

Tenancy Policy

1. Introduction

- 1.1 Bolton at Home (BH) Limited, is a charitable Community Benefit Society registered under the Co-operative and Community Benefit Societies Act 2014. Established following a stock transfer in March 2011, BH works to improve homes and services for local people within our communities by working in partnership to create '*Homes and neighbourhoods we can all be proud of*' in addition to delivering the local tenancy strategy and to support the Bolton Community Homes Partnership's Allocations Policy which is maintained by the Council.
- 1.2 Under the Localism Bill 2011, all Social Housing Providers have a duty to produce a Tenancy Policy which meets the requirements of the tenancy standard.
- 1.3 The then Homes and Communities Agency (HCA) took responsibility for the regulation of registered providers of social housing in England, such as BH, on 1st April 2012. The HCA had a Regulatory Framework which included 7 regulatory standards which providers must meet; 3 of these are classed as economic and 4 as consumer standards. The HCA was replaced in January 2018 by Homes England and the Regulator of Social Housing, although the regulatory standards remain.
- 1.4 One of the consumer standards is the Tenancy Standard which requires Registered Providers, such as BH, to '*offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.*'
- 1.5 The aim is that the publication of this Tenancy Policy will provide transparency, enabling local communities to understand clearly how BH is responding to local housing needs and priorities. This policy outlines BH principles and approach to tenancy management.
- 1.6 This Policy document has been published to support the Councils Strategic Tenancy Policy document and the Bolton Community Homes Partnerships Allocations Policy Document.

2. Purpose

- 2.1 BH is committed to increasing the provision of housing and to making the best use of stock to meet the needs of existing and new customers. We are also strongly committed to the principle of assured tenancies and see strong social, financial and administrative reasons to continue to offer an assured tenancy to our new tenants on completion of the tenant's starter tenancy where appropriate.

- 2.2 To ensure that we plan and target resources effectively and in a consistent way, but whilst taking into account our diverse customer base and their needs so that neighbourhoods are popular and sustainable places to live.
- 2.3 To ensure we adopt a partnership approach, encouraging everyone to play their part and seek to lever additional resources.
- 2.4 To ensure that we closely monitor the quality of our services and that we quickly deal with complaints.
- 2.5 To ensure that we always seek to deliver effective and efficient services which are lean and offer real value for money.
- 2.6 To ensure that we actively benchmark ourselves against other providers both locally and nationally and report our performance both accurately and regularly.

3. Scope

3.1 The policy will include the following areas relating to 'Tenancy':

- Allocations
- Tenancy Statement
- Tenancy Agreement (types and definitions are listed at s. 4.4 pg. 5)
- Security of Tenure & Ending a Tenancy
- Affordable Rent
- Affordability Assessments at Pre-Allocation
- Vulnerable Customers
- Homelessness
- Armed Forces Veterans
- Moving Options Statement
- Downsizing
- Mutual Exchange
- Succession
- Local Lettings Policy
- Equality and Diversity
- Appeals & Complaints
- Review

4. Policy

4.1 Policy statement

4.1.1 BH has a history of working in partnership with Bolton Council to provide customers with access to housing when they most need it, and supporting local communities by investing in and regenerating local neighbourhoods. We recognise that housing is a scarce resource and that we have a responsibility to manage our stock effectively. BH is committed to delivering services to a very diverse customer profile, managing different stock types and delivering a range of services across Bolton's communities.

- 4.1.2 BH is committed to increasing the provision of housing and to making the best use of stock to meet the needs of existing and new customers. We are strongly committed to the principle of assured tenancies and see strong social, financial and administrative reasons to continue to offer an assured tenancy to the majority of our new tenants at the end of their starter tenancy. However, and in addition to providing assured tenancies, BH recognises that there needs to be a more flexible and responsive approach when meeting specific and local needs.
- 4.1.3 There has been a significant increase in the need for the identification of accommodation to meet the need for a range of clients with a level of complex needs. Whilst BH will continue to provide homes for life, valuing the need for longer term stability, BH recognises that the introduction of Fixed Term Tenancies could provide a valuable offer in some circumstances, i.e. Short term, resettlement purposes where support is provided to move the tenant into more permanent suitable accommodation once needs have been met at the project e.g. homeless single accommodation / supported housing
- 4.1.4 We are committed to giving applicants the best choice in finding a home through participation in the Bolton Community Homes partnership scheme.
- 4.1.5 We will continue to work in partnership with the Council and other support agencies to develop a strategic approach to the provision and in the development of innovative programs to provide affordable housing in Bolton.

4.2 Allocations

- 4.2.1 BH delivers its Allocation function via a Choice Based Lettings Service (CBL) which is maintained and provided by the Council's 'Homes for Bolton' Service and in accordance with the Council's and Bolton Community Homes Allocation Policy.
- 4.2.2 Applicants registered with the CBL scheme are able to express interest in properties advertised by BH via the Homes for Bolton on-line Service www.homesforbolton.gov.uk . BH will deliver the Allocation process via a dedicated and specialist team, the Homefinder Service.
- 4.2.3 In addition, the introduction of the BH Allocations Policy has been developed to further support the BCH Allocations Policy whilst serving to support BH wider values and objectives.
- 4.2.4 Registered applicants are able to bid for a BH property if they feel that they meet the set criteria and the requirements indicated within the BH advertised property. See extract from CBL Guidance (7.1 - page 40) which explains choice based lettings and gives information on eligibility. The full Guidance is available on the website under Bolton Council – Bolton Community Homes, Allocation and Lettings Policy, revised edition September 2017.
- 4.2.5 Existing customers with BH may also be able to re-register with Homes for Bolton (following the first anniversary of holding and maintaining a tenancy BH) should they wish to be considered for a move, for example via the Mutual Exchange route or Downsizing route.

4.2.6 To ensure BH follow practices fairly and make best use of their stock when supporting customers' requests to move. All moves will be subject to checks determining property condition and identifying any tenancy breaches. This will include a visit to the customer's home to assess:

- Condition of property (including garden area)
- Property damage
- General conduct of how the tenancy has been managed
- Any outstanding arrears

4.2.7 We will assess each case on an individual basis and any applicable priority will be defined and applied through our processes and procedures.

4.3 Tenancy statement

4.3.1 BH recognises the importance of tenure security in both developing and maintaining stable and viable communities in Bolton.

4.3.2 BH will consider a range of options to ensure that those dwellings that have received major adaptations and/or conversions to meet particular need are allocated in a way that makes best use of stock and meets our major conversion policy. In addition, BH will strive to ensure that appropriate stock is available to meet the needs of our elderly and vulnerable members of our community, now and in the future.

4.3.3 BH recognises the need to adopt a flexible approach to maximising allocations and to take account of the impacts of welfare reform whilst offering a level of security to new customers in respect of accommodation. BH has further strengthened this allocations offer by developing a two year fixed term tenancy to be used in specific circumstances. Whilst BH will continue to provide homes for life, valuing the need for longer term stability, it is felt that Fixed Term Tenancies will provide a valuable offer in some circumstances. Any Fixed Term Tenancy will be accompanied with the appropriate support services either from BH or from a trusted partner agency to ensure successful completion of the Fixed Term Tenancy and a supported, sustainable move on.

4.3.4 BH has a portfolio of properties that are leased from private owners for a period of 3 years or longer but these properties are not owned by BH.

4.3.4 The tenancies granted to tenants housed via Landlord Services (leased properties) are provided with an Assured Shorthold Tenancy, a periodic tenancy for 6 months. If there are no problems such as breaches of the tenancy agreement within the first 6 month period of the tenancy, the periodic tenancy is renewed for a further 6 month period. Other than breaches of the tenancy agreement the Assured Shorthold Tenancy would only be brought to an end if the lease arrangement between Bolton at Home and the owner of the property was due to end and the owner did not wish to renew the lease agreement BH.

4.3.5 To ensure the leased portfolio of properties is still affordable for a range of customers rents are set around the Local Housing Allowance rates and no deposit is taken.

4.4 Tenancy agreement (Types)

4.4.1 BH will issue the customer with a tenancy agreement for their tenancy; this is a legal agreement between the customer and BH. It sets out the customer's rights and responsibilities and also BH rights and responsibilities.

4.4.2 The type of Tenancy Agreement issued will be one of the following:

- Assured Shorthold – Starter Tenancies
- Assured Non-Shorthold Tenancies
- Fixed Term Tenancies – (2 year fixed term tenancies, criteria applies)
- Assured Shorthold Tenancy (provided by Landlord Services)

4.5 Assured Shorthold – Starter Tenancies

4.5.1 This will be used for the vast majority of new customers. The Starter Tenancy will run for the first 12 months and, providing there have been no serious breaches of the agreement, it will expire on the anniversary date provided there are no breaches during a starter tenancy; a tenant will automatically convert to an assured tenancy.

4.5.2 During the Starter Tenancy period, customers will not have the same rights as Assured Non-Shorthold Tenants.

4.6 Assured Non-Shorthold Tenancies

4.6.1 This tenancy agreement will be used for tenants who have completed their 12 month Starter Tenancy period; the change from an assured shorthold tenancy to assured non-shorthold will be automatic and will not require the customer to sign a new tenancy agreement.

4.6.2 This tenancy type allows the customer the Right to Acquire and the Right to Exchange.

4.7 Assured Shorthold Tenancy (provided by Landlord Services)

4.7.1 BH offer fixed term tenancies on their leased property portfolio. This is where there is a lease arrangement between BH and the owner of the property.

4.7.2 The tenancies offered on these properties are through an agreement between BH and the tenant. These are fixed term periodic tenancies for 6 months on an Assured Shorthold Tenancy.

4.7.3 BH introduced a new Assured Non-Shorthold Tenancy for all new customers that became Bolton at Home customers on or after the 1st of April 2017. Incorporating the starter tenancy and the Assured Non-Shorthold Tenancy Agreement documents into one document and allowing for the continuation after 12 months automatically into an assured non-shorthold tenancy except in certain specific circumstances.

4.7.4 Current tenants (tenancies granted prior to and up to the 31st March 2017) will not change from their current agreements as there is no legal mechanism to do

so under the Housing Act 1988 other than by mutual agreement of each individual tenant. Current tenants remain unaffected.

4.8 Fixed term tenancies

- 4.8.1 BH will offer fixed term tenancies to those customers that are allocated to properties that form part of a specific project. In addition, there has been a significant increase for the identification of accommodation to meet the demand for a range of clients with a level of complex needs. Combined with BH ambitions to provide innovative housing solutions to meet the increasing demand of present and future customers. It is felt that in order to support the delivery and manage the tenancies more effectively; the introduction of fixed term tenancies for specific client groups and specific projects would be most effective.
- 4.8.2 Fixed Term Tenancies will not replace 'starter tenancies' as a 'Introductory or First' tenancy with BH. They will only be used to support specific client groups linked to specific projects/schemes.

4.9 Security of tenure

- 4.9.1 BH will ensure that all new tenants are provided with clear information concerning the terms of their tenancy agreement and the consequences of failing to keep to those terms.
- 4.9.2 BH will intervene at an early stage when we become aware of breaches of the terms of a tenancy agreement. Following investigation, we will seek to ensure that tenants receive appropriate support to help them keep their home or we will seek appropriate actions to end the tenancy.
- 4.9.3 Where tenants have rent arrears, we will seek possession only where all preventative methods such as financial inclusion advice have been reviewed and exhausted.
- 4.9.4 BH may also seek possession of a property which is part of a wider redevelopment or regeneration scheme. In these circumstances BH will look to move tenants in line with its Decant Policy and/or Management Move process.
- 4.9.5 Although repossession of a property is always a last resort, BH will take action to evict a tenant in relation to tenancy breaches. There are different processes for each tenancy type:
- For a starter tenancy (tenancy held for no longer than the initial 12 months), BH will issue a Section 21 notice. Although BH would have to apply to the Courts for a warrant of eviction there is less security with this type of tenancy as there are no grounds for the court to overturn the notice. A tenant on a starter tenancy has the right to appeal a notice.
 - For an assured tenancy and a Fixed Term Tenancy, BH will issue a Notice of Seeking Possession. There are specific grounds for each type of breach of tenancy which will be clearly stated within the Notice.
 - Mandatory Grounds as described in the Crime and Policing Act 2014

4.10 Required notice periods

4.10.1 BH requires a full 4 week written notice when a customer wishes to terminate their tenancy. Completion and the submission of written notice is a legal requirement in order for a tenant to end their tenancy, this applies to all tenancy types. The notice period will only start when we receive the termination notice, which always begins on a Monday.

4.10.2 Due to the nature and need for a tenancy termination, BH may accept a shorter notice period of a minimum of two weeks, an example of where this may apply would be on the death of the customer. Whenever a customer is considering terminating their tenancy, it is advisable that they make contact with BH for further advice and guidance. BH will charge rent for the full notice period.

4.11 Legal framework

4.11.1 The Localism Act 2011 prompted a review of the Regulatory Standards Framework for Social Housing in England. The tenancy standard sets out the following required outcome for all housing providers:

"Registered providers shall issue tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock."

4.11.2 Preserved Right tenancies must be retained for those tenants who held them on the day that section 132 of the Localism Act 2011 came into force.

4.11.3 Such Preserved Right will be retained where the tenant chooses to move to another social rented home within BH.

4.11.4 Publications providing further details on customers' rights and responsibilities are available on our website via www.boltonathome.org.uk .

4.12 Affordable rent

4.12.1 The affordable rent model enables Registered Providers to let a percentage of their re-Lets at an affordable rent up to 80% of the gross market rent.

4.12.2 BH will have discretion to identify which re-let properties will be appropriate to be converted from social to affordable rent.

4.12.3 Properties will not be converted from social to affordable rent where any of the following apply:

- Where there is a Section 106 planning agreement or restrictive covenant which is not compatible with the affordable rent model and it cannot be varied
- Where there are local agreements/contracts which are not compatible with the affordable rent model and they cannot be varied
- Where 80% of the gross market rent is below the target social rent plus service charges

- It is sheltered accommodation
- It is supported accommodation
- Where the proposed tenant is a minor
- Where the proposed tenant is transferring from another property within BH on an assured tenancy
- Where the proposed property has been significantly adapted to meet the needs of a disabled person.

4.12.4 BH will have the discretion to convert affordable rent properties back to a social rent where a property cannot be let at an affordable rent level.

4.12.5 BH will endeavour to ensure that all tenants are aware of their full range of rights and responsibilities, and landlord duties will be exercised in compliance with relevant legislation, regulation and statutory guidance. Information is provided in a variety of ways to suit tenant's needs, including the tenancy agreement, the tenant's handbook and our website.

4.13 Affordability assessments on pre-allocation

4.13.1 With the introduction of the welfare benefit reform and as a financially responsible Landlord, BH must establish that prospective tenants are able to sustain a tenancy before we offer them a property.

4.13.2 As a responsible landlord, we need to ensure that we rent our properties to people who can afford them. There is a proven link between debt and physical and mental health issues and relationship problems. Therefore we have a duty as a landlord to ensure we are not putting people in a position where they cannot realistically afford their tenancy and placing them in further financial hardship. This is particularly important as a housing related debt will deny people access to social housing in future.

4.13.3 By implementing affordability assessments as part of the allocation process, BH are ensuring that prospective tenants are able to meet their legal obligations under a tenancy to pay their rent, whether through their own sources of income or with support in the form of Housing benefits/Universal Credit.

4.13.4 Due to the welfare reform changes and introduction of Universal Credit, if affordability assessments do not form part of the pre - allocation process, there is a significant risk of reduced income into the Housing Revenue Account due to the likelihood of increasing rent arrears which could lead to an increase in evictions. As a responsible Landlord and Housing Provider, we need to ensure that our services to all customers is protected and is able to be further developed to meet the needs of customers in the future.

4.14 Vulnerable customers

4.14.1 Where a customer has been identified as vulnerable we will ensure that they have access to additional support in accessing the right accommodation and services. As part of the pre-allocation work we undertake, BH will work with the customer

in accessing the correct support they need to help sustain their tenancy. This support may be provided by our own services and/or complimented by other appropriate support agencies. A vulnerable customer is one who needs support to maintain their tenancy, for example, because of health, age or a defined support need.

4.14.2 BH also offers financial advice through the Money Advice Service to low income and vulnerable customers, providing financial advice or assistance, which has a significant impact upon improving tenancy sustainability, and reducing failed tenancy rates.

4.14.3 BH is able to provide specific accommodation to those customers meeting the accommodation criteria's for sheltered accommodation and works in partnership with relevant services and the Local Authority to provide accommodation to those who require extra care accommodation or support and adaptations to their existing accommodation.

4.15 Homelessness

4.15.1 BH is committed to supporting the Local Authority and wider initiatives of the Combined Greater Manchester Authorities in seeking to reduce and prevent Homelessness.

4.16 Armed forces veterans

4.16.1 BH acknowledges and recognises the service provided by our Armed Forces Veterans. BH is committed to supporting the armed forces community by working with the Local Authority, Combined Greater Manchester Authorities and a range of partners and Housing Providers that have signed the Armed Forces Covenant.

4.17 Moving options statement

4.17.1 We are committed to ensuring our customers can exercise their right to move within BH by means of a number of moving options that sit within Allocations policy guidelines. However, a move can only be allowed if certain criteria is met which ensures practices are fair and make best use of housing stock.

4.18 Downsizing

4.18.1 The amendments to the Welfare Reform system which included reduced HB or assistance with rent payments for those under occupying their home continues to place significant pressure on tenants to reconsider their moving options and downsizing to a smaller home.

4.18.2 Those tenants impacted by the Under Occupancy charge, due to national government legislation and subsequent changes in housing benefit eligibility; making it not financially viable for them to remain in their home, will be able to register for the downsizing scheme. Only tenants impacted by the Under Occupancy charge may be offered direct practical assistance to move. Applicants with arrears must be engaging with our Revenue Services team to address their arrears before they register for downsizing.

4.18.3 To support all Downsizing requests, interested applicants will be offered an appointment to speak with an appropriate Officer.

4.19 Mutual exchanges

4.19.1 BH aims to reduce housing need and make the most effective use of its housing stock by encouraging appropriate mutual exchanges. This will also increase tenant's choice and mobility. BH will continue to operate and support the mutual exchange process and will provide provision for customers to do so via a National web based platform for mutual exchange. A customer must obtain permission from BH before a mutual exchange can proceed. BH will approve mutual exchange applications provided that none of the grounds for refusing such applications in the Housing Act 1985 and the Localism Act 2011.

4.19.2 BH provides customers with the ability to register for a mutual exchange via a free to register on-line system via www.homeswapper.co.uk

4.20 Succession

4.20.1 Succession rights are only granted with spouse/partner/civil partner being able to succeed the tenancy. No assignment other than mutual exchange will be permitted.

4.20.2 In respect of a tenancy originally held prior to the 31st March 2017. Family members other than a spouse or civil partner may succeed to a tenancy but must have lived with the deceased for 12 months prior to their death and are able to provide evidence to support their occupancy when claiming succession.

4.20.3 For those customers that signed a new tenancy on or after the 1st April 2017, and therefor hold the new Assured Non- Shorthold Tenancy Agreement, will notice that whilst there is still a 'right to succeed' (Section 4.6) the Succession Criteria has changed to reflect the minimum statutory requirement in the Localism Act – i.e. succession to joint tenant, or succession to spouse, civil partner or someone living with tenant as spouse or civil partner immediately before the tenant's death.

4.20.4 The result is that for new tenants there will no longer be succession to extended members of the family, such as brother, sister, mother, father, nephew, niece etc. Succession is always a difficult issue; narrowing down succession rights to the statutory minimum of spouse, civil partner etc. makes this much clearer and easier to be identified.

4.21 Local Lettings Policies

4.21.1 Local Lettings Policies were first introduced in 2011 to make sure that local people can access homes in areas they have ties to and in places where social housing is in low supply or high demand. It was first adopted in October 2011, and revised in July 2014 and October 2015.

4.21.2 A local lettings policy must be fair and reflect the reasons why it is required and the criteria to be met by applicants.

- 4.21.2 For example: In some cases BH may introduce a Local Letting Policy (LLP) to ensure good management of stock, or where a planning agreement (commonly called a section 106) is needed for new build properties.
- 4.21.3 Each local lettings policy will state clearly the reasons for it being implemented and operated.
- 4.21.4 When a property that is affected by a local lettings policy is advertised, the advertisement will state which applicants will be eligible to express an interest in that property.

5. Equality & Diversity

- 5.1 BH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 5.2 BH is committed to the principle of equality of opportunity in the delivery of its services. BH aims to ensure that all of its customers are dealt with fairly and equitably and, where possible, taking into account the diverse nature of cultures and backgrounds.
- 5.3 We aim to treat all customers fairly, and with respect and professionalism, regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 5.4 To enable all residents to have clear information and equal access to our services, BH publishes clear information in a range of appropriate languages and formats and through a range of media.
- 5.5 This policy document has been subject to a relevant Equality Assessment and will be reviewed as part of the policy document review.

6. Appeals & Complaints

- 6.1 BH operates a complaints procedure, where customers can complain about any aspect of the service with which they are unhappy. If customers wish to appeal against an allocation decision made by BH, they may do so in writing to Homefinder Service, BH, outlining the reason for the appeal and any supporting information.

7. Review

- 7.1 This policy will be reviewed every three years unless there are changes to legislation, regulation, best practice or a business need. This policy will also be reviewed in line with any subsequent reviews of the tenancy strategies of the local authority.

Date approved	29 August 2019
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