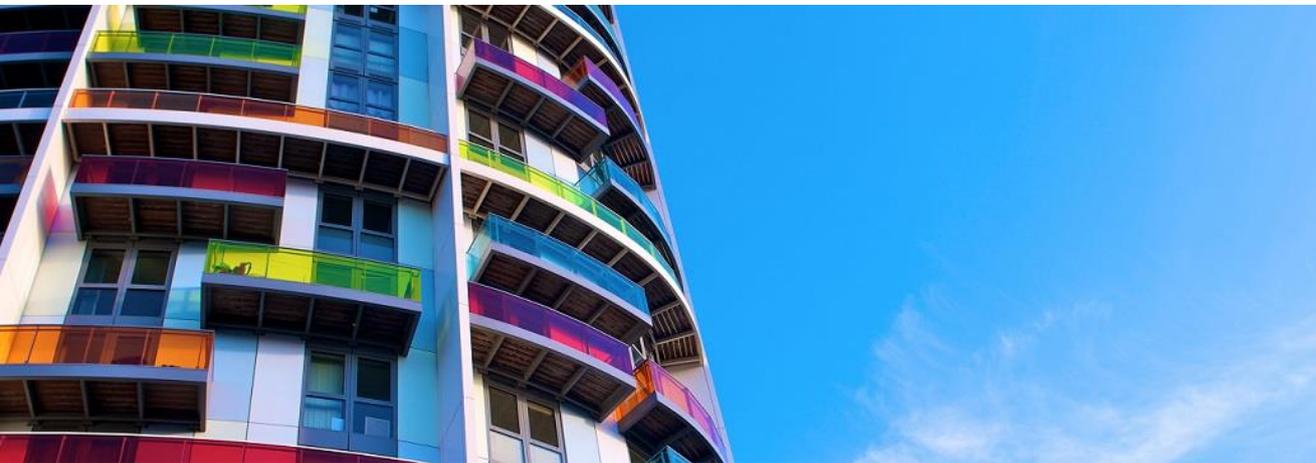


# Tenancy Policy

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## Legal & General Affordable Homes Tenancy Policy

### 1.0 Assurance statement

This policy seeks to set out LGAH's approach to the management of tenancies. In particular it addresses:

- What types of tenancies we offer
- How we manage changes to tenancies
- How we best utilise our available housing stock

The aim of the policy is to support our wider customer offer and ensure that LGAH provides long term security of tenure to those households most requiring it. In tandem the policy also seeks to create opportunity for homes to be released and offered to those most requiring them as time passes.

### 2.0 Types of tenancy

This section sets out the different forms of tenancy that LGAH will offer. Where a customer wishes to appeal the decision taken in relation to any aspect of the grant, renewal or non-renewal of their tenancy (including length of fixed term) they should do so through LGAH's Complaints Policy.

#### 2.1 Starter Tenancies

Starter tenancies will be offered to all new tenants excluding those who have mutually exchanged. This will be a 12 month Assured Shorthold Tenancy which will be reviewed to determine if the tenancy has been satisfactorily maintained. If a further tenancy is offered, then this will in accordance with this agreement. A starter tenancy may be extended in accordance with the terms of the tenancy agreement.

#### Assured Non-Shorthold Tenancies (Lifetime Tenancy)

Assured Non-Shorthold Tenants have security of tenure, possession can only be obtained by a Court order using one of the grounds for possession provided for in Section 8 of the Housing Act 1988. This type of tenancy will be granted to:

- Social rent tenants who were Assured Non-Shorthold tenants, with another social landlord, on 1 April 2012 and have remained social housing tenants ever since that date, and
- Housing management transfer tenants upon their return to settled accommodation (where the move from their original Assured Non-

Shorthold tenancy was due to redevelopment or other works to their original home), and

- Tenants who meet the criteria set out below.

## **2.2 Assured Non-Shorthold Tenancies (protected)**

If a tenant with a Protected tenancy mutually exchanges into a LGAH property, the incoming tenant will be assigned the existing tenancy at the property and will not be offered a continuation of their preserved right.

## **2.3 Fixed Term Assured Shorthold Tenancies (social and affordable rent)**

Most new general needs tenants will be granted fixed term tenancies in line with the criteria set out below in section 3 and which will be five years in length.

The exceptions are:

- Tenants who qualify for Assured Non-Shorthold as set out above.
- Single tenants offered a one-bedroom accommodation who have a life-long, serious and life affecting condition and will be provided a lifetime tenancy
- Mutual exchanging tenants who are protected under section 158 of the Localism Act 2011 due to their holding an assured non-shorthold tenancy at 1 April 2012.

## **3.0 Reissue of a Fixed Term tenancy**

3.1 We will begin the review process for fixed term tenancies 15 months before the end of the term. A formal review of the tenancy will be carried out to assess whether a new fixed term tenancy will be granted to the tenant. Once the review has been undertaken, the tenant will be provided with a 'Minded to' notice at least 6 months before the term is due to end setting out our decision to renew or not renew the tenancy this will provide the tenant with a right of appeal where tenancies are not renewed.

3.2 The following circumstances will be considered to assess the eligibility of the tenant for a new fixed term tenancy of their current home, or of an alternative home. If one or more of the factors listed below apply the tenant may not be entitled to a new fixed term tenancy at the end of their current fixed term.

The assessment criteria includes:

- Whether the property is still suitable for the tenants needs (including whether an alternative property would be more suitable in size or facilities)

- Breaches of tenancy
- Eligibility for housing
- Financial circumstances
- Household makeup.

If a customer is vulnerable, for example by reason of age, illness or disability or they or a member of the household receive care or specialist support which can only be provided in their current home. We will take this into account in our decisions when issuing a tenancy. In most such circumstances LGAH will issue a lifetime tenancy to the tenant(s).

- 3.3 Where a fixed term tenancy is to be issued or renewed the tenancy offer will be made with consideration to the household makeup. LGAH will always look to assist households with children to remain in their home for the length of the child/children's education in the locality.
- 3.5 Two-year fixed term tenancies will only be offered in exceptional circumstances involving Serious or persistent arrears where the alternative would be to decline to offer any tenancy, but we have been able to reach an agreement with the tenant over an agreed repayment plan including where possible to evidence that the repayment plan is being maintained. In addition, we may require as part of the agreement that the tenant engages with tenancy support services provided on behalf of LGAH as a provision of the tenancy offer.
- 3.6 Where a tenancy is not renewed we will give a minimum of 6 months' notice that we are "minded not to" renew the tenancy and provide the customer with the opportunity to seek independent advice and appeal this decision. Help with finding suitable alternative housing across the range of products will also be available.

#### **4.0 Joint tenancies**

- 4.1 At renewal stage if a sole tenant requests their spouse or partner is added to the new fixed term tenancy we will agree to this if:
- The applicant does not already have a tenancy with us.
  - The applicant meets the eligibility and qualifying criteria set out in our Common Housing Allocations Scheme and Nomination Agreements with local authority partners
- 4.2 If a joint tenant, ask for their partner to be removed from the new tenancy we need confirmation that the partner no longer resides in the property and no longer wants to be a joint tenant. If evidence is not provided we will work with the tenants to understand the issues before agreeing a course of action.

## 5.0 Tenancy and Succession rights

- 5.1 We will comply with Housing Act 1988 and the Localism Act 2011 when the circumstances of succession or request to add or remove someone from a tenancy arise. A detailed procedure will be applied to ensure we apply fairness and we meet our legal obligations.
- 5.2 LGAH retain the rights to apply discretion in exceptional circumstances. For example, when an occupant does not have succession rights but clearly has a priority housing need for a social housing tenancy [and the grant of a new tenancy to them would not breach LGAH's obligations in relation to other arrangements such as nominations agreements]. In such cases we would gather comprehensive evidence of the individual's circumstances and determine the outcome accordingly.

## 6.0 Mutual Exchanges and Transfers

- 6.1 Details of tenants' rights to mutually exchange are set out in the Housing Act 1985 and the Localism Act 2011. On receipt of a request from our tenants to exchange tenancies we will comply with any applicable legislation protecting security of tenure.
- 6.2 For a customer who had an assured or secure agreement that commenced on or before 1st April 2012 they will be granted a new assured non-shorthold agreement.
- 6.3 Tenants with less than 2 years remaining on their fixed term will be offered a new fixed term for 2 years.
- 6.4 Transferring tenants moving to a social rent property, who have an assured or secure agreement that commenced on or before 1 April 2012 and who have remained social housing tenants since that date, will be granted an assured non-shorthold agreement.

## Monitoring, Review and Evaluation

This policy will be reviewed every two years

Accountable Director	Shaun Holdcroft
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Review Date	February 2021