

LBWF Tenancy Strategy and Tenancy Policy

1.0 Background

- 1.1 The Government, through the Localism Act 2011, has enabled the Council as a landlord and other Registered Providers to make choices about how they manage social housing. As part of this, Registered Providers may choose to introduce different types of tenancy agreement for new tenants that last for fixed periods of time (existing tenancies are protected). Tenants and other interested parties can see what approach each social landlord is taking by viewing their tenancy policy. Links to these will be available on the Council's website and on each Registered Provider's website.
- 1.2 Registered Providers should consider local priorities when they are developing their approach to managing social housing. To help them do this the Council has a duty to publish a Tenancy Strategy for the borough which must:
- Describe the high level objectives ('matters') that all Registered Providers should 'have regard to' in their tenancy policies
 - Signpost people to where the Registered Provider tenancy policies can be found, or summarise these
 - Have been developed with consideration to the local allocations policy and homelessness strategy and in consultation with Registered Providers
 - Be reviewed every 5 years at least, with Registered Provider input.
- 1.3 Registered Providers, including local authorities, must produce a tenancy policy which explains:
- The kind of tenancies they will grant
 - The circumstances in which they will do this
 - The length of tenancy terms and, if they choose to use two year tenancies, what the exceptional circumstances are for these
 - The circumstances in which a further tenancy will be granted.
- 1.4 This Tenancy Strategy document will be presented in two parts: the first part will cover the Tenancy Strategy providing guidance to Registered Providers.

The second part will cover the Council's own Tenancy Policy and its approach to the kinds of tenancy which will be granted.

2.0 Tenancy Strategy - Guidance for Registered Providers

- 2.1 LBWF works closely with other Registered Providers operating locally through its Housing Association Liaison Group and sub-groups and through the Local Strategic Partnership. We have already provided guidance to Registered Providers about Affordable Rents in relation to amounts that should be charged, to ensure that rents are affordable to local people.
- 2.2 Following extensive consultation, we have produced the following guidelines for Registered Providers

Use of Fixed Term Tenancies

- 2.2.1 We acknowledge the link between Registered Providers' ability to issue fixed-term tenancies and the delivery of the affordable housing programme, and are aware that some providers will be using fixed term tenancies in some cases. Where Registered Providers do decide to issue fixed-term tenancies, the Council's position is as follows:
- Tenancies should run for a minimum of a ten year fixed term tenancy for most households. There are some households for whom we would prefer a longer or lifetime tenancy (see paras 2.3.1 – 2.3.3) and there are some exceptional circumstances where we are prepared to accept a shorter term (see para 2.3.2).
 - Fixed term tenancies should be re-issued at the end of the term unless there is a significant change of circumstance relating to housing need. We expect providers to inform us of the criteria they use to inform this decision.
- 2.2.2 LBWF considers the following to be critical in the development and management of fixed term tenancies:
- Fully developed information and advice services must be provided to help people understand their housing options, including at the point where they are informed that their tenancy will not be reissued if their circumstances have changed

- Registered Providers must positively promote tenancy sustainment, and must provide support to improve financial inclusion from the start of the tenancy and throughout its duration.
- Registered Providers must ensure that homelessness prevention is a key aim, and that their Tenancy Policy takes full account of the need to avoid an increase in homelessness in the borough.
- The landlord must specify clear criteria against which the decision to re-issue the tenancy will be made.
- There must be a clear and transparent review process which is understood by the tenant at the time of tenancy sign up and that allows sufficient time for housing options to be explored prior to the end of a tenancy.
- In developing tenancy policy criteria and the review process, thought must be given to how the tenant's quality of life can be improved, and the role of agencies that can enable this, for example through employment, health, care and support.

2.3 Lifetime Tenancies:

2.3.1 LBWF's housing strategy includes a commitment to ensuring that homelessness is prevented and vulnerable people are able to live independently. We expect providers to give particular consideration to this commitment when developing and applying their tenancy policies.

2.3.2 LBWF is clear that individual circumstances and vulnerability of all household members must always be taken into account before issuing fixed-term tenancies, and that as a minimum, we consider that lifetime tenancies should continue to be offered to:

- All Sheltered Housing tenants
- Tenants aged 65 or over occupying General Needs housing
- Care leavers
- People with mental health issues where this is the reason that they were awarded priority for housing

2.3.3 In the context of promoting mobility for social housing tenants, we also expect that the tenancy terms and conditions of existing tenants should be maintained if tenants choose to move through a mobility scheme.

2.4 Strategic use of fixed-term tenancies

2.4.1 LBWF is committed to making the best use of housing stock and considers that this should be a guiding principle behind the use of fixed-term tenancies where they are used. Examples of this may be:

- Offering minimum 10 year fixed-term tenancies for homes of **3 bedrooms** or more. This could contribute significantly to the aim of reducing under-occupation in order to free up larger properties for overcrowded households.
- Offering minimum 10 year fixed-term tenancies for **Category A or B adapted units**¹ to ensure that these continue to be used for residents who need them.

2.4.2 LBWF is also committed to creating economically balanced communities and will support Registered Providers in using fixed-term tenancies to achieve this. This could include the use of Local Lettings Policies to allocate a quota of 1 bedroom homes to economically active single people/couples on a fixed-term tenancy. In this case, a term shorter than 10 years could be acceptable, however, where shorter tenancies are offered LBWF will require a justification statement from Registered Providers.

3.0 The Council's Tenancy Policy

3.1 Following extensive consultation with residents of all tenures, stakeholders and partners, this Council has decided to continue to offer lifetime tenancies for all tenants, the only exception being lettings to a small quota of 1 bedroom properties as outlined in paragraph 2.3.

3.2 This decision is based on the Council's commitment to promoting mixed and balanced communities within the borough.

3.3 As an exception to the policy of lifetime tenancies for all, the Council will offer 5 year fixed term tenancies for a small quota of one-bedroom properties or bedsits, which might otherwise be difficult to let. These will be reserved for allocation to economically active single people/couples. The aim will be to provide a step onto the housing ladder for lower income households and these

¹ Category A – wheelchair accessible throughout
Category B – wheelchair accessible for essential rooms

tenants will be supported in saving for a deposit to purchase their own home or rent privately.

- 3.4 For the purposes of this policy, the term “economically active” is defined as follows:

Where at least one household member is currently in paid employment for 16 hours a week or more, and has been in employment for any nine out of the last twelve months

- 3.5 The Council will conduct a review of the tenancy and the tenant’s circumstances within nine months of the date that the tenancy is due to end. The purpose of the review will be to provide advice on further housing options with an emphasis on progression to low cost home ownership options where appropriate. Where tenants are not in a position to move independently to alternative accommodation, a further 2 year tenancy may be granted. The conduct of the tenant will be taken into account in making any decision about the granting of a further tenancy.
- 3.6 If for any reason the Council decides not to renew the fixed term tenancy, tenants will have the right to request full details regarding the reasons behind the decision, and to request a review of that decision. The review will be conducted by an officer senior to the initial decision maker. Full details of the appeal process will be included in the tenancy agreement.
- 3.7 This Tenancy policy will be reviewed within 2 years of its adoption. The review will be based on an assessment of the impact of the policy to date, and the impact of and local and legislative changes, including Welfare Reform.