



# TENANCY POLICY

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	14 <sup>th</sup> December 2022
Review date:	December 2023

1	Introduction
1.1	This Policy sets out how Pine Court Housing Association (PCHA) meets the requirements of the Tenancy Standard of the Regulatory Framework for Social Housing.
1.2	<p>PCHA is expected to meet required outcomes in the areas of allocation, mutual exchange, tenure and rents in accordance with the outcomes of Regulatory Framework for Social Housing in England (Responsibility of the Regulator for Social Housing -RSH) as follows:</p> <ul style="list-style-type: none"> <li>• Allocation and mutual exchange <ul style="list-style-type: none"> <li>○ Registered providers shall manage their resources effectively to ensure their viability is maintained</li> <li>○ Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings: <ul style="list-style-type: none"> <li>▪ make the best use of available housing</li> <li>▪ are compatible with the purpose of the housing</li> <li>▪ contribute to local authorities’ strategic housing function and sustainable communities</li> </ul> </li> </ul> </li> <li>• Tenure <ul style="list-style-type: none"> <li>○ Registered providers shall grant tenancies which are compatible with the purpose of the accommodation, the needs of individual households, sustainability of the community, and the efficient use of their housing stock</li> <li>○ They will meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements</li> </ul> </li> <li>• Rents <ul style="list-style-type: none"> <li>○ Registered providers shall charge rents in accordance with the objectives and framework set out in the Governments’ direction in line with the Rent Standard as required by the RSH.</li> </ul> </li> </ul>

<p>1.3</p> <p>1.3.1</p> <p>1.4</p> <p>1.4.1</p> <p>1.4.2</p> <p>1.4.3</p> <p>1.5</p>	<p><b>Access and Communication</b></p> <p>PCHA is committed to ensuring that our services are accessible to everyone. PCHA will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for PCHA or use its services.</p> <p><b>Equality, Diversity and Human Rights</b></p> <p>PCHA is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity /Gender Expression, Sexual Orientation, Religion and/or Belief, Civil Partnership and Marriage, Pregnancy and Maternity.</p> <p>PCHA also recognise that some people experience disadvantage due to their socio-economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.</p> <p>PCHA will endeavour to ensure that all services and actions are delivered within the context of current Human Rights legislation. PCHA will endeavour to ensure staff and others with whom PCHA works, will adhere to the central principles of the Human Rights Act (1998).</p> <p>This Policy should be read in conjunction with the following;</p> <ul style="list-style-type: none"> <li>● PCHA Housing Needs and Housing Access Policy</li> <li>● PCHA Tenancy Transfer, Succession and Mutual Exchange Policy</li> <li>● PCHA Starter Tenancy Policy</li> <li>● PCHA Rent Setting Policy</li> <li>● Sub-Regional Choice Based Letting Policy</li> </ul>
<p><b>2</b></p>	<p><b>Statement of Intent</b></p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>In developing this Policy, PCHA shows due regard to the tenancy strategies produced by local authorities in the areas it operates.</p> <p>As a social housing provider, PCHA has a responsibility to use its resources and implement the Tenancy Policy to address key issues that impact on local housing strategies, including;</p> <ul style="list-style-type: none"> <li>● An ageing population with an expected year-on-year increase in the percentage of residents over pensionable age</li> <li>● Large variations in the quality of life factors experienced between affluent and less prosperous areas</li> </ul> <p>Set against this local context, PCHA aims to achieve the following specific outcomes through the implementation of this Policy;</p> <ul style="list-style-type: none"> <li>● Creating sustainable communities where people are able to form lasting roots, access education, training and employment opportunities and take an active part in community life</li> </ul>

<p>2.4</p> <p>2.5</p> <p>2.6</p>	<ul style="list-style-type: none"> <li>• Reducing tenancy turnover and associated costs to maximise rental incomes for further investment in new developments to meet existing and future housing needs</li> <li>• Fair and transparent system of allocating properties, making best use of housing stock, reducing under-occupation and over-crowding via Sub-Regional Choice Based Lettings schemes and direct lettings</li> <li>• Ensure tenants are renting properties within their financial means through affordability checks and raise awareness of any potential shortfalls in rent that will not be met through benefit payments (where applicable) resulting from introduction of Welfare Reform measures</li> <li>• Creating financial capacity within the organisation to develop new properties for rent or sale and encouraging a route into home ownership</li> <li>• The need for specialist housing provision for BME communities</li> </ul> <p>PCHA will provide a number of support mechanisms for its tenants to help them sustain their tenancies and live independently. This includes;</p> <ul style="list-style-type: none"> <li>• Conducting structured home visits during the first 12 months of the tenancy to assess the conduct of the tenancy and if there are any additional support needs that are not currently being met</li> <li>• Regularly update tenant profile information to ensure customers receive the right services. PCHA communicates with tenants in their preferred format and services are tailored to meet tenants needs (with either internal or external support as required)</li> <li>• Carrying out a comprehensive needs assessment for those requiring independent living accommodation pre-tenancy offer, at tenancy commencement and via on-going action plans</li> <li>• Provision of information and services that go beyond the normal role of the landlord e.g. debt and welfare benefit advice, financial inclusion information, affordable warmth information and assistance to gain and maintain employment and training opportunities</li> <li>• Provision of customer support and tenancy sustainment assistance</li> </ul> <p>PCHA will provide a ‘fair but firm approach’ to housing management, taking swift and proportionate action for any breaches of tenancy conditions including any enforcement action for anti-social behaviour or non-payment of rent / other debts owed.</p> <p>Wherever possible, PCHA will work with tenants to help them sustain their tenancies and will only take legal action to bring tenancies to an end as a last resort when other reasonable approaches have been exhausted.</p>
<p><b>3</b></p>	<p><b>Policy</b></p>
<p>3.1</p> <p>3.1.1</p>	<p><b>Allocations</b></p> <p>PCHA makes allocations of properties that are available to let via its own ‘waiting list’ and the Sub-Regional Choice Based Lettings (Property Pool Plus –PPP) schemes in the areas where it operates. The principals of the schemes are to;</p> <ul style="list-style-type: none"> <li>• Operate a lettings Policy based on housing need, which is simple, easy to understand, transparent, open and fair, reflecting local priorities</li> </ul>

- Ensure that every application is dealt with fairly and consistently in accordance with principles of equal opportunities
- Give adequate priority to people who fall within the Governments 'Reasonable Preference' categories
- Prevent homelessness and give adequate priority to homeless people to reduce the use of temporary accommodation, whilst maintaining a balance between the needs of the homeless and other applicants
- Empower applicants by giving them more opportunity to express choice and preferences about where they want to live, whilst having regard to the availability of housing resources and the high demand for housing
- Make best use of housing stock by minimising re-let times and by the marketing of 'difficult to let' properties
- Reduce under-occupation of social housing and therefore assist in the re-housing of overcrowded applicants and other priority need applicants
- Ensure that independent living housing goes to those for whom this type of housing is most suitable and who are in the greatest need of support
- To make best use of public funds

3.1.2 PCHA also reserves the right to allocate its properties outside the above forms of allocations (i.e. PPP & 'Waiting List') according to agreed levels in local authority areas it operates. In these circumstances applicants will not have to apply or abide by the normal banding criteria as set out by the Choice Based Lettings Scheme of the area. Examples of these allocations include;

- Direct lets: PCHA will match housing applicants that have been accepted on the housing register to vacant properties that arise without them having to submit bids
- Management lets: where PCHA allocates properties to alleviate short term or emergency housing need caused by extenuating circumstances of individuals e.g. following domestic violence incidents or decision made by multi-agency public protection meeting.

3.1.3 PCHA may also operate Local Lettings schemes, with unique allocation criteria in designated areas or for specific property types. Local Lettings schemes, which will be agreed with the local authorities following consultation with tenants, will be used to address housing management problems or create balanced communities with a mix of tenure types.

## 3.2 Tenure types

3.2.1 To meet its strategic objectives, PCHA will operate a variety of tenancy types as set out in the table below;

Tenancy type	Circumstances in which they are used	Length of tenancy agreement
Assured Shorthold (or Starter Tenancies)	Given to new housing applicants that meet the necessary criteria outlined in the Sub Regional Choice Based Lettings Scheme or as direct lets	Usually lasting 12 months and will convert to an Assured Tenancy on the anniversary of the tenancy start date (provided there have been no breaches of tenancy requiring enforcement action)

Assured Tenancies	Given to tenants whose Assured Shorthold Tenancy matures on the 12 month anniversary	Lifetime tenancy (for as long as the tenant requires it and provided they continue to abide by tenancy conditions)
Demoted Assured Shorthold tenancies	Can be used where there are persistent or minor breaches of tenancy conditions that require enforcement action but it is believed there is an opportunity for the behaviour causing the tenancy breach to be amended and positive steps are being taken to bring this about	Demoted Assured Shorthold tenancies would normally last no longer than 12 months (where a decision may be taken by PCHA to convert back to an Assured Tenancy or seek possession). If PCHA is satisfied that behaviour led to the tenancy breach has been remedied they can be converted sooner than the 12 month period
Affordable Rents Tenancies (Fixed Term)– 80% of market rent values)	Issued for specific new-build properties	This is a fixed -term tenancy for an initial period of five years. At the end of the fixed-term period PCHA will take a decision to renew the tenancy at affordable rent for a further fixed term or convert into an Assured Tenancy
Fair Rent Tenancies	PCHA has a number of Regulated Tenancies on 'Fair Rents', which began before the 15 <sup>th</sup> January 1989 provided they had no change in tenancy conditions. These secure tenancies are protected as long as the tenant lives in the property	Where Regulated Tenancies become available for re-letting they will be converted to social rents and let as 'assured-shorthold tenancies' for initial period of 12 months, except where an eligible succession occurs - See PCHA Tenancy Transfer Policy for details), in which case the Regulated Tenancy will continue

3.3	<b>Rents</b>
3.3.1	PCHA will set rents that offer good value for money and are affordable to existing and prospective customers, whilst ensuring it remains viable and can achieve its business plan commitments.
3.3.2	PCHA will calculate rents on an annual basis, in line with the prescribed government rent setting formula approved by the housing regulator. Full details of PCHA's rent setting regime can be found in the PCHA Rent Setting Policy.
3.4	<b>Reducing Under-Occupation / Over-Crowding</b>
3.4.1	To make the best use of housing stock and to assist tenants to find properties that best suit their family size and needs, PCHA will ensure as far as is possible that new housing applicants bid on properties that best meets their needs, through the eligibility criteria outlined by the Sub-Regional Choice Based Lettings Scheme . PCHA may allow under-occupation of up to two bedrooms, where full affordability checks are carried out.
3.4.2	Where possible, PCHA will work with current tenants, who are overcrowded or under-occupying, to find suitable alternative accommodation and ensure that they are not financially disadvantaged due to introduction of Welfare Reforms.
3.4.3	Where suitable moves that are agreeable to the tenant can be made within PCHA's stock, they will be facilitated by way of mutual exchange or by management lets (outside of the Sub Regional Choice Based Lettings scheme).
3.4.4	Where tenants are found to be under occupying their property, PCHA will aim to rehouse them through the Sub-Regional Choice Based Lettings Scheme and encourage them to use a free web-based, National Home Swapper Service.
3.5	<b>Tenancy Transfers, Mutual Exchanges, Successions and Assignments</b>
3.5.1	Tenants wishing to initiate their own transfers should apply to PCHA by completing a 'tenancy transfer application form 'or through the Sub-Regional Choice Based Lettings Scheme. PCHA will assess a tenant(s) eligibility for transfer prior to an offer being made. If tenants do not meet the criteria they will be declined and informed of the reasons. For more information, please refer to the PCHA Tenancy Transfer, Succession and Mutual Exchange Policy.
3.5.2	To support tenants' rights to mutual exchange, PCHA subscribe to the national 'Homeswapper Service' that allows tenants to search free of charge for mutual exchanges with other social housing tenants, nationally (either Registered Provider or Local Authority). PCHA does, however, reserve the right to make the best use of its housing stock and allocate properties in a fair and equitable manner and may refuse 'tenant initiated' requests for transfer if the tenant does not meet the criteria.
3.5.3	PCHA will allow requests for mutual exchange unless the grounds for refusal outlined in the Housing Act 1985 apply or when it is believed it does not solve any identifiable need.
3.5.4	Further to the provisions set out in the Localism Act 2011, PCHA will grant discretionary succession rights for those other than spouses and partners as an express term outlined in the tenancy agreement (for Assured Shorthold and Assured Tenancies).

3.5.5	PCHA will consider requests for discretionary succession provided there had been no previous successions on the tenancy. In these circumstances family members could be a parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or step child.
3.5.6	<p>Discretionary succession is, however, conditional and the person applying would need to prove to PCHA that:</p> <ul style="list-style-type: none"> <li>• They are a member of the deceased’s household</li> <li>• They have lived with them for the 12 months preceding death</li> <li>• They have used the deceased tenant’s home as their only and principal dwelling, and</li> <li>• Agree in writing to abide by the terms of the tenancy</li> </ul>
3.5.7	In all succession cases, PCHA will assess the suitability of the current property for the applicant(s) and will, if necessary, allow succession to an alternative property that is more suitable to the customers’ needs.
3.5.8	Full details of PCHA’s approach to tenancy transfers, mutual exchanges and succession are contained in the PCHA Tenancy Transfer, Succession and Mutual Exchange Policy.
3.6	<b>Provision of Housing Advice</b>
3.6.1	<p>PCHA will provide housing advice to existing tenants and applicants on all matters relating to:</p> <ul style="list-style-type: none"> <li>• Allocations, eligibility criteria and banding information to applicants within the Sub-Regional Choice Based Lettings Scheme (where necessary referring to other Scheme landlords on issues of local priority or local lettings schemes)</li> <li>• Mutual exchange, succession and assignment queries</li> <li>• All matters of tenancy management / enforcement and tenancy rights</li> <li>• Preserved Right to Buy or Right to Acquire queries</li> </ul>
3.6.2	For queries on statutory homeless duties, private sector renting (including standards and enforcement issues) and applications for Disabled Facilities Grant, PCHA may refer, or work in partnership with the Housing Options Service provided by local authorities in areas where PCHA owns and/or manages properties.
<b>4</b>	<b>Implementation</b>
4.1	All PCHA staff will need to show an awareness of the Tenancy Policy to be able to direct any customer queries that may arise. There will also be specific implications for staff that administer housing applications and allocations – (via the Sub Regional Choice Based Lettings or through direct lets), those responsible for all aspects of tenancy management, provision of housing advice and legal services.
4.2	The Departmental Management Team (DMT) will be responsible for ensuring the operational effectiveness of the Policy and for ensuring the Policy is in line with PCHA’s Strategic objectives.

<b>5</b>	<b>Performance</b>	
5.1	PCHA will provide comprehensive performance information on the allocations, rents and tenure elements of the Tenancy Policy via its annual report, produced in consultation with tenants.	
<b>6</b>	<b>Consultation</b>	
6.1	The Customer Empowerment Panel will be consulted about the development of this Policy. All PCHA staff have also been consulted in the development of this Policy.	
<b>7</b>	<b>Review</b>	
7.1	The Policy will be reviewed on an annual basis (from the date of Operations Director's approval) or as required by the introduction of new legislation, changes in regulatory standards, changes to the tenancy strategies produced by local authorities in areas where PCHA owns social rented properties or as a result of system audits.	
<b>8</b>	<b>Equality Impact Assessment</b>	
8.1	Was a full Equality Impact Assessment (EIA) required?	Yes
8.2	When was EIA conducted and by who?	The EIA conducted by Policy and Strategy Manager and Policy Officer on 14 /06/2019.
8.3	Results of EIA	There were no additional actions as a result of the EIA. PCHA's decision to allocate properties via the Sub-Regional Choice Based Lettings Scheme (and the attendant safeguards that were contained within), coupled with the overall stance of issuing lifetime tenancies are thought to be adequate to mitigate any risks of adverse or differential impacts of the Policy for those with protected characteristics.
<b>9</b>	<b>Scheme of Delegation</b>	
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	DMT
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director – PCHA
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director- PCHA



Date of revision:	Reason for revision:	Consultation record:	Record of amendments:
This is the first version of the Policy for PCHA-15/07/2019	Not applicable	See section 6	Not applicable
20 <sup>th</sup> September 2021	Not applicable	See section 6	There are no changes to the Policy in this review.
14 <sup>th</sup> December 2022	Not applicable	See section 6	There are no changes to the Policy in this review.