Tenure policy

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All policies are the responsibility of the leadership team to own, deliver, disseminate, monitor and review.

PURPOSE

This policy outlines our approach to the offer of different forms of tenure which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of our housing stock.

UNDERPINNING PRINCIPLES

We must comply with the Regulator of Social Housing Tenancy Standard 2012, and all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation. We must also take into account the strategic tenancy policy of the relevant local authority and their duties to meet identified local housing needs.

POLICY DETAIL

Policy Principles

- Customers will be given a written contract for the occupation of their home, which will contain their statutory, regulatory and contractual rights.
- The type of tenure and agreement used will be suitable for the purpose of the accommodation, the needs of the individual household and the sustainability of the community.
- The type of tenure and agreement will be compatible with the tenancy strategy of the relevant local authority.

- The type of tenure and agreement used must meet the needs of the business by making best use of our stock, but fixed term tenancies are not used.
- Where a tenant wishes to move to another home, we will grant them a tenancy with no less security than that which they currently enjoy, and the agreement issued will be in the most current form for the tenure concerned.
- Tenants moved into alternative accommodation during any redevelopment or other works will be granted a tenancy with no less security of tenure on their return to their settled accommodation.
- Where a tenant is forced to move permanently for whatever reason, they must retain a tenancy of the type they have and at the type of rent they have (e.g. social rent to social rent).
- Our assignment and mutual exchange policy, assignment procedure, mutual exchange procedure, succession policy and succession procedure, detail the types of tenancy agreement that will be used in a variety of circumstances.
- We will be clear and transparent when offering different forms of tenure and agreement to customers, and will offer them a right of appeal against the type of contract issued.

Use of Tenure Type

We have several different forms of tenure which are used in a variety of circumstances and these are listed below.

- **Starter Tenancy Agreement**
  An assured shorthold tenancy let on either a social rent or an affordable rent that converts to an assured tenancy after 12 months (18 months in some cases), issued to all new tenants in general needs accommodation, sheltered accommodation and some supported housing.
- **Assured Tenancy**

A starter tenancy that has converted to an assured tenancy or which existed prior to the introduction of starter tenancies.

- **Assured Shorthold Tenancy**
  A tenancy used for some supported accommodation (move on) and temporary accommodation let to homeless households pending assessment by the local authority.

- **Assured Shorthold Tenancy Agreement (Intermediate Rent)**
  A tenancy let at 80% gross market rent where 1 month's deposit is also required, issued to people in employment who want to save to buy the property. These are converted to an assured tenancy at an affordable rent when they are relet.

- **Assured Shorthold Tenancy (Trust for Minor) [also known as an Equitable Tenancy]**
  A tenancy agreement used for lettings where the person is under 18 years of age. Once the person reaches the age of 18 the tenancy passes to them on completion of a vesting deed, at which time the tenancy will be treated as a starter tenancy.

- **Assured Shorthold Tenancy Agreement (Rent to Homebuy)**
  A tenancy let at 80% gross market rent where 1 month's deposit is required. A government scheme (now closed) that allowed people to buy a share of their home within the first 5 years. These agreements are still issued on relets.

- **Assured Shorthold Tenancy Agreement (Mortgage Rescue)**
  A tenancy let at 80% gross market rent for an initial fixed term of 3 years. A government scheme (now closed) that allowed social landlords to purchase properties and then relet them to the existing owner.

- **Assured Shorthold Tenancy (Market Rent)**
  A tenancy to be used for properties let at a market rent where a deposit of one month's rent is also required.

- **Shared Ownership Lease**
  A 99-year lease where a percentage of the property is sold to the applicant. The shared owner can increase their equity share at a later

date (known as staircasing).

- **Standard Lease**
  A 125-year lease of a flat.

- **Licence**
  A contract used for accommodation in some supported housing schemes.

- **Agreement for Temporary Accommodation during works**
  An agreement (not a tenancy) issued to tenants occupying a property temporarily whilst works are carried out to their home.

Additional Clauses

We may insert additional clauses into agreements where a person is allowed to occupy a property which would not normally be offered to them, for example:

- a specially adapted dwelling
- for training, education or life skills purposes
- to ensure engagement with support agencies
- to ensure recovery of former tenant arrears.

SIGNPOST

- Equality Act 2010
- Housing Act 1988
- Housing Act 1996
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Localism Act 2011
- Bath & North East Somerset Council Tenancy Strategy
- Somerset Countywide Tenancy Strategy
- Wiltshire Council Strategic Tenancy Policy
- Assignment and mutual exchange policy
- Assignment procedure
- Mutual exchange procedure
- Lettings policy

- Succession policy
- Succession procedure

Policy Review Date – 6 October 2024

Decision-making Record

Date	Meeting / Minute Reference	Version / Amendment
2 July 2014	Board Meeting	1
15 October 2015	Verena Buchanan	2
13 February 2017	Verena Buchanan	3
28 June 2017	Verena Buchanan	4
8 August 2017	Verena Buchanan	5
13 November 2018	Executive	6
6 October 2021	Verena Buchanan	7