

ACCESS TO HOUSING

The Association's Policies and procedures for registering applicants and allocating properties in Franklands Village

INTRODUCTION

This document contains the Association's policies for registering applicants, allocating tenancies and effecting exchanges and transfers.

MISSION STATEMENT AND OBJECTIVE

- 1. to provide sustainable housing for local persons judged to be in housing need.**
- 2. to maintain and develop Franklands Village as a community.**
- 3. to provide a caring and supportive service to tenants.**
- 4. to maximise the useful life of the Association's housing stock and improve facilities in the properties and around the Village.**
- 5. to charge affordable rents for its properties as defined by the Board of Management which will have regard to the guidelines of the National Housing Federation and the Homes & Communities Agency.**
- 6. to follow policies which will ensure that the Association continues to be financially viable at all times.**

ABOUT FRANKLANDS VILLAGE

The Village, which lies on the eastern side of Haywards Heath, was founded and built in the mid 1930's to provide housing at economic rents in a real community.

The ***Franklands Village Housing Association Limited*** is a non-profit making Housing Association with a Board of Directors (i.e. "The Board") entirely composed of voluntary Members who form the Board of Management through which the Village has been managed since it was built. The Association is registered with the National Housing Federation and Homes & Communities Agency, and generally offers accommodation on Starter/Assured Tenancies which are subject to the Tenants' Charter.

Franklands Village has an active community life with a Women's Institute branch, Scout Group, Playgroup, Dance Groups and Village Stores.

The Village's housing stock comprises: -

- 91 Semi-detached Houses
- 85 Two Bedroom Flats
- 63 One Bedroom Flats (one or two person)
- 16 One Person One Bed Flats
- 26 Bedsitter Flats (self contained with own kitchen and bath or shower room)

In addition, although the Association does not own or manage any **Sheltered Accommodation**, it does have nomination rights to flats at **Pennington House** and **Charles Bennett Court**.

These are purpose built, modern two storey blocks of sheltered flats situated close to the Village Stores and Sub-Post Office. Usually, applicants must be *at least 55 years old* to qualify for nomination to one of these blocks.

EQUAL OPPORTUNITIES

FVHA is Equal Opportunities organisation.

The association will follow and implement the guidelines of Homes & Communities Agency circular HC02/90 "Promotion of Racial Equality" and will comply with the law as set out in the Race Relations Act 1976 and Sex Discrimination Act 1975. The association has adopted the Race Relations Code of Practice in Rented Housing.

As an employer and in the provision of its Housing Management service, affording access to its accommodation and deciding allocations of tenancies, the Association will abide by its legal obligations. No person or group of persons applying for housing, or for a job, or for contracts with the association, will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin or because of their age, religion, sex, sexual orientation, disability, or marital status.

To enable the Association to assess whether it is achieving its equal opportunities objectives, it monitors the ethnic origin of applicants and those to be rehoused together with the standard of accommodation offered.

In hiring contractors and other agencies to work for it, the association will be mindful of its commitment to equality of opportunity. It will expect contractors to act in accordance with this statement.

In the composition and operation of its Board of Management, the association will be mindful of its commitment to equal opportunity.

In addition, the Association will investigate complaints of discrimination and will also take positive action to combat racial or any other form of harassment by or to its tenants. Such harassment is a breach of the Tenancy Agreement.

WHO CAN APPLY TO LIVE IN THE VILLAGE?

The Association's objective is to provide for those in **Housing Need**. Applicants who satisfy the Association's criteria are prioritised to reflect their particular circumstances.

As our housing lists are strictly limited, we aim to provide housing for those in need in the locality but, in exceptional circumstances, applications from persons living outside the area will be considered.

Under the provision of The Housing Act 1996 (as amended by the Homelessness Act 2002), the allocation of property is regarded as a "benefit". The Association is not normally allowed to grant a "benefit" to a Committee member, an employee or a close relative of a member or an employee. Any application affected by this registration will have to be specially considered by the Association's Board of Management.

The following policy has been adopted by Franklands Village in relation to persons subject to immigration control, British national from abroad and EEA nationals from abroad.

Exclusion Policy

The Association will reserve the right not to register applications from persons who, during the previous two years, have been shown to have acted in one or more of the ways shown below: -

1. Have previously acted with violence against other tenants, their guests or visitors and/or staff from housing associations or local authorities.
2. Have been in serious breach of previous tenancy conditions, including those concerned with harassment, rent arrears, neglect of or damage to property, nuisance and criminal or immoral behaviour
3. Have special support needs or housing requirements that the Association is unable to provide (subject to the provisions of the Disability Discrimination Act 1995)
4. Those persons who need and have refused help from external agencies such as social services or the community mental health team to keep to the terms of the tenancy
5. Those persons who might reasonably be supposed to pose a threat to the community (Franklands Village will take advice from the Police, Social Services or the Probation Service)
6. Those persons who have lied on their application form or during interviews to obtain a home.

Nevertheless the Association will always consider the housing needs of applicants in relationship to their past record as tenants and will not, automatically, refuse to register applications under the Exclusion Policy.

Any person whose application is not registered, or is subsequently deleted, will be advised of the Association's Appeals and Complaints procedure.

Persons subject to Immigration Control

Persons subject to immigration control will not be eligible for an offer of housing except: -

Those who have been granted: -

- Refugee status ;or

- Exceptional leave to remain – provided that there is no condition that they shall not be a charge on public funds; or
- Indefinite leave to remain – provided that they are habitually resident in the Common Travel Area (CTA) (UK, Channel Islands, Isle of Man and the Republic of Ireland) and their leave to remain was not granted in the previous 5 years on the basis of sponsorship given in relation to maintenance and accommodation;

And: -

- Those nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) – provided that they are habitually resident in the Common Travel Area (CTA) (UK, Channel; Islands, Isle of Man and the Republic of Ireland) and are lawfully present;
- Those who are already a tenant of a Registered Social Landlord (RSL)

In addition the following are not eligible

- **British Nationals from abroad** who are not habitually resident in the Common Travel Area (CTA) (UK, Channel Island, Isle of Man and the Republic of Ireland); or who are not employed, or self-employed, in the UK.
- **European Economic Area (EEA Nationals)** (EU plus Iceland, Norway & Liechtenstein) who are not habitually resident in the CTA (UK, Channel Islands, Isle of Man and the Republic of Ireland) or who are not employed, or self employed in the UK.

This includes:

EEA Nationals seeking work in the UK, unless they are habitually resident and have the right to reside in the UK; and

Nationals from the A8 states (Poland, Lithuania, Estonia, Latvia Slovenia, Slovakia, Hungary and the Czech Republic) who are seeking work – whether or not they are habitually resident and have the right to reside in the UK; and

EEA Nationals who are not “economically active”, unless they have retired from work or self- employment in the UK.

WHAT IS HOUSING NEED?

When assessing **Housing Need** the Association is required by The Housing Act 1996 (as amended by the Homelessness Act 2002) to give reasonable preference to certain categories of people and will bear in mind a number of the following factors including: -

- A.** Current or threatened homeless
- B.** Existing housing conditions
Ability to cope with these conditions
- C.** Medical factors

D. Length of time adverse housing conditions have been endured or circumstances causing stress

E. Key Workers

F. Other options realistically available, including the ability or otherwise, of applicants to satisfy their housing requirements through their own resources.

ASSESSING HOUSING NEED

*Applications will be assessed to see if they fit into one of certain categories of **Housing Need**, with points awarded according to individual circumstances listed in General Definitions of Assessment of Applications and Points Allocations*

THE HOUSING LISTS

When assessing **Housing Need** and managing its Housing Lists, the Association's Allocations Team will assess applications according to the applicant's circumstances and in accordance with the Allocations Policy approved by the Board of Management.

WHAT HAPPENS TO YOUR APPLICATION?

On receipt of a completed application form, the Association's Allocations Team will consider it. Within six weeks of receiving the form the Association aims to advise an applicant of the Allocations Team's decision which will be one of the following: -

- The name of the applicant has been registered and added to the housing list for a specific type of property. At the time of registration applicants will also be advised of the points' assessment for that application and their position on the Housing List.
- Further information is needed from the applicant before a decision can be reached about the application.
- The Housing List for the appropriate accommodation is full and an offer of accommodation within a reasonable period is not possible.
- The application has been rejected and the reason for rejection will be given in writing.

Unfortunately the FVHA is only able to re-house a very small number of applicants each year due to the limited availability of properties.

The Association's staff may wish to interview applicants before making a decision about an application or an offer of accommodation. The Association reserve the right to conduct this interview at the applicant's existing residence.

The Association does not keep large waiting lists as this could give applicants false hopes. Persons whose applications are rejected may re-apply if their circumstances change.

All decisions regarding applications to live in Franklands Village and the allocation of tenancies are the responsibility of the Allocations Team. The Board of Management who has delegated the authority to the Allocations Team operates an Exclusion Policy as defined in the general definitions

IF YOUR APPLICATION IS ACCEPTED

- All applicants registered on the housing lists must keep the Association informed of any changes in their circumstances in relation to **Housing Need**. These changes will be reviewed by the Allocations Team
- All applicants accepted onto the Housing Lists will be asked to re-submit their application **every twelve months** by completing a re-registration form giving their current circumstances. **If the applicant does not respond to the 12 months enquiry his/her name will be removed from the Housing List.**

HOW TENANCIES ARE ALLOCATED

The Allocations Team makes offers of tenancies to applicants accepted onto the Housing Lists according to the points allocated based on the applicant's degree of **Housing Need** and **not** solely according to the length of time spent on the Housing List.

Joint applicants will be required to sign a joint Tenancy agreement. Should the application no longer be joint before signing the agreement the remaining applicant would be asked to reapply with the change of circumstances. The Association reserves the right to reassess the remaining occupant should under occupancy occur within a 12 month period of the commencement of the tenancy.

The Allocations Team may, if appropriate adopt a local lettings policy to ensure sustainability and the best use of housing stock. The Allocations Team will report any local lettings policy to the Board quarterly

EXCHANGES AND TRANSFERS

The Association co-operates with other Housing Associations and Local Authorities regarding mutual exchanges and referrals. The Association will also consider exchanges and transfers between existing tenants of under occupied properties.

Transfers or exchanges must be agreed by all parties, including Landlords and will be subject to the Association's policies contained in this document.

The Association's consent will only be given if the transfer does not create under or over occupation and tenants accept the condition of the property to which they are transferring.

TERMINATION OF TENANCY

Normally a 4 week notice is required as set out in the Assured Tenancy Agreement.

ACCESS TO INFORMATION

All tenants, former tenants and applicants are allowed access to their personal file in accordance with their rights under the Data Protection Act 1984 after giving ten day's notice in writing. A fee up to the maximum of £10 may be charged. However,

this does not include access to confidential information provided by third parties whose permission will be required before access can be granted.

If a tenant, former tenant or applicant for accommodation considers that the Association's records are inaccurate then an agreed correction shall be made or the details of the disagreement shall be recorded.

It is the FVHA's policy to keep all information about its tenants, former tenants and applicants confidential to the Association's Housing Management staff and Board of Management.

In addition, it is the Association's policy **not** to provide written information on sensitive subjects. However, if a request for information is received it may be divulged in the following circumstances: -

- If the request is received from a Statutory Agency or Authority.
- If the person concerned has agreed, in writing, that information about him/her held by the Association may be divulged to such persons or organisations making the specific enquiry.

APPEALS AND COMPLAINTS

The FVHA's Board of Management hopes that its tenants and persons applying to live in Franklands village are satisfied with the service provided by the Association. Nevertheless, there may be occasions when mistakes are made. To correct matters the Association has laid down a procedure to be followed if tenants or applicants wish to lodge an appeal or make a complaint. However, generally it is not possible to complain about the *Association's policies*.

WHEN YOU CAN APPEAL

Applicants for housing can appeal if they believe:

- The Association has not abided by its policies
- They have been unfairly treated by the staff
- The staff have failed to respond to a complaint
- The staff have failed to deal with a repair request properly
- The Association's Tenancy Selection and Allocation procedures were applied unfairly

HOW TO COMPLAIN

An appeal or complaint should first be made to the Association's **Housing Management Staff** at the Estate Office who should be able to offer a quick solution to a problem or answer any queries promptly.

If the person's appeal or complaint is not dealt with to his/her satisfaction by the staff, the matter will then be referred to the **Association's Chief Executive** who will give a written response within ten days.

If the appeal or complaint has still not been dealt with to the person's satisfaction, it will be referred to the **Appeals and Complaints Sub-Committee** consisting of three Board Members and an appropriate written reply will be provided within 28 days of the appeal or complaint being referred. If the problem is passed to the Association's Appeals and Complaints Sub Committee for resolution, it will also be brought to the attention of the Board of Management.

The FVHA is a registered member of the Independent Housing Ombudsman Service. Therefore, if a tenant or applicant is still unhappy with the result of an appeal or complaint after following the Association's procedure, the problem can be referred to the Ombudsman, whose address is available from the Association or a Citizens Advice Bureau.

Apart from presenting a written request, tenants and applicants may also discuss the problem in person at the Estate Office. The Chief Executive will be pleased to meet anyone at the Estate Office on Monday afternoons, without an appointment and at other times by arrangement. If preferred, a tenant or applicant may also see by appointment, members of a specially appointed Appeals and Complaints Sub-Committee of the Association.

REFERENCE GUIDE TO PROCEDURE

