

How we let our homes and who we let our homes to – policy and procedure

1. Purpose

To ensure that the best use is made of our housing stock and is used for those in genuine need of it.

To outline how and to whom Newlon let their properties and what type of tenancy they will be given.

We aim to make the best use of our housing and to enable residents to maintain stable and lasting tenancies.

1.1 Eligibility

Right to Rent -The Lettings team are responsible for carrying out eligibility and right to rent immigration checks where appropriate.

1.2 Ownership of a property

The tenancy agreement states: During your tenancy you or your partner must not (either solely or jointly) own or rent any residential property which would be reasonable for you to live in as your home.

1.3 Assessing priority for general needs

Newlon lets their social rent properties to the following residents in the following order of priority:

- Existing tenants who need to move to enable substantial repairs or improvements to be carried out in their existing home and have been assessed as needing a decant on a temporary basis.
- Local authority nominations – (75% of family sized accommodation; 50% of 1-bed sized accommodation and for most new developments 100% of all the scheme and 100% in Tower Hamlets as we are part of Common Housing Register).
- Existing tenants who need to move to enable substantial repairs or improvements to be carried out in their existing home and have been assessed as needing a decant on a permanent basis.
- Discretionary applicants (succession/assignment) where they are required to move as existing accommodation too large or is required for medical transfer cases.
- Existing tenants who need to move to another property and have been assessed as a medical priority transfer.
- Existing tenants needing to downsize as a consequence of five year FTT review.
- Existing tenants currently living in supported short-term housing who have been assessed as no longer in need of support and referred via Hestia or Outward for move-on.
- Nominations from other social landlords/Pan-London – this will be done only on an exceptional basis, for cases where the applicant's housing need would be given priority on your own transfer list and where the above priorities have been met.

1.4 Assessing requirements for both general needs and Intermediate Rent

Newlon will let their properties using the following guidance relating to size of accommodation:

- A separate double bedroom for each couple or single parent.
- A separate bedroom for any other adult (18yrs +).
- A single bedroom for one child.
- A double bedroom for two children except where:
 - Two children of the opposite sex must share and one has reached seven years of age.
 - Two children of the same sex are expected to share, unless one has reached the age of 18 or there is specific supporting medical evidence to support that they cannot (this will need to be assessed by Independent Medical advisors).
- Bedroom sizes: single bedroom minimum size 6.5sqm.
- Double bedroom size 10.2sqm.
- Main double bedroom size 11.0sqm.

****Where a nomination has come from Tower Hamlets and does not meet the above guidance, this is an acceptable exception to the policy, (as we participate in the Common Housing Register with TH).**

1.5 Eligibility for Intermediate Rent

In order to qualify for Intermediate Rented housing you must meet the following criteria:

- You must have a gross household income of less than £90,000 per annum when applying for properties and a minimum of £24,000.
- You must be in full or part time paid employment with a minimum of a one year contract. If your contract is less than 12 months you must be able to demonstrate that you have been in employment for the last 24 months.
- You must complete a credit check and obtain a satisfactory credit score. (See the Intermediate Rent sign up procedure for further details).
- You must be able to be able to meet the cost of the rent and the associated bills at the property and be able to pay the deposit and rent in advance (deposits will not be accepted from a 3rd party).
- You must be able to pay by direct debit.
- If you have been a Newlon tenant in the past you must not have left owing us money or been evicted for a breach of tenancy or arrears.
- You must be eligible for the Right to Rent.

- You must not own or have an interest in a property that you could be expected to occupy.

Household income is defined as basic pay and London weighting/high cost area, overtime should only be included where it has been established over a period of 3-6 months that this is the 'norm'. Bursaries and grants should not be included.

Where there is a specific nomination agreement for a scheme this will override the above and below priority.

1.6 Assessing priority for Intermediate Rent

Newlon lets their Intermediate Rent properties to those who meet the criteria outlined above in **1.5** and then in the following order of priority:

- Existing tenants who are overcrowded by more than two people (who meet Intermediate Rent lettings criteria).
- Keyworkers; (in some schemes priority may be given to specific local employment such as a local hospital); whose household (joint/sole tenants) income is less than £50,000.
- Keyworkers; (in some schemes priority may be given to specific local employment such as a local hospital) whose household (joint/sole tenants) income is more than £50,000;
- Existing tenants applying for a new property whose household income is below £50,000;
- Existing tenants applying for a new property whose household income is over £50,000;
- Any other person meeting the Intermediate rent criteria.

1.7 Keyworkers are defined below

Please click on the link to see the definitions of key Worker as defined by the Greater London Authority

https://www.london.gov.uk/sites/default/files/gla_housing_policy_practice_note_-_allocating_intermediate_homes_to_londons_key_workers_.pdf

Properties should be suitable for the household requirements and where there is more than one applicant meeting the criteria, preference will be given to those applicants who require number of the bedrooms in the accommodation and then on date of application.

1.8 Tenancies for under 18s

We will not allocate a property to an applicant who is younger than 18, unless they are a 'successor'. In these exceptional circumstances we will issue an equitable tenancy.

2. Tenancy policy

Newlon grants the following tenancy types:

2.1 Assured – starter social

These are granted to general need's lettings on a social rent.

2.2 Assured – starter affordable

These are granted for all 'new development' general needs lettings where the rent has been agreed to be affordable.

Both these tenancies starter social/affordable will convert to an assured tenancy, (affordable/social) once the starter tenancy has been 'passed'.

Where a discretionary succession has been agreed the tenancy will be starter assured and the rent social, unless a Fixed Term Tenancy should be given, or unless the property was previously let on an affordable rent, this will be then kept as an affordable rent.

2.3 Assured – starter fixed service charge for flats in street properties

These are granted to general need's lettings on a social rent, for all new tenancies in flats in street properties. However where the property has previously had an affordable rent set, this will be maintained, except where a resident is being decanted from an existing tenancy where the rent is set at a social one or there has been written approval from the Housing Services Director

2.4 Fixed term tenancies for 5 Years

We will grant 5-year fixed term tenancies for properties of four bedrooms and above. They are assured shorthold tenancies for a fixed term, let on a social rent, unless it should be let as an affordable rent

2.5 Fixed Term Tenancies for 3-Year let on an intermediate rent

From January 2016, Newlon used a 2-year Fixed Term Tenancy (FTT) instead of Assured Shorthold Tenancies (ASTs) for Intermediate Rent. From 1st November 2018 it is a 3 year Fixed Term Tenancy. From 14th November 2022 these will no longer be issued and they will be replaced by ASTs.

These properties will be marketed via the Intermediate Rent website www.newlonlettings.org.uk where adverts will outline eligibility criteria.

A deposit must be taken for these tenancies.

Review of fixed term tenancies

All Fixed Term Tenancies will be subject to a review process.

2.6 Assured shorthold tenancies for Intermediate Rent

This will be used for all Intermediate Rent (IR) lettings, from November 2022. The rents are set by the Homes and Lettings Team at 70% of the market rent.

2.7 Assured Shorthold Tenancies for Intermediate Rent (Employer Controlled/Royal Free Hospital)

In order to qualify for these tenancies, residents must be nominated by the Royal Free Hospital or another specified employer.

2.8 Secure

These must only be granted to residents who already have a Secure Tenancy and are transferring within Newlon stock and under a Statutory Mutual Exchange. If a Secure tenant has requested a transfer and they are being offered a new tenancy for another property it will be a Secure tenancy. For Secure residents transferring into a flat in a street property they will be given a Secure tenancy with a fixed service charge.

2.9 Protected Right To Buy (RTB) tenancies

These are only granted to a Newlon resident (living on the Barnsbury or Clissold Estate) who already has this tenancy type and is:

- a) Moving because we are requiring them to.
- b) Moving as a result of a Statutory Mutual Exchange.

The RTB is attached to the person rather than the property. In some succession cases depending on the wording of the tenancy a successor will 'inherit' the RTB.

3. Joint tenancies

3.1 Granting joint tenancies for Assured and Secure Tenants (Non-Intermediate Rent).

A joint tenancy is normally a tenancy held by two people. Newlon will only create a joint tenancy in the following circumstances:

- People nominated jointly by the local authority.
- Tenants who apply for a joint tenancy and their tenancy agreement expressly states that Newlon are obliged to do so and both applicants are using the property as their sole and principle home.

We will consider applications from couples who are married, in a civil partnership or co-habiting (the later for couples who have lived together for more than 12 months, where there have been no breaches of tenancy and the accommodation is suitable for their current housing needs).

Secure tenants

If request for new joint tenancy is received from a sole secure tenant, then this will be done under a surrender and re-grant and it will be a new assured tenancy.

If there is a request from a joint secure tenancy for a sole tenancy from secure, where the joint tenant is relinquishing their interests and this is done by a deed of release/assignment, then no new tenancy will be offered and the existing secure tenancy will continue.

If a joint tenancy is agreed on Barnsbury Estate, the tenants on a Protected Right to Buy Tenancy will retain their protected tenancy rights, which may include rent guarantees, and the Right to Buy.

3.2 Granting a joint tenancy for existing Intermediate Rent tenants

Where an Intermediate Rent tenant has requested a joint tenancy during their Fixed Term Tenancy, they should be advised that this request will only be considered at the FTT renewal.

If the resident has an AST then the following checks need to be done, as well as for those on an FTT:

- Both prospective joint tenants meet the Intermediate Rent eligibility criteria; (a credit check will not need to be done for the existing tenant).
- That they have both declared that they both have no tenancy elsewhere or own a property elsewhere.
- That there are no breaches of tenancy which must be confirmed by Income and Investigations.
- Confirmation that the accommodation still meets the needs of the household.
- Evidence that they have the Right to Rent <https://www.gov.uk/prove-right-to-rent>

Managing requests for a Joint to Sole Tenancy – General Needs and Intermediate Rent – contact the Service centre

4. Succession

If one joint tenant dies any remaining tenant will automatically succeed to the secure or assured tenancy by survivorship. This takes precedent over all claims for succession.

There are three types of succession that can be applied for: statutory, non-statutory (contractual) and discretionary. Each case will be assessed on its individual merits.

The following may qualify for a Discretionary succession:

- Where the tenancy does not include a term that would enable the applicant to succeed to the tenancy.
- Where there has been a previous Statutory Succession – meaning no further succession would be allowed.

When considering an application of this kind we will take account of the following, but not limited to, issues:

- Current arrears for use and occupation.

The decision as to whether the applicant is entitled to succeed is at Newlon's absolute discretion and the final decision will rest with Newlon as to whether a new tenancy agreement shall be granted. If it is considered that the property is not suitable for the applicant's needs, Newlon may offer tenancy of an alternative property.

- Proof of occupancy
- Is the applicant eligible?

Is it a member of the tenant's family? A family member is defined in the Housing Act 1985 as their spouse, common-law spouse, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, or niece. Or someone who has taken responsibility for the tenant's dependents. We will apply this same definition, where there is no other defined in the tenancy agreement.

- Is there more than one claim for a succession?

The final decision rests with Newlon, joint succession is not legally possible.

- Have there been any breaches of tenancy, or complaints regarding behaviour of the applicant whilst they have lived at the property?
- Will the applicant be under-occupying the property?
- Is the deceased tenant's home adapted for people with special/additional needs?
- Are there any vulnerable members of the household?

The needs of the applicants should be considered, this is to ensure that full consideration of their circumstances have been made when making the decision as to whether a discretionary succession will be awarded. This is not to say that where they are vulnerable that we will automatically grant a succession.

- Is there a carer?
- Do they have the Right to Rent?
- Affordability

5. Tenancy sustainment

Newlon's aim is to ensure that tenants, if they require it, can access appropriate support to help them manage their tenancies well and thereby minimise tenancy failure and eviction. The following measures are in place to assist with this:

5.1 Starter Tenancies

As part of our strategic approach to tenancy management, we have adopted the use of Starter Tenancies throughout our general needs housing provision. They are a tool to assist in tackling anti-social behaviour and to help ensure that residents are clear about how they should conduct their tenancy.

5.2 Assessing vulnerability

All new tenants, including those who become tenants through succession or mutual exchange, will be interviewed to assess vulnerability. This is to ensure that:

- We are able to adjust services where appropriate.
- We are aware of cases where support agencies are involved.
- We are able to identify cases where the involvement of support agencies would be beneficial.

Financial Inclusion

The Financial Inclusion Team provides a range of services that can assist with tenancy sustainment:

- Providing access to employment advice, volunteering, and apprenticeships; providing opportunities to improve skills and access training & access to employment.
- Helping residents save money and energy through effective and practical support.
- Providing debt advice.
- The Tenancy Sustainment Officer will work with identified residents in order to provide support/guidance with the aim of maintaining their tenancy.