

Policy document:

Tenancy Policy

1. Policy information	
Date approved:	27 th January 2020
Approved by:	Heads of Service
Next approval deadline:	17 th May 2022 (extended to April 2023)
Replacing / Updating / New:	Review and update of existing Tenancy Policy
Last approval date:	17 th May 2019
Consultation / Scrutiny:	Space Rental Team Income Services Customer Experience Neighbourhoods Customer Services Director
Legal and/or regulatory requirements:	HCA Tenancy Standard
Author:	Tim Bright Service Excellence Manager
Owner:	Head of Service
Circulations:	Website and Yoho
This policy may also need to be read in conjunction with the following policies:	
Tenure – Guidance for Staff Rehousing of 16 & 17 year olds Procedure HCA Regulator of Social Housing Tenancy Standard Access to Homes Policy Rent Policy Vettings Procedure	

Key Changes:-

- Assured (non shorthold) tenures are now inclusive of all customers who hold a current social/affordable rent Assured tenancies with any and all Registered Providers.
- Starter Tenancies include an extension period (if applicable) of 6 months.
- Affordable rent types are no longer given Assured Shorthold (AST) or Fixed Term Tenancies.

2. Policy statement

The Regulator for Social Housing (RSH) Tenancy Standard sets out, amongst other things, that in respect of Tenure Registered Providers shall publish clear and accessible policies that set out:

- The Types of tenancies they will grant
- Where they grant tenancies for a fixed term, the length of those terms
- The circumstances in which they will grant tenancies of a particular type
- Any circumstances in which they will grant tenancies of less than five years for general needs social housing

This policy therefore sets out the Yorkshire Housing (YH) position in regard to these matters.

3. Policy aims

This policy aims to achieve compliance with the RSH Tenancy Standard, in addition to providing a clear and consistent approach to the granting of tenancies and therefore the rights being offered to customers.

This policy covers Social Rent (including sheltered and extra care), Affordable Rent, Mortgage Rescue and Market rented lettings including tenancies allocated by Customer Independence

4. The policy

YH offer 4 different tenancy types. These are Starter (Probationary), Assured (non shorthold), Assured Shorthold Fixed Term, and Assured Shorthold Social. A brief description and criteria are as follow:

4.1 Starter (Probationary) Tenancies:

- This tenure is probationary weekly periodic for the first 12 months and can be extended for up to 6 months if there are breaches of tenancy, antisocial behaviour, or inconsistent/non-payment of rent.
- They are offered to all social and affordable rent customers who do not hold a current Assured tenancy with YH or another Registered Provider.
- This includes customers in Supported Housing if they do not hold a current Assured tenancy elsewhere at the time.
- If customers pass their probation period successfully, the tenancy converts to Assured (non-shorthold) at the end of the starter period.
- The rent frequency is weekly.

4.2 Assured (non-shorthold) Tenancies:

- This is a weekly tenancy type offered to all existing Assured tenancy holders with any Registered Provider at the time of the offer being made.
- They have a weekly rent frequency.
- All qualifying social and affordable rent customers will be offered this tenure of tenancy.

4.3 Assured (Shorthold) for Social Rent Tenancies:

This tenancy type has a fixed minimum period of 6 months and are only offered in specific circumstances and have weekly rent frequency:

- Social tenancies in properties leased by YH (YH owns the property on a Leasehold basis but a third party owns the Freehold).
- In certain types of supported accommodation where the support is limited to a specific period.
- For 16 and 17 years olds, while the property is in held in trust until they turn 18 years old.

4.4 Assured Shorthold (AST) Fixed Term Tenancies:

These tenancies are offered to non social and non affordable rent properties which include and are of calendar monthly frequency:

- Intermediate rent (including current Mortgage Rescue – 5 years Fixed Term Tenancies
- Rent to Buy – 2 years Fixed Term Tenancies
- Market Rent – 6 months minimum

Once the fixed term tenancy ends it will convert to a Periodic Assured Shorthold tenancy with no fixed end date. The tenancy will continue to roll on a monthly basis until either party serves notice to bring it to an end.

Contractual Tenancies:

This is not a tenancy type, but it is used for temporary situations (such as decants), where a tenant is unable to remain in their home due to major works that may have health and safety consequences for the customer and/their household. In these circumstances the temporary address is not the customer's main and principle home, therefore limited security of tenure is given. Customers will continue to pay rent on the existing tenancy if they have been temporarily decanted.

Secure Tenancies:

YH does not offer Secure tenancies to new customers; however if an existing secure tenant at YH or another Registered Provider is offered a tenancy, they will retain their 'Secure' status. Customers will also retain this status if the tenancy is changed from Sole to Joint.

Fixed Term Tenancies – social rent homes:

Yorkshire Housing already has a range of options to effectively manage our homes. The policy position is that whilst we do not currently grant fixed term tenancies, this will be kept under regular review given the rapidly changing nature of our operating environment.

Guidance for Staff:

YH provides guidance and support for staff to make sure customers are offered the right tenancy type depending on the tenure associated with the property and their current tenant status.

Support for Customers:

We will take reasonable steps to support customers into their new tenancy and make sure that the offers made are appropriate for their requirements and circumstances. These include:

- A vettings and sustainability assessment before an offer of tenancy
- Credit and reference checks for customers apply for Intermediate, Rent to Buy or Market rent properties. Prior to offer to make sure the tenancy is affordable and suitable.
- YH have employed a Customer Success Advisor who will work with new customers and liaise with Customer Independence (Money and Tenancy Coaches) when needed to make sure customers are getting the right level of support for their needs.

5. Reporting/monitoring

The offers and allocations of tenancies are monitored through regular internal management audits and external audits.

6. Equality and diversity implication

As part of our commitment to equality and diversity Yorkshire Housing recognises that customers of all races, ages religions, gender, sexual orientation, literacy levels and disability should be treated fairly and equally, and will be able to access our services and support as and when they require it.

When making offers and allocation tenancies, we therefore provide equal standing to customers who are married, civil partners, or gay, lesbian or heterosexual common law partners, except where this approach is overridden by law.

The pre tenancy risk assessment procedure helps to identify the specific needs of vulnerable customers so that where appropriate support can be put in place to ensure the best chance of sustaining the tenancy.

Customers have the right to appeal against the type of tenancy being offered if they feel they are in any way being disadvantaged or discriminated against.

This document and accompanying correspondence can be translated or provided in alternative formats (e.g. Braille, large print, audio etc) upon request.

We have developed an Easy Read tenancy agreement to support tenants who have poor literacy skills and/ or learning disabilities.