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Operations Committee	
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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.

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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 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
- 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
- Domestic Abuse Act 2021
- Legislation to limit access to the private rental property sector only to those with the lawful right to be in the UK was introduced through sections 20 to 37 of the Immigration Act 2014 (the 2014 Act). Under section 28 of the 2014 Act, a landlord who enters into a tenancy agreement with a disqualified person may be subject to a civil penalty.
- The Immigration Act 2016 (the 2016 Act) introduced a criminal offence of knowingly letting to someone disqualified from renting a property. The 2016 Act also set out how a landlord can end a tenancy due to a tenant's immigration status.
- <u>https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks</u>
- 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.

- Allocation schemes: social housing Practical Law (Law relevant as of 30th January 2023).
- The Regulator of Social Housing's Regulatory Standards.

3. Selecting Customers

We will find new customers by:

- Advertising our homes on Choice Based Lettings Schemes ("CBL 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.

Nehemiah waiting list

The waiting list will be publicised as widely and as openly as possible. Nehemiah will open the waiting list for applications for general needs properties periodically. It will close when a sufficient number of applications are returned and at the discretion of the Housing Services Manager.

Who can apply and how does it work?

Applicants must generally be 18 years and over to apply.

An application can include the applicant, their spouse or partner, and the members of their household who would normally live with them.

How to apply

When the waiting list is open, applicants can apply to join the waiting list by completing a housing application form. Applicants can request an application form by either phone, in person at the office, or by downloading it from our website.

Should applicants need assistance in completing the form this can be requested by telephone or by prior arrangement.

Once a completed application form has been received, the form will be assessed to determine if the applicant is eligible and qualify for housing. All applicants will be contacted as soon as possible to confirm if they qualify. If an applicant does not qualify then the reasons will be clearly stated in writing. Tenants dissatisfied with a decision can appeal through using Nehemiah's complaints policy. See section 9 below.

If it is determined that the applicant qualifies for housing, then an assessment of their housing need will be completed. They will then be required to provide supporting documents in respect of their application.

Refusing offers of social housing

If an applicant refuses 2 suitable offers of accommodation, they will be disqualified from applying for social housing for 12 months, after this time a new application can be made if the waiting list is open. The applicant would be required to complete a new application, assessment and provide up to date proofs.

Exceptional circumstance

Nehemiah recognises that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify. The housing services manager may reconsider the qualification of the individuals in extreme exceptional circumstances, for example where there is a threat to life and no other housing options are available.

How priority is decided: the housing Bands

Applicants who are eligible and qualify for housing will have their housing need assessed based upon their current circumstances.

Applications will be placed in one of the three priority Bands depending on the household's housing circumstance. Applicants will be notified of the date that the band priority was awarded. The priority Bands are:

The Priority Bands Summarised

Band 1: People who have a reasonable preference and are granted additional preference (very urgent need to move)	
Acute Overcrowding	Applicants who are acutely overcrowded according to the 'bedroom standard' (3 or more bedrooms too few)
Releasing Social Housing	A social housing tenant releasing a house at least one bedroom spare by moving to a property with fewer bedrooms than they currently have. Where a tenant is releasing a significantly adapted property and that property can be re-let to a suitable applicant/household
Emergency medical/disability or welfare need to move AND the existing accommodation is a contributory factor, and the condition of the property cannot be resolved within a reasonable time	 Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable due to a disability or their medical needs and cannot be made suitable through adaptations. Where an applicant's condition is terminal, and housing is required to provide a basis for the accommodation provision of suitable care. Where an applicant's condition is life threatening, and the existing accommodation is a major contributory factor. Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening.
Exceptional Need	Applicants who are at risk of/suffering domestic abuse, extreme violence, harassment, or a serious safeguarding issue whose facts and circumstances demonstrate that the threat is immediate, and it is not safe for the applicant / household to remain in their present home.

Band 2: People who need to move and fall within one of the reasonable preference categories.	
Overcrowding	Applicants overcrowded by 2 bedrooms according to the 'bedroom standard' (2 beds too few)
Releasing Social Housing	A social housing tenant releasing a property with at least one bedroom spare by moving to a property with fewer bedrooms than they currently have.
Lacking basic facilities	Permanent lack of any or all of the following and there is no prospect of the conditions being remedied within a 6 month time period:

Lacking basic facilities	 A bathroom A kitchen An inside WC Hot or cold-water supplies Electricity, gas, or adequate heating in the living area and a temporary supply cannot be installed.
	accommodation will not qualify under these criteria.
Emergency medical/disability or welfare need to move AND the existing accommodation is a contributory factor, and the condition of the property cannot be resolved within a reasonable time	Accommodation unsuitable for severe medical reasons or due to disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation. Children with severe conditions such as autism, or cerebral palsy where their long-term needs cannot be met without suitable accommodation.
Move on from care	Move on from care Qualifying young people between the ages of 16 and 18 referred by the Council's Children's Services as young people leaving the care of the Council who have been assessed as tenancy ready and where access to suitable accommodation provides the secure platform that will contribute to the young person moving towards greater independence. If the young person is aged 16 or 17, a tenancy in trust will be granted.
Threat of abuse or harassment or a safeguarding need	Applicants who need to move due to threat of violence or domestic abuse, violence, harassment, or a safeguarding issue but who are not in immediate danger.

Band 3: Households with one bedroom overcrowded and certain homeless households (those with a reasonable preference but who do not qualify for a Band 2 award)	
Overcrowding	Where the applicant and the applicant's household are 1 bedroom short in accordance with the bedroom standard.
Wants to move for no specific reason	Reason for wanting to move does not fit into the above categories

Date Applicant will be added to the waiting list

An applicant will be added to the waiting list once an assessment has been completed and the applicant has provided all of the supporting documents that are required.

Bedroom entitlement

For the purposes of allocating a home Nehemiah Housing Association will use the bedroom standard. Under the standard a separate bedroom is allocated to:

- a. Each single person over 21 or a couple
- **b.** Two persons of the same sex aged 10 years to 20 years
- c. Two persons (whether of the same sex or not) aged less than 10 years

What if an applicant's circumstances change?

If an applicant has been added to the waiting list and then they have a change in their circumstances, it is their responsibility to inform Nehemiah. The applicant will be informed in writing if the change in circumstances means that they need to be placed in a different band.

Internal Transfers

We will normally only transfer a tenant with an assured tenancy (not a starter tenancy), who is free from rent arrears and is not in breach of any other tenancy conditions. A satisfactory inspection of the property also needs to be carried out. Starter tenants will not normally be considered for rehousing until their tenancy becomes assured unless there are exceptional circumstances as directed by the Senior Housing Officer or Housing services manager.

Transfer Criteria

Nehemiah will only transfer tenants who fit into the following:

<u>Management Transfer</u>- by authorisation of the Senior Housing Officer or the Housing Services Manager.

<u>Direct Transfer</u>- we will normally only accept a transfer request where a tenant is subject to one or more of the following:

- Over crowding
- Under occupancy
- Race and hate crime
- Domestic abuse
- Critical medical need- relevant and up to date evidence will be required from a medical professional. A report from an occupational therapist may be required.
- A Safeguarding risk

How priority is decided: the housing Bands Page 7 of 16

Tenants who are eligible and qualify for a transfer will have their housing need assessed based upon their current circumstances.

Tenants will be placed in one of the three priority Bands depending on the household's housing circumstance. Tenants will be notified of the date that the band priority was awarded. The priority Bands are:

The Priority Bands Summarised		
Band 1: People who have a reasonable preference and are granted		
additional preference (very urgent need to move)		
Acute	Tenants who are acutely overcrowded according to the	
Overcrowding	'bedroom standard' (3 or more bedrooms too few)	
_		
Releasing Social	A tenant releasing a property at least one bedroom spare by	
Housing	moving to a property with fewer bedrooms than they currently	
-	have.	
	Where a tenant is releasing a significantly adapted property and	
	that property can be re-let to a suitable applicant/household	
Emergency	Those who, on leaving hospital, either have nowhere to	
medical/disability	live or have somewhere to live but it is unsuitable due to a	
or welfare need	disability or their medical needs and cannot be made	
to move AND the	suitable through adaptations.	
existing		
accommodation	Where a tenant's condition is terminal, and housing is	
is a contributory	required to provide a basis for the accommodation	
factor, and the	provision of suitable care.	
condition of the	\\//seve_a teventia condition is life threatening and the	
property cannot	Where a tenant's condition is life threatening and the	
be resolved	existing accommodation is a major contributory factor.	
within a	Where a tenant's health is so severely affected by the	
	accommodation that it is likely to become life threatening.	
reasonable time	accommodation that it is likely to become life threatening.	
Exceptional Need	Tenants who are at risk of/suffering domestic abuse,	
	extreme violence, harassment, or a serious safeguarding	
	issue whose facts and circumstances demonstrate that	
	the threat is immediate, and it is not safe for the tenant /	
	household to remain in their present home.	

The	Priority	Bands	Summarised
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Band 2: People who need to move and fall within one of the reasonable preference categories.	
Overcrowding	Tenants overcrowded by 2 bedrooms according to the 'bedroom standard' (2 beds too few)
Releasing Social Housing	A tenant releasing a property with at least one bedroom spare by moving to a property with fewer bedrooms than they currently have.

Emergency medical/disability or welfare need to move AND the existing accommodation is a contributory factor, and the condition of the property cannot be resolved within a reasonable time	Accommodation unsuitable for severe medical reasons or due to disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. The tenant's accommodation is directly contributing to the deterioration of the tenant's health. Children with severe conditions such as autism, or cerebral palsy where their long-term needs cannot be met without suitable accommodation.
Threat of abuse or harassment or a safeguarding need	Tenants who need to move due to threat of violence or domestic abuse, violence, harassment or a safeguarding issue but who are not in immediate danger.

Band 3: Households with one bedroom overcrowded and certain homeless households (those with a reasonable preference but who do not qualify for a Band 2 award)	
Overcrowding	Where the tenant and the tenant's household are 1 bedroom short in accordance with the bedroom standard.

Tenants who do not fit into these categories will be encouraged to join Home Swapper, apply to the local authority choice-based lettings service or apply for private accommodation.

If tenants fit the above criteria and need to be rehoused immediately but no properties are currently available, they will be advised to seek emergency accommodation from the local authority.

Tenants will be placed on the transfer list based on the date that their application is signed off by the senior housing officer/supported housing officer.

Reasons for refusing a transfer

There will be occasions where we must refuse a request for a transfer even where the tenant meets the transfer criteria. However, if we decide not to offer a transfer we will explain our reasons clearly, as well as what the customer needs to do to be re- considered in the future, we will also confirm our decision in writing. Tenants dissatisfied with a decision can appeal through using Nehemiah's complaints policy. See section 9 below.

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

Arrears

Where a tenant has arrears whether that is rent arrears, court costs or rechargeable repairs, their request for a transfer will only be considered by approval of the senior housing officer or the housing services manager. They may be considered for a transfer where they have maintained an arrangement to clear their arrears continuously for a period of 6 months or more. There must be no breach or missed payments in the arrangement to clear the debt.

Affordability

All tenants requesting a transfer will need to complete an application form. An assessment will then need to be completed and relevant proofs provided. The application/assessment will be signed off by the senior housing officer if the application is suitable to be placed on the transfer list.

Anti-social or Unacceptable Behaviour

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

We are unlikely to offer a customer a home due to unacceptable behaviour if: they have obtained or attempted to obtain a tenancy by deception, for example, by withholding information or by giving false or misleading information.

We will also not usually accept an application from a tenant where they or a member of the household have displayed: threatening, violent or otherwise abusive behaviour towards an employee working in housing or a related organisation.

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. We aim to make the best use of homes that have been adapted to meet the requirements of customers with mobility needs. We may do this by advertising a property and stating that priority will be given to customers who require the adaptations on medical grounds. We may seek professional advice from the customer's Occupational Therapist, or an Occupational Therapist appointed by a local authority in order to assess the suitability of a vacant home. Where a local authority has no one suitable on their housing register we will seek direct referrals from Adult Social Care or from any other similar organisation in the district that works with households in need of adapted properties. 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. For some of our Supported Housing we have specific referral arrangements with various external agencies, for example third sector organisation such as Mind.

Our supported housing schemes are varied and include:

- Retirement Living for older people in need of additional support and care provided by partners
- The Lettings criteria arrangements for each scheme are individual to the scheme and are usually developed in partnership with the local authority or other commissioning body. These homes remain designated supported units and may still be let to customers who require supported housing, although the provision of support must be sourced by the customer or agencies working with the customer.

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 where this is deemed necessary.

Telephone risk assessments should be carried out prior to home visits. Where risks have 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 circumstance 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 reconsidered 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 consider 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 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 will not usually accept an application from an applicant or member of the household having displayed: threatening, violent or otherwise abusive behaviour towards an employee working in housing or a related organisation.

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

- The customer owes rent, mortgage or other debts
- The applicant or a member of the household has a possession order made against them for arrears of rent regardless of tenure
- 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 6months
- 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 deciding 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 considered 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. Nehemiah Housing is a member of the Housing Ombudsman service and will cooperate fully with them throughout any investigation and will abide by any decisions reached by the ombudsman. As members of the Housing Ombudsman scheme Nehemiah is committed to implement and follow the new complaints handling code when dealing with complaints. If a customer is unhappy with our final decision, they can contact the Housing Ombudsman 8 weeks after the final decision is made.

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 25 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 approached. We also aim to ensure transparency with regard 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. We will monitor the impact of this policy and associated procedures and processes:

- Via Key Performance Indicators and other Performance Indicators including the length of time to let our homes and void loss
 - Measuring and evaluating the number of rejections and reasons for rejections.
 - Monitoring tenancy sustainment
 - Through regular meetings with local authority partners
 - The number of complaints appeals and outcomes.

Additionally, we will monitor compliance with this policy through Internal Audit, regular reporting to the Customer Experience Forum and an annual report highlighting performance, trends and lessons learnt.

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 principles, 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
- Domestic Abuse Policy
- Tenancy Agreement
- Safeguarding Policy

For more information refer to:

- <u>https://www.gov.uk/</u>
- 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
- <u>https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-</u> checks