

Paragon Asra Housing Limited

Tenancy Policy

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Owning Manager

Rachael Smart, Head of Housing Services

Department

Housing Services

Approved by

Customer Services Committee 8 June 2017

Next review date

June 2020

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Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.

We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.

AUDIT LOG

Date of change	Who updated	Details of the change

1. Introduction

- 1.1 Paragon Asra Housing Limited (PA Housing) is committed to developing new affordable homes and therefore uses fixed term tenancies made available under the Localism Act.
- 1.2 This policy sets out the approach adopted by PA Housing with regards to the letting of our housing stock and tenancy provision. The national picture continues to change due to localism affecting allocations policies differently according to the local authority, the introduction of new tenancy types and different rental products. We will continue to be agile in our response to these changes and ensure that our policy reflects our approach and provides clarity and information to residents.

2. Objectives

- 2.1 To issue tenancies that:
- meet regulatory requirements
 - are compatible with the purpose of the accommodation
 - meet the needs of individual households
 - maintain the sustainability of the community
 - make efficient use of our housing stock
- 2.2 This policy provides clarity for both current and prospective tenants and staff, on which tenancies will be offered and under which circumstances.

3. Key points of policy

- 3.1 Our approach is as follows:
- We are committed to working with our local authority partners to help them meet their duty to assist people in housing need. Therefore we will have regard to the tenancy strategy produced by each local authority in our area of operations.
 - PA Housing has properties in two distinct regions, the Midlands and South East, which have considerable differences in the demand and supply of affordable housing. This impacts on the type of tenancies that are offered as the level of demand and supply will determine the length of tenancy. In areas of high demand and limited supply fixed term tenancies of 5 years will be used, unless in exceptional circumstances as detailed in the table at 4.1. In areas of low demand and greater supply assured lifetime tenancies will be issued as detailed in the table.

- We will use our Tenancy support team and external partner agencies to work with customers before and during their occupancy in order to help them sustain their tenancies.
- We will identify and tackle tenancy fraud in our stock within resource constraints.

4. Our tenancy options

4.1 The Tenure table below gives the different tenancy types and generally when we will use them:

Tenancy type	Offered to
Licence agreement	<ul style="list-style-type: none"> • Tenants who do not have exclusive occupation of their property e.g. temporarily decanted • Tenants in temporary accommodation whose homelessness status is under investigation by the local authority • Tenants in agency managed supported housing • Young people under the age of 18 as part of our 'Future Tenancy Agreement' • Garages • Moorings.
Starter tenancy	<ul style="list-style-type: none"> • Tenants in general needs properties who will upgrade to an assured tenancy and sheltered tenants who do not currently hold a tenancy with PA.
Assured shorthold fixed term 6 year tenancy	<ul style="list-style-type: none"> • New tenants in general needs properties where fixed term tenancies are offered. This applies to London, South-East, Leicester City and Nottingham City.
Assured shorthold fixed term 5 year tenancy	<ul style="list-style-type: none"> • All new tenants in general needs properties that are granted a new tenancy at the end of another tenancy.
Assured shorthold tenancy	<ul style="list-style-type: none"> • All key worker tenants • Tenants renting market rent properties • Where an assured tenancy has been 'demoted' by court order due to anti-social behaviour • Agency managed supported housing, where tenants have exclusive possession of some part of the property. There may be a lack of certainty regarding the future support needs of the tenant, or the future funding or viability of the project. • Young persons under the age of 18 where someone is willing to act as trustee.

Assured periodic tenancy	<ul style="list-style-type: none"> • All sheltered housing tenants who successfully upgrade from a starter tenancy • New tenants in general needs properties who successfully upgrade from a starter tenancy. • All existing PA tenants with Assured periodic tenancies who transfer within our stock. <p>New tenants living in an area where the local authority has indicated through their tenancy strategy that they wish us to use assured periodic tenancies once successfully upgraded from a starter tenancy.</p>
Protected assured tenancy	<ul style="list-style-type: none"> • Existing tenants who were tenants of Elmbridge Housing Trust before 27 March 2000.
Secure Tenancy	<ul style="list-style-type: none"> • Existing tenants of Richmond upon Thames Churches Housing Trust, LHA, Family First, Black Roof Homes, Anchor Housing, Solon Housing Association, Asra Midlands, Asra Greater London, Family Housing Association, Riverside Housing Association & Community Housing Association, with a tenancy start date before 15 January 1989.
Affordable Rent with Starter Period	<ul style="list-style-type: none"> • Persons given temporary accommodation as a result of a local authority's duty to the homeless.
Assured short hold fixed term 6 month tenancy	<ul style="list-style-type: none"> • Tenants of Epsom & Ewell Borough Council temporary accommodation properties. • Tenants offered one of our under 35 specific properties. • Some Market Rent and Intermediate Tenancies in the Midlands.
Affordable Rent with Starter Period	<ul style="list-style-type: none"> • Offered on majority of new build developments or where PA Housing has converted to Affordable Rent
Affordable Rent – Assured	<ul style="list-style-type: none"> • Converts to this tenure once affordable rent starter period passed or where a tenant is transferred to an affordable rent property.
Affordable Rent – fixed term for five years	<ul style="list-style-type: none"> • Offered in London on the same basis as Affordable Rent – Assured.
Assured shorthold fixed term 12 month tenancy	<ul style="list-style-type: none"> • Some Market Rent and Intermediate Tenancies in the Midlands
Equitable Tenancy	<ul style="list-style-type: none"> • Offered to those under 18 who aren't eligible to sign a tenancy but can have one held in trust until they turn 18.
Furnished Tenancies	<ul style="list-style-type: none"> • Tenures of all types that pay an additional charge for furnishings and/or white goods.

5. Assured Shorthold fixed term tenancy review

- 5.1 Before the end of the fixed term tenancy period, PA Housing will carry out an assessment of housing need with the tenant. This will consider the current household make up, income and circumstances. As well as looking at whether a further 5 year fixed term tenancy (or 6 month fixed term tenancy) can be granted, we will also help the tenant consider if other options, such as shared ownership or purchasing a home outright would be more appropriate.
- 5.2 We will assess if the household still needs the same size property in the same area or whether they need to move to another type of property or area. We will also consider whether the tenant still needs affordable housing at all. The tenant will need to meet the current allocation requirements of the local authority area where they live. For example the household income would need to be under the threshold specified by the local authority.
- 5.3 Following assessment, if the tenant and their household meet the requirements for housing need and still require the same type of accommodation, we will normally issue a further assured shorthold fixed term 5 year tenancy (or 6 month fixed term tenancy) for the property. If their circumstances have changed but they still require affordable housing, PA Housing can grant a further assured shorthold fixed term 5 year tenancy (or 6 month fixed term tenancy) for another property that meets the current requirements of the tenant and their household where possible.
- 5.4 If the tenant is no longer eligible for affordable housing the existing tenancy will be ended and no further tenancy granted.

6. Right of review

- 6.1 Tenants may request a review under the following circumstances:
 - Where the length of a fixed term tenancy offered is not in accordance with this policy or where they can show exceptional personal or other circumstances here the type of tenancy offered is not in accordance with this policy;
 - When a decision is made not to grant another tenancy at the expiry of a fixed term or starter tenancy;
 - When a decision is made to invoke a break clause to end a fixed term tenancy during a starter period;
 - When a decision is made to serve a notice requiring possession during a starter period.

7. Mutual exchange

- 7.1 PA Housing will ensure tenants are able to exercise their right to exchange. Assured and assured shorthold fixed term tenants and assured periodic tenants have the right to exchange their tenancy subject to the consent of both landlords and certain exceptions. Starter and assured shorthold tenants do not have the right to exchange.

8. Succession

- 8.1 Statutory succession rights apply to a spouse, civil partner and persons living in a similar relationship. In certain tenancies PA Housing may grant a new tenancy to close family members after the death of the tenant. In some cases the family member may be required to move to a smaller property. Specific rights will be detailed in the relevant tenancy agreement.
- 8.2 Where succession applies to a fixed term tenancy, the successor will succeed to the remainder of the years left on the tenancy. Similarly the grant of a new tenancy will be for the remaining period of the fixed term.

9. Training

- 9.1 We will carry out induction and refresher training for all staff to make sure they are aware of our policy. All managers will receive specific training to provide the skills and knowledge to comply with our policy.

10. Monitoring and reporting

- 10.1 Performance indicators will be used to monitor our performance under this policy. We will compare our performance within PA Housing and with other landlords. We will also report to the Executive Management Team, our boards and residents.

11. Resident consultation

- 11.1 Residents were consulted on whether this policy is clear, reasonable and easy to understand. Where residents didn't find the policy clear we changed parts of it to meet their suggestions.
- 11.2 This policy has been subject to an equality analysis to make sure that we do not illegally discriminate against anyone and it is fair to everyone.

12. Legislation

- 12.1 The following legislation has been considered:

- Housing Act 1985 amended 1998
- Housing Act 1988 amended 1996
- Equality Act 2010
- Localism Act 2011

13. Linked policies

Policy

Aids & Adaptations
Allocations
Anti-Fraud
Antisocial Behaviour
Rent Setting