

Tenancy Policy

1.0 Purpose of policy

1.1 This policy sets out the type of tenancies that Karbon Homes uses, the circumstances in which they are used and outlines Karbon Homes' approach to tenancy management.

2.0 Objectives

2.1 To ensure Karbon Homes:

- Makes efficient use of the housing stock it owns or manages
- Meets the needs of individual households
- Makes tenants aware of their responsibilities
- Applies a consistent and fair approach to offering and sustaining tenancies
- Meets the needs of Local Authority Tenancy Strategies
- Fulfils the requirements of the Localism Act (2011)

2.2 The policy meets the requirement of the HCA that registered providers publish clear and accessible policies which outline the organisation's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackle tenancy fraud.

2.3 The Tenancy Policy sets out:

- The types of tenancies Karbon Homes will grant;
- Where tenancies are granted for a fixed term, the length of that term;
- The circumstances in which Karbon Homes will grant tenancies of a particular type
- Any exceptional circumstances in which Karbon Homes will grant fixed term tenancies for a term of less than five years following any probationary period.
- The circumstances in which Karbon Homes may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered, the type of tenancy offered, or a decision not to grant another tenancy on the expiry of the fixed term.

- Karbon Homes policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- The advice and assistance which will be provided to tenants on finding alternative accommodation in the event that Karbon Homes decides not to grant another tenancy.
- Karbon Homes policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

3.0 Policy detail

- 3.1 Karbon Homes provides both general needs housing and specialist housing and support services for older people, those living with long term conditions, mental health problems, people with physical or learning disabilities, people fleeing domestic abuse and other issues. Karbon Homes tailors all services (general needs and specialist) to individual needs and offers the most appropriate type of tenancy or occupancy agreement to prospective households.
- 3.2 Karbon Homes will engage with customers throughout the life of the tenancy to ensure that appropriate support and advice is offered to tenants to help to sustain tenancies and prevent unnecessary evictions.
- 3.3 This policy is used to ensure that the correct type of tenancy is allocated to each tenant.
- 3.4 Karbon Homes uses the following tenancy and occupation agreements:
- **Starter Tenancy** – is a tenancy typically granted to all new general needs and older persons tenants. Starter tenancies will usually last for 12 months from the start of the tenancy. Provided that the Starter Tenancy period has not been extended or there has not been legal action taken to end the tenancy, the tenancy will be converted to a full Assured tenancy after one year.
 - **Assured Shorthold Tenancy** – is a tenancy granted to tenants receiving floating support or accommodation based support within Supported Housing and to tenants in temporary accommodation managed by a managing agent. In all cases the shorthold tenancy will last for the duration of the support.
 - **Assured Tenancy** - is a tenancy granted to tenants of Karbon Homes when they have successfully completed the probationary period of an Assured Shorthold Tenancy (Starter Tenancy) or to tenants who have transferred to a Karbon Homes property from another housing provider if they have previously had an assured tenancy. Tenants in long-term supported accommodation will also be offered an Assured tenancy.
 - **Assured Protected Tenancy** is a tenancy held by previous secure tenants of the local authority at the time a stock transfer has occurred.

- **Secure Tenancy** – is a tenancy granted to former Nomad and Enterprise 5 tenants issued before 15 January 1989 and existing secure tenants who transfer within Karbon Homes stock to another property which is eligible for a secure tenancy.
- **Affordable Rent Tenancy (Affordable Starter and Affordable Assured)** - is a tenancy where a rent is charged at 80% of the market rent. The Localism Act 2011 gives social housing providers the discretion to charge affordable rents. An Affordable Starter Tenancy will last for 12 months from the start of the tenancy after which it will convert to an Affordable Assured Tenancy provided that the probationary period has not been extended or legal action has not been taken to end the tenancy.
- **Flexible Tenancy (Fixed Term Tenancy)** – is a tenancy which allows social housing providers to offer prospective tenants a tenancy for a fixed period. The fixed term period usually for a minimum period of 5 years but in exceptional cases for this may be for a period of 2 years in addition to any probationary period. This type of tenancy is applied to properties managed by Karbon on behalf of another organisation and to some larger high demand properties to make effective use of our existing housing stock.

After the fixed term period has lapsed there is no obligation for Karbon Homes to offer an extension of the tenancy or offer an alternative property. Karbon Homes will not offer a new tenancy in the following circumstances:

- The property is underoccupied
- The property is overcrowded
- The property no longer meets the tenants' needs e.g. property is adapted and adaptations are not required
- The tenant's circumstances have changed
- Disposal or refurbishment of the property is needed
- The property is to be handed back to the owner

If a tenancy is not to be renewed, Karbon Homes will provide advice and support to the customer to help them find alternative accommodation by assisting with completion of housing application forms or assistance to register on the relevant Choice Based Lettings Scheme.

A tenant, or prospective tenant, may appeal against the length of a fixed term tenancy and the type of tenancy offered. If a tenant wishes to appeal the length of the fixed term tenancy or the decision not to renew a fixed term tenancy they should notify us at the earliest opportunity.

- **Equitable Agreements** - persons under the age of 18 are unable to hold a legal interest in land. In these cases, an Equitable Agreement is granted until that person is 18 years old, at which point the tenancy will be reviewed and a decision made if it's appropriate to grant an assured shorthold tenancy.
- **Licences** - a licence is used as a temporary measure for a time limited period, for example, when a tenant needs to be decanted for a temporary period. Licences are also used in Supported Housing where there is no exclusive possession.

- **Demoted tenancies** - granted by a Court following breach of an assured tenancy condition arising from Anti-Social Behaviour. A demoted tenancy gives the same rights as an assured shorthold tenancy. This tenancy confers fewer rights and less protection from eviction than an assured tenancy. Demoted tenancies usually last for one year and will convert to an Assured Tenancy provided that there have been no further issues.
- **Garage tenancies** - granted to those renting a garage which is not situated within the curtilage of the property.

3.5 Joint tenancies

Applicants for a Karbon Homes property may apply to become joint tenants of the property. Karbon Homes will grant a joint tenancy in most cases. Tenancies granted to a single tenant cannot subsequently become a joint tenancy.

3.6 Tenancy Agreement

Tenants have a right to occupy their home and a tenancy will only be ended by Karbon Homes if one or more of the conditions in the tenancy agreement have been broken or if the tenant no longer occupies the property as their sole or principal home.

3.7 Rents charged

Rents for social rented properties will be set in line with Karbon Homes Rent Setting and Service Charges Policy.

3.8 Ending tenancies

Tenants are required to give 4 weeks' notice to terminate their tenancy except in exceptional circumstances, for example, admission to residential care, the death of the tenant, internal transfers or where there is a reciprocal agreement with other housing providers. Termination of a joint tenancy submitted by one tenant ends the tenancy for all joint tenants.

3.9 Succession

There is only one right to succession in law. Where this has been exercised Karbon Homes may grant a new tenancy of the property in exceptional circumstances. Former Castle Morpeth Housing, Cestria Community Housing, Derwentside Homes and Milecastle Housing tenants may have additional rights of succession in line with their tenancy agreement. Rights of succession are further explained in Karbon Homes Succession Policy.

3.10 Allocations and lettings

Karbon Homes complies with all legal and regulatory requirements when letting and allocating homes. Further detail is available in Karbon Homes Allocations and Lettings Policy.

3.11 Tenancy fraud

Karbon Homes will not tolerate social housing tenancy fraud and will take appropriate action where it is identified as outlined in our Tenancy Fraud Policy.

3.12 Vulnerable Customers

We aim to deliver excellent services to all our customers and we do this by understanding who our customers are and any specific needs they may have. We recognise that people can be vulnerable for a variety of reasons and can need additional support; we will do our best to help. If customers feel that they are vulnerable in any way, or have any specific needs, they are encouraged to disclose any information to us. What they tell us is confidential; we can then refer them to the appropriate staff member that can help as all services can be tailored to the individual.

4.0 Monitoring and Review

This policy will be reviewed at least every 3 years. The review will be brought forward if there are significant changes to good practice, regulatory or legislative requirements.

5.0 Equality and Diversity

This policy is implemented in line with Karbon Homes Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.

This policy and associated documents are available in different languages and alternative formats where necessary.

6.0 Data Protection and Privacy

Karbon Homes has a clear policy on data protection and sharing data with other partners/outside agencies under the requirements of the Data Protection Act 1998. This is clearly set out in Karbon Homes Data Management Policy which, along with the supporting Data Management Guidelines, must be followed throughout the operation of this policy.

7.0 References

There is a requirement for each registered provider to publish their tenancy policy to comply with the Homes and Community Agency (HCA) regulatory standard.