

HASTINGS BOROUGH COUNCIL

TENANCY STRATEGY

Background

This document fulfils the requirements of the Localism Act (2011) for local authorities to have a tenancy strategy that sets out the matters to which Registered Providers (social landlords) with accommodation in Hastings must have regard when formulating their own policies. The Localism Act 2011, Part 7, s150 (1) states:

A local housing authority in England must prepare and publish a strategy (a 'tenancy strategy') setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to –

- a. The kind of tenancies they grant,
- b. The circumstances in which they will grant a tenancy of a particular kind,
- c. Where they grant tenancies for a term certain, the lengths of the terms, and
- d. The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Key Affordable Housing Providers and local authorities within the East Sussex have developed a tenancy strategy framework document to help inform the preparation of individual local authority tenancy strategies. This has been done in recognition of the fact that many of the larger Registered Providers operate across more than one local authority area and will have adopted tenancy policies which reflect their overall corporate and business plans. The framework was produced with the full support of Local Registered Providers and is intended to ensure that prospective tenants in each local authority area within East Sussex are not presented with widely differing tenancy offers. The East Sussex Framework document has provided the basis for preparing the Hastings Tenancy Strategy. Hastings Borough Council does not own its own stock of housing and this tenancy strategy is therefore only applicable to Registered Providers operating locally. It should be noted that whilst Registered Providers are required to have regard to the local authority tenancy strategy, they are not bound by it.

Context

The Council sets out its key priorities in the Sustainable Communities Strategy and Corporate Plan. Economic growth remains a key priority for the area, as does narrowing the gap between those living in deprived areas and those in the more affluent areas of the borough.

The current housing strategy focuses on tackling poor standards in the private rented sector and the delivery of new affordable housing. The homelessness strategy priorities include:

- Continuing to prevent homelessness
- Improving access to good quality, well managed accommodation in the private rented sector
- Ensuring access to appropriate, personalised and accurate housing advice and information.

Aims of the strategy

The tenancy strategy reflects local pressures and priorities. Hastings Borough Council aims to:

- Support economic growth by ensuring that average incomes are not a barrier to accessing social housing, but that those on higher incomes who can afford to meet their own housing need are encouraged to do so
- Encourage a wide range of housing options to support households at different stages in their lives and with different levels of income
- Make best use of the available social housing stock including reducing overcrowding, tackling under-occupation and making best use of adapted housing for those with a disability
- Ensure that vulnerable households are able to access appropriate accommodation and where needed ensure that accommodation is available for life
- Maximise choice for applicants within the available resources, promoting mobility within social housing and between social housing and other housing tenures.

Affordability

It is recognised that Registered Providers may be charging Affordable Rents on new developments and on a proportion of re-lets. All Registered Providers are required to consider the affordability of their rent levels for households in the Borough on lower incomes when setting new rents.

Registered Providers should be mindful of the following:

- Homes must remain affordable and must not exceed Local Housing Allowance levels
- Consideration of the impact of concentrated areas of rent conversion
- Consideration of individual tenancy, social and community sustainability issues.

Registered Providers will be required to have transparent strategies for identifying voids for affordable rents and disposals and demonstrate a commitment to joint working with local authority partners in order to agree this strategy. Hastings Borough Council will expect to be consulted prior to any disposals.

Type of tenancy to be granted

Landlords should offer tenancies in line with the new Tenancy Standards to create “tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.”

The Council acknowledges that landlords may continue to offer a range of tenancy types for different circumstances and may offer fixed term tenancies where this will help to make best use of the housing stock. The Council accept landlords may wish to offer fixed term tenancies on larger properties (3 bedroom and above). This could ensure that any household under-occupying the property in future can be supported to move on to more suitable, affordable accommodation. This would enable the property to be offered to a household needing the larger accommodation. Similarly fixed term tenancies could be offered on properties which have been significantly adapted for use by someone with a disability. If the household members needing those adaptations are no longer living there, the remaining family can be moved to alternative accommodation and the property offered to another household who require the adaptations.

The Council accepts that the decision to offer a fixed term tenancy must be balanced with the need to ensure a sustainable community. There may be some areas where tenancy turnover is already high and landlords wish to grant “life time” tenancies in order to encourage stability of the community. Even in these areas there may be an argument for offering fixed term tenancies on larger and adapted properties.

The Council expects landlords who offer starter tenancies to continue to do so.

Minimum length of tenancy

In accordance with The Secretary of State’s Directions on Regulatory Standards in relation to this legislation the minimum term for a fixed term tenancy should be 5 years. The Council expects landlords to consider offering fixed term tenancies for longer than 5 years.

The Standards state a shorter tenancy period can be given in exceptional circumstances with a minimum period of 2 years. However the Council expects any landlord considering offering a tenancy period of less than 5 years to notify and fully consult with the Council before reaching a final decision.

Where a landlord offers a starter tenancy it is expected that the fixed term tenancy would be offered upon successful completion of the starter tenancy which is normally one year.

Who should be given which type of tenancy?

It is recognised that some households should not be offered fixed term tenancies and that fixed term tenancies may not be appropriate in some areas:

- Older people going into either sheltered or extra-care accommodation should be offered a “life time” tenancy
- It may be agreed through a local lettings plan that only “life time” tenancies will be offered in some areas to meet wider strategic aims for regeneration and assist with the sustainability of the community. Such local lettings plans will be agreed in exceptional circumstance and in partnership with the Council and landlords. The plans will be reviewed at least annually.

Transfers and mutual exchanges

The importance of social mobility is recognised and landlords are encouraged to actively promote schemes to facilitate mutual exchange. Landlords will need to be aware of the provisions within the legislation for affecting mutual exchange between tenants with different tenancy types and ensure that their policies reflect these requirements.

The Council is keen to encourage transfers within social housing stock to ensure that tenants are in the most appropriate housing for their needs and are able to relocate to facilitate employment. Many existing social housing tenants will have the right to the same tenancy type on transfer. Where this is not the case (either because they have chosen to move to a property offered on affordable rent terms, or where the tenancy came into being after this part of the legislation was enacted) landlords should offer a tenancy type as close as possible to the type of tenancy they previously held. This is particularly important where the transfer frees up a larger property or an adapted property.

Circumstances in which a tenancy might not be renewed

The Council expects that the vast majority of fixed term tenancies will be renewed upon review.

There are two different circumstances in which a fixed term tenancy would not be renewed:

- 1) Where the property is no longer suitable in which case the landlord would be expected to facilitate an offer of alternative accommodation.
- 2) Where the household circumstances have changed and no offer of alternative accommodation is being made.

Circumstances where tenancies will not be renewed, but where an alternative offer of accommodation will be made include when:

- The household are under-occupying a property which is larger than they require
- The household are occupying an adapted property and no-one living there now requires the adaptations.

Circumstances where tenancies will not be renewed and no offer of alternative accommodation will be made include when:

- The tenant is no longer eligible for social housing
- The tenant or a member of the tenant's household has committed anti-social behaviour and the landlord has already initiated a legal process to repossess the accommodation
- The tenant owes rent to the landlord and the landlord has already initiated a legal process to repossess the accommodation
- The tenant is subletting the home
- The tenant has abandoned the property.

The landlord has to give the tenant at least six months' notice that they are not intending to renew the tenancy. Landlords should ensure that this notice is copied to the local authority at the time of service.

What happens if the landlord is not renewing the tenancy?

The legislation makes it clear that it is the landlord's responsibility to advise and support the tenant where they are not renewing the tenancy. Landlords and the Council have a shared interest in ensuring that these households do not become homeless and are supported to find alternative accommodation if needed. Landlords are expected to take a proactive approach to ensuring that appropriate advice is given, that move-on is facilitated and that additional casework for the local authority housing options team is avoided.

The Council wishes to ensure that the advice and support given to tenants at the end of a fixed term tenancy is good quality and specific to individual needs. The Council will hold further discussions with partners on how best to ensure this. Options could include:

- requiring landlords to become accredited in housing options work
- the Council offering to provide housing options advice as a service to landlords which landlords would then pay for.

Tenancy management, tenancy sustainment and tenancy fraud

All landlords are expected to:

- manage tenancies proactively and positively
- work to sustain tenancies wherever this is possible
- adhere to any pre-eviction protocols and to tackle tenancy fraud rigorously and robustly.

Reviewing this policy

The Council will monitor the impact of new tenancy types through continuing data collection, and it will review its policy in line with The East Sussex Framework 12 months after introduction.
