



WILLOW TREE

HOUSING PARTNERSHIP

# Tenancy Policy

|                                               |                                                |
|-----------------------------------------------|------------------------------------------------|
| <b>Version:</b>                               | <b>v2</b>                                      |
| <b>Responsibility for the Policy</b>          | <b>Head of Housing and Customer Experience</b> |
| <b>Date approved by Executive</b>             | <b>May 2024</b>                                |
| <b>Date approved by Board (if applicable)</b> | <b>delegated</b>                               |
| <b>Date due for review:</b>                   | <b>May 2026</b>                                |

## **1. Statement of Intent**

Willow Tree Housing Partnership (WTHP) aims to give tenants the most secure form of tenure bearing in mind the purpose of the housing, the sustainability of the community and any other requirements consistent with the regulatory framework.

## **2. Policy Objectives**

This policy applies to all prospective and current tenants.

We will give residents with different tenancies broadly similar terms except for any that reflect the purpose of the tenancy or its legal status.

### **2.1. Starter tenancies**

All applicants, except for those who are moving from an existing assured or secure social housing or Rentplus tenancy, will be offered a starter tenancy. This will be in the form of an assured shorthold tenancy for a 12-month period.

Starter tenancies will be reviewed at month 9 and where there have been no significant breaches, the tenancy will convert to an assured tenancy. Where any tenancy breaches are identified, the starter period may be extended by up to six months or brought to an end.

### **2.2. Assured tenancies**

Sometimes also referred to as periodic assured non-shorthold or lifetime tenancies, assured tenancies will be granted to applicants (excluding those applying for Rentplus properties) who have an existing assured or secure tenancy with WTHP or any other provider.

### **2.3. Secure tenancies**

Tenancies granted before the Housing Act 1988 came into force on 15 January 1989 have a secure tenancy. The terms of a secure tenancy have some additional rights such as the preserved right to buy and protected fair rents.

Secure tenancies are no longer issued to new tenants, however, WTHP tenants with an existing secure tenancy will retain their secure status should they move to another WTHP social rented home.

### **2.4. Fixed term tenancies**

WTHP no longer offers Fixed Term Tenancies for social housing. Residents who have an existing Fixed Term tenancy will be offered an assured tenancy when their fixed term tenancy comes to an end.

### **2.5. Rentplus tenancies**

Rentplus properties are part of the Rentplus scheme for an Agreed Period of 5, 10, 15 or 20 years. At the end of each 5 year period there is a break. Where the property has come to the end of its Agreed Period the property will be sold, either to the existing tenant, to WTHP or on the open market.

In most cases the term of a Rentplus fixed term tenancy will be 5 years except:

- a) The final fixed term tenancy will be a tenancy of 4 years and 11 months, to end one month before the end of the Agreed Period.
- b) Where a property is relet more than two years before the next break, in which case the fixed term tenancy will end at the next break.
- c) Where the property is relet less than two years before the next break, in which case the fixed term tenancy will end at the next break but one.
- d) Where a property is relet and the fixed term would be less than 2 years then an Assured Shorthold tenancy will be offered, or the property sold under the terms of the Rentplus Collaboration Agreement and/or individual property lease. The exceptional reason for the term of the tenancies being less than 5 years is the Rentplus scheme design.

When a tenancy reaches the end of the fixed term it may be renewed and the tenant offered another 5 year fixed term tenancy. Where the property has reached the end of the Agreed Period it will be sold to the existing tenant, WTHP or on the open market.

The terms of a Rentplus tenancy may be different from other tenancies where this is dictated by the needs of the Rentplus scheme.

## **2.6. Mutual Exchange, Succession and Assignment**

All residents except tenants with a starter tenancy and Rentplus tenants have the right to exchange their tenancy with another social housing tenant either in law or by virtue of their tenancy agreement subject to meeting defined conditions.

Assured, fixed term and secure tenants have the right to assign their tenancy and there is a right to succession as set out in the tenancy agreements.

Rentplus tenants have the right to succession and assignment based on their tenancy conditions.

Rentplus tenants have no right to mutual exchange.

## **3. Performance Standards**

WTHP conducts internal compliance audit assurance annually.

## **4. Reference Documents**

### **External**

- [The Housing Act 1985](#), [Housing Act 1988](#) and [Housing Act 1996](#)
- [Equality Act 2010](#)
- [Localism Act 2011](#)
- [Regulatory Standards](#) from the Regulator of Social Housing (RSH) and specifically the [Tenancy Standard](#)

## **Internal**

- Tenancy Procedure
- Fraud, Corruption, Money Laundering Policy
- Allocations and Lettings Policy and Procedure
- Rentplus Allocations Procedure

**When setting policy, Willow Tree Housing Partnership will ensure a golden thread of best practice runs through all aspects of our operations in respect of equality, diversity and inclusion. We will seek to minimise adverse environmental impacts arising because of our work. This approach and all policies will be reviewed on their anniversary date or as new guidance or legislation is introduced, whichever occurs sooner.**