

Hart's Tenancy Strategy 2018 - 2023

“Helping local people find housing solutions”

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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 2018-2023 to which housing associations or Registered Providers (RPs) should have regard when setting their Tenancy Policies.

Key features of the Hart district

- Hart is a largely rural district, with two main urban areas and is situated in the North-East of Hampshire
- Housing affordability is a real issue for many people, with the average house price in Hart of £414,756, compared to £324,530 for the South East and £243,639 across England (UK House Price Index, April 2018).
- Lower quartile house prices are 14.43 times the annual lower quartile income in Hart, compared to 11.95 times income in the South East (ONS, Housing Affordability in England and Wales, 2017).



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 Review of Homelessness: Engaging and Supporting our Communities, October 2017
- Hart's Preventing Homelessness Strategy 2018 - 2021
- Hart's Housing Strategy 2015 -2020

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 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 developed its first Tenancy Strategy in 2012, which allowed the Council to determine local priorities and encourage 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.

Consultation

The 2018 Tenancy Strategy has been produced in consultation with local stakeholders and partner organisations. The consultation was carried out using questionnaires, and the responses were used to inform the development of the strategy. This was followed up by inviting stakeholders and partners to comment on the draft strategy and any comments were reviewed and used to inform the final strategy.

Achievements of the previous Tenancy Strategy 2012

The previous Tenancy Strategy 2012 has been monitored on an ongoing basis and achievements have been recorded. A summary of these is shown below against each of the objectives.

Objective 1: Tenancies offered to provide an appropriate level of security of tenure for the person

- Most Registered Providers working in Hart have a 1 year starter/probationary tenancy followed by a fixed term tenancy of at least 5 years.
- Approximately 766 fixed term tenancies have been issued by Registered Providers working in Hart between April 2012 and March 2018.

Objective 2: Affordable rents deliver new housing whilst continuing to assist those on low incomes

- Affordable rents charged are monitored by the Council which enables it to assess affordability and any areas where action may need to be taken to limit rent levels
- Rent levels for newly built 3 and 4 bedroom houses are restricted through S106 agreements to assist affordability in the longer term.
- A minimum number of existing social homes that have been re-let have been converted to affordable rents. Most Registered Providers operating in the District did not convert any of their existing 3 and 4 bedroom social rented homes to affordable rents at re-let
- Registered Providers no longer convert social rented units to affordable rents in Hart.

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

- Of the 108 fixed term tenancies that ended between April 2012 and March 2018 only 3 were due to rent arrears or anti-social behaviour.

- Hart has been actively working in partnership with Registered Providers to identify under occupiers and explore options with residents to encourage them to consider more appropriate accommodation for their households needs.

On the basis of the local tenancy information, national policies and consultation with key partners operating in the District it has been agreed that these three objectives will continue as the focus for this Tenancy Strategy. Research and consultation with the local Registered Providers has informed the detail of these three objectives and the recommendations for Registered Providers to adopt in their Tenancy Strategies. This is outlined below.

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

Objective 2: Affordable rents 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

In order to ensure the right tenancy is granted to the future tenant, Register Providers should consider the council's recommendations on the length and type of tenancy offered as well as their review process and grounds for non-renewal of a fixed term tenancy.

The introduction of fixed term tenancies was intended to enable better use of local affordable housing by enabling households to move if their circumstances changed, and to encourage mobility within the housing sector by providing alternative housing options to people.

However, groups such as Shelter have concerns that it may in time have a negative impact on sustainable communities due to tenants potentially being made to move out of their home, and in some cases away from their current community¹.

As fixed term tenancies only started to expire in 2017 the Council does not have any statistics to show whether these concerns have transpired within the Hart District. However, we have been monitoring the use of fixed term tenancies by Registered Providers on an annual basis and will continue to do this. This will include an overview of numbers of fixed term tenancies, reasons why they have ended and what support has been put into place for households whose tenancies have ended and what type of accommodation they have moved into. Ultimately this will provide an account of how fixed term tenancies are affecting communities within Hart.

The table below shows that between April 2012 and March 2018 there have been 766 fixed term tenancies granted in the district. Out of those, 108 fixed term tenancies have been ended which is a total of 14%. 52% of those were ended by the tenant themselves.

¹ Shelter response to Tenant Services Authority consultation on a revised regulatory framework for social housing in England from April 2012

Reasons showing why fixed term tenancies have ended between April 2012 and March 2018

Reasons for end of fixed term tenancy	Total No (Apr 2012 – Mar 2018)	Total % (Apr 2012 – Mar 2018)
Abandoned	2	2%
Anti-social behavior	0	0
Arrears	3	3%
Mutual Exchanges	18	16%
Tenant ended the tenancy themselves From 2017/18 Hart asked for a breakdown of these reasons, summary is below: <ul style="list-style-type: none"> • Affordability • Bought a market property • Medical/Health • Move in with family • No longer required • Overcrowd 	56 2 1 4 2 15 2	52%
Other From 2017/18 Hart asked for a breakdown of 'other' reasons, summary is below: <ul style="list-style-type: none"> • Deaths • Decants 	29 6 6	27%
TOTAL	108	100%

The Council will continue to ask for a list of reasons under the heading 'Tenant ended the tenancy themselves' as part of the annual questionnaire process. We will also continue to ask for more detail of 'other' reasons given generally as it is noted that this covers a significant number of responses. This will allow the Council to understand what these reasons are and work in partnership with the relevant Registered Providers to address any concerns around these reasons, such as 'affordability'. It is important to understand what the issues are relating to affordability and whether Registered Providers have been working with the resident to increase their income to enable the resident to remain in their own home.

In Hart all of the Registered Providers 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 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 flexible tenancies are applied, managed and monitored in such a way that community cohesion is maintained wherever possible and that vulnerable customers are provided with the stability they require. In order to do this the Council requests that Registered Providers consider its recommendations on the length and type of tenancy offered as well as their review process and grounds for non-renewal of a fixed term tenancy.

Length of tenancy

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.

In determining the length of the fixed term tenancy, the council requests that Registered Providers consider the 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.

Type of tenancy offered

Fixed term tenancies can be suitable for all residents of Registered Providers general needs housing, provided that 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.

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

Registered Providers may also wish to consider whether existing secure and assured tenants who move to another rented property will 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.

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 require the size and type of property (the Council are keen to support and encourage people under-occupying to move to suitable smaller properties)
- 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 the majority of 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. We would consider 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 Harts 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 Provider to send a copy of the termination notice to the Council's Engagement and Support 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.

Actions for Hart 2018 – 2023

Action	Intended Outcome
Ensure Registered Providers' Tenancy Policies and the tenancy review process and criteria are easily available to prospective tenants	Those on the housing register are aware of the new tenancy options offered by the various providers in the district and are able to find out more should they chose to do so.
Ensure that Registered Providers' Tenancy Policies and the tenancy review process leads to tenancy renewal wherever possible and in the event that this is not possible the Registered Provider and the Council work together to find alternative housing options and prevent homelessness	The renewal of tenancies will lead to security of tenure for residents, increase stability amongst communities, reduce management costs for Registered Providers and the Council and prevent homelessness.

The Council will send out a monitoring questionnaire annually in May to all Registered Providers with properties in the district to monitor the following:

- The number of fixed term tenancies started and ended per annum and reasons why they have ended
- The number of probationary tenancies that have ended per annum and reasons why they have not been extended to a fixed term tenancy
- The number of reviews that have been completed per annum and the outcome of these reviews, and in the case of non-renewals the reasons why the fixed term tenancy was not renewed
- Where fixed term tenancies have not been renewed monitor the type of tenure tenants have moved to and whether it is within or outside of the district per annum
- Number of hard to let properties and reasons for refusal per annum
- Where fixed term tenancies have not been renewed and income is a reason for non-renewal, monitor the income levels per annum

The Council has a clear understanding of the impact the flexible tenancies are having to individuals within the district and can amend its strategic position if necessary, and can monitor where Registered Providers are taking different actions to those recommended in the Councils Tenancy Strategy

Hart Council to work with Registered Providers to publicise to people on the housing register what changes to benefits and rents are taking place and how it may affect them and their housing choices

The public are aware of tenancy security and rent levels before making decisions about their housing

Objective 2: Affordable rents 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 need for housing for those on low incomes.

Affordable Rents

The Localism Act 2011 gave Registered Providers greater freedom 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 if it wishes to see much needed new affordable housing being developed in the district it needs to give Registered Providers the option to deliver properties at affordable rent.

However, it recognises that given the high cost of renting in the district these new affordable rents may have an impact on the longer term affordability of these properties for local households. For example the average mean private rent for a 2 bedroom open market property in Hart was £957 per month², therefore the affordable rent at 80% of this would equate to £766 per month. If 33% of gross income were to be considered an affordable proportion of income to be spent on rent alone (excluding utility costs etc.), a gross income of £27,854 would be needed to afford the property. This is above the average national income of £26,676 per annum³ and far above the £18,926 average income of new tenants in Hart in 2016/17⁴.

Under the Localism Act 2011, Registered Providers can choose to deliver all their new housing at affordable rent levels. They 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.

Affordable Rents: New Lets

The greatest concern for the Council with the introduction of affordable rents in 2012 continues to be the impact on long-term affordability for residents.

In response to this, the Council has amended new S106 legal agreements to ensure that 3 bedroom properties are set at 80% of market rents or local housing allowance (whichever is lower) and all 4 beds are set at £226 per week. A 3 bed affordable rent based on local housing allowance would be £210.70 per week and a 4 bed rent would be £226 per week. Using 33% of gross income as an acceptable proportion on rent, a salary of approximately £32,868 would be required for a 3 bedroom property and £35,613 for a 4 bedroom property. This is significantly more affordable than charging affordable rents at 80% of market rent. As quoted in Hart's Review of Homelessness, the average 4 bed rent in Hart is £1,835, which would require an annual income of £53,382 to cover the cost of an 80% affordable

² Valuation Office Agency, Private Rental Market Summary, April 2016 – March 2017 <https://www.gov.uk>

³ ONS earnings and Working Hours, April 2018 <http://england.shelter.org.uk>

⁴ CORE Annual report – Hart 2016/17 <https://core.communities.gov.uk>

rent.⁵ The Council and most of the registered providers are in agreement regarding these changes and this will continue to be incorporated as part of all S106 agreements.

Affordable Rents: Re-lets

The Council wishes to see existing social rented homes remain at social rent, especially the larger properties. It is clear that 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 number of social rented homes enables the Council and Registered Providers to assist these families to maintain a tenancy.

Advanced Rent Payments

In striving to ensure that new lets remain as affordable as possible and that people are able to move in to new lets as soon as they become available, Hart 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.

Actions for Hart 2018 - 2023

Action	Intended Outcome
<p>Send out a monitoring questionnaire annually in May to all RPs with properties in the district to monitor the following:</p> <ul style="list-style-type: none"> • Where reasons for non- renewal of fixed term tenancies are due to arrears per annum • Where reasons for non- renewal of fixed term tenancies are due to changes in income per annum 	<p>The Council builds up an understanding of the impact of affordable rents in the locality and can respond to deliverability / affordability imbalances that may arise in an informed way.</p>
<p>Encourage and support RP’s to provide larger homes at reasonable rent levels through specific wording s106 agreements</p>	<p>All RPs are making bids for sites based on the same or similar assumptions about the rent levels for larger social homes on new sites</p>
<p>Encourage and support RP’s to keep their re-lets at social rent levels wherever possible</p>	<p>A significant proportion of the existing social housing stock remains at social rent level , especially the larger homes</p>
<p>Hart District Council will ensure that there is clear information available throughout the nominations process about the requirement to pay rent in advance to secure new lets</p>	<p>All customers will be informed and prepared to pay rent in advance on new lets to ensure they remain affordable and the moving in process runs smoothly</p>

⁵ Review of Homelessness: Engaging & Supporting our Communities, Hart District Council, October 2017 www.hart.gov.uk

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

Hart District Council needs to take an overview of the impact of affordable rents and fixed term tenancies on the district as a whole to ensure it continues to deliver on its ambition to promote mixed, cohesive communities.

The Council supports the choice for Registered Providers to issue fixed term tenancies to new tenants and recommends that Registered Providers follow a robust process and criteria as outlined in Objective 1 when renewing fixed term tenancies. However, the Council also strives to ensure that consideration is given to the impact of fixed term tenancies on the development of settled, mixed communities. With this in mind, the Council recommends that Tenancy Policies allow for some flexibility in allowing new tenancies to be let on a variety of criteria, including lifetime, longer term and assured shorthold, to reflect the needs of the household and the community.

In working towards achieving a balance in flexible tenancies in social housing and promoting settled communities, the Council recognises that there are concerns that fixed terms tenancies may result in people feeling that the property is not their settled home which may lead to a household being less involved in local groups and their local community⁶. The Council also recognises that fixed term tenancies may lead to concerns for households who are looking for long-term access to specific local schools, employment and medical care. This may be particularly the case for people with support needs and/or complex care needs.

The Council will work with Registered Providers to monitor and further understand the potential impact of these concerns, especially where there is likely to be whole communities issued with fixed term tenancies at the same time e.g. new developments.

The Council recognises that fixed terms tenancies can help to address key issues that may prevent tenants from moving within the social housing sector and reduce the number of available tenancies. For example, fixed term tenancies can have a positive effect on reducing under-occupation, thus freeing up houses for larger families, and ensuring that people with lower incomes have more opportunities to rent at social and affordable rent levels.

Fixed term tenancies can support mobility in the social rented sector, but for many tenants their circumstances are more than likely to remain broadly consistent in terms of employment, family circumstances and vulnerabilities. Registered Providers are encouraged to consider the financial, social and personal impact of reviewing fixed term tenancies every five years, and the Council recommends that for many families longer term fixed term tenancies would be more beneficial for both tenants and Registered Providers.

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

⁶ Shelter response to Tenant Services Authority consultation on a revised regulatory framework for social housing in England from April 2012

are encouraged to follow the guidelines outlined in Objective I in terms of the process and criteria for review.

The Council encourages Registered Providers to consider the financial costs of issuing fixed term tenancies. If fixed term tenancies lead to a higher level of people moving home, feeling socially isolated and less likely to contribute to the community, this in turn may result in higher costs in terms of housing management resources. There is also the additional costs of conducting ongoing reviews at the end of fixed terms tenancies which may well prove to be an unnecessary cost if the majority of fixed term tenancies continue to be renewed.

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 I, 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 tenancies should always be offered to older people, people with long term illness or disability and other people in exceptional circumstances as outlined in Objective I.

Actions for Hart 2018 – 2023

Action	Intended Outcome
Registered Providers to continue to find ways to engage meaningfully with the tenants to develop community involvement and cohesion.	Tenant involvement in their community is improved which will in turn reduce social isolation, increase investment in the community and reduce management costs.
Registered Providers to continue to adopt a flexible approach to offering tenancies and conduct a robust review when making decisions about renewals.	Tenancies are offered that are appropriate to the needs of the tenant and reduce the potential financial, social and personal impact of different types of tenancies.
Registered Providers should aim to grant fixed terms tenancies for as long a period as possible	Registered Providers will increase stability for tenants and communities and reduce management costs
Where a tenant transfers from one social rented property to another the Council recommends maintaining lifetime tenancies if it supports the security of those tenants in the long term and enables mobility across the sector.	Registered Providers and the Council can work together to increase the number of appropriate managed moves and provides tenants with support and security in doing so
Monitor new and re-let properties at affordable rent levels offered by	The Council has an overview of the changes in the mix of tenures and ensures that rents are affordable and do not

Registered Providers in the district annually	exceed the amounts set within the s106 legal agreements and can seek to influence this if necessary
Ensure Registered Providers consult the Council over their plans for conversions to affordable rents in the district	There is a dialogue between the Council and Registered Providers to ensure that conversions take place in a managed and effective way.
Registered providers to ensure that the Tenancy Policies are inclusive and do not exclude tenants with protected characteristics, for example ensuring that information is translated when appropriate, and that communication and community involvement activities are accessible to all.	Registered Providers will strive to ensure that they promote settled mixed communities where tenants with protected characteristics are not treated less favourably, and equal opportunities and good community relations are promoted across all communities.

Conclusion

The objectives set out in this document represent the areas of focus for the Housing Service in delivering its Tenancy Strategy, and provides recommendations to the Registered Providers operating in the District.

Monitoring and Review

The Registered Providers will be monitored annually using a Tenancy Strategy Questionnaire. Their responses will assist with updating all the actions identified in this strategy on an annual basis. An update to this document will be produced annually with a full review and new Tenancy Strategy to be completed in 2023.

Further information and contact details

If you would like more information on the Tenancy Strategy or the other housing strategies please contact the housing service on the details below.

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