

**Sevenoaks District Council****Tenancy Statement (2020)****Draft v3 (12/05/20)****Contents**

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Note: This guidance specifically applies to Registered Providers (those housing associations registered with and governed by Homes England). Although non-registered social housing providers are not required to have regard to this guidance, it is still considered good practice to do so and would help to standardise approaches to social housing tenancies across the Sevenoaks District.

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## Introduction

Having transferred its affordable housing to West Kent Housing Association back in 1989, the District Council is a Large Scale Voluntary Transfer (LSVT) authority and acts as an enabler of affordable housing as part of its role as strategic housing authority. As at 01/05/20, there were 8,078 affordable homes in the District, all of which are owned and managed by a number of partner housing associations and with West Kent Housing Association being the majority stock holder. Of those properties, around 91% are for social or affordable rent and with the remainder as intermediate housing.

The Localism Act 2011 requires that local authorities develop a tenancy strategy to guide Registered Providers (RPs) of social housing in their area in developing tenancy policies for their own stock and it requires RPs to have regard to those tenancy strategies.<sup>1</sup>

The Localism Act 2011 requires local authorities to provide information that RPs must have regard to in relation to:

- The type of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- The duration of the term of tenancy; and
- The circumstances in which they will grant a further tenancy on the expiry of a fixed-term tenancy.

In response to the above legislation and related good practice, as well as priorities set out in the District Council's Housing Strategy 2017, this revised Tenancy Statement sets out the District Council's expectations with regard to social housing tenancies. Partner housing associations should have regard to this when issuing any in the District, whether through new-build, refurbishment and/or reconfiguration, or existing relets of social housing.

Adopted back in 2019, the District Council's latest Housing Allocations Policy sets out more detailed allocations criteria and priorities and this is actioned by relevant social housing providers signed up to the 'Kent HomeChoice' Choice-Based Lettings (CBL) system.<sup>2</sup> It should be noted, therefore, that this document specifically refers to RPs' own in-house tenancy policies and as additional guidance.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/part/7/chapter/2/crossheading/tenancy-strategies/enacted>

<sup>2</sup> [https://www.sevenoaks.gov.uk/downloads/file/1742/housing\\_register\\_allocation\\_policy](https://www.sevenoaks.gov.uk/downloads/file/1742/housing_register_allocation_policy)

## Types and length of tenancies

### Fixed-term

With a need to make best use of the limited social housing stock, the District Council supports and encourages the use of fixed-term tenancies on nominations made through the Sevenoaks District Housing Register.<sup>3</sup>

The District Council also supports the use of starter tenancies for a period of 1-year, which is considered a suitable trial period before a fixed-term tenancy is issued. This is considered to be a useful tool to help tackle any issues such as anti-social behaviour and/or rent arrears.

The District Council would expect fixed-term tenancies to be issued for a minimum period of 5-years to provide a reasonable period of stability for new tenants whilst also enabling housing associations to make best use of stock.

The District Council would support tenancies of less than 5-years in the following circumstances:

- Where the tenancy is offered in a property which is due to be decanted for site redevelopment, reconfiguration and/or neighbourhood regeneration purposes;
- Where a tenant has had previous tenancy issues and/or has a history of anti-social behaviour and/or rent arrears; or
- Any exceptional circumstances deemed appropriate by the housing association.

### Vulnerable households

The District Council supports the use of longer tenancies to vulnerable households, if deemed appropriate by the relevant provider. In such circumstances, a longer fixed-term tenancy would be supported or, again if deemed appropriate by the provider, a lifetime tenancy would be supported.

The District Council would support this approach in cases such as, but not limited to, the following:

- People with chronic physical and/or learning disabilities and/or mental health conditions where circumstances are unlikely to improve;
- People in sheltered accommodation or other accommodation designated for those aged 55 and over;

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<sup>3</sup> Housing Strategy 2017 (Priority 2.22, p30)

- Families with disabled children and where a longer tenancy would help to provide stability;
- People leaving care; and
- Ex-service personnel.

### Domestic abuse

The Secure Tenancies (Victims of Domestic Abuse) Act 2018 contains measures to ensure that lifetime tenants of social housing who are victims of domestic abuse are granted a further lifetime tenancy where, either:

- They need to leave or have left their home to escape domestic abuse and are being re-housed by a local authority; or
- Where they are a joint tenant and wish to remain a tenant of their social home after the perpetrator has left or been removed and the local authority decides to grant them a further sole tenancy in their current home.

The Act extends to those who have lost their lifetime tenancy after fleeing their home as well as to those with an existing tenancy applying to move and applies to all lifetime tenants of social housing whether the person being re-housed and offered a new tenancy has a tenancy agreement with a local authority or a housing association.

Where a tenant fleeing domestic abuse has a lifetime tenancy and applies for a new property, a tenancy with the same security of tenure must be offered if the housing association is satisfied that the person or member of the person's household is or has been the victim of domestic abuse carried out by another person and the housing association grants a new tenancy for reasons connected with that abuse.<sup>4</sup>

### Under-occupation

With limited social housing stock, a key priority of the District Council's Housing Strategy (2017) is to promote and enable down-sizing. In doing so, this not only helps to free-up housing for others in need, including overcrowded households, but also helps older and more vulnerable people to move to safer and more suitable accommodation. The District Council would support secure tenancy rights of existing housing association tenants so as not to discourage downsizing or movement within the housing association stock, therefore.<sup>5</sup>

### Adapted properties

Where properties have been adapted through measures such as Disabled-Facilities Grants (DFGs), the District Council would support relets aimed at tenants with

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<sup>4</sup> Housing Strategy 2017 (Priority 3, p46)

<sup>5</sup> Housing Strategy 2017 (Priority 2.9, p26)

disabilities where such measures already installed would suit. This would contribute to making best use of limited stock whilst also reducing the need for publicly-funded grant assistance via DFGs etc.

### Mutual exchanges

The Localism Act 2011 contains a specific right for a tenant with a lifetime tenancy (secure or assured) to take this form of tenancy with them on exchange. For example, the lifetime tenant would receive a lifetime tenancy and a tenant who was previously on a fixed-term tenancy would be offered a further fixed-term tenancy. This protection only applies to existing tenants granted secure/assured tenancies before 01/04/12.<sup>6</sup>

### **Review of fixed-term tenancies**

Generally, the District Council would expect tenancies to be renewed and fixed-term tenancies not at odds with strategy aimed at supporting sustainable communities. In determining whether to extend a fixed-term tenancy, the District Council would expect housing associations to take into account:

- Whether the household income has increased and could be assisted to purchase a suitable property on the open market or on a shared-ownership basis;
- Any tenancy breaches and or other issues or concern during the previous tenancy period;<sup>7</sup>
- Whether the household is under-occupying the property;
- Whether the household is making a positive contribution to the local community;
- Whether there are children in the household and being schooled locally etc;
- Whether there are family and support networks nearby;
- Any input from health/social care professionals; and/or
- Whether the tenant is occupying a property no longer suitable for their household needs that may be suitable for other households, e.g. if a tenant is living in an adapted home and no longer has a household member with a disability.<sup>8</sup>

### Non-renewal of fixed-term tenancies

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<sup>6</sup> Housing Strategy 2017 (Priority 2.11, p26)

<sup>7</sup> Housing Strategy 2017 (Priority 2.23, p30)

<sup>8</sup> Housing Strategy 2017 (Priority 3.13, p37)

Where a housing association does not intend to renew a tenancy, it should provide adequate time for the household to find alternative accommodation and offer housing options advice. Tenancy reviews should take place no later than 6-months prior to the end of the tenancy, allowing enough time for information to be collated and considered as well as allowing time for appeals. The District Council recommends earlier reviews in certain circumstances such as under-occupation and where a housing association is likely to need to source suitable alternative accommodation.

### Affordable Rent levels

As a general rule, the District Council would expect housing associations to let properties at up to 80% of market rents to generate increased revenue to support new housing development, but only up to the Local Housing Allowance (LHA) level within the relevant Broad Housing Market Area (BHMA). This is to ensure that welfare-reliant households could claim 100% Housing Benefit, should it be required, and without any shortfall arising. Where possible, the District Council would support the use of Social Rent tenancies to provide the most affordable housing options for households in need and to support the delivery of genuinely affordable homes.

The District Council would consider affordable rents at 80% of market rents and in excess of the relevant LHA if a particular situation required it, but this should be agreed between the District Council and relevant housing association beforehand.

LHA rates per week: High Weald (£)		LHA rates per week: NW Kent (£)	
Shared	100.11	Shared	88.85
1-bed	159.95	1-bed	155.34
2-bed	207.12	2-bed	195.62
3-bed	260.05	3-bed	241.64
4-bed	345.21	4-bed	299.18

LHA rates as at 01/05/20

### Pet policies

The District Council fully supports pet-friendly tenancy policies as it is recognised that pets can be an important element in supporting a person's health, welfare and happiness, as well as tackling social isolation and loneliness. This is particularly the case for older people and, for those downsizing, moving to suitable housing which also allows pets can be key to a decision to move. It is recognised, however, that certain housing schemes may be unable to accept pets for practical reasons.<sup>9</sup>

<sup>9</sup> Housing Strategy 2017 (Priority 3.44, p49)

## Community Land Trusts (CLTs)

Where housing associations enter into partnerships with CLTs, either as development partners and/or managing agents, the District Council would support direct nominations through the Sevenoaks District Housing Register and/or sustainable lettings plans that are broadly in line with housing need priority as set out in the Sevenoaks District Allocations Policy.<sup>10</sup>

## Quercus Housing

In 2018, the District Council set up its new affordable housing company, Quercus Housing, in order to deliver additional affordable housing for households in need. A key aim of this company is to support housing association development programmes on a small scale, with the majority of new development still expected to come via that route. Allocations made through this company will also be made in accordance with this document, therefore.

## Glossary

Affordable Rent	Housing owned by housing associations or other Providers approved by the District Council (e.g. Quercus Housing). Homes are let on an Assured Tenancy and are allocated to applicants from the Sevenoaks District Housing Register. Homes are expected to be provided at a rent which does not exceed the relevant Local Housing Allowance, inclusive of service charges, i.e. Genuinely Affordable Housing.
Allocations Policy	Sets out the rules for allocating social housing through the local housing register.
Community Land Trust (CLT)	Community land trusts are set up and run by local people to develop and manage homes as well as other assets.
Disabled-Facilities Grant (DFG)	A Disabled Facilities Grant is available from local authorities to pay for essential housing adaptations to help disabled people stay in their own homes.
Fixed-term tenancy	A fixed-term tenancy agreement lasts for a set period of time.
Genuinely affordable housing	Homes provided as social rent housing and most homes provided locally as affordable rent housing are considered to be 'genuinely affordable', as rents (including any service charge) are within Local Housing Allowance levels. This means those in receipt of housing benefit/Universal Credit can afford to live in their home, as their housing costs are covered in full. It also ensures those in low-paid work can afford the rent.

<sup>10</sup> Housing Strategy 2017 (Priority 1.35, p21)

Housing association	A non-profit organisation that rents houses and flats to people on low incomes and/or those with particular support needs - also referred to as Registered Provider.
Housing Strategy (2017)	Further details <a href="#">here</a>
Intermediate housing	Intermediate housing are homes for part-sale and rent provided at a cost above social rent, but below market levels.
Large-Scale Voluntary Transfer (LSVT)	Large Scale Voluntary Transfer involves the local authority transferring the ownership of its social housing to a housing association.
Lifetime tenancy	A lifetime tenancy means that a person has the right to live in their property indefinitely.
Localism Act 2011	Further details <a href="#">here</a>
Local Housing Allowance	The allowance (housing benefit/Universal Credit) paid to claimants, set by the Valuation Office Agency, which takes into account the size and make up of a claimant's household and the location of the home.
Mutual exchange	The ability of two or more tenants in social housing to move by swapping their homes.
Over-crowding	Statutory overcrowding is when there are too many people living in a home.
Sevenoaks District Housing Register	The District Council's housing register that allocates social housing.
Social Rent	Social rents are pegged to local incomes to keep rents more affordable and are controlled by Central Government.
Sustainable lettings policy	A scheme-specific lettings policy that adds additional allocations priorities and rules to create a sustainable mix of households.
The Secure Tenancies (Victims of Domestic Abuse) Act 2018	Further details <a href="#">here</a>
Under-occupation	A household assessed as having more bedrooms in their home than is necessary, e.g. a single person household occupying a 3-bed property.