

# Tenancy Policy 2013



This policy will outline our approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

## Executive Summary

Leicester City Council is the biggest social landlord in the City with a total stock of 22,286. In 2012 we let 1,050 homes to new tenants. The Council's Housing aim is for everyone in Leicester to live in a home that is suitable for them, is in good repair, energy efficient, safe, accessible, the right size and affordable.

The Localism Act 2011 has introduced some additional options for the Council to use. The Council does not have to make use of these new types of tenancy. However it does have to have regard to the wider Tenancy Strategy for Leicester.

This policy will outline our approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

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## Introduction

The Localism Act 2011 and the regulator for registered providers, the Homes & Community Agency, require each housing provider to have a clear and accessible tenancy policy.

This policy outlines Leicester City Council's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

The tenancy policy sets out:

- The kinds of tenancies that the Council will offer
- The circumstances in which tenancies will be granted
- The length of tenancies granted
- The process for reviewing tenancies
- Whether the Council will grant discretionary succession rights, and if so to whom
- Interventions used to sustain tenancies
- The Council's approach to tackling tenancy fraud
- How frequently the policy will be reviewed

Leicester's Tenancy Policy relates to lettings of social rented properties including adapted and sheltered housing. It does not cover lettings to hostels, temporary accommodation, other forms of supported housing or other properties let for other organisations through the Choice Based letting system.

## Types of Tenancy

The Council currently uses Introductory, Secure (Lifetime) and Demoted Tenancies.

### **Introductory Tenancies**

Introductory Tenancies are a trial tenancy generally lasting 12 months and apply to all new tenants. Leicester City Council uses these tenancies to deal quickly and easily with new tenants who cause problems.

Further details of when Introductory Tenancies are granted, the length of tenancy and the process for review are detailed in the Introductory Tenancies Leaflet <http://www.leicester.gov.uk/your-council-services/housing/council-housing/tenancy-information/introductory-tenancies/>

### **Lifetime Tenancies**

If the trial period (Introductory Tenancy) is successfully completed or immediately before this tenancy a tenant had a lifetime tenancy with a registered provider, a lifetime tenancy is offered. These are secure tenancies that have no end date and offer protection of tenure for tenants.

Further details of when lifetime tenancies are granted and the process for review are detailed in Leicester City Council's Conditions of Tenancy document (section 4 – 47). <http://www.leicester.gov.uk/your-council-services/housing/council-housing/tenancy-information/tenancy-agreement/>

### **Demoted Tenancies**

A secure tenancy may be ended by a court order because of anti-social behaviour and replaced with a Demoted Tenancy. You will only become a demoted tenant for a maximum of 18 months unless we have asked you to move out by getting a Court Order. Tenants have to comply with the terms of their Demoted Tenancy agreement. If they keep to the terms of their Demoted Tenancy agreement the Council will grant a secure tenancy at the end of the period of demotion, however if the tenant does not keep to the terms of their Demoted Tenancy Agreement the Council can end the tenancy and evict the tenant.

Further details of when Demoted Tenancies are used and the process for review are also detailed in Leicester City Council's Condition of Tenancy document (section 4 – 48).

### **Fixed Term Tenancies**

The Localism Act allows all housing providers to offer fixed term tenancies for at least 5 years, except in exceptional circumstances.

Leicester City Council has considered the benefits of offering fixed term tenancies in responding to local circumstances however has concluded that we will not currently use any fixed term tenancies.

#### **How did we reach this decision?**

Fixed term tenancies would enable the Council to review tenants' tenancies based on occupancy and better match the available housing stock to the needs of different households. However, in order to make the best use of fixed term tenancies, suitable alternative affordable accommodation must be available to households. The housing stock in the city is such that this may not be possible, as social housing tends to be clustered. Therefore a move into the private sector may involve moving to another area of the city. This may lead to disruption to education, employment and social networks.

The quality of private sector housing is poorer than social housing. A Private Sector Housing Survey conducted in 2010 estimated 41.7% of private sector housing to be non-decent and of these homes 36.5% were occupied households claiming one of the principle means tested benefits.

Implementing fixed term tenancies will also increase costs. There will be additional costs from; carrying out reviews of flexible tenancies; providing support and advice to households that move on and more properties being void whilst tenants change. The Government has estimated the cost to landlords of operating each flexible tenancy could be from £48 to £243.

## Succession Rights

The Localism Act reduces the automatic statutory rights for all new tenancies to a spouse, civil partner, couples who are living together as civil partners or people who are living together as husband and wife. There is now no statutory right of succession for family members who had lived with a deceased tenant for 12 months prior to the tenant's death. The Act does give local authorities the power to grant additional succession rights if they choose.

Leicester City Council has retained succession rights for other family members where there is no spouse or partner and they have lived together for a period of twelve months prior to the death of the tenant. These succession rights will apply (for other family members) unless this will cause under-occupation or if the property has adaptations not required by any of the new household (based on the criteria in the Allocations Policy). As before, if the deceased tenant was already a successor then no further succession rights apply.

Other family members can be: parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces including step-relations, half-relations and illegitimate children.

Where succession does not exist, or where succession exists but the remaining family members would be under occupying the property or they no longer require adaptations in the property, Management Priority may be awarded to move to alternative suitable accommodation through the Allocations Policy. Family members would need to have been living at the property for at least 12 months prior to the tenants' death to be considered for Management Priority.

Where a tenant believes that management priority should be awarded, they should contact their local housing office for advice.

Further details about succession are detailed in Leicester City Council's Conditions of Tenancy document (section 53)

<http://www.leicester.gov.uk/your-council-services/housing/council-housing/tenancy-information/tenancy-agreement/> and Leicester City Council's Housing Succession Policy.

The same eligibility as stated above applies to assignment (this is when someone who would be qualified to succeed the tenancy on the tenant's death takes over the tenancy whilst the tenant is alive). The right of assignment to a succeeding tenant can only take place once.

The Council will also assign tenancy rights as decided by the Court through a Property Adjustment Order in connection with matrimonial proceedings or civil partnership proceedings, or proceedings under the Children's Act 1989.

## Mutual Exchange

Leicester City Council tenants can exchange their home with another Council tenant or housing association tenant, if eligible. Introductory Tenants who have been in their home for less than 12 months may not exchange. Exchanges cannot take place until they have been approved by the City Council.

Further details about mutual exchange are detailed in Leicester City Council's Conditions of Tenancy document (section 50)

<http://www.leicester.gov.uk/your-council-services/housing/council-housing/tenancy-information/tenancy-agreement/> and Leicester City Council's Mutual Exchange Policy.

Tenants can also register with HomeSwapper. HomeSwapper is the UK's largest mutual exchange service for council and housing association tenants looking to swap homes.



### **Advice & Guidance**

Council tenants applying for a mutual exchange (to another housing provider) will be advised to check the details of the type of tenancy they will be receiving. Where tenants advise Council staff of the type of tenancy, should the mutual exchange be approved, Council staff will explain the possible implications of any change of tenancy e.g. entitlement to right to buy. This is basic guidance and tenants will be expected to take their own legal / independent advice.

### **Tenancy Sustainment**

Leicester City Council is committed to tackling tenants who cause serious nuisance, are responsible for Anti-Social Behaviour or do not pay their rent. Leicester City Council will take action against any tenant who breaches their tenancy conditions.

We utilise Introductory Tenancies as we believe this enables us to tackle any issues early in the tenancy. The Council also offers a number of services to tenants to help them maintain a successful tenancy:

#### **Income Management Advice**

The Council has an Income Management Team who can assist tenants with accessing welfare benefits and liaise with various agencies to resolve benefit issues. This can help maximise their income which can help to sustain their tenancies.

#### **Support to tackle Anti-Social Behaviour (ASB)**

We support victims and witnesses of ASB in a number of ways by:

- taking all complaints of ASB seriously
- keeping complainants informed throughout the process
- protecting confidentiality
- referral to specialist support agencies
- improving safety measures
- using professional witnesses where necessary
- using surveillance equipment where necessary

We consider whether the alleged perpetrators' ASB is as a result of mental health or disability issues and, where appropriate, ensure we comply with the Disability Discrimination Act 1995.

We support and rehabilitate alleged perpetrators where we have identified and considered a need for referral to relevant support agencies.

We use all available tools, both legal and non-legal, and work in partnership with other agencies to resolve cases of ASB. With more persistent and severe cases of ASB we work with the Leicester Anti-Social Behaviour Unit (LASBU) up to and including legal action.

### **Tenancy Visits**

Every two years we aim to visit all tenants to identify if there are any issues with the tenancy, identify any support needs, update any changes to household circumstances and / or to identify any outstanding issues the tenant might have.

### **Supporting Tenants and Residents Service (STAR)**

STAR is a housing-relating support service for people living in Leicester which supports people who are at risk of losing their home or people that are moving to a new home. STAR can work with single people, couples and families. STAR gives support and information on housing related-issues in the following areas:

- Problems with money, low-level debt or benefits.
- Issues around mental health, physical health, and/or drug and alcohol use
- Building self-confidence so people can deal with issues themselves
- People who are isolated in their home or the area that they live in
- Setting up a new home – support to access funds for furniture.
- Support to find training, education and jobs
- Problems with gas or electricity suppliers
- Access to energy efficiency schemes to make homes warmer and cheaper to run

## Tackling Tenancy Fraud

Leicester City Council is committed to tackling tenancy fraud. Tenancy fraud is getting a tenancy by telling lies, renting a property to someone else or using a property / tenancy for improper purposes. We want to ensure all our properties are let to the households in the most housing need.

Where we find cases of tenancy fraud we may;

- take legal action to get the property back
- take action for non-payment of income tax (if the property has been rented to someone else)
- take criminal action (if there is evidence of benefit fraud or if a false declaration has been made on a housing application. If the Prevention of Social Housing Fraud Bill is passed tenancy fraud will itself be a criminal offence)
- ban people who have been committed for tenancy fraud from applying for Council accommodation for up to 5 years

We use a number of initiatives to tackle tenancy fraud:

### **Confidential hotline**

If anyone has any information about tenancy fraud we have a confidential hotline, email and postal address where people can contact us. We investigate all reports and take action where appropriate.

### **Credit reference checks**

We have carried out a data matching exercise with credit referencing information to show if council tenants are linked to other addresses e.g. they have a council tenancy and a mortgage, or credit cards or loans at another property. Where there is a match further investigations will be made.

### **Rigorous tenancy process**

We carry out thorough checks at registration and allocation and carry out tenancy visits to help ensure tenancy details are correct.

**Joint working**

We work closely with the Revenues & Benefits Investigations Team and will notify them of any cases where there is possible housing / council tax benefit fraud.

**Reviewing the Tenancy**

This Policy will be reviewed at least every 5 years and sooner if there are amendments to legislation or regulations which affect this document.