

Tenancy Policy

Name	Reason for change	Date
Andrea Baker, Director of Housing	Review to align with new Service Model	August 2018

Approval process for current version

Presented to	Date	Outcome
Services Committee	August 2018	Approved
Services Board	March 2016	Approved
JEP	January 2016	Approved

Contents

1. Introduction	1
2. Policies.....	1
3. Policy review	5
4. Appendix 1: Impact assessment	5

1. Introduction

1.1. This policy sets out Poplar HARCA’s approach to tenancy management.

2. Policies

Assignment	<ul style="list-style-type: none"> a. Approved only as allowed for by law b. Will be refused if: <ul style="list-style-type: none"> I. the property is not the tenant’s only or principal home II. there are rent arrears or other money is owed to Poplar HARCA
-------------------	---

	<p>III. a legal Notice has been served or legal proceedings instigated</p> <p>IV. property not suitable as set out in the prevailing lettings policy</p>
Mutual Exchange	<p>a. Approved only as allowed for by law</p> <p>b. Consent will be deferred until:</p> <p>I. There are no rent arrears or other money owed to Poplar HARCA</p> <p>II. Repairs not Poplar HARCA's responsibility have been carried out</p> <p>III. Non-standard installations are removed and made good, unless responsibility for on-going maintenance is accepted by in-coming tenant</p>
Pets	<p>a. Pet owners must:</p> <p>I. Inside and outside the property, keep under proper control pets that live in or visit the property</p> <p>II. Keep the number and type of pets appropriate to property size and type</p> <p>III. House pets properly and securely e.g. cage, tank or garden</p> <p>IV. Train pets appropriately</p> <p>V. Clean up after pets and dispose of waste appropriately</p> <p>b. Complaints about pets:</p> <p>I. Will be investigated as potentially a breach of tenancy or lease</p> <p>II. An opportunity to remedy the nuisance will be given. Failure to remedy will result in legal action</p> <p>c. Legal enforcement will be considered only when other remedies have failed for the following:</p> <ul style="list-style-type: none"> • A person registered blind under s29 of National Assistance Act 1948 • A person who has a disability reliant on a dog trained by Dogs for the Disabled, Support Dogs or Canine Partners for Independence • A deaf person reliant on a dog trained by Hearing Dogs for Deaf People
Property Unsuitable (e.g. Health, Overcrowding, Under occupation)	<p>a. The lettings policy sets out how housing need priority is assessed and awarded</p>
Rent Refunds	<p>a. Except in exceptional circumstances, Poplar HARCA will not refund money paid into rent, service charge or account</p> <p>b. A £50 administration fee will be charged when a refund is processed</p>
Right to Return	<p>a. Tenants with a Poplar HARCA Assured Tenancy can return to new build homes on the estate if the block they live in is demolished for a regeneration scheme</p> <p>b. One suitable offer of a new build home on the same estate compliant with the prevailing lettings policy will be made</p>

	<ul style="list-style-type: none"> c. If there are fewer of a type or size of home available than meets returning tenants' demand, priority will be determined by the lettings policy at the date of the offer d. If tenants change their mind about returning, an offer will be made only if an appropriate property is available after all other lettings commitments have been met
Shared Ownership	<ul style="list-style-type: none"> a. Shared ownership will be sold in-line with prevailing legislation or guidance b. Poplar HARCA will defer to the lease in all matters
Shortlife, Property Disposal, Tenure Conversion	<ul style="list-style-type: none"> a. Properties may be disposed of, or the tenure converted, if any of the following applies: <ul style="list-style-type: none"> I. to avoid significant works costs II. to facilitate local lettings strategies III. to facilitate mixed income tenure strategies IV. to facilitate Poplar HARCA's growth strategy V. when a capital receipt offers best value VI. when the allocations process may not be appropriate
Succession: Contractual	<ul style="list-style-type: none"> a. Succession will be considered only as allowed for by the tenancy agreement b. If agreed, a starter tenancy will be offered c. If more than one person is eligible to succeed, they can decide between them who will succeed. If they cannot agree a Head of Service (or above) will make the decision d. If the property is larger than required, one offer of suitable alternative accommodation will be made. If the offer is refused legal proceedings for possession will be brought e. Rent arrears and other debts accrued pass to the successor
Succession: Statutory	<ul style="list-style-type: none"> a. Succession will be agreed only as allowed for by law b. If more than one person is eligible to succeed, they can decide between them who will succeed. If they cannot agree a Head of Service (or above) will make the decision c. If the property is larger than required, one offer of suitable alternative accommodation will be made. If the offer is refused legal proceedings for possession will be brought d. Rent arrears and other debts accrued pass to the successor
Sustaining Tenancies & Preventing Evictions	<ul style="list-style-type: none"> a. Choices made by individuals with capacity will be respected b. Vulnerability is defined as being significantly more vulnerable than an ordinary person and so likely to suffer greater harm in a similar situation c. If a child or vulnerable adult is suspected of being at risk the appropriate agency will be informed d. Anyone requiring support will be advised to contact statutory and other agencies that can offer specialist help
Tenancy Fraud	<ul style="list-style-type: none"> a. Choices made by individuals with capacity will be respected b. Vulnerability is defined as <i>being significantly more vulnerable than an ordinary person and so likely to suffer greater harm in a similar situation</i> c. If a child or vulnerable adult is suspected of being at risk the appropriate agency will be informed

	d. Anyone requiring support will be advised to contact statutory and other agencies that can offer specialist help
Tenancy verification	a. Before entering into any tenancy, Poplar HARCA will ask permission to take-up credit and other references. It will not enter into a tenancy if permission is refused; or if checks indicate possible fraud, or that the tenancy may not be financially or otherwise sustainable.
Tenure: Affordable Rent	a. Normally let on an Assured Tenancy b. Charged at 80% of local market rent (inclusive of service charges) except when it has been contractually agreed to charge less c. Priority according to the prevailing lettings policy
Tenure: Assured Shorthold Tenancy	a. Normally offered when property let: <ul style="list-style-type: none"> • at intermediate rent • at market rent • in a short-life block • on a starter tenancy
Tenure: Assured Tenancy	a. Normally offered when a property is let at social or affordable rent and the tenant transfers from a secure or assured tenancy
Tenure: Fixed Term Tenancy	a. The Director of Housing can decide to offer a fixed term tenancy b. At its end, the decision to extend will be based on: <ol style="list-style-type: none"> I. Whether or not the tenant has always complied with tenancy conditions II. Whether or not the property remains suitable for the household as assessed by the prevailing lettings policy III. Whether or not the household's financial resources could support home ownership, shared ownership or market rent c. If a decision is taken not to extend the tenancy, the tenant can appeal. The appeal will be: <ol style="list-style-type: none"> I. Considered by a panel of at least two senior officers who have not been involved in the decision to serve the notice II. the tenant can make written or in-person representations to the panel III. if the tenant makes in-person representations they can: <ul style="list-style-type: none"> • be accompanied or represented • call persons to give evidence • put questions to any person who gives evidence
Tenure: Intermediate Rent	a. Normally let on an Assured Shorthold Tenancy b. Charged at 80% of the local market rent (inclusive of service charges) c. Eligibility will be assessed in-line with prevailing legislation or other guidance
Tenure: Starter Tenancy	a. Let on an Assured Shorthold Tenancy b. Offered to applicant not transferring from a secure or assured tenancy c. Unless notice is served, the Assured Shorthold Tenancy will revert to an Assured Tenancy after one year d. If notice is served, the tenant can appeal. The appeal will be: <ol style="list-style-type: none"> I. Considered by a panel of at least two senior officers who have not been involved in the decision to serve the notice

	<p>II. the tenant can make written or in-person representations to the panel</p> <p>III. if the tenant makes in-person representations they can:</p> <ul style="list-style-type: none"> • be accompanied or represented • call persons to give evidence • put questions to any person who gives evidence
Varying a Tenancy (e.g. joint to sole, sole to joint)	a. Unless a court makes an order, Poplar HARCA will not vary a tenancy agreement

3. Policy review

3.1. Policies are reviewed every 5 years or sooner if they no longer reflect best practice.

4. Appendix 1: Impact assessment

How does the policy/procedure/strategy contribute to Poplar HARCA's aims?	Offering a variety of tenures and managing tenancies is Poplar HARCA's core business.
Which group(s) of people benefit from the policy/procedure/strategy? If any group could be disadvantaged, what is the mitigation or justification?	None identified. Statutory or other guidance regulates tenancies and Poplar HARCA's behaviour Appeal processes protect residents, and Poplar HARCA cannot evict without a Court Order.
How have residents been involved in developing the policy/procedure/strategy? If they have not been involved, why not?	The Service Model has been developed and influenced by a variety of resident inputs – e.g. JEP, Estate Boards, surveys, Big Door Knocks, contacts and complaints
How will the policy/procedure/strategy be monitored and measured? (e.g. performance indicators?)	Performance is reported quarterly to operational managers; Corporate Management Team; Services Committee and Poplar Board
If any, what are the Value for Money implications?	Income from tenancies funds the provision of services.
Will personal data be collected, stored, used or shared? If yes, a privacy impact assessment must be carried out.	

