

# TENANCY POLICY

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## 1 Introduction

- 1.1 This policy sets out the range of tenancies Hastoe grants for its rented housing.
- 1.2 This policy also contains details of the circumstances where we will issue other occupation agreements that are not tenancies.
- 1.3 This policy does not apply to:
  - Shared ownership properties;
  - Properties built for outright sale;

## 2 Links with other Policies and Procedures

- 2.1 This policy should be read in conjunction with:
  - Standing Orders
  - Lettings Policy and Procedures
  - Starter Tenancy Procedure
  - Sole to Joint and Joint to Sole Tenancy Policy and Procedures
  - New Tenancy Options
- 2.2 The only tenancies we will offer without prior Board approval are those tenancies and other agreements set out in this Policy. Our lettings will at all times be in accordance with current Standing Orders.
- 2.3 In our general needs stock we will grant starter tenancies. These are 12-month social rent or affordable rent assured shorthold tenancies. These will be offered to all new tenants with the exception of existing social housing tenants where the tenancy started before the Localism Act 2011 came into force on 1 April 2012. In these cases we will grant a tenancy with no less security than the one they previously held. This is in accordance with the requirements of the RSH Tenancy Standard.
- 2.4 Starter tenancies will automatically convert to lifetime assured tenancies at the end of the starter period unless there has been a breach of tenancy.

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- 2.5 In circumstances where the starter tenancy has been breached the Housing Officer in agreement with the Housing Team Leader in the East Region and Regional Housing Manager in the West region will decide whether to end or extend the tenancy for a further 6 months in accordance with the Starter Tenancy procedure. The tenancy will only be ended for serious breaches of tenancy. Extensions will be granted where the breach is less serious to give the tenant the opportunity to rectify the breach. If the breach is not rectified by the end of the extension period the tenancy will be ended.
- 2.6 The decision to end or extend a starter tenancy can be appealed, as detailed in section 8 of this policy.
- 2.7 We may from time to time rent properties on assured shorthold tenancies at an intermediate or full market rent. This may be a response to market conditions or to new product opportunities and will always be in accordance with any obligations under local agreements, funding conditions or regulatory requirements. Decisions on when to let properties on this basis will be taken by the Executive Team.
- 2.8 Where the future options for a particular property or scheme are being assessed the Executive team may decide that any future lettings be on an assured shorthold tenancy only.
- 2.9 16 and 17-year old applicants for housing cannot hold a tenancy in their own right until they are 18 and will be offered a tenancy held in Trust until that date. These will only be granted where the applicant has a sufficient support package in place with a recognised agency, such as social services, and where this agency is also the trustee of the tenancy. An applicant refused a tenancy held in trust can appeal this decision as detailed in section 8 of this policy.
- 2.10 Regional Managers are responsible for ensuring new tenants are offered the correct tenancy or occupation agreement.

## 3 Other Current Occupation Agreements

- 3.1 We own or manage several non-standard developments with bespoke licences, tenancies or pitch agreements:
- Gypsy and Traveller Site
  - Almshouses
  - Properties managed on our behalf by other organisations under management agreements.
- 3.2 We will adhere to the terms detailed in the individual agreements for these developments.
- 3.3 The pitch agreements issued to residents of Hastoe's Gypsy and Traveller site include implied terms as required by the Mobile Homes Act 1983 (as amended by the Mobile Homes Act 2013).

## 4 Historic Tenancies

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4.1 Hastoe has a number of residual tenancy types in its housing stock. We no longer use these tenancies for new properties.

- Assured Shorthold 12 month Market Rent Tenancies. When vacancies occur we will advertise these properties for outright sale as determined by the Executive Team and not relet them.

4.1.1 Assured Shorthold 12 month Mortgage Rescue Tenancies. On termination of the tenancy, the Executive Team will decide whether these properties will be sold on the open market or offered for rent on a further 12 month Assured Shorthold tenancy, dependent on market conditions.

- Rent to Homebuy. If the tenants of these properties vacate rather than purchase, we will sell the property as shared ownership.
- Secure Tenancies. These are older lifetime tenancies used before 15 January 1989. We will not grant new Secure tenancies unless an existing tenant is legally entitled to a further Secure tenancy, for example if a Secure Hastoe Tenant transfers into another Hastoe home under the protection of the Localism Act 2011.

## 5 Mutual Exchange

5.1 We will ensure tenants are able to exchange homes with tenants of local authorities or other registered social landlords as long as they are eligible under our Lettings Policy and subject to the consent of both landlords. Starter, Probationary and Assured Shorthold Tenants do not have the right to exchange.

5.2 We will adhere to local connection criteria when assessing applications for mutual exchanges in the same way we do for an allocation of property.

## 6 Succession

6.1 Succession is the transfer of a tenancy to a qualifying person following the death of a tenant. When a tenant dies we will investigate and respond promptly and sensitively to applications for succession. This policy allows for only one single right of succession to a tenancy. Where there is an existing joint tenant that person automatically becomes the sole tenant through survivorship and there is no further right of succession. If there is no existing joint tenant statutory succession will apply in the first instance and over any other claim.

6.2 We will consider granting a new tenancy through succession if the applicant:

- is the deceased tenant's partner; or
- has taken on the responsibility for the deceased tenant's child or children; and
- has been living in the property as their principal home for over 12 months.

6.3 Where a succession to a tenancy is granted an assessment will be made by the Housing Officer in agreement with the Housing Team Leader for the area in

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the East Region or Regional Housing Manager in the West Region as to whether to allow the successor to remain in the property let to the original tenant or to seek to move them to alternative accommodation. This decision will be made based on the suitability of the property for the household and the availability of alternative accommodation.

6.4 Decisions made in relation to succession can be appealed as detailed in section 8 of this policy.

### 7 Appeals

- To terminate a tenancy at the end of the starter period
- To refuse an application for succession.
- To refuse to grant a tenancy in trust to a 16 or 17 year old applicant.

7.1 Appeals must be made within 14 calendar days of the relevant letter or date of service of the Notice Requiring Possession. Appeals may be made through a representative.

7.2 All appeals will be dealt with within 10 working days, unless further evidence is required in which case the tenant will be notified of an extended deadline. Appeals will be considered by a Regional Manager.

7.3 Tenants and applicants will be notified of the outcome of their appeal in writing. There is no further right of appeal.