

Appendix 1

Keeping Communities Together Local Lettings Policy for Woodberry Down

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Date: March 2022

1. Introduction

1.1 Scope of the policy

1.1.1 The Council is required to have an allocations scheme for determining the priorities and procedures for the allocation of social housing. The Council must publish the rules it follows in deciding who to offer housing and how offers are made, and it must follow these rules.

1.1.2 One of the key priorities of the Council is to regenerate housing estates in the borough. The regeneration of Woodberry Down involves the demolition and re-building of the whole estate over multiple phases and requires rehousing tenants from their homes within a set timescale. To ensure fairness, consistency and transparency, the rules guiding the assessment and rehousing of tenants and the letting of new homes is set out in this Local Lettings Policy.

1.1.3 To ensure that the Council has the flexibility to both facilitate the smooth decanting of tenants as well as the ability to address wider housing needs on the estate, it has been agreed that this Local Lettings Policy should be adopted at Woodberry Down.

1.1.4 The Local Lettings Policy will operate within the broad framework of the Council's existing allocations scheme, but with variations to reflect historic commitments made to tenants affected by the redevelopment of Woodberry Down. The Policy sets out the criteria and processes for lettings on the estate.

1.1.5 This updated Policy will come into force from the date of Cabinet approval, from 14 March 2022.

2. Moving tenants to allow for regeneration

2.1 Home Loss and Disturbance Payments

2.1.1 Statutory Home Loss and Disturbance Payments (payable under sections 29 and 37 of the Land Compensation Act 1973 and reviewed annually in accordance with The Home Loss Payments (Prescribed Amounts) (England) Regulations) will be paid to tenants who are displaced from their homes due to the regeneration programme if they meet the statutory criteria. In instances where tenants choose to return to new homes on the estate under the Council's 'Right to Return policy', they will qualify for a second Disturbance Payment but will not qualify for a second statutory Home Loss payment.

2.2 Right to Return certificates

2.2.1 Right to Return certificates will be issued to tenants being decanted from the Woodberry Down estate, subject to the following conditions:

- the tenant was a secure tenant of the property on the date that the Council took a formal decision to demolish it;
- the tenant either has no rent arrears at the time they are due to move back to the estate, or they have made arrangements to pay off any arrears and have been complying with those arrangements for at least six months;

- the tenant has not moved to a housing association property or to another borough; and,
- There is suitable accommodation available for the tenant. If there is not, the tenant will be offered an equivalent home elsewhere within the borough, or the opportunity to return at a later date whenever a suitable home becomes available. In either case the home the tenant will be offered will be suitable for their needs at the time of rehousing.

2.3 Criteria for moving households off the estate

2.3.1 There are circumstances where a household may need to be moved off the estate as part of the decanting process. These are:

- Where it is not possible to offer a single move into a new property on the estate, and there are no available voids on the estate.
- Where a household is assessed as requiring a particular type of home (such as ground floor level access or a wheelchair accessible home to meet health needs) and there are no suitable homes available on the estate.
- Where a household has requested permanent rehousing off the estate.

2.4 Overcrowding

2.4.1 If a secure tenant being decanted on a temporary basis is assessed as overcrowded, attempts will be made to move the household into a property on the estate that meets the household's needs. Where this is not possible, the tenant may choose to move to a temporary home of a suitable size off the estate. On the tenant's return to a permanent home, they will be moved into a suitably sized property.

2.5 Criteria for moving adult children

2.5.1 In the case of 'in-phase' tenants, if there are adult children over 18 who have lived continuously in the home for 10 years or longer, in any phase of the regeneration scheme, they will be offered the opportunity to move to a home of their own that meets their housing needs on the estate, subject to the availability of suitable homes available for letting on the estate, or otherwise an offer will be made off the estate (time spent away to attend university or unavoidably spent in hospital, care home, or analogous institutions will count towards the residential qualification). This is known as a 'split household' move. In addition:

- The tenant must state their intention to apply for a 'split household' move by the point at which Council formally assesses their household's needs.
- The new household must apply to join the housing register and be rehoused before the tenant named on the original tenancy.
- One suitable direct offer will be made to adult children.
- The tenant named on the original tenancy will retain a Right to Return to the estate, or they can choose to move off the estate. In both instances they will be allocated a property based on the housing needs of the remaining household members.

2.5.2 In the case of tenants in future phases of the regeneration scheme, a limited number of 'split household' moves will be available to adult children over 18 who have lived continuously in the home for 10 years or longer (time spent away to attend university or unavoidably spent in hospital, care home, or analogous institutions will count towards the residential qualification). An annual quota of such moves is available each year. Subject to the provisions below, adult children may be offered the opportunity to move to a home of their own that meets their housing needs within the estate, subject to the availability of suitable homes available for letting on the estate.

- The new household must express an interest in moving and must apply to join the housing register.
- One suitable direct offer will be made to adult children, within the estate, subject to the availability of suitable homes available for letting on the estate.
- The tenant named on the original tenancy will remain in the home until the decanting programme for their phase is implemented.
- Prioritisation for the additional annual quota of moves would then be according to the following criteria:
 - adult children in households in housing need, for example overcrowding,
 - adult children in the next earliest phase of regeneration and so on until the last phase,
 - subject to the above, a lottery will be held to make decisions between adult children with equal priority.
- An assessment will be carried out of the adult child's ability to afford to pay the rent in a new home, including with welfare benefit support if relevant.

3. How many bedrooms?

3.1 Bedroom Standard

3.1.1 Newly built homes will meet the exemplary space standards set out in Policy D6 Housing Quality and Standards of the London Plan 2021. In allocating properties, the following standard will be used in assessing how many bedrooms a household needs:

- a) Single bedroom accommodation such as a studio or bedsit is considered to be suitable for a single person.
- b) A couple with no children is considered to need one double bedroom.
- c) Each child under 18 will be allocated a separate bedroom. However, tenants should be advised that the Government has placed restrictions on levels of Housing Benefit that are linked to the number of bedrooms and the assessed housing need of the household (commonly referred to as the 'bedroom tax'). The effect is to place a limit on the amount of benefit that can be claimed¹.

¹ For more information please see the Council's website: <https://hackney.gov.uk/ctr-rent-restrictions>

3.2 Under-occupying households

3.2.1 The Council's policy on under-occupation (where a household is living in a larger property than their assessed need) is set out in the Hackney Lettings Policy.

3.3 Over 55s who are under-occupying

3.3.1 Where there are older tenants (a single person who is over 55 or, in the case of couples, one of the tenants is over 55) residing in a home with two or more bedrooms but whose assessed need is for a one bedroom, they will be entitled to a two-bedroom home subject to the following:

- a) The tenant(s) have been satisfactory tenants of a Council or Registered Provider for at least 10 years. In considering whether a tenant's conduct has been satisfactory the Council will take into account any action taken by the landlord in response to a breach of tenancy conditions, any rent arrears, and whether the tenant(s) have been the subject of any court action by their landlord.
- b) If a split household move has already taken place, the remaining household with a tenant who is over or approaching 55 will not be eligible for an additional bedroom.

4. Letting of new homes

4.1 Criteria for allocating new homes

4.1.1 The following criteria will be applied in the letting of new homes to ensure fairness, transparency and consistency:

- i. Highest priority will be given to those tenants who have been moved to alternative homes on a temporary basis as part of the regeneration programme and have been issued with a Right to Return certificate.
- ii. Next, priority will be given to 'in phase' tenants on the estate
- iii. Next, priority will be given to those tenants on the estate who will need to be decanted to facilitate subsequent phases of the regeneration programme ('out of phase' tenants).
- iv. Where the demand for new homes on the estate is greater than the number of available new homes, then priority for new homes will be determined by the earliest 'band date' (which is the date that decant status was awarded, or, in the case of tenants with a Right to Return, the date that they were decanted from their original home). If more than one tenant has the same 'band date', then priority will be given according to the earliest tenancy start date.
- v. In the final phase, after all those eligible to return have been housed, then any split households who have already moved off of the estate will be offered the Right to Return. Priority will be given in line with the provisions of the Hackney Lettings Policy.

- vi. Any remaining homes will then be let through the Council's Choice Based Lettings system.

4.2 Re-lets

- 4.2.1 The criteria in 4.1.1 will also be applied to re-lets that occur on the estate while the regeneration is in progress.

The policies in this paper apply to all lettings that take place under 4.1.1 (i) to (iii) above.

4.3 Intra-Estate Moves

- 4.3.1 An Intra-Estate Moves scheme will also be offered on individual regeneration estates, as summarised in Appendix 1. This scheme enables tenants to move to a home that meets their housing needs while they are waiting for the regeneration scheme to be completed.

5. Choice

- 5.1 Subject to the other provisions in this Local Lettings Policy, tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to express their preference for the new property that they would like to be offered, by naming up to three addresses in order of preference. Priority for making offers will be determined according to 4.1.1 above.
- 5.2 Wherever possible, the Council will seek to meet a tenant's preferences, though this is not guaranteed and is dependent on the properties available for letting at the time, and the priorities for allocating new homes (as set out in 4.1.1 above).

6. Refusals

- 6.1 If a suitable offer of accommodation under this Policy is rejected by a tenant with the Right to Return who has been decanted or who is 'in phase', then they will be placed in the 'band B' on the Housing Register and given the choice of two options:
 - i. an offer of the property where they are living (for tenants who have been moved off the estate), and,
 - ii. the opportunity to bid for a new home off the estate through Choice Based Lettings, for a period of up to six months.

In the case of option (ii), if the tenant has not successfully bid for a property within the six-month period, then one direct offer that meets the household's housing need will be made of the property where they are living (for tenants who have moved off the estate) or otherwise to a council or housing association property elsewhere in the borough.

- 6.2 Rejection of an offer by an 'out of phase' tenant, a tenant who has decant status but is not 'in phase', or a tenant of another regeneration estate will not be penalised.

7. Monitoring

- 7.1 The Council will monitor the impact of the Local Lettings Policy, recording the key characteristics of each letting, e.g. priority band, case type, ethnicity.

8. Suspension, variation and withdrawal

- 8.1 The Council may suspend, vary, or withdraw the Local Lettings Policy at any time. We will always aim to engage and consult with residents on any changes to policies.

March 2022

Appendix 1

Intra-Estate Moves – guidance

- 1.1. The introduction of an Intra-Estate Moves scheme is considered on individual regeneration estates, to enable tenants to move to a home that meets their housing needs while they are waiting for the regeneration scheme to be completed.
- 1.2. In circumstances where there are insufficient empty properties available for letting on an individual estate for tenants being decanted who wish to return to the estate, the Intra-Estate Moves scheme will be suspended temporarily until such time as sufficient lettings become available.
- 1.3. The scheme is voluntary and tenants who choose to participate will receive only one offer, and will not receive any financial assistance with the move.

2. Intra-estate moves waiting list

- 2.1. Where an Intra-Estate Moves scheme is in operation, the Council will inform all tenants on the estate.
- 2.2. Secure tenants on the estate will be invited to submit an Expression of Interest if they consider that their current home does not meet their housing needs.
- 2.3. Tenants who request a move due to overcrowding or under-occupation will need to complete a transfer form and provide relevant documentation in order to join the Waiting List.
- 2.4. Tenants with an active transfer application will only require a verification check to be completed. If there is a change in circumstances, a new transfer form must be completed.
- 2.5. Tenants who have either submitted an Expression of Interest or completed a transfer form will be placed on the Waiting List.
- 2.6. Tenants are prioritised for moves under the Scheme in line with the provisions of the Hackney Lettings Policy.
- 2.7. Tenants will be notified when their priority has been awarded.

3. Acceptance onto the waiting list

- 3.1. Tenants will be sent a letter advising they have provisionally been accepted onto the Waiting List, pending satisfactory checks.
- 3.2. The letter will notify the tenant of their assessed bed size need, the reason(s) they have been accepted on to the Waiting List, and will make tenants aware of the following:

- That if they accept the home offered, they will take on the decant phase of the block/property they move into and will not retain the decant phase of their old block/property unless it is in the same phase.
- That if they are offered a property in a block in a later phase than their current home and they accept the property it will put back their offer of a new build home until their current block is decanted.
- Tenants will receive a new tenancy start date in their new block/property. For the purpose of allocating a new build home, the new tenancy start date will be used.
- No enhancement works will be carried out to the property they move into under the Scheme.

4. Offers

- 4.1. Tenants will be entitled to one offer only unless they can show the offer made was unreasonable/unsuitable.
- 4.2. Moves under the Scheme are not decants and so when the tenant accepts the offer the property will become their permanent home.

5. Sign up and rehousing

- 5.1. Tenants are signed up on secure tenancies.
- 5.2. Moves under the Scheme are treated as a standard transfer and the tenant is responsible for all issues relating to the move.
- 5.3. No Home Loss or Disturbance Payments will be made under the Scheme.
- 5.4. Tenants downsizing under the Scheme are not entitled to any under-occupation incentive payments.

Appendix 2

Glossary

Bedroom Tax	The 'bedroom tax' is an informal name for a reduction in a household's housing benefit if they live in a council or housing association home and are classified as having a spare bedroom. An assessment is made of the number of bedrooms in the home and the size and type of the family living there. The bedroom tax is also known more formally as the under-occupancy charge.
Choice Based Lettings	The choice based lettings scheme allows applicants on the housing register to bid for council and housing association properties that the Council advertises.
Decant	Decant is the process of moving residents out of their current homes and rehousing them to allow for demolition or refurbishment.
Disturbance Payments	Disturbance Payments are made to compensate for reasonable expenses incurred in moving home during a regeneration process, for example removal expenses, reconnecting movable fixtures and fittings, telephone reconnection charges.
Hackney Lettings Policy	The Hackney Lettings Policy sets out Hackney Council's policy and procedures for allocating homes within the social sector (Council housing and housing association nominations) to those people registered on the Council's Housing Register, and the legal framework within which Council must operate.
Home Loss Payment	Home Loss Payments are made in recognition of the personal distress and inconvenience suffered by people who are permanently displaced from their homes as a result of the regeneration process, compulsory purchase, or under other qualifying circumstances.
In phase tenants	Tenants whose accommodation is in a current phase of regeneration and has been given decant status.
Out of phase tenants	Tenants whose accommodation has not yet been given decant status because it is not in a current phase of the regeneration programme but in a future one.
Overcrowding	Overcrowding is normally based on the number of rooms relative to the size and needs of a household.
Policy D6 'Housing Quality and Standards', London Plan 2021	The London Plan, published in March 2021, is the Mayor's spatial development strategy for Greater London. Policy D6 in the London Plan provides guidance on qualitative aspects and minimum space standards of housing developments.

Secure Tenant

Secure tenancies are usually granted following an introductory tenancy of at least 12 months. By law, a secure tenant has the right to live in their property indefinitely, as long as tenancy conditions and the tenancy agreement are adhered to.