

## TENANCY MANAGEMENT

### 1. POLICY STATEMENT

- 1.1 As the main provider of affordable homes in Middlesbrough, Erimus Housing 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.
- 1.2 We will work in partnership with the Local Authority and other support agencies to develop a strategic cross-tenure approach to the provision of tenancy support services. Erimus will look to identify and offer assistance to vulnerable tenants that may require support to sustain their tenancies.
- 1.4 Erimus Housing will ensure that all tenants are aware of their full range of rights and responsibilities, including any rights we committed to preserve at transfer, and what they can expect from us. Information is provided in a variety of ways to suit tenant's needs, including the Tenancy Agreement, the Tenants' Handbook and our website.
- 1.5 The following areas are covered by this policy:
- tenancy types;
  - tenancy agreements, terms and conditions of tenancy;
  - sustainable tenancies and support;
  - legal occupation, including lodgers and subletting;
  - abandonment;
  - improvements by tenants.
- 1.6 Erimus will ensure that all tenants' rights and responsibilities, and landlord's duties will be exercised in compliance with relevant legislation, regulation and statutory guidance.
- 1.7 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 procedure. A summary format of this policy is available to customers.

### 2. REFERENCES

#### 2.1 External

##### **Legislation and regulation**

- 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

### **Guidance**

- KLOE 6 Tenancy and Estate Management
- CRE Code of Practice on Racial Equality in Housing

## 2.2 Internal

- Succession Assignment & Mutual Exchange Policy
- Abandonment Policy
- Satellite dishes and Aerial Policy
- Pets Policy

## **3. DEFINITIONS**

3.1 There are no definitions for the purpose of this policy.

## **4. POLICY CONTENT**

4.1 Tenancy types

4.1.1 Erimus Housing operate the following tenancy types:

- 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;
- Transferring Assured Tenancy (TAT) relates to tenants who have transferred to Erimus Housing under a Large Scale Voluntary Transfer and enjoy preserved rights as existed with the previous Tenancy Agreement;
- New Assured Tenancy (NAT) relates to tenants who have successfully completed the 12-month probationary starter tenancy.

4.2 Tenancy agreements, terms and conditions of tenancy

4.2.1 Erimus Housing communicates the terms and conditions of tenancy to all tenants during the sign-up process ensuring they are understood. Documentation can be made available in different formats/languages as appropriate. Where transferring tenants have any additional protected rights, these additional rights are transferred through succession or assignment.

4.3 Sustainable tenancies and support

4.3.1 Erimus Housing has effective liaison and referral arrangements in place with the Local Authority, Health Authority and other relevant agencies to secure the appropriate support and services for vulnerable customers who may need additional assistance to sustain their tenancies.

4.3.2 Erimus Housing also offers financial advice through the Tandem project to low income or vulnerable customers, providing financial advice or assistance including assistance with moving in and setting up their first tenancy, which has a significant impact upon improving tenancy sustainability, and reducing failed tenancy rates.

#### 4.4 Legal Occupation

4.4.1 Erimus Housing is committed to undertaking an annual visit to all tenants' homes. Information collected helps us to maintain accurate and up-to-date tenancy records in relation to all tenants, household members, lodgers and sub-tenant's occupying our homes. Also to help us to understand our customer profile and influence service provision and delivery.

4.4.2 Erimus Housing 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.

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

4.4.4 Under Erimus Housing's tenancy agreement, paragraph 14 of section 7 for new assured tenants, and paragraph 13 of section 6 for transferred assured tenants the tenant must allow the landlord access to inspect the condition of their home.

4.4.5 Erimus Housing will give reasonable notice to tenants prior to the inspection visit. Where access to the property is refused or denied, Erimus Housing will take appropriate legal action to ensure access to carry out the inspection, this could be by means of an injunction or ultimately by way of a Notice of Seeking Possession.

#### 4.5 Lodgers/Subletting

4.5.1 Erimus Housing recognises that some tenants may wish to take in lodgers or sub-let part of their home. Allowing tenants to have a lodger or sub tenant can also help us make better use of our stock and help to meet housing need.

4.5.2 Our tenancy conditions require tenants to obtain Erimus Housing's consent to take in a lodger or sub-let part of their home. However, permission will not unreasonably be withheld providing that:

- no overcrowding of the property occurs, as defined in part 10 of the Housing Act 1985;

- only part of the property is to be sub-let. Sub-letting the whole of the property is not permitted;
  - any tenancy granted for part of the premises is either an assured shorthold tenancy or a contractual tenancy, which is not an assured tenancy
- 4.5.3 Erimus Housing provides clear advice to tenants on the implications of having lodgers and sub-tenants.
- 4.6 Abandonment
- 4.6.1 Erimus Housing recognises that tenants may be away from their homes for an extended period of time for a variety of reasons.
- 4.6.2 However, where Erimus Housing 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 Policy.
- 4.6.3 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.
- 4.6.4 Where there is some doubt about whether the property has been permanently abandoned, we will serve a Notice to Quit and a Notice of Seeking Possession.
- 4.7 Improvements by Tenants
- 4.7.1 Erimus Housing recognises that many tenants wish to improve or alter their home to meet their own preferences or needs.
- 4.7.2 Erimus Housing will not unreasonably refuse permission for a tenant to carry out alternations or improvements, providing the work is undertaken in accordance with the terms and conditions set out in the tenancy agreement.
- 4.7.3 Erimus Housing 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.

## **5. EQUALITY AND DIVERSITY**

- 5.1 Erimus Housing recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 5.2 In the delivery of our tenancy management policy, 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.
- 5.3 To enable all residents to have clear information and equal access to our tenancy management services, Erimus Housing publishes clear 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 customer's preferences or needs.

- 5.4 To help demonstrate our approach to managing tenancies is fully in keeping with our equality and diversity strategy, we will collect equalities information on all aspects of tenancy management services. This will assist in establishing whether all members of the community are accessing our services. This will feed into our monitoring and review processes. Full details of our approach are set out in our Equality and Diversity Strategy.

## **6. CUSTOMER INVOLVEMENT**

- 6.1 Erimus Housing recognises the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.
- 6.2 Erimus Housing actively involves all customers at the beginning of the decision making processes, and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Resident Involvement Strategy.
- 6.3 To demonstrate this commitment, this policy:
- will be reviewed in consultation with service users and customers;
  - involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
  - publishes information in relation to performance against the aims and standards set down by this policy;
  - will be developed and reviewed in light of customer feedback, comments and complaints.

## **7. POLICY MONITORING AND REVIEW**

### **7.1 Monitoring**

- 7.1.1 The monitoring of outcomes is essential for Erimus Housing, to track the impact of our approach to tenancy management. Monitoring of the implementation of this policy and the associated procedures will consider:
- how easily tenants can understand their tenancy rights and responsibilities;
  - the performance against service standards and targets set out in the procedures;
  - the cost of providing the tenancy management service;
  - customer satisfaction and level of complaints, reviews and appeals.
- 7.1.2 Monitoring information will be reported monthly to Area Forums and publicised to customers through the newsletter.

## 7.2 Review

7.2.1 Monitoring results will be used by Erimus Housing to inform future policy review in this area. All reviews will consider whether:

- the current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- the aims and objectives of the policy being met;
- the current policy outcomes meet the needs and aspirations of our diverse customer base;
- service users are aware of and understand the policy and believe it to be consistent and fair;
- the policy provides sufficient choice for customers;
- the service offers value for money;
- partnership arrangements are working effectively.

7.2.2 Overall monitoring and review of the policy will be undertaken in consultation with:

- staff groups;
- board members;
- existing and future service users;
- resident and community groups;
- partners, local voluntary agencies and other statutory services as relevant.

7.2.3 This policy will be reviewed on an annual basis or in line with legislative or regulatory changes.

## 8. RESPONSIBILITY

8.1 The Chief Executive retains the overall responsibility for the implementation of this policy.

8.2 The Director of Operations is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.