

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
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<b>Lettings Policy</b>	
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## Contents

	Page No.	
1. Policy purpose & aim	4	
2. Objectives	4	
3. Scope of policy	5	
4. Responsibilities	5	
5. Monitoring & review	6	
6. Risk management	6	
7. Statement of commitment	7	
8. Additional Arrangements	8.1 Application Process	7
	8.2 Re-let Process	8
	8.3 Eligibility Criteria	8
	8.4 Location Waiting Lists	9
	8.5 Assessing Applicants	10
	8.6 Right to Rent	11
	8.7 Appeals Process	12
	8.8 Transfer Requests	12
9. Other relevant ExtraCare policies & documents	13	
10. Relevant legislative & regulatory requirements	14	



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

11. Appendices	15
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Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

### 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
7	Feb 2023	Full policy review	Richard Keeley	Exec Director - Operations



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
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Classification	Public

## 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 retirement communities that are inclusive and diverse. This means that we seek to let our rental homes to people with a range of needs including care needs. We also aim to ensure that our 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 who need, and will benefit from, a retirement community setting. Our rental properties enable people who would be unable to afford to purchase an apartment or bungalow to have an opportunity to move to a retirement community.

We aim to meet our obligations to meet local housing need by seeking a referral from the local authority, prioritising applicants with an assessed care need. Where the local authority is unable to provide a referral – and where the agreement with the local authority allows – we will look to our own location waiting-lists (where these exist) to fill the property with the most suitable applicant.

This policy outlines the framework for who is eligible to apply to rent an ExtraCare rental property; and how we prioritise and assess applicants. This policy also outlines how we deal with requests for a transfer; and the appeals process against a decision not to allocate a rental property to someone.

This policy applies to ExtraCare owned locations, and locations where we manage the lettings on behalf of the partner landlord. In locations where the partner landlord is responsible for letting the rental properties, the partner landlord’s Lettings Policy will apply.

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## 2. Objectives

The objectives of this policy are to:

- Ensure consistency of approach across ExtraCare’s locations;
- Ensure applicants are treated fairly through the rental application process, and that they are given all appropriate information to make an informed choice about moving into a retirement community;
- Ensure that we work towards meeting the Corporate Plan target to minimise our rental and sales voids, aiming for a maximum rolling average of six weeks and 12 weeks respectively.
- Ensure people moving in to an ExtraCare location can meet the full charges, with sufficient income remaining to meet daily living expenses;
- Ensure that people move into a property that meets ExtraCare’s void standard for letting

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

- Ensure that all residents who apply through this process can live independently in our setting
- 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 where ExtraCare are the managing agent carrying out the lettings function. The policy does not apply to ExtraCare locations where the tenancies are managed by a partner landlord. The policy applies to applicants for rental housing with ExtraCare. See Appendix 1 for a list of the locations that fall within the remit of this policy.

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### 4. Responsibilities

Board	Overall governance responsibility for this policy and to ensure ExtraCare meets its obligations under this policy and associated procedures.
Executive Director Operations	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. They will review monthly lettings performance information to prioritise resources so that targets may be met.
Regional Operations Managers (ROM)	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 and difficult-to-let properties.
Location Managers (LM)	Responsibility for ensuring that rental properties are let in line with this Policy. Have responsibility for approving or selecting the applicant.
Housing Officers (HO)	Responsibility to arrange void works, in line with our Void Standard; requesting a nomination from the

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

	local authority; overseeing management of location waiting lists; ensuring that the appropriate assessments are carried out; arranging the sign-up of the selected applicant ( including 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).
Housing & Resident Engagement Manager (HREM)	Responsibility for ensuring operational compliance with this policy; reporting performance on a monthly basis to Executive Leadership Team; where nomination arrangements permit it, ensuring that properties are let through alternative sources of referrals or through internal waiting lists; 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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## 5. Monitoring & Review

The success of the policy is in delivering the aim of ensuring tenancies are let in line with our set target timescale.

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

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## 6. Risk Management

Re-lets and voids will be monitored by the HREM to ensure that issues are highlighted and escalated as appropriate. The HREM will ensure that the relevant actions are taken to reduce financial loss due to properties remaining empty for an excessive period.

We will seek to ensure that we re-let properties to those for whom the appropriate care, support and supervision is available to ensure that the tenancy can be sustained.

This policy reflects our value of being transparent, with the policy being publically available on our website, with applicants and residents being given information on how we allocate a rental property. It is a requirement of the Regulator of Social Housing for providers to “let their homes



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

in a fair, transparent and efficient way” and a “clear application, decision-making and appeals processes”. This policy addresses that requirement.

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## 7. Statement of Commitment

ExtraCare recognises that its aims are at the core of its vision of “Better lives for older people”. This policy aligns with our value of transparency. We will commit to the Policy by ensuring that the Policy is available as a public document for all residents / potential residents to view; publicise the Policy to residents through Resident (‘Street’) Meetings; provide training to relevant staff including location managers; and Regional Operations Managers will ensure that the policy is appropriately implemented within locations.

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## 8. Additional arrangements

ExtraCare is a specialist provider of housing for older people. We provide homes for people of retirement age. However, we will consider applicants below the state retirement age on the basis that there may be some people below state retirement age that may be suited to living in a retirement community setting. Therefore, we set the minimum age limit at 55. We will not consider applications from those under 55, with some limited exceptions outlined below. We will generally prioritise applicants with a care need for our vacant rental properties, provided that their care needs can be reasonably met, either by us or another provider.

### 8.1 Application Process

Applicants apply for a rental property with ExtraCare through the local authority who are then referred (or ‘nominated’) by the local authority for consideration. Many local authorities have Choice-Based Lettings (‘CBL’) system in place, where an applicant will register on the local authority CBL system, be assessed for priority, and then ‘bid’ for an empty property advertised by ExtraCare on that system. A ‘bid’ is considered as a nomination from that local authority.

Some local authorities have 100% nomination rights to ExtraCare for each available rental property. We may request the local authority provide us with a referral based on specific criteria (such as no / low / medium / high care need) to achieve a balanced or sustainable community.

In some specific locations we will hold a waiting list, where the nominations agreement we have with the local authority enables this. Where the local authority does not nominate to a void property within an agreed timescale, we will use the local waiting list for that location, where these are in place. We will prioritise those on the waiting list who are actively looking to

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

move, have need to move, and who have been on the waiting list the longest (see section 8.4 below).

Through the application process we shall provide applicants with relevant information at the earliest opportunity to ensure that they are able to make an informed choice as to whether moving to a retirement community is appropriate for them. This will include supplying them with a 'Key Facts' information leaflet that includes information on rent and other charges, and further explanation of the referral process for that specific location.

We reserve the right to make offers of accommodation that are based on achieving a balanced, sustainable community to ensure the needs of the wider community can be appropriately met.

## 8.2 Re-let process

Existing residents are required to give 4-weeks notice to end their tenancy (or from someone authorised to give notice on their behalf), then return the keys to ExtraCare. Once we receive the keys, the property is declared 'void' and rent up to the end of the week that the keys are received is charged (up to midnight on Sunday): See ['Ending A Tenancy Policy'](#).

We will then carry out maintenance works to bring the property up to a lettable standard. We reserve the right to charge the outgoing resident / their estate for works required in excess of fair wear and tear, and for removal and disposal of items remaining in the property.

We will then seek to fill the vacant property, enabling the prospective resident to view the property prior to accepting it. We will allow a 'cooling off' period from formal offer of the property of at least 72 hours. We will then arrange to sign the tenancy with the prospective resident. All rent and other charges are due from the tenancy start date.

We will not permit the property to be occupied prior to the tenancy start date, but will allow reasonable access for the purpose of measuring up for carpets and furniture. We let rental properties as unfurnished, but may – on an individual basis – may agree to leave items such as floor coverings left by the previous occupant for their use. Any such items are accepted by the resident as a 'gift' and take full responsibility for their upkeep and future replacement.

We will issue the new resident with an up-to-date copy of the property's Energy Performance Certificate. We ensure that the smoke detectors within the property are in working order when the resident moves in.

## 8.3 Eligibility Criteria:

We will accept referrals / nominations from the local authority, or onto the waiting list held at specific locations, based on the following criteria:

1. That all / both in the household must be over 55;





Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

2. Applicants with care needs appropriate to independent living will take priority over those without a care need; and
3. Applicants with the best fit with our village profile, aimed at achieving a balanced, sustainable community, will take precedence over those who do not.

Where we receive a nomination / referral from the local authority, or an application to our own waiting list, for someone below the minimum age (55 years) we reserve the right to refuse this. We may only consider varying this in very exceptional circumstances, being:

- The person(s) referred / nominated is within 6 month's 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; and/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.

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

#### 8.4 Location Waiting Lists

At some of our locations, where the arrangements with the local authority permits it, we will hold our own internal waiting list. We will use these to seek to house people where the local authority are unable to, or not required to, provide a referral / nomination for a vacant rental property.

These waiting lists will consists of two elements; an 'expression of interest' list, where all those who meet the basic eligibility criteria will be placed in the first instance. These will consist of basic information (name / current address / contact details), and listed in date of registering order. From this expression of interest, we will look to create an 'active' waiting list of people who are willing and able to move were a vacancy to arise; who have had assessments carried



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

out in line with the criteria listed in section 8.5 below; and we have accepted as meeting our balanced community criteria.

These waiting lists will be reviewed on an annual basis, with people no longer wishing to remain on the expression of interest list removed, on those on the 'active' list who have not been housed within 12 months to be re-assessed and advised on their prospects for housing with us (and given the option to withdraw and their personal information removed).

### 8.5 Assessing Applicants:

To determine an applicant's suitability, ExtraCare will undertake an assessment of their suitability before offering a property. This will involve:

- Housing application, to assess housing need and current housing situation;
- Wellbeing assessment (carried out by a Wellbeing Advisor) and most will have an assessment called an 'Ability profile', to assess resilience, independence, and health and wellbeing, and this will determine if there are any care or support needs. This is designed to ensure that we are aware of all health conditions that the applicant may have and to ensure that the proposed move is right for the applicant; and
- Affordability assessment, to assess whether the applicant meets our affordability threshold.

The information gathered will be used to assess whether an offer will be made. If so, the ability profile will be used to any areas where they may require or benefit from additional support from our services.

We reserve the right to refuse an applicant if we assess they are not suitable, and we will provide them a reason based on these main criteria.

If an aid or adaptation is required to enable an applicant to accept an offer, then this will be considered in accordance with ExtraCare's Alterations ([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 is made, this will be in line with ExtraCare's [Tenancy Management Policy](#).

We reserve the right to decline an application where:

- An applicant is in current breach of the occupancy conditions of their current or most recent accommodation and where Notice has been served by the landlord;



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

- We are made aware that legal action against the applicant has been necessary by either the Police or Local Authority in relation to their current property or surrounding area; or
- There is reasonable evidence that the applicant has consistently breached our Acceptable Behaviour Policy through the application process.

In considering whether to decline an application for any of these reasons, we will consider what measures we may be able to put in place to help rectify the breach or concerns we have by assessing whether support can be put in place to make a successful transition to a retirement community.

In addition to the above, we may refuse an applicant for:

- Having care needs beyond where the applicant can live independently in an extra care environment;
- Being unable to afford the property and / or care charges, according to ExtraCare's Affordability Statement (see Appendix 2); or
- Being able to realistically 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 and any applicant refused by us will have a right of appeal, as outlined below.

**We require applicants to disclose all relevant information to us so that we can assess the application against this criteria. Failure to disclose relevant information, and subsequently being offered a tenancy, may constitute a breach of that tenancy agreement. In such circumstances, ExtraCare reserves the right to pursue legal action to end the tenancy.**

## **8.6 Right to Rent:**

Applicants applying to us direct will need to provide the required evidence of their right to rent, under the Right to Rent Scheme. We do not require evidence of this where the person has been referred / nominated to us by the local authority, as these checks will have been done by the local authority prior to offer.

Government guidance is that landlords and letting agents must carry out right to rent checks on people before entering into a tenancy agreement with them to make sure they are allowed to rent. From 1 October 2022, landlords must carry out the prescribed checks as set out in the guidance. Conducting any of these checks will provide landlords with a statutory excuse which is a defence against a civil penalty. This guidance states that:

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Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

*“Landlords must contact the [Home Office Landlord Checking Service](#) if the tenant cannot provide the right documents. Once you have submitted your request to the Landlord Checking Service you will get an answer within 2 working days. You must keep this response to protect against a civil penalty.”*

### **8.7 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 HREM, with timescales for response in line with our [Complaints Policy](#).

We will adopt the principles of 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 (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.

### **8.8 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;



Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

- 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;
- Need to move to another location where moving will significantly improve residents’ health and well-being (if location is owned by ExtraCare); and
- 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 HREM. The Housing Officer will only process a transfer request where:

- Rent and other charges are paid in full (i.e., no arrears);
- 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; and
- 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 Director Operations.

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## 9. Other Relevant ExtraCare Policies & Documents

<b>General</b>	<ul style="list-style-type: none"> <li>• ExtraCare Assured Tenancy Agreement</li> <li>• Resident Handbook</li> </ul>
<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• Tenancy Management Policy</li> <li>• Alterations (Aids and Adaptations) Policy</li> </ul>

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

	<ul style="list-style-type: none"> <li>Complaints Policy</li> <li>Terminating a Tenancy Policy</li> </ul>
<b>Work Instructions</b>	<ul style="list-style-type: none"> <li>Void &amp; Re-let work instructions</li> <li>Housing Guide</li> </ul>

## 10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Housing Act, 1996	Regulator of Social Housing – Tenancy Standard	Right to Rent: <a href="https://www.gov.uk/check-tenant-right-to-rent-documents">https://www.gov.uk/check-tenant-right-to-rent-documents</a>
Localism Act, 2012		ARCO Consumer Code
Homelessness Reduction Act, 2017		

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

## Appendix 1: Locations' lettings arrangements

Location - Villages	Applicable Lettings Policy	Location Waiting List
Bournville Gardens	ExtraCare (on behalf of Bournville Village Trust)	Managed by BVT for existing BVT tenants only
Brunswick Gardens	Your Housing Group	Managed by YHG
Earlsdon Park	ExtraCare	Yes – joint waiting list with Humber Court
Hagley Road	ExtraCare	Yes (B'ham Home Choice take priority)
Hughenden Gardens	ExtraCare	Yes (referrals from Bucks take priority)
Lark Hill	ExtraCare	Yes (Nottingham HomeLink take priority)
Longbridge	ExtraCare	Yes (B'ham Home Choice take priority)
Lovat Fields	ExtraCare (on behalf of Midland Heart)	Yes (referrals from Milton Keynes Council take priority)
New Oscott	ExtraCare	Yes (B'ham Home Choice take priority)
Pannel Croft	ExtraCare	Yes (B'ham Home Choice take priority)
Reeve Court	Your Housing Group	Managed by YHG
Shenley Wood	ExtraCare	Yes (referrals from Milton Keynes Council take priority)
Solihull	ExtraCare	Yes (referrals from Solihull MBC take priority)
Stoke Gifford	ExtraCare	No
St Oswalds	Rooftop Housing Group	Managed by RHG
Wixams	ExtraCare	Yes (referrals from MyHomeOptions take priority)
Location - Schemes		
Humber Court	ExtraCare	Yes – joint waiting list with Earlsdon Park
Rosewood Court	ExtraCare	Yes
Sunley Court	ExtraCare	Yes
Yates Court	Rooftop Housing Group	Managed by RHG

Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

## Appendix 2 – Affordability Statement (Rental)

We define ‘affordability’ as the ability to afford to pay the full charges for the ExtraCare property with sufficient disposal income remaining after full charges are met to meet reasonable living expenses (food, clothes, entertainment). We will assess current income and - based on the information provided - advise whether all the potential benefits are being claimed. We will assist with making a claim for any unclaimed benefits.

In our assessment of affordability, we will use the following criteria. If we assess that these criteria cannot be reasonably met, we will advise that the property is unaffordable. In the case of an applicant for ExtraCare, this may mean declining the application. For an existing resident, this may mean us seeing if there is anything further we can do to support or signpost the resident to other agencies for advice. In the case of couples, we will assess affordability based on their income as a couple.

### Affordability Criteria:

- The lowest rate of Pension Credit Guarantee is offset against the highest rate of our charges that are ineligible for housing benefit based on the charge for a 2 – bed property that we own / manage<sup>1</sup>; the difference between these figures is what the applicant / resident needs to have remaining to for the property to be considered affordable. We refer to this as the ‘affordability threshold’.
- Where people are receiving Pension Credit Guarantee, we will also consider whether there are savings that may incur a tariff income<sup>2</sup> that could mean the person falls below the affordability threshold.
- Where someone is below pension age, and therefore not entitled to pension credit guarantee, we will assess their current income based on what they are receiving now (not what they may receive at some future date); we will use the affordability threshold outlined above.
- Where someone has a capital asset of over £16,000 we will take this to mean that the property would be unaffordable, as they would not be entitled to Housing Benefit – unless they are in full time, permanent employment and their wage meets the basic affordability threshold.
- We will take into account in our assessment where there may be savings of over £16,000, and assess whether there may be any issues of ‘deprivation of capital’ in any future housing benefit claim.
- For working aged people, we will consider the local authority’s assessment of whether the person may meet their definition of ‘exempt accommodation’ for housing benefit purposes

<sup>1</sup> This refers to the highest level of charges for a rental property across all our locations; it does not mean the specific property or location that the applicant is applying for (or resident is living in)

<sup>2</sup> [https://england.shelter.org.uk/professional\\_resources/legal/benefits/housing\\_benefit/treatment\\_of\\_capital\\_in\\_housing\\_benefit\\_calculations](https://england.shelter.org.uk/professional_resources/legal/benefits/housing_benefit/treatment_of_capital_in_housing_benefit_calculations)





Policy Name	Lettings Policy
Version No.	7
Approval Date	March 2023
Category	Operational
Classification	Public

(which means that the person may be required to demonstrate a need for care, support, or supervision to be eligible for the housing benefit for the full property charges).

We will consider all circumstances on a case-by-case basis, using the above criteria as the basis for our assessment. Where someone falls below the affordability threshold, we shall advise them why this is the case.