

Tenancy Policy



Our Neighbourhood Service

Warrington Housing Association

TENANCY POLICY

INTRODUCTION

Warrington Housing Association (WHA) is committed to making the best use of stock and this policy aims to achieve a practical balance between high levels of housing need, the under supply of social housing, the changing demographic of our customer base and the offer of appropriate tenure to our customers.

AIMS AND OBJECTIVES

WHA want to continue to:

- Meet the requirements of the Regulator of Social Housing's Consumer Standards in relation to the tenancy standard;
- Contribute to the development of sustainable communities;
- Assist Warrington Borough Council and its partners in meeting statutory homelessness duties;
- Provide flexible and affordable accommodation options that meet the needs and expectations of our customers;
- To take effective enforcement action where tenants are breaching the tenancy agreement, up to and including termination of the tenancy
- Actively promote social inclusion; and
- Support tenants who experiencing financial difficulties and struggling to pay rent and other charges;

SCOPE

This policy covers all general needs, retirement and specialist accommodation owned and managed by WHA; the scope also includes any properties leased from private owners.

We let properties in accordance with our Allocations Policy.

The tenancy agreement is the basis of our relationship with tenants, forming a contract between the tenant and the landlord. At sign up we will ensure that new tenants, any household members and visitors know their rights and responsibilities, how to tell us if we get it wrong and what the consequences are should they fail to keep to the terms of the agreement.

LEGISLATIVE AND REGULATORY FRAMEWORK

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This policy must comply with the requirements of the following:

- Housing Act 1988
- Localism Act 2011
- The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016
- Welfare Reform and Work Act 2016
- The Regulatory Framework for social housing in England from 2012
- The Equality Act 2010
- Domestic Abuse Act 2021

POLICY DETAIL – TENURE

As a general principle, WHA will seek to grant the most appropriate and secure tenure available.

Where permission is sought to amend a tenancy (to include additional joint tenants, for example), we will not grant permission if the change will create additional rights such as extending the right to buy. We would also not generally erode the security of tenure of the original tenant; unless there are other substantial benefits for that tenant.

Assured tenancies

All new general needs, retirement and specialist housing tenants will generally be given an assured tenancy. This includes properties let at affordable rents as well as social rents. An assured tenancy is one that runs week to week with no end date and grants a degree of security of tenure. This type of tenancy can only be ended if a tenant advises us in writing that they wish to do so, with a court order and WHA will not attempt to do so unless the tenant is in breach of their agreement.

Assured tenancies (CNT protected)

WHA has a number of former New Town properties where the tenants have an assured tenancy but with a contractual protected right to buy. If a tenant subsequently transfers they are offered an assured tenancy but without the protected right to buy clause. The property will be re-let on an assured tenancy.

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The rights of assured tenants will be set out in their tenancy agreements and explained in detail at 'sign-up'. This will set out the rights for succession, assignment, transfer and mutual exchange.

Assured short hold tenancies

An Assured shorthold tenancy is a form of Assured Tenancy with limited security of tenure. In certain circumstances WHA may offer a 6 or 12 month assured short hold tenancy. These include when letting properties that are owned by a third-party landlord, letting a property through a market rent or if there are concerns about possible anti-social behavior or concerns about ability to afford a tenancy based on information provided at interview stage. The Head of Customer Services must approve the use of assured short hold tenancy agreements, note an explanation as to why this decision has been made on HomeMaster and if they are offered, we will seek to ensure that appropriate external advice and support is signposted. At the end of the 12-month period WHA should review and assess if an assured tenancy could be /was offered.

Fixed term tenancies

In the limited circumstances we may offer a % of new tenants a fixed term tenancy. A fixed term tenancy is an assured short hold offered for a fixed period of time, generally between 1 to 5 years. The tenancy will come to an end at the end of the fixed term by and there is a separate written procedure which set out in what circumstances such tenancies will be terminated, extended or replaced by assured tenancies including a right of appeal. All customers affected will also be given a written statement setting out these details. Where a decision is made to end a fixed term tenancy, WHA will ensure that Under One Roof or Citizens Bureau advice is offered to the household.

Secure tenancies (fair rent)

WHA has a small number of secure fair rent tenancies (secure) which are subject to the fair rent regime, which applies to tenancies that predate 15th January 1989.

Non excluded Licence to occupy - a non-excluded licence is used as a temporary measure for a time limited period, for example, in temporary accommodation.

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Garage tenancies – granted to those renting a garage which is not situated within the curtilage of the property.

Succession or Mutual Exchange

In the case of succession or mutual exchange the successor will generally be offered the same tenancy as their predecessor.

Tenancy Fraud

WHA Homes will not tolerate social housing tenancy fraud and will take appropriate action where it is identified.

RENTS

The full details of when different rents will be charged are set out in our Rent Setting Policy.

DECANTS

When a household needs to be decanted temporarily to another property WHA will ensure that a temporary decant agreement is signed. When the household returns to their home they will retain the same level of security of tenure. If the rent on the decant property is lower this rent will be charged for the duration of the decant period.

MUTUAL EXCHANGES AND TRANSFERS

A customer must obtain permission from WHA before a mutual exchange can proceed. We will operate a mutual exchange procedure, and we will ensure our allocations policy gives our existing tenants priority if they are looking to move because of changes in their circumstances and/or household size, particularly in the light of welfare reform. We will subscribe to Home Swapper and offer this service free of charge to our customers.

SUCCESSION

There is only one right to succession in law. Where a joint tenant dies, the tenancy passes to a surviving joint tenant. Where a sole tenant dies, a spouse occupying the property as their only or principal home immediately before the death, succeeds. A person living with the tenant as a life partner such as husband, wife or same sex partner [cohabitee] is treated as a spouse and thus also succeeds if

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living with the tenant at the time of death. No other family member has a statutory right to succeed.

WHA will consider requests from family members who would be eligible and qualify for re-housing. The discretionary decision to grant a tenancy to a family member lies with the Head of Customer Services.

HOW THE POLICY WILL BE DELIVERED

The Head of Customer Services is responsible for implementing this policy. The policy will be reviewed every 3 years or sooner if required by statutory, regulatory or best practice.

EQUALITY AND DIVERSITY

In implementing our Tenancy Policy we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will incorporate additional flexibility to provide a service that seeks to meet the needs of a particular individual or household.

FURTHER READING AND RELATED POLICIES & PROCEDURES

- Allocations Policy and Procedure
- Procedure to be used at the end of fixed term tenancies
- Mutual Exchange, Succession and Assignment procedures
- Rent Setting Policy
- Safeguarding Policy and procedure
- Domestic Violence Policy
- Homes & Communities Agency – Tenancy Standard – 2012
- Homes & Communities Agency – Tenant Involvement & Empowerment Standard
- Regulator of Social Housing – Rent Standard – 2020

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Produced by
Warrington Housing Association
the Gateway, 89 Sankey Street,
Warrington, Cheshire, WA1 1SR

Tel: 01925 246810

www.wha.org.uk

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