Tenancy Policy

TENANCY POLICY

1. Introduction

This policy sets out Manningham Housing Association's (MHA) approach to granting, managing and ending tenancies. It explains the types of tenancies MHA offers, how MHA supports tenants to sustain their tenancies, and how MHA will manage requests for succession, assignment and mutual exchange.

The policy aims to ensure that tenancy decisions are lawful, fair, consistent, transparent and compatible with the purpose of MHA's homes and the needs of local communities.

2. Scope

This policy applies to MHA tenants living in general needs rented homes, including starter (assured shorthold) tenancies, assured tenancies, affordable rent tenancies, joint tenancies and any other tenancy type granted by MHA.

The policy should be read alongside MHA's tenancy agreements, Tenant Handbook, Choice Based Lettings Policy, Mutual Exchange Procedure, Succession Procedure, safeguarding policies, tenancy fraud arrangements, complaints policy and relevant local authority tenancy strategies.

3. Legal and Regulatory Framework

MHA will manage tenancies in accordance with all relevant legislation and regulatory requirements, including:

- Housing Act 1988
- Housing Act 1985 (where relevant)
- Localism Act 2011
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018 and UK GDPR
- The Regulator of Social Housing's Tenancy Standard

The Tenancy Standard forms part of the Regulator of Social Housing's overarching Consumer Standards and sets out the specific requirements that registered providers must meet in relation to the management of tenancies and the rights of tenants.

MHA will also consider the terms of the individual tenancy agreement, as tenancy rights may vary depending on the tenancy type and the date the tenancy was granted.

4. Policy Principles

MHA will grant tenancies that are appropriate to the purpose of the accommodation, household need, community sustainability and the efficient use of housing stock.

MHA will:

- explain tenancy rights and responsibilities clearly at sign-up and throughout the tenancy.

- support tenants to sustain their tenancy wherever possible and seek to prevent unnecessary eviction.
- make decisions fairly, consistently and in line with the tenancy agreement and legal requirements.
- make reasonable adjustments where needed and communicate in accessible formats where appropriate.
- take firm but proportionate action where tenancy conditions are breached, including in cases of rent arrears, antisocial behaviour, tenancy fraud, abandonment or unlawful occupation.

5. Tenancy Types Offered by MHA

5.1 Starter Tenancies

MHA may grant a starter tenancy, usually as an assured shorthold tenancy for an initial 12-month trial period. This type of tenancy is offered to all applicants that do not hold a current assured social housing tenancy before being offered a property with MHA. The purpose of a starter tenancy is to help new tenants establish a successful tenancy and demonstrate that they can comply with tenancy conditions.

During the starter period MHA will monitor the tenancy, provide advice and support where needed, and take action where serious or persistent breaches occur. A starter tenancy will usually convert to an assured tenancy at the end of the starter period unless MHA has taken action to extend the starter tenancy for a further six months or end the tenancy in line with the tenancy agreement and the law.

5.2 Assured Tenancies

Most MHA general needs tenants will hold an assured tenancy once any starter period has ended or if they have moved from an existing assured tenancy with MHA or any other social housing provider.

An assured tenancy gives the tenant long-term security, provided they occupy the property as their only or principal home and comply with the tenancy agreement. MHA may only end an assured tenancy by following the correct legal process and obtaining a court order where required.

5.3 Affordable Rent Tenancies

MHA may let some homes on an affordable rent basis where this is permitted by funding, development or regulatory arrangements.

Affordable rent tenancies will usually carry the same tenancy rights as the equivalent tenancy type granted, such as starter or assured status, but the rent setting arrangements may differ. Tenants will be informed of the rent, which may be set at up to 80% of the market rent.

5.4 Joint Tenancies

MHA may grant a joint tenancy where it is appropriate to do so, normally to partners or household members who both meet the eligibility criteria and intend to occupy the property as their only or principal home. Partners are encouraged to apply for a joint tenancy where this is appropriate.

Joint tenants are jointly and individually responsible for all tenancy obligations, including rent, service charges, property condition and household behaviour. If one joint tenant dies, the surviving joint tenant will normally remain the tenant automatically by survivorship.

MHA will only add or remove names from a tenancy in exceptional circumstances and where permitted by law and the tenancy agreement. Tenants and household members may have other options available and will be advised to seek independent advice where appropriate. Only one statutory succession or change is permitted per tenancy.

6. Tenancy Sign-Up and Information

Before a tenancy starts, MHA will explain the tenancy type, rent and service charges, rights and responsibilities, repair obligations, occupation requirements, support available, and the consequences of breaching tenancy conditions.

Tenants will receive a copy of their tenancy agreement and relevant tenant information. MHA will encourage tenants to ask questions before signing and will make reasonable adjustments where needed to ensure the information is understood.

7. Tenancy Sustainment

MHA is a proud signatory to the Bradford Eviction Prevention Protocol and is committed to preventing homelessness wherever possible. In line with the Protocol, MHA works collaboratively with Bradford Council and partner agencies to identify tenancy issues at an early stage, provide appropriate support, and explore all reasonable alternatives before considering legal action or eviction.

Our approach focuses on tenancy sustainment, early intervention, positive engagement, and supporting residents to remain safely in their homes wherever possible. Where a tenancy cannot be sustained, MHA will work with relevant agencies to minimise the risk of homelessness and help identify suitable alternative housing options.

Enforcement action will normally be considered when support has not resolved the issue, the breach is serious, or there is a risk to residents, staff, property or the wider community.

8. Succession

8.1 General Advice

Succession is the process by which a tenancy may pass to another person following the death of a tenant. MHA will consider succession requests sensitively, promptly and in line with the tenancy agreement, relevant legislation and MHA's Succession Policy.

MHA's Succession Policy sets out who may qualify to succeed, the evidence required, how discretionary cases will be considered, and how decisions will be made and reviewed.

8.2 Evidence and Decisions

Applicants will be asked to provide appropriate evidence to support their request, such as proof of identity, relationship, residence and the tenant's death. MHA will consider each case on its facts, including household circumstances, vulnerability, property suitability and the best use of housing stock.

Decisions will be confirmed in writing with clear reasons. Where succession is refused, MHA will explain the reasons, provide housing options advice where appropriate, signpost to independent advice, and explain any review or complaint route available.

9. Assignment

Assignment is the transfer of a tenancy from one person to another. MHA will only allow assignment where it is permitted by law and the tenancy agreement, such as by mutual exchange, by court order, or in limited circumstances to a person who would qualify to succeed if the tenant had died.

Tenants must not assign, sublet or part with possession of their home without MHA's written permission where permission is required.

10. Mutual Exchange

10.1 General Advice

Mutual exchange allows eligible social housing tenants to swap homes with another tenant, subject to written consent from all landlords involved. MHA supports eligible tenants to access mutual exchange opportunities and will consider applications fairly, consistently and in line with the tenancy agreement, relevant legislation and MHA's Mutual Exchange Procedure.

MHA's Mutual Exchange Policy sets out eligibility, how applications are assessed, legal timescales, grounds for refusal or conditional consent, property inspection requirements and how an exchange is completed.

10.2 Eligibility and Assessment

MHA assured tenants will normally have the right to apply for a mutual exchange, subject to the terms of their tenancy agreement and any legal grounds for refusal. Starter tenants do not normally have the right to exchange until their tenancy has converted to an assured tenancy, unless MHA agrees otherwise in line with its policy.

MHA will assess applications by considering tenancy type, rent account, tenancy conduct, household need, property size, property condition, adaptations, safeguarding issues and any information from other landlords involved.

Tenants must not move until written permission has been issued, all conditions have been met, and the legal assignment documents have been completed.

10.3 Advice to Tenants

MHA will encourage tenants to view the property and area carefully before exchanging and to seek independent advice if they are unsure. Tenants should understand that exchanging may affect their tenancy rights, succession rights, rent, service charges and repair responsibilities.

MHA are signed up to Home Swapper (a mutual exchange website). MHA tenants can register and apply for an exchange on the website free of charge.

11. Ending a Tenancy

Tenants who wish to end their tenancy must give notice in writing in accordance with their tenancy agreement, usually at least four weeks. MHA will inspect the property, explain the tenant's

responsibilities before leaving, and provide advice about rent, keys, repairs, clearance and forwarding contact details.

MHA may also end a tenancy where there are legal grounds to do so but will follow the correct legal process and consider proportionality, support needs and reasonable adjustments before taking possession action.

12. Tenancy Fraud, Abandonment and Unauthorised Occupation

MHA will take action to prevent and tackle tenancy fraud, including unlawful subletting, non-occupation, false applications, abandonment and unauthorised assignment.

Tenants must occupy the property as their only or principal home. Tenants must not sublet the property (renting out all or part of the home to another person), assign their tenancy (transferring their tenancy rights and responsibilities to someone else), or allow another person to occupy the property where this would breach the terms of their tenancy agreement.

Suspected fraud will be investigated fairly and proportionately, and MHA may take legal action where appropriate.

13. Equality, Diversity and Reasonable Adjustments

MHA is committed to treating tenants and applicants fairly and with dignity. MHA will comply with the Equality Act 2010 and will make reasonable adjustments where a person's disability, communication needs, literacy, language requirements or vulnerability affects their ability to access the service or comply with a process.

Decisions will be based on relevant facts and tenancy requirements, not on assumptions or stereotypes.

14. Reviews, Complaints and Appeals

Where a tenant or applicant disagrees with a tenancy management decision, MHA will explain any review, appeal or complaint route available.

Complaints will be handled in line with MHA's complaints policy and the Housing Ombudsman's Complaint Handling Code where applicable.

MHA will keep clear records of decisions, reasons, evidence considered and any advice or support offered.

15. Monitoring and Review

MHA will monitor the operation of this policy through tenancy management records, mutual exchange outcomes, succession decisions, tenancy sustainment activity, complaints, legal action and customer feedback.

The policy will be reviewed at least every three years, or sooner if there are changes in legislation, regulation, case law, local authority tenancy strategy, MHA's operating model or identified learning from complaints or service reviews.

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Lead Officer	Head of Housing Services