Exeter City Council Housing Services

Tenancy Policy
2023 – 2027

1.0 Full Policy Review at Executive Committee 9/1/2024	
1.1 Policy revision 04/09/2026	We have clarified the wording of certain sections to align with s.124 Housing Act 1996.

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 ECC operates an Introductory Tenancy regime. Any new periodic tenancy will usually be Introductory. This does not apply if, just before the new tenancy starts, the tenant or one joint tenant already had a Secure tenancy or relevant Assured tenancy, but not an Assured Shorthold tenancy.

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 months Introductory tenancies (with the ability to extend for a further 6 months) to all new social housing tenants of Exeter City Council. We will offer Secure lifetime tenancies to existing social housing tenants.

2.2 We will grant an Introductory Tenancy where s124. Housing Act 1996 says this applies. We won't do this if the tenant or one joint tenant already had a Secure or Assured Tenancy immediately before the new tenancy starts.
We will transition all tenancies to a Lifetime Secure Tenancy where the Introductory Tenancy has been successfully conducted.

2.3 We will grant a Secure Tenancy where s124.Housing Act 1996 says that the tenancy cannot be an Introductory Tenancy. If the applicant is, or has recently been, an introductory tenant or relevant assured shorthold tenant we will check the correct tenancy type and any trial period before the tenancy is granted.

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 Tenants do not have a general right to ask for a review if they have been granted an Introductory Tenancy. If the council extends the trial period, the tenant can ask for a review under s125b Housing Act 1996 within the legal time limit.

2.7 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.

2.8 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

2.9 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.

2.10 Successors to a tenancy, irrespective of the tenancy start date, may be required to move to accommodation that meets their household needs.

2.11 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 certain circumstances, Exeter City Council Housing has a discretion to make an allocation of accommodation through a 'Direct Match' to applicants or 'Management Move' for tenants. Details of how Direct Matches and Management Moves are awarded are set out in our Allocations 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.