

# Selection and Allocation – rented housing

## Housing Management Policy 4

Keniston Housing Association

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### 1. Purpose

The Association's selection and allocation policy sets out how we allocate properties that become available for letting. Existing tenants who wish to transfer to other Keniston properties will be assessed under the terms of this policy.

### 2. Who this policy applies to

This policy applies to existing tenants and people applying for housing with Keniston.

### 3. Policy Statement

Due to high demand for social housing, efficient use of existing stock is very important. This policy enables us to respond to local needs and make the best use of our stock. We aim to let our properties in a fair and transparent manner, create sustainable tenancies and support balanced and stable communities. The policy of the Association is to provide adequate and suitable housing for those in housing need. We want to provide good advice to applicants about their housing options, and to manage their expectations.

There should be clear application, decision-making and appeals processes.

### 4. Legal and regulatory requirements

Localism Act 2011  
Part 6 of the 1996 Housing Act  
Homeless Act 2002  
Equalities Act 2010  
Regulator for Social Housing Tenancy Standard  
Immigration Act 2014  
Social Housing (regulation) Act 2023

### 5. Allocations Panel

The Allocations Panel will consist of two members of the Housing Management team. If there is not a consensus view on a case, a third manager will be asked to review. If an officer knows the applicant personally that knowledge must be declared, and the officer must not be part of the panel.

### 6. Selection

Unless there are concerns about the accuracy and completeness of information provided, verification of the application will not usually be undertaken. However, we will ensure that the applicant can afford the home they have been nominated for.

We will assess suitability for every applicant to the property, making further investigations if necessary, and reserve the right to refuse a nomination. We will give reasons for refusing a nomination to the applicant and to the nominating authority.

The Association will not consider the following categories unless there are unusual or exceptional circumstances.

- Applicants who exceed our income threshold. Single people £37,803, couples £51,193 (to be increased by inflation each year after 2024, based on the Bank of England website). Savings should not exceed £16,000 for single people and £24,000 for couples.

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- Existing homeowners.
  - Applicants with rent arrears owed to a previous landlord.
  - Applicants who have had legal action against themselves or a member of their family for anti-social behaviour/harassment or other unacceptable behaviour will not be accepted unless there has been no anti-social behaviour/harassment for at least 5 years. Unacceptable behaviour may also include serious damage to or neglect of a property.
  - Applicants who have been assessed as vulnerable without appropriate support
  - Applicants who have provided false or misleading information in support of their application.
  - Applicants who have threatened staff or the Association's representatives and contractors.
  - Applicants under 18 years of age
  - Applicants who fail to provide information we require within set timeframes.
  - Perpetrators of domestic abuse or hate crime.
  - Applicants previously evicted from a Keniston property due to a breach of tenancy, including anti-social behaviour, non-payment of rent or charges, tenancy fraud or misrepresentation, or who have previously abandoned a Keniston property.
  - Applicants with outstanding debts to Keniston as a result of failure to pay rent, court costs, rechargeable repairs or any other debt.

Exceptional cases will be considered by the Complaints & Resolutions Panel.

The Complaints & Resolutions Panel is a group made up of officers and managers from housing management and property services, plus the Office & Resources Manager acting in the role of Complaints Officer. It also includes members of the Management Team. By bringing colleagues of differing seniority and expertise together, we ensure transparency and objectivity in the decision making process.

Keniston will adhere to our staff code of conduct in the letting of its properties to employees or their relatives. The Association would only rarely house an employee or his/her relative. The CEO must approve offers and will report it to the board.

## 7. Application Routes

We have regular liaison with Local Authorities allocations departments, Social Services, referral agencies, and other voluntary organisations to ensure that those in housing need are being allocated accommodation.

### A Local Authorities

Our nomination quotas are set out in the below table:

Borough	Agreement
Bexley	50% of 1 bed voids and 75% of 2 bed + voids
Bromley	50% of general needs studio/1-bedroom voids and 75% of family sized voids. 50% of sheltered studio/1-bedroom voids
Crawley	75% of all voids

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Croydon	90% of all units
Islington	50% of studio/1-bedroom voids and 75% of 2 bed + voids.
Lambeth	75% of 2 bed + voids.
Southwark	- 50% of 1 bed voids - 75% of 2 bed + voids

\* Local Authorities will normally have 100% nomination rights to the first lets of newly built properties.

In situations where there is nearby high level anti-social behaviour, or the void is the result of an eviction for anti-social behaviour, we will request a sensitive nomination in order to support community stability.

#### **B Existing Tenants (Transfers)**

The Association is aware that the needs of existing tenants often change. See Section 20

#### **C Referral Agencies**

These are organisations, often voluntary, which provide advice and assistance for people in housing need. The clients of referral agencies may be vulnerable, which make it more difficult for them to find suitable accommodation for themselves.

The Association regularly reviews the referral agencies that are used, and the arrangements with existing referral agencies, to ensure that new or changing needs can be met. It is important to ensure that referral agencies meet the Association's selection and allocation and equality and diversity policies. See Appendix A for list of referral agencies.

#### **D Direct applicants for general needs housing**

The Association may operate a limited waiting list for direct applicants, which is generally for 1 bed and studio flats. Keniston will consider direct applicants who are on a low income and do not exceed the stated income( see section 6)

#### **E Sheltered Accommodation**

Applicants who are aged 55 and over will be accepted for sheltered housing. Disabled applicants aged 50 and over will also be accepted for sheltered housing. Eligibility criteria for these applicants will be as above

We reserve the right to restrict applicants from our waiting list.

#### **F Reciprocal Agreements**

The Association will consider reciprocal lets with other registered providers on a like for like basis.

### **8. Chain Lettings**

A chain letting is where we can create a set of moves that facilitate a number of tenants to move without any reduction in the number of voids available to the local authority to house applicants.

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## **9. Allocations**

Allocations will be made within the following criteria: -

- Two adults living as a couple will be allocated one double bedroom
- Pairs of children of same sex will be expected to share a bedroom except where the eldest is over 16 years of age
- Pairs of children of different sexes will be expected to share a bedroom except where the eldest is over 10 years of age
- If relevant medical factors exist, a separate bedroom can be allocated to them or their carer.
- Parents with shared custody arrangements will only be provided with bedrooms for children under 16 where legal access or custody arrangements confirm that they have custody for a minimum of four days per week and is in receipt of child benefit.

Allocations will not exceed the legal permitted number of occupants allowed by legislation for that type/size of dwelling.

## **10. Provision for Carers**

The Association will offer an additional single bedroom where the person looking after the tenant is a Carer who is defined as:

- someone in receipt of Carer's Allowance for the tenant they are looking after
- where a member of the household requires a non-resident overnight carer
- foster carers, so long as they have fostered a child or become an approved foster carer within the last 12 months

Carers will not be added to the tenancy.

## **11. Viewings**

Where an application has been agreed, we will invite the applicant to view the property as soon as possible. We will usually expect them to decide at the viewing. We may carry out multiple viewings where we invite several applicants. We will offer the home to the highest placed applicant who is interested. We reserve the right to bypass applicants who cannot attend viewings within a reasonable timescale.

Where an applicant has a support worker, they will be invited to attend the viewing.

## **12. Immigration Status and Right to Rent**

Any person who has the right to stay in the UK for an unlimited length of time is eligible to apply for permanent housing from the Association. Those who have short term immigration status or whose terms of stay do not include a recourse to public funds are not eligible for housing. This does not apply to a letting made directly by the local authority. If nominated in this way, and the applicant whose leave to enter or remain in the UK is subject to any limitation or condition will be offered a fixed term tenancy for the duration of the limitation.

We will conduct initial right to rent checks before authorising an application, conduct follow-up checks at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent. We will make a report to the Home Office if follow-up checks indicate that an occupier no longer has the right to rent.

### 13. Criminal Convictions and Sex Offenders

Applicants who have a criminal conviction or who are due to be released from prison can apply and will be assessed using the same criteria as those who do not. It may be necessary that further checks with a relevant body are required e.g. probation/ prison service. We will assess those with a criminal conviction on their suitability to be a tenant on a case by case basis considering our duty of care towards potential neighbours, colleagues and the wider community.

Applications from sex offenders or high-risk offenders will be considered but only where we have confirmation from the Local Authority that any risks associated with rehousing have been assessed and that the property and area is suitable. The local authority will need to provide:

- A detailed risk assessment and details of the care package together with any monitoring arrangements;
- Contact details of members of the inter-agency risk management panel including the police, for ease of contact should a problem arise during the life of a tenancy.

Approval for an offer must be obtained from the Operations Director where an applicant is a registered sex offender or high-risk offender. We reserve our right to restrict offers of housing that are inappropriate, in relation to any information obtained via a risk assessment or support needs assessment process.

### 14. Type of Tenancy to be offered

**Secure** – an existing secure tenant of Keniston.

**Assured** – a secure or assured local authority nominee, or an existing assured Keniston tenant.

**Starter tenancy** – any applicant who does not hold a secure or assured tenancy.

**Fixed term tenancies** – any applicant with restrictions on their right to rent or an under occupying successor.

**Affordable** - any applicant nominated to an affordable rent property. Where an assured Keniston tenant transfers to an affordable rent property, they will be given an assured tenancy with a rent set at the affordable level.

### 15. Rent to be charged

This is set out in our Rent Setting Policy.

### 16. Affordability Assessments

For all tenancies, Rent Income Officers will carry out an affordability assessment to consider a household's income and outgoings. This includes a benefit check and calculation of benefit entitlement. Advice and guidance will be given at this stage.

We may refuse the application or nomination if we determine it is unaffordable or would create hardship and mean they cannot sustain their tenancy.

Where tenants propose to swap properties in a mutual exchange, we request that they discuss affordability with us, so we can provide advice prior to the exchange taking place.

Applicants are asked to pay one week's rent at the start of the tenancy. If unable to do so, they will be asked to enter a payment plan to pay by instalments.

## 17. Information

We always aim to keep applicants fully informed. Copies of the Selection and Allocation Policy will be made available to applicants on request.

Applicants are entitled to know that information they have supplied has been correctly recorded and that any notes made truly reflect their actual circumstances. Any applicant who so wishes may, by appointment, inspect all papers in connection with his or her application and record any comment alongside such papers in line with Keniston's Confidentiality Policy and their legal rights.

Our Annual Report to tenants includes statistical information about lettings in the previous year.

## 18. Appeals Procedure

We can decline an application at any stage for any of the reasons set out in Sections 6 and 21.

Applicants who are refused an offer of housing may request that their case be reconsidered by the Complaints & Resolutions Panel which will review the basis on which the decision has been made. An offer will not be held open while an appeal is being dealt with. If an applicant has a complaint about the way in which their case has been handled, they should follow our Complaints Policy.

## 19. Transfers

### Transfer Policy

Keniston will maintain a transfer list and all tenants of the Association may apply for a transfer after 2 years. We will continue to signpost tenants towards local authority letting and mutual exchange schemes in order to help them achieve a move.

### Criteria for a transfer

An application for transfer to another Keniston property will be approved if the following criteria are fulfilled:

- A clear rent account for 6 months. For those in receipt of housing element benefits, there must be no personal arrears. No breach of tenancy conditions for 6 months
- Current accommodation is maintained to a good standard (determined by a home inspection) AND one or more of the following:
  - The property is overcrowded (See Sections 9 and 10) or
  - The property is under occupied (See Section 20 on Downsizing)
  - Keniston has determined the property requires decanting (see Decanting Policy)
  - The tenant, or a member of the household is suffering serious harassment or Anti-Social Behaviour, where no other resolution is immediately apparent.

- Domestic abuse has taken place and the victim needs a transfer for their own personal protection.
- The current property is not suitable for the household due to a permanent medical condition.
- Approved foster carers, currently fostering or who have fostered a child or registered to foster in the last 12 months

Only the people who were initially rehoused plus subsequent dependent children of the tenant will be considered when an application is made to move. Other relatives or friends of the tenant will not be considered. Partners moving in with the tenant will be considered as part of the household when they have been in occupation for 12 months.

An offer will be based on the current household need, rather than like for like accommodation.

In exceptional circumstances we may consider transfers for people who do not meet the above criteria. In such cases, the case would be heard by the Complaints & Resolutions Panel. If a tenant on the transfer list then contravenes their tenancy conditions, the transfer will be cancelled.

## **20. Downsizing**

Keniston encourages a more efficient use of existing housing resources to meet housing need. The Downsizing policy is designed to assist residents living in a home which is too large for them.

Any payments will be made subject to the budget being available, and the budgetary requirement will be reviewed each year.

### **Purpose**

The purpose of the Downsizing policy is to:

- Make the most efficient and effective use of existing stock
- Assist tenants negatively impacted by the spare room subsidy (bedroom tax) who cannot afford to remain in their existing accommodation
- To assist with reasonable costs associated with moving home, including; removals, connection and disconnection of services

### **Eligibility**

The policy is available to all Keniston tenants who meet the following criteria:

- Have held a tenancy with Keniston for a minimum of two years at the date of application
- Must be under-occupying their current property by at least one bedroom
- Maintained their home in a satisfactory condition and will be subject to an inspection
- Must not be in arrears on their rent account, or alternatively must have entered into and are adhering to an agreement to clear the arrears outstanding
- Must have kept to the terms and conditions of their tenancy agreement for 12 months prior to the application
- Must not be subject to a Possession Order
- Must hold an assured or secure tenancy
- Must not be eligible to receive an incentive from another source.

### **Existing rent arrears**

Tenants with existing rent arrears will only be eligible for the scheme if they have a clear rent account or have entered into and are keeping to a repayment agreement for a period of 6 months.

Where tenants are subject to genuine financial hardship due to under occupation, Keniston will consider requests on a case by case basis through the Complaints & Resolutions Panel.

Those tenants accepted onto the scheme with existing arrears will be on the basis that:

- The incentive payment will clear any Keniston debt in full; or
- where the payment of the incentive will clear the majority of any existing Keniston debt, that an agreement is entered into to clear the remaining debt.

### **Incentive Payments**

We make an incentive payment of £500 for every bedroom released. We reserve the right to reduce the incentive payments above by:

- Any debts owed to Keniston at the time of the transfer; and / or
- The cost of any work that Keniston has to undertake to the vacated property as a result of damage or neglect on the part of the tenant.

## **21. Priorities**

When tenants are approved for a transfer, their application will be given a priority, which reflects the need to move.

- a) Band 1 e.g. fleeing violence or domestic abuse and who we are supporting to move to a new area, severe and targeted harassment cases, decanting; statutory overcrowding, under-occupation or living in an adapted property who no longer need the adaptation and serious medical grounds. Tenants who we are supporting to move on management grounds.
- b) Band 2 e.g. non-statutory overcrowding, medical grounds.

## **22. Medical grounds**

Tenants who have a medical need or disability, which means that their home is unsuitable for them or a member of their household, can apply to move on medical grounds. This may mean that a tenant or family member cannot leave the home without help or cannot access washing or cooking facilities and where the applicant's current housing is having a significant detrimental effect on their condition.

We require confirmation from a hospital consultant, GP or Occupational Therapist, and may require an assessment by Keniston's independent medical assessor.

Each application is placed in the appropriate band. If the household has more than one identified housing need they are placed in the band which matches the highest.

Within each priority band, we make offers in date order.

Transfers are reviewed annually.

## **23. Cancellations of transfers**

If an offer of suitable accommodation is made and is unreasonably refused by the applicant or if an applicant does not respond in the stated timescale, the transfer application will be [https://kenistonha.sharepoint.com/sites/keniston/shared documents/general/policy/housing management/not for use - policy current word documents/hm.04-selection allocation 2024 final.docx](https://kenistonha.sharepoint.com/sites/keniston/shared%20documents/general/policy/housing%20management/not%20for%20use%20-%20policy%20current%20word%20documents/hm.04-selection%20allocation%202024%20final.docx)

cancelled and the applicant cannot reapply for 1 year. A transfer request will only be reinstated in that period if there is a relevant change of circumstances. The applicant will have a Right to Appeal to the Complaints & Resolutions Panel. Applicants who want us to review a decision must contact us in writing within 28 days of the decision, with their reasons. The original offer will not be held open.

#### **24. Keeping people informed**

Applicants for a transfer are informed of the following:

- Whether their application has been successful
- If a transfer application is not accepted, we will write and say why.
- At annual reviews, applicants will be advised whether they are still eligible to remain on the list. The reason for cancelling a transfer application will be given to the applicant.

#### **25. CORE (Ministry of Housing, Communities and Local Government MHCLG) Keniston will take part in CORE for monitoring all lettings.**

#### **26. Mutual Exchanges**

Tenants have the right to exchange their homes with a tenant of Keniston or another housing association or local authority tenant, subject to receiving the written consent of both landlords. Keniston will provide information and advice in order to assist tenants in achieving such a move.

Permission may only be refused on certain legal grounds and any refusal must be in writing and state on which ground(s) refusal is based. Any reasonable conditions may be attached to the consent relating to the payment of outstanding rent or the remedying issues regarding condition of property.

Mutual exchanges can be agreed where there will be under-occupation of no more than one bedroom. Mutual exchanges are not agreed where the permitted occupancy number of the property would be exceeded.

#### **Localism Act Exchanges – protection for ‘lifetime’ tenants**

Mutual exchange is usually by way of each tenant assigning their tenancy to the other so that each effectively takes over the other’s tenancy, including its status and its rent.

However, Section 158 of the Localism Act 2011 provides protection for ‘lifetime’ tenants, i.e., Assured (non-shorthold) and Secure tenants, that held their tenancy before 1 April 2012, who want to exchange with customers with an assured shorthold fixed term tenancy at social rent. It does this by each customer surrendering their tenancy and the landlord granting a new tenancy.

This is so the existing lifetime tenant will still have a ‘lifetime’ tenancy following the exchange. In these circumstances we will offer both customers an assured tenancy.

We reserve the right to allocate new assured tenancies rather than complete the assignment if it is felt appropriate to do so. This provides more, not less rights to the customer so it is not considered to be detrimental.

#### **27. Void Properties**

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The Association fully accepts its responsibility to ensure that vacated properties do not stand empty. Every effort will be made to ensure that properties are relet as soon as they are available. This will include agreeing clear deadlines for receiving nominations from local authorities and referral agencies.

**28. Equality, Diversity and Inclusion**

Everyone at Keniston, our external partners and customers are required to:

- Treat people fairly, give equal access to jobs, homes, services and contracts without discrimination, harassment, bullying and prejudice, and meet diverse needs through reasonable adjustments whenever possible and appropriate.
- Not discriminate against any individuals or groups, not tolerate attitudes and behaviours that amount to or could result in discrimination and swiftly handle any reports of victimisation, bullying or harassment.
- Acknowledge and value the differences by recognising people's individual circumstances, unique aspirations and needs and responding appropriately.
- Comply with relevant legislation, statutory codes and guidance designed to promote equality of opportunity and eliminate discrimination, such as the Equality Act 2010, Housing and other Regulatory Standards, and the Housing Ombudsman's Complaints Handling Code.

**This policy was agreed by Board on:** 18 July 2024.

**Next review date:** July 2027.

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APPENDIX A

**Referral Agencies**

<b>Name of Organisation</b>	<b>Main Category of Nominees</b>	<b>Main Boroughs in which nominees provided (this is a guide)</b>
Women's Aid	Victims of violence with or without children	Bexley/Bromley/ Crawley/ Islington/Southwark
Bromley Homeless	Homeless	Bromley
Veteran's Aid	Ex military personnel	any