

Revised Tenure Policy

Document owner	Director of Customer Services
Frequency of review	1 year and 3 years
Date last reviewed	N/a
Date of current review	September 2011
Reviewed by	CMT
Approved by (relevant group/s)	Board
Date of implementation	1/10/2011 (subject to HCA contract)
Date of next review	April 2012 (or earlier, having regard to local authority tenancy strategies that are developed, TSA Standards and legislative challenges)

Scope of policy

This Policy has been developed through wide consultation within the Housing Sector, local authorities, Senior Management Team and Board members. It sets out the circumstances in which Cottsway will grant lifetime tenancies and the affordable rent levels that will be charged.

This policy is based on the following principles:

- Cottsway must provide tenancies that are most secure, proportionate to the circumstances of the applicant, compatible with the purpose of the property and the sustainability of the community.
- it is easily understood by applicants/tenants
- it is fair and equitable
- it is simple to administer
- it will reflect good practice and meet our legal requirements at all times
- it recognises the external constraints imposed by legislation and agreements between Cottsway Housing and its partner organisations

Policy Statement

(This Policy is proposed in advance of what will be a legal duty on Local Authorities to publish a strategic tenancy policy consistent with their homeless strategy and allocation scheme. This will set out broad objectives to be taken into consideration by Cottsway in the area regarding our own policies on the grant and reissue of tenancies. Local Authorities will be required to draw up the strategic policy in consultation with other social landlords and expected to be agreed by November 2012, within 12 months of the Localism Bill becoming law.)

This policy will sit alongside the Tenant Services Authority Rent and Service Standards (expected to be in place by April 2012) and will help to deliver the Strategic Tenancy Policy of the local authorities within our operational area

which will vary in terms of choice-based letting (CBL) schemes and nomination arrangements.

This Policy allows for the flexibility to decide on the type of tenancy to be offered including the option to offer lifetime tenancies. The use of this flexibility will ensure that for those who need it, they will receive help and support with the aim of building strong and cohesive communities.

Existing Tenants

Secure and assured tenants will remain protected if they transfer, exchange or are decanted to alternative accommodation. Protection does not include rent levels that are charged.

Starter Tenancies

Cottsway Housing will normally grant a Starter Assured Shorthold Tenancy that will convert to a full Assured Tenancy at the first anniversary provided it has been conducted in a satisfactory manner.

Licences

Cottsway will normally offer a licence to any tenant who needs a temporary move as a result of fire, flood or structural defects. Cottsway will reinstate the original tenancy when the tenant returns to the repaired property.

Temporary Tenancies

Where practicable, Cottsway will assist its local authority partners in the provision of temporary tenancies under urgent circumstances to accommodate households who are homeless and in priority need. Cottsway will offer an Assured Shorthold Tenancy for a period of 6 months. This arrangement will be reviewed by both Cottsway and the Local Authority on an ongoing basis.

Flexible Fixed Term Tenancies

The introduction of Fixed Term Tenancies are deferred and the implementation will be subject to a full review of this Policy in 2012 and 2015.

Charitable Status

As a charity, Cottsway Housing can only house people and provide accommodation to people in charitable housing need. For example, people who do not have the resources to resolve their housing needs on the open market or people with other needs relating to things such as age, infirmity or disability. This policy should be applied in a way which ensures that only people in such need are allocated housing or accommodation.

Affordable Rent Tenancies (Homes & Communities Agency Contract)

The use of "Affordable Rent Tenancies" will only apply as part of the agreed contract between Cottsway and the Homes & Communities Agency to new properties built under the 2011-2015 Affordable Homes Programme together with an agreed percentage of re-lets that are converted to an agreed affordable rent level.

Implementation of Affordable Rents for new development

The following criteria will be followed:

- Affordable rent levels will be set at no more than 80% of the gross market rent for an equivalent property for the size and location and the rent shall be inclusive of service charges (as appropriate)
- and
- The affordable rents will not be higher than the relevant Local Housing Allowance maximum amounts set for eligibility for Housing Benefit and within the 30th percentile of market rents in all our operational areas
 - Cottsway will use a valuation of market rent in accordance with a RICS recognised method
 - Annual increases will be up to RPI + 0.5%
 - Our Financial Inclusion Team will work closely with the Local Authority at the point of nomination and discuss with applicants/residents to ensure they can afford their new home.
 - Our Financial Inclusion team will work closely with Local Authorities who operate a Choice Based Lettings Scheme and ensure properties are clearly advertised as affordable rented properties.

Conversion of Re-lets to Affordable Rent levels

Conversion of existing stock to Affordable Rent is a crucial element in generating additional financial capacity in order to deliver more affordable housing low levels of capital grant.

The process to be followed in assessing the affordable rent levels will be by arranging a valuation in accordance with an RICS recognised method.

Re-let conversion to Affordable Rent incorporates the following:

- 207 future re-lets of all existing stock to be converted from social rent to affordable rent when they become vacant (as defined in the HCA

Contract). The affordable rent level will be 80% of the local market rent level at the time of re-let and not less than target rent in all operational areas

Special exemptions may apply in the case of "difficult to let" family housing, for example, in isolated rural areas where there is low demand, at the discretion of the Head of Housing.

Exclusions:

- a)** All existing older persons sheltered housing stock.
- b)** Tenants who currently occupy existing family housing and who downsize by way of a transfer to existing stock (not future new development) shall retain the social rent level
- c)** General needs properties that are required for decanting purposes to assist with our redevelopment programme.
- d)** "Difficult to let" family housing, for example, in isolated rural areas where there is low demand, at the discretion of the Head of Housing.
- e)** Any properties subject to Section 106 restrictions requiring social rent, target rent or similar terms
- f)** Temporary accommodation where assured shorthold tenancies and licenses are permitted for shorter periods to support the local authority in carrying out their homelessness duty.
- g)** Properties that are leased to our supported housing provider partners.
- h)** Properties considered suitable for disposal where it can be evidenced this supports better asset management and cost efficiency (discussion with the local authority would take place to discuss disposals and re-provision given the high needs for affordable housing).
- i)** Houses in rural parishes. To be precise this excludes properties in :
 - a. Witney
 - b. Carterton
 - c. Chipping Norton
 - d. Bampton
 - e. Eynsham
 - f. Charlbury
- j)** 4 Bedroom houses
- k)** 1 bedroom bungalows
- l)** Properties that are adapted for use by the incoming tenant and where the adaptations cost more than £2,000

These exclusions are subject to the required properties being re-let at an affordable rent in order to generate the required income to meet the contract with the HCA. A review of those properties converted will be carried out at least annually.

If there is a short fall in properties let at an affordable rent then, in consultation with our local authority partners, properties excluded under point (i) and (j) will be temporarily included until the required re-let target is met.

The above exclusions will not apply to "over 55" accommodation and bungalows that are developed under the HCA contract and are first let at affordable rent levels.

Mutual Exchanges

Cottsway will subscribe to the internet based national "homeswapper" mutual exchange scheme and encourage mobility.

Appeals

Tenants have a right of appeal under Cottsway's complaints resolution policy and procedure, if they feel Cottsway have not treated them fairly. Cottsway defines a complaint as "An expression of dissatisfaction about our actions or omissions - whether justified or not".

Responsibility

The Director of Operations has overall responsibility for the implementation of this policy document.

Equality

In applying this policy Cottsway will ensure that no person or group of persons will be treated less favourably than another person or group of persons because of race, colour, ethnic or national origin, religion, sex, gender, gender identity, gender presentation, physical disability or sexual preference.

Monitoring

During the life of the 2011-2015 programme a review of this Policy may be required having regard for Tenancy Strategies that are developed by Local Authorities within our operational areas.

Collation of statistics for the purposes of E & D will be undertaken by the Financial Inclusion Housing Manager and submitted to the E & D Group on a quarterly basis to ensure tenure/lettings to BME groups is reflective of the makeup of local communities.

Cottsway Housing undertakes to keep a record of the racial/ethnic origins and disability needs of it's tenants to ensure that housing is provided on an equal basis to all.

Other Related Documents

- HCA 2011-2015 Affordable Homes Programme Supplementary Statements
- TSA Draft Direction on Rent and Tenancy Standards (to follow)
- Localism Bill/Act
- Cottsway Allocations Policy
- Mutual Exchange Policy

Review Undertaken

Resident involvement	-
Impact Assessment	27 July 2011
Other consultation	WODC, Local Authorities in our operational areas (to be arranged),