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## UNDER OCCUPANCY POLICY

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## 1. REVISION/REVIEW SHEET

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
Issue 0	New policy	EHarris	09/2013
Issue 1	Review of policy Issue 0 - 09/13	Mari Pritchard	01/2018
Issue 2	Policy updated to refer to Adra	Karen Samuel	03/2020
Issue 3	Review of policy – Issue 2 03/2020	Karen Samuel	02/2021
Issue 4	Review of policy Issue 04/2001 - <i>Change in terminology in line with Renting Homes (Wales) Act 2016</i>	Karen Samuel	07/2022
Issue 5	Review of Policy – Issue 4 07/2022	Carwyn George	02/2024

## 2. PURPOSE

- 2.1. The purpose of this policy is to set out how Adra (Tai) Cyfyngedig deals with the issue of under-occupancy in its social rented properties to maximise the use of its housing stock and to assist contract holders who would benefit from downsizing.

## 3. SCOPE

- 3.1. This policy applies to contract holders under- occupying social rented properties owned by Adra.

## 4. RESPONSIBILITIES

- 4.1. It will be the responsibility of the Director of Customers and Communities to ensure that this policy is applied effectively, and that staff are trained appropriately in the procedures associated with this policy.
- 4.2. All Housing Officers have a responsibility to identify contract holders who are struggling to maintain, both financially and physically, a property that has become too large for their requirements. Such cases should be referred to the Lettings Department so that alternative accommodation can be offered.
- 4.3. Adra will also proactively use data from the IT systems to identify properties that are being under occupied to inform the housing management activity in the area.

## 5. POLICY DETAIL

- 5.1. This policy will explain how Adra aims to deal with under-occupancy in its properties to make best use of its stock and assist contract holders to downsize.
- 5.2. Under occupation can be defined as living in a home that has more bedrooms than the household requires. A long-standing definition used has been the bedroom standard which stipulates that no one should have to share a bedroom unless they are an adult couple; two children under 16 of the same sex; two children under 10 years old regardless of sex.
- 5.3. Adra has contract holders who are living in 2, 3 and 4 bedroomed family homes which often:
  - are too extensive or large for their requirements
  - are more costly to run
  - are more difficult to manage and maintain
  - don't meet their needs and are unviable or too expensive to adapt
  - are unaffordable due to the 'bedroom tax'.
  - Have specific adaptations that are not needed by the current occupiers.
  - And whereby downsizing to a smaller property will be more suitable for their needs.
- 5.4. Adra wants its contract holders to live in a home which meets their needs, is affordable and allows them to remain part of their community.

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- 5.5. There is also a need to work with and support working age contract holders who qualify for welfare benefits who are affected by the 'bedroom tax'. The 'bedroom tax' is the social sector size criteria where contract holders of working age claiming housing benefit or Universal Credit and are under-occupying their homes by one or more bedrooms will have their housing benefit reduced by 14% for one spare bedroom and 25% for two or more spare rooms.
- 5.6. There is also a need to identify adapted homes that are not needed by the current occupants but are needed to meet the needs of other current/prospective contract holders.
- 5.7. Adra frontline staff will ensure that contract holders are aware of the opportunities provided by this policy and sign post relevant contract holders to Adra's Lettings Department.
- 5.8. Adra will deal with the issue of under-occupancy via a combination of the following:
- Incentives to downsizing
  - Positive promotion
  - Targeted communication for under-occupying contract holders
  - Adaptations Policy (WHQSpol03)
  - Gwynedd Common Housing Allocation Policy (ALLpol01), Wrexham Allocations Policy (ALLpol17), SARTH Banding Policy (ALLg05) and via partnership working with County Councils and other Registered Social Landlords.
  - Transfer of Contract Policy (NSpol06)
- 5.9. The various Allocations Policies use a banding scheme to prioritise applicants according to their circumstances. The banding scheme consists of four bands, from one to four in descending order of priority.
- 5.10. Registered Social Landlord contract holders who are either under-occupying by one or more bedrooms and wish to transfer to a smaller property, or who are occupying an adapted property which they do not need, may be placed in Band 1 provided that one of the following criteria applies:
- They are suffering serious financial hardship as a result of welfare reform and there is a risk that the existing occupation contract will become unsustainable.
  - the contract holder falls into serious debt, and the proposed move will enable the tenant to move to an affordable / sustainable property. In this context, "serious debt" will be treated as a debt which leads the landlord to initiate legal proceedings.
  - Their moving would release a property for someone in urgent need who would otherwise have to wait an unreasonably long time to be re-housed.
  - Applicants must hold a social housing occupation contract.

### **5.11. Incentives to Downsizing**

- 5.11.1. Contract holders may be eligible for an under-occupancy grant allowance in order to assist with moving into more suitable accommodation. This grant may be used for removals, carpeting or clearing any outstanding rent arrears or rechargeable repairs. Each case will be assessed individually by the Lettings Assistant Manager who will liaise with the Rents and Neighbourhood Service Teams.
- 5.11.2. Contract holders who either need to downsize due to reductions in welfare benefits or due to the property being inappropriate to their needs may in addition to the under-occupancy grant be assisted to move to homes where the rent is more affordable and /or where the property is more suitable to their needs.
- 5.11.3. Should the contract holder meet the necessary criteria Adra Officers will assist the contract holder during the move.
- 5.11.4. Adra officers must complete the under-occupancy grant application form (ALLf78) with the contract holder and agree on the incentive package and costs before the move is approved.

### **5.12. Positive promotion**

- 5.12.1. The policy requires the support of staff in order to be successful. It is the responsibility of frontline staff to ensure that contract holders are fully aware of the opportunities provided by this policy and to sign-post relevant contract holders to the Lettings Team.
- 5.12.2. The Lettings Department will keep a formal register of all contract holders who have been identified as under-occupying Adra accommodation and will refer to this register as and when suitable accommodation becomes available. The contract holders will be informed of any suitable accommodation and will be offered a viewing of the property to ascertain whether they would consider moving.
- 5.12.3. The Lettings Department will liaise with all relevant officers within Adra e.g. Occupational Therapist to assess the home for suitability.
- 5.12.4. The Lettings Department will advise contract holders to register an application for housing with the relevant local authority, to ensure that the contract holder is given every opportunity to downsize with all Social landlords within their area, thus opening up more opportunities.

### **5.13. Targeted communication for under-occupying contract holders**

- 5.13.1. Adra may undertake targeted communication for under-occupying contract holders when suitable alternative accommodation is available and as part of an ongoing initiative to release under-occupied accommodation.

### **5.14. Adaptations Policy (WHQSpol03)**

- 5.14.1. The Adaptations Policy sets out an approach whereby any contract holders, who are refused major adaptations due to the suitability and or practicality of the property or available resources are offered support and advice from Adra to identify more suitable

accommodation. Those contract holders who are under-occupying their home will be entitled to the benefits identified in 5.11 above.

### **5.15. Eligibility for downsizing**

5.15.1. Contract holders should have a clear rent account or have made continuous repayments as agreed with Adra for an agreed timeframe in respect of any arrears in order to be eligible to move to another property. However, Adra may apply discretion when exercising this policy. For example, Adra may approve a transfer to an alternative property in the following circumstances (*this is not an exhaustive list*).

- where the debt is due to a gap in welfare benefits,
- where downsizing will create a more affordable occupation contract,
- where it will make better use of Adra's housing stock.

5.15.2. Adra will not agree to a move if by doing so it creates a situation of overcrowding in the new home.

5.14.3 Adra will not agree to a move if creating a new occupation contract in a smaller home would be unaffordable. Adra will carry out an affordability assessment to determine affordability.

## **6. COMPLAINTS**

6.1 Adra recognises your right to bring forward a complaint in relation to the exercise of this policy. Any such complaint will be dealt with under the Complaints and Concerns Policy (CCpol01).

6.2 Adra will ensure that any decisions relevant to this policy are reasonable and comply with relevant policy and legislation.

## **7. REVIEW OF DECISION**

7.1. Adra recognises the right to request a review of any decision relating to this policy. Any such review will be dealt with following our Review of Decision process (CCp04).

7.2. Adra will ensure that any decisions relevant to this policy are reasonable and comply with relevant policy and legislation.

## **8. EQUALITY AND DIVERSITY**

8.1. In applying this policy, Adra will be committed to treating all enquiries fairly and in accordance with its Equality and Diversity policy (EDpol01).

## **9. GENERAL DATA PROTECTION REGULATIONS (GDPR)**

9.1. This policy has undergone Data Protection Impact Assessment Screening. It has been assessed that the policy has no impact on personal data and does not require a full Data Impact Assessment.

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## 10. REFERENCES

10.1 The following publications and legislation have been referenced during the drafting of this policy:

- Matrimonial Causes Act 1973
- Family Law Act 1996
- Civil Partnership Act 2004
- Housing Act 1996
- Welfare Reform Act 2012
- Renting Home (Wales) Act 2016

## 11. RECORDS

- 11.1. CCpol01 – Complaints and Concerns Policy.
- 11.2. WHQSpol03 - Adaptations Policy
- 11.3. ALLpol01 – Gwynedd Common Housing Allocation Policy
- 11.4. ALLg05 - SARTH Allocations Policy
- 11.5. ALLpol17 - Wrexham Nominations Policy

## 12. REVIEW

12.1 This policy will be reviewed every 3 years or sooner if changes to legislation, best practice, negative impact e.g. increase in voids, moving contract holders out of their community, or other relevant Adra policies makes it necessary.





## Under Occupancy Process Map

All customer facing officers within Adra have a responsibility to identify those that are under- occupying. Under- occupying can be identified through several different ways, for example:

- Rent arrears e.g., 'bedroom tax'
  - Joint to sole cases
- Death of a contract holder e.g. succession
  - Adaptation's requirement



Adra Officer to discuss the situation / possible moving options (new location) with the contract holder.



Adra Officer to discuss situation with the Lettings Department, review case and assess possible options available. Lettings Department to offer options that are the most suitable for the contract holder's circumstances.



### Managed Move:

Lettings Assistant Manager to determine if case meets the specific criteria for a 'managed move'.



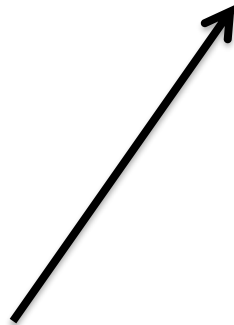
Lettings Assistant Manager to check Adra stock availability/suitability. **Lettings** to update the under-occupancy register.Excel sheet:



Does not meet criteria



Suitable property not currently available



### Refer to Housing Options Team:

Refer contract holder to the Housing Options Team to complete an application form to be registered on the housing waiting list.



Contract holder has an updated application form with Housing Options Team



Suitable property becomes available



Before managed move/transfer is agreed, Lettings Offer to assess the vulnerability of the contract holder. If the contract holder meets the necessary criteria, refer the contract holder for tenancy support via Adra's Tenancy Support Service.



Support Officer / Lettings Officer to complete the 'Under Occupancy Form ALLf78' with the contract holder.



The Lettings Assistant Manager will liaise with the Rents and Neighbourhood Services Team in order to determine the appropriate level of support / incentive required - Under Occupancy Grant.



Lettings Officer to update excel spreadsheet with the application details and send the completed – 'Under Occupancy Form ALLf78' on to the Lettings Assistant Manager for authorisation



Lettings Assistant Manager authorises the request. Lettings Officer will forward the authorised request to the Customers and Communities Administrative Officer to raise a request for the total amount on e-bis. Lettings Officer to scan a completed copy of the 'Under Occupancy Form ALLf78' and save in the 'Management Transfers & Underoccupancy folder in the Microsoft Teams' Lettings folder. Save scanned copy as YYYYMMDD (REF) and securely dispose of paper copy



Lettings Officer to inform the Support Officer of progress i.e. cheque – order number raised etc



Successfully move contract holder to a suitable property