



Title	Access to Housing Policy
Scope	This policy applies to emh homes
Author(s) Lead Department	Allocations Manager
Date Approved	March 2021
Review Date	March 2024
Key Values	Integrity, Diversity, Openness, Accountability, Clarity, Excellence
Summary	Outlines emh homes' position on how its vacant stock is let and how the service is delivered
Purpose	To outline our approach to letting properties
Who does this apply to?	Housing & Neighbourhoods Teams Allocations Team Local Authority housing options teams
New or Review Linked business plan/ working principle	Review ➤ Efficient and effective processes and practices across the organisation that are customer focused and encourage cross functional collaboration
Implementation	April 2021
Version Control	Final

## Contents

		Page number
Section 1	Policy Statement	3
Section 2	Scope of Policy	3 & 4
Section 3	Context	4 & 5
Section 4	Choice Based Lettings	6 & 7
Section 5	Eligibility	7
Section 6	Supported Housing	8
Section 7	Acceptance and Rejection	8 & 9
Section 8	Starter Tenancy	9 & 10
Section 9	Managed Moves	10
Section 10	Under-occupation & Overcrowding	10 & 11
Section 11	Local Lettings Plans	11
Section 12	Lettings to 16/17-year olds	11
Section 13	Lettings to Employees and their relatives	11 & 12
Section 14	Housing Ex-Offenders and Sex-offenders	12
Section 15	Adapted properties	12
Section 16	Nominations	12
Section 17	Diversity of Tenure	13
Section 18	Appeals and Complaints	13
Section 19	Equality & Diversity	13
Section 20	Data Protection	13 & 14

## Appendices

		Page number
1	Definition of Statutory Overcrowding	15
2	Local Authorities operating CBL Schemes	16
3	Hard to Let Strategy	17 – 19

4	High Risk Offenders Procedures	20 & 21
5	Rehousing Offenders Checklist	22 – 25
6	Rehousing Offenders Refusal letter	26 & 27

## **ACCESS TO HOUSING POLICY**

### **1 Policy Statement**

1.1 The Policy aim is to provide a fair and flexible, efficient and effective allocations service which will make the best use of vacant housing and continue to meet the needs of customers, partners and the communities served by emh homes.

1.2 We will achieve this through the following principles.

- **To Provide** a clear and transparent lettings policy and appeals process which includes choice of where applicants want to live.
- **To Work** in partnership with Local Authorities, meeting their strategic housing function. The partnership will include full participation in Choice Based Lettings (CBL) schemes; meeting contractual nomination agreements; rehousing homelessness nominations.
- **To Deliver** a lettings service meeting the housing needs of existing and potential tenants in partnership with local authorities and other statutory and voluntary agencies.
- **To Assist** tenants who are either overcrowded or under occupying their homes, to find more appropriate accommodation.
- **To Participate in CORE and publish** regular performance information on how and who we let properties to.
- **To Provide** equal access to services taking into account the diversity of customers.
- **To Support** applicants into sustainable tenancies

### **2 Scope**

2.1 The Access to Housing Policy is applicable to emh homes. The Policy describes how emh homes will work in partnership with Choice Based Lettings systems, operated by Local Authorities in either an individual or sub regional partnership.

2.2 Detailed operation of the Policy is described in a separate Procedure Guide.

2.3 This Policy is to be considered in the context of the following complementary policies and strategies

- HCA Regulatory Framework 2012
- CLG Allocation of Accommodation Guidance
- EMH Group Probity Policy
- Anti-social behaviour Policy
- Community Cohesion Strategy
- Homelessness Strategies as developed by Local Authorities
- Starter Tenancy Policy
- Disability Policy
- Aids and Adaptations Policy
- Debt Recovery Policy
- Re-let standards Policy
- Hard to let strategy
- Move with Arrears Policy
- Sustainable Tenancies Policy
- Tenancy Policy
- Managed Move Procedures

### **3 Context**

- 3.1 The legal framework is the Localism Act 2011, Housing Act 1996 and the Homelessness Act 2002.
- 3.2 The HCA set out the Regulatory Framework in April 2012. The HCAs “Tenancy Standard” includes specific requirements for Allocations and these are set out below.

#### **Tenancy standard - Required outcomes - Allocations**

Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how they:

- make the best use of available housing
- are compatible with the purpose of the housing
- contribute to local authorities’ strategic housing function and sustainable communities
- There should be clear application, decision-making and appeals processes

## Specific expectations – Allocations

Registered providers shall co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements. Registered providers shall develop and deliver services to address under occupation and overcrowding in their homes, within the resources available to them. These services should meet the needs of their tenants and will offer choices to them.

Registered providers' published policies shall include how they have made use of common housing registers, common allocations policies and local letting policies. Registered providers shall clearly set out, and be able to give reasons for, the criteria they use for excluding actual and potential tenants from consideration for allocations, mobility or mutual exchange schemes.

Registered providers shall develop and deliver allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs, those who do not speak English as a first language and others who have difficulties with written English.

Registered providers shall minimise the time that properties are empty between each letting. When doing this, they shall take into account the circumstances of the tenants who have been offered the properties.

Registered providers shall record all lettings and sales in the Continuous Recording of Lettings (CORE) system.

Registered providers shall provide tenants wishing to move with access to clear and relevant advice about their housing options.

Registered providers shall subscribe to an internet based mutual exchange service (or pay the subscriptions of individual tenants who wish to exchange), allowing:

- a tenant to register an interest in arranging a mutual exchange through the mutual exchange service without payment of a fee
- the tenant to enter their current property details and the tenant's requirements for the mutual exchange property they hope to obtain
- the tenant to be provided with the property details of those properties where a match occurs

Registered providers shall ensure the provider of the internet based mutual exchange service to which they subscribe is a signatory to an agreement, such as *HomeSwap Direct*, under which tenants can access matches across all (or the greatest practicable number of) internet based mutual exchange services.

Registered providers shall take reasonable steps to publicise the availability of any mutual exchange service(s) to which it subscribes to its tenants.

Registered providers shall provide reasonable support in using the service to tenants who do not have access to the internet.

## 4 Choice Based Lettings (CBL)

- 4.1 emh homes operates across a large number of local authority areas across the East Midlands. Some of these are urban, some are rural, and each have different nomination arrangements and allocation policies. Demand for properties can vary greatly and there are many different local issues. The priority is to work in partnership with Local Authorities, to enhance community cohesion through meeting local housing needs and support diverse and sustainable communities through choice-based lettings, nomination agreements, and local letting plans. In Erewash emh homes manage the register and allocations service under Home-Options.
- 4.2 We believe that communities are more likely to prosper and be sustainable when residents have chosen to live there. We therefore support and participate in Choice Based Lettings schemes where they are in operation and will work in partnership with local authorities to develop and operate new schemes.
- 4.3 A Service Level Agreement (SLA) will be entered with the Local Authority. As a minimum, the SLA will include the criteria for advertising and selecting applicants; the cost of advertising vacant properties, the key performance indicators for both parties; the criteria for terminating the SLA.
- 4.4 Where Choice Based Lettings schemes are in place emh homes will not maintain its own general needs waiting list. The Local Authority will maintain a common Housing Register which is shared by all subscribing social landlords in the locality. emh homes will therefore accept the priority housing needs criteria outlined in the CBL scheme, in the absence of its own eligibility criteria. We will allocate our harder to let stock once it has gone through the nominations process and refused. (Appendix 3 – Hard to Let Strategy).
- 4.5 emh homes do not operate any direct waiting lists except for managed moves which are elaborated on at section 9.2. emh homes tenants who wish to transfer to alternative accommodation owned by the association are expected to register with the CBL scheme to maximise their opportunities for rehousing. Existing emh homes tenants with a specific disability who require adapted accommodation may be consider for a managed move.
- 4.6 In general, a maximum of up to up to 90% of overall true voids will be made available through CBL. CBL schemes requiring a higher percentage must be approved by the Head of Housing. Where SLAs become open to negotiation, emh homes may wish to reduce the number of true voids available to CBL to 50% where sustainability is an issue or a local lettings plan is suitable.
- 4.7 The Local Authority will identify contractual nominations via the CBL scheme and emh homes will continue to meet its obligations in this regard. CBL schemes vary in their eligibility criteria. However, the majority of CBL schemes prioritise housing need based on bandings. A schedule of CBL eligibility criteria for each Local Authority will be maintained so that allocations can be audited. emh homes may need to co-operate with a legal need and provide a short-term arrangement of direct lettings after discussion with specific LAs.
- 4.8 The emh homes website will include information on how to access accommodation and electronic links to each CBL scheme will be provided wherever possible.

- 4.9 emh homes subscribes to the national mutual exchange scheme, Homeswapper, and will continue to promote this via the website.
- 4.10 Appendix 2 identifies where we operate a CBL in partnership with the Local Authority. Amendments to this list can be made with the approval of the Executive Director – emh homes.
- 4.11 From time to time and generally for our more difficult to let stock where the CBL route has not resulted in a let we will use alternative ways to let a small percentage of our stock. We do this by advertising using a to let sign locally, estate agents, specialist agencies such as Right Move or Moving Soon, and advertising in local communities. This may also apply where a local authority has failed in its obligations under the SLA to provide nominations. Any direct lets are subject to Right To Rent checks.

## **5 Eligibility**

- 5.1 emh homes will continue to develop partnerships and working relationships with statutory and voluntary organisations in order to provide move on accommodation for applicants moving on from hostel accommodation.
- 5.2 The over-riding priority is always to offer accommodation to applicants in the greatest housing need whilst at the same time maintaining a balance within communities. We will accept 'bids' from applicants within the bands prescribed by the Local Authority, subject to the eligibility criteria outlined in this section.
- 5.3 Applicants must generally be aged over 18. Accommodation may be offered to 16 and 17 year olds where a support plan and rent guarantor is provided. (See section 8 for Starter Tenancy). An Assured non-shorthold Tenancy Agreement cannot be offered to anyone under the age of 18.
- 5.4 Sheltered Housing Schemes and individual properties designated as housing for older people are usually available only to those over 55 (some over 60). All applicants for Sheltered Housing must be capable of reasonably independent living and they will be assessed prior to receiving a formal offer of tenancy to confirm they have a support requirement. This interview will also involve the Support Co-ordinator for the sheltered housing scheme. Bungalows are generally reserved for older persons (over 55) and those in need of level access accommodation due to mobility needs. Allocations to all older person's accommodation will be balanced against the demographics of the local community to ensure tenancies are sustainable.
- 5.5 CBL schemes may impose a geographical limit by limiting access to the Common Housing Register to those with a local connection.
- 5.6 Certain groups of asylum seekers may not be eligible for rehousing. This is normally because a decision on their leave to remain in the Country has not been reached.
- 5.7 We will always attempt to get a reference from a previous or current landlord.
- 5.8 Where a Choice Based Lettings system is not available the Association will seek nominations from the Local Authority.

## 6 Supported Housing

- 6.1 Supported Housing has a referral/application procedure which links to the scheme's specific eligibility criteria. This is managed by emh care and support.

## 7 Acceptance & Rejection

- 7.1 **Acceptance** – emh homes will place an agreed percentage of true void properties within the advertising cycle and will receive, in accordance with the Service Level Agreement, a number of 'bids' from potential applicants. CBL schemes allowing emh limited access or providing only 1 nomination must be able to provide a service that is efficient and effective. Nominations must be received in line with agreed nomination agreements.
- 7.2 Appropriate checks will be made to verify housing need, including an applicant's prior housing history for breaches of tenancy and/or arrears of rent or mortgage. The Sustainable Tenancies Policy and Procedure provides more detail.
- 7.3 High risk applicants may require additional support and their application will be reviewed by the Allocations Manager and the H&N/ASB Managers in their absence.
- 7.4 Applicants moving from emh homes hostel accommodation may be housed where an appropriate support package is in place.
- 7.5 Applicants referred through the National Police Witness Protection Programme may be accepted for rehousing.
- 7.6 **Rejection** - In exceptional circumstances an application may be rejected for rehousing. In reaching this decision we will be fair and transparent in our decision-making process and demonstrate our reasons for refusal. The applicant will be given written reasons for the rejection.
- 7.7 Grounds for refusal could include:
- a. Eligibility.** The applicant is subject to immigration control or is a person from abroad and does not meet the habitual residence test as defined in s161 of the Housing Act 1996 as amended by the Homelessness Act 2002. (Ref, House of Commons note on Entitlement to Social Housing).
  - b. Anti-social behaviour, harassment or domestic violence.** If there is evidence of the applicant or member of their household being a perpetrator of anti social behaviour and that action was taken by that landlord to remedy that anti-social behaviour, harassment or domestic violence. This will be assessed on a case by case basis.
  - c. Rent Arrears.** If an applicant has outstanding rent arrears or former tenant arrears or other relevant housing debt (e.g. a repair recharge) with emh homes or another member of the Group or another landlord. A move with rent arrears policy is also in place which can be referred. Applicants requiring support in relation to their finances will be referred to emh homes financial inclusion officers service before a decision is made.



- 7.8 emh homes recognises that not all applicants for rehousing who have breaches or arrears have intentionally caused them or willingly contributed to them. Therefore, applicants who are found to have previous breaches and/or arrears can still be accepted for rehousing in the following circumstances:
- the applicant can demonstrate that they made reasonable attempts to prevent and/or limit the extent of the breach or
  - the breach occurred due to circumstances outside the applicant's control.
- 7.9 Transfer applicants must have a clear rent account and have had a home inspection - unless there are urgent management reasons for the move – i.e. Domestic abuse, under occupation. This will be assessed on a case by case basis.
- 7.10 Exceptional management grounds for emh homes tenants are dealt with in line with emh homes Managed Move Procedures and examples include:
- Tenants who need to move because of harassment, hate crime, domestic abuse, or to be temporarily decanted. In these circumstances a clause will be written into the new tenancy agreement creating a contractual obligation to clear the former tenant arrears. Should a home loss payment be due, emh homes reserves the right to offset the debt against the payment.
  - Under-occupation, where the move to a smaller property would reduce household expenditure and prevent possible legal action. Applications should be made in line with the Move with Arrears Policy
  - Where arrears are entirely due to outstanding housing benefit and the Local Authority has confirmed in writing that a payment is due to the landlord.
- 7.11 **Serious Breach of Tenancy.** If there is evidence from a former landlord or other agencies to suggest that a serious breach of tenancy may occur if a new tenancy is granted. Examples could include anti-social behaviour, damage or disrepair to the property, subletting, non-occupation of the tenancy, keeping pets without permission.
- 7.12 Where an applicant is not eligible, information will be given on other available housing options; including low cost home ownership, details of other Registered Providers or Local Authorities who may be able to assist.
- 7.13 A right of appeal exists in all cases where an applicant is rejected for housing-see Section 18.

## **8 Starter Tenancy**

- 8.1 emh homes operates Starter tenancies for the first twelve months of any new tenancy (see separate Starter Tenancy Policy) with the exception of transfers and applicants who have maintained successful tenancies with other social landlords.
- 8.2 For tenants under the age of 18 at the time of signing their starter tenancy agreement, the tenancy will become an assured non-shorthold tenancy when the 12-month probationary period comes to an end, or the tenant becomes 18, whichever is the later.

- 8.3 For joint applications when one is under 18, the assured non shorthold tenancy will be allocated to the applicant who is over 18. At the sole tenant's request, a joint tenancy will be granted once the other party turns 18. In all cases, once the starter tenancy period ends, an Assured Non-Shorthold tenancy will be granted providing the tenancy has been conducted satisfactorily in accordance with the Starter Tenancy Policy.

## 9 Managed Moves

- 9.1 **Managed Moves** – Where it is established that the application should be assessed as a priority management move, the applicant will be offered the next suitable vacant property. A Management move is defined as a priority move following an emergency. An emergency can be as a result of a fire, flood, structural damage, witness protection, domestic abuse. This list is not exhaustive. All management moves must be authorised by the Allocations Manager.
- 9.2 All Managed Move requests must be made on an application Form. Transfers can be considered for accommodation in any area where emh homes manages properties.
- 9.3 **Mutual Exchanges** – emh homes is a member of Homeswapper, the national exchange scheme. emh homes will continue to actively promote the use of Homeswapper, as a cost-effective external resource for managing mutual exchanges. In order to promote mobility residents will be encouraged to sign up to Homeswapper too.

## 10 Under-Occupation & Overcrowding

- 10.1 The aim in allocating properties is to make the best use of stock and work with Local Authorities to minimise and alleviate overcrowding and under occupation. On average nearly 40% of social housing residents (English Housing Survey 2010/11) do not claim housing benefit, so to completely prohibit under occupation is counterproductive.
- 10.2 **Under-occupation** – emh homes will consider offering accommodation to applicants who want an additional bedroom for the future expansion of their family as part of a Local Lettings Plan (LLP). Under-occupation can be considered outside of the LLP but will require the specific approval of the Allocations Manager. This will also be subject to an affordability assessment.
- 10.3 In general, voids will be fully occupied for general needs accommodation unless there is a specific need to under occupy from applicants with a disability. If this is not the case, under-occupation for general needs applicants is restricted to one excess bedroom. The applicant must be made aware there may be a financial implication with under-occupation as housing benefit may not be paid in these circumstances. Some CBLs actively support moves due to huge demand for a particular type of stock. We will work in line with the CBL policy.
- 10.4 **Lodgers** – due to changes in Government policy, emh homes will approve requests to take in a lodger from both starter and assured tenants. However, tenants will be provided clear information to seek advice from DWP in case taking in a lodger affects their benefit.

- 10.5 **Overcrowding** -. emh homes will not offer accommodation which is likely to cause overcrowding for the applicant within 9 months. For example, a couple or single applicant expecting a baby will not be offered a 1 bedroom flat.
- 10.6 Existing tenants who find themselves overcrowded can register with a CBL scheme and register with a Mutual Exchange scheme such as Homeswapper. The definition of statutory overcrowding is found in the Housing Act 1985 (see appendix 1).

## **11 Local Lettings Plan**

- 11.1 A **Local Lettings Plan** (LLP) may be considered where there is a specific requirement to promote a balanced and sustainable community. The LLP must be agreed in partnership and in writing with the Local Authority before it begins to operate. A LLP can operate within a CBL scheme and will over-ride the CBL banding system. Void adverts will specify the agreed LLP criteria.
- 11.2 emh homes will publicise the detail of the lettings plan to residents of the area or other customers on request. The LLP will be time limited and subject to annual review. It will specify how voids will be allocated at the housing scheme and will identify the addresses of properties to be included. CBL voids will specify the LLP to potential bidders.
- 11.3 A LLP should be approved by the Head of Housing and an annual review considered by the Scrutiny Panel.

## **12 Lettings to 16/17 year olds**

- 12.1 There are two different statutory frameworks for the provision of accommodation to 16 and 17 year olds: one applies to the Children's Services Authority and the other to the Local Housing Authority.
- 12.2 The Children's Services Authority has duties to accommodate some 16 and 17 years olds under the Children Act 1989. The Local Housing Authority has a duty under Part VII of the Housing Act 1996 to offer accommodation if they are homeless (or threatened with homelessness), and not intentionally homeless.
- 12.3 emh homes will provide assistance to the Local Authority in the discharge of these duties.
- 12.4 Prospective tenants under the age of 18 will be offered Starter tenancy where appropriate support is in place. Where a Starter tenancy is granted to a 16 year old, this period is extended to their 18th birthday when they will become an Assured Non-Shorthold tenant if the usual tenancy management expectations are met.

## **13 Lettings to Employees and their relatives**

- 13.1 emh homes as part of the EMH Group will operate with the highest standards of integrity.
- 13.2 Allocation of accommodation to members of staff, Board Members of emh homes or the Group Boards or their close relatives will only be made in accordance with the EMH Group Probity Policy. The Group Chief Executive has delegated authority from emh homes board for approving an application for re-housing. A standard format report, together with all supporting evidence, must be completed by a staff member not directly involved with the employee.

The report and evidence will be approved by the Director of Housing and Neighbourhoods and Executive Director – Housing before being submitted to the Group Chief Executive.

## **14 Housing Ex-Offenders & Sex Offenders**

- 14.1 emh homes will give reasonable assistance to Local Authorities in the re housing and rehabilitation of ex-offenders.
- 14.2 High Risk Offenders subject to multi-agency public protection arrangements (MAPPA) have to register with the local police who will carry out a risk assessment. Local Authorities will then be able to confirm that they have investigated the risks associated with re housing the applicant and demonstrate that the property and area is suitable before a nomination is made. emh homes will request that a Rehousing Offenders Checklist is completed. Refusal by agencies to complete the checklist may result in the application been rejected.
- 14.3 The relevant authorities working with high risk offenders will provide a detailed risk assessment and details of support and/or supervision package together with any monitoring arrangements plus contact details of police and other members of the inter-agency risk management panel.
- 14.4 emh homes will balance the housing rights of the offender with public concerns and the safety of the local community. Refer to Appendix 4 – High Risk Offenders Procedures

## **15 Adapted Properties**

- 15.1 Properties which have been specially adapted for use by those with disabilities will be offered wherever possible to a tenant with a disability or a support need to ensure best use of stock. Disabled tenants who could make best use of the void may be offered the property before it is submitted to the CBL scheme where there is agreement with that local authority.
- 15.2 If after extensive advertising and work with local agencies an adapted property remains unlet, the property will be considered for allocation to non-disabled applicants. This will then involve the removal of any adaptations in the property. The property will need to be re-advertised and following discussion with the local authority.

## **16 Nominations**

- 16.1 Where nomination agreements are in place with a local authority, emh homes are committed to fully meeting its obligations under these agreements. In general, at first handover, the nomination agreement will be for 100% of new allocations. Subsequent nominations will be at either 50% or 75%. These measures are a minimum not maximum.
- 16.2 Successful allocations as a result of a CBL bidding round will count as a nomination, unless the Local Authority has determined otherwise.
- 16.3 Nominations can be rejected on the grounds identified in section 7.

## **17 Diversity of Tenure**

- 17.1 emh homes and the EMH Group provides additional housing options

- Shared Ownership
- Home Buy
- Right to Buy/Right to Acquire (for qualifying tenants)
- Rent to Buy

17.2 These are all subject to different eligibility criteria, and policies and procedures.

## **18 Appeals and Complaints**

18.1 Applicants who are dissatisfied with the assessment of their application, including rejected applications for rehousing have the right of appeal.

18.2 If the applicant is still unhappy, they can appeal within 5 working days of the decision to the Allocations Manager. The appeal will be considered by the Allocations Manager and another manager not involved in the allocation. In considering the appeal, the managers will consider whether the Allocations Officer has adhered to the procedure. Requests will be dealt with within 10 working days. The applicant will be advised if it will take longer and additional time will be agreed. Where an applicant requests a review of a decision there is no obligation to hold the property pending the outcome of the review.

18.2 Appeals for Erewash Home Options will be considered in line with the Home Options policy.

18.3 If an applicant continues to feel dissatisfied, the applicant may make a formal complaint. Details of emh homes formal complaint procedures can be found on our website or by calling our customer service centre.

18.4 All complainants have the right to an external review by the Housing Associations ombudsman but they must have gone through our complaint's procedure in the first instance.

## **19 Equality and Diversity**

19.1 We will strive to meet housing need in the areas in which we operate and to take into account the diversity profile of people with a registered housing need.

19.2 Monitoring will also be undertaken to ensure that we comply with all aspects of Equality and Diversity legislation and emh homes Equality and Diversity policy in the letting of homes. Equality and diversity training is mandatory for all staff.

## **20 Data Protection**

20.1 emh homes is a Registered Social Housing Provider. We are registered with the Information Commissioner's Office as a Data Controller under the General Data Protection Regulations 2016 and the Data Protection Act 2018. Our privacy notice gives information on how emh homes collects and processes your personal information.

20.2 You can read our full privacy notice at <https://www.emhhomes.org.uk/content/privacy-notice>. Or to request a hard copy please see information below.

20.3 How to contact us: Please contact our data protection officer if you have any questions about our privacy notice or the information we hold about you. You can do so via one of the contact details below;

- Email - [dataprotection@emhgroup.org.uk](mailto:dataprotection@emhgroup.org.uk)
- Post - Quality standards Team, Memorial House, Stenson Road, Coalville, Leicestershire, LE67 4JP.
- Telephone - 01530276002

## Appendix 1 – Definition of Statutory Overcrowding

### Statutory Overcrowding

The current statutory standards on overcrowding contained in the Housing Act 1985 comprise two elements:

1. The **'room' standard** which requires that there should be enough rooms in each letting so that no male and female aged 10, or over, should have to sleep in the same room, unless they are living together as 'husband and wife'; and
2. The **'space' standard** which specifies the maximum number of people who can sleep in any room considered suitable for use as a sleeping room and the maximum number who may sleep in any individual letting when taking into account the number of sleeping rooms available to the occupants. In this second standard, children aged between one and ten count only as  $\frac{1}{2}$  a person and babies under one year are not counted at all.

The table below shows the maximum number of people who can live in a house before the space standard is contravened.

Number of rooms	Number of persons
1	2
2	3
3	5
4	7 and a half
5	2 for each room

For the purposes of these standards, a room is considered to be "available as sleeping accommodation" if it is "of a type normally used in the locality either as a bedroom or a living room".

## Appendix 2 Local Authorities where we operate a CBL Scheme

Local Authority	Type of CBL (exclusive or sub-regional)
Amber Valley	Sub regional
Erewash	Sub regional
Mansfield	Sub regional
Ashfield	Sub regional
Broxtowe	Exclusive – new system Dec 2020
Nottingham City	Nominations
Derby City	Exclusive
North East Derbyshire	Exclusive
South Derbyshire	Exclusive
North West Leicestershire	Exclusive
Charnwood	Exclusive
Melton	Exclusive
Hinckley & Bosworth	Exclusive
Harborough	Exclusive
Daventry	Nominations
Northampton	Nominations – form
South Northants	Nominations – form
East Northants	Exclusive – Midland Heart
Kettering	Sub regional – Keyways
Wellingborough	Sub regional – Keyways
South Kesteven	Nominations – form
Bassetlaw	Nominations – form
Blaby	Exclusive
Bolsover	Nominations – form
Chesterfield	Sub regional
East Lindsey	Nominations
Gedling	Exclusive new system Dec 2020
Newark & Sherwood	Nominations
North Kesteven	Nominations
Rushcliffe	Exclusive new system Dec 2020
Oadby & Wigston	Exclusive
Derbyshire Dales	Sub regional
High Peak	Sub regional
Leicester City	Exclusive



## **Appendix 3 – emh homes Hard to Let Strategy**

### **emh homes Hard to Let Strategy 2015 - 2018**

#### **1. Aim of this Strategy**

1.1 The primary aim of this Hard to Let Strategy is to overcome the problem of Low Demand properties and to make properties that fall into this category more appealing. In doing so, emh homes will seek to:

- Understand and recognise the triggers that may indicate difficult to let properties
- Put in place timely and appropriate solutions to resolve emerging low demand issues
- Minimise the number and the impact of low demand properties
- Create sustainable communities

#### **2. Objectives**

2.1 Empty properties need to be turned around quickly to ensure we:

- Meet Customer Demand
- Reduce rent loss
- Reduce risk of vandalism

2.2 The aims will be achieved through the following actions:

- Regular monitoring and review of relevant key performance information to ensure that low demand properties are quickly identified and dealt with
- Make use of a range of initiatives to address low demand properties in the short term
- Take a “Tailored Approach” where required
- Links to our Asset Management Strategy to ensure longer term solutions for properties that are continually difficult to let
- Consider Local Lettings policies in particular cases

#### **3. Background**

3.1 emh homes is a registered provider of social housing in the East Midlands, with about 17,500 homes in its ownership and management. In terms of the stock the breakdown is as follows:

- 87% of the stock is rented
- 2% of the stock is leasehold owner-occupied
- 9% of the stock is shared-ownership
- 1.5% of the stock was acquired as a mortgage rescue
- 62% of the stock is for general needs rent
- 23% of the stock is rented retirement accommodation
- 3% is rented supported housing
- 70% of the stock was built before 1980

3.2 The majority of the stock can be readily let and there is a high demand. In Erewash the organisation runs the waiting list on behalf of the Local Authority. In the other area's properties are allocated through Choice Based Lettings mostly run by Local Authorities. A small number of properties, mainly sheltered units, can be persistently difficult to let, and demand special measures.

#### **4. Definition of Low Demand / Hard to Let**

4.1 A Hard to Let property is a property where one or more of the following symptoms are exhibited:

- no bids on the property through CBL
- tenancy offers on a dwelling are frequently refused (three or more refusals) for reasons other than personal reasons

#### **5. Initiatives to Address Low Demand**

5.1 These are contained within the relevant Hard to let Actions plans which are updated and managed by the Allocations Manager.

5.2 The various measures and initiatives have included:

- Advertising with local estate agents
- Posters on reception board
- Market stalls to promote properties
- Advertised in local community pamphlet
- Posters in village halls, post offices etc close to schemes
- Leaflets of Scheme given to operatives
- Incentive packages on offer – decoration and white goods, one week rent free offered
- Properties on emh website
- Use of Homefinder and twitter
- Local and national advertising
- Referrals from partners outside the local area
- Affordable and Social property to rent sites - Moving Soon
- Properties on emh lettings direct Facebook page

Properties advertised through some of the methods above may attract multiple applicants. Priority will be given to those applicants that meet the household criteria for the property and in date order.

All offers are subject to satisfactory completion of emh homes pre tenancy and sustainability assessments.

#### **6. Performance Monitoring**

6.1 Hard to let properties are reviewed regularly by the Allocations and Voids managers at their regular team meetings.

6.2 The following Key Performance Information will be reported:

- Re-let periods of stock (not low demand)
- Re-let periods of stock (low demand)
- Rent lost through voids
- Current Void figures

7 Review of Strategy

7.1 This Strategy will be reviewed every three years to ensure it remains up to date, consistent and compatible with our aims and objectives to reduce the number of hard to let properties across emh homes.

## **Appendix 4 – High Risk Offenders Procedures**

### **1.Aim of Procedure**

1.1 To establish a framework under which emh homes can effectively risk assess, monitor and manage the housing applications of dangerous and potentially dangerous offenders. It applies to prospective tenants and internal transfers

1.2 Section 14 of the Access to Housing Policy outlines that emh homes will give reasonable assistance to local authorities in the re housing and rehabilitation of ex-offenders and will balance the housing rights of the offender with public concerns and the safety of the local community

1.2 emh homes Sustainability Policy and Procedure guide provides detailed guidance on protocols to follow when dealing with a high risk application. Applications are considered on a case by case basis.

### **2.Nominations from Local Authorities**

2.1 emh homes works across several local authority areas and we acknowledge there will be different approaches to the nomination process as a result of this. The overriding aim is to ensure a consistent approach to the assessment of applications received and to minimise the risk to the public and to protect victims.

2.2 emh homes will also consider direct nominations from local authorities where they are registered for housing as opposed to high risk offenders bidding on choice-based lettings systems. We recognise that for some offenders this managed approach may result in a more suitable allocation

2.3 emh homes will not consider direct referrals from applicants. All applicants must be referred to emh homes through the local authorities housing register and agreed nomination arrangements.

### **3.Risk Assessment**

3.1 The Rehousing Offenders Checklist (Appendix 5) will be completed by the relevant authority in order for emh homes to fully review the applicants housing application

3.2 Failure to complete the checklist when requested may result in an application being refused

### **4.Review of Checklist and Application**

4.1 The Allocation Officer will review the checklist and refer the case to the Allocations Manager including a completed pre tenancy form and Sustainability Assessment Matrix

4.2 The Allocations Manager will review all the application details. If appropriate a panel meeting may be held to discuss the most complex cases. This may involve relevant authorities and support services. Consideration will be given to our communities and any ongoing anti social behaviour issues in areas where our properties are located.

4.3 The Allocations Manager will authorise the allocation following all necessary checks in line with the Sustainability Policy and Procedures.

4.4 Refusals for applicants suffering from known or suspected mental or physical disabilities should consider (i) whether refusal of accommodation would be a proportionate means of managing the risk(s) presented, (ii) any reasonable adjustments which could be considered in light of the disability, and (iii) any other mitigating steps which could be considered to advance equality of opportunity. The sustainability assessment matrix will cover these points.

## **5. Refusal and Appeal**

5.1 Applications refused should be sent the Rehousing of Offenders Refusal Letter (Appendix 6) which includes the right of appeal. This will be logged on the appeals spreadsheet.

5.2 Appeals and Complaints are dealt with in line with Section 22 of the Sustainability Policy and Procedures.

5.3 The local authority should be informed in writing of the decision made.



Does the applicant have a local connection to the area where the property in question is located?		If yes, is he / she currently receiving support from family or friends?
Has the applicant previously been an <i>EMH</i> tenant?		If yes, was the tenancy conducted to a satisfactory standard? Was he / she involved in any ASB cases?
Do you believe that the applicant is able to sustain a tenancy?		If yes, how will this be achieved e.g. Is the applicant actively engaging with support services, keeping appointments and demonstrating a positive commitment to move forward with his / her life? – How will this be monitored?
Does the applicant have any known issues with drug and / or alcohol dependency?		If yes, is he / she accessing support and / or complying with any relevant treatment programmes – How will this impact on his / her ability to sustain a tenancy?
Is the applicant currently assessing (or looking to access) any employment, training or educational opportunities?		
Is the property in question located in close proximity to a school?  <b>*NOTE:</b> Sexual Offences Prevention Orders (S.O.P.O) can include prohibitions which restrict offenders from being within a 20-metre radius of a school.		If yes, how far away? What can be seen from the property? Will the applicant need to walk past the school in order to access any essential day-to-day services e.g. GP, pharmacy, Job Centre Plus, places of worship / faith groups.

Is the property in question located in close proximity to a Children's Homes or other accommodation units which are home to vulnerable young people?		
Is the property in question located in close proximity to a children's play area?		
Were the offences committed online?		
Are any known sex offenders already residing within the locality?		If yes, this could impact upon EMH's ability / responsibility to manage safe, balanced, and cohesive neighbourhoods.
Is the property in question located in a neighbourhood where there are ongoing issues with drug dealing?		
Does the applicant's victim(s) and / or their respective families reside in the locality where the property in question is situated?		
Do any of the applicant's known associates who were also involved in any previous offences reside within the locality where the property in question is situated?		
What measures are in place via Probation and other services in the event that the applicant is targeted as a result of disclosing his / her offences to other residents in the local community?		
Was there any media attention (including social media) surrounding the applicant's offences?		
Are any risk factors identified related to a known or suspected physical or mental disability?		



**For Allocation Officer to complete:**

(If considering refusal of application:-) Is refusal of application permitted under the applicable allocation or nomination scheme, procedure or policy? [Yes / No]

Outcome of decision: [ ]

Summary of key reason(s) for decision:

- [ ]
- [ ]
- [ ]
- [ ]

Signature of decision maker: .....

Name & Position: [ ]

Date: .....

Refer to Allocations Manager



In these situations, EMH Homes seeks advice and actively consults with appropriate organisations (both statutory and voluntary) who have a knowledge and understanding of the applicant's life history. These decisions are therefore not made in isolation from any other interventions or ongoing support plans.

The ethos of EMH Homes is to provide affordable accommodation and support for members of our communities who are vulnerable and most in need. Given the severity of the numerous risk factors that have been identified on this particular occasion, it is not in the interests of the applicant, the wider community or our organisation in its capacity as a responsible social landlord to proceed with this proposed allocation.

We are fully committed to equality and diversity therefore every application is reviewed on an individual basis and supported by a robust audit trail to evidence why we arrived at the respective decision.

EMH Homes would request involvement in any future MAPPA meeting where our properties are being identified as potential accommodation. This will enable us to have open discussions with other agencies regarding the suitability and appropriateness of these properties for all concerned parties via a risk-focussed, sustainable approach.

We would welcome updates on any progress made by \_\_\_\_\_ (name of applicant) in terms of his / her positive engagement with support services and integration into the local community that would impact upon their current circumstances and require a review of their application for rehousing.

If there are circumstances that you believe we have not taken into account or there are grounds on which you wish to appeal against our decision, please provide details in writing to the Allocation manager within 5 working days of this letter, no later than [5 day date]. Your appeal will be considered by the Allocations Manager and another manager not involved in the allocation. In considering the appeal, the managers will consider whether or not the Allocations Officer has adhered to the procedure. Requests will be dealt with within 10 working days. You will be advised if it will take longer and additional time will be agreed. There is no obligation to hold the property pending the outcome of the review.

If you do not have any circumstances that you wish us to consider and you do not wish to appeal against this decision, we recommend that you contact your local authority and local advice agencies to assist you with your housing requirements.

If you have any further enquiries, please do not hesitate to contact us.

A handwritten signature in black ink, appearing to read 'Mark [unclear]', written in a cursive style.