



Exeter
City Council



Council Housing
& Development Services

Exeter City Council Housing Services

Tenancy Policy

2023 – 2027

1 Introduction

- 1.1 As Exeter City Council is a social landlord with its own housing stock, we are required to have a Tenancy Policy. In this policy, we will detail how Exeter City Council will address the issues outlined in the accompanying Tenancy Strategy.
- 1.2 This policy will be reviewed every three years; however, we may carry out a review earlier if there are legislative, regulatory or other strategic changes which would have a material impact on any element of this policy.
- 1.3 Exeter City Council has taken the decision to revert to offering secure lifetime tenancies in all circumstances for its own social housing stock. Where a tenancy is offered to a new social housing tenant or a person who has previously held a social housing tenancy but with a break in tenure, the secure tenancy will be preceded by a 12-month introductory tenancy plus a potential extension of 6 months.
- 1.4 All existing fixed-term tenancies will be transitioned to secure lifetime tenancies following the successful completion of the introductory tenancy.
- 1.5 As well as addressing issues regarding tenancy and tenure type, this Tenancy Policy also sets out how Exeter City Council deals with applications for succession following the change in law brought about by the Localism Act 2011.

2 Policy statement

- 2.1 We will offer 12-month introductory tenancies (with the ability to extend for a further 6 months) to all new social housing tenants of Exeter City Council.
- 2.2 We will transition all tenancies to secure, lifetime tenancies where the introductory or fixed term tenancy has been conducted successfully. A review will not take place, the tenancies will automatically revert.
- 2.3 We will grant secure, lifetime tenancies to existing social housing tenants who are transferring or moving from another organisation that offers fixed-term tenancies.
- 2.4 We will no longer be offering fixed-term tenancies to tenants of Exeter City Council.
- 2.5 No one will be offered a tenancy that is any less secure than that which they already hold.
- 2.6 In line with regulatory requirements, social landlords are required to set out the ways in which a tenant or prospective tenant may seek a review of the length of the fixed term, the type of tenancy offered or a decision not to grant another tenancy upon the expiry of the fixed term. This is not applicable to Exeter City Council due to the fact that we will no longer offer fixed term tenancies.
- 2.7 There are no rights for tenants to ask for a formal review of an introductory tenancy. However, where a tenant believes that Exeter City Council has

incorrectly awarded an introductory tenancy, this should be raised through the formal complaints process, the details of which can be found on our website. These complaints should be raised within 14 days of signing the Tenancy Agreement, and requests will only be considered where an introductory tenancy has been granted in contravention of this policy.

- 2.8 We will provide information to tenants regarding requirements for review hearings if an introductory tenancy is to be extended or ended no less than three months before the end of the 12-month period.
- 2.9 We will, in line with legislation and your tenancy agreement, offer the following options in relation to succession of a tenancy:
- For tenancies that commenced prior to 1st April 2012, we will offer succession to a partner or spouse, or succession to a family member living with the tenant for the preceding 12 months. Family members are those as defined by the Housing Act 1985, section 113.
 - For tenancies that commenced after 1st April 2012, we will offer succession only to a partner or spouse, in line with legislation
- 2.10 We will support to provide alternative accommodation subject to Devon Home Choice qualifying criteria to a full-time live-in carer (who does not qualify as a family member) and who gave up social housing accommodation to provide care for the deceased tenant for a minimum of 12 months prior to death, and where no alternative or economically realistic housing option exists. There is no right of succession to a carer employed by the deceased tenant.
- 2.11 Successors to a tenancy, irrespective of the tenancy start date, may be required to move to accommodation that meets their household needs.
- 2.12 Survivorship of a tenancy by joint tenants applies in all tenure types. Joint tenants have the right of survivorship following the death of a joint tenant. There is no residency criteria for survivorship to take place, therefore, a non-resident joint tenant will survive the tenancy and remain a tenant. There is no right of succession once a tenancy has been survived.

3 Assignment

- 3.1 Assignment is the transfer of a tenancy during the life of the tenant. The person transferring the tenancy is the 'assignor' and the tenancy is transferred to the 'assignee'
- 3.2 The assignment means the assignee becomes the tenant of Exeter City Council under the same tenancy agreement.
- 3.3 Requests for assignments will be considered in line with the Housing Act 1985 s91(3) which sets out when a secure tenancy can be assigned. The three circumstances are:

- Assignment by way of Mutual Exchange.
- Assignment following an order of the Court made in certain Matrimonial, Civil Partnership or Children Act Proceedings.
- Assignment to a potential successor to the tenancy.

4 Direct Matches

- 4.1 All allocations will be made through a choice-based lettings scheme- Devon Home Choice. This operates independently of the Council.
- 4.2 In exceptional circumstances the City Council has the discretion to allocate our own stock outside of the Devon Home Choice (DCH) Policy.

5. Review

- 5.1 In conjunction with this policy staff will be provided with an operational procedure on the granting of tenancies going forward.
- 5.2 This Policy has been written in line with good practice and current relevant legislation. Unless there any changes to such legislation beforehand, the Policy will be reviewed every three years.