

Plus Dane Housing

Tenancy Policy

June 2021
NEI-POL-10-02



Contents

1. Policy statement	3
2. Policy Aims	3
3. Links to Corporate Plan	3
4. Our Approach	3
4.1 Minors.....	4
4.2 Types of Tenancy we will grant	4
4.3 Starter Tenancies	4
4.4 Assured (non-shorthold) tenancies.....	4
4.5 Secure Tenancies.....	4
4.6 Assured Shorthold Tenancy	5
4.7 Affordable and Social Rents	5
4.8 Tenancy Sustainment.....	5
4.9 Vulnerable Households	6
4.10 Joint Tenancies	6
4.11 Decants	6
5. Customer Standards.....	6
6. Assurance	7
6.1 Appeals	7
7. Equality Impact Assessment	7
8. Modern Slavery & Human Trafficking.....	7
9. Appendix 1	8
9.1 Types of Tenancy by Rental Product.....	8
9.2 General needs – Social Rent.....	8
9.3 General needs – Affordable Rent	8
9.4 Extra care housing.....	8
9.5 Supported Housing.....	8
9.6 Rent to Buy.....	8
9.7 Market Rent.....	9

1. Policy statement

The Tenancy Standard, which is part of the regulatory guidance, requires Registered Providers (RPs) to publish a Tenancy Policy, which outlines their approach to tenancy management. There is also a requirement that this policy takes account of the Local Authority's Tenancy Strategy.

Our Tenancy Policy is integral to achieving balanced communities. We are committed to ensuring there is stability within our neighbourhoods and making best use of housing stock in order to meet customers and future applicants' needs.

This Policy does not apply to mortgage rescue or shared ownership properties.

2. Policy Aims

The aims of this policy are to:

- provide customers with clear guidelines on the types of tenancies we will offer;
- provide tenants the opportunity for a stable home, with security of tenure earned by demonstrating that they can conduct their tenancy satisfactorily
- comply with all applicable statutory, legal and regulatory requirements in relation to the form and use of tenancy agreements.
- comply with all guidance issued by our regulator that applies to the allocation of our homes and the calculation and formula to be followed when setting rents.
- offer tenancies which make the most efficient use of our housing stock and which are compatible with the purpose of the accommodation

3. Links to Corporate Plan

This policy links to the working principles within our corporate plan of delivering quality homes and services.

4. Our Approach

We recognise the importance of tenure security in both developing and maintaining stable and viable communities.

We intend to let the majority of our properties on Assured (lifetime) tenancies following successful completion of a probationary period.

We have chosen not to use fixed-term tenancies for our social rented homes. Instead, we shall continue to grant lifetime tenancies to reflect the stability that this can bring to tenants, their families and the community.

Any discretionary tenancy we may offer will only be granted to an individual with whom we have an existing landlord relationship, be they tenant or household occupant.

4.1 Minors

In relation to our general needs housing stock, we will not usually grant individual occupancy agreements to minors of 16 or 17 years of age.

We may, in our absolute discretion, grant minors who are 16 or 17 years of age an occupancy agreement, known as an agreement for a tenancy, so long as they have a guarantor who can ensure that the rent will be fully paid as and when it falls due and who is willing to sign a guarantor agreement to this effect with us. Upon the minor turning 18 years of age, and so long as we have not taken any steps to end the agreement for a tenancy, the minor will be granted a tenancy agreement with us in line with this policy and the terms of the agreement for a tenancy

4.2 Types of Tenancy we will grant

All new tenants will be informed at the point of the offer as to what type of tenancy they are to be offered. The tenancy types we will offer are set out below. Appendix 1 details the types of tenancy we will offer by rental product.

4.3 Starter Tenancies

These tenancies (sometimes referred to as starter or probationary tenancies) are granted to customers who are new to Plus Dane. The vast majority of new customers will be granted a Starter Tenancy, which will run for 12 months (or 18 months if extended). After which, subject to satisfactory behaviour, the tenancy will automatically become an Assured (non-shorthold) Tenancy, provided the tenant has maintained the terms and conditions of their tenancy agreement.

4.4 Assured (non-shorthold) tenancies

We will grant assured (non-shorthold) tenancies to existing Plus Dane customers who are transferring and already have an Assured (non-shorthold) Tenancy with us. This applies equally to homes let at both a Social and an Affordable Rent.

New tenants moving into our supported housing shall be granted Assured Non Shorthold Tenancies. A small number of residents in our temporary supported accommodation shall be granted Licence Agreements.

Assured Non Shorthold and Secure Tenancies are often described as 'lifetime tenancies'. Should there be no contractual breach, the tenancy will continue indefinitely.

4.5 Secure Tenancies

Some long-standing Plus Dane tenants whose tenancies commenced prior to 15 January 1989 have a secure tenancy agreement. Whilst we no longer offer this type of tenancy, the right to remain a secure tenant remains as long as the tenant remains a Plus Dane tenant and does not move into an affordable rent

home. If an existing secure tenant chooses to transfer to an affordable rent home, they will move on to an Assured non-shorthold tenancy.

4.6 Assured Shorthold Tenancy

In certain circumstances, we may grant an Assured Shorthold Tenancy.

This type of tenancy will be used in the following instances:

- Intermediate Rent properties
- Rent to Homebuy and Rent to Buy properties
- Market Rent properties
- Supported Housing, where the type of accommodation or client group makes this a necessity.

4.7 Affordable and Social Rents

We may let tenancies at a Social Rent (target rent) or an Affordable Rent. Where an Affordable Rent tenancy is offered, the rent shall be no more than 80% of the market value rent in that locality and will be set in accordance with our Rent Setting Policy.

Affordable Rent Tenancies are Assured non-shorthold. They differ from Social Rent tenancies because a higher rent may be charged.

Where a Social Rent for the property is higher than the Affordable Rent, the Social Rent will be charged.

Most of our new build homes and the majority of our re-let properties will be let at an Affordable Rent. The purpose of Affordable Rent is to ensure we can continue to develop new affordable housing and contribute towards meeting on-going housing need.

Once a property has been let at Affordable Rent, it will remain as Affordable Rent for all future lettings.

When we advertise our homes through our partner Choice Based Lettings schemes, we will inform applicants as part of the advert whether the property is affordable rent or social rent. This allows applicants to choose whether they wish to bid for an Affordable Rent tenancy or a Social Rent tenancy.

4.8 Tenancy Sustainment

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

We will provide, where appropriate, practical assistance to our customers to help them to keep their tenancies and shall intervene early when we become aware of tenancy breaches. Where support needs are identified we will, where

appropriate, signpost to relevant support agencies or to our in-house Floating Support service.

We will use any appropriate available tools at our disposal, including legal and non-legal action to address tenancy breaches.

Warnings will usually be confirmed in writing and will inform the tenant if they do not modify their behaviour they will risk losing their tenancy.

For the avoidance of doubt, where for example, the tenant's behaviour must be stopped immediately such as hate crime, domestic abuse and threats or actual use of violence or drugs conviction we shall seek to end the tenancy at the earliest possible opportunity.

4.9 Vulnerable Households

For tenants in general needs housing who are particularly vulnerable, we are committed to ensuring that they can remain as Plus Dane tenants providing there are no serious or persistent breaches of tenancy.

In relation to the above commitment, we may offer support through our in-house teams or where appropriate, we may sign post to other more appropriate support agencies.

4.10 Joint Tenancies

We will consider requests for joint tenancies between spouses, civil partners and co-habiting couples. This will require the ending of the sole tenancy and the granting of a new joint tenancy. Such requests will be considered in line with our Tenancy Management Policy.

4.11 Decants

If we are required to decant a Plus Dane tenant on a temporary basis to fulfil our landlord obligations, we will use a Temporary Tenancy that does not provide any security of tenure. The tenant will retain their main tenancy and rent will be charged at their principal address.

Any Plus Dane tenant who moves during redevelopment work and their home is to be demolished and a new scheme built will be offered a new home on the same security of tenure as their previous tenancy.

5. Customer Standards

The following standards are in place for this policy:

We will:

- tell tenants and applicants which type of tenancy we shall offer and the rent due;
- provide information in our tenancy agreement on tenancy rights;

6. Assurance

Homeshub and Lettings Team Managers and colleagues are responsible for applying the policy as described.

6.1 Appeals

If a tenant believes that they have not been offered or granted the correct type of tenancy as outlined in this Tenancy Policy, they can make an appeal to review the type of tenancy awarded which should be made within 3 months of the tenancy starting. The appeal should be submitted in writing (email or letter) and addressed to the Director of Housing who will consider the appeal on paper and respond with a decision within 21 days.

7. Equality Impact Assessment

An Equality Impact Assessment undertaken on this Policy has indicated there are no negative impacts arising from this Policy based on a customer's race, religion, disability, gender or gender identity, sexual orientation, marital or civil partnership status, pregnancy, or age.

8. Modern Slavery & Human Trafficking

As outlined in Plus Dane's Modern Slavery Statement, we are committed to preventing modern slavery and human trafficking in our corporate activities.

As part of our Lettings Policy we will undertake status checks to confirm that a person is eligible to rent a property from us and will require that all potential tenants provide us with proof of identity, National Insurance number, address, and income prior to signing up for a property. Once these checks are concluded we will then grant the appropriate tenancy to the customer.

Where we have concerns, we will raise these concerns through our wider safeguarding approach.

9. Appendix 1

9.1 Types of Tenancy by Rental Product

The tenancy type to be offered for each type of housing is set out below.

9.2 General needs – Social Rent

For new tenants offered general needs housing with a Social Rent we will grant a starter tenancy, which will convert to an Assured (non-shorthold) “lifetime” tenancy following the successful completion of the starter “probationary” period.

Existing Plus Dane tenants who have held a tenancy for more than 12 months will not be expected to undergo a further probationary period and will instead be offered an Assured (non-shorthold) Tenancy.

9.3 General needs – Affordable Rent

For new tenants in general needs housing with an Affordable Rent we will offer a starter tenancy. We shall charge 80% of the current market rent at the time of each let.

Existing Plus Dane tenants, moving from one affordable rent property to another affordable rent property, who have held a tenancy for more than 12 months will not usually be expected to undergo a further probationary period and will instead be offered an Assured (non-shorthold) Tenancy

9.4 Extra care housing

For new tenants offered general needs housing with a Social Rent we will grant a starter tenancy, which will convert to an Assured (non-shorthold) “lifetime” tenancy following the successful completion of the starter “probationary” period

Existing Plus Dane tenants who have held a tenancy for more than 12 months will not be expected to undergo a further probationary period and will instead be offered an Assured (non-shorthold) Tenancy.

9.5 Supported Housing

For designated supported housing schemes, where the intended use is for a limited period while the tenant has support needs, we will use a periodic assured short hold tenancy. For specialist supported accommodation such as homeless hostels, where it is intended for short term stays, we will use a licence agreement.

9.6 Rent to Buy

For new tenants offered a Rent to Buy product we will grant an assured shorthold tenancy on a minimum 6 months’ basis which will then continue on a rolling month by month basis. This will be for an initial period of five years. Tenants can buy the home through shared ownership at any time during the tenancy term. After the initial 5 years the tenant can buy the property outright

or the tenancy can be terminated and the property sold or re let on a market rent.

9.7 Market Rent

For new tenants offered a Market Rent product we will grant an assured shorthold tenancy on a minimum 6 months' basis. At the end of the fixed term, unless terminated either party the tenancy will remain an assured shorthold tenancy on a rolling month-by-month basis until terminated by either party.