



PLYMOUTH COMMUNITY HOMES TENANCY POLICY

Version:	Version 1
Lead Directorate:	Homes and Neighbourhoods
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1. Introduction

Registered providers are required to publish clear and accessible policies relating to tenancies. This policy sets out details of the social residential tenancies used by Plymouth Community Homes, and has been developed with regard to Plymouth City Council's Tenancy Strategy.

1.1 Objectives

This policy aims to define and establish:

- the types and lengths of tenancies and occupancies issued and when
- the details and terms and conditions of tenancies
- process for appealing against tenancy decisions

2. Tenure

Plymouth Community Homes use a variety of tenancies to meet the needs of individuals, ensure the effective and efficient management of our housing stock, and to support and sustain our communities.

PCH will only grant a tenancy which it feels will be sustainable in the long term. PCH will only grant tenancies to those with the capacity to understand the legal requirements placed upon them; where this is not possible PCH may issue a tenancy through a guarantor or other arrangement.

2.1 Types of Tenancy

The following sections give an overview of the different social tenancies PCH will use, including their legal classifications and the intended use of each type of tenancy.

2.1A Starter Tenancy

› This is an *Assured Shorthold Tenancy*

Starter Tenancies are an introduction to social housing and usually last for 12 months.

Starter Tenancies are usually issued to individuals who, immediately prior to tenancy commencement, did not hold a tenancy with PCH or another social housing provider. PCH may issue a Starter Tenancy under other circumstances where PCH feel this would enable it to offer a tenancy where it may not otherwise.

A Starter Tenancy may be extended in certain cases beyond the first 12 months, but typically a conversion notice will be served on the first anniversary of the tenancy if no tenancy enforcement action has been taken; the tenancy will then be converted into an Assured Tenancy.

2.1B Assured Tenancy

› This is an *Assured (Non Shorthold) Tenancy*

Assured Tenancies are typically granted where a Starter Tenancy is not relevant.

Assured Tenancies continue until either the tenant gives notice or PCH seek and receive a court order for eviction.

2.1C Assured Tenancy with PCC Transfer Rights

› This is an *Assured (Non Shorthold) Tenancy*

Assured Tenancies with PCC Transfer Rights, sometimes referred to as 'protected' tenancies, were granted to all tenants who transferred from Plymouth City Council at stock transfer in November 2009.

These tenancies provide additional contractual rights, such as broader succession rights, similar to those of Secure Tenancies. These rights are held by the individual tenants and remain with them whilst they are PCH tenants, irrespective of tenancy transfers or mutual exchanges.

Assured Tenancies continue until either the tenant gives notice or PCH seek and receive a court order for eviction.

Following stock transfer from Plymouth City Council, this type of tenancy is no-longer issued.

2.1D Family Intervention Tenancy

› This is a *Family Intervention Tenancy*

Family Intervention Tenancies normally last between six months and a year and may be offered to families involved with anti-social behaviour who would otherwise find themselves evicted, or currently face the prospect of being evicted.

This is a form of probation and the tenancy requires a behavioural support contract as a condition. A Family Intervention Tenancy means both the tenant and PCH make commitments to resolve any issues so that the tenancy can be sustained. Upon successful completion of the period, this will convert into a Starter or Assured Tenancy.

2.1E Demoted Tenancy

› This is an *Demoted Assured Shorthold Tenancy*

Demoted Tenancies are Assured Tenancies which have been demoted by Court Order, at PCH's request, because of anti-social behaviour or the use of the tenant's home for unlawful purposes.

Demotion means a reduced security of tenure and loss of certain tenancy rights; a Demoted Tenancy is similar to a Starter Tenancy in the rights afforded and exists for a fixed term (usually a year) before reverting to an Assured Tenancy.

Among the rights which are lost during demotion are the Right to Buy/Acquire; the right to make improvements; the right to transfer or assign (e.g. Mutual Exchange); and the right to take in a lodger.

Demoted Tenancies are an incentive to tenants to change their behaviour; linking the responsibility to behave and abide by their tenancy agreement with the benefits of security of tenure and its accompanying rights. PCH may ask the court to demote a tenancy if they feel that eviction is not appropriate but there has been anti-social behaviour which has not yet been resolved by the tenant. PCH will only ask the court to demote a tenancy if they believe that the tenant has the intention and ability to resolve the anti-social behaviour issues within the period of demotion.

2.1F Temporary Decant Licence

› This is a *Licence* and not a form of tenancy

Temporary Decant Licences are used to enable tenants to live temporarily in another property whilst work is undertaken on their principal property. This is usually because the work is disruptive, or there are other factors which make it impractical or impermissible for the tenant to remain whilst the work is undertaken.

The tenant will maintain their tenancy on their usual home for the duration of the Temporary Decant Licence. Once the work has been completed the licence will be terminated and the tenant will be required to return to their home.

2.1G Use and Occupation

› This is not a form of tenancy

Use and Occupation of a property may be established where a tenancy ends, leaving in occupation an individual who has no statutory right of succession. PCH levy a charge for Use and Occupation, however this is not rent.

Use and Occupation will usually cease with the individual vacating the property, by possession proceedings through the courts, or by rehousing.

2.2 Other Tenures

PCH may utilise other types of tenancy (outside of those defined above) from time to time in order to meet the specific needs of individuals and schemes.

2.3 Appeals

If an individual wishes to appeal against the type of tenancy they have been offered by Plymouth Community Homes they may do so using our corporate Complaints Procedure.

3. Unauthorised Occupation

Unauthorised occupation, or trespass, is the act of occupying a property without the permission of the owner or legal occupant. However, there are various forms of trespass with different routes taken to resolve the unauthorised occupation.

3.1 Squatters

A person occupying a property without obtaining permission from the owner is a squatter. Former tenants who remain in a property after their tenancy has ended are not squatters; a squatter will have occupied the property after the termination of the tenancy.

Squatting in a residential property is a criminal offence and PCH will report squatting to the police in order for them to arrest the individuals and remove them from the property. Where necessary PCH will take legal action to regain possession of the property.

3.2 Left in Occupation

A person "left in occupation" is someone who continues living in a property after the tenant has moved out, and who has not been granted a tenancy of that property.

A person is left in occupation if:

- the tenant, or one of the joint tenants, has terminated their tenancy but the person continues living there.
- the tenant has moved out of the property and the person continues living there.
- the tenant has died, no one in the household has a right to succeed and the person continues living there.

A Housing Officer will visit the property and assess whether the occupant has a right to the tenancy and if necessary take actions through the courts to repossess the property. During this time PCH will acknowledge the Use and Occupation of the property (as per section 2.1G) while PCH ascertain whether a discretionary succession right is appropriate (as per Succession and Assignment Policy and Procedure), or housing need is determined. Use and Occupation will cease through possession proceedings through the courts, or by rehousing.

3.3 Illegal Subletting and Unauthorised Assignment

It is illegal for tenants to sublet or 'give' their tenancy to someone else without our permission. Where tenants leave the property, the people left in the property have no legal right to occupation. In such cases PCH will take legal action to end the existing tenancy and signpost the unauthorised occupants to housing advice to find alternative accommodation.

4. Length of Tenancy

PCH currently provides lifetime tenancies to tenants where this is sustainable and appropriate. PCH feel that this is good practice in order to provide tenants with stability, and the security to invest in their homes and communities. PCH recognise that a family with security of tenure are far more likely to feel able to put down roots and become involved in their neighbourhood and community than one with limited security of tenure.

5. Tenancies to Under 18s

PCH recognise that there will be circumstances where an individual aged 16 or 17 may require independent housing. Any such cases will be considered based upon the individual's need and their ability to manage and sustain any tenancy offered. PCH will identify appropriate support where necessary; this may involve the use of a guarantor, or the tenancy being held in trust.

6. Tenancy Agreement

All tenants are provided with a written tenancy agreement which clearly sets out the terms of their tenancy, and the conditions upon which it is dependant. Interpretation or verbal discussion will be provided to prospective tenants, where required, to convey the terms and conditions of the tenancy agreement prior to signing.

Tenants are provided with a Tenants' Handbook which provides clear and concise information about their tenancy, their home, and their rights and responsibilities.

6.1 Additional Clauses

PCH may insert additional clauses into tenancies, or require supplementary binding contracts, in order to enable individuals to hold a tenancy on a property which PCH otherwise could not offer them.

An example of this may be where PCH let specially adapted homes, establishing a requirement that the tenant may be required to move to alternative suitable accommodation should the adaptations no-longer be needed by a member of their household. Another example may be granting a tenancy to a known drugs user, with agreement that they will seek treatment and refrain from drug use in the property.

7. Equality and Diversity

PCH will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equalities Act 2010.

PCH will make this policy available in other languages and formats on request.

We will carry out an equality impact assessment on this policy, in line with our corporate procedure.

8. Monitoring and Review

We will monitor this policy to ensure it meets good practice and current legislation and will review it in accordance with our review timetable for all policies.