

H&F Tenancy Strategy 2021 Draft

1.0 1. Introduction

The aim of this document is to:

- State H&F's position on the types and use of tenancies for its social housing stock.
- Inform partnering registered social housing providers (RSHPs) in H&F of the Council's view on the use and issue of assured and flexible fixed term tenancies for social housing they own and manage in our borough.
- To ensure there is a consistent approach to the types of social housing tenancies issued in H&F across all social housing providers, ensure that affordable housing is genuinely affordable, and to support our residents.

In keeping with this, the strategy will outline the use of and circumstances for issuing the following types of tenancies:

- Lifetime tenancies
- Introductory Tenancies
- (Flexible) Fixed Term Tenancies
- Licenses to Occupy

2.0 Background

- 2.1 The Localism Act 2011 introduced a requirement for all local authorities with housing responsibility to produce a Tenancy Strategy to which local social housing providers must have regard. The primary aim of the Act was to introduce greater local choice and flexibility for councils and housing associations in managing social housing and to encourage opportunity and independence for tenants.
- 2.2 This was to be achieved mainly by the extent to which providers made use of fixed term tenancies. Social landlords were given the ability to provide new tenants with a fixed-term tenancy, over the traditional lifetime (secure/assured) tenancy, if it considered it more appropriate and a better use of its stock, with fixed-term lasting a minimum of 5 years or 2 years in certain exceptional circumstances.
- 2.3 Social landlords were able to determine the length of the fixed-term offered to each tenant on an individual basis based on their own policy, setting out the criteria to be used to determine whether or not to re-issue a new tenancy at the end of a fixed-term, and the appeal process.
- 2.4 Existing tenants who were currently on assured or secure tenancies were not affected by these changes and retained their existing security of tenure and other terms and conditions, including the right to buy /or acquire, existing

succession rights and the right to exchange their tenancy with another secure tenant.

- 2.5 This change was in the context of the introduction of Affordable Rents for social housing, at up to 80% of market rents. At the same time, the government was starting to implement fundamental reforms to the welfare benefits system, including reductions in the Local Housing Allowance (LHA) payable to tenants in the private rented sector, reductions in benefits available to social tenants deemed to be under-occupying their homes, and the introduction of Universal Credit as a single welfare payment for benefit claimants of working age.

3.0 Tenancy strategy requirements

- 3.1 Local authorities are required to publish a tenancy strategy which should set out its position on use of fixed term tenancies and what it expects of RSHP's in their local authority area in forming policies for:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind.
- Where they grant tenancies for a fixed term, the lengths of the fixed term.
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

- 3.2 In addition RSHPs must publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary eviction and granting discretionary succession rights. This will also include information on:

- the kinds of tenancies they grant
- the circumstances in which they will grant a tenancy of a particular kind
- where they grant tenancies for a term certain, the lengths of the terms
- the circumstances in which they will grant a further tenancy when an existing tenancy comes to an end.
- the succession criteria and whether this is extended beyond a spouse, civil partner or those in equivalent relationships.

In developing their tenancy policies, RSHPs must have regard to the position provided by H&F in this document.

4.0 Consultation

- 4.1 Before adopting this amended tenancy strategy H&F will:

- (a) send a copy of the draft strategy, to every RSHP with housing stock within the borough and publish the document on the council's website.
- (b) give RSHPs and residents a reasonable opportunity to comment on these proposals.

5.0 Supporting Policies/Documents

5.1 In developing this strategy H&F has regard to its own:

5.1.2 Housing Strategy 2021, which sets out our vision for the next 5 years, underpinned by our 5 key objectives:

- Working with Residents to Meet Housing Needs
- Safe, Sustainable Housing
- Making H&F a Great Place to Live
- Delivering More Homes for Residents,
- Preventing Homelessness and Ending Rough Sleeping

5.1.3 Homelessness Strategy which will sets out the principles under-pinning out approach to homelessness,

5.1.4 The Scheme of Allocations 2020 (and associated documents such as Local Lettings Plans) which sets out the rules by which affordable housing and other accommodation available to the council is allocated to applicants who are eligible and qualify to be on the Council's Housing Register.

5.1.5 The Mayor's London Strategy, particularly his expectation that councils and housing associations should consider the impact that their asset management policies will have on the ability of Londoners of different incomes to **continue to live locally**

"London depends on people of many different means and backgrounds being able to live here and contribute to its vibrancy and economic success. The capital's stock of social housing, built up over many years, forms the foundation of our mixed city – affordable homes are more central than ever to making sure **all** Londoners can play their part in the city's economy and society". *London Housing Strategy 2018-20*

6.0 H&F's tenancy Strategy Approach - Lifetime tenancies

6.1 Hammersmith & Fulham Council believes that suitable and affordable housing is key to improving the health, wellbeing and economic resilience of our residents. A lack of housing security has impacts on mental health and prevents individuals from being part of a thriving, mixed and settled community.

6.2 Lifetime tenancies support our residents to build long term support networks and offer support back to their community. It enables them to know and feel safe in the area where they live, and to build successful sustainable communities. We do not believe fear of losing your home every 2 or 5 years is an incentive for people to gain employment or invest in their home and community, or to maintain strong mental health and resilience.

- 6.3 For this reason H&F will continue to grant lifetime “secure” tenancies as the preferred choice for all our general needs housing and will only consider using fixed term tenancies under a local lettings plan, where lifetime tenancies are not suitable and it will bring empty homes into its social housing stock for letting at an affordable rent.
- 6.4 We do, however, want to make the best use of stock, especially family sized properties and will create incentives and support voluntary schemes, including the London Mayor’s Housing Moves and Seaside & Country Homes schemes, to help tenants downsize and move to the most appropriately sized accommodation.
- 6.5 H&F wants to see the use of lifetime tenancies as the first choice for RSHPs working in our Borough, to contribute to building our stable, cohesive and vibrant communities. We want all the borough’s social housing tenants and their families to feel secure, with a long-term connection to their neighbourhood.
- 6.6 We ask RSHPs to join H&F in granting Secure/ Assured Tenancies to:
- All new tenants whose introductory/starter tenancies have been successfully completed.
 - Tenants who had a secure or assured tenancy before 1st April 2012 and who are transferring to another social rented home.
 - Those who are the beneficiary of a succession or assignment of a secure or assured tenancy.
 - Existing tenants, who are undertaking a mutual exchange, provided they have held a periodic or assured tenancy before 1st April 2012.
 - All sheltered housing tenancies.
- 6.7 This means if tenants pay their rent and service charges and meet all the other terms and conditions of the tenancy, then tenants can stay in their homes for the rest of their lives. This must be their principal home (i.e. they must not have another home available to them) and not be subletting to other households.
- 6.8 In addition, there are opportunities for family members to succeed the tenancy if the tenant dies which are set out in the Council’s Housing Allocation Scheme. Succession rules changed for tenancies granted after 1 April 2012 restricting succession to joint-tenants, spouse/ civil partner or cohabitee. In the interests of supporting our residents, preventing homelessness and being a compassionate council, Hammersmith & Fulham Council has a discretionary policy which it will apply in certain circumstances; we aim to support family members negatively affected by the change in legislation and where deemed

appropriate to consider awarding a new lifetime secure tenancy of the property, dependent on their assessed housing needs.

- 6.9 When working with our partner registered landlords, particularly where we provide funding or land for development, in the absence of any GLA funding, we will also want more for our residents through lower rents and lifetime tenancies where appropriate on a scheme by scheme basis.

7.0 Introductory/Probationary tenancies

- 7.1 As part of their lifetime tenancy, a one year Introductory/Probationary Tenancy should be offered to those households who have never held a social housing tenancy, to assist them to understand their responsibilities and encourage borough residents to abide by the terms of their tenancy.
- 7.2 H&F and RSHPs should use this period to identify issues that may prevent their tenant's tenancy being sustained and work with the tenant to resolve these, and to prevent homelessness through tenancy termination.
- 7.3 These Introductory tenancies should then be converted to lifetime tenancies unless there has been a serious tenancy breach that cannot be managed using other tools or through an extension of the introductory period for 6 months.
- 7.4 An Introductory Tenancy can only be used for new tenants. They should not be used for tenants transferring from a secure council tenancy, an assured RSHP tenancy or mutual exchanges - where 2 existing tenants undertake a house swap.

8.0 Fixed term tenancies – H&F Strategic use.

- 8.1 As stated above, H&F believes that the provision of lifetime secure or assured tenancies is the best option and we will only consider using fixed term tenancies in very limited situations.
- 8.2 The Council's Housing Allocation Scheme gives the Council authority to adopt Local lettings Plans (LLPs) in accordance with government guidance. Any decision to use Fixed term tenancies is likely to feature the Council using this power. The purpose of LLPs is to adopt a different approach to lettings in an area where the Council wishes to achieve certain objectives, such as meeting specific housing needs, which may include assisting residents from certain employment groups.
- 8.3 Examples where H&F may consider using fixed term tenancies in the future are:
- Working with schools to bring unused lodges back into the social rented sector for let as social housing to teachers at the school, to enable them to live and teach in the borough at an affordable rent.

- To provide affordable rented housing for our front-line workers in public health that enables them to live and worker locally, in providing residents with the health service they deserve.
- 8.4 In these cases, H&F will explore issuing a 2-year fixed term. This would enable the key worker to put down roots in the borough while they plan their future housing pathway, receiving support and advice to do this. Use of fixed term tenancies in this way will ensure specialist property of this nature is brought back into the social rented stock and can be used to its full potential, to provide housing to subsequent key workers in the borough.
- 8.5 More detail on the Council's approach to LLPs can be found in the Housing Allocation Scheme and consultation will take place on individual proposed LLP proposals. If it is decided to grant fixed term tenancies the LLP will include details about length of the fixed term and the circumstances in which the Council will grant a further tenancy when the fixed term expires.
- 8.6 As a minimum 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 and support to transition to alternative housing options, with an emphasis on progression to low cost home ownership options where appropriate.
- 8.7 Where tenants are not able to move independently to alternative accommodation, a further 2-year tenancy may be considered. The tenant's management of their tenancy and adherence to tenancy terms will be considered in making any decision about the granting of a further tenancy and where applicable their contract status with their employer.
- 8.8 If 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 by an officer senior to the initial decision maker.
- 8.9 H&F will set out the full review and appeal process as an addendum to the 2-year fixed term tenancy agreement when drafting and issuing these tenancies, should it decide to use them.
- 9.0 Fixed Term (flexible) Tenancies – advice for RSHPs**
- 9.1 When deciding on type and length of tenancy, RSHPs should consider the needs of the individual household, what the accommodation is for, community sustainability as well as effective use of its housing stock.
- 9.2 We ask that partnering RSHPs follow H&F's position on the use of flexible fixed term tenancies, and issue assured tenancies for housing that they own and manage within the borough.
- 9.3 We acknowledge that Fixed term tenancies can ensure social housing stock is available for those who need it most but the use of these tenancies should be

the exception and needs to be balanced with the importance of creating sustainable communities where residents have long term commitment to the area in which they live. Longer term tenancies provide residents with the stability and security they require to maximise their life opportunities.

9.4 Where Registered Providers decide to use fixed term tenancies, the following factors should be considered:

- Any fixed term tenancy should be for a minimum of five years.
- Shorter term tenancies (2 years) should only be used in exceptional circumstances, for example, where the accommodation is only intended to be short term stepping-stone to accessing affordable independent housing for adult dependents in over-crowded households.
- All prospective tenants should be given clear information on the type of tenancy being issued, the reasons for offering that tenancy and how the tenancy will be reviewed when they sign for a tenancy.
- Where a fixed tenancy is used by the Council or a Registered Provider fully developed support, information and advice services must be available to the new tenant to help them understand their housing options and empower them to move on at the end of the fixed term.
- Decisions to end a fixed term tenancy should be proportionate and tenants should be provided with clear, accessible guidance on the internal appeal process with the RSHP.
- Registered Providers should have within their Tenancy Policy details of how frequently a fixed term tenancy should be reviewed and what factors should be considered as part of that review.

9.5 H&F expect a fixed term tenancy to be renewed except where the property is part of an LLP or special scheme, or where there have been significant tenancy breaches, for example serious ongoing anti-social behaviour.

9.6 When a fixed term tenancy is reviewed, its renewal should consider a balance of factors including family circumstances, community contribution and the impact on the council's commitment to end homelessness and rough sleeping in the borough.

9.7 RSHPs should give at least 9-6 six months' notice to a tenant if the tenancy will not be renewed, the reasons for ending the tenancy should be clearly set out and information should be given on how to make an appeal.

9.8 Where the tenancy is to be terminated reasonable efforts should be made to secure suitable alternative accommodation and consideration given to extending the tenancy until alternative suitable accommodation can be found.

9.9 As of 1 October 2018, the Homelessness Reduction Act (2017) introduces a new requirement on RSHPs to notify councils of service users they think may be homeless or threatened with becoming homeless. RSHPs must inform H&F's Homeless Advice team when a decision has been taken to end a tenancy.

10 License to occupy/non-secure tenancies (licences).

10.1 In order to terminate, and gain possession of, a non-secure tenancy, the landlord is not required to prove any statutory ground. All that is required is for the landlord to serve on the tenant a valid Notice to Quit. Following which, a claim for possession may be brought. The tenancy will subsequently end on the date specified in the court order for possession. Therefore H&F will only issue licenses to occupy in very limited circumstances only, namely:

10.1.2 When a homeless household is placed in temporary accommodation owned by the Council by virtue of Homelessness legislation. Once permanent housing is found an Introductory, followed by a secure tenancy will be given.

11.0 Monitoring and Review

11.1 This Tenancy Strategy will initially be reviewed 1 year after it's adopted, to ensure our position on the use of lifetime and fixed term tenancies remains appropriate, and to review any impact from legislative or policy changes. Any major revision to the strategy will be considered in consultation with all relevant parties, who will be given a reasonable timescale to respond and comment as appropriate.

11.2 Data from H&F and RSHPs operating in the borough will be used in this review process.

11.3 H&F continues to have a good working relationship with RSHPs operating in the borough and we are keen to continue to improve these relationships and welcome their views regarding particular areas where better joint working would be beneficial.

12.00 Equalities

12.1 H&F has a duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

12.1.2 For the purposes of the Act the protected characteristics are disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

12.2 H&F has completed an Equality Impact Assessment for this strategy.

12.3 We expect RSHPs to carry out an Equality Impact Assessments on their own strategy to ensure that the needs of all groups are considered and that particular groups of people are not adversely affected by it.

13 Linked Strategies

This reviewed tenancy strategy flows from the Housing Strategy 2021. The tenancy strategy is informed by, and should be read alongside, the following H&F documents. All documents can be accessed on the Hammersmith & Fulham Council website:

H&F Housing Strategy 2021

H&F Scheme of Allocations 2020

H&F Homelessness and Rough Sleeping Strategy 2021