Letting of Homes Policy

Regulation and Legislation	This policy links to the RSH Neighbourhood & Community Standard and Tenancy Standard; the Housing Act 1985/1988/1996; the Homelessness Reduction Act 2017; the Immigration Act 2014; the Welfare Reform Act 2012; the Localism Act 2011; the Homelessness Act 2002; The Equalities Act 2010
Supporting documents	Tenure Policy; Allocations and Letting of Homes Procedure, Priority Moves Procedure, Decant Procedure, Deceased Customer and Succession Procedure.
Scope	This policy sets out Orbits core principles to be adopted for letting our general needs and sheltered housing properties. Orbit is responsible for its implementation through a national process, taking account of local needs and agreements made with local authority partners.
Reference to "Orbit" means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Plc.	

1. Introduction

1.1 This policy sets out Orbit Group's core principles to be adopted for letting Orbit homes. Orbit is responsible for its implementation through local procedures, taking account of local needs and agreements made with local authority partners.

1.2 The Regulator of Social Housing regulatory framework in England requires that registered providers must meet the outcome of the allocation standard. It states that:

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. They shall demonstrate how their lettings:

- Make the best use of available housing;
- Are compatible with the purpose of housing; and
- Contribute to local authorities' strategic housing function and sustainable communities.

Furthermore, there should be a clear application, decision-making and appeal process in place.

1.3 The majority of Orbit's properties are allocated via local housing registers or locally based choice-based lettings schemes. The exceptions are key worker or similar properties, for which we will take direct applications.

1.4 Orbit's approach to letting homes reflects our commitment to making best use of our existing stock and the long-term sustainability of neighbourhoods and communities.

1.5 Orbit will not normally allocate homes to households of working age who are in receipt of Housing Benefit (HB) or Universal Credit (UC) if it leads to under- occupation. This is to ensure that there is a reasonable expectation that the property will remain affordable taking into account the size criteria introduced by welfare reform legislation.

1.6 We will carry out checks with any prospective applicant to ensure that the home is affordable, taking into account any benefit restrictions which may be in place such as the benefit cap and any other current or prospective limitations relating to benefit eligibility.

1.7 Every effort is made to ensure that the homes allocated reflect applicants' needs, and that tenancies are sustainable in the long-term. However, in circumstances where we will have to offer a property which is larger, we will seek assurance that the applicant has the ability to pay for the shortfall created by the reduction in HB prior to the offer being accepted.

1.8 In letting our homes, Orbit will give due regard to all relevant statutory and regulatory requirements.

2. Policy Statement

2.1 The key aims of this policy are as follows:

- To let homes to people in the greatest housing need
- To have local policies and practices that are independent, fair, accountable, and have a clear application assessment and prioritisation criteria, and make the best use of available housing stock;
- To provide a fair and open system of lettings, setting clear performance measures and indicators;
- To let tenancies which are sustainable in the long term and contribute to stable and balanced communities. This might include specific local housing management issues, such as anti-social behaviour, where a sensitive approach to letting may be appropriate; and
- To maximise tenant choice and mobility through mutual exchanges.

2.2 Orbit will aim to work with local authority partners to reach agreement on the reasonable proportion of empty homes to be offered to local authority nominations, giving reasonable preference to customers seeking transfers.

2.3 Where Orbit has fulfilled its obligation to the local authority (under the agreed quota in a nominations agreement), Orbit may make direct offers to current customers under the terms set out in our Priority Moves Procedure.

2.4 Orbit is committed to the principles of choice-based lettings and will aim to support local schemes, while also, continuing to meet any obligations within nomination agreements where they exist.

2.5 Orbit will aim to engage with local authorities in the development of local housing and tenure strategies to agree how to contribute to the development of sustainable communities and tackling homelessness.

2.6 Orbit will aim to draw up any local lettings policy in consultation and agreement with local authority partners and residents in the area concerned.

2.7 Orbit offer a number of different types of tenancy and details of these can be found in Orbit's Tenure Policy.

2.8 Orbit will grant tenancies for minors (under the age of 18) but will seek a specified Tenancy Guarantor to act as a trustee.

2.9 In cases where Orbit refuse to accept an applicant this decision can be appealed through Orbit's formal complaint process.

Right to rent

2.9 From 1st February 2016 immigration checks are required under the Immigration Act 2014 for all new qualifying lettings in UK. The checks are to verify that the potential customer is permitted to be in the UK and has the right to rent. Checks need to be carried out on all adults over 18 who will use the property as their only or principle home. For more information see the Short guide for landlords on right to rent produced by the Home Office.

2.10 The checks are to be carried out by requesting proof, and obtaining a copy, that the applicable applicants belong to one of the following groups;

- A citizen of the UK, the European Economic Area or Switzerland: - Landlords require proof that the occupant is in this group. European citizens are exempt.
- A person with an indefinite "right to rent" – a person with indefinite leave to remain or right of abode in the UK
- A person with a "time-limited right to rent" – a person who has limited leave to remain in the UK or a right to live in the UK under EU law other than a European Citizen who is exempt. Further checks will be required on expiry of the time limit.
- A person with a "discretionary right to rent" – The Home Office can grant this in certain circumstances but it has to be applied for

If these requirements are not met then accommodation should not be offered. Home Office guidance on qualifying documents is available.

2.11 The majority of lettings within Orbit may be exempt from the scheme and include:

- Any accommodation provided by a local authority homelessness or allocation procedure including Choice Based Lettings
- Lettings which result from a referral or nomination fulfilling a statutory duty
- Hostels and refuges
- Tied accommodation
- Care homes, hospices, health care provisions, halls of residence, asylum seeker accommodation.

2.12 It is essential to ensure discrimination does not occur and that the scheme is applied consistently in line with Home Office requirements. Copies of qualifying documentations are to be retained during the tenancy and kept for one year after the tenancy ends. Further details on how to carry out verification checks can be found in the Allocations & Letting of Homes Procedure.

2.13 Customers taking in lodgers are legally responsible for verifying their lodgers' right to rent status.

Refusal of accommodation

2.14 Each application will be assessed on its own merit. Reasons for refusal include:

- No Right to Rent
- Rent arrears equivalent to five or more weeks rent (current or former) with Orbit or any other landlord, unless Orbit has entered into a "rental guarantee" with the relevant local authority. (Arrears below five weeks rent arrears will be considered by the Assessment Officer in line with the overall sustainability assessment).
- Eviction by any landlord on grounds of ASB within the last 3 years
- Number of people in the household would result in over occupation of the property they are applying for.

Other possible reasons include:

- Cannot pay a minimum of one week rent in advance of the tenancy commencing regardless of benefit status. Any other payment cycle will be due in advance
- Refusal to consent to relevant checks and / or provides false information in support of their application
- Applicant (or member of the household) has previously been the perpetrator of verbal or physical abuse or harassment against Orbit staff or contractors, or demonstrate this behaviour during the application process
- Applicant (or members of their household) would pose a significant risk of harm to the health, safety of staff, contractors and the community. Criminal convictions will be considered in Orbit's assessment of risk and in line with the Multi-Agency Public Protection Arrangements (MAPPA) Policy.
- Orbit or another landlord has commenced legal proceedings for a breach of tenancy
- Applicant had previously obtained a tenancy by deception or fraud
- Applicant is assessed as not likely to be able to sustain a tenancy, even with support and therefore pose a financial risk to Orbit.

If, after a tenancy has started, it is discovered that the applicant (s) provided False information to obtain the tenancy Orbit will take steps to gain possession of the property.

Appeals

2.15 In cases where applications are refused, the decision can be appealed through Orbit's appeal process. If a customer remains dissatisfied with the outcome of the appeal Orbit's formal complaints policy will be followed.

You and Your Home visits

2.16 All customers living in General Needs, Later Living, and Supported Housing will receive a "You and Your Home Visit" which is our opportunity to provide customers with proactive support and early interventions, therefore building stronger communities. An Orbit colleague will arrange the visit with the customer in advance. We aim to complete these visits every two years for General Needs customers, and annually for those in Later Living and Supported Housing.

3. Data retention

3.1 Data retention will be managed in accordance with Orbit's data schedule and legal obligation:

- Successful application (including supporting information) and tenancy records – lifetime of the tenancy and then to be treated as former tenancy records for 6 years after offer accepted.
- Unsuccessful applications – 1 year
- Core (continuous recording of lettings and sales form) – as long as necessary to support social housing policy

4. Roles and Responsibilities

Role	Responsibility
Area Lettings Manager	General needs operational allocations and lettings
	Independent Living (sheltered and extra care housing) – operational allocations & lettings
Operational Lead – Voids Delivery	Voids delivery & contract management
Strategic Asset Management team	Appraisal and decisions on retention of voids / new home opportunities
Head of Lettings	Overall delivery of service, performance reporting, new homes opportunities

5. Performance Controls and Business Risk

5.1 Compliance with this policy will be monitored by the Head of Lettings, via monitoring by Operational Leads, Team Managers, Assessment Manager and Voids Delivery Managers, utilising a suite of performance indicators and management reporting, with key performance

indicators reported into senior management, executive teams and service delivery committee as agreed.

5.2

	Metric	Frequency
1.	Average re-let time	Monthly
2.	Volume of voids and void types	Monthly
3.	Void loss	Monthly
4.	Void repair costs	Monthly
5.	Total void costs (void loss, void repairs & void management costs)	Monthly
6.	Contractor performance	Monthly
7.	Occupancy of stock	Monthly
8.	Customer satisfaction (first impressions)	Monthly

5.3 Orbit will carry out a fundamental review of this policy every three years subject to legal, regulatory changes or in accordance with the agreed Policy Review programme.

6. Essential information

6.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints and customer care policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Orbit's privacy policy can be accessed on our website www.orbitcustomerhub.org.uk/publications/policies/

EA	Equality Analysis was approved on 6 Dec 2024 and is available to view.
DPIA	A DPIA has been completed against the Allocations and Letting of Homes Procedure and is available to view.
Consultation	**Internal:** Lettings; Independent Living;
	External: Engaged customers were consulted in Dec 2023
Applies to	Lettings team

Document control

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Uncontrolled if Printed

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Author	Adrian Stone	Sponsor	Kath Buxton
Team	Empty Homes and Lettings	Department	Lettings
Directorate	Customer		

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	Director of Housing Services	Jul 2026
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Extension date	Extension reason	Approved by

Revision History

Version Number	Date	Comments / Reason for revision
v1.0	Feb 2019	Published
v1.1	Feb 2021	Details on MAPPA added
v1.2	Apr 2023	Added – Data retention, Roles and responsibilities, Performance controls and business risk sections
v2.0	Dec 2024	Full review. 2.14 – rent arrears changed from £1000 to five weeks
v2.1	Apr 2025	2.3 – added
v2.2	Jul 2026	2.16 – added Roles and responsibilities updated