Tenancy Audit - (Illegal Occupation - Subletting)

Policy

|  |  |
| --- | --- |
| Document Title | Tenancy Audit - (Illegal Occupation - Subletting) |
| Version number | 1.2 |
| Version date | May 2024 |
| Author Title & Issuing Department | Communities Manager  Communities |
| Target Audience | Staff in the Communities Team |

|  |  |
| --- | --- |
| Approved By | Head of Communities |
| Date Approved | May 2024 |
| Review Date | May 2027 |

|  |  |
| --- | --- |
| Links to Regulatory Standards – Economic/ Consumer Standards | Regulator of Social Housing  Consumer Standards   * Tenancy Standard * Safety and Quality Standard |
| Outcomes for Customers | Making the most efficient use of our available stock  Ensure that tenants’ homes meet the standard set out in section five of the Government’s Decent Homes Guidance and continue to maintain their homes to at least this standard |
| How were tenants, residents and service users involved in the review/development of this document | Policy sent to Resident Policy Review Group for consultation and approval.  Previously the Proof-reader Group was consulted with the Tenancy Audit - (Illegal Occupation - Subletting) policy that this policy is based on. |
| Training Provision | The Head of Communities will be responsible for cascading the policy to their teams. |
| Links to the Business Plan | **Our plan for homes**:  We will continue to provide homes that are comfortable, well maintained, closely managed and kind to the environment. And we’ll keep up our efforts to prevent and respond to homelessness. |
| Links to Key Values | **Diversity:** This policy assists with keeping tenant information updated including vulnerabilities so that we can tailor our services to the needs of the tenant.  **Openness:** This policy sets out our approach to carrying out Tenancy Audits.  **Accountability:** This policy ensures we make the best use of our housing resources and that existing stock is properly managed.  **Clarity:** The policy outlines what is involved in a Tenancy Audit and what we do with the information as well as what action will be taken as a result of the information obtained. |

**Version Control**

|  |  |  |  |
| --- | --- | --- | --- |
| Version | Revision Date | Author:  Job Title | Change Description |
| 1.2  1.2.1 | 01/05/24  23/05/24 | Communities Manager  Communities Manager | Updated role titles, following restructure.  Following consultation with residents’, amendments were made. Grammar and punctuation reviewed. |

# Introduction

Social housing is a valuable asset that provides security and stability to people in housing need. As a housing provider we have a duty to make the best use of our housing resources and ensure existing stock is properly managed.

Tenancy audits are used to:

### Update the household information, to help us to deliver quality and timely services that are tailored to individual needs.

### Check the condition of the properties.

### Help identify any customer support needs and to refer them onto specialist agencies for individual support.

### Identify tenancy fraud and other breaches of tenancy.

### Identify households who are under-occupying properties and provide support if they wish to move to smaller properties.

The aim of this policy is to set out how we will carry out tenancy audit visits, how we will treat the information we collect and what action may be taken as a result of the information obtained.

# Definitions and Scope

We will aim to carry out a tenancy audit visit at least once during a ten-year rolling programme, to households in general needs properties.

We will exclude tenants on starter tenancies from the program as issues are picked up through scheduled visits made during the first 12 months and property condition checks are part of this process. Emh homes also capture customer profile information at sign-up, which will be up to date within the first 12 months.

# Specifics of the Policy

## Household Information

### During the tenancy audit visit we will be reviewing and updating the information we currently hold on the tenant and the household, which will include:

### Who lives in the household and their relationships to each other, dates of birth and gender?

### Medical conditions or support needs to include access arrangements.

### Any nominated authority to disclose.

### National Insurance numbers, economic status.

### In addition to the household information, we will also be asking the tenant(s):

* + Equality and diversity information, which includes disabilities, ethnicity, sexual orientation and belief.

## Stock Condition

### Tenancy audits provide an opportunity to assess the condition of our properties including, where relevant, gardens. Emh homes tenants are expected to:

### Keep the interior of the home clean and in a good state of decoration.

### Keep and maintain gardens, trees, lawn and hedges in a neat and tidy condition.

### Make good any damage caused to fixtures and fittings or structure of the property by a member of the household or a visitor to the home.

### Report promptly any disrepair or defect for which emh homes is responsible.

### If the condition of the property is unsatisfactory, we will send a letter to the tenant within 5 working days of the visit setting clear objectives and timescales relating to improvement.

### If work is required following the tenancy audit an inspection visit will be arranged.

### Any issues concerning unauthorised structural changes will be followed up within 28 working days of the visit by a surveyor.

### In general, routine repairs will be the responsibility of the tenant to report. However, where urgent or emergency repairs are identified as part of the tenancy audit, these will be reported by the officer.

## Identifying Tenant Needs

### We will make appropriate referrals arising from tenancy audits, for example for tenancy support, income management, financial inclusion, benefits advice, antisocial behaviour, safeguarding or disabled adaptations.

## Tenancy Fraud

### We will take appropriate action to ensure that our homes are only occupied by those with legal right to be in residence.

### Tenants will be asked to provide identification during the visit to ensure that the correct person is living in the property.

### Officers are only able to discuss the tenancy with the authorised tenant (or the tenant’s representative, as long as the tenant has given their permission).

## Occupying as Main Home

### The tenancy agreement states the property must be your only or principal home. You must give up the tenancy if it is no longer your principal home.

## Lodgers and Subletting

### The current tenancy agreement state tenants do not have the right to take in lodgers or sub-tenants whilst you are on an introductory tenancy. Once your tenancy is no longer an introductory tenancy tenants have the right to take in lodgers or sub-tenants but only if you have our written consent.

### We may give consent subject to reasonable conditions. Wherever our consent is required under the Tenancy Agreement, it will not be unreasonably withheld or delayed. Tenants cannot take in lodgers or sub-tenants if this will cause overcrowding or create an assured sub-tenancy of any part of the premises.

### Tenants are required to tell us the name, age and sex of any lodger or sub-tenant, the accommodation they will occupy and the rent they are being charged.

### Tenants must not grant an assured sub-tenancy of the whole of your home. If you do the tenancy will end and we will repossess your home.

## Breaches of Tenancy

### We will take appropriate action to ensure that tenants comply with their tenancy conditions.

### If we suspect a tenant has breached their tenancy but the tenant refuses access or to cooperate, we can take appropriate legal action to enforce this.

## Under Occupation

### If households are living in a home with more bedrooms than they need according to the Allocations Policy, they will be offered information and support on moving to a smaller property. This may include information on mutual exchanges and bidding assistance.

## Adapted Properties

### Emh looks to make efficient use of the properties owned and will look to make best use of adapted properties. Where we identify properties, which have been fully adapted and the adaptations are no longer required, we will support moving to alternative accommodation if the tenant agrees.

## Obtaining Access

Visits will be made in person, and we will ensure that access is obtained to the properties. Tenants in most cases will be given notice prior to a tenancy audit visit.

We will notify tenants of the tenancy audit in writing at least 10 working days in advance of the visit. The letter will clearly state the purpose of the visit.

However we may carry out Tenancy Audit visits without the minimum 10 days’ notice, with the permission of the tenant. The conditions of tenancy state we must normally give you at least 24 hours’ notice, except for an emergency, to carry out immediate repairs.

If written notice has been given and we are still unable to access the property, we will take appropriate action, which may include applying to the County Court for access.

## Information and Confidentiality

The tenant will be notified of the purpose of collecting the information and how it will be treated in the letter notifying them of the visit/at the time of the visit.

The information we collect will be stored, maintained on our tenancy database and processed in accordance with data protection legislation.

Data Protection law allows us to share personal data for the purpose of preventing or detecting fraud.

## Equality and Diversity

We will signpost to support where available for vulnerable customers.

Customers who may have difficulties understanding information will be supported through internal support mechanisms or the use of external agencies and/or support workers; this includes the use of British sign language, alternative formats and alternative languages where necessary.

# Implementation

The Tenancy Audit - (Illegal Occupation - Subletting) Procedure outlines how the policy will be implemented.

Housing Officers and Communities Assistants are responsible for carrying out the statements contained within the policy.

# Responsibilities

5.1 Communities Managers are responsible for monitoring the effectiveness of the policy.

5.2 Head of Communities is responsible for oversight and governance of the policy.

# Associated Documents

* Tenancy Audit - (Illegal Occupation - Subletting) Procedure
* Data Protection Policy
* Tenancy Breaches Policy
* Abandonment Policy
* Tenancy Policy
* Death of Tenant Policy
* Succession Policy
* Use and Occupation Policy