

## HOUSING SERVICES – TENANCY POLICY

**Area** : Housing Service  
**Department** : Housing Management  
**Subject** : Tenancy Policy

**Procedure Ref:** HM-

**Owner:** Housing Management Team Manager

**Date approved:**

**Effective date:** April 2017

Please state what policy & documents (if any) this procedure is linked to:

- Allocation Policy
- Housing Strategy
- Homelessness Strategy

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1	7.7.14	N/A	Amanda Harper		2017/18
2	6.1.17	Introduction of Fixed Term Tenancies	Amanda Harper	Cabinet – April 2017	2020/21

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## **1. INTRODUCTION**

- 1.1 This policy explains the approach the Council will take to ensure efficient use of its housing stock, by issuing tenancies which are compatible with the purpose of the accommodation, the needs of individual households and the sustainability of the community.
- 1.2 The concept of Tenancy Policies was introduced initially as part of a wider package of social housing reforms implemented through the Localism Act 2011. The tenancy policy aims to clarify:
- How we will use the new range of tenancy options available to us
  - How, as a landlord, we will provide support to tenants
  - How we will prevent unnecessary evictions
  - How we will tackle tenancy fraud
  - How we will use discretionary succession rights
- 1.3 The Housing and Planning Act 2016 introduced the compulsory requirement for Local Authorities to introduce Fixed Term Tenancies to improve the efficient use of social housing from April 2017.
- 1.4 In developing this policy, the Council has consulted with involved tenants and undertaken wider consultation with tenants and applicants. It has also had regard to the Councils' Tenancy Strategy, the Homelessness Strategy and the Allocations Policy.

## **2. DEFINITIONS**

- 2.1 For the purpose of this policy, the following definitions apply:
- An Introductory Tenancy is for a period of 12 months unless the Council elects to extend the period for a further six months. At the end of the period the tenancy will convert to a Secure Tenancy unless proceedings for possession have begun.
  - A Secure Tenancy is effectively a life time tenancy and can only be ended by the Council by obtaining a court order for possession.
  - Fixed Term Tenancies are tenancies for a period of not less than two years, and may be brought to an end if the type of property occupied is no longer required, for example if the property occupied is too large or if the tenant's financial circumstances enable them to access the privately rented sector or to purchase a property. The maximum period can be up to 10 years or longer for families with children.
  - Involved Tenants are tenants who volunteer their time to participate in formal resident involvement meetings.
  - Succession is where the tenancy may transfer to another person upon the death of the tenant.

## **3. APPROACH**

- 3.1 The Council recognises the importance of tenure security in both developing and maintaining stable and viable communities and will continue to ensure, through the

allocations policy, that it continues to make best use of stock, particularly those properties that benefit from adaptations or conversions.

- 3.2 The income levels of new or transferring home seekers will be assessed against the limitations set in the allocations policy.
- 3.3 As required by the Housing and Planning Act 2016, the Council will offer all new tenants a Fixed Term Tenancy, the length of the tenancy offered will be in accordance with the Guidance issued by the Government and detailed in the Fixed Term Tenancy procedure. The implementation date for this requirement will be determined by Government Guidance which is anticipated to be available in autumn 2017.
- 3.4 The Council will offer three types of tenancies:

<b>Type of Tenancy</b>	<b>Proposed Length of Tenancy</b>	<b>Tenancy Reviews</b>	<b>Reason for using this type of tenancy</b>
Introductory	12 months	First review at 6 weeks, then quarterly reviews and the option to extend the introductory tenancy for a further six month period. More frequent reviews will be undertaken based on the risk assessment undertaken at the beginning of the tenancy.	For all new tenants to demonstrate their ability to comply with the tenancy terms and conditions. If enforcement action is required, the route to obtain possession is through mandatory powers for possession.
Fixed Term	Two to ten years ( actual tenancy lengths offered will be determined following reference to Government guidance which is anticipated to be published by Autumn 2017).	In addition to the formal review required at least 6 months before the end of the fixed term tenancy period, reviews will be undertaken at a frequency to be determined by a risk assessment undertaken at the beginning of the fixed term tenancy and if any concerns are raised about the ability to sustain the tenancy. If the outcome of the formal tenancy review is not to extend the tenancy term, the Council will be able to reclaim possession of the property.	To ensure efficient use of social housing and increase available accommodation to those on the Housing Register
Secure	Lifetime	With no requirement for a formal tenancy review process, lifetime tenancies reviews will only be completed when there is sufficient evidence of a tenancy sustainment issue that needs to be addressed (i.e. a risk based approach	Secure tenancies are available to existing secure or assured tenants as at 31 March 2016 who are transferring to another social housing property.

		to lifetime tenancy review). Upon completion of a review, Legal action to terminate the tenancy will be required if appropriate.	
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### 3.5 Vulnerable Tenants

Vulnerable tenants will have access to additional support to help understand their tenancy and the review process. This support may be provided by our own staff or other appropriate support agencies. A vulnerable tenant is one who needs support to maintain their tenancy, for example, because of health, age or personal circumstances.

The Council's Tenancy Support Officer may provide extensive support for a fixed period appropriate for the individual's circumstances and will usually intervene with the most vulnerable tenants to enable them to sustain their tenancy and avoid any unnecessary eviction.

### 3.6 Tenancy Fraud

Tenancy fraud will be investigated by the Housing Management team and where any instances of potential tenancy fraud are discovered, both criminal and civil enforcement action will be taken. Information will be shared with other Council departments and government bodies, as appropriate. Examples of tenancy fraud include:

- Sub letting
- Unauthorised assignment (including by mutual exchange)
- Wrongly claimed succession
- Right to Buy fraud
- Obtaining a tenancy by a false statement/s or knowingly withholding relevant information
- Not using the property as the main or principal home

### 3.6 Mutual Exchanges and Transfers

Tenants wishing to move to another social housing property are encouraged to move via a mutual exchange rather than via the sub regional choice based lettings scheme. The tenant must obtain permission from the Council as their landlord before a mutual exchange can proceed.

Tenants wanting to move via the sub regional choice based lettings scheme will be assessed to determine their housing need. The tenants will be placed in one of four bands to reflect their housing need. Tenants affected by the under occupation charge will be placed in the high band to enable a move to a smaller, more affordable home. An incentive scheme is also available to tenants wishing to downsize.

Support and assistance to move can also be provided by the Tenancy Support Officer and the Council's Housing Choices Team.

### 3.7 Assignments and Successions

The Localism Act 2011 changes the automatic right of succession for all new secure tenancies. There is only a statutory right of succession to a spouse or partner. There is no right of succession for family members who have lived with the deceased tenant for 12 months prior to the tenant's death.

The Act does give local authorities the power to grant additional contractual succession rights in their tenancy terms, and North West Leicestershire District Council has determined not to exercise this discretion.

#### **4 MONITORING AND EVALUATION**

4.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success:

- Levels of tenancy sustainment
- Levels of demand
- Local tenant satisfaction
- Level of rent loss

4.2 The policy will be reviewed in 2020/21 and/or in response to legislative changes, feedback or recognised good practice.

#### **5 EQUAL OPPORTUNITIES POLICY**

5.1 The Council is committed to reflecting, embracing and promoting the diversity and inclusion of individuals and groups of people. We recognise that by understanding the differences between people, we will be able to provide better services.

Our staff are trained to recognise and understand what different customer needs may be so that we can ensure our services are accessible to all.