



## **POLICY: TENURE**

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Copies of this Policy may be made available in alternative formats on request.

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## **POLICY: TENURE**

All reference to 'we', 'our' or 'us' in this Policy should be read as meaning Sandbourne Housing Association.

### **1. Purpose and aim of the Policy**

- 1.1 This Policy forms part of our overall approach to allocating our properties to those who need them.
- 1.2 To make effective use of our housing stock we will normally only offer the form of tenure compatible with the purpose of the housing provided. In doing so we will take into account the needs of individual households, the need to develop and maintain community sustainability and any regulatory requirements.
- 1.3 Our Tenure Policy is intended to:
  - 1.3.1 ensure that our tenancies are granted in a consistent, transparent and fair way
  - 1.3.2 make the best use of our social housing stock
  - 1.3.3 respond to the changing demands on our services
  - 1.3.4 ensure we co-operate with local authority partners in the development of their own tenure strategies
  - 1.3.5 ensure our compliance with all legal and regulatory requirements and standards.

### **2. Our tenancies**

- 2.1 We have four types of tenancy: assured, assured shorthold, secure and starter tenancies, of these, secure tenancies are no longer offered.
- 2.2 Secure Tenancy
  - 2.2.1 We have a very small number of secure tenancies that were granted under earlier housing legislation (four as at October 2018). This type of tenancy is no longer available to our new tenants. Unless our remaining secure tenants breach the tenancy conditions, they will usually be able to stay in their homes for the rest of their lives.

## 2.3 Assured (Non-Shorthold) Tenancy

2.3.1 These are permanent tenancies that are automatic after a starter tenancy period has expired.

2.3.2 Providing an assured tenant does not breach the tenancy conditions, they will usually be able to stay in their home for the rest of their life. If they transfer to another of our properties, they will be granted a starter tenancy.

## 2.4 Assured Shorthold Tenancy

2.4.1 An assured shorthold tenancy is a rolling weekly tenancy which can be ended at any time after six months from the start of the tenancy upon us giving two months' notice.

2.4.2 These tenancies are normally used only at our extra care properties where, due to the specialist needs that they cater for, it would not be appropriate to grant a permanent (assured) tenancy.

2.4.3 We will normally only end an assured shorthold tenancy if we get a court order for possession on the basis that:

2.4.3.1 we have served two months' notice requiring possession under Section 21 of the Housing Act 1988 (as amended by the Housing Act 1996). If we commence possession proceedings after serving notice requiring possession, the earliest date on which any order for possession made by the court can take effect is six months from the start of the tenancy; or that

2.4.3.2 one of the grounds for possession listed in Schedule 2 of the Housing Act 1988 is satisfied (for example, rent arrears).

## 2.5 Assured Shorthold (Starter) Tenancy

2.5.1 All new tenants (excluding 2.3 and 2.4 above) will normally be offered an assured shorthold (starter) tenancy as a 'trial' period for 12 months from the date the tenancy started.

2.5.2 A starter tenancy makes it easier and quicker to evict tenants who, for example, cause nuisance and anti-social behaviour – we want our tenants to enjoy living in a safe and peaceful locality.

2.5.3 After a period of one year an Assured Non-Shorthold Tenancy will be automatically created unless there has been an extension or action to take possession has commenced.

2.5.4 We may decide to extend a starter tenancy for a further six months if there have been breaches of the tenancy agreement.

## 3. Use of tenancy type

3.1 The nature of the tenancy we issue will be influenced by a number of factors, including:

- 3.1.1 The type of tenancy, if any, held immediately prior to the new tenancy being granted.
- 3.1.2 The needs of the prospective tenant which will decide the type of property to be occupied, for example, whether it will be extra care housing.
- 3.1.3 Any restrictions arising from nomination agreements, planning consents, deed title, covenants or local lettings agreements.
- 3.1.4 Where the future use of our housing is being reviewed.
- 3.1.5 Consideration will be given to regulatory guidance.

#### **4. Tenancy agreements**

- 4.1 We offer standardised forms of each tenancy type. The standard form of tenancy will be written in language that is easy to understand and that sets out clearly the rights and obligations of both landlord and tenant. All tenants will be issued with a copy of the tenancy agreement at the start of the tenancy and will have the important terms of the tenancy explained to them at the sign-up meeting.
- 4.2 Tenancy monitoring
  - 4.2.1 We will monitor that tenancies are being conducted in a satisfactory way and that there are no breaches of tenancy.
  - 4.2.2 We will normally contact all new tenants within six weeks after the start of their tenancy. We will seek to ensure that tenants are able to sustain their tenancy and we will normally take steps to offer advice through our own staff or signpost tenants to appropriate agencies for support, where necessary.
- 4.3 Succession
  - 4.3.1 A tenancy does not automatically end when a tenant dies. Legally, a tenancy counts as property and can be passed on to a husband, wife or civil partner through a process called 'succession'. Rights of succession are set out in the tenancy agreement and legislation which takes precedence. In most cases you will be able to succeed to a housing association tenancy if:
    - 4.3.1.1 you are the spouse, registered civil partner or co-habitee of the tenant, and
    - 4.3.1.2 the property is your only or main home, and
    - 4.3.1.3 there has been no previous succession.
  - 4.3.2 For assured shorthold and starter tenants, the right to succeed to the tenancy will apply only to the tenant's spouse or civil partner.

- 4.4 Mutual exchange
  - 4.4.1 We will assist assured non-shorthold tenants who wish to exercise their right to exchange with another of our tenants or another social landlord, subject to the written consent from all landlords.
  - 4.4.2 Assured shorthold starter tenants and tenants in our extra care properties do not have a legal right to exchange.

#### 4.5 Lodgers

- 4.5.1 Tenants may have the right to take in a lodger subject to the conditions detailed in the tenancy agreement.

#### 4.6 Sub-letting

- 4.6.1 Tenants may not sub-let their property or any part of it. To do so will risk the loss of their tenancy.

### **5. Sustaining tenancies and preventing unnecessary eviction**

- 5.1 Should any of our tenants who we deem vulnerable become at risk of losing their tenancies we will normally facilitate all reasonable support by:
  - 5.1.1 referring them to advice and support agencies, including the local authority Homesearch Team
  - 5.1.2 informing relatives and support agencies when initiating action to end a tenancy
  - 5.1.3 signposting to receive advice on welfare benefits that may be claimed
  - 5.1.4 undertaking an Equality Act/proportionality assessment or similar.

### **6. Anti-fraud measures**

- 6.1.1 Social housing is a valuable resource that must be used legitimately. We endeavour to follow good practice in identifying circumstances where a tenancy may have been assigned or sub-let illegally and will normally take swift action to regain possession of any property where tenancy fraud is identified.

### **7. Equality impact assessment/Protected characteristics (as at 8 January 2019 or later amendments/additions)**

- 7.1 Neutral.

### **8. Consultation arrangements**

- 8.1 We will consult all residents and recognised residents' bodies on this Policy and any future significant changes to it. Their views will be taken into account by the Board. Our staff will also be consulted on this Policy and any reasonable suggestions will be taken into account before the policy is approved by the Board.