

Tenancy Policy

1. Policy Statement

1.1. This Tenancy Policy sets out the Falcon Housing Association C.I.C (FHA) approach to granting a tenancy, the types and term of the tenancy agreements that will be used and guidelines for when a tenancy expires or is ended.

1.2. The policy aims to:

- Set out clear expectations for the Landlords responsibilities
- Set out clear expectations for prospective and existing tenants
- Have due regard to Local Authority strategies
- Be easily understood
- Ensure accommodation is managed with the correct occupancy agreements
- Ensure tenancies and licenses are granted consistently in a transparent and fair way

1.3. The policy also explains how the type of tenancy FHA employs relates to:

- Succession
- Assignment
- Transfers

2. Legal and Regulatory responsibilities (not exhaustive)

2.1. This policy meets all the requirements of the Regulator for Social Housing's (RSH) Tenancy Standard which requires FHA 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.

2.2. The Tenancy Standard requires that Housing Associations publish a 'clear and accessible' policy in their approach to tenancy management.

2.3. The legal requirements that FHA will apply with in terms of tenancy management are outlined in:

- General Data Protection Regulation (GDPR) 2018 - [Data protection: The Data Protection Act - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Localism Act 2011 - [Localism Act 2011: overview - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Housing Act 1996 - [Housing Act 1996 \(legislation.gov.uk\)](http://legislation.gov.uk)
- Housing Act 1988 - [Housing Act 1988 \(legislation.gov.uk\)](http://legislation.gov.uk)
- Housing Act 1985 - [Housing Act 1985 \(legislation.gov.uk\)](http://legislation.gov.uk)

3. Policy Contents

3.1. Approach

FHA is committed to provide the most appropriate tenancy to meet the needs of both the household and property. A list of tenancy types and their applications are included below.

This Policy supports the use of assured shorthold tenancies (AST) however it also recognises the importance of best use of stock and will support alternative tenancies when there is a specific or identified requirement.

3.2. Tenancies

The tenancy type FHA use will be the most suitable for the property type and individual needs, with the aim of creating and maintaining sustainable tenancies and communities and the efficient use of properties.

FHA provide all tenants with a clear written and/or easy to read tenancy agreement, which outlines both their rights and responsibilities and the Associations rights and obligations. These are fully explained to either the tenant and/or their appointee at the start of their tenancy.

Tenancies will be granted in single name only.

The types of occupancy agreement we use are:

Assured Shorthold Tenancy (AST) - is the default legal category of residential tenancy in England. It is a form of assured tenancy with limited security of tenure, which was introduced by the Housing Act 1988 and saw an important default provision and a widening of its definition made by the Housing Act 1996.

Licence to Occupy (Licence) - is a personal agreement between a property owner (Licensor) and an occupier (Licensee). Under a Licence the Licensor provides the Licensee with the non-exclusive possession of a property for a period of time, typically 6 or 12 months.

FHA will offer as standard an AST with the use of a Licence for more complex lettings if this is relevant to the accommodation or if this is for the benefit of the household. The Licence will be reviewed every 4 weeks until a time when this reverts to an AST or notice is given to the Licensee.

3.3. Succession

As an SSH provider using ASH tenancies and/or LTO, in single name only, there is no automatic statutory right of succession. FHA do not facilitate Succession rights.

3.4. Assignments

A tenant may request to assign their tenancy to another person. An assignment involves the legal transfer of a tenancy from one person to another. There are only certain circumstances when assignment can take place as follows:

- In accordance with Section 91(3) of the Housing Act 1985 by way of mutual exchange. In this situation succession rights are not affected.
- In pursuance of a Court Order in certain matrimonial, civil partnership or Children Act proceedings.
- To a person who will qualify as a successor had the tenant died (see legal rights to succession).

As an SSH provider using ASH tenancies and/or LTO, in single name only, there is no automatic statutory right of Assignment. FHA do not facilitate Assignment rights.

3.5. Transfers

Transfer request will be considered by FHA on an individual basis. Considering factors are as follows:

- Where the needs of the tenant are not suitable for the current property and where alternative accommodation would be more effective.
- Continuous disruption to others within the household.
- Mobility needs.
- To be nearer to family for support.
- Financial.

3.6. Tenancy Fraud

FHA have procedures in place to make sure that homes are not let fraudulently, and that regular checks are made to make sure that the home remains occupied by the person it was initially let to.

FHA ask for National Insurance (NI) details and photographic I.D. at all tenancy sign ups.

FHA will investigate any report or suspicion of tenancy fraud (such as unauthorised subletting), using enforcement tools available to us, including working in partnership with national and local authority anti-fraud initiatives.

FHA will carry out planned property inspections to your home and make regular contact with your Care Provider (CP) and/or support team where appropriate.

Legal action will be taken to regain possession of the property found to be obtained by deception or fraudulent means and to make sure homes are being used for their intended purpose.

4. Equality & Diversity

4.1 Equality and Diversity

FHA will ensure that this policy is applied fairly to all tenants.

FHA values diversity and is committed to ensuring and promoting equality of opportunity in housing and in the provision of its services.

FHA is opposed to discrimination, either directly or indirectly, at any level. We will not treat any person less favourably than someone else because of their race, colour, ethnic origin, nationality, religion, belief, or lack of religion, belief, gender, gender reassignment status, age, marital status, sexual orientation, disability or any other matter which causes a person to be treated with injustice. We aim to promote good relations between different groups of people.

Provision is made to ensure there are no barriers to inclusion, and referrals for housing are welcomed from all tenants with a specialist supported housing need.

FHA recognises the need to value everyone in their own right, treating people with dignity and respect. Provision is made to ensure that our services meet the needs and requirements of all tenants.

FHA always expects its employees and contractors to promote its commitment to equality and diversity.

Less secure types of tenancy (AST, LTO) are offered due to the nature of accommodation offered by FHA which is a 100% SSH provider. This is in accordance with industry practise for this type of activity.

5. Monitoring the policy

- 5.1. This policy will be reviewed periodically every 2 years, but sooner in the event of any relevant legislation regulation or operational changes.

Review Process			
Policy review frequency:		Responsible for review:	
This policy / procedure will be reviewed on a 2-yearly basis		This policy / procedure will be reviewed by: Property Asset Manager	
Version Control			
Version	Date approved	Next review date	Author / Title
V3	August 2024	August 2026	Zoe Hartley – Property Asset Manager