

Transforming **lives**
Revitalising **neighbourhoods**



POLICY:	Tenancy
Ref No:	15
Date Approved:	01/2017
Approved By:	Neighbourhood Services Committee
Applicable to:	Riverside excluding Scotland
Lead Director/Policy Owner:	Dean Butterworth
In Consultation with:	Tenants and Residents Federation, Group Board, Local Authority Partners, Brabners Solicitors
Review Date:	January 2020





Name of Policy: Tenancy Policy

Date: January 2017

1. Purpose

This policy details the types of tenancies, including fixed term or flexible agreements that Riverside will provide and the circumstances in which they will be used. In addition the policy outlines Riverside's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

The policy will meet the regulatory and legal standards for England.

This policy will only apply in England as Scottish regulation prescribes the precise form of agreement to be used in most instances.

2. Guiding Principles –Tenancy Agreements

Riverside will normally grant one of the following agreement types

- Secure tenancies under the Housing Act 1985
- Assured Tenancies under the Housing Act 1988
- Protected Assured Tenancies – a form of assured tenancy for tenants who were previously secure tenants of a local authority or New Town and have preserved rights.
- Starter Tenancies - an assured shorthold tenancy agreement which converts to a full assured tenancy after a starter (probationary) period usually of 12 months (which can be extended in certain circumstances).
- Assured Shorthold tenancies – fixed term and periodic tenancies which provide reduced security of tenure within a periodic or fixed term tenancy agreement.
- Licence agreements and contractual tenancies with no security of tenure – granting limited rights to occupy a property in certain circumstances.

Duration of flexible tenancies

Where a flexible tenancy is granted we will normally offer a tenancy that will run for either five or two years (in addition to any starter period of twelve months).

The circumstances in which we will grant tenancies of a particular type.

Secure tenancies will be offered to tenants who currently have secure tenancies with Riverside but move to other properties owned by Riverside. These are lifetime tenancies.

Assured tenancies are also lifetime tenancies and will be offered to existing Riverside assured tenants who are transferring to another property owned by Riverside and new tenants who do not meet the criteria for being offered starter or flexible tenancies.

Protected assured tenancies will only be offered to existing Riverside protected assured tenants who move within their stock transfer area and in accordance with the terms of the stock transfer agreement.

Starter tenancies. A starter tenancy is a particular type of assured shorthold tenancy designed to be used as part of a co-ordinated approach to tenancy management. It is potentially a lifetime tenancy which includes a one year starter or probationary period during which possession can be sought more easily in connection with anti-social behaviour or other severe and/or sustained tenancy breach. Starter tenancies are normally used for new tenants but may not be used in all areas depending on the approach set out in the Local Allocations Strategy. Once the tenancy has been satisfactorily conducted for 12 months (or as extended) the tenancy normally converts to a full assured tenancy which is a lifetime tenancy.

Note secure and assured tenants who move out of their property on a temporary basis to allow remedial or planned work to be undertaken will be given an equivalent level of security when they return to their original home. This includes tenants with protected assured and starter tenancy agreements.

Five year flexible tenancies.

Riverside will consider the offer of these tenancies in some instances where the following criteria apply:

- It is consistent with the local allocations strategy which has been approved by the Neighbourhood Services Committee **and**
- The use of five year flexible tenancies has been the subject of a dialogue with the local authority and wherever possible is consistent with their published tenancy strategy **and one of the following apply:-**
 - It is agreed as part of a scheme developed with a local authority or other partnership arrangements **or**

- The nature of the housing market in an area makes it appropriate to maintain the supply of scarce housing in an area **or**
- The property is within specialist accommodation and intended for a particular group of tenants who may not require a tenancy for life

Criteria for granting a further flexible tenancy (five year)

At least six months before a five year flexible tenancy ends, we will provide notice in writing to the tenant stating either that we, propose to grant another tenancy at the end of the period of the tenancy and under which terms, or that we do not propose to grant a further tenancy.

The main triggers for assessing whether a further tenancy may be offered would be: income; family size; suitability of property; vulnerability; management considerations such as levels of demand. Full account of the local housing market will be taken when arriving at any decision.

Circumstances where we may agree to a new offer of a tenancy include:

- If a tenant’s financial or other circumstances mean that it is unlikely that the tenant will be able to find suitable alternative housing outside the social housing sector or purchase their own home. For would-be purchasers our decision will take into account the likelihood that they can obtain mortgage finance including the necessary deposit.
- If the tenant is a carer for a member of the household and is unlikely to be able to access suitable alternative accommodation to meet their needs.
- If the property itself is not of a type that is in high demand
- If we are looking to balance the economic status of residents in a given neighbourhood.

A new tenancy of the same property on similar terms should not normally be granted if:

- The tenant’s financial circumstances are such that they are likely to be able to meet the housing needs of themselves and their household outside the social housing sector or by buying their own home (either outright or on shared ownership terms).
- The property is no longer suitable for the household’s needs or they do not require any specialist facilities or adaptations offered.

What options might we offer to tenants at the end of a 5 year flexible tenancy?

Depending on the agreed local approach and criteria Riverside may offer the following options at the end of the period of the flexible tenancy.

1. A lifetime tenancy
2. A further flexible tenancy of the same period

3. A further flexible tenancy for a different period (a minimum of two years)
4. Options 1-3 at a different rent (social or affordable)
5. Options 1-4 at a different property
6. The opportunity to take the same or a different Riverside property on a shared ownership basis
7. The opportunity to take up an alternative Riverside home ownership scheme e.g. Ownplace
8. The option to buy the property under an approved voluntary purchase scheme (if applicable)

However our ability to offer alternatives will be determined by the availability of suitable accommodation in the preferred location.

In addition to the above all flexible tenants will be offered information advice and guidance on identifying future housing options at least three months before the expiry of the tenancy.

Two year flexible tenancies

Riverside will offer this form of tenancy where either of the following criteria apply:

- Applicants who will be under-occupying their property (including pensioners, previously protected from the spare room subsidy rules)
- Any single applicant aged under 35 at the point of letting

This form of tenancy will be required regardless of employment /benefit status.

The objective of this policy is to offer the most secure form of tenure while mitigating risk and not to reduce security of tenure or increase potential tenancy failure. Our aim would be to ensure that where ever possible a further tenancy would be granted at the end of the two year fixed term period.

Any breaches of tenancy during the fixed term period will be addressed through the appropriate tenancy support and legal action.

Criteria for granting further flexible tenancy (Two year)

At least six months before a two year flexible tenancy ends, we will provide notice in writing to the tenant stating either that we, propose to grant another tenancy at the end of the period of the tenancy and under which terms, or that we do not propose to grant a further tenancy. An offer of a new tenancy will normally be conditional on a clear rent account and no other outstanding breaches of tenancy.

What options might we offer to tenants at the end of a 2 year flexible tenancy?

Riverside may offer the following options at the end of the period of the flexible tenancy.

1 A further two year flexible tenancy would be granted If the original criteria still apply i.e.

- Applicants who will be under-occupying their property (including pensioners)
- Any single applicant aged under 35 at the point of review

2 A lifetime tenancy

3. A further flexible tenancy for a different period

4. Options 1-3 at a different rent (social or affordable)

5. Options 1-4 at a different property

6. The opportunity to take up an alternative Riverside home ownership scheme e.g. Ownplace or a shared ownership property

However our ability to offer alternatives will be determined by the availability of suitable accommodation in the preferred location.

In addition to the above all tenants with a flexible tenancy will be offered information advice and guidance on identifying future housing options at least three months before the expiry of the tenancy.

Where a new tenancy is not offered and the tenants do not move out of their own accord possession of the property will be sought following issue of a Notice Requiring Possession. Advice or referral to an agency to assist with rehousing options will be provided.

Appeals

A tenant or prospective tenant will be entitled to appeal against the length of flexible tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the period.

Vulnerable households

The following people will be exempt from the Fixed Term Tenancy approach

- Supported housing residents and applicants
- Retirement Living residents and applicants

Policy on granting discretionary succession rights

Riverside has a range of tenancy agreements which set out the rules for the granting of successions. In all cases these comply with the statutory requirements. Our more recent assured agreements grant succession rights in excess of the statutory minimum giving parity between assured and secure tenancies. This means that succession rights for those tenants will apply to:

- Spouses and partners
- Family members (as defined in the tenancy agreement) who have resided with the tenant for 12 months

	<p>For flexible tenants the succession rights apply automatically to spouses and partners and would give rights to succeed to the tenancy for the remainder of the period. Riverside will also allow successions by family members (as defined in the flexible tenancy agreement) for the remainder of the period.</p>
3	<p>Guiding Principles – Tenancy management</p> <p>Riverside is committed to the development of positive and supportive measures to establish good working relationships with all its tenants from the commencement of tenancy.</p> <p>We will take reasonable steps to establish that the prospective tenant is eligible for housing and has the right to reside and rent a property in the UK. Information will be retained on the tenancy file (including photographs) to confirm the identity of the applicant.</p> <p>We will carry out an affordability assessment to ensure the tenancy can be sustained and to target money advice and other support services such as employment and training advice as required in order to maximise the chances of tenancy success</p> <p>We will support tenants to remain in their homes and offer advice and support to enable them to fulfil the conditions of their tenancy agreements including liaison with appropriate agencies and housing options services.</p> <p>We will also offer a starter tenancy to new tenants moving to general needs homes. This will act as an incentive for new tenants to conduct their tenancies well and to speed up the legal process to end the tenancy in the event of severe and/or sustained breaches of tenancy conditions in the first 12 months of a new tenancy.</p> <p>Riverside reserves the right to undertake its own investigation, including using data matching services to verify that the tenancy is legally occupied. In addition we will work with local authority partners to recover unlawfully sublet homes and will take swift action on discovering that a property has been unlawfully sublet. Tenancy audits may also be carried out from time to time in order to verify occupancy information.</p>
4	<p>Notes</p> <p>This policy will be communicated to all key stakeholders and made available upon request.</p> <p>Riverside’s Neighbourhood Services Committee must agree any changes to this policy statement.</p> <p>This policy conforms with the Riverside ED&I policy and has been subject to an Equality Impact Analysis.</p>

