



## **VHA Policy Document**

### **TENANCY POLICY**

**Reviewed: July 2023**

**Next Review Due: July 2026**

## **VECTIS HOUSING ASSOCIATION LIMITED**

### **Statement**

Vectis Housing Association (the Association) is committed to providing an effective and efficient tenancy management service that reflects best practice, complies with legislation and regulation, and protects the rights of tenants.

Information will be provided to ensure that tenants understand their roles and responsibilities under their tenancy agreements.

Information will also be published, in a variety of formats, so that tenants and prospective tenants can make informed decisions about their tenancies.

The Association undertakes to communicate effectively its position with regard to:-

- The types of tenancy which may be granted;
- What conditions they will be issued under;
- The length of tenancy terms; and
- The circumstances in which a further tenancy may not be granted.

### **Aim**

The aim of this policy is to make the best possible use of the Association's housing stock, endeavour to provide homes suitable to meet the needs of those unable to secure their own accommodation on the open market, whilst always treating existing and prospective tenants fairly and equally.

### **Regulation**

The current Regulatory Framework states:

*"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 stock"*

To this end the Association will use a number of different tenancy types each with varying terms.

### ***Types of Tenancy***

The table below indicates the types of tenancies granted and the conditions under which they will be issued.

Tenancy Type	Conditions of issue
Secure (issued pre 1989 – 10 remaining)	To existing holders of a secure tenancy who transfer within the Association's stock to a property let under a 'target' rent.
Assured (variety of versions issued since 1989)	To existing holders of assured tenancies who transfer within the Association's stock to a property let under a 'target' rent. New tenants of a property let under a 'target' rent who are exempt from a fixed term tenancy. (See Exception section). Or, tenants who have conducted both the Starter and Fixed Term tenancies successfully.
Assured with S.106 conditions attached	To existing holders of assured tenancies who transfer within the Association's stock to a property let under a 'target' rent. Or, new tenants of a property let under a 'target' rent who are exempt from a fixed term tenancy. (see Exception section) Priority given as per the local connection criteria as prescribed in the S.106.
Assured Shorthold (periodic) with nomination agreements attached	To suitable nominee of the Isle of Wight Council where a nomination agreement exists on a property leased from a private owner and managed by the Association to assist the IWC in the provision of their homelessness duties.
Assured Shorthold (periodic)	To new tenants of a property leased from a private owner and managed by the Association.
Intermediate (Assured Shorthold) (periodic)	To new tenants of stock purchased with grant assistance from the IWC, and/or conditions imposed by a S.106 agreement.
Intermediate (Assured Shorthold) (periodic) with S106 conditions attached (1 unit at Kerry Fields)	To new tenants of stock purchased with permission of the regulator. Priority given as per the local connection criteria as prescribed in the S.106.
Starter Tenancy	To all new tenants except for those transferring within VHA stock, from another housing association or local authority where they already have a non-shorthold tenancy.
Demoted Tenancy	Court-approved reduction of security rights for Secure and Assured tenants as a result of significant

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### **Starter Tenancies**

All new tenants, with the exception of those detailed in the schedule above will be subject to a Starter Tenancy. This is a form of Assured Tenancy lasting for one year. At the end of the year an Assure Tenancy agreement will be issued provided the tenancy has been conducted satisfactorily. If the tenancy has not been conducted satisfactorily then it may be brought to an end altogether or extended for an additional period of six months.

The purpose of Starter Tenancies will be to enable VHA to ensure that tenants are suited to the properties for which they have been allocated and can conduct their tenancy in a responsible and appropriate manner.

### **Assured Shorthold Tenancies**

Two forms of Assured Shorthold Tenancies are provided:

- 1) One being the Assured Shorthold Tenancy (periodic) with nomination agreements which are issued to suitable nominee of the Isle of Wight Council where a nomination agreement exists on a property leased from a private owner and managed by the Association to assist the IWC in the provision of their homelessness duties.
- 2) Assured Shorthold (periodic) issued to new tenants of a property leased from a private owner and managed by the Association.

### **Assured Tenancy**

An assured tenancy is a lifetime tenancy. This tenancy will only be issued to tenants who have conducted both their Starter Tenancy satisfactorily:

- Being in advance with their rent or at least a zero balance.
- No involvement in anti-social behaviour.
- No damage or neglecting of the property.
- Not living in unsuitable property or location.
- Not causing nuisance of a sustained nature Persistent rent arrears.

## Tenancy Review

### Starter Tenancies

Starter Tenancies will be reviewed on a regular, on-going basis to ensure that tenants are fully aware of VHA's expectations of a satisfactory tenancy. Support and advice will be provided where possible to address issues that arise during the course of the tenancy.

The table below sets out some of the reasons why the Association may choose to either extend or not to grant a further tenancy.

Situation
Persistent rent arrears
Evidence or indication of anti-social behaviour
Damage or neglect of property
Unsuitable property or location
Nuisance of a sustained nature

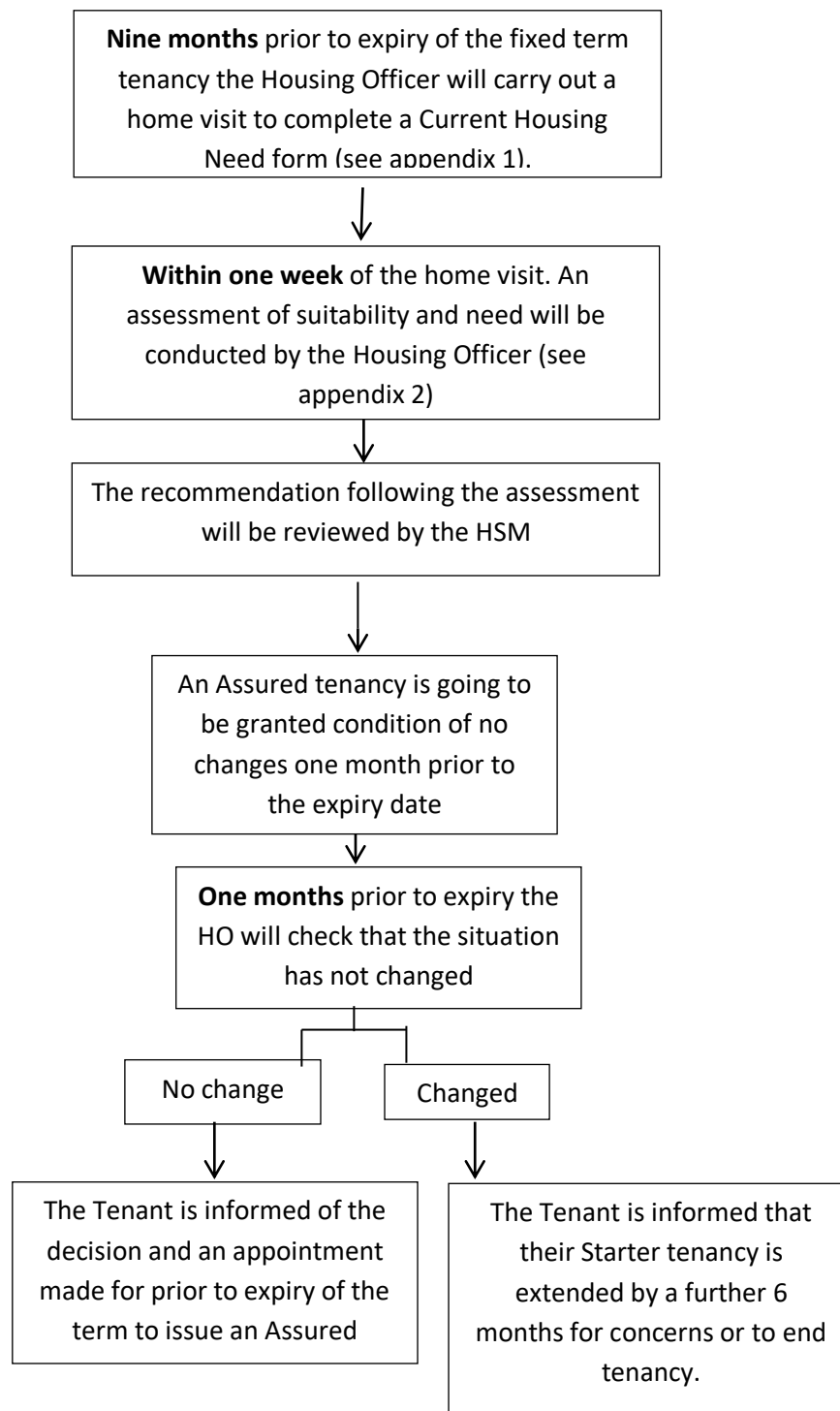
### Starter tenancy review process



## Review Process

All tenants will be advised during the tenancy sign-up meeting and through general communications such as newsletters to inform of any changes to their circumstances to assist in keeping our tenant profile information up to date and offer support to the tenant as early as possible.

Nine months prior to the expiry of a starter tenancy the formal review will commence as set out in following chart.



## **Appeals**

Prospective tenants will be given five working days to make an appeal against the length of the term being offered or the termination of a Starter Tenancy.

The appeal process is the same for both groups and is as follows:

1. Appeals may be made verbally, or in writing, to the Housing Services Manager detailing the reasons why the tenant or prospective tenant does not agree with the decision;
2. The HSM will respond in writing within five working days;
3. Should the tenant or prospective tenant not be satisfied with the response a further appeal can be made in writing addressed to the Chief Executive (CE) within five working days from receipt of the HSM's response;
4. The CE will respond in writing within five working days;
5. Should the tenant or prospective tenant not be satisfied with the response a further appeal can be made in writing addressed to the Board within five working days from receipt of the CE's response;
6. The Chair, or delegated representative of the Board, will review the appeal within five working days and inform the tenant or prospective tenant accordingly.

## **Selection Criteria**

The Association is a partner in the Isle of Wight's Choice Based Lettings (CBL) scheme and joint allocations policy.

Under the terms of this policy the Association will aim to let 80% of allocations per year through the CBL scheme. Priority is awarded by using a banding system to identify need. The Isle of Wight Council holds responsibility for the assessment and banding of applications. A property will be offered to the highest banded, most suitable applicant that has shown an expression of interest.

The remaining allocations will be let through the Association's in-house transfer system.

Prior to the advertisement of properties through the CBL scheme the transfer system will be checked to ensure that existing tenants needs are assessed and priority given to maximise the use of stock.

The number of applicants who are in employment and unable to access housing in the private market is increasing rapidly. We believe that opportunities for them to access suitable affordable housing are important, from a strategic, individual and community perspective. We will therefore aim to develop an intermediate tenancy scheme to provide housing for up to ten such households each year, subject to review.

## **Succession**

### ***Secure, Assured and Shorthold Tenancies***

On the death of a sole tenant who is not a Successor the tenancy will pass to the tenant's partner (whether or not married to the tenant, and including a same-sex partner) under the provisions of the Housing Act 1988 provided that he or she occupied the premises as his or her only or principal home at the time of the tenant's death.

A Successor is legally defined as:

- (a) a partner in whom the tenancy was vested under the provision of the Housing Act 1988; or
- (b) a person by whom the Tenancy was inherited; or
- (c) a person that would have been entitled to succeed had the previous tenant died and to whom the tenancy was assigned; or
- (d) a tenant by survivorship when one of two or more joint tenants has died.

### ***Secure and Assured Tenancies Only***

*On the death of a sole tenant who is not a successor, as defined above, and there is no partner or survivor the Association will grant succession right to a member of the tenant's family, who is over the age of 18 years and who:*

- *lived at the property as their principal home for at least 12 months prior to and at the time of the tenant's death, and*
- *is willing to abide by the terms of the tenancy.*

*A member of the tenant's family is defined as:*

- *parent*
- *grandparent*
- *child*
- *grandchild*
- *sibling*
- *uncle or aunt*
- *nephew or niece*
- *adopted child or step child*

*Where more than one family member is eligible they should reach an agreement between*



*them as to who will succeed to the tenancy.*

### ***Discretionary Right to Succession***

#### ***Secure and Assured Tenancies Only***

*Where the death of a tenant leaves someone in the property with no right to succeed, the Association will consider granting a tenancy for that, or an alternative, more suitable, property (for example, where the property is under occupied) in cases where:*

- a non-qualifying person has lived at the property for at least 12 months before and at the time of the tenant's death;*
- the tenant was already a successor;*
- a person has legally accepted responsibility for the deceased tenant's children;*
- a person would be accepted as Statutorily Homeless if required to vacate the property.*

### ***New Tenancy***

*To maximise the use of its housing stock the Association will offer a new tenancy for a property suitable to meet the needs of the successor. The following will be considered when assessing the suitability of a property:*

- the size of the property;*
- whether it has any aids or adaptations;*
- the size of the remaining family;*
- the age of the new tenant;*
- the needs and wishes of the new tenant; and*
- the local housing need and demand.*

*A request to succeed a tenancy will be considered and a decision made in writing within 10 working days. Should a longer period be required to supply or review evidence the applicant will be advised accordingly of the new timescale.*

### ***Possession***

*Where there is no legal or discretionary right to succession, not before six months from the*

*tenant's death but within twelve months, the Association will seek possession under Ground 7 of Schedule 2 of the Housing Act 1988.*

### **Assignment**

The holder of an assured or assured shorthold tenancy cannot assign the tenancy except in furtherance of a court order or with the written consent of the Association.

Secure tenants can assign their tenancy to their spouse or registered civil partner, as long as they are living with them or cohabiting partner or another member of their family (this includes children, parents, siblings and most other close relatives), as long that person has been living with the tenant for at least one year.

VHA tenants with a starter tenancy or demoted tenancy will not have the right to assign.

### **Mutual Exchange**

All assured and secure tenants have the right to exchange their tenancy with that of another assured or secure tenant of a registered housing association or a local authority subject to the prior written consent of the Association, which shall be withheld only on specified grounds as detailed in the Housing Act 1985.

All exchanges will be transacted by way of assignment unless an exemption applies under section 158 & 159 of the Localism Act.

The exemption applies where one tenancy was granted prior to 1<sup>st</sup> April 2012 and the other is a flexible or fixed term tenancy started after this date. In such a situation new tenancies will be issued to protect the security of the tenancy granted prior to 1<sup>st</sup> April 2012.

### **Policy Review**

This policy will be reviewed by the Board of Management every three years or at the point of regulatory or legislative change within the said period.