



BURY HOUSING SERVICES TENANCY POLICY

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Date Approved	10th December 2020
Review Date	October 2023 every 3 years

1.0 PURPOSE

Bury Housing Services has a duty to set out its approach to granting tenancies for the homes it owns. We also need to ensure our approach is aligned to Bury Council's Strategic Tenancy Policy, which continues to support the principle of lifetime tenancies for unadapted, general needs housing stock.

2.0 SCOPE

This policy sets out how we will do this and outlines our approach to tenancy management. In particular it:

- Sets out how Bury Housing Services will support Bury Council's Strategic Tenancy Policy and preference for lifetime tenancies;
- Ensures we are compliant with the Regulator for Social Housing's (RSH) tenancy standard;
- Provides clarity about the types of tenancy we will grant and the circumstances in which they will be granted;
- Ensures we make the best use of the housing stock, meet household needs and build sustainable communities;
- Sets out how we will support tenants to maintain their tenancy and prevent unnecessary legal interventions or evictions;
- Will ensure consistency of approach and offer transparency to our customers;
- Offers a clear and fair appeals process for dealing with tenancy changes; and
- Outlines our overarching approach to tenancy management.

3.0 MANAGEMENT RESPONSIBILITIES / STATUTORY REQUIREMENTS

The tenancies we grant and manage on behalf of Bury Council and as a Registered Provider in our own right, are done so within the context of the following legislation:

- Housing Act 1985, 1988 and 1996 (as amended)
- Localism Act, 2011
- Equality Act, 2010
- Landlord and Tenant Act, 1985
- Protection from Eviction Act, 1977
- Immigration Act, 2014

Our approach also takes account of the regulatory framework set out by the RSH.

4.0 SUMMARY DETAIL OF POLICY

Allocations and lettings

Properties will be let in accordance with the Council's Allocation Policy and Choice Based Letting (CBL) service.

We will support the Council's approach to downsizing and overcrowding as set out in its Strategic Tenancy Policy and Allocations Policy. We are also committed to supporting the Council and wider initiatives developed by the Greater Manchester Combined Authority (GMCA) and Greater Manchester Housing Providers (GMHP) to reduce and prevent homelessness.

We will provide confirmation to the government about who we let our homes to through CORE.

Types of tenancies

We offer a range of tenancy types, depending on the needs of the customers seeking rehousing, the nature of the accommodation available and the ownership of the property being let. Different rights and terms apply to the various tenancy agreements that we offer. Further details on this are included in **appendix one** at the end of this policy statement.

We will provide all new tenants with a copy of their tenancy agreement before they move into their new home and ensure they understand their rights and responsibilities. We expect all tenants to adhere to these terms and conditions.

Where it is identified that a new or existing tenant is vulnerable, we will carry out an assessment to ensure they receive the appropriate level of support to help them sustain their tenancy. This support will either be offered by our staff or through referral to other agencies.

We will intervene as soon as we become aware of any tenancy breaches and try to resolve the matter informally. If this is not possible, we will take legal action, including possession proceedings where needed. We will advise the tenant in writing if we decide to do this and give the reasons for our decision. Any legal costs associated with the action we take will be recovered from the tenant. Where we take legal action which results in mandatory possession action, the tenant will have the option to appeal the decision. Details on how they can do this will be given to the tenant at the time the decision is made.

Eviction remains the action of last resort and will only be used in exceptional circumstances.

We will deal fairly and consistently with requests for tenancy changes in accordance with this policy. Complaints about tenancy issues or other aspects of the service we provide will be considered in line with our Complaints Procedure. This does not include decisions regarding legal proceedings, which are covered under relevant Court protocols.

Sole and joint tenancies

When we sign up a new tenancy, we will create either a joint tenancy or as a sole tenancy, depending on the information that is provided on the rehousing application form. Where a joint application is made for rehousing, the tenancy is likely to be a joint tenancy. Conversely, applications for housing from a single person will likely be sole tenancies.

Joint tenants have equal rights to live in the home and they are 'jointly and severally liable' for meeting all of the responsibilities set out in their tenancy agreement.

Notice period

Tenants are required to give at least four weeks' notice in writing of their intention to end their tenancy. We will accept a shorter notice period in specific circumstances, such as when a tenant dies.

The notice period will only start when we receive the termination notice, which always begins on the following Monday. Rent will be charged for the full notice period.

Tenants wishing to end a joint tenancy without the agreement of the other joint tenant should seek advice before doing so. This is because the tenancy will come to an end and neither joint tenant will have the legal right to continue to occupy the property. In such circumstances, we will consider whether it is appropriate to grant a new sole tenancy to the remaining joint tenant.

Succession

We will grant succession in accordance with statutory requirements, the Council's Allocation Policy and the terms set out in the relevant tenancy agreement.

In certain circumstances, succession rights may be extended to family members other than the deceased tenant's spouse or civil partner. The person applying will need to prove that they have lived with the deceased for twelve months prior to their death and provide evidence to support their occupancy when claiming succession.

The right of succession is linked to the tenancy and not the property. In circumstances where the property does not meet or exceeds the housing needs of the person taking over the tenancy, we reserve the right to offer them suitable alternative accommodation.

Only one right of succession is allowed for each tenancy.

Assignments

Depending on the type of tenancy that is offered, tenants may be able to assign their tenancy to another person. This can be done in the following circumstances:

- To a potential successor, who would qualify to succeed the tenancy if the tenant died, as long as there has not been a previous succession or assignment of that tenancy. An assignment must occur before the original tenant moves out of the property and it ceases to be his or her principal home.

- Following a Court Order in relation to family proceedings;
- Through a mutual exchange with another social housing tenancy IF all of the tenants hold either lifetime secure or lifetime full assured tenancies. Tenants must obtain our permission before carrying out a mutual exchange. We will also need to inspect the property and carry out a number of checks, including health and safety checks, before approving the request. Permission will not normally be withheld unless the request meets the grounds for refusal, as set out in legislation.

We provide access to Home Swapper; a national online facility that allows tenants to swap homes with another tenant anywhere else in the country.

Policy exceptions

In exceptional circumstances, we may consider variations to this policy where the law allows. The variation will depend upon the individual situation, any exceptional circumstances, evidence available and after following due and diligent process. The decision and reasons for the decision will be recorded.

Preventing fraud

We are committed to tackling fraud and exchange information with other agencies as part of the National Fraud Initiative.

We will take action, including possession proceedings against tenants who fail to provide relevant information, hide material facts or give false details when they applied for housing, when granted their tenancy, seek to assign their tenancy or make other changes to it.

REVIEW

This policy will be reviewed every three years unless there are changes to legislation, regulation, best practice or a business need. This policy will also be reviewed in line with any subsequent reviews of the tenancy strategies of the local authority.

Appendix One

Tenancy types

We offer the following types of tenancies:

Introductory tenancies

Introductory tenancies will be granted to all new tenants moving into a property owned by Bury Council. These tenancies are sometimes referred to as 'probationary tenancies.'

An introductory tenancy is a weekly tenancy which lasts for a probationary period of one year unless extended. Introductory tenancies can be extended by 6 months if the tenancy conditions are broken, following the serving of a 'notice of extension.' The Tenant has right to request a review of this decision.

Introductory tenants do not have the same rights as secure tenants.

We will review introductory tenancies on a regular basis to ensure the tenancy conditions are being adhered to.

At the end of the introductory period, the tenancy automatically becomes a secure tenancy unless possession proceedings have begun.

Introductory tenancies are let on social rents, although there are a small number of properties that are let on affordable rents.

Secure tenancies

Secure tenancies are granted to existing secure tenants and assured tenants moving from a registered provider property into a council owned property. Introductory tenants who have successfully completed their 12 month probationary period will automatically transfer into secure tenancies, unless possession proceedings have begun

The tenancy is granted for life, as long as the conditions of the tenancy agreement are met. The tenancy can only be ended by a Court Order.

Secure tenancies are let on social rents, although there are a small number of properties that are let on affordable rents.

Assured shorthold tenancies

Assured shorthold tenancies are granted to all new tenants moving into a property owned by Bury Housing Services. These tenancies are sometimes referred to as 'Starter Tenancies' and will run for 6 months.

Assured shorthold tenants do not have the same rights as Assured tenants.

We will review assured shorthold tenancies on a regular basis to ensure the terms and conditions of the tenancy are met. Subject to there being no serious breach of the agreement, the tenancy will automatically convert into an assured tenancy.

Assured shorthold tenancies are let on affordable rents.

Assured tenancies

Assured tenancies are granted to tenants living in a Bury Housing Services property and who have satisfactorily completed their assured shorthold tenancy and Assured tenants transferring from a registered provider.

The tenancy is granted for life, as long as the conditions of the tenancy agreement are met. The tenancy can only be ended by a Court Order.

Assured shorthold tenancies are let on affordable rents.

Mesne (Mesne profit)

This agreement is used where a tenancy has ended and we have not gained full possession of the property. Examples include circumstances where people still occupying the property who are not our tenants and we are taking legal action to regain possession.

A mesne profit agreement is sometimes known as 'use & occupation' and remains in place until possession is gained. It is not a tenancy agreement and the weekly charge is not considered a 'rent' charge.

There's no review date and no extension option.

The 'use and occupation' charge will match what the former rent had been on a weekly/daily basis.

Decant licence

This agreement will be used by us where a resident is unable to occupy their home for a period and they need to live in an alternative home. This may be for safety, major repairs or other reasons.

The 'substantive tenancy' remains in place, has greater benefits and will be the one which we would use to take any tenancy action, for example for non-payment of rent.

Rent will still be due on the substantive tenancy.


Furnished tenancies

In certain circumstances, we offer furnished tenancies to Council tenants

Tenants included in the furnished tenancy scheme are charged the standard (unfurnished) rent for their home, plus an additional furniture charge.

The furniture charge varies according to the dwelling size and covers the cost, repairs and renewals of furnishings over a 5 year period.

APPROVAL AND REVIEW

Document owner John Merrick	Director of Neighbourhoods
Business Review Meeting – Chief Executive	Date approved 24/11/20
Board meeting – Chair of Board	Date approved 10th Dec 2020
Review frequency	This policy will be reviewed every three years unless there are changes to legislation, regulation, best practice or a business need
File path: High level documents e.g. Policies and Strategies need to be added to Natural HR under company documents.	
Status: [Live]	
Signatures required (add electronically after meeting)	
Chief Executive	
Chair of Board	