



## **POLICY: LETTINGS AND TRANSFERS**

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Copies of this Policy may be made available in alternative formats on request.

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## **POLICY: LETTINGS AND TRANSFERS**

All reference to 'we', 'our' or 'us' in this Policy should be read as meaning Sandbourne Housing Association.

### **1. Purpose and aim of the Policy**

1.1 The objectives of this Policy are:

- 1.1.1 to make the best use of our stock and to promote, achieve and maintain sustainable and balanced local communities and normally retain stock for social use
- 1.1.2 to provide value for money and ensure ongoing viability
- 1.1.3 to make the process of letting our properties efficient, effective and clear
- 1.1.4 to give reasonable preference to those in priority need through a Lettings and Transfers Policy that is fair, reflects the diversity of our client groups and meets the needs of vulnerable individuals and groups
- 1.1.5 to make it possible for anyone of qualifying age to apply to be housed or transferred by us for properties where we hold waiting lists, transfer lists and/or offer nominations/referrals
- 1.1.6 to contribute towards an asset management strategy that responds to changing local demands.

### **2. Homes covered by this Policy**

2.1 This Policy applies to all our social rented accommodation, excluding extra care schemes.

### **3. Waiting, transfer and nominations/referrals lists**

3.1 We will let our homes to applicants on our waiting and transfer lists and to persons nominated/referred by the local authority (through 'Home Choice' or similar arrangement), giving reasonable preference to housing those in the greatest need, or the local authority preferred order, whilst seeking to maintain sustainable and balanced local communities.

## 4. Eligibility to apply for our housing

4.1 Eligibility to be placed on any particular waiting list may be restricted as follows:

- (a) where the properties were built for a particular client group, e.g., Craigleith Extra Care, which is for persons aged from 50+
- (b) where the properties for which someone wishes to be considered are inappropriate for their needs
- (c) where specific eligibility criteria exist, for example, properties to be let to those with a qualifying local connection, e.g., within the Bournemouth, Christchurch, and Poole (BCP) Council administrative area, effective from 1 April 2019, or within the vicinity of Ringwood, and the surrounding area.
- (d) for rented 60+ properties, applicants, including nominees also referred to as applicants, who would normally be the tenant(s) must be a minimum of 60 years old and for rented 18+ properties a minimum age of 18 years' old
- (e) applicants must not, in our sole opinion, have deliberately worsened their housing and/or financial circumstances in order to qualify for consideration
- (f) applicants must have a housing and/or support need that they are unable to have met from their resources in the private sector and which we can meet as a landlord and/or can and will be provided by statutory and/or voluntary services
- (g) the applicant has the capacity to enter into and maintain a tenancy agreement and the conditions therein, including the ability to pay the rent due to benefit restrictions
- (h) the applicant does not, in our opinion, present an unreasonable risk to the management of the property, scheme, employees, contractors and/or tenants and/or visitors in the locality.

4.2 Only persons having the capacity to maintain the obligations of the tenancy, who can move in immediately, and who currently have the 'Right to Rent' within the United Kingdom may apply for and be allocated a tenancy. Proof of the 'Right to Rent' will be required.

4.3 Where properties are subject to nomination rights, we will offer vacancies at our absolute discretion to local authority nominees/referrals:

- (a) the local authority has agreed to us being able to distinguish which band or equivalent the nominee/referee will be provided from so as to ensure we continue to be able to maintain sustainable and balanced communities in our schemes in accordance with item 3.1
- (b) the person(s) meet(s) the criteria for the property and scheme
- (c) the nomination/referral process does not, in our opinion, provide for an unreasonable delay in letting a vacancy.

## **5. Achievement of viable, representative, sustainable and balanced communities**

5.1 We will seek to promote, achieve, and maintain sustainable and balanced communities.

## **6. Properties becoming vacant – our waiting and transfer lists**

6.1 For vacancies in schemes where transfer waiting lists are retained, we normally give priority to transfer applicants in the first instance, provided that:

- (a) the property eventually offered will not breach any other objectives laid out in this Policy
- (b) the property eventually offered will not breach any nomination/referral agreement governing that property
- (c) the tenant's rent account and/or housing related debts are clear at the point of being actively considered for a vacancy
- (d) all other tenancy obligations have been met at the point of being actively considered for a vacancy
- (e) there is a strong, clear and demonstrable medical/support need for alternative accommodation, for example a requirement for a shower instead of a bath, or vice-versa, or the onset of a disability which affects everyday living
- (f) in the event of there being no transfer applicants with a clear and demonstrable medical/support need, as detailed above, then consideration will next be given to those on the urgent or priority waiting list. If the vacancy remains unfilled, we will then consider moving other tenants on the transfer list, based on their preference and earliest date of application

- (g) we will not incur any unreasonable empty property (void) costs associated with transfer. The tenant must leave their existing accommodation in a reasonable state otherwise we will make a charge for making good, clearance, etc.
- (h) there is no minimum length of tenancy before a tenant can apply for a transfer
- (i) disagreements with neighbours, in isolation, will not normally be considered as a valid reason for giving priority consideration for a transfer, as the matter may more properly be tackled through self-help, mediation or, in serious cases, intervention by the housing services team and/or other agencies
- (j) all transfer applicants will be responsible for meeting their own costs associated with their move which are likely to include a joint rent and service charge/support charge liability until their existing tenancy ends.

6.2 We will retain the right to prioritise a management transfer of any tenant who has an urgent need to move because of, for example, a real and immediate threat to their health that could be mitigated by a move to another property and/or which makes better use of the stock from an asset management perspective and/or is better value for money, e.g., decanting for major works or avoid the costs of disabled facility grant or similar work being required on the existing property.

## **7. Properties becoming vacant – local authority nominations/referrals**

7.1 We will normally assume that local authority nominees/referrals are in sufficient housing and/or support need to qualify for re-housing. Where more than one is given for a particular vacancy or where more than one suitable vacancy exists on a particular scheme, we will at our discretion aim to offer as wide a choice as possible to the applicant(s), subject to the local authority's stated preferences (if any) and its own assessment to make best use of the stock and achieve a sustainable and balanced community.

7.2 Nominations/referrals will be requested in line with our commitment to create sustainable and balanced communities and in accordance with paragraph 4 above.

## **8. Placing applicants on waiting and transfer lists**

8.1 Lists will comprise three bands:

- (a) the "urgent" waiting list
- (b) the "priority" waiting list
- (c) the "general" waiting list

- 8.2 As soon as eligibility has been established (see paragraph 3.1), all applicants will be placed on an initial banding normally until they are due to be considered for a vacancy and/or when their application is investigated in more detail, at which point an assessment will be made to confirm their banding and eligibility etc.
- 8.3 Applicants will be placed onto the urgent list if there is in our opinion an emergency and immediate need for re-housing and/or we require the tenants' existing accommodation for works and/or to prevent the need for our or other public funds to be spent, such as a disabled facility grant or equivalent for a shower installation in their existing property.
- 8.4 Applicants will only be placed onto the priority list for all eligible properties and schemes if in our opinion:
- (a) they are statutorily homeless, verified by the local authority
  - (b) they have a medical condition verified by a specialist medical practitioner (but not normally a general practitioner) that requires a need for re-housing that one of our properties will meet and their current accommodation does not
  - (c) there is an immediate need to move in order to receive or give support, again, such need normally being verified by a social worker or similar professional person
  - (d) they are in temporary or insecure accommodation
  - (e) they and those who have been living with them for a period of not less than six months are statutorily over-crowding their current home
  - (f) they are under-occupying another local authority or housing association home by one bedroom or more
  - (g) their current home is in statutory disrepair through no fault of the applicant, poses a significant risk to life or health and/or where facilities are lacking or shared with another unrelated household
  - (h) there are other social circumstances, such as serious harassment or domestic abuse. This will also cover applicants who, in the case of domestic abuse, are in temporary refuge accommodation and need to be re-settled in permanent accommodation
  - (i) there are financial or other circumstances which make their current housing situation unsustainable and a move to one of our properties would alleviate. that situation

## **9. Offers of properties where we keep a waiting/transfer list**

- 9.1 Where more than one identical vacancy exists on a particular scheme, we will aim at our discretion to offer as wide a choice as possible to eligible applicants.
- 9.2 Applicants may register for consideration for as many properties/schemes as they wish, provided they meet the lettings eligibility criteria for that particular property.
- 9.3 For each vacancy that arises, a minimum of three eligible applicants will normally be contacted from the particular waiting/transfer list and invited to express their interest in the vacancy.
- 9.4 Preference will be given as follows:
  - (a) firstly - to transfer applicants (subject to paragraph 6.1 above)
  - (b) secondly - to applicants who have been registered the longest (the date of initial registration) on 8.1 (a), (b) and (c) in that order.
  - (c) thirdly – the offer will normally be held for 72 hours of being notified of the vacancy.
- 9.5 No offer of property will be made until the applicant's housing circumstances have been verified and accepted by us and the criteria of our Policy have been met.

## **10. Review of waiting lists**

- 10.1 All applications on waiting lists will be reviewed periodically (and normally annually).

## **11. Refusal of offers of suitable accommodation, suspension from, or re-instatement on waiting lists**

- 11.1 In the event that a transfer or waiting applicant who has previously been awarded 'urgent or 'priority' status refuses what at the complete discretion of the Association is considered to be a reasonable offer of accommodation, unless doing so for what the Association considers to be a valid reason that status will be removed, and the application moved to the 'general' waiting list. The applicant will then remain on the 'general' waiting list, unless and until their housing circumstances change when awarding 'priority' status again may be considered.
- 11.2 If, in our opinion, an applicant has refused, on three consecutive occasions, offers of suitable accommodation, the applicant may be suspended from further consideration for a period of one year from the date of the third offer.

11.3 Applicants may be suspended at the discretion of the Association for other reasons, for example:

- (a) Not actively seeking accommodation at the moment.
- (b) Pending confirmation of a change of circumstances.

Suspension from the waiting list will normally be for a period of one year, although may be reviewed if the applicant's circumstances change.

11.4 Applicants whose applications are cancelled and who then get in contact later and request to be considered again will normally be treated as a new application and will lose any previous time registered on the waiting list. This is unless there are exceptional circumstances which are considered at Sandbourne's absolute discretion.

11.5 It should be noted that for Data Protection (GDPR) best practice applications that have been cancelled for longer than six months are routinely destroyed, and computer records of the application will be removed and deleted.

## **12. Exclusion from eligibility**

12.1 We will undertake a risk assessment of all applicants, including those nominations by the local authority or other agency etc., normally at the point at which they are being considered for an offer of accommodation. This risk assessment will identify any issues that may affect the sustainability of the tenancy, risk to other residents in the locality and/or the balance of the community where the applicant may be housed. If, in our opinion, there would be a potential threat to such balance and sustainability, the applicant may at our absolute discretion be excluded from consideration for that particular property. Such exclusions will only apply to consideration for a particular property, not for accommodation with us generally and normally only where such incidents, examples of which are given below, have occurred within two years of the date for consideration:

- (a) rent arrears and/or other debts owing to us and/or a previous landlord that have been the subject of legal action, e.g., notice of seeking possession served or injunction sought
- (b) harassment, including domestic abuse where the applicant and/or a member of the household to be housed, as perpetrator, has been subject to legal action
- (c) incidents of anti-social behaviour that have led to legal action against the applicant and/or a member of the household to be housed

- (d) acceptable evidence to us that the applicant wilfully made a fraudulent statement in their application for accommodation in order to be placed on the list
- (e) legal action taken because of threats of and/or intimidation/ violence against neighbours, their visitors, in the locality or against our employees, contractors / or agents etc. considered at our absolute discretion
- (f) any other breach of and/or ability to meet and maintain tenancy conditions, anti-social behaviour or tenancy legislation considered sufficiently serious at our absolute discretion as to merit exclusion.

12.2 We may also exclude applicants for housing if we consider there is acceptable evidence that the applicant has been convicted of a serious crime and who might pose a risk to the community or locality in which they would live were they to be housed by us. Again, any decision to exclude would be for the particular property only and after a risk assessment has been conducted.

12.3 Finally, we may exclude applicants for housing if our risk assessment highlights the need for a level or type of support that neither we, nor any other responsible body, can provide to our satisfaction.

### **13. Appeals process**

13.1 Applicants who feel that they have been treated unfairly and not in accordance with this Policy may appeal in writing, or in person, to the Chief Executive.

13.2 The Chief Executive will not hear an appeal based purely on disagreement with the Lettings and Transfers Policy itself.

13.3 Complainants who are dissatisfied with the Chief Executive's decision may request their appeal be heard by a panel set-up for that purpose by our Board.

13.4 Vacancies will not normally be held vacant pending the appeals process.

### **14. Lettings guidance**

14.1 Joint tenancies:

- (a) Couples or joint applicants will normally be offered a joint assured or assured shorthold (starter) tenancy. In the case of couples, both of the partners must normally be over 18 years old (60 years

of age for rented 60+, 50 for Craigleith and 18 years old for rented 18+ properties).

- (b) In the event of a future spouse/civil partner under 60 years in rented 60+ properties, and 50 years for Craigleith, succeeding the tenancy, consideration will be given to serving a notice of seeking possession with a view to securing suitable alternative accommodation for the person.

14.2 Two-bedroom flats (rented 60+): Priority will be assessed as follows:

- (a) two people not in an intimate relationship, i.e., siblings, parent and son/daughter, friends, applicant and carer (both normally being over 60 years for rented 60+ properties, 50 for Craigleith)
- (b) couples with medical conditions requiring separate bedrooms
- (c) couples
- (d) applicants that will have a live-in carer (not the applicant or spouse) who will not be included on the tenancy agreement.

14.3 Larger one-bedroom (two persons) flats (rented 60+):

- (a) couples
- (b) singles

14.4 General family accommodation will normally be allocated according to the following criteria:

- (a) one-bedroom properties – single applicants or couples
- (b) two-bedroom properties – families with one child or two children of the same sex
- (c) three-bedroom properties – families with two children of the same sex over the age of ten, or of any age of the opposite sex who would receive priority consideration when one is over eleven years' old
- (d) four-bedroom properties – families with three or more children.

14.5 Note, if there is a need for a live-in carer, that person would qualify for a bedroom.

## **15. Equality impact assessment/Protected characteristics (as at 7 August 2022 or later amendments/additions)**

15.1 Neutral.

## **16. Consultation arrangements**

16.1 We will consult all tenants and recognised tenants' bodies on significant changes to this Policy and their views will be taken into account by the Board before approving it.