



# **Crawley Borough Council Tenancy Policy**

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## **1 Context**

1.1 The need for a Tenancy Policy arises out of a range of social housing reforms set out in the Localism Act 2011 and through changes to the regulatory standards that all social landlords are expected to meet.

1.2 The requirement to produce a Tenancy Policy is set out in the Regulatory Framework for Social Housing produced by the Homes and Communities Agency (2012). The Tenancy Standard states:

*Registered providers shall 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 their housing stock*

1.3 In addition, the Standard also states;

*Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and*

- 3.3 Affordable rent is set at 80% of market rent and may not exceed the Local Housing Allowance (LHA) rates, it is inclusive of service charge. We will obtain a valuation for all our affordable rent properties on an annual basis which will form the basis of evaluating rents for properties.
- 3.4 Social rent is set using the Rent Standard as defined by the Regulator of Social Housing. Social rents are lower than affordable rent.
- 3.5 Service charges will be set in addition to the social rent for properties where there are shared communal areas that need to be maintained.

## **4 The types and lengths of tenancies granted**

### **Flexible tenancies**

- 4.1 Except as set out in section 5.9 below, Crawley Borough Council will not grant flexible tenancies on or after 1 April 2023.
- 4.2 Any flexible tenancy in existence on 31 March 2023 will continue to be a flexible tenancy until an offer of a new secure periodic tenancy is made and accepted by the tenant. Any new secure periodic tenancy granted will include provision for any arrears of rent to be transferred from the previous flexible tenancy, the tenant will need to accept this provision when the new secure tenancy is granted. Any introductory flexible tenancy in existence on 31 March 2023 will continue to be introductory and will be varied using the provisions of section 103 Housing Act 1985, so that their agreement states that at the end of the introductory period the tenancy will become periodic.
- 4.3 If the tenant fails to accept the new secure periodic tenancy, including the transfer of arrears to the new tenancy, they will remain on a flexible tenancy.
- 4.4 Where there are complexities around resolving joint tenancies if one tenant has vacated the property, this may result in a tenancy remaining as a flexible tenancy until resolution can be reached between parties.
- 4.5 Existing flexible tenancies that have a possession order associated with them or where possession proceedings or other anti-social behaviour enforcement action has been taken (including service of notices), those tenants will not be offered a new secure periodic tenancy, unless there are exceptional circumstances. In the event that the Council decides not to apply to enforce a possession order in these cases, the term of their flexible tenancy will continue and the tenancy reviewed at the end of the period.
- 4.6 The above does not affect the Council's right to seek possession based on the mandatory ground (under section 107D of the Housing Act 1985) at the end of any flexible tenancy, and the Council reserves this right accordingly.
- 4.7 The action at 4.6 will be taken only in exceptional circumstances where there has been a serious breach of tenancy during the lifetime of the tenancy.

### **Introductory Tenancies**

- 4.8 Except as described in 4.9 to 4.13 below, introductory tenancies will be offered to all new social housing tenants and will last for a twelve month term. At the end of a successful introductory period these tenancies will become secure periodic tenancies.
- 4.

- 4.10 If the tenancy conditions have been breached, then we will consider taking action to end the tenancy or extend the introductory tenancy for a further six months. If, following an extension to the introductory tenancy, the tenant has still failed to keep to the terms of their introductory tenancy we will consider taking action to end the tenancy.
- 4.11 The tenant has the right to request a review of a decision to either extend or end their Introductory Tenancy.
- 4.12 Aside from accommodation offered as described in sections 4.8, 4.13 to 4.16 and 5.9 , all other people will be offered a secure periodic (or lifetime) tenancy.

**Non-secure tenancies**

- 4.13 In some circumstances related to decanted introductory or secure tenants, the Council may grant non-secure tenancies

### **Tenancies granted before April 2012**

- 5.4 As shown in 5.2 a tenancy can be succeeded to by a spouse/civil partner who lived with the tenant at the property at the time of the tenant's death or if there is no spouse or civil partner, a family member can succeed to the tenancy who lived with the tenant for 12 months prior to the tenant's death.
- 5.5 Only one statutory succession is permitted.

### **Tenancies Granted between April 2012 and March 2013**

- 5.6 The Council's tenancy agreement for tenancies entered into between 1 April 2012 to 31 March 2013 includes a discretionary succession provision in line with entitlement conferred to pre-April 2012 tenancies as shown in 5.4 and 5.5.

### **Tenancies Granted from 1 April 2013**

- 5.7 Tenancies granted from 1 April 2013 do not have a discretionary succession provision in line with 5.4 and are only be able to be succeeded to in line with legislation, by either the spouse, civil partner or co-habitee (a person who had been residing with the tenant as if married or as if in a civil partnership) who occupied the tenanted property as their only or principal home at the time of the tenant's death. Only one statutory succession is permitted.

### **Family members who do not have the right to succeed to a tenancy**

- 5.8 The



- 9.2 We have an in-house Tenancy Support Officer, Financial Inclusion Officer, and Older Persons Support team who along with our Housing Officers offer a number of interventions to help tenants achieve a greater degree of security including:
- Carrying out affordability assessments where appropriate prior to the letting of a new tenancy where the tenant is not currently a so



## **11 Tackling fraud**

- 11.1 We take a proactive approach to addressing housing fraud, this begins at sign up and includes the requirement for tenants to submit a photo to be kept on file alongside their tenancy agreement and re-checking of identification prior to signing of the tenancy. Rechecking of identification may also take place during the tenancy, in order to re-verify identity.
- 11.2 Targeted tenancy checks will be carried out where tenancy fraud is suspected to ensure that the property continues to be occupied by the tenant it was let to. We will take immediate action to recover properties that have been sub-

## **Appendix A**

### **1. Right of Review of Decisions relating to Fixed Term Flexible Tenancies**

- 1.1 There is a statutory right to request a review of the following 2 types of decisions:
  - A person has the right to request a review of the Council's decision to offer a fixed term flexible tenancy (or the decision to serve a notice stating that on coming to an end of an introductory tenancy it will become a flexible tenancy of a certain length), if they believe the length of the tenancy offered is not consistent with this Policy.
  - A tenant has a right to request a review of the Council's decision not to offer a new tenancy on the expiry of their Fixed Term Flexible Tenancy.
- 1.2 A person who wishes to request a review must do so before the end of the period of 21 days beginning with the day on which the notice of the decision is served.
- 1.3 The administrative arrangements for requesting and conducting a review will be set out in the offer/decision letter. The Flexible Tenancies (Review Procedures) Regulations 2012 set out the procedure to be followed and include a right for the tenant(s) / potential tenant(s) to request an oral hearing.