



Affordable and Social Tenancy Policy

SER-POL-21

Version 3.0

Date approved: 19 June 2018

Approved by: Parent Board

1. Policy Aims

- 1.1 Southway Housing Trust (Southway) is committed to sustainable communities where people want to live and work.
- 1.2 Through this Policy Southway will:
 - 1. Make the best use of our homes to make sure that these are provided to those most in need.
 - 2. Meet the tenancy requirements of the Homes England Consumer Standards.
 - 3. Assist Manchester City Council in meeting its Tenancy Strategy and its statutory homelessness duties.
- 1.3 Southway will use a variety of tenancy types and rental structures dependant on a range of circumstances.

2. Scope

- 2.1 This Policy applies to all social and affordable tenancies.
- 2.2 It provides information so that Southway and its customers understand the types of tenancies that can be offered and the circumstances that determine these.
- 2.3 This policy does not cover properties owned by Southway but managed by others. If Southway enters into an arrangement with a third party that allows them to use one of our residential properties then an agreement will be put in place that stipulates how tenancies will be let and managed.

3. Types of Tenancy

- 3.1 As a general principle Southway will offer the most secure tenancy possible. Southway will not use fixed term tenancies, except in the specific circumstances identified in this Policy.

Assured Shorthold (Starter) Tenancies

- 3.2 All new general needs social housing tenants will be offered an Assured Shorthold (Starter) Tenancy.

- 3.3 An Assured Shorthold (Starter) Tenancy provides Southway and the new tenant with an opportunity to see if that tenancy is sustainable in the longer term. It allows Southway the opportunity to identify any support needs and see if the new tenant is capable of meeting the terms of the tenancy agreement.
- 3.4 During a Starter Tenancy, Southway will ensure that the tenancy is being conducted satisfactorily through:
- A home visit within six weeks of tenancy commencement;
 - A tenancy review within six months of tenancy commencement; and
 - A final review visit, conducted nine months after the tenancy has commenced.
- 3.5 Starter Tenancies will run for a period of 12 months. However, the option to extend this to a maximum of 18 months is available where this is considered necessary to determine the suitability of the tenant and sustainability of the tenancy.
- 3.6 Southway may consider ending an Assured Shorthold (Starter) Tenancy in accordance with the legal requirements set out within the Assured Shorthold (Starter) Tenancy and the Housing Act 1988 (as amended). To do this, Southway can serve a Notice Requiring Possession under Section 21 Housing Act 1988 and/or a Notice Seeking Possession under Section 8 of the Housing Act 1988.
- 3.7 Southway will consider ending a Starter Tenancy if the tenant fails to meet one or more of the tenant obligations, set out under Part 3 of the Starter Tenancy. This includes, but is not limited to:
- Two months or more rent arrears,
 - Failure to take up occupation of the home,
 - Not using the property as the principal home,
 - Causing nuisance and anti-social behaviour,
 - Racial and other harassment,
 - Domestic Violence,
 - Neglect of the property or garden,
 - Failure to allow reasonable access, or
 - Any other breaches of tenancy.
- 3.8 If Southway decides to end a tenancy during the probationary period of an Assured Shorthold (Starter) Tenancy, the tenant will be provided with information on Southway's Appeal procedure, explaining how they may

challenge the decision to end their tenancy if they have been served with a Section 21 Notice.

- 3.9 Upon successful completion of an Assured Shorthold (Starter) Tenancy, the tenancy will convert to a fully Assured Tenancy.
- 3.10 Assured tenancies offer tenants security of tenure, encouraging residents to put down permanent roots and to commit to and feel part of their local community.

Affordable Rent Tenancies

- 3.11 Southway will, in most circumstances, offer standard Assured Shorthold (Starter) tenancies and subsequently Assured Tenancy agreements at an Affordable Rent whether these are built, acquired or converted. The only exception will be where there is a requirement, or covenant, to offer housing of a different tenure as part of a development scheme.
- 3.12 The Affordable Rent level will be determined in accordance with any applicable Rent Standard issued by the Social Housing Regulator, any Guidance issued by Government and any applicable legislation in force from time to time. The upper threshold at which an Affordable Rent will be charged will be decided by the Southway Board.
- 3.13 Affordable Rent properties will be subject to the same tenancy conditions as all other Southway properties.
- 3.14 Properties that are to be let at Affordable Rent will be advertised using the same choice based lettings process (currently Manchester Move) as other Southway properties, in order to maintain transparency and probity. In advertising Affordable Rent properties, the rent level will be highlighted. Pre tenancy money skills and budgeting training will be offered to new tenants taking up offers of Affordable Rent properties.
- 3.15 Existing Southway tenants who are transferring to another Southway tenancy, for either Social or Affordable Rent will not be required to serve another Assured Shorthold (Starter) tenancy.
- 3.16 Tenants who transferred to Southway from Manchester City Council on 26 November 2007 and who have had no break in tenancy with Southway, will retain their entitlement to the Preserved Right to Buy.

Fixed Term Tenancies

- 3.17 In exceptional circumstances Southway may grant a fixed term tenancy.

- 3.18 There are two main circumstances in which this could occur:
- 3.19 The property being let is to be demolished at some point in the future to support a wider regeneration or new build project; in these circumstances the tenant will be offered the tenancy of another property at the expiry of the fixed term tenancy, providing there had been no serious tenancy breaches.
- 3.20 The tenant has been given limited leave to remain in the country. This will be considered on a case by case basis. In all instances Southway will balance the need to adhere to regulatory standards on the timescales for fixed term tenancies, with any affordability issues that may arise as a result of the tenant not having recourse to public funds.
- 3.21 The prospective tenant will be provided with information advising them of the type and length of the tenancy and the reason why it will be terminated after a specific time.
- 3.22 Housing options advice will be provided to any tenant whose fixed term tenancy is due to end.

Age Restricted Properties

- 3.23 Southway has homes that can only be let to applicants once they have reached a certain age (e.g. over 60). In exceptional circumstances Southway may diverge from age restrictions with the agreement of the Strategic Director of People and Places.

Local Lettings

- 3.24 Local letting agreements may be put in place, with the agreement of the Parent Board and Manchester City Council.
- 3.25 When recommending a local lettings policy, officers will explain the justification for doing so, i.e to promote community cohesion, how the local lettings policy will deviate from this policy, and the length of time the policy will apply for.

Appeals and Complaints

- 3.26 Tenants and prospective tenants may request a review either of the type of tenancy that they are being offered and/or the length of the fixed term tenancy which is being offered. . A fixed term tenant may also request a review of the decision not to grant them another fixed term tenancy at the expiry of their previous fixed term tenancy.

- 3.27 The request for reviews should be made in writing to the Chief Executive, and will not be considered under the Trust's Complaints Policy. The Chief Executive will inform the complainant in writing of the outcome within 28 days. This decision will be final.

4. Succession

- 4.1 The way that Southway deals with Succession is contained within the Trust's Succession and Discretionary Tenancy Policy.
- 4.2 Where a claim for succession is being investigated following the tenant's death then the tenancy will be ended and a Mesne Profit account for the property opened until the outcome of the succession application has been determined.

5. Payment of Rent

- 5.1 Southway wishes to promote regular and prompt payment of rent by its tenants.
- 5.2 Generally, Direct Debit (or a similar agreed alternative) will be the mandatory method of rent payment for Southway tenants.
- 5.3 Southway reserves the right to withhold an offer of a tenancy in the event that a prospective tenant refuses to agree to these conditions of payment.

6. Monitoring and Evaluation

- 6.1 The Strategic Director of People and Places will be responsible for the implementation and review of this policy.
- 6.2 The letting of properties and use of different tenancy types will be reported to the People and Places Committee on an annual basis.

7. Equality and Diversity

- 7.1 Southway will ensure this policy is applied fairly and will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Single Equality Scheme.

7.2 An Equality Impact Assessment (EIA) has been carried out. Where equality issues have been identified, the EIA outlines ways in which this impact is either justified or can be mitigated.

8. Related Policy Documents

- Manchester City Council Allocations Policy
- Succession and Discretionary Tenancy Policy
- Affordable Rent Collection, Arrears and Debt Recovery Policy
- Mutual Exchange Policy
- Everyone Matters Customer Care Policy
- Rent Setting and Service Charge Policy

POLICY REVIEW HISTORY	
<i>To be completed during each review</i>	
Previous versions (version number – approved by – approval date – title if different) V1 – Board – 29/05/2012 V2 – Board – 21/01/2014	
Date of last EIA:	N/A
Review lead by:	Jane Gant, Strategic Director: People and Places
Main points or amendments made and reasons	
<ul style="list-style-type: none"> ▪ Reference to the Homes England Consumer Standards ▪ Broader policy aims ▪ Removal of Mortgage Rescue ▪ Addition of Fixed term tenancies in exceptional circumstances ▪ General editing and tidy up of language 	
Next review due:	Q1 2020/21
Approval level:	Parent Board