

SP32 Tenancy Policy

1. Scope of policy

This policy sets out Soha's approach to offering new tenancies. There is a regulatory requirement under the Tenancy Standard to have a Tenancy Policy that outlines the types of tenancies granted, the circumstances in which we will do so and the length of tenancy terms.

The Tenancy Policy is required to ensure that the organisation and its customers understand the types of tenancies offered, the circumstances that determine the type offered, and that this is clearly communicated to all.

2. Aim

The main aim of this Tenancy Policy is to set out how we will:

- Let, manage, and sustain the tenancies we offer to existing and potential customers. This new policy covers all general needs and Independent Living tenants of Soha, where new tenancies have been created;
- Ensure that new tenants understand the terms of their tenancy (or licence) agreement and the consequences of failing to keep to those terms;
- Intervene at an early stage in any breaches of tenancy agreements, and fully investigate whilst taking into account the individual circumstances of the tenant / tenancy;
- Ensure that tenants receive appropriate support to help them keep their home, referring vulnerable residents in our housing to our Tenancy Support Service or the external floating or other support services where applicable.

This will contribute to our corporate goal of having resident satisfaction in the top quartile.

3. Policy Statement

Soha normally charges Affordable Rents on most new build homes (in line with planning requirements) and Board makes the final decision. Soha may change this policy, if appropriate, in order to meet changes in regulatory requirements.

Soha does continue to build homes at 'target rent' where the local authority / planning regulations provide for this.

The Regulator's Tenancy Standard enables RPs (Registered Providers) the flexibility to grant fixed term tenancies for a term of between 3 and 5 years or to retain lifetime tenancies. Soha has opted, in consultation with its Scrutiny Panel, to retain lifetime tenancies. Soha would only introduce fixed term tenancies following tenant consultation, and if compelling reasons to do so existed. Should Soha acquire properties from other RPs, on fixed term tenancies, Soha will convert those to lifetime tenancies as soon as practical.

Pay to Stay – Soha is not planning to introduce Pay to Stay at Soha. The scheme (where higher income households pay a higher rent) is only compulsory for local authorities (Housing & Planning Act 2016). Soha would only introduce Pay to Stay rent increases following tenant consultation.

4. Policy principles

We will grant tenancies compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of housing stock. We will comply with 'Right to Rent' and immigration checks in letting properties as appropriate. The tenancies that we grant may be:

Starter Tenancies (Assured Periodic Shorthold Tenancies)

- Soha Housing no longer offers Starter Tenancies. Any existing Starter Tenancies will be converted to lifetime tenancies as soon as legally practicable.

Assured Tenancies

- All new Soha tenants, and those transferring between tenancies, are granted an Assured monthly tenancy. Providing an Assured tenant does not breach their tenancy conditions, they will be able to stay in their home for life. This type applies to Social Rent & Affordable Rent properties.

Assured Shorthold Tenancies

- This tenancy is a rolling weekly or monthly tenancy that can be ended at any time after six months from the start of the tenancy, by Soha giving two months' notice. An Assured Shorthold Tenancy is generally used when the length of occupation is likely to be short term e.g. temporary accommodation for homeless applicants to council support. This allows the council time to find permanent housing (such as with Soha). During 2023/24, it is likely that fixed term / shorthold tenancies will be legislated against, and use of section 21 (no fault evictions) will be removed from statute. Soha is not using Assured Shorthold Tenancies for Soha tenants.

Demoted Tenancies

- Soha does not use demoted tenancies, preferring possession, or injunction proceedings as appropriate to each case.

License agreements

- License agreements may be used where we let a property as a temporary 'decant' such as when a tenant moves temporarily to allow Soha to remedy major repairs (e.g. Flooding). The tenant in this case retains their original tenancy on their permanent home.

5. Implementation – letting, managing and sustaining tenancies

All tenants will receive a written Tenancy Agreement and clear guidance on the type of tenancy being offered by Soha. All tenancies will be supported with an affordability assessment and welfare reform agreement. When any tenant is at risk of a serious breach of their tenancy, Soha will offer engagement with our Tenancy Support team with the view to avoiding enforcement. Soha will only evict a tenant when all other routes to sustain the tenancy have failed. Soha will work with local authorities to prevent tenants being evicted into homelessness.

Soha makes 'Easy Read' Tenancy Agreements available and is also translating accompanying tenancy documents into the most requested languages other than English.

Housing First and other Homelessness Projects

We work with the local authorities in our area to address homelessness (providing Housing First & Housing Led solutions), offer best use of our stock and support activities that prevent tenancy fraud. At June 2023, Soha offers about 30 homes that are directly for rough sleepers or complex homelessness cases. Soha will extend this to 1% of Soha's rented stock (about 65 homes) by December 2024.

We will operate a management transfer list. We will consider offering a transfer to individual tenants, where there are urgent management reasons for this, such as efficient use of a specialist adapted property, welfare reforms, closure of a sheltered scheme, or as part of action to resolve significant health concerns, domestic abuse, or anti-social behaviour. A separate procedure exists for the operation of management transfers.

6. Succession

A statutory succession is the right to automatically transfer the tenancy of a property upon the death of a tenant, to a surviving co-habitee. A surviving spouse (or surviving partner of those living together as a couple) would automatically take over the tenancy and this is survivorship rather than a succession.

Soha may grant a contractual succession request (or offer a further tenancy to achieve a similar effect) to other household members at the discretion of Soha, taking into account any under-occupation, best use of housing stock and the opportunity to re-base the rent in each case. This would primarily be done to avoid homelessness to an established household, or disruption for a vulnerable person. No further succession would be allowed.

Soha will manage successions and assignments with due regard to legal requirements, focusing on gaining an outcome that secures the best use of accommodation and will work with the relevant local authority to seek to prevent homelessness.

7. Mutual Exchanges

All Assured tenants, including Affordable Rent tenants will be able to mutually exchange their home. Applications for a mutual exchange will be assessed through Soha's Mutual Exchange Procedures. We will provide information to the Assignee on the implications of exchanging with a tenant who is an Affordable Rent Tenant.

Assured tenants exchanging to an Affordable Rent property will be offered an Affordable rent Assured Tenancy. Soha is a member of a national mutual exchange scheme for tenants and this is promoted to Soha tenants. Help is available to all Soha tenants to access and use the web based mutual exchange scheme.

8. Communication and Training

We will communicate this approach to new and existing tenants online and through leaflets. We will train staff to operate the range of tenancies and inform tenants of the implications of each tenancy.

9. Complaints and appeals

Soha operates a formal and informal complaints procedure where customers can complain about any aspect of the service.

10. Resident Involvement

This policy has been reviewed by involved tenants, DAAG & Seniors Group. Feedback has been worked into the policy. The policy will also be presented to Members' Forum for approval.

11. Responsibility

The Head of Locality & Head of Housing are responsible for the effective implementation of this policy.

12. Monitoring and review

Soha will review this policy every 3 years, subject to any legislation or sector developments requiring earlier review, to ensure that it continues to meet its objectives and reflects good practice. Soha will produce regular reports to the Members' Forum and Board to monitor performance against set service standards.

13. Context

Housing & Planning Act 2016

Equality Act 2010

Localism Act 2012

RSH Affordable Rent framework

SP03 Lettings Policy

SP01 EDI Policy

SP07 Complaints Policy

Members' Forum Approved	November 2023	Board Approved	22 October 2022
EIA Completed	15 October 2020	Review Date	By November 2026
DPIA Checklist Completed	18 October 2020		