

Paradigm Housing Group

Tenure Policy

April 2017



	<h2>Policy</h2>
Title	Tenure Policy
Policy statement	<p>As a Private Registered Provider of homes, Paradigm is committed to letting our properties in a fair and transparent way.</p> <p>In accordance with the Tenancy Standard as set out in the Regulatory Framework issued by the Homes and Communities Agency (“HCA”), we will offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of our housing stock. We will meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.</p> <p>We aim to be compatible with our Local Authority Partners objectives through the monitoring of their tenure strategies and policies.</p>
Objective	<ul style="list-style-type: none"> • To define what tenure types we offer to our customers • To ensure that tenancies granted are consistent, transparent and fair • To ensure we comply with all legal and regulatory requirements and standards. • To make the best use of our social housing stock to reduce the impact where demand for social housing exceeds supply. • To never reduce a tenant’s security of tenure without a court order or through mutual assignment. • To ensure we co-operate with Local Authority partners in the development of their tenure strategies which aim to respond to the local demand and local needs. • To respond to the needs of households seeking homes.
Background	<p>The Homes and Communities Agency’s Regulatory Framework sets out the Tenancy Standard which requires Registered Providers to publish clear and accessible policies which outline their approach to:</p> <ul style="list-style-type: none"> • The type of tenancies they will grant. • Where they grant tenancies for a fixed term, the length of those terms. • The circumstances in which they will grant tenancies of a particular type. • Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period. • The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered. • Taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability. <p>Registered providers must:</p>

	<ul style="list-style-type: none"> • Grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period. • Grant those who were social housing tenants before 1st April 2012 (this is the date which section 154 of the Localism Act 2011 came into force), and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms). • Grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.
<p>Policy Principles</p>	<p>Types of agreements</p> <p>The type of tenancy issued by Paradigm will be influenced by a number of factors including (but not limited to);</p> <ul style="list-style-type: none"> • The date the agreement will commence • The type of agreement, if any, held immediately prior to the new agreement being granted • The tenure of property to be occupied e.g. supported, house in multiple occupation, temporary accommodation and general needs • Restrictions arising from nomination agreements, deed title, covenants, S106 and any other planning consents and funding streams used to provide the accommodation. • Local Authority Strategies <p>Each tenant is issued with their own agreement which contains the rights and responsibilities of both the tenant(s) and Paradigm. The rent level charged for each property is determined in accordance with our Rent Policy.</p> <p>The types of agreements we issue are:</p> <ul style="list-style-type: none"> • Secure Tenancy • Periodic Assured Tenancy • Assured Shorthold Tenancy, including Periodic, Six Month Fixed Term, Two Year Fixed Term and Five Year Fixed Term Tenancies. • Licence Agreement • Contractual Tenancy <p>The tenancy table attached at Appendix A, forms part of this policy and must be read in conjunction with this document. It sets out the circumstances in which we will grant particular agreements along with the rights of those tenants.</p> <p>Two Year Fixed Term Assured Shorthold Tenancies</p> <p>We will grant Two Year Fixed Term Assured Shorthold Tenancies in the following instances:</p> <ul style="list-style-type: none"> • To tenants in our supported schemes where there are on-site support providers carrying out the day to day supervision of residents, and where it may be necessary to have a greater control over the length of tenancy granted. The two year fixed term tenancy will follow an initial starter tenancy (which is a periodic assured shorthold tenancy). • Under our review criteria for our Fixed Term Tenancies, if a tenant(s) 'passes' the first stage of the review criteria, and the property remains suitable, a new

fixed term tenancy will be granted, the term will be equivalent to term of the previous tenancy, either five or two years. If a tenant(s) passes the first stage of the review criteria, but their existing property is no longer suitable, there is no obligation for us to move the tenant to a more suitable property. However, we will work with tenant(s) to explore their housing options. If, at the end of the fixed term, no suitable alternative accommodation has been secured, we will generally grant a new two year fixed term tenancy at the existing property, in recognition that the current property is not suitable in the longer term. However, if the property is part of a redevelopment programme that is due to commence within two years from the end of the initial five year fixed term tenancy, we will issue a periodic Assured Tenancy.

Where we have granted a two fixed term tenancy in the instance that the property is no longer suitable for the tenant(s), this two period is designed to be used by the tenant(s) to source more suitable accommodation and there is no guarantee that we will issue a subsequent tenancy.

More information about our fixed term tenancy reviews can be found in our Tenancy Management Policy.

Joint agreements

For new tenants, we will issue joint tenancies to those nominated by the local authority as joint applicants. If the potential resident is not received by way of a nomination we will usually only offer joint tenancies to married couples, civil partners and people in a relationship that live together. We reserve the right to offer joint tenancies to others at the discretion of the regional manager. Joint tenancies for new tenants can be granted up to a maximum of four people.

Tenancies for minors

A person aged 16 or 17 may be nominated to us from a local authority as they may have a duty to house them under Part 7 of the Housing Act 1996. However under Schedule 1 (6) of the Law of Property Act 1925 a Minor (under the age of 18) is not capable of holding a legal interest in a property, we will therefore either...

- grant them a licence agreement where the resident is not being given exclusive use of the property or
- where we are giving exclusive use of the premises, we enter into a separate agreement called“ an agreement for tenancy for minors”. This agreement would then be attached to the relevant tenancy agreement that would have been granted to them had they been 18 or over. The resident has to adhere to the terms of the relevant tenancy and the actual tenancy agreement will fully come into effect when they reach 18. When entering into a separate agreement for minors we would require a trustee to hold the tenancy in trust for the resident. The trustee may be a family member, support agency or local authority. We may also ask for the trustee to act as a guarantor for the resident.

Appeals

A resident can appeal to an Executive Director in relation to the type of tenancy offered or the fixed term being proposed. The Appeal can be made in writing, by telephone or in person.

Tenancy Management issues

Succession (including) discretionary tenancies, assignments, mutual exchanges, tenancy monitoring, reviews and ending of tenancies will take place in accordance

	<p>with our Tenancy Management Policy.</p> <p>Moving with arrears</p> <p>If agreement is given for a Paradigm resident with rent arrears to move internally, we will attach their existing rent arrears to their new tenancy. Any default in payment will constitute as a breach of the new tenancy and be recovered in line with our Rent Recovery Policy.</p>
Scope	<p>This policy is relevant to all tenancies and licence agreements issued by Paradigm Housing Group. It excludes lease agreements.</p> <p>This policy will be adopted by all Regional Housing Staff and Housing Customer Service Advisors.</p>
Legal and regulatory framework	<p>Housing Act 1980, 1985, 1988, 1996 Localism Act 2011 Equality Act 2010 Human Rights Act 1998 Data Protection Act 1998 Schedule 1 (6) of the Law of Property Act 1925 Schedule 1 of the Trusts of Land and Appointment of Trustees Act 1996. HCA Regulatory Framework 2012</p>
Responsibility	<p>Executive Director of Housing Regional Head(s) of Operations Regional Team Managers Regional Team Leaders Regional Housing Teams</p>
Customer focus	<p>The original policy in 2013 was reviewed by our customers on a small project group from May-November 2013. Involvement took place the form of face to face meetings and consultation via document exchange with customers. A draft of the policy was considered and approved at the Residents Forum on 12 November 2013.</p> <p>A draft of the policy was sent to our local authority partners during October-November 2013 and their comments invited.</p> <p>The 2015 and 2016 reviews of the policy have not changed our approach and only minor updates have been made therefore no customer consultation was required.</p>
Cross references	<p>Statement of Approach to the delivery of tenancy and estate management Equality, Diversity and Inclusion Policy Tenancy Management Policy Lettings Policy Tenure and Lettings processes Tenancy Management Processes Vulnerable Persons Policy</p>
Equality and Diversity	<p>Paradigm's Equality, Diversity and Inclusion Policy outlines our commitment to equality of access and outcomes for all customers. An Equality Impact Assessment was undertaken of the original policy and no substantial issues have been identified. There are no equality issues arising out of the updates to this policy.</p>
Risk	<p>The failure to award tenancies and licence agreements in accordance with legislation and regulation could leave Paradigm open to claims of maladministration. This could lead to increased complaints, legal and</p>

	compensation costs, reprimand from regulatory authorities and cause damage to our reputation.
Value for money	<ul style="list-style-type: none"> The use of Fixed Term tenancies and Tenancy Reviews helps us ensure that our homes remain occupied by people in housing need and provides an opportunity to assess the suitability of accommodation.

Definitions	<p>Tenancy agreement: is a legally binding contract between a tenant and Paradigm, it sets out the conditions upon which the property is let and includes rights and responsibilities of both the tenant and Paradigm. Where we have referred to tenancy and/or tenancy agreement within this document this also includes licence agreements for the purposes of the policy unless stated otherwise.</p> <p>Tenant: is a person(s) who rents and occupies a property rented from Paradigm.</p> <p>Licence: an agreement to occupy the property on a use and occupation basis only. This type of agreement is not a tenancy.</p> <p>Licensee: is a person(s) who occupies a Paradigm property on a use and occupation basis only.</p> <p>A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1985: a possession order based on the service of a Section 83 Notice also known as a Notice of Seeking Possession ('NOSP')</p> <p>A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988: a possession order based on the service of a Section 8 Notice also known as a Notice of Seeking Possession ('NOSP')</p> <p>A possession order obtained under the provisions of Section 21 of the Housing Act 1988: a possession order based on the service of a Section 21 Notice also known as a Notice Requiring Possession.</p> <p>A Notice to Quit: a notice served by either party which brings the agreement to an end.</p>
Policy Owner	David Hunter - Head of Operations – East Region
Prepared by	Sinead Lee – Policy Manager
Approved by	Housing Services Committee
Date of Board approval (if approved by Board)	<p>Original Policy - 13th May 2015</p> <p>Updates in November 2015 - Housing Services Committee (11 November 2015) and Ratified by Amalgamated Board (25 November 2015) in relation to the use of two year fixed term tenancies for relevant supported schemes.</p> <p>Updates in September 2016 - Management Team (16 March 2016), Housing Services Committee (4 May 2016) and Ratified by Amalgamated Board (25 May 2016) in relation to the use of two year fixed term tenancies following review of a five year fixed term tenancy. Some minor updates have also been made in relation to wording and terminology and to clarify Paradigm's position.</p> <p>Update in April 2017- Management Team (6 April 2017) and Board (26 April 2017) Correction made in relation to the use of periodic assured tenancies, following a fixed term tenancy review, where the property is due for redevelopment within two</p>

	years from the end of the initial fixed term tenancy.
Effective date	<p>18th May 2015.</p> <p>Updated in November 2015 to incorporate the use of two year fixed term tenancies for relevant supported schemes.</p> <p>Updated in September 2016 to reflect updates as to when we will use two year fixed term tenancies following the review of a five year fixed term tenancy.</p> <p>Updated in April 2017 to reflect updates as to when we will use periodic assured tenancies, following a fixed term tenancy review, where the property is due for redevelopment within two years from the end of the initial fixed term tenancy.</p>
Review date	18 th May 2018

Tenancy Types as part of Paradigm's Tenure and Tenancy Management Policies



Type of agreement	What is it?	When does Paradigm grant them?	How can this tenancy be brought to an end?
Secure Tenancy	<ul style="list-style-type: none"> • Introduced by the Housing Act 1985, amended by the Housing Acts 1988 and 1996 • A lifetime tenancy • Prior to 1989, the majority of social housing tenants would have held a secure tenancy. • Tenant has exclusive use of the property. • Since 15th January 1989, secure tenancies can only be granted by local authorities except where an existing secure tenant is moving within the same landlord. • Some registered providers including Paradigm have Secure tenancies from a stock transfer that took place pre 1989. • Some rights include: <ul style="list-style-type: none"> • Mutual Exchange • Right to Buy • Right to Fair Rent • Succession rights • Assignment rights • To take in a lodger 	<ul style="list-style-type: none"> • To an existing Paradigm Secure tenant who transfers to another Paradigm property. • To an existing secure tenant who mutually exchanges with a Paradigm 5 Year Fixed Term Tenant. 	<ul style="list-style-type: none"> • By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit. • A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1985. • A Notice to Quit served, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the secure status of the tenancy and it becomes a contractual tenancy.

<p>Periodic Assured (non shorthold) Tenancy</p>	<ul style="list-style-type: none"> • Introduced by the Housing Act 1988 • Lifetime tenancy • Predominately in use in Social Housing from 1989-2011 • Tenant has exclusive use of the property. • At present the majority of our tenancies are Assured Tenancies. • Some rights include: <ul style="list-style-type: none"> • Mutual Exchange • Right to Acquire • Succession Rights • Assignment Rights • To take in a lodger 	<ul style="list-style-type: none"> • To a Paradigm tenant who has successfully completed a starter tenancy which was granted before November 2011. • To an existing Paradigm assured tenant who mutually exchanges with a Paradigm Fixed Term Tenant. • To a Secure or Assured tenant of another registered provider or local authority that transfers to Paradigm or mutually exchanges with a Paradigm Fixed Term Tenant. • If Paradigm receives Secure tenants by way of a Stock Transfer, these tenants will receive an Assured Tenancy with preserved rights (they will not necessary be issued with a new tenancy, their existing Secure Tenancy will convert to an Assured with preserved rights) • Following a fixed term tenancy review where the property is due for redevelopment within two years from the end of the initial fixed term tenancy. 	<ul style="list-style-type: none"> • By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit. • A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988. • A Notice to Quit served, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy.
<p>Periodic Assured Shorthold Tenancy</p>	<ul style="list-style-type: none"> • Introduced by the Housing Act 1988 and amended by the Housing Act 1996 • They are a form of assured tenancies with a limited security of tenure. • Tenant has exclusive use of the property • Periodic tenancies roll from week to week or month to month. • Starter tenancies are periodic assured shorthold tenancies with a review after 12 months. 	<ul style="list-style-type: none"> • Starter tenancies which are probationary tenancies (granted to those who are new to Social General Needs Housing by way of bidding for a Paradigm property through Choice Based Lettings (CBL) or via their local Authority). • Key workers will be granted a monthly periodic Assured Shorthold Tenancy. • Where the length of occupation is likely to be short term or for specialist 	<ul style="list-style-type: none"> • By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit for weekly periodic tenancies and 1 months' notice for monthly periodic tenancies. • A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988. • A Notice to Quit served, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the

	<ul style="list-style-type: none"> Some rights include <ul style="list-style-type: none"> To take in a lodger unless sole occupation is a condition of the tenancy agreement. Basic tenancy rights 	<p>schemes where the tenancy is provided and linked to a support plan or agreement.</p> <ul style="list-style-type: none"> Mortgage Rescue Schemes Intermediate rent tenants 	<p>tenant loses the assured status of the tenancy and it becomes a contractual tenancy.</p> <ul style="list-style-type: none"> A possession order obtained under the provisions of Section 21 of the Housing Act 1988.
Six month Fixed Term Assured Shorthold Tenancy	<ul style="list-style-type: none"> Introduced by the Housing Act 1988 and amended by the Housing Act 1996 They are a form of assured tenancies with a limited security of tenure. Tenant has exclusive use of the property They are fixed for an initial period of six months then become statutory periodic and roll from week to week. These tenancies provide basic tenancy rights. 	<ul style="list-style-type: none"> Temporary Accommodation provided as part of our private sector leasing scheme Temporary Accommodation at Lea Bridge House up until 15th May 2015 Market rent properties Rent to Save Flexible Homeownership Tenants 	<ul style="list-style-type: none"> By acceptance of a Tenant's offer to surrender before the end of the fixed term provided both parties agree. Such a surrender can take effect at any time during the tenancy subject to the tenant giving at least 4 weeks' notice of intention to surrender. By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit once the fixed term has expired. A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988. A Notice served under Section 146 of the Law of Property Act 1925, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home. A possession order obtained under the provisions of Section 21 of the Housing Act 1988. A Notice to Quit served (once the fixed term has expired), where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy.
Five Year Fixed Term Assured Shorthold	<ul style="list-style-type: none"> Introduced by the Localism Act 2011 They are a form of an assured tenancy with less security of tenure than an 	<ul style="list-style-type: none"> To a Paradigm tenant who has successfully completed a starter tenancy which was granted after 	<ul style="list-style-type: none"> By acceptance of a Tenant's offer to surrender before the end of the fixed term provided both parties agree, such

<p>Tenancy</p>	<p>assured (non-shorthold) tenancy. They have more security than a standard assured shorthold tenancy.</p> <ul style="list-style-type: none"> • Tenant has exclusive use of the property • They are fixed for an initial period of five years • Some rights include <ul style="list-style-type: none"> • Right to Acquire • Mutual Exchange • Succession Rights • Assignment Rights • To take in a lodger 	<p>November 2011.</p> <ul style="list-style-type: none"> • To an existing Paradigm five year fixed term assured shorthold tenant who mutual exchanges by way of surrender and re-grant • To an existing Paradigm five year fixed term assured shorthold tenant who is to be granted another five year fixed term tenancy following a tenancy review. • To a fixed term or flexible tenant of another social housing provider that mutually exchanges with a Paradigm Secure or Assured tenant by way of surrender and re-grant 	<p>a surrender can take effect at any time during the tenancy subject to the tenant giving at least 4 weeks' notice of intention to surrender.</p> <ul style="list-style-type: none"> • By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit once the fixed term has expired. • A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988. • A Notice served under Section 146 of the Law of Property Act 1925, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home. • A possession order obtained under the provisions of Section 21 of the Housing Act 1988. * See Tenancy Review within Tenancy Management Policy document* • A Notice to Quit served (once the fixed term has expired), where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy.
<p>Two Year Fixed Term Assured Shorthold Tenancy</p>	<ul style="list-style-type: none"> • Introduced by the Localism Act 2011 • They are a form of an assured tenancy with less security of tenure than an assured (non-shorthold) tenancy. They have more security than a standard assured shorthold tenancy. • Tenant has exclusive use of the property • They are fixed for an initial period of 	<ul style="list-style-type: none"> • To tenants in our supported schemes where there are on-site support providers carrying out the day to day supervision of residents, and where it may be necessary to have a greater control over the length of tenancy granted. The two year fixed term tenancy will follow an initial starter tenancy which was granted after 	<ul style="list-style-type: none"> • By acceptance of a Tenant's offer to surrender before the end of the fixed term provided both parties agree, such a surrender can take effect at any time during the tenancy subject to the tenant giving at least 4 weeks' notice of intention to surrender. • By the tenant(s) serving Paradigm with a 4 Weeks' Notice to Quit once the fixed

	<p>two years</p> <ul style="list-style-type: none"> • Some rights include <ul style="list-style-type: none"> • Right to Acquire • Mutual Exchange • Succession Rights • Assignment Rights • To take in a lodger • Where Paradigm issues these tenancies within our supported schemes, the rights to acquire, mutual exchange, succeed, assign and take in a lodger will be excluded. 	<p>November 2011.</p> <ul style="list-style-type: none"> • To tenants who have 'passed' stage one of our fixed term tenancy review however the property is no longer suitable and is not part of a redevelopment scheme that will commence within two years from the end of the initial fixed term tenancy. 	<p>term has expired.</p> <ul style="list-style-type: none"> • A possession order obtained under one of the grounds listed in Schedule 2 of Housing Act 1988. • A Notice served under Section 146 of the Law of Property Act 1925, where the property has been abandoned or the tenant no longer occupies the property as their only or principal home. • A possession order obtained under the provisions of Section 21 of the Housing Act 1988. * See Tenancy Review within Tenancy Management Policy document* • A Notice to Quit served (once the fixed term has expired), where the property has been abandoned or the tenant no longer occupies the property as their only or principal home and the tenant loses the assured status of the tenancy and it becomes a contractual tenancy.
Contractual Weekly Periodic Tenancy	<ul style="list-style-type: none"> • Basic tenancy agreement used where we cannot grant an assured shorthold tenancy • Tenant has exclusive use of the property • These agreements provide basic tenancy rights 	<ul style="list-style-type: none"> • Temporary occupation while the Local Authority determine their homelessness obligations towards the household under Section 209 of the Housing Act 1996 	<p>By either Party giving 4 weeks' Notice to Quit.</p>
Licence Agreement	<ul style="list-style-type: none"> • Agreement for use and occupation • Occupant does not have exclusive use of the property • These agreement provide basic occupation rights • The Licence agreements we use for houses in multiple occupation ('HMOs') 	<ul style="list-style-type: none"> • Where the occupant does not have exclusive use of the property and shares communal facilities such as a bathroom, kitchen or living room with other occupants of the same property. • For temporary decants where the agreement for their current property 	<ul style="list-style-type: none"> • The Licensee serves Paradigm with a 4 weeks' Notice to Quit. • By giving the Licensee 28 days' written notice terminating the licence. Paradigm may terminate the Licence by giving a shorter period than 28 days' notice provided that the period of notice is

	<p>and for rooms at the Foyer and Lea Bridge are excluded licences and are excluded from the Protection of Eviction Act.</p> <ul style="list-style-type: none"> The Licence agreements we use for temporary decants and for self-contained properties e.g. the flats at the Foyer are not excluded licences. 	<p>continues.</p> <ul style="list-style-type: none"> Lea Bridge House from 18th May 2015 Foyer HMO's in our shared rental scheme. 	<p>reasonable in the circumstances. In most cases Paradigm will give 7 days' notice but in some cases a shorter period will be reasonable.</p>
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