



Affordable and Social Rent Tenancy Policy

SER-POL-21

Version 2.3

Date approved: 11 June 2024

Approved by: Parent Board

1. Policy Aims

- 1.1 Southway is a trusted landlord that provides good quality social and affordable rented homes in thriving communities that people are proud of; homes are secure and good quality, and the neighbourhoods are safe, clean and green.
- 1.2 It has been a regulatory requirement that all Registered Providers have a Tenancy Policy in place from April 2012 and this policy must:
- Set out Southway's approach to the granting of tenancies and tenancy management.
 - Provide clarity about the types of tenancy that Southway will grant and the circumstances in which they will be granted.
 - Ensure consistency of approach.
 - Protect the Trust from legal challenge.
- 1.3 Through this Policy Southway will also:
- Make the best use of its homes to make sure that these are provided to those most in housing need.
 - Meet the tenancy requirements of the Regulator of Social Housing Consumer Standards
 - Assist Manchester City Council in meeting its strategic housing priorities and its statutory homelessness duties.
 - Assist any other local authority, where the Trust has a social or affordable stock holding, with meeting their strategic housing functions.
- 1.4 Southway will use different tenancy agreements and different rent charges dependent on the circumstances / type of property that is offered (see Section 3).

2. Scope

- 2.1 This Policy applies to all social and affordable rent tenancies.

- 2.2 It provides information so that Southway and its customers understand the type of tenancy that will be provided and the circumstances that determine this.
- 2.3 This policy also covers properties owned by Southway but managed by others which will be set out in any agreement with that third party clearly stipulating how tenancies should be let and managed.

3. Types and Length of Tenancies

- 2.4 Southway will, as a general principle, offer the most secure tenancy possible. Southway will only use fixed term tenancies in the circumstances identified in this Policy.
- 2.5 The types of tenancies offered are detailed in the table below.

Tenancy Type	Who It Applies To	Length of Tenancy
Assured Tenancy with Protected Rights	Tenants who became Southway tenants through the stock transfer and have not had a break in tenancy since that time that move to another Southway tenancy. The exception is moving to a grant funded newer build where the RTB would not apply.	Lifetime tenancy – can only be ended through a Legal Order. Tenant would be advised of the change in rights to enable an informed decision.
Assured Tenancy	Tenants who satisfactorily complete their Starter Tenancy. Tenants transferring from an existing Southway Assured tenancy. Tenants who at the time of being made an offer hold an Assured Tenancy with another housing association or local authority which began before 1st April 2012.	Lifetime tenancy – can only be ended through a Legal Order.
Assured Shorthold Starter Tenancy	Any new Southway tenants that were not tenants of another RP prior to 1 st April 2012.	12 months starter tenancy with the option to extend to 18 months where investigations into

		<p>tenancy breaches are ongoing.</p> <p>Otherwise automatically converts to an Assured Tenancy on successful completion of starter tenancy period.</p>
Fixed Term Tenancies	<p>1) Tenants living in specialist accommodation for example Rough Sleeper accommodation, where the expectation is the person(s) would become tenancy ready in the period.</p> <p>2) In a tenancy where the property is due to be demolished to support new build development etc.</p> <p>3) Limited Leave to Remain</p>	<p>Up to 3 years.</p> <p>For the period prior to planned demolition.</p> <p>Case by case basis.</p>
Compliance Tenancies	New tenants who have been assessed by the Serious Offenders Panel and approved for rehousing on a conditional basis.	Assured shorthold starter tenancy for 12 months with the option to extend to 18 months. Special conditions of the tenancy managed by MCC's Tenancy Compliance Team.

Assured Shorthold (Starter) Tenancies

2.6 New Assured Shorthold (Starter) tenancies enable both Southway and the new tenant an opportunity to see if that tenancy is sustainable in the longer term. It also allows Southway the opportunity to identify any support needs and see if the new tenant can meet the terms of the tenancy agreement.

2.7 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 if there are concerns about tenancy sustainment.
- A final review visit, conducted nine months after the tenancy has commenced.

- 2.8 Starter Tenancies will run for a period of 12 months. However, these may be extended up to a maximum of 18 months if considered necessary.
- 2.9 Southway will consider ending a Starter Tenancy if the tenant fails to meet one or more of their 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/or other harassment
 - Domestic Abuse
 - Neglect of the property or garden
 - Failure to allow reasonable access.
 - Or any other breaches of tenancy
- 2.10 To end the tenancy, Southway will serve a Notice Requiring Possession under Section 21 of the Housing Act 1988 and/or a Notice Seeking Possession under Section 8 of the Housing Act 1988.
- 2.11 In these circumstances the tenant will be provided with information on Southway's Appeal procedure, explaining how they may challenge this decision if they have been served with a Section 21 Notice.
- 2.12 Upon successful completion of an Assured Shorthold (Starter) Tenancy, the tenancy will automatically convert to a fully Assured Tenancy. This will provide the tenant with security of tenure, encouraging them to put down permanent roots and to commit to, and feel part of their local community.

Affordable Rent Tenancies

- 2.13 Affordable Rent properties will be subject to the same tenancy conditions as all other Southway properties and let using the same choice-based lettings systems run by the Local Authority in which the homes are situated. .
- 2.14 Pre tenancy affordability, money skills and budgeting will be offered to all new tenants taking up the offer of an Affordable Rent property.

Fixed Term Tenancies

- 2.15 In exceptional circumstances Southway may need to grant a fixed term tenancy.

- 2.16 There are three main circumstances in which this could occur as indicated in the table above:
- 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 have been no serious tenancy breaches.
 - 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.
 - The tenancy is being offered as part of an initiative relating temporary homelessness accommodation with the aim of assisting the person or persons to move to more permanent accommodation.
- 2.17 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 in a specific timeframe.
- 2.18 Housing options advice will be provided to any tenant whose fixed term tenancy is due to end.

Age Restricted Homes

- 2.19 Southway has homes that can only be let to applicants once they have reached a certain age.

Stock Acquisitions

- 2.20 Where Southway acquires homes from another registered provider of social and/or affordable rented housing the aim will be to move the transferring tenants onto Southway tenancy agreements within the first year of transfer.
- 2.21 Consultation will take place with the transferring tenants on an individual and group basis dependant on the scale of the transfer and the changes that this move to a new tenancy agreement would mean.

Local Lettings

- 2.22 Local letting agreements may be put in place, with the agreement of the Parent Board and Manchester City Council.

- 2.23 When recommending a local lettings policy, officers will explain the justification for doing so, for example to promote community cohesion, or rightsizing, and the length of time the policy will apply for.

Appeals and Complaints

- 2.24 Tenants and prospective tenants may request a review of both the type of tenancy that is being offered and/or the length of a fixed term tenancy. 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 current term.
- 2.25 The request for review should be made in writing to the Executive Director Landlord and Community Services and will not be considered under the Trust's Complaints Policy. The Executive Director will inform the complainant in writing of the outcome within 28 days. This decision will be final.

4. Tenancy Assignment and Succession

- 4.1 The way that Southway deals with Succession is contained within the Trust's Assignment, Succession and Discretionary Tenancy Policy.
- 4.2 Where a claim for succession is being investigated following a tenant's death 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 aims 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 if a prospective tenant refuses to agree to these conditions of payment.

6. Monitoring and Evaluation

- 6.1 The Executive Director Landlord and Community Services will be responsible for the implementation and review of this policy.

6.2 The Head of Housing Management and Support will be responsible for ensuring that the policy is followed by all relevant staff.

6.3 An Annual Lettings Report will be provided to the People and Places Committee advising of all letting's activity in the preceding year.

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 covered by the Trusts Equalities Scheme. An Equality Impact Assessment (EIA) has been carried out. Where equality issues are identified, the EIA outlines ways in which this impact is either justified or can be mitigated.

- Links to Other Policies, and Strategies Manchester City Council Allocations Scheme
- Assignment, Succession and Discretionary Tenancy Policy
- Rightsizing Local Lettings Policy
- Age Friendly Strategy
- Income Collection Policy
- Mutual Exchange Policy
- Customer Care Policy
- Rent Setting and Service Charge Policy

8. Policy Review

8.1 This policy will be reviewed at least every three years.

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 V2.1 Board 2018 V2.2 Board June 2020 V2.3 Board June 2024

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Date of last EIA:	June 2024
Review lead by:	Jane Gant Executive Director Landlord and Community Services
Main points or amendments made and reasons	
General editing and tidy up of language Amendments to Starter Tenancy section Addition of Rough Sleepers Accommodation Tenancy Agreement table to show tenancy types and when they apply.	
Next review due:	Q1 2026/27
Review Level:	A – Board