



**Lettings Policy**  
**February 2021**

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## **1. Policy Statement**

- 1.1. TorVista Homes will ensure that is letting its properties fairly and efficiently, and making the best use of its available housing whilst making lettings decisions that support neighbourhood sustainability.

## **2. Scope**

- 2.1. This policy deals with lettings all lettings with TorVista Homes issues, except for Mutual Exchanges which has its own policy.

## **3. Aim**

- 3.1. To make full and effective use of our housing stock, which not only applies to the selection of housing applicants based on the attributes of the property and the needs of the household, but also in considering the demography of the neighbourhood and allocating homes in a way which supports the creation of sustainable communities.
- 3.2. Allocates properties in an equitable and transparent way.
- 3.3. Allocates its vacant homes efficiently with the minimum loss of income by keeping re-let times to a minimum.
- 3.4. Work with our Local Authority partnership to meet their Strategies as developed under the Localism Act 2012.

## **4. Route to our Homes**

- 4.1. There are 4 routes into a TorVista Homes home:

Any partnering agreement or specialist projects, to support local needs and or demand, e.g. an extra care scheme, or homelessness project.

Applications through Devon Homes Choice.

Apply for a transfer if you are already a TorVista Homes tenant

Accepted as a Direct Let.

- 4.2. **Choice Based Lettings**

- 4.2.1. TorVista Homes is committed to offering its homes on the basis of housing need and customer choice.

- 4.2.2. TorVista Homes will work closely with the Torbay Council in playing a full part in any local partnership arrangements and will also will also work with the Devon Homes Choice.
  - 4.2.3. TorVista Homes is committed to using the choice based lettings scheme as a means of sourcing prospective tenants for its vacant homes but it is also clear that this should not be allowed to compromise either its independence in the letting of its homes, or its ability to seek prospective tenants by other means when warranted. TorVista Homes reserves the right to operate outside of Choice Based Lettings schemes where allocations on a different basis would better meet our business or tenants' requirements.
  - 4.2.4. For new developments TorVista Homes may offer local authority partners, and in particular Torbay Council rights to nominate to 100% of initial lettings. Depending on the particular agreement made, this level may remain or decline over time, except that:
    - 4.2.4.1. 100% nominations should be offered only on the understanding that there will be sufficient flexibility to accommodate the mobility needs of TorVista Homes tenants requiring transfers, including cases where tenants do not meet a local authority's eligibility criteria.
    - 4.2.4.2. TorVista Homes may need to apply local lettings criteria to maintain the sustainability of a neighbourhood.
    - 4.2.4.3. Any new specialist project', will have its own terms of reference around the letting process.
- 4.3. **Transfers**
- 4.3.1. TorVista Homes does not have an internal transfer list but where a resident has been allocated a property through the Choice Based Lettings system and is currently one of TorVista Homes residents they will be treated as a Transfer.
  - 4.3.2. In order to be accepted as a transfer the TorVista Homes property they are currently housed in must meet the following criteria:
    - 4.3.2.1. It must be maintained by the tenant to an acceptable standard where there is no damage beyond 'fair wear and tear'
    - 4.3.2.2. It must be in good decorative order
    - 4.3.2.3. Any alterations made by the tenant will only be acceptable if they have been completed in accordance with TorVista Homes policy.
    - 4.3.2.4. All fixtures and fittings are clean and unmarked, e.g. this includes any fitting or structure provided by the landlord, including: windows, work surfaces, sanitary ware, kitchen units, sink tops and floors.
    - 4.3.2.5. All window and door locks must be working correctly

- 4.3.2.6. All electrical fittings should be maintained to a good standard, clean and undamaged.
- 4.3.2.7. Heating appliances and plumbing services should be maintained to a good standard and undamaged.
- 4.3.2.8. Any missing doors must be replaced and any damaged doors or door furniture must be repaired to an acceptable standard. All damages caused by the tenants, their family or guests will be the responsibility of that tenant to repair. Where the property is deemed to be in poor condition due to acts or omissions by the tenant, the offer will be withdrawn unless the conditions relating to the property are remedied within an agreed timescale or there are agreed exceptional circumstances.
- 4.3.2.9. All transferring residents will be required to give at least 2 weeks' notice on the property they are moving from and have the required Rent In Advance in place prior to transferring.
- 4.3.2.10. All transferring residents will have to undergo an affordability check to determine if the property they are transferring to is affordable and sustainable. If they do not complete an assessment or the proposed property being offered is assessed as unaffordable the offer will be withdrawn.
- 4.3.2.11. If the transferring tenant has not maintained the obligations and responsibilities contained within their tenancy agreement e.g. there have been any breaches of tenancy, the offer of accommodation will be withdrawn.

**4.4. Direct Lettings:**

- 4.4.1. Management Moves (including downsizing).

**4.5. Direct Advertising**

- 4.5.1. In exceptional circumstances where interventions and legal powers may not be adequate/appropriate, TorVista Homes will consider rehousing customers outside of the CBL system. These allocations will only be approved in exceptional circumstances and due to serious issues at their current home which both TorVista Homes and the customer agree can only be resolved by urgent relocation. Circumstances which would be considered for approval include but are not limited to:

- 4.5.1.1. Serious harassment and or victimisation
- 4.5.1.2. Targeted criminal or anti-social behaviour
- 4.5.1.3. A proven victim of domestic abuse
- 4.5.1.4. Serious detriment to a resident's health due to the type of accommodation
- 4.5.1.5. Where a tenant is under-occupying a property and wishes to move to a smaller home because of affordability concerns.

- 4.5.2. All applications would be assessed by the Housing Manager and agreed by their Line Manager on merit and would be supported by evidence, such as medical or Police

reports. Customers granted a management move will be made one offer of suitable accommodation.

- 4.5.3. Any Scheme which has been agreed as part of the agreement between TorVista Homes and Tobay Council. E.g. Next Steps Programme.

## **5. Eligibility for a TorVista Homes Property**

- 5.1. All applicants for a TorVista Homes tenancy must be eligible under this policy. All applicants must:
  - 5.1.1. Be over 18 years of age, or over 16 and with an adult guarantor/trustee who will hold the tenancy in trust and guarantee the rent until the applicant turns 18;
  - 5.1.2. Be habitually resident in the UK and have the "Right to Rent" in England. If any member of a household applying for housing is found not to have the Right To Rent in the UK, the household will not be offered a home.
  - 5.1.3. Applicants will be ineligible for a TorVista Homes tenancy under the following circumstances:
    - 5.1.3.1. If they can afford to buy reasonable, appropriate housing in the local area. If they have sufficient resources to secure their own accommodation.
    - 5.1.3.2. If there is proven evidence that they have breached the terms of a Tenancy, (including rent arrears and persistent anti-social behaviour), for which there are statutory grounds for possession. This decision will be made after careful consideration of the particular circumstances and current good practice guidelines. Any outstanding housing related debt to a former landlord would normally result in refusal, unless there are reasonable extenuating circumstances which will be reviewed and considered by the appropriate Manager.
    - 5.1.3.3. Criminal convictions may also result in refusal. Applicants who have been convicted of a serious criminal offence, or have been guilty of anti-social behaviour, or other unacceptable behaviour including a history of causing serious nuisance or annoyance to neighbours within the past five years. Unacceptable behaviour may also include serious damage or neglect of a property.
    - 5.1.3.4. If there is proven evidence that they have within the last five years committed or threatened acts of physical violence, harassment or hate related abuse against staff or other TorVista Homes customers.

- 5.1.3.5. If they have current or former tenant arrears with TorVista Homes. We will consider exceptions if the applicant is needing to downsize because of a reduction in welfare benefits which means their home is no longer affordable, (any arrears will be written into the new tenancy agreement ), or if we have identified that their current home is no longer suitable due to medical reasons.
  - 5.1.3.6. They do not provide evidence as requested by TorVista Homes to confirm they have the means to pay the monthly rent charge within the specified timescales. Evidence to include 3 months bank statements, 3 months' pay-slips (if appropriate) and proof of all debts, including current/past credit cards. Applicants who fail an affordability assessment due to insufficient funds available to pay the monthly rent will also be ineligible.
  - 5.1.3.7. Applicants with support needs which we are unable to meet internally or through an external support agency.
  - 5.1.3.8. Applicants for re-housing who are employees of TorVista Homes, relatives of employees or close connections should declare this when shortlisted for a property and the verification process is completed. These applications will be handled in accordance with our Conflict of Interest Policy.
  - 5.1.3.9. TorVista Homes will reject or suspend an application where an applicant is deemed ineligible using the above criteria. However, TorVista Homes reserves the right to decide, on a case by case basis and where there are exceptional circumstances, to rehouse an applicant who does not meet the eligibility criteria.
  - 5.1.3.10. TorVista Homes further reserves the right, in exceptional circumstances, to restrict offers of accommodation that are considered to be inappropriate in relation to any information obtained via a risk assessment or support needs assessment.
- 5.2. TorVista Homes is committed to assisting the local authority in preventing and tackling homelessness. It believes that the assessment criteria set out in the choice based lettings policy documents give adequate preference to bidders accepted as homeless by partner local authorities. However, when there are opportunities to create more accommodation to tackle homelessness and or provide specialist housing, these will take priority over the CBL scheme.
- 5.3. TorVista Homes will not label its vacancies with any additional preference for homeless people, and should not risk any development being identified as specifically for the homeless, or any incoming household being stigmatised as having been homeless.

- 5.4. TorVista Homes will accept applications from people who already own their own homes when there are exceptional circumstances, e.g. for elderly owner occupiers who cannot stay in their own home and need to move into sheltered accommodation.

## **6. Refusal of Eligible Bidders/Nominations**

- 6.1. TorVista Homes should embrace the ideals of social inclusion and should not introduce 'blanket bans' for particular types of applicant. Each case should be dealt with on its own merits, taking into account the individual circumstances of the household. People should not be refused access to housing merely because they are likely to cause housing management difficulties.
- 6.2. However, it is recognised that it may be necessary to refuse the offer of a home:
  - 6.2.1. to persons who present a significant risk to staff, the community or a TorVista Homes property in cases where this can be properly substantiated,
  - 6.2.2. to persons who have a support need or vulnerability that mean they will be unable to meet the terms and conditions of their tenancy without additional support which it has not been possible to secure,
  - 6.2.3. to persons who have not been able to view a property and make a decision on an offer of accommodation within a reasonable time to persons who have failed aspects of TorVista Homes verification process,
  - 6.2.4. to households who, when assessed against the personal affordability criteria would be unlikely to successfully sustain a tenancy,
  - 6.2.5. to bidders who require disability adaptations to make the property under consideration habitable by a household member but where the property is not suitable for those adaptations.
  - 6.2.6. to persons who fail to meet the criteria set out in TorVista Homes Pet policy.

## **7. Social Housing Fraud**

- 7.1. Social Housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by TorVista Homes. A tenancy obtained by deception will be reposessed. If we discover this type of irregularity at the offer stage, we will withdraw the offer.
- 7.2. TorVista Homes procedures will provide for the full assessment of these issues before a decision on the offer of a tenancy is made. All such decisions should be clearly documented, made known to bidders, and be subject to an internal management review at the bidder's request.



## **8. Rent Affordability and Sustainable Tenancies**

- 8.1. In setting rents for its homes TorVista Homes follows the Rent Standard Guidance issued by the Social Housing Regulator for both the Social Rent and Affordable Rent regimes. In doing so TorVista Homes believes that its homes should generally be affordable by households in low paid employment.
- 8.2. Following the introduction of the Welfare Reform and Work Act 2016 (WRWA) TorVista Homes recognises that some prospective tenants might be prevented from claiming the Housing Benefit / Universal Credit housing element on the full amount of their rent due to the effects of the “Bedroom Tax” or the Benefits Cap. Some of the households affected would be able to make up the shortfall only by using money from benefits paid for non- housing costs leaving them with less income to live on than the state defined minimum. TorVista Homes believes that it is unlikely that such tenancies would be sustainable in the long term.
- 8.3. With this in mind, TorVista Homes will consider whether individual prospective tenants could afford to sustain proposed tenancies by completing an Affordability Assessment.
- 8.4. All applicants will undergo an affordability assessment to ensure they do not have a deficit in income after all essential outgoings have been taken into consideration. Exceptions should be made only where it can be shown that the tenant’s benefit eligibility circumstances will change within a reasonable period in such a way that the tenancy becomes affordable to them.

## **9. Verification:**

- 9.1. TorVista Homes will check all information provided by the applicant that is relevant to their eligibility and qualification for an offer of a TorVista Homes home. This may include inviting the applicant for an interview or completing a home visit, which will be required prior to the applicant being offered a property.
- 9.2. TorVista Homes may check information with other sources as allowed by law.
- 9.3. Applicants may be required to provide documentary evidence that all persons included on the application are resident at the address supplied at the point of application. Applicants will also be required to provide any additional proof considered appropriate to confirm their circumstances at any point during their application.
- 9.4. No formal offer of accommodation will be made until the verification process has been completed.
- 9.5. Extensive delays in supply reasonable requested information could lead the application being withdrawn.

## **10. References and Credit Checks**

- 10.1. We will ask for references from all applicants' previous landlords or other relevant person. In addition where there are concerns about risk, risk to self or risk to others, enquiries will be made of relevant organisations.
- 10.2. All applicants may have an appropriate credit check conducted based on the information they have provided in their application to allow for additional support needs to be identified, to minimise fraud and to prevent un-sustainable tenancies. Applicants must consent to the credit check or the application will be refused. A copy will be made available, free of charge, upon request.

## **11. Rent in Advance**

- 11.1. All incoming tenants are required to pay one month rent in advance.

## **12. Benefit**

- 12.1. If the incoming tenant is applying for Universal Credit or Housing Benefit they will need to evidence their application before a formal offer of the property has been made.

## **13. Housing Arrears and Housing Associated Debts**

- 13.1. 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 landlords. This also includes any outstanding debts owed to TorVista Homes.
- 13.2. In exceptional circumstances this may be approved if a repayment has been agreed and has been adhered to for a reasonable period of time.

## **14. Under Occupation**

- 14.1. Under occupation will only be permitted where it can be demonstrated that there is a need and proven that it is affordable for the incoming tenant to under-occupy a property by no more than one bedroom.
- 14.2. A decision on under-occupation will be undertaken by the Housing Manager at the verification stage.
- 14.3. TorVista Homes is committed to making effective use of its housing stock, minimising the effects of the Welfare Reform Act "Bedroom Tax" on its tenants, and assisting partner local authorities in meeting their obligations by releasing family accommodation where possible. The choice based lettings schemes encourage tenants who are downsizing by giving them extra priority for moves. Those who are in higher bands and who need not move quickly have the widest choice of properties and it is clear that being able to identify a preferred home is a significant incentive.

14.4. To supplement this choice-broadening priority TorVista Homes may offer support to encourage tenants occupying homes larger than their needs to move to suitable smaller properties.

## **15. Local Letting Plans (LLPs), Local Lettings Agreements (LLAs), and Section 106 Agreements**

- 15.1. Local Lettings Plans (LLPs) are time limited local plans agreed with local authority partners which set out additional agreements about who can be housed within a defined geographical area to meet specific local issues of that area. The introduction of such plans can assist all agencies involved in tackling problems that exist locally and re-balance the mix of people within the neighbourhood.
- 15.2. There will be on occasions through management agreements or contractual agreements that TorVista Homes will have to create a Local Lettings Agreement (LLA).
- 15.3. Where local lettings plans and or agreements are in operation these will take precedence over our allocations policy for that particular area or neighbourhood. Before making a decision on local lettings plans or agreements, we will look to ensure that local housing need/demand is taken into account and will inform our partners of any decision made.
- 15.4. For new developments we may use local lettings plans/agreements to ensure a mixed community is achieved when the housing is first let, such as a mixture of different ages of children in family housing and a mixture of different needs where the local authority is making nominations.
- 15.5. Local lettings plans/agreements may also include specific initiatives or incentives to assist with letting available homes in areas where we have greater turnover of properties and less demand. Where specific issues affect the letting of an individual property or of a group of properties over a very limited period, TorVista Homes procedures should also provide for additional sensitive lettings criteria to be set ahead of any property advertisement.
- 15.6. On an exceptional basis there may be a requirement to assist in dealing with issues that impact on a small, specific location that may be only one dwelling with an estate, and where a local lettings plan is not required. This may be to:
- 15.6.1. Reduce the concentration of certain needs groups which is impacting on housing Management
  - 15.6.2. Promote a more balanced community by seeking to select / not select households with particular characteristics.
- 15.7. TorVista Homes recognises the need to balance the need to let void properties promptly, in line with challenging targets, with the needs of, often vulnerable, customers seeking to move into its homes.

- 15.8. TorVista Homes recognises that where a property is let under a local authority Section 106 agreement, the terms of the agreement would take precedence over the allocation criteria detailed in this policy, unless there is written agreement from the Local Authority to waive the Section 106 agreement. This would be done on case by case bases and not a blanket policy decision.
- 15.9. All Section 106 allocations must be checked by the Housing Manager to ensure that they meet the Section 106 agreement, or that there has been an exemption waiver, from the local authority.

## **16. Matching Homes to Appropriate Households**

- 16.1. TorVista Homes should offer its homes only to households appropriate to the property types and sizes.
- 16.2. TorVista Homes would not normally let flats above the first floor to applicants with children less than 10 years of age, and will only allow this with manager's approval.
- 16.3. The principles set out below should be applied as the normal criteria for matching properties to households:
  - 16.3.1. Single persons aged 16 or over may be offered a studio apartment, bedsit or one bedroom property.
  - 16.3.2. Two single persons aged 16 or over living together as a couple without children should be offered a one-bedroom property.
  - 16.3.3. Single or joint parents shall be offered a bedroom separate from any children.
  - 16.3.4. Two children of the same sex should be expected to share a double bedroom except where one has reached the age of 16,
  - 16.3.5. Children of different sexes may be expected to share a double bedroom except where one has reached the age of 10 years.
  - 16.3.6. A pregnant woman should be treated as having had her child once she is more than 12 weeks pregnant.
  - 16.3.7. A disabled person who needs non-resident overnight carer may be allowed an additional bedroom.
  - 16.3.8. Additional bedrooms should not normally be given to applicants who have children living separately, but who visit and stay on occasions.

- 16.4. TorVista Homes accepts that property sizes can vary and the relevant Housing Manager will have the final decision on the appropriate family size for each property. For example, some 3 bedroomed houses are only big enough for a family of 2 adults and 2 children, whereas others may be able to accommodate 2 adults and 4 children. TorVista Homes will make it clear in all adverts what the expected family size would be for each property.
- 16.5. Where properties have adaptations for a disabled person preference should be given to bidders with household members who require the adaptation. Properties with substantial adaptations including those with level access showers, ramps, stair-lifts, ground-floor bathroom extensions or lowered kitchen surfaces will normally be let only to bidders who require, or have a household member who requires, the adaptation.
- 16.6. TorVista Homes procedures will set out clear guidelines for the consideration of exceptions to these principles, whether to permit under-occupation, minimise under-occupation, make best use of properties with adaptations, or because the special circumstances of an individual household warrant a flexible approach.
- 16.7. When disabled applicants apply for a TorVista Homes property that has not been previously adapted, TorVista Homes will consider whether the property is still suitable to meet the needs of the applicant. TorVista Homes will provide some minor adaptations at the Associations expense but when more major adaptations are required this will usually be done via a Disabled Facilities Grant (DFG) provided by the relevant Local Authority. TorVista Homes will work with Occupational Therapists to ensure the correct, most appropriate adaptations are carried out.
- 16.8. It is not always possible to adapt a property for disabled applicants and on occasions TorVista Homes will refuse the offer of accommodation on this basis. This decision will be made by the appropriate Manager.

## **17. Monitoring, Consulting and Reviewing.**

- 17.1. TorVista Homes will monitor the outcomes of lettings to ensure that the best use is made of its housing, and that it is contributing to sustainable communities. In particular it will monitor the satisfaction of incoming tenants with both the lettings service offered and the condition of their new homes.
- 17.2. It will also record all its lettings in the Continuous Recording of Lettings (CORE) system, and will develop a framework of performance indicators for lettings and wider void management. TorVista Homes will take prompt action to identify reasons for any underperformance and will tackle barriers to delivery.

## **18. Equality and Diversity**

- 18.1. We will ensure that this policy is applied fairly to members and applicants. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Equality and Diversity Policy.

18.2. Equality Policy. When applying this policy we will act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment.

## 19. **Associated Documents**

19.1. This policy has been developed in line with current legislation, guidance on good practice and other TorVista Homes policies, specifically:

- 19.1.1. Devon Home Choice Policy
- 19.1.2. TorVista Homes Mutual Exchange Policy
- 19.1.3. TorVista Homes Tenure Policy
- 19.1.4. The Social Housing Regulator’s Tenancy Standard 2012
- 19.1.5. TorVista Homes Equality & Diversity Policy
- 19.1.6. Welfare Reform Act 2012
- 19.1.7. Social Housing Regulator’s Rent Standard Guidance
- 19.1.8. TorVista Homes Pet Policy

## 20. **Approved Dates**

Version/Date	Consultation & Approval Process			Review
	<i>Residents</i>	<i>Management Team</i>	<i>Board</i>	
V1 Feb 2021				Feb 2023