



Tenancy policy

Approved by: Customer Experience Committee

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Next review date: November 2026

Applies to: RHP (Association)

Tenancy

INTRODUCTION

There is a requirement for each Registered Provider to publish their tenancy policy to comply with the Regulator of Social Housing's Regulatory Standards. Furthermore, the 2011 Localism Act created a statutory requirement for all Local Authorities to adopt and maintain a tenancy strategy from January 2013. This policy must set out the matters to which Registered Providers in a local authority's district, including RHP, must have regard.

The objectives of this policy are:

- ▶ To set out clear expectations for prospective and existing tenants.
- ▶ To have due regard to Local Authority tenancy strategies.
- ▶ To be easily understood.
- ▶ To ensure the policy makes best use of RHP's housing stock.

The policy applies to the way we manage all types of RHP tenancies.

RHP'S APPROACH

Type and Length of Tenancies Granted

Probationary Tenancies

In some circumstances RHP may offer a 12-month probationary periodic tenancy. The probationary period can be extended by up to 6 months. At the end of the successfully completed probationary period the tenancy will convert to either a fixed term tenancy or an assured non-shorthold tenancy (as specified in the probationary tenancy agreement).

Assured Non-Shorthold Tenancies

Existing RHP tenants who currently hold an assured tenancy and transfer to another RHP home will be issued with an assured tenancy.

Assured Shorthold Tenancies (2 years+)

Fixed Term Tenancies (10 years)

Except where a tenant is moving into retirement housing all new tenants nominated by Richmond Council will be issued with a fixed term tenancy. This will usually be granted for a fixed term of ten years. The tenancy will be reviewed at least 96 months before it is due to expire. The tenancy offered may either be an affordable rent tenancy or a social rent tenancy depending on the type of home available.

Fixed Term Tenancies (2 to 10 years)

There are some circumstances where a fixed term tenancy of less than ten years will be issued. These include but are not limited to where a scheme is going to be developed or sold within the ten-year period and a lesser tenancy period is appropriate.

Affordable Rent Tenancies

RHP is committed to building affordable new homes. There is a separate policy to provide a framework for the management of Affordable Rent tenancies which are used to contribute towards the funding of developing these homes. Our approach is to provide the same high level of customer service to those on Affordable Rent tenancies as we do for other types of tenancy.

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The Affordable Homes Programme 2016-21 introduced a new product called London Affordable Rent. For legal and regulatory purposes, London Affordable Rent is an Affordable Rent, which must be set in accordance with the Regulator of Social Housing's Affordable Rent guidance. The landlord of these homes must be registered with the Regulator of Social Housing. Rented homes delivered through AHP2016-21 are either:

- ▶ London Affordable Rent at or the below defined benchmark rent levels (see below); or
- ▶ London Affordable Rent above the defined benchmark rent levels.

The GLA expects the vast majority of London Affordable Rent homes to be provided at or below the defined benchmark rent levels. It will only consider other rent levels for London Affordable Rent where the Registered Provider is able to demonstrate to the GLA's satisfaction that the homes will be genuinely affordable.

The GLA will agree the initial rent level of London Affordable Rent homes on Open Project System. Where a London Affordable Rent home is initially let at or below the defined benchmark rent level, a Registered Provider must seek permission from the GLA should it wish to charge a rent above the defined benchmark levels.

Secure Tenancies

Only those tenants who continue to live in homes which were previously owned and managed by Family Mosaic HA when the housing transferred to RHP, hold a secure tenancy. A secure tenancy will only be granted or assigned under specific circumstances:

- ▶ Where a secure tenancy is inherited through succession.
- ▶ When a secure tenancy is assigned by mutual exchange.
- ▶ Where an existing secure tenant moves to another RHP home. Section 35(4)(d) Housing act 1988 – a secure tenant is entitled to a new secure tenancy if they move within the same landlord's stock.

Keyworker tenancies

A keyworker tenancy will be granted when a tenant moves into one of our keyworker schemes or where a general needs home is let to a keyworker. The use of keyworker tenancies (assured shorthold tenancy) enables a quota of RHP homes to be occupied by those who are employed in specific jobs.

Our approach is to provide the same high level of customer service to those on keyworker tenancies as we do for other types of tenancy.

The Allocations Policy sets out the criteria for homes to be let on a keyworker tenancy.

Homes are allocated to keyworkers as part of a local lettings approach or plan to support and or sustain communities either in blocks of flats or estates.

This may include where a bedsit or one bed flat becomes available and:

- ▶ The previous tenant has been evicted as a result of anti-social behaviour.
- ▶ The previous tenant was rehoused as a result of violence or harassment.
- ▶ There is on-going nuisance and or anti-social behaviour from tenants living in a block of flats and a tenancy is ended.

All keyworker tenancy homes will:

- ▶ Meet our lettings standard.
- ▶ Meet regulatory requirements.
- ▶ Meet and remain at the decent homes standard.

Keyworker rents are currently let at the social rent plus 25% (plus any service charges), with the discretion for the rent to be set at a lower amount if it cannot be let at this level. The decision to be set at a lower level will be made by the Director of Housing Services.

Homes let to the London Borough of Richmond upon Thames

We have homes that are let under a licence arrangement to the London Borough of Richmond Upon Thames for short term lettings to help provide short term temporary accommodation for homeless households. The list of these homes is managed by the Lettings Manager and is reviewed regularly.

We have homes which are let to Social Services, LBRuT to provide longer term supported housing for young people who primarily have left a care facility. The list of these homes is managed by the Lettings Manager and is reviewed regularly.

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Licences

A licence to occupy will be granted when a tenant is temporarily decanted to another RHP property for a limited period, for example, to enable repairs to be made to their property. This will not affect any existing tenancy where the tenant is returning to their home once the repairs have been completed.

Agreements for Tenancy

Children are unable to hold a legal interest in land until they reach the age of 18. An Agreement for Tenancy will be granted when a person is under 18 years old.

Demoted Tenancies

A demoted tenancy will be granted when a Court has demoted an assured or secure tenancy to a tenancy of lesser security.

Garage Licence

A resident wishing to rent a garage will be issued with a garage licence where the garage is not demised with the property.

ENDING ASSURED SHORTHOLD TENANCIES

Fixed Term Tenancies and Affordable Rent Tenancies (2 Years+)

We will work with tenants towards the end of the fixed term when there will be a tenancy review. The purpose of the review is to assess whether the home still meets the needs of the tenant. We will consider:

- ▶ Their financial status and whether they have the means to rent a suitable home on the open market in RHPs area of operation,
- ▶ Whether their housing needs including any issues of vulnerability, have changed and they are now in a position to move on,
- ▶ Other factors such as breach of tenancy, under-occupation, proposed redevelopment/ demolition (see Fixed Term Tenancy Policy for other examples).

The outcome of the tenancy review will decide whether we offer a new fixed term tenancy. If we do not, we will provide advice on how to move to alternative accommodation.

We will not issue fixed term tenancies to those customers living in retirement housing schemes.

Dealing with Vulnerable Households

RHP has a Customer Support Team to assist vulnerable households. Excellent partnership working across relevant agencies further provides the support required. As part of our general approach to providing housing we will take into account the needs of those households who are vulnerable by reasons of age, disability or illness, and households with children. Where we are seeking to end the tenancy for a vulnerable customer, we will carry out a tenancy review which may involve other agencies to ensure that where possible the tenancy can be sustained.

Discretionary Allocation (Succession)

Other than in the case of successions which happened prior to 17 July 2000 (housing transfer) a maximum of one succession is allowed. Whether anyone is entitled to succeed will depend on the terms within the tenancy agreement and the statutory succession provisions. There is a separate policy covering succession which sets out our policy on granting discretionary succession rights which will take into account the needs of vulnerable customers.

Appeals Procedure

A customer can appeal to RHP against, or complain about, the length of fixed term tenancy offered, the type of tenancy offered, or against a decision not to grant a new tenancy at the end of a fixed term. Information on the way a tenant may appeal or complain is available on our website or by contacting us.

This appeal procedure does not interfere with an individual's right to make a complaint to the Independent Housing Ombudsman or to request an agency or organisation to make the appeal on their behalf.

This Policy is also related to:

- ▶ Affordable Rent tenancy Policy
- ▶ Fixed Term Tenancy Policy
- ▶ Allocations Policy
- ▶ Maintaining & Improving Neighborhood's
- ▶ Home Exchange Policy
- ▶ Discretionary Allocation (Succession) Policy