



Lettings Policy

Communities Team



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Links to Regulatory Standards – Economic/ Consumer Standards	Governance and Financial Viability Standard • Tenancy Standard • Neighbourhood and Community Standard • Tenant Involvement and Empowerment Standard.
Outcomes for Residents	Provide clarity on housing allocations processes to ensure fair, consistent and responsive.
How were tenants, residents and service users involved in the review/development of this document	Formal consultation.
Training Provision Policy Training provided to all relevant teams	Refresher training to be provided to all teams.
Links to the Business Plan	Deliver customer services that are fit for purpose.
Links to Key Values	Accountability: sets out the responsibilities of the colleagues across the relevant teams, involved in allocations and lettings. Clarity: gives clear process and responsibility for managing applications for housing. Excellence: considers all opportunities; reduces turnover and or homelessness.

Version Control

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V2			



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1. Introduction

Introduction to the topic.

- 1.1 It is a core role of a housing association to ensure that vacant housing is managed to meet the needs of customers, partners and the communities served by emh homes.
- 1.2 We will let our homes in a fair, transparent and equitable manner, working together with local authorities in the areas in which we operate to support their strategic housing functions and sustainable communities and enable them to fulfil their statutory duties.

The purpose of the policy

- 1.3 The purpose of this policy is to set out the strategic objectives which underpin how emh lets properties. The policy details the eligibility criteria that will be used to manage the lettings process. It covers how we ensure fair and equal access to accommodation as well as delivering choice for customers, whilst reflecting the need to achieve and sustainable communities.

Why emh is issuing the policy.

- 1.4 emh is regulated by the Regulator of Social Housing and one of the key requirements we must meet is the Tenancy Standard. This document sets out how we meet this standard and how we allocate and let our homes in a fair and transparent way.

Relevant legislation.

- 1.5 The legal framework includes the Localism Act 2011, Housing Act 1996 and the Homelessness Act Reduction Act 2017.

2. Definitions and Scope

- 2.1 The policy is aligned to emh's vision to provide better housing and care, leading the market as a service provider and employer. It applies to affordable housing across emh homes managed properties. It refers to and is subject to the policies and procedures of individual Choice Based Lettings Schemes and local lettings agreements. Where emh has signed up to those partnership agreements, the principles outlined within this policy supersede any local arrangements.



- 2.2 emh's approach is to create sustainable communities in line with best practice principles. The policy covers the letting of all our homes, except those which are subject to separate policies which includes shared ownership and 'rent to buy' homes. In some locations and for some types of schemes, there are separate allocations principles which need to be followed where we have contractual obligations. This is particularly the case in relation to contractual arrangements within Section 106 agreements. The policy will be followed by lettings negotiators and housing officers in the Communities team.

Specifics of the Policy

3. Choice Based Lettings and local authority arrangements

- 3.1 emh homes operates across many local authority areas across the East Midlands. 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 administer the housing waiting list on behalf of Erewash Borough Council.
- 3.2 We believe that communities are more likely to prosper and be sustainable when our customers have chosen to live there. We have nomination agreements in place with our Local Authority partners and usually advertise our vacancies through Choice Based Lettings systems all of which have their own allocations policy which is published by each Choice Based Lettings partnership. Our procedures and guidelines outline how we will let our homes. Where Choice Based Letting schemes are in place emh homes will not maintain its own general needs waiting list.
- 3.3 Customers who wish to transfer to alternative accommodation are expected to register with the Local Authority scheme to maximise their opportunities for rehousing. In exceptional circumstances we will consider a managed move to another property. This includes requests to move where there is an immediate risk of harm requiring urgent assistance.
- 3.4 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.
- 3.5 Successful allocations because of a Choice Based Letting bidding round will count as a nomination, unless the Local Authority has determined otherwise. Nominations can be rejected on the grounds as set out in the sustainable tenancies procedure.



4. Lettings outside Choice Based Lettings

- 4.1 There may be occasions where we allocate properties directly, including when we need to move customers in an emergency, such as fire or structural damage.
- 4.2 Where local nomination arrangements with our Local Authority partners fail to identify any applicant for a property, we may contact other agencies or use direct marketing initiatives to identify a suitable tenant. In these circumstances, consideration will be given to applicants who would in other circumstances not be eligible for the property in question. Any consideration will have due regard to the circumstances of the applicant, sustainability of the tenancy and the existing residents in neighbouring properties. We will do this by advertising in different ways including the use of estate agents and specialist websites advertising in our communities.
- 4.3 We may let outside Choice Based Lettings systems on occasions to provide properties to support local housing projects to help people move into accommodation or to tackle homelessness. Where this impacts on nomination arrangements emh will discuss with the Local Authority. We may allocate properties through government schemes such as the Refugee Resettlement Scheme. This will be administered with local partners.
- 4.4 There may be incidences where a tenant in an existing tenancy has left the property leaving a close friend or family member in occupation. In cases where succession or assignment options do not apply, emh may allow a discretionary succession and grant a new tenancy. For example, where a family member has died and there is no right of succession, or the tenant is unable to occupy.
- 4.5 In addition, when the succession is contractual e.g. a family member may succeed the tenancy, but the property is not suitable, e.g. there may be under-occupation or the property is designated for older/disabled person, we may consider suitable alternative accommodation.
- 4.6 All direct lets by emh are subject to “Right To Rent” checks to ensure that we are letting properties to those who are eligible for housing. In these cases, we will also follow our sustainable tenancies procedure.

5 Eligibility

- 5.1 The over-riding priority is 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 priority bands



prescribed by the Local Authority, subject to the eligibility criteria outlined in this section.

- 5.2 Every application for housing will be assessed using the sustainable tenancies procedures, which is part of the assessment process, considering tenancy risk and support required.
- 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 are provided. An Assured Non-Shorthold Tenancy Agreement cannot be offered to anyone under the age of 18. In these cases, we will refer to the Equitable tenancy policy.
- 5.4 A full assessment will be completed as part of the sustainable tenancies procedure. We will always attempt to obtain a reference from a previous or current landlord. Failure to provide references or provide data may mean that an application cannot be assessed in line with the policy.
- 5.5 Board Members, employees, or their relatives, will only be offered housing following approval by the Group Executive Team and in accordance with the respective Code of Conduct and Probity Policy.
- 5.6 There may be specific letting requirements in relation to a property. For example, where there are age restricted application rules, or by planning requirements including local lettings plans.

6 Sheltered and Supported Housing

- 6.1 Sheltered Housing Schemes and individual properties designated as housing for older people are usually available to those aged over 55 (some over 60). Partners under 55 or 60 are permitted to live at the property but cannot apply to become a joint tenant until they reach the minimum age for the accommodation.
- 6.2 All applicants for Sheltered Housing must be capable of independent living, whilst needing the services required by sheltered housing. Where care needs have been identified and not already met, we may request a “care needs” assessment and confirmation that a care package has been put in place to assist independent living.
- 6.3 Applicants for sheltered housing should require the additional services, which is charged through a service charge. Bungalows are generally reserved for older persons (over 55) and those in need of level access accommodation due to mobility needs only. Evidence of mobility needs or medical evidence is generally used as an indicator of need. Lettings to all older person accommodation will be balanced against the demographics of the local

community to ensure tenancies are sustainable. We will do this by considering the turnover and demographics of a scheme, as well as the application details, including checks carried out at assessment, consideration of prior tenancy breach and/or Anti-Social Behaviour.

- 6.4 Supported Housing has a referral/application procedure linking to the scheme's specific eligibility criteria. This is managed by emh care and support. emh homes will develop partnerships and working relationships with statutory and voluntary organisations to provide accommodation for applicants moving on, for example, from hostel accommodation. In cases of high risk and possible refusal we may refer applicants for assessment with this team for assessment for supported accommodation.

7 Acceptance and Rejection

- 7.1 We have a duty of care towards our colleagues, customers and local communities. That duty requires us to ask about the history and needs of potential customers. We do this as part of the sustainable tenancies assessment. Once assessments have been completed an offer letter will be sent electronically to the applicant confirming the proposed signing date and terms and conditions of the tenancy.
- 7.2 In exceptional circumstances an application may be rejected for rehousing. An applicant will be given written reasons for the rejection. Applicants that are assessed as 'high risk' may be considered for refusal by the Regional Head of Communities and Director of Communities. This is in line with the sustainable tenancies procedure.
- 7.3 The sustainable tenancies procedure sets out a detailed process for assessing applications and includes a detailed list of reasons for refusal. They can be summarised under the following categories:
- 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 and Homelessness Reduction Act 2017. (Ref: House of Commons note on Entitlement to Social Housing. This ground applies to Erewash only). Details of Right to Rent checks are contained in the procedures.
 - b. **Behaviour related risks.** This includes a history of Anti-Social Behaviour, harassment or domestic abuse. 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, or that the applicant has recent unspent convictions. This will be assessed on a case-by-case basis



and using the assessment matrix in the sustainable tenancies procedures considering the impact on the community.

- c. Affordability risks.** This includes situations where the applicant has rent arrears or other substantial debts. An applicant may have 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. Applicants requiring support in relation to their finances will be referred to emh homes Money Matters service before a decision is made. This will be assessed on a case-by-case basis.
- d. Property suitability.** This includes situations where the property being let is unsuitable for the applicant. It may not have the right requirements or adaptations, and it may not meet the needs of the household on assessment, or there may be a risk that the applicant would not be able to sustain a tenancy at the property advertised.

A detailed list of all considerations is contained in the sustainable tenancies procedure.

- 7.4 Applicants referred through the National Police Witness Protection Programme or via Multi-agency public protection arrangements may be accepted for rehousing. For applicants with a history of high risk or multiple convictions, a separate risk assessment will be completed to ensure that the allocation is suitable.
- 7.5 Tenancy checks will be completed including a successful home inspection. Applicants moving by managed or emergency move, 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 or under occupation. This will be assessed on a case-by-case basis.
- 7.6 The sustainable tenancies procedure outlines how we reference and check new applications. We may refuse offers of housing following checks that take place. Where an applicant is not eligible, we will consider Equality Act implications and if there is anything else we can offer. We will consider if we can refer the applicant to supported living or may signpost the applicant back to the Local Authority.
- 7.8 A right of appeal exists in all cases where an applicant has been nominated by the local authority and is rejected for housing. The appeal will be conducted by an officer not involved in the original decision and is separate to the complaints process.
- 7.9 There may be some circumstances where a property may not be suitable for a particular applicant. For example, there may have been a recent high-risk



incident at a scheme and the applicant is vulnerable, therefore serious safeguarding risks are presented either for the applicant or other customers. In these cases, emh will discuss with the Local Authority and support workers to find alternative solutions. This may include another offer from emh. Where there have been serious or multi reports of ASB or persistent noise nuisance, emh may seek to apply a sensitive letting criteria. emh will liaise with the LA and other agencies to find alternative solutions.

8 Types of tenancy agreement

- 8.1 emh homes operate Starter tenancies for the first twelve months of any new tenancy, 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. We do not usually offer tenancies to under 18 year-olds, only in exceptional circumstances.
- 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. In these cases, we will follow the equitable tenancy policy.
- 8.4 In line with our Joint Tenancy Policy, emh will normally offer a joint tenancy to all adults in the household unless there are exceptional reasons why this would not be applied. emh homes will carry out all usual eligibility and tenancy checks for all applicants nominated by the local authority.
- 8.5 In line with our tenancy policy, we will usually offer an Assured Non-Shorthold tenancy agreement on a starter basis, or an assured tenancy if the tenant has already held a tenancy with a social landlord for over 12 months. Properties are let at either an affordable or social rent.

9 Requests to move by Managed move

- 9.1 A Managed move is defined as a priority move following an emergency. An emergency can be because of a fire, flood, structural damage, witness protection, or domestic abuse. A managed move may be offered if there is a serious health risk to the customer remaining in the property or an urgent management reason to move the tenant. This list is not exhaustive.



- 9.2 Where it is established that an applicant is eligible, they will be offered the next suitable vacant property, as one offer only. They will remain on the list for a period of up to three months. We will work with local authority partners to support customers to assess risk, banding and housing options.
- 9.3 All Managed Move requests must be made on an application form with supporting documentation. A move can be considered for accommodation in any area where emh homes manage properties. Requests to move will be considered on a case-by-case basis. Further details are available in the Managed Move procedure.

10 Mutual exchanges

- 10.1 emh homes is a member of a national exchange scheme. emh homes will actively promote the use of on-line services, as a cost-effective external resource for managing mutual exchanges to promote mobility. Further details are available in this procedure.
- 10.2 The National Mutual Exchange scheme has on-line services, and we will continue to promote this using their website.

11 Under-Occupation and Overcrowding

- 11.1 The aim in letting properties is to make the best use of stock and work with Local Authorities to minimise and alleviate overcrowding and under occupation.
- 11.2 Where an applicant has bid for a property that the household would be under occupying, we will assess suitability and affordability. For existing customers, we can consider requests to downsize in line with the move and with the arrears policy.
- 11.3 emh homes may consider requests to take in a lodger from both Starter and Assured tenants. However, customers will be provided clear information to seek advice from Department for Work and Pensions in case taking in a lodger affects their benefit.
- 11.4 To prevent potential health and safety hazards now or in the short-term future, emh homes will not offer accommodation, which is likely to cause overcrowding in the first nine months.

12 Local Lettings Plans



- 12.1 A Local Lettings Plan may be considered where there is a specific requirement to promote a balanced and sustainable community. A Local Lettings Plan can operate within a Choice Based Lettings scheme and will over-ride the Choice Based Lettings banding system. Property adverts will specify the agreed Local Lettings Plan criteria.
- 12.2 A Local Lettings Plan will be time limited and subject to annual review. It will specify how properties will be let at the housing scheme and will identify the addresses of properties to be included.

13 Sensitive Lettings and Spotlight on Noise

- 13.1 emh homes support a sensitive letting approach. Sensitive lettings are used where a specific issue has been identified in a particular area, making a property unsuitable for some applicants. We may decide to offer a sensitive letting in the interest of achieving a balanced community to help tenancy sustainment and to ensure current and future tenants feel safe in their homes.
- 13.2 The Housing Ombudsman 'Spotlight on Noise' report recommends the following actions in relation to the lettings service. emh will give due regard to these principles when letting properties:

Allocations policy - All applications for housing should be assessed for the impact on the existing community and not just those considered to be sensitive. When considering housing applications from families or households with multiple occupants, consideration should be given to the suitability of allocating properties above ground floor, where previous reports of noise nuisance (whether upheld or not) have been made and whether any mitigations can be made to the home.

- 13.3 emh homes will also consider where there have been 'hotspots' of noise nuisance or if very high-risk incidents of ASB have occurred on re-let. In these situations, we may advertise properties with a sensitive letting criteria, and review applications to ensure that we have considered all household information, history of criminal convictions, history of ASB, tenancy failure, and or vulnerability or support needs, considering the demographics and local information.
- 13.4 It is our policy to sustain tenancies by not letting properties, where known risks are present to those who may have a high risk of tenancy failure. An example of this is that we would not let a property previously used for drug dealing to someone who had a history of drug misuse or had been a victim of domestic abuse.



14 Adapted Properties

- 14.1 Properties which have been specially adapted for use by those with disabilities will be offered wherever possible to a customer with a disability or a support need to ensure best use of stock. We will do this in partnership with the local authorities involved.
- 14.2 We will work in partnership with our partners where applicants have a need for disabled adapted accommodation. In these cases, we will work with the Occupational Therapist and Aids and Adaptations team who may facilitate a Disabled Facilities Grant.

15 Appeals and Complaints

- 15.1 Applicants who are dissatisfied with the assessment of their application including rejected applications for re-housing, have the right of appeal.
- 15.2 An applicant can appeal within 5 working days of the decision to the Communities Manager. The appeal will be considered by the Communities Manager and another manager not involved in the letting process. In considering the appeal, the manager will consider whether the Lettings Negotiator has adhered to the policy. Requests will be dealt with within 10 working days. Where an applicant requests a review of a decision, there is no obligation to hold the property pending the outcome of the review.
- 15.3 Appeals for Erewash Home Options will be considered in line with the Home Options policy.
- 15.4 If an applicant remains dissatisfied in the way we have handled the application, the applicant may make a formal complaint. Any appeal decision is final.

16 Associated Documents

- Regulator of Social Housing Regulatory Standards
- emh Group Probity Policy
- Sustainable tenancies procedure
- Anti-Social Behaviour Policy
- Homelessness Strategy
- Starter Tenancy Policy
- Disability Policy
- Aids and Adaptations Policy
- Income recovery policy
- Re-let standards Policy and void policy
- Low demand approach



- Move with Arrears Policy
- Tenancy Policy
- Joint Tenancy Policy

17 Equality and Diversity

- 17.1 We will strive to meet housing need in the areas in which we operate and to consider the diversity profile of people with a registered housing need.
- 17.2 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.

18 Data Protection

- 18.1 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 collect and processes your personal information.
- 18.2 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.
- 18.3 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
 - Post - Memorial House, Stenson Road, Coalville, Leicestershire, LE67 4JP.