



EDEN HOUSING ASSOCIATION LIMITED

TENANCY POLICY

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Approved By:	Executive Team
Approved Date:	4 December 2024
Policy Implementation Date:	27 May 2025
Revision Cycle:	(3 Years)

1. POLICY STATEMENT

Eden Housing Association's Tenancy Policy aims to support the delivery of the key corporate strategies for the organisation.

Our vision to be a leading not for profit housing association, providing places where tenants can live safely and well in good homes across rural Cumbria.

Our mission to be a high performing, community rooted landlord and employer, shaped by our tenants and trusted by our partners. To be an effective, agile housing association empowering colleagues to deliver a personalised and local service. To see and embrace difference whilst building inclusivity.

This policy provides details of the different tenancies Eden Housing Association (EHA) offers, under what circumstances these tenancies will be offered and any additional criteria for their application (Appendix 1) together with more detailed information regarding the introduction of Affordable Rent Tenancies.

Eden Housing Association will work with the local authorities where it owns stock so that this policy has regard for their tenancy strategies. This includes Cumberland Council and Westmorland and Furness Council.

This policy defines all of the different tenancy agreements EHA may offer and in which situations they will be applied.

It is not the intention of this policy to define specific details of tenancy agreements- these will be provided on an agreement by agreement basis.

This policy applies to all tenancy agreements offered by EHA.

2. REFERENCES

Internal references

- Starter Tenancies – policy and procedure
- CBL Allocations Policy
- Succession Procedure
- Decant / Temporary Move policy & procedure

External

- Localism Act 2011
- The Regulatory Framework for Social Housing in England from April 2012
- Housing and Planning Act 2016
- RSH Tenancy Standard 2024
- Housing Act 1988, 1996, 2004
- Equality Act 2010

3. POLICY CONTENT

Aims & Objectives

EHA will work in conjunction with the relevant local authorities in which it owns stock to provide tenancies that create sustainable communities. A list of all tenancies provided is presented in Appendix 1.

The Localism Act came into force in April 2012. A key element of the Act is the flexibility of tenure available to local authorities and housing associations.

The Localism Act states that a tenancy policy must cover: the types of tenancies they should grant, including the use of flexible tenancies.

The Regulator of Social Housing regulates housing providers guidance via a set of standards that must be adhered to and achieved.

EHA issues tenancies in line with the Social Housing Regulatory Framework Tenancy Standard.

This policy ensures a clear and transparent approach is taken by the Association when offering tenancies to customers.

- ***Working with Local Authorities***

EHA will provide tenancies that take into account the housing strategies agreed by local authorities. We want to ensure that our tenancies deliver sustainable communities and develop the communities in which we serve.

- ***Affordable Rent Tenancies***

Following the Localism Act, EHA offers Affordable Rent Tenancies (*rent levels differ from normal assured tenancies i.e up to 80% of market rent inclusive of service charges*) where a property has been developed as part of the affordable homes programme via Homes England or their predecessors.

Affordable Rent Tenancies are let on a starter tenancy basis with automatic conversion subject to non-breach of the agreement and will therefore not normally be let on a fixed term basis.

Properties are also re-let on an affordable rent where determined in the affordable homes programme and will be chosen on the following criteria:

- Family houses will normally be selected first
- Properties without a service charge
- Wherever possible a geographical spread will be achieved

Where an affordable rent tenancy is ended by the tenant, the property may or may not be retained as an affordable rent tenancy. If it is not, then an alternative property will be identified using the above criteria.

Ensuring Affordability

EHA want to ensure that affordable rent levels remain affordable. Affordable rents are set to a maximum of 80 per cent of the market rent for a comparable property within the same locality.

We will ensure that the rents charged for affordable rented properties do not exceed the relevant Local Housing Allowance (LHA) rate that is applicable for that property size at the time of the original let. It is recognised, however, that depending on the level of rent increases following the original let there may be circumstances in which the affordable rent exceeds the LHA in subsequent years.

Lettings Criteria

We will follow our existing lettings policies. Specifically, we will clearly advertise that we offer Starter tenancies and Affordable Rent Tenancies when using our Choice Based Lettings schemes currently Cumbria Choice.

Mutual Exchanges

Affordable Rent tenants will be able to mutually exchange their home.

Applications for a mutual exchange will be assessed through the Mutual Exchange Procedure.

We will provide information to the Assignee of the implications of exchanging with a tenant who has or is an Affordable Rent Tenant.

Transfers

Transfers will be administered in line with the allocation policy of our Choice Based Lettings scheme. Eden Housing Association in general do not offer transfers to people who are not in priority need for a move i.e. People who have medical need, people who are over occupied/under occupied etc. However we will review any application that has been assessed as no priority/ineligible at the tenants request.

Transfer applications are assessed on a case by case basis and we will take all requests seriously, recognizing that it is sometimes possible for circumstances to cause households not meeting the standard priority requirements to require a move.

Affordable Rent tenants will be able to apply for a transfer if they fulfil the criteria set out in the allocations policy.

Where the transfer property offered is not compatible with the affordable rent model the tenant will be offered an Assured Tenancy on a social rent.

Where the transfer property offered is compatible with the affordable rent model the tenant will be offered another affordable rent tenancy.

Assured or secure tenants transferring to a ring fenced affordable rent property will be offered an Assured Tenancy on an affordable rent.

In cases of a transfer the tenant will not be offered a tenancy with less security than

the tenancy they currently hold.

Permanent Decants

Where it is necessary to permanently move a tenant from their current home due to redevelopment or other similar reasons, the tenant will not be offered a tenancy with less security than the tenancy they currently hold.

Complaints and appeals

Customers can use the Associations Complaints Policy to address any dissatisfaction with the type of tenancy offered. There is no separate appeals process.

4. RESPONSIBILITIES

It is the responsibility of EHA Executive Team to ensure that the Association complies with current tenancy legislation. EHA must ensure that current tenancy legislation is acted upon and implemented within the practices of the Association.

It is the responsibility of the Housing Manager to ensure that this policy is enforced.

It is the responsibility of housing management staff to follow the related procedures and deliver this policy operationally

5. EQUALITY IMPACT ASSESSMENT (EIA)

The standard EIA is attached at Appendix 2. Tenancy Agreements have a neutral impact on protected characteristics and the method in which they are provided to the tenant is standardised.

The allocations system which leads to the provision of a tenancy has had an Equality Impact Assessment to ensure that no protected characteristics are adversely affected.

6. MONITORING & REVIEW

This policy will be reviewed every 3 years or when there is any legislative change.

Appendix 1

Starter Tenancies

(Assured Shorthold Tenancy for first 12 months and automatic conversion conditional on no action having being taken)

These tenancies are normally issued to all new tenants of EHA

Where a transfer or mutual exchange takes place and the tenant held a starter tenancy in their previous property (whether our tenant or that of another Registered Provider) a starter tenancy will be issued.

Assured Tenancies

(Weekly periodic tenancy)

These apply to General Needs and Assisted living tenants where a starter tenancy was issued originally and have successfully completed the first 12 months as a result converting to the assured tenancy. (A new tenancy agreement would be not signed in these circumstances)

Where a transfer or mutual exchange has taken place and the tenant held an assured tenancy with another landlord in their previous property then an assured tenancy would be provided.

Where a transfer has taken place and the tenant held an assured tenancy with the Association, they would sign an Assured tenancy agreement.

Assured Shorthold

(weekly / monthly periodic tenancies)

Assured shorthold tenancy agreements are issued to occupants of properties that we are managing agents for via private sector landlords which we allocate through Choice Based lettings.

Licence Agreement

(used where exclusive use of all facilities not given)

Customers who are provided with temporary accommodation managed by third party organisations will be offered a tenure appropriate to the nature of the letting, which will most often be a licence agreement.

These are used for non-residential occupancy such as garages and hard-standings.

Contractual Tenancies

(less secure form of tenancy)

These are used for temporary decanted properties.

Demoted Tenancies

(tenancy with less secure form of tenure ordered by a court)

These will be used where a tenant has engaged in anti-social behaviour or breached

a condition of their tenancy and it is felt appropriate that a demoted tenancy be granted subject to the approval of the County Court.

The original terms of the tenancy can be varied to take into account the nature of the breach with the consent of the County Court.

Flexible Tenancies

(minimum length 5 years (exceptionally 2 years), in addition to any probationary period and can be periodic, shorthold or fixed term)

These tenancies are not currently offered by EHA.

Affordable Rent Tenancy *rent levels different from normal assured tenancies i.e. 80% market rent inclusive of service charges.*

These tenancies will be offered where the property has been developed through the the affordable homes programme funded via Homes England (or their predecessor(s)) or on conversion properties agreed as part of the affordable rent development programme.

Affordable rent tenancies will be let on a starter tenancy basis (subject to existing tenants not being offered a tenancy with less security than the one they currently hold) with automatic conversion subject to non-breach of the agreement and will therefore not normally be let on a fixed term basis.

Shared Ownership Lease

(reflective of % purchased with appropriate staircasing provisions)

This standard lease will be used where shared ownership property is sold.

Right to Buy Lease

(Lease signed by a tenant of a flat when purchased under RTB)

This standard lease will be used where a flat is sold under Right to Buy.

Right to Acquire Lease

(Lease signed by a tenant of a flat when purchased under RTA)

This standard lease will be used where a flat is sold under a Right to Acquire.

Equality Impact Assessment

Question	Response
1. Name of the policy/practice/activity being assessed	Tenancy Policy
2. Summary of aims and objectives of the policy/practice/activity	The overall aim of a tenancy policy is to clearly show the different tenancies Eden Housing Association (EHA) offers and under what circumstances these tenancies will be offered
3. What involvement, consultation, engagement has taken place for the policy/practice/activity (e.g relevant groups/stakeholders)	
4. Who is affected by the policy/practice/activity	All new and existing tenants to EHA
5. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	Three yearly review or in line with any changes in legislation

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability	NO		
Gender reassignment	NO		
Marriage or civil partnership	NO		
Pregnancy or maternity	NO		
Race	NO		
Religion or belief	NO		
Sexual orientation	NO		
Sex (gender)	NO		
Age	NO		

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Evaluation

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	Eden Housing Association is committed to ensuring that no person or group of persons will be treated less favorably than another person or group and will carry out its duty with positive regard for the following core strands of equality	
Decision	Tick the relevant box	Include any justification required
1. No barriers identified – proceed	✓	
2. Barriers identified towards one (or more) protected groups – stop	X	
3. Barriers identified towards one (or more) protected groups – adapt or change the policy/practice/activity	X	
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so proceed with caution	X	

Completed by – and date	M.Collins Neighbourhood Manager 21.3.2019		
Reviewed by – and date	J Glassford Housing Manager 01.11.24		
Review Date (if applicable)			
Will this EIA be published	Yes	No	Not Required

Action (To be completed as required)

If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register	Date Completed:
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Change Log

Name	Date	Version	Change
M Collins	21.3.19	1	
J Glassford	20.6.22	2	
J Glassford	01.1.24	3	Updated legislation, corporate strategy and LGR changes

Updated: Apr 2026

			plus minor wording changes.
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