

**Section;** Housing

**Policy name;** Lettings Policy

**Executive responsible;** Head of Housing

**Review by;** Head of Housing

**Tenant review:** Yes

**Type of review;** Exception

**Authority to amend;** Board

**Frequency of review;** Every three years

**Last review;** April 2019

**Next review;** April 2020

**Responsibility for delivery;** Head of Housing

**Supporting documents;** Devon Home Choice policy and procedures, Rentplus lettings process and criteria, Mutual Exchange Policy.

**Strategy;** Housing Management Strategy

**Associated risk;** Risk 91: Failure by executive to manage operational aspects of the business. Key business targets not met such as high arrears, properties not let, problems with anti-social behaviour. Risk 70: Choice based lettings fails

**Health & safety;** Breach of this policy is unlikely to have a direct impact on H&S.

**Equality & diversity;**

This policy implies that some groups will be treated less favourably, for example those with a history of anti-social behaviour, this is deemed justifiable to ensure sustainable lettings and communities. Demographic information is gathered to ensure that discrimination is not taking place.

### VFM & benchmarking;

Letting properties fairly and appropriately will be balanced with minimising re-let times. Inappropriate lettings with unsustainable tenancies do not represent good value for money as this often results in a higher tenancy turnover. We will benchmark our re-let times and other indicators to ensure that we are performing in line with our own targets and our peers.

<b>VERSION CONTROL</b>			
<b>Version Number</b>	<b>Sections Amended</b>	<b>Date of update</b>	<b>Approved by</b>
1.0	First issue in new template	Aug 11	<i>Board</i>
2.0	Amendments throughout policy	Dec 14	<i>Board</i>
2.1	Clarity on the letting criteria	March 15	<i>CE</i>
3.0	Amendments throughout policy	Nov 16	<i>Approved 29.03.17 Board meeting</i>
3.1	Minor amendments and updated Management Moves section to include downsizing.	Apr 19	<i>CE</i>

## **Introduction**

Cornerstone is a charitable Housing Association which has over 1300 general needs properties. Cornerstone does not have any sheltered or supported housing schemes within its housing stock.

Cornerstone is a non-profit making charitable housing association registered with the Homes and Communities Agency and affiliated to the National Housing Federation. Cornerstone is also a registered society under the Co-operative and Community Benefit Societies Act 2014.

Cornerstone does not keep its own waiting list. Property vacancies are normally let through Devon Home Choice, a regional choice based lettings scheme. Cornerstone assists the local authorities to carry out their duty towards the homeless and to allocate homes to people in housing need.

All applicants who apply for housing through Cornerstone are treated fairly regardless of race, colour, ethnic or national origins, gender, sexuality, religion, age, physical disability, mental health, political views or marital status.

We have targets in place to ensure that discrimination does not take place and the policy is regularly monitored and reviewed. We are committed to a fair and transparent housing policy to provide housing for people in greatest need.

Cornerstone is committed to creating and maintaining sustainable communities.

## **Access to our housing**

There are several methods by which we may be able to provide housing.

### Devon Home Choice (DHC)

DHC is a regional choice based lettings scheme which covers Devon. DHC is responsible for the allocation of the majority of social housing vacancies for rent and is run in partnership with local authorities and other housing providers, including Cornerstone.

Applicants who apply to join DHC will need to complete an application form. The housing need of the person concerned will then be assessed against the DHC policy by the local authority and if accepted, they will be placed in an appropriate band category which reflects their housing need.

The majority of our property vacancies for rent are advertised through DHC and applicants who have registered are able to bid for them. The property is normally offered to the bidder in the highest band who has been in that band the longest.

In order to be considered for a property the successful bidder would need to meet our Letting Criteria as set out below or any other criteria that may apply such as a local lettings plan. It is, therefore, possible that an applicant may satisfy DHC requirements but still not qualify for a Cornerstone tenancy.

Property vacancies may be re-advertised if no suitable applicants apply. Alternatively the vacancy may be let in any way deemed appropriate.

More information and details of how to apply to DHC can be found on their website at [www.devonhomechoice.com](http://www.devonhomechoice.com) or by contacting the Local Authority housing department.

### Mutual Exchange

Tenants of Cornerstone, a local authority or another housing association may be able to exchange properties with another tenant depending on the type of tenancy they have.

### Management Moves

Cornerstone does not operate an internal property transfer service for its tenants, to register for a move tenants should apply to DHC or HomeSwapper for a mutual exchange. We may consider moving tenants outside of DHC, but under the guidance of the DHC Policy, to another Cornerstone home in exceptional circumstances. This could include:

- where a tenant wishes to downsize to a smaller home
- where a tenant requests to move only once during major property modernisation
- where there is a prolonged neighbour dispute and there is no reasonable legal or other remedy available.

Moves will be subject to the availability of a suitable alternative home and will be at the discretion of the Head of Housing.

### Home ownership options

#### Shared Ownership

Cornerstone has a small number of shared ownership properties. Vacancies are advertised through the Government backed Help to Buy South West (the official website for all Shared Ownership housing). Applicants can contact [www.helptobuysw.org.uk](http://www.helptobuysw.org.uk) or ring 0300 100 0021 for a postal application form.

#### Rentplus

These are rent to buy homes and different criteria and processes apply for applicants which are set out in the Rentplus lettings process and criteria document.

### **Tenancies**

Cornerstone currently uses 6 types of tenancies;

#### Assured Tenancy

Assured tenancies are generally the most commonly used tenancies throughout the social housing sector. They can only be ended by the tenant giving notice or by a court order.

### Secure Tenancy

All Cornerstone tenancies created prior to 1989 are secure tenancies. The maximum rent Cornerstone can charge is set by the government valuation office (fair rent act). Although secure tenancies are no longer offered to new tenants, if an existing secure tenant of Cornerstone moves to another Cornerstone property, they will retain their secure tenancy status.

### Starter Tenancy

This is an assured shorthold tenancy for an initial 12 month probationary period, after which it should automatically convert to a full assured tenancy unless terminated or extended by Cornerstone. Existing Cornerstone tenants and tenants of other social landlords with a higher security of tenure will not be given a starter tenancy.

### 5 Year Fixed Term Tenancy (Affordable Rent)

Five year fixed term tenancies are currently restricted to new developments and a small percentage of relets. They are renewable subject to certain criteria being met. This is to help ensure the most efficient use of the Association's social housing stock reference to occupancy levels. Affordable rents (80% of market rent) will be applied to these tenancies.

### Periodic assured shorthold tenancy

These tenancies may be used as either a temporary measure to cover a number of short term situations or for longer periods depending on the circumstances.

### Licence agreement

These agreements are only used where it is not possible to offer an assured tenancy because of occupancy or property restrictions.

### **Lettings criteria**

Applicants are NOT eligible for housing by Cornerstone if one or more of the following points apply;

1. If they owe rent or rechargeable repair costs to any social or private landlord they will not normally be offered a property unless they clear the debt immediately or have maintained an agreed payment plan for a reasonable period (usually at least 13 weeks).
2. If they are an existing Cornerstone tenant who is in breach of their tenancy, for example due to rent arrears, anti-social behaviour or the condition of their current home. We will expect any outstanding debts with us to be paid unless there are exceptional circumstances.
3. If they or a member of their household has been guilty of anti-social behaviour in the last 2 years.

4. If they were evicted by a social landlord or have breached their tenancy agreement. Examples could include; a) nuisance or harassment to neighbours b) using accommodation for immoral or illegal purposes or c) serious damage or neglect of a property d) rent arrears.
5. If following a financial assessment we consider the property to be unaffordable for them.
6. If following an assessment we consider the tenancy to be unsustainable for other reasons or unsuitable on grounds of public protection.
7. If they are under the age of 18 years (this age restriction applies to the applicant(s) only and not other members of the household). We may consider younger applicants if there is a suitable professional body, such as social services, which can hold the tenancy in trust until the applicant turns 18, and this will be at our discretion.
8. If they are a home owner. However, we may be able to help the elderly or disabled if they are living in a mobile home or a property of relatively low value. Other exceptional circumstances may be taken into consideration and each case will be looked at individually.
9. Cornerstone has no sheltered or supported housing schemes and as such we are unable to accept applications from persons requiring the level of care that such schemes would provide. For applicants who have support needs but not to the extent of the above, we would require confirmation from Social Services or a support agency that the property being offered is appropriate for the applicants needs and that a tenancy could be sustained.
10. If their household's net annual income exceeds six times the local housing allowance for the local authority area the property is in. Cornerstone will ignore capital (declared savings, net value of house etc.) up to the level disregarded for Housing Benefit purposes which is currently £16,000 (as at April 2019).
11. They do not meet local connection criteria specified in a local lettings plan or planning agreement.
12. They do not meet the following property occupancy criteria.

### **Property occupancy criteria**

For the purpose of this policy a child is defined as a person under the age of 18 years.

In determining the occupancy levels Cornerstone will follow the criteria detailed within the DHC policy with these exceptions.

#### Minimum and maximum occupancy

Each property will be defined by the number of bedrooms and a maximum number of occupants. The minimum occupancy level is one person per bedroom. The maximum occupancy level is the stated number of persons. For example a 3 bedroom 5 person house would be allocated to a household of 3, 4 or 5 people.

#### Resident children

No resident children (other than as visitors) are permitted in bedsits or one bedroom flats or at: Norwood House, Cherry Barton, Cordery Road, Admiral Vernon Court, Phoenix Court or Mount Dinham.

#### Visiting children

The selection of suitable applicants will be based on all bedrooms being used for full time residency. When this is not possible, consideration will be given to a bedroom being used for visiting children. Only when there are no eligible applicants with a housing need from these lists will single occupancy be considered.

#### Children in two bedroom flats

Children under 10 years of age are not permitted to live in two bedroom flats above ground floor level at Exwick Road, Emmanuel Close and Beacon Avenue. This will be reviewed when the flats are modernised.

#### Bungalows & adapted homes

Preference may be given to applicants with needs that would be best met by these homes. For example applicants with mobility difficulties where there is a requirement for level access accommodation. Under-occupation may be considered once full occupancy has been exhausted.

#### Age restrictions

The minimum age for applicants at Cherry Barton and Norwood House is 60 years as these are designated retirement accommodation. We may lower the age limit to 55 years if we have difficulty filling a vacancy. We will also consider applicants of any age with a mobility disability as these flats offer level access.

The minimum age for applicants at Admiral Vernon Court and Phoenix Court is 55.

Mount Dinham is restricted to those aged over 60, applicable to all occupants' not just applicants.

#### Exceptions may apply where:

- a) we need to adopt a temporary policy to reduce child density in a particular area
- b) a property is difficult to let
- c) a community lettings policy is in place

- d) the home has features which make it suitable for a wheelchair user or family member with mobility needs or applicants who require a live in carer

### **The lettings procedure**

The lettings procedure is designed to make sure that everyone is treated fairly and in keeping with our policy of giving priority to people in the greatest need.

Board members, employees, close relatives of either and those who were a Board member or employee within the past 12 months may apply but their application will receive exactly the same consideration as any other applicant. The Housing officer will notify the Head of Housing as soon as they become aware of the application and offers of accommodation must have prior approval of the Chief Executive.

Prior to an offer of accommodation being made, the applicant will be visited at home by a Housing Officer and asked to complete a verification questionnaire and financial assessment. This may be done over the phone where the distance would make visiting impractical.

The Housing Officer will seek tenancy references for any applicants who have a tenancy or who have held a tenancy in the last 5 years.

Following the assessments and a successful viewing of the property, the applicant will receive a written offer of tenancy which will give details of the accommodation and monthly rent. A Housing Officer will accompany the applicant to the property.

If accepted for the tenancy, the applicant will be offered a tenancy appropriate to their circumstances. Applicants will be notified in writing if their application has been unsuccessful and the reason(s) why and will be notified of our appeals process.

Applicants will be asked to pay one month's rent in advance when they sign their tenancy.

### **Mutual Exchange**

Any person who is a tenant of a Local Authority or another Housing Association may apply to exchange with one of Cornerstone's existing tenants.

A tenant of Cornerstone who wishes to exchange will be required to complete and return an application form to us. The other party in their exchange will also be sent a form to complete and return to us.

The process may take up to six weeks from the point we receive all the application forms and it is important that they do not take any positive action concerning the exchange until they receive written confirmation from both Cornerstone and the other Landlord.

We will not unreasonably refuse an exchange and have to give a decision whether the exchange can proceed within 42 days (6 weeks) of the request being made.



Mutual exchanges will be by assignment (this legal agreement enables both parties to exchange or “swap” properties and tenancy agreements) or by surrender and re-granting of a new tenancy depending on the type of tenancies held. Both the outgoing and incoming tenant will be required to sign the assignment or a new tenancy before the exchange is valid.

If Cornerstone refuses an exchange, we will cite the appropriate grounds from the Localism Act 2011 and put this in writing to our tenant.

Those exchanging into one of our properties will be expected to pay one month’s rent in advance when they sign the legal agreements.

### HomeSwapper

This is a national mutual exchange scheme that offers tenants the opportunity to swap homes with other Council or housing association tenants. Tenant details are placed on a national on-line register and they can access details of other tenants looking for an exchange.

Cornerstone currently pays an annual subscription to HomeSwapper in order to provide a free service to all Cornerstone tenants who are seeking an exchange. Application forms and further details are available at Cornerstone’s office or on line from [www.Homeswapper.co.uk](http://www.Homeswapper.co.uk)

### **Adding or removing a joint tenant to a tenancy**

Cornerstone may consider removing or adding a person to an existing tenancy at the request of the tenant. If a joint tenant wishes to leave and wants the tenancy to revert solely in the name of the other tenant, the circumstances of the remaining tenant and property occupancy levels would need to be taken into account before making a decision. Any tenant change would only be done by a Deed of Assignment and would need the agreement and signature of both parties concerned.

Where one party has left and cannot be contacted, the tenant making the request will be told they would need to seek legal advice with a view to obtaining a court order for an adjustment to the tenancy. In summary, Cornerstone would only agree to a joint to sole tenancy change by means of an assignment or court order.

In cases where a sole tenant wishes to add a person, an assignment would again be needed. Whilst married and civil partners can be added immediately, other partners or persons would need to be resident at the property for a period of at least 12 months. Both would be subject to signing a questionnaire stating they are not home owners or a tenant of another social housing provider.

### **Warning**

Any person knowingly giving false or misleading information on their application form will be declined housing by Cornerstone. Any tenancy awarded on the basis of such information (which comes to light at a later stage) may be liable to possession proceedings.

**Right of review**

Applicants or tenants may request a review if they feel that their application has not been dealt with fairly in line with our policy.

Initially, they may wish to have an informal discussion with the Head of Housing but if they are not satisfied with the outcome they may then choose to access our formal complaints procedure. We will not normally hold a property empty during a review or complaint.

Further details about our complaints procedure can be obtained from a customer service advisor at the address below or alternatively from Cornerstone's website.

**Contact details (for application forms or queries)**

Cornerstone, Cornerstone House, Western Way, Exeter, EX1 1AL

Tel: (01392) 273462

E-mail: [mail@cornerstonehousing.net](mailto:mail@cornerstonehousing.net)

Website: [www.cornerstonehousing.net](http://www.cornerstonehousing.net)