

18.0 Designated Properties & Letting Conditions

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

19.0 Local Lettings Plans and Section 106 Agreements

- 19.1 Ocean recognises the need to create and maintain sustainable and well-balanced communities. 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.

19.2 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 subject to consultation with Cornwall Homechoice prior to advertising with a preference label.

19.3 Ocean recognises that, where a property is let under a local authority Section 106 agreement, the terms of the agreement take precedence over the allocation criteria detailed in this policy, where such terms differ.

20.0 Equality, Diversity and Inclusion

20.1 Ocean Housing is committed to a fair and equitable housing policies and to providing equal opportunities for all when allocating 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.

20.2 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.