

# Tenancy Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	November 2020
Review date:	November 2021

1	Introduction
1.1	This Policy sets out how One Vision Housing (OVH) meets the requirements of the Tenancy Standard of the Regulatory Framework for Social Housing.
1.2	<p>OVH is expected to meet required outcomes in the areas of allocation, mutual exchange, tenure and rents in accordance with the outcomes of Regulatory Framework for Social Housing in England (Responsibility of the Regulator for Social Housing -RSH) as follows:</p> <ul style="list-style-type: none"> <li>• <b>Allocation and mutual exchange</b> <ul style="list-style-type: none"> <li>○ Registered providers shall manage their resources effectively to ensure their viability is maintained</li> <li>○ Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:           <ul style="list-style-type: none"> <li>▪ make the best use of available housing</li> <li>▪ are compatible with the purpose of the housing</li> <li>▪ contribute to local authorities’ strategic housing function and sustainable communities</li> </ul> </li> </ul> </li> <li>• <b>Tenure</b> <ul style="list-style-type: none"> <li>○ Registered providers shall grant tenancies which are compatible with the purpose of the accommodation, the needs of individual households, sustainability of the community, and the efficient use of their housing stock</li> <li>○ They will meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements</li> </ul> </li> <li>• <b>Rents</b> <ul style="list-style-type: none"> <li>○ Registered providers shall charge rents in accordance with the objectives and framework set out in the Governments’ direction in line with the Rent Standard as required by the RSH.</li> </ul> </li> </ul>
1.3	<p>Application of this Policy also assists OVH to meet the following strategic aims;</p> <ul style="list-style-type: none"> <li>• To provide the environment to deliver business success</li> <li>• To provide homes that meet demand in safe and sustainable neighbourhoods</li> </ul>

	<ul style="list-style-type: none"> <li>• To provide excellent services that meet or exceed customers’ and stakeholders’ expectation</li> <li>• To make a positive impact in the communities in which we operate</li> </ul>
<b>1.4</b>	<b>Access and Communication</b>
<b>1.4.1</b>	OVH is committed to ensuring that our services are accessible to everyone. OVH will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for OVH or use its services.
<b>1.5</b>	<b>Equality, Diversity and Human Rights</b>
<b>1.5.1</b>	OVH is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation, Religion and/or Belief, Civil Partnership and Marriage, Pregnancy and Maternity.
<b>1.5.1</b>	OVH also recognise that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.
<b>1.5.2</b>	OVH will also ensure that all services and actions are delivered within the context of current Human Rights legislation. Staff and others with whom OVH works, will adhere to the central principles of the Human Rights Act (1998).
<b>1.5.3</b>	<p>This Policy should be read in conjunction with the following;</p> <ul style="list-style-type: none"> <li>• OVH Allocations Policy</li> <li>• OVH Tenancy Transfer, Succession and Mutual Exchange Policy</li> <li>• OVH Demand Incentive Policy</li> <li>• OVH Starter Tenancy Policy</li> <li>• OVH Shared Ownership and Sales Management Policy</li> <li>• OVH Rent Setting Policy</li> <li>• Sub-Regional Choice Based Letting Policy</li> </ul>
<b>2</b>	<b>Statement of Intent</b>
<b>2.1</b>	In developing this Policy, OVH shows due regard to the tenancy strategies produced by local authorities in the areas it operates.
<b>2.2</b>	<p>As a major social housing provider, OVH has a responsibility to use its resources and implement the Tenancy Policy to address key issues that impact on local housing strategies, including;</p> <ul style="list-style-type: none"> <li>• An ageing population with an expected year-on-year increase in the percentage of residents over pensionable age</li> <li>• Large variations in the quality of life factors experienced between affluent and less prosperous areas</li> </ul>

2.3	<p>Set against this local context, OVH aims to achieve the following specific outcomes through the implementation of this Policy;</p> <ul style="list-style-type: none"> <li>• Creating sustainable communities where people are able to form lasting roots, access education, training and employment opportunities and take an active part in community life</li> <li>• Reducing tenancy turnover and associated costs to maximise rental incomes for further investment in new developments to meet existing and future housing needs</li> <li>• Fair and transparent system of allocating properties, making best use of housing stock, reducing under-occupation and over-crowding via Sub-Regional Choice Based Lettings schemes and direct lettings</li> <li>• Ensure tenants are renting properties within their financial means through affordability checks and raise awareness of any potential shortfalls in rent that will not be met through benefit payments (where applicable) resulting from introduction of Welfare Reform measures</li> <li>• Creating financial capacity within the organisation to develop new properties for rent or sale and encouraging a route into home ownership</li> </ul>
2.4	<p>OVH will provide a number of support mechanisms for its tenants to help them sustain their tenancies and live independently. This includes;</p> <ul style="list-style-type: none"> <li>• Conducting structured home visits during the first 12 months of the tenancy to assess the conduct of the tenancy and if there are any additional support needs that are not currently being met. In situations where home visits not possible, an assessment may be made through telephone calls, emails and the use of media such as photographs or videos to evidence how the tenancy is being maintained</li> <li>• Regularly update tenant profile information to ensure properties are being maintained in accordance with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. OVH communicates with tenants in their preferred format and services are tailored to meet tenants needs (with either internal or external support as required)</li> <li>• Carrying out a comprehensive needs assessment for those requiring independent living accommodation pre-tenancy offer, at tenancy commencement and via on-going action plans</li> <li>• Provision of information and services that go beyond the normal role of the landlord e.g. debt and welfare benefit advice, financial inclusion information, affordable warmth information and assistance to gain and maintain employment and training opportunities</li> <li>• Provision of customer Support and tenancy sustainment assistance</li> </ul>
2.5	<p>OVH will provide a 'fair but firm approach' to housing management, taking swift and proportionate action for any breaches of tenancy conditions including any enforcement action for anti-social behaviour or non-payment of rent / other debts owed.</p>
2.6	<p>Wherever possible, OVH will work with tenants to help them sustain their tenancies and will only take legal action to bring tenancies to an end as a last resort when other reasonable approaches have been exhausted.</p>

3	Policy
3.1	<p data-bbox="252 197 395 230"><b>Allocations</b></p> <p data-bbox="252 235 1425 309">OVH makes the vast majority of allocations to its properties that are available to let via the Sub-Regional Choice Based Lettings schemes in the areas where it operates.</p>
3.1.1	<p data-bbox="252 353 730 387">The principals of the schemes are to;</p> <ul data-bbox="300 432 1465 1182" style="list-style-type: none"> <li>• Operate a lettings Policy based on housing need, which is simple, easy to understand, transparent, open and fair, reflecting local priorities</li> <li>• Ensure that every application is dealt with fairly and consistently in accordance with principles of equal opportunities</li> <li>• Give adequate priority to people who fall within the Governments ‘Reasonable Preference’ categories</li> <li>• Prevent homelessness and give adequate priority to homeless people to reduce the use of temporary accommodation, whilst maintain a balance between the needs of the homeless and other applicants</li> <li>• Empower applicants by giving them more opportunity to express choice and preferences about where they want to live, whilst having regard to the availability of housing resources and the high demand for housing</li> <li>• Make best use of housing stock by minimising re-let times and by the marketing of ‘difficult to let ‘ properties</li> <li>• Reduce under-occupation of social housing and therefore assist in the re-housing of overcrowded applicants and other priority need applicants</li> <li>• Ensure that independent living housing goes to those for whom this type of housing is most suitable and who are in the greatest need of support</li> <li>• To make best use of public funds</li> </ul>
3.1.2	<p data-bbox="252 1227 1465 1417">In addition to the above form of allocations, OVH reserves the right to allocate 25% of its properties outside the Property Pool Plus Scheme, the Sub-Regional Choice Based Lettings Scheme in Sefton and according to agreed levels in other local authority areas. In these circumstances applicants will not have to apply or abide by the normal banding criteria as set out by the Choice Based Lettings Scheme of the area. Examples of these allocations include;</p> <ul data-bbox="300 1462 1433 1686" style="list-style-type: none"> <li>• <b>Direct lets:</b> OVH will match housing applicants that have been accepted on the housing register to vacant properties that arise without them having to submit bids</li> <li>• <b>Management lets:</b> where OVH allocates properties to alleviate short term or emergency housing need caused by extenuating circumstances of individuals e.g. following domestic violence incidents or decision made by multi-agency public protection meeting. (For more details , please see Demand Incentive Policy)</li> </ul>
3.1.3	<p data-bbox="252 1733 1425 1888">OVH will also operate Local Lettings schemes, with unique allocation criteria in designated areas or for specific property types. Local Lettings schemes, which will be agreed with the local authorities following consultation with tenants, will be used to address housing management problems or create balanced communities with a mix of tenure types.</p>
3.2	<p data-bbox="252 1933 427 1966"><b>Tenure types</b></p>
3.2.1	<p data-bbox="252 2011 1449 2085">To meet its strategic objectives, OVH will operate a variety of tenancy types as set out in the table below;</p>

Tenancy type	Circumstances in which they are used	Length of tenancy agreement
Assured Shorthold (or Starter Tenancies)	<ul style="list-style-type: none"> <li>Given to new housing applicants that meet the necessary criteria outlined in the Sub Regional Choice Based Lettings Scheme or as direct lets</li> </ul>	<ul style="list-style-type: none"> <li>Usually lasting 12 months and will convert to an Assured Tenancy on the anniversary of the tenancy start date (provided there have been no breaches of tenancy requiring enforcement action)</li> </ul>
Assured Tenancies	<ul style="list-style-type: none"> <li>Given to tenants whose Assured Shorthold Tenancy matures on the 12 month anniversary</li> </ul>	<ul style="list-style-type: none"> <li>Lifetime tenancy (for as long as the tenant requires it and provided they continue to abide by tenancy conditions)</li> </ul>
Demoted Assured Shorthold tenancies	<ul style="list-style-type: none"> <li>Can be used where there are persistent or minor breaches of tenancy conditions that require enforcement action but it is believed there is an opportunity for the behaviour causing the tenancy breach to be amended and positive steps are being taken to bring this about</li> </ul>	Demoted Assured Shorthold tenancies would normally last no longer than 12 months (where a decision may be taken by OVH to convert back to an Assured Tenancy or seek possession). If OVH is satisfied that behaviour led to the tenancy breach has been remedied they can be converted sooner than the 12 month period
Market Rent Tenancies (Assured shorthold)	<ul style="list-style-type: none"> <li>Issued for specific properties identified for market rent and are not subject to the allocations criteria outlined in the Sub Regional Choice Based Lettings Scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Issued for six months only and then converts to a 'Statutory Periodic Tenancy' provided OVH does not take any action to bring the tenancy to an end</li> </ul>
Affordable Rents Tenancies (Fixed Term) – 80% of market rent values)	<ul style="list-style-type: none"> <li>Issued for specific new-build properties</li> </ul>	<ul style="list-style-type: none"> <li>This is a fixed-term tenancy for an initial period of five years. At the end of the fixed-term period OVH will take a decision to renew the tenancy at affordable rent for a further fixed term or convert into an Assured Tenancy</li> </ul>

Rent to Buy Tenancies	These are issued on new build properties that have been built specifically for this purpose with funding from the Housing Regulator	These properties are let as 'assured-shorthold tenancies' on a yearly basis for an initial period of five years (providing no breach of tenancy conditions occur).
Shared Ownership Tenancies	<p>For Shared ownership properties, a person buys a stake of between 25% and 75% of the property, using a deposit and a mortgage</p> <p>The person then pays rent on the remaining share, which is owned by OVH</p>	<ul style="list-style-type: none"> <li>• Shared ownership properties are leasehold properties, which means the tenant owns the lease on them for a fixed period of time, typically 99 years</li> <li>• A person can buy more shares for the property (staircasing) at any time after they have become a part owner. When the person has purchased a 100% share in the property they become full owners and stop being a leaseholder</li> <li>• The tenants will have to pay a service charge for the property, which is usually charged on a monthly basis</li> </ul>

### 3.3

#### Rents

##### 3.3.1

OVH will set rents that offer good value for money and are affordable to existing and prospective customers, whilst ensuring it remains viable and can achieve its business plan commitments.

##### 3.3.2

OVH will ensure rents are set in line with formulae developed by the Government for the social housing sector and approved by housing regulator, the RSH, within the Rent Standard of the Regulatory Framework.

##### 3.3.3

OVH will calculate rents on an annual basis, in line with the prescribed government rent setting formula approved by the housing regulator. Full details of OVH's rent setting regime can be found in the OVH Rent Setting Policy.

<b>3.4</b>	<b>Reducing Under-Occupation / Over-Crowding</b>
<b>3.4.1</b>	To make the best use of housing stock and to assist tenants to find properties that best suit their family size and needs, OVH will ensure as far as is possible that new housing applicants bid on properties that best meets their needs, through the eligibility criteria outlined by the Sub-Regional Choice Based Lettings Scheme . OVH may allow under-occupation of up to two bedrooms, where full affordability checks are carried out.
<b>3.4.2</b>	Where possible, OVH will work with current tenants, who are overcrowded or under-occupying, to find suitable alternative accommodation and ensure that they are not financially disadvantaged due to introduction of Welfare Reforms as set out in the OVH Demand Incentive Policy.
<b>3.4.3</b>	Where suitable moves that are agreeable to the tenant can be made within OVH’s stock, they will be facilitated by way of mutual exchange or by management lets (outside of the Sub Regional Choice Based Lettings scheme).
<b>3.4.4</b>	Where tenants are found to be under occupying their property, OVH will aim to rehouse them through the Sub-Regional Choice Based Lettings Scheme and encourage them to use a free web-based, National Home Swapper Service.
<b>3.5</b>	<b>Tenancy Transfers, Mutual Exchanges, Successions and Assignments</b>
<b>3.5.1</b>	Tenants wishing to initiate their own transfers should apply through the Sub-Regional Choice Based Lettings Scheme. OVH will assess a tenant(s) eligibility for transfer prior to an offer being made. If tenants do not meet the criteria they will be declined and informed of the reasons. For more information, please refer to the OVH Tenancy Transfer, Succession and Mutual Exchange Policy.
<b>3.5.2</b>	To support tenants’ rights to mutual exchange, OVH subscribe to the national ‘Homeswapper Service’ that allows tenants to search free of charge for mutual exchanges with other social housing tenants, nationally (either Registered Provider or Local Authority). OVH does, however, reserve the right to make the best use of its housing stock and allocate properties in a fair and equitable manner and may refuse ‘tenant initiated’ requests for transfer if the tenant does not meet the criteria.
<b>3.5.3</b>	OVH will allow requests for mutual exchange unless the grounds for refusal outlined in the Housing Act 1985 apply or when it is believed it does not solve any identifiable need.
<b>3.5.4</b>	Further to the provisions set out in the Localism Act 2011, OVH will grant discretionary succession rights for those other than spouses and partners as an express term outlined in the tenancy agreement (for Assured Shorthold and Assured Tenancies).
<b>3.5.5</b>	OVH will consider requests for discretionary succession provided there had been no previous successions on the tenancy. In these circumstances family members could be a parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or step child.
<b>3.5.6</b>	Discretionary succession is, however, conditional and the person applying would need to prove to OVH that:

	<ul style="list-style-type: none"> <li>• They are a member of the deceased’s household</li> <li>• They have lived with them for the 12 months preceding death</li> <li>• They have used the deceased tenant’s home as their only and principal dwelling, and</li> <li>• Agree in writing to abide by the terms of the tenancy</li> </ul>
3.5.7	In all succession cases, OVH will assess the suitability of the current property for the applicant(s) and will, if necessary, allow succession to an alternative property that is more suitable to the customers’ needs.
3.5.8	Full details of OVH’s approach to tenancy transfers, mutual exchanges and succession are contained in the OVH Tenancy Transfer, Succession and Mutual Exchange Policy.
3.6	<b>Provision of Housing Advice</b>
3.6.1	OVH will provide housing advice to existing tenants and applicants on all matters relating to: <ul style="list-style-type: none"> <li>• Allocations, eligibility criteria and banding information to applicants within the Sub-Regional Choice Based Lettings Scheme (where necessary referring to other Scheme landlords on issues of local priority or local lettings schemes)</li> <li>• Mutual exchange, succession and assignment queries</li> <li>• All matters of tenancy management / enforcement and tenancy rights</li> <li>• Preserved Right to Buy or Right to Acquire queries</li> </ul>
3.6.2	For queries on statutory homeless duties, private sector renting (including standards and enforcement issues) and applications for Disabled Facilities Grant, OVH may refer, or work in partnership with the Housing Options Service provided by local authorities in areas where OVH owns and/or manage properties.
<b>4</b>	<b>Implementation</b>
4.1	All OVH staff will need to show an awareness of the Tenancy Policy to be able to direct any customer queries that may arise. There will also be specific implications for staff that administer housing applications and allocations – (via the Sub Regional Choice Based Lettings or through direct lets), those responsible for all aspects of tenancy management, provision of housing advice and legal services.
4.2	The Executive Management Team (EMT) will be responsible for ensuring the operational effectiveness of the Policy and for ensuring the Policy is in line with OVH’s Strategic objectives.
<b>5</b>	<b>Performance</b>
5.1	OVH will provide comprehensive performance information on the allocations, rents and tenure elements of the Tenancy Policy via its annual report, produced in consultation with tenants.
<b>6</b>	<b>Consultation</b>
6.1	The Tenants Policy Review Group has been consulted about the development of this Policy on 25/09/2019. All OVH staff have also been consulted in the development of this Policy.

<b>7</b>	<b>Review</b>		
7.1	The Policy will be reviewed on an annual basis (from the date of Executive Management Team- EMT approval) as required by the introduction of new legislation, changes in regulatory standards, changes to the tenancy strategies produced by local authorities in areas where OVH owns social rented properties or as a result of system audits.		
<b>8</b>	<b>Equality Impact Assessment</b>		
8.1	Was a full Equality Impact Assessment (EIA) required?	Yes	
8.2	When was EIA conducted and by who?	The EIA conducted by Policy, Planning and Improvement Manager and Policy and Strategy Officer 02-04-12 is still relevant for this Policy	
8.3	Results of EIA	There were no additional actions as a result of the EIA. OVH's decision to allocate properties via the Sub-Regional Choice Based Lettings Scheme (and the attendant safeguards that were contained within), coupled with the overall stance of issuing lifetime tenancies are thought to be adequate to mitigate any risks of adverse or differential impacts of the Policy for those with protected characteristics.	
<b>9</b>	<b>Scheme of Delegation</b>		
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	EMT	
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director – Housing Services	
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director- Housing Services	
<b>10</b>	<b>Amendment Log</b>		
Date of revision:	Reason for revision:	Consultation record:	Record of amendments:
08/10/2019	Reviewed in line with the Review Schedule	See section 6	There are no significant changes to the Policy in this Review.
17 <sup>th</sup> November 2020	Reviewed in line with the Review Schedule	See section 6	Change at 2.4 – Inclusion that in situations where home visits not possible, an assessment may be made through telephone calls,

			emails and the use of media such as photographs or videos
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