

POLICY: TENANCY

1.0 Introduction

- 1.1 This policy relates to general needs stock owned and managed by Thames Valley Housing (TVH).
- 1.2 There is a requirement for each Registered Provider to publish their tenancy policy to comply with the Homes and Community Agency (HCA) regulatory standard. This is set out as follows:

‘Registered providers shall 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’
- 1.3 Furthermore, the 2011 Localism Act creates a statutory requirement for all Local Authorities to develop a tenancy strategy and publish them by January 2013.
- 1.4 All Registered Providers must have ‘due regard’ for the proposals but do not have to comply with the Local Authorities’ strategies.
- 1.5 Our tenancy policy complies with the new regulatory standard, and our policy objectives are set out below.

2.0 Background Legislation

- 2.1 The 2011 Localism Act created a statutory requirement for all Registered Providers to develop and publish a tenancy strategy.

3.0 Policy Objectives

- 3.1 The objectives of this policy are:
 - ▲ To set out clear expectations for prospective and existing tenants;
 - ▲ To have due regard to Local Authority strategies;
 - ▲ To be easily understood;
 - ▲ To ensure the policy makes best use of the Association’s housing stock.

4.0 Type and Length of Tenancies Granted

4.1 Probationary Tenancies

We offer a 12 month probationary tenancy which may be extended, converted or a new tenancy issued at the end of the 12 month period.



4.2 Assured Tenancies

After a successful probationary period, we primarily offer assured (lifetime) tenancies. Exceptions include but are not limited to those detailed below.

4.3 Assured Shorthold Tenancies (2 years+)

Fixed Term Tenancies (5 years)

For properties of 4 or more bedrooms, or adapted properties with 2 or more bedrooms, a 5 year fixed term tenancy will be offered. The tenancy will be reviewed 1 year before it is due to expire.

Fixed Term Tenancies (2 to 5 years)

There are some circumstances where a fixed term tenancy of less than 5 years will be issued. These include, but are not limited to, residents who have become tenants via the mortgage rescue and downward staircasing schemes. The tenancy will be reviewed 1 year before it is due to expire.

4.4 Other Assured Shorthold Tenancies (including Fixed Term ASTs of less than 2 years)

Where we have a leasehold-only interest in a property, an assured shorthold tenancy will be granted. We also work in conjunction with other agencies to offer short term housing solutions where an AST may be granted.

4.5 Secure Tenancies

A secure tenancy will only be granted or assigned under specific circumstances:

- ▲ Where an existing secure tenant of ours transfers to another of our properties;
- ▲ Where a secure tenancy is inherited through succession;
- ▲ When a secure tenancy is assigned by mutual exchange.

4.6 Licences

A licence will be granted when a tenant is temporarily decanted to another of our properties for a limited period, for example, to enable repairs to be made to their property.

4.7 Equitable Tenancies

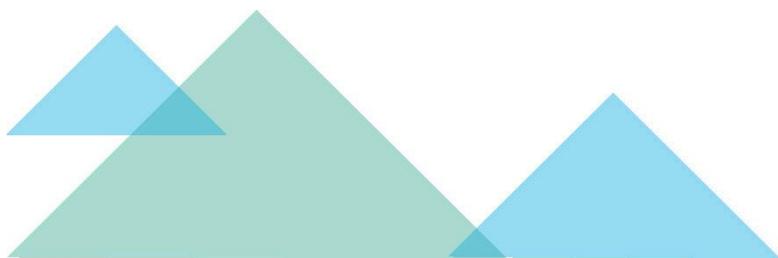
Children are unable to hold a legal interest in land until they reach the age of 18. An equitable tenancy will be granted when a person is under 18 years old.

4.8 Demoted Tenancies

A demoted tenancy will be granted when a Court has demoted an assured or secure tenancy to a tenancy of lesser security.

4.9 Garage Tenancies

A resident wishing to rent a garage will be issued with a garage tenancy where the garage is not demised with the property.



5.0 Ending Assured Shorthold Tenancies

5.1 Fixed Term Tenancies (2 Years+)

We will work with residents towards the end of the fixed term when there will be a tenancy review. The purpose of the review is to assess whether the home still meets the needs of the resident. We will consider whether their housing needs have changed and whether they are now in a position to move on.

The outcome of the tenancy review will decide whether we offer a new fixed term tenancy. If we do not, we will provide advice on how to move to alternative accommodation.

5.2 Other Types of Assured Shorthold Tenancies

Some assured shorthold tenancies will not be subject to a review at the end of the fixed term or intended end of occupancy. This may be because the property was offered as move-on accommodation, or intended as a short term solution to an immediate housing need. These tenancies will not be renewed, regardless of the resident's current circumstances.

5.3 We work closely with external support agencies and Local Authorities to help find alternative accommodation where necessary. We have a contact within every Local Authority to ensure correct support and advice is provided.

6.0 Dealing with Vulnerable Households

6.1 We have a dedicated Tenant Support Officer, extensive support networks and a comprehensive staff training programme to assist vulnerable households. Excellent partnership working across relevant agencies further provides the support required.

7.0 Succession

7.1 A maximum of one succession is allowed. Whether anyone is entitled to succeed will depend on the terms within the tenancy agreement.

8.0 Appeals Procedure

8.1 Applicants may make an appeal with regard to the type of tenancy offered. Additional information should be provided in support of their appeal and this will then be considered by the Housing Services Manager. The appeal should be in writing or dictated over the phone to a member of staff within five working days (weekdays not including public holidays) from the date of refusal. The Housing Services Manager will investigate the reasonableness of the refusal and will advise the applicant in writing of the decision. This process will be concluded in ten calendar days (not including public holidays) unless a mutually agreed alternative timescale is agreed.



- 8.2 If the applicant disputes the decision of the Housing Services Manager, there is a second right of appeal to the Residential Services Director. This must be made within five working days of the initial appeal outcome and will include the reasons for the appeal. The Residential Services Director will give a written response based on a review of the initial appeal decision within ten working days. The decision of the Residential Services Director will be final.
- 8.3 This appeal procedure does not interfere with an individual's right to make a complaint to the Independent Housing Ombudsman or to request an agency or organisation to make the appeal on their behalf.

9.0 Other Useful Links

[Lettings Policy](#)

[Transfer Policy](#)

[Mutual Exchange Policy](#)

[Succession Policy](#)

[Fixed Term Tenancy Policy](#)

10.0 Policy Information

Policy owner: Housing Services Manager

Approved by: Residential Services Director

Last review date: May 2016

Next review date: May 2019

