

1. TENURE

Elim Housing will always aim to comply with the current requirements on issuing terms of occupancy as set out in the relevant regulatory framework.

1.1 Requirements of the Regulatory Code

Registered providers shall grant tenancies which are compatible with the purpose of the accommodation, the needs of the individual household, the sustainability of the community and the efficient use of their housing stock.

1.2 Probationary Tenancies

From June 2012 Elim will operate a probationary tenancy scheme for all new tenants. A probationary tenancy, also known as a starter tenancy, is an assured shorthold tenancy. It is intended to last for only a short trial period of up to 12 months.

Probationary tenancies help Elim deal with problems caused by nuisance and anti-social behaviour. Probationary tenancies help Elim make sure that new tenants, their family and visitors follow some basic rules, know their rights and know what to do if there is a problem. If a probationary tenant breaks the conditions of the tenancy it makes it easier for Elim to gain possession of the property.

Probationary tenants rights are broadly similar to that of an assured tenant, however during the probationary tenancy tenants do not have the right to:

- Apply to buy their home
- Make improvements, alterations or additions to their home
- Apply for compensation for improvements
- Do repairs
- Exchange or transfer from their home to another
- Sublet or take in a lodger

Management of a probationary tenancy requires Elim to regularly review with the probationary tenant their conduct and behaviour of any family members or regular visitors. These reviews also allow Elim to assist the tenant with any problems they may have in settling in or wider financial or social issues.

If a probationary tenant breaks any of the conditions of the tenancy Elim may evict them from their property or if the breach is of a less serious nature, extend the probationary tenancy by up to six months.

Once a probationary tenancy comes to an end, if no action has been taken against the tenant during the probationary period we will then grant an assured tenancy.

1.3 Most Secure Form of Tenancy

Elim will always issue the most secure form of tenancy appropriate after the probationary period has been successfully completed, as outlined below:

- a) Periodic Tenancies (Assured tenancies)
Where the aim of the housing is to provide permanent accommodation Elim will issue periodic tenancies (except for circumstances outlined in b(ii) below). The tenancy will be assured for tenants housed by Elim after 15 January 1989, and secure for these tenants housed prior to that date.
- b) Shorthold Tenancies
Shorthold tenancies will be issued:

- (i) where the aim of the housing is temporary and not permanent; or
- (ii) where Elim's legal interest in the property is time limited and it is leasing or managing the accommodation for a certain period of time.

Shorthold tenancies will have an initial fixed term of six months duration and then will be allowed to become a periodic tenancy.

1.4 Supported Housing

In supported housing projects licences will be issued:

- (i) where there is a regular need to move residents from one room to another to benefit the management of the project, or to support the individual client;
- (ii) where a level of service is provided such that a court would determine the occupation agreement to be a licence; or
- (iii) where residents have use of shared facilities.

1.5 Wording of Occupancy Agreements

Elim will base its agreements on the model agreements produced by the National Housing Federation, and will amend these when necessary.

1.6 Variations

The Operations Committee (OC) must approve the use of an occupancy agreement where it is not used in line with this policy.

1.7 Related procedures

- (i) Guidance on granting new tenancy
- (ii) Probationary tenancy procedures