


<p><b>Allocations and Letting Policy</b> <b>Policy Owner:</b> Director of Operations <b>Approved by:</b> HFL Homes Board <b>Approval date:</b> 18 November 2020 <b>Current version number:</b> V2 <b>Next review date:</b> November 2022</p>	
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## 1. Statement of Intent

- 1.1. HFL Homes Limited (“**HFL Homes**”) is committed to its responsibilities as a Registered Provider of social housing and to providing housing to those in need.
- 1.2. The primary objective of this policy is to ensure Homes for Lambeth and its stakeholders understand how Homes for Lambeth allocates its properties.
- 1.3. To achieve this objective, this policy sets out:
  - Our approach to allocations and lettings;
  - Who we will and will not house;
  - Routes by which people can apply for a home;
  - Routes by which existing tenants can move to a new affordable rented home;
  - How tenancies will be granted and managed; and
  - Details of decision makers and how to challenge decisions.
- 1.4. As a company owned by Lambeth Council, HFL Homes will operate its Allocations and Lettings Policy in accordance with the London Borough of Lambeth’s (“**LB Lambeth**”) Allocations Policy. For more details please see:  
<https://www.lambeth.gov.uk/sites/default/files/housing-allocation-scheme-2013-v4.1.pdf>
- 1.5. The policy reflects the Key Guarantees from LB Lambeth to secure tenants moving into new HFL Homes properties.
- 1.6. Where a Managing Agent is engaged to manage properties on behalf of HFL Homes;
  - The Managing Agents will apply all aspects of the Allocations and Lettings Policy on our behalf, and ensure their staff are trained on the policy;
  - The Managing Agents will consult HFL Homes on all significant activities undertaken in fulfilment of the policy where required; and
  - The word “staff” in this policy refers to the staff of the Managing Agent and Homes for Lambeth with regard to all operational matters.
- 1.7. HFL Homes is committed to working with residents to refine its policies so they are fit for

purpose. HFL Homes will proactively monitor customer feedback on the policy and its implementation and invite tenants in future to contribute to the review and amendment of the policy through Residents' Forums, online surveys and other mechanisms to maximise the input of residents into our services.

## **2. Scope**

- 2.1. This policy applies to all households eligible to apply under the Council's Allocations Policy for an allocation of social housing<sup>1</sup>
- 2.2. The Housing Act 1996 requires that someone may only be nominated to be an Assured Tenant of a private registered provider if they are eligible and a qualifying person under Part VI of the Housing Act 1996 (as amended). Eligibility relates to an individual's nationality and immigration status. 'Qualifying persons' are those classes of person that LB Lambeth determine to be qualified under the Act to be allocated social housing.
- 2.3. In deciding whether to make an offer of accommodation, the individual circumstances of each applicant will be considered in every case using the information provided by the applicant on their application form and any information provided subsequently.

### People who are not eligible

- 2.4. By law, certain households (provided that they are not existing tenants) are not eligible, including but not limited to:
  - Households subject to immigration control, including asylum seekers (there are some exceptions to this rule, and each will be treated on its merit by the local authority responsible); and
  - Households who have come from abroad and do not qualify for public funds including welfare benefits and housing assistance.

### People who do not qualify

- 2.5. In addition, the following shall not be qualifying persons and therefore shall not normally be authorised for housing:
  - Applicants without a local connection with Lambeth (See Council's definition);
  - Social tenants (council or housing association tenant) on a probationary tenancy;
  - Social tenants who have been served with a Notice of Seeking Possession or Notice of Proceedings for Possession which remains valid, or with a valid Possession Order or money judgement obtained against them;
  - Social tenants or former social tenants with rent arrears (whether in respect of their current or former tenancy) of more than one week's rent (after any benefit that is due to be

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<sup>1</sup> Lambeth Council Housing Policies can be found here: <https://www.lambeth.gov.uk/housing/housing-policies-and-strategies>

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credited directly to the rent account), unless those arrears have accrued for reasons beyond their control;

- Applicants living in temporary accommodation provided by the Council under section 193(2) of the Housing Act 1996 who are in rent arrears of £500 or more, unless those arrears have accrued for reasons beyond their control;
- Applicants who are freehold, leasehold or shared owners of housing properties that are or could be available and reasonable for them to occupy;
- Applicants considered to have sufficient financial resources or assets to buy a property in the Borough suitable for their household (either freehold or leasehold) or to rent a property in the Borough on the private market suitable for their household without the assistance of housing benefit; and
- Applicants who themselves, or members of their household, have been guilty of unacceptable behaviour (see below) and are unsuitable to be Council or housing association tenants.

2.6. HFL Homes uses the same definition of unacceptable behaviour as LB Lambeth. Unacceptable behaviour is behaviour which if the person were a secure council tenant would entitle the Council to obtain a possession order against them on one or more of Grounds 1-7 of Schedule 2 of the Housing Act 1985. Such behaviour includes:

- Failure to pay rent;
- Breaching the conditions of the tenancy agreement;
- Causing nuisance to neighbours;
- Being convicted of an arrestable offence committed in or in the vicinity of their home;
- Causing the condition of the property to deteriorate by a deliberate act or by neglect; and
- Making a false statement to obtain a tenancy.

2.7. As the local housing authority the Council will assess applicants against these criteria and only those entitled to be considered for rehousing will be nominated to HFL Homes.

2.8. HFL Homes will take account of assessments completed by the Council as part of the application process and will not in general conduct further assessments of eligibility. Nominees and applicants may subsequently be asked to complete an affordability assessment, as detailed below.

### Lettings to staff or relatives of staff and Board members

2.9. Where a member of HFL Homes staff or any Homes for Lambeth Board (or their close relative) bids for or is nominated for accommodation, separate HFL Homes Board approval must be given before an allocation can be made. A report will be made to the HFL Homes Board for decision. The Board member in question will not take part in the decision. Similarly, staff or

members of LB Lambeth are subject to authorisation by the Council before they can be offered housing.

Exercise of discretion in exceptional circumstances

2.10. The HFL Homes Board has discretion to authorise an applicant in exceptional circumstances who would not normally be authorised, subject to any conditions that they may wish to attach. This discretion will not breach the Regulatory standards and will only be exercised after consultation with LB Lambeth.

**3. Policy**

3.1 HFL Homes is committed to providing a range of quality affordable homes that will assist LB Lambeth in the delivery of their housing strategies. In doing this HFL Homes will:

- Promote and enable choice of accommodation for people in housing need with limited housing options;
- Encourage and promote social inclusion whilst creating sustainable communities;
- Ensure that access to housing is on a fair and equitable basis while ensuring that allocations optimise the best use of its assets; and
- Let properties in accordance with legal and regulatory requirements and with the intention of incurring minimal rent loss.

3.2 HFL Homes has a 100% nominations agreement with LB Lambeth. All HFL Homes lettings will be made to people on the Council's housing register who bid through the Home Connections choice-based lettings scheme or who are directly nominated by the council.

3.3 Allocations by direct offer may be made to, among others, secure tenants in support of the Key Guarantees, or the furtherment of the regeneration programme as a whole.

3.4 In accordance with its allocation scheme, LB Lambeth may delegate authority to HFL Homes to exercise discretion on its behalf (see Appendix One). Lettings will therefore occasionally be made outside of this agreement, for example where HFL Homes allows a discretionary succession to a tenancy. This discretion will only be exercised after consultation with LB Lambeth. The terms for these exceptions are detailed in the housing allocation scheme. In normal circumstances HFL Homes will not operate its own transfer list, housing waiting list or register, or a separate allocations policy.

Making an application

3.5 100% of initial lettings of our homes and 100% of re-let homes are made available for residents nominated by LB Lambeth.

3.6 The majority of HFL Homes properties will be advertised through Home Connections, the Council's Choice Based Lettings scheme. HFL Homes will follow LB Lambeth's practice for use of the CBL scheme.

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- 3.7 LB Lambeth may put in place local letting policies to promote sustainability in an area, in support of the Key Guarantees or the furtherment of the regeneration programme as a whole. Any local lettings plan will be published by LB Lambeth. LB Lambeth is responsible for the development of any local lettings plan following consultation with relevant stakeholders.

### Choice Based Lettings

- 3.8 People wishing to apply for an HFL Homes property should participate in the Home Connections system. This system prioritises allocations of vacant properties to existing residents of Lambeth and those applicants in the greatest need.
- 3.9 Applicants should actively look for and express their interest in advertised vacant properties that they want to live in. This expression of interest is known as a 'bid'. Bidding will occur for all vacant properties advertised through the Choice Based Lettings scheme (CBL) except for homes allocated via direct lets. The rules for bidding will be those that are set by the Lambeth Housing Allocation Scheme.
- 3.10 HFL Homes, working with LB Lambeth and other partner agencies, will assist applicants to express interest where they:
- Do not have access to the internet;
  - Have a disability or health condition that would prevent them from accessing the web site;
  - Are absent due to illness; and
  - Require additional assistance.

### Direct nominations

- 3.11 LB Lambeth will make nominations to vacant HFL Homes properties based on the priority need and banding of the household. HFL Homes will use the same criteria as LB Lambeth and will not usually seek to screen any nominations from the Council. However, HFL Homes, or agents working on its behalf, may ask nominees to complete an affordability assessment. This will enable HFL Homes and/or its managing agents to consider whether the applicant is suitable to be a tenant of the specific property to which they are nominated.

### Existing tenants wishing to move home

- 3.12 We will provide advice on options for tenants who express a desire to move to a different home within or outside Lambeth. We also provide access to several schemes and services to assist people.

### Transfers

- 3.13 Existing HFL Homes tenants wishing to move within the borough should apply through Home Connections and are subject to the same needs criteria as other applicants. Where they live in a home that is in high demand, or they are under occupying a property and are prepared to move to a smaller property, they may be given additional priority.

Emergency and management transfers

- 3.14 As part of the 100% nominations agreement, HFL Homes tenants will be treated on a par with Council tenants in respect of emergency transfers, decants and major works.

Downsizing incentives

- 3.15 HFL Homes recognises that for a variety of reasons, tenants may wish to downsize. Where tenants express interest in moving to a smaller property, incentives may be offered to make the transition smooth. Downsizing requests will not be approved where the move to a smaller property would result in statutory overcrowding.

Mutual exchange

- 3.16 HFL Homes will subscribe to LB Lambeth's mutual exchange service – currently House Exchange - which gives tenants the opportunity to move to affordable homes within and outside of their local area. We will advertise this scheme online and in our offices as well as raising awareness in response to direct enquiries.

Restrictions on moves by existing tenants

- 3.17 HFL Homes will not usually permit transfer or mutual exchange by tenants who are in arrears or are otherwise in breach of their tenancy agreement. HFL Homes may exercise discretion as set out in Appendix One where tenants are under-occupying their current home or wishing to leave an adapted property.

Direct lettings

- 3.18 If a property is not let through CBL or direct nomination within 20 working days of requesting a nomination from the Council, HFL Homes will discuss the matter with the Council and seek a resolution.
- 3.19 If a lack of nominations to vacancies becomes a recurring or systemic issue, HFL Homes reserves the right to end its 100% nomination agreement with the Council establish its own rehousing process and use direct lettings in order to make best use of available accommodation and minimise void losses.

**4 Formal Offers**

Affordability

- 4.1 HFL Homes allocates properties available at different rent levels. Rent levels and any additional service charges are included in property advertisements and applicants should satisfy themselves that they can afford to pay the rent. Applicants may be asked to complete an affordability assessment. This will enable HFL Homes, or its agents, to consider whether the applicant is likely to be able to sustain a tenancy at the specific property for which they have applied. HFL Homes, or its agents, will not make a formal offer in cases where the affordability assessment has shown that an applicant will be unable to afford the rent without facing hardship.

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- 4.2 Applicants of working age who are in receipt of welfare benefits should note that their benefit may be reduced if they occupy a home larger than they are assessed as requiring under the benefit rules.

### Applicants aged under 18

- 4.3 Housing offers will only be made to young people under the age of 18 under exceptional circumstance following referral from Children's Services. Housing offers made to young people under 18 will normally be licences to occupy, rather than tenancies.

### Number of offers

- 4.4 HFL Homes will not restrict the number of offers made to applicants. Applicants should be aware that under LB Lambeth's allocation and lettings policy in some cases where a direct offer is unreasonably refused, further offers of the same type of property in the same area may not be made.

## **5 Lettings**

- 5.1 Applicants who are currently secure or assured tenants of local authorities or Registered Providers associations will be offered Homes for Lambeth's Lifetime Assured tenancy with HFL Homes.
- 5.2 On occasions where the applicant is a probationary tenant of another council or housing association, they will be offered a probationary tenancy with HFL Homes for the remaining period of the original probationary tenancy. This period may be extended following review, as set out below.
- 5.3 All other HFL Homes residents will be subject to a twelve-month probationary tenancy which can be extended for a further six months following review. After the initial probationary period the tenancy will be reviewed to determine if it has been satisfactorily maintained. Following successful completion of the probationary period residents will be offered an HFL Homes Lifetime Assured tenancy.
- 5.4 HFL Homes does not offer fixed term tenancies. This policy is aligned with LB Lambeth's preferred approach to tenancy duration as set out in the Council's Tenancy Strategy (for all Registered Providers) and their Tenancy Policy (for Council stock).

### Joint tenancies

- 5.5 When one of two joint tenants give notice to HFL Homes to terminate the tenancy, HFL Homes may at their discretion offer the property (or an alternative property) as a sole tenancy to one or other of the joint tenants (see Appendix One).

### Succession

- 5.6 When a Lifetime Assured tenant of HFL Homes dies, a person living with them at the time of their death may have a right to succeed to the tenancy under Section 17 of the Housing Act 1988, or a succession may be permitted in line with the discretionary grounds set out in Appendix One. There can only be one succession.

5.7 On signing the tenancy and receiving keys, all new tenants will be provided with a copy of

- The tenancy agreement;
- The tenants handbook (including estate management guide and contacts);
- Relevant fire and gas safety information; and
- Contact details for HFL Homes and the Managing Agent

5.8 Tenants will also receive information and, if necessary, guidance on claiming Housing Benefit or Universal Credit where this is relevant to their circumstances.

## **6 Complaints**

6.1 Any complaints about this policy or its implementation in individual cases will be dealt with through the Homes for Lambeth Complaints Policy. A copy of this can be obtained from the HFL Homes website or by writing to HFL Homes.

## **7 Equalities and Diversity**

7.1 We adhere to the provisions of the Equality Act 2010. HFL Homes does not discriminate against tenants or residents on account of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

7.2 We work in accordance with our Equality and Diversity Policy, ensuring that appropriate advice and assistance is given to those disadvantaged in the community, and that adequate translation and interpretation facilities, large print material, Minicom, induction loops etc. are available.

## **8 Training and Promotion**

8.1 We will publicise this policy to our staff, managing agents and tenants through:

- Our website; and
- Policy briefings and training.

## **9 Policy Review**

9.1 This policy will be reviewed as required or at least every two years to incorporate any changes in legislation or good practice.

9.2 HFL Homes is committed to working with residents to refine its policies so they are fit for purpose. HFL Homes will proactively monitor customer feedback on the policy and its implementation and invite tenants in future to contribute to the review and amendment of the policy through Residents' Forums, online surveys and other mechanisms to maximise the input of residents into our services.



**10 Definitions**

<b>Word or Term</b>	<b>Meaning of Word or Term</b>
HFL Homes	Homes for Lambeth’s registered provider of social homes
LB Lambeth	London Borough of Lambeth
Managing Agent	The provider of housing management services to HFL Homes
Key Guarantees	The commitments made by LB Lambeth to residents living on estates that will be rebuilt
HFL Homes Lifetime Assured tenancy	Homes for Lambeth’s own tenancy agreement which was agreed by the council's cabinet following a consultation with residents.

**Legal & Regulatory Framework**

Regulator of Social Housing, Tenancy Standard, 2012
Housing Act 1996 (as amended), Part VI, Allocation of Housing Accommodation
London Borough of Lambeth, Housing Allocations Scheme 2013

**Related HFL Policies**

**This policy links to the following HFL policies:**

- Complaints Policy

**Related LBL Policies**

- Lambeth Council Housing Policies can be found here:  
<https://www.lambeth.gov.uk/housing/housing-policies-and-strategies>

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## **Appendix One: Areas of discretion**

The following areas of discretion relate to housing management issues regarding existing tenants of social housing in Lambeth. They mirror the LB Lambeth areas of discretion for officers of all social landlords who participate in the allocations scheme, as set out in the Guidelines for Officers Exercising Discretion under Housing Allocation.

### **Authorising tenants with rent arrears**

In the case of HFL Homes tenants who are not authorised for housing due to rent arrears, HFL Homes and its officers may exercise discretion.

Under the terms of LB Lambeth's Transfer Incentive Scheme, tenants who are under-occupying are allowed to move somewhere smaller with up to £2,000 rent arrears, on condition that any cash incentive payment must be used to pay down the rent owing. Those releasing wheelchair or adapted properties are entitled to a cash incentive payment, and therefore should be authorised for housing if the amount of the incentive will clear the arrears.

In considering whether to authorise a tenant who has rent arrears, HFL Homes will take into account:

- a) The fact that there are good reasons for not authorising such applicants, including that if the tenant moves, former rent arrears cannot be recovered through possession proceedings.
- b) The interests of other tenants who are also seeking rehousing, including those who are not in rent arrears.
- c) The size or type of the unit to be released if the applicant were to be housed. For example, a tenant under occupying their home or releasing a disability adapted property.
- d) The size or type of the unit required. For instance, a condition that might be attached might be that an applicant can be authorised for sheltered housing that is in lower demand, but not be authorised for general needs housing.

### **Grant of tenancy to a temporary decantee**

Where existing social housing tenants are moved temporarily to HFL Homes accommodation, HFL Homes has discretion to offer a permanent tenancy on that property.

LB Lambeth tenants who have been transferred or been decanted from their home temporarily, usually to allow major repairs to be carried out to their home, will normally be made a direct offer of their former home when it becomes available for letting (subject to the property being no more than one bedroom larger than their allowed property size).

This discretion deals with those cases where instead the tenant is allowed to remain permanently in their temporary accommodation.

In exercising discretion, HFL Homes will consider:

- a) The period of time that the applicant has occupied their temporary accommodation and the housing needs of the tenant
- b) The size of the property compared to the size of their original home, and their normal allowed property size
- c) Reputational, legal or financial risks that may affect HFL Homes or LB Lambeth

### **Grant of tenancy on death of tenant to someone not entitled to succeed**

HFL Homes has discretion to grant a tenancy to a resident of a property who does not have a statutory right to succeed. This will normally only be agreed if the applicant has:

- a) Been living with the tenant for at least a year prior to their death, or

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- b) Been caring for the tenant, or
- c) Accepted responsibility for the tenant's childre

Factors taken into account will include:

- a) Whether the applicant has an urgent housing need, or would have if a tenancy were not offered to them, and
- b) The need to be fair to other applicants on the housing or transfer lists.

### **Grant of tenancy on termination of a joint tenancy**

HFL Homes has discretion to grant a tenancy to a former tenant on termination of a joint tenancy.

One feature of a joint tenancy is that it can be brought to an end by one of the joint tenants, acting unilaterally. There may be circumstances where one joint tenant does this with unfair consequences for the other joint tenant, e.g. following a relationship breakdown. In such cases, a grant of a sole tenancy to the remaining tenant may be appropriate.

An alternative property may be offered instead, for instance if the tenant will be under-occupying their current home.

### **Limitations of discretion**

Any discretion exercised in the pursuit of this policy will be done in a way which complies with:

- The Tenancy Standard
- Regulator of Social Housing, Tenancy Standard, 2012
- Housing Act 1996 (as amended), Part VI, Allocation of Housing Accommodation
- London Borough of Lambeth, Housing Allocations Scheme 2013
- Key Guarantees
- Homes for Lambeth's Equality and Diversity Policy
- HFL Homes Lifetime Assured tenancy