

Rother Owned/Leased Accommodation

Tenancy Policy

October 2025

1. Purpose

Rother District Council is a registered provider of social housing. We have units of both temporary accommodation, including Housing First¹, and units of tied accommodation. The vast majority of these units are let at affordable rents, with a small number of units of social rent in Housing First.

2. Aim

The Tenancy Standard is one of four consumer standards that registered providers of **social housing** must comply with. The Regulator for Social Housing requires us to publish information on the type of tenancies that we offer and in what circumstances.

This policy aims to achieve compliance with this as well as providing a clear and consistent approach to the granting of tenancies and therefore the rights being offered to customers.

3. Scope

This policy applies to everyone who is eligible to be housed by us as well as our existing tenants. The policy covers the tied accommodation as well as the temporary accommodation and is regardless of whether the rents are charged at social or affordable rents.

4. Eligibility for Accommodation

Some of our accommodation is not available to everyone and certain eligibility must be met to qualify:

a. Temporary Accommodation including Housing First

Temporary Accommodation is only available to households who are homeless and assessed under the Homelessness legislation.

Our Housing First properties are only available for those who have been assessed under the East Sussex Rough Sleepers Initiative.

b. Local Authority Housing Fund Properties

These properties were purchased using Government funding for Homes for Ukraine and Afghan Resettled Refugees. They can be allocated to Ukrainians who are homeless or at risk of homelessness in accordance with homelessness legislation or Afghan Resettled Refugees through the South East Strategic Partnership for Migration. Where no eligible households exist, they may be converted to use for temporary accommodation.

5. Tenancies offered by Rother District Council

a. Secure Tenancies

Those in tied accommodation are given a Secure Tenancy. This is the most secure form of tenancy and often referred to as a lifetime tenancy.

b. Non-Secure Tenancies

Most non-secure tenancies are given by the Council when a homeless household is placed in temporary accommodation owned by the Council by virtue of homelessness legislation.

All temporary accommodation provided by the Council will meet suitability requirements under homelessness legislation and the Homelessness Code of Guidance.

¹ Housing First is the scheme name for accommodation accessible to rough sleepers assessed under the East Sussex Rough Sleepers Initiative

Households placed in temporary accommodation will receive written confirmation of suitability and have the right to request a review under section 202 of the Housing Act 1996. We will ensure that accommodation is safe, affordable, and appropriate to household needs.

c. Licenses

We will grant licences for lettings where there is not exclusive possession of a dwelling or part of a dwelling. In most cases this is in our units within a House of Multiple Occupancy (HMO).

d. Joint Tenancies

Anyone allocated a property owned by the Council will be granted a sole tenancy. This means that the tenancy will be in the name of the main applicant, as detailed in their housing application.

6. Right to Buy

Non-Secure tenants do not have the legal Right to Buy their property.

7. Tenancy and Eviction Prevention

We are committed to helping tenants maintain their accommodation and avoid unnecessary eviction.

Support includes:

- Early intervention for rent arrears and referrals to welfare and debt advice services.
- Assistance with benefit claims and budgeting support.
- Links to specialist services for health, substance misuse, and domestic abuse where appropriate.

We have a warnings procedure that is followed before ending any tenancy or licence. We also provide housing options advice, including move-on and private rented sector options.

8. How can tenants end a tenancy?

- a. To end a tenancy a tenant must give the Council at least 28 days' written notice (called 'notice to quit'/Notice to end tenancy). These 28 days' written notice must start on a Monday and end on a Sunday.
- b. Only a tenant (as named on the tenancy agreement) can bring the tenancy to an end, unless a person has a Power of Attorney in place to deal with financial matters.
- c. If a tenant is unable to end their tenancy for any reason and there is no Power of Attorney in place, then a suitable person needs to be appointed by the Office of the Public Guardian.
- d. If a tenant has sadly passed away an Executor of their will can issue us with a Notice to Quit the tenancy. If there is no Executor, then the Council will serve a Notice to Quit upon the personal representatives of the late tenant at the property and send a copy of the Notice to Quit to The Office of the Public Trustee.
- e. Rent will continue to be charged in all situations until the tenancy can be legally brought to an end.
- f. Fixed Term Tenancies are ended at the end of the term, or any agreed break clause point as stated within the Tenancy Agreement. In order to surrender a Fixed Term early this request must be made in writing, giving a minimum of 28 days' notice and carried out in negotiation with the Council.
- g. Where we are satisfied the property has been abandoned, we will seek to repossess the property. We will only do this after a thorough investigation and are satisfied that the tenant(s) has ceased to use it as his or her only or principal home. Such recovery will be sought through the County Court if necessary.

9. Rent Levels

The Council has a supply of both social and affordable rented homes and each property, when available for letting, will clearly set out the rent and any service charges payable.

Properties do not switch between the two and the rent level is determined by when the property was built or purchased and how it was funded, with any property receiving any Government funding being set at an

affordable rent. All our newly built or purchased properties (including those we have bought as second hand even if they were originally council homes and were then bought under the Right to Buy) are let at affordable rent. All rent types take account of the type and size of the property and the area in which it is in.

Our affordable rents are set at 80% of the market value or Local Housing Allowance rates if this is lower. Unlike social rent this cap also includes any service charges.

Social rents are historic and based upon a number of factors including size of the property and its location.

All rent increases are in line with the Government's Rent Setting Policy with annual increases each year from 1st April.

10. Lettings

We do not allocate our properties through Choice Based Lettings as our properties sit outside this framework.

a. Local Authority Housing Fund (LAHF) Homes

Those for 'Homes for Ukraine' are let to Ukrainian households who are either currently homeless or at risk of homelessness. Households might apply to us directly as homeless, or they might be identified through another agency through the Homes for Ukraine partnership. This could be as a result of their host no longer being able to accommodate them. Because these households do not have Indefinite Leave to Remain in this country but are on time limited visas, additionally they may also be subject to the homelessness legislation they get a non-secure tenancy. If there are no suitable households, we can allocate the properties to be used by Afghan families or for temporary accommodation.

Homes for 'Afghan Refugees' brought into the UK by our Government under one of the two Resettlement Schemes. We work with the South East Strategic Partnership for Migration who will put forward suitable families for these households – based on the size and needs of the family, we will then let the home directly to that household. They will be given a non-secure tenancy with the aim to move on once they are ready, usually within 2 years, for more independent accommodation: this could be with a housing association or private rented.

b. Housing First

We have a small number of properties which we received Government funding for to provide homes for rough sleepers. Across East Sussex we have a multi-agency partnership project to identify and support these households and when we have a vacancy the support provider will identify a suitable household. The household is then provided with tailored support, often multi-agency. They will be given a non-secure tenancy with the aim being to move on once they are ready, usually within 2 years to more independent accommodation: this could be with a housing association or private rented.

11. Tenancy Fraud

The Council is committed to preventing, detecting and investigating all types of fraud.

Examples of tenancy fraud are:

- Subletting a property without the landlord's permission for personal gain
- Providing false information on your application for housing, for example
- Claiming to have children when you don't
- Claiming to be homeless when you already own a property

The council responds swiftly to all reports of unoccupied/abandoned and sublet properties. If tenants are found to be committing housing fraud, they could:

- Lose their tenancy
- Be fined or sent to prison depending on how serious the fraud is

12. Health & Safety and Hazard Response (Awaab's Law)

Tenants have clear routes to report hazards, including damp and mould, leaks, gas and electrical concerns. RDC will handle hazards under our Repairs Policy in line with the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, including: making emergency hazards safe within 24 hours; investigating significant hazards within 10 working days; issuing written summaries; starting works within 5 working days or within 12 weeks (long-stop) and decanting where necessary.

13. Tenancy and Satisfaction Measures (TSMs)

RDC will collect, analyse and (where applicable) publish annual TSMs in line with regulatory requirements. We use TSMs covering repairs, safety, complaints, engagement, and neighbourhoods to inform service improvement, policy review, and inspection readiness. Results can be provided in accessible formats.

14. Complaints and Housing Ombudsman

- Tenants and licensees who are dissatisfied with our service can make a complaint through the Council's complaints procedure.
- If they remain unhappy after exhausting our internal process, they can escalate their complaint to the Housing Ombudsman Service.
- Details of how to do this are provided in our Tenancy packs and will be published on our website and provided on request.

15. Equality and Diversity

We aim to ensure that all our policies are fair and transparent and have been impact assessed according to our procedures and in accordance with legal requirements.

16. Monitoring and Review

This policy will be kept under review annually and updated in light of any changes, including legislative or regulatory changes.