

POLICY	SSHA Tenancy Policy
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1. Overall Policy Statement

1.1 South Staffordshire Housing Association (SSHA) will work with all customers to develop and maintain sustainable communities and sees a range of tenancy products and proactive tenancy management as key to achieving this.

1.2 The Association's approach is to:

- Provide a flexible and responsible tenancy management service.
- Ensure tenants are aware of their rights and responsibilities in accordance with their Conditions of Tenancy, legislation and regulatory guidance.
- Ensure tenants are given the fullest possible freedom consistent with neighbour's quiet enjoyment of their homes.
- Ensure that the Association's interests are protected.

1.3 This Policy sets the framework for the Association's approach to tenancy management. It covers:

- Government Policy and Regulatory Background
- Fixed term tenancies
- The types of tenancy offered by the Association
- How a tenancy can be ended, including appeals against decisions made
- Consideration of the needs of vulnerable households
- Advice and support when tenancies end
- Succession rights
- Mutual exchanges

2. Government Policy and Regulatory Background

2.1 The Government's approach to social housing reform is a key context for this Policy. The Government's approach is intended to:

- Enable decisions about who lives where and for how long to be taken on the basis of local need and circumstances
- Result in a housing system that is better focussed; protecting and supporting those who need it most
- Shift the public's perception of social housing to it being a springboard into work and self-sufficiency

2.2 To achieve these outcomes the Government is:

- Introducing fixed term tenancies for social housing from April 2012
- Placing a duty for local authorities to publish a tenancy strategy from early 2013
- Giving local authorities greater control over their waiting list
- Enabling authorities to discharge their homelessness duty through accommodating a household in the private sector
- Encouraging social landlords to improve existing tenants' opportunities to move home

2.3 It is a regulatory requirement that all Registered Providers should have a Tenancy Policy in place from April 2012 even if fixed term tenancies are not to be offered from that date. The

Policy should set out the provider's approach to fixed term tenancies and tenancy management and should:-

- Provide clarity
- Ensure consistency
- Protect the organisation from legal challenge

2.4 It is also a requirement for Registered Providers to have "due regard" to local authority tenancy strategies. As local authorities do not have to have their Strategies in place until early 2013, the Association will continue to proactively engage with our partner local authorities as we develop our Policy.

3. Fixed Term Tenancies

3.1 The Association uses fixed terms for Assured Shorthold Tenancies. It has chosen not to use fixed terms for other types of tenancies at this point in time but will review this later in the year as local authority strategies emerge.

4. Types of Tenancy Offered

4.1 The Association will offer Assured Shorthold or Assured Tenancies as follows:

Assured Shorthold Tenancies

4.2 Assured Shorthold Tenancies will be issued for:

- Starter Tenancy
- Mortgage Rescue Tenancy
- Intermediate Rent Tenancy
- Short Stay Accommodation Tenancy

4.3 Starter Tenancies will be issued to all new tenants apart from:

- Existing assured tenants
- Previous tenants of other Registered Providers or Local Authorities
- Tenants who are undertaking mutual exchange or tenancy assignment
- Tenants of Extra Care accommodation

4.4 In cases of succession, the successor will take on the remainder of the period of the starter tenancy.

Assured Tenancies

4.3 Assured Tenancies are issued to tenants who have either satisfactorily completed their Starter Tenancy or tenants who do not meet any of the other criteria above for an Assured Shorthold Tenancy

Other Tenancy Types

4.4 There are a small number of other tenancy types that exist due to tenants not signing tenancy agreements at stock transfer in 1997 or past reviews. The Association treats these as Assured Tenancies apart from rent setting notices and which grounds the tenant can be taken to Court on when the specific tenancy agreement applies.

5. Length of Tenancy

5.1 Assured Shorthold tenancies are granted for a fixed term, dependent on the product or service provided:

Starter Tenancies – fixed for 1 year initially but can be extended for a maximum of 1 further year.

Mortgage Rescue Tenancy – fixed for 3 years in line with Government policy and regulatory guidance.

Intermediate Rent Tenancy – where the intermediate rent tenancy is the result of a conversion of a shared ownership product, the term is 6 months; for properties that have been specifically developed as intermediate rent, the term is 12 months.

Short Stay Accommodation Tenancy – these are issued on a periodic weekly basis.

6. Ending a Tenancy

6.1 The Association will always support tenants to remain in their homes, including offering appropriate advice and assistance to fulfil tenancy conditions. However, the Association will end tenancies in the following circumstances:

- Where there are serious breaches of conditions, the Association can take possession action in the County Court which could ultimately lead to eviction.
- Where a fixed term is due to expire.
- Where the property is part of a wider redevelopment or regeneration scheme (in this circumstance, residents will be moved in accordance with the Decant Policy).

6.2 When ending a tenancy the Association complies fully with relevant legislation, particularly Schedule 2 of the Housing Act 1988 as amended by the Housing Act 1996.

Appeals

6.3 Appeals regarding decisions made about tenancies can be made via the Association's Complaints procedure. Legal notices can be served during the period whilst a complaint is being made if this is necessary.

7. Vulnerable Households

The circumstances of the household, including age, disability or illness and households with children are taken into account when reviewing any Assured Shorthold Tenancy with the aim of providing a reasonable degree of stability for the household.

8. Advice and Support

8.1 The Association is committed to working closely with tenants whose Assured Shorthold Tenancies are due to end. The Association will explore with tenants their housing options and choices at the beginning of the notice period (two months before the end of the tenancy) at latest and preferably well before this (four to six months before the end of the tenancy).

8.2 The Association will provide advice and support itself and signpost tenants to the relevant local authority housing advice team, Citizen's Advice Bureaus (CAB) etc.

9. Succession Rights

9.1 The Association will allow succession in the following circumstances:

(a) In compliance with relevant legislation (particularly Housing Acts 1985 and 1988)

(b) Where a successor is:

- a family member of your family (as that expression is defined in Section 1 1 3 of the Housing Act 1985) or partner of the same sex and;
- lawfully occupied the Premises as their only or principal home at the time of your death; and,
- lawfully resided with you throughout the period of twelve months ending with your death; and
- Makes a claim in writing to the Association within three months of your death or such longer time as the Association shall in its discretion allow.

9.2 If more than one person makes a claim to succeed in these circumstances, the Association, in the absence of agreement between such claimants, will in its absolute discretion select the person who may succeed to the tenancy.

9.3 The succession criteria will be clearly set out in the Tenancy Conditions.

10. Mutual Exchanges

10.1 To encourage individual mobility and assist tenants with moving to find work and better meet their individual circumstances, the Association will participate in a national mutual exchange scheme and will promote this scheme to tenants.

10.2 The Association will approve mutual exchanges provided that the following conditions are satisfied:

- If the property is a rural exception site that the prospective new resident meets the allocations criteria (local connection) as specified by the Tenancy Agreement held by the existing tenant (N.B. these may vary from scheme to scheme).
- The condition of the property must be good and any rechargeable repairs paid for.
- If there are current or former tenant rent arrears.
- The exchange must not lead to an unsuitable housing situation (including statutory overcrowding) for either of the households involved.
- None of the grounds for refusing a mutual exchange (as set out in Schedule 3 Housing Act 1985) apply. The Association will apply the grounds set out in Schedule 3 Housing Act 1985 as if they applied to Assured Tenancies.

10.3 Tenants must apply in writing to the Association for consent to the mutual exchange and complete a request form. Where the Association wishes to deny a tenant's right to exchange (for example because one of the grounds in Schedule 3 to the Housing Act 1985 applies) notice of this refusal must be given in writing within 42 days of the original application.

10.4 Tenants requesting a mutual exchange will be provided with advice on the implications of this, including, where appropriate, details about different tenancy types, any rights which the tenant may lose and differences in rent setting regimes.

11. Tenancy Documentation

11.1 At the start of their tenancy, all tenants will be issued with a relevant Tenancy Agreement and set of Tenancy Conditions. The Association will provide advice and support to all tenants to help them understand the Tenancy Agreement and Tenancy Conditions and the rights and obligations contained within these.

11.2 The Tenancy Conditions will clearly set out the rights and responsibilities of both the tenant and the Association.

Policy Data

Risk Assessment	<p>The following risks are relevant and detailed on the Risk Register:</p> <p>GC20 (ranked as GREEN) – policies are not developed and reviewed robustly taking account of changes in legislation, good practice etc and in a timely manner Control – this Tenancy Policy updates and replaces the current Tenancy Management and Mutual Exchange Policies, including regulatory changes.</p> <p>GC1 (ranked as AMBER)– not responding quickly to regulatory changes Control – by developing an interim Tenancy Policy, SSHA meets the regulatory requirement and also avoids entering into new tenancy and succession arrangements before the Local Authorities have developed their strategies and before legal implications are fully mitigated.</p>
Consultation	<p>Consultation with residents not required at this stage as this policy reflects existing tenancy types. SSHA is engaging in consultation with Local Authorities as they develop their Tenancy Strategies</p>
Issues for Equality and Diversity	<p>Not required at this stage as this Policy reflects current tenancy types and EINAs have already been undertaken for the various Assured Shorthold Tenancy types</p>
Associated Policies and Procedures	<ul style="list-style-type: none"> ➤ Starter Tenancy ➤ Eviction ➤ Choice Based Lettings ➤ Anti Social Behaviour ➤ Decant
Associated Documents	<ul style="list-style-type: none"> ➤ Tenancy Agreement ➤ Tenancy Conditions ➤ HCA Capital Funding Guide ➤ Development and Strategic Asset Management Strategy
National Standard	Tenancy Standard
Responsibility	
Board or Committee	SSHA Board of Management.
Director	Director of Customer Services.
Manager	Head of Housing Services.
Reporting	None
Policy Creation Date	March 2012
Review Period	Three years or if regulatory changes or changes to local authority strategies in areas where the Association operates occur.
Previous Review Dates	July 2013
Version Number	1.0

<p>Previous Amendments</p>	<p>July 2013 – policy reviewed to reflect the Association’s response to welfare reform, the approach to under occupation and the decision not to implement fixed term tenancies (approved by SSHA Board on 16th May 2013). The Strategy also pays due regard to the various local authority Tenancy Strategies for the areas where the Association operates. No changes proposed to Strategy. July 2016 – Board approval to extend Review period.</p>
<p>Review Date</p>	<p>October 2016 or if regulatory changes or changes to local authority strategies in areas where the Association operates occur.</p>