



Council

12th December 2013

Report of the Cabinet Member for Health, Housing and Adult Social Care

Response to Petition to Protect Council House Tenants from Eviction

Purpose of the Report

1. The purpose of this report is to inform members that on the 27th November 2013 the council received a petition with over 1,000 signatures on the subject of the spare room subsidy and reduction in council tax discount. The report summarises the petition and provides a factual response.

Petition

2. The petition 'Calls on City of York Council not to evict any tenants who cannot pay as a result of the bedroom tax or reduction in council tax discount'. It goes on to request that the council:
 - a) Make a commitment not to evict any tenant who falls into arrears as a result of the bedroom tax or reduction in council tax discount;
 - b) Look at reclassifying council owned properties as smaller homes, to ensure rooms not used as bedrooms are not classified as such and to encourage housing associations in York area to do the same. For example, an extra room used to store equipment related to a disability should not be classed as a bedroom, or a bedroom that is smaller than the government's minimum space standards.

Response

3. City of York Council has on a number of occasions clearly set out its approach to supporting those tenants who are affected by the spare room subsidy / benefit cap. For clarity this is set out below:

- Any tenant falling into rent arrears (no tenant would be evicted for council tax arrears) because of financial hardship will be offered help and support to enable them to remain in their home and pay the rent or move voluntarily if they wish to do so.
 - Eviction has been, and will remain a last resort. For clarity the City of York Council can only apply to the County Court for an eviction. A Judge will decide on the individual merits of the case whether it is reasonable to evict or not and a tenant has the opportunity to arrange representation at any court hearing.
4. To date no tenant affected by the spare room subsidy / benefit cap has been evicted and no court orders have been granted against customers for non payment of rent arrears either wholly or partially attributable to the spare room subsidy/ benefit cap.
5. To mitigate against the impact of the spare room subsidy and other welfare reforms the council:
- Is part of the North Yorkshire Home Choice scheme which allows customers to bid for available appropriately sized homes across most of North Yorkshire.
 - Has introduced a discretionary element to the direct exchange policy, allowing anyone suffering financial or social hardship the chance to move using this route where previously they would often be denied. There has been a big increase in the number of tenants using this method to move home over the last year.
 - Each tenant affected by the spare room subsidy is offered a package of advice and options to help them deal with the effects of the spare room subsidy and other welfare reform changes.
 - Where specialist (debt, training & employment, health, legal etc) help is needed tenants are referred to other appropriate agencies our organisations work together with the tenant.
 - Customers are actively encouraged to apply for Discretionary Housing payments and helped to apply where needed. Many of our tenants have done this successfully which allows breathing space to work on longer term solutions.
 - City of York Council have received extra money this financial year to directly help customers affected by the spare room subsidy and the shortfalls due to the local housing allowance across the city.
 - A pot of money is also available to help with the costs associated with moving where tenants are moving to smaller homes.

6. With regard to the issue of re-designating rooms the council will consider re-designating any room originally intended as a bedroom that is below 50 square feet. Five properties have so far had bedrooms re-designated and the rents altered accordingly. Housing and the Benefits department work together to ensure that where customers need the use of other rooms for reasons of health or disability this is considered within the existing Housing Benefit rules and exemptions are applied. Tenants will also be advised to apply for Discretionary Housing Payments and help provided to do this. The case-law in this area is developing over time and we will continue to review our position in light of this should it be needed.
7. There is clear guidance that the council cannot re designate homes merely because a tenant does not require the additional room.
8. City of York Council facilitates a partners group of senior officers representing organisations that have housing stock in the York area. It also facilitates a Welfare Reform forum which is attended by housing organisations, CAB and other relevant organisations. Approaches to helping tenants with the welfare reforms, information on current impacts and legislation as well as housing issues generally are discussed and a common approach is encouraged. That common approach is currently about making best use of the existing stock, supporting customers to maximise their income, cover their costs and opening up opportunities for them to thrive within healthy and active communities.

Options

9. This is primarily an information report, requiring no decision from Council.

Corporate Priorities

10. The detail outlined above accords with the priorities established in the Council Plan. Providing support and advice to those effected by the welfare reforms is contributing to the Council Plan priority to protect vulnerable people, enabling individuals to remain in their homes and communities also ensures stability and enables individuals to continue to play an active role in their communities.

Implications

11. There are no direct implications arising from this report.

Risk Management

12. In compliance with the Council's risk management strategy, there are no significant risks

Recommendations

13. This report is to inform members of the petition with over 1000 signatures on the subject of spare room subsidy and council tax discount and no recommendation is required.

Contact Details

Authors:

Tom Brittain
Head of Housing Services
Tel: 01904 551262

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director for Housing and
Community Safety

Cabinet Member Responsible for the Report:

Cllr Tracy Simpson-Laing
Cabinet Member for Health, Housing
and Adult Social Care

Report
Approved



Date 4th Nov 2013

Specialist Implications Officer(s)

N/A

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None