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| Title of policy: | Tenancy Policy |
| Version: | 2 |
| Updated: | April 2024 |
| Next review: | April 2026  |
| By: | Head of Customers |

**Scope**

This policy sets out how North Star will approach tenancy management.

**Who is Affected?**

This policy will cover all customers who hold a tenancy with North Star.

**Aims and Objectives**

This Tenancy Policy fulfils the requirements of the Localism Act (2011) and our commitment to meeting the Regulator of Social Housings Tenancy Standard.

Registered Providers (RPs) must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

RPs shall 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.

This policy has also been developed to align with the sub-regional Tenancy Strategy that has been developed with Local Authorities (LAs) and other RPs in areas where we have properties.

In operating this policy, we will comply with all current legal and regulatory requirements when.

letting our homes including:

* Regulatory Framework for Social Housing (Tenancy Standard)
* Housing Act 1985, 1988 and 1996
* Housing and Regeneration Act 2008
* Equality Act 2010
* Localism Act 2011
* Welfare Reform Act 2012
* Protection from Eviction Act 1977
* Landlord and Tenant Act 1985

Related Policies include:

* Access to Housing Policy
* Tenancy Fraud Policy
* Mutual Exchange Policy
* Succession Policy
* Abandoned Property Policy
* Vulnerability and Reasonable Adjustment Policy
* Aids and Adaptations Policy
* Hate Crime Policy
* ASB Policy
* Safeguarding Vulnerable Adults and Children Policy
* Domestic Abuse Policy
* Tees Valley Home Finder Policy
* Durham Key Options Policy
* NYHC Allocations Policy

## Types of Tenancies Granted

* 1. Introductory/Starter Tenancies

An introductory/starter tenancy is a form of probationary tenancy which runs for the first 12 months of the tenancy.

The tenancy will convert to an assured (lifetime) tenancy on the first anniversary of the tenancy if steps have not been taken to end the tenancy or extend the probationary tenancy.

* 1. Assured (Lifetime) Tenancy

We will grant an assured tenancy for all tenancies within our general need’s properties following the satisfactory completion of an introductory/starter tenancy. Tenants transferring to another North Star property or those who have completed a mutual exchange or transfer from another RP will remain on either an assured or secure tenancy. Assured tenancies run from week to week.

* 1. Assured Tenancies Let at Affordable Rents

All new build homes will be let at an affordable rent level. Where appropriate, on re-let general needs rents will be converted to an affordable rent level. These tenancies are let at the rent level which is 80% of the market rent in that locality. The purpose of affordable rent tenancies is to generate income to support our development programme to increase the supply of new homes in the social housing sector.

Our affordable rents properties have the same tenancy agreements and security as assured tenancies.

* 1. Assured Shorthold Tenancies and Licence Agreements

In all cases we will grant the most secure form of tenancy available under the circumstances. In the provision of temporary accommodation, we will grant an assured short hold tenancy agreement. The length of these tenancies can vary according to the scheme. Most of these tenancies are up to two years, subject to the needs of the individual tenant. In certain cases where we do not have a legal interest in the property it may also be necessary to issue an assured short hold tenancy.

In certain supported housing services, such as a shared learning disability scheme, the tenant may be given a tenancy of a room with access to shared facilities. A licence will be used if the tenant does not have exclusive occupancy.

1.5 Assured Tenancies with Protected Rights

This tenancy is held by customers who have transferred to the Group under a Large-Scale Voluntary Transfer (LSVT) and enjoy preserved rights as existed with their previous tenancy agreement.

These types of tenancy are no longer issued by the Group but continue to exist for some of our customers in Teesdale.

## Flexible Tenancies

From April 2012, The Localism Act enables RPs to choose to introduce flexible tenancies for new tenants. The rights of existing assured tenants are protected. Flexible tenancies are designed to be offered for a fixed amount of time, usually five years and the tenants’ circumstances will be reviewed at this time for eligibility to the property.

North Star has considered the impact that this may have on our current and future tenants.

We have also consulted with our LA partners who have developed a Tenancy Strategy for our area.

North Star has decided not to introduce flexible tenancies.

## Lettings Policies and Mutual Exchanges

* 1. Lettings Policy

North Star is a partner organisation in the following choice-based lettings schemes (CBL):

* Tees Valley Lettings Partnership
* Durham Key Options
* North Yorkshire Homechoice

All our properties are allocated in accordance with the relevant Common Allocations Policy. Details of these policies can be found on the following websites.

[Tees Valley Home Finder - Tees Valley](https://www.compasscbl.org.uk/)

[Durham Key Options website](https://www.durhamkeyoptions.co.uk/)

[North Yorkshire HomeChoice website](https://www.northyorkshirehomechoice.org.uk/)

* 1. Mutual Exchanges

A mutual exchange is where you swap or “exchange” your home with another RP or council tenant.

Mutual exchanges can be a quick and easy way to find a new home. It relies on tenants finding someone to swap with.

North Star is a member of Homeswapper. Details of the scheme can be found on

<https://www.homeswapper.co.uk>

Tenants cannot move without the written agreement of both landlords. A decision will be made within 42 days from making a request to exchange. This will only be refused in certain circumstances.

A separate policy covers Mutual Exchanges.

1. **Local Lettings**

North Star’s Access to Housing Policy allows flexibility to introduce local lettings policies.

 The policy states we seek to let our homes in a responsible manner and want to create sustainable tenancies and communities and avoid establishing tenancies that will fail. We will do this in partnership with the LAs through local lettings policies. We will work closely with the LA before the introduction of any policy. We want to ensure local people can access homes in areas where they live, work, or have close family. Property adverts will include any reference to a local lettings policy.

1. **Succession**

In the event of a customer’s death, another member of the household may be able to take over the tenancy, provided the customer did not:

* Succeed to the tenancy.
* Previously hold the tenancy jointly with one or more people, and the tenancy passed into their name after one of those other people died (this is called survivorship).

Who, if anyone, is entitled to succeed will depend on the terms of the tenancy agreement and when it was granted.

If the tenancy agreement is in joint names and one of the joint tenants dies, the tenancy will continue with the surviving joint tenant as a sole tenant. This is called the “right to survivorship” and happens automatically on the date of death, even if the joint tenant is no longer in occupation of the property.

North Star may, at its own discretion, grant a new tenancy to someone who falls outside the scope of succession.

All claims to succeed to a tenancy should be made in writing within one month of death unless there are special circumstances, in which each case will be considered and reviewed separately.

If a minor (someone under the age of 18) meets the conditions of the succession, they are legally entitled to succeed to a tenancy regardless of how young they are. We will always seek to find an adult to be the trustee to hold the legal interest of the tenancy until the minor reaches 18.

A separate policy covers Successions.

## Abandoned Properties

We recognise that customers may not be at their home for a period of time for a variety of reasons. Our tenancy agreement states that customers must notify us in writing if they intend to be away for 28 days or more. Where we believe that the customer may have abandoned a property, we will take enforcement action in line with the legislative requirements and follow our internal procedures to regain possession of the property.

A separate policy covers Abandoned Properties.

## Adapted Properties

North Star has a number of properties that have been either purpose built or significantly adapted to meet the needs of customers who have physical disabilities.

Where that need is no longer required, it is important to ensure that this resource is fully used by those who need it, and we may request that the customer moves to another suitable property. If a transfer is not agreed, we reserve the right to serve notice on Ground 9 of the Housing Act 1988 to force a move to more suitable accommodation.

A separate policy covers Aids and Adaptations.

## Vulnerable Persons

Where a customer has been identified as vulnerable, and where we have been asked, we will ensure they have access to additional support to help understand their tenancy and any review processes.

Vulnerable customers may be expected to engage with other organisations and support agencies to ensure they fully understand their tenancy obligation.

North Star has a separate Vulnerability and Reasonable Adjustments Policy.

1. **Complaints**

North Star operates a Complaints Policy where customers can complain about any aspect of the service with which they are unhappy with. Further details on complaints can be found on our website [www.northstarhg.co.uk](http://www.northstarhg.co.uk)

## Monitoring and Review

This policy will be reviewed every two years unless there are changes to legislation, regulation, best practice, or a business need within this period.