

TENANCY POLICY



MONITORING INFORMATION:

POLICY/PROCEDURE/STRATEGY:

DATE APPROVED:

EXPIRY DATE:

OWNER:

APPROVAL ROUTE:

TENANCY POLICY

JUNE 2026

JUNE 2029

HEAD OF COMMUNITITES & ESTATES

EMT

Tenancy Policy

Purpose

This policy outlines the types of tenancies offered by Teign Housing Association. It defines the circumstances under which they are granted, managed, or terminated.

Introduction

This policy is designed to ensure fair allocations, secure long-term homes, and create safe communities.

Policy

Teign Housing will let properties in accordance with our voids and allocations policy.

We are committed to working with local authorities in the areas we operate in using Devon Home Choice Based Lettings systems (CBL).

Local lettings policies/plans and sensitive lettings may be to respond to local housing demand, helping residents secure homes within their existing communities.

Early identification and intervention are critical to the ensuring tenancy sustainability. Teign Housing will work closely with agencies including the Police, Adult and Children services and specialist agencies dealing with more complex cases. Teign Housing is also committed to investigating and dealing with tenancy fraud and will take appropriate action against the perpetrator of the fraud.

Where applicants and existing tenants have identifiable support needs, we will refer them to external support providers where we have consent to do so or if we feel there is an immediate risk.

In the event of tenancy failure, we will notify the Local Authority Homelessness Team and Children Services at the earliest opportunity where we have consent or a duty. Teign Housing have a pre-eviction protocol with Teignbridge District Council,

Policy Objectives

Sustainable Communities: Create cohesive, safe and resilient communities.

Tenancy Sustainment: Support vulnerable tenants to sustain their tenancies and prevent avoidable evictions.

Fairness and Equality: Promote a transparent, non-discriminatory approach to allocations in line with the Equality Act 2010

Stock Utilisation: Match household sizes to correct property sizes to reduce under-occupation and tackle overcrowding.

Tenancy Sustainability

Internal Support: The Head Start Service

Our frontline staff use an internal referral pathway that connects frontline staff with dedicated Head Start Co-ordinators. These advisors deliver targeted interventions across four core domains:

Financial Inclusion: Offering budgeting support, debt signposting and income maximisation.

Digital Inclusion: Improving internet accessibility and technology skills.

Health and Wellbeing: Supporting physical and mental wellness by linking tenants to support services.

Positive Participation: Connecting tenants to volunteering, training and resident involvement.

Proactive Management:

Keeping In Touch (KIT) visits are routine home visits conducted by our Community Housing Officer/Advisor.

Frequency: Held every two years for general tenants, or every year for residents in Independence and Wellbeing homes.

Purpose: Provides a dedicated opportunity to check in with staff and raise any queries or housing concerns. Building positive relationships better understanding of our residents.

Safety Focus: Plays a vital role under recent legislation to identify and address property health and safety issues.

Collaborating with External Partners

Frontline teams partner with local authorities, charities, and voluntary organisations to deliver multi-agency community support.

Resource: External partnerships keep our internal Head Start Service focused exclusively on high-risk cases.

Cost Efficiency: Joint working maximises value for money, providing wide-ranging and flexible tenant support at lower costs.

Types of Tenancies Offered

We will use a range of tenancies to balance tenant security with the effective management of housing stock:

Assured Periodic Tenancies: This is our standard long-term tenancy. It is a rolling, monthly tenancy with no end date or fixed term, providing long-term security of tenure to the tenant.

Starter Tenancies (Probationary Framework): We use a starter framework for new tenants to assess suitability, encourage positive community integration, and address issues like anti-social behaviour or rent arrears early.

The structure of this framework changes in line with statutory requirements and timelines:

Phase 1: From Present Day until the Statutory Implementation Date

New tenants will be granted a 12-month Assured Shorthold Tenancy (AST). If the tenancy is conducted successfully, it will automatically convert into a standard long-

term Assured Periodic Tenancy at the end of the trial period. If tenancy conditions are breached, Teign Housing may initiate possession proceedings during this trial period using statutory notice procedures under Section 21 or Section 8 of the Housing Act 1988.

Phase 2: From the Statutory Implementation Date Onwards

In compliance with the Renters' Rights Act, Assured Shorthold Tenancies and Section 21 notices are abolished for Private Registered Providers. All new tenancies granted from this date will be Assured Periodic Tenancies from day one. The initial 12-month period will be managed as a *Probationary Support Phase* Utilising Keeping in Touch' (KIT) visits and Head Start Service interventions. Any action to terminate a tenancy during this phase will strictly require a proven, statutory ground for possession through the courts.

Rent Models

Rents are determined with reference to Teign Housing Rent Setting Policy.

Social Rents: These rent levels apply to the majority of Teign Housing's general housing stock, housing for older people. The calculation of formula rent complies with the **Regulator of Social Housing's Rent Standard** and applicable government policies on rents for social housing.

Affordable Rents: These rents apply to designated general housing stock. They are capped at a maximum of 80% of current private market rent (local) for an equivalent property, inclusive of service charges.

Shared Ownership: Shared Ownership properties are held on long leases and are excluded from the standard assured periodic tenancy framework. Rents for the housing association's retained equity share are set and increased in accordance with the terms specified within each property's individual lease agreement.

Joint Tenancies

Eligibility: We grant joint tenancies to married couples, civil partners, cohabiting partners, or family members who demonstrate a proven, shared housing need.

Joint and Several Liability: Joint tenants are collectively and individually responsible for the tenancy. Each individual is liable for the full rent payment and any arrears accrued, regardless of personal contributions.

Succession Rights

Statutory Succession: A surviving spouse, civil partner, or cohabiting partner has a legal right to succeed to the tenancy, provided the property was their sole or principal home at the time of the tenant's death.

Discretionary Succession: Family members who do not hold statutory rights may apply to succeed if they resided in the property continuously for at least 12 months prior to the tenant's death. Applications are assessed under a transparent framework considering household suitability, local under-occupation guidelines, and vulnerability.

Limit: In accordance with the Housing Act, only one succession is permitted per tenancy. No further statutory rights of succession exist if the deceased tenant was themselves a successor; however, Teign Housing will review any exceptional cases through succession criteria.

Under-Occupation of Succeeded Properties: Where a discretionary or statutory successor (excluding a surviving spouse, civil partner, or cohabiting partner) succeeds to a property that is significantly larger than their household needs, or has specialist adaptations they do not require, Teign Housing will work with them to secure a move. In accordance with **Ground 15A of the Housing Act 1988**, we reserve the right to seek possession of the property through the courts to ensure correct stock utilisation. Possession under this ground will only be pursued if Teign Housing offers a reasonable and suitable alternative accommodation that fits the successor's actual housing needs.

Mutual Exchange

Teign Housing provides all eligible Assured tenants with the right to exchange their tenancies with another tenant of a registered social landlord or local authority, in accordance with the Regulator of Social Housing's Tenancy Standard.

Right to Mutual Exchange

Access: Teign Housing will provide tenants with free access to Homeswapper an online mutual exchange service to facilitate national and local matches.

Assessment Period: Upon receipt of a completed mutual exchange application from both parties, Teign Housing will issue a formal decision within the statutory period of 42 calendar days.

Grounds for Refusal: Applications will only be refused on specific, lawful grounds. These include, but are not limited to, a court order for possession, outstanding rent arrears without an agreed repayment plan, property under-occupation, severe overcrowding, where a pre-exchange property inspection identifies a significant breach of tenancy obligations due to poor property condition, tenant neglect, unauthorised alterations, or deliberate damage or properties substantially adapted for a disabled person where the incoming tenant has no such need.

Conditional Consent: Consent may be granted conditionally, requiring specific breaches (such as minor outstanding rent balances or required property repairs) to be rectified before the assignment or surrender and re-grant takes place.

This policy establishes a 21-day appeals process, reviewed by an independent senior officer, with an escalation route to the Housing Ombudsman. It mandates support for mutual exchanges, including free platform access (Homeswapper), and sets a 42-day assessment period for applications, aligning with the Regulator of Social Housing Tenancy Standard.

Right to Appeal

Applicants and existing tenants have the right to request a formal review of decisions made by Teign Housing under this policy.

- This includes but is not limited to appeals against:
- Refusals of discretionary succession applications.
- Refusals of mutual exchange requests.
- Decisions regarding the non-conversion or termination of Starter (probationary) tenancies.
- Refused allocation.

Applicants and tenants have a right to appeal decisions regarding the type of tenancy offered, non-renewals, or evictions.

This includes, but is not limited to, decisions regarding tenancy offers, the refusal of a joint tenancy request, or succession outcomes.

The Review Process

Timeframe: Appeals must be submitted in writing (or via an accessible format upon request) within 21 calendar days of the date on the original decision letter.

Independent Review: The appeal will be investigated by a senior manager who was not involved in making the original decision.

Decision Deadline: Teign Housing will provide a full, written response within **20 working days** of the date the appeal was acknowledged.

If the applicant or tenant is dissatisfied with the Stage 1 outcome, they can request a Stage 2 escalation within 21 calendar days of the Stage 1 response, clearly stating their reasons.

Decision Deadline: We will provide a final, written Stage 2 response within 20 working days of the Stage 2 acknowledgment.

Escalation Path

The decision of the reviewing senior manager is Teign Housing's final internal response. If the tenant or applicant remains dissatisfied after exhausting our internal process, they have the right to refer their case to the Housing Ombudsman Service.

Legislation and Regulation

The legislation listed in this policy is not exhaustive. Teign Housing will take reasonable measures to ensure compliance with all applicable legislation by reviewing policies and procedures and amending them as appropriate. Any queries relating to the applicable legislation should be directed to the policy owner.

Tenancies and landlord obligations are governed by law, including:

- Housing Act 1985 and 1988
- Housing Act 1996 (as amended)
- Renters' Rights legislation (governing the mandatory transition to periodic tenancies)
- Localism Act 2011
- Immigration Act 2014
- Deregulation Act 2015
- Social Housing Regulation Act 2023

We must also comply with the Regulator of Social Housing's Consumer Standards, specifically the **Tenancy Standard**.

Monitoring and Performance Standards

Related Documents

- Related Policies
- Mutual Exchange Policy
- Succession Policy
- Fixed Term Tenancy Policy
- Social Housing Fraud Policy
- Safeguarding Policy