

Lettings Policy

Summary	This policy outlines how we as a Local Authority Housing let our social, affordable, and supported homes in accordance with our regulatory and statutory responsibilities as a Registered Provider. And reflecting the nomination agreements in place with statutory authorities.
Effective date	February 2024
Review	We will review this Policy as needed but no less than every 5 years or when there has been an update to legislative, regulatory, best practice or operational changes
Version	1.0

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1. Scope

The governments proposed new tenancy standard which will take effect from the 1st April 2024 states that:

"Registered providers must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

Registered providers must support tenants to maintain their tenancy. Where a registered provider ends a tenancy, they must offer affected tenants advice and assistance.

Registered providers must offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock"

This policy sets out our approach and standards of practice with regards to offering and ending tenancies. It has been written in response to the updated requirement above and to provide clarity for staff, tenants, and nominees of our properties.

We will consult with our tenants in rented and supported accommodation and other stakeholders where we make significant changes to this policy.

Any reference in this policy to, 'we', 'our' or 'us' refers to Portsmouth City Council Local Authority Housing.

2. Purpose

We offer quality and appropriate housing solutions to our existing and prospective tenants.

We will do this by:

- Understanding the communities where we have our homes.
- Letting our homes in a fair and transparent way
- Making the best use of available stock
- Letting adapted homes to those with the appropriate housing need where possible.
- Letting our homes in accordance with our Lettable Standard
- Identifying and helping customers who are vulnerable or require additional support
- Working closely with our local authority partners, supporting them to meet their strategic housing objectives
- Working proactively to promote customer mobility within our own stock
- Minimising the amount of time that our properties are empty
- Providing tenants with appropriate advice and assistance
- Keeping a record of all letting and sales as required

Where we agree to local lettings plans/agreements, we will allocate homes in line

with these.

3. What to expect from us

- We are committed to providing good quality, affordable homes to people in communities where they want to live.
- We will provide homes to applicants nominated by our local authority partners, or direct applications to us, working within agreed frameworks.
- We may, where the nominating authority is unable to nominate a party to us, let homes directly to applicants using our own lettings criteria, as detailed in our letting's procedure in agreement with the relevant nominating authority.
- Working with the nominating authority, we will ensure that we offer appropriate housing that meets the applicants' needs and offer support to help customers sustain their tenancies.
- We will encourage and support customers to move home through mutual exchange in accordance with our mutual exchange policy by providing access to home swapper and advice. This will include the implications for the tenancy, rent and service charges
- We will offer support to customers who need to downsize or move to alternative accommodation where nomination agreements allow.
- We support tenants to maintain their tenancy and prevent unnecessary evictions.
- We offer timely advice and assistance about Housing Options before a tenancy ends.
- Only offering homes to applicants who comply with immigration and housing law
- We prevent and tackle tenancy fraud, ensuring we check identification at tenancy sign up and we carry out regular Tenancy Update Visits, where identification is also verified.

4. Eligibility criteria for our rented homes

To be eligible for one of our rented homes you should:

- Be able to pay the rent, including being able and willing to pay rent in advance, and have evidence of your income (including earnings and benefits) and savings
- Pass a Right to Rent check (unless you have been nominated by the local authority who will have checked your immigration status). The Right to Rent check confirms that your immigration status allows us to consider you for housing.
- Meet the household criteria for the size and type of home
- Not have access to, or an interest in, any other home you could live in
- You should be unable to purchase a home suitable for your needs without assistance
- You should only own a property where you have been legally determined as homeless due to being unable to access this property or where this property is found to be unreasonable to occupy e.g. in the case of violence.
- Have the required support in place to be able to manage your home or tenancy this is particularly relevant where you have previously failed to sustain a tenancy or occupation agreement

- Not pose an unmanageable risk to our employees or residents as determined by a multi-agency meeting to include the relevant social care authority and housing authority.

5. Our Tenure Offer

As a Local Authority and Registered Provider, our primary offer for general needs properties including our sheltered properties is a lifetime Secure Tenancy for all permanent offers of accommodation. In some circumstances we may offer five year fixed term tenancies, which is in line with the Localism Act 2011.

We shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements.

Where appropriate to sustain tenancy license agreements, occupation agreements and non-protected tenancies may be offered. This is particularly relevant for the Portsmouth Rough Sleeping Pathway.

Non-Secure tenancy agreements under part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002 will be used for temporary accommodation properties.

6. Our Charges

We are committed to making all our homes as affordable as possible. All our secure tenancies are let at social or affordable rent levels, and always within the Local Housing Allowance applicable rates. The only exception to this is specialist supported accommodation.

In addition to rent, there will be a Service Charge applied to cover the costs of services provided.

All charges are expected to be paid at least weekly, and in advance.

7. Allocation of Empty Properties

We will advertise our empty homes through our local authority partners' choice-based lettings websites where they operate one or apply for a nomination from their housing register / waiting list in line with the relevant nomination agreement. We will comply with the local authorities' criteria, allocations policy, local lettings plan/covenants and any section 106 agreements.

We may advertise our empty homes on our own website or in other places, particularly if they are hard to let and we have the agreement with the nominating authority.

We may allocate homes direct to existing tenants/applicants in accordance with our lettings procedure and where nomination agreements allow. We will let our homes

in accordance with any Town & Country Planning requirements and Local Lettings arrangements.

We will work to understand the needs of prospective tenants and their households to ensure that the property meets their need before approving a letting. We will also seek to understand the housing needs of individuals who may have a connection with the household and their home to ensure they receive any appropriate housing advice.

8. Armed Forces Covenant

All the local authorities we work with have specific provision in their allocation policies (as per statute) regarding Armed Forces personnel. We will take into consideration any exceptional circumstances when we are assessing suitability for the nominee or their families where they have an Armed Forces connection.

9. Property Size

We understand that living in the right size home to meet your needs is important and we also appreciate that the housing needs of our tenants can change across the lifetime of their tenancy. We will endeavour to meet these needs by supporting tenants to live in the right size home. We recognise that at times our homes may be under or over occupied and we will work to support our tenants where these impacts them negatively.

10. Priority Moves

If you need to move in an emergency, such as you are facing immediate violence or threats to your personal safety, we will consider a request in accordance with our Priority Moves Policy and the Nomination Agreement for the relevant local authority.

11. Domestic Abuse

We are committed to supporting victims and survivors of domestic abuse and understand the impact this can have on their housing. For more detail on how we will provide this support please see our Domestic Abuse policy

12. Decant Procedure

If a tenant has to move from their home following an incident which means that their home is not safe, they will be offered alternative, temporary accommodation until repairs to their home can be completed. This will be in accordance with our Decant policy.

Where we have identified that major works are required, or a property is to be disposed of or demolished tenants will be consulted and working with our local authority partners we will support your future housing need.

13. Specialist Accommodation

Some of our properties are designated for particular needs such as tenants who are over 55 years old or those who have additional support needs. For our supported accommodation we accept referrals from the relevant support panel. On occasion we may accept nominations that sit outside this age group where it would not impact negatively on the existing residents.

14. Underage Applicants

We may offer to anyone under the age of eighteen years old equitable tenancy rights, a third party will be required to hold the tenancy in trust until the child turns 18. We will then offer them a secure tenancy provided that we believe the person will be able to sustain tenancy.

Where there are concerns that you will not meet the eligibility criteria above, we will work with other agencies to find the best solution to support you to sustain tenancy.

15. Reasons for refusal

We may refuse an application or nomination if the conditions of our eligibility criteria are not met, or we have insufficient information to make a decision. We will explain the reasons for the refusal in discussion with the nominating authority.

If you have received a decision that you do not agree with, you can ask for your situation to be reviewed using an appeal process. You have 21 days from the date of your decision letter to submit an appeal.

16. What have we done to make sure this Policy is fair?

We completed an Integrated Impact Assessment to consider the positive and negative impacts this Policy may have on people with protected characteristics under the Equality Act 2010. This Policy should have direct and positive equality and diversity impacts.

17. Regulation and legislation

We recognise the vast amount of legislation, and we will continue to monitor relevant legal guidance. The list below reflects some of the existing legal framework and relevant publications:

- Housing Act 1980, 1985, 1986, 1988 and 1996
- Immigration Act 2016

- Localism Act 2011
- Housing and Regeneration Act 2008
- Protection from Eviction Act 1977
- Landlord & Tenant Act 1954

18. Related documents

This policy must be read in conjunction with:

- Tenancy Agreement
- [Housing policies and privacy notices - Portsmouth City Council](#)
- LAH (Local Authority Housing) Landlord Safeguarding Policy - Adults and Children's
- Tenancy Strategy
- Domestic Abuse Policy
- PCC Homelessness Strategy
- LAH Banding Scheme
- Decant Policy
- Priority Moves Policy
- Allocation policies of local authorities that hold nomination rights to our properties

19. How to feedback

Compliments:

Complaints:

Housing Ombudsman: