

## TENANCY POLICY

*Draft version with proposed amendments to allow for cease in use of fixed term tenancies. Please see sections 32.2-3.4 for the proposed changes*

Date of policy	March 2021
Date for review	March 2024
Policy author	Helen Sudbury, Housing Operations Lead Specialist
Policy owner	John Holman, Assistant Director Housing
Approved by	Cabinet 17.3.21

REVISION HISTORY			
Version	Date	Revision description	Revision author
0.1	October 2020	Draft policy	Helen Sudbury
0.2	24 November 2020	Updated in light of EIA	Jonathan Hicks

NEW POLICY / POLICY REVIEW	
New policy	Yes
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

REASON FOR NEW POLICY / SUMMARY OF CHANGES
New Housing Service for FHDC October 1 2020

CONSULTATION	
List of people/roles who have been consulted	Date
STLB HMT	

Housing Operations Legal Services	
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<b>EQUALITY IMPACT ASSESSMENT</b>	Completed	Date
	YES	24/11/20

<b>DISSEMINATION</b>		
Role	Awareness	Essential
All housing and associated staff	Yes	

<b>TRAINING</b>		
Role	Trainer	Date completed
Team managers		30.4.21

<b>MONITORING AND COMPLIANCE</b>		
Method	Responsibility	Frequency

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## 1. Purpose of the Policy

1.1 The purpose of this policy is to set out the tenancies offered by Folkestone and Hythe District Council (FHDC) and the way in which we administer tenancy related matters.

## 2. Legal / Regulatory Framework

2.1 As part of The Regulator of Social Housing's regulatory framework, within the Tenancy Standard, it is a requirement that registered providers publish a Tenancy Policy.

2.2 The primary legislation with regard to FHDC tenancies is the Housing Act 1985 (as amended).

## 3. The Policy

### 3.1 Access to housing

3.1.1 FHDC administers its housing waiting list, within the Kent Homechoice choice-based lettings scheme. Those who wish to access our housing or transfer within it must apply to the housing waiting list.

3.1.2 Tenants moving directly from another social landlord will be offered a tenancy that is no less secure than the one they are leaving.

### 3.2 Types of tenure that FHDC offers

3.2.2 Ownership; our development programme includes building homes for shared ownership. We also have leasehold properties within our existing stock portfolio.

Remove

~~3.2.3 Secure tenancies; for those tenants who had secure tenancies prior to the policy change, to offer secure flexible tenancies, in December 2012.~~

~~3.2.4 Secure flexible tenancies; for those who have become new tenants since the policy change not to offer life time tenancies in December 2012. Secure flexible tenancies are offered for a period of 4 years, including the one year introductory tenancy period.~~

Replace with

3.2.3 FHDC will offer secure periodic tenancies to new tenants and to existing tenants transferring within the council stock.

3.2.5 Introductory tenancies; which may be extended to eighteen months to deal with any serious tenancy breaches and may be failed if those breaches are not satisfactorily resolved.

#### **Remove**

~~3.3 In some circumstances, where a housing applicant has a history of anti-social behaviour, but we are not going to exclude them, we may wish to allocate two year tenancies, including the Introductory tenancy period.~~

~~3.4 Applicants for independent living and semi-sheltered accommodation are offered a ten year tenancy including the one year introductory tenancy.~~

## **4. Tenancy sustainment**

4.1 Our primary aim is to ensure successful tenancies, and we have a range of activities to ensure tenancy sustainment and prevent unnecessary eviction.

4.2 Prior to the end of Secure Flexible tenancies, there is a review process to ensure that the tenants' circumstances still qualify them for social housing and there are no serious breaches of tenancy. If they do and there are no breaches, a new tenancy will be granted. This review process includes an appeal mechanism in the event of the tenant being dissatisfied with the outcome.

## **5. Joint tenancies**

5.1 Tenants who make a joint housing application will be offered a joint tenancy. We will grant joint tenancies on request by any two persons living together as partners, regardless of gender or marital status. Applications for joint tenancies between other relatives or friends will only be granted in exceptional circumstances.

5.2 The creation of a joint tenancy during the lifetime of the tenancy will be considered providing the partners have lived together for a minimum of 12 months.

## **6. Assignment**

6.1 Assignment is the transfer of a tenancy from the tenant to another party.

6.2 Unless the assignment is brought about by an order of the court or by way of succession, both the tenant and the landlord will need to sign a Deed of Assignment.

## **7. Succession**

7.1 FHDC administers successions in line with legislation.

7.2 FHDC may in exceptional circumstances grant a new tenancy to someone who was living with the tenant at the time of their death where FHDC is not required to do so by law.

## **8. Mutual exchanges**

8.1 FHDC is committed to providing tenants with as many options for moving home as possible. We will subscribe to Homeswapper to facilitate tenants' applications for mutual exchanges and will administer requests in accordance with our Mutual Exchange Procedure.

## **9. Grounds for possession**

9.1 In order to gain possession of a tenancy we will use the appropriate Ground in Schedule 2 of the Housing Act 1985 (as amended).

9.2 For Introductory tenancies we will use a Notice Requiring Possession under Section 21 of the Housing Act 1988.

9.3 Where mandatory grounds for possession are used, FHDC operates an appeal process prior to such a possession claim being made.

## **10. Key controls and reporting**

10.1 All the activities in this Policy have associated detailed procedures so that employees operate within the regulatory and legislative frameworks.

## **11. Associated Documents**

11.1 This Policy should be read in conjunction with the associated documents:

- Allocations Policy
- Flexible Tenancy Reviews Procedure
- Assignment Procedure
- Succession Procedure
- Mutual Exchange Procedure
- Grounds for Possession Procedure

## **12. Equality and Diversity**

12.1 FHDC recognise that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect and fairness, regardless of their characteristics.

12.2 Our properties are allocated through a choice-based lettings system to ensure that people are housed in line with their housing need.

12.3 An Equality Impact Assessment has been carried out on this policy which will be updated in line with policy reviews (see below,) to ensure there is no discrimination and opportunities to improve equality and access are maximised.

12.4 In exceptional circumstances (for example, where offices are closed for long periods of time) we will review our procedures and practices to ensure our services remain as accessible as possible and no groups are disproportionately affected.

12.5 Where people are unable to access on-line services we will support them or signpost them for support to enable them to access such services.

## **13. Review**

13.1 This Policy will be reviewed every 3 years by the person who is in the job role of the author. If necessary, this Policy will be reviewed sooner to incorporate legislative, regulatory, best practice developments, council decision or address operational issues.

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