



## PLYMOUTH COMMUNITY HOMES TENANCY ALLOCATION POLICY

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<b>Lead Directorate:</b>	Homes and Communities
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### 1. Purpose

This policy outlines Plymouth Community Homes' (PCH) approach to letting its homes let on social and affordable rents 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 and PCH's business needs are met.

### 2. Definitions

**Allocations** – the process of providing new tenancies to successful applicants for housing.

**Transfers** – requests from existing tenants who wish to move from their PCH property to another PCH property or to a property managed by another Registered Provider (RP).

**Devon Home Choice (DHC)** – the choice based system of assessing housing need and allocating properties that was adopted by RPs and local authorities across Devon from December 2009.

**Cornwall Home Choice (CHC)** - common housing register where customers can apply for affordable homes owned and managed by the Council and its partner landlords.

**Debts owed to PCH** – any debt owed to PCH on a current or former tenancy.

### 3. Devon Home Choice and Cornwall Home Choice

PCH has adopted DHC and CHC as its main system of assessing and prioritising applications, advertising vacancies / availability and allocating properties. However, PCH reserves the right to operate outside DHC/CHC where allocations on a different basis would better meet our business or tenants' requirements. For example, PCH

may from time to time wish to make direct allocations to support its regeneration programme or for other exceptional management reasons.

DHC and CHC are a choice based letting scheme that covers the whole of Devon and Cornwall. The aims of the schemes are:

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

The DHC policy explains how local authority and housing association homes across Devon will be let. The DHC policy is available on Devon Home Choice's website at [www.devonhomechoice.com](http://www.devonhomechoice.com).

The CHC policy explains how local authority and housing association homes across Cornwall will be let. The CHC policy is available on Cornwall Home Choice's website at [www.cornwallhousing.org.uk](http://www.cornwallhousing.org.uk)

To support operation of the DHC and CHC policies PCH will:

- Ensure staff are fully trained in accordance with the DHC and CHC policies and procedures.
- Ensure that its policy does not inhibit transparency and equal access.
- Label homes in line with the agreed procedures. 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.
- Contribute to the continuous improvement and advancement of DHC and CHC including participating in project work as necessary.
- Where a home is proving difficult to let, it may be re-advertised with wider eligibility criteria, or prospective tenants identified in a different way at PCH's discretion.
- PCH will be expected to support applicants in applying to join DHC Choice housing register.
- PCH will be expected to support applicants in applying to join CHC Choice housing register.
- Whilst DHC and CHC are overarching schemes, it does entitle partner landlords to operate their own criteria within this, for example, setting out the criteria for suitability of applicants. PCH will therefore ensure that it has clear procedures in place for such areas.

#### 4. Offers of accommodation

All offers of accommodation will be subject to satisfactory verification of applicants' eligibility, housing need, identity and match with the property offered. Offers will also be subject to establishing that the applicant has a demonstrable ability to pay and to sustain payment of the tenancy rent and other charges. Offers will also be subject to receipt of one calendar month's rent in advance prior to tenancy commencement. PCH reserves the right to carry out a credit check on applicants to assist with our assessment of whether a tenancy will be affordable and sustainable.

All offers made will be provisional until confirmed. PCH reserves the right not to proceed with an offer where, in PCH's opinion:

- there is insufficient evidence to support an application,
- there has been a previous or current history of tenancy breaches,
- any offered tenancy is likely not to be sustainable or affordable, for example, because the pre-tenancy assessment shows that the property is unaffordable for the tenant, or the tenant has unarranged debts with other creditors,
- there is a debt outstanding to PCH on a current or former tenancy, including rent arrears, court costs, recharges or other debt (see section 5 below),
- the applicant has an undischarged possession order in force,
- or the offer raises other concerns regarding risk to the applicant, community or PCH. In these circumstances, PCH may undertake a risk assessment and may seek or require additional assurances before coming to a decision about whether to proceed.

Where a prospective tenant, or prospective transferring tenant, either already has financial problems, or cannot demonstrate an ability to pay, PCH may offer support through our internal financial inclusion team or signpost the individual to external money advice services.

In exceptional circumstances, we may wish to offer a tenancy where there is not a clear demonstrable means of an applicant covering their necessary outgoings, along with tenancy rent and charges, or the tenant is not able to pay the rent in advance. Exceptional circumstances for current PCH tenants or other applicants may include, for example, emergency circumstances (Band A under Devon Home Choice and Cornwall Home Choice), or, in respect of rent in advance, where a tenant has been affected by the 'bedroom tax' and is downsizing to a property to improve their financial situation. In these circumstances, the decision to offer a tenancy must be taken by two Heads of Service from the Homes and Communities (H&C) Directorate. Where an offer is made to such an applicant, this may be dependent on the prospective tenant attending a pre-tenancy workshop covering, for example, PCH's expectations of a tenant and budgeting skills.

PCH will not normally offer a tenancy of a home where the applicant holds a financial interest in another property or owns any property.

In exceptional circumstances, PCH may consider an applicant who has a financial interest or owns a property, for example where it would not be reasonable for the applicant to reside in the property and that no other housing option is available to

meet their housing requirements. PCH would expect the applicant to dispose of their interest/ownership within 12 months of a tenancy being accepted. Such applications will be considered on a case by case basis, and approval agreed jointly by two of the Heads of Service specified above.

PCH will not normally offer a tenancy for a general needs home to an applicant whose savings exceed the limit in the DHC/CHC policies where there is a suitable applicant for the property whose savings are lower in this threshold. PCH will also not normally offer a tenancy for a general needs home to an applicant whose income is higher than the income threshold specified at the time in the DHC/CHC policies. Proposed exceptions to this will be considered on a case by case basis, and approval agreed jointly by two of the Heads of Service specified above.

PCH will not normally offer flats on the fourth floor or above to households with children under 8 years old. PCH will make this restriction clear when advertising such properties. However, this restriction will not apply to properties on the fourth floor or above where suitable window restrictors are fitted. For these properties, PCH will permit offers to households with children under 8 years old.

In exceptional circumstances, PCH may consider a household with children under 8 years old for a property that does fall within this restriction. Such applications will be considered on a case by case basis, and approval agreed jointly by two of the Heads of Service specified above.

In order to make the best use of specialist stock, where an allocation is made to a property which has been adapted, and the allocation has been made because household requires the adaptations available, PCH reserves the right to make the allocation conditional on occupancy continuing only whilst the household is still in need of the adaptation.

PCH will normally offer accommodation only where this matches the bedroom need of the applicant. In exceptional circumstances, PCH may consider allocating a property smaller or larger than the bedroom need, for example, for a downsizing applicant who has been awarded one bedroom more than their requirement by DHC and where there are exceptional circumstances that support the allocation of a property with an extra bedroom. On CHC applications extra bedrooms are not awarded for those downsizing. Any exceptional allocations under this clause must not exceed the maximum stated occupancy for the property or cause a category one overcrowding hazard to arise. Exceptions will be considered on a case by case basis by the Housing Choices team, and approval agreed jointly by two of the Heads of Service specified above.

Our expectation is that all new and transferring tenants will make payment by direct debit. If there is an exceptional reason why a prospective tenant cannot pay by direct debit, the decision to pay by another means, for example standing order, will be taken by one of the Heads of Service specified above. PCH reserves the right to require the payment method to revert to direct debit.

Following Board approval in favour of the principle, PCH reserves the right to introduce a rent deposit scheme.

All offers are provisional until the tenancy agreement is signed. PCH reserves the right to withdraw an offer at any time.

Where an applicant receives an offer which is then subsequently withdrawn, for example, following verification, eligibility or other checks, or for reasons of risk, we will notify the applicant in writing of the decision and include the reasons why the offer will not proceed. We will advise them how they can have this decision reviewed.

Applicants have the right to ask for a review of any decision relating to their application for an offer of accommodation with PCH. Requests for a review should be put in writing, within seven calendar days of the date of the decision letter, advising the reasons for the request. The review will be undertaken by an officer of PCH independent of the original decision. The review request will be responded to in writing within 21 calendar days. PCH reserves the right not to hold the property vacant whilst the review is undertaken so that rent loss can be minimised.

## **5. Allocations and debt**

Where an applicant or existing PCH tenant has outstanding debts owed to PCH the following provisions will apply.

For allocations for current PCH tenants (such as internal transfers):

- The first request should be that all debt should be cleared, unless there are exceptional circumstances.
- If this is not possible, whatever the size of the debt, the applicant must have agreed a repayment plan (agreed with PCH), and have adhered to this without break for six months.
- If they are unable to do this, the answer should be no for now. However, they can reapply when they have met an agreed repayment plan for six months.
- If the applicant has an undischarged possession order in force.
- Where a PCH tenant is identified as having current debt, PCH will provide assistance in accordance with our debt management approach.
- If there are exceptional circumstances these must be agreed jointly by two of the Heads of Service specified above.

For former PCH tenancy debts, tenancy debts with other landlords (social and private) and non-tenancy related debts owed to PCH, and whatever the size of the debt:

- The first request should be that all debt should be cleared.

- If this is not possible, whatever the size of the debt, the applicant must have agreed a repayment plan (agreed with PCH), and have adhered to this without break for six months.
- If they are unable to do this, the answer should be no for now. However, they can reapply when they have met an agreed repayment plan for six months.
- If the applicant has an undischarged possession order with PCH in force.
- For tenancy debt with other landlords, PCH will obtain references from the other landlord in accordance with the allocations policy.
- Where an applicant is identified as having debt, PCH will signpost the applicant to appropriate debt advice.
- If there are exceptional circumstances these must be agreed jointly by two of the Heads of Service specified above.

Where a former PCH related debt – tenancy or non-tenancy - has been written off because the tenant was unable to pay or was untraceable, and the tenant applies again through DHC/CHC, the former debts will be taken into account and the above policy applied. This will apply whether or not the debt is outside the six year statute of limitation for collection.

Where an applicant or existing PCH tenant has debt which would normally fall within the provisions set out in this section of the policy, but the debt has been included within a bankruptcy order, this debt cannot be taken into account when applying these provisions. Where this is the case, full documentary evidence relating to the bankruptcy must be provided.

## **6. Transfers**

### **6.1 Eligibility for transfer**

Transfer applications are awarded priority for allocation of housing on the same basis as other DHC/CHC applications, each application being given 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.

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 includes complying with the provisions set out in section 5 above relating to debt and allocation policy for transferring tenants.

Where a transfer applicant has been affected by the 'bedroom tax' and has applied to downsize to a property where the lower rent will assist them in improving their financial position, PCH may exercise an exception to our approach to debt and allocations as set out in section 5 above. In these circumstances, the new tenancy will be dependent on the tenant signing an 'agreement to pay' appendix as part of

the tenancy agreement. In these circumstances, the decision may be made by the Senior Housing Officer (or above). The new tenancy may also be dependent on the transferring tenant attending a workshop covering, for example, PCH's expectations of a tenant and budgeting skills.

Where a transfer applicant has been affected by the 'bedroom tax' and has applied to downsize to a property where a lower rent will assist them, PCH may agree to a transfer which results in under-occupancy, providing that the tenant does not have outstanding debt owing to PCH. Approval for a proposed transfer which will result in under-occupancy must be agreed jointly by two of the Heads of Service specified above.

Where a transfer applicant has been affected by the 'bedroom tax' and has applied to downsize, PCH will not normally agree to the transfer in cases where there is legal action relating to a breach of tenancy in progress.

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'.

For an applicant to be eligible for transfer, their current property must meet a standard equivalent to our letting standard / the following criteria. These criteria are also applicable for a notice to quit:

- Good decorative order.
- All damages caused by the tenants, their family or guests will be the responsibility of that tenant to repair.
- Alterations – acceptable only if in accordance with PCH's Alterations to Homes policy.
- All PCH fixtures and fittings should be left clean and unmarked. This includes any fitting or structure provided by the landlord, including: windows, work surfaces, sanitary ware, kitchen units, sink tops and floors.
- 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.

## **6.2 Emergency transfers**

The DHC and CHC policies sets out the circumstances in which emergency transfers will be considered. These include where there is violence or threat of violence, serious harassment or a traumatic event causing an immediate and serious risk to the household.

Domestic abuse cases will be given consideration in line with DHC and CHC policies and Homeless legislation and PCH's Domestic Abuse policy and procedure. 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 or other agencies, or other remedies) prior to a transfer being granted.

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.

Where the situation being investigated is a consequence of a deliberate act or omission by the person requesting the transfer, 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.

PCH also has a separate Mutual Exchange policy, procedure and guidance which sets out details of our approach to mutual exchanges.

## **7 Local lettings plans and sensitive lets**

### **7.1 Local lettings plans**

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 evidence of the need to vary the overall policy and a time limit for review must be set, usually of not more than two years.

A letting plan may also be required where a new estate has been built to tackle the requirements of creating what will be a new community. This may involve flexibility relating to, for example, household mix and occupancy levels.

Development of lettings plans will be made by the partners involved including the Housing Choices team and the Housing Management team.

Whilst being designed to reflect local needs, lettings plans will aim to be compatible with the objective of meeting housing need in Plymouth as well as the requirements of relevant codes of guidance. The use of letting plans should not lead to vulnerable households being disadvantaged, but lead to increased tenancy sustainability.

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

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:

- 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.

This will be agreed by a process between the PCH Housing Choices team and the PCH Housing Management team.

The decision to apply particular requirements will be undertaken by the Head of Neighbourhoods, or in their absence, one of the other Heads of Service specified above.

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

### **7.3 Redesignation**

PCH may also wish to redesignate the use of a specific property or group of properties. 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.
- Make better use of our stock.
- Promote effective management of stock in relation to our regeneration, development or decanting programmes.

This will be agreed by a process between the PCH Housing Choices team and the PCH Housing Management team.

PCH will ensure that any proposals to redesignate the use of a property meets any funding or planning conditions relating to that property.

The decision to apply particular requirements will be undertaken by one of the Heads of Services specified above.

## **8. Housing with support (sheltered housing) and older persons' housing**

PCH has housing specifically designed for older people, usually those aged 60 years and over. This includes housing with support (sheltered housing) schemes and older persons' bungalows.

To be eligible for PCH housing with support (sheltered housing), applicants must be 60 years and over, or 55 and over if registered disabled and/or in receipt of Disability Living Allowance / Personal Independence Payments. (This requirement applies whether the applicant is applying for a tenancy or applying for a property through a mutual exchange).

To be eligible for an older person's bungalow, applicants must be 60 years and over.

In exceptional circumstances, applicants who are under 60 years may be considered for an older person's bungalow, providing there are no funding or planning constraints on allocating a property to a younger applicant. Such applicants will be considered on a case by case basis, and approval must be agreed jointly by two of the Heads of Service specified above.

In common with applicants for other types of housing, those seeking sheltered housing or an older person's bungalow are required to bid for homes through DHC/CHC.

For housing with support (sheltered housing) or an older person's bungalow, although anyone can apply, only applicants with a clear, demonstrable need for such accommodation will be housed through the register.

Additional factors that will be taken into account when assessing an applicant's suitability for such housing include:

- If an applicant meets the criteria for housing with support (sheltered housing), their application will be assessed and prioritised based on their housing need. This may involve the consideration of the application by the local authority's older persons' special needs housing panel.
- The support need will be the primary factor in deciding an applicant's ranking against other competing applications, taking into account any pressing housing need.
- The secondary factor in ranking competing applications will be the length of time the application has been placed in its priority group.
- To be eligible for PCH housing with support (sheltered housing), applicants will normally be required to have a maximum level of assets which fall within the thresholds set by DHC/CHC. In exceptional circumstances PCH may consider an applicant who has a higher level of assets (for example, if there are no applicants whose assets do fall within the threshold and accepting the applicant with the higher level would therefore assist PCH's business requirements). Such applicants will need to be considered on a case by case basis, and approval agreed jointly by two of the Heads of Service specified above.

Following a successful bid and prior to the offer accommodation, the applicant will be visited by a PCH Housing with Support Officer who will verify their support needs and other application details. They will also complete a pre-tenancy support plan with the applicant.

An offer may not be made, or may even be withdrawn, if the support needs of the applicant are such that PCH deems that the applicant will be unable to maintain an independent tenancy. In these circumstances, it may, though, be possible to proceed if a tailored care package or floating support can be organised to ensure that tenancy is likely to be successfully maintained.

## **9. Succession and assignment / mutual exchanges and Offering tenancies to people aged 16 or 17**

PCH has separate succession and assignment document which sets out our approach to succession and assignment of tenancies.

PCH also has a separate Mutual Exchange policy, procedure and guidance which sets out details of our approach to mutual exchanges.

PCH's Tenancy Policy sets out our policy relating to housing people aged 16 or 17.

## **10. Data Protection**

In applying this policy, all members of staff must comply with PCH's Data Protection Policy and ensure that the personal information supplied by customers is protected at all times.

## **11. Equality, Diversity and Inclusion**

PCH will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equalities Act 2010.

PCH will make this policy available in other languages and formats on request.

PCH will carry out an equality impact assessment on this policy, in line with our corporate procedure.

## **12. Review**

PCH will monitor this policy to ensure it meets good practice and current legislation and will review it in accordance with our review timetable for all policies.