



Title of policy:	Tenancy Policy
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By:	Head of Customers

Introduction

The changes in the regulatory framework standards for Social Housing in England from April 2012 states Registered Providers (RP's) should publish clear and accessible policies which outline their approach to tenancy management.

We aim to provide a framework where customers will receive a tenancy suitable to their housing need and circumstances and ensure they can access affordable housing. The objective of this policy is to explain the types of tenancies we will grant and to ensure we provide the most appropriate tenancies to those in housing need.

This policy has also been developed to align with the sub-regional Tenancy Strategy that has been developed with Local Authorities (LA's) and other RP's in areas where we have properties.

1. Who is Affected?

The policy will cover all tenants of North Star.

2. Tenancies Granted

2.1 Introductory/Starter Tenancies

An introductory/starter tenancy is a form of probationary tenancy. These are for a 12-month period. We will grant starter tenancies to all new general need's tenants.

During the 12 months of the starter tenancy, the tenancy has:

- No security of tenure
- No right to exchange or assign
- No right to transfer
- No right to take in lodgers or sublet any part of their home
- No right to make improvements
- No right to acquire

Provided there has been no breach in the terms of the tenancy agreement, the tenancy will automatically convert into an assured tenancy after 12 months.

Where there has been a breach of tenancy and possession proceedings have commenced the starter tenancy can be extended for a further period. This period will be assessed on an individual basis.

2.2 Assured Tenancy

This type of tenancy agreement was introduced in the Housing Act (1988). As an assured tenant you have security of tenure and cannot lose your home unless a possession order has been granted by the court. North Star can only apply for a court order if one of the grounds specified in the Housing Act (1988) applies.

We will grant an assured tenancy for all tenancies within our general need's properties following the satisfactory completion of a introductory/starter tenancy. Tenants transferring to another North Star property or those who have completed a mutual exchange or transfer from another RP will remain on either an assured or secure tenancy.

2.3 Assured Tenancies let at Affordable Rents

All new build homes will be let at an affordable rent level. Where appropriate, on re-let general needs rents will be converted to an affordable rent level. These tenancies are let at the rent level which is 80% of the market rent in that locality. The purpose of affordable rent tenancies is to generate income to support our development programme to increase the supply of new homes in the social housing sector.

Our affordable rents properties have the same tenancy agreements and security as assured tenancies explained above and are also subject to the 12-month introductory/starter tenancy explained in Paragraph 3.1.

2.4 Assured Shorthold Tenancies and Licence Agreements

In all cases we will grant the most secure form of tenancy available under the circumstances. In the provision of temporary accommodation we will grant an assured short hold tenancy agreement. The length of these tenancies can vary according to the scheme. Most of these tenancies are up to two years subject to the needs of the individual tenant. In certain cases where we do not have a legal interest in the property it may also be necessary to issue an assured short hold tenancy.

In certain supported housing services such as a shared learning disability scheme the tenant may be given a tenancy of a room with access to shared facilities. If the tenant requires 24-hour care therefore does not have exclusive occupancy, a license will be used.

2.5 Assured Tenancies with Protected Rights

This tenancy type is for people who were tenants with Teesdale District Council at the time of stock transfer to Teesdale Housing Association in 2006. They have retained the same tenancy conditions they had when they were with the Local Authority.

If the tenant transfers to another North Star property, they keep the protected rights tenancy. However, if they complete a mutual exchange with an assured tenant, they would lose their protected rights and take on the assured tenancy in their new home.

If you require further information regarding your protected rights, further advice and assistance can be provided by other agencies including Citizens Advice Bureau and Shelter.

3. **Flexible Tenancies**

From April 2012, The Localism Act enables RPs to choose to introduce flexible tenancies for new tenants. The rights of existing assured tenants are protected. Flexible tenancies are designed to be offered for a fixed amount of time, usually five years and the tenants circumstances will be reviewed at this time for eligibility to the property.



North Star has considered the impact that this may have on our current and future tenants. We have also consulted with our Local Authority partners who develop a Tenancy Strategy for our area.

North Star has decided not to introduce flexible tenancies at this point in time.

4. Lettings Policies and Mutual Exchanges

4.1 Lettings Policy

North Star is a partner organisation in the following choice-based lettings (CBL) schemes:

- Tees Valley Lettings Partnership
- Durham Key Options
- North Yorkshire Homechoice for the North Yorkshire area

All our properties are allocated in accordance with the Common Allocations Policy for these schemes. Further details of these policies can be found on relevant website or at our head office.

[Tees Valley Home Finder - Tees Valley](#)
[Durham Key Options website](#)
[North Yorkshire HomeChoice website](#)

4.2 Mutual Exchanges

A mutual exchange is where you swap or “exchange” your home with another RP or council tenant.

Mutual exchanges can be a quicker and easier way to find a property, which is suitable for your needs and in the area that you require. It relies on you doing the work to find a tenant who wishes to swap from their property to yours and then seeking agreement of both landlords. If you find someone to swap with you, you must contact us to approve the exchange.

You cannot move without the written agreement of both landlords. We will inform you within 42 days whether you can go ahead with the exchange. A refusal for an exchange will only be given in certain circumstances.

5. Local Lettings

North Star’s allocations policy allows flexibility to introduce local lettings policies.

The allocations policy states to create sustainable and balanced communities, local lettings policies can be introduced in certain areas. We will work closely with the local authority before the introduction of any policy. We want to ensure local people can access homes in areas where they live, work, or have close family. On these occasions, North Star will allocate properties using a local lettings policy. Reference to local lettings policies will be included in the property advert.

Further details on areas that have a local lettings policy in County Durham are published on the Durham Key Options website and remaining areas are available on request and will be included in the advert on the choice-based lettings system when vacant.

6. Succession Rights



6.1 Succession

Succession of a tenancy occurs in the event of a death of an assured tenant or joint tenant, when a tenancy and its terms and conditions are passed onto a spouse or a family member.

A succession is the transfer of tenancy not the property. Assured tenancies have the right to one succession.

6.2 Who is entitled to succeed to the tenancy?

For tenancies entered before 1st April 2012, after the death of a tenant, the following applies:

- If there is an existing joint tenant, they automatically become the sole tenant
- If there is no existing joint tenant, the husband, wife, co-habiting partner (including same sex partner) can succeed to the tenancy provided they were living in the property immediately before the tenant's death, as their principle home
- If neither of the above apply, family members can apply to succeed to the tenancy.
- Family members include parents, children, grandchildren, grandparents, brothers/sisters, aunts/uncles and nephews and nieces.

If a family member wants to apply for succession, they must provide evidence of the following:

- Lived with the tenant for a minimum of 12 months prior to their death.
- Are a member of the tenants household.
- Lived in the tenant's home, as their only principle home at the time of the tenants death.
- Have inherited the tenancy by means of will or probate for a pre-1989 secure tenancy.

Where the tenant's spouse does not succeed to the tenancy and more than one member of the family qualifies, they may agree between themselves whom the tenancy shall go to. If they cannot, North Star will decide.

For tenancies started after 1st April 2012, under the Localism Bill, the statutory right of succession to a secure tenancy for family members has been removed.

Accordingly, succession will be limited to spouses, civil partners and those in equivalent relationships. North Star may agree to offer a new tenancy to any family member of the deceased; however this is a discretionary option only and not a contractual or statutory right.

The right to succeed only applies to one succession. If the tenant who had died was a successor, the tenancy cannot pass on a second time.

On the death of a joint tenant, the tenancy automatically vests in the name of the surviving tenant however on the death of the surviving tenant; the tenancy cannot be succeeded to again.

6.3 Discretionary Succession

North Star may at its discretion grant a new tenancy to someone who falls outside the scope of the succession provisions set out above.



6.4 Applying for Right of Succession

A request for a succession by a family member must be made in writing to North Star within one month of the tenant's death.

6.5 Right to Assign to a Qualifying Successor

North Star can allow tenants the right to assign their tenancy to a person who would qualify to succeed to the tenancy on their death, i.e. where a tenant moves into residential care accommodation leaving a family member in the property.

6.6 Responsibilities and Property Suitability

The successor to the tenancy is responsible for any existing breaches of the tenancy agreement such as rent arrears.

If the property is not suitable to the successor or would be more suitable to other families or individuals, North Star may choose to find more suitable alternative accommodation. This may apply where the property is too big, has been adapted or is a designated older person's property.

Further information can be found in North Stars Right to Succession Policy.

7. **Access to Services**

7.1 North Star is committed to improving accessibility to all of our customers.

7.2 This policy has been developed in accordance with North Stars Equality, Diversity and Inclusion Policy to ensure equality of treatment for all of our customers.

7.3 North Star is committed to providing any reasonable adjustments to our service to ensure that no-one is disadvantaged using this policy. We will discuss with individuals their specific needs but some examples may include:

- Providing information and responses in large print.
- Providing a language interpreter.
- Providing additional support for customers with communication or learning disabilities.
- Providing additional support for customers with physical/mental health conditions.
- Allowing extra time to respond in timescales.

8. **Complaints**

North Star operates a Complaints Policy where customers can complain about any aspect of the service with which they are unhappy with. Further details on complaints can be found on our website www.northstarhg.co.uk

9. **Policy Review**

This policy will be reviewed on an annual basis, unless there are changes to legislation, regulation, best practice, or a business need within this period.

