

# Allocations Policy – HO003

## 1. POLICY PRINCIPLES

- 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; 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. HOW WE DELIVER THE POLICY

- 2.1 bpha will assist local authorities in our areas of operation in their duty to house people in all circumstances that are reasonable.
- 2.2 The majority of our existing properties are let under long term nomination agreements which allow for 75% of lettings to be allocated via local authority nominations.
- 2.3 For new properties, bpha will aim to enter into nominations agreement on the same basis as our existing agreements (listed in 2.2). The details of these agreements will usually 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.
- 2.4 On new build developments, bpha will seek to negotiate nomination agreements for General Needs properties that allow 75% of allocations for properties 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 negotiate that 25% of allocations of properties can be made directly. This is to allow direct allocations in accordance with section 9 of this policy. Where this is not possible, 100% nominations will be agreed for first lets after consultation with the Homes Team.
- 2.5 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.
- 2.6 Where Nomination agreements do not provide enough detail on allocation processes or where there are specific short-term needs in the local authority, we will enter into Service Level Agreements (SLA). All SLA's must comply with the objectives of this policy.

- 2.7 In areas where we are trying to achieve a balanced community upon first letting of a new build development or where we have significant community issues, such as anti-social behaviour, 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 by the Housing Services Manager. 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. In rural areas LLP's may be used in allocating new build homes where there is a requirement to allocate to people with a local connection to a parish or locality. These agreements are usually a planning condition.
- 2.8 If a property becomes vacant as a result of a closure order or there was a high level anti-social behaviour caused by the vacating tenant, bpha will request that the individual property is let sensitively to ensure that both the incoming tenant and the existing tenants in the immediate vicinity are able to live in a safe and sustainable community. Where the Local Authority is unable to support this request, the property will be allocated via a direct allocation or advertised on various digital channels. A sensitive let is where the property is let to someone who is not likely to cause further anti-social behaviour or be extremely vulnerable as a result of moving into a property that has previously been targeted and will typically be let to a low risk applicant, as indicated in the suitability assessment.
- 2.9 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.

### 3. TENANCY SUSTAINMENT

- 3.1 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 and that they are engaging with any existing support in place. bpha will determine if there is adequate support in place to enable the tenancy to be sustained as part of the suitability assessment.
- 3.2 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.
- 3.3 For the purposes of this policy, vulnerabilities may include, but will not be restricted to:
- A person with a disability as defined by the Equality Act 2010
  - A person requiring housing as a result of fleeing domestic abuse

- A person requiring housing as a result of leaving care
- A person requiring housing as a result of leaving prison
- A person with a history of debt and likely to experience problems in maintaining a tenancy financially.

3.4 A suitability assessment will be made by bpha prior to any formal offer of a tenancy being made. This assessment considers the likelihood of the applicant being able to maintain a successful tenancy using information supplied. bpha 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.

3.5 Where an applicant is identified as vulnerable, bpha will assess the level of support the applicant requires and, where support is required, what support is available to the applicant when housed.

3.6 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.

3.7 Reasons for refusing a nomination on grounds of vulnerability may include, but are not restricted to:

- The property not being suited to the physical needs of the applicant and adaptations are not feasible.
- 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.
- The applicant requires support and/or care that is available from either bpha or another organisation but is refusing to engage with the support.

3.8 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.

3.9 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.

## 4. PROPERTY SIZE

4.1 Properties will be allocated in accordance with the needs of the household. bpha will consider the 'social sector size criteria' when allocating properties. bpha will assist its General Needs tenants under occupying their property to move using the Downsizing Policy. Under occupying a home is defined as having more bedrooms than a household need. bpha will apply the number of bedrooms allowed as per the social sector size criteria to a household to determine under occupation.

## 5. PERSONS NOT CONSIDERED FOR HOUSING

5.1 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:

- i. Unless it is part of a specific scheme such as Supported Housing, we would not normally house a nominee who is under 18 years of age as they legally cannot hold a tenancy. In these cases, housing will only be considered in exceptional circumstances and where support plans are in place. For existing tenancies, we may consider housing for under 18's but this is restricted to succession cases only.
- ii. Where a nominee owes money to bpha.
- iii. Where the nominee is not eligible for social housing due to their immigration status.
- iv. Where the nominee has current rent arrears with bpha or another Registered Provider/landlord, 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).
- v. Where the nominee is not able to afford the property. bpha will make a financial assessment of the applicant, prior to the allocation of a tenancy, in order to assess whether the property rent is affordable and, where it is affordable to assess what risk the applicant poses to the organisation in terms of their financial circumstances. Applicants may be refused a tenancy at this point or in borderline cases they will be expected to accept support as a condition of the allocation.
- vi. Where the nominee has previously been evicted from a bpha property.
- vii. Where the nominee or a member of their household has been involved in serious anti-social 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.
- viii. Where the nominee has abandoned a bpha tenancy.

- ix. Where the nominee has been successfully prosecuted for tenancy fraud. Tenancy fraud could include but is not limited to, subletting, abandonment, false succession, unauthorised assignment, fraudulently obtaining or attempting to obtain a social housing. For more information please refer to the Tenancy Fraud Policy.
- x. 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.
- xi. 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.
- xii. Where the nominee does not meet specific criteria for the property, for example; an age restriction or a local lettings policy.
- xiii. Where the nominee owns another property. bpha may offer social housing to a home owner in exceptional circumstance such as leaving the home due to domestic abuse. This offer would be on the condition that the property is sold, or ownership is transferred. bpha would expect all reasonable steps to be taken to ensure this happened at the earliest opportunity. The decision to accept a home owner is at bpha’s discretion, having considered all the relevant factors and will be dealt with on a case by case basis. Home owners will be granted assured shorthold tenancies only. This will be reviewed through the duration of the tenancy.

5.2 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. bpha will have regard to s160A Part 6 The Housing Act 1996 when determining if a nominee’s behaviour is a ground for not being considered to be housed by bpha.

5.3 For intermediate rented tenancies additional criteria are applied. Applicants will also not be offered a tenancy where:

- They are not Help to Buy approved.
- An affordability assessment is failed.
- The credit search is undertaken in line with the capital funding guide and this is not satisfactory.

## 6. ALLOCATIONS OF TENANCIES

- 6.1 bpha will advertise properties via Local Authority Choice Based Lettings (CBL) systems for General Needs and Retirement Living without care, 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.
- 6.2 Separate arrangements exist for specialist Supported Housing and Extra Care 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. Priority is assessed based on housing need, care need and the length of time on the waiting list.
- 6.3 Intermediate rental properties are advertised via the Help to Buy website and various digital channels. 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.
- 6.4 Applicants for Intermediate rental properties register their interest via the Help to Buy website and the assessments for suitability are based on the following order of priority:
- Existing Social Tenants and current serving military personnel (including those who have left the military within the last 24 months).
  - For larger properties, families above single individuals and couples.
  - Those with local connections including work or school.
- 6.5 If applicants cannot be prioritised according to the above criteria, the chronological order of date of registration for Help to Buy will be employed.
- 6.6 Tenancies offered to successful applicants are granted in accordance with bpha's Tenancy Policy.

## 7. DIRECT ALLOCATIONS

- 7.1 The majority of our allocations agreements allows for 25% of our lettings to be allocated directly by bpha. Where these agreements exist, bpha will allocate based on the following criteria:
- 7.1.1 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 or domestic abuse.
- 7.1.2 To support a bpha tenant in moving as part of the Downsizing Policy.
- 7.1.3 To allocate properties in line with any local lettings policies.

- 7.1.4 Where a household has been moved (also known as a decant) 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.
  - 7.1.5 To a household from another Registered Provider or Local Authority where there is a reciprocal agreement to assist a bpha household.
  - 7.1.6 Where a bpha property or scheme is to be redeveloped or substantially refurbished and the existing tenants have to be moved on a permanent basis.
  - 7.1.7 Where a property is 'hard to let' as detailed in section 10 of this policy.
  - 7.1.8 Where bpha has entered into a contractual agreement with Local Authority partners to direct let properties for initiatives outside of general allocations or choice-based lettings schemes. This includes initiatives such as Housing First projects.
  - 7.1.9 In a small number of cases, we will allocate directly in order to assist with housing management requirements, such as tenure mix or a decanting programme.
- 7.2 It is important that direct allocations are used sparingly and in extreme circumstances so that bpha allocates properties fairly and do not assist households in 'jumping the queue' for social housing. Any allocations made directly, will be made in date order of when the direct allocation request was accepted. Where there is more than one person waiting for a property, bpha will not undertake any further priority assessment. A record of those waiting for a direct let will be kept in date order to ensure a fair and transparent process is maintained. bpha monitor direct lets and report on them to ensure we allocate in accordance with the nomination's agreement in place.
- 7.3 Households made an offer of property by a direct allocation will only receive one offer of suitable accommodation and if refused no further offer of property will be made.
- 7.4 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 does not meet the needs of the household. In these cases, an offer of accommodation will be made according to the current size requirement of the household.
- 7.5 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.
- 7.6 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. Households will also be expected to consider other means of resolving their housing need such as mutual exchange.

## 8. 'HARD TO LET' PROPERTIES

- 8.1 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.
- 8.2 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.
- 8.3 Where properties have been advertised outside of the Local Authority Housing Allocations Scheme, the property will be allocated directly by bpha.
- 8.4 A tenancy will only be offered in these circumstances where the applicant meets the criteria set out in this policy.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.

## 9. ADVICE AND ASSISTANCE

- 9.1 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 providing a mutual exchange scheme. bpha holds a separate mutual exchange policy.
- 9.2 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.

## 10. TEMPORARY ALLOCATIONS

10.1 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.

## 11. POLICY STATEMENT

11.1 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.

11.2 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.

## 12. ASSOCIATED LEGISLATION, NATIONAL STANDARDS AND REGULATION

12.1 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.”*

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

## 13. MONITORING, REVIEWS AND EVALUATION

13.1 The Housing Services Manager, the Retirement Living Manager and the 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

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

- Downsizing Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy
- Tenancy Policy
- Tenancy Fraud Policy
- Data Protection Policy
- Equality, Diversity and Inclusion policy
- Local Authority Nominations Agreements
- Service Level Agreements with Local Authorities
- Decanting Policy
- Mutual Exchange Policy
- Rent Setting Policy
- Allocating Properties Procedure
- Allocating Extra Care Properties Procedure

<b>Approved by</b>	Board
<b>Date approved</b>	24 May 2021
<b>Owner</b>	Head of Housing Operations
<b>Review date</b>	May 2024