

# Plymouth Community Homes



## *Tenancy Allocation Policy Including Mutual exchange, Succession and Assignment*

## Plymouth Community Homes Tenancy Allocation Policy

- **Purpose**

This policy outlines Plymouth Community Homes (PCH) approach to letting homes and dealing with transfers within the stock. PCH aims to treat prospective and existing tenants in a way which is fair, consistent and accountable whilst ensuring that best use is made of the available housing stock.

- **Definitions**

**'Allocations'** refers to the process providing new tenancies to successful applicants for housing.

**'Transfers'** refer to requests from existing tenants who wish to move from their PCH property to another PCH property or to a property managed by another Registered Social Landlord.

**'Devon Home Choice'** is the new choice based system of assessing housing need and allocating properties that is being adopted by RSLs and Local Authorities across the County of Devon.

**Succession** – the transfer of a tenancy (not a property) to a qualifying person following the death of the tenant.

**Assignment** – the transfer of a tenancy (not a property) to a qualifying person by a still living tenant.

**Spouse** – a husband or wife.

**Civil Partnership** – a legal union between couples of the same sex (available from 21 December 2005).

**Statutory** – a right granted by act/s of legislation and not subject to the consent of the landlord.

**Contractual** – a right granted by a contract (tenancy agreement) between the tenant/s and landlord.

**Immediate Family** – parent (including step), child (including step), partner (of either sex), sibling, uncle, aunt, niece or nephew. Also unrelated full time carers of the tenant who reside permanently at the premises can be identified as a family member.

- **Policy**

1. Allocations: Devon Home choice
2. Transfers
3. Local Letting Plans and Sensitive Lets
4. Succession
5. Assignment
6. PCH Charitable Status
7. Mutual Exchanges
8. Equality and Diversity
9. Review and Monitoring

## **1. Allocations: Devon Home Choice**

1.1 PCH has opted to join the Devon Home Choice scheme to be our main system of allocating properties.

Devon Home Choice is a choice based letting (CBL) scheme that will cover the whole of Devon. The aims of the scheme are:

- To provide choice for people seeking housing and the ability to move within Devon
- To develop a common scheme across Devon that is transparent, easy to understand and accessible to all

1.2 The Devon Home Choice policy explains how local authority and housing association homes across Devon will be let. The Policy sets out:

- How to apply for housing
- Who is eligible for housing
- How applicants will be assessed and prioritized
- All applicants are assessed in the same way, using the rules to ensure fairness and consistency.

1.3 Under Devon Home Choice there will be a common:

- Application form
- Housing register
- Approach to assessing housing need and awarding priority
- Approach to advertising available properties

1.4 PCH will :

- Advertise all available general needs and sheltered housing homes in Plymouth through Devon Home Choice
- Support and apply the Devon Home Choice Policy
- Ensure staff are fully trained in accordance with the Devon Home Choice policy and procedures
- Ensure that its policy does not inhibit transparency and equal access
- Label homes in line with the agreed procedures within Devon Home Choice
- Contribute to the continuous improvement and advancement of Devon Home Choice, including participating in project work as necessary
- Promote the scheme to our own tenants and applicants

1.5 Local authorities (including Plymouth City Council) will have the main role in handling applications to join the Devon Home Choice Housing Register.

1.6 PCH will be expected to support applicants in applying to join the Devon Home Choice housing register

1.7 When a property is advertised, PCH can label the property to state who is eligible to bid for it. Labelling must be in line with the Devon Home Choice policy and procedures, and be verified by the local authority where the property is

located. This will ensure that any local conditions (such as local Allocation policies, Section 106 agreements) are complied with.

1.8 Homes can be labelled to state:

- The household size the property is suitable for
- Any age restrictions on the property
- Any relevant local connection criteria on the property
- If a local lettings policy is in place
- Any adaptations to the property, and any mobility criteria that apply
- Any restrictions on pets
- Any groups of applicants that are being given preference for the property. This may be as a result of PCH's own policies or following a request from a local authority

1.9 Please see the Devon Home Choice Policy for details.

## **2. Transfers**

2.1 Transfer applications are given priority for allocation of housing on the same basis as other Devon Home Choice applications, each application being awarded a banding priority according to housing need. This takes into consideration both the statutory requirement to give reasonable preference to particular groups, and the locally established additional preferences.

2.2 It is anticipated that a proportion of properties available for letting will be allocated to existing tenants seeking to transfer. This will ensure over time that a reasonable balance will be struck between the statutory duties of the Council, the needs of the wider community, and the aspirations of existing tenants.

2.2 No transfer offer will be made unless the transfer applicants have conducted their tenancy in a reasonable manner over the preceding six months, or 12 months for demoted tenancies. This would usually include having maintained a rent account that has not fallen into arrears and there not being evidence of nuisance or anti-social behaviour relating to the tenancy.

2.3 In applying this provision, care will be taken to ensure that previous arrears arising out of circumstances beyond the tenant's control should not prejudice the right to consideration of transfer, taking all individual circumstances into account.

2.4 Before a transfer offer of alternative accommodation can be confirmed the current property will be inspected to ensure that the property has been maintained by the tenant to an acceptable standard and that there is no damage beyond fair 'wear and tear'.

2.5 For a property to be eligible to be placed on the transfer register, it will need to meet the following criteria. These standards are also applicable for a notice to quit.

- Good Decorative order.
- All damages caused by the tenants, their family or guest, will be the responsibility of that tenant to repair.
- Alterations - only acceptable if permission was sought.
- All PCH fixtures and fittings should be left clean and unmarked. This includes; Windows, work surfaces, sanitary ware, kitchen units, sink tops and floors etc.
- All window and door locks must be working correctly.
- Electrical fittings should be as standard clean and undamaged.
- Heating appliances should be as standard and undamaged.
- Plumbing services should be as standard and undamaged.

Any damaged or missing doors /door furniture must be repaired/replaced.

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.

### **Emergency Transfers**

2.6 Emergency Transfers will be considered in circumstances in which violence or the threat of violence may cause a tenant to become homeless, including domestic abuse and hate crime/harassment.

2.7 Before granting an emergency transfer all other means of resolving the situation will first be considered (including seeking the support and assistance of the Police, Plymouth City Council's Anti-Social Behaviour Team, or other remedies prior to a transfer being granted.

2.8 Emergency Transfers will be considered where there is a risk that the person concerned is suffering from the violence or threats of violence that are likely to be carried out.

2.9 Emergency Transfers are similar in priority to that of a homeless applicant, and will assist in ensuring that a PCH tenant should not become homeless for this reason.

2.10 PCH usually require the support of the Police or have evidence before authorising an Emergency Transfer.

2.11 If an Emergency Transfer is agreed the application will be placed in 'Emergency Housing need band A' of the Devon Home Choice allocations scheme.

2.12 Emergency Transfers will not be refused because of rent arrears or condition of the property: the safety of the applicant will be considered the highest priority.

**2.13 Deliberate Worsening of circumstances:**

Where the situation being investigated is a consequence of a deliberate act or omission by the person requesting the transfer, then they will not be eligible to receive an Emergency Transfer, for example the applicant has committed a deliberate assault upon another person and now feels unsafe if they return.

2.14 Please see the PCH Emergency Transfer work instructions and procedures for more details.

### **3. Local Letting Plans and Sensitive Lets**

#### **Local lettings plans**

3.1 There will be occasions when PCH may elect to adopt a letting plan for a specific location to assist our tenancy management objectives.

A letting plan may be required where there are issues that have occurred within an established community, and action is required to assist that community to become sustainable. There will be clear evidence of the need to vary the overall policy and a time limit for review must be set of not more than 1 year.

3.2 Alternatively, this may be where a new estate has been built and will tackle the requirements of creating what will be a new community. This will require a mix of household profiles and may permit under-occupancy to allow further growth within households.

3.3 The decision to undertake a Lettings Plan will be made by the partners involved including the Housing Needs Team and the Tenancy management Team.

3.4 Whilst being designed to reflect local needs, local lettings plans will still be compatible with the aim of meeting housing need in Plymouth as well as the requirements of relevant 'Codes of Guidance.' The use of Local Letting Plans should not lead to vulnerable households being disadvantaged but lead to increased tenancy sustainability.

#### **Sensitive letting – individual properties**

3.5 Occasionally there may be a requirement to assist in dealing with issues that impact on a small, specific location that may be only one dwelling within an estate. This may be to:

- reduce the concentration of certain needs groups which is impacting on housing management
- promote a more balanced community by seeking to select/not select households with particular characteristics.

3.6 This will be agreed by a process between the PCH Housing Needs Team and the PCH Tenancy Management Team.

3.7 The decision to apply particular requirements will be undertaken by the PCH Allocations Team Leader.

3.8 The success of this will be the sensitive matching of a household to the vacant property where some flexibility has been identified.

#### **4. Succession**

4.1. PCH is committed to dealing with applications for succession in an open and sensitive manner, ensuring staff are aware of personal requirements, relevant legislation and contractual obligations.

4.2. Where an application to succeed a tenancy is made by a spouse, partner (including same sex partners) or another family member, PCH will investigate the circumstances of the succession to determine if it would be permitted within the terms of the Tenancy Agreement.

4.3. Where a succession is applied for in relation to a starter tenancy, the same people could succeed but they would only succeed to a starter tenancy during the probationary period.

#### **5. Assignment**

5.1. PCH will deal with all applications for assignment promptly, fairly and efficiently, following the appropriate legislation.

5.2 All applications for assignment will receive an acknowledgment within 2 working days and receive a decision within 20 working days.

5.3. Where an application is made by a tenant wishing to assign their tenancy to a potential successor, PCH will investigate the circumstances of the assignee to determine if the assignment is permitted within the terms of the Tenancy Agreement.

5.4. Where an application for assignment is agreed, PCH will make the necessary administrative changes promptly. Where an application is refused, we will inform the applicant in writing giving the reason for refusal.

5.5. Where a court has ordered that the tenancy be assigned as a result of court proceedings, PCH will accept the assignment as decreed by the court and arrange for the assignment to be effective from the date decreed by the court.

## **6. PCH Charitable Status**

6.1 PCH is a charitable organisation. Notwithstanding anything contained in this policy or associated documents, PCH cannot be obliged to take any action or refrain from taking any action which is not permitted by or otherwise in accordance with its charitable objects from time to time.

## **7. Mutual Exchanges**

7.1 PCH will keep a register of tenants wishing to exchange homes and ensure tenants have access to this register.

7.2 PCH will not normally refuse an application for exchange unless:

- Either a tenant is under a Notice Seeking Possession, or legal proceedings have begun following Notice;
- The property has special features or is designed around an area of disability and the new tenant does not need these features;
- Either property is too large or too small for either tenant;
- An application is made in relation to a starter tenancy.

7.3 Provided the tenant is not excluded from exchanging tenancy because of their tenancy status but where a tenant is in rent arrears or has breached another condition of tenancy, PCH will give permission for an exchange to proceed subject to the arrears being cleared or any other breach of tenancy conditions remedied.

7.4 PCH accepts responsibility for explaining to new tenants (who are transferring or exchanging from outside of PCH's stock) the status of their proposed tenancy and particularly their rights.

## **8. Equality and Diversity**

8.1 PCH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.

8.2 Through the management of our housing stock we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

8.3 To enable all residents to have clear information and equal access to our available properties, PCH publishes information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted

through a variety of different routes to reflect individual customers' preferences or needs.

8.4 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

8.5 The policy has been developed giving full consideration to the PCH Equality and Diversity policy.

### **9. Monitoring and review:**

9.1 This policy will be reviewed regularly in accordance with PCH's review timetable by the Customer Focus Committee.

9.2 Procedures relating to this policy will also be periodically reviewed, taking into account any operational issues that arise.

9.3 Review will take into account any changes in law and best practice.

9.4 The reviews will include equality impact assessments to ensure that all of our policies encourage and support our determination to promote equality and eliminate unlawful discrimination.

9.5 Plymouth Community Homes will ensure that opportunities are provided for tenants and leaseholders to engage in the process of reviewing and monitoring this policy.

9.6 Systems will be in place to monitor progress against agreed targets, and reported via the Customer Focus Committee to the Board on an annual basis.

9.7 Monitoring will include the following elements

- assessments of tenant satisfaction with what is being done, making sure that methods of doing so take into account the access needs of all;
- regular reports to the board who have overall responsibility for ensuring that the policy delivers continuous improvement and value for money
- systems that identify performance issues and monitor the progress of actions to address them.
- **Relevant legislation**
  - 1996 Housing Act
  - 1985 Housing Act
  - Matrimonial Act 1973
  - Matrimonial Causes Act 1973
  - Land Compensation Act 1984
  - Children Act 1989
  - Homelessness Act 2002
  - Rent Agricultural Act 1976
- **Links to other policies and strategies**
  - Tenancy Management Policy
  - Equality and Diversity Policy
  - Anti-Social Behaviour /Domestic Abuse /Harassment and Hate Crime Policies
  - Social Inclusion and Anti-Poverty Policy
  - Void Management Policy
  - Resident Involvement Policy
  - Relationship Breakdown Policy