

LETTINGS AND TRANSFER POLICY



1. PURPOSE AND AIM OF POLICY

1.1 The objectives of this Policy are:

- to make the best use of our stock and to promote, achieve and maintain sustainable and balanced local communities;
- to make the process of letting our properties efficient, effective and clear;
- to give reasonable preference to those in priority need through a Lettings and Transfer Policy that is fair, reflects the diversity of our client groups and meets the needs of vulnerable individuals and groups;
- to make it possible for anyone at qualifying age to apply to be housed or transferred by us for properties where we hold waiting lists, transfer lists and/or offer nominations; and
- to contribute towards an asset management strategy that responds to changing local demands.

2. HOMES COVERED BY THIS POLICY

This Policy applies to all our rented sheltered accommodation excluding extra care schemes.

3. WAITING, TRANSFER AND NOMINATIONS LISTS

We will let our homes to applicants on our waiting and transfer lists and to persons nominated by the local authority, giving reasonable preference to housing those in the greatest need whilst seeking to maintain balanced communities.

4. ELIGIBILITY TO APPLY FOR OUR HOUSING

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

- where the properties were built for a particular client group;
- where the properties for which someone wishes to be considered are inappropriate for their needs;
- where specific eligibility criteria exist, for example, properties to be let to those with a qualifying local connection;
- all applicants must be a minimum of 55 years old;
- all applicants must not in the opinion of BHSE have deliberately worsened their housing and/or financial circumstances in order to qualify for consideration;
- all applicants must have a housing and/or support need that they are unable to have met from their resources in the private sector;
- the applicant has the capacity to enter into and maintain a tenancy agreement and the conditions therein;
- the applicant does not in the opinion of BHSE present an unreasonable risk to the management of the property, scheme, staff and/or residents, visitors.

4.2 Normally, only persons having the capacity to move in (within a reasonable time period) and who currently have the right to reside within the United Kingdom may apply for and be allocated housing.

4.3 BHSE will offer vacancies at its absolute discretion to local authority nominees where:

- the nominee(s) is/are a minimum of 55 years old and the local authority has agreed to BHSE being able to distinguish which band or equivalent the nominee will be provided from so as to ensure BHSE continues to be able to maintain balanced communities in its schemes in accordance with item 5;
- the nominee meets the criteria for the property and scheme;

- the nomination process does not in the opinion of BHSE provide for an unreasonable delay in letting a vacancy.

5. ACHIEVEMENT OF VIABLE, REPRESENTATIVE AND BALANCED COMMUNITIES

We will seek to promote, achieve and maintain sustainable and balanced communities by methods that include:

- setting indicative quotas for letting within the three priority bands (urgent, priority and general), initially likely to be 10%:60%:30% respectively. Ratios will be reviewed on a regular basis; these quotas will also be applied to requests for nominations where the local authority operates a choice-based lettings scheme and where it has similar or broadly similar bands.

6. PROPERTIES BECOMING VACANT – BHSE WAITING AND TRANSFER LISTS

6.1 For vacancies in schemes where transfer waiting lists are retained, we give priority to transfer applicants:

- the property eventually offered will not breach any other objectives laid out in this policy;
- the property eventually offered will not breach any nomination agreement governing that property;
- the rent account is clear;
- all other tenancy obligations have been met;
- 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;
- in the event of there being no transfer applicants with a clear and demonstrable medical / support need (above), the Society will then consider moving other residents based on their preference and earliest date of application;
- the Society will not incur any unreasonable void costs associated with transfer. The tenant must leave their existing accommodation in a reasonable state otherwise the Society reserves the right to make a charge for making good, clearance etc.

1 there is no minimum length of tenancy before a tenant can apply for a transfer

2 disagreements with neighbours in isolation will not normally be considered as a valid reason for requesting a transfer, as the matter would more properly be tackled through self-help, mediation or, in serious cases, intervention by the Housing Officer or other agency

3 all transfer applicants will be responsible for meeting their own costs associated with their move

6.2 We will retain the right to make an emergency management transfer of a resident 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 which makes better use of the stock and/or is better value for money eg decanting for major works.

7. PROPERTIES BECOMING VACANT – LOCAL AUTHORITY NOMINATIONS

7.1 We will normally assume that local authority nominees are in sufficient housing and/or support need to qualify for re-housing. Where more than one nominee is given for a particular vacancy or where more than one suitable vacancy exists on a particular scheme, we will aim to offer as wide a choice as possible to the nominee(s), subject

to the local authority's stated preferences and our own assessment to make best use of the stock.

7.2 Nominations will be requested in line with our commitment to create sustainable and balanced communities and in accordance with paragraph 5 above.

8. PLACING APPLICANTS ON WAITING AND TRANSFER LISTS

Lists will comprise three bands:

- The "general" waiting list.
- The "priority" waiting list.
- The "urgent" waiting list.

8.1 As soon as eligibility has been established (see paragraph 4.1), all applicants will be placed on an initial banding normally until they are due to be considered for a vacancy at which point a more detailed assessment will be made to confirm the banding and eligibility etc.

8.2 Applicants will be transferred to the priority list if:

- (a) They are statutorily homeless and verified by the local authority as being so;
- (b) They have a medical condition verified by a specialist medical practitioner (but not a general practitioner) that requires a need for re-housing that BHSE property will meet;
- (c) There is an immediate need to move in order to receive or give support, again, such need 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 overcrowding their current home;
- (f) They are under-occupying another local authority or housing association home by more than one bedroom;
- (g) Their current home is in statutory disrepair, poses a significant risk to life or health and/or where facilities are lacking or shared with another unrelated household; and
- (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.

8.3 Applicants will be transferred to the urgent list if, in extreme cases, there is an emergency and immediate need for re-housing.

9. OFFERS OF PROPERTIES WHERE WE KEEP A WAITING LIST

9.1 Where more than one identical vacancy exists on a particular scheme, we will aim to offer as wide a choice as possible to eligible applicants.

9.2 Applicants may register for consideration for as many properties as they wish, provided they meet the lettings 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 list to be used in line with the indicative quotas outlined in paragraph 5 and invited to express their interest in the vacancy.

9.4 Preference will be given as follows:

Firstly - to transfer applicants (subject to paragraph 6.1 above);
Secondly - to applicants who have been registered the longest (the date of initial registration onto the general list); and

Thirdly - to applicants of the other two lists (in the above order), whichever list is next in line; this will only happen if no applicants from the initial list express interest within one week of being notified of the vacancy or, if after consideration, no applicant from the initial list wishes to accept an offer of tenancy.

9.5 No offer of property will be made until the applicant's housing circumstances have been verified by the Society.

10. REVIEW OF WAITING LISTS

All applications on waiting lists will be reviewed periodically, based upon the date of registration.

11. REFUSAL OF OFFERS OF SUITABLE ACCOMMODATION

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.

12. EXCLUSION FROM ELIGIBILITY

12.1 We will undertake a risk assessment of all applicants 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 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 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:

- rent arrears and/or other debts owing to BHSE and / or a previous landlord that have been the subject of legal action (eg notice of seeking possession served or injunction sought);
- harassment, including domestic abuse where the applicant, as perpetrator, has been subject to legal action;
- incidents of anti-social behaviour that have led to legal action against the applicant;
- acceptable evidence that the applicant wilfully made a fraudulent statement in their application for accommodation in order to be placed on the priority or urgent lists;
- legal action taken because of threats of and / or violence against neighbours, their visitors or against members of staff and agents; and
- any other breach of tenancy conditions, anti-social behaviour or tenancy legislation considered sufficiently serious as to merit exclusion.

12.2 We may also exclude applicants for housing if there is acceptable evidence that the applicant has been convicted of a serious crime and who might pose a risk to the community 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 going through a thorough risk assessment.

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.

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 Transfer Policy itself.
- 13.3 Complainants who are dissatisfied with the Chief Executive's decision may request their appeal be heard by the Society's Board.

14. LETTINGS GUIDANCE

Joint tenancies: Couples or joint applicants will be offered joint assured tenancies. In the case of couples, both of the partners must be over 55 years. In the case of joint applicants, both persons must be over 55 years of age.

In the event of a future spouse under 55 years 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.

Two bedroom flats: Priority will be assessed as follows:

- i) Two people not in an intimate relationship, i.e. siblings, parent and son/daughter, friends, applicant and carer (both being over 55 years)
- ii) Couples with medical conditions requiring separate bedrooms
- iii) Couples

Larger one bedroom (two persons) flats:

- iv) Couples
- v) Singles

15. EQUALITY IMPACT ASSESSMENT

Race	}	
Gender	}	
Sexuality	}	neutral
Transgender	}	
Faith	}	
Age	}	positive, as the policy takes into account needs of residents
Disability	}	in a pro-active way

16. CONSULTATION ARRANGEMENTS

All residents and recognised residents' associations will be consulted on the policy. Any reasonable suggestions will be taken into account before the policy is ratified by the Board.

17. **DATE OF APPROVAL BY BOARD:** May 2010

18. **DATE OF NEXT REVIEW:** May 2013 (*not later than three years from last review*)