



# **TENANCY POLICY**

## **1. INTRODUCTION**

- 1.1 Derby Homes as a registered provider is required by the Localism Act to 'have regard to' the local authority tenancy strategy when drawing up their own tenancy policy.
- 1.2 The policy sets out the types of tenancy offered by Derby Homes, explains how homes are allocated and subsequently managed and under what circumstances succession rights are applied.
- 1.3 The Policy will be reviewed at least every three years, or more frequently in event of legislative change or review of the Tenancy Strategy by Derby City Council.

## **2. POLICY OBJECTIVES**

- 2.1 This policy aims to:
  - provide clarity on the circumstances in which Derby Homes will grant each type of tenancy
  - offer tenancies which make the most efficient use of our housing stock and which are compatible with the purpose of the accommodation
  - make the best use of our stock to increase the number of people we can house
  - support tenants to remain in their home if their need for the size and type of property continues to exist when the tenancy is subject to review
  - contribute to Derby City Councils strategic housing function
  - comply with the social housing regulators Tenancy Standard

## **3. TENANCIES OF PROPERTIES OWNED BY DERBY CITY COUNCIL AND MANAGED ON THEIR BEHALF BY DERBY HOMES**

- 3.1 In respect of tenancies managed on behalf of Derby City Council most tenancies will be Secure Tenancies, following an introductory period for new tenants.
- 3.2 Where applicable and under the direction of Derby City Council, Derby Homes' may also use Flexible Tenancies for the specific letting of:
  - Larger properties (4 bedrooms & above)
  - Substantially adapted properties
  - To assist DCC Children Services to house homeless families avoiding the need to use Bed & Breakfast placements
- 3.3 Additionally, and under the direction of Derby City Council, we may use Non-Secure Contractual tenancies, to discharge temporary accommodation duties under the Homeless Reduction Act 2017. These Agreements form contractual tenancies for persons housed under sections 188, 190, 200 or 204(4) of the Housing Act 1996, with no security of tenure. This tenancy is not an Assured tenancy or an Assured shorthold tenancy and is exempt from security of tenure by virtue of section 209 of the Housing Act 1996.

- 3.4 Where applicable and under the direction of Derby City Council, we offer Family Intervention Tenancies (FIT) as a means of working with families that have been involved in anti-social behaviour.
- 3.5 Section 297 of the Housing & Regeneration Act 2008 provides local housing authorities and registered social landlords (RSLs) in England and Wales with the power to offer Family Intervention Tenancies (FIT).
- 3.6 Family Intervention Tenancies may be used in circumstances where the tenant is likely to be evicted on the grounds of anti-social behaviour or in the opinion of the landlord could have been.
- 3.7 FITs do not provide any rights to succession nor offer tenants any long-term security. FIT's will not be secure or assured. They fall into the list of excluded tenancies (i.e., those which are not secure or assured) specified in Schedule 1 of the Housing Act 1985 (for secure tenancies) and Schedule 1 of the Housing Act 1988 (for assured tenancies). As such they will be terminable on notice with no need to prove any grounds for termination or possession.
- 3.8 FITs can only be offered for the purposes of providing behavioural support services to tenants against whom a possession order:
- has been made in relation to a secure or assured tenancy on the grounds of antisocial behaviour
  - could have been made in relation to a secure or assured tenancy
  - could have been made if the tenant had this tenancy, on the grounds of antisocial behaviour
  -
- 3.9 Section 82A of the Anti Social Behaviour Act 2003 provides local authorities and registered social landlords in England and Wales with the power to seek demotion of secure tenancies through county court procedures under certain circumstances where a tenant, visitor or resident to a property is guilty of anti-social behaviour. If an order is granted the secure tenancy rights are reduced to those of an introductory tenancy.

#### **4. TENANCIES OF PROPERTIES OWNED BY DERBY HOMES**

- 4.1 Derby Homes owns a number of properties. Tenancies for Derby Homes' owned properties will initially be let on assured shorthold tenancies, which will become assured tenancies after twelve months if the tenant has complied with all conditions of the tenancy.
- 4.2 Further detail on Assured tenancies can be found within the example tenancy agreement on Derby Homes website, [www.derbyhomes.org](http://www.derbyhomes.org).

- 4.3 Derby Homes manages some tenancies for other landlords. When letting such properties Derby Homes will let tenancies in accordance with the landlord's policies. Full details will be provided to prospective tenants during the advertising and offer process.

## **5.0 TENANCY SUSTAINABILITY**

- 5.1 We provide several tailored services that help tenants who require additional support to maintain and sustain their tenancies. We recognise that many issues can impact on a person's ability to manage their tenancy which is why it is important that every person is assessed and that any subsequent support plan meets their individual needs.
- 5.2 The type of help provided will depend on each person's circumstances but can include:
- Accessing benefits
  - Maximising income
  - Debt Management
  - Rent arrears – setting up payment plans
  - Setting up utilities
  - Accessing furniture
  - Applying for grants
  - Referring to specialist agencies/Assistance with appointments (Where necessary)
  - Sorting out repairs
  - Explaining/reinforcing tenancy conditions
  - Liaison with other agencies
  - Setting up/attending multi-agency meetings
  - Helping with garden/house clearance e.g. hoarding issues
  - Help to access more suitable accommodation

## **6. TENANCY SUSTAINMENT**

- 6.1 All Introductory Tenants are assessed prior to commencing their tenancy and where appropriate will be required to engage with the Tenancy Sustainment Service. This service is provided for the duration of the introductory tenancy and provides new tenants with an intensive housing management service to ensure that they are equip with the necessary skills and knowledge to successfully manage their first tenancy/home. The service provides help with general budgeting, benefit entitlement and help making claims, liaison with utilities providers and regular planned visits to discuss progress during the introductory tenancy. The service will also liaise with more specialist support providers where this is found to be appropriate.
- 6.2 Further information on the Tenancy Sustainment Service can be found at [www.derbyhomes.org](http://www.derbyhomes.org).

General Housing Management is provided through Derby Homes Housing Management teams. Details can be found on Derby Homes website.  
[www.derbyhomes.org](http://www.derbyhomes.org)

## **7. INTENSIVE HOUSING MANAGEMENT**

- 7.1 Where it is identified that there are problems mid-tenancy, a worker will be provided to support the tenant get back on track. This is usually where it is identified that a tenant is not maintaining their property/garden or where there are reports of anti-social behaviour. The worker will support the tenant until the issues are addressed. This is meant to be a short sharp burst of support (around 3 months) but in some cases it is substantially longer.

## **8. COMPLEX NEEDS**

- 8.1 The workers in this team have knowledge about how Mental Health, Domestic Abuse and Learning Disability can affect someone's ability to manage a tenancy. They build relationships with specialist services so that they can liaise with them on issues and ensure the tenant receives appropriate support, whilst working with the tenant to resolve their tenancy issues.

## **9. INTENSIVE INTERVENTION**

- 9.1 Derby Homes provides intensive support to the top fifty cases where it is identified that tenants are at high risk of failing in their tenancy due to multiple tenancy breaches and/or chaotic lifestyles. These can be single people, couples or families. Workers in this team have a persistent approach, carry out early morning, later evening and weekend visits, some unannounced, to provide intensive support.
- 9.2 These tenants may be more difficult to engage and may have failed to work with other teams or agencies in the past. Some have severe and enduring mental health issues, have been involved in or are the victims of more serious crime and ASB, are subject to safeguarding and child protection proceedings. The staff will co-ordinate a multiagency approach and work very closely with partner agencies to safeguard and put in place additional support for people.

## **10. APPLYING FOR A PROPERTY WITH DERBY HOMES**

- 10.1 Derby Homes allocates properties in accordance with the Allocations Policy of Derby City Council. A copy of the Allocations Policy can be viewed at [www.derby.gov.uk](http://www.derby.gov.uk).
- 10.2 The Allocations policy explains the eligibility criteria for prospective applicants, how priority is allocated and under what circumstances exclusions are applied.
- 10.3 Homes are allocated through a choice based lettings system, Derby Homefinder. Further details can be found at [www.derbyhomefinder.org](http://www.derbyhomefinder.org).

- 10.4 In exceptional circumstances some allocations may be made outside of the choice based letting system. The Derby City Council Allocations Policy allows to hold back some properties from the Derby Homefinder scheme to make allocations that are at their discretion to support sustainable communities, discharge duties contained within the Housing Act 1996 as amended and other Council initiatives. This may include using properties for temporarily housing people where the council has statutory duties to do so.
- 10.5 Some properties and schemes may be subject to Local Lettings Plans and/or local conditions of tenancy which are reviewed annually. These are pre-agreed criteria on top of the general eligibility criteria. Such local lettings plans and/or local conditions of tenancy will be to address issues within local schemes/estates to address issues of sensitivity and sustainability. Where such additional criteria applies this will be included at the advertisement stage and discussed with applicants during the advertising and offer process.

## **11. SUCCESSION**

- 11.1 Under certain circumstances, when a tenant dies a tenancy can be passed on to the spouse, or civil partner, and in some cases, other family members. This process is called 'succession'.

The Civil Partnership (Opposite-sex Couples) Regulations 2019 went further in confirming "a person who, immediately before the previous qualifying occupier's death was living together with the previous occupier as if they were a married couple or civil partners shall be treated as the widow, widower or surviving civil partner of the previous occupier".

- 11.2 The law only allows one succession to a tenancy. In situations where the original tenancy was held in joint names, and one of the original tenants has died, the surviving joint tenant will have taken over the tenancy by succession so that there can be no further right of succession by another person.
- 11.3 Where someone succeeds to a tenancy, they will have the same type of tenancy as the person who died.
- 11.4 For anyone other than a spouse, civil partner, unmarried partner or joint tenant, if they succeed to a tenancy, and the property is larger than they need (under occupied by more than 1 bedroom) Derby Homes will work with them to find accommodation which is more suitable for their needs.
- 11.5 When an application is made by someone who is not eligible to succeed to the tenancy (Discretionary Allocation request for a Non-Qualifying Successor), we will look at the options available to ensure that the applicant is not made homeless.
- 11.6 In the first instance we will consider whether the current property is suitable for the person/family's needs. We will take into account the size of the property, any adaptations that have been made and any age restrictions that exist. We would also require proof that the applicant has lived in the property for over a year.

- 11.7 These types of situations arise when there are adult children living in the property who have no right to succeed or where a family member has moved in to care for a sick relative.
- 11.8 If the existing property would be under occupied by more than one bedroom, any request to remain would be refused and we would work with the applicant to source more suitable accommodation.
- 11.9 If the decision to remain were refused for under occupation or other grounds, we would look at sourcing alternative accommodation if we were satisfied that not doing so would leave the applicant homeless.
- 11.10 If the decision is taken that the applicant can remain in the existing property, they will be signed up to an introductory tenancy.

## **12. COMPLAINTS**

- 12.1 Derby Homes will always try to get things right first time. However, if applicants are unhappy with the service, they receive we have a complaints process.
- 12.2 Further detail on how to complain about our services can be found at [www.derbyhomes.org/contact-centre/complaints](http://www.derbyhomes.org/contact-centre/complaints)

Approved by:	
Effective date:	
Review date:	
Policy reviewed by:	
Associated Documents:	