

TENANCY POLICY

1 PURPOSE

- 1.1 This document identifies and describes the policies that underpin Cambridge City Council's (CCC) approach to the provision of social housing. As a Registered Provider (RP) of social housing, Cambridge City Council (CCC) is required to publish clear and accessible policies which have regard to the requirements set out in the [CCC Tenancy Strategy \(2020\)](#). This includes:
- (a) The type of tenancies CCC will grant
 - (b) Where CCC grant tenancies for a fixed term, the length of those terms; the circumstances in which CCC will grant tenancies of a particular type; any exceptional circumstances in which CCC will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period
 - (c) The circumstances in which CCC may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property
 - (d) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
 - (e) The advice and assistance CCC will give to tenants on finding alternative accommodation if another tenancy is not granted

- (f) The CCC policy on granting discretionary succession rights, taking account of the needs of vulnerable household members¹
- (g) CCC's use of positive under-occupation incentives to help tenants move to smaller accommodation²
- (h) CCC's application of affordable rent and Local Housing Allowance rates
- (i) CCC's fulfilment of the public sector equality duty when developing new tenancy management policies
- 1.2 This document takes into account the [CCC Lettings Policy](#) (2020) which sets out how residents can apply for housing; the criteria for acceptance onto the housing register; how priority banding is determined; and the housing allocation process.

2 BACKGROUND

- 2.1 The need for RP's to publish a Tenancy Policy was introduced as part of a wider package of social housing reforms implemented through the Localism Act (2011). Under the Act, local authorities with a strategic housing role are required to publish a Tenancy Strategy which sets out the issues that RP's operating in the local area must consider when deciding the type of tenancies to offer, including the circumstances and length. This Tenancy Policy (2020) document is a refresh of the Tenancy Policy (2017).

¹ Section 2.2, Tenancy Standard 2015 (Regulator of Social Housing)

² Section 12, Tenancy Strategy 2020 (Cambridge City Council)

3 TYPES OF TENANCIES

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INTRODUCTORY TENANCIES

- 3.1 Introductory tenancies are probationary tenancies that normally last for 12 months but can be extended for a further 6 months. Unless a prospective tenant already has a secure tenancy, or an assured tenancy, CCC will grant an introductory tenancy for a trial period. The introductory tenancy will become a secure tenancy after 12 months if the tenancy has been conducted successfully, or at the end of any extension period.
- 3.2 The introductory tenancy is a trial period where tenants can demonstrate that they are able to sustain a tenancy and comply with the terms of the Tenancy Agreement. An introductory tenant can be evicted much more quickly than a secure tenant if the terms of the tenancy agreement are breached. Introductory tenants cannot buy their home or exchange with other tenants.

SECURE TENANCIES

- 3.3 If the introductory tenancy or the introductory extension period is completed successfully then introductory tenancies automatically become secure tenancies. CCC will grant a secure tenancy if (immediately before the tenancy began) the applicant was:
- A secure tenant; or
 - An assured tenant (not an assured shorthold tenant) of social housing where the landlord is a registered social landlord; or

- An introductory tenant who has successfully completed their trial period.

3.4 A secure tenancy gives the tenant security of tenure and the following statutory rights:

- Right to buy (this does not include sheltered or extra care housing)
- Right to repair
- Right to take in lodgers
- Right to sublet part of the property with the CCC's permission
- Right to exchange
- Right to consultation and information.

3.5 Secure tenants within sheltered accommodation will only be able to exchange the property if the exchange does not result in the home being occupied by someone without disabilities, or whose special needs are not met by the provision of the accommodation.³

3.6 A person under the age of 18 years cannot hold a legal tenancy. In cases of minors seeking tenancies, CCC will grant the tenancy to a member of the minor's family or to another trusted adult. This person will hold the tenancy in trust for the minor's benefit until they reach 18.

³ Ground 7, Schedule 2 (Housing Act 1985)

FIXED TERM TENANCIES

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3.7 Section 154 of the Localism Act 2011 gives local authorities the power to offer new social tenants flexible tenancies for a certain term (i.e. fixed term tenancies). A fixed term tenancy is a secure tenancy for a period of not less than 2 years.

3.8 CCC's preference is generally to grant lifetime tenancies, however, due to the high demand and scarcity of certain types of properties, we will grant fixed term tenancies to the following types of properties:

- Properties with 4 or more bedrooms – 5 years
- One-off properties – 5 years

One-off properties will be designated as such by the Housing Services Manager but will only be used in exceptional circumstances. Examples may include properties in potential development areas or major adapted properties. The period of 5 years does not include the first introductory year.

- Supported move-on properties – 2 years

Supported move-on accommodation will only be provided to tenants who cannot live independently and requires additional support.

3.9 The review of the fixed term tenancy will be carried out by CCC between six to twelve months before the fixed term is due to expire.

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3.10 CCC will normally propose to renew a fixed term tenancy at the end of the fixed term tenancy period, unless:

- in the case of homes with 4 or more bedrooms the home is now larger than required by the household
- in the case of designated supported move-on accommodation the tenant can (following advice and assistance) find alternative accommodation suitable to their needs
- the tenant does not wish to be granted a new fixed term tenancy
- the home contains significant disabled adaptations which are no longer required by that household, and the adapted home would meet the needs of another household on the housing register

3.11 Tenants of fixed term tenancies will be given at least six months' notice if the decision has been made not to grant another fixed term tenancy.

3.12 A tenant or prospective tenant may request a review of CCC's decision not to grant another tenancy, (including the length or type

of tenancy) by making a request in writing within 21 calendar days⁴ of the Notice being served. The applicant will receive a written response outlining the result of the review.

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3.13 If the tenant is still unhappy following the review of a decision, they will be advised to seek independent legal advice⁵. The tenant may also choose to submit a [complaint to CCC](#) either online, by phone or in person at the CCC Customer Service Centre. If following the internal complaint process the complainant is still unhappy this can be escalated to the Local Housing Ombudsman.

3.14 Possession action can be taken at any time during the fixed term if the tenant is in breach of the tenancy agreement or other grounds specified in the Housing Act (1985).

3.15 Where a decision is made not to grant a new tenancy CCC will offer advice and support to the tenant in finding suitable alternative accommodation.

4 SUPPORTING TENANTS

4.1 All new tenants are informed about their tenancy rights and obligations through the provision of the Tenancy Sign-Up Pack.

⁴ [s.107E Housing Act 1985](#), as inserted by s.154 Localism Act 2011

⁵ 19/10/20 amendment for clarification

4.2 In financial matters, particularly where tenants may have trouble with rent payments, CCC will provide support via the City Homes Income Team. This will include assistance with Universal Credit application forms and financial budgeting. CCC will also sign-post to external agencies who can provide additional support e.g. the Citizens Advice Bureau.

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4.3 Where appropriate, CCC will refer tenants to the Council's Tenancy Sustainment Service or Visiting Support Service. The Tenancy Sustainment Service will support **tenants aged 18 or over whose tenancy is at risk due to mental health issues; local antisocial behaviour; a history of homelessness; or other complex support needs**. The Visiting Support Service will support tenants over the age of 65 to remain independent and socially active, this includes help accessing care and support; disability aids; welfare benefits and advice on housing.

4.4 CCC will support tenants as much as possible to sustain their tenancies. Eviction of tenants will only be used as a last resort.

5 AFFORDABLE RENTS

5.1 Registered Providers (RPs) nationally may charge 'Affordable Rents' at up to 80% of market rents where certain conditions apply. These are generally higher than social rents and are aimed at generating additional funding to help build more new affordable housing.

However, in Cambridge, even so-called 'Affordable Rent' is still unaffordable to many residents, and in light of this the CCC Tenancy Strategy currently requires RPs to set Affordable Rents at or below Local Housing Allowance (LHA) rates (the LHA rate is what is used to calculate the amount payable in housing benefit or the housing element of Universal Credit for tenants in the private rented sector). Up until recently this has been seen as a reasonable level to ensure that Affordable Rents (at least on smaller homes) are affordable to households on low incomes.

- 5.2 CCC is committed to ensuring that rents remain as affordable as possible to local people. Following a larger than normal increase in LHA rates by the government for 2020/21 the council will be reviewing its policy on the maximum level at which Affordable Rents should be set locally. Until this decision is made CCC will continue to charge at the 2020/21 rates announced in January 2020 for existing tenants (before the increase applied in late March 2020) in response to the coronavirus pandemic.

6 SUCCESSION RIGHTS

- 6.1 Under the CCC Succession Policy (2019) if there is a **joint secure** tenancy and one of the tenants dies, the surviving tenant will automatically take on the tenancy.
- 6.2 If there is a **sole secure** tenant who has not previously succeeded to the tenancy, then the tenancy can be passed on to a spouse or civil

partner, providing that they are living with the tenant when the tenant dies. If the tenant has no spouse or civil partner, then certain close members of the family may be able to succeed to the tenancy if they have been living with the tenant for at least twelve months at the date of the death of the tenant and if there hasn't already been a succession. We may ask a successor to move to another home if the home they have succeeded to is larger than they would be eligible for.

- 6.3 Under the Localism Act (2011) the statutory right of succession to a secure tenancy for family members has been abolished and statutory succession is limited to spouses, civil partners and those in equivalent relationships. However, the Localism Act (2011) does give Council's the ability to make this decision on a case-by-case basis. This discretion allows CCC the ability to make best use of its social housing stock and account for the needs of vulnerable household members.

7 UNDER OCCUPATION INCENTIVES SCHEME

- 7.1 The CCC Tenancy Strategy (2020) supports RP's to take positive action to help tenants to move to smaller accommodation where tenants wish to do so. The CCC Under Occupation Assistance Policy (2019) seeks to incentivise tenants to move to smaller properties if they are under occupying their home. In order to qualify for the under-occupation scheme, applicants must be secure tenants of CCC, and must have held their tenancy of the current property for at least two years.

7.2 CCC prioritises those households who are under-occupying by either 2 bedrooms or are looking to give up an adapted property they no longer need. The tenant could be offered, subject to available funding in any year, an Under-Occupation Assistance Payment of £1,000 per bedroom. To help with removals a removal payment of up to £800 (depending upon number of bedrooms) will be paid as part of the lettings process.

7.3 The directives set out in the Under Occupation Assistance Policy (2019) and the CCC Lettings Policy (2018) are subject to any future policy changes which CCC may introduce.

8 TENANCY MANAGEMENT POLICIES

8.1 CCC has a series of policies and procedures outlining its approach to tenancy management. These include:

- Local Lettings Policy (2020)
- Abandonment and Long-term Absence Policy (2018)
- Access Licence on Housing Land Policy (2018)
- Business Use Policy (2018)
- Short-term Decant Policy (2018)
- Disposal of Possessions and Personal Data Policy (2018)
- Garage Use and Arrears Policy (2018)
- Housing Related Debt Policy (2017-2020)
- Income Management and Rent Arrears Policy (2018)

- Rechargeable Works Policy (2019)
- Tenancy Changes (Sole to Joint/Joint to Sole) Policy (2019)
- Tenants and Leaseholders Alterations and Improvements Policy (2018)

8.2 As a public body, CCC is required to have due regard to the public sector equality duty under the Equality Act 2010, this includes the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

When developing new policies or making material changes to existing policies, CCC will carry out Equality Impact Assessments (EqIAs) to ensure that its public sector equality duty is met.

9 TENANCY MANAGEMENT SERVICE STANDARDS

9.1 To help manage expectations it is important that CCC is clear about its obligations to tenants and residents. CCC has implemented a set of [Tenancy Management Service Standards](#) which give clear guidance about a wide variety of housing tenancy related matters.

This includes:

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- queries about the Tenancy Agreement
- successions, survivorships and assignment requests
- adding someone to a tenancy
- advice on mutual exchanges
- abandonment
- reports of subletting
- garage and parking space rental
- rent payment and arrears

Further information about CCC's tenancy management service can be found at <https://www.cambridge.gov.uk/housing>

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