



## Access to Housing Policy

Version 1.1

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## Version Control

*Note: minor updates increase version number by 0.1, major updates increase version number by 1.0.*

<b>Version Number</b>	<b>Sections Amended</b>	<b>Date of update</b>	<b>Approved by</b>
1.01	Removal of Sections		
1.1	Review	12/07/2018	Matt Pyke
	Reviewed no changes	19/07/2019	Matt Pyke

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## 1. Introduction

**1.1** The aim of the Lettings policy is to:

1.1.1 Allocate properties in a fair and transparent way

1.1.2 Deliver a consistent and clear lettings process

1.1.3 Provide a range of housing solutions that offer choice to applicants and seek to lessen the housing crisis

1.1.4 Ensure applicants are informed and prepared to successfully take on the responsibility of sustaining a tenancy.

1.1.5 Allocate properties in an efficient and economical manner in order to minimize rent loss and relet times

1.1.6 Make best use of stock

**1.2** Yarlington supports Choice Based Lettings schemes and will participate as a member of Homefinder Somerset, Devon Home Choice, Dorset Home Choice and will not maintain a separate waiting list outside the register for those seeking accommodation.

1.2.1 In most cases, Yarlington's empty properties will be advertised on the relevant Choice Based Lettings scheme and applicants may bid for a property, provided they meet the stated eligibility criteria for that property and the objectives of this policy.

1.2.2 We are committed to working in Partnership with the Local Authorities in our area of operations to assist them in fulfilling their statutory duties to secure accommodation for people in housing need.

1.2.3 In order to determine who should have priority when a property becomes available, the relevant Choice Based Lettings banding scheme is used in conjunction with any preferences or restrictions that are identified within the property advert.

**1.3** This policy is to be understood within the legal framework of:

- Housing Acts 1985; 1996
- Homelessness Act 2002
- Equality Act 2010
- Data Protection Act 1998
- General Data Protection Regulations 2018
- The Welfare Reform Act 2012

**1.4** Yarlington shall retain records in accordance with statutory requirements or as detailed in Yarlington’s Data Protection Policy documents and guidance issued by Internal Audit and Business Assurance

**1.5** Yarlington will fully participate in the Continuous Recording (CORE) system for monitoring the characteristics of new Residents and their new homes. This information will be published annually.

**1.6** Associated policies

- Void procedure, policy and standard
- Mutual exchange policy
- Transfer policy
- Customer feedback policy
- Homefinder Somerset Common Allocations Policy
- Tenure policy
- Succession policy
- Rent on time policy
- Code of conduct policy and procedure
- Data protection policy
- Rural Lettings policy
- Asset Management policy

**1.7 Definitions**

HFS	Homefinder Somerset
CBL	Choice Based Lettings
Disability	The Disability Discrimination Act states a disabled person is someone with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
Bidding	Bidding does not involve any exchange of money. You are purely expressing an interest in a property. Once you have bid, your final position will be determined by your band and the length of time in that band. Bidding is carried out on the relevant CBL system.
Shortlisting	When the bidding cycle closes, the system will generate a shortlist of all applicants who have applied for the property. It will be ordered by banding and length of time in band.
Preference text	Sometimes, we will be looking for an applicant to meet certain requirements in order to be considered for the property. For example, we may apply preference text if a property has adaptations or is subject to a local connection requirement. Preference text will be clearly labelled on the advert.

Direct match	We endeavour to advertise all properties through CBL. However, there are times when Yarlington will match an applicant or existing resident directly to a vacancy without advertising it through the usual means.
Social rent	Social rent is a rent formula strictly defined by the government to ensure that rents are kept affordable
Affordable rent	Affordable Rent is subject to rent controls that require a rent of no more than 80 % of the local market rent (including service charges, where applicable).
Market rent	Market rent is the level of rent expected on the open market or the average private rent level
Key worker	Allocations are restricted to applicants who are a public sector employee. For example; teachers, police, social workers, NHS workers, fire services, probation
RTL	Ready to let date. This is the date a property is available to move into.

## 2. Eligibility

### 2.1 Applicants from Abroad

A person will not be eligible for an allocation under Part 6 if he/she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. There are two categories for the purposes of s.160ZA:

- 2.1.1 A person subject to immigration control- such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA (2))
- 2.1.2 A person from abroad other than a person subject to immigration control- the Secretary of State may make regulations to provide for other descriptions of persons from abroad who, although they are not subject to immigration control, are to be treated as ineligible for an allocation of accommodation ( s.160ZA (4))

### 2.2 Armed Forces

When allocating properties to applicants with a local connection, Yarlington will not disqualify members of the Armed Forces on residency grounds (unless it breaches the terms of planning consent).Yarlington recognise the special position of members of the armed forces whose employment requires them to be mobile.

### 2.3 Anti-Social Behaviour

Yarlington will not normally let homes to applicants if they (or members of their household) have a history of anti social behaviour or unacceptable behaviour.

Previous tenancy enforcement action for ASB will not be taken into account if it occurred five or more years prior to the date of application, and the tenant's household has conducted a tenancy satisfactorily in the intervening period. A proportionate approach to ASB will be taken and we will apply discretion on a case by basis.

## **2.4 Drug & Alcohol Misuse**

Previous drug, alcohol and legal highs misuse will not be taken into account if it occurred five or more years prior to the date of application, and the applicants' household has sustained non-use in the intervening period. Consideration will be given to engagement with support agencies and any references that support an application.

## **2.5 Criminal Convictions and Breaches of Tenancy**

2.5.1 Yarlington may restrict the letting of homes to applicants who are:

- Currently breaching their tenancy or
- Have previous convictions or
- Who have carried out acts that could reasonably lead to a conviction.

2.5.2 This is not an automatic ban for low risk offenders as a proportionate approach will be taken. However, eligibility for re-housing will be restricted if there is reason to suppose that the ex-offender is likely to pose a significant risk to neighbours and/or the wider community including staff and contractors. The Lettings Team Leader will determine any restrictions and will take account of any information provided by the Local Authority or other third parties.

## **2.6 Multi Agency Public Protection Arrangements (MAPPA)**

Occasionally for risk management purposes Yarlington is asked to house individuals who are subject to MAPPA after careful consideration by the Multi Agency Public Protection Panel (chaired by the police).

2.6.1 Requests under this priority are considered on a case by case basis and the full range of housing options will be considered.

2.6.2 Allocations will be subject to Police checks as well as internal investigations around existing need, demands and priorities of the existing community to ensure the tenancy would be sustainable for the tenant and the community.

2.6.3 Applicants with previous convictions for sexual offences who are not subject to a MAPPA referral, or who are not a registered sex offender, will still be subject to appropriate checks to ensure that the location within the community is sustainable and supported by the Police

## **2.7 Housing Arrears and Housing Associated Debts**

- 2.7.1 Applicants will not normally be re-housed if they (or members of their household) have known current rent arrears/ debts with their existing landlord; or former tenant arrears; or rechargeable housing debts (including unpaid deposits) with their existing or former landlord.
- 2.7.2 In extenuating circumstances including situations in which a schedule of repayment has been agreed and has been adhered to for a reasonable period of time the Lettings Team Leader, may waive this restriction at their discretion.

## **2.8 Rehousing Agreements**

There may be times when we are unable to make an offer of accommodation to an applicant. In these circumstances a re-housing agreement will be created that clearly details the reason for the refusal and what needs to be achieved or what timescales need to be adhered to, in order to be considered for a vacancy in the future.

The agreement will be shared with the applicant and attached to their CBL application.

## **2.9 Internal Transfers**

Existing tenants will need to pass a property inspection and have no outstanding rent arrears or recharges to be considered for another property. If tenants fail a property inspection they will be provided with a report of what works need to be completed before applying again.

## **2.10 Owner Occupiers**

- 2.10.1 Allocations will not be made to owner occupiers who have sufficient equity to enable them to purchase a suitable dwelling, or to applicants with levels of income or capital which would enable them reasonably to meet their housing requirements within the private sector.
- 2.10.2 Consideration may be given to applications from elderly and vulnerable owner occupiers in any of the following circumstances:
- The current property is unsuitable and cannot be adapted,
  - The current property is not in a suitable location or they need to move to be near necessary support,
  - Their health or support need seriously affects their ability to cope with their existing accommodation,
  - Their financial circumstances preclude them from buying a suitable property in the private sector, (or no such suitable property exists in the area in which they need to live). Suitability might involve a need for supported or extra care accommodation.

## **2.11 Code of Conduct**

Before granting a tenancy, Yarlington will establish whether the applicant concerned is related to anyone who is now or has been within the past twelve months a member

of staff or board member of the Yarlington. (E.g. spouse, civil partner, parent, grandparent, brother, sister, or cohabitee of the same or different sex.) If this is the case advice on compliance with The Company's Code of Conduct will be sought.

## **2.12 Fraud**

When an applicant obtains a home through providing false information, they are guilty of housing fraud. They are using up valuable housing spaces and depriving families and vulnerable people the opportunity of securing a home.

If you are caught committing fraud, you're likely to lose your tenancy and you could lose your right to social housing in the future. Depending on the seriousness of the fraud, it's also possible you could be fined and/or sent to prison.

Applicants with any previous history of tenancy fraud may not be considered for an allocation, this will be reviewed on a case by case basis

Yarlington take fraud very seriously and will take the appropriate action to address tenancy fraud.

## **2.13 Equal Opportunities**

Yarlington is committed to ensuring equality of opportunity, irrespective of age; disability; sex; gender reassignment; marriage or civil partnership; pregnancy; sexual orientation; race (including gypsies and travellers) or nationality and religion or belief. As part of our sign up process we will collect statistical data on the 9 strands of diversity to ensure we are delivering a fair service to all.

## **2.14 Emergency Housing**

In some situations where there has been a disaster, emergency situation or unforeseen circumstances, Yarlington may offer accommodation to help alleviate the housing issue. In such circumstances we will look to offer low demand or difficult to let properties. Tenancies offered are likely to be Assured Shorthold Tenancies and a deposit maybe required to ensure there is no financial loss to Yarlington. These properties will be offered outside the CBL system. It might not be possible for tenancy checks to be made for these referrals.

## **2.15 Direct Match**

On occasions Yarlington may decide to allocate a property outside of CBL. This will be recorded internally to ensure the Direct Match process has been followed.

## **2.16 Tenancy Accreditation Scheme**

If an applicant is not considered Tenancy Ready, Yarlington may refer them to a tenancy accreditation scheme to help prepare them for future applications.

2.16.1 In such circumstances where applicants have successfully completed a Yarlington approved Tenancy Accreditation Scheme, preference maybe given when allocating a property.

### **3. Equality and Diversity**

In dealing with ASB Yarlington will ensure that all customers and others are dealt with fairly and equitably, and in accordance with Yarlington's policy on Equality, Diversity and Inclusion.

### **4. Review**

This policy should be reviewed annually or in accordance with legislative changes, Government initiatives or changes in best practice