



Tenancy policy

Valid from September 2026

1. Introduction

This policy covers Futures Housing Group's (our) approach to tenancy management, including the types of tenancies that we offer to customers.

It will show how we support customers to keep tenancies and prevent evictions that aren't needed, help in failed tenancies and prevent potential tenancy fraud.

We want to make sure our customers can stay in their homes as long as they want to, while looking at the purpose of our properties and the needs of individual households. This policy meets the requirements of the Tenancy Standard set out within the Housing Regulator's revised regulatory framework for social housing published May 2015.

Laws including the 1988 Housing Act, 1996 Housing Act, Homelessness Act 2002, Localism Act 2011, Homelessness Reduction Act 2017 and Landlord and Tenant Act 1985 set out the rights and responsibilities of landlord and tenant that affect the services we provide. These have been taken into account when producing this policy.

2. Types of Tenancy

Registered providers (organisations that provide social housing and are registered with the Regulator of Social Housing) can provide a range of different tenancy types. This depends on their allocations process and the promises the landlord has made to stakeholders. We currently use the following tenancy types, however, these are subject to change:

2.1 Assured Tenancies

This form of tenancy is sometimes known as a 'lifetime' tenancy and is the standard tenancy offer. It is the highest form of rental security which can be given to our tenants. The tenancy can only be terminated by possession under one of the grounds in Schedule 2 of the Housing Act 1988 or if the customer stops occupying the property as their only or principal home.

2.2 Assured Tenancies with Preserved Rights

These tenancies are the same as the Assured Tenancies above, however, they were given to those customers who transferred as part of the Large Scale Voluntary Transfer of properties from the Local Authority to Futures. These tenancies include additional provisions which exactly copy the rights those tenants had whilst secure tenants. This includes reference to the preserved 'Right to Buy' (which is a statutory right preserving the right to buy for such tenants).

2.3 Fixed Term Assured Shorthold – Intermediate Market Rent properties (Rent to Buy)

Five-year fixed term tenancies are used for properties saved for the Rent to Buy programme, let on Intermediate Market Rent tenancies.

The Capital Funding Guide states:

- Landlords are expected to let the properties on assured short-hold tenancies at an Intermediate Rent for a fixed term of no less than two years.
- If, after the initial five years of letting, the landlord wishes to sell the property the existing tenant should have the right of first refusal.
- If at any point after the initial five years of letting the tenants submit a request to buy their home, it is expected that the landlord would agree to sell except in the most exceptional circumstances.
- After the five years, Futures may continue offering the home as Rent to Buy, sell the home with the tenant having the right of first refusal, or convert the home to Shared Ownership, Market Rent or another form of Affordable Rent.

2.4 Equitable Tenancies (under 18s)

People under 18 years old cannot legally hold a tenancy. This means they do not have the capacity to hold an assured tenancy without a trustee. Anyone under the age of 18 years will only be given an assured tenancy where they have someone to act as a trustee and a Deed of Trust is completed. This is known as an equitable tenancy.

Futures cannot act as the trustee. However, an equitable tenancy can be held by another person or a company/ corporation 'in trust' for the minor. If the trustee is an individual, they must be a responsible adult over the age of 18 years.

Only when the minor becomes 18 years of age will the tenancy convert to an Assured Tenancy, but this is subject to a successful Equitable Tenancy. These types of tenancies are only used in exceptional circumstances.

2.5 Licence to Occupy or Non-Secure Tenancy

The Group will work with the Local Authorities to make sure any offers of temporary accommodation due to homelessness are done so with a Licence to Occupy for up to 56 days. In certain areas managed by Futures, a Contractual (non-secure) Tenancy or Licence to Occupy will be issued to those living in short-term supported housing for a period of up to 2 years, providing a stepping stone between homelessness and independent living. This is known as short-term move-on accommodation.

A licence can be ended by giving ("serving") the tenant a Notice to Quit. This ends the licence 28 days from the date of service, or sooner where appropriate and fair to do so.

Licences will usually be ended by the homeless occupant when suitable permanent accommodation has been found to rehouse the occupant, or, for residents who are receiving support, when they no longer need the level of support provided and have another place to live. These licences may also be ended by Futures serving a Notice to Quit for any breach of the conditions within the licence agreement, or if the person receiving help is not covered under the Homelessness Duty, for example if they are intentionally homeless. After the Notice to Quit has been served, Futures may seek an order of possession from the courts if the household has not moved out.

A Licence to Occupy will also be used for shared accommodation in leased properties which are used to provide homes for vulnerable customers of Derbyshire County Council. These customers may have severe learning disability or physical disability, who may be at risk and require assistance at home.

2.6 Affordable Rent

Affordable Rent tenancies are only used where a delivery agreement for the new supply of social housing is held by Futures under the (now) Homes England's Affordable Homes Programme.

The tenancies are assured tenancies with clauses that deal with the affordable rent. Rents for these homes are set at up to 80% of market rent for an equivalent property of that size and location. This top limit of 80% includes service charges.

The valuations that set the initial rent will be done by a Royal Institute Chartered Surveyors recognised method, and will follow any guidance from the Housing Regulator. If a property with an affordable rent becomes void, then the rent will be recalculated at the time it becomes void as the Regulator's guidance says.

2.7 Shared ownership

Futures is committed to promoting home ownership through the sale of properties on a shared ownership basis.

2.8 Market Rent – Assured Shorthold Tenancies

Assured Shorthold Tenancies are offered to Market Rent customers.

Tenancies are granted for a minimum term of 12 months and identified as an assured shorthold tenancy according to the Housing Act 1988.

The Tenancy can be ended on or after the fixed term ends by getting a court order for possession. The court order is obtained by either:

- relying on one or more of the grounds listed in Schedule 2 to the Housing Act 1988, in which case we will give you written notice of seeking possession before starting such possession proceedings (unless a court grants an order that it is

- just and equitable to dispense with the requirement to serve you with such notice); or
- serving notice requiring possession on you under section 21 of the Housing Act 1988. Any notice requiring possession will expire on or after the last day of the fixed term and will give you at least 2 months' notice that we are seeking possession of the Property.

Market Rent tenancies are subject to a guaranteed Rent Deposit Scheme in accordance with the statutory requirements contained within the Housing Act 2004.

2.9 Starter Tenancies

We no longer offer a Starter Tenancy. All customers since November 2020 are offered more security in the form of an Assured Tenancy. These tenancies lasted 12 months and were used to see if the housing association and the renter were a good fit together. Starter tenancies meant that tenants could not swap homes, and tenants could also be evicted on more grounds than in an Assured Tenancy.

3. Lettings

Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homeless Reduction Act 2017, sets out the legal framework for how local authorities allocate housing.

The Group has lettings arrangements with a number of different local authorities across the East Midlands, and with Amber Valley Borough Council and West Northants Council as part of the transfer agreement.

Amber Valley

Futures' subsidiary 'Futures Homescape (FHL)' are members of the Home Options Partnership which covers High Peak, Derbyshire Dales, Amber Valley and Erewash. Amber Valley Borough Council (AVBC) maintains a Housing Register and only 'qualifying persons' will be registered on it.

Properties let through the Housing Register will be allocated under the Home Options Partnership Allocations Policy. This policy is delivered using a Choice Based Lettings model, where people can bid on the houses they want to live in. The policy is used to look at housing needs under the current 'Fair and Flexible' guidance issued by the Ministry for Housing, Communities and Local Government.

New applicants (Home seekers) and transfer applicants are assessed under the same policy and placed in bands A to D depending on their circumstances. Band A has the applicants who are highest priority and band D has the applicants who are lowest priority.

There are some exceptions in how this policy is operated:

- Age Designations - Some properties may be designated for specific age groups or for those with health or disability issues only.
- Size Designation - Under the Home Options Policy some properties will also be designated for households of certain size. This is so smaller houses are not overcrowded. For example, smaller two-bedroom flats and houses may be designated for smaller households with one child or two very young children.
- Local Lettings policies - The Home Options Policy allows for Local Lettings policies to be implemented for a specific time period in specific areas. This is to address local housing issues or to help the creation of sustainable communities. These local lettings policies will comply with current Government guidance.
- Direct Lettings - The Home Options Policy allows for properties to be let directly to applicants in certain extreme circumstances, without being advertised through the Choice Based Lettings Process. This approach may be used for properties that have proved to be hard to let, or where properties are needed to accommodate homeless applicants in the event of an emergency (fire or flood for example). It may also be used where tenants are being 'decanted' (moved) from one property to another pending the completion of major improvement, renovation or demolition works.
- Management Transfers - FHG also offers tenants 'management transfers' in extreme cases where an urgent transfer is required, usually to reduce the risk of harassment or severe anti-social behaviour.
- Properties let by other registered providers - The Home Options Policy and Choice Based Lettings system is also used to allocate and let properties for other registered providers. These providers may let properties in the area through nomination arrangements, or agreements with the relevant local authority.

West Northamptonshire

Futures' subsidiary 'Futures Homeway (FHW)' is part of HomeChoice@Daventry, a sub-regional Choice Based Lettings scheme. The scheme covers the West Northamptonshire district and all Registered Providers in the area subscribe to it.

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Flexible', a housing policy that aims to reflect changing lifestyles, and other appropriate guidance.

- Management Transfers –The Group offers tenants 'management transfers' in extreme cases where an urgent transfer is required, usually to reduce the risk of harassment or severe anti-social behaviour.
- As part of the Covid-19 pandemic (and for future extraordinary circumstances) lettings will be completed using a direct let policy which sits within the lettings framework for each local authority.

4. Tenancy Management

4.1 Succession

Succession means a tenancy passing on to another upon the death of a tenant. The tenancy agreement lists who is eligible to succeed so that customers of Futures are aware of their rights.

A minor, including those under 16 years of age, can succeed to an assured tenancy, but the tenancy will be held in trust by an appointed trustee until they reach 18 years of age. A trustee will need to be appointed.

4.2 Assignment

A customer holding a tenancy with any part of Futures may be allowed to hand over their tenancy to another member of their family. Assignment is subject to the terms of their tenancy agreement and is only available provided they qualify under the circumstances that are set out in our Assignment Policy and Procedure.

4.3 Transfers

Futures encourages those customers wishing to down- or upsize their home to apply for a transfer. This ensures Futures makes the best use of its housing stock; incentives may be offered to those willing to downsize and free up larger homes.

Transfers based on medical grounds are considered where adaptations are not possible in the current home, or when a customer needs to move to another area for ongoing support.

Transfers which are known to be 'like for like', or the same property type, are discouraged and Futures provides an alternative option for customers wishing to move this way. This is available via Homeswapper and is a mutual exchange register for customers to register their home free of charge.

In exceptional circumstances Futures may consider a 'like for like' transfer where the move is supported by any third party.

4.4 Mutual Exchanges

All assured customers have the right to exchange their property and any application will be dealt with in line with Futures's mutual exchange procedure. These rights are explained within the tenancy agreement.

4.5 Decants and Home Loss

If for whatever reason a customer is decanted (moved) to another property (e.g. due to major improvement works) the customer will keep the same tenancy and enter into a decant occupancy agreement for the temporary property. The decant property may be a licence or tenancy depending on who else is in the decant property. Where a customer has been decanted they will continue to pay the rent on their permanent home and return when the works have been completed.

Where a customer is asked to move on a permanent basis due to demolition or regeneration of an area, the customer will be subject to a home loss payment and disturbance allowance for losing their home. They will not return to their old home and rent will be payable on their new home. They will retain the same level of tenancy rights they had prior to moving.

4.6 Tenancy Sustainment

Some households require advice and support to maintain their tenancies and prevent unnecessary evictions. Futures offers the following:

- Tenancy Support - a range of support services exist, some via technology in the home, others involve the Communities and Tenancy Support Services. Other types of support are provided through partnerships with external providers. The services consider the needs of households who are vulnerable due to age, disability or illness, including those with learning disabilities, complex needs and mental health issues.
- Money Advice services are available to all customers of Futures who require help with budgeting, setting up of utilities and accessing additional support
- Employment Advice services exist to support customers with training and job searches locally, whether paid or voluntary.

4.7 Tenancy Fraud

Futures must make sure that properties are only occupied by those to whom the property was originally let. Futures makes visits to check the identity and details of the people living in the property, the general condition of the property, its fixtures and fittings and its surroundings. Futures lowers the risk of tenancy fraud by carrying out random tenancy visits throughout the whole tenancy.

The Prevention of Social Housing Fraud Act 2013 was created to ensure that social housing is available for the benefit of those who need it most. The Act is primarily concerned with strengthening the powers of social landlords to tackle tenants who sublet their home for a profit.

Two new criminal offences were created by the Act:

- When a secure or assured tenant of a registered provider sublets the whole or part of the property and ceases to occupy the property as their only or principal home and does it knowing that it is a breach of their tenancy conditions
- If a tenant dishonestly and in breach of an express or implied term of the tenancy, sublets or parts with possession of the whole or part of the property and ceases to occupy it as their only or principal home.

The first offence is a lesser offence and only requires proof of knowledge that the subletting has taken place and is a breach of tenancy conditions. Importantly, the more serious second offence is done if the act is done dishonestly.

The Act brings the assured tenancy regime into line with that of secure tenancies.

Since 15 October 2013, the Act ensures that assured tenants (who are not shared ownership lessees), will lose their security of tenure once and for all if they have sublet or no longer occupy the whole of their property, as is currently the case for secure tenants.

4.8 Rents and other charges

Rents are set in accordance with the Rent Standard Guidance and the rent formula as instructed by the Government at that time and any legislation e.g. the rent decrease legislation.

This guidance is issued by the Regulator and covers social rent and affordable rent. It refers to a Guideline Limit for rent increases in social housing including Affordable Rent for any single year. The Guideline Limit is a ceiling, not a target, and Futures can increase rents by a lower figure where circumstances justify doing so.

This guidance sets out the government's policy on rents for social housing for April 2015 onwards. The Government's aims for its new rent policy are to:

- Ensure that rents for social housing remain affordable in the long-term.
- Protect social tenants from excessive increases in rents.
- Ensure rents take account of local conditions.
- Provide long-term certainty and stability to social tenants, social landlords and their funders

- Give landlords significant income to invest in the maintenance and improvement of existing homes, the provision of new affordable homes, and in providing good services to their tenants.
- Support landlords to charge a fairer rent to those social tenant households with high incomes.

Market rent setting is assessed in accordance with the local area rent information and market interest.

During the first year of all the different type of tenancies, the rent may be varied once in the April following the start of the tenancy by giving the tenant one calendar months' notice in writing. The notice will clearly set out rent the proposed. After this, the rent will vary on the first Monday in April each year by giving the tenant no less than one calendar months' notice in writing. The notice will clearly set out rent the proposed

A range of services are provided as part of a tenancy. Fixed service charges apply for these services. These charges are made to recover the costs of providing these services. Any service charges applicable are clearly defined in the Tenancy Agreement. The service charges will be increased along with the rent in April of each year, following Board approval.

4.9 Ending a Tenancy

Customers can end their tenancy as per the terms and conditions of their tenancy agreement, usually by giving 4 weeks' notice in writing. Futures' Home Choices Team will confirm the expected tenancy end date with the customer.

Futures can end a tenancy as set out in the terms and conditions of the Tenancy Agreement/Licence, usually if there has been a breach of terms and conditions.

5. Complaints

A clearly defined complaints procedure is in place and this can be used with all aspects of this policy if a customer is unhappy with the way in which services have been delivered.

6. Review

The Tenancy Policy must have regard for the Local Authority Tenancy Strategies in the areas in which it operates. It also must consider the best use of its stock and the communities it serves, which may in the future include the use of flexible (fixed term) tenancies. As such the policy will be reviewed at least every three years or sooner if it is appropriate to do so (e.g. due to changes in legislation, regulation, or any changes to the Local Authority Tenancy Strategies).

Tenancy Policy Document Control								
Valid from	Valid to	Version	Status	Author	Owner	Approval		Description of Change
April 2015	April 2018	1	Final	Neighbourhood Services Manager	Assistant Director	Exec	Team 05.08.15	New Policy
April 2019	April 2022	2	Final	Head of N’hoods	Head of N’hoods	Co-Exec Team	April 2019	Policy reviewed – advice from AC Solicitors
Nov 2020	April 2022	3	Final	Head of N’hoods	Head of N’hoods	Co-Exec	Nov 2020	Reviewed and updated Starter Tenancies & Lettings
Sept 2022	Sept 2025	4	Review	Director of Housing	Director of Housing	Co-Exec	Nov 2022	Reviewed – removal of PSL tenancies, starter tenancies & inclusion of Market Rent & changes DDC to WNC
Oct 23	Oct 2026	5	Review / Final	Director of Housing	Director of Housing	Co-Exec	Nov 23	Minor amends – change from neighbourhoods to communities. Removal of Mortgage rescue & RTB pilot tenancies – update to Rent to Buy
Sept 26	Sept 27	5	Final	Director of Communities	Director of Communities	Customer Exp Group		One year extension. No changes
Distribution/ Confidentiality:				Customers and team members				
Other relevant documents:				• Antisocial Behaviour policy • Domestic Abuse policy • Tenancy agreement terms and conditions • Home choices policy • Succession/assignment policy • Rent to buy policy • Leasehold policy • Derbyshire Home Options Partnership Policy				

- West Northants Council Home choice Policy
- Regulator of Social Housing - Tenancy Standard April 2012
- Housing and Planning Act 2016
- Housing Act 1985 Housing Act 1996
- Localism Act 2011
- Landlord and Tenant Act 1985 (section 11)