

SOCIAL HOUSING

REVIEW OF TENANCY POLICY

Document Control

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|-------------------------|--------------------------------|----------------|------------|
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| Responsible Officer (s) | Housing & GHA Tenancy Managers | | |
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Relevant Legislation and Policies

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| The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005 |
| The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2006 |
| The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2007 |
| The States Housing (Statutory Tenancies) (Guernsey)(Amendment) Regulations, 2016 |
| States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005 |
| Data Protection (Bailiwick of Guernsey) Law, 2017 |
| Allocations and Eligibility Policy |
| Transfer & Exchange Policy |
| Income Threshold Policy |
| Capital Sums Policy |
| Pet Policy |



1.0 INTRODUCTION

- 1.1 The Review of Tenancy Policy has been developed jointly by Housing and Guernsey Housing Association (GHA).
- 1.2 This policy details the process by which existing tenancies are reviewed known as a Review of Tenancy.
- 1.3 This policy applies to existing tenants from both Housing and GHA and makes clear the rights and responsibilities of tenants, Housing and GHA.

2.0 POLICY DESCRIPTION

- 2.1 This policy describes how Housing and GHA manage tenancies to ensure that social housing is reserved for those in need as determined in the Allocations and Eligibility Policy.
- 2.2 This policy is monitored by Housing and GHA and applies to properties owned and managed by both Housing and GHA.
- 2.3 In this policy, unless otherwise stated, “household” refers to all individuals living in a unit of social housing.

3.0 TENANT OBLIGATIONS

- 3.1 As part of the Tenancy Agreements, tenants are required to notify Housing (if Housing tenants) or GHA (if GHA tenants) of any changes in the composition of the household or in the circumstances of the tenant or any member of the household.
- 3.2 Tenants in social housing must undergo a review of tenancy at least once every five years and when:
 - There is a change in circumstances (e.g. household composition, financial and or health);
 - Applying for a transfer or exchange.
- 3.3 Tenants must provide Housing or GHA with all information requested of them within 28 days.

4.0 HOUSING/GHA OBLIGATIONS

- 4.1 Housing and GHA are obliged to monitor tenancies and apply this policy by:
 - Reviewing the tenancy at least every five years;
 - Informing tenants how the process will be carried out;



- Communicating any decisions made as detailed in this policy and providing details of evidence used to make the decision;
- Informing tenants of the appeals process.

5.0 THE REVIEW OF TENANCY PROCEDURE

- 5.1 A review of tenancy will be carried out when a tenant(s) or a member of the household circumstances have changed, when they apply for a transfer or exchange or at least once in a five year period.
- 5.2 The tenant will be asked to complete a Social Housing Application & Eligibility Form and to provide supporting documentation (e.g. evidence of financial, medical circumstances and any other relevant information) in order to review housing need and eligibility.
- 5.3 The review of tenancy will determine the eligibility and property requirements of the household.
- 5.4 Multiple reviews of tenancy could be undertaken simultaneously depending on the make-up of the household (see Allocations and Eligibility Policy).
- 5.5 Housing and GHA Officers will collate and review the information supplied by the tenant (s). This will indicate whether:
 - The tenant (s) remains eligible for social rented housing and;
 - The tenant's current accommodation is still appropriate for their household needs (e.g. the size, type, accessibility and bathroom facilities).
- 5.6 Tenants who knowingly give false information, fail to disclose information or refuse to provide information which has or would have a material effect on their review will be referred to the Compliance Manager/Housing Manager which may result in termination of the tenancy and/or referral for criminal prosecution.
- 5.7 Once a review of tenancy is underway, any new pet application will not be considered until a decision has been reached as to whether the tenant is suitably housed. If the tenant is placed on the waiting list for a transfer, a new pet application will not be considered until a property has been allocated and accepted.

6.0 OUTCOMES OF THE REVIEW OF TENANCY

- 6.1 Following a Review of Tenancy, the likely outcomes are described in the following table. One or more outcomes may apply dependent on the household makeup:



| Circumstances | Review of Tenancy Outcomes |
|---|---|
| No change in circumstances | No further action is required as the household is adequately housed |
| The household meets the eligibility criteria but the property no longer meets their needs | Housing/GHA will place the tenant(s) onto the waiting list for a transfer and banded in accordance with the Allocations and Eligibility Policy and encouraged to register for an exchange |
| A member of the tenant's family (excluding non-dependants) becomes a joint tenant | Tenants sign a new tenancy agreement |
| Tenant's income and savings are over the capital and thresholds limits as stated in the Capital Sums Policy and Income Threshold Policy | The case is passed to the Compliance Manager/Housing Manager |
| Tenant (s) who are no longer eligible for social housing | Housing or GHA will terminate the tenancy. Any individual remaining in the property who qualifies, may make an application in their own right |

- 6.2 Housing or GHA will inform tenants in writing of the outcome of their review within 28 days of all the information being received.
- 6.3 Anyone who is no longer eligible for social housing will be informed of the requirement to leave the property (section 9.0). If this results in the remaining members of the household under occupying a property, they will be added to the waiting list in anticipation of being asked to move to a smaller unit pending own application.

7.0 SUCCESSION

- 7.1 A joint tenant has the right to apply for sole tenancy if circumstances have changed e.g. as a result of the death of the other joint tenant, the joint tenant no longer being able to reside at the property through health reasons or a separation, provided that that there are no outstanding breaches of the existing tenancy agreement.
- 7.2 Where the partner of the tenant is not a joint tenant, Housing/GHA will consider an application by the partner for sole tenancy.
- 7.3 Where the succession application meets the eligibility criteria, Housing/GHA will assess the suitability of the current property for the applicant(s). If the type of property is defined as of urgent or identified need Housing or GHA will, if necessary, allow succession to an alternative property that is more suitable to the applicants' needs.
- 7.4 The applicant will be able to remain at the property until an offer of suitable accommodation has been made. If the application is as a result of the death of the tenant, the applicant can be given up to 12 months to remain in the property, but



will be included in the joint waiting list during this period. During this period, offers of accommodation will be made as detailed in the Allocations and Eligibility Policy section 9.0.

- 7.5 Where the succession application does not meet the eligibility criteria, Housing/GHA will allow a temporary tenancy of up to 16 weeks to enable them to find alternative accommodation.

8.0 OFFERS OF ALTERNATIVE SOCIAL HOUSING

- 8.1 In accordance with the Allocations and Eligibility Policy section 9.0, where the household is offered suitable alternative social housing, they are expected to respond to the offer of the property within 48 hours.
- 8.2 A tenant will be offered up to a maximum of three properties. On the third refusal the termination of tenancy process is invoked (see section 9.0).
- 8.3 Tenants will be given no less than 14 days' notice from the date they are formally offered the property to move; the expectation is that they will move as quickly as possible to reduce the cost to Housing and GHA of an empty property.
- 8.4 If a Notice to Quit (i.e. termination of tenancy) is issued as a result of a tenant turning down three previous offers of alternative social housing, they will not be offered alternative accommodation by Housing or GHA during the notice period and will be removed from the waiting list.

9.0 TERMINATION OF TENANCY

- 9.1 If the outcome of the Review of Tenancy process is that the tenancy is to be terminated, tenants will be given 12 weeks to find alternative accommodation. The tenant is obliged to keep Housing or GHA informed of efforts being made to relocate. After 12 weeks Housing or GHA will commence possession proceedings.

10.0 RIGHT OF REVIEW AND APPEALS

- 10.1 If an applicant is dissatisfied with a decision, they may ask to have an internal review to be carried out. Any request to have a decision reviewed should be made in writing within 28 days of the date of the letter communicating the original decision.
- 10.2 Should the applicant still be dissatisfied with the decision made after the internal review has been carried out, they may appeal to the Independent Housing Appeals Tribunal if the decision relates to the following areas:
- Rent payments
 - Rent rebates



- Tenancy reviews
- Allocations (the properties that Housing or GHA offer you or refuse to offer you)
- Applications for social housing

10.3 The appeal should be submitted in writing not later than 28 days after the decision of the internal review and on a form that will be provided through Housing.

10.4 The applicant will be advised of their statutory right to appeal in any decision communicated to them.

Information is available on <https://www.gov.gg/socialhousingappeals>

11.0 MONITORING

11.1 Housing and GHA will review this Review of Tenancy Policy every three years or earlier if change is identified to keep it up to date with changing Law or best-practice guidance.

11.2 There will be a process in place to monitor various aspects of this policy. This will be to ensure that the policy is operating in the most effective way and that any issues are identified and addressed as early as possible.

Change History

| Version | Date | Description | Change ID |
|---------|------------|--|-------------------------------|
| 2.0 | 01.03.2019 | 5.7 New paragraph regarding pet applications. 7.3 Clarification re succession and length of time to remain. 7.4 New paragraph to remain in property 7.5 re-numbered. 8.2 Edited paragraph allowing a tenant three offers/refusals. | Daren Dupré/ Jemma Bachman |
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