



Tenancy and Tenure Management Policy

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1.0 Introduction

As a small specialist housing provider Empower Housing Association (EHA) owns and manages properties across England and Scotland and is governed by the relevant legislation and regulations for both England and Scotland in respect of tenancy and tenure management.

1.1 This policy sets out for tenants, colleagues and stakeholders the range and type of tenancies that EHA grant for different types of housing in England and Scotland and in line with the requirements of the leases held for a significant number of properties. This also establishes a framework for managing and monitoring all tenancies provided by EHA.

1.2 It is intended to give general guidance on the tenancies that will be typically offered by EHA, promote security of tenure and support tenants to understand their responsibilities to effectively manage their tenancies.

2.0 Scope of the Policy

2.1 The policy applies to all prospective and existing tenants of EHA and ensures that EHA is able to offer tenancies which:

- Make best, efficient and effective use of properties
- Are flexible to meet the needs of the individual/household
- Support tenants to remain in their home
- Give peace of mind to tenants and families in relation to security of tenure
- Ensure EHA meets the requirements of the Regulator of Social Housing Tenancy Standard

2.2 This policy relates to all properties both owned and leased by EHA and the following types of tenancy or occupancy agreement:

2.2.1 Assured Shorthold Tenancy (AST)

This tenancy will be used for the majority of new tenants and is a weekly tenancy which does not have a fixed term and is run as a periodic weekly tenancy until brought to an end by EHA or the tenant providing the required notice.

The rights of assured shorthold tenants will be set out in their tenancy agreements and governed by the Housing Act 1988.

2.2.2 Assured Tenancy

This is run as a weekly periodic tenancy until brought to an end by EHA or the tenant providing the required notice.

The rights of assured tenants will be set out in their tenancy agreements and governed by the Housing Act 1988.

2.2.3 **Licence Agreement**

Licences will be used where the occupier will not have exclusive possession. The agreement can be determined at any time in line with notice periods within the licence by EHA or the licensee and in line with the Protection from Eviction Act 1977.

EHA will issue licence agreements when deemed appropriate.

2.2.4 **Private Residential Scottish Tenancy – (from 1 December 2017)**

A private residential tenancy which is open-ended and will last until the tenant wants to leave the property or one of the relevant 18 grounds for eviction is used by EHA. Prior to 1 December 2017 other tenancies were issued and will end on notice from either the tenant or EHA with the required notice.

2.2.5 **Assured Tenancy - Scotland**

A tenancy which initially will have run for a fixed term which will automatically renew unless the tenant or EHA ends the tenancy with the required notice subject to the length of the tenancy.

3.0 **The Policy**

3.1 EHA aims to match the tenant to the right home with the support of their support worker/representative and offer a range of different Tenancy and Licence agreements and decide which one to offer based on:

- The tenant's circumstances (including personal and financial)
- The type of home that they are moving to
- The requirements of any lease in place for the property

3.2 EHA supports prospective tenants alongside support agencies and partners to help tenants sustain their tenancies by offering:

- Support with advice including signposting for financial/welfare benefits advice as well as support with claims for Housing Benefit to support payment of rent;
- Support directly to the tenant or through the tenant appointee by ensuring all relevant information in relation to the tenants needs, including any vulnerabilities linked to age and / or disability are used to deliver the best service.

3.3 There are specific tenant rights and responsibilities within different tenancy types which may require EHA approval before progressing. Meeting the support needs of a tenant will be a determining factor in any change or transfer of their tenancy and EHA will support and advise a tenant/their appointee throughout as required.

- 3.4 **Mutual Exchanges and Transfers**
- 3.4.1 A tenant must obtain permission from EHA before a mutual exchange can proceed if there is provision within the tenancy agreement
- 3.4.2 Where a tenant transfers their tenancy, EHA will issue a tenancy with no less security whether EHA or from another landlord.
- 3.5 **Succession**
- 3.5.1 There is only one statutory succession right. Where a joint tenant dies, the tenancy passes to a surviving joint tenant. Where a sole tenant dies, a spouse occupying the property as his/her only or principal home immediately before the death is entitled to succeed. A person living with the tenant as a husband, wife or same sex partner [cohabitee] is treated as a spouse and thus also succeeds if living with the tenant at the time of death. There is no other statutory right of succession (e.g. for family members) for assured tenants, unless the tenancy agreement expressly creates further rights.
- 3.6 **Tenancy Fraud**
- 3.6.1 EHA will not tolerate social housing tenancy fraud and will take appropriate action where it is identified.
- 3.7 **Decants**
- 3.7.1 When a household needs to be decanted temporarily to another property EHA will ensure that a temporary decant agreement is signed. When the tenant/household returns to their home they will retain the same level of security of tenure as the tenancy will continue to run throughout the decant period and rent will continue to be paid on the original tenancy rather than on the decant property.
- 3.8 **Enforcement**
- 3.8.1 EHA will provide support and guidance to a tenant before any enforcement action is taken to evict them from their home, taking account of any vulnerabilities, disabilities and needs and working with partners with the aim to sustain the tenancy or find suitable alternative accommodation if appropriate.
- 3.9 **Ending Tenancies**
- 3.9.1 Notice in line with the tenant's relevant tenancy agreement must be given to EHA when a tenant intends to end their tenancy and leave their property.
- 3.9.2 EHA will communicate with the tenant to ensure:
- Arrangements are made to inspect the property during the notice period
 - Rent due and owed is paid in full
 - Any recharges outstanding are paid in full and any recharges for damages are identified and the tenant given the opportunity to put it right within the notice period
 - The property is left in a clear, clean and tidy condition
 - All keys are returned

- 3.10 **Advice and Support**
- 3.10.1 Advice and support will be provided to prospective tenants throughout the letting process and their tenancy including advice, signposting and support in relation to welfare benefits and housing advice to support sustainability of their tenancy.
- 3.10.2 EHA is committed to assisting tenants where they are the victims domestic abuse. Support and advice will be provided, where there is a joint tenancy and reports of domestic abuse, to ensure the relevant enforcement action against a perpetrator including injunction action is taken to support the victim to sustain their tenancy where it is safe to do so.
- 3.11 **Performance Review Checks**
- 3.11.1 As part of ensuring we build a strong relationship with tenants/representative we hold regular reviews. The frequency of these reviews will vary; however, each tenant will have at least two reviews each year with the Housing Tenancy Support Officer, in addition to an annual Property Compliance Check.
- 3.12 **Aids and Adaptations**
- 3.12.1 EHA is committed to providing high quality Aids and Adaptations to assist tenants to live independently and safely in their homes for as long as possible. EHA will work closely with the tenant and care team considering all aspects of any aids and adaptations required and support and progress requests in line with the Aids and Adaptations Policy and procedure.
- 3.13 **Rents**
- 3.13.1 How rents are set and reviewed are detailed in the Rent Setting Policy.
- 3.14 **Complaints**
- 3.14.1 If a tenant wishes to make a complaint in relation to any aspect of failed service referred to within this policy, EHA's Complaints and Feedback Policy should be referred to.
- 4.0 **Responsibilities**
- 4.1 The Operations Director will have overall responsibility for this policy. The Housing Services Manager will be responsible for the implementation, application and review of the policy and will ensure colleagues involved are trained in the implementation and any associated procedures.
- 5.0 **Related Legislation, Regulation and Codes of Practice**
- Housing Act 1985
 - Housing Act 1988
 - Housing Act 1996
 - Housing (Scotland) Act 1988
 - Private housing (Tenancies)(Scotland) Act 2016
 - Human Rights Act 1998
 - Localism Act 2011
 - Protection from Eviction Act 1977
 - Prevention of Social housing Fraud Act 2013

- Equality Act 2010
- Immigration Act 2014
- Civil Partnership Act 2004
- Data Protection Act 2018
- Regulator of Social Housing Transparency, Influence and Accountability Standard and Tenancy Standard

6.0 Related Policies, Procedures and Documents

- Equality, Diversity and Inclusion Policy
- Safeguarding Adults and Children Policy
- Repairs Policy
- Complaints and Feedback Policy and Procedure
- Void and Letting Management Policy
- Data Protection Policy
- Recharge Procedure
- Rent Setting Policy
- Aids and Adaptations Policy
- Tenancy Agreement – Assured/Assured Shorthold/Licence Agreement/ Private Residential Scottish Tenancy / Assured Tenancy Scotland

7.0 Reporting and Monitoring

7.1 Performance is monitored through monthly Senior Management Meeting and through business assurance reporting quarterly to Board.

Reporting includes:

- New lets and relets.
- Evictions

8.0 Review

8.1 The policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).