

<p><b>Radian</b></p> <p><b>Tenancy Policy</b></p> <p><b>Approved: April 2016</b></p>	
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## 1. Statement of Intent

- 1.1 Radian is committed to providing affordable housing for rent. The purpose of this policy is to set out the types of tenancies we will offer to best meet the housing needs of our tenants.
- 1.2 In writing this policy we have taken account of the revised Tenancy Standard issued by the Social Housing Regulator in 2012<sup>1</sup> which requires Registered Providers to publish Tenancy Policies as set out in the Communities and Local Government Consultation, 'Local Decisions: A Fairer Future for Social Housing' and the Localism Act 2011.
- 1.3 The Tenancy Standard requires Registered Providers to set out what types of tenancy they will offer and the circumstances under which fixed term tenancies may be re-issued at the end of the fixed term.
- 1.4 In setting this policy we have also had regard to Tenancy Strategies of the Local Authorities in which we operate.<sup>2</sup> . The policy also demonstrates how we will address under- and over- occupation and the letting of supported properties.
- 1.5 The Objectives of this Tenancy Policy are:
  - To provide appropriate tenancies to those in housing need
  - To address under and over-occupation
  - To protect vulnerable residents

## 2. Policy

### Providing appropriate tenancies to those in housing need

- 2.1 Radian offers a range of different tenancies for different circumstances. Social and Affordable Tenancies and other temporary social housing will be allocated according to Radian's Allocation Policy. Our tenancies comprise 7 main categories:
  - **Starter (probationary) tenancies** – all new tenants will be given an initial periodic weekly assured shorthold tenancy for a period of 12 months, with the exception of certain secure and assured (lifetime) tenants (see below) who have come from other Registered Providers, existing assured or secure (lifetime) tenants of Radian and certain supported housing 'campus re-provisioning' properties. Starter Tenancies are in addition to any subsequent fixed term tenancy. The Starter Tenancy may be extended by up to six months in certain circumstances

<sup>1</sup> As part of the revised Regulatory Framework

<sup>2</sup> As we are required to do under the Localism Act 2011

- **Lifetime (assured/secure) tenancies** – certain<sup>3</sup> secure and assured (lifetime) tenants, who have come from other Registered Providers and existing assured or secure (lifetime) tenants of Radian, will be given new lifetime tenancies where the property is social rented. New tenants of sheltered schemes and some supported schemes (see below) will also be given lifetime tenancies – in some cases following on from a Starter Tenancy
- **Affordable Rent Tenancies (Fixed Term)** will be offered a probationary tenancy for one year followed by a fixed term tenancy of 7 years in line with Radian's Affordable Rent policy
- **Social Rent Tenancies (Fixed Term)** will be offered a probationary tenancy for one year followed by a fixed term tenancy of 7 years at a social rent
- **Supported Housing Tenancies** – for supported schemes with intensive support, hostel accommodation (where customers will move-on) and certain supported housing 'campus re-provisioning' properties we will offer Assured Shorthold Tenancies. These may be periodic or fixed term. If fixed term, the length of term will depend on the nature of the scheme. For other supported schemes and sheltered schemes in existence at the end of December 2012, we offer tenancies on an Assured weekly periodic (lifetime) basis. New build sheltered and supported schemes developed from 2013 onwards using government grant will be let on a 'life time' basis at an affordable rent.
- **Intermediate Rent Tenancies** will be offered on a monthly, assured shorthold periodic basis
- **Mortgage Rescue Tenancies** are fixed term tenancies of 3 years at intermediate rents which, upon renewal, will be converted to an intermediate rent equivalent to 80% of market rent and offered a fixed term tenancy of 7 years

2.2 Radian will offer a minimum six month fixed term Assured Shorthold tenancy to:

- customers of our portfolio of market rented properties
- tied accommodation associated with our sheltered and support services, where it is a requirement to live on site
- tenants requiring emergency housing for example, emergency assistance to nominations from local authority partners (under the Housing Act 1996)
- provide temporary accommodation for tenants displaced by or during a regeneration or major works project

### Reissuing Fixed Term Tenancies

2.3 It is presumed that a 7 year fixed-term tenancy will be reissued for another fixed-term period of 7 years unless:

- The household is under-occupying the property<sup>4</sup>
- The household is overcrowding the property and it has been deemed by the Local Authority to be a hazard
- There has been a breach of tenancy conditions, such as rent arrears, anti-social behaviour or another breach requiring enforcement action

<sup>3</sup> The "guarantee" of security of tenure for existing lifetime tenants on a transfer is restricted to lifetime tenancies pre-dating 1 April 2012 and also only applies where the transfer is to another social rented home. This guarantee will not apply if you are offered an Affordable Rent property.

<sup>4</sup> Unless a Mortgage Rescue tenancy, where this is permitted by HCA guidance

- The property has been adapted and the person requiring the adaptations is no longer residing there as their only or principal home
- The tenant requires sheltered or supported accommodation
- The landlord is a Charity and the income circumstances of the tenant now no longer comply with the charitable objectives of the landlord
- The tenant refuses or has failed to engage in the review process
- There are plans to redevelop or refurbish the property, block or estate

2.4 Where a 7 year fixed term comes to an end we will in exceptional circumstances grant a further fixed-term of a minimum of 2 years. For example:

- where there are family and children legal proceedings yet to be determined by a Court
- where we are in the process of establishing one suitable offer of alternative smaller accommodation
- where there is an intention to modernise or redevelop the property or surrounding estate

2.5 In addition we will have regard to the implications of a child's full-time education and/or any medical or vulnerability factors within the household when deciding whether to renew a tenancy.

#### How we decide what type of tenancy to offer

2.6 All properties built for rent under an HCA framework agreement will be let at Affordable Rent.

2.7 Once a property has been let at Affordable Rent it will remain as Affordable Rent for all future lettings. Applicants are able to choose whether an Affordable Rent tenancy or a Social Rent tenancy is right for them through the Choice Based Lettings (CBL) schemes of our partner local authorities. In areas where the Local Authority does not have CBL, offers will be made through the local housing register, in line with current agreements and Radian's Allocation Policy.

2.8 Intermediate tenancies, will be let through Homes in Hants.

2.9 If an existing Radian social rent customer (non fixed-term) qualifies for a management move, or an internal transfer they will retain their existing security of tenure.

#### Succession

2.10 When a tenant dies it is possible for someone living in the household to 'succeed' to the tenancy. Under the Housing Acts a spouse, civil partner and someone living as a spouse or civil partner can succeed (through statutory succession) to the tenancy.

2.11 Individual succession rights are detailed in each tenancy agreement. In general, if a tenant dies, their partner, (married, civil partner, co-habiting or same sex partner) occupying the tenancy as their only or principal home, will automatically succeed to the tenancy. Succession can only occur once on the death of a sole tenant. If a joint tenant dies the tenancy automatically passes to the remaining joint tenant, through survivorship (which fulfils the statutory right to succeed i.e. it counts as a succession).

2.12 Radian provides an additional discretionary ground of succession for family members and carers who satisfy the succession criteria set out in Allocations and Lettings

Policy. In applying this discretion we will ensure that the circumstances of vulnerable under-occupying households are protected if necessary through a reasonable offer of appropriate and alternative accommodation, which may be from another landlord.

#### Addressing under and over occupation

- 2.13 Radian will work with Local Authorities and other Housing providers to facilitate moves where households are affected by Welfare Reform and a smaller property would better meet their housing need
- 2.14 Over-occupation is also an area for concern where the lack of suitable housing forces families to stay in properties which are too small to meet their needs. In cases where the Local Authority has deemed the accommodation to be a Category One Hazard under the Housing Health and Safety Ratings System (HHSRS) then the fixed-term tenancy will not be renewed and the household will be offered assistance to find appropriate accommodation which better meets their needs. This may be with another Registered Provider or in the private sector.
- 2.15 By reviewing fixed-term tenancies every seven years Radian will be able to free-up properties which are under-occupied, making them available to those who need them. In these cases we will provide assistance to households to move to more suitable accommodation and where the local authority consents, giving them priority within Radian's stock.
- 2.16 To ensure best use of our housing stock we will endeavour to let at maximum occupancy to avoid under-occupation.

#### Protection for vulnerable residents

- 2.17 As part of our commitment to social inclusion and the protection of vulnerable households, all existing sheltered and supported tenancies (excluding schemes where intensive support is provided) will continue to be let at social rents on a fully Assured (non fixed-term) tenancy basis. However, new homes developed under the HCA framework agreement and specialist sheltered and supported housing developed with central government grant are exempt from these provisions.
- 2.18 Radian has developed advice services to support vulnerable customers and is committed to helping customers to sustain their tenancy.

#### Review Process

- 2.19 Radian is committed to ensuring that all our residents have choice and flexibility to meet their housing needs. During the probationary year and no less than twelve months before the end of the fixed term, Radian will undertake a review of the resident's housing needs, economic status and conduct of the tenancy to identify if the tenancy should be renewed or ended.
- 2.20 Should the decision be made to end the fixed-term tenancy and not renew, then the resident will be offered housing options advice. Our decision will be communicated in a written notice and will include information about shared ownership and private renting and sources of assistance, which may include the Local Authority Housing Options team, the Citizens Advice Bureaux or Radian's Inclusion team.

## Appeals

2.21 The applicant or resident has the right to appeal the decision to allocate a particular type of tenancy offered at the outset, the length of a fixed-term tenancy offered, or the decision to end or not renew the tenancy. This request will be considered by a Review Panel, comprising the Director of Housing and Customer Services or his nominee, supported by appropriate senior officers.

2.22 The officer who made the decision will present the case to the Panel. The customer will be given the right to attend in person to make their case and can be assisted by a friend, relative or advocate but not by a legal representative. Following the panel hearing the customer will be advised of the outcome of the appeal within ten working days.

### **3. Legal & Regulatory Framework**

- Localism Act 2011
- Social Housing Regulator's Tenancy Standard

### **4. Links to other Policies**

- Allocations and Lettings Policy
- Affordable Rent Policy
- Equality & Diversity Policy

### **5. Related Procedures**

- Mutual Exchange Procedure
- Starter Tenancy Procedure
- Succession on the death of a tenant procedure
- Right to Rent Procedure

### **6. Responsible Officer**

Assistant Director (Policy and Performance)

### **7. Review Details**

Approved by (including date of approval)	Executive Team – April 2016.
Review Cycle	3-yearly
Date of next review	April 2019

### **8. Associated Documents**

None

### **9. Appendices**

None