

# TENANCY POLICY

30 June 2020

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Date effective from:	30/06/2020
Policy approved by:	Jane Allen
Review Date:	30/06/2024

EIA Required?	<input type="checkbox"/>
EIA Completed?	<input type="checkbox"/>
Revision number:	4
Lead officer:	Si Welch

## 1 INTRODUCTION

1.1 This Policy outlines Stockport Homes' (SHG) approach towards the types of tenancy it offers and how they are managed. It meets the organisation's obligation, as a registered provider of social housing, to have a clear statement bringing together its approach towards the following issues:

- The nature and length of tenancies offered to tenants
- The commitment to ensuring the sustainability of tenancies
- Avoiding unnecessary evictions
- Tackling tenancy fraud
- The assignment or succession of tenancies.

1.2 In addition, SHG actively supports Greater Manchester (GM) wide housing initiatives which seek to improve the opportunity, choice and quality of housing available across multiple tenures. SHG will refer to relevant guidance when offering new tenancies in response to GM initiatives.

## 2 STRATEGIC LINKS

2.1 This Policy satisfies the requirement introduced in the 2011 Localism Act, which placed a requirement upon local authorities to produce a Tenancy Strategy focussing upon the nature and length of tenancies offered within their area. All registered providers must have regard to these when forming their tenancy policies.

2.2 This policy also links to multiple Stockport Homes' policies and procedures including:

- Current Rent Arrears Procedure
- Allocations Policy
- Homelessness Strategy
- Anti-Social Behaviour Policy & Procedure
- Housing Fraud Policy and Procedure
- Assignment Policy and Procedure
- Succession Policy and Procedure.

2.3 The 'Regulatory Framework for Social Housing in England' sets out that Registered Providers shall 'meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation'. This Policy ensures that the types of tenancy agreement is appropriate to their circumstances and follows national legalisation.

## 3 KEY FEATURES OF THE POLICY

### THE NATURE AND LENGTH OF TENANCIES OFFERED TO TENANTS

- 3.1 The 2011 Localism Act introduced the option for local authorities to let tenancies on a fixed term basis, and this was subsequently reflected in the regulations applicable to all registered housing providers.
- 3.2 Stockport Council and SHG favour using the longest possible tenancies and SHG will continue to work with this approach.
- 3.3 A tenancy agreement is issued for each tenure type (e.g. introductory, secure, assured shorthold [starter] and assured) detailing the statutory rights of each tenure. In addition, SHG also issue Family Intervention tenancies (FIT) and Housing First tenancies where applicable.
- 3.4 Introductory, secure, starter and assured tenancies will not be given to anyone under the age of 18. In some circumstances an equitable tenancy may be given to a 16 or 17 year old who is leaving care.
- 3.5 If a new (introductory) tenant transfers from one Council owned property to another Council owned property they will be given another introductory tenancy for the balance of the 12 month probationary period. At the end of the 12 month period the tenancy will become secure providing no breaches have occurred that required action to be taken.
- 3.6 If the property is SHG owned, the tenant will be given a starter tenancy for the remaining 12 month period.
- 3.7 The same principles apply if the new tenant is coming from another registered provider.
- 3.8 Following the 12 month probationary period, secure and assured tenancies may have a fixed term.
- 3.9 When a 16 or 17 year old has an equitable tenancy the length of time the tenancy is held before the 'minor' turns 18 years of age count towards the introductory or starter period of a secure or assured tenancy. If the equitable tenancy is held for longer than 12 months, the 'minor' will be given a secure or assured tenancy.
- 3.10 Any time spent in a hostel and under a license agreement does not count towards the introductory tenancy or starter tenancy period.
- 3.11 If the applicant is being re-housed from a tenure other than local authority or registered provider, such as renting in the private sector, even if they have been a secure tenant in the past, they will be offered an introductory or starter tenancy with SHG for 12 months.
- 3.12 No tenancy amendments can be made during the introductory or starter period. This includes making name changes.
- 3.13 Joint tenancies will only be issued to a couple who are spouses or partners. In some circumstances a tenancy may be issued to more than two people as a shared tenancy, this will occur specific circumstances to assist with

the management of the particular property and is authorised on an individual basis.

3.14 The above will apply whether properties are let at 'social' or 'affordable' rent levels.

## **THE COMMITMENT TO ENSURING THE SUSTAINABILITY OF TENANCIES**

3.15 Integral to the values of SHG is the commitment to making communities and individual tenancies sustainable.

3.16 Measures taken to ensure sustainability include:

- An Allocation Policy with a focus upon meeting need and creating sustainable communities including the creation of Local Lettings policies which are designed to resolve specific lettings issues in a defined geographical area.
- Risk assessments of new tenancies and provision of housing support where required
- Financial inclusion services such as affordability checks prior to sign-up, benefits advice, credit union facilities, employment support and energy efficiency help
- Effective anti-social behaviour procedures
- Customer visits and housing support where needs are identified
- Use of customer profiling to target services and ensure the diverse needs of all tenants are met
- Focused housing management of multi-storey blocks aiming to promote long term tenancy sustainability
- Tenancy Ready Training and Support.

## **AVOIDING UNNECESSARY EVICTIONS**

3.17 SHG aims to create sustainable tenancies and has a range of measures in place to prevent tenancy failure. Where tenancy conditions are breached, the focus of the organisation is to provide intensive support and assistance to help customers address any difficulties and comply with their obligations. Eviction action is only taken by Stockport Homes after a senior manager is satisfied that all reasonable steps have been taken to support a tenant, and where failing to evict would be detrimental to the management of the housing stock and/or to the wellbeing of other tenants or residents.

## **TACKLING TENANCY FRAUD**

3.18 Not only is housing fraud a criminal offence, tenancy fraud also prevents the best use being made of social housing and prevents housing needs being met. Stockport Homes has a zero-tolerance approach to fraud, and has a range of measures in place to tackle the issues. This includes:

- A dedicated Investigating Officer
- An online reporting form Participating in the National Fraud Initiative data matching exercise
- Participating in the North West tenancy fraud forum
- Publicising the zero tolerance approach via leaflets, newsletter articles, press releases and via the internet
- Using a range of visits to identify potential fraud, including current tenancy visits, repairs and gas servicing
- Housing application and pre-allocation checks to identify and prevent potential fraud
- Fraud checks and interviews with Right To Buy applicants and Shared Ownership applicants
- Progressing cases through Court where appropriate
- Liaising with a range of stakeholders to increase knowledge and performance
- Interviews Under Caution where appropriate.

## **4 EQUALITY IMPACT ASSESSMENT (EIA)**

4.1 An Equality Impact Assessment is not required for this policy following screening being carried out. This is an overarching policy and impacts on customers resulting from any of the strategies or policies and procedures linked to this policy will be measured by separate screening and, where required, EIAs.

## **5 OWNERSHIP, MONITORING AND REVIEW**

5.1 The policy is owned by the Head of Neighbourhoods will be monitored by the Policy Review Group through the schedule for review. Any queries with this policy should be directed to the Project Officer on 474 4151.

5.2 This policy will be reviewed on a four yearly basis or in accordance with any government legislation amendment.