

Item 7

**REPORT TO THE CARLISLE SHADOW BOARD
MEETING TO BE HELD ON 25/2/02**

**Carlisle Housing Association
Allocations & Lettings Policy Statement**

For Decision

1. Purpose of the Report

- 1.1 To agree the attached Allocations & Lettings Policy Statement .

2 Report Content

- 2.1 The main policy statement sets out Carlisle Housing Association's policy direction in relation to allocations and lettings and maps out a process for developing a 'new approach'. This new approach aims to be more sensitive to the current social housing environment.
- 2.2 The development of this policy approach is subject to further discussions with tenant representatives.
- 2.2 This policy is presented to the Shadow Board, subject to further review pending enactment of Homelessness Act 2000. This may place additional responsibilities on the Local Authority in relation to homelessness. This review in turn, may lead to additional responsibilities being sought for Carlisle Housing Association by the Local Authority and the policy statement is presented in this context.

3. Recommendation

- 3.1 The Shadow Board is asked to approve the attached policy statement.

**Paul Anson
Assistant Director**

Carlisle Housing Association
Allocations & Lettings Policy Statement

1. Introduction

- 1.1 This policy statement aims to set the direction of the allocations and lettings policy of Carlisle Housing Association. It does not represent all the detail of the final policy.
- 1.2 The role of this statement is threefold: -
- To agree the general approach to allocations and lettings within Carlisle HA in order to progress its development and planning.
 - Give sufficient policy detail as to inform the tenant offer document.
 - Give assurance to Carlisle City Council that key strategic outcomes it wishes to pursue will be included within the final policy approach.

2. Background

- 2.1 Carlisle City Council maintains a Housing Register of persons requesting Council accommodation or requesting nomination to a Registered Social Landlord (RSL). Those on the Housing Register must be assessed as 'qualifying persons' and grounds for exclusion to this Register are set out clearly in paragraph 3.1 of the Council's Allocation Policy. In summary these are:

If the applicant has:

- Within the last 3 years been evicted from a property held under a tenancy from a local authority, RSL or Private Sector Landlord.
- Within the last 3 years abandoned a property held under a tenancy from a local authority, RSL or Private Sector Landlord without terminating the tenancy.
- Rent arrears or repair recharges relating to a property held under a tenancy from a local authority, RSL or Private Sector Landlord. Clear exceptions to this provision is stated where the applicant can prove that the debt did not accrue due to persistent non payment of rent or the wilful neglect or damage and can demonstrate a willingness to repay the debt by regular payments.
- In the last 12 months been served a Notice of Seeking Possession (NSP) or a Notice to Quit or similar notice for breach of terms of tenancy with a local authority, RSL or Private Sector Landlord.
- Within the last 3 years had an order for possession (whether outright or suspended) against them for breach of a local authority, RSL or private sector landlord tenancy; an anti-social behaviour order imposed against them or an injunction imposed against them for breach of

- tenancy (unless can be proved discharged on the grounds of compliance with terms).
 - Any convictions, other than spent convictions as defined in the Rehabilitation of Offenders Act 1974 for supply of controlled drugs, burglary of dwellings, violent assault, criminal damage to Council property, racial or sexual harassment.
 - Have terminated a Council or RSL tenancy within the previous six months.
- 2.2 There are clear exceptions to these provisions where the applicant can prove that the resulting action was no due to the conduct of, or breach of tenancy of the applicant or of any other person wishing to be rehoused with the applicant
- 2.3 Carlisle City Council operates a traditional points-based allocations policy, taking account of the seven categories of need specified in S.167 of the Housing Act 1996. These are:
- People living in insanitary or overcrowded housing or otherwise occupying unsatisfactory housing conditions.
 - People occupying housing accommodation which is temporary or on insecure terms.
 - Families with dependent children
 - People to whom there is a duty to rehouse under S.193 and 195 part VII 1996 Housing Act (Homelessness)
 - Households consisting of or including someone who is expecting a child.
 - Households consisting of or including someone with a particular need for settled accommodation of medical or welfare grounds.
 - Households whose social or economic circumstances are such that they have difficulty securing settled accommodation.
- 2.4 Carlisle City Council's allocations policy identifies groups of people outside the general points scheme who will be granted priority rehousing within strict quotas. These are:
- Those rehoused in accordance with S.39 of the Land Compensation Act 1973 (amended). Will include those subject to clearance order, closing order, demolition order or compulsory purchase order.
 - Secure tenants of other local authorities and assured tenants of RSLs accepted for rehousing under the HOMES Mobility Scheme.
 - Persons occupying temporary hostel accommodation or homeshare accommodation provided by the Council or RSLs.
 - Any other exceptional cases of urgent housing need.
- 2.5 Carlisle City Council's policy states that 70% of available lettings should be to those who are not currently tenants of the City Council; 30% of lettings should be made available to Council tenants wishing to transfer.

- 2.6 Within the points system, Carlisle City Council gives greater weighting to families with dependent children, households where someone is expecting a child and households consisting of persons(s) over 60 years of age.
- 2.7 Carlisle City Council clearly distinguish and give greater priority, following the weightings set out in 2.5 above, to people resident within the Carlisle District (including those in prison, hospital, or members of H.M. Forces who would otherwise be resident inside the District).
- 2.8 For transferring tenants, priority is given to five groups of people:
- Medical Priority Cases (requiring specially adapted accommodation)
 - Other Medical Priority Cases
 - Decants
 - Urgent Management Transfers
 - Other Management Transfers
- 2.9 Within Carlisle City Council's allocations policy there is an approach specified for difficult to let properties. The Council will consider marketing techniques although applicants will be assessed within the existing points system.
- 2.10 The Council has not pursued local lettings policies within any of the areas it manages, although sensitive lettings have been undertaken informally within some developments. The most significant recent innovation is the introduction of introductory tenancies from the 1st of April 2002. This has had wide tenant support.

3 The need for change to the existing approach

- 3.1 Carlisle City Council's approach to allocations and lettings is not unusual. Many other Local Authorities and Housing Associations still have in place or have pursued similar approaches. Such policies were primarily a social administration response for the need to ration a scarce social commodity in a fair and transparent way. However, the social housing market has changed considerably with a clear over supply of stock and a general move within the population away from social renting. Such approaches are now not flexible enough to meet these new challenges.
- 3.2 Organisationally, there is a management split between allocations staff and housing management staff with each section reporting to a separate head. This approach has led to a lack of integration of service provision and has undermined approaches toward integrated neighbourhood management.
- 3.3 The response to low demand is one factor driving a need for change and a need to market properties more effectively.

- 3.4 A further driver is the high level of concern expressed by tenants in relation to the issue of neighbour incompatibility, neighbour nuisance anti-social behaviour. Any future lettings and allocations policies must take account of this if they are to truly respond to the needs of customer now and in the future.

4. A New Policy Approach

4.1 Legislative and Regulatory Framework

- 4.1.1 The Housing Policy Statement "Quality and Choice: A Decent Home for All – The Way Forward on Housing" (December 2000), underlines the need to give customers real choice over where they live and to adopt a neighbourhood-focused approach to lettings and management.
- 4.1.2 It is anticipated that government policy, through the Homes Bill (from 2002) will continue to support the approach of widening access to local authority accommodation and extend the principles of choice. The Bill amends slightly the priority groups listed in the 1996 Housing Act and allows local authorities to take account of the financial resources of a person, the behaviour of the person which affects their suitability as a tenant and local connection.
- 4.1.3 There remains a requirement for Carlisle Housing Association to give reasonable preference to house people in need as defined by the 1996 Housing Act. The Housing Corporation will be responsible for ensuring that the RSL embraces the principles of the Homes Bill.
- 4.1.4 The Housing Corporations 'Performance Standards for Registered Social Landlords' (RSL's), which are effective from April 1998, are the Regulatory Framework for the management of Tenant Selection and Allocation.
- 4.1.5 The key requirements of the Performance Standards (Standard F, amended Addendum 4 December 1999) are that:
'RSLs should normally let their homes to people in greatest housing need. Their lettings policies and practices should be independent, fair, accountable, and make the best use of available stock; and they should aim to let tenancies which are sustainable in the long term and contribute to stable communities'. The Addendum states that RSLs should take action to ensure that they do not create concentrations of people 'who may have difficulty sustaining a tenancy' or 'a history of anti social behaviour'. This allows for an approach where additional priority may be given to applicants who can demonstrate that they are able to contribute to community stability. It must also allow for fair treatment of those not so assessed.
- 4.1.6 Within the transfer guidelines there remains a statutory obligation for Carlisle City Council to fulfil responsibilities under the homelessness

legislation. However the City Council can choose to contract out the operation of its housing allocations and many functions under homelessness legislation. The City Council can also choose to maintain the housing register as part of a common register with Carlisle Housing Association and other RSLs.

- 4.1.7 The Housing Corporation Performance Standards require transfer landlords such as Carlisle Housing Association to make available at least 50% of their tenancies to nominees of local authorities. If a common allocation policy is agreed meeting the statutory requirements there is no need to have formal nomination agreements.

4.2 Key Elements

- 4.2.1 A new approach to lettings will not in isolation ensure stable and thriving neighbourhoods. The issues affecting neighbourhoods are diverse, complex and inter-related. However embracing a new approach is one measure to positively respond in a new way to help sustain neighbourhoods.
- 4.2.2 A more flexible, area-specific and creative approach to allocating social-rented homes is required by Carlisle Housing Association.
- 4.2.3 Carlisle Housing Association is conscious of the structures and systems that will be inherited on the transfer of the local authority housing stock. To this end it anticipates a gradual phasing in of more choice based methods and procedures for allocating properties following extensive review of existing arrangements. However a new policy approach is recognised.
- 4.2.3 A new policy approach is informed by the need to:
- Respond to issues of low demand in some neighbourhoods
 - Give regard to homelessness legislation
 - Respond to the concerns within communities to ensure stable and sustained tenancies
 - Remove rigid procedures in the pursuit of sensitive lettings within neighbourhoods and an assessment of the likely impact new tenants are likely to have on a community (and vice versa).
 - Maximise demand for housing by removing weightings to those living within the District
 - Market the properties in a way that attract new tenants, whilst ensuring housing for those in greatest need
 - Ensure that Carlisle Housing Association is seen as a landlord of choice
 - Maximise rental income
 - Reduce the number of voids, length of time they are empty and tenancy turnover
 - Provide good quality, desirable and affordable properties meeting the choices and aspirations of applicants and existing tenants

- Operate in a fair, open, accountable and non-discriminatory manner

4.3 Outputs and Outcomes

4.3.1 Within the Riverside Group, pilot choice-based lettings approaches are in operation with a view to abolish the points-based system and phase out waiting lists. Early results demonstrate that:

- Customers find the new system accessible and positive although there is a need to manage expectations
- The system is capable of dealing with local authority nominations, transfers, harassment and other priority cases. There is the option to remove properties and offer them to people from priority groupings although they are encouraged to apply for advertised properties to improve choice.
- New customers are being attracted although Riverside continues to house people in need as defined by the 1996 Housing Act.
- Pre-tenancy checks have been used to ensure properties are let in full knowledge of the potential tenant's circumstances which helps to assess their impact on a neighbourhood

4.3.2 Carlisle Housing Association will review current operations and with the City Council work towards the introduction of a new allocations and lettings policy. Key components of the new approach will be:

- Marketing – advertising will be the primary method. It is important that people who are vulnerable and disadvantaged have equal access to available homes. Appropriate advice and support is to be provided.
- Assessment of Need – taking account of 1996 Housing Act and Homes Bill 2002, although also housing people who fall outside these categories. Applicants will not though be scored.
- Exceptions – applicants meeting urgent or harassment criteria may be given fast track to access suitable vacant properties – this may be to properties, which lie outside the advertising process. It may be appropriate to reserve properties for other groupings (e.g. nomination obligations, transfers from existing tenants, special needs reasons.
- Neighbourhood Profiles – these will inform the criteria for allocation in a given area and provide the context for preparing property and tenant profiles. Local Lettings Policies may also form the basis in certain areas for allocations.
- Property and Tenant Profiles – these will describe the property and characterise the preferred household for that property.
- Criteria for Allocation – properties will be allocated to applicants with the 'best fit' to the tenant profile. Where there is more than one match deciding factors will be agreed. This could include 'time in current housing circumstances'.

- Applicant Database – no commitment to house will be given but applicants can register on a database and can be targeted as new homes become available, which match the applicant's profile.
- Appeal Procedure – a right to complain/appeal will be in place for all services. This will be agreed by the Board.
- Internal Transfer Policy – this will be reviewed including the grounds for refusal
- Innovation – this could include furnished lets, temporary tenancies for key workers etc.

4.3.3 Carlisle Housing Association will support HOMES mobility scheme and will allocate vacancies to people nominated under the scheme. Carlisle Housing Association assured tenants will have the right to exchange and the Association will encourage exchanges where this helps tenants obtain the property of their choice.

4.3.4 Carlisle Housing Association will undertake pre-tenancy checks prior to a formal offer of accommodation. These checks will be fair and reasonable in the light of all the circumstances.

4.3.5 Carlisle Housing Association in discussions with the City Council will need to agree categories for exclusions, reviewing current exclusions set out in the City Council existing allocations and lettings policy. A protocol is outlined in Appendix 1, this aims to allow Carlisle City Council to meet its obligations in regard to homelessness through a nomination arrangement with Carlisle Housing Association.

4.3.6 Carlisle Housing Association in discussions with the City Council will need to agree the continued use of starter tenancies for all new tenants following transfer of the housing stock with approval from the Housing Corporation.

5. Performance Standards

5.1 Carlisle Housing Association is required to report to the Housing Corporation on the following performance indicators:

- Percentage of dwellings vacant and available to let
- Percentage of dwellings vacant and unavailable to let
- Average re-let times for dwellings let in the financial year
- Percentage of lettings to BME households
- Re-lets as a percentage of total stock

5.2 Quarterly reports will be submitted to the Carlisle Housing Association Board on:

- Applications by priority groups (BME, gender, disabled, LA nominations, Homeless)

- Lettings by priority (BME, transfers, disabled, LA nominations, Homeless)
- Tenancies covered by local lettings policies
- Lettings under Local Lettings Policies
- Lettings made after 5 or more offers

5.3 In order to assess the effectiveness of allocation practice and procedure there will also be a need to assess at a neighbourhood level factors such as:

- Turnover (number of stock divided by number of re-lets)
- Average length of tenancy
- Reasons for leaving

5.4 These statistics will help to build detailed profiles of neighbourhoods and provide a measure of their sustainability. Information on new tenants including ethnic origin, previous tenure, economic status, income and reason for rehousing will enable us to check that we meet our commitment to housing those in need.

6. Way Forward

6.1 Process

6.2 The formal offer document will reflect the intention to move to a new allocation approach if the transfer proceeds. A working group of officers will continue to meet through out the transfer to further work up proposals this shall include representatives from housing management and allocations sections of the Council.

6.3 The full policy will be put before the Board of Carlisle Housing Association.

6.4. Timetable

6.5 Any new allocations procedure will not be in operation before June of 2003.

6.6. Staff Involvement

6.7 Once the officer working group has clear policy recommendations it shall consult with allocations and housing management staff as to the best approach to take the recommendation forward.

6.8 A full training programme will be developed to support staff on its implementation.

6.9 Tenant Involvement

- 6.9.1 Though the offer document will include an outline of the proposed approach, further tenant consultation is essential. This will occur through the pre and post ballot consultation programme that is in place with the final policy being formally put to all the residents and tenants associations in Carlisle as per the tenant compact.

Appendix 1: Nomination Protocol

1. Carlisle Housing Association will manage its own waiting list, with the long term objective being the development of a single unified waiting list common to all social housing providers operating in Carlisle.
2. Carlisle Housing Association will work positively with the City Council to discharge the Council's homelessness responsibilities. It believes that all social landlords within Carlisle have a responsibility to house homeless people. To aid this a monthly officer meeting will be held between Carlisle Housing Association and Carlisle City Council to ensure nominations arrangements are running appropriately.
3. Carlisle HA will accept nominations for people declared homeless by Carlisle City Council. Subject to point 5 below, the general presumption will be that the City Council's homelessness assessment has sufficiently established the applicants' suitability for assistance from CHA.
4. Carlisle Housing Association will offer suitable alternative accommodation to those homeless people nominated as quickly as possible.
5. Where in the judgement of CHA there may be particular relevant re-housing issues concerning a nomination from the City Council, then the case may be referred back to the City Council within 14 days of its receipt with a request for further supporting information or explanation. Relevant factors for consideration would be a history of previous evictions from any social landlord or private sector landlord for tenancy breaches (including rent arrears and anti-social behaviour) within the last 3 years, convictions for violence against neighbours or landlord staff and convictions for drug related offences.
6. Where on receipt of further information from the City Council, CHA judges that the proposed nomination may cause it difficulties in the discharge of its overall housing duties then it may refer the nomination to an appeals panel (AP).
7. An Appeal Panel consisting of two Council representatives and two Carlisle Housing Association representatives will meet to consider the case. An independent Chairman will be appointed.
8. The Chairman shall have the casting vote
9. The AP will not be limited in the decisions it can reach in any particular case and may therefore agree to accept or reject the nomination or agree that the Council should refer the nominee to an alternative provider or any other course of action it agrees. The decision of the AP is final.