

# Tenancy Strategy 2019

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Housing

*14 June 2019*

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# TENANCY STRATEGY – 2019

## London Borough of Richmond upon Thames

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## Introduction

1. Richmond upon Thames is a large scale voluntary transfer authority and no longer carries out a landlord function in relation to social housing. The Council in its strategic housing role is therefore keen to guide its registered provider partners to meet local housing needs and priorities, as outlined in the Tenancy Strategy.
2. The Richmond upon Thames Tenancy Strategy outlines the Council's position with regard to the type, duration and renewal of tenancies available to registered providers in Richmond upon Thames. It also sets out the Council's policy position on 'Affordable Rent'.
3. The Localism Act 2011 requires local authorities to provide information that registered providers will have 'regard' to in relation to:
  - a) the type of tenancies registered provider's grant,
  - b) the circumstances in which they will grant a tenancy of a particular kind,
  - c) where they grant tenancies for a fixed term the duration of the term and
  - d) the circumstances in which they will grant a further tenancy on the expiry of a fixed term tenancy.
4. The Council is aware that registered providers work across boroughs/ regionally but where possible the Council would like to ensure all Tenancy Policies are transparent and so far as possible, equitable to housing applicants.
5. Registered providers are expected to provide information and consult on their Tenancy Policies with both tenants and the Council.

## Type and Length of Tenancy

6. Registered providers can offer either lifetime or fixed term tenancies which the Council would support being let at 'London Affordable Rent' to households on the Housing Register. The Council expects that all 'London Affordable Rent' properties the Council has nomination rights to will be let to households in need, as prioritised via the Housing Register.
7. The Council supports registered providers using introductory tenancies<sup>1</sup>.
8. Fixed term tenancies should be for a minimum period of ten years. The Council believes this ensures social housing residents in Richmond upon Thames have a reasonable degree of security whilst also allowing registered providers to make best use of stock without creating a significant administrative burden.

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<sup>1</sup> Introductory tenancies are tenancies often for 1 year, which provides the tenant with a trial period. Tenants can then progress to fixed term or secure tenancies. It is useful tool for landlords to address issues such as anti social behaviour.

9. The Council supports tenancies of less than ten years in the following circumstances:
  - a) Where the tenancy is offered in a property which is due to be decanted for regeneration purposes.
  - b) In 'exceptional circumstances', for example where a tenant has not managed a previous tenancy well or has a history of anti-social behaviour or non-payment of rent.
10. The Council expects registered providers to offer tenancies of longer duration to vulnerable households. In these situations, a longer fixed term with an assumption to renew or a lifetime tenancy will be suitable. The Council supports this approach in cases such as, but not limited to, the following:
  - a) people with a long and enduring illness or condition of a serious nature and where a person's circumstances are unlikely to change;
  - b) older people in sheltered accommodation;
  - c) families with disabled children (where in the medical examiners view a longer tenancy would provide stability);
  - d) people leaving care; and
  - e) injured ex-service personnel.
11. Secure tenancy rights of existing housing association tenants should be protected so as not to discourage downsizing or movement within the housing association stock and cross borough mobility schemes.
12. In cases of domestic abuse where a tenant of social housing either flees their property or makes an application to turn their joint tenancy into a sole tenancy, the Council supports a 'like for like' approach. In all circumstances where a tenant has a lifetime tenancy, a tenancy with the same security of tenure must be offered if the registered provider is satisfied that the person or member of the person's household is or has been the victim of domestic abuse carried out by another person and the registered provider grants a new tenancy for reasons connected with that abuse. This is in line with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 and the Council expects registered providers in Richmond upon Thames to follow this approach as the legislation includes 'assured tenancies' within the definition of a 'qualifying tenancy' under the Act.

### **Fixed Term Tenancy Renewal**

13. The Council would expect tenancies generally to be renewed and fixed term tenancies should not detract from maintaining stable communities. Tenants with longer fixed term tenancies are more likely to invest in their homes and contribute to their communities.
14. Prior to coming to the end of an existing fixed term tenancy of a property in Richmond upon Thames, registered providers should review the tenant's

household circumstances and housing options, in a manner that is sensitive to their needs, to determine:

- a) whether they can (where income and savings allow) be assisted to purchase another suitable property outright or on a shared ownership/ equity basis; and
- b) whether another tenancy should be offered, and if so, should this be at the same property or one or more different properties.

15. In making these decisions, they should take into account the following:

- a) **Household profile** - given the shortage of affordable housing in the borough, under occupation may be one of the principle reasons that a tenancy is not renewed and smaller accommodation (appropriate to the household's size) offered as an alternative.

Tenancies may also not be renewed where the property has been extensively adapted for a person with disabilities and where the person with a disability no longer resides in the property.

- b) **Household income and financial circumstances** - making decisions on tenancy renewal registered providers should work positively with tenants who have had a substantial positive change in financial circumstances to highlight opportunities to either purchase a shared ownership property or buy on the open market.

The Council supports the aspirations of low income working families who have improved their financial circumstances. The Council is of the view that registered provider tenants should not be penalised by non renewal of tenancies for improving their economic circumstances, unless their household income is greater than the household income threshold set by the GLA (Greater London Authority) at the time the decision is made.

- c) **Behaviour of the tenant(s) and their household members during the tenancy** - whether there have been issues in relation to anti-social behaviour, non-payment of rent or general management of the tenancy by the tenant and the extent to which the tenant(s) and their household members are making an active and positive contribution to their community.

16. For those with health and care needs the process of tenancy review should involve input from health/social care professionals and carers with a presumption to renew if independently medically verified.

17. The Council expects that for households with children, registered providers should, except for in exceptional circumstances, renew the tenancy. If the tenancy is not renewed, registered providers should consider any impact moving home will have at critical points in education, such as when taking public examinations.

18. The Council would expect pensioner households to be moved on a voluntary basis, noting there may be some exceptions. The need to be near medical and caring/family support networks should always be factors for registered providers

to consider when offering alternative accommodation for older and vulnerable households.

### **Non Renewal of Fixed Term Tenancies**

19. Where tenancies are not renewed for breach of tenancy or on income grounds, registered providers should work with tenants, providing adequate time for the household to find alternative accommodation.
20. Tenancy reviews should take place no later than six months prior to the end of the tenancy allowing enough time for information to be collated and considered as well as allowing time for appeals.
21. The Council recommends earlier reviews in certain circumstances such as under-occupation where a registered provider is likely to need to source suitable alternative accommodation.

### **Affordable rent levels**

22. Registered providers of social housing must set rents in accordance with the national Regulatory Framework for Social Housing which gives registered providers some discretion over the rents that can be set. In setting rent levels, a crucial balance must be struck between ensuring that housing let by registered providers is affordable to all, including those on low incomes and/or in receipt of benefits, and maximising income to enable the development of more affordable housing.
23. The Council expects registered providers to ensure that affordable housing rents in Richmond upon Thames are set with regard to the London Affordable Rent levels approved by the GLA annually<sup>2</sup>.
24. As the London Affordable Rent levels do not include service charges, the Council expects registered providers to have special regard to the service charges imposed on residents of low income households, always ensuring that these charges are affordable, when considered alongside the weekly rent amount.

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<sup>2</sup> At the time of the strategy amendment, the latest London Affordable Rent levels set by the GLA were available at: <https://www.london.gov.uk/what-we-do/housing-and-land/homes-londoners/homes-londoners-affordable-homes-programme-2016-21>