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| Policy Name    | Lettings Policy |
| Version No.    | 6               |
| Approval Date  | 5/3/2021        |
| Category       | Operational     |
| Classification | Internal        |

| <b>Lettings Policy</b> |  |
|------------------------|--|
| Author                 | Richard Keeley (Housing & Customer Engagement Manager) |
| Contributors           | Regional Operations Managers, Head of Operations       |
| Review Frequency       | 3 years  |
| Latest Review Date     | Updated 16 February 2021                               |
| Approved By & Date     | Update approved by ELT on 5 March 2021                 |
| Next Review Date       | October 2021   |

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### Version Control

| Version | Date             | Description                   | Updated By     | Approved By                |
|---------|------------------|-------------------------------|----------------|----------------------------|
| 4       | Oct 2018         | Updated to new policy format  | Richard Keeley | Exec Director - Operations |
| 5       | Dec 2018         | Substantial revisions         | Richard Keeley | ELT                        |
| 5.1     | July 2020        | Transfer information included | Richard Keeley | Exec Director - Operations |
| 6       | Feb / March 2021 | Eligibility criteria updated  | Richard Keeley | ELT                        |
|         |                  |                               |                |                            |

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## 1. Policy Purpose & Aim

The ExtraCare Charitable Trust (ExtraCare) is committed to delivering our vision – ‘Better Lives for Older People’. Part of this commitment means ensuring that we create communities that are balanced, and that we let homes to people with a range of needs including care and other needs. We also aim to ensure that rental homes are let efficiently, to ensure that they do not remain empty longer than necessary.

As a specialist provider of housing and care for older people, ExtraCare is committed to ensuring we house people over the age of 55, and that our rental homes are used to maximise the opportunities for people over 55 live in an ExtraCare location who are unable to purchase.

The aim of this policy is to define clearly what how we define a ‘void’ (empty property); our approach to letting our rental homes within locations and processing transfer requests; how we assess who we let homes to, and outline the appeals process for applicants.

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## 2. Objectives

The objectives of this policy are to:

- Ensure consistency of approach across all ExtraCare’s premises;
- Ensure every member of staff and all residents understand ExtraCare’s approach to letting empty properties;
- Ensure that the time that rental properties are kept empty (‘void’) awaiting re-let is kept to a minimum;
- Meet legislative and regulatory requirements; and
- Comply with the ARCO Consumer Code

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## 3. Scope of Policy

This policy applies across all ExtraCare owned locations and impacts on tenants and prospective tenants. The policy also applies to locations where ExtraCare are the managing agent carrying out the landlord function, except transfer requests as these will be the responsibility of the partner landlord to process. The policy does not apply to ExtraCare locations where the tenancies are managed by a partner landlord.

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## 4. Responsibilities

### 4.1 Board of Trustees

The Board of Trustees of ExtraCare have overall governance responsibility for implementation of this policy and will ensure that adequate physical and financial resources are made available to enable ExtraCare to meet its obligations under this policy and associated procedures.

### 4.2 Operations Committee

The Operations Committee seeks assurance that ExtraCare activities at locations comply with all legislative and regulatory requirements and that risk in these areas is effectively managed. The Operations Committee shall;

- Keep under review regulatory activity and make recommendations as to any further areas for management action
- Keep under review lettings arrangements and other applicable statutory requirements, and monitor policy and legislative compliance, and;
- Keep abreast of all new legislation that impacts on tenancy management and consider proposals for effective implementation.

### 4.3 Operations Directorate

The Executive Director of Operations (EDO) has strategic responsibility for tenancy management and will oversee the implementation of the Lettings Policy and associated procedures. They will advise the Chief Executive of any failure in the management arrangements.

The Head of Operations (HoO) is responsible for ensuring that the lettings arrangements at ExtraCare locations detailed in this policy are compliant with regulatory, legislative and best practice requirements. They will inform the EDO and the Operations Committee of any issues of non-compliance.

The Housing & Resident Engagement Manager (HREM) has responsibility for ensuring compliance with this policy. They will be responsible for reviewing cases where rental properties are empty (void) for over 4 weeks and ensure that appropriate arrangements are put in place to ensure the property is let. This will include, where nomination arrangements permit it, ensuring that properties are let through alternative sources of referrals or through internal waiting lists. The HREM also has responsibility for ensuring information shared with prospective tenants is easy to understand, comprehensive and enables them to make an informed choice on whether to accept an offer of housing. The HREM also has responsibility for assessing and responding to appeals from applicants who have been refused a rental property and / or believe that they have been treated unfairly through the lettings process.

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The Regional Operations Managers (ROMs) and Cluster Manager (CM) are responsible for assessing village profile information and ensuring that balanced community objectives are met. They are responsible for leading strategies within the locations under their remit to tackle long-term voids (those over 8 weeks) and difficult-to-let properties.

Location Managers have overall responsibility for ensuring that rental properties are let in line with this Policy. They have the responsibility to initiate the void process by confirming the date the property is void (or notice given); setting the criteria required for re-letting the property such as care / non- care need and village profile considerations; and to advise the Housing Officer accordingly. The location manager has responsibility for approving or selecting the applicant. If the applicant meets the criteria, and there are no issues raised through the assessments, then an offer will be made. If the applicant does not meet the criteria, or there are concerns as a result of the assessment process, then the location manager may refuse the applicant but must specify to both the local authority and the applicant the reasons for refusal.

The Housing Officer has responsibility to arrange void works to be carried out, request a nomination from the local authority, and ensure that the appropriate assessments are carried out. The Housing Officer has responsibility for reporting any issues in the process for the location manager to resolve. The Housing Officer has responsibility for arranging the sign-up of the selected applicant, and responsibility for ensuring that all applicants receive appropriate information in relation to the location so that applicants can make an informed decision on whether to accept an offer of housing.

Staff in locations such as Housing Assistants and Administrators may facilitate viewings for potential applicants.

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## 5. Monitoring & Review

The success of the policy is in delivering the aim of ensuring tenancies are let within 4 weeks, or – if no care or appropriate nomination is forthcoming – within 8 weeks.

This policy will be subject to a full review at least every 3 years.

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## 6. Risk Management

All ExtraCare tenancy agreements are approved by the Housing & Resident Engagement Manager prior to issue. This ensures that the correct tenancy is issued and that the details contained within the tenancy is correct. This will reduce the risk of incorrect tenancy agreements being issued.

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Voids over 4 weeks will be monitored by the Housing & Resident Engagement Manager to ensure that appropriate actions are being taken to reduce financial loss due to loss of rent to ExtraCare as a result of properties remaining empty for an excessive period.

## 7. Statement of Commitment

This policy helps ExtraCare to meet the regulatory requirement contained within the Tenancy Standard:

*“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.... There should be clear application, decision-making and appeals processes.”*

## 8. The ExtraCare Approach to Lettings

As a general statement, our rental homes are let to people over 55. This is because we are specialist provider of housing for older people. Our minimum age requirement is set at 55, being below the state retirement age, as a reasonable basis for people to be able to access our housing if there is a need for them to do so.

<https://www.gov.uk/government/news/proposed-new-timetable-for-state-pension-age-increases>

There are a range of referral routes that are specific to each location, but generally this is through a nomination agreement with the local authority. Applicants with a care need appropriate to independent living will take priority over those without a care need. Applicants with the best fit with our village profile (aimed at achieving a balanced community) will take priority over those who do not contribute to this balance. Through the process we shall provide applicants with relevant information to ensure that they are able to make an informed choice as to whether the property is appropriate for them.

To assess an applicant’s suitability ExtraCare will undertake an assessment of their suitability before offering a property. This will include an assessment of their wellbeing, care needs and ability to afford the property.

ExtraCare will seek to minimise the time that rental properties remain empty with a target of re-letting a void property with an appropriate nomination – usually someone with a care need - within four weeks. If the local authority is unable to provide a nomination with a care need after four weeks, we will request a non-care nomination. If, after further four weeks, we have had no appropriate nominations we will seek to find an applicant outside of the nomination arrangements.

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For new villages, we expect the local authorities to provide the appropriate nominations so that the rental properties are fully let within six months of opening. We will seek to find applicants outside of the nominations arrangements if rental properties remain void six-months after the date of practical completion of a new village.

Where there are no nominations agreements in place, we will use our own waiting lists or other means to let the property within four weeks.

**Defining a Rental Void:**

A void is a when the required Notice period by the tenant has come to an end, and the keys have been returned. The void period begins from the following Monday. In the case of new properties, a property is void from the Monday after the date of practical completion.

For weekly tenancies, the required notice period is 4 weeks, ending at midnight on Sunday. For monthly tenancies, the required Notice period is a full calendar month, ending on the Sunday after the full calendar month period.

Once either the required notice has been given, or the property has been declared void, and the tenancy ended on the Customer Portal, we are able to take steps to re-let the property, in line with ExtraCare’s Terminating A Tenancy Policy.

**Approach to Letting Void Properties:**

Where the location has a nominations agreement in place with the local authority, ExtraCare will seek at least one nomination for the property according to the specific arrangements of that agreement. ExtraCare will request a nomination based on the following criteria:

1. That all in their household must be over 55.
2. Applicants with care needs appropriate to independent living will take priority over those without a care need.
3. Applicants with the best fit with our village profile, aimed at achieving a balanced community, will take precedence over those who do not contribute to this balance.

ExtraCare will supply to the local authority any relevant information to support the above criteria. If the local authority is unable to supply a nomination for an applicant requiring care within 4 weeks, then ExtraCare will request that the local authority provide at least one applicant not requiring care within a further 4 weeks.

If – after 8 weeks from the date of the initial request – the local authority do not provide a suitable nomination, ExtraCare reserve the option to find a suitable applicant outside the nomination arrangements.

For all new locations, ExtraCare expects the local authority to provide the appropriate nominations so that the rental properties are fully let within six months of opening. If – after six

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months – any properties remain empty, then ExtraCare will seek to find suitable applicants outside the nomination process.

Where a location does not have a nominations agreement, or the nominations agreement allows ExtraCare to let a proportion of properties outside of the nominations process, then ExtraCare will seek to let the property according to the above criteria.

Where we receive more than one nomination from the local authority, and more than one applicant meets the criteria, if all factors are equal then we will select the applicant who has been on the local authority waiting list the longest.

During the nomination / referral process, prospective applicants will be provided with ExtraCare’s Key Facts document and any other relevant information, so that they are able to make an informed choice about whether the property is appropriate for them.

Where we receive a nomination / referral from the local authority that is for someone below the minimum age (55 years) we reserve the right to refuse the nomination. We may only consider varying this in very exceptional circumstances, being **either**:

- The person referred / nominated is within 6 months of being 55 and there is an urgent need for them to move to a retirement community setting, as their needs are unable to be met through any other form of housing (for example, mainstream or ‘general needs’ housing);
- There are other material circumstances that require consideration for housing within a retirement community on compassionate or well-being grounds, which can clearly be evidenced - the lack of availability of other alternative accommodation that may equally be suitable does not constitute a reason for accepting a referral; **or**
- In some locations we have legacy nomination agreements with the local authority where the age limit has been set at 50 years old within those agreements. In these circumstances we will honour our commitment under the agreement by considering accepting referrals from people over 50 provided that all other referral options from above the age of 55 have been exhausted, and the person referred has a demonstrable need for moving to a retirement community environment.

We will not hold people on our own expressions of interest lists for locations (where these are in place) who are under 55.

Approval (or otherwise) for housing a person below 55 will be taken by the Regional Operations Manager.

**Approach to Assessing Applicants:**

To assess an applicant’s suitability ExtraCare will undertake an assessment of their suitability before offering a property. This will include an assessment of their wellbeing, care needs and ability to afford the property.

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If an aid or adaptation is required in order to enable an applicant to accept an offer, then this will be considered in accordance with ExtraCare's Aids and Adaptations Policy.

Irrespective of the referral route (whether it be through the local authority or through ExtraCare) ExtraCare will approve the offer of a tenancy, once the assessments have taken place. ExtraCare reserve the right not to make an offer of a rental property.

If an offer of a tenancy (or other form of occupation) is made, this will be in line with ExtraCare's Tenancy Management Policy.

The reasons for refusing an applicant would be due to:

- Having care needs beyond where the applicant can live independently in an extra care environment;
- Unable to afford the property and / or care charges, according to ExtraCare's Affordability Statement;
- Where there are significant rent arrears at their existing property and / or if they are the subject of current enforcement action due to breach of current tenancy / lease / licence; or
- Ability to realistically able afford to purchase an ExtraCare property (either through shared ownership or outright sale).

In all cases, the specific reasons for refusal will be made known to the applicant.

### **Transfer Requests**

There is no contractual right within the ExtraCare Tenancy Agreement for people who rent to transfer to another ExtraCare property. However, we will consider requests for a transfer – either within the same ExtraCare location, or from one ExtraCare location to another – in line with the principles of this Lettings Policy.

We will not consider transfers from tenants of partner landlords, where we are the Managing Agent. Tenants of Partner Landlords should contact the Partner Landlord to pursue a transfer. Similarly, we are unable to consider transfers from ExtraCare locations to Partner Landlord locations.

For additional information, we will consider transfer requests for ExtraCare tenants requesting to transfer to another ExtraCare-owned location on the following basis:

- Need to move to a ground floor property for medical reasons;
- Need to move to another property to escape harassment, nuisance, abuse, including the dissolution of a relationship due to domestic abuse;
- Need to move to a smaller property, or property where rent / charges are less than current, where moving enables resident to meet ExtraCare's affordability criteria;
- Need to move to a larger property where this is required to enable the appropriate care to be delivered;

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- Need to move to another location where moving will significantly improve residents' health and well-being (if location is owned by ExtraCare); or
- Any other need where there is clear evidence that a transfer would support the individual to live more independently.

We are likely to decline any requests outside the above criteria, but we will consider the merits of each request. All such requests must be supported by appropriate evidence.

Requests for transfer are to be made to the Housing Officer, who will seek the approval of the Housing & Resident Engagement Manager. The Housing Officer will only process a transfer request where:

- Rent and other charges are paid in full
- Subject to a property inspection so that we are assured that the property can be re-let immediately, is vacated without damage, and is left clean and tidy and all personal items are removed
- There is no current enforcement action being taken by ExtraCare for breach of tenancy (this means formal legal action such as Notice or an Injunction, or a Court Order; it does not include if the resident is undergoing mediation with another resident, or has signed an Acceptable Behaviour Contract as these are voluntary undertakings)

In addition, ExtraCare reserves the right to agree to or arrange a management transfer (which is a transfer instigated by ExtraCare) for a person who is renting if we require that resident to vacate the property for us to carry out significant works to the property, or such a management transfer will resolve a significant tenancy issue. Such a management transfer would be rare and would need to be approved by Executive Leadership Team.

### **Appeals Process:**

This policy aims to ensure that all applicants to ExtraCare are treated in an open and transparent way. ExtraCare seeks to ensure that applicants do not suffer unfavourable or discriminatory treatment through the application process. If an applicant feels that they have not been fairly treated through the application process, they have a right to appeal against a decision not to offer a property; or if an offer has been made but the applicant nonetheless feels that they have been treated unfairly.

In such circumstances, the applicant will be able to appeal in the first instance to the Housing & Resident Engagement Manager, with timescales for response in line with our [Complaints Policy](#). If the appeal is to be escalated, this will be to the Head of Operations / Head of Health & Social Care.

We will adopt the principles our Complaints Policy in responding to appeals. This includes advising the person who is appealing of their right to escalate their appeal to Stage 2; and advising them of their right – if our appeals process has been exhausted – to escalate to either the Housing Ombudsman Service or the Local Government & Social Care Ombudsman

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(whichever is appropriate). We will use the appeals process to ensure that we seek to put the issue right for the person and seek to offer a reasonable and proportionate response to their appeal.

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## 9. Information and Training

The staff indicated as being the responsible staff (in section 4. Responsibilities – above) will be trained by the Housing & Customer Engagement Manager. All other staff will be made aware of the Policy.

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## 10. Other Relevant EXTRACARE Policies & Documents

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|---|
| <b>General</b>  |
| <ul style="list-style-type: none"> <li>• Tenancy Management Policy</li> <li>• Aids and Adaptations Policy</li> <li>• Complaints Policy</li> <li>• Terminating a Tenancy Policy</li> </ul> |
| <b>Forms</b>  |
| <ul style="list-style-type: none"> <li>• ExtraCare Assured Tenancy Agreement</li> <li>• ExtraCare Assured Shorthold Tenancy Agreement</li> </ul>  |
| <b>Other</b>  |
| <ul style="list-style-type: none"> <li>• Affordability Statement</li> </ul>   |

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## 11. Relevant Legislative & Regulatory Requirements

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|--|
| <b>Legislation</b>                             |
| Housing Act, 1996                              |
| Localism Act, 2012                             |
| Homelessness Reduction Act, 2017               |
| <b>Regulation</b>                              |
| Regulator of Social Housing – Tenancy Standard |