

# Lettings Policy

---

## 1. Introduction

- 1.1 This policy details the ways in which our homes are let, who we house, the eligibility criteria, our matching standards, and other relevant information. It is aligned with Peabody's housing and tenancy strategies and helps to meet our statutory and regulatory responsibilities including how we will co-operate with local authorities to meet local housing needs by taking nominations for our homes.
- 1.2 We let our homes in a fair and transparent way which most effectively meets housing need and creates sustainable tenancies and communities whilst minimising the time that properties remain empty between each letting.
- 1.3 We aim to ensure all residents are treated in a fair and equitable manner.
- 1.4 If there is any variance between this policy and individual tenancy agreements, then the tenancy agreement will take precedence.
- 1.5 This policy has links to some of our other policies, and we've thought about these links when reviewing the policy. This policy should be read and applied in conjunction with the Tenancy Policy, Rehousing Policy and Housing Sex Offenders Policy.

## 2. Scope

- 2.1 This policy outlines our approach to letting general needs social housing across the Peabody Group including subsidiaries except for Town and Country Housing.
- 2.2 This policy applies to housing let to applicants nominated by local authorities and partner agencies, and properties let to internal transfer applicants.
- 2.3 This policy does not apply to:
  - Market rent or intermediate market rent
  - Properties let through the Regency Choice Based Lettings scheme, Key Living scheme or London Living Rent scheme (see the Regency Portfolio Policy, Key Living Policy and London Living Rent Scheme Policy for further information)
  - Shared ownership properties
- 2.4 Sheltered and supported tenants are covered by a separate Care and Supported Housing Lettings Policy.

## 3. Key terms and definitions

- 3.1 At Peabody, we use the term 'empty homes' rather than 'voids' but the definitions below align with the terminology used in nominations agreements.
- 3.2 A '**true void**' is a property which is available due to one of the following reasons:
  - The property is either newly built or acquired
  - The death of a resident has occurred with no statutory right of succession
  - The tenants have bought a home or moved into the private rented sector
  - The resident has been evicted or abandoned the property

## Lettings Policy

- The resident has moved to another social landlord where there is no reciprocal arrangement.

3.3 A '**non-true void**' is a property which is available due to one of the following reasons:

- The previous resident has transferred to another Peabody home. This includes permanent moves to alternative accommodation (decants).
- The resident has moved to another social landlord where there is a reciprocal arrangement in place.
- The resident has moved to another social landlord through a mutual exchange.

3.4 A person has the '**right to rent**' if any of the following apply:

- They are a British or Irish citizen
- They have indefinite leave to remain (ILR)
- They have refugee status or humanitarian protection
- They have settled or pre-settled status under the EU settlement scheme
- They have permission to be in the UK, for example, on a work or student visa
- The Home Office has granted them a time limited right to rent.

More information on proving the right to rent can be found at <https://www.gov.uk/prove-right-to-rent>.

Further information and a list of accepted documents can be found in the Lettings Procedure.

3.5 We define '**vulnerability**' as being any condition or circumstance that puts an individual or household at risk of losing their home, or any situation which, without support or intervention, places them at risk of abuse, neglect or causes detriment to their overall wellbeing.

3.6 These definitions may vary in local authority nominations agreements but we will seek to establish consistency with the above approach where opportunities arise.

## 4. Our approach

### How we let homes

4.1 Our homes are let through the following main routes:

- Local authority nominations
- Applicants from our internal transfer list
- Supported housing move-on applicants
- Partner agency nominations
- Reciprocal arrangements with other housing associations and local authorities including national and regional housing mobility schemes
- Next Steps scheme targeted at adult children of existing tenants (legacy Peabody).

4.2 We are committed to working with local authorities to assist them with their statutory duties in relation to the homeless and those in priority need. Nomination agreements will vary between local authorities, including where we must meet lettings quotas for all our true voids.

4.3 Our intention is to maintain a limited internal transfer list to help rehouse existing residents in need of priority rehousing. This does not include the legacy Catalyst Counties area as there is no list currently in place for this region, but this will be reviewed in future. We are also committed to providing move-on housing to residents in our supported housing services, including those managed by specialist partner agencies, and to a small number of other specialist organisations – such as homelessness charities and armed forces charities – who

## Lettings Policy

make referrals to our homes. Non-true voids are usually offered to internal or specialist partner agency applicants.

- 4.4 There may also be circumstances where a local lettings plan takes precedence over this policy, such as in large estate regeneration schemes, new housing schemes where a sustainable approach to housing management is needed, or in relation to a subsidiary of the Peabody Group. Such a plan will set out clear criteria for the selection of new tenants and why these are being adopted. We will consult with local authorities and residents as appropriate in drawing up such plans, place time limits on their operation and review their effectiveness.
- 4.5 When a property becomes available for letting, a decision is made regarding how to let the home. This decision will be based on whether the property is a true or non-true void and will consider the following:
- Funding or planning obligations or local letting plans
  - Nomination agreements with local authorities
  - Whether the property has been specially adapted
  - Targets for internal transfers and other groups including move-on from supported housing, referral and mobility schemes
  - The likely level of demand for and ease of letting a home and the need to minimise the time a home remains empty
  - Opportunities to create chains of moves to make the best use of our housing stock
  - Any local tenancy management issues requiring care in the selection of a suitable new tenant (often referred to as 'sensitive lets').

### Eligibility criteria

- 4.6 Our lettings are subject to verification of applicants' circumstances, identity, an affordability assessment, and a credit check where necessary, to ensure that all tenancies are sustainable. We aim to support all tenants to sustain their new tenancy through a range of employment, wellbeing and financial inclusion services.
- 4.7 We reserve the right to carry out our own checks, conduct risk assessments and decline nominees or seek further information or assurances before offering a tenancy to any applicant who we believe to be unsuitable or poses an unreasonable risk. We also reserve the right to decline an applicant where the local authority, or other nominating partner, is unable to provide timely thorough and accurate background information about vulnerability, previous tenancy conduct or safeguarding concerns.
- 4.8 We will consider the following applicants to be ineligible for a property:
- Applicants who provide false or misleading information in relation to their application
  - Applicants without the Right to Rent as defined under the provisions of the Immigration Act 2014. Any person with a time-limited Right to Rent may be offered housing but will be subject to a follow up check when this expires.
  - Applicants under the age of 18 (i.e. minors) unless they have a contractual right to succeed to a tenancy, or are nominated to us by a local authority and have a suitable guarantor and support in place
  - Applicants who own or have a legal interest in a property anywhere in the UK or abroad, excluding the property they are due to vacate and relinquish an interest in, unless the property is unreasonable for them to occupy as determined by the relevant local authority
  - Applicants we have served with a notice due to a breach of tenancy, unless we no longer consider the notice to be valid. A notice served for rent arrears will not be considered valid where the tenant has repaid their arrears.

## Lettings Policy

- Applicants who we have obtained a possession order against, unless the order is for rent arrears and they have repaid their arrears, or the order is for another breach of tenancy but we are no longer pursuing legal action
- Applicants who have an outstanding debt with us, excluding a debt which is the result of Housing Benefit payments being made in arrears, unless the applicant has maintained an agreement to repay this debt for the last 12 weeks. Exceptions will be made for management transfer cases with the appropriate sign-off (i.e. Area Manager / Head of Service).
- Any applicant who is subject to legal action by another landlord on the grounds of a serious breach of tenancy, such as anti-social behaviour or action under the Environmental Protection Act. This includes service of a formal notice including but not limited to a Notice of Seeking Possession or Notice to Quit.
- Applicants who owe rent arrears to another landlord, unless they are taking reasonable steps to repay the debt
- Any external applicant who has perpetrated anti-social behaviour within the last two years or who has an unspent conviction for serious crime against a person
- Applicants who have been convicted of violent or sexual offences where we are not provided with full access to their Multi-Agency Public Protection Arrangement assessment and other relevant data (see Housing Sex Offenders Policy for more detail)
- Applicants who do not provide evidence to confirm they have the means to pay the rent, including eligible service charges, at the point of letting. This requirement may be waived where an appropriate third party or agency has agreed to guarantee or underwrite the rent liability.
- Applicants with support needs which we are unable to meet internally or through an external service.

4.9 We reserve the right to reject or suspend an application where an applicant is deemed ineligible by the above criteria. External applicants who are assessed as ineligible for one of our homes will be referred to the nominating authority or partner agency. We will cancel an internal transfer application which has been suspended for 12 consecutive months.

4.10 We will let a property to a Peabody employee providing they meet the above eligibility criteria and have been nominated according to one of the routes outlined in section 4.1 of this policy. Such lettings will be subject to additional authorisation controls and audits to ensure that Peabody Group probity standards are upheld in line with the Code of Conduct and Conflicts of Interest Policy.

4.11 We may decide, on a case-by-case basis and where there are exceptional circumstances, to house an applicant who does not meet the eligibility criteria with approval from the relevant regional Customer Operations Managing Director.

### **Special circumstances**

4.12 We may expect applicants to start a tenancy whilst waiting for adaptations to take place.

4.13 Where homes have been built, or adapted to be accessible to people with disabilities, we will allocate these to people with similar needs wherever possible to make best use of these homes.

4.14 Where we cannot match an adapted home to a suitable applicant we may remove adaptations and return the property to a general needs void standard subject to any current funding conditions and following consultation with the relevant local authority.

4.15 We may consider a sensitive let is required in certain circumstances where there are restrictions on who can move into a property. This may be because of ongoing anti-social behaviour, the vulnerability of the potential tenant, or where the new or current resident could pose a risk to their neighbours.

## Lettings Policy

4.16 We will make sensitive allocations choices about sex offenders on a case by case basis by using all information available to us. Some sex offenders pose no risk at all, or a minimal risk, and have no special housing requirements. More information about our approach can be found in our Housing Sex Offenders Policy.

### Matching standards

4.17 Our standards aim to strike a reasonable balance between providing reasonable space for families, helping the greatest possible number of households and minimising financial risks including those arising from Housing Benefit size criteria restrictions.

4.18 We will aim to match an applicant's household to a property in accordance with the following matching standards, subject to availability:

<b>Household Size</b> (where adult is defined as 18 and over)	<b>Bedrooms required</b>
Single person	1 or Bedsit
Couple (no children)	1
2 adults not living together as a couple	2
1 or 2 adults (couple) and 1 child	2
1 or 2 adults (couple) and 2 children (where the children can share)	2
1 or 2 adults (couple) and 2 children (where the children cannot share)	3
1 or 2 adults (couple) and 3 children (where 2 children can share)	3
1 or 2 adults (couple) and 3 children (where 2 children cannot share)	4
1 or 2 adults (couple) and 4 children (where 2 pairs of children can share)	3
1 or 2 adults (couple) and 4 children (where 1 pair of children can share)	4
1 or 2 adults and 4 children (where children cannot share)	5

4.19 The calculation of the number of bedrooms required is based on the age and sex of each child. We will not expect children to share a bedroom where they are of different sexes and the eldest child is at least 10 years old. We will not expect children of the same sex to share a bedroom if one of them is at least 18 years of age.

4.20 We will take account of an expectant mother with a maternity certificate (MAT B1) provided there are no other children in the household. Subject to available properties, we will do our best to provide these households with an additional bedroom for the child, taking into consideration any housing benefit size criteria restrictions. In all other cases we will take account of the child after birth.

4.21 Where a full-time and permanent carer is required, the applicant will be entitled to one additional single bedroom. We will only allow a foster or adoption carer to have an additional bedroom where they have been granted permission to adopt or foster a child or children.

4.22 Our standards apply to all lettings but may be varied where it is reasonable to do so as part of local arrangements or in exceptional circumstances such as where the household's living conditions will be improved. This will only take place with the agreement of the household concerned.

### Room and space standard

4.23 We will define bedroom sizes for properties in accordance with the bedroom and space standard contained in relevant legislation.

## Lettings Policy

### Refusing applicants

- 4.24 We will consider an applicant to have refused an offer of accommodation sent to them through their preferred means of communication where they do not respond to the offer within the two working days unless a valid reason is given.
- 4.25 We will cancel an application where an internal applicant refuses their final offer of accommodation. More detail can be found in the Rehousing Policy.

### Building safety and fire safety

- 4.26 In line with the Building Safety Act 2022 and The Fire Safety (England) Regulations 2022, we will provide all new residents with the prescribed and required information related to building safety and fire safety, including information about the right to be consulted on matters related to the safety of their building. More information can be found in the Lettings Procedure.

## 5. Equality, Diversity and Inclusion

- 5.1 We will treat all applicants fairly and in line with our Equality, Diversity and Inclusion Policy.
- 5.2 An Equality Impact Assessment (EIA) carried out on the previous Peabody Lettings Policy did not identify any negative impacts on any particular groups of people. As this is an integration policy and no significant changes have been made, the previous EIA still applies. A full EIA will be carried out when this policy is next fully reviewed.

## 6. Legislation and Regulation

- 6.1 The following legislation and regulation applies to this policy:

- Regulator of Social Housing's regulatory framework and standards
- Protection from Eviction Act 1977
- Housing Act 1988
- Landlord and Tenant Act 1988
- Localism Act 2011
- Equality Act 2010
- Immigration Act 2014
- Building Safety Act 2022
- The Fire Safety (England) Regulations 2022

## 7. Responsibilities

- 7.1 The Managing Director London South has overall responsibility for delivery of and compliance with this policy.
- 7.2 The regional Assistant Directors of Customer Service are responsible for training and monitoring that this policy is followed.
- 7.3 The Allocations teams are responsible for letting homes to new and transferring tenants in line with this policy. This includes advertising properties, nominations, arranging viewings and sign ups and creating and terminating tenancies.

### Approval

<b>Version number</b>	1
<b>Effective from</b>	3 April 2023
<b>Policy owner</b>	Manging Director London South