

# Tonbridge & Malling Tenancy Strategy

## Purpose of this Strategy

The purpose of this Tenancy Strategy is to explain what the Council expects from all Registered Providers working within Tonbridge & Malling in relation to the introduction of flexible tenancies and the new affordable rent tenure. The Tenancy Strategy describes the circumstances to which Registered Providers must have regard when formulating their new policies on these matters. This document supports Tonbridge & Malling Borough Council's Housing Strategy 2013-2016 and sits alongside the Allocations policy and Homelessness strategy.

## Legislative Framework

The Localism Act places a duty on local authorities to publish a Tenancy Strategy. All registered providers must then have regard to the Strategy when developing their own Tenancy Policies. S150 of the Localism Act states:

*A local housing authority in England must prepare and publish a Strategy (a Tenancy Strategy) setting out matters to which registered providers of social housing in its District are to have regard in formulating policies relating to:*

- a) The kinds of tenancies they grant*
- b) circumstances in which they will grant a tenancy of a particular kind*
- c) Where they grant tenancies for a certain time, the lengths of the terms, and,*
- d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.*

This document has been assisted in its creation through the Kent Housing Group's Tenancy Strategy Framework. The Framework does not suggest there is a 'one size fits all' approach, rather more it provides a base from which tenancy strategies and tenancy policies can be developed, alongside local ambitions and intelligence about the local housing market, need and demand. Both the Council and Kent Housing Group believes there is good practice in bringing together our partners and other stakeholders to understand and plan for inter-related and complex changes in housing policy and legislation.

In this Tenancy Strategy the Council:

1. Presents the factors that we think are important to consider in making decisions about tenancy length and the Affordable Rent product
2. States a preferred minimum length of fixed term tenancies, having considered pros and cons from a range of perspectives and for different households

## Tonbridge & Malling's considerations and preferences

The Council has given careful consideration to the strengths and weaknesses of fixed term tenancies and the new Affordable Rent product, for different households

and from different perspectives. We have sought to balance interests and have thought about how different needs will be met by different housing types, for example general needs family and non-family housing, accessible and adapted, and long term specialist housing eg, sheltered housing and extra care.

### **A note on equality and comprehensive impact assessments**

It is important that local authorities, as public bodies, pay close attention to the provisions of the Equality Act 2010, and are able to demonstrate that the process of developing the tenancy strategy has paid due regard to the need to:

- Eliminate unlawful discrimination;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and,
- Foster good relations between people who share a protected characteristic and people who do not share it.

The HCA's 'Regulatory framework for social housing in England from April 2012' also reminds providers that it is essential to understand tenants' needs, including those within the equality strands<sup>1</sup>.

### **Overall preferences and considerations**

It will be important to consider the impact of the Affordable Rent and fixed term tenancies on communities if introduced 'en-masse' in an area. Tonbridge & Malling would wish:

- To encourage the development and retention of social rent where this is feasible in the context of available resources
- Affordable Rent and social rent to be used to address identified local housing need
- Consideration to be given to specific local matters such as rural communities and regeneration priorities in making decisions about the use of Affordable Rent
- Any approach to be carefully aligned with the Council's successful practice of utilising local lettings plans on new schemes, as detailed within the Council's adopted policy describing the requirement for such plans on all developments with twenty or more affordable homes
- Revenue from the conversion of social rent homes to Affordable Rent to contribute to additional affordable housing within Tonbridge & Malling as far as possible; and

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<sup>1</sup> The Equality Act 2010 gives public bodies responsibilities in relation to: race, age, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation, disability and marriage and civil partnership; in policy making, delivery of services and public sector employment.

- Transferring tenants to retain their existing security of tenure, including if transferring between housing associations
- Affordable Rent homes to be advertised through the Choice Based Lettings system of Kent HomeChoice in the same way as social rent, to ensure fairness and transparency

In relation to fixed term and flexible tenancies the Council would expect:

- A five year fixed term tenancy as the minimum for most households. Where fixed term tenancies are used the primary objective should be to enable the best use of available housing in terms of under occupation and similar initiatives;
- Lifetime tenancies or longer fixed term tenancies to be granted where a household's circumstances are unlikely to change over time eg, people with long term health conditions, or older people for whom the move to a new home may be their last move; and,
- Fixed term tenancies to be re-issued at the end of the term on the basis of a natural presumption to "roll over" unless there is a change of circumstance as defined in the relevant Registered Provider's tenancy policy. For most household groups; elements are likely to include financial circumstances, household composition, and housing need related to health and wellbeing. The new period will be of at least equal length to the previous fixed term.
- If, upon review of a household's circumstances at the end of a fixed term, their financial circumstances have improved, and the Provider feels that affordable rent is unsuitable, the household should have the opportunity to remain in the home through either paying an increased rent (possibly market rent) or entering a shared ownership arrangement.
- If a household has a record of antisocial or disruptive behaviour, this should be considered by the Registered Provider in whether to review the tenancy at the end of the fixed term.

### **Households with a disabled household member (adult or child)**

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- A person centred approach
- Registered providers should engage other agencies involved in meeting the household's needs eg, social care, at the review stage and in subsequent action, for example should the household need support to move; and,
- Decisions not to reissue should be based on clear criteria which may also include changes in housing need related to disability

The Council would wish to see:

- Lifetime tenancies for households moving into Extra Care or designated older persons accommodation
- Minimum five year but preferred ten year terms for families with adapted homes; and,
- Affordable rent levels at or below the Local Housing Allowance level

### **Families with children of school age or younger**

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- Decisions not to reissue should be based on clear criteria which may also include changes in the age of children, their educational requirements and attainment
- The impact of decisions on local services such as schools, other amenities and communities

The Council expects:

- A minimum fixed term tenancy of five years and up to ten years where appropriate
- The use of affordable rents on family housing (new build and social rent conversions) to take local conditions into consideration

### **Lower income households not in receipt of housing benefit**

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- Support to households should the tenant become unemployed
- Clear information about any additional costs with affordable rent homes eg, administration fees, deposits etc,

The Council expects:

- A minimum fixed term tenancy of five years

### **Single and childless couples under 55**

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- Decisions not to reissue should be based on clear criteria which may also include changes in housing need related to vulnerability
- The provider should engage other agencies involved in meeting the household's needs where appropriate, eg, social care, at the review stage and in subsequent action, for example should the household need support to move

The Council expects:

- A minimum fixed term tenancy of five years
- Lifetime tenancies for households who may have an enduring vulnerability eg, mental health, long term health conditions etc,
- The use of affordable rents (new build and social rent conversions) to recognise that different needs exist within this household group and to take local conditions into consideration

### **Older people**

We consider the following to be important in managing fixed term tenancies and the affordable rent product:

- A person centred approach
- The provider should engage other agencies involved in meeting the household's needs eg, social care, at the review stage and in subsequent action, for example should the household need support to move

The Council expects:

- Lifetime tenancies for households for whom it is likely the move will be their last one
- For fixed term tenancies, if they are to be used, to make the best use of designated or adapted accommodation, bearing in mind the individual circumstances of the tenant and household

### **Registered Providers and other social landlords:**

- Clearly advertise affordable rent homes and the circumstances where a fixed term tenancy may be used
- Provide clear, easy-to-understand, information about the tenancy on offer; its length; the process of starting and ending a tenancy
- In the process of review, consider how the tenant's quality of life can be improved, and the role of agencies that can enable this eg, employment, health, care and support

- Take a consistent, fair and transparent approach to decisions at the point of tenancy review
- Provide independent and good quality information, advice and advocacy, particularly if a decision is taken not to re-issue a tenancy following review; and,
- At the earliest stage communicate any decisions not to re-issue a tenancy to other agencies, including the local authority, to ensure that homelessness and other negative outcomes are prevented

**The Council in our strategic role to ensure:**

- A coherent approach amongst providers and other agencies, particularly to enable customers to understand what a given tenancy consists in terms of rental charge of and how long the term is for
- The decisions on fixed term tenancies and the use of affordable rent to be connected to other local authority roles and responsibilities eg, the approach taken to Disabled Facilities Grants; and,
- The Tenancy Strategy to be only one part of a broader policy framework, to work with other mechanisms that enable and manage access to social rent and affordable rent homes, eg, allocation policies, and to manage tenancies eg, lettings policies

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