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Tenancy Policy

1.0 Purpose of the Tenancy Policy

1.1 The regulatory framework (Tenancy Standard) requires Registered Providers to set out the different types of tenancies they will offer and the circumstances in which different types of tenancy are applied. The consumer standards and the Rent Standard do not apply to all types of housing. The following exclusions should be noted:

- The Rent Standard and the consumer standards do not apply to 100% owned low-cost home ownership;
- The Rent Standard does not apply to less than 100% owned low-cost home ownership, nor to certain types of housing detailed in the Government standard on rents for social housing including intermediate rent; and
- The Tenancy Standard does not apply to intermediate rent nor to less than 100% owned low-cost home ownership.

2.0 Background

2.1 This policy sets out the approach to issuing tenancies for rented properties across Coastline and applies to general needs social and affordable rent, housing for older people, extra care, supported housing and short-term accommodation.

2.2 If there is any variance between this policy and individual tenancy agreements or addendums, the tenancy agreement or addendum will take precedence.

2.3 Coastline provides Shared Ownership properties that are sold on a part buy, part rent basis. The Shared Owner (SO) buys a percentage of the property and they rent the remaining share from Coastline. The share that is rented, is let to the SO using an Assured tenancy agreement. However, the rights and responsibilities contained within this Assured tenancy agreement are different to the Assured tenancy agreement that Coastline offers those customers that rent Social or Affordable rent properties. To ensure there is no confusion between the two different types of tenure the Tenancy Policy will cover only properties that are offered for Social or Affordable rent. The Shared Ownership Policy details what tenancy agreement will be used for SO.

3.0 Tenancies Issued Prior to June 2020

3.1 Coastline (as Kerrier Homes Trust) was incorporated in November 1996 and there have been a number of different types of tenancies issued over this time. This policy does not seek to change any tenancies issued before June 2020. It is intended only to state the tenancies that Coastline will use after June 2020. The details of the tenancies that were used prior to this date are available in the Tenancy Procedure.

3.2 If a tenancy issued prior to June 2020 contains a guarantee or a ‘promise’ (such as the ones offered to transferring tenants from Kerrier District Council) these will take precedence over this policy.

4.0 Eligibility

4.1 Coastline is required by UK law to ensure that we only offer secure accommodation to those who can provide evidence to confirm they have UK or EU citizenship or have the required immigration status and are eligible to reside in the UK.

4.2 The types of tenures we will offer are as follows:

4.2.1 Probationary Tenancies

Probationary tenancies were introduced for all new tenancies from February 2006. Exceptions include customers moving within our own stock who hold assured tenancies. The Probationary tenancy is a 12 month periodic Assured Shorthold tenancy, issued to all new customers. After 12 months the Probationary tenancy automatically becomes a full lifetime assured tenancy unless Coastline decides to end the Probationary tenancy and notifies the tenant in advance. There is a set process that has to be followed to do this and it includes a right of appeal which is contained within the Probationary tenancy procedure.

4.2.2 Lifetime assured tenancy

We will issue a lifetime assured tenancy to any new and existing tenant who were assessed under the terms of the lettings policy or by agreement with the local authority. These tenancies will include a 'starter tenancy' for the first 12 months and will automatically roll into a full assured tenancy unless we notify the resident that they are being extended by six months. We will only extend starter tenancies once and the tenant has the right of appeal if it is decided to either extend the starter period or end it. The appeal will be heard by the Head of Housing Services or someone within Coastline of similar seniority.

4.2.3 Fixed term tenancy

We will issue a fixed term tenancy to new tenants living in general need homes where during the pre-allocation assessment we identify there is likely to be a support requirement to assist the tenant to sustain their tenancy or where it is likely that under occupation may arise during the fixed term period. Examples of when Coastline would decide to issue a fixed term tenancy are for large (4+ bedroom properties), disabled adapted properties and Rent to Buy. There may be other circumstances where it is appropriate to issue a fixed term tenancy but these will need to be agreed by the Director of Housing, Assets and Communities. A further fixed term tenancy may be issued at the end of an existing fixed term.

A fixed term tenancy can also be requested by the applicant.

A fixed term tenancy may be issued for a period of up to five years for those general need tenants not subject to a starter tenancy. There may be exceptional circumstances where a shorter fixed term period is issued – this will not be any shorter than a two year period.

We will carry out a review of a fixed-term tenancy 12 months before the end of the fixed-term. The household circumstances will be considered in relation to their continued suitability for that property and one of the following actions will be taken:-

- An assured tenancy will be issued;
- A further fixed-term tenancy will be issued for a period of two-five years;
- The tenancy may continue as a rolling periodic tenancy where there are any tenancy breaches;
- No further offer of a tenancy and the tenant will be supported to find more suitable alternative housing; or

- Tenants not being offered another fixed-term tenancy will have the right for this decision to be reviewed.

4.2.4 **Licenses**

We will issue a license for all of our supported housing customers in our homeless services or for schemes such as Garlidna Almshouses that have a specific requirement that licenses are issued. Customers in general need or extra care homes will usually be offered an Assured tenancy but there may be a situation where a license is appropriate. For example, this could be because they are moving to a Coastline home temporarily until more permanent accommodation can be found for them. The Director of Housing, Assets and Communities will be required to approve the issuing of a license and this will only be done in exceptional circumstances.

4.2.5 **Assured Shorthold**

Coastline will only issue Assured Shorthold tenancies for properties that are to be used for temporary accommodation or for market rent properties.

4.2.6 **Rent to Buy**

Coastline has Rent to Buy schemes and the conditions of tenancy is different for each scheme. When a vacancy occurs on one of these schemes we will issue a tenancy that best matches the particular funding requirements of the schemes at that time. Homes England current guidance is that Rent to Buy residents should be given 2 year fixed term tenancies that can be extended but only by 2 years each time. The customer can buy the property after 5 years but can also ask to buy the property earlier. Coastline will agree to sell before 5 years has elapsed only when it is financially viable to do so.

5.0 Mutual Exchanges

5.1 Mutual Exchanges are a way for two or more eligible households to swap their homes. Coastline are here to assist and support customers in this process.

5.2 **Right to Exchange**

The law on mutual exchange is complex and a tenant's right to exchange varies depending on the type of tenancy agreement they have:

5.3 **Secure tenants:**

The 1985 Housing Act granted social housing tenants the right to mutually exchange their homes by assignment.

5.4 **Assured (non-shorthold) tenants:**

Since 1988 all Housing Association tenancies are Assured or Assured Shorthold tenancies. Assured tenants have no statutory right to exchange, but usually have the right to assign by way of exchange as a contractual right in the tenancy agreement.

All Housing Associations are expected by our Regulator to allow a mutual exchange in line with the Secure tenancy legislation. Accordingly, Coastline allows our customers the mutual exchange facility and we use the principles of the 1985 Housing Act to manage the process.

There is additional guidance/legislation that can apply to the mutual exchange process such as Section 106 Planning Restrictions (that set out a local connection), the Localism Act (primarily protecting existing tenancy rights), the Consumer Standards Legislation continuously changes and evolves and Coastline commits to ensuring our mutual exchange process reflects current legislation and good practice.

Coastline also commits to helping customers find a suitable mutual exchange free of charge and we will be part of a national mutual exchange scheme such as HomeSwapper or a similar alternative.

5.4 Mutual Exchanges can help customers to find a home that is more suitable to their needs. However, it can end up with additional administration and/or health and safety costs. A proportion of these costs will be charged to customers when appropriate and will be reviewed annually. Coastline ensures that the current costs are always available for customers and they will be explained at the start of all mutual exchange applications. Coastline will expect incoming mutual exchange customers to pay (1 month / 4 weeks) Rent in Advance, prior to the exchange being completed. Coastline also chooses to provide all mutual exchange customers with a new tenancy agreement, to provide each new customer with a fresh start with Coastline.

6.0 Service Standards

6.1 The Tenancy Consumer Standard requires Registered Providers to offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

7.0 Related Policies

7.1 Shared Ownership Application and Allocations Policy
Equality and Diversity Policy
Complaints Policy
Lettings Policy
ASB Policy
Hate Crime Policy
Domestic Abuse policy
Safeguarding Policy
Rent and Service Charge Policy
Income Policy