

Version: 11
Policy owner: J Martin
V11 updated by: C Boland
V11 approved by MHL Board: 26/01/23
Next Board review due: 29/01/26
EIA undertaken: 08/03/21
V11 effective: 01/02/23
Total no. of pages: 7

MAGNA HOUSING

LETTINGS POLICY

1. Introduction

- 1.1 We will let our homes in a fair, transparent and efficient way. We will comply with the relevant requirements and standards of the social housing regulator, relevant legislation including (where relevant) the right to rent regulations 2016, relevant charity law, section 106 agreements, our tenancy agreements and the requirements of commissioners of care and support services.
- 1.2 In some circumstances we may implement local lettings plans (LLPs) which allow us to set positive criteria for letting certain properties in order to address issues or concerns in a defined area, estate or scheme for a limited period of time.
- 1.3 We will co-operate with local authorities in the areas where we have housing properties. This includes assisting with their homelessness duties and meeting our obligations in nominations agreements. We will participate in the common allocation policies, common housing registers, choice-based lettings (CBL) schemes and extra care nominations routes operating in the local authority areas where we have housing properties, as long as candidates meet our eligibility criteria and as long as it is in our interests to do so. We will keep our participation in CBL schemes under review to ensure that we can let our properties efficiently and continue to house people in need.
- 1.4 We will sometimes advertise properties through other means including on the open market. Examples of when we might do this include when a property proves difficult to let through local CBL schemes. Where a property is likely to be hard to let we will advertise through CBL and other avenues simultaneously. We also

¹ The Board decided to retain control over all aspects of this policy, save for factual updating

use these other means where we have properties which we are required to let at market rents.

- 1.5 In accordance with our charitable objectives to provide social housing and associated facilities, services and amenities, we give priority to rent garages to our customers. Where there is no demand from our customers, we will let garages to non-Magna customers in order to avoid rent loss.

2. Eligibility

- 2.1 We will let homes in accordance with our charitable objectives. To be eligible, applicants must be in housing need due to:

- 2.1.1 their financial circumstances, which mean they cannot obtain suitable housing on the open market; and/or

- 2.1.2 their age, disability, mental illness or chronic sickness, which mean they need accommodation which is specially adapted or otherwise suitable for them.

- 2.2 In certain circumstances, we will let properties to existing tenants or members of their household who do not meet the criteria set out in 2.1.1 or 2.1.2. Examples include tenants who are required to move in order for us to demolish or undertake improvements to their home and people who are entitled to a new tenancy following the death of a tenant in accordance with rights set out in our tenancy agreements.

- 2.3 Unless there are exceptional circumstances, we will not let properties to:

- 2.3.1 applicants with a debt to Magna or another social landlord who is a partner in the relevant CBL scheme; and/or

- 2.3.2 applicants who have materially breached the terms of a current or previous tenancy, for example through anti-social behaviour, within the last two years; and/or

- 2.3.3 applicants, whose behaviour is such that they would pose an un-manageable risk to Magna colleagues and/or within the community. Exclusion for this reason will normally require the authorisation of the head of customer and community support and advice or guidance from other organisations e.g. the police, probation service, health professional; and/or

- 2.3.4 applicants who are unable to afford to pay the rent and any other charges or otherwise maintain a tenancy without the

need for support at a level we are unable to provide either directly or indirectly.

- 2.4 We expect applicants to pay rent in advance in accordance with their tenancy agreement, unless there is a good reason why they cannot.
- 2.5 We will fully participate in relevant protocols dealing with dangerous or potentially dangerous offenders and use these when considering applicants who pose an actual or potential public protection risk.
- 2.6 Where an applicant is aged 16 or over but not yet 18, we require an appropriate guarantor (aged over 18) and may also require appropriate support to be in place before offering a tenancy.

3. Empty homes

- 3.1 We will normally advertise empty homes through the CBL scheme operating in the area in which the property is situated. However, we reserve the right to let properties without advertising them through CBL, for example where we have been unable to let a property through CBL or where we identify an eligible charitable beneficiary who is in housing need but is not eligible to register with the relevant local authority scheme or who has an urgent need to move and needs a 'direct match' to an empty home.
- 3.2 Applicants who are registered in the relevant CBL scheme can express interest in our advertised properties for which they are eligible in accordance with the common allocation policy operating in that area.
- 3.3 We will let all properties in accordance with our own eligibility guidelines and, where appropriate, the relevant local authority CBL policy. If there is conflict between these, our eligibility guidelines will take priority.
- 3.4 We will state any eligibility guidelines on our adverts.
- 3.5 Where there is more than one eligible applicant for a general needs or sheltered property through CBL, we will prioritise the applicant with the highest banding. Where there is more than one applicant in the relevant banding, we will prioritise the applicant with the oldest application date in that band.
- 3.7 Where we advertise properties through routes other than CBL, we will prioritise applications on a 'first come first served' basis.

4. Making best use of our housing properties

4.1 We aim to make best use of our housing properties and will normally ensure our properties are fully occupied when we let them. To calculate bedroom eligibility, we will allow a single or double bedroom as appropriate for a single applicant or a couple. We will allow one additional single or double bedroom as appropriate for each of the following:

4.1.1 two children of the same sex under the age of 16;

4.1.2 two children under 10 irrespective of sex;

4.1.3 any other person aged 16 or over;

4.1.4 any other child (other than a child whose main home is elsewhere);

4.1.5 a carer who does not live in the household and who provides a household member with long term overnight care;

4.1.6 A disabled child who receives Disability Living Allowance (DLA) care component at the middle or higher rate, who would otherwise be expected to share a bedroom but due to their disability would not be able to do so, will be allocated a bedroom to themselves; and

4.1.7 A member of a couple who is unable to share a bedroom with their partner because of either partner's disabilities, and the disabled member of the couple is in receipt of:

4.1.7.1 Middle or high-rate care component of Disability Living Allowance, or

4.1.7.2 Daily living component of Personal Independence Payment, or

4.1.7.3 Attendance Allowance at the higher rate, or

4.1.7.4 Armed Forces Independence Payment.

4.2 We may allow properties to be under-occupied in certain circumstances, which include but are not limited to:

4.2.1 where a member of the household needs a separate bedroom on medical grounds;

4.2.2 in order to help improve an applicant's financial situation;

4.2.3 where a property has low demand or is otherwise difficult to let;

- 4.2.4 in certain sheltered housing properties; and
- 4.2.5 to help those who may wish to remain in a specific rural community where there is limited stock available.
- 4.3 Before under-occupying properties, we will take reasonable steps to ensure that the property is affordable and the tenancy is sustainable.
- 4.4 We will let sheltered housing to people aged 55 years and over or to younger vulnerable people if the environment and communal facilities offered helps to support their need. We will let extra care properties to people with the relevant care and support needs.
- 4.5 We will let purpose-built or adapted properties to applicants who will make use of the existing adaptations wherever possible.
- 4.6 We will let properties that have been designed or designated as supported housing to those with relevant support needs unless there are good reasons not to.

5. Other eligibility criteria

- 5.1 We will let our properties in accordance with specific eligibility criteria where this applies in certain areas or to certain properties. This includes:
 - 5.1.1 where we have adopted a Local Lettings Plan (LLP) (see below).
 - 5.1.2 where section 106 agreements, other planning conditions or other binding agreements specify conditions such as a local connection or minimum age criteria.
 - 5.1.3 where properties are reserved for specific applicants such as key workers.

6. Local Lettings Plans (LLPs)

- 6.1 LLPs allow us to set positive criteria for letting certain properties in order to address issues or concerns in a defined area, estate or scheme for a limited period of time. For example this could be an area where there has been a high concentration of anti-social behaviour.
- 6.2 LLPs will:

- 6.2.1 vary in content, processes and outcomes according to the issue that they are intended to address;
- 6.2.2 not conflict with our charitable objectives;
- 6.2.3 comply with all relevant legislation;
- 6.2.4 not discriminate either directly or indirectly unless Magna is able to show there is good reason for doing so;
- 6.2.5 be used as a proportionate means of achieving a legitimate aim;
- 6.2.6 have clear aims and objectives;
- 6.2.7 be time-limited and evidence-based;
- 6.2.8 state clearly the area or properties to which they relate;
- 6.2.9 be discussed with the local authority and be agreed with them where the LLP will be applied to section 106 sites; new developments where the LLP applies to 100% of new lets; and for situations where the local authority has nomination rights and we propose to apply the LLP to properties covered by those rights;
- 6.2.10 contain measures against which the success or otherwise of the plan can be assessed.

7. Fairness and accessibility

- 7.1 We will have a clear application, decision-making and appeals process.
- 7.2 We will give no preferential treatment to Magna Board members, colleagues, existing and new customers, and those with whom such persons are closely connected, in our lettings processes.
- 7.3 We aim to ensure that our lettings processes can be used by all applicants and we will let our properties in accordance with our equality and diversity policy.
- 7.4 Any applicant who believes their application has not been dealt with in accordance with this policy can complain and/or appeal against our decision. We will publicise the process by which applicants can complain or appeal.

8. Verification of circumstances

- 8.1 We will aim to ensure that each property is let to the person/s entitled. We will verify the identity and circumstances of customers.
- 8.2 We may take steps to recover possession of any property that was let on the basis of false information supplied by an applicant.