

Policy Reference:

Policy/HM003 Issue 3.1

Approved by:

Senior Management Team

Valid from:

6 July 2017

A Scope and objectives

This policy sets out how bpha grants and reviews tenancies for its rented affordable housing stock; which are compatible with the purpose of the accommodation, the needs of the tenant, the sustainability of the neighbourhood and the best use of its housing stock. It also outlines:

- The type of tenancies granted.
- The way in which a tenant, or prospective tenant, may request a review about the tenancy they have been granted
- bpha's approach to granting succession of a tenancy.
- bpha's approach to managing starter tenancies.

B Policy statement

TENANCY TYPES

bpha will issue tenancies which are compatible with the purpose of the accommodation. Our main accommodation types and tenancy types are as follows;

Type of Accommodation	Type of Tenancies issued
General Needs Social Housing	Assured non-shorthold Fixed term Assured Shorthold
Retirement Living and Specialist Sheltered/Extra Care	Assured non-shorthold Starter Tenancies
Intermediate rent (including rent to buy, near market rent, key worker,)	Assured Shorthold
Mortgage Rescue	Assured Shorthold Assured non-shorthold
Supported Housing	Licenses Assured shorthold

Home buy products (including My Choice Homebuy, Help to buy,	Loan agreements and charges on property dependant on product
--	--

1. Assured non-shorthold Tenancies

These are often referred to as lifetime tenancies as the tenant is usually able to stay in their property for the rest of their life provided they do not breach the tenancy agreement.

bpha will continue to offer assured tenancies to transferring tenants who hold an assured-non shorthold/secure tenancy that was granted prior to 1st April 2015 , another registered provider or a local authority immediately prior to the allocation. Bpha will continue to offer assured tenancies to bpha tenants who hold an assured tenancy that was granted before 1st April 2017 at the time of another allocation being made.

2. Starter Tenancies

bpha will offer starter tenancies for all new retirement living tenants who are offered general needs tenancies through local authority housing waiting lists. Starter tenancies will be issued for an initial period of 12 months for all properties whether social or affordable rents, or lifetime tenancies.

3. Assured Shorthold (periodic)

An assured shorthold tenancy (periodic) is a rolling weekly/monthly tenancy that can be ended at any time after 6 or 12 months (depending on the individual agreement) from the start of the tenancy by bpha or the tenant serving a notice to quit. These tenancies are generally used in the following cases:

- Intermediate rent properties including Rent to HomeBuy, near market rent and key worker properties.
- Where bpha holds a short term lease on the property or block being let to the tenant.
- Where the length of occupation is likely to be short term, e.g. in accordance with the asset management strategy, where bpha is considering future refurbishment, change of tenure or disposal of the property.
- Accommodation designed for short term, e.g. some supported accommodation.

These tenancies will not be converted to assured tenancies but will remain assured shorthold (periodic).

4. Assured Shorthold Fixed Term Tenancies

This term is used in relation to tenancies which are offered for a specified period of time, as opposed to lifetime tenancies. These tenancies will be offered to the majority of residents who apply via local authority waiting lists and are not transferring tenants who have been on tenancies with more security of tenure (ie assured non-shortholds) more detailed information can be found in the fixed term

tenancy policy.

5. Affordable Rent

Rent Calculations and Tenancy Types

It is made clear to new tenants when properties are being offered at affordable rents, rather than social rents. Affordable rent properties will be let on the most appropriate tenancy from the list above.

6 Licences

In some cases bpha will issue licences to occupy. Licences will be used for short term accommodation, eg. refuges or hostels where bpha or their managing agent give access to the accommodation and there is a need to reallocate the accommodation within the scheme during the licensee's stay.

7. Mental Capacity

Where residents or applicants lack mental capacity to make tenancy related decisions, bpha will consider referring to the court of protection. bpha will also seek to involve support networks, family and friends where allowable to help co-ordinate that customers tenancy services.

8. Appeals Process

bpha have powers to mandatorily end and extend starter tenancies and not to renew fixed term tenancies, appeal processes exist for both. Customers can request a review by writing in with their reasons for appealing the decisions made. Any appeal must be made in writing within 14 days of being notified of the decision to end/extend a tenancy. Appeals will be judged on an individual basis in accordance with our HM045 Appeals Process Procedure.

9. Succession

Succession rights are detailed in the tenancy agreement and bpha will comply with housing law when administering them. Bpha reserves the right to allow a discretionary succession to a tenancy. This would typically occur in circumstance when (although the proposed successor does not have succession rights), granting the tenancy may represent a good use of the housing stock and the potential successor may have a housing need and circumstances which may warrant them obtaining a social housing tenancy. In these cases the decision will take into consideration the tenure of the accommodation and its social purpose as well as the individual's circumstances. In all cases these circumstances would be evidenced and decision reasons documented. Where a tenant has agreed to a tenancy variation which has reduced the succession rights in their tenancy agreement, we will adhere to their previous tenancy succession terms.

10. Complaints and Appeals

Appeals processes are in place for procedures as described above. Complaints and feedback on bpha policies and procedures can be logged by customers in line with the Feedback policy and procedure.

C Regulatory and legal considerations

This policy will comply with all statutory, regulatory and legal requirements.

D Monitoring, reviews and evaluation

Allocations activity is undertaken in accordance with bpha's Allocations policy.

This policy and associated policies meet the requirements of the HCA's Tenancy Standard.

The policy will be reviewed annually as part of the policy review programme.

E Associated documents and procedures

Fixed Term Tenancies Policy
 Arrears Prevention and Recovery Policy
 Bedford Borough Allocations Scheme
 Allocations Policy
 Safeguarding Tenants Policy
 Rent Setting and Review Policy
 Feedback Policy

Status	Version – Issue 3.1
Responsible	Head of Housing Operations
Equality impact issues	None
Next review date	May 2018