

# Tenancy Policy

V3.1

<b>Effective from: (M/Y)</b>	<b>September 2019</b>
<b>Effective to: (M/Y)</b>	<b>September 2022</b>
<b>Policy Author/Owner</b>	<b>Frances Clarke</b>
<b>Directorate</b>	<b>Neighbourhoods</b>
<b>Consultation (Y/N)</b>	<b>Y</b>
<b>Impact Assessment(s) (Y/N)</b>	<b>Y</b>
<b>Approval Body</b>	<b>Leadership Team (minor change)</b>
<b>Date Approved (M/Y)</b>	<b>09.09.19</b>

A thick grey curved line starts from the left edge of the page and curves downwards towards the bottom center.

## 1. Policy aim

- 1.1 The Localism Act (2011) introduced a duty for all Local Authorities to produce and publish a Tenancy Strategy setting out the matters in which Registered Providers in its area must have regard to in formulating their Tenancy Policies.
- 1.2 The Act also introduced the new Regulatory Standards Framework for Social Housing in England (April 2012) that includes a new tenancy standard. This introduced a requirement for Registered Providers to produce a Tenancy Policy setting out the types of tenancies they will grant.
- 1.3 The framework in which social housing is resourced, allocated and managed is different to how we have operated historically. Service delivery is taking place in the context of reduced funding and Welfare Reform is changing the welfare landscape. This policy allows flexibility in the type of tenancy to be granted to help manage risk to Together Housing Association.
- 1.4 The Policy sets out the aims of Together Housing Association in terms of the allocations of tenancies. It considers the range of Tenancy Types on offer and specifies what the arrangements will be in the event that fixed term tenancies are used.
- 1.5 The aims of the Tenancy Policy are to:
  - Make the best use of the available housing stock, including reducing overcrowding, tackling under-occupation, making best use of adapted housing for those with a disability and designated supported housing
  - Supporting the development of balanced and sustainable communities across the areas within which we work
  - Provide affordable housing of decent condition
  - Enable customers to make informed choices by making more flexible options available
  - Provide support to older and vulnerable customers to ensure fair access to our housing, to provide information about suitable housing options and to sustain tenancies via in house staff and external partners.
  - Encourage customers' long term housing aspirations by developing options for home ownership.
  - Outline the arrangements in respect of tenancy and Right to Buy/Acquire fraud.

## 2. Where does it apply

- 2.1 This policy relates to the granting of various tenancy types across all stock in

the ownership of Together Housing Association. It applies to all current and future tenants as well as leaseholders of the association. This policy does not outline the arrangements for the allocation of the tenancy, but simply specifies the type of tenancy to be granted.

### **3. Our policy is**

#### **3.1 Types of Tenancy to be Granted**

There are a range of tenancies used across the Association which include some or all of the following:

- Assured Tenancies – these will constitute the majority of the organisation’s relets and most will be let at social rent to applicants in housing need. Affordable rents will generally be charged on all rented properties on new developments (although there may be some circumstances where social rents on new developments are used e.g.: in areas where there is a particular need or where the s106 agreement determines that social rents should be charged). Affordable rents will also be charged on a proportion of the organisation’s relets, the purpose being to maximise the Affordable Housing Development Programme. As a Registered Provider the Group are committed to ensuring that affordable rents do not exclude any groups of customers and are kept within the Local Housing Allowance rate.
- Assured Shorthold Tenancies – these will apply to some of our products and will be for a minimum term of 6 months. Assured Shorthold Tenancies will be used in the following circumstances:
  - Starter Tenancies – Together Housing Association make use of starter tenancies prior to the commencement of an Assured tenancy. These will be on an Assured Shorthold Tenancy basis and run for a period of 12 months. Subject to the tenancy being conducted satisfactory the tenant will be offered a full Assured Tenancy.
  - Market Rented – the organisation offers market rented products in some areas where the market conditions are conducive. These are developed without public subsidy and provide more flexibility and choice for customers - the key client group being people who are in employment. These will on the whole be let under Assured Shorthold terms but there may be some circumstances where market rent products are used on full Assured Tenancies.
  - Intermediate Rent – the use of Intermediate Rented products are important to allow opportunities for customers who aspire to Home Ownership but where market conditions prevent them access to affordable mortgage

products. This is a stepping stone to Home Ownership and we will continue to offer this product where it is viable for us to do so.

- Where Together Housing Association leases the property from a third party where the lease is on a short term basis. Some supported housing schemes fall into this category.
- Non Assured (“equitable”) Tenancy by virtue of the tenant being a minor (under 18). In essence the Tenancy Agreement will be held in trust for the tenant and their designated Trustee. When the tenant reaches the age of 18, he/she will be offered an Assured Tenancy Agreement subject to the tenancy being considered sustainable.
- Shared Ownership – we are committed to promoting home ownership through the sale of properties on a shared ownership basis. There are a number of products available (including Leasehold Schemes for the Elderly) and these will be tailored to meet both customer requirements and financial viability of properties/schemes.
- Licences – these are used in some Supported Housing schemes where the purpose is to provide temporary/short term accommodation e.g.: homeless schemes.

### **3.2 Existing Tenants**

Tenants who were already social tenants before the flexible regime was introduced will have their tenancy rights protected and will continue to be offered a full Assured Tenancy if appropriate. This includes tenants who move as a result of a transfer, mutual exchange, or major works/regeneration.

### **3.3 Minimum Length of Tenancy**

With regard to social and most affordable tenancies, these will be lifetime tenancies let on a full assured tenancy agreement.

In terms of Assured Shorthold Tenancies we will use terms of 6 months but these will be rolled on if appropriate and subject to satisfactory conduction of the tenancy.

### **3.4 Circumstances in which a Tenancy Might Not be Renewed**

The circumstances in which an Assured Shorthold tenancy might not be renewed include:

- Where there is a significant breach of the tenancy during the starter tenancy period and it would be a risk to the tenant and the association to convert to a full Assured Tenancy.
- On new developments where the intention is to create mixed tenure communities but the market conditions don't prevail at the time of the first let.
- On a tenancy where the property is no longer appropriate for that tenant and we may not renew the term.
- Where there are housing management issues that are likely to result in a possession order being sought if the tenancy were to be renewed.
- Where there is an intention to dispose of the property.

### **3.5 Advice and Assistance**

It is expected that most Assured Shorthold tenancies will be renewed where tenancy conditions have been met and where the tenant's circumstances have not substantially changed. However there may be some circumstances as described in section 7 above where a further tenancy will not be granted. In these circumstances we will work closely with tenants prior to the expiry of the initial term, to explore their housing options and identify suitable alternative accommodation. Where there is a risk of homelessness we will keep the relevant Local Authority Homeless Sections informed.

### **3.6 Appeals/Complaints**

Tenants or prospective tenants may wish to appeal against or complain about the length of a fixed term tenancy offered, the type of tenancy offered or the decision not to grant another tenancy. In these circumstances appeals and complaints will be dealt with through the association's complaints procedure.

### **3.7 Succession Rights**

The Localism Act 2011 has amended the succession rights of new social housing tenants with effect from 1<sup>st</sup> April 2012. In relation to assured tenancies the statutory succession rights contained in Section 17 of the Housing Act 1988 have been extended to fixed term tenancies. Statutory succession entered into after this date is restricted to the spouse or civil partner of the deceased tenant. In most cases, successions will take place through the statutory provisions. However there may be some exceptional circumstances where discretion is used, for example, where granting succession would support vulnerable household members.

### 3.8 Vulnerable Households

In the event that Assured Shorthold Tenancies are used, the circumstances of the household including age, disability or illness, and households with children will be taken into account when reviewing the tenancy.

### 3.9 Tackling Tenancy Fraud

Tenancy fraud is when someone is living in one of our homes who is not entitled to live there or gives false information in order to obtain a home/transfer, to buy their home under the Right to Buy or Right to Acquire, to succeed a tenancy or to assign a tenancy to another person.

To combat tenancy fraud we will carry out robust checks within our allocation, transfer, succession, assignment and right to buy and acquire procedures. In addition we carry out tenancy audits as part of our housing management function to make sure the right people are living in our properties.

## 4. Implementing this Policy

- 4.1 The Heads of Neighbourhoods, and Lettings and Sales have responsibility for implementing this policy.
- 4.2 The Local Authorities in which we operate have also been consulted on the Policy and we will continue to maintain close links with them in the development of their Tenancy Strategies.

## 5. Associated Documents

5.1 Related policies and procedures linked to this policy include:

- Together Housing Association Allocation Policy
- BwithUs Allocation Policy
- Keychoice Allocation Policy
- Yorkshire and Humber Lettings Policy
- Homes Direct Allocation Policy
- Together Housing Group Allocations and Lettings Procedures
- TSA Regulatory Standards – Tenancy Standard
- Localism Act (2011)

# Version Control Log

## THG Policy– Tenancy Policy

Version No.	Date effective from	Policy Owner	Approved by?	Issued to?	Published on Website / Intranet	Summary of Key changes
V1	July 2012	Neighborhoods	Partner boards	staff	Intranet/ Documotive	Original final version
V2	July 2014	Neighborhoods	Partner boards	staff	Intranet/ Documotive	Original final version
V3	April 2017	Neighborhoods	Operations Committee	staff	Intranet/ Documotive	Original final version
V3.1	Sept 2019	Neighborhoods	Leadership Team	staff	Intranet/ Documotive	Sections added to highlight what we will do in the event of tenancy fraud.