

## 1.0 Background

The Localism Act 2011 requires local housing authorities in England to prepare and publish a Tenancy Strategy setting out the matters to which Registered Providers in its district (including the council and housing associations) must have regard to in formulating their tenancy policies.

The Tenancy Strategy was approved by the council's Executive Board on 19 December 2012, and in 2015 it was extended to September 2018 pending further guidance from government on the introduction of mandatory fixed term tenancies as proposed by the Housing and Planning Act 2016. In 2018 the government stated it had no plans to proceed with fixed term tenancies, and the strategy was refreshed in February 2024.

The Tenancy Strategy will be reviewed periodically in response to legislative changes and guidance.

## 2.0 Relationship between schemes and strategies

This strategy sits below the Council's Housing Strategy and works in conjunction with the Council's Homelessness and Rough Sleeping Strategy, Tenancy Policy and Lettings Policy.

## 3.0 Scope of Tenancy Strategy

This is Leeds City Council's Tenancy Strategy, which Registered Providers must have regard to when formulating their tenancy policies.

The Localism Act states the Tenancy Strategy must cover:

- The types of tenancies they should grant, including the use of flexible tenancies
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant tenancies for set terms, the length that those terms will be and
- The circumstances in which they will grant a further tenancy on the ending of the existing tenancy

## **4.0 Developing a Tenancy Policy**

When developing their Tenancy Policies, the council expects Registered Providers to consult with the council to ensure that their policies reflect the expectations set out in this strategy, and with other key stakeholders.

An equality impact assessment should be published alongside the Registered Provider's Tenancy Policy. Registered Providers should publish their policies on their website and make copies available free of charge to anyone who requests a copy.

## **5.0 Types of tenancies**

### **5.1 General requirements**

Registered Providers are required to offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

In their tenancy policy, Registered Providers must set out:

- the type of tenancies they will grant
- the length of those terms, which should only be granted for less than five years in exceptional circumstances
- the circumstances in which they will grant tenancies of a particular type
- any exceptional circumstances in which they will grant fixed term tenancies in general needs housing for a term of less than five years following any probationary period. In such cases the minimum period should not be for less than two years.
- the circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property
- the way in which a tenant or prospective tenant may appeal against the length of fixed term tenancy offered, the type of tenancy offered, or against a decision not to grant another tenancy on the expiry of the fixed term
- their policy on taking into account the needs of households with children, and those who are vulnerable due to age, disability, illness, which should include the provision of tenancies which offer these customers a reasonable degree of stability; and
- the advice and assistance they will give to tenants on finding alternative accommodation if they decide not to grant another tenancy.

## **5.2 Presumption of security**

The council expects that normally Registered Providers will offer the most secure form of tenancy in general needs accommodation, namely Starter tenancies and Assured tenancies.

The council expects that current social tenants will normally retain their existing terms, and if they move to another social rented property, they will be offered a tenancy with no less security than they currently have, and on same social rent terms.

## **5.3 Flexible tenancies**

The council understands the rationale for Registered Providers using flexible tenancies to achieve certain outcomes, such as:

- when rehousing tenants with a poor tenancy record in terms of severe antisocial behaviour or rent arrears.
- to reduce under occupancy which arises as family members grow up and leave home – our expectation would be the tenancy period would as a minimum reflect the date the youngest child reached the age of 16

However, the council does not support the use of flexible term tenancies:

- to require a tenant whose household income has increased during the tenancy term to move
- for customers rehoused in sheltered or extra care accommodation, or older customers
- for disabled tenants including those living in an adapted property as well as disabled tenants who do not require major adaptations
- for vulnerable customers, for example, people in receipt of Social Care services who are assessed as being in critical and substantial need, as well as care leavers, households with looked after children, people with mental health issues or where there are safeguarding concerns

This list is not exhaustive.

Where flexible tenancies are used, Registered Providers should provide clear information about the terms of the tenancy and procedure on expiry to the prospective tenant.

## **5.4 Procedure on expiry of flexible tenancies**

On the expiry of the initial fixed term, the council expects Registered Providers to review the tenant's circumstances, taking into account the original reasons for granting the flexible tenancy, and make a decision to either:

- Renew the flexible tenancy for another fixed term
- Offer a secure / assured tenancy

- Assist the tenant to find alternative accommodation

The decision whether to renew should take account of the availability of an alternative suitable property to meet the household's current assessed need. The Registered Provider should begin the review process at least 6 months before the flexible tenancy is due to expire. It may be appropriate in some cases to begin the review process before this time.

Registered Providers must demonstrate in their tenancy policies that they will provide appropriate advice and assistance to tenants with alternative housing options if they decide not to grant another tenancy.

Registered Providers who decide to use flexible tenancies should assess the current circumstances of the household and the availability of suitable alternative accommodation.

This should include, but not be limited to:

- household composition
- current housing need
- tenancy conduct during initial flexible period
- whether best use of stock is being achieved eg overcrowding / under occupation
- health and disability issues, including mental health issues
- whether any adaptations have been made to the property during the initial tenancy term
- vulnerability of any household member
- current income, job security, work location
- formal and informal support networks including family connections
- schooling

Whether a flexible tenancy is offered may also depend on the type of property being let, eg sheltered, extra care, general needs accommodation etc.

Registered Providers should consider each case individually, and where relevant, liaise with colleagues in Adult Social Care, Health and other agencies.

The Registered Provider must write to the tenant giving the reasons for their decision and explaining how the tenant may appeal against or complain about the length of fixed term tenancy offered, the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.

The council expects the Registered Provider to have an independent appeal process which should include detail of:

- Who manages appeals process (this should be a senior officer not involved in the original decision)
- The form an appeal must be made in (for example, whether it must be made in writing)

- The timescales for allowing and responding to an appeal
- The procedures to be followed to ensure compliance with Human Rights Act Article 8
- What further remedies are available to the customer, including the Housing Ombudsman
- How the Registered Provider will monitor the outcomes of appeals

## **6.0 Council tenancies**

The council proposes to maintain the use of introductory and secure tenancies in its own stock and would only introduce flexible tenancies following further consultation with key stakeholders and appropriate approval.

LCC currently rents most of its tenancies at a social rent level and currently only applies affordable rent for new build properties which are more energy efficient, and therefore give households additional savings on their household running costs.

## **7.0 Links to other strategies**

Housing Strategy 2022 - 27

Homelessness and Rough Sleeping Strategy 2023 - 2028

Tenancy Policy 2014

Lettings Policy 2019