

Appendix 2 Summary of responses to the consultation on the Draft Tenancy Strategy for Leeds, November 2012

This document summarises the responses received to the consultation on the Draft Tenancy Strategy for Leeds. Consultation took place from July to September.

A copy of the draft strategy was sent to every Registered Provider with stock in Leeds asking them to comment. Formal written responses were received from 9 Registered Providers and 2 ALMOs. Another RSL send a copy of their general position statement.

Two tenant workshops were held, one hosted by Leeds Tenants Federation Board meeting attended by 42 residents and tenants, another hosted by West North West attended by 20 residents and tenants.

An online survey ran on the council's Talking Point website, but had a low response. Only 62 respondents took part in the survey, with a high drop out rate as the survey progressed and only 23 responses to the final questions.

Council officers attended meetings with ALMOs and the BITMO, Area Panels, Leeds Tenants Federation, Leeds Housing Forum and Leeds Homelessness Forum.

The draft strategy was the subject of Scrutiny Board (Regeneration) Working Group.

The questions asked in the draft strategy are shown below with responses, and selected comments from the Talking Point survey. Feedback obtained from meetings is captured alongside the relevant issue.

1. Does the draft Tenancy Strategy adequately cover the issues that Registered Providers should have regard to when developing their tenancy policies?

The majority of Registered Providers who responded (10 out of 11) said the Tenancy Strategy covered the issues Registered Providers should consider in their tenancy policies, with one saying it should include reference to Extra Care housing.

The majority of respondents to the Talking Point survey also agreed (40 out of 62).

2. If not, what other issues should be covered?

Other issues raised included:

- Providing information about resource requirements and value for money in relation to reducing the number of customers on the housing waiting list – this analysis will be undertaken as part of the lettings policy review, specifically in relation to developing a Qualification Criteria, which will be subject to separate consultation
- Information about the impact on housing of Welfare Reform – this is referred to in the Tenancy Strategy, and is subject a separate council Welfare Reform Strategy
- Rehousing for military personnel – this will be covered in the lettings policy review which will be amended to reflect statutory guidance. Leeds has also signed the

Armed Forces Covenant and is working with partners across the city to improve access to services for Armed Forces personnel.

- Local lettings policies based on age, particularly in multi storey flats – this will be the subject of a separate review of local lettings policies in council accommodation
- Nominations agreements between the council and Registered Providers to cover Affordable Rent and Fixed Term Tenancies – this will be considered in the review of the nomination agreements between the council and Registered Providers
- Reference to Extra Care housing – this has been included at relevant points in the final version of the Tenancy Strategy
- Reference to the ability of social landlords to extend starter and probationary tenancies and Introductory Tenancies – this has been included in the section on preventing unnecessary evictions
- Consideration of mental health issues especially in relation to discharging the duty to homeless customers by rehousing in private sector – reference to mental health issues has been included in this section
- Scrutiny Board raised their concerns about the way consultation had been undertaken with tenants, in view of the low response rates to the online Talking Point survey. This is addressed in the main report.

3. Should the council and housing associations continue to offer lifetime tenancies?

Registered Providers gave mixed responses. Some felt this should depend on the client group and on the type of housing being offered. Others said they might use flexible tenancies in specific cases where there was previous antisocial behaviour. Others, including a specialist provider for disabled people, had no plans to use flexible tenancies.

Scrutiny Board Working Group strongly supported the council's default position that new tenants would normally be offered the most secure form of tenancy. If flexible tenancies were used for new social tenants, they should include adequate safeguards to deal with tenants who misbehave and cause nuisance to others.

Members were concerned that the shorter the tenancy the less likely tenants would be to look after their homes resulting in a decline in the quality of the housing stock.

This concern was echoed in other feedback, as flexible tenancies were felt to act as a disincentive for the tenant to invest in their property and neighbourhood. Secure tenancies were felt to encourage tenants to take pride in their home and encourage stable communities.

Some respondents said flexible tenancies would remove the incentive to seek better paid work if tenants had to move because financial situation has improved

Another concern was that using flexible tenancies could result in an increase in the number of right to buy applications.

Respondents felt flexible tenancies could be positive if the tenant had a period of time to prove themselves before being offered a longer term.

Respondents queried how properties would be selected to be let on a flexible tenancy, and felt a flexible tenancy should not be mixed amongst existing long term residents which could lead to inconsistencies in a neighbourhood.

The level of resources required to manage these new tenancy types was raised, both by tenant groups and landlords, with a suggestion they would be better used maintaining the decency standard and other front line services to tenants.

The majority of respondents to the Talking Point survey agreed with the continued use of current tenancies, Yes – 18, No – 12.

Comments of respondents who agreed with the use of flexible tenancies included:

- if used, flexible tenancies should be applied consistently
- using a flexible tenancy may make it easier to evict anti-social tenants
- flexible tenancies should be used for people who abandon tenancies with rent arrears
- flexible tenancies should be used for people living in a home which is too big for them when household members move out

Comments of respondents who did not agree with the use of flexible tenancies included:

- there would be no incentive to look after the property if the tenant didn't feel it was their home
- tenants whose children have grown up and left home shouldn't be pressured to move

4. Do you agree that the specific customer groups listed should not normally be offered flexible tenancies?

Registered Providers were broadly in favour of exempting the groups listed in the consultation document which were:

- customers rehoused in sheltered or extra care accommodation, or older customers
- disabled tenants including those living in an adapted property as well as disabled tenants who do not require major adaptations
- 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

In addition, the council does not expect a tenant whose household income has increased during the tenancy term to be required to move at the end of the initial period.

The majority of respondents to the Talking point survey agreed with these exemptions (19 out of 30).

Comments of respondents who agreed with the exemption for these groups included:

- all tenancies should be secure
- stability is important to those with vulnerable needs or children needing stability and local schooling.

- all groups should feel settled in their home

Comments of respondents who did not agree with the exemption for these groups included:

- it would be more equitable to make all tenancies the same.
- any person who has committed crime / Anti-Social behaviour should be on a fixed term of two years, followed by a review.

5. Does the Tenancy Strategy include the necessary safeguards for the use of flexible (fixed term) tenancies? If not, what other issues should be taken into account when deciding whether or not to renew a flexible (fixed term) tenancy?

All Registered Providers who responded agreed the necessary safeguards had been included, as did the majority of respondents to the Talking Point survey (17 out of 29).

There were no comments from respondents who agreed the relevant safeguards had been included.

Comments of respondents who did not agree the strategy included the necessary safeguards included:

- difficulties for households with children whose bedroom requirements change when they reach the age thresholds
- disagreed with flexible tenancies in principle
- the only factor that should be taken into account is whether the tenant has abided by the terms of the tenancy

6. (Registered Providers only) Do you intend to implement flexible (fixed term) tenancies?

Some Registered Providers intended to implement flexible tenancies, while others had no immediate plans but may do in the future.

7. Should the council encourage housing associations to provide Affordable Rent as an option for those unable to afford market housing?

Respondents generally welcomed the introduction of Affordable Rent but included concern about the affordability for tenants, and the potential impact of Welfare Reform, for example, if a tenant was affected by the Housing Benefit under occupation measure.

There was also concern about how properties would be selected for conversion to Affordable Rent, and that the 'best' housing would have higher rents.

The majority of respondents to the Talking Point survey agreed with the use of Affordable Rent for those unable to afford market housing - Yes – 20, No – 5.

Comments from respondents who agreed included:

- Affordable Rent may encourage more people to apply to housing associations and reduce the council waiting list
- Affordable Rent should be for people on low wages

Comments from respondents who disagreed included:

- fears that Affordable Rent would not be affordable to households on low incomes

8. (Registered Providers only) Do you intend to implement Affordable Rent? If so, in what circumstances?

The majority of Registered Providers intended to provide Affordable Rent, and some have already entered into development contracts with the Homes and Community Agency to build new homes with affordable rents.

Respondents to the Talking point survey said Affordable Rent should be for the following groups:

- pensioners
- people on very low incomes or benefits
- everyone
- people in urgent housing need
- people whose income mean they cannot afford to rent/buy a property due to limited income
- working tenants

9. How should financial viability for the tenant be assessed?

A number of Registered Providers expressed their intention to set Affordable Rents below the Local Housing Allowance (LHA) rates. Registered Providers proposed checking how affordable the property would be for prospective tenant through:

- income and expenditure checks
- help with budgeting / additional income
- checking any support needs
- benefit checks
- checks on assets

10. Should the council operate an open housing register, without restrictions? / 11. Which groups should not be considered to be qualifying people who can register an application?

Broadly there was support for retaining an open register, with the following exceptions.

- owner occupiers in no need
- customers who are not in housing need who are unlikely to be successful - although others felt this was just a way of 'manipulating' the numbers on the waiting list which would disguise the need for social housing
- people guilty of antisocial behaviour and with serious rent arrears

Scrutiny Board Working Group referred to a number of examples of individuals with highly paid jobs with Council tenancies which were considered to be morally wrong. Some members supported the view that rents should be tied to income but it was acknowledged that the current legislation does not allow this.

The Qualification Criteria will be subject to separate consultation as part of the lettings policy review.

12. Should the council use the new power to discharge its duty to homeless households in the private rented sector, provided the accommodation is suitable and available for a minimum of one year?

There was broad support from Registered Providers, subject to the accommodation provided being of suitable quality.

Feedback from meetings and tenant events included concern that homeless households who lost the private rented accommodation through no fault of their own would face being moved from one home to another rather than being offered a secure tenancy, and that this option should not be used for vulnerable groups.

Scrutiny Board Working Group supported the principle of being able to discharge the main homelessness duty with an offer of suitable accommodation from a private landlord without requiring the applicants agreement, provided the tenancy is for a minimum fixed term of 12 months.

Responses on the Talking Point survey were in support of using the private sector (17 out of 21) subject to the appropriate safeguards being in place.

Comments from respondents who agreed included:

- it would be best to secure a private letting for more than a year, which is insufficient for a family with children at school.
- the property should be of a good standard
- could be used for someone who has made themselves intentionally homeless
- it would help stop the amount of people who may not be genuinely 'homeless' trying to short-cut the system.

Comments from respondents who disagreed included:

- concern about the standard and cost of private rented housing
- rents are too high and families with children need a permanent home
- safeguards are needed for vulnerable people.

13. (Registered Providers only) When do you intend to publish your Tenancy Policy?

Registered Providers intended to publish their Tenancy Policy by March 2013, once the council has finalised its Tenancy Strategy.

14. (Registered Providers only) How will you assist the local authority achieve its strategic objectives?

Registered Providers listed a number of ways they assist, including:

- joint local lettings plans
- participation in the Leeds Tenancy Fraud Forum
- meeting their nomination targets to rehoused customers from the Leeds Homes Register
- advertising a range of affordable housing through the Choice Based Lettings scheme
- joint working with the council

15. (Registered Providers only) How do you promote mobility for your tenants?

Most Registered Providers participate in the Leeds wide mutual exchange scheme and offer support to tenants who wish to move or exchange their tenancies, including under occupying tenants.

16. (Registered Providers only) What procedures do you have in place to tackle housing fraud?

Registered Providers undertake:

- resident profiling
- participation in the Leeds Tenancy Fraud Forum
- individual case investigations
- tenancy audits

17. (Registered Providers only) What is your policy on offering choice to current and prospective tenants?

Registered Providers offer choice to tenants, including using the Choice Based Lettings scheme and through transfers and mutual exchanges.

18. What support should be offered to overcrowded and under occupying tenant in general, and specifically to tenants affected by Welfare Reform?

Registered Providers were visiting affected tenants to discuss their options, to support in their current tenancy or assist with a move.

Options suggested by respondents to the Talking Point survey included:

- offering private rented accommodation and help with a bond
- mutual exchange
- build more affordable homes
- offer a financial incentive to move into smaller property.
- tackle empty properties
- help move to the local area for schools and work

19. What procedures should be in place to sustain tenancies and ensure possession action is only taken as a last resort?

Registered Providers used eviction as a last resort, and offered the following support to tenants:

- budgeting, finance and benefits advice
- supporting and signposting to support
- early intervention
- proactive approach before sign up

Respondents to the Talking point survey suggested the following:

- offering independent support to tenants threatened by possession action
- training for officers working with vulnerable tenants.
- ensuring support continues longer term
- welfare advisors to make sure tenants are aware of their rights and social benefits.
- offering easy payment plans for tenants with arrears, debt management, counselling services, help back to work, benefits advice
- considering the needs of children
- only evicting for antisocial behaviour
- a duty of care to households with dependant children, disabled, elderly, vulnerable tenants.

20. What is your policy on granting additional succession rights?

Registered Providers gave mixed responses, with some giving succession rights to wider family members than others.

Concern was raised at meetings about adult children having to move, although it was recognised that some people may want to make fresh start elsewhere.

At the Scrutiny Board Working Group, Members expressed concerns about individuals looking after elderly relatives (and other groups) and the need for suitable safeguards and exemptions.

There was also concern expressed at the tenant events about the change in the law to limit succession rights.

This was supported by the responses to the Talking Point survey, which asked which customer groups should be granted additional succession rights. The responses included wider family members including children, parents and siblings.

Respondents also indicated that the existing system should be retained, and full time carers and guardians who had lived permanently with the tenant should be offered a fixed term tenancy.

Some respondents thought succession rights should be limited to partners not to children, to enable houses to be offered to families in need.

**21. How do you manage the rehousing of potentially dangerous offenders?
(Registered Providers only)**

Registered Providers adopted a multi agency approach and worked with public protection to ensure where appropriate, suitable accommodation would be offered to minimise risk.

22. Do you have any other comments about the draft Tenancy Strategy?

Feedback from meetings included concern that it could be confusing for tenants if neighbouring authorities operate different tenancy policies.

Other feedback concerned the support in place for under occupying tenants affected by the forthcoming changes to housing benefit rules.

Feedback from tenant events focussed heavily on the problems arising from antisocial behaviour, and how this can be tackled. Tenants valued the 'personal touch' from housing management staff, such as through visits to support tenants affected by Welfare Reform, but wanted this to be extended further eg with regular tenancy visits undertaken sensitively.

Other respondents indicated there should be more support for working families, and better feedback on how properties are let.