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Author: Elaine Crooke  
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# **MAGNA HOUSING**

## **TENANCY POLICY**

### **1. Introduction**

1.1 We use a variety of occupation agreements when letting our homes. This policy sets out the circumstances in which we will grant each type of agreement. We aim to target resources at those in housing need, make best use of our homes and ensure that they are occupied in accordance with our charitable objectives.

### **2. Policy**

#### **Starter Tenancies**

2.1 Starter (periodic assured shorthold) tenancies will be used for most new tenants in general needs, sheltered, supported and extra care housing.

2.2 Starter tenancies will not be used for:

2.2.1 Magna tenants who are transferring to another home, unless they are already on a starter tenancy in which case they will be granted a new starter tenancy.

2.2.2 Customers of another registered provider or local authority who transfer to a Magna home, unless they are already on

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<sup>1</sup> The Board decided to retain control over all aspects of this policy, save for factual updating

<sup>2</sup> Changes made on the basis Board agreed (on 23 April 2020) to end the use of fixed term tenancies

a starter or introductory tenancy in which case they will be granted a new starter tenancy.

2.2.3 Customers of sub-market or intermediate rent homes and customers of homes leased to us from another landlord, who will all be granted a standard assured shorthold tenancy.

2.2.4 Tenants in supported housing, who will be granted a periodic assured or assured shorthold tenancy or licence depending on the nature of the accommodation.

2.3 Following a successful 12 month starter period, a starter tenancy will convert:

2.3.1 To a periodic assured tenancy for tenants in general needs, sheltered, supported and extra care housing.

### **Assured and Assured Shorthold Periodic tenancies**

2.4 We will grant fully assured periodic tenancies to:

2.4.1 Secure or assured tenants who are transferring from another of our homes or from another social landlord.

2.4.2 Tenants moving from temporary accommodation provided by us or the local authority due to an urgent reason through no fault of their own and who immediately prior to moving into temporary accommodation held a secure or assured tenancy with us or another social landlord. For example, where a former secure or assured tenant is fleeing violence or their home is uninhabitable as a result of fire, flood, subsidence or natural disaster or they are accepted as statutorily homeless by the local authority.

2.4.3 Existing Magna tenants, excluding those on a starter tenancy, who transfer to sheltered or extra care housing.

2.4.4 Tenants in supported housing where the accommodation is intended to be long term.

2.5 We will grant periodic assured shorthold tenancies to:

- 2.5.1 Customers of intermediate and other sub market rent homes.
- 2.5.2 Customers of homes leased to us from another landlord.
- 2.5.3 Tenants of accommodation intended to be temporary or short term. Examples include some supported housing and tenancies granted in homes which are due to be demolished or redeveloped.

### **Demoted Tenancies**

- 2.6 Where appropriate we may seek demotion orders against periodic assured shorthold tenants, as part of our approach to dealing with anti-social behaviour. If a court grants a demotion order, a periodic assured tenancy will be replaced with a demoted assured shorthold tenancy for one year (or longer if possession proceedings have been commenced during that year). After the demotion period, a former periodic assured tenancy will revert to being a periodic assured tenancy.

### **Licence Agreements**

- 2.7 We will use licences in some supported housing schemes where, due to the nature of the accommodation, this is more appropriate as:
  - 2.7.1 Customers do not have the exclusive use of any part of the accommodation.
  - 2.7.2 We require unrestricted access to customer's rooms to provide high levels of support or protect the customers' welfare.
  - 2.7.3 For the efficient management of the accommodation, customers are moved between rooms.
- 2.8 When we assist a local authority with its duty to provide interim accommodation for an applicant following a homelessness application, we will use a licence agreement excluded from the requirement to issue 4 weeks' notice under the Protection from Eviction Act 1977.

### **Mutual Exchange**

2.9 Mutual exchanges between two periodic assured tenants or a periodic assured tenant and a secure tenant will be by way of assignment, whereby each tenant takes over the tenancy of the tenant with whom they exchange.

2.10 Mutual exchanges between a fixed term tenant and a periodic assured or secure tenant will be by way of surrender and granting of a new periodic assured tenancy for both tenants.

2.11 Mutual exchanges between two fixed term tenants will be by way of surrender and granting of a new periodic assured tenancy for both tenants.

### **Tenancy Periods**

2.12 From 1 April 2020, all new tenancies will be monthly. Existing tenants on weekly tenancy agreements will be offered the chance to convert to a monthly tenancy.

### **Right to Appeal and Complain**

2.13 Tenants or prospective tenants may appeal against the decision not to grant another tenancy on the expiry of a fixed term. Appeals should be made in writing and will normally be considered by the head of housing services. If the appeal is unsuccessful the tenant or prospective tenant may use our formal complaints procedure. Tenants may also use the formal complaints procedure for any other complaints they have about their tenancy agreement or the way their tenancy has been dealt with.