

EASTLEIGH BOROUGH COUNCIL TENANCY STRATEGY FOR HOUSING ASSOCIATIONS 2012-2016

BACKGROUND

This strategy fulfils the requirements of the Localism Act 2011 for local authorities to have a tenancy strategy, setting out the matters to which social landlords in the area must have regard when setting their own policies. The draft strategy has been subject to consultation as required in the legislation. The only formal response was made by First Wessex Housing Group who are supportive of the Strategy stating it feels balanced and takes into consideration the difficulties housing associations face operating over a large number of boroughs.

CONTEXT

The Localism Act 2011 requires local authorities when preparing their strategies to take into account the priorities in their housing and homelessness strategies. This strategy also takes into account the council's key corporate priorities:-

- A healthy place to live – providing quality housing to meet a range of needs leads to improved health outcomes.
- A prosperous place – ensuring housing providers have the resources to provide housing and that the homes are affordable for our residents.
- A green Borough – monitoring to ensure homes do not stay empty and that estates are regenerated to a high standard.

Priorities from the draft housing strategy 2012 and the homelessness strategy 2008 include:

- Ensure delivery of housing of all tenures in line with the Council's "Local Plan", providing well designed, quality homes that are affordable and suitable for people's needs.
- Prevent homelessness and enable improved housing options.
- Work jointly with other agencies to ensure that those people in need of care and support have suitable housing available to meet their needs.
- Make better use of all existing housing.

AIMS OF THE TENANCY STRATEGY

- Supporting delivery of the council's corporate priorities along with housing and homelessness strategy priorities.
- Encouraging the development of new housing in the borough to meet a wide range of needs.
- Making best use of the existing social housing stock including reducing under-occupation, tackling overcrowding and making best use of housing adapted for those with a disability.
- Providing choice for applicants within limited resources.
- Ensuring communities are sustainable by enabling a mix of tenures, income and employment patterns and household types.

AFFORDABILITY

The council recognises that developing associations will be charging affordable rents on new developments and on a proportion of relets. The council asks all associations to consider the affordability of their rent levels for those on lower incomes in the borough. In particular, associations should consider the affordability of higher rents for larger family accommodation and on specialist accommodation where there may also be high service charges and other costs payable.

The effect of rent levels on a household's ability to take work should also be considered. Associations are expected to model affordable rent levels against household income before deciding how much to charge.

Concerns have been expressed that affordability issues will prevent larger houses being built under the current rent regime. Rents can be set at any amount between the governments continuing Target Rent levels and the 80% of market rent generally expected for affordable rents. Where affordability is likely to be an issue on four and five bed homes therefore, the council encourages landlords to discuss ways of resolving the problem with the council.

TYPE OF TENANCY TO BE GRANTED

Flexible tenancies - The council expects that some associations will wish to grant flexible tenancies and supports this as long as these can be seen to meet the aims of this strategy.

Assured and Secure Tenancies – It is expected that these tenancies will continue to be granted where flexible tenancies are not appropriate and where a tenant has the right to the protection of a secure or assured tenancy.

Introductory Tenancies – Many local associations use introductory tenancies and it is expected that these will continue as a method of tackling poor payment or anti-social behaviour issues.

Assured Shorthold Tenancies, Licences and Agreements for Supported Housing – it is expected that these will continue to be used for temporary lettings and in projects where the more limited security offered can be reasonably justified.

MINIMUM LENGTH OF STAY

The council expects landlords to grant a minimum tenancy of five years. Where an introductory tenancy is used, we would still expect the ensuing flexible tenancy to be for a minimum period of five years after the introductory period has ended.

A flexible tenancy period of less than five years may be used in exceptional circumstances but the council would expect to agree such exceptions with the landlord on a scheme by scheme basis.

PROVIDING LIFETIME TENANCY PROTECTION

The council will expect the following groups to be offered the security of a lifetime tenancy:

- Those aged 65 years or over and living in specialist accommodation; e.g. sheltered or extra care housing schemes or housing designated for older people.
- People aged 65 years or over living in general needs accommodation appropriate to their needs; e.g. not under-occupying by more than one room.
- Those with severe learning disabilities or severe and enduring mental health problems and living in specialist or appropriate general needs accommodation.

CIRCUMSTANCES IN WHICH A TENANCY MIGHT NOT BE RENEWED

A flexible tenancy should always be renewed unless one of the following circumstances apply:

- Total household income is sufficient for the tenant to purchase a suitably sized home within the borough.
The applicable household income would be sufficient to service a 100% mortgage on a home at the lower quartile price level (as stated in the latest Housing Market Survey published by the PUSH group of authorities). Applicable income will take into account any child maintenance and other reasonable outgoings. Savings over £5,000 may be counted against mortgage requirements.
- The tenants are under-occupying the property by more than one room and an alternative property is to be offered.

- The tenants are occupying a home that has had major adaptations to benefit a disabled person and these adaptations are no longer required.
Major means more extensive than just a stairlift and/ or walk-in shower.
- Possession proceedings have already been started against a tenant for either rent arrears or anti-social behaviour.
The end of a flexible tenancy should not be used to get rid of tenants on these grounds except in serious cases where repossession would in any event be a likely outcome.

WHAT HAPPENS WHEN A TENANCY IS NOT BEING RENEWED

When a landlord decides not to renew a flexible tenancy on one of the above grounds, it is that landlord's responsibility to provide advice and support to the tenant. This includes looking at practical alternative housing options and assisting with access to these alternatives.

The landlord should provide advice in writing at an early stage, preferably when the 6 months notice of intention not to renew is served on the tenant. The advice should include information on a range of alternative housing options, other organisations the household may approach for independent advice and details of an appeals procedure. The council's housing advice team are available to assist association staff with training and information provision.

Landlords will be expected to offer re-housing where a tenancy is not to be renewed on the grounds of under-occupancy or where an adapted home is no longer needed. Re-housing will not be expected where rent arrears or anti-social behaviour is the reason for not renewing the tenancy. Tenants with a high level of household income may be offered a market rental or low cost home ownership option by the landlord if available.

Associations are encouraged to develop as wide a range of options as possible for when a tenancy is not to be renewed. A landlord could for example, offer a range of tenure types including low cost home ownership. This housing could be from its own stock, through another association or could be purchased on the open market.

A tenant should be re-housed in the same area as their current home unless they opt otherwise. This will help minimise disruption to schooling, employment and with other services and help to maintain connection to community.

In some cases the association may agree to sell the tenant the property they currently live in or let them continue to rent it at the full market rent. This would avoid the upheaval of a move. Although options allowing the tenant to stay put should be explored, the aims of this strategy should not be overlooked; i.e. that the property may be required by a larger family or by someone who needs disabled adaptations.

It is expected that most flexible tenancies will be renewed at the end of their term. Where an association does not renew a flexible tenancy, the council should be informed in each case and the grounds for non-renewal given. This will help in monitoring the ongoing impact of the strategy.

EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been planned and will be completed before this strategy comes into effect. The strategy will affect the security of tenure and housing options of a number of people in the borough and as such the implications of any new policies will need to be considered carefully.

CONCLUSION

This tenancy strategy aims to set out a range of clear principles that housing providers must have regard to when setting their own tenancy policies and in letting their homes. It is recognised that most of our housing associations have to operate across many districts and that they will have a range of conflicting policies to try to operate within. An attempt has therefore been made to provide a policy that can be operated flexibly.