



East Riding

# Tenancy Policy

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2012



*"Fairer Housing  
Future Homes"*



EAST RIDING  
OF YORKSHIRE COUNCIL



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## **1. Introduction**

1.1 This Policy needs to be considered alongside the Council's Affordable Rent Policy 2012, it sets out:

- the type and length of tenancies the Council is to offer;
- the Council's policy on succession rights for existing and new tenants; and
- the Council's policy on assignment.

## **2. Type and length of tenancies the Council is to offer**

2.1 The Localism Act allows local authorities to grant secure tenancies for a fixed length of time to new tenants. The minimum length of tenancy is two years in exceptional circumstances, with five years or more being the norm. The Council recognises that affordable housing is a scarce resource, however it is important to maintain stable, sustainable communities.

2.2 The Council will offer lifetime secure tenancies to new tenants who are re-housed in supported accommodation<sup>1</sup> or are aged 60 years or over except where the applicant has a financial interest in another permanent residence. Such applicants will be offered five year secure tenancies, pending the sale of the property. In due course this tenancy will be reviewed and potentially extended.

2.3 The Council will offer five year secure tenancies to all other new tenants, with the exception of families with one or more child(ren) under the age of 16. In this scenario it is proposed that applicants will be offered flexible secure tenancies ranging between five and twenty-one years in length. The length of a fixed term tenancy will be based on the age of the youngest dependant child. For example, a family with the youngest child aged three years will be offered an 18 year secure tenancy, and a family with the youngest child aged seven years will be offered a 14 year secure tenancy.

2.4 Applicants offered flexible tenancies have the right to request a review of the decision relating to the length of the tenancy offered. The review may only be requested on the basis that the length of the term does not accord with the policy on length of tenancy. A request must be made within the period of 21 days beginning with the day on which the applicant first receives the offer. This review will be undertaken by a senior officer who was not involved in the original decision.

## **3. Renewal of flexible tenancies**

3.1 Flexible tenancies will be reviewed between seven and nine months before the end of the fixed term. The review will consider the circumstances of the tenant.

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<sup>1</sup> This does not include temporary accommodation, where a licence will be issued.



- 3.2 If, in line with the Council's Allocation Policy, the accommodation remains suitable then a new flexible tenancy for a minimum of five years will be offered to begin at the end of the original tenancy.
- 3.3 If the tenant's household is deemed to be under occupying the accommodation or instead the accommodation is not considered suitable then the tenancy will not be renewed, but an offer of suitable accommodation will be made, this being on the basis of a new flexible tenancy for a minimum of five years to begin at the end of the original tenancy.
- 3.4 In the event that alternative suitable accommodation is not available the tenancy will be renewed for two years. During this period the Council will endeavour to identify alternative suitable accommodation. If suitable accommodation is offered to the tenant and subsequently refused, the tenancy will not be renewed. If instead the Council is not able to identify suitable accommodation during this time period a further two year flexible tenancy will be issued. Tenancies will continue to be offered on this basis until suitable alternative accommodation can be offered.
- 3.5 If the tenant is deemed ineligible to be accepted on to the housing register due to being in breach of tenancy conditions then the tenancy will not be renewed. Each case will be treated on its own merits.
- 3.6 Where a tenancy is not being renewed, the Council will serve notice on the tenant at least six months before the end of the fixed term period setting out why another tenancy will not be granted and offering a right of review. This review must be requested within 21 days of the service of the notice and will be undertaken by a senior officer who was not involved in the original decision.
- 3.7 Advice and assistance will be offered by the Council to help the tenant find alternative housing.

## **4. Succession Policy**

- 4.1 Secure tenants with tenancies beginning prior to April 2012 will usually have the right for their spouse, civil partner or another family member to succeed to their tenancy upon their death. A person is qualified to succeed a tenant if he/she occupies the property as his/her only or principal home at the time of the tenant's death and is either the tenant's spouse or civil partner or is another member of the tenant's family and has lived with the tenant for at least twelve months prior to their death. This does not have to have been in the same property. For the purposes of the law a cohabiting partner is regarded as a family member. Family member also includes a parent, grandparent, child, brother or sister, aunt/uncle and nephew or niece.
- 4.2 Where there is more than one person who may have a right to succeed, then if the tenant was married, their spouse takes precedence. If the tenant was not married, then the family members must decide who succeeds. If they cannot decide, then the Council can choose.

- 4.3 There is only one right in law to succeed. Second or subsequent successions are at the discretion of the local authority. For secure tenants with tenancies beginning prior to April 2012 the Council currently allows second successions in limited circumstances.
- 4.4 These are:
- i) Where the property would not be under occupied;
  - ii) Where the succeeding tenant has lived continuously within the property for the last five years; and
  - iii) If the property has been designed for and traditionally let as older person's accommodation, then the succeeding tenant must be at least 60 years old.
- 4.5 The policy allows for a right of appeal where a succession is refused. This is heard by the Appeals Committee.
- 4.6 In accordance with the Localism Act, from 1 April 2012 new secure tenants will continue to be limited to one succession however this is limited to a spouse or partner. Children and other members of the tenant's family will no longer have an automatic legal right to succeed. If the tenant does not have a spouse or partner to succeed, the Council will allow a discretionary succession to a family member on the proviso that the person has lived with the tenant for at least five consecutive years immediately preceding the tenant's death. Cases where the family member has lived with the tenant for more than 12 months but less than five consecutive years immediately preceding the tenant's death will be considered on an exceptional basis at the discretion of the Director of Environment and Neighbourhood Services, taking into account the needs of vulnerable family members. A family member is defined as a parent, child, brother or sister, aunt / uncle, nephew or niece. If the current property would be under occupied or not considered appropriate for the successor, for example if the property has been designed for and traditionally let as older person's accommodation and the successor is aged below 60, then a discretionary allocation to alternative suitable accommodation will be offered on a five year secure tenancy.
- 4.7 Following a succession to a spouse or partner, the Council will consider a second succession to a family member in limited circumstances. These are:
- i) Where the property would not be under occupied;
  - ii) Where the succeeding tenant has lived continuously within the property for the last five years; and
  - iii) If the property has been designed for and traditionally let as older person's accommodation then the succeeding tenant must be at least 60 years old.
- 4.8 The policy allows for a right of appeal where a succession is refused. This is heard by the Appeals Committee.

## **5. Assignment Policy**

Assignment is used to describe when a tenancy transfers from one person to another, this happens on mutual exchange, succession (see above) or as part of matrimonial proceedings. East Riding of Yorkshire Council will not grant an assignment of tenancy in any other circumstance.

## **6. Policy Review**

- 6.1 The Tenancy Policy will be reviewed after two years in the first instance, or earlier if necessary, and subsequently every five years.

For further information on this policy, please contact the Housing Strategy and Development Team at the address below or by telephoning 01482 393949.

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