



## **RENT SETTING POLICY & PROCEDURES**

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## **CONTENTS**

## **PAGE NO**

1.	Introduction	3
2.	Aims	3
3.	Objectives	3
4.	Principles	4
5.	Scope	6
6.	Legal and Good Practice Standards	8
7.	Affordability Measures	10
8.	Rent Collection Methods	11
9.	Monitoring	11
10.	Equality and Diversity	11
11.	Confidentiality and Data Protection	12
12.	Complaints	12
13.	Review	12
14.	Cross References with Other Policies	12
	Appendix 1: Rent Setting Criteria (Points System)	13
	Appendix 2: Shared Ownership Rent Element	14

## **1. INTRODUCTION**

- 1.1 The Association's rent setting policy is crucial to ensure we can meet statutory obligations, demonstrate financial viability, plan for the future and ensure we have sufficient income to properly manage and maintain our properties to a high standard.
- 1.2 This policy details the principles on which rent setting for Scottish Secure Tenancies is based, the framework against which individual rents are set and factors that will be considered during the development, implementation and review, to encourage full consultation with tenants and determine annually whether and to what extent any increase should be applied.
- 1.3 The policy also outlines the principles applied in relation to Regulated Tenancies, i.e. tenancies created before 2 January 1989, which offer a protected Fair Rent, until the death of the tenant or eligible successor, so long as they remain in the same property.

## **2. AIMS**

- 2.1 This policy recognises that the Association has a legacy of rents previously set by different policies, and/or inherited through stock transfer, and seeks to address equity and consistency issues which objectively reflect affordability and comparability across our varied housing stock.
- 2.2 The rent setting mechanism is based on a point system, reflecting property attributes including type and design and seeks to ensure transparency to tenants, stakeholders, including funders and the Scottish Housing Regulator.

## **3. OBJECTIVES**

The objectives of the rent policy are:-

- 3.1 Affordability  
To provide the best possible housing service at a rent which our present and future tenants on moderate incomes can reasonably afford, through prudent financial management and cost control mechanisms.
- 3.2 Viability  
To ensure the level of rent charged covers the ongoing costs of managing and maintaining the Association's stock, including current and future loan charges, general overheads, financial commitments and contingencies.
- 3.3 Transparency and Fairness  
To have a rent-setting mechanism that is both clear and fair and charges similar rents for similar properties, while also being easy to administer, understand and justify.
- 3.4 Comparability and Value for Money  
To set rent levels that are consistent across Calvay's own stock, while also representing value for money by being broadly comparable with rents of other providers of similar housing in similar areas.

## 4. PRINCIPLES

4.1 The over-riding principle of Calvay Housing Association's Rent Setting Policy is to provide a clear and fair rationale for calculating rents which takes account of affordability and comparability, while also generating sufficient income to ensure viability in the long-term.

### 4.2 The Original Basis of the Rent-Setting System

The Association has traditionally used a points-based system which was established in the 1980s. The basis of the rent-setting formula is to use a flat with a single living space, separate kitchen and bathroom as the standard. Points are then added or deducted to this standard according to the specific facilities associated with each property, e.g. number of bedrooms, house type, garden, etc. and the higher the points, the higher the rent charged. The original point criterion was fairly complex and this review has sought to simplify the level of criterion and make it easier to understand. Over the years, the Association has completed a number of new build projects and a stock transfer from Glasgow Housing Association (GHA) for which we inherited the rents, all of which has created a number of anomalies between rent levels in similar properties, which the Association is keen to iron out to ensure our rents are fair for all of our tenants.

### 4.3 Major Review in 2016/2017 and Consultation to Effect Change

The Association realised this would be a difficult exercise and require extensive consultation with tenants, committee and other housing providers, as well as substantial financial modelling, to ensure we got it right. We enlisted the help of an independent advisor, who assisted in compiling survey questions and also met separately with housing staff, tenants and committee to analyse and discuss all issues. We issued survey forms with our newsletter, at a Community Fun Day and also at the AGM and the general feelings from respondents were that rents should be affordable, similar to other local housing associations and based on property size and type. There were mixed views about whether private gardens and service charges like stair-cleaning should be taken into account and we therefore included these questions in an Independent Satisfaction Survey across 50% of our tenants, where a face-to-face approach was able to gather more views.

### 4.4 Affordability Considerations

To consider affordability at Calvay, this study used:-

- Glasgow City Council and Census economic data
- Housing Benefit information
- Knowledge of housing staff
- Statistics on the impacts of Welfare Reform
- Benefit calculations for particular household types on minimum wage

Calvay is one of the most deprived areas of Glasgow, with a high level of unemployment, long-term sickness and disability. There is a high benefit dependency level amongst Calvay's tenants, with approximately 67% being in receipt of full or partial Housing Benefit or Universal Credit. Many of those in employment also have their income supplemented by Universal Credit. The Association has a full time Welfare Rights Officer to assist tenants to maximise their income and apply for any benefits they may be entitled to, but the implications of welfare reform on tenants' ability to pay rent is a concern that must also be taken into account.

#### 4.5 Comparability with Other Landlords

With reference to the Scottish Housing Regulator's (SHR) annual rent tables for housing associations across Scotland and additional surveys of local landlords carried out by the Association, we always knew our rents were generally below the Scottish average and also in line with rents for neighbouring associations. However we also knew that some of our small flats had very low rents, while some of our 5apt houses had higher rents than average, particularly the ex-GHA properties. We were also aware that some of the stock we bought over from GHA previously had their rent frozen because the properties needed major external upgrade, but as these improvement works had subsequently recently been carried out, these rents should be brought into line with other rents for similar properties.

#### 4.6 Interim Rent Review

While the ultimate goal was to harmonise all rents, the Association realised this couldn't be easily achieved in one go. The Association therefore proposed that the rent review in March 2017 should aim to tackle the most obvious anomalies, with further changes, following full review and harmonisation of the rent points, being introduced in March 2018. The 2016/2017 rent review therefore brought the following interim changes:-

- rents for ex-GHA 5apt houses were frozen to bring them closer to Calvay rents,
- the ex-GHA tenements where rents had previously been frozen but upgrades had since been done, were increased by RPI+1% (to bring them closer to rents charged for similar flats and to honour the promise at SST that rents would not increase by more than RPI + 1%)
- and all other rents (except registered rents) were increased by CPI + 1%, but on a flat rate basis, to help narrow the margin between smaller and larger properties

#### 4.7 Rent Review Going Forward (from 2017/2018)

One year on and the policy review therefore sought to amend our rent setting mechanism to achieve harmonisation of all rents across our stock and ensure similar rents for similar property types, sizes and amenities. We realised it would take a few years for all rents to be fully integrated and the Association has therefore agreed on a phased harmonisation of rents over a maximum period of 10 years, to minimise the impact on individual tenants. The Association also agreed to continue to consult with tenants at every stage and honour our commitment on rents to tenants who transferred from GHA, which was:-

*'to guarantee rent increases of no more than inflation (RPI) plus 1% each year until 31st March 2016 (which we did) and then to plan but not guarantee, rent increases at no more than inflation (RPI) plus 1% each year for the remainder of the 30-year Business Plan.'*

#### 4.8 The Rent-Setting Criteria

Full details of the Association's rent-setting criteria (points system) are given at Appendix 1. A points total is calculated for each property based on the various property attributes and the rent then calculated by applying a monetary multiplier to the point's total. The value of this monetary multiplier

will be set each year by the Association's Committee, as part of the annual rent review process, e.g. dividing the total rental income required for the year by the total points for all stock, where an across the board increase is applied.

4.9 New Build Housing and Stock Transfer

The previous points criterion added points for 'new build housing' regardless of age, whereas the reviewed criterion awards points on a sliding scale by age of development, or stock transfer. This will allow for any new housing developed through the Affordable Housing Supply Programme (AHSP), to be incorporated accordingly and for the Association to take account of the Scottish Government's standard benchmark rents as part of the development viability considerations. Accordingly, the Association may allocate additional rent points to properties in any future developments, or utilise the benchmark rent where this is required to ensure the financial viability of the scheme.

**5. SCOPE OF THE POLICY**

5.1 Scottish Secure Tenancies (SSTs)

This policy relates to the majority of the Association's tenancies, which are SSTs or Short SSTs that came into effect from 28th September 2002, in accordance with the Housing (Scotland) Act 2001 and as revised by the Housing (Scotland) Act 2014, for tenancies created on or after 1 May 2019. Rents for all of these tenancies are set by the Association as per this policy and reviewed annually.

5.2 Regulated Tenancies

We also have some tenancies where rents are not set annually by the Association, but every 3 years by the Rent Registration Officer. These relate to tenants who previously held a Secure Tenancy created prior to 1989 and who retain the right to have their rent set in this way, for as long as the original secure tenant remains in that property. However, if the tenant transfers to another property, assigns their tenancy, or dies and another succeeds to the tenancy, the right to have the rent set by the Rent Registration Officer is lost and the rent would be set by the Association from that point onwards. When applying for a rent registration, the Association will request that the Fair Rent be set at the same level that would be set by the Association's policy, with an allowance to reflect up to 18 months inflationary increase, to compensate for the rent not being reviewed again for 3 years.

5.3 Shared Ownership

The Association has only 16 remaining shared ownership properties, with no intention of developing any more in the foreseeable future. The specified rent for these properties was initially set in accordance with the Association's original rent setting policy, for the proportion of the property to be rented by the sharing owner and with deductions applied for repair responsibilities in line with nationally set allowance guidelines. (See Appendix 2 for more details.) These rents are reviewed annually and the same overall % increase applied as agreed for the Association's Scottish Secure Tenancies (SSTs).

5.4 Leased Properties

The Association leases a number of properties to various agencies, for the purpose of providing temporary homeless accommodation, or supported accommodation for people with learning difficulties or mental health issues, e.g. GCC Temporary Furnished Lets Team, The Mears Group, Quarriers and

Turning Point Scotland. The rents for these properties are also set in accordance with this Policy.

#### 5.5 Costs Covered by Rental Income

As rent is our main source of income, the Association must ensure the rent levied each year is sufficient to cover all costs associated with managing and maintaining our stock. The annual review will therefore be carried out in conjunction with the Association's budget setting process. This will ensure a detailed assessment of all relevant costs is made and the resulting rents set at a level necessary to sustain our current level of spending and continue an investment programme that will enable us to secure the future of the Association and its properties for the benefit of current and future tenants. Costs to be considered within this exercise would include the following:-

- Management of housing stock, including staff & office overheads
- Maintenance of housing stock (reactive, cyclical and services)
- Voids and bad debt allowances
- Loan charges and repayments, insurances and other legal costs
- Future major repairs, component renewals and associated costs
- Provision for any contingencies
- Inflation levels, interest rates and general construction industry costs are also taken into account, as these all affect our financial projections.

5.6 As well as carrying out maintenance, repairs and improvements, the Association also provides additional services, for which the costs are covered by rental income, e.g. stair-cleaning, bulk uplift, bin store maintenance, grass-cutting, litter-picking and general landscaping of common areas. The Association has always included for the cost of services as part of the overall budget to be covered by rental income, without separate charges being added to individual rents for specific properties. We do however charge factored owners for these services at cost, as this is an area covered by their title deeds and fully explained in the Code of Conduct and Written Statement.

5.7 The Association previously reviewed and consulted on service charging as part of the rent-setting review, and agreed not to add the cost of services to individual rents as this may skew the point system criterion and also result in some rents e.g. to small flats within tenement blocks, being overly burdened by additional costs. It was also recognised that many services, e.g. landscaping of common areas, litter picking, etc. enhance the look of the area in general and therefore benefit all residents within the Association's locale.

5.8 The Association however reserves the right to add additional attributes and associated points to the rent-setting criteria for specific properties, where the provision is deemed to have changed and in order to recoup the relevant cost. Where this would prove impractical and risk skewing the points system for individual properties, the Association reserves the right to add a specific service charge to individual properties to recoup the costs for the additional service provided to those properties and ensure fairness and equality is maintained for all residents affected by the rent-setting policy. Should this become necessary, the Association will of course advise tenants of any proposed change and enable consultation via the annual rent review process.

5.8 Wider role activities are also provided from the Calvay Centre, in which our offices are situated. These are enabled by external agencies and local

volunteers and help reduce youth disorder and encourage community involvement.

## **6. LEGAL AND GOOD PRACTICE STANDARDS**

6.1 The Association fully complies with Section 25 of the Housing (Scotland) Act 2001, which allows landlords to increase rent (or any other charge payable) under an SST, so long as they give tenants at least four weeks' notice of the increased rent due to be paid. Before issuing this notice, the Association is also aware of the legal requirement to consult with tenants affected by the proposal and have regard to their views. We will seek to go beyond this requirement and encourage tenants to engage with staff and become more fully involved in the annual review process, wherever possible.

6.2 We will also seek to comply with good practice and performance standards. While the Scottish Social Housing Charter does not prescribe how landlords should consult tenants about proposed rents, it does set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The outcomes relating to rent-setting include:-

- *13 Value for Money: 'Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.'*
- *14 and 15 Rents and Service Charges: 'Social landlords set rent and service charges in consultation with their tenants and other customers so that a balance is struck between the levels of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them. Tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.'*

*NB: At the time of writing, the Scottish Social Housing Charter is under review, following which the Scottish Housing Regulator will develop an updated version of the charter and ask the Scottish Parliament to consider the changes and approve a revised charter from 1 April 2022. There may therefore be changes required to this Policy following the outcome of this review.*

6.3 In reviewing this policy, the Association has also taken account of:-

- the SHR's Thematic Enquiry and good practice examples of how social landlords consult tenants about rent increases (November 2016)
- the SFHA's Guide to Rent Setting and Affordability Tool (June 2017)
- the SHR's Business Planning: supplementary advice for landlords in response to COVID-19 (August 2020)

### **6.4 Consultation and Review**

All rent levels and other charges will be reviewed annually, from October to February, with any increases agreed being notified to tenants in February and applied from the first of April each year. Having asked tenants how they prefer to be consulted, the overriding preference is via the Association's



newsletter, but we will also consider other methods that may encourage tenant involvement in the consultation, e.g. questionnaires, informal meetings, small group discussions, Independent Tenant Satisfaction Surveys, etc.

6.5 The Association will ensure all information provided to tenants on the annual budget and proposed rent review is provided in a clear format that is easy to understand and covers the following areas:-

- How the rent-setting policy works and examples of points criteria set
- What rental income pays for and what tenants get for their money
- Details of major works/services done in current year / proposed next year
- How Calvay rents and general performance compares with other HAs
- Suggested reviews to policy and proposals for rent increase by £ and %
- Invitation to comment and/or to attend informal group discussions
- Feedback on discussions and comments from the review

6.6 The main focus of the Association's consultation is that tenants are made fully aware of the rent-setting and review process, have the opportunity to comment on proposals, participate in discussion, receive meaningful feedback and effectively influence the overall process.

6.7 The decision as to the level of any increase to be applied will be made by the Management Committee following at least two separate reports from the Finance Agent and the Property Services Manager. Firstly to agree on the proposals to be circulated to tenants for consultation and subsequently to consider any representations received from tenants and any implications this might have on the final outcome of the review and resultant increase applied.

6.8 When calculating rent increases in its annual budget setting process, the Association will generally use the Consumer Price Index (CPI) figure rather than the Retail Price Index (RPI), as this is also used to calculate EVH salary increases and uprating of state benefits and we will generally use October's CPI figure to allow adequate time for reporting to Committee and carrying out the consultation process. Reports to committee and tenants will demonstrate the effect on individual rents of increases at various levels and how these increases and rents compare with other landlords.

6.9 The Association will seek to limit rent increases wherever possible, while also being mindful of the level of rental income required to maintain financial viability. Regard will also be taken of any emerging trends in CPI and RPI inflation rates and interest rates, and their potential effect on key expenditure issues such as maintenance costs, loan repayments and staffing costs. Should CPI or RPI be a negative figure, the Association will consider, as a minimum, freezing rents for the following year.

6.10 Business Planning & Risk Management

In reporting to committee on the rent setting and annual review, consideration will also be given to:-

- Any links with the Association's strategic priorities and action plans
- Consideration of any financial risk or budget implications
- Impact on tenants and compliance with the Social Housing Charter
- Emerging risks from any current and proposed welfare reforms

## 7. AFFORDABILITY MEASURES

7.1 A number of tests of affordability have been suggested over the years based on the consideration of various different factors, e.g.

- % of net income that should be spent on rent,
- % of residual income that should be left after paying rent,
- that someone working 16 hours or more should only exceptionally be dependent on housing benefit in order to pay their rent, or
- using the number of adults and children in a household to determine typical 'moderate' income and the proportion that should be spent on rent

While each of these tests have their merit, it is unlikely that any one test could accurately reflect the varying experiences of all different household types within different areas.

7.2 Affordability is a major factor in the rent-setting process, particularly in an area like Calvay where unemployment, long-term sickness and benefit dependency is high.

7.3 Operating in an area of high benefit dependency also brings challenges to the Association in terms of collecting rent from tenants who may be struggling with other debts and general budgeting. We recognise that rent controls may not assist these tenants, but help with accessing benefits, energy advice, tackling multiple debts and seeking employment or training opportunities will. The Association will therefore seek to enable access to these wider role services, either directly, or indirectly through liaison with or sign-posting to other specialist services, to assist tenants in this position.

7.4 The Association therefore favours a 'moderate incomes' approach to testing affordability, which recognises that landlords are not able to set rents that are affordable for every single tenant, regardless of how low their income is, but that moderate incomes just above housing benefit eligibility levels, may provide a more useful and realistic comparison.

7.5. The Association will therefore aim to set rents that are affordable to those on moderate incomes and achieve the best balance between rental income generated, quality service provision and organisational sustainability.

7.6 To ensure our rents are fair and represent value for money, we compare them with rents for similar property sizes and types owned by other landlords:-

- within EHRA (Easterhouse Housing Regeneration Alliance)
- across Scotland, via Scottish Housing Network (SHN) benchmarking
- via the ARC indicators published by the SHR
- and we also compare proposed rent increases to be applied each year via EHRA and Glasgow, via GWSF (Glasgow and West of Scotland Forum)

7.7 In this way, the Association can ensure our rents are reasonably affordable and on a par with other landlords providing similar stock in similar areas. An

Independent Tenants Satisfaction Survey of 50% of our tenants in 2017 showed that 94% considered the rent charged to represent value for money.

- 7.8 In terms of re-let times, void loss and tenancy sustainment as measured by the ARC, Calvay has outperformed the Scottish average across all areas and there is no evidence to suggest that current rent levels are encouraging high turnover or discouraging the take up of offers of housing.

## **8. RENT COLLECTION METHODS**

- 8.1 Rent for all of the Association's properties is due monthly in advance and various methods of payment are available to suit individual preferences.
- 8.2 Rent payment methods will be reviewed regularly to ensure that the most convenient options are always made available to tenants.

## **9. MONITORING**

- 9.1 Operation of the Rent Policy will be monitored by the Property Services Manager (PSM) and the Senior Property Services Officer (SPSO) on a monthly basis, to ensure all rents are charged appropriately, any anomalies or errors are identified and rectified without delay, and rents for any Regulated Tenancies that are terminated, are converted to an SST rent in accordance with this policy, from the next monthly debit or re-let, whichever is the case.

### 9.2 Role of the Committee

The Committee's role in regard to the Rent-Setting Policy will be to:

- Review the rent and service charge policy and monitor its outcomes
- Consider the rent structure and the effect of any variances applied
- Ensure tenants are fully consulted on any proposed changes
- Ensure legislation, and good practice is followed
- Be aware of other social and economic factors affecting the policy
- Consider and approve any rent increase in line with the policy
- Monitor complaints in accordance with the Complaints Policy

## **10. EQUALITY AND DIVERSITY**

- 10.1 Calvay Housing Association is committed to providing fair and equal treatment for all its stakeholders and will not discriminate against anyone on the grounds of age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation or any other grounds.

- 10.2 The Association will comply with Outcome 1 of the Scottish Social Housing Charter: *Social landlords perform all aspects of their housing services so that:-*
- *'Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services'.*

- 10.3 The Association will therefore seek to ensure that its employment and service delivery practices are not in themselves either directly or indirectly discriminatory, and as an organisation it will seek to actively promote equal opportunities and endeavour to achieve fair outcomes for all.
- 10.4 Our Equal Opportunities Policy sets out the principles that Calvay will apply, to help ensure that discrimination does not occur. (See Separate Policy)

## **11. CONFIDENTIALITY AND DATA PROTECTION**

- 11.1 Calvay Housing Association is committed to openness and transparency. We will comply with the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA) and related legislation, including the Environmental Information Regulations (Scotland) Act 2004, the General Data Protection Regulation and the Data Protection Act 2018.
- 11.2 All information provided by customers in relation to this policy will be treated with the strictest confidence and will not be disclosed to any third party without the express permission of the person concerned.

## **12. COMPLAINTS**

- 12.1 Any tenant or customer who is dissatisfied with the operation of the Rent Policy may make a formal complaint to the Association via the Complaints Policy, copies of which are available from the Association's offices or to view or download from our website.
- 12.2 Anyone who remains dissatisfied after following the Association's Complaints Policy will be advised that they have final recourse to the Scottish Public Services Ombudsman, information leaflets for which are also available from the Association's office.

## **13. REVIEW**

- 13.1 The full policy and related procedures will be reviewed three years from the date of approval, or earlier should the need arise to reflect changing circumstances or changes in legislation or good practice standards.

## **14. Cross References with Other Policies**

Rent Arrears Policy  
Shared Ownership Policy  
Factoring Policy  
Code of Conduct & Written Statement for Factored Owners  
Standing Orders  
Equal Opportunities Policy  
Complaints Policy

RENT SETTING	
ADDRESS: HOUSE TYPE:	INDIVIDUAL POINTS AWARD
<b>HOUSE TYPE:-</b>	
bungalow	15
semi	12
4 in a block	7
2 in a block	7
end terrace	10
mid terrace	8
2 storey	2
3 storey	1
Sheltered	15
<b>PROPERTY AGE:-</b>	
Post 2020 New Build	22
NB 1 - 3 - 1994 – 1999      Pre 2000 New Build	10
NB 4 & 5 - 2005 – 2009 /2010      Post 2000 New Build	20 & 17.5
SST Element	3
<b>BEDROOM:-</b>	
single	12
double	15
Additional bedrooms:- single ( )	12
double ( )	15
Bedroom Recess	-10
<b>GARDEN</b>	
private back & front	15
private front only	12.5
private back only	10
<b>OTHER AMENITIES</b>	
Shower Room Only	-5
Additional Shower	3
Additional WC	2
Additional Wet Room	5
Dining Area	5
Parking	2
Separate Utility Room	2
No separate kitchen	-10
Kitchen Recess	-5

## SHARED OWNERSHIP RENT ELEMENT

1. The Association is required to set a rent for the share of the property to be rented by the sharing owner. This rent element is called the Specified Rent and will comprise of the following:-
  - Rents will be set in accordance with the policy for Scottish Secure Tenants less an allowance of 15%, to account for the fact that the sharing owner is responsible for meeting the cost of all repairs and maintenance of the property.
2. Separate additional fees will also be charged via the Factoring Service:-
  - Management Fee for provision of a Factoring Service
  - Common Buildings Insurance fee, as per the Occupancy Agreement
  - Service charges for any services provided, e.g. stair-cleaning, bulk uplift, bin store maintenance, grass-cutting, litter-picking and general landscaping of common areas
  - Charges for common reactive repairs undertaken by the Association
3. All charges will be made in advance, except reactive repairs which will be charged in arrears, once the Association has received the invoice.
4. The occupancy agreement will provide that rents will be reviewed on an annual basis.
5. The sharing owners' rent will be recalculated in the event that a further share of the property is bought, i.e. further tranche/staircasing.
6. If the date of the staircasing transaction coincides with the rent review date, the rent must be re-assessed and the new rent apportioned to reflect reduction in the specified rental share.
7. The sharing owners' specified rents will rise at 1 April each year, with 28 days' notice being given to the sharing owners of the specified rent rise.