

## Waverley Tenancy Policy

### 1.0 Purpose of the tenancy policy

- 1.1 The purpose of this Tenancy Policy is to explain the types of tenancies that will be offered in properties owned and managed by Waverley Borough Council. The policy, effective from 5 September 2022, is to ensure that the most appropriate tenancies are granted to maintain cohesive communities and enable the best use of the Council's homes. In adopting this Tenancy Policy the Council has had due regard to its adopted Tenancy Strategy.
- 1.2 The main types of tenancies that the Council can grant are secure tenancies, flexible tenancies and introductory tenancies.

### 2.0 Background and scope of the tenancy policy

- 2.1 The Regulatory Framework for Social Housing in England from April 2012, published by the Homes and Communities Agency (HCA) in March 2012, requires the Council to publish clear and accessible policies, which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud. The Regulatory Framework specifies what should be included in a tenancy policy.
- 2.2 In accordance with paragraph 2.1 of the Tenancy Standard within the Regulatory Framework requires the Council to issue tenancies that are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the effective use of their housing stock.
- 2.3 Following a review and consultation the Council decided to cease issuing Flexible tenancies in July 2022. The Council recognised that there are more disadvantages than advantages in operating flexible tenancies. The Council are proactive in tackling stigma associated with social housing tenants, recognise the charter for social housing residents' commitments and support tenants and communities to thrive. Offering all new and existing tenants a lifetime tenancy assists in achieving these aims and make best use of council resources.

### 3.0 The type of tenancies that will be granted

- 3.1 The Council will only grant introductory, secure or temporary non secure tenancies. From 5 September 2022 the council will not issue flexible tenancies as enacted by the Localism Act 2011. [subject to consultation feedback] The tenancies that Waverley Borough Council will grant are:

<b>Type of tenancy</b>	<b>Legal basis</b>	<b>Definition</b>	<b>Tenancy length</b>
Secure tenancy	Housing Act 1985, Part IV, Sections 79-81	Lifetime tenancy, following an introductory tenancy	Lifetime
Introductory tenancy	Housing Act 1996, Part V, Chapter 1, Sections 124-125	one year tenancy issued to new tenants for the first year of their tenancy	one year
Temporary Non secure tenancy	Housing Act 1985, Schedule 1	Non secure tenancy granted to homeless households in temporary accommodation.	Periodic tenancy

- 3.2 All new tenants will be granted an introductory tenancy for the first 12 months, followed by a secure tenancy, provided the conditions of tenancy have been met. The Council has the option of extending an introductory tenancy by an additional six months if the terms and conditions of the tenancy have not been met.
- 3.3 Temporary non-secure tenancies are granted to homeless household or ineligible successors while alternative accommodation is secured.
- 3.4 All existing fixed term tenancies will be transitioned to secure lifetime tenancies. This may be during or at the end of a fixed term, depending on the results of individual consultation with all tenants currently holding a fixed term tenancy.

#### **4 The policy on granting discretionary succession rights**

Succession rights to secure and flexible tenancies granted after 1 June 2013 will be restricted to spouses, partners and cohabiters, unless Waverley Borough Council choose to use its discretionary succession rights in accordance with paragraph 2.1.9 of the Tenancy Standard within the Regulatory Framework for Social Housing in England from April 2012, published by the Homes and Communities Agency (HCA) in March 2012, where the granting of the succession takes account of the needs of vulnerable household members. The Council has chosen not to grant discretionary succession rights beyond the legislation given the housing need in the borough.

#### **5 Joint tenancies**

The council grant joint tenancies to joint applicants following a successful bid and offer process. Requests to add a tenant (sole to joint) will be considered and the proposed tenant's eligibility assessed. The proposed tenant must demonstrate that they are the spouse, partner or cohabitee of the sole tenant, provide evidence

that they have been occupying the home for 12 months as their only or principal home and that they meet the allocation scheme eligibility criteria for social housing.

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