



**PRIMA**  
GROUP

# Tenancy Policy

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## Tenancy Policy

### 1 Aim of the Policy

The concept of tenancy policies was introduced initially as part of a wider package of social housing reforms implemented through the Localism Act and through changes to the regulatory standards that all registered providers are expected to meet with effect from April 2012. The Act placed a statutory duty on Local Authorities to publish a Tenancy Strategy by January 2013, and the regulatory Tenancy Standard 2012 set out the expectations of a Tenancy Policy for registered providers.

There are specific expectations laid out in the Tenancy Standard which this policy will address a number of.

This policy will also have regard of the Liverpool City Region Tenancy Strategy and should be read in conjunction with the following documents:

- Corporate Plan – Prima Prospects
- Property Pool Plus Allocations Policy
- Prima Group Rent Policy
- Prima Group Allocations Policy
- Prima Group Growth Strategy

### 2 Who does this Policy apply to?

This policy will apply to all members of the Prima Group when letting properties to social housing tenants and will determine:

- The types of tenancies Prima will award.
- The circumstances where Prima awards tenancies of a particular type.

Prima Commercial is a subsidiary of the Prima Group and will grant tenancies in accordance with this policy.

Prima is committed to providing sustainable homes and communities and can only do this if the types of homes people want to live in, in the areas they choose to live in are provided. Prima will, therefore, continue to provide the most secure form of tenure which is compatible with the purpose of the accommodation and the needs of individual households, the sustainability of the neighbourhood and the most efficient use of Prima Group stock.

In line with the Housing and Planning Act 2016, Prima has decided to use discretion and not implement fixed term tenancies. This decision is based on the commitment to build sustainable communities, where people can form lasting roots, access employment and education and take an active part in community life.

Prima will continue to work with partner Local Authorities to support achievement of strategic housing aims and to meet the housing needs of local residents. Prima will continue to let properties in accordance with our published Allocations Policy and the common allocation policy agreed as part of the Sub-Regional Choice Based Lettings Scheme – Property Pool Plus.

### **3 Financial Liability**

Prima Group Officers are responsible for ensuring the correct tenancy type is offered in accordance with this policy. Any review of tenancy agreements will require legal advice, and this will incur costs.

### **4 Tenures Currently Offered**

#### **4.1 Introductory Tenancies**

Introductory Tenancies, also known as starter or probationary tenancies, are assured shorthold tenancies, and are offered to applicants who are applying for their first home with Prima (these tenancies are not offered to tenants transferring from another Registered Provider who have held a social tenancy continuously since 15 January 2012). This tenancy type is initially for a twelve-month period. If there is no breach of tenancy, then this automatically converts to an assured tenancy on the anniversary of the start of the tenancy.

#### **4.2 Secure Tenancies**

Secure Tenancies are only offered for those tenants who wish to transfer within Pierhead Housing Association and have held a secure tenancy continuously which commenced prior to 15 January 1989.

#### **4.3 Assured Tenancies**

Assured tenancies are offered to new tenants who are transferring from another Registered Provider where they have held an assured tenancy continuously since 15 January 2012.

There may be discretionary circumstances where Prima may offer an assured tenancy in place of a secure tenancy where there is no right to succession but where it is appropriate to grant a tenancy to a partner or family member.

#### **4.4 Assured Tenancies (Protected Rights)**

Assured tenancies (protected rights) are offered to those tenants of Leasowe Community Homes, who were tenants at the time of the original stock transfer on 25th January 1999,

and have held their tenancy continuously, who wish to transfer to another Leasowe Community Homes property.

#### **4.5 Licence**

Licence agreements will be offered for temporary accommodation, such as a decant, or for use and occupation in certain circumstances. There is no security of tenure and only grants limited rights to occupy a property.

#### **4.6 Demoted Tenancies**

Where a tenant fails to comply with the terms and conditions of their tenancy, Prima may apply to the Court for a Demotion Order under Sections 6A and 20B of the Housing Act 1988.

The Demotion Order terminates the original tenancy and replaces it with a Demoted Tenancy, which is an assured shorthold tenancy.

### **5 Provision for Future Tenure Types**

Whilst Prima does not offer the following tenure types, provision is made for the introduction where it is appropriate to do so. Consideration may also be given for the rent to buy market. Should these tenancies be offered in future this policy will be updated.

#### **5.1 Fixed Term Tenancies**

Fixed Term Tenancies, also known as flexible tenancies, may be offered for new tenants where it is appropriate to do so. They will be operated in accordance with the Liverpool City Region Tenancy Strategy.

#### **5.2 Market Rent – Assured Shorthold Tenancies**

To be issued for specific properties identified for market rent and are not subject to the allocations criteria outlined in the Property Pool Plus scheme, with the aim to provide quality and reliable accommodation in an area identified as able to sustain higher levels of rent and applicants meeting affordability checks.

### **6 Application of Rent Levels**

Details of Rent Setting is contained within the Rent Policy, Prima will set rents that offer good value for money, are affordable to existing and prospective tenants, whilst ensuring the Group remains viable and can deliver its corporate plan objectives (Prima Prospects.

## 7 Tenancy Management

- Prima will take reasonable steps to establish that prospective tenants are eligible for housing and have the right to reside and rent a property in the UK.
- Prima will carry out a sustainment and affordability assessment to ensure the tenancy can be sustained financially, by targeting money advice and other support services.
- Prima will support tenants to remain in their home and offer advice and support to enable them to fulfil their tenancy obligations.
- Prima will consider applications for discretionary succession where there is no legal right to succession; providing that the person applying can provide evidence that they:
  - o Are a member of the deceased's household;
  - o Have lived with them for the 12 months prior to their death;
  - o Have used the property as their only and principal home; and
  - o Agree in writing to abide by the terms of the tenancy.
- In all cases of succession, Prima will assess the suitability of the property and will, if necessary, allow succession to an alternative property that is more suited to the customers' needs.
- Prima will provide advice and assistance to tenants to find alternative accommodation.
- Prima will provide tenants with access to an internet based mutual exchange service; currently House Exchange ([www.houseexchange.org.uk](http://www.houseexchange.org.uk))

## 8 Making sure we do what we say

This policy will be reviewed as and when needed but as a minimum of every three (3) years.

This policy will be adhered to for all decisions taken by Prima Group Officers on the type of tenancy to award.

## 9 Equality Impact Assessment

Prima welcomes feedback on this policy and the way it operates. We are interested to know of any possible or actual adverse impact that this policy may have on any groups in respect of gender or marital status, race, disability, sexual orientation, religion or belief, age or other characteristics.

The policy has been screened to determine equality relevance for the following equality groups: gender or marital status, race, disability, maternity or pregnancy, sex, sexual orientation, religion or belief, age or other characteristics.

## 10 Data Protection

Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR (General Data Protection Regulation) requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.

## 11 Document Control Data

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<b>Author:</b>	Louise Hooton, Group Head of Housing
<b>Owner of the policy:</b>	Director of Customers & Insight
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### Control Log:

<b>Review Date:</b>	January 2021
<b>Name of Reviewer:</b>	Louise Hooton, Group Head of Housing
<b>Change Log:</b>	Removal of date range for Prima Prospects and Liverpool City Region Strategy on page 3 and 6. Addition of paragraph at section 3 relating to financial liability. Addition of wording at section 7, second bullet point “a sustainment”.
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