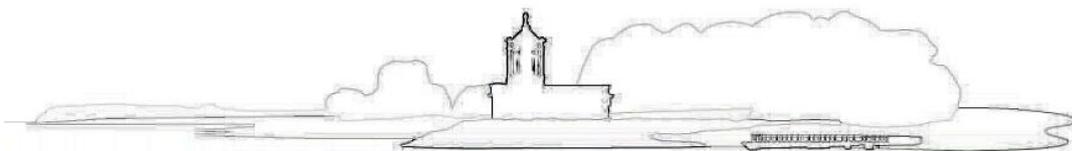


Rutland County Council

TENANCY STRATEGY

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1.0 RECENT GOVERNMENT POLICY

- 1.1 The traditional approach to managing affordable housing that is rented has been to offer lifetime tenancies (sometimes with an initial introductory/probationary period) with social rent levels. The Government has now introduced flexible (or fixed term) tenancies, which will normally be for a minimum of five years, following on from any introductory period (typically one year). The Government has also introduced 'affordable rent' which is defined as being 80% of the market rent. These rent levels are higher than social rent properties, which will cause affordability problems for many households.
- 1.2 In practice, in cases where these models are used, flexible tenancies and affordable rent will usually be provided together. It is, however, possible to use lifetime tenancies on properties with affordable rents (or fixed term tenancies for social rented properties), should the circumstances justify it.
- 1.3 The terms of occupation should not vary for existing tenants, whose tenancies began under the traditional arrangements and who remain in the same property.

2.0 THE REQUIREMENT FOR A TENANCY STRATEGY

- 2.1 A sound strategic approach is key to ensuring that these flexibilities are fairly applied in practice, reflecting both local circumstances and the circumstances of applicants. Obviously, the Council must comply with the Human Rights Act 1998 and the Equality Act 2010. In addition, section 150 of The Localism Act 2011 requires that:

“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 kinds 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.”
- 2.2 The purpose of the Tenancy Strategy is to set down local housing authority’s expectations for the types of tenancy that a Registered Provider will deliver when delivering and letting accommodation in Rutland. It should be noted that the Registered Provider is only required to “have regard” to the authority’s Tenancy Strategy when formulating its own tenancy policies.
- 2.3 The Localism Act 2011 requires all local housing authorities to have a Tenancy Strategy in place by January 2013. The Council has carried out an Equality Impact Assessment on the Tenancy Strategy to ensure that it promotes equality.

3.0 PREPARATION AND IMPLEMENTATION OF THE TENANCY STRATEGY

- 3.1 When preparing the tenancy strategy, the Council is required to have regard to the Council’s current allocation scheme. When the Tenancy Strategy was prepared and approved, this was the Housing Allocation Policy February 2005. The Council has also taken into account the Council’s new allocations scheme, which will be implemented from 1 January 2013. This Tenancy Strategy and the new allocations scheme were approved as part of the same report to Elected Members. However, the Tenancy Strategy will be implemented before the allocations scheme, because the latter cannot be implemented until applications have been reassessed and systems modified. The Council considers that the Tenancy Strategy must be implemented without delay and is equally applicable to both the current and new allocations schemes.
- 3.2 The Council has had regard to its Housing Strategy and Homelessness Strategy (both approved in June 2012) in preparing the tenancy strategy. Both the Housing and Homelessness Strategies acknowledge the great difficulty many local people have in obtaining accommodation within Rutland. Within the Tenancy Strategy, the Council and its partners have struck a balance between meeting the needs of current applicants in a genuinely affordable and stable way, whilst helping to ensure the availability of affordable housing for future occupiers. The Council has consulted

extensively in the preparation of this document and has taken into account the responses received.

- 3.3 Registered providers of social housing (usually, housing associations) must have regard to the Tenancy Strategy when formulating their tenancy policies. Under the Homes and Communities Agency's Tenancy Standard, "Registered providers shall offer and issue the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements. Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants. Registered providers shall publish clear and accessible policies which outline their approach to tenancy management. They shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions." They are also required to provide "reasonable advice and assistance" when a fixed period 'affordable rent' tenancy ends."
- 3.4 Registered providers are required to have regard to the tenancy strategy and are required by the Homes and Communities Agency to co-operate with delivering councils' strategic objectives for their area.

4.0 CIRCUMSTANCES UNDER WHICH VARIOUS TYPES OF TENANCY MAY BE USED

- 4.1 The Council is committed to promoting sustainable communities and is happy for landlords to provide indefinite (assured) tenancies for all tenants who are not in temporary accommodation or short term supported housing, should they wish to do so. This may, if the landlord wishes it and the tenant is not transferring or exchanging, follow an initial introductory or probationary period.
- 4.2 Should landlords wish to provide flexible (or fixed term) tenancies, the Council believes that this should normally only happen in the following circumstances:
 - a) where there is an initial introductory or probationary period prior to the commencement of an indefinite assured tenancy

- b) where a newly provided affordable home is required to be let on a flexible or fixed term basis by the Homes and Communities Agency
 - c) where a vacant existing affordable home is, following full and timely consultation with the Council, converted to affordable rent to contribute to the Affordable Homes Programme in accordance with an HCA contract and Rutland demonstrably obtains its 'fair share' of new affordable housing investment as a result
 - d) where the tenant is in short term supported housing or temporary accommodation (perhaps due to homelessness or because they have been 'decanted' from their normal home because of major repairs)
 - e) where the tenant has a tied tenancy
 - f) where, in exceptional cases, a registered provider wishes to regularise the short term occupation of a resident who has lost their legal right to remain in the property
 - g) where a registered provider is able in effect to 'demote' the occupation status of a tenant due to anti-social behaviour
 - h) where the registered provider itself only has a short lease on the property.
- 4.3 In addition, where a home has four bedrooms or more, a flexible or fixed term tenancy should not normally be used where this means that the rent would be in excess of 70% of open market rents or 100% social rent levels (whichever is the highest).
- 4.4 The Council believes that fixed periods of less than 5 years (following any initial introductory period) should only be used in very exceptional circumstances, or where the accommodation is only intended for short term occupation, or exceptionally where the tenant has a housing need which is of a clear short term nature.
- 4.5 The Council has intentionally kept the definition of households which it considers must have a flexible tenancy narrow and objective, to promote equality and prevent inconsistency. This is in line with the Council's housing strategy, homelessness strategy and allocation scheme as it strikes a balance between meeting housing need and securing the supply of affordable housing in the future.

- 4.6 Flexible or fixed term tenancies should not be used for properties which are particularly suitable for older people or people with disabilities (unless there is an introductory/probationary period, or the property is only intended for short term occupancy, or the property is being let to a wider range of people than originally intended in order to address housing need and/or low demand). The Council's definition is the same as that used in Grounds 7 and 9 of Schedule 3 of the Housing Act 1985 and paragraphs 7, 9, 10 and 11 of Schedule 5 of the Housing Act 1985. The text of the act is available on www.legislation.gov.uk The reference of 'social service' includes floating support.
- 4.7 Tenants who are transferring or exchanging and already have indefinite assured tenancies should retain their security of tenure wherever possible.
- 4.8 The Council expects registered providers to have regard to these criteria when devising their own tenancy policies. Nonetheless, the Council will still nominate tenants according to its allocation scheme to the tenancy types offered by the registered provider, even if the registered provider has not followed the Council's tenancy strategy. The Council realises that registered providers may wish to take into account the affordability of properties for applicants when they assess nominations.

5.0 SITUATIONS WHERE TENANCIES ARE NOT RENEWED

- 5.1 The Council believes in the promotion of mixed communities. Registered providers have a responsibility to ensure that tenants are fully aware of the implications of a fixed term tenancy from sign up and to ensure an on-going customer relationship with their tenants throughout the tenancy. Tenancies should normally be renewed unless there is a significant under-occupation (by two bedrooms or more), or a substantial change in household resources which meant that the households could readily buy a suitable property, or if there is a serious breach of tenancy condition which would warrant an outright possession order in Court. The criteria used by the registered provider to assess unacceptable behaviour should be broadly compatible with the qualification criteria in the Council's Allocation Scheme.

- 5.2 The Council expects registered providers to provide substantial support and assistance to tenants who are at risk of their tenancies not being reviewed. The Council expects that this will normally include at least one home visit and initial engagement with the tenant at least six months in advance. Assistance should include welfare rights advice and assistance in accessing possible transfer opportunities with that landlord. Registered providers should consider providing rent deposits or similar assistance where appropriate. Registered providers should assist tenants with accessing agencies and landlords which may be helpful to them. Careful consideration should be given by registered providers to additional assistance for vulnerable tenants. This could include assistance with moving and the continuation of any floating support for a period after the move has taken place.
- 5.3 When assessing whether to renew a tenancy, the registered provider should take full account of any particular welfare issues and whether failure to renew a tenancy would be reasonable and proportionate in the circumstances. They must ensure that communication with the tenant is in an accessible format. There must be clear appeal procedures which must be very clearly communicated to tenants.

6.0 CONSULTATION AND MONITORING

- 6.1 The Council believes strongly that registered providers should consult their tenants in detail when drawing up their tenancy policies and conversion programmes, as part of encouraging sustainable communities and customer engagement. Registered providers must consult with the Council regarding new and revised tenancy policies and should maintain an on-going dialogue regarding their operation. Registered providers should supply regular statistics to the Council on how the policy operates in practice in Rutland and known outcomes for tenants who have to leave, including equalities monitoring information. The Council will undertake periodic reviews of how its tenancy strategy is working in liaison with registered providers and whether any changes may be required.



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