



Title of policy:	Tenancy Policy
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By:	Head of Customers

Introduction

This Tenancy Policy fulfils the requirements of the Localism Act (2011) and the requirements of the regulator for social housing to have a Tenancy Policy.

The aim of our Tenancy Policy is to meet the tenure needs of those people who require housing and to ensure that our tenants have the right home for as long as they need it.

Registered Providers (RP's) shall offer tenancies which align to the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of North Stars housing stock.

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 RPs in areas where we have properties.

We will provide advice and assistance to customers to ensure that they are aware of the different housing options open to them given their circumstances and that they have support to access the different options. Customers can also receive independent advice from other partners such as Citizens Advice Bureau, Shelter etc.

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 schemes the tenant may be given a tenancy of a room with access to shared facilities. A license will be used if the tenant does not have exclusive occupancy.

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 will 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.

4. Lettings Policies and Mutual Exchanges

4.1 Lettings Policy

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

- Tees Valley Lettings Partnership
- Durham Key Options
- North Yorkshire Homechoice

All our properties are allocated in accordance with the relevant Common Allocations Policy. Details of these policies can be found on the following.

[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 quick and easy way to find a new home. It relies on tenants finding someone to swap with.

Tenants cannot move without the written agreement of both landlords. A decision will be made within 42 days from making a request to exchange. This will only be refused in certain circumstances.

Further information is available in our mutual exchange policy.

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. Property adverts will include any reference to a local lettings policy.

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 the 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 principal 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.
- Is 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 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 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.