

Tenure

Policy

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Responsible Executive:	Director of Operations		
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Appendices	Appendix 1 - The types of tenancy agreement		

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1. Introduction and rationale to policy

Housing for Women (HFW) is committed to letting our properties in a fair and transparent way.

This policy sets out the types of tenancies offered by HFW, under which circumstances certain types of tenancies will be given or renewed and details of the advice and assistance we will provide at the end of tenancies.

The appeals process for applicants and tenants is available in our procedures.

2. Policy Statement (including Scope and Aims)

This document sets out HFW's standards for practice about offering and managing tenancy agreements and meeting relevant legal and regulatory requirements.

In writing this policy we have taken account of the Revised Tenancy Standard 2015, issued by the Regulator of Social Housing.

This policy does not include homeownership (including shared ownership and leasehold). When levying and collecting service charges, HFW will ensure that it meets relevant legal requirements in relation to the timescales and methods of consultation, (when this is required), and notifications given to those that receive the services provided.

3. Definitions

Tenancy Agreement - is a legally binding contract between a tenant and HFW, it sets out the conditions upon which the property is let and includes the rights and responsibilities of both the tenant and HFW. Where we have referred to tenancy and/or tenancy agreement within this document this also includes license agreements for the purposes of the policy unless stated otherwise.

Tenant- is a person(s) who rents and occupies a property from HFW.

License - is an agreement offered to those people who are occupying the property on a temporary basis.

Notice to Quit – is a notice served by either party which brings the agreement to an end.

Equitable tenancy - is one where the legal title is held in trust by an adult (or corporate entity).

4. Policy

In accordance with the Tenancy Standard as set out by the Regulator of Social Housing, we will offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community, and the efficient use of our housing stock.

The Regulator of Social Housing in its Tenancy Standard sets out what registered providers must provide:

- Grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.

- Grant those who were social housing tenants before 1st April 2012 (this is the date which section 154 of the Localism Act 2011 came into force), and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).
- Grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

The type of tenancy issued by HFW will be influenced by several factors including (but not limited to):

- The date the agreement will commence
- The type of agreement, if any, held immediately prior to the new agreement being granted
- The tenure of property to be occupied e.g., supported, temporary accommodation, general needs
- Restrictions arising from nomination agreements, deed title, covenants, S106 and any other planning consents and funding streams used to provide the accommodation
- Local Authority Strategies

Each tenant is issued with their own agreement which contains the rights and responsibilities of both the tenant(s) and HFW. The rent level charged for each property is determined in accordance with our Rent Policy.

The types of agreements are as stated in Appendix A.

The tenancy table attached at Appendix A forms part of this policy and must be read in conjunction with this document. It sets out the circumstances in which we will grant agreements along with the rights of those tenants.

The Board have agreed that HFW will not offer fixed term tenancies. Except for where services require these, e.g., Supported Housing.

For new tenants, we will issue joint tenancies to those nominated by the local authority as joint applicants or if they have applied on the housing register as joint applicants, but this will in most cases only be offered to married couples, civil partners and people in a relationship that live together. We will only offer joint tenancies to other family members at the discretion of the Director of Operations.

We will normally not offer a tenancy to anyone under the age of 18 as under Schedule 1 (6) of the Law of Property Act 1925 a Minor (under the age of 18) is not capable of holding a legal interest in a property. In certain circumstances we may however offer an Equitable Tenancy.

A resident can appeal to HFW in relation to the type of tenancy offered or if their tenancy is being ended. The appeal can be made in writing, by telephone or in person and the process of an appeal will be contained in our procedures.

How HFW deals with Succession (including discretionary tenancies), assignments, mutual exchanges, tenancy visits, and tenancy sustainment are found in relevant

procedures/policies.

We will use our Housing Team and external partner agencies to work with customers before and during their occupancy, to help them sustain their tenancies.

We will identify and tackle tenancy fraud in our housing stock within resource constraints.

Equality, Diversity and Human Rights

HFW is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation, Pregnancy and Maternity, Marriage and Civil Partnership, Religion and/or Belief.

HFW also recognises that some people experience disadvantage due to their socio-economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.

HFW will also ensure that all services and actions are delivered within the context of current Human Rights legislation. HFW will endeavour to ensure staff and others with whom it works, will adhere to the central principles of the Human Rights Act (1998).

Complying with the Money Laundering Regulations 2017

HFW will ensure there is a designated person on the Board of Management that has responsibility for ensuring compliance with the Money Laundering Regulations 2017 and that they have received appropriate training and guidance to fulfil this role effectively.

The designated Board member will seek assurance that HFW has appropriate procedures in place to check the provenance of any large payments that are received or offered in relation to HFW financial transactions. This will apply especially where customers or third parties have difficulties in explaining the origins of the finances and will make appropriate alerts in conjunction with the Money Laundering Reporting Officer, as required. For full details see the HFW Anti-Fraud, Corruption and Money Laundering Policy.

The Policy should be read in conjunction with:

- HFW Rent Policy
- HFW Service Charge Policy
- HFW Rent Payment and Arrears Recovery Policy
- HFW Anti-Fraud, Corruption and Money Laundering Policy
- HFW Service charge and rent increase procedure
- HFW Complaints Policy

5. References

- Housing Act 1980, 1985, 1988, 1996
- Localism Act 2011
- Equality Act 2020
- Human Rights Act 1998

- Data Protection Act 1998
- Schedule 1 (6) of the Law of Property Act 1925
- Regulatory Framework 2012

6. Further information

Please contact the Governance Manager

7. Review of this Policy

This policy will be reviewed every 3 years or more frequently if required to ensure that it complies with any changes in good practice, legislation or regulation.

Record of reviews

Date of change	Who updated	Details of change

Appendix 1

Type of Agreement	Description	When are they granted?	How can it be brought to an end?
Starter Tenancy	12-month starter tenancy during which time they must adhere to the tenancy conditions to convert into an Assured Tenancy at the end of the 12 months. (See below) Starter tenancies are periodic assured shorthold tenancies with a review after 12 months. A Starter Tenant does not have the right to: • Transfer to another home or mutually exchange • take in lodgers or sublet part of their home • assign or pass on their tenancy, except by a court order • make improvements to their home that require landlord's consent • buy their own home	Offered to all new HFW tenants. Homes tenants who do not currently have a social housing tenancy Offered to those applicants who have been accepted as Homeless by the Local Authority	By serving a Section 21 notice.

Assured Tenancy And Assured Affordable Rent Tenancy (as above but property offered at affordable rent and not social rent)	Lifetime tenancy Tenancy has exclusive use of the property Some rights include: • Mutual Exchange • Right to Acquire • Succession rights • Assignment rights • To take in a lodger	Will be granted to a HFW tenant who has successfully completed a starter tenancy. To an existing assured or secure tenant of another registered provider or local authority that transfers to HFW	By the tenant(s) serving HFW with a 4 weeks' Notice to Quit A possession order obtained under one of the grounds listed in Schedule 2 of the Housing Act 1988 A Notice to Quit served, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy.
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Periodic Assured Shorthold Tenancy	Introduced by the Housing Act 1988 and amended by the Housing Act 1996 They are a form of assured tenancy with a limited security of tenure Tenant has exclusive use of the property. Periodic tenancies roll from week to week or month to month	Key workers will be granted a monthly periodic Assured Shorthold Tenancy Will be used where the length of occupation is likely to be short terms or for specialist schemes where the tenancy is provided and linked to a support plan or agreement. Mortgage rescue Schemes Intermediate rent tenants	By the tenant(s) serving HFW 4 weeks' Notice to Quit for weekly periodic tenancies and one months' notice for monthly periodic tenancies A possession order obtained under one of the grounds listed in Schedule 2 of the Housing Act 1988. A Notice to Quit served, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy. A possession order obtained under the provisions of Section 21 of the Housing Act 1988.
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Five Year Fixed Term Assured shorthold	Introduced by the Localism Act 2011 They are a form of an assured tenancy with less security of tenure than an assured (non- shorthold) tenancy. They have more security than a standard assured shorthold tenancy. Tenant has exclusive use of the property. They are fixed for an initial period of five years	The Board have decided that HFW will not offer fixed term tenancies.	By acceptance of a tenant's offer to surrender before the end of the fixed term provided both parties agree, subject to the tenant giving at least 4 weeks' notice of intention to surrender By the tenant(s) serving HFW with a 4 weeks' Notice to Quit once the fixed term has expired A possession order obtained under the grounds listed in Schedule 2 of the Housing Act 1988. A Notice served under Section 146 of the Law of Property Act 1925, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home.
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Licence Agreement/Decant Licence	Agreement for use and occupation Occupant does not have exclusive use of the property. These agreements provide basic occupation rights. Garages	Where the occupant does not have exclusive use of the property and shares communal facilities such as a bathroom, kitchen or living room with other occupants of the same property. For temporary decants where the agreement for their current property remains at their original property	The Licensee serves HFW with a 4 weeks' Notice to Quit. By giving the Licensee 7/14 or 28 days' written notice terminating the licence. In cases of risk a licence may be terminated immediately. By agreement.
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Equitable Tenancy	The legal title is held in trust by an adult (or corporate entity). They do not comply with all the legal formalities, but the courts consider that they should be treated as they are. They offer the same statutory protection as legal tenants and can be evicted for non-payment of rent on the same grounds.	Offered to those under 18 who aren't eligible to sign a tenancy but can have one held in trust until they turn 18. There needs to be a guarantor or a support package in place for this type of tenancy to be granted. It will convert to a full tenancy once the tenant turns 18 if they have been in property for one year. If they have been in the property for less than one year, they will be offered a Starter tenancy	By the tenant(s) serving HFW with a 4 weeks' Notice to Quit A possession order obtained under one of the grounds listed in Schedule 2 of the Housing Act 1988. A Notice to Quit, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the secure status of the tenancy and it becomes a contractual tenancy.
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