

GOSPORT BOROUGH COUNCIL TENANCY POLICY

INTRODUCTION

This policy sets out the approach to tenancy management, tenancy support and the types of tenancy on offer for the Council's social housing.

This policy takes account of the Council's Tenancy Strategy and aims to deliver effective tenancy management and support across a range of tenancy types.

TENANCY OPTIONS

From the 1st of April 2013, the Council will offer new Council tenancies on the following basis:

Introductory Tenancies

All new tenants of Gosport Borough Council (if they are not transferring from the Council's stock, another council or an assured [housing association] tenancy) will be signed up on an introductory tenancy for the first 12 months.

An introductory tenancy has;

- No right to buy (although the introductory tenancy year will count towards any future Right To Buy discount)
- No right to a mutual exchange
- No right to assign the tenancy, except by a court order in family proceedings
- No right to sublet any part of the home or take in lodgers
- Does not qualify for Gosport Borough Council tenant schemes, such as the fencing scheme, the DIY kitchen scheme, OAP decorations and the Transfer Incentive Scheme

An introductory tenancy can be extended for a further period of 6 months if the Council is not satisfied that the tenant has met the conditions of the tenancy. The reasons for extending may include:

- Low levels of rent arrears or irregular payments
- Breaches of tenancy that have not merited possession action
- Indications that the tenant is having difficulty managing the tenancy, even with support.

The Council can however ask the court to end the introductory tenancy if the tenant breaks any of the terms of the tenancy agreement. The reasons for terminating a tenancy may include:

- High levels of rent arrears
- Anti-social behaviour of a level to warrant serving of a legal notice
- Other significant breaches of tenancy conditions
- Indications that the tenant is unable to manage the tenancy, even with support.

Introductory tenants can appeal against;

- An extension of the introductory tenancy from 12 months to 18 months,
- Appeal against their introductory tenancy being terminated

After the successful completion of the introductory period the tenant will be granted either a secure tenancy or flexible tenancy.

Full details of the Council's approach to introductory tenancies are contained within the Council's "*Tenancy Management Policy & Procedure Guide*"

Secure Tenancy

Secure tenancies, subject to 2.1 above, will be offered to those that have met one of the following criteria:

- Applicants who are moving into designated sheltered accommodation,
- Applicants who are moving into properties specifically designated for the elderly,
- Where, immediately before the tenancy began, the applicant was:
 - A Gosport Borough Council secure tenant, except for disability adapted property (see 2.3.1 below); or
 - An assured tenant in Gosport where the landlord is a registered social landlord except for disability adapted property (see 2.3.1 below),
- Waiting List Applicants who have been forced by circumstances to relinquish a secure or assured tenancy for exceptional housing management reasons as long as the relinquishment was with prior agreement from the landlord Housing Association or the Council.

Five Year Flexible Tenancy

A 5 year flexible tenancy, subject to 2.1 above, will be offered to the following groups:

- Applicants (not covered by 'secure tenancies' above) that are taking up the tenancy of a property,
- All categories of applicants who are being re-housed in adapted properties for disabled tenants (applies to Category ABC only – extensive adaptations),
- All categories of applicants who are being re-housed in a property where it is planned to undertake significant disability adaptations to cater for a person with disability within the household (applies to Category ABC only – extensive adaptations).

Before the end of the 5 years the tenancy will be reviewed as set out below and a further 5 year flexible tenancy may be offered in accordance paragraph 3.3 below.

Minors and tenancies

A person under the age of 18 cannot hold a legal tenancy. In these circumstances the Council will seek to grant the tenancy on trust to an adult member of the minor's family or,

if this is not possible, to another adult (for example a social worker) who will hold the legal tenancy on trust for the minor's benefit until they reach 18. Alternatively the Council may grant an equitable tenancy, which is an agreement to grant a tenancy when they reach 18.

The Council may require a guarantee to ensure that a tenant fulfils their obligations.

At the age of 18 an introductory tenancy will be offered and any further tenancies granted in accordance with the Tenancy Policy.

RENEWAL OF A FLEXIBLE TENANCY

The flexible tenancy will be renewed for a further 5 years unless:-

- The property is under occupied by one bedroom or more as determined by the Housing Allocation Scheme
- The property is overcrowded as determined by the Housing Allocations Policy
- The property is an adapted property allocated to (or adapted for) someone with a disability who no longer lives in the property
- The tenant is in breach of a current order for possession for arrears of rent, anti-social behaviour and other tenancy breaches.

When making a decision whether or not to renew the flexible tenancy the Council will have regard to its tenancy policy, any reasons not to renew the tenancy and the tenant's circumstances

The Council will write to the tenant(s) 7-12 months before the flexible tenancy is due to expire and arrange a tenancy review interview; assuming the tenant(s) wish to renew their tenancy. At the tenancy review interview the tenant will discuss their current housing situation with the relevant Council officers.

The Council will issue a renewal decision notice to the tenant on whether they will renew the tenancy at least six months before the end of the flexible tenancy. If the tenancy is not being renewed the renewal decision notice will outline the reason(s) why the flexible tenancy is not being renewed.

If the decision is to renew the Council will issue a further flexible tenancy for the same period as previously granted.

RIGHT TO REVIEW COUNCIL DECISIONS

Review of Decision to Offer to grant a Flexible Tenancy

A person to whom an offer to grant a flexible tenancy is made may request a review in writing in accordance with S107B of the Localism Act 2011 about the length of the term of the tenancy offered (and type) if that differs from the Council's tenancy policy.

The request for a review must be in writing and received by the Council within 21 days of the offer. The appeal will be considered by a Principal Officer or an officer at an equivalent level of the Council and the decision will be notified within 15 days of receipt.

If, in exceptional cases the Council is prepared to consider a review after a longer period of time agreement will be confirmed in writing.

Review of a Decision to Seek Possession

In accordance with the Localism Act 2011 Section 107E a tenant may request a review of a decision to seek possession and not to grant another flexible tenancy. This request must be received within 21 days of the date that the renewal decision notice is served on the tenant notifying them of the intention not to grant another flexible tenancy.

If, in exceptional cases the Council is prepared to consider a review after a longer period of time agreement will be confirmed in writing.

The review will be undertaken by a Principal Officer at the Council. The exception to this would be where he/she has had previous involvement in the case in which case it would be dealt with by another senior officer within the Council.

When undertaking the review the Council will consider the tenancy policy and the tenant's circumstances. It will also follow the Governments procedural requirements (yet to be published).

The review will be concluded *before* the tenant is issued with a notice requesting vacant possession of the property.

On completion of the review the tenant will be sent a letter confirming the outcome, and if the decision is to confirm the original decision the reasons for the decision.

Where the Council has made a decision not to renew the tenancy, the Council will also issue a notice to the tenant(s) giving at least two months' notice stating that the Council requires possession. This notice must be issued on or before the flexible tenancy is due to expire.

Where tenancies are not renewed the Council will provide advice and support on their future housing options either directly or indirectly; this may be by offering alternative accommodation or assistance to secure accommodation in the private sector.

AFFORDABLE RENTS

The Council will not be introducing 'affordable rents' for new build at the current time. It may however consider in future years, as an option, rent levels at an 'affordable rent' (inclusive of service charges, where applicable) of *up to* 80% of the gross market rent as long as that rent remains within Local Housing Allowance levels.

The Council will not be converting rent levels within existing stock from target to affordable rents at the current time.

The Council will not be seeking rent deposits or rent in advance at the current time.

RIGHT OF SUCCESSION

All new secure and flexible tenancies will have a right to one succession, limited to a spouse, or civil partner as defined in Section 87 of the Housing Act 1985, who at the time

of the tenant's death was occupying the dwelling as their only or principal home and this will not entail the creation of a new tenancy.

Other members of the family, including but not limited to; children, parents, other relatives and carers of the (deceased) tenant, whether resident at the property or not, are excluded from succeeding to the tenancy.

If the deceased tenant was already a successor then no further succession rights will apply.

Successions to a flexible tenancy will only be for the remainder of the life of that tenancy, and subject to a full review when the end of the tenancy is due.

Those previously eligible to have succeeded to a secure tenancy, but are no longer eligible, will be assessed for re-housing under the Allocations Scheme.

Those previously eligible to have succeeded but are within a flexible tenancy will be assessed for re-housing under the Allocations Policy.

TENANT MOBILITY / MUTUAL EXCHANGES

Existing secure (and assured) tenants will be able to retain a similar level of security even on exchanging their property with a social tenant with a less secure tenancy, such as a flexible tenancy.

Flexible tenants retain the right to mutual exchange for the duration of that flexible tenancy. They will not have the right to attain a secure tenancy through the mutual exchange process.

Agreement by the Council to all mutual exchanges will be dependent on the Housing Act 1985 and the Council's mutual exchange policy at the time of application.

SUPPORT FOR TENANTS TO MAINTAIN A TENANCY

Support for tenants in maintaining a tenancy are contained within;

- Housing Services Statement on Dealing with Anti-Social Behaviour
- Housing Services Income Recovery Policy & Procedure Guide

In addition the Council is attached to the Family Intervention Project and has access to the Troubled Families Programme.