

Plymouth Community Homes



Tenancy Management Policy

- **Purpose**

As the main provider of affordable homes in Plymouth, Plymouth Community Homes is committed to reducing homelessness and meeting housing needs through maximising the occupation of our homes, and supports the creation of stable and sustainable communities through efficient and effective tenancy management services.

This policy outlines our principles and approach to tenancy management. Details of the process and practical implementation of the key areas covered by this policy are contained in a full range of individual guidance documents.

- **Policy**

The following areas are covered by this policy:

1. Tenancy types;
2. Tenancy agreements, terms and conditions of tenancy;
3. Sustainable tenancies and support;
4. Legal occupation, including lodgers and subletting;
5. Abandonment;
6. Squatters;
7. Improvements and alterations by tenants;
8. Anti-social behaviour;
9. General tenancy conditions and breaches of tenancy
10. Equality and Diversity
11. Monitoring and Review

1. Tenancy Types

PCH has the following tenancy types:

1.1 Starter tenancies. This is a probationary tenancy which runs for the first 12 month of any new tenancy, and will convert to an assured tenancy on the first anniversary of the tenancy, providing that legal action has not been taken to end the tenancy or extend the probationary period;

1.2 Transferring Assured Tenancy (TAT) relates to tenants who have transferred to PCH from Plymouth City Council under a Large Scale Voluntary Transfer and enjoy preserved rights as existed with the previous Tenancy Agreement;

1.3 New Assured Tenancy (NAT) relates to tenants who have successfully completed the 12-month probationary starter tenancy.

1.4 Family Intervention Tenancies (FIT) relates to a special tenancy given to a person against whom a possession order has been made or could have been made for anti-social behaviour, and who is receiving a behaviour support package through a family intervention project. FITs have no security of tenure.

2. Tenancy agreements, terms and conditions of tenancy

2.1 PCH will communicate the terms and conditions of tenancy to all tenants during the sign-up process to make sure that they are understood.

2.2 Documentation will be made available in different formats/languages as appropriate.

2.3 Where transferring tenants have any additional protected rights these additional rights are transferred through succession or assignment.

3. Sustainable tenancies and support

3.1 PCH will ensure that we have effective liaison and referral arrangements in place with the Local Authority, Health Authority and other relevant statutory and non-statutory agencies to secure the appropriate support and services for vulnerable customers who may need additional assistance to sustain their tenancies.

3.2 PCH will provide flexible services to help tenants sustain their tenancies. See the Social Inclusion and Anti-Poverty policy for more details.

4. Legal Occupation

4.1 PCH is committed to (within two years after transfer) offering an annual visit to all tenants' homes. Information collected will help us to maintain accurate and up-to-date tenancy records in relation to all tenants, household members and to help us to understand our customer profile and so influence service provision, delivery and resource allocation.

4.2 PCH will use information gained through the annual tenancy visit to confirm legal occupation of the tenant/s and proactively identify incidents of overcrowding, under use, unauthorised occupation and tenancies where additional tenancy support is needed.

4.3 Annual tenancy visits provide a regular opportunity to engage with our tenants, discuss tenancy rights and responsibilities, and promote customer involvement opportunities.

4.4 Lodgers/Subletting

PCH recognises that some tenants may wish to take in lodgers or sub-let part of their home. If a tenant takes in lodgers or sublets part of their homes they must do so in accordance with the terms of their tenancy agreement.

4.7 Only part of the property may be sub-let. Sub-letting the whole of the property is not permitted.

4.8 PCH will provide clear advice to tenants on the implications of having lodgers

and sub-tenants.

5. Abandonment

5.1 PCH recognises that tenants may be away from their homes for an extended period of time for a variety of reasons. Tenants are required to inform PCH if they are away from their property for an extended period of time (see tenancy agreement for details).

5.2 However, where PCH believes that the tenant may have abandoned a property, we will take prompt and appropriate action in accordance with legislative requirements and in line with our comprehensive abandonment procedure.

5.3 Our approach will ensure that all appropriate checks have been made to establish, as far as is reasonable, that a property has been permanently abandoned before issuing a Notice to Quit.

5.4 Where there is some doubt about whether the property has been permanently abandoned, we will serve a Notice to Quit, a Notice of Seeking Possession or a Notice of Access.

6. Squatters and unauthorised occupants

6.1 While dealing with cases of squatting and unauthorised occupation, PCH will take care not to make reference at any time to 'rent', 'tenant' or 'tenancy' as this could have legal implications. PCH will always write to the occupier to inform them of their legal status and our intentions (to evict).

Squatters

6.2 The detection and eviction of unauthorised occupants or squatters is important to us because it means that PCH loses valuable rental revenue and possible increased repair costs. Having properties unavailable to us also means that applicants on Plymouth City Council's Housing Register have to wait longer for affordable accommodation and tenants have to wait longer for transfers.

6.3 PCH will apply relevant legislation and follow our own procedure to ensure that we act to lawfully remove squatters as quickly as possible.

6.4 PCH will ensure that void properties are secure to prevent cases of unauthorised entry and occupation.

6.5 If a squatter or unauthorised occupant of a property at any time makes representation or an application for re-housing, then they will be referred to Plymouth City Council's Homelessness Unit.

Unauthorised occupants

6.6 Unauthorised occupants are in the main 'left behind' in a tenancy following the departure of the tenant. The tenancy may still in existence although the tenant is no longer using the property as their main or principal home.

6.7 Unauthorised occupation covers a multitude of situations including unauthorised assignment / exchange, people staying on following death of tenant, residents who have no right to succeed, children remaining after the parents have moved.

6.8 A housing officer will visit the property as soon as possible and assess whether the occupant has a right to the tenancy and if necessary take actions through the courts to repossess the property. If required the Housing Officer will signpost the occupant to any relevant support agencies.

7. Improvements and alterations by Tenants

7.1 PCH recognises that many tenants wish to improve or alter their home at their own cost to meet their own preferences or needs.

7.2 PCH will not unreasonably refuse permission for a tenant to carry out alterations or improvements, providing the work is undertaken in accordance with the terms and conditions set out in the tenancy agreement. PCH may make our consent conditional upon the works being carried out to a certain standard.

7.3 PCH has a supporting procedure in place to manage the granting of permissions in compliance with legislation, and the calculation and payment of compensation upon termination of the tenancy.

7.4 Tenants must first obtain written consent from PCH and obtain all necessary approvals (for example planning permission or buildings regulations approval). Failure to seek PCH's consent or to comply with our conditions will be treated as a breach of tenancy and may result in legal action, including possession action.

7.5 Tenants are responsible for repairing and maintaining all improvements and alterations they have installed. PCH may charge the tenant reasonable costs if the property is not restored to its original condition by the tenant upon termination of tenancy.

8. Anti-social Behaviour

8.1 PCH is committed to dealing with Anti-Social Behaviour to ensure that tenants, leaseholders and shared owners enjoy the basic right to use their homes and the community in which they live, with quiet enjoyment and security.

8.2 PCH has three separate policies for dealing with the main categories of Anti-Social Behaviour:

- Harassment
- Domestic Abuse
- General Anti-Social Behaviour (Nuisance)

8.3 PCH considers abusive or threatening behaviour towards its staff, contractors or agents to be a serious issue, which will be dealt with as a serious breach of tenancy.

9. General Tenancy conditions and breaches of tenancy

9.1 In addition to the issues already outlined in the above policy the Tenancy Agreement has a number of other enforceable conditions for tenants. These include conditions regarding:

- Gardens
- Vehicles
- Animals
- Inflammable materials
- Decoration
- General condition of the property

This list is not exhaustive.

9.2 PCH will provide clear guidance on the Tenancy Agreement and tenant's rights and responsibilities at sign up, in the tenant's handbook and at local housing offices.

9.3 PCH will investigate all reports of breaches to the tenancy agreement. All investigations will be carried out sensitively and in line with PCH's Equality and Diversity policy.

9.4 Where necessary PCH will take legal advice and/or legal action to resolve the breach of tenancy.

9.5 Where a breach of tenancy poses a serious threat to the Health and Safety of residents, staff or the general public, PCH will act urgently to resolve the issue using all legal options open to us.

10. Equality and Diversity

10.1 PCH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.

10.2 Through the management of our housing stock we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

10.3 To enable all residents to have clear information and equal access to our available properties, PCH publishes information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customers' preferences or needs.

10.4 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

10.5 The policy has been developed giving full consideration to the PCH Equality and Diversity policy.

11. Monitoring and review:

11.1 This policy will be reviewed regularly in accordance with PCH's review timetable by the Customer Focus Committee.

11.2 Procedures relating to this policy will also be periodically reviewed, taking into account any operational issues that arise.

11.3 Review will take into account any changes in law and best practice.

11.4 The reviews will include equality impact assessments to ensure that all of our policies encourage and support our determination to promote equality and eliminate unlawful discrimination.

11.5 Plymouth Community Homes will ensure that opportunities are provided for tenants and leaseholders to engage in the process of reviewing and monitoring this policy.

11.6 Systems will be in place to monitor progress against agreed targets, and reported via the Customer Focus Committee to the Board on an annual basis.

11.7 Monitoring will include the following elements

- assessments of tenant satisfaction with what is being done, making sure that methods of doing so take into account the access needs of all;
- regular reports to the board who have overall responsibility for ensuring that the policy delivers continuous improvement and value for money
- systems that identify performance issues and monitor the progress of actions to address them.

• Relevant legislation and guidance

Matrimonial Causes Act 1973

Protection from Eviction Act 1977

Housing Act 1985
Landlord and Tenant Act 1985
Housing Act 1988
Housing Act 1996
Family Law Act 1996
Human Rights Act 1998
Housing Act 1996
Civil Partnership Act 2004
Anti-social Behaviour Act 2004
KLOE 6 Tenancy and Estate Management
CRE Code of Practice on Racial Equality in Housing

- **Links to other policies and strategies**

Anti-social behaviour policy,
Domestic abuse policy,
Harassment policy,
Relationship breakdown policy,
Equality and diversity policy,
Social inclusion and anti-poverty policy,
Leasehold management policy,
Customer care and access policy,
Complaints policy,
Tenant payments and compensation policy,
Allocations policy,
Succession, assignment and mutual exchange policy,
Resident Involvement policy.
Dogs policy.