Tendring
District Council

UNDER OCCUPATION TRANSFER INCENTIVE POLICY

April 2025

UNDER OCCUPATION TRANSFER INCENTIVE POLICY

Introduction

Tendring District Council acknowledges that there is a limited supply of larger sized accommodation and that a number of homes are under-occupied. At the same time, there are families living in temporary accommodation and others living in properties which are overcrowded. There may also be tenants occupying properties that have had significant adaptions carried out, for example to accommodate a wheelchair, that are no longer needed but where there is a demand.

The aim of this policy is to provide an incentive for those under occupying or in significantly adapted properties to free up some of these properties for those in housing need and maximise the use of our housing stock

Purpose of the policy

This purpose of this policy is to:

- Set out how the Council will encourage and assist tenants who are under-occupying family accommodation or living in adapted property that they no longer need to downsize or move into alternative accommodation
- Set out the eligibility criteria for and the financial incentives available to those that meet these criteria
- Improve customer understanding and satisfaction
- Make more effective use of the Council's housing stock to meet known demand
- Ensure the Council adopt a consistent approach to responding to any tenant who wishes to apply for the Transfer Incentive Scheme
- Be sensitive to the needs of the individual tenant or household
- Set out how the Council will monitor and review ~~our~~ performance
- Be fair, efficient, effective and accountable.
- To comply with the statutory requirements, legislation and good practice relating to under occupation

Scope of this policy

This policy applies to all secure tenants of Tendring District Council who meet the specified eligibility criteria and are moving to another Council owned property or a property owned by another registered housing provider.

Legal and regulatory context

- Housing Act 1985

This sets out the circumstances when a secure tenant can be asked to leave their home. A secure tenant can only be asked to leave their home if the landlord obtains an Order for Possession and this will be based on one of the grounds set out in this legislation.

This legislation also sets out the requirements for assignments by way of a mutual exchange.

- Housing Allocations Policy

The Council's Housing Allocations Policy identifies the banding structure for applicants on the Housing Register and the priority given to those who want to move to a smaller property

- Social Housing Regulation Act 2023

This introduced four Consumer Standards and one of these, the Tenancy Standard, sets out the required outcomes for the fair allocation and letting of homes, as well as requirements for how tenancies are managed by landlords. Registered providers are required to develop and deliver services that seek to address under-occupation and overcrowding in their homes and these services should be focused on the needs of tenants.

Benefits of downsizing

Council properties can become under-occupied during the course of the tenancy as family compositions change. There are a number of benefits to tenants of downsizing and these include but are not limited to;

- Paying a lower rent
- Paying less for utility bills and Council Tax.
- A smaller home will be more manageable and may better suit the tenants needs
- Being able to move to another area in the district but have not been able to do so, due to the expense of moving
- Increase in lifestyle and independence

The incentive payment offered is designed to help with the costs of moving home- removals, connection and disconnection of services replacement carpets and curtains etc. However, tenants will not be expected to submit invoices or receipts to receive an incentive payment.

However, no tenant will be forced to move from their home due to under occupation alone.

Eligibility criteria

To be eligible for the Transfer Incentive Scheme, tenants must meet the following criteria:

- Hold a secure tenancy with Tendring District Council and has done so for a minimum of two years (this does not include tenants who have succeeded to a tenancy and are required to move to a smaller property)
- Have been assessed and accepted onto the Housing Register for a transfer
- Occupy a general needs property or one that has been adapted for a household member with disabilities
- Agree to transfer to a smaller property that meets their assessed housing need and/or a non-adapted property

- Are under-occupying or living in an adapted home and relinquish their home and tenancy, moving out of their social housing home into another tenure such as private rental or home ownership.

- Where a tenant of the Council is moving to any property with less bedrooms than their current property and the property they move to are both owned by Tendring District Council.

- Be living in a wheelchair-adapted or adapted/accessible property which is no longer required and the tenant wishes to move to general needs accommodation.

- Tenants downsizing from a property that has had adaptations for their needs will be eligible for this scheme only if they transfer into a suitable property for their needs, or one that needs only minor adaptations.

- The Tenant has kept to the terms and conditions of their tenancy agreement and maintained the property to a satisfactory standard

- The tenant does not have any outstanding housing debt including current or former rent arrears or recharges

- Agree to provide vacant possession of their present home

An adapted property is a home with major adaptations; for example a through floor lift, level access to the property in the form of a permanent ramp or similar or accessible bathroom such as wet room.

A tenant who downsizes as part of a mutual exchange will qualify once their exchange has been formally approved and subject to all parties in the exchange process moving to appropriate sized accommodation with no under occupation.

Ineligible applications

Tenants who meet the following criteria will not be eligible to apply for the Transfer Incentive Scheme:

- The person is not the tenant of the property

- The tenant of the property has been served with a Notice of Seeking Possession or Demotion Notice

- The tenant has failed to provide the required documentation for their Housing Register application
- The tenant has an Introductory or Temporary Non-Secure Tenancy

- Where the consequence of the move would be the homelessness of a member of the household

- The tenant will be making themselves and their household overcrowded

- The tenant is a successor to the tenancy, following the previous tenant's death, and is under occupying the property as a family member of the former tenant – this excludes partners or spouses

- The tenant is transferring or mutually exchanging to a property with the same or more bedrooms that their current property
- A tenant whose mutual exchange has been refused.
- The tenant has arranged a move under the mutual exchange process within the previous two years
- The tenant is required to downsize following a succession
- The tenant is being 'decanted' from their present property
- The tenant has previously received a downsizing incentive within the previous two years
- The tenant is moving from one sheltered housing property to another or from sheltered accommodation to general needs accommodation.
- The tenant has not kept to the terms and conditions of their tenancy agreement and / or maintained the property to a satisfactory standard

Those tenants who do not meet the eligibility criteria for this policy but are still under occupying their property may still apply for a transfer in the normal way. Offers of accommodation will be made in line with the Council's Allocations Policy.

Application process

Any tenant wishing to transfer from their property will be required to complete an application to join the Council's Housing Register using the link below

https://tendring.housingjigsaw.co.uk/

If a tenant is unable to complete the online application or they require assistance to do so, they should call 01255 686466 or send an email to housingallocations@tendringdc.gov.uk

Applicants must also complete an Under Occupation Transfer Incentive Scheme application form.

Once a Housing Register application has been received, the designated housing officer within the Allocations team will undertake an inspection of the property and compile a visit report taking into account the housing needs of the tenant(s) and the condition of the property.

This will enable their application to be assessed for eligibility in accordance with the Council's Housing Allocations Policy and this policy and the applicant will be notified accordingly.

Tendring District Council operates a Housing Register and makes direct offers of available accommodation from this. Applicants can receive up to 2 offers of accommodation but not simultaneously. If both offers are refused and the Council considers that the offers were reasonable, the application will be suspended for a period of 12 months. If a third and final offer is refused, the applicant will be removed from the Housing Register.

On refusing an offer of accommodation the Council will ask applicants to complete a form to record the reasons why the property has not been accepted.

A tenant who downsizes as part of a mutual exchange will qualify once their exchange has been formally approved and subject to all parties in the exchange process moving to appropriate sized accommodation with no under occupation.

Accepting an Offer of Accommodation

Once a suitable property becomes available, the tenant will be advised accordingly and given three days to decide whether or not to accept the offer.

Housing staff will be available via email or telephone to answer any questions.

If an offer of accommodation is accepted, a tenancy agreement will need to be signed with an agreed tenancy start date and arrangements will be made with regards to the payment of the relevant incentive.

Once the new tenancy has commenced, the Housing Register application will be closed.

Incentive Offered

A fixed incentive payment will be paid at the following rates to those who are transferring from larger accommodation to a smaller property

Current property size	New property size	Incentive payment
4 bedroom	1 bedroom	£3,000
4 bedroom	2 bedroom	£2,000
3 bedroom	1 bedroom	£2,000
3 bedroom	2 bedroom	£1,000
2 bedroom	1 bedroom	£1,000
1 bedroom	Studio	£1,000
Wheelchair adapted property	Any	£1,000 per bedroom given up

Payments

Applicants must be registered on the scheme before a move takes place for a payment to be authorised.

Payments will only be authorised once the tenant has moved out, the keys have been returned and an inspection of the vacated property has been carried out.

The Council reserves the right to deduct the following from any incentive payable:

- Current or former rent arrears or service charges
- Housing Benefit overpayments
- Any outstanding court costs
- Any outstanding rechargeable works charges

- The cost of any works that the Council has to carry out to the vacated property as a result of damage or neglect on the part of the tenant, including clearance of belongings, rubbish or other items from the property or its garden

- Any other reinstatement works to bring the work back to the Council's standard that are not regarded as fair wear and tear, as set out in the Empty Council Homes Management Policy.

If the tenancy is a joint tenancy then the payment will be split equally between the joint tenants but can be paid into one bank account on receipt of written authority from both tenants.

Payments will be made by BACs transfer only.

Other assistance

The Council recognises that some people may need some additional help with moving in the form of advice or practical assistance. Examples of the type of assistance available includes:

- Provide practical support with a designated housing officer who will support the tenant throughout the process and answer any questions

- If minor adaptations to the new property are needed, the designated housing officer will liaise with other Council departments and health professionals to ensure a full housing need assessment has taken place

- To work with older/vulnerable tenants providing practical assistance to enable them to move to a smaller property including:

    - Where tenants require support to assist them to move home, removals, property or garden clearance, or provision of a skip can be arranged, and payment made directly from incentive payment on the tenant's behalf.

    - Assistance with completing a Housing Register application

- Referring the tenant to an appropriate support agency who can assist with moving utility accounts, redirecting post and notifying relevant agencies and organisations

- Advice on disposal of unwanted items

Budgetary Constraints

The above payments will be subject to a budget limit. If there are more requests for transfer incentive assistance than there is funding available, the Council has the discretion to:

- Reduce the amounts of payments made through the scheme

- Give priority to those moving from accommodation that is more urgently needed; or

- Assist with a transfer in the new financial year.

If the funding runs out before the end of the financial year the Council will write to all Under Occupation Transfer Incentive Scheme applicants to let them know. Tenants can still move but they will not receive any scheme assistance
The annual budget for the existing scheme will be kept under review and the need for any additional funding will be dealt with as part of the annual budget setting process.

Measuring Quality and Performance

Performance in relation to the implementation of this policy will be monitored through the following performance indicators:

- Number of applicants for the Under Occupation Transfer Incentive Scheme
- Number of households assisted to move by way of the Under Occupation Transfer Incentive Scheme
- Type of properties returned to the Council for re allocating to those in housing need
- Total spend on the Under Occupation Transfer Incentive Scheme

Equalities Statement

The Council recognises that it delivers its housing services to communities within which there is a wide social diversity and is committed to providing equal opportunities and valuing diversity.

We want all our tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminates discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

Complaints

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services provided.

Further information can be obtained from the Council's Housing Complaints Policy.

Review of Policy

The policy will be reviewed every three years in consultation with tenant representatives, staff and other stakeholders including the Portfolio Holder responsible for Housing unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.

Tendring

District Council

Housing Services
Under-occupation Transfer Incentive Scheme

Please answer all the following questions

Information about you

Name (Tenant): ……..……

Date of Birth (Tenant): ……

Name (Joint Tenant): ……..……...

Date of Birth (Joint Tenant): ……..

Details of previous property

Full Address of property where you were living: ……....

……
…

……

…
Type and Size of property where you were living: ……...

……
…

Details of new property

Full Address of property where you have moved to: ……

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…

……
…

Type and Size of property where you have moved to: ……

……
…

Tenants Declaration

I/we certify that to the best of my/our knowledge the information given in the Application for Housing form is correct.

I/we have read and accept the Under-occupation Transfer Incentive Scheme Guidance and Conditions and agree that full vacant possession of my/our existing accommodation will be surrendered to the Council no later than the commencement date for my/our new tenancy with the Council.

I/we accept that the Council will not be liable for any costs incurred by me/us either as a result of a payment being awarded or as a result of an offer of payment not being made.

Your signature

Signature: ..... Date: .....

Signature: ..... Date: .....

Please send completed form to: Housing Allocations
Tendring District Council
88-90 Pier Avenue
Clacton on Sea
Essex CO15 1TN