

## **Report on the Housing & Planning Bill & Changes to Lifetime Tenancies**

### **Summary**

1. This report provides an update on the Council's Tenancy Strategy and asks members to consider whether this Committee should participate in its future review.

### **Background**

2. As part of the Localism Act 2011, freedoms and flexibilities were introduced that allowed for councils and housing associations to move away from the traditional 'lifetime tenancy' and introduce fixed term tenancies. There was also the responsibility on Local Authorities to consult on and develop a Tenancy Strategy for the city which set out how it felt the freedoms and flexibilities linked to the changes around lifetime tenancies should be used within its local area.

### **Consultation**

3. In the summer of 2012 the council consulted a wide range of people and organisations on what they thought this tenancy strategy should contain. Consultees included:
  - Members of the general public
  - Private Registered Providers (Housing associations)
  - Local councillors
  - Charities and non-statutory agencies involved in the provision of housing or housing related support
  - Resident and tenants' groups
  - Households currently awaiting accommodation from the housing register
  - Private sector landlords

## The Tenancy Strategy

4. In January 2013 the then Cabinet<sup>1</sup> considered and approved the council's current tenancy strategy. The strategy sets out the principals for the management of social and affordable rented homes. It also gives guidance to social housing providers in York as to how the local authority thought they might best use this important resource to meet housing needs in the City. The tenancy strategy covers five specific topic areas
  - Tenancies
  - The affordable housing register and the allocation of homes
  - Homelessness and use of the private rented sector
  - Enabling greater mobility within the social rented sector
  - Affordable rents
5. The focus of this report is on the first topic area 'Tenancies' and the changes that the Housing & Planning Bill is introducing.
6. The Localism Act 2011 introduced the voluntary option for local authorities and housing association to introduce fixed term tenancies. At the time the council adopted a cautious approach to fixed term tenancies stating that we felt they should only be used in limited circumstances and clearly states where it would be inappropriate.
7. The strategy states that:
  - Any fixed term tenancy should be for a minimum of five years.
  - The authority would also expect that where fixed term tenancies are used there is a presumption that they will be reissued unless the household falls outside clearly defined and published criteria.
  - The council does not see a role for fixed term tenancies to address rent arrears or anti social behaviour.
  - Where Registered Providers chose to use fixed term tenancies, we would not wish to see them used for vulnerable households where the intention is to provide a secure long term home or for households who's situation is unlikely to change, such as those containing someone over 60 years of age.
  - Providers using fixed term tenancies must clearly set out in their respective Tenancy Policy the procedure for appeal and/or complaint against a tenancy review decision.

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<sup>1</sup> <http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=6880&Ver=4>

- Households refused a re-issue of the tenancy must be provided with reasonable advice and assistance in finding alternative accommodation so they are able to make informed and suitable choices in relation to their housing options.

8. The council itself chose not to introduce any fixed term tenancies.
9. The Housing & Planning Bill currently working its way through parliament is proposing changes to the law which would remove the right to a 'lifetime tenancy' and make it compulsory for all new tenants to be signed up on 'fixed term' tenancies. The statement linked to the amendment says:

*“A secure tenant can currently live in a property for life. This amendment phases out lifetime tenancies. In future secure tenancies will generally have to be for a fixed term of 2 to 5 years and will not automatically be renewed. Towards the end of the term, the landlord will have to do a review to decide whether to grant a new tenancy or recover possession.”*

### **Impact on Existing Tenants**

10. The Housing & Planning Bill is still working its way through parliament and as such the final detail has not yet been set. When the Bill was debated at 'report stage' in January, the Housing Minister, Brandon Lewis confirmed that there would be some level of protection for existing tenants, saying that:

*“Tenants who are asked to move by their council will be able to take their security of tenure with them. Tenants who apply to their council landlord for a transfer will also be able to have a new secure tenancy when they move in some cases.”*

11. *However, the* circumstances in which councils can allow tenants who choose to move home to take their security of tenure with them is not yet available, and will be outlined in future regulations by the Department for Communities and Local Government.

### **Conclusion**

12. In the coming months the council will need to review the Tenancy Strategy for the city as a whole in light of the changes in the Housing Bill. We will also need to consider the council's individual approach to the

implementation of fixed term tenancies should the Bill progress and receive Royal Assent.

### **Options**

13. The Committee may choose to participate in a future review of the Council's Tenancy strategy or consider and comment on the draft revised strategy prepared by officers ahead of its future consideration by the Executive.

### **Council Plan 2015-19**

14. A review of the Council's Tenancy Strategy would support the Council's priorities to focus on frontline services and listen to residents.

### **Implications & Risk Management**

15. There are no implications or risks associated with the recommendation in this report. If the Committee were to decide to participate in the review of the council's Tenancy Strategy, all associated implications and risks would be identified in the review final report.

### **Recommendations**

16. Members are asked to:
  - i. Consider whether to participate in the review of the Council's Tenancy Strategy
  - iii. If participation is agreed, programme the work into the committee's workplan.

Reason: To proceed with the work of scrutiny in line with scrutiny procedures and protocols

### **Contact Details**

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**Chief Officer Responsible for the report:**

**Report Approved**



**Date** 15 March 2016

**Specialist Implications Officer(s)** N/A

**Wards Affected:**

**All**



For further information please contact the author of the report

**Background Papers:** N/A

**Annexes** - None

**Abbreviations:**

NYHC - North Yorkshire Homes Choice