CIH Seminar on Tenancy Management

Frances Walker
“For existing tenants, and for new tenants in later years, a system of regular review every few years could run through whether someone’s circumstances had changed to allow them to take up a different part of the ‘offer’”

“I think it’s fair to say to someone: if you want to come into social housing you sign with us a contract that will mean you will be active in finding work”

[ Caroline Flint – Speech to the Fabian Society – Feb 2008]
"Do we want to reform tenure to actually enable people to move through housing rather than seeing it as something that you either get - 'great, I've got my council house' - or you don't get – bad…

So I think a more flexible system - that not everyone will support and will lead to a quite a big argument ... looking at a more flexible system I think makes sense.”

Prime Minister – Summer 2010
The Drivers for Tenure Reform

• Localism

• Fairness

• Focus on meeting need for period of need

• Better use of resources
“I had three priorities when I came in as Secretary of State: localism, localism and localism. Three years on, I think it is time to reprioritise my focus again on localism, localism and localism.”

Eric Pickles in interview to Guardian online 26 February 2013
Tenure

- Minimum fixed term of five years (or in exceptional circumstances two years)
- Existing tenants’ rights protected
- Right to one succession for partners; landlords can give additional succession rights
- Publication of Tenancy Strategy and Tenancy Policies
A fixed-term secure tenancy to which two conditions apply:

- minimum term 2 years (s107A 1985 Act)
- landlord must give notice that it is to be flexible

Same rights as secure tenants except right to improve and be compensated for improvements
Regulatory Code - Tenancies

Tenancies compatible with purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

General needs, fixed term tenancy must be minimum of 5 yrs, or exceptionally no less than 2 years, in addition to any probationary tenancy period.

Before a fixed term tenancy ends, RPs must notify tenant either that propose to grant another tenancy or propose to end it.

Offer advice and assistance to those tenants where tenancy ends.

Existing social tenants (on 1 April 2012 [s154 of the Localism Act 2011] force, and have remained social housing tenants since that date, must be given a tenancy with no less security when they move to another social home (apart from Affordable Rent)
Must have a tenancy policy – which sets out (inter alia)

- The type of tenancies they will grant and circumstances in which grant them.
- If fixed term – the length of the tenancy
- Exceptional circumstances in which grant for less than 5 years
- Circumstances in which may or may not grant another tenancy on expiry of the term
- Policy on taking account needs of vulnerable, age, disability, illness, and households with children, ‘including through the provision of tenancies which provide a reasonable degree of stability’
The end of mixed communities

An end to aspiration - if you get a job, you’ll lose your council house

It will make social housing a transitional tenure, marked by alienation and deprivation and without long-standing communities

Yet another type of tenancy that will only add to confusion

It will adversely affect revenue streams
• Changes will allow LAs to dictate to PRPs

• No mandate – nothing about it in the manifesto

• A smoke-screen for failures to address the desperate need for social-rented housing
Percentage of New Tenancies Granted as Fixed Term Tenancies – Estimates
233,334 General Needs Social Rent of which
126,476 PRP
106,858 LA
12,597 FTT

117,501 Supported Housing Social Rent of which
104,540 PRP
12,961 LA
14,755 FTT

27,908 Affordable Rent (GN and SH) of which
27,715 PRP
193 LA
7,475 FTT
## Length of fixed term tenancies – CORE 2012/13

<table>
<thead>
<tr>
<th>2012/13</th>
<th>General Needs Social Rent</th>
<th>Supported Housing Social Rent</th>
<th>Affordable Rent (general needs)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
</tr>
<tr>
<td>&lt;=2 years</td>
<td>3547</td>
<td>28%</td>
<td>13672</td>
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<tr>
<td>3-5 years</td>
<td>6,420</td>
<td>51%</td>
<td>493</td>
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<tr>
<td>6-10 years</td>
<td>2,298</td>
<td>18%</td>
<td>112</td>
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<tr>
<td>11-15 years</td>
<td>23</td>
<td>0%</td>
<td>216</td>
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<tr>
<td>&gt; 15 years</td>
<td>309</td>
<td>3%</td>
<td>262</td>
</tr>
<tr>
<td>Total</td>
<td>12,597</td>
<td></td>
<td>14,755</td>
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</tbody>
</table>
Property type
- Little difference between FTTs and other GN
- 1 bed properties more often let under 2 year FTTs than larger bedroom sizes (5 year)

Household type.
- Little difference between FTTs and other GN
- Single older households less likely to be let FTTs, single adults with children more likely.

Age
- FTTs more likely to be let to younger tenants.
- 2 year FTTs increases with increasing age
- 5-10 FTTs decreases with increasing age

Area
- FFTs most heavily used in WM, EE, SE, SW and London
Aims and objectives of fixed term tenancies

Make the best use of housing stock

Increase mobility

Target social housing for those in genuine need

Support tenants to take up work

Support tenants into other housing options

Support vulnerable/young to develop skills to maintain tenancies

Tackle ASB and other tenancy issues
Introductory tenancy, followed by a 5 year flexible tenancy.  
2 years in exceptional circumstances:
• Specific scheme or programme
• History of ASB, non-payment of rent
• Potential change in household profile, income or circumstances
• Sheltered housing with 2 or more bedrooms

Secure tenancy may be granted:
• Vulnerable households, taking into account age, long term illness or disability

In deciding whether to renew at end of term
• Household profile – under-occupied, not meet need
• Household circumstances – income enable to purchase
• Adaptations no longer needed
• Stock disposal/refurbishment
• Local Lettings Policy – tenure mix/balanced communities
• Possession proceedings commenced
Introductory, plus 5 years.

2 years for under 25 yrs or single vulnerable over 25s

Secure tenancies:
• State pension
• Sheltered housing
• Ex-forces, medically discharged and seen active service
• Disabled and in receipt of disability benefits
• Terminally ill

Not renew eg if have resources to rent privately
Introductory, plus 5 years

Secure tenancies

- An older person (60 or over) is moving into community supportive housing (also known as sheltered/supported accommodation)

Renewing flexible tenancies

- If the property is the correct size and there have been no changes in circumstances, or breaches of the tenancy agreement, another 5 year flexible tenancy will be offered at the same property.
We may offer you a tenancy for a limited number of years, known as a flexible tenancy, instead of a lifetime tenancy (secure) if:

• you or someone in your family has a disability and you live in one of the few properties we have with major adaptations
• you are approved to foster children and need an extra bedroom while you are fostering
• you are a young person who has left care
Introductory tenancy + 10 year fixed term

Secure tenancies

• Older people aged 65 plus at the commencement of the tenancy

• Those with a long term disability requiring a specially adapted property whose disability predates the start of the tenancy
South Cambridgeshire Review Options

- No change – renew
- Over 65 – secure tenancy in property suits needs

Helped to find alternative property, and if cannot offer further 10 yr tenancy
- Adaptations no longer required, or need more suitable accommodation
- Under-occupied or overcrowded

Not offered further tenancy:
- Breach of tenancy/tenancy fraud
- Not engage in review process, or not accept terms of new tenancy offered
- Tenant comes into ownership of another property meets needs

Where need to take property back – to carry out major works/sell – will assist to find alternative accommodation

Financial circumstances change so that could buy or rent privately – will carry out detailed assessment of finances and other circumstances including security of employment, and special housing requirements.
Continue to offer secure tenancies

Only exception

“… rare circumstances where a fixed term tenancy would be of benefit to the prospective tenant(s), its use is agreed with them, and the fixed term tenancy is issued with an agreement that, subject to keeping the conditions of their tenancy, the tenant(s) will subsequently be issued a secure tenancy.”
1 yr probationary + 5 year fixed term

Lifetime tenancies:

- Designated properties for older people
- Specially adapted properties
- Households with a disability
- Elderly residents in GN where financial circumstances unlikely to change

Will generally renew if have maintained tenancy obligations and financial circumstances have not changed significantly
Hyde HA Affordable Rent Tenancy Policy

Starter plus 5 years fixed term

Lifetime:
• Older residents occupying older persons accommodation
• Permanent physical or mental vulnerabilities

Renewal review will consider whether tenant can move to an intermediate rental property, purchase a share of the property or another property
Pilot scheme in conjunction with two social housing providers:

- aimed at 18-25 year old unemployed, living in overcrowded social housing
- granted two-year tenancies if agree to take up work or enroll on a training course
- training and work plans bespoke
- taking up work/training is a tenancy condition

In October 2013 extended the scheme to 30-year-olds and to part time workers:

- Individuals who work up 16 hours per week and who are or are able to claim Job Seekers’ Allowance are eligible for the scheme under the changes