



# Lettings Policy

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## 1. Aims and objectives

At SYHA our purpose is ‘with SYHA you can settle, live well and realise your potential’.

One of the ways we work to achieve this is by making sure that the home we offer you is one that fits with yours and your family’s needs. Not just that, we want it to be somewhere you enjoy living and where you feel that you have the peace of mind and security to make it your home for many years to come.

We aim to form a strong ongoing relationship with our tenants which we think is good for you, us and the communities you live in and where we work. One way of doing this is to offer you the most secure form of tenancy we can which means you can stay in one of our homes for as long as you want to, providing you keep to your tenancy conditions of course.

We have tried to write this policy so that is:

- Clear, fair and understandable
- Helps to describe the choices available
- Supports people where they have a need to move home
- Gives those looking for a smaller or cheaper home a way to do this
- Makes best use of our existing homes and any new homes we build
- Allows people to maintain ties and support in their local community
- Makes sure empty homes are let as quickly as possible
- Supports people in sustaining their tenancy.

## 2. Key principles

We will:

- Give priority to our existing SYHA tenants with a housing need in order to address need amongst our own tenants and within our own housing stock
- Set time limits for people that are given priority
- Count time on the transfer list for SYHA applicants with no identified housing need
- Monitor diversity information for all lettings and applicants

- Give adapted properties to people with disabilities in the first instance
- Service standards are detailed within our overall customer promises
- Have a review and appeals procedure
- Be clear about what information you need to provide and by when you need to provide it
- Share information on how rehousing decisions are made
- Involve tenants in any review of the lettings policy

### **3. Looking for a new home with SYHA**

#### **3.1 What if I'm not already an SYHA tenant ?**

If you are not an existing tenant of SYHA you should approach the local authority in the area in which you live to join their housing register and they will assess your housing need.

SYHA has agreed with the local authorities to release properties for nomination from their housing registers. These SYHA properties will normally be advertised as part of the local authority's choice based lettings schemes.

#### **3.2 What if I am already an SYHA tenant and I want to transfer to a new home?**

All existing tenants of SYHA can apply to be added to our transfer list when they have lived in their SYHA home for at least 12 months. The transfer list is a list of existing SYHA tenants wanting a move to another SYHA property.

If you apply for a transfer you will be put on a list for the property type, size, and area which you request. There is no limit to the number of lists you can join.

There are rules about the size and type of property you are eligible for (see section 4). We will tell you if you are not eligible for a property you request.

We will put you on the transfer list from the date we receive your application.

You can change your choices area or property type by getting in touch with us.

We will let you know how long on average you might expect to wait for a particular area before being offered a home.

You can only have one current application, which is cancelled when you accept an offer of a SYHA property, or you become a joint tenant. Your application may also be suspended or cancelled if you do not keep to your tenancy conditions. You can find more out about this in section 7.

If you have been an SYHA tenant for less than 12 months and you have an urgent need to move, we will consider your application and may allow you to register for a transfer.

### **3.3 Can I make a joint application to join the transfer list?**

You may apply to join the transfer list as a joint applicant providing one of you is an existing SYHA tenant.

If you are a joint applicant you can only be made an offer of accommodation if you both meet the rules for being made an offer. (See section 7)

For example if one person owes money to SYHA an offer cannot be made to the other person.

If you have applied jointly for transfer you will generally be granted a joint tenancy if you move into a property together.

### **3.4 Closing transfer Lists**

In very exceptional circumstances we may close a transfer list for an area. The decision to close a transfer list will be made by the Housing Services Manager.

### **3.5 Local lettings policies**

In some areas, we may choose to apply local lettings policies. In these cases specific rules will apply to those areas / estates only. We will provide applicants with information on the areas covered and the rules which apply where a local lettings policy is agreed.

Any such schemes will only be agreed following consultation with local residents and those on the transfer list for that area and will only be used in exceptional circumstances.

## **4. What properties and areas can I apply for?**

### **4.1 What choices can I make?**

You may choose an unlimited number of estates or areas where you wish to live.

You may change your areas of choice without losing your registration date or points, unless the points have been awarded for a particular area or estate – for example if you have family support there.

Some properties have specific rules concerning who can move into them. For example some properties are for people of a certain age or who have a disability. These rules are included in this policy in **Appendix A**. If you express an interest in joining any list for these properties we will let you know any rules which apply to them.

## **4.2 What size of property can I apply for?**

There are rules covering what type of property you can apply for based on the make up of your household. These are designed to make sure we make the best use of the properties.

We will not offer you a property where it would result in you being overcrowded.

The following table outlines the size of property you can apply for. A child is considered as anyone up to the age of 18. Where someone has a confirmed pregnancy we will count it as if the child had already been born.



**4.2.1 Table showing eligibility for SYHA properties**

	Studio Flat	1 Bed Flat or House or Bungalow	2 Bed Flat	2 Bed Bungalow	2 Bed House	3 Bed House or Bungalow	3 Bed Flat	4 Bed House	5 Bed +
Single person	✓	✓	✓	✓					
Single person with overnight access to 1 or more children	✓	✓	✓	✓	✓				
Single person with overnight access to 2 or more children	✓	✓	✓	✓	✓				
Single person with overnight access to 3 or more children	✓	✓	✓	✓	✓	✓	✓		
Couple or 2 adults		✓	✓	✓	✓				
Household with 1 child			✓	✓	✓				
Household with up to 2 children of same sex; or 3 individual adults			✓	✓	✓	✓	✓		
Household with 2 children of opposite sex both under 5 years of age			✓	✓	✓	✓	✓		

Household with 2 children of opposite sex with one over 5 years of age						√	√		
Household with 3 or more children; or household of at least 6 people in total						√	√	√	
Household with 4 or more children; or household of at least 7 people in total						√	√	√	√

#### **4.3 What if I am pregnant or have overnight access to children?**

If you have a confirmed pregnancy this will count as if your child was already part of your household.

Lone parent families will be treated the same as two parent families.

If you have regular overnight access to children on a frequent basis they will be treated as living with you when deciding what type of property you are eligible for.

You will be eligible for family properties depending on the number, age and sex of the children. This will only apply to children who are under 18.

#### **4.4 What properties are provided for older people?**

Some SYHA properties are for people of a certain age for a variety of reasons usually related to the suitability of that particular property type. A full list of properties which are age designated is included at **Appendix A**.

If you apply for a property and you are under the required age you can register for the property, but you will not generally be made an offer until you reach the relevant age.

If you are a couple and make a joint application for a property with an age restriction, at least one of you must be the relevant age.

If there is no-one waiting for a property with an age restriction, we may in exceptional circumstances, offer it to a transfer applicant of lower age.

We will consult with the existing tenants before changing the age designation of a group of properties.

#### **4.5 What if I have a pet or assistance dog?**

When we contact you regarding a property we will let you know if you are allowed to keep a pet in the property.

If you are not normally allowed to keep a pet we will usually waive this rule for people who have an assistance dog.

## **5. What if I am an SYHA tenant and I have a specific housing need?**

People with housing needs come first when we are allocating SYHA properties.

To make sure this happens we award housing need points and the property is allocated to the person with the most points.

There are two types of housing needs points: urgent and beneficial. These points can be awarded to any transfer applicant.

If you believe you have a specific housing need you should indicate this on your application form or contact our Customer Services Team who will arrange for an assessment to take place.

If you are awarded need points we will review them regularly and we will cancel them if your circumstances change or you do not comply with the conditions outlined when you were awarded the points.

### **5.1 Urgent needs (100 points)**

100 urgent needs points are awarded for specific needs that mean you need to move quickly. (See section 7 for details)

We award urgent needs points for a specific time period and review them at the end of the period.

If you are awarded these points we will make you up to 3 reasonable offers of alternative accommodation.

If no suitable properties have arisen within the time period, then we will award the points for a further time period, provided your housing need remains the same.

If we have made 3 reasonable offers and you have rejected them, we will cancel the urgent needs points and write and tell you that this is what we have done.

You may use the review and appeals procedure if you are not happy with our decision (see Section 12).

Urgent need points **cannot** be added together and urgent needs points **cannot** be added to beneficial needs points.

## **5.2 Beneficial needs (50 points)**

50 beneficial needs points are awarded for housing needs where a move would clearly benefit the applicant but the situation is less urgent. (See section 7 for details)

We award beneficial points on a time-limited basis and then review them at the end of the period.

If you are awarded these points we will make you up to 3 reasonable offers of alternative accommodation.

If no suitable properties have arisen within the time period, then we will award the points for a further time period, provided your housing need remains the same.

If we have made 3 reasonable offers and you have rejected them, we will remove your beneficial needs points and write to you to confirm that this is what we have done. You may use the review and appeals procedure if you are not happy with our decision.

Beneficial need points **cannot** be added together and beneficial needs points **cannot** be added to urgent needs points.

## **6. What are the different types of urgent and beneficial needs and how will I be assessed for these?**

Housing needs points can be awarded to any of our transfer applicants for the following categories of need:

- Domestic violence (section 6.1)
- Medical or disability need (section 6.2)
- People leaving SYHA supported housing (section 6.3)
- People experiencing harassment (section 6.4)
- Need for support (section 6.5)
- Overcrowding (section 6.6)
- Under occupation (section 6.7)
- Releasing an adapted property (6.8)
- Relationship breakdown (section 6.9)
- Moves to take up employment (section 6.10)
- Special cases (section 6.11)

The following section describes each individual category and how these needs points are awarded.

### **6.1 What if I am experiencing domestic violence?**

#### **6.1.1 Urgent need (100 points)**

We are keen to support anyone who is experiencing domestic violence in a way which helps them find the best solution for them to end the violence.

If you are a SYHA tenant, or the partner of a SYHA tenant and have been treated violently or threatened with violence by your partner you should contact us as soon as possible. If you decide you want to move to a new home we may give you 100 points to help to do this.

If you are a SYHA tenant, and are suffering from domestic violence from a person who does not live in the property we may also give you 100 points.

If the violence or threat of violence comes from someone who is not a tenant, or eligible to be a joint tenant, you must end your tenancy when you are rehoused. We will then treat anyone left living at the property as an unauthorised occupier.

If the violence or threat of violence comes from someone who is a tenant, or eligible to be a joint tenant, we will not usually allow them to stay in the property unless there are extenuating circumstances, in which case we will grant them a new tenancy.

100 points will be awarded for a period of **3 months** and will be reviewed at the end of this period.

If you are awarded these points we will make you up to 3 reasonable rehousing offers.

## **6.2 What if I have a medical or disability need?**

We can make small adaptations to your home and your local authority may be able to assist with larger adaptations if you wish to stay where you are.

If you are an SYHA tenant and believe your current home is unsuitable for medical or disability needs, you can ask to be assessed for medical or disability points.

The number of points we give you is dependant on how severe your needs are, and how well you can cope living in your current home.

The points you are given are valid for any estate or area, but the type of property must be suitable for and of benefit to your medical or disability needs. For example, if you need a home that is on one level you can be offered a flat or a bungalow, but we would not offer you a house, or flat without a lift, because it would be unsuitable.

There are 2 levels of medical or disability need which are covered in 6.2.1 and 6.2.2 below:

### **6.2.1 What if I have an urgent need to move related to a medical condition or disability?**

**(100 urgent need points)**

These points are awarded if you are an SYHA tenant and:

- You are being discharged from hospital and your current home is unsuitable for your needs; or
- In exceptional circumstances, you are unable to cope in your current home.
  
- You cannot reach essential facilities in your home; or
- You cannot get in or out of your home; or
  
- You have other medical or disability problems which mean your home is having a very harmful effect on your physical or mental health.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points are given to you for 6 months and will be reviewed at the end of this period.

### **6.2.2 What if my medical or disability needs are less urgent but moving would benefit my health or condition?**

**(50 beneficial non-urgent needs points)**

These points may be awarded if you are limited in how much you can get in or out of your home, or by pain or discomfort when you move around. In these circumstances you would normally be able to use the facilities in your home and in the local area, such as shops and buses but doing so may cause you pain or discomfort.

If there is clear evidence that a move would improve your quality of life, you will be awarded 50 points. The points are awarded for a period of **6 months** and will be reviewed at the end of this period.



### **6.3 What if I am leaving SYHA supported housing?**

#### **Urgent need (100 points)**

If you are leaving supported housing provided by SYHA you will be awarded 100 urgent points, if a Housing Manager is satisfied that you are ready and able to live independently.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for a period of **3 months** and will be reviewed at the end of this period.

### **6.4 What if I am experiencing harassment?**

#### **Urgent Need (100 points)**

SYHA is keen to help combat all forms of harassment and make sure tenants are able to have the peace, comfort and enjoyment of their home.

Rehousing is not the only option if you or your household are being harassed. Wherever possible, we will take action against the person who has harassed you. We can also help by making your property more secure.

Harassment points may be awarded if you are being harassed because of your race, sex, sexuality, mental health, physical disability, learning disability, special needs, marital status, religion, or HIV/Aids status.

Harassment points may be awarded for reasons that do not fall within the definition above for example you may be being harassed because of 'who' you are, not 'what' you are.

These points will be awarded if you are being harassed and it is necessary for the safety of you and your household's that you be rehoused.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for a period of **3 months** and will be reviewed at the end of this period.

## **6.5 What if I need support to live independently or carry out daily tasks?**

We are keen to support our tenants to remain independent in their own homes wherever possible. And we also want to support people in caring for their own families and friends.

We recognise that support from family and friends can be vital if people are to keep their independence.

For these reasons we will help our tenants move nearer to their family or friends to receive support or to give support.

The number of points awarded is dependent on how essential the support needs are.

### **6.5.1 What if I have an urgent need to move to give or receive support?**

#### **Urgent need (100 points)**

We will award urgent need for support points where someone requires a high level of support. Support can come from a number of places including family or friends, the community, or voluntary agencies.

The points can be awarded to either a person receiving support or delivering the support.

Points will only be awarded if:

- a) there is evidence that a high level of support is needed and that without that support you or the person you are providing support to would have serious problems in daily life; and
- b) the person giving support confirms they are already giving a high level of support or will give it if one of the parties is rehoused; and

- c) moving home will greatly cut or ease the travelling time needed to give or receive the support.

We will not award the points where there is enough support available from within the current household.

If the support is provided by an agency, the agency must confirm that you need a high level of support and that they will provide that support. They must also show us why you could not get that support where you currently live.

If you are getting support from another SYHA tenant the points will be awarded to whoever can move most quickly.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for a period of **6 months** and will be reviewed at the end of this period.

### **6.5.2 What if my support needs are less urgent but a move would be beneficial?**

#### **Beneficial need (50 points)**

We recognise that some people may rely on a lower level of support to sustain their tenancy. This support may be less about supporting their physical needs but more about providing social support. This support while not essential is beneficial in helping them in their daily life and to settle into a community. It may be provided from within a particular group or network.

We will award 50 beneficial need points where there is evidence that this support will help you for example:

- a) to live independently
- b) to deal with a problem which may be impacting on your mental health
- c) to overcome a particularly difficult or traumatic episode in your life

We may award beneficial needs points to support a move closer to or within your support network. If you are getting support from another SYHA tenant the points will be awarded to whoever can move most quickly.

Let us know about any support needs of this nature that you would like us to consider.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for a period of **6 months** and will be reviewed at the end of this period.

## **6.6 What if my current home is too small for my household?**

### **Urgent need (100 points)**

We recognise how important it is to have a home that is the right size and the impact being overcrowded can have on people. As a result we use a more generous way of assessing overcrowding than how it is defined in the 1985 Housing Act.

If you are a SYHA tenant and tell us that you are overcrowded we will make an assessment and tell you if we can give you points for rehousing.

Look at appendix B to find out how we calculate if a household is overcrowded. If you are overcrowded we will give you 100 points to help you move to a larger home.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for a period of **6 months** and will be reviewed at the end of this period.

## **6.7 What if I would like to move to a smaller home?**

### **Urgent Need (100 points)**

We are keen to make best use of all of the homes we own and manage and to help ease overcrowding. We also recognise the impact the welfare benefit restrictions have had on households

deemed to be under occupying their home and on some households income.

If you are an SYHA tenant and live in a home which you feel is too big, for example because your family has left home, you may be awarded 100 urgent need points to allow you to move to a smaller home.

To be given these points :

- a) You will need to confirm you will not be leaving anyone in occupation in your current home
- b) You will need to be eligible for the type of properties you apply for
- c) Your move to a new home would need to release a *larger* property.

These points will be reviewed every **6 months**

#### 6.8 **What if I would like to move to a less expensive home?**

If you are a tenant and wish to move to reduce your rental payments, for example you are on housing benefit and will no longer be eligible to make a claim based on your full rent due to the government rules around under occupation of your home or you are struggling to meet the payments in your current home and a move would lessen or alleviate the affordability problems you face.

You may be given 100 urgent need points if you are able to demonstrate a move will help address your financial hardship or you are on housing benefit and not getting benefit based on your full rent due to the spare room rules.

This is to allow you to move a new home with lower rent or one where you are able to claim housing benefit based on the full rent that is being charged.

- a) You will need to confirm you will not be leaving anyone in occupation in your current home
- b) You will need to be eligible for the properties you apply for

These points will be reviewed every **6 months**.

### **6.9 What if I live in a disabled person's or adapted property and no longer need it?**

#### **Urgent need (100 points)**

If you are living in an SYHA property, built or specially adapted for a person with disabilities, and that person no longer lives with you or no longer needs it, you may be awarded 100 urgent need points to allow you to move to another property and free up the adapted home.

If you succeed to the tenancy of a property, built or adapted for a person with disabilities, and you do not need that property, you will be awarded 100 urgent needs points to allow you to move to an alternative property and free up the adapted home.

These points will be reviewed every **6 months**.

### **6.10 What if my relationship breaks down and one of us needs to move?**

#### **Beneficial need (50 points)**

If you are an SYHA tenant and your relationship has broken down, you may be awarded points to find a new home. This part of the policy applies to a relationship breakdown of existing SYHA tenants, only if they are joint tenants, or would be eligible to be joint tenants.

If there are children involved in the relationship breakdown, we will encourage the person with the care of the children to remain in the current home.

If you are the partner who is leaving and will have access to the children on a frequent basis, you will be considered as if the children lived with you on a permanent basis for the purpose of your eligibility for an alternative home (see table at section 4.2.1).

In these cases the partner leaving will be awarded 50 beneficial need points to help them to move to a new home.

In cases where, based on our knowledge of how often homes become available, we think the award of 50 beneficial needs points will not secure you a move within a reasonable time period, we will consider applying discretion where it is appropriate.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for **6 months**, after which they will be reviewed and may be cancelled.

### **6.11 What if I need to move for employment?**

#### **Urgent need (100 points)**

We are keen to support any tenant who needs to move to take up a job.

If you are an SYHA tenant who requires a move so you can take a job you may be awarded 100 urgent need points.

We will only give these points if we have properties in the area where the job is located and you must need to be rehoused in order to take up the employment. You must provide proof of the offer of employment from your new employer.

If you are given these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for **3 months** at which point they will be reviewed based on the position with the offer of employment.

### **6.12 What if I have an urgent need to move which is not covered in this policy?**

#### **Special case urgent need (100 points)**

If you are a SYHA tenant and need to move urgently but your particular circumstances are not covered in this policy, you or someone acting on your behalf may ask us to consider you as a

special case. You should provide us with as much information as you can to support your case.

A summary of your case and the reason for the request will be considered and we will let you know the decision in writing within 14 days. You have the right to a review of the decision. (See section 10 on Reviews and Appeals)

If it is agreed that you should be treated as a special case you will be given 100 urgent needs points. This will only happen in cases that are unusual and are not covered elsewhere in this policy. We may limit the points can by demand, estate/area, property type and size.

For example we may award special case points if you or your family have a range of issues or needs which when put together make a serious case for you to move.

If you are awarded these points we will make you up to 3 reasonable offers of accommodation. The points will be awarded for **6 months**, after which they will be reviewed and may be cancelled.

## **7. When and why would we suspend or cancel your application?**

### **7.1 Suspended Applications**

We will suspend an application and not make you any offers of housing if:

- you owe money to SYHA or another social landlord (section 7.2)
- you are an SYHA tenant and you have a Court Order for rent arrears (see 7.2 below);
- you are an SYHA tenant and there is a current Notice Seeking Possession or Court Order served on you that is not related to rent arrears.
- you have behaved violently, abusively or anti-socially. (section 7.3)
- you have been evicted from a previous tenancy for nuisance, anti social behaviour, or harassment (section 7.3) .



- you do not reply to an offer of accommodation within the timescales mentioned in our offer to you.

If your application is **suspended**:

- we will not offer you a property;
- we will also not offer a property to anyone who has applied with you, or to anyone who would be eligible to be a joint tenant.

If we suspend your application, or restrict it, we will write to you and explain the reasons why.

You can find more details about the reasons we may suspend your application in the following sections :

## **7.2 Housing applicants with arrears or other debts**

We will suspend your application and will not offer you a property if you owe money to SYHA, or other social landlord, from a current or former tenancy.

We will make exceptions to this rule in the following circumstances:

- There is no valid Court Order; and
- The total debt is less than 5 weeks rent owed, and
- You have kept to a repayment agreement for a minimum period of 13 weeks; and
- You have not moved with rent arrears or other debt in the last 3 years.

If you do not meet the criteria for an exception, but feel that you have special and unusual circumstances that SYHA should take into account, you can apply for a discretionary decision to be made.

You will have to:

- Explain what the special circumstances are;
- Explain the efforts the you have made to repay the debt;
- Explain what you intend to do in the future to pay off the debt and pay the rent on a property;
- Make a repayment agreement and keep to it.

The request for a discretionary decision in such circumstances will be made to a Housing Manager. They will inform you of their decision in writing and you will have the right to a review of the decision. (See section 13 on Reviews and Appeals).

Whilst the decision is being considered you must keep to the repayment agreement you have made.

### **7.3 Housing applicants with a history of anti social behaviour**

We will suspend your application and will not offer you a property if:

- you have been evicted for anti-social behaviour from an SYHA tenancy, or other social landlord tenancy, within the last 2 years
- you left a previous tenancy before being evicted, but would have been evicted for anti-social behaviour if you had stayed, then you will be considered as being evicted for the purposes of suspension
- you are an SYHA tenant or the tenant of another landlord and you've been served with a current Notice of Seeking Possession, or have a Court Order for anti social behaviour, or if there is an ongoing open case under investigation
- you, or any member of your household who you wish to be rehoused with you, has behaved violently, abusively or anti-socially within the last 2 year, or has been the subject of an injunction for anti-social behaviour, within the last 2 years

If you fall into one or more of the above categories, but feel that you have special and unusual circumstances that SYHA should take into account, you can apply for a discretionary decision to be made.

You will have to:

- Explain what the special circumstances are;
- Explain the efforts you have made to change the behaviour;
- Explain what you intend to do in the future to make sure there is no repeat of the behaviour.

You will be informed of the decision in writing and you will have the right to a review of the decision. (See section 13 on Reviews and Appeals).

#### **7.4 If you have not maintained their property in a reasonable condition**

We will suspend your application and will not offer you a property if you have not maintained your property in a reasonable condition in line with your tenancy conditions.

We will suspend applications if we are likely to have significant costs to prepare your property for a new tenant and there is proof that this is due to your negligence, or damage you are responsible for, or alterations you have made without permission.

If we suspend your request to move for this reason we will tell you what work you need to do in your home to have the suspension lifted.

If you feel that you have special and unusual circumstances that SYHA should take into account, you can apply for a discretionary decision to be made.

You will have to:

- Explain what the special circumstances are;
- Explain the efforts you have made to modify the behaviour;
- Explain what you intend to do in the future to ensure there is no repeat of the behaviour.

The request for a discretionary decision in such circumstances will be made to a Housing Manager. They will inform you of their decision in writing and you will have the right to a review of the decision. (See section 13 on Reviews and Appeals).

## **8. Allocations**

### **8.1 General**

We want to support strong and sustainable communities and successful tenancies and relationships with our tenants.

We recognise the importance of responding to changes in our tenants' household and personal circumstances and addressing tenants' housing needs.

As a result our tenants who have submitted a transfer application and who have an acknowledged housing need (having been awarded urgent or non urgent needs points) will be given priority when allocating the majority of SYHA properties.

A property will be offered to the applicant with the highest number of points. If more than one person has the same number of points the offer will be made to whoever has held needs points for the longest time.

If there are no transfer applicants with needs points then the property will be offered to the transfer applicant with the longest waiting time.

If there are no eligible transfer applicants for the property we will request a nomination from the local authority waiting list.

## **8.2 Offers**

You may be offered an unlimited number of properties, unless any urgent or non urgent needs points specify a limit to the number of offers that can be made.

A reasonable offer will be classed as one that would resolve your housing need, provides an adequately sized home and does not put you or your household at risk due to it's location.

If you do not respond to an offer of a property within the timescales set out in the offer we will suspend your application (See section 8).

It is important that we make sure tenancies are granted to the person making the application. For this reason we will not grant a tenancy unless you provide valid proof of your identity when signing for the property. We will outline in our offer what we will accept as valid identification. SYHA will also require all new tenants to allow us to take a photograph of them and store it with our tenancy records.

### **8.3 Affordability**

You will be required to show us that you are able to pay your rent at the property you have been offered.

We use a standard measure to assess affordability based on the household income you declare to us. We will withdraw an offer if we believe you cannot afford the new tenancy.

### **8.4 Use of Discretion**

Our Housing Managers, in consultation with the Housing Services Manager (or more senior officers in either case) may use their discretion:

- to make an offer to someone with a lower position on the waiting list, if there are special circumstances;
- not to make an offer to an applicant, if there are special circumstances;
- to make decisions on rehousing and registrations on the waiting list if the applicant's circumstances are not covered by this policy;
- to suspend, or otherwise restrict, a waiting list application for reasons of anti social behaviour (as set out in sections 7.3)
- to waive any part of this policy in exceptional circumstances.

### **8.5 First come ,first served and immediately available homes**

Most of our properties have a transfer list of tenants who want to move into them.

There are a small number of properties that do not have a transfer list or any local authority nominations and we will offer these to people on a first come first served basis.

In these cases we may for example put up "For Let" boards advertising the property and/ or advertise on our website or other relevant property websites or using social media or in the local press.

Immediately available homes will be allocated to the first person who expresses an interest by complete an application form, providing they do not breach any of the criteria set out in section 7 of this policy.

## **8.6 Nominations from Local Authorities**

We have nomination agreements with the Local Authorities in the areas where we work.

In a small number of areas we have an agreement with the Local Authority that they will get 100% of the homes that become available to nominate to. If you live in these areas we are required to make all properties that become vacant available for people on the council's list and if you want to move in these areas you will need to register on the local authorities list. You can see a list of the areas where this applies at **Appendix C**.

Anyone nominated to us by Local Authorities must also meet our criteria relating to debt (section 7.2) and anti-social behaviour (section 7.3).

## **8.7 Letting homes to SYHA Employees**

Our Chief Executive Officer must approve all allocations to SYHA employees in line with SYHA's probity policy.

# **9. Tenancies**

## **9.1 General**

SYHA will usually grant new tenants an assured tenancy. In some circumstances our existing tenants may move and keep their secure tenancy.

The type of tenancy which has been offered to you will be stated clearly in the offer and during the offer process.

## 9.2 Notice Period

A four weeks' notice period applies to all tenants who are moving from a SYHA property, including those tenants transferring to another SYHA property.

This means you will have to pay rent on both properties for a period of 4 weeks. If you claim housing benefit you may be able to claim this back. We will talk to you about this when you let us know you want to end your tenancy.

## 10. Succession

### 10.1 Succession

The 1988 Housing Act sets out the circumstances in which a person may have the right in law to succeed to an assured tenancy. The succession rights for secure tenants are different. However, we give the same succession rights to both secure and assured tenants. A succession does not create a new tenancy.

On the death of a tenant the tenancy will be transferred to the person who is eligible to succeed. There can only be **one** succession to a tenancy, so this is only as long as the tenant has not previously succeeded to the tenancy.

The person who succeeds to the tenancy must be:

A joint tenant or

- The tenant's husband or wife; or
- A partner who was living with the tenant as husband or wife at the time of the death; or

- A partner who is cohabiting with the tenant in a gay or lesbian relationship at the time of the death; or
- A member of the tenant's family who has lived with the tenant for at least 12 months before the tenant's death.

If you are the tenant's spouse, or person who had been living with the tenant as a spouse (including a same sex partner), you will have priority for any succession. If there is no spouse, a member of the tenant's family who has lived with the tenant for at least 12 months will succeed to the tenancy. If there is no agreement on which member of the family should succeed, the member of the family who has lived with the tenant the longest will succeed to the tenancy.

Joint tenancies will not be created on succession.

The members of the family who are eligible to succeed are:-

- The tenant's husband or wife
- A partner who has lived with the tenant as husband or wife,
- A partner who has cohabited with the tenant in a gay or lesbian relationship
- The parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, or niece.

A marriage relationship will be treated as one by blood and one of half-blood as one of full blood. A stepchild will be treated as a child and an illegitimate child will be treated as the legitimate child of the mother and the man accepted as being the father.

If there is more than one family member who wish to succeed to the tenancy, SYHA will decide who will succeed in line with its lettings policy.

## **10.2 Death of a Successor**

SYHA will allow a new assured tenancy to be granted on the death of a successor in the following circumstances:



- A partner or relative, as set out above, who has lived in the property with the successor for the last two years of the successor's life; or
- A person who has been looking after the successor and lived with them in the property for the last 12 months of the successor's life; or
- A person who has accepted responsibility for the successor's dependants; or
- A person who has lived with the successor for the last ten years of the successor's life. This will not apply if the person has been paying money to the tenant as rent.

You must meet the requirements to be an assured tenant and not have a history of committing anti-social behaviour or of owing debts to SYHA or other housing providers.

If you do not meet the requirements to be an assured tenant you will be asked to leave the property. If you do not, SYHA may take legal action to recover the property.

## **11. Mutual Exchanges**

Exchanges between secure and assured tenants of SYHA and other landlords may happen as long as the landlord(s) agree.

The exchange takes place by means of an assignment. An assignment is the transfer of interest in the property by the existing tenant, called the assignor, to another person, called the proposed assignee.

An exchange will normally be agreed. However, Schedule 3 of the 1985 Housing Act sets out the grounds that allow an exchange to be refused. The majority of our tenancies are assured and in these cases these grounds are contractual rather than statutory.

The grounds are:

- The assignee, or the proposed assignee has a valid Court Order against them;
- Possession proceedings are being taken to regain the property;

- The property is larger than the assignee and their family need;
- The property is too small for the assignee and their family and the exchange would result in statutory or local overcrowding, or would breach the usual eligibility rules;
- The property has been let as a service tenancy;
- The property has been adapted for a person with a physical disability and is very different from an ordinary property, and if the exchange went ahead a disabled person would not be living in the property;
- The property would normally be allocated to a person over 60 and if the exchange went ahead such a person would not be living in the property;

If a mutual exchange is not allowed you will be given the reason for the refusal, in writing, within 42 days of your application.

Conditional consent may be given if as a tenant you are breaking a tenancy condition, but you would be allowed to exchange if you put the matter right. For example, if you are in rent arrears you would be given consent to exchange conditional on you clearing the arrears first.

Your property must be in a good condition before the exchange will be allowed.

A mutual exchange will not lead to your registration on the transfer list being cancelled but if it resolves your housing need we will cancel your needs points.

## **12. Reviews and Appeals**

You may ask for decisions made under the following sections of this policy to be reviewed:

- Decisions to suspend or cancel an application (section 8)
- A decision not to award housing needs points of any type (section 7)
- The use of discretion (section 9.5)

The request for the review must be received within 14 days of you being told about the decision. The decision will be reviewed by a Housing Manager or more Senior Officer where the original decision was made by a Housing Manager. We will write to you to notify you of the outcome within 14 days of receiving your review request.

If you are not satisfied with the review decision, you can ask for a second stage review to take place. The request for a second stage review must be made within 14 days of being notified of the outcome of your first stage review. The second stage review will be carried out by a manager or more Senior Officer who was not involved in the first stage review.

### **13. Management Lettings**

In some very urgent circumstances a Housing Manager or more Senior Officer may offer an empty home as a management letting.

Management lettings may be used in the following circumstances for example:

- To provide a temporary or permanent property for a tenant whose home may have been damaged by a fire, flood or other event which means their existing home unfit to occupy
- To provide a temporary or permanent property for someone suffering serious anti-social behaviour or harassment
- To release a property for use by one of SYHA's LiveWell Supported Housing Projects
- To release a property which we have taken the decision to to dispose of.

## **Appendix A**

### **SYHA properties where there is an age designation**

The following properties are designated for applicants of **60 years** or over:

#### **Sheffield**

St Elizabeth Close Community block - applicants who are registered disabled will also be accepted

Bellows Close 60 years+ or mobility problems

The following properties are designated for applicants of **55 years** or over:

#### **Sheffield**

Bowden Wood (Darnall)

Denmark Road Flats (Heeley)

Steven Close (Chapelton)

Joseph Road (Walkley)

Leighton View (Gleadless) applicants with mobility problems will also be accepted at this scheme

Fentonville Street (Sharrow)

Penley Street (Sharrow)

Standish Drive (Shirecliffe)

Dyche Drive

#### **Rotherham**

Aldersgate Court (Maltby)

Mill Street (Greasborough)

Fitzwilliam Walk (Greasborough)

#### **Barnsley**

Rebecca Mews (Worsborough)

#### **Doncaster**

Epworth Court (Bentley)

The following properties are designated for applicants of **40 years** or over:

#### **Rotherham**

Goodwin Avenue

**Sheffield**

The Fosters (High Green)

## Appendix B

### Overcrowding

If one or more of these situations applies to you then you may be awarded overcrowding points.

- a) the number of persons living in the property, divided by the number of bedrooms, is greater than 2; or
- b) 2 people of the opposite sex, both over 10 years old, who are not living together as if they were married, have to share a bedroom; or
- c) a household within the household being rehoused could ease the overcrowding. In this case only the household to be rehoused is awarded the points, or
- d) two separate households wish to live together but this would lead to overcrowding of the larger of the two properties.

In calculating if overcrowding applies people are counted as follows:

Over ten years - one person

One to nine years - half a person

Under 1 year - half a person

Pregnancy - half a person

Single parent - two persons.

Only people who have lived in the property as their permanent, full time home for at least 6 months (other than babies under 6 months old) will be included in the assessment.

Only bedrooms are counted as rooms used for sleeping. However, if a property has two living rooms, one of them will be counted as a bedroom if it can be used as a bedroom.

If anyone in your household leaves, a reassessment will be carried out.

If any member(s) of the household have given up suitable alternative accommodation, they will not be included in the assessment.

## Appendix C

### Properties with 100% nomination rights

Any properties on the following streets owned by SYHA have 100% nominations rights. This means we must offer any empty properties to the Local Authority for them to nominate someone to us, before we can considering anyone from our own transfer list.

These properties are in Chesterfield and North East Derbyshire

ALDER ROAD	PARK RISE
ASHLANDROAD	PARK STREET
BACK LANE	PEVERILROAD
BEECH WAY	PINFOLDCLOSE
BRACKENFIELD	QUEENSTREET
COMMONLANE	RIGGOTTSWAY
CORONATION STREET	RILEYAVENUE
DICKENS DRIVE	ROTHERHAM ROAD
ELMTREECRESCENT	SCHOOL LANE
GALLERYLANE	SHAKESPEARE STREET
HAWTHORNE AVENUE	SPRINGFIELD DRIVE
HEATHER WAY	SPRINGFIELD ROAD
HILLCREST AVENUE	STATION ROAD
KING GEORGE STREET	SYCAMORE AVENUE
MALTHOUSE LANE	THE CRESCENT
MARKET STREET	VALLEY ROAD
MASEFIELD AVENUE	WESTEDGE CLOSE
MATLOCKROAD	WOODSIDE AVENUE
OVERLEES	WOODSIDEVIEW
PARKGATE	

In Sheffield we have an agreement with the local authority which means that if they have awarded a priority to an SYHA tenant who is under-occupying their property, who is then rehoused by them, the property they move from vacate will be let to an overcrowded family on their waiting list.

## **Appendix D**

### **SYHA General Needs Tenancy Policy**

- SYHA is committed to supporting safe, stable, successful communities.
- One way we do this is by offering new tenants the most secure form of tenancy possible. This means we will offer assured or secure tenancies in social and affordable rented homes.
- A secure tenancy means our tenants can stay in their homes as long as they want, subject to them keeping to their tenancy conditions. This helps us form ongoing relationships with our tenants and means we can offer support where appropriate.
- We will offer secure tenancies in properties where a tenant has succeeded to or transferred from a secure tenancy with SYHA. For all other social and affordable rent properties we will offer assured tenancies.
- The type of tenancy we are offering will be given in the offer you receive.