

Operational Manual

Corporate

Tenure and Tenancy Management

Policy

Issue: 10

Board approval: February 2023

Responsibility: Housing/C&SH

Review Date: February 2025

1.0 Introduction

- 1.1** Hightown provides a range of services to residents occupying different types of property. Different tenure types are offered to ensure that the most appropriate form of tenure is used in each case.
- 1.2** Hightown provides housing and support services for a wide range of residents, including general needs housing, intermediate rent, social lettings agency, registered care homes, supported living, women's refuges, short term hostel accommodation, Housing First, and self-contained properties and shared housing with different levels of support for both long and short term occupancies.
- 1.3** The purpose of this policy is to clearly set out the kinds of tenure to be granted for existing and new properties and the way those properties will be managed.
- 1.4** Hightown's policy on tenure will comply with the Regulator of Social Housing's Tenancy Standard, as set out in the Regulatory Framework.
- 1.5** Tenancy and licence agreements are the key contractual documents between our residents and Hightown. The agreements cover the residents' rights and responsibilities alongside Hightown's obligations as the landlord.
- 1.5.1** Standard tenancy and licence agreements for use by Hightown are drawn up based on legal and regulatory requirements. These will be reviewed periodically when legal and regulatory requirements change.
- 1.6** The flow chart at Appendix One sets out the decision making process to determine what type of tenure should be used in General Needs. This chart should be used to check that the correct tenancy agreements are being used for general needs lettings.

2.0 SCOPE

- 2.1** This policy applies to all Hightown staff involved in the allocation, letting and management of Hightown's rented properties. It applies to both directly managed and agency managed schemes.
- 2.2** This policy applies to rental accommodation only, and does not apply to Leasehold, Retirement Leasehold or Shared Ownership properties.

3.0 AUTHORITY

- 3.1** The Regulator of Social Housing's Tenancy Standard requires Registered Providers to issue tenancies which are “compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.” And to “publish clear and accessible policies which outline their approach to tenancy management” and which set out various matters as listed in the standard.

4.0 OBJECTIVES

- 4.1** To set out the criteria for granting different types of tenure.
- 4.2** To ensure that applicants are aware of the type of tenancy they are being offered and that the tenure is appropriate to the type of housing and the personal circumstances of the applicant for housing.
- 4.3** To allow Hightown to accommodate vulnerable individuals; offering appropriate levels of support, while at the same time reducing the risk of health and safety issues, high levels of rent arrears, bad debt and damage to Hightown property.
- 4.4** To outline the approach to ensuring that homes continue to be occupied by the person named on the tenancy or licence agreement.

5.0 ROLES AND RESPONSIBILITIES

- 5.1** The Director of Care and Supported Housing and Director of Housing will ensure that Hightown has standard tenancy and licence agreements drawn up containing the legal and regulatory requirements, taking solicitor's advice where changes to tenancy agreements are proposed. Funding agreements may require Hightown to make lenders aware of any changes to standard agreements.
- 5.2** Staff involved in the allocation and letting of properties will make every effort to ensure that residents understand the agreements they sign.
- 5.3** Tenancy management services are provided by Housing Officers, Home Ownership Officers and Care and Supported Housing Staff, with support from their line managers. Other frontline staff, such as Income Recovery Officers, Financial Inclusion Officers, Tenancy Sustainment Officers and Property Services Inspectors also have a role in dealing with aspects of tenancy support.

6.0 TENURE POLICY

- 6.1** Hightown will not grant inter-generational joint tenancies or joint tenancies between siblings (e.g. between parents and children, grandparents and grandchildren, or brothers and sisters), or tenancies between friends, unless there are exceptional circumstances which would require this approach. Any exceptional circumstances will be considered by a Senior Manager.
- 6.2** No more than two people may be joint tenants.
- 6.3** Agreements must clearly set out the rights and obligations of the tenant or licensee and the landlord, and meet all legal and regulatory requirements.

6.4 Information will be made available to applicants for housing prior to signing their agreement to enable them to understand the type of tenure they are being granted, the length of the agreement.

6.5 In order to take into account the needs of vulnerable households and provide a reasonable degree of stability, Hightown will offer tenancies and licences in the circumstances detailed below.

7.0 DEFINITIONS AND CIRCUMSTANCES IN WHICH TENANCIES AND LICENCE AGREEMENTS WILL BE USED

7.1 Licence Agreements

7.1.1 A licence does not provide security of tenure and can be ended through serving Notice to Quit.

7.1.2 Licence Agreements will be used where: -

- The occupier lives in supported housing and does not have exclusive possession of the property, for example if they share facilities or can be asked to move to a different room at the scheme.
- Where the management of a scheme requires that Hightown or its agents have a right to access to a person's accommodation, for example to ensure the health and safety of the individual or other occupants.
- Where the accommodation is occupied by service users under the age of 18 and the property is block funded by the County Council.
- Hightown is temporarily decanting a tenant to another Hightown property in order to carry out repair works, where the rent will remain payable on the original tenancy.

7.2 Assured Shorthold Periodic Tenancy Agreements

7.2.1 This type of tenancy is a periodic tenancy and is issued where there is no intention to create a home for life. The tenancy can be ended by giving notice in accordance with legislation and applying to the county court for a possession order, which would normally be granted without a hearing.

7.2.2 Assured Shorthold Periodic Tenancies will be used where: -

- The accommodation is intended to last between 6 months and 2 years.
- The scheme is designed to provide temporary accommodation and may be ended when the occupant no longer meets the criteria for the type of accommodation.
- The individual has a care or support package to be reviewed, which may involve the accommodation being inappropriate thereafter.
- Where the resident has clear and defined support needs.
- The accommodation is provided as an intermediate rent product, or a market rent is being charged.

7.3 Starter Tenancy Agreements

7.3.1 This is an assured shorthold tenancy that is granted for one year. If at the end of the year the tenant has complied with the terms of their tenancy agreement, and steps have not been taken to end the tenancy or extend the Starter period, the

tenancy will convert to an Assured tenancy. Starter tenancies can be ended by giving notice in accordance with legislation and applying to the county court for a possession order, which would normally be granted without a hearing.

7.3.2 Starter tenancies will be used where:-

- The applicant is a new general needs tenant who does not hold a secure, assured or fixed term tenancy from a social landlord when they are offered a general needs tenancy with Hightown.
- The property is being let under the Housing First scheme.

7.3.3 Starter tenancies are NOT used for: existing Hightown tenants who transfer to another property (unless they are already on a starter tenancy) or tenants of another registered social landlord or local authority who transfer to Hightown from a secure, assured or fixed term tenancy.

7.4 Assured Tenancy Agreements

7.4.1 Assured tenants have security of tenure and their tenancy can only be ended by a Court using grounds for possession provided for in the Housing Act 1988. Since 1989 assured tenancies have routinely been issued to Housing Association general needs tenants (homes built for single people, couples or families with no particular support needs).

7.4.2 Assured tenancy agreements will be issued in general needs housing where the tenant has successfully completed a Starter tenancy, or where an applicant for housing is moving from an existing assured, secure or fixed term tenancy from a social landlord.

7.5 Fixed Term Tenancy Agreements

7.5.1 A fixed term tenancy is an assured shorthold tenancy which has a fixed term period. During the fixed term, the tenant has security of tenure which means that the tenancy can only be ended using grounds for possession provided for in legislation. The tenancy may be ended at the end of the fixed term, by serving a "minded to" notice, giving notice, and applying for a mandatory possession order.

7.5.2 The circumstances in which Hightown may or may not grant another tenancy upon expiry of the fixed term are outlined in the Fixed Term Tenancy procedure.

7.5.2 Between April 2012 and March 2019 Hightown entered into fixed term tenancy agreements with general needs tenants after they had satisfactorily completed a starter tenancy. Since April 2019 an assured tenancy has been offered instead.

7.5.3 Two year fixed term tenancies may be used where Hightown has plans to redevelop or dispose of a property and wishes to offer shorter term tenancies.

7.6 Secure Tenancy Agreements

7.6.1 These tenancies are no longer granted to new general needs tenants, but people whose tenancy started before 15th January 1989 will have this type of tenancy. The terms of a secure tenancy are slightly different to an assured tenancy;

including having the rent assessed by the Rent Officer and grounds for gaining possession of the property. However, secure tenants have a similar level of security of tenure to an assured tenant; the tenancy can only be ended by a Court using grounds for possession provided for in the legislation. When a secure tenant transfers to another property owned by Hightown they will remain on a secure tenancy. They may have the Right to Buy.

7.7 Equitable Tenancy

7.7.1 Equitable tenancies are used for 16 and 17 year olds where normally another tenancy type would apply. This is because legally a minor cannot enter into such a contract. The minor becomes a tenant in equity until they reach the age of majority (usually 18) and the legal estate is held on trust on their behalf until that time.

7.8 Demoted Tenancy

7.8.1 A demoted tenancy is one which is downgraded by the court and is not a tenancy which can be granted by the landlord.

7.8.2 Hightown can apply to Court to demote an existing assured or secure tenancy to a demoted tenancy, which has the same rights as an assured shorthold tenancy, and less protection from eviction.

7.8.3 Demoted tenancies are used as a tool to manage anti- social behaviour. If the court agrees to a demotion a written tenancy agreement that explains the tenant's rights and responsibilities during the demotion is provided to the tenant. After a year, if Hightown has not applied for possession of the demoted tenancy, the tenant is automatically entitled to a new assured tenancy (even if they were a secure tenant before).

8.0 Succession Rights

8.1 Hightown does not grant additional contractual succession rights through the tenancy agreement in addition to statutory rights. However, some older tenancy agreements do provide for additional rights for family members. Where the needs of vulnerable household members may only be met by the property and are considered to constitute exceptional circumstances, a discretionary succession right may be granted.

9.0 EXCEPTIONS

9.1 It may not always be possible or appropriate to provide housing with a form of tenure as described in this policy, for example for management reasons. In such circumstances the appropriate Director may approve the use of an alternative form of tenure as an exception prior to the agreement being issued.

10.0 MASTER COPIES

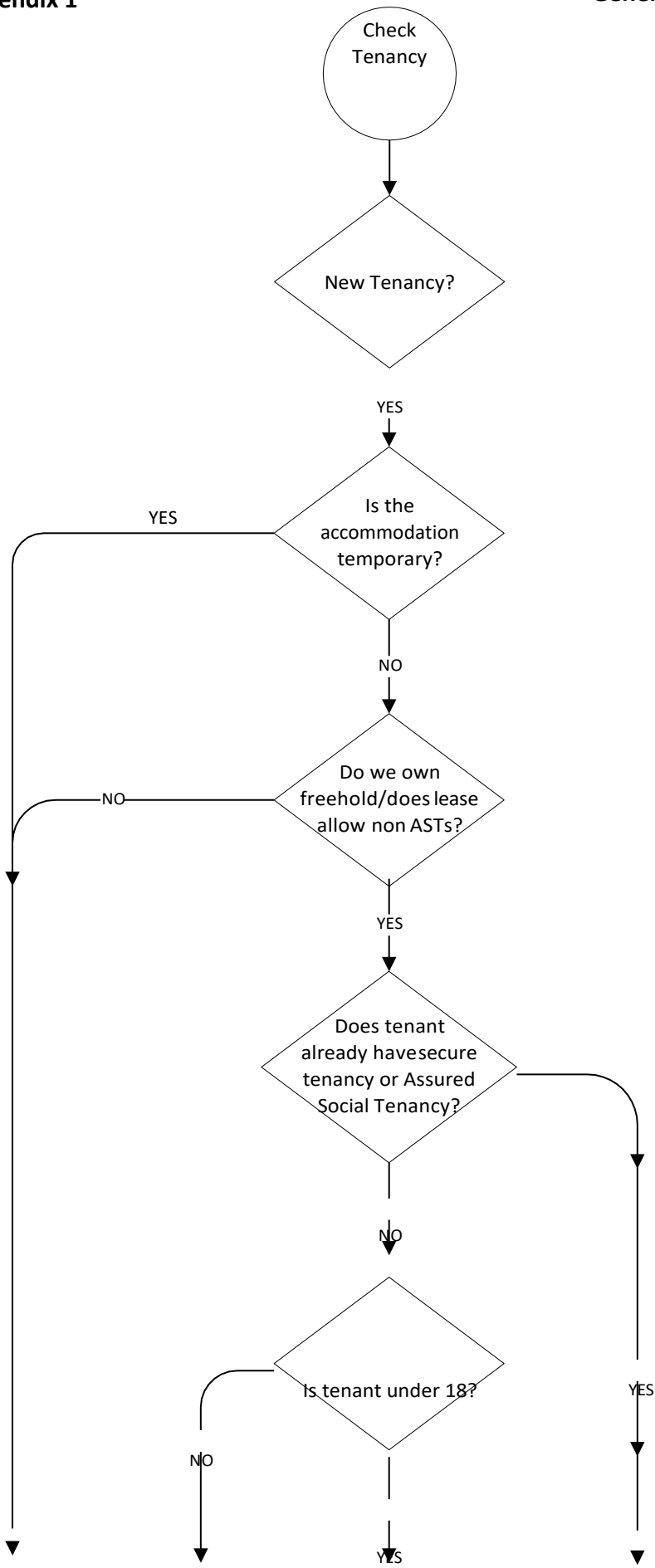
10.1 Master copies of agreements are not to be amended other than to include resident, property, and rent and service charge details. Any amendments to the agreements must be agreed with the Director of Care and Supported Housing or Director of Housing, and be checked by an approved solicitor.

11.0 TENANCY MANAGEMENT POLICY

11.1 The policy relating to tenancy management, including customer service, is set out in Appendix 3.

12.0 OTHER POINTS OF REFERENCE

- Tenure Management Procedure
- Starter Tenancy Procedure
- Fixed Term Tenancy Procedure
- Tenancy Changes Procedure
- The Regulatory Framework for Social Housing in England



Issue Assured Shorthold Tenancy

Issue Starter Tenancy followed by Assured Tenancy

Issue Equitable Assured Tenancy

Issue Assured Tenancy

Tenancy Management

1.0 Introduction

- 1.1 Hightown is committed to ensuring that residents are able to fully benefit from their homes. Hightown recognises some residents may be vulnerable and may need support or assistance to maintain their tenancies.
- 1.2 Hightown provides a range of services to a diverse group of customers, including applicants for our services and people living in general needs, shared ownership, leasehold, intermediate rent, social lettings, and retirement housing, and living in or using our care and supported housing services.
- 1.3 It is important that Hightown ensures that properties are occupied only by the people to whom they were let, so that the maximum number of people in housing need can be assisted. Where tenancy fraud is discovered action will be taken to recover the property.
- 1.4 Hightown customers come first and are at the heart of our business. Through the Customer Charter and our Values we promise our customers that we will:

- Put residents and service users first
- Treat people with respect
- Be courteous and helpful
- Be well trained and professional
- Respond quickly and accurately and keep people informed
- Regularly survey customers and use the results to improve service.
- Treat everyone with respect
- Work to continually improve our services

- 1.5 This policy sets out Hightown's approach to delivering excellent customer service throughout the organisation.

2.0 Tenancy Management

Hightown has a range of policies and strategies which contribute to effective tenancy management, these include:

2.1 Sustainability & Community Cohesion.

Hightown publishes a Sustainable and Cohesive Communities Strategy which covers aspects of Hightown's work that contribute to achieving sustainable communities and emphasises the commitment to working with stakeholders, such as residents, other Registered Providers, local authorities, and police.

2.2 Allocations and Lettings.

Hightown's Allocations and Lettings Policy makes a commitment to involvement with local Choice Based Lettings schemes where these are in place. Giving the greatest level of choice possible in allocations ensures people have a stake in the area into which they move, giving a greater commitment to a successful tenancy. Hightown also works with Local Authority partners to make use of local lettings policies to help build sustainable communities.

Time and effort will be put into meeting, interviewing and preparing new residents when they are put forward for a tenancy. The type of tenancy that the applicant would be

offered is made clear to them. Staff will make appropriate referrals for support where any support needs are identified at the start of the tenancy.

New tenants will have the terms of their tenancy fully explained to them before they sign the tenancy agreement, and residents will be contacted after 6 weeks to make sure that they have understood all aspects of their responsibilities. Advocates will be involved where appropriate to support people to understand all aspects of their tenancies and tenancy agreements can be produced in different formats depending on individual needs.

In response to resident feedback, Starter tenancies are issued by Hightown to new tenants in general needs homes who do not currently hold a secure, fixed term or assured tenancy. A higher level of monitoring and support will take place in the first year of a Starter Tenancy. Following the successful completion of the starter tenancy the tenant will become an Assured tenant.

2.3 Anti-Social Behaviour (ASB)

Hightown will be proactive in seeking effective solutions where ASB occurs. The approach to anti-social behaviour is reviewed biennially, in consultation with residents, and procedures underpin case management.

We will work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where we own homes. Working with Local Authorities, Registered Providers and other agencies we will focus on both preventative action, and appropriate remedies where ASB does occur. We will refer residents to other appropriate agencies and support them to access that assistance where necessary.

2.4 Domestic Abuse

Hightown is committed to assisting tenants where they are the victims of domestic abuse. The Domestic Abuse Policy sets out how we will support victims of domestic abuse and the potential actions to be taken with regard to the tenancy, including support to help the victim sustain their tenancy if that is their wish.

2.5 Rent Arrears

The provision of a dedicated team to deal with arrears ensures that staff have knowledge of welfare benefits and financial issues. The Rent Collection and Arrears Recovery policy and related procedures are designed to ensure that residents receive support at an early stage if they have difficulty paying their rent, and problems are dealt with before they become overwhelming. Support is given from the start of the tenancy, with staff contacting housing applicants prior to sign-up to advise on methods of payment, arrange for the rent to be paid in advance in line with their tenancy agreement and ensure residents claim benefits in a timely manner. A wide range of payment methods are offered, and a range of information is given regularly in newsletters to help residents maximise their income. Hightown's Financial Inclusion Officers work directly with residents, and we will work with other agencies, both statutory and voluntary, making referrals where necessary to help sustain tenancies.

2.6 Resident Involvement

Resident involvement plays a vital role in helping ensure that residents have a stake in their home and neighbourhood. Hightown offers a wide range of ways in which residents can have their voice heard, so that policies and services can be developed that meet the needs of residents. A Strategy is produced every two years in consultation with residents to ensure that resident involvement activities remain current and relevant.

2.7 Equality and Diversity Policy

Hightown will ensure that no residents are disadvantaged because of diversity characteristics, the Equality and Diversity Policy is periodically reviewed. Profiling of residents will continue so that services are responsive to individual needs. Staff will ensure that as far as possible residents have access to services that meet their individual needs.

2.8 Tenancy Fraud

Hightown is committed to ensuring that tenancy fraud is detected and dealt with. Measures will be taken before allocating a property, including identity verification and obtaining photographs of all new tenants. General needs tenancies are audited on a rolling programme. A 'hotline' number and dedicated email address are available for residents to anonymously report suspected tenancy fraud.

2.9 Under-occupation

Information regarding household make-up is kept as up to date as possible. This information is used to address under-occupation by working with residents to make more efficient use of stock.

2.10 Supported Housing

Hightown operates a number of supported housing schemes which provide housing and support to vulnerable people to enable them to develop the skills required to manage a tenancy independently. Hightown also runs a floating support scheme in St Albans which gives sustained support to assist people for a period of time, helping them to manage all aspects of their tenancy to give them the maximum chance sustaining their tenancy.

2.11 Asset Management Strategy and Neighbourhood Management Policy

To maintain homes and grounds in good condition, regular estate and stock condition inspections are undertaken in a programmed way. Hightown will maintain its homes and grounds in a condition that helps foster residents' pride in where they live and to provide an incentive for people to manage their tenancies in a way that contributes to their neighbourhood.

3.0 Monitoring

A range of tenancy management key performance indicators are monitored, along with details on the number of involved residents, and the impact of resident involvement initiatives. Key policies are reviewed by staff and residents periodically.