

Improving Places Select Commission 11 January 2017

Mandatory Fixed Term Tenancies

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Fixed term tenancies

Localism Act 2011

- Landlord's discretion
- 2 years in exceptional circumstances
- 5 years the 'norm'
- No upper limit

Housing & Planning Act 2016

- Compulsory for LAs
- Discretionary for HAs
- 2 – 5 years, unless:
 - Tenants forced to move
 - Someone with disability or long term illness
 - Families with children under 9

Benefits

For landlords:

- Make better use of social housing stock
- More flexibility with properties
- Support housing management

For tenants:

- Greater independence
- Support tenants to achieve aspirations
- Minimise under-occupancy/fuel poverty
- Receive increased support

Affects for existing tenants

Existing tenants who move through choice are likely to be issued a fixed term tenancy:

- Mutual exchanges
- Non-statutory successions
- Transfers

Existing tenants are likely to keep their periodic tenancies if they are:

- fleeing domestic abuse
- forced to move through regeneration
- full time carers
- severely disabled or have mobility/care needs

Concerns raised throughout the consultation programme

Residents, Elected Members and Officers all expressed concerns around the blanket issuing of fixed term tenancies undermining the long term sustainability of communities

The Council's approach

The Council aims to balance the need to support settled, sustainable communities with the need to make best use of its stock and house residents in the greatest housing need by:

- Issuing tenancies for the maximum 'usual' term of 5 years
- Ensuring tenants are aware of how their behaviour could impact on the renewal of the tenancy on sign-up

All tenancies will be reviewed and the Council will seek to offer a further 5 year tenancy in the same property for the vast majority of tenants.

Tenancies will not be renewed where ...

The Council will allow fixed term tenancies to come to an end where there have been serious breaches of the tenancy agreement leading to a Notice Seeking Possession (NSP) being active at the point of review:

- NSPs are usually served for rent arrears or ASB
- Notices are active for a period of 12 months
- Currently 1149 (5.7%) RMBC tenants with an active Notice Seeking Possession

A tenancy for a different property will be issued where ...

A further 5 year fixed term tenancy for another, more suitable property will be offered where:

- The property is adapted, the adaptations are no longer needed but are likely to be helpful to another family
- The household is overcrowded
- The household is under-occupying a 4+ bedroomed house

Discussion and feedback

1. Is issuing fixed term tenancies for the highest (normal) 5 year term the right approach for RMBC?
2. Is the proposed approach to renewals right?
 - a) Allowing tenancies to expire where there is an active Notice Seeking Possession
 - b) Offering alternative properties where tenants are significantly under occupying, are over crowded or no longer need an adapted property
 - c) Issuing a further 5 year tenancy if a) and b) do not apply

Fixed term tenancies in Rotherham

RMBC opted to introduce fixed term tenancies in 2013 to tackle under-occupancy and fuel poverty, and make better use of its larger (4+ bedroomed) homes

	2013	2015
No of properties with just one occupant (262 properties)	117	82
% of 4+ homes under-occupied	45%	38%
No/% of FTTs issued		34 10%