

Policy Title	Letting Policy
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Supporting BAME communities to thrive

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1. Policy Statement

This policy explains how we let our social rented and affordable rented homes. It does not cover the homes we let at market rents or the homes that are managed on our behalf through management agreements.

Nehemiah's mission statement is: *to build successful, sustainable and diverse communities by providing housing and well-being services in a culturally sensitive way to our current and our future customers.* Nehemiah encourages

applications for housing from all BAME communities. Nehemiah's history and background has enabled the specialist provision of culturally sensitive services for the African Caribbean and Irish Communities.

Nehemiah will consider the individual circumstances, housing needs and aspirations of our customers in order to match them to the right home at the right time and make best use of our homes. Our decisions will be fair and transparent.

We will offer clear and relevant housing options advice and support customer mobility by providing opportunities to exchange homes. We will contribute to local authorities strategic housing functions and support them with their duties to meet identified local housing needs. This includes assistance with their homelessness duties, and through meeting obligations in nominations agreements.

We will be efficient to minimise the amount of time our homes are empty.

2. Legislative and Regulatory Requirements

This policy should be implemented in line with the following relevant sections of legislation:

- Housing Acts 1985, 1996
- Homeless Act 2002
- Equality Act 2010
- Data Protection Act 1998
- Human Rights Act 1998
- The Localism Act 2011
- The Welfare Reform Act 2012
- The HCA Regulatory Framework 2012
- **Prevention of Social Housing Fraud Act 2013**
- **Immigration Act 2014 Right to rent was introduced in the Immigration Act 2014** as part of the government's reforms to build a fairer and more effective immigration system. From February 2016, all landlords have to conduct right to rent checks every time they look to rent a property to a prospective tenant. (**from the 30th March 2020, the Home Office has temporarily suspended the requirement to check the original documents as part of the right to rent checks and outlined a procedure for remote checks and follow-up checks in the future, where appropriate*).

- The **Anti-Social Behaviour, Crime and Policing Act 2014**
- **The Homelessness Reduction Act 2017** (reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas).
- **General Regulations (GDPR) and the Data Protection Act 2018**
- **Homes (Fitness for Human Habitation) Act 2018.** The Act came into force on 20 March 2019. The aim of the Act is to help drive up standards in rented homes in both the social and private sectors.

3. Selecting Customers

We will find new customers by:

- Advertising our homes on **Choice Based Lettings Schemes** websites along with other social housing providers and partners. We will work with our local authority and housing association partners to develop and manage CBL schemes ensuring BAME customers are encouraged and enabled to access social housing through CBL schemes. In the main we will allocate properties through local authority CBL schemes, providing local authorities with nominations rights by being part of the scheme. Nehemiah is also a member of Homes Direct CBL and uses the scheme to let empty properties where it has not been possible to let a void through the Local Authority CBL process or historically the Local Authority CBL process has resulted in failure to let particular property types.
- Customers for **Retirement Living Schemes** will be identified from either the local authorities CBL schemes, Homes Direct CBL or through a list held at the scheme as result of local marketing. Local stakeholders working with older people will be enabled to make referrals for these schemes. Older Persons' Housing schemes are promoted on our website.
- Lettings in our **Young Families supported housing projects** are made using a single referral framework, involving the local authority's homeless teams and other partner agencies and self-referrals.
- In **exceptional, emergency circumstances** there may be an overriding housing need to let a home to an existing customer, for example victims of domestic abuse, hate crimes or in cases such as regeneration. These allocations will be outside our normal allocations route and will be

authorised by the Housing Service Manager.

- In some local authority areas **local reciprocal protocols** are in place to offer accommodation outside of the CBL arrangements where an urgent move is required for a social housing customer and their existing landlord is unable to help within the timescale required. Examples of such moves include victims of domestic abuse, victims of loan sharks, gang members wishing to exit a gang. Such allocations need the authorisation of the Housing Service Manager.

4. Mobility schemes

We offer a web based mobility scheme which helps customers to exchange homes. This internet service means customers have access to HomeSwapper. When making decisions to agree exchanges all cases are reviewed by the Senior Housing Officer (Housing Service Manager in Senior Housing Officer absence) and we apply the legal grounds outlined in the Localism Act 2012.

5. Making the Best Use of Our Homes

In order to make best use of our homes we:

May develop **local lettings plans** where needed to improve or maintain the sustainability and diversity of an estate or community. Local lettings plans will be developed in conjunction with our partners. Each plan will be unique to the circumstances of an individual estate and will be time limited.

We will use the **DWP social size criteria** to offer accommodation, avoiding under occupying our homes. We will not overcrowd properties when they are let. We will contribute to the development and implementation of regional strategies to free up under occupied homes and move overcrowded families to larger accommodation.

We may initiate a move to a more suitable home to support under **occupied and overcrowded households**. Such allocations will be outside our normal lettings routes and will be authorised by the Housing Service Manager.

Where a customer's current home is no longer suitable for their needs due to **illness or disability** we will consider with the customer their best long term solution. Where it is identified that the best solution is to move to a more suitable home, we will initiate the move outside our normal allocations routes, with the authorisation of the Housing Service Manager.

Bungalows and adapted homes will be offered to persons/families whose health or mobility will benefit from the facilities in the property. Staff should also refer to Housing Solution Policy in reference to aids and adaption funding and Nehemiah Housing support.

Our **Sheltered schemes** are designed for older people. The accommodation, support and ethos are focused on the needs of older and more vulnerable people. All customers will have a support assessment to identify support needs. Applicants without support needs will not be housed in a retirement living scheme.

6. Creating Sustainable Tenancies

To ensure that we create a sustainable tenancy for new customers this involves us getting to know our customers before the start of their tenancy.

To do this we will ask our customers to:

- Provide us with clear income details
- Provide proof of identity
- Provide references from previous landlords
- Agree to meet with us at their current home. Telephone risk assessments should be carried out prior to home visits. Where risks has been identified staff should discuss referral with line manager and joint visits if applicable should take place.

Where pre-tenancy workshops are available for our customers to access, usually through local authorities, we may require a customer who has not held a tenancy before or who has had a failed tenancy to attend a workshop.

7. Reasons for refusing access to housing

We will consider every customer's individual circumstances before making any decisions; each one will be based on its own merits. However, if we

decide not to offer a home to a customer we will explain our reasons clearly, as well as what the customer needs to do in order to be re-considered in the future, we will also confirm our decision in writing.

The list below is not exhaustive but provides some examples of what we consider when making our decision to offer.

Having enough money

We will complete a financial assessment with all new potential customers, to determine if the proposed accommodation is affordable, both in terms of meeting the cost of the rent as well as other reasonable living costs.

When we look at affordability we will take into account current income from earnings, pensions and other benefits. Our assessments may also identify additional entitlements that customers may have – these may be used as income if it is considered likely that any application for additional benefits/credits will be successful.

The existence of debt may not prevent an offer, however we will expect the customer to work with us in order to access budgeting and debt advice, to ensure the future sustainability of the tenancy.

From April 2019 the government has announced customers who sign a new tenancy after April 2016 will have their housing benefit or housing payment paid through universal credit capped at Local Housing Allowance (LHA) rates. This could mean that those customers claiming benefits to help pay their rent may not be entitled to enough benefit to pay all of the rent. If this is the case it then may mean that a property is not affordable and an offer may not be made.

Anti-social or Unacceptable Behaviour

We will not usually offer a home to customers or members of their households who have a history of anti-social or unacceptable behaviour.

If the applicant or any member of their household has been evicted for anti-social behaviour, has a current court order, injunction, notice of seeking possession or criminal conviction against them for anti-social behaviour, which makes them currently unsuitable to be a Nehemiah customer, they will not be offered housing.

We are unlikely to offer a customer a home due to unacceptable behaviour if:

- the customer owes rent, mortgage or other debts
- has obtained or attempted to obtain a tenancy by deception, for example, by withholding information or by giving false or misleading

information.

We will consider customers with housing debt if there is an agreed payment plan in place that is:

- Reasonable for the level of debt
- Has been in place for no less than 6 months
- The customer is adversely affected by the DWP social size criteria and a move to another property would ensure that they were no longer liable for the charge. For existing Nehemiah customers a repayment plan will be agreed, monitored and form part of their new tenancy agreement. For other customers a repayment plan to recover the outstanding arrears must be agreed with their current landlord before a move is agreed.

Re-housing sex offenders

We will work with relevant agencies to make a full assessment and carefully consider any risks before making a decision to offer a home to a sex offender. Sex offenders will only be housed if the Police and Probation Service agree that it is safe to house them in a particular location.

Immigration status

We will ensure prospective customers have the legal right to rent a Nehemiah home. If a customer does not have the legal right we will offer them advice.

Homeowners: We will consider existing homeowners where the property they own is to be sold.

Availability of appropriate support: We will only offer a home to vulnerable customers where adequate support arrangements are in place. We will work with agencies to seek the required support before making a final decision. We will not offer a home where the customer refuses or has demonstrated that they are unlikely to engage with any support that is put in place.

Under 18 year olds: Anyone under 18 cannot legally hold a tenancy. We will only offer accommodation to under 18's if the tenancy is held in trust.

8. Housing Employees

Staff and former staff of Nehemiah, Board/Committee members or their close relatives are only to be offered housing with the approval of the Chief Executive.

9. Appeals

Customers can appeal against our decision not to offer them a home, if they

feel we have not taken into account all relevant information or have made the decision unfairly. Appeals can be made using Nehemiah's Comments, Compliments and Complaints policy. Nehemiah will not hold any homes empty whilst the appeal is being considered. However if the appeal is successful, we will seek to offer a suitable alternative property.

10. Data protection

*This section of the policy has been updated in line with the General Data Protection Regulation (GDPR) that came into force in the UK (and across EU) on the 25th May 2018. The GDPR replaces the Data Protection Directive (95/46/EC). The amendment aims to strengthen the security and protection of personal data.

Nehemiah is committed to the principles inherent in the GDPR and particularly to the concepts of privacy by design, the right to be forgotten, consent and a risk-based approach. We also aim to ensure transparency with regard to the use of data.

11. Monitoring Information

All CORE data required is recorded. This data is also used to monitor and analyse our lettings performance.

12. Customer satisfaction

We will use customer satisfaction feedback to influence the development of our lettings service.

13. Training and support for staff

Nehemiah staff will be fully supported in the operation of this policy, through training on the policy principals, and the procedures for implementing the policy.

14. Policy review date

This policy will be reviewed every 3 years or sooner if legislation or good practice dictates.

15. Link to other Nehemiah Policies

- Succession Policy
- Sustainable tenancy Policy
- Housing solutions Policy
- Anti-Social Behaviour Policy
- Equality and diversity Policy
- GDPR Data protection Policy
- Tenancy Policy

- Compliments ad Complaint Policy

For more information refer to:

- <https://www.gov.uk/>
- <http://www.cih.org/>
- <https://www.legislation.gov.uk/>
- <https://www.gov.uk/guidance/local-housing-allowance>
- <https://www.gov.uk/topic/housing/social-housing-regulation-england>