

City Services Housing and Neighbourhood Tenancy Policy



Year 2022–2027

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1. Purpose

The purpose of this Tenancy Policy is to ensure compliance with the requirements of the Council Tenancy Strategy which can be found at <https://www.hull.gov.uk/housing/housing-regeneration-and-development/housing-strategies-and-policies>. The Tenancy Policy also provides a clear and transparent explanation to customers about the tenancies granted by Hull City Council. This policy will be reviewed at least every 5 years or more frequently should circumstances require any earlier review.

This Tenancy Policy sets out:

- The type and length of the tenancies Hull City Council (“the Council”) offers.
- Advice and support to tenants – see addendum.
- The Councils policy on succession rights for the tenants
- The circumstances in which the Council will charge affordable rent
- The frequency of the policy.

The Tenancy Strategy for Hull sets out matters which registered providers of social housing in Hull, including Hull City Council, have to have regard to in their Tenancy Policy. This Tenancy Policy provides a framework whereby tenants of the Council are given the right home for as long as they need it.

2. What type of tenancies Hull City Council will grant?

The Council is a local housing authority which provides a large range of housing accommodation for letting to tenants.

Introductory tenancies

The Council currently operates an Introductory Tenancy Scheme. This means that any new tenancy granted by the Council to a person who is not already a secure tenant of a Council property (in Hull or elsewhere) or an assured tenant of a social housing must be an introductory tenancy. The introductory period normally lasts 12 months and in cases up to a maximum of 18 months. At the end of the introductory period the tenant will become a secure tenant of the Council.

Secure tenancies (“lifetime”)

Where the Council grants a new tenancy to a person who is already a secure tenant of a council property (in Hull or elsewhere) or an assured tenant of social housing, this will normally be a secure lifetime tenancy. The Council may grant secure lifetime tenancies or secure flexible tenancies dependent upon legal requirements and its current policy. Any secure tenancy will be subject to the tenant successfully completing an introductory tenancy period as mentioned above. The Council will grant a secure tenancy to survivors of domestic abuse who either are or was a secure or assured tenant (in Hull or elsewhere) and the new tenancy is granted for reasons connected with that abuse.

Within this policy, a lifetime tenancy means a weekly periodic secure tenancy (a tenancy which runs from week to week). Having a secure tenancy means that the Council can only recover possession of a property if it has obtained a possession order through the Court. The Council may only seek possession where there are legal grounds to do so (e.g. where the tenant is in breach of their tenancy agreement with

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the Council or in certain limited circumstances where the Council need to demolish or redevelop a property and cannot do so without regaining possession). Where the reason for the Council wanting to take possession of the property is not the tenant's fault the Council must offer another suitable property to the tenant. All of the reasons for which the council can seek possession of a property are set out in Schedule II of the Housing Act. The Court does not have to make a possession order if it does not think that it is reasonable to do so. Unless the Council successfully obtains a possession order to end the tenancy, and recover the property, the tenant has the opportunity and choice to live in the property for the rest of his/her life.

Non secure contractual tenancies

In some limited circumstances it is possible for the Council, at its discretion, to grant a tenancy which is neither introductory nor a secure tenancy. These tenancies, which are not fixed term, offer a tenancy where specific criteria must be met. This type of tenancy is used within our Shared Tenancies scheme. These tenancies and circumstances for in which such a tenancy will apply are in Schedule 1 of the Housing Act 1985.

Flexible tenancies

Any new introductory or secure tenancy offered by the Council will be a lifetime tenancy (subject to the tenant completing any introductory tenancy period) except where a tenant is offered the tenancy of a property which is within a flexible tenancy scheme as described in this policy. Flexible tenancies are granted in accordance with Section 107A of the Housing Act 1985. A flexible tenancy will be granted by the Council to a tenant for fixed period of time which cannot be less than 2 years. The Council has the right to seek a Court Order to recover possession of the property at the end of the flexible tenancy period. The Court must make an order for possession where the Council has followed the correct legal steps for ending the tenancy.

Such properties will be clearly advertised for letting solely under a flexible tenancy and the tenant will be served with a notice confirming that the proposed secure tenancy will be a flexible tenancy or that the proposed introductory tenancy will be become a secure flexible tenancy at the end of the introductory period. The Council may decide to use a flexible secure tenancy in some circumstances where this meets housing management requirements or to address a particular housing management situation. Any decision to adopt a flexible tenancy scheme will be subject to a formal decision to so and will amend this policy.

Where the Council is considering the introduction of a flexible tenancy scheme it will:

- Carry out reasonable consultation with the local community on its proposals.
- Set out in a report the reasons for wishing to introduce a new flexible tenancy scheme and how this complies with the Council Tenancy Strategy.
- Require any decision to adopt the proposed flexible tenancy scheme to be approved by the Head of Service with the responsibility for the management of the Councils Housing function in consultation with the Council's Portfolio Holder with the responsibility for the Councils housing functions.

Where a decision is made to adopt a new flexible tenancy scheme the details of the scheme and how it will be applied will be published as an addendum to the Councils Tenancy Policy. The Council may if it chooses to adopt a number of flexible tenancy schemes each of which will

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be a separate scheme within the Tenancy Policy and may be subject to different terms and conditions.

Where the Council adopts a flexible tenancy scheme the period of the tenancy will normally be for a minimum period of five years. There may be some exceptional circumstances the Council may wish to offer a flexible secure tenant for a minimum period of two years but less than five years. In such cases the decision making process details above will reflect and record the decision or this.

Where the Council wish to offer a flexible tenancy to a prospective tenant it will serve written notice upon that person that the tenancy will be a flexible secure tenancy or where the tenancy will be an introductory tenancy, notice that at the end of the introductory tenant period the tenancy will become a flexible secure tenancy. In both instances the notice will state the fixed period of the flexible tenancy being offered to the prospective tenant.

The fixed period of the flexible tenancy being offered to the tenant will meet the terms of the particular flexible tenancy scheme within this policy under which the tenancy is being offered.

Prospective tenants who are offered a fixed term tenancy have the right to request a review of the Council's decision about the length and term of the tenancy offered where this does not meet the Council's published flexible tenancy scheme under the Tenancy Policy. A request for such a review must be made within 21 days beginning on the day on which the tenant first receives their offer. The prospective tenant has the right to request that a review is conducted at a face to face hearing. All reviews will be undertaken by an officer of greater seniority than the office who made the decision to offer a flexible tenancy of the terms stated within the notice.

The Council's review procedure will be published and a copy provided to an applicant at the time of the offer of a flexible tenancy.

Review/renewal process for flexible secure tenancies at the end of a fixed term period

Between nine and seven months before the end of the fixed term of the flexible tenancy the Council will review the tenancy. The following matters will be taken into account when the tenancy is reviewed. This is not an exhaustive list and the Council may take into consideration any matter which it deems to be reasonable in the circumstances:

- The behavior of the tenant and their household including any breaches of tenancy during the fixed term tenancy.
- Any tenancy fraud identified during the fixed term tenancy.
- The Council's eligibility criteria (i.e. property type, size, appropriate to their household) at the time of the review.
- Whether the tenant engages in the flexible tenancy review process.
- Were the tenants property is an adapted property, whether the tenant or any members of their household continue to require adaptations.
- If the tenant has come into legal ownership or another home or property.
- Whether the Council considers that the property is still suitable for the needs of the tenant and his/he household.
- Whether the Council owns the property or still has sufficient legal interest in the property to be able to offer a further tenancy.

The Council will decide which of the following:

- To offer the tenant a further flexible tenancy of the property
- To offer the tenant a secure lifetime tenancy of the same property

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- Not to grant a further flexible tenancy of the property and to seek possession of the property but to offer the tenant a new flexible tenancy of an alternative property in accordance with the Councils current lettings policy and eligibility criteria.
- Not to grant a further tenancy of the property and to seek possession of the property and not to offer any alternative secure tenancy of a Council property.

Where a decision is made not to offer a further tenancy of a property and to seek possession of the property the Council will serve written notice on the tenant at least six months before the end of the fixed term period. The notice will set out that the Council does not propose to offer another tenancy on the expiry of the flexible tenancy, why the Council is not granting another tenancy and offer the tenant a right to a review of the Councils decision.

The Council review procedure will be published and a copy provided to the tenant with the notice referred to above. A request for a review of the notice to end a fixed term tenancy must be made within 21 days of the service of the notice beginning with the day on which the notice is served. The review will be undertaken by an officer of greater seniority than the officer who made the decision not to offer a further tenancy of the property. The tenant has the right to request that a review is conducted by a face to face hearing.

The Council will inform the tenant in writing of the decision on the review, and if the decision is to confirm the original decision, the tenant will be informed of the reasons for the decision. If the decision of the review is to overturn the original decision the tenant will be offered a further tenancy of the property. If the decision of the review is to confirm the original decision the Council will give the tenant not less than 2 months written notice stating that the Council requires possession. This notice may be given before or on the day on which the tenancy comes to an end. Where the Council decides to offer a new flexible tenancy, it will make a written offer of a new flexible tenancy and serve notice that the tenancy will be a flexible tenancy.

Advice and support for tenants who are not offered a Council tenancy on the expiry of a flexible tenancy.

Where a notice has been served by the Council proposing not to grant a further tenancy of a property on the expiry of a flexible tenancy and where the Council are not offering the tenancy of an alternative property the tenant will be provided with advice, information and assistance about the different future housing options available in their particular circumstances. This will be tailored to the needs and circumstances of the tenant and their households.

Tenants will be allocated a Housing Options Officer to provide ongoing housing options advice and assistance until the Council recovers possession of the property. This will include, where possible, helping the tenant to identify and secure alternative accommodation.

3. The Council's Policy on succession rights

Secure tenancies let before 1 April 2012

The Council's policy is to allow one succession to a secure tenancy following the death of the tenant where the following criteria is satisfied. The potential successor must be:

- The tenant's spouse or civil partner however long they have lived with the tenant or
- Another member of the tenant's family who has resided with the tenant throughout the period of twelve months ending with the tenants death (including a person who was living with the tenant as if he/she were a spouse or civil partner). The following people are members of the persons family;
 - Tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece. This includes step children, illegitimate relatives, half relatives, and relatives by marriage. The reference to related by marriage includes for e.g., tenant's spouses niece, but not tenant's nieces spouse. A foster child is not a family member for the purposes of succession.
- In either case, the potential successor must have been living at the property as their principal home at the time of death.

Secure tenancies let after 1 April 2012

The Council's policy is to allow one succession to a secure tenancy following the death of the tenant where the following criteria is satisfied. The potential successor must be:

- The tenant's spouse or civil partner (including a person who was living with the tenant as if/she were a spouse or civil partner) however long they have lived with the tenant.

Introductory tenancies

There is no distinction between tenancies that began before or after 1st April 2012 for an introductory tenancy. The same rules apply as for secure tenancies that were let before 1st April 2012.

4. Affordable rent

Local authorities are able to agree with Homes England to convert a proportion of their properties which are being relet on an affordable rent to help fund the development of new homes. This means that the Council can charge different rent (which could be higher) than their usual rent charge. The Council may which to use affordable rent tenancies in some circumstances. These are:

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- Where major investment in particular housing stock has been or will be undertaken.
- Where funding for a project requires that the Council use affordable rents.

Where the Council is considering using affordable rent tenancies it will:

- Carry out reasonable consultation with the local community on its proposals
- Undertake a financial viability test
- Set out in a report the reasons for using affordable rents and the benefits the Council expects
- Require any decision to adopt the proposed affordable rent scheme to be approved by the Head of Service with the responsibility for the management of the Councils Housing function in consultation with the Councils Portfolio Holder with the responsibility for the Council's Housing function.

Addendum 1

Priority Neighbourhoods Programme Flexible Secure Tenancy Policy

Background

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Through the Priority Neighbourhoods Programme (PNP) Hull City Council leases properties from private owners for a fixed period of between ten and fifteen years for the purposes of refurbishing those properties and thereafter using them to provide additional general needs housing within its housing stock. The Council cannot offer secure lifetime tenancies to the tenants of properties leased under the PNP because it has insufficient legal interest in the properties and must hand them back to the owner at the end of the lease term. The most secure form of tenure that can be offered to a tenant of a PNP leased property is a flexible secure tenancy. All flexible secure tenancies of PNP leased properties will be for a term which is one calendar year less than the term remaining on the Council's lease of the property to the nearest Sunday after. This is to enable the Council to regain possession of the property, carry out any necessary works required under the lease obligations and ensure the owner is given vacant possession of his property at the end of the lease period. A flexible secure tenancy agreement which reflects the Council's usual tenancy conditions but which is amended to take into account the different tenure type will be used for tenants of the PNP lease properties. The details of the scheme are set out below.

Property Type for the Priority Neighbourhoods Flexible Secure Tenancies

The scheme applies to all properties leased to the Council through the PNP and may be located in any area of the city. The properties may include any property type or size (e.g. houses or flats).

Who will be offered PNP flexible secure tenancies?

A flexible secure tenancy or an introductory tenancy leading to a flexible secure tenancy will be offered to Hull Homesearch applicants who either have successfully bid for a property which has been advertised as a PNP lease property or to applicants who have a direct letting for the particular property type, and have been cleared for offer following the pre-tenancy checks.

Length of the PNP Flexible Secure Tenancy

The length of the flexible secure tenancy offered will vary according to the length of the term remaining on the Council's lease of the PNP property at the time when the offer of tenancy is made and taking into account any introductory tenancy period which must be served by the applicant but it will never be less than two years.

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Existing secure or assured tenants

Where the applicant is an existing secure lifetime tenant (of Hull City Council or of another authority) or an assured tenant of a registered provider they will be offered a flexible secure tenancy from a date specified in the Offer Notice to the date one calendar year prior, to the nearest Sunday after, to the expiry of the Council's lease of the PNP property. The applicant will be informed of the date upon which the Council's lease of the PNP property ends in the Offer Notice.

As an example, the Council holds a 10 year lease of a property starting on 1st January 2013 and ending on 31st December 2022. If a secure tenant successfully bids for this property he will be offered a secure flexible tenancy commencing on a date specified in the Offer Notice and ending on the nearest Sunday after 31st December 2021.

New tenants

Where the applicant is not an existing secure lifetime tenant (of Hull City Council or of another authority) or an assured tenant of a registered provider he will be offered an introductory tenancy in line with the Council's policy on introductory tenancies and thereafter a flexible secure tenancy for a period commencing on the first day after expiry of the introductory tenancy to a date one calendar year less than the term remaining on the Council's lease of the PNP property to the nearest Sunday after (calculated at the date when the flexible secure tenancy will commence). The exact dates upon which the tenancies offered will start and finish will be specified in the Offer Notice. The applicant will be informed of the date upon which the Council's lease of the PNP property ends in the Offer Notice.

As an example. The Council holds a 10 year lease of a property starting on 1st January 2013 and ending on 31st December 2022. If a new applicant who was not already an introductory tenant successfully bids for this property he would be offered a weekly periodic introductory tenancy from a specified date and a secure flexible tenancy to commence on the completion of the introductory tenancy. If the introductory tenancy offered commences on Monday 4th March 2013, it will end on Monday 3rd March 2013 he would be offered a flexible tenancy which will commence on Tuesday 4th March 2014. If the introductory tenancy had been extended, it will end on Wednesday 3rd September and the flexible secure tenancy would commence on Thursday 4th September 2014. The secure flexible tenancy offered would therefore be from 4th March 2014 to the nearest Sunday after 31st December 2021 or if the introductory tenancy had been extended from 4th September 2014 to the nearest Sunday after 31st December 2021.

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Existing introductory tenant

Where the applicant is an existing introductory tenant and is part way through the introductory period he / she will only be required to complete the remainder of their existing introductory tenancy period before commencing a flexible secure tenancy (subject to any extension of the introductory period following service of the appropriate Notice by the Council). The flexible secure tenancy offered will be for a period commencing on the first day after expiry of the introductory tenancy to a date one calendar year less than the term remaining on the Council's lease of the PNP property to the nearest Sunday after (calculated at the date when the flexible secure tenancy will commence). The exact dates upon which the tenancies offered will start and finish will be specified in the Offer Notice. The applicant will be informed of the date upon which the Council's lease of the PNP property ends in the Offer Notice.

As an example, the Council holds a 10 year lease of a property starting on 1st January 2013 and ending on 31st December 2022. If an applicant who was already an introductory tenant successfully bids for this property he would be offered a weekly periodic introductory tenancy from a specified date, for the balance of his required introductory tenancy period and a secure flexible tenancy to commence on the completion of the introductory tenancy period. If the applicant's original introductory tenancy had commenced on 26th November 2012 and a new introductory tenancy for the PNP property was offered to commence on Monday 4th March 2013, the new introductory tenancy would end on 25th November 2013. A flexible secure tenancy would be offered to commence on 26th November 2013. If the introductory tenancy had been extended, it would end on 25th May 2014 and the flexible secure tenancy would commence on 26th May 2014. The secure flexible tenancy offered would therefore be from 26th November 2013 to the nearest Sunday after 31st December 2021 or if the introductory tenancy had been extended from 26th May 2014 to the nearest Sunday after 31st December 2021.

Court action during the introductory period

Where the court grants possession to the Council during the introductory period, this will impact upon the granting of the flexible secure tenancy. If a possession order is made by the Court the secure flexible tenancy will not commence on the date specified in the Offer Notice or at all. The tenant will remain an introductory tenant of the property until such time that his tenancy ends either by him giving notice to end the introductory tenancy, surrendering the tenancy or by the Council evicting him from the property by the issue of a Warrant for Possession. The Council may at its discretion offer a new introductory tenancy leading to a secure flexible tenancy of the property. In these circumstances a new offer notice will be issued and the term of the secure flexible tenancy offered will be in accordance with the tenancy policy and for a period which is in accordance with this addendum.

Tenancies offered at the end of the lease term

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Where a PNP property becomes vacant within the final four and a half years of the Council's lease term a flexible secure tenancy will not be offered at the property. This is because the Council may be required to grant any potential successful applicant for a PNP lease property a tenancy of 3 and a half years. This comprises of a maximum 18 month introductory tenancy period prior to a flexible secure tenancy and the flexible secure tenancy itself which may not legally be less than a 2 years term. In addition the Council will need to carry out pre tenancy repairs before the property is let and requires a one year period at the end of its lease with the owner to ensure that the property is vacant and in suitable condition to hand back to the owner. As the aggregate period for this may exceed 4 and a half years, the Council will consider letting the property using non-secure forms of tenancy where it is possible to do so during this period.

During the final three years of the Council's lease of a PNP property the Council will not give its consent for a Transfer of Tenancy under Section 158 of the Localism Act 2011 as there will be insufficient time left on the lease to grant a 2 year flexible secure tenancy and allow a one year period at the end of the lease to ensure that the property is vacant and in suitable condition to hand back to the owner.

Right of Review of the Offer of a Tenancy of a PNP Property

The written Offer Notice for the tenancy will always be given to the applicant at the end of the accompanied viewing of the property if an offer is to be made.

Applicants have a statutory right to request a review of the length of the flexible tenancy term offered where they believe that the Council has not followed its tenancy policy. The review period runs for 21 days following the date the Notice of Offer of the tenancy is made.

Reviews will be conducted in accordance with the Council's Tenancy Policy and its related review procedure.

Review at the end of the Flexible Secure Tenancy Period of a PNP Property

The PNP flexible secure tenancy will be reviewed as set out in Paragraph 4 of the Tenancy Policy. It must be noted that there will be no possibility of offering a further flexible secure tenancy or a secure lifetime tenancy at a PNP lease property at the end of the term because the Council does not own the property and will have insufficient legal interest in the property at that stage to offer any form of secure tenancy. The Council may at its discretion consider granting a temporary licence at the property at the end of its lease period in accordance with its Let in Occupation Policy. if appropriate to do so.

Advice and support for tenants who are not offered a Council Tenancy on the expiry of a flexible tenancy

Where a notice has been served by the Council proposing not to grant a further tenancy of a property on the expiry of a flexible tenancy and where the Council are not offering the tenancy of an alternative property the tenant will be provided with advice, information and assistance about the different future circumstances. This will be tailored to the needs and circumstances of the tenant and their household. Tenants will be allocated a Housing Options Officer to provide ongoing housing options advice and assistance until the Council recovers possession of the property. This will include, where possible, helping the tenant to identify

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and secure alternative accommodation.

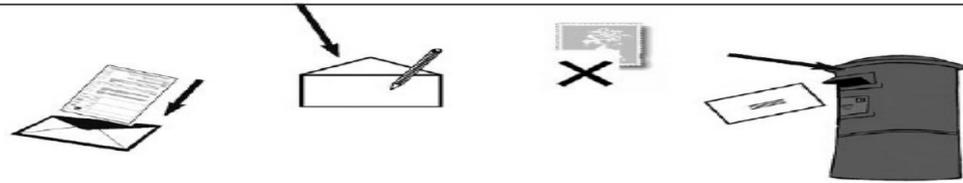
Reviews will be conducted in accordance with the Council's Tenancy Policy and its related review procedure.

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- Farsi اگر این نامه را به زبان خودتان میخواهید, لطفاً مربع مربوطه را علامت زده و آنرا داخل یک پاکت نامه گذاشته و به آدرس پستی رایگان زیرپست کنید:
- Turkish Bu mektubu kendi dilinizde isterseniz, lütfen kutuyu işaretleyip zarfın içinde adrese gönderiniz:
- Bengali আপনি যদি এই চিঠি নিজের মাতৃভাষায় পেতে ইচ্ছুক হ'ন তাহলে দয়া করে বক্সে টিক্ করার পরে ঘামে ভরে এই ঠিকানায় পাঠান:-
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