

Tenancy Management Policy



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Introduction

This policy sets out the kinds of tenancies that Tuntum offers to the tenants that it houses.

This policy outlines Tuntum’s approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions. The policy sets out.

- The type of tenancies we will grant and the circumstances in which we will grant tenancies of a particular type.
- Our policy on granting discretionary rights, taking account of the needs of vulnerable household members.
- Our policy on granting tenancies at affordable rents.

Legal Framework

This tenancy policy fulfils the requirements of the Localism Act 2011 and the requirements of the Social Housing Regulator to have a tenancy policy.

The Tenancy Standard requires that housing associations publish a ‘clear and accessible’ policy on their approach to tenancy management.

Policy Statement

Tuntum will follow the guidelines provided by the Regulator of Social Housing.

Tuntum will have regard to the tenancy strategies of the host local authorities within which it operates.

Aims of the Policy

The aims of the policy are to:

- To act to support and sustain tenancies;
- To ensure that housing circumstances do not become a barrier to our customers in achieving broader life aspirations
- Supporting the development of new homes and sustainable communities across the areas in which we work;
- Make the best use of available social housing stock, including reducing overcrowding, tackling under- occupation, and making the best use of adapted housing for those with a disability.

Implementation

Sustaining Tenancies

We will ensure that all new tenants are provided with clear information concerning the terms of their tenancy and of the consequences of failing to keep to those terms.

We will intervene at an early stage when we become aware of breaches of tenancy agreements. Following investigations, we will seek to ensure that tenants receive appropriate support to help them keep their home. Residents in supported housing will have a support plan identifying the type of support needed and these will be reviewed regularly. We will refer vulnerable residents in general needs housing to floating support services or other support services where applicable.

Where tenants have rent arrears, we will seek possession only where all preventative methods such as financial inclusion advice have been reviewed and exhausted.

Type of Tenancy to be Granted

We will provide new tenants with a written agreement (a Tenancy Agreement) that sets out their rights and responsibilities and our rights and obligations. This will be fully explained at the sign up interview.

Tuntum will offer the following types of tenancy in the following circumstances:

TYPE OF TENANCY	DURATION	TENANT GROUP
Assured shorthold starter tenancy	12 months	Most new tenants in accordance with our starter tenancy policy
Assured tenancy ('tenancy for life')	Continues until ended by landlord or tenant	All social housing tenants transferring to Tuntum from another social landlord and who previously paid a social rent. All sheltered housing tenants.
Assured short hold fixed term tenancy	5 years	New tenants paying an intermediate rent or market rent.
Secure tenancy	Continues until ended by landlord or tenant	Transfers from local authorities who have an existing secure tenancy

We do not anticipate any circumstances in which we offer the 2-year minimum fixed term tenancy but reserve the right to issue this in exceptional circumstances. This tenancy can only be issued with the approval of a Head of Service.

For tenants on five year fixed term tenancies, we will contact the tenant during the fourth year to confirm the date at which the fixed term comes to an end. We will advise them of when the tenancy review will take place, and details of the review process.

Not later than six months before the end of the fixed term, we will serve on the tenant a notice formally stating that we will be either extending the tenancy by a further 5 years or requiring possession of the property. If we decide not to renew the fixed term tenancy and require the tenant to return possession of the property to us, we will also serve a notice seeking possession to comply with the relevant legislation in place at that time.

We will not normally end an Assured Shorthold fixed term tenancy in the following circumstances:

1. The tenant or a joint tenant is 60 years of age or older.
2. School aged children are part of the household.
3. The tenant or joint tenant provides informal care to someone in the immediate neighbourhood.
4. The tenant or joint tenant is in local employment and to move address would jeopardise this.
5. Under-occupation is by one bedroom only.
6. The property has been adapted for a disabled tenant or household member who currently benefits from the adaptation.
7. The tenant or joint tenant is a person classed as vulnerable. This may be because of a personal characteristic (e.g. they suffer a disability or chronic ill health); or circumstance (e.g. a continuing victim of domestic violence) or that they need informal or formal support to manage their tenancy. In determining whether a tenant falls into this category of vulnerability, the relevant staff member should seek objective evidence e.g. letters from a GP or the police.

The final decision to end a five year fixed term tenancy will be made by a Head of Service. Tuntum will only end the tenancy if, by taking a holistic view that there is insufficient need for the tenancy to continue. There will always be a presumption that the tenancy will continue

A tenant may appeal against the decision to end a fixed term tenancy. To do this they must write to or e-mail the Head of Service. The appeal will be considered by two members of the Senior Management Team. Whilst their decision is considered final, the tenant is able to use Tuntum's complaint procedure at any time if they believe there has been a procedural error in making this judgement.

Where a fixed term tenancy is ending Tuntum will offer the following assistance to the tenant:

- (1) Provide information of other housing options within our own stock including renting and low cost home ownership;
- (2) Assist them in registering for other social housing properties via local choice-based lettings schemes;
- (3) Advise them on how to access web-based national mobility schemes

Where we renew a five year fixed term tenancy, we will serve a formal notice on the tenant to comply with the relevant legislation in place at the time, ending the tenant's right to occupy after the end of the fixed term. At the same time we will

enter into a new tenancy to run consecutively to ensure the household retains its rights as a fixed term tenant.

We will grant Assured Tenancies to new tenants where they already have security of tenure, (i.e. they already have an Assured Tenancy. These could be applicants who are transferring from within the association, have completed a mutual exchange/transfer from another registered provider.

We will grant Assured Shorthold Tenancies to residents of our hostel and residents in our Temporary Social Housing units.

We will grant Assured Shorthold Tenancies (starter tenancies) to most of our tenants in accordance with our Starter Tenancy Policy. Assured Shorthold Tenancies (starter tenancies) will run initially for 12 months. Should there be no breach within the first twelve months of this tenancy, this will automatically convert into an Assured Tenancy.

Affordable Rents

We will grant Tenancies let at affordable rent for our new build homes built under the Homes and Communities Agency's Affordable Housing Programme and a small number of general relets. The use of affordable rent is to ensure that we can continue to provide new affordable housing to respond to on- going housing needs. These tenancies are let at a rent rate which is 80% of the market rent in that locality and will be in accordance with our rent setting policy. These tenancies will be clearly marketed as such. A scheme by scheme approach will be taken rather than a borough wide approach will be taken and we will regularly review the availability of rent types by property type and location to ensure that a mix of rent types is maintained.

Fixed term tenancies

At present Tuntum's position is that we will not use fixed term tenancies. We will keep this position under review and may choose to introduce fixed term tenancies in the future, following consultation with our customers and other stakeholders.

However, we recognise that the tenancy strategies of many of our local authority partners remain under development. We will therefore review our tenancy policy on a regular basis, ensuring that we have due regard for the tenancy strategies of local authorities with whom we work. Any decision to introduce fixed term tenancies will be subject to further consultation with our customers and key

stakeholders.

Succession Rights

Where the right of succession is available this is dependent on the tenancy not being passed on originally. If this is the first succession claim, the tenancy can pass onto to a tenant's partner or a family member in the following circumstances:

Upon the death of the tenant – a spouse or partner may be able to take over the tenancy as long as the property was their main or only home; if the tenancy does not go to the tenant's partner or spouse, we may give our agreement for another member of their family to get the tenancy if they have lived with the deceased tenant for at least 12 months. In all cases, rules relating to properties with special features (i.e. adapted homes) and rules relating to under occupancy/overcrowding apply.

Normally only one succession is permitted.

Responsibility

It is the responsibility of the Chief Executive to ensure that this policy is implemented.

Review and Board Approval

This policy will be reviewed as required to take account of any changes to legislation that may occur.