

Resident ballot funding condition: summary

Introduction

On 18 July 2018, the Mayor introduced a requirement which means that any landlord seeking GLA funding for a strategic estate regeneration project which involves the demolition of social homes must demonstrate that they have secured resident support for their proposals through a ballot. This is to make sure that GLA funding only supports estate regeneration projects if residents have had a clear say in plans and support them going ahead. There are some exemptions to the requirement which landlords can apply for, including transitional arrangements to help manage the introduction of the requirement.

Full details are outlined in the [Resident Ballot Requirement funding condition](#), which is part of the Mayor's [Affordable Housing Capital Funding Guide](#) (the rules and procedures for providing housing with funding from the GLA).

Please note, the information below is only a summary and should be read in conjunction with the full [Resident Ballot Requirement](#) funding condition.

What triggers the requirement for a ballot?

A ballot is required on any estate regeneration project seeking funding from the GLA which involves the demolition of any homes owned (or previously owned and subsequently sold through the Right to Buy or similar projects) by a housing association or council **and** the construction of 150 new homes (regardless of tenure).

What is the Landlord Offer and what information does it need to include?

The Landlord Offer is the document outlining the details of the proposed estate regeneration project and associated ballot, including the question to be put to residents in the ballot and the timing of the ballot. It must provide sufficient information for residents to make an informed decision about the future of their estate. As a minimum, the Landlord Offer must include details of:

- the broad vision, priorities and objectives of the project, including the estimated number of new homes and the mix of tenures;
- the full right to return or remain for social tenants;
- the offer for leaseholders and freeholders; and
- commitments to ongoing consultation and engagement.

Who is eligible to vote in a ballot?

Ballots must be open to all residents aged 16 years or older living on an existing social housing estate – not just those currently occupying homes that are due to be demolished – who meet one or more of the following three eligibility criteria:

- Social tenants, including those with secure, assured, flexible or introductory tenancies, named as a tenant on a tenancy agreement dated on or before the date the Landlord Offer document is published.
- Resident leaseholders or freeholders who have been living in their properties as their only or principal home for at least one year prior to the date the Landlord Offer is published and are named on the lease or freehold title for their property.
- Any resident whose principal home is on the estate and who has been on the local authority's housing register for at least one year prior to the date the Landlord Offer is published, irrespective of their current tenure.

For the avoidance of doubt, residents living in temporary accommodation and private rented sector tenants are not eligible to vote, unless they have been on the local authority housing register for one year or more (regardless of how long they have lived on the estate).

Eligible residents are entitled to one vote per person, but there is no limit on the number of votes per household.

Who will be responsible for undertaking the ballot?

Landlords must appoint an independent body with appropriate knowledge and expertise to undertake the ballot.

The independent body should review processes for registration of voters, distribute the Landlord Offer, advise landlords on the question to be put to ballot, ensure that votes are accurately recorded and counted, and confirm the overall ballot process meets GLA requirements.

When should the ballot take place?

Generally, the ballot should take place before a landlord:

- appoints a partner to redevelop the estate;
- finalises the design of the new estate;
- relocates existing residents for the purposes of redeveloping the estate; or
- obtaining planning permission for the new project.

Where projects are already underway at the time that the funding condition was published, or one of the above milestones has already passed, the project may be covered by the transitional arrangements (see below).

Are there any exemptions to the ballot requirement?

The GLA will publish on its website details of projects granted an exemption to the funding requirement. There are two types of exemption.

General exemptions

For some projects, landlords may apply for one of three general exemptions, where the demolition of social homes is required to:

- i. facilitate **major infrastructure projects** that have statutory underpinning (such as a [Hybrid Bill](#) or a [Transport and Works Act Order](#)) or because they present a physical barrier to delivering major rail/tube improvements.
- ii. address concerns about the **safety of residents** and where these safety concerns can't be reasonably addressed through other means (landlords will need to provide evidence to justify this).
- iii. reconfigure provision of **supported and/or specialist housing** (this exemption is only available on estates which are exclusively made up of this type of housing).

It is up to landlords to consider whether they think their project should be exempt from the requirement to hold a ballot. If they believe their project qualifies for an exemption, they must apply to the GLA for an exemption. The GLA will consider applications for exemptions to the ballot requirement on a case-by-case basis. Where the GLA agrees to an exemption to the ballot requirement, it still expects landlords to follow the principles set out in [Better homes for local people: the Mayor's good practice guide to estate regeneration](#). The GLA will publish on its website details of projects granted an exemption to the funding requirement.

Transitional exemptions

To recognise that estate regeneration projects are often long term, and many are currently underway, there are two transitional exemptions. Landlords may apply for an exemption from the funding condition where projects, which would be subject to a ballot requirement if they were new projects in the future, have:

- i. secured planning permission (either outline or full) on or prior to 18 July 2018;
- ii. secured contractually committed GLA funding on or prior to 18 July 2018.

Where a landlord seeks to amend a planning permission or a GLA funding agreement to include demolition of additional social homes, the GLA may choose to apply the ballot requirement.

The GLA decided not to sign any funding contracts for new estate regeneration projects between 2 February 2018 when the draft ballot condition was published for consultation, and 18 July 2018 when the final condition was published. In practice therefore, a project would have to have secured contractually committed GLA funding prior to 2 February to benefit from the second transitional exemption above.

What if residents have already been relocated from an estate in order to facilitate the estate regeneration project?

Where the ballot requirement applies, a ballot should be undertaken before residents are relocated for the purposes of delivering an estate regeneration project. This may not be possible where landlords began relocating residents before the resident ballot requirement was introduced. In these cases, relocated residents otherwise meeting the eligibility criteria are entitled to vote if they have a right to return to a new home on the estate.

How will the GLA know whether landlords are complying with the funding condition?

Landlords must demonstrate compliance with the funding condition by returning a copy of the GLA Resident Compliance Checklist to us, signed by the landlord and the independent body who undertook the ballot. The GLA will undertake further compliance checks as the project progresses to ensure that the Landlord Offer is adhered to (see below).

What happens if the landlord doesn't comply with the funding condition?

The GLA will continue to check compliance at key points throughout the project. It may terminate a funding allocation and/or reclaim any funding paid on a project where the ballot requirement applies if in its view:

- the planning permission secured for a project materially deviates from the proposals set out in the Landlord Offer to residents;
- a progress report to residents highlights that a project materially deviates from the proposals set out in the Landlord Offer to residents; and/or
- the completed project materially deviates from the proposals set out in the Landlord Offer to residents.