

# Tenancy Policy

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## Contents

1.	Introduction	3
2.	Tenure Policy	3
3.	Types of tenancy and licences	4
4.	Succession Rights	6
5.	Information for tenants and licensees	6
6.	Review	6
Appendix		
A:	Version History	7

## 1. Introduction

The Localism Act 2011 introduced a duty for all local authorities to publish a tenancy strategy setting out the objectives to be taken into consideration by registered housing providers (including housing associations) as they make decisions about their own tenancy policies. This policy sets out the types of tenancies that Connect will offer; and is written with reference to the tenancy policies/strategies of Leeds, Kirklees, Calderdale, Wakefield and Bradford local authorities.

It is a regulatory requirement that housing associations comply with the Tenancy Standard, this expects that housing associations publish a tenancy policy that sets out the types of tenancies they will grant and specific requirements in relation to any tenancies that are granted for a fixed term.

This policy should be read in conjunction with Connect's Starter Tenancy Policy and Procedure, Rent Policy and Lettings Policy.

## 2. Tenure Policy

In accordance with the Regulator of Social Housing Tenancy Standard Connect 'will offer tenancies and terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of housing stock'.

Housing associations must 'grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.' Flexible (fixed term) tenancies were created by the Localism Act in recognition of the fact that some households require social housing for a limited period.

Connect will continue to offer the most secure form of tenancy compatible with the purpose of the accommodation and does not offer flexible (fixed term) tenancies. All our local authority partners permit housing associations to offer flexible (fixed term) tenancies, though generally encourage as long a tenancy as possible. Permission from the local authority should be sought before introducing them.

Connect will '*meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation*'. Legal advice is always sought, along with approval of Leadership Team, before making any changes to tenancy or licence agreements. Where changes fundamentally affect residents' rights and responsibilities there is full consultation with residents.

The principles of this policy also apply to properties managed on Connect's behalf by managing agents. Connect remains the landlord and provides the appropriate form of agreement for the managing agent to use.

## 3. Types of tenancy and licences

### Starter tenancies

All new tenancies of general needs and housing for older people (properties with age restrictions and sheltered housing) are let on starter tenancies (a type of assured short-hold tenancy). All starter tenancies convert to full assured tenancies after 12 months if the tenancy has been conducted satisfactorily. The starter tenancy period may be extended, where there are concerns about the conduct of the tenancy, up to a maximum period of 18 months. The reason for any extension is explained.

Connect will grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 came into force (1 April 2012), and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms.

### Assured tenancies

All new tenancies following conversion from a starter tenancy are assured tenancies; these have been the main tenancy type of tenancy in use since 14 January 1989. These tenancies can only be ended on a specified legal grounds, some of the grounds are mandatory and some discretionary.

### Secure tenancies

All tenancies that started before 15 January 1989 are secure tenancies, and these can only be ended by the tenant giving notice to terminate the tenancy or by court order. Secure tenancies will only be offered to tenants who currently have secure tenancies and who are moving to another property owned by Connect. Secure tenancy rights can be assigned by mutual exchange.

### Assured short-hold tenancies

Assured short-hold tenancies carry fewer rights than assured tenancies and are granted usually for a fixed term of six or 12 months. If the correct legal procedure has been followed obtaining possession of the property at the end of the fixed term is relatively easy. The tenancy can be ended by applying to court after giving 2 months' notice.

Connect's supported housing schemes are let on assured short-hold tenancies, unless they fall into the categories below which use licences. This is because of the temporary nature of the accommodation whilst tenants are supported to move on to independent living.

Properties that Connect has leased from another landlord and properties let at intermediate market rent levels are also let on assured short-hold tenancies.

## Equitable tenancies

Equitable tenancies are offered to 16- and 17-year-old minors who cannot legally hold a tenancy. The tenancy is held in trust for the young person by a designated trustee until the young person reaches the age of 18. The equitable starter tenancy usually converts to a full assured or an assured short-hold tenancy once the young person reaches the age of 18.

## Licences

Some temporary short-term supported housing is let under a licence to occupy.

This may be where some of the following apply: the accommodation is a hostel under applicable law, cooking facilities are shared, other facilities are shared, there is a need to access the property to provide services, we need to be able to move people between rooms for best management of the accommodation, and where residents are accommodated and supported for very short periods before moving on to semi-independent or independent living.

Connect uses excluded licences which carry few rights and is the least secure form of tenure in hostel accommodation (as defined in Housing Act 1985) such as Hollinbank and Swan Lane. Connect uses protected licences which require a court order before possession in other cases, including North Kirklees Womens Refuge.

Licences can be given to under 18-year-olds.

## Flexible (fixed term) tenancies

Connect does not offer flexible (fixed term) tenancies, mainly because of the potential impact on individuals, community cohesion and stability but also in consideration of financial and resource implications.

## Joint tenancies

Joint tenancies have the unique characteristic of making all the joint tenants fully responsible for the obligations of the tenancy. Connect supports adult applicants wishing to sign as joint tenants should they choose to do so if both are eligible and qualify under lettings policy.

## 4. Succession rights

Succession is where a tenancy passes on to a qualifying successor when the current tenant has died. By law there can only be one succession to a tenancy. Connect allows for one succession and in accordance with the Localism Act will consider additional family members as well as a spouse or partner.

## 5. Information for tenants and licensees

All new tenants and licensees are given a form of agreement that explains their rights and responsibilities, the contents of which are explained.

This policy is available on Connect's website and can be made available on request.

## 6. Review

This policy will be reviewed every five years as a minimum, and more frequently to take account of any changes to local authority tenancy strategies, legislative or regulatory changes. Any changes will be approved by Leadership team.

**Date of next review: July 2024**

# Appendix:

## A: Version History

Version	Date	Summary of Changes
<b>Version 3</b>	March 2022	Inclusion of Bradford, more detail on licenses, and minor amends to wording.
<b>Version 2</b>	June 2019	Additional information on Joint Tenancies included.
<b>Version 1</b>	June 2013	