

Tenancy Policy – HO105

1. Policy Principles

1.1 The principles which underpin our approach are:

- Making the best use of our housing assets
- Helping local authorities to meet their strategic housing goals
- Granting tenancies in a simple, fair and transparent way
- Providing clear information for customers about the tenancies we issue and the grounds for possession which we may rely on, and our approach to using mandatory grounds
- Aiming to prevent homelessness and protect families and vulnerable households
- To ensure we meet our statutory and regulatory requirements

2. How we Deliver the Principles

2.1 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 managing starter tenancies

2.2 Home buy products (including My Choice Homebuy and Help to Buy) fall outside of the scope of this policy. This is because there are loan agreement and legal charges on these properties, so they are managed as a financial agreement rather than as a tenancy.

3. Policy Statement

3.1 bpha will issue tenancies which are compatible with the purpose of the accommodation.

3.2 **Tenancy Types** - Our main accommodation types and tenancy types are as follows:

Type of Accommodation	Type of Tenancies issued
General Needs Social Housing	Assured non-shorthold Assured Shorthold Starter Tenancies
Retirement Living and Specialist Sheltered/Extra Care	Assured non-shorthold
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

3.3 Assured Non-Shorthold Tenancies

3.3.1 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. These tenancies will be offered to tenants who have had an assured tenancy with another registered provider or a local authority previously.

3.4 Starter Tenancies

3.4.1 With effect from January 2021 bpha will offer starter tenancies for all new general needs tenants who have not had a tenancy before. Starter tenancies will be issued for an initial probationary period of 12 months (with discretion to extend for a further 6 months), after which time, and only if the probationary period has been completed satisfactorily, the tenancy will convert to an Assured tenancy.

3.5 Assured Shorthold (Periodic)

3.5.1 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, eg where bpha is considering future refurbishment, change of tenure or disposal of the property
- Accommodation designed for short term, e.g. some supported accommodation

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

3.6 Assured Shorthold Fixed Term Tenancies

3.6.1 This term is used in relation to tenancies which are offered for a specified period of time, as opposed to lifetime tenancies. With effect from April 2017, these tenancies were offered to most residents who applied via local authority waiting lists and who were not transferring tenants with more security of tenure.

3.6.2 In November 2020, bpha’s Board made the decision to stop issuing Assured Shorthold Fixed Term tenancies. Following this decision, we will phase these tenancies out and most Assured Shorthold Fixed Term tenancies that have not been breached, and are not in their probation period, will be converted to Assured tenancies by April 2021. Tenancies within their probationary period will not be converted until the probation period has come to an end, so long as there are no tenancy breaches.

3.6.3 Where we are unable to convert an Assured Shorthold Fixed Term tenancy to an Assured tenancy because of tenancy breaches, such as high arrears or Anti-Social Behaviour (ASB), these tenancies will remain until the end of their fixed term or be ended as appropriate. We envisage any Assured Shorthold Fixed Term tenancies that we have not been able to convert will come to the end of their fixed term by December 2025 at the latest.

3.7 Affordable Rent

3.7.1 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.

3.8 Licences

3.8.1 In some cases, bpha will issue licences to occupy. Licences will be used for short term accommodation, e.g. 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.

3.9 Succession

3.9.1 Please refer to bpha’s Succession Policy (HO102).

3.10 Mental Capacity

- 3.10.1 A tenancy agreement or license is a legal contract, therefore, if a customer is asked to sign a tenancy agreement or license when they have a condition of the mind, or the brain, which causes them to be unable to understand, retain or weigh up (even with support) the contents of the agreement, the person may lack capacity to enter into the agreement which will render it “void”.
- 3.10.2 Where there are concerns that a customer may lack the capacity to make a decision in relation to their tenancy, a capacity assessment will be carried out.
- 3.10.3 If capacity cannot be confirmed, appropriate action will be taken to engage social care, relevant family members or support services to establish a plan for how to proceed.

3.11 Appeals Process

3.11.1 bpha have powers to mandatorily end and extend starter tenancies, and an appeal process exists. Customers can request a review with their reasons for appealing the decisions made. Any appeal must be made 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 Appeals Process Procedure (HO045).

3.12 Complaints and Appeals

- 3.12.1 Appeals processes are in place for procedures as described above.
- 3.12.2 Complaints and feedback on bpha policies and procedures can be logged by customers in line with the Compliments and Complaints Policy and Procedure (QC001).

4. Associated Legislation, National Standards, Regulations & Compliance

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

5. Monitor, Reviews & Evaluation

- 5.1 Allocations activity is undertaken in accordance with bpha’s Allocations policy.
- 5.2 This policy and associated policies meet the requirements of the HCA’s Tenancy Standard.
- 5.3 The policy will be reviewed annually as part of the policy review programme.

6. Associated Documents

- Arrears Prevention and Recovery Policy (HO004)
- Allocations Policy
- Adult Safeguarding Policy (HO052(A))
- Rent Setting and Review Policy (HO058)
- Compliments and Complaints Policy (QC001)
- Succession Policy (HO102)

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