



Starter Tenancies Policy

Prepared By	Chief Executive
Date Approved	13 th June 2023
Review Frequency	3 Years

1. Introduction

Unless applicants currently have a social housing tenancy, they will receive a Starter Tenancy. This is also known as an Assured Short-hold Tenancy. It is a short-term tenancy agreement intended to last for 12 months.

Starter tenancies offer a trial period for new tenants to help them get off to a good start in their new home. They also help ensure that tenants keep to their responsibilities, such as paying their rent on time, allowing access for repairs and safety checks and that they are not involved in Anti-Social Behaviour.

The Starter Tenancy gives Family Housing Association stronger powers to deal with any breaches of the tenancy agreement and if necessary to end the tenancy.

2. Regulatory Considerations

The Regulatory Framework contains a number of references to the type of tenancy to be offered.

Section 1.1 requires Associations to have a clear application, decision-making and appeals process.

Section 2.2 requires Associations to grant a periodic secure or assured tenancy or a fixed term tenancy no less than 5 years, or no less than 2 years in exceptional circumstances, in addition to any probationary tenancy period.

Section 2.4 states that "Probationary Tenancies will be for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given".

Section 2.8 requires Associations to grant a tenancy with "no less security" when moving between social housing providers.

Section 2.7 requires Associations to develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

3. Scope

Family Housing Association has experienced problems with Anti-Social Behaviour in all the localities where the Association operates, Starter Tenancies will be used for all new tenancies. The length of the Starter Tenancies will be 12 months. In accordance with acknowledged good practice, those tenants who move from another Housing Association will be given an Assured Tenancy, but it will be monitored in the same way as a Starter Tenancy.

4. Reasons for the Ongoing Use of Starter Tenancies

The main objective of using Starter Tenancies is to help prevent tenants from behaving in an anti-social way in the first instance. At sign-up new tenants will be given an information leaflet detailing why they have a Starter Tenancy, what we expect in terms of their behaviour, the visit patterns and milestones and what could lead to them losing their tenancy. The most important points will be discussed as part of the sign-up discussion dialogue.

5. Starter Tenancy Type

The term 'Starter Tenancy' is used to describe a tenancy that has been granted for a probationary period that has fewer rights than a full Assured Tenancy. The type of tenancy typically used for Starter Tenancies is an Assured Shorthold Tenancy. An Assured Shorthold Tenancy can't be for less than 6 months in length. They can have a fixed term, such as six or 12 months. When the fixed term expires the landlord must offer a new tenancy or serve notice that the tenancy is ending, or the tenancy automatically becomes periodic. When a tenancy becomes periodic it continues indefinitely until the landlord or tenant gives notice to bring it to an end.

6. Starter Tenancy Lifecycle

The Association will make it clear that after 12 months the tenancy will be made into a full Assured Tenancy, subject to the tenant's conduct. The Association will carry out a home visit after 6 weeks. A further home visit will be carried out at 4 months. The final routine visit will be at 10 months. Following the 4 month and 10 month visit the conduct of the tenancy will be reviewed and where issues are identified a decision will be taken in consultation with the Chief Executive.

7. Tenancy Reviews

When a Starter Tenancy review is carried out the Chief Executive has discretion to either:

- ❑ Offer the tenant a full Assured Tenancy.
- ❑ Extend the Starter Tenancy for a further period.
- ❑ Give the tenant 2 months' notice and start possession proceedings.

When deciding what action to take, the most important factor for the Chief Executive to consider must be whether the tenant has behaved anti-socially. However, the Chief Executive can take into consideration all factors relating to the conduct of their tenancy.

Rent Arrears alone would not normally be considered sufficient grounds to evict a tenant unless they are excessive and all possible avenues to reduce the arrears have been explored.

Where a tenant's conduct has been less than satisfactory and the Chief Executive decides to extend a Starter Tenancy, the period of the extension should not exceed six months except in exceptional circumstances. The reasons for the extension should be explained to the tenant so that they understand what is expected of them in order for the tenancy to be made permanent.

8. Appeals Process

If a tenant's conduct has been unsatisfactory during their Starter Tenancy and the Chief Executive decides to extend the Starter Tenancy or start possession proceedings, the tenant has the right of appeal against the decision. The tenant will be made aware of the right of appeal in the Starter Tenancy information leaflet provided at sign-up and also in the letter notifying the tenant of the Chief Executive's decision.

An appeal can be made in writing or verbally and the tenant should be encouraged to give as much information as possible to demonstrate why they feel the decision was unfair. Ending the tenancy would involve use of a mandatory ground for possession, and therefore the appeals procedure will follow our 'Absolute Ground for Possession Review Procedure'.

9. Equality & Diversity

If a tenant's disability or mental health limits their capacity to understand, the Association will engage with or offer to refer the tenant to the appropriate support services.

If a tenant has none or limited ability to speak English, the Association will arrange a translation service and approach the local Multi Cultural Centre for support.

The tenant is invited to share any other factors that they wish for the Association to take into account within clear timescales.

10. Data Protection

In order for The Association to decide whether to convert, extend or end a Starter Tenancy as well as consider appeals, the tenant may need to share personal and sensitive information. That information will only be used solely for that purpose. The information is stored on the Housing Management system. It will not be shared outside of the Association without the tenant's consent.

11. Monitoring

As Starter Tenancies make it easier for Associations to evict tenants there is concern that they could lead to a significant increase in the number of evictions and therefore an increase in homelessness. To ensure the impact of Starter Tenancies is known and carefully considered, a section on Starter Tenancies will be included in the Housing Management Report at each Board Meeting.

Family Housing Association's Policy on Starter Tenancies will be reviewed every three years. This will give the Board the opportunity to assess their effectiveness and decide whether they should continue.

12. Legal Considerations

Starter Tenancies cannot be offered to existing tenants, tenants transferring between properties or to tenants who do a mutual exchange. An existing Assured Tenancy can only be demoted to an Assured Shorthold Tenancy by obtaining a Court Order.

Any decision to end a tenancy could be subject to legal challenge based on an 'Article 8 Human Rights' defence or a 'Proportionality' defence. It is therefore important that the review procedure is strictly followed. In addition, a tenancy should only be brought to an end where it is likely that a Court would award possession if we used discretionary grounds.