

Tenancy Policy

Who's this for?	Customers and staff
Document status	Final
Date created	May 2015
Last updated	September 2019
To be reviewed	September 2021
Policy owner	Lettings Manager
Other related documents	Social purpose strategy Tenancy Change Policy Lettings Policy Income Recovery and Arrears Policy Decant Policy Temporary Accommodation Policy

1. Policy statement

settle will offer most customers moving into permanent accommodation an assured tenancy. This will facilitate the aims within our strategic purpose to help people who are struggling to find a place to live so they can stay in their home comfortably and live the life they choose. It applies to both new and existing customers, offers security of tenure is a simple and straightforward tenancy offer that meets the needs of our broad customer base.

Current position

Settle has 1633 social housing households with fixed term tenancies varying between 5 to 15 years in length.

2. Key principles

- Ensure fairness and consistency in offering new social housing tenancies
- Create certainty and stability through our housing provision to support sustainable neighbourhoods
- Meet the legislative requirements regarding the use of social housing assets

3. Objectives

- That the settle social housing tenancy offer and approach is to provide people with homes they have stability in
- Evidence how we meet our obligations as set out in the social housing regulator's tenancy standard

- To maximise opportunities to fulfil our social purpose
- Be clear on settle's approach to granting succession of tenancy
- Ensure that our homes are managed effectively and that our customers are able to reach their potential and build a life that fits with their aspirations
- To ensure customers are able to stay in their homes for as long as possible, particularly as they grow older

4. Policy Actions

An Assured Non-Shorthold Tenancy will be offered to all new customers moving into a settle socially rented property with the exception of the groups of customers set out below or where there are exceptional circumstances that mean it is not possible or appropriate to do so.

- Settle Customers transferring or exchanging properties who already have a Protected Assured Non-Shorthold Tenancy will be offered a further protected tenancy if they move within our stock
- Customers of other registered providers who already have a Protected tenancy transferring or mutually exchanging into settle property will be offered a Protected Assured Non-shorthold tenancy.

Affordable Rents

New build properties may be let at affordable rents. Affordable rental properties will be offered on Assured Non-Shorthold Tenancies. The rent will be set in accordance with our rent setting policy.

Other tenures

Assured Shorthold tenancies may be granted in exceptional circumstances such as:

- To owner occupiers in high housing need whilst they progress the sale of their property. In this circumstance, we will offer a 6-month fixed term assured shorthold tenancy, this will be reviewed regularly and will run on to become a periodic if the sale has not concluded after this period.

Licenses to Occupy will be offered to homeless occupants of temporary accommodation who have been referred by the Local Authority under part three of the partnership agreement with North Hertfordshire District Council. The offer of accommodation using this type of agreement will be made when:

- Pending assessment under section 188 of the Housing Act 1996 part VII and it is shared accommodation
- Or where a duty to re-house has been accepted and it is shared accommodation

They are also used for settle tenants who require a temporary decant from their principal home due to major works, fire or flood or in exceptional circumstances where there is a high safety risk factor.

Tenancy and Succession rights

Tenancy and Succession rights are set out in our Tenancy Agreements. We will comply with Housing Act 1988 when the circumstances of succession or request to add or remove someone from a tenancy arise. We have a detailed procedure to ensure we apply fairness and meet our legal obligations.

settle retains the rights to apply discretion in exceptional circumstances. For example, when an occupant does not have succession rights but clearly has a priority housing need for a social housing tenancy and the grant of a new tenancy would not breach settle's obligations in relation to other arrangements, such as nominations agreements. In such cases we would gather comprehensive evidence of the individual's circumstances and determine the outcome accordingly.

Protected Assured Non-Shorthold tenants have additional contractual succession rights for qualifying family members.

Mutual Exchanges and Transfers

Details of tenants' rights to mutually exchange are set out in our Tenancy Agreements and in the Housing Act 1985. On receipt of a request from our tenants to exchange tenancies we will comply with any applicable legislation protecting security of tenure.

For customers who exchange into one of our properties and have a fixed term tenancy with their existing landlord, they will be offered an Assured Non-Shorthold Tenancy.

Transferring tenants moving to another social rent property, who have an Assured Tenancy or a Protected Assured Tenancy that commenced on or before 1 April 2012 and who have remained social housing tenants since that date, will be granted an Assured Non-Shorthold tenancy.

5. Desired Outcomes

- A reduction in the number of fixed term tenancies in use
- Customers moving into settle properties have the certainty they can remain in their home for as long as they need that accommodation, provided they don't breach the terms of their tenancy agreement
- Social housing tenancy offers will be more consistent

6. Performance Indicators

- The number of fixed term tenancies currently in use by settle
- Former tenant arrears that relate to terminated fixed term tenancies

7. Key legislation

- The Regulator of Social Housing Tenancy Standard
- Housing Act 1985
- Housing Act 1988
- Housing and Regeneration Act 2008
- The Localism Act 2011

8. Review

This policy will be reviewed every two years or earlier if there are any changes in legislation.