

FAREHAM
BOROUGH COUNCIL

**Fareham's Draft
Tenancy Policy**

1. Tenancy Policy Contents

- a) The different types of tenancies that are to be granted;
- b) The circumstances in which a particular type of tenancy would be granted;
- c) In circumstances where tenancies are granted for a term certain, the length of terms are stated;
- d) The circumstances in which a further tenancy will be granted at the end of a fixed term tenancy;
- e) How the Council will support tenancy sustainment;
- f) How the Council will prevent unnecessary eviction;
- g) How the Council will tackle tenancy fraud;
- h) The Council's approach to the granting of discretionary succession rights, and;
- i) How the Council will ensure a consistent and transparent approach.

2. Policy Consultation

Before producing this draft policy document the following stakeholders were consulted and their views have been taken into account. If there are proposals to change the Policy in the future similar consultation arrangements will apply. The stakeholders are:-

- a) The Tenants' Forums;
- b) Housing Tenancy Board;
- c) A random sample of applicants on the Council's Housing Waiting List;
- d) All Registered Providers (Housing Associations) with properties in the Fareham Borough; and
- e) Health and Housing Policy Development and Review Panel;

3. Tenancy Policy Proposals

From 1st April 2013 all new Council Housing allocations will be granted one of the following tenancies in accordance with the Housing Act 1985 and the Council's Nominations Policy:-

- a) Secure Tenancy;
- b) Introductory Tenancy (minimum 12 month term);

- c) Flexible Tenancy; and
- d) Non Secure Tenancy;

4. Secure (Lifetime) Tenancies

For existing secure tenants there will be no change. They will continue to be lifetime secure tenants.

In addition, the Council proposes to grant a lifetime secure tenancy in the following circumstances;

- a) *Where the housing applicant currently holds a secure tenancy (Council) or an assured tenancy (Housing Association);*
- b) *Where the housing applicant is granted a tenancy of sheltered accommodation (subject to the applicant meeting minimum support/care needs and age criteria in accordance with the Council's Nomination Policy and the satisfactory conduct of the applicant's introductory tenancy);*
- c) *Where the housing applicant is granted a tenancy of one bedroom general purpose accommodation (subject to the satisfactory conduct of the applicant's Introductory Tenancy);*

5. Introductory Tenancies (minimum 12 months term)

The Council proposes to continue to grant an 'Introductory Tenancy' in all of the following circumstances;

- a) *Where housing applicants do not hold an existing social housing secure or assured tenancy (Council or Housing Association);*

All Introductory Tenancies will be subject to a review by the Area Housing officer at 3, 6 and 9 months to ensure the tenant is not in arrears and is maintaining good conduct of the tenancy. An Introductory Tenancy can be extended by up to 6 months, making 18 months in total if the tenancy is not being conducted to the satisfaction of the Council.

The granting of a lifetime secure tenancy or flexible tenancy is dependant upon the satisfactory completion of the Introductory Tenancy.

6. Flexible Tenancies

The Council proposes to grant a 'flexible tenancy' in the following circumstances;

- a) *To all Introductory Tenants allocated family sized accommodation (two bed or larger, upon conversion to a secure tenancy)*

It is proposed any flexible tenancy will be for a fixed term of 5 years, although exceptional circumstances may mean that the Council can offer a shorter term if it is thought that this is in the best interests of the tenant and best use of the housing stock.

Before the end of this term and following review, a further flexible tenancy may be granted or, a lifetime secure tenancy, or there may be no offer of a further tenancy.

The review criteria (in line with the Council's nomination policy) will be set out at the commencement of the tenancy and is dependant upon each household's housing need at the time of the review.

7. Non Secure Tenancies

The Council proposes to continue to grant a 'non secure tenancy' in the following circumstances;

- a) *In cases coming within schedule 1 of Housing Act 1985 and including:-*
- *where an applicant(s) has applied to the Council for housing accommodation and under the Homelessness provisions are temporarily housed pending consideration and determination of their application; and*
 - *where an existing Council or Housing Association tenant requires temporary housing for management or maintenance reasons, pending a return to their previous accommodation, or a move to alternative accommodation.*

8. Flexible Tenancies - Review Process

The review process is set out at section 107D of the Housing Act 1985.

The Council proposes that approximately 12 months before the end of the fixed term the tenancy will be reviewed.

The purpose of the review is to determine the tenant(s) current and future housing needs. The information obtained will help inform decisions on whether to:

- a) *grant a further flexible tenancy of the current property;*
- b) *refuse to grant a further tenancy of the current property but to offer to grant a tenancy of an alternative property which is more suitable in meeting the tenant's current housing needs; or*
- c) *refuse to grant a further flexible tenancy of the existing property and refuse to grant a tenancy of alternative accommodation and instead provide housing options advice only in order that the tenant may*

secure alternative accommodation in the private rented sector or purchase their own home including shared ownership.

In the event of b) above, the Council will assist and support the tenant in making an application for re-housing to accommodation that meets their housing need. Furthermore priority for re-housing will be given under the Council's Housing Nomination Policy Scheme.

In exceptional cases where it is not possible to re-house by the end of the flexible tenancy term the Council will permit the tenant to remain in the property for up to 12 months to help enable suitable alternative accommodation can be found.

For any review the tenant will be invited by letter to meet with their Area Housing Estates Officer.

The review will consider the tenant's current and predicted circumstances including but not limited to:

- household composition;
- current and future housing needs;
- any health or disability issues;
- any social, welfare or support needs;
- financial status;
- conduct of the rent account and whether there are any arrears; and
- whether the tenant or any member of the household or anyone living at or visiting the property has engaged in anti social behaviour at the property or in the locality, or any member of the household has been made the subject of an Anti Social Behaviour Injunction/ Anti Social Behaviour Order or the cause or one of the causes of possession proceedings for Anti Social Behaviour

Children aged 18 or over included in the household will be required to show that they are firstly registered as living at the property (i.e. post, mobile phone contract, driving licence, electoral register) and secondly that the property is their only or principal home.

To verify a tenant's financial status, documentary evidence will be required in order that the details can be assessed in line with guidance contained in the Housing Nomination Policy. This will include the need to produce documentary evidence of income and savings.

Tenants will also be informed of the range of housing options available to them.

The Area Housing Estates Officer will aim, to prepare a report within 10 working days of the review meeting or from when all the supporting documentation and evidence has been obtained. The report and any supporting documentation will be passed to the Senior Housing Management Officer for a decision.

The Council will aim to inform the tenant in writing of the decision in respect of their tenancy within one month of the review meeting, or as soon as practicable thereafter.

The tenant may request a further review of their case within 28 days of the date on the decision letter.

Any further review will be considered by The Tenancy Services Manager or another independent senior officer who has not been involved in the earlier decision.

The Council will aim to provide the tenant with the outcome of the further review in writing within 10 working days from receipt of the request. There is no further right of review.

9. Tenancy Support

New tenants allocated General Purpose housing on an Introductory Tenancy will receive periodic visits from the Area Housing Estates Officer. These are after 1 month, 3 months, 6 months and 9 months and provide an opportunity to highlight and discuss any issues of concern and identify any need for additional support.

New tenants allocated sheltered housing receive regular visits from a member of the Council's Sheltered Housing Team who will identify any tenancy support needs and make any necessary referrals.

In the event that an intensive support need is identified for a period of time the Area Housing Estates Officer may make a referral to a floating support service.

Tenants who require debt advice and assistance in managing debt or require general advice and assistance may be referred to the local Citizens Advice Bureau.

Where tenants require their property to be specially adapted the Council works closely with Hampshire County Council's Occupational Therapy team in the delivery of disabled adaptations to meet their needs.

Tenants needing assistance to make a claim for Housing and Council Tax Benefit can either do so at the Council offices or a home visit can be arranged for tenants unable to attend the offices.

Assistance with gardening and home decoration may be available to elderly and/or disabled tenants subject to qualifying criteria.

10. Preventing Eviction

The Council recognises the need to communicate and support tenants throughout their tenancy ensuring awareness of the terms and conditions of their Tenancy Agreement. This will include the importance of ensuring that their rent payments are kept up-to-date and that other conditions of tenancy are met.

Rent arrears which appear to have arisen through non payment of Housing Benefit will be investigated by the Council's Area Housing Estates Officers who will liaise closely with the Housing Benefit team to check on the status of any claim, ensuring that the tenant knows what documentation they need to provide.

In cases where tenancy conditions are breached or the Grounds contained in Schedule 2 Housing Act 1985 are made out then a referral may be made to the Council's Legal Services for advice and the issue of legal action which may include possession proceedings, injunctions or anti-social behaviour orders.

In such circumstances Area Housing Estates Officers will liaise with Housing Options Officers who in turn will attempt to engage with the tenant and offer them advice and assistance to try and prevent homelessness.

11. Tackling Tenancy Fraud

The Council acknowledges social housing tenancy fraud as a potential issue. To help identify and combat tenancy fraud the Council carry out the following measures:

- a) Pre Allocation Verification Checks;
- b) Periodic and ad-hoc Tenancy Checks;
- c) Investigate claims of potential sub letting;
- d) Referral to Council's fraud investigation officer and;
- e) Participation in National Fraud Initiative (national database matching);

12. Discretionary Succession

Tenants with a secure tenancy or flexible tenancy will have the right of succession. This is subject to fulfilling certain qualifying conditions.

There can only be one succession to a tenancy.

From 1 April 2012 all *new* tenants on a secure or flexible tenancy will have the right of succession reduced, with succession being limited to the spouse or civil partner of the deceased tenant (subject to qualifying conditions). There is no statutory right of succession to any other household member.

In cases where the tenant has died and there has been no succession of tenancy (no spouse or partner) the Council may consider granting a new tenancy to a member of the deceased tenant's family where they have resided in the property for a period of 12 months prior to the tenant's death.

However any discretionary new tenancy will be subject to a review of the family's financial, health and housing needs and may not necessarily be to the same property. There will also be statutory succession rights limited to any spouse or partner.

13. Consistency and Transparency of Approach

The Council's approach in the granting of tenancies aims to make best use of its housing stock and to balance the needs of tenants with other households on its Housing Waiting List.

All new tenants of family sized accommodation (2 bed or larger) will be a flexible tenancy fixed for five years, including the first year as an Introductory Tenant. In exceptional circumstances a shorter term may be granted.

Housing applicants (not currently residing in council or housing association accommodation) on the Council's Housing Waiting List for family sized accommodation (2 bed or larger) will be made aware at the outset of the allocation process that any Council tenancy offered will be a flexible tenancy fixed for 5 years (including one year as an introductory tenant), (or shorter in exceptional circumstances) and will be subject to review with no guarantee of the offer of a further tenancy after this period.

Throughout the term of a tenant's flexible tenancy the Council will maintain contact through ad-hoc visits (annually as a guide) to check on the tenant's circumstances and ensure that they are aware that their tenancy will be reviewed 12 months before their tenancy is to end.

In reviewing flexible tenancies Area Housing Estates Officers will have regard to the Council's Nomination policy to ensure that a consistent approach is adopted.

14. Key Contacts

Area Housing Estates Officers - ☎ 01329 236100 ext 4435

Housing Options Team - ☎ 01329 236100 ext 4493

Housing Allocations Officer - ☎ 01329 236100 ext 2471

Citizens Advice Bureau - ☎ 08444 77 22 32

Two Saints - ☎ 01329 234600

The You Trust- ☎ 02392 793000