

Policy Reference:

HM003

Approved by:

Board

Date Approved:

21/09/2018

1. Scope and objectives

- 1.1. This policy sets out bpha's approach to the allocation of all properties owned and/or managed by bpha that are rented including; general needs, supported, retirement, and intermediate rented properties.
- 1.2. The objective of this policy is to allocate rented properties to make best use of the available housing stock, support the long-term sustainability of tenancies and communities and to meet our requirements in assisting local authorities in their housing duties.
- 1.3. Properties owned by bpha customers in full or part are outside the scope of this policy.

2. Policy Statement

- 2.1. The allocation of properties by bpha will be undertaken in a fair, transparent and efficient way in accordance with this policy, associated procedures, relevant nominations agreements and the Regulator of Social Housing (formerly known as the HCA) Tenancy Standard.
- 2.2. In allocating properties bpha will take into account the needs of the individual applicant, the long-term sustainability of the community and any specific requirements for a particular property.

3. Regulatory and legal considerations

- 3.1. bpha has an obligation to assist local authorities in their housing duties, in accordance with Part 6, Section 170 of the Housing Act 1996, which states:

"Where a local housing authority so request, a registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme."

- 3.2. This policy and associated procedures also comply with the Regulator of Social Housing (RSH) Tenancy Standard.

4. Partnership working

- 4.1. bpha will assist local authorities in our areas of operation in their duty to house people in all circumstances that are reasonable.
- 4.2. bpha will enter into nominations agreement with local authorities for new and subsequent lets. The details of these agreements will be negotiated at the point of the development of new properties and from time to time reviewed to ensure that they are still fit for purpose.
- 4.3. bpha will seek nomination agreements for general needs properties that agree 100% of allocations for properties will be from local authority nominations at first let and then 75% of allocations for properties considered to be a true void at subsequent let (the definition of a true void will be detailed within the nomination agreement). bpha will seek to agree that 25% of allocations of properties can be made directly. This is to allow direct allocations in accordance with section 9 of this policy.
- 4.4. bpha will seek nomination agreements for supported (including retirement) properties that meet the needs of the individual scheme. These will be negotiated with the Local Authority on a scheme by scheme basis.
- 4.5. In some local authority areas bpha may, from time to time, enter into other Service Level Agreements where the need exists and where the SLA meets the objectives of this policy.
- 4.6. In areas where we have significant community issues, such as antisocial behaviour, or other issues we will work with the Local Authority to put in place a Local Lettings Policy (LLP), this may be for an existing or a new scheme. Any LLP will be agreed for a specified period and will be subject to regular review. The aim of the LLP will be to resolve a specific issue and once resolved will be removed. It is not the aim of an LLP to exclude specific people or groups of people from being allocated bpha properties.
- 4.7. Where appropriate, bpha will work in partnership with support agencies and local authorities in the allocation of specific supported housing, including some retirement housing. This is to ensure that the allocation of a property meets the needs of the customer and the requirements of the individual property, scheme or service. In these cases, the allocation of property is ordinarily made via a panel rather than nominations from the Local Authority Housing Allocations Scheme or direct allocation by bpha.

5. Tenancy Sustainment

- 5.1. The allocation of general needs properties will focus on the long-term sustainability of a tenancy and the individual's capacity to maintain a tenancy. This will not preclude vulnerable persons, but will require that adequate support is in place for an individual to enable them to successfully maintain a tenancy in the long term.
- 5.2. The allocation of supported housing, including retirement housing, will also focus on the long-term sustainability of the tenancy, but applicants will be assessed to ensure that their support and/or care needs can be met in the long term and that the allocation is reasonable.

- 5.3. For the purposes of this policy, vulnerabilities may include, but will not be restricted to:
- 5.3.1. A person with a disability as defined by the Equality Act 2010
 - 5.3.2. A person requiring housing as a result of fleeing domestic abuse
 - 5.3.3. A person requiring housing as a result of leaving care
 - 5.3.4. A person requiring housing as a result of leaving prison
 - 5.3.5. A person with a history of debt and likely to experience problems in maintaining a tenancy financially.
- 5.4. A suitability, or pre-allocation, assessment will be made by bpha prior to any formal offer of a tenancy being made. This assessment considers the likelihood of the applicant be able to maintain a successful tenancy using information supplied and may also require further information from other agencies before any decision is made. In addition to assessing the applicant's capacity to hold a tenancy, an assessment is also made as to whether the location, property and services available are suited to the applicant's needs.
- 5.5. Where an applicant is identified as vulnerable bpha will assess what level of support the applicant requires and, where support is required, what support is available to the applicant when housed.
- 5.6. Where an allocation of a property is not deemed to be reasonable the nominating local authority and/or the applicant will be advised the reasons for this.
- 5.7. Reasons for refusing a nomination on grounds of vulnerability may include, but are not restricted to:
- 5.7.1. The property not being suited to the physical needs of the applicant and adaptations are not feasible.
 - 5.7.2. The applicant requires a level of support and/or care that cannot be provided by bpha and is not available to the applicant from other organisations.
 - 5.7.3. The applicant requires support and/or care that is available from either bpha or another organisation, but is refusing to engage with the support.
- 5.8. If an applicant with support needs is offered a tenancy and will receive support from bpha they must engage with the support offered as a condition of the tenancy.
- 5.9. Applicants who have been refused an allocation for reasons of vulnerability can request a review of the decision by the Regional Manager for general needs accommodation, the Retirement Services Manager for Retirement Housing and the Asset Sales Manager for Intermediate Rental Housing.

6. Property size

- 6.1. Properties will be allocated in accordance with the needs of the household. bpha will consider the Removal of the Spare Room Subsidy when allocating properties.
- 6.2. bpha will assist its general needs tenants under occupying their property to move using the Room to Move policy.

7. Persons not Considered for Housing

- 7.1. bpha takes its obligation to assist the local authority in its housing duty seriously and will undertake this obligation in all reasonable circumstances in accordance with the Housing Act 1996. However, there are circumstances in which bpha consider it unreasonable to house a particular household which include, but are not restricted to:
- 7.1.1. Households where the nominee is under 18 years of age as legally they cannot hold a tenancy.
 - 7.1.2. Where a nominee owes money to bpha.
 - 7.1.3. Where the nominee has current rent arrears with bpha or another Registered Provider, unless there is an agreement with the landlord for the person to move in order to prevent a further accrual of debt. For example, a household downsizing as a result of the Removal of the Spare Room Subsidy (RSRS).
 - 7.1.4. Where the nominee has previously been evicted from a bpha property.
 - 7.1.5. Where the nominee or a member of their household has been involved in serious antisocial or criminal behaviour that would be deemed a breach of tenancy (had they held a tenancy). Convictions spent under the Rehabilitation of Offenders Act 1974 will not be taken into account for the purpose of such assessment.
 - 7.1.6. Where the nominee has abandoned a bpha tenancy.
 - 7.1.7. Where the nominee has been successfully prosecuted for tenancy fraud.
 - 7.1.8. Where the current property is kept in a poor condition as a result of neglect or damage to the property by the applicant, their household or any visitors to the property.
 - 7.1.9. Where the nominee has specific support needs that cannot be met by bpha or another organisation and it is likely that the lack of support may result in the tenancy failing.
 - 7.1.10. Where the nominee lacks the mental capacity to hold a tenancy.
 - 7.1.11. Where the nominee does not meet specific criteria for the property, for example; an age restriction or a local lettings policy.
- 7.2. When considering whether a nominee with a history of unacceptable behaviour/tenancy conduct should be offered a tenancy, bpha will consider the nature of the behaviour/conduct, when it took place, and whether or not there has been any change in circumstances which demonstrates that the nominee or member of their household has amended their behaviour and would be likely to sustain a tenancy and meet all the obligations of the tenancy agreement.
- 7.3. For intermediate rented tenancies additional criteria is applied and applicants will also not be offered a tenancy where:
- 7.3.1. They are not Help to Buy approved.
 - 7.3.2. An affordability assessment is failed.
 - 7.3.3. The credit search is undertaken in line with the capital funding guide and this is not satisfactory.

8. Allocation of tenancies

- 8.1. bpha will advertise properties via local authority Choice Based Lettings (CBL) systems for General Needs and Retirement Housing, where these systems exist. In local authority areas that do not operate CBL systems we will seek nominations from their waiting list. bpha may also undertake direct allocations on occasions within the scope of nominations agreements.
- 8.2. Separate arrangements exist for specialist supported housing. These properties are not normally advertised via CBL and nominations are usually made directly via the local authority or via a panel in the case of extra care schemes for the elderly and supported housing.
- 8.3. Intermediate rental properties are advertised via the Help to Buy website and all applicants have to be Help to Buy approved, pass an affordability assessment and have a satisfactory credit search in line with the capital funding guide.
- 8.4. Applicants for Intermediate rental properties register their interest via the Help to Buy website and the assessments for suitability are undertaken on a first come, first served basis.
- 8.5. Tenancies offered to successful applicants are granted in accordance with bpha's Tenancy and Fixed Term Tenancy policies.

9. Direct Allocations

- 9.1. bpha does not hold its own waiting list for the allocation of general needs, retirement or supported housing properties with most housing allocated via nominations from the local authority allocations scheme in accordance with the nomination agreement. However, bpha may undertake some direct allocations within the scope of nominations agreements.
- 9.2. Circumstances where a direct allocation may be considered include:
 - 9.2.1. To assist a bpha tenant to move when in all probability the household would be accepted by the local authority as homeless and owe a duty to the household to rehouse them. For example, when the household is fleeing violence.
 - 9.2.2. Where a household has been decanted temporarily into a bpha property, but their temporary accommodation is more suited to their needs. For example, where the household's permanent accommodation is too large for their needs and they are downsizing, or moving from an upper to a ground floor flat where there are mobility issues. In these circumstances, and where it is reasonable to do so, bpha may allocate the temporary accommodation to the household on a permanent basis.
 - 9.2.3. To a household from another Registered Provider or Local Authority where there is a reciprocal agreement to assist a bpha household.
 - 9.2.4. Where a bpha property or scheme is to be redeveloped or substantially refurbished and the existing tenants have to be decanted on a permanent basis.
 - 9.2.5. Where a property is hard to let as detailed in section 10 of this policy.
- 9.3. It is important that direct allocations are used sparingly and in extreme circumstances so that bpha allocate properties fairly and do not assist households in 'jumping the queue' for social housing.

- 9.4. bpha will not make a direct allocation at the end of a bpha tenant's fixed term tenancy. Those tenants who need a different property at the end of the fixed term will need to join the local authority Housing Allocations Scheme. The only time that bpha may look to re house via a direct allocation at the end of a fixed term tenancy is where the criteria above also applies.
- 9.5. Direct allocations may be made to a household who meet the criteria listed above and at bpha's discretion. There is no 'right' to be housed via a direct allocation.
- 9.6. Households accepted for a direct allocation must also register with the local authority Housing Allocations Scheme as this will give them the best chance in being rehoused in suitable accommodation. Households who do not register with the local authority Housing Allocations Scheme will not be considered for a direct allocation.
- 9.7. Any allocations made directly will be made in date order of when the direct allocation request was accepted. bpha will not undertake any further priority assessment.
- 9.8. Households made an offer of property by a direct allocation will only receive one offer of accommodation and if refused no further offer of property will be made.
- 9.9. Offers of accommodation will be made on a 'like for like' basis only. The only exception to this will be if the household's current accommodation is too large for their current needs. In these cases, an offer of accommodation will be made according to the current size requirement of the household.

10. Hard to Let Properties

- 10.1. Where a property is considered hard to let bpha may use other means to advertise the property outside of the Local Authority Housing Allocations Scheme.
- 10.2. A property will be considered hard to let where there have been no suitable bids after advertising through 3 CBL cycles, where no bids have been made after 1 CBL cycle, no nomination has been made by the local authority, or where similar properties in the vicinity have failed to attract suitable bids via CBL on a regular basis.
- 10.3. Where properties have been advertised outside of the Local Authority Housing Allocations Scheme, the property will be allocated directly by bpha.
- 10.4. A tenancy will only be offered in these circumstances where the applicant meets the criteria set out in this policy.
- 10.5. Where properties are hard to let, bpha will not impose income limits or other restrictions set by local authorities in their Allocations Scheme, but will be mindful of making the best use of housing when letting at a social or affordable rent.
- 10.6. bpha will not direct let a general needs or intermediate rental property to a household where a member of that household owns their own property or holds a tenancy for another property.
- 10.7. bpha will consider the total income of the applicant and their partner and any capital available to them and whether this would enable the household to afford market rented accommodation for

the type of accommodation needed by the household after making a realistic assessment of their financial position and commitments.

10.8. Guidance on income limits is included in the Allocations procedure to assist staff in making decisions and this will be reviewed and updated regularly to reflect varying rent levels in local areas.

10.9. In some cases where properties are hard to let, bpha may dispose of the property or change the tenure of the property in accordance with the Growth and Asset Management Strategy.

11. Advice and assistance

11.1. We will promote the ability to move home via a mutual exchange where bpha tenants are eligible to do this and will cover the cost of an individual mutual exchange scheme. bpha holds a separate mutual exchange policy.

11.2. We will offer advice to bpha households wishing to move and refer them to the Local Authority Housing Advice section when appropriate to do so.

12. Temporary allocations

12.1. Temporary allocations of property will not be considered an allocation of property under this policy. For example, where an existing tenant has been decanted to an alternative property on a temporary basis.

13. Monitoring, reviews and evaluation

13.1. The Regional Manager, the Retirement Services Manager and the Asset Sales Manager will ensure that properties are allocated in accordance with this policy.

13.2. Local Authorities in our main areas of operation will be consulted on major review of this policy.

14. Associated documents and policies

14.1. The following policies and documents are associated with this policy:

- Room to Move policy
- Safeguarding Adults policy
- Safeguarding Children policy
- Tenancy policy
- Fixed Term Tenancy policy
- Tenancy Fraud policy
- Data Protection policy
- Equality and Diversity policy
- Local Authority Nominations Agreements
- Service Level Agreements with Local Authorities

Status - Live	Version – 6
Responsible	Head of Housing Operations
Equality impact issues	Properties are allocated taking account of the Equality Act 2010 and bpha’s Equality and Diversity policy.
Next review date	30/09/2020