

Tenancy Policy

Operating Company		Aster Group	
Approved by:		Customer & Community Network	
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Author & responsible officer:		Sarah Durrans, Regional Director Dorset & Hampshire	
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1 Introduction

- 1.1 The Localism Act 2011 introduced new flexibilities for registered providers (RPs) to offer social housing tenancies for a fixed-term. The Act also introduced a new statutory duty on local authorities to publish a tenancy strategy that has been developed in consultation with RPs. The new flexibilities of the Act are designed to ensure the best use of social housing stock.
- 1.2 As detailed within the regulatory framework (Tenancy Standard) this policy sets out the circumstances in which Aster will offer different tenancy types and how fixed-term tenancies will be reviewed. It will identify the circumstances under which they will not be renewed and the advice and assistance offered when this occurs. The aim of this policy is to ensure residents have the right home for as long as they need it.

2 Policy Statement

- 2.1 **A starter tenancy** will be offered to new tenants who do not hold an assured or secure tenancy prior to their nomination to Aster and where the pre-allocation assessment has been identified the need to offer intensive housing support during the early part of the tenancy for example where there has been a previous history of arrears, ASB or drug/alcohol misuse, or if they are moving into housing for older people or extra care property and have a property to sell. A starter tenancy is a weekly periodic assured short hold tenancy, which lasts for a one year period which can be extended for a maximum period of 18 months and on successful completion will automatically be converted to a fixed term

assured short hold tenancy.

- 2.1.1 **An assured short hold tenancy for a fixed term of five year years.** This is an assured short hold tenancy for a fixed term of 5 years for those general needs tenants not subject to a starter tenancy (see 2.1) and for those customers who have successfully completed the starter tenancy period. This tenancy type was introduced through the Localism Act and has similar terms and conditions to an assured tenancy. There may be exceptional circumstances where a shorter period of fixed term is issued; this will not be any shorter than a two year term.
- 2.1.2 **A lifetime assured tenancy** will be offered to any existing transferring Aster Communities/Synergy Housing tenant who held an assured tenancy up to March 2014 or other qualifying social tenant, (i.e. already holds a secure or assured tenancy with another social landlord), moved under the terms of the lettings policy or by agreement with the local authority. Lifetime tenancies will be offered to tenants moving into housing for older people, extra care or supported accommodation, provided they do not have a property that they need to sell subject to Section 106 Agreements that may restrict lettings to lifetime agreements at social rent rates and accommodation where lenders do not agree to Aster Communities/Synergy Housing offering fixed term tenancies.
- 2.2 **An assured shorthold tenancy** will continue to be offered to those in accommodation which is intended to be temporary and will be a weekly periodic assured shorthold tenancy.
- 2.3 **Licenses** will be offered to 16/17 year olds that will roll into starter tenancies upon them reaching the age of 18. In certain circumstances when deemed reasonable to do so we will offer a 12 week license that flows into a starter tenancy e.g. ex-offenders, or where there is a history of substance abuse.

3 Circumstances for issue

- 3.1 The key considerations when a property is being let will be whether it is to be let on a lifetime or fixed tenancy and whether it is let at a social or affordable rent. The link between tenure and rent will no longer be applied and either type of tenancy can be offered at either rent.
- 3.2 Assured short hold fixed-term tenancies will be offered to all new tenants of general needs housing who did not hold a social housing tenancy prior to being offered an Aster home and to those who have successfully managed a starter tenancy. Other exceptions for when a fixed-term tenancy will not be offered include:-
- The new tenant is moving into housing for older people, extra care and supported accommodation and they are not moving into a family sized home.

- The new tenant has a disability and the property is deemed suitable for their disability.
 - The individual circumstances of the new tenant would be disadvantaged by the issue of a fixed-term tenancy.
- 3.3 All tenancy types can be offered at either a social target rent or at an affordable rent. Affordable rents will be applied on all new builds delivered under the terms of the Homes and Communities Agency's Delivery Framework Agreement, along with an agreed percentage of relets.
- 3.4 Aster aims to offer a degree of stability to enable residents to invest in their home and their community. The use of fixed-term tenancies will enable social housing homes to be occupied by those who need them the most while encouraging mobility. This will be achieved by promoting access into other tenures and supporting more residents into work.
- 3.5 Each offer of an Aster home will be clearly set out at the time of advertising or requesting a nomination from the local authority, the type of tenancy and the rent being offered and the conditions of the offer. This will be confirmed once the individual pre-allocation assessment has been completed. Offer letters will include details of the circumstances that a lifetime or fixed-term tenancy will be offered and during the viewing and sign up process, the implications of the type of tenure being offered will be made clear. If a fixed-term tenancy is offered; a full explanation on how and when the tenancy will be reviewed, pending the end of the fixed term, will be given.
- 3.6 When a property has been let on a fixed-term tenancy, 12 months before the end of the fixed-term, the household circumstances will be considered in relation to their continued suitability for that property and one of the following actions will be taken:-
- Re-issue a new fixed-term tenancy for a period of 2-5 years
 - Tenant to remain in the property but under new terms
 - Tenant to be given assistance to find another more suitable property
 - No offer of tenancy, tenant advised to seek alternative housing.
- 3.7 If the household circumstances have not changed, another fixed term tenancy will be issued. To identify how best to meet the needs of a household, when circumstances have changed, a full review will be undertaken if one of the following applies:-
- Property is now under-occupied by more than one bedroom
 - Property is now overcrowded by more than one bedroom

- Property is adapted and no-one living in the property needs the adaptation
- Property no longer meets the needs of the occupants because occupants need adjustments.
- The household's financial circumstances have changed so that they could now afford to buy or rent privately and they no longer meet our charitable criteria to be housed by us. In this instance we will encourage them into shared/home ownership.
- Where the tenants/s and any family member have a history of antisocial behavior including evidence of having been engaged in this conduct during the fixed term or as a consequence of having been made the subject of an Anti-Social Behavior Order, Anti-Social Behavior Injunction Order during the lifetime of the current tenancy.
- Where the tenant/s and any family member occupying the property is currently serving a term of imprisonment and is unlikely to be released from prison within 5 years of the commencement of the tenancy.
- Where the property is earmarked for demolition and redevelopment within five years from the date of commencement of the tenancy.

3.8 The reviewing officer will make a recommendation to agree a 5 year fixed-term tenancy in one of the following:-

- The same property
- In a smaller property
- In a larger property
- In a property with no adaptation
- In a property with adaptations or that better meets their needs.

3.9 If one of the following circumstances applies, another tenancy will not be offered:-

- A serious breach of tenancy has occurred during the fixed-term
- Tenancy fraud has been identified during the fixed-term
- Tenant has not engaged in the review process
- Tenant has household income in excess of our charitable status criteria
- Tenant does not wish to accept the terms of the new fixed-term tenancy
- Tenant has come into legal ownership of another residential property
- Where the tenants/s and any family member have engaged in anti-social behavior, including evidence of having been engaged in this conduct during the fixed term or where legal action has been taken

against them during the lifetime of the previous tenancy.

- Where the tenant/s and any family member occupying the property is currently serving a term of imprisonment and is likely to be released from prison within 5 years of the commencement of the tenancy
- Where the property is earmarked for demolition and redevelopment within five years from the date of commencement of the tenancy.

3.10 If the decision is made not to offer another 5 year fixed-term, the tenant will be issued with notice to leave the property. This notice will be served at least 6 months before the end of the tenancy to enable the tenant sufficient time to secure alternative accommodation. A plan will be agreed with the tenant to explore the available housing options and to establish the best housing solutions for them.

3.11 If notice has been served the household will receive appropriate advice and support to enable them to secure more suitable accommodation. If at the end of the fixed-term, the tenant has not vacated the property, a weekly rolling tenancy may be allowed. This is not a new tenancy and the tenant will be required to continue to pay rent and comply with all the terms of the fixed-term tenancy until they move. At least two months before the end of the fixed term, the tenant will be served with a notice pursuant to Section 21 of the Housing Act 1988, informing the tenant that a possession order will be obtained in the county court, if the tenant has not voluntarily vacated the property at the end of the fixed term.

3.12 Exceptions under which another fixed-term tenancy may be offered include:-

- The tenant has made reasonable attempts to secure alternative accommodation and it is agreed that there are no reasonable alternatives available
- The care and support needs of the household can only be met if they remain in the property
- It would be detrimental to the sustainability of the neighbourhood if the household left the area. This would include ensuring the quotas of a local lettings plan are being met
- The tenant or a member of the household would be disadvantaged in relation to their employment opportunities, schooling for their children and or the provision of/or receipt of care in the locality

3.13 All tenants not being offered another fixed-term tenancy will have the right for this decision to be reviewed. The review process will be the same as the appeal process stated within the starter tenancy procedure.

- 3.14 At the end of a fixed-term 2 or 5 year tenancy the rent charged to the property may also be reviewed. It may be appropriate for a household who could now afford to rent privately being offered a new tenancy at an affordable rent. Those properties already let at an affordable rent will be re-assessed against the current market levels.

4 Ending a Fixed-term Tenancy

- 4.1 In addition to ending a fixed-term tenancy in the circumstances set out in 3.9 it may be necessary to end the tenancy within the fixed-term if it is not being conducted in an appropriate manner. This will be done by serving notice of seeking possession under the relevant ground for possession, (as set out in Schedule 2 of the Housing Act 1988), and in line with Aster's Anti-social Behavior and Rent Policies.
- 4.2 If the tenant chooses to end the tenancy before the end of the fixed-term they may do so by surrendering the tenancy by giving at least four weeks' notice at Aster's discretion. If the tenant has abandoned the property during the fixed-term a Forfeiture Notice or a Notice Seeking Possession will be served on the property. This will give the tenant 4 weeks' notice that Aster Communities/Synergy housing will be taking back possession of the property.

5 Equality and Diversity

- 5.1 Aster strives to meet the needs of all customers and is committed to reducing inequality, eliminating discrimination and promoting good relations between people of different groups. We will be sensitive to the specific needs of all new applicants and customers and will actively seek to identify those needs and ensure that those needs are met.
- 5.2 We will ensure that no-one is disadvantaged on the basis of race, colour, ethnic or national origin, nationality, gender, disability, religious, sexual orientation, marital status, age or any unjustifiable criteria.
- 5.3 In some circumstances it may be appropriate to offer a tenancy type outside of the terms of this policy. This maybe when a household member has a disability and could be disadvantaged by not being offered a more secure type of tenancy.

6 Related Policies

- 6.1 Related policies:
- [Equality & Diversity Policy](#)
 - [Complaints Policy](#)
 - [Lettings Policy](#)

- [Tenancy Fraud Policy](#)
- [Anti-social Behaviour Policy](#)
- Vulnerable Adults Policy
- Affordable Rents Policy
- [Aids & Adaptation Policy](#)
- Lettable standard

7 Monitoring

- 7.1 This policy will be reviewed again in line with changes in legislation and any changes to local authority strategic tenancy policies.
- 7.2 The key monitoring indicators are:
- % of tenancies issued by tenancy type
 - % of tenancies issued at affordable rent levels
 - % of tenancies reviewed at the end of the fixed term by outcome.