

## Tenancy Policy

### 1.0 Introduction

The Localism Act 2011 sets out a number of strategic aims including the requirement for Registered Providers to have a Tenancy Policy setting out the types of tenancy they will offer. The act allows for Registered Providers to offer fixed term tenancies and One Manchester's (OM) approach to these is covered in this policy.

### 2.0 Purpose

It is a regulatory requirement that all Registered Providers have a Tenancy Policy in place from April 2012. The policy must set out the provider's approach to the granting of tenancies and tenancy management and should:

- Provide clarity about the types of tenancy they will grant and the circumstances in which they will be granted;
- Ensure consistency of approach;
- Protect the organisation from legal challenge.

The details and aims of this policy have been developed giving consideration to the objectives of Manchester's Tenancy Strategy. In line with the strategy the purpose of this policy and OM's approach is to promote and develop sustainable communities and supports MCC's strategic view that secure and assured tenancies will continue to be the preferred option for the majority of new tenancies. However, OM also recognises that alongside this, the use of starter tenancies and in specified circumstances, the granting of fixed term tenancies is appropriate in helping us to achieve the following goals:

- Promote and achieve greater tenancy and neighbourhood sustainability and ensure the best use of our housing stock;
- Continue to provide suitable housing options and choice for vulnerable applicants at a time of increased restrictions of affordable housing
- Enable quick and effective action to be taken in relation to a tenancy breach in particular Anti Social Behaviour (ASB);
- Encourage and support residents into training and sustainable employment
- To help to develop the tenancy management skills of individuals.
- Manage the impacts of Welfare Reform

### 3.0 Scope

The policy details OM's approach to the granting of tenancies and our approach to tenancy management. It also provides clarity about the types of tenancy OM will grant, the circumstances in which those tenancies will be granted and renewed.

The policy describes our approach to exchanges, tenancy successions and the provision of housing options advice.

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**4.0 The Policy**

**4.1 Types and length of tenancy**

OM will grant the following tenancies:

<b>Assured Tenancies</b>		
<b>Tenancy Type</b>	<b>Who this applies to</b>	<b>Length of Tenancies</b>
Assured Weekly Periodic Tenancy with Protected Rights	Tenants who transferred from Manchester City Council.	Lifetime tenancies, can only be ended through a legal court order
Assured Weekly Periodic Tenancy	<p>Tenants who satisfactorily complete their Starter Tenancy</p> <p>Tenants transferring from an existing One Manchester Assured tenancy.</p> <p>Tenants who at the time of being made an offer hold an Assured (non shorthold) with another housing association or local authority which began before 1<sup>st</sup> April 2012.</p>	Lifetime tenancies, can only be ended through a legal court order
<b>Assured Shorthold Tenancies</b>		
Assured Shorthold Tenancy	All new tenants other than those exceptions above. These tenancies are referred to as 'Starter Tenancies'	<p><b>12 months</b> starter tenancy with the option to extend to <b>18 months</b> where investigations into tenancy breaches are ongoing</p> <p>Would convert to an Assured Weekly Periodic Tenancy on successful completion of starter tenancy period, with the exception of fixed term tenancies (see below)</p>
Assured Shorthold Mortgage Rescue	Tenants living in properties acquired through the Mortgage Rescue Scheme	Fixed for <b>3 years</b> in line with Government policy and regulatory guidance
Compliance Tenancies	New tenants who have been assessed by the Serious Offenders Panel and approved for rehousing on a conditional basis.	<b>12 months</b> starter tenancy with the option to extend to <b>18 months</b> where investigations into tenancy breaches are ongoing. Special conditions of the tenancy managed by MCC's Tenancy Compliance Team.
Assured Shorthold Fixed Term Tenancy	Previously homeless tenants from Temporary Accommodation moving into a property acquired	<b>12 month fixed term</b> that will be reviewed 10 months into the tenancy with the option of

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	by One Manchester through the Large Property Acquisition Initiative	renewal or tenancy termination Includes a break clause allowing the option to end the tenancy after 12 months.
Family Intervention Tenancies	For tenants receiving support from Manchester City Council's Children, Family and Social Care Team who have accepted this tenancy as they were in danger of losing another tenancy due to ASB.	The initial period will be <b>12</b> months and then will revert to the original tenancy status providing all conditions of the FIT have been met.

### 4.2 Granting of Fixed Term Tenancies for General Needs Properties

One Manchester will offer 12 month fixed term tenancies in the circumstances outlined above. A nomination process has been agreed with Manchester City Council that to determine who is offered a tenancy of this nature.

Fixed term tenants will not have the right to transfer, exchange, acquire or make improvements to their property whilst the tenancy is in place. There will be no right of succession to a fixed term tenancy.

For Fixed term tenancies we will:

- Follow up the initial sign-up process with a post tenancy support visit carried out within 6 weeks of the start of the tenancy. Subsequent visits will be agreed with the tenant and be dependent on the individual needs.
- Provide Information, advice and Guidance in relation to benefit claims, income maximisation, employment support, and how to conduct the tenancy;
- Work with agencies to ensure appropriate support is in place and that support is maintained;

#### 4.2.1 Review at end of fixed term

2 months before the end of the fixed term a review of the tenancy will be carried out to determine the appropriate course of action at the end of the tenancy. The following areas will be considered:

- Has the tenancy been conducted satisfactorily and in line with the tenancy agreement obligations?
- Have the household circumstances changed from when the tenancy was first signed?
- What is the condition of the property?
- Do the tenant and/or any household members have any significant vulnerability or support needs that should be taken into account?

As determined by the review, OM will consider one of the following options and confirm the outcome to the tenant:

- Renewal of fixed term tenancy for a further 12 months – either at that property or an alternative property

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- Ending of the fixed term tenancy

### 4.2.2 Appeal

Customers will have the right to appeal a decision not to grant a renewal of the fixed term tenancy. The appeal will be reviewed by a One Manchester director not involved in the original decision

### 4.2.3 Alternative Accommodation Support

Where a decision is made not to renew the fixed term tenancy or offer an alternative tenancy, assistance will be provided to the tenant in registering for rehousing and the appropriate priority will be awarded in line with our Allocations policy. The tenant will be provided with housing options advice by One Manchester staff to assist them in securing suitable alternative accommodation.

## 5.0 Pre-Tenancy Assessments

To support tenancy sustainability, we will work with potential tenants from the point of an offer being made (including mutual exchanges, successions and assignments) to ensure they are able to manage a tenancy by reviewing the following:

- **Vulnerability Risk Assessments** – We will carry out a risk assessment with all applicants to identify any support needs. Where a need is identified a referral will be made to appropriate agencies;
  - **Affordability Assessments** - All applicants will be expected to complete a full affordability assessment including providing proof of income, expenditure and any debts. Where it is demonstrated that the applicant is unable to afford the tenancy, the offer of accommodation may be withdrawn;
  - **References** - All applicants will be expected to provide appropriate references which evidence that they are able to maintain a tenancy;
  - **Credit Checks** – All applicants will be expected to provide permission to allow us to carry out a credit check to ensure the tenancy is financially sustainable;
  - **Pre tenancy rent payment** – Where a new tenant has any rent to pay (excluding HB) they will be expected to pay 1 week/1 month of the payable rent due prior to signing up for the tenancy;
  - **Benefit Claims** - Where a new tenant is eligible to claim Housing Benefit or Universal Credit they will be required to provide all relevant information to support a claim when signing for the tenancy;
  - **Direct Debit** – All new tenants with rent to pay will be expected to pay by direct debit. We will provide support in setting up bank accounts;
- Withdrawing an offer** - If an applicant fails to provide all relevant information or following investigation it is in our opinion that a tenancy is not sustainable we will withdraw the offer of accommodation. We may also withdraw any offer of accommodation if the applicant refuses to pay one weeks rent at the start of the tenancy.

## 7.0 Succession

We will, in specified circumstances agree to the succession of a tenancy to a spouse or another family member. Full details of our approach to successions, including the circumstances when a discretionary succession or assignment would be granted are detailed in legislation, in individual tenancy agreements and in One Manchester's Allocations Policy.

## **8.0 Mutual Exchange**

We will provide support and advice to tenants wishing to exchange their home. We are committed to using and promoting Homeswapper to broaden tenant's choice.

## **9.0 Method and approach**

This policy should be read in conjunction with the procedures and guidance notes and the following complimentary policies:

- Allocations Policy;
- Anti Social Behaviour, Domestic Abuse and Hate Crime Policy;
- Starter Tenancy Policy.

## **10.0 Responsibility**

The Director of Place is responsible for ensuring this policy complies with legislative requirements.

Managers and staff who deal with the allocation and tenancy management of properties are responsible for implementing this policy.

## **11.0 Equality**

One Manchester will ensure that this policy is applied fairly to all our customers. We will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Equality, Diversity and Inclusion Policy.

An Equality Impact Assessment has been carried out on this policy.

## **12.0 Monitoring, review and evaluation**

In monitoring this policy we will:

- Report Tenancy types to Operations Committee once a year;
- Provide details of any tenancies ended early to the Operations Committee once a year;
- This policy will be reviewed every 2 years or sooner if changes to relevant legislation or Manchester City Council's Tenancy Strategy determine that an update is required.

## **13.0 Legislation**

This policy has been written in accordance with relevant guidance and legislation, which includes:

- The Localism Act 2011;
- Manchester City Council's Tenancy Strategy 2012;
- Homes and Communities Agency Tenancy Regulatory Standards;
- S197 Housing and Regeneration Act 2008.