



# TENANCY POLICY

# DOCUMENT CONTROL

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Rochdale Boroughwide Housing Limited is a charitable community benefit society.

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## **1. Introduction & Purpose of the Policy**

- 1.1 The purpose of the policy is to provide a clear and accessible approach to tenancy management. RBH recognises that the Government, through the Localism Act 2011, has enabled Registered Providers to make choices about how they manage social and affordable housing. As a provider of social housing Rochdale Boroughwide Housing (RBH) is required by the Regulatory Framework for Social Housing in England to publicise a Tenancy Policy that sets out our approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

## **2. Methodology**

- 2.1 This policy has been developed following internal consultation with Legal & Mutual Services, Enforcement, Neighbourhoods and HomeChoice teams. It has also been developed after consultation with new RBH tenants.
- 2.2 The policy is designed to complement Rochdale Borough Council (RBC) Tenancy Strategy 2012-15 and will evolve and be amended over time to reflect the changing needs of the Society, customers and tenants living in our communities. We will continue to work in partnership with RBC to ensure we meet local needs, create sustainable communities and that complement the RBC Tenancy Strategy.

## **3. Aims and Objectives**

- 3.1 The aim of this policy (and associated procedures) is to clearly define the responsibility of RBH as a housing provider outlining its approach to tenancy management.
- 3.2 The key objectives of the policy are to:
- Make best use of RBH's homes to meet the needs of its customers and tenants.
  - Offer tenancies that are affordable
  - Ensure tenancies are sustainable and contribute to sustainable neighbourhoods and communities.
- 3.3 The Tenancy Policy is based on the following mutual values:

**Responsibility** – RBH will take responsibility for ensuring that it has a clear approach to tenancy management and this approach will advise customers and tenants of the actions and processes RBH employs to enable tenants to sustain their tenancy.

**Equity** – The Tenancy Policy and associated procedures will be developed and implemented in a fair and unbiased way having the best interests of the Society, customer and tenants at its core.

**Openness & Honesty** – The Tenancy Policy will be open, honest and transparent. It will be a policy that is accessible to all RBH colleagues and shared with our customers and tenants. It will, and has, taken into consideration tenant and customers needs. RBH will

be clear in its advice to people and will do what we say are going to do with transparent decision making processes.

**Caring** – Having a Tenancy Policy is an effective approach to ensuring that tenants feel supported in their homes and to creating sustainable, effective communities.

**Vision:**

The Tenancy Policy supports the RBH Vision ‘To use our exceptional position as a mutual to help people to create inspiring communities which enhance the lives of the people who live and work in them’. This will be achieved through effective tenancy management defined through a clear and transparent policy that supports customers and tenants to manage and sustain their tenancy effectively.

## **4. Scope of the Policy**

4.1 This Tenancy Policy has been designed to protect and inform tenants of RBH’s approach to tenancy management in compliance with the regulatory framework for Social Housing in England and the Localism Act 2011. It has been developed to ensure RBH employees and its customers:-

- Understand the types of tenancies we offer;
- In what circumstances RBH will grant these tenancies;
- How RBH supports its tenants to sustain their tenancies;
- How homes are let on Affordable rent;
- Succession and assignment criteria;
- How RBH will manage income related risk in the context of Welfare Reform.

## **5. Roles & Responsibilities**

### **HomeChoice**

5.1 Responsible for the Management of the Common Housing Register whilst working with partners to ensure that the housing need of applicants is met. They are responsible for the advertising and marketing of available homes, coordinating the registration of applicants, assessing eligibility of customers and determining affordable rent homes.

### **New Tenants’ Team**

5.2 Responsible for allocating homes to applicants and signing up customers for new homes whilst providing financial assessments to ensure new tenants can afford their homes and that the tenancy will be sustainable. They will also provide information, support and guidance to help new tenants manage their new home effectively.

### **Rent and Payments Team**

5.3 Responsible for maximising RBH rental income through early intervention and robust income collection processes. The Rent and Payments Team work with other RBH teams to help tenants to pay their rent enabling them to sustain their tenancy and reduce the

risk of eviction. This team also provides rent statements, regular rent collection information and assistance on affordable rents.

### **Neighbourhood Teams**

- 5.4 Responsible for supporting tenants who live in RBH communities to help them manage their tenancy effectively and live successfully in their homes. They are actively out and about in RBH communities visiting tenants and managing issues that arise relating to their tenancy, working with other agencies to create sustainable communities and neighbourhoods in which people want to live. They lead and action the coordinated resolution of Anti Social Behaviour across our communities. They promote Mutual Exchanges and are also responsible for identifying and gathering information with regard to tenancy fraud.

### **Better Living Team**

- 5.5 Responsible for providing in depth financial and tenancy support for RBH tenants helping vulnerable customers to sustain their tenancy. They also manage and coordinate RBH response to safeguarding issues.

## **6. Policy Statement**

- 6.1 RBH recognises that it has a responsibility to its tenants to publicise clear and accessible policies which outlines its approach to tenancy management, including enforcement of tenancy conditions, creating sustainable tenancies, preventing evictions and tackling tenancy fraud.
- 6.2 This policy also takes into consideration the Government's changes and the risks associated with Welfare Reform.

### **Type of tenancy offered by RBH**

- 6.3 The type of tenancy offered can be influenced by a number of factors:
- The type of tenancy held prior to a new tenancy starting;
  - The circumstances of the person/household to whom the home is offered ;
  - Restrictions arising from the RBH Offer Document and Transfer Agreement with RBC.
- 6.4 Rents will be increased or decreased in line with the national rent policy for Registered Providers via the HCA Regulatory Framework.
- 6.5 RBH currently offers two types of tenancy:

### **Assured Tenancy**

- 6.6 An Assured tenancy is a lifetime tenancy unless this is determined to not be the case by a Court Order. Tenants, who already had an assured tenancy with RBH, or transfer from another Registered Provider to RBH, will be offered an assured tenancy.

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### **Assured Shorthold Starter Tenancies**

- 6.7 RBH will offer an Assured Shorthold Starter Tenancy for a period of 12 months starting on any day of the working week to all new tenants that haven't already had an assured tenancy with RBH or are transferring from another registered provider on an assured tenancy. This provides the opportunity to support the new tenant(s) and engage with them to sustain the tenancy. If the Assured Shorthold Starter Tenancy has been conducted appropriately at the end of the twelve months the tenancy will convert to an Assured Tenancy.
- 6.8 The tenancy will be reviewed towards the end of the 12 month period and either converted into an Assured Tenancy or extended for a further six months if there are any complaints of antisocial behaviour or any other grounds for concern that require further investigation or the tenant is being given some time to improve their behaviour.
- 6.9 A Conversion Notice will be sent to tenants to convert an Assured Shorthold Starter Tenancy into an Assured Tenancy. If issues of nuisance or antisocial behaviour have arisen within the 12 months of an Assured Shorthold Starter tenancy, a decision will be made to either extend the tenancy for a further six months or we may decide to end the tenancy.
- 6.10 Before taking the decision to terminate a Starter Tenancy RBH will ensure that all appropriate actions have been taken to try and address the issues with any support needs or vulnerabilities taken into account.
- 6.11 RBH will give sufficient time to our tenants to be able to take remedial action and breaches will be thoroughly investigated and evidence collected in line with our Antisocial Behaviour Policy.

### **Ending a Tenancy**

- 6.12 Where a decision has been made to end a Starter Tenancy, RBH will serve either a 'Section 21(4) Notice' or a 'Housing Act 1988 section 8 Notice (a Notice of Seeking Possession)', depending on the nature of the breach and the circumstances of the case.
- 6.13 Mandatory Ground 8 will not be used for rent arrears cases and in these cases notices will only be served using Ground 10 (Discretionary).

### **Right to Appeal**

- 6.14 RBH provides all Starter Tenants served with a section 21 Notice giving the right to a review of the decision to terminate their Starter Tenancy. The full review process is detailed in RBH's Starter Tenancy Policy.

- 6.15 Should RBH serve a 'Notice Requiring Possession' under section 21, we will give the tenant fourteen days to appeal in writing to RBH, guidance for tenants on how to appeal will be included with the 'Notice'. If the tenant appeals and is successful we will withdraw the 'Notice'. If the tenant does not appeal or is not successful, we will ask the courts for possession of the home once the 'Notice' has expired.
- 6.16 Given the importance of the appeal process the tenant will be given advance notice of the hearing to enable them to have the opportunity to prepare for the hearing and seek legal advice if necessary.

### **Fixed Term and Flexible Tenancies**

- 6.17 RBH currently does not offer flexible or fixed term tenancies. However RBH recognises that there may be occasions where the use of a flexible tenancy is appropriate and will consider the use of fixed term and flexible tenancies in some circumstances.
- 6.18 These will be considered where:
- EAA nationals have work contracts for a specific period of time and have no recourse to public funds once that contract has been completed.
  - Someone has limited leave to remain.
  - A home is being used for a specific period of time e.g. use of a student studying in the locality.
  - The prospective tenant has a high risk of being unable to sustain a tenancy
  - The new home has been specially adapted for the prospective tenant.
  - The home is let on a shared basis.
  - We plan to carry out regeneration or demolition work.
  - Where agreed with the Homes and Communities Agency as part of a grant agreement
  - Any other identified business need.

### **New Tenants and Direct Debits**

- 6.19 RBH requires all new tenants to pay their rent by Direct Debit or another form of regular electronic transfer. Bank details and Direct debits will be set up at the start of a tenancy and two weeks rent will be payable in advance.
- 6.20 RBH will also require salary and income details to be provided.

## **7. Tenancy Sustainment**

- 7.1 RBH operates a triage system for those applying for a home. Each prospective tenant will be assessed to determine the level of support they are offered to ensure they can sustain their tenancy.
- 7.2 To determine the level of support we will complete:
- Debt checks on all applicants
  - Landlord references – including any previous tenancy history with RBH
  - Affordability Assessments when offered a home

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- Ability to provide 2 weeks, or more, rent in advance of tenancy.

7.3 RBH will then prioritise new tenancies accordingly:

- Low support needs and able to financially sustain a tenancy
- Medium Support needs less able to financially sustain a tenancy and may require additional visits by the neighbourhood Teams
- Specialist support, referrals and money advice needed to financially sustain a tenancy. Better Living Team in addition to Neighbourhoods and Rent and Payments Team advised.

7.4 In extreme circumstances where it is clearly evident that someone is unable to afford a home with RBH or is not tenancy ready the offer of a home may be removed.

7.5 RBH is committed to supporting tenants to sustain their tenancy and offer all new tenants a suite of tenancy visits. This includes:

- Welcome visit– This will enable RBH to offer support when required.
- At least two further contacts within 9 months to ensure the tenant(s) have settled in to their new home and community and to see if there is anything RBH can do to help or support the new tenant.

7.6 Existing RBH tenants are also offered support in sustaining tenancies as and when identified through audits or visits. The Neighbourhood Housing Team will be available and can be contacted for information and/or advice.

## **8 Mutual Exchanges, Assignments and Successions**

### **Mutual Exchanges**

8.1 RBH recognises the need for tenants to have the flexibility to move to another area and RBH's primary means to do this is by Mutual Exchange. Tenants have the right to exchange their property with another tenant of a registered provider of social housing (i.e. housing association, local authority tenant.) To facilitate a Mutual Exchange, tenants are able to use Exchange Locata. Exchange Locata service enables RBH tenants to swap homes with other tenants living in the borough. Once registered tenants can search for 'matches' in their chosen area and, via the Exchange Locata service, notified of possible matches. Tenants can also use this facility to move to other parts of the country.

8.2 Tenants are able to access Exchange Locata via their home internet by the Exchange Locata website [www.exchangelocata.org.uk](http://www.exchangelocata.org.uk). Alternatively they can use the IT facilities at the RBH Customer Access point St Albans House, Rochdale or by telephone or by speaking to their Neighbourhood Housing Officer.

8.3 RBH will actively promote the use of Exchange Locata as the primary means for tenants to move to another home and will give permission for mutual exchange unless the grounds for refusal outlined in the Housing Act 1985 apply.

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## **Assignments**

- 8.4 Assignment is one of the ways in which a tenancy can be legally transferred or signed over from one person to another during their lifetime. An assignment transfers the tenancy from the existing tenant(s) to a new tenant(s). A new tenancy is not created.
- 8.5 After an assignment has taken place, all of the rights and responsibilities of the tenancy are passed from the original tenant (the assignor) to the new tenant (the assignee). For an assignment to be valid :
- The original tenant must have the right to assign her/his tenancy; Have RBH's consent to the assignment – this can only be withheld in certain circumstances i.e. legal proceedings have been issued or suitability of the accommodation; and
  - It must be done by deed.

## **Sole to Joint Tenancy**

- 8.6 Should a tenant wish to add anyone to their tenancy, creating a Joint Tenancy (marriage/move in partner/family member) RBH approval must be sought. Tenants can contact their Neighbourhood Housing Officer in the first instance. There must be no outstanding legal action.

## **Joint to Sole Tenancy**

- 8.7 Should a tenant wish to be removed from a joint tenancy then RBH approval must be sought. Tenants can contact their Neighbourhood Housing Officer in the first instance. There must be no outstanding legal action.

## **Successions**

- 8.8 RBH tenants have the right to succeed to a tenancy in the circumstances set out in their tenancy agreement. Further to the statutory provisions for succession, RBH has granted extended succession rights for family members as an express term of the tenancy agreement for Assured Shorthold and Assured Tenants, These family members include children, grandchildren, parents, brothers, sisters, aunts, uncles, nephews, nieces, step relatives and adopted children.
- 8.9 Extended rights of succession are, however, conditional and the person applying would need to prove to RBH that:
- They are a member of the deceased's household
  - They have lived with them for the 12 months preceding their death
  - They have used the deceased tenant's home as their only and principal home, and;
  - Agree in writing the terms of the tenancy
- 8.10 In all succession cases, RBH will assess the suitability of the current home for the applicant(s) and will, if necessary, allow succession to an alternative home that is more suitable to the customers needs.

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8.11 We will normally only allow one succession but may allow further successions at our discretion.

## **9. Letting homes at an Affordable Rent**

The Affordable Homes Development Framework enables RBH to generate additional income from letting new and existing homes at an Affordable Rent. When a home is let at an Affordable Rent it will remain at an Affordable Rent for every future tenancy. At each let the market rent will be reviewed.

## **10. Links to Other RBH Policies/RBC Policies**

- RBC Tenancy Strategy 2012-2015
- RBC Allocations Policy
- RBH Income & Rent Collection Policy
- RBH Starter Tenancy Policy

## **11. Monitoring and Review**

11.1 Monitoring will include:

- Production of weekly and monthly performance reports to enable managers to monitor progress against agreed targets.
- Performance reports to the Senior Management Team.

11.2 RBH will invite tenants to engage in the monitoring and reviewing of its Tenancy Policy by the Customer Panel and through tenant consultation and satisfaction surveys.

11.3 All RBH strategies, policies and procedures are reviewed on a regular basis in order to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.

11.4 This policy, including any other related procedures will be reviewed annually by the Head of Income and Customer Support in order to ensure its continued appropriateness and formally reviewed and submitted to EMT for approval every three years.

## **12.0 Equality and Diversity**

12.1 The Tenancy Policy has been subject to a 'Relevance Test' and as a result a full Equality Impact Assessment has been undertaken.

12.2 The outcome of the assessment is that this policy has a low impact on our customers.

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