

# Hart District Council Tenancy Strategy 2023 - 2028

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<b>Contents</b>	<b>Page</b>
Introduction	3
<b>Objective 1:</b> Tenancies offered provide an appropriate level of security for the customer	5
<b>Objective 2:</b> Affordable Rents help deliver new housing whilst continuing to assist those on low incomes	9
<b>Objective 3:</b> A balance is achieved between creating flexibility in social housing and promoting settled mixed communities	10
Conclusion, monitoring and review	11

## **Introduction**

Hart's first Tenancy Strategy (published 2012) set out the Council's priorities relating to new options for rented tenancies, introduced by the Localism Act 2011. Local Authorities have a duty to review and update their Tenancy Strategy as required by the Localism Act 2011. This document is the updated and revised Tenancy Strategy for Hart 2023 to 2028 to which housing associations or Registered Providers (RPs) should have regard to when setting their Tenancy Policies.

## **Supporting Documents**

In line with the requirements of the Localism Act 2011, Hart has given due regard to the following supporting documents in the preparation of its Tenancy Strategy:

- Hart's Homelessness and Rough Sleeping Strategy 2022-2027
- Hart's Housing Strategy 2020 – 2025

## **National Policy context**

The Localism Act 2011 placed a duty on Local Authorities to produce, publish and review a Tenancy Strategy setting out the matters to which Registered Providers are to have regard to when setting their own policies relating to;

- The kinds of tenancies they grant.
- The circumstances in which they will grant a particular kind of tenancy.
- The length of any fixed term tenancies.
- The circumstances in which they will grant a further tenancy when the fixed term tenancy is coming to an end.

Hart's Tenancy Strategy outlines the Council's local priorities and encourages Registered Providers to have regard for these priorities when setting their own Tenancy Policies. Each Registered Provider's Tenancy Policy lays out the criteria for the tenancies they plan to offer and the process for reviewing and offering tenancies. It does not apply to Shared Ownership or Shared Equity properties.

Through the introduction of the Localism Act 2011 the Government offered social housing providers the option to use fixed term flexible tenancies. The minimum legal requirement for fixed term tenancies is for two years in exceptional circumstances, with five years or more being the usual practice. All fixed term tenancies are renewable, subject to eligibility criteria.

In consultation with key partners, the Council has identified three objectives as the focus for Hart's Tenancy Strategy.

**Objective 1: Tenancies offered provide an appropriate level of security of tenure for the customer.**

**Objective 2: Affordable Rents help deliver new housing whilst continuing to assist those on low incomes.**

**Objective 3: A balance is achieved between creating flexibility in social housing and promoting settled mixed communities.**

## **Objective 1: Tenancies offered provide an appropriate level of security of tenure for the customer**

The introduction of fixed term tenancies was intended to help make better use of local affordable housing by enabling households to move if their circumstances changed, and to provide alternative housing options to people.

In Hart there are very few Registered Providers who still provide fixed term tenancies. Those who do, provide a minimum of a 5-year fixed term tenancy (unless there are exceptional circumstances). Most also start the tenancy with an additional 1-year probationary tenancy.

**The Council's preference is for minimal use of fixed term tenancies and only where they are appropriate. The Council requests that any Registered Providers providing a fixed term tenancy for less than 5 years review their Tenancy Policies.**

The Registered Providers also provide a range of support to residents to assist them with sustaining their tenancies. This includes one-to-one support, money advice services, dedicated officers providing support to residents to return to work or gain employment, free training courses, floating support services, updating residents on changes to welfare benefits, offering welfare benefit and debt advice and signposting to alternative specialist agencies.

The Council is committed to ensuring that where fixed term tenancies are used, that they are managed, and monitored in such a way that vulnerable customers are provided with the stability they require.

**The Council requests that Registered Providers consider the Council's recommendations on the length and type of tenancy offered and their review process and grounds for non-renewal of a fixed term tenancy.**

### **Length of tenancy**

If fixed term tenancies are to be provided, the standard length for fixed term tenancies offered by Registered Providers should be a minimum of five years, ideally closer to seven years. This provides a degree of stability to families and can help sustain communities as people are moving less frequently.

**The Council requests that Registered Providers consider the individual circumstances of the tenants, particularly families with dependent children who require stability for educational reasons and/or health reasons and for those living in adapted properties who have a long-term need for those adaptations in determining what type of tenancy to grant and the length of the fixed term tenancy if this is to be granted.**

### **Type of tenancy offered**

Whilst, lifetime tenancies are preferred, the Council acknowledges that fixed term tenancies can be suitable for all residents of Registered Providers general needs housing, if there are sufficient safeguards in place for more vulnerable tenants (defined as those with support needs, and includes mental health, physical disability and learning disability) in the tenancy renewal process.

**The Council considers it reasonable that lifetime tenancies should be granted wherever possible, and particularly to people moving into accommodation designated for older people and for those with a long-term illness or disability or in other exceptional circumstances.**

**The Council also encourages Registered Providers to consider whether existing secure and assured tenants who move to another rented property should retain their lifetime tenancy.**

This provides extra assurances to people moving into older person's accommodation and to those with disabilities or a long-term illness that they can remain in their accommodation indefinitely. Their circumstances are such that their requirements are unlikely to change and therefore will need to remain in their current home.

### **Fixed Term Tenancy review process**

The Council will expect Registered Providers to start the review process 9-12 months before the end of the fixed term period. The residents' individual circumstances should be assessed and should consider:

- Whether the household still requires the size and type of property **(the Council encourages people under-occupying to move to suitable smaller properties if they wish to do so)**
- Whether there is an adaptation in the property that is no longer required **(the Council would like to encourage Registered Providers to make better use of adapted properties which are no longer required by a household and for which there is a local need)**
- Whether any household members have health issues or are terminally ill
- Whether the tenant is a foster carer and still requires the property to continue in this role
- Whether the tenant is a care leaver and still needs the support of social services
- The conduct of the tenant throughout the fixed term tenancy, including evidence of tenancy breaches (although these must be addressed throughout the tenancy and there must be evidence of the steps that have been taken prior to the review)
- The households' current circumstances relating to employment, education and training
- The households cultural or religious needs
- Whether the tenant or their spouse has any income/assets/savings greater than the amount stipulated in the Councils Allocations Policy, and it is reasonable for the household to pursue alternative accommodation.

### **Renewal of fixed term tenancies**

The Council would expect that for most tenants, their circumstances are unlikely to have changed significantly, and so it is reasonable to expect these tenancies to be renewed at the end of the fixed term.

In addition, there will be some tenants for whom there may be an overriding need to remain in their current property, for example if there is a continuing need for specific adaptations that are in place. **The Registered Providers should consider the grounds for not renewing a tenancy balanced against the tenant's personal circumstances and the suitability of their current property.**

### **Decision not to renew**

Registered Providers should clearly set out their policy on reasons for **not** renewing a tenancy and this should be available to all tenants. The Council considers the following as reasonable grounds for not renewing the tenancy:

- Conduct of tenant – where there is evidence of tenancy breaches throughout the fixed term tenancy (Registered Providers would be expected to take reasonable action to address any issues throughout the tenancy and evidence of steps taken prior to the review would be required)
- Under-occupation - if the household is under-occupying by two or more bedrooms as per Hart's Allocations Policy
- Financial – following completion of an assessment of financial capacity, whereby if the tenant or their spouse has an income/assets/savings greater than the amount stipulated in the Council's Allocations Policy (only if it is reasonable and affordable for the tenant to pursue some other form of tenure) or if the property is unaffordable (and after financial advice on options has been provided)

The decision not to renew a tenancy needs to be based on clearly defined rules to ensure tenants know what they can expect should their circumstances change. These grounds need to be proportionate and be considered alongside any factors that would make the current property more suitable for the applicant than alternative options.

All residents whose fixed term tenancies are not being renewed should be given a decision in writing no more than 2 months after the start of the review. The notice must contain the reasons for the decision and how the tenant's individual circumstances relate to the Registered Providers policy. It must also notify the tenant of their right to appeal the decision and set out how they can do this along with the timescales.

The Council are committed to ensuring that any households affected by the termination of their fixed term tenancy are not left homeless. **Therefore, the Council expects Registered Providers to send a copy of the termination notice to the Council's Housing Solutions Team at the same time it is sent to the tenant.** This will enable the Registered Provider to work in partnership with the Council and the tenants to explore all their housing options.

### **Support and advice if a tenancy is not renewed**

It is the Registered Providers' responsibility to provide specialist housing and welfare advice that will assist the resident in successfully securing an alternative property. This advice and assistance could include:

- Offers of alternative accommodation that meets their newly assessed need within the Registered Providers' own stock.
- Advice on low-cost home ownership options and market accommodation.

- Specialist housing and welfare-related advice, including signposting to relevant agencies.

**The Council strongly recommend that if no alternative accommodation can be secured that the existing tenancy is then renewed.** If the tenancy cannot be renewed the household should be allowed to stay in the property until a suitable alternative is found. No household should be made homeless due to non-renewal of a fixed term tenancy.



## **Objective 2: Affordable Rents help deliver new housing whilst continuing to assist those on low incomes**

The Government introduced Affordable Rents to enable Registered Providers to raise funding to develop new social housing. **The Council needs to ensure that whilst Affordable Rents provide new affordable housing it is still meeting the housing needs for those on low incomes.**

### **Affordable Rents**

The Localism Act 2011 gave Registered Providers the option to charge up to 80% of open market rents (including any service charge) for social housing. These are known as 'Affordable Rents' for social housing properties. This can be charged on both fixed term and lifetime tenancies.

The Council accepts that in some circumstances Registered Providers may need the option to deliver properties at an Affordable Rent level. However, it recognises that given the high cost of renting in the district Affordable Rents may not be affordable for some local households in the longer-term.

Under the Localism Act 2011, Registered Providers can choose to deliver all their new housing at Affordable Rent levels, however, **the Council has an expectation that new rented affordable homes will be delivered at or close to Social Rent levels wherever possible.** Registered Providers can also convert some of their existing social housing stock when they come to re-let it. However, Registered Providers working in Hart are currently not converting properties and **the Council wishes to see social rented homes remaining at Social Rent levels due to the high rent levels in the district creating affordability problems for tenants in the longer-term.**

Providing larger social homes on new developments at rent levels that are affordable for people on Hart's waiting list is a challenge and preserving the social rented homes already in the housing stock can make a significant contribution to keeping homes affordable. It also offers customers a clear choice. If Affordable Rent is not realistically affordable in the long-term, having a proportion of Social Rented homes enables the Council and Registered Providers to help these families to maintain a tenancy. **The Council's latest position is that rented affordable housing should be provided as Social Rents on all new developments unless there are clear and agreed viability matters that make this unfeasible.**

### **Advanced Rent Payments**

For affordability, **Hart Council recommends that Registered Providers keep requests for rent in advance to one week, and not more than two weeks.** Hart will ensure that all customers bidding on the housing register are aware that advanced rent payments will be needed to secure new lets but acknowledges that there may be exceptional circumstances where affordability may impact on the customer's ability to pay rent in advance. Hart will work with Registered Providers and customers if this situation arises.

### **Objective 3: A balance is achieved between creating flexibility in social housing and promoting settled mixed communities**

The Council recommends that Registered Providers follow the recommendations outlined in Objective 1 when providing and renewing fixed term tenancies. However, to make the most of opportunities to create settled, mixed communities the Council recommends that Registered Providers Tenancy Policies allow for a variety of tenancy types, including lifetime, longer term fixed tenancies, assured tenancies, and assured shorthold for Temporary Accommodation, to reflect the needs of the household and the community.

To balance providing flexible tenancies in social housing with promoting settled and mixed communities, the Council recognises that there are concerns that fixed term tenancies may result in people feeling that the property is not their settled home which may lead to a household being less involved with their local community. The Council also recognises that fixed term tenancies may lead to concerns for households who are looking for long-term options close to specific local schools, employment, and medical care. This may be particularly the case for people with support needs and/or complex care needs.

- **Registered Providers are encouraged to consider the financial, social and personal impact of providing fixed term tenancies and reviewing them every five years, and the Council recommends that for many family's lifetime tenancies or longer-term fixed term tenancies (if fixed term tenancies are to be provided) would be more beneficial for both tenants and Registered Providers.**
- **In some circumstances the Council may wish to develop a Local Lettings Plan with a Registered Provider, where a specific need has been identified to create or maintain a mixed and balanced community.**
- **Registered Providers may also wish to consider whether existing secure and assured tenants who move to another rented property will retain their lifetime tenancy. In considering this, Registered Providers are encouraged to follow the guidelines outlined in Objective 1 in terms of the process and criteria for review.**
- **Registered Providers may wish to consider granting an equivalent tenancy to incoming tenants who are currently a tenant of another RP, particularly where they have an existing assured tenancy. This would enable tenants to move to affordable homes with other landlords without losing their existing type of tenancy.**
- **It is strongly recommended that Registered Providers consider the above issues, and the Council would fully support tenancy policies that have flexibility and offer a range of tenancies. When fixed term tenancies are offered the Council recommends that Registered Providers consider the process and guidance as outlined in Objective 1, to ensure that tenants are given appropriate advice and support. The Council also recommends that Registered Providers involves tenants in the review process.**
- **Hart District Council also recommends that secure or lifetime tenancies should be should always be offered to older people, people with long term illness or disability and other people in exceptional circumstances as outlined in Objective 1.**

## **Conclusion**

The provision of affordable housing for residents of Hart remains a high priority for Hart District Council, and the aims set out in this 2023 Tenancy Strategy, outline how the Council will work with Registered Provider partners on tenancies provided in the district.

## **Monitoring and Review**

The practices undertaken by Registered Provider partners in relation to their approach to tenancies which are awarded within the Hart district will be monitored through RP liaison meetings and regular review of property adverts placed on the Council's Choice Based Lettings system.

This Tenancy Strategy will be effective for 5 years, at which point a review will be undertaken. However, a review may be carried out sooner where a specific need to do so has been identified by Hart, or where there is a relevant change in Government legislation.

## **Further information and contact details.**

If you would like more information on the Hart District Council Tenancy Strategy or Hart's other housing strategies, please contact the housing service on the details below.

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