

ROTHERHAM METROPOLITAN  
BOROUGH COUNCIL'S  
STRATEGIC TENANCY POLICY,  
2021 - 2026~~13 - 2018~~

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## 1 INTRODUCTION

Rotherham Metropolitan Borough Council (RMBC) is committed to improving access to suitable accommodation. The Council~~We triesy~~ to make the best use of our-its existing housing stock and ensure that our most vulnerable tenants live in suitable accommodation. This~~Our~~ Strategic Tenancy Policy sets out how the Council ~~we~~ will continue to achieve these outcomes.

There are significant changes taking place in social housing policy and this document underpins the basis for the changes which the Council ~~we~~ will implement our own and gives guidance to our registered provider partners who are active in the borough.

This Tenancy Strategy has been drawn up in consultation with our registered provider partners, stakeholder organisations, elected members, tenants and residents and community groups.

## 2 BACKGROUND

~~The Coalition~~ Government has introduced a series of changes to the way in which affordable housing is provided-managed in England, in legislation such as the ~~In the~~ Localism Act, and more recently, 2011, the Housing White Paper; a Charter for social housing residents. This included measures which ~~Government set out measures which~~ allow registered providers (including local authorities and registered social landlords) increased flexibility in the way they allocate and provide tenancies.

This document sets out Rotherham Metropolitan Borough Council's position in relation to its own housing tenancy agreements~~ies~~, and guidance to which registered provider partners should have 'due regard', in relation to:

- The types of tenancies granted across the Borough
- The length of fixed term tenancies, when used
- Circumstances under which a further fixed term tenancy will be issued
- Circumstances under which a permanent secure tenancy will be issued at the end of a fixed term tenancy
- The impact fixed term tenancies will have on mutual exchange

~~The Tenancy Strategy is principally concerned with tenure reform, however, reforms in allocations and homelessness have also been considered when producing this document.~~

The vast majority of tenancies issued by social landlords are either assured tenancies, issued by registered social landlords, or periodic (also known as lifetime)secure tenancies, issued by local authorities. Provided that As long as the tenancy conditions are met, these two types of tenancy provide long term security of tenure to social housing tenants. Nonetheless, tenants' households change over time and the immediate need which informed the original allocation of a property may not be relevant in the future.

~~It is difficult to predict the cumulative impact of the numerous changes to social housing so~~ This tenancy strategy has been written in a way to ensure that it is flexible enough to meet the challenge of making the best use of valuable council housing ~~s ahead~~ whilst continuing to support sustainable communities.

### 3 STRATEGIC CONTEXT

#### 3.1 National

The Government has introduced several ~~,~~ ~~significant~~ changes to social housing regulation as a means of addressing perceived failings in the housing system. Such perceived failings include:

- Scarce social housing not being used as effectively as it could be
- The difficulty which low income households have in accessing ~~social housing~~ ~~The continuing increase in providing the cost of housing benefit~~
- Lack of flexibility compared to the private rented sector in terms of mobility

Reforms introduced to address these concerns include giving local authority landlords:

;

- the ability to apply locally determined criteria to their housing registers, and
- the option of issuing fixed term tenancies.

#### 3.2 Local

Rotherham's Strategic Tenancy Policy has been developed within the context of the Borough Council's overarching strategic objectives for housing, as set out in:

- Rotherham's Neighbourhood Strategy, 2018 – 2025
  - o People from different backgrounds have the chance to interact
  - o Vulnerable people are protected
- ~~Rotherham's Community Strategy, 2012 – 2015:~~
  - o ~~Priority two: ensuring the best start for children and families~~
  - o ~~Priority three: supporting those that are vulnerable within our society~~
  - o
- ~~And~~ Rotherham's Housing Strategy, 2019 - 2022:
  - o Theme three - Commitment one: Improving Health. Improving people's health, wellbeing and independence through housing We will increase the supply of affordable housing in Rotherham
  - o ~~Commitment two: We will ensure our Council housing~~

~~meets the needs of the people of Rotherham~~  
~~This Strategic Tenancy Policy is to be considered alongside RMBC's~~  
~~Rough Sleeper and Homeless Prevention Strategy and Allocations~~  
~~Policy.~~

#### 4 HOUSING IN ROTHERHAM

The Council owns and manages a housing stock of 20,230 of which 40% are 3 bed roomed houses.

	<u>Bungalows</u>	<u>Bedsits</u>	<u>Flats</u>	<u>Houses</u>	<u>Maisonettes</u>
<u>Total</u>	<u>4771</u>	<u>75</u>	<u>5031</u>	<u>10136</u>	<u>217</u>
<u>%</u>	<u>23.58%</u>	<u>0.37%</u>	<u>24.87%</u>	<u>50.10%</u>	<u>1.07%</u>

There are currently 6,802 people on the Housing Register in Rotherham. The register includes people already in council housing wishing to move as well as new applicants.

Applicants to the Housing Register are assigned one of four categories depending on their housing need. The majority of people are categorised as being in 'general need' meaning they have no housing priority.

Table: waiting list by band;

<u>Band</u>	<u>Transfer</u>	<u>Band 4</u>	<u>Band 3</u>	<u>Band 2</u>	<u>Band 1</u>
<u>No.</u>	<u>1,028</u>	<u>1,833</u>	<u>2,058</u>	<u>1,631</u>	<u>255</u>
<u>% of waiting list</u>	<u>15%</u>	<u>27%</u>	<u>30%</u>	<u>24%</u>	<u>4%</u>

\*data correct as of 2020

The 2011 Census data shows that 4,823 households (4.5%) in Rotherham are overcrowded.

#### 5 THE USE OF FIXED TERM/FLEXIBLE TENANCIES

Supporting sustainable neighbourhoods is a key priority for Rotherham. It is believed that large scale use of fixed term tenancies would promote transience and undermine neighbourhood sustainability. For this reason, the widespread use of fixed term tenancies would not be welcome in Rotherham, either for council properties, or for properties owned by Rotherham's registered provider partners.

RMBC understands there may be a small number of specific instances when a fixed term tenancy could be an appropriate tool with which to manage housing more effectively and alleviate some of the pressure on the stock of Rotherham's social housing. Should a registered provider decide to issue fixed term tenancies, it is anticipated that RMBC is notified of the reasoning, length of term and number of properties to which the decision relates.

##### 5.1 The types of tenancies granted by RMBC

This Council favours the use of lifetime-periodic (lifetime) or 'long

term' tenancies and currently ~~administers issues 43~~ types of tenancy agreement;

- a) 12 month introductory tenancies to new housing tenants
- b) Periodic, lifetimePermanent secure tenancies to existing tenants who:
  - transfer/downsize, and
  - who have satisfactorily seen out the period of their introductory tenancy without incident or breach of tenancy conditions
- c) Demoted tenancies which are created when court makes a demotion order against a tenant with a fixed term or periodic manent secure tenancy agreement; demoted tenancies are used to manage antisocial behaviour and offer similar rights to an introductory tenancy
- d) Fixed term tenancies, sometimes referred to as flexible tenancies, to new tenants of larger family homes, with 4 or more bedrooms (introduced in 2013)
- e)e) Fixed term tenancies, to new tenants of adapted homes purpose built which to meet a specific need (introduced in 2021)

Tenants' situations change over time and households may not continue to need a Council house but choose to remain in their existing home for a variety of reasons (low rent, satisfaction with landlord, security and other related benefits, such as Right to Buy). \_

Fixed term tenancies ~~will help to~~ ensure people move to a suitable property when they no longer require a larger or adapted council house, freeing up suitable properties to enable the Council to continue to meet the needs of overcrowded families and families with a disabled household member, in priority need.

~~RMBC does support the issuing of long term, fixed term tenancies to new tenants of Rotherham's larger family homes. In the long term, this will help larger, overcrowded families access council housing as;~~

- ~~• RMBC owns just 261 properties with 4, 5 and 6 bedrooms which equates to 1.3% of council housing stock~~
- ~~• Of these 261 properties 45% (117) of them house just one occupant~~
- ~~• At October 2012 there were 342 families on the housing register with between 4 and 9 children living in houses too small for their needs~~

~~In~~From April 2013, ~~this Council will introduced the use of issue a fixed-term tenancy agreements to new tenants of its larger, family homes (properties with 4+ bedrooms).~~ New RMBC tenants are ~~will~~ initially ~~be~~ issued with the standard, one year introductory tenancy which ~~will~~ automatically becomes a ~~the~~ fixed term tenancy agreement, unless RMBC has taken action to extend or end the introductory tenancy. Fixed term tenancies were introduced to reduce the number of larger,

family homes which were occupied by just one tenant and help the Council to rehouse a number of families in the Borough who were statutorily overcrowded.

## **5.2 Extending the use of fixed term tenancies to tenants of adapted properties**

Existing housing legislation already provides for social housing providers to rehouse tenants who live in adapted properties if the household no longer needs the adaptations. It is understood that this legislation is not used by the Council as moving a family from their home when they may have recently lost the member of the household for whom the adaptations were needed, is at odds with the Council acting as a responsible and compassionate landlord.

However, the Council does not wish to see adapted properties occupied by able-bodied households when there are a number of families who are known to Council, and desperately need specialised, adapted accommodation.

The introduction of fixed term tenancies to new tenants of adapted properties will ensure that tenants understand, from the outset of their tenancy, that the adapted property will remain their home while the adaptations are needed. Should the time come when the adaptations are no longer needed, the household will be given priority to bid for suitable accommodation for which they will be issued a periodic (lifetime) tenancy.

## **5.3 The issuing of fixed term tenancies**

The fixed term tenancy offer ~~is will be made~~ explicit in the advertisement for the property so applicants ~~would are be~~ aware of the ~~long,~~ fixed term nature of the tenancy prior to bidding. ~~It is understood that Applicants will perceive this as a reasonable and fair approach, as it is likely that they themselves will have waited for a considerable period to be offered a larger home.~~

- The length of the a-fixed term tenancies issued to new tenants of larger family homes is y-will be determined by the age of the youngest members of the household, with the intention of supporting families until the youngest members of the household reach the age of 21. (For example, a family whose youngest household member is 5 years old ~~will-would~~ be issued with a tenancy which ~~will-would~~ expire when that young person reaches 21 years of age; therefore, a 16 year fixed term tenancy ~~will-would~~ be issued.)

In the event that a household with children over the age of 21 years secure a 4+ bed roomed property, the assumption that the household size is likely to decrease over time remains, therefore

the household ~~will~~would be issued a 3 year, fixed term tenancy. This ~~will~~is be reviewed in accordance with 5.34, below.

- The length of fixed term tenancies issued to households with a disabled family member will be 5 years. To avoid growing the Council's administrative burden, tenancy reviews will align with Tenancy Verification visits. As with the tenancies for larger family homes, there will be three options at the point of review – the tenancy will cease, the tenancy will be renewed or the household will be issued a periodic tenancy for an alternative property which better suits the household's needs.

#### 5.4 Granting a further tenancy

~~RMBC will initially issue long term, fixed term tenancies to new tenants of our larger family homes (4+ bedrooms) with the intention of issuing a permanent secure tenancy for a smaller, property on expiration of the fixed term.~~

~~It is assumed that the household size will decrease during the term of the fixed term tenancy.~~ Twelve months before the fixed term tenancy is due to expire, a review ~~will~~is be carried out to determine the household's future housing need;

- ~~a) If younger members of the household have secured alternative accommodation or if the household no longer requires an adapted property,~~ the fixed term tenancy ~~will~~ceases and the tenants will be offered a ~~periodic~~permanent, secure tenancy for a ~~smaller~~ property which better suits the needs and size of their household size
- a) Fixed term tenancies issued to families in larger family homes.
- b) ~~If the household size remains unchanged tenants will~~are be offered ~~another, further,~~ shorter, fixed term tenancy (3 years). ~~which will be reviewed 12 months before expiration. At that point, the household will again be offered a permanent secure tenancy for a smaller property. Fixed term tenancies will continue to be issued until the property is no longer needed, as determined by RMBC and the relationship between household size and property size.~~
- b) Fixed term tenancies issued to families with a disabled household member. If the household remains unchanged the tenants will be offered another fixed term tenancy for five years.
- c) If the household does not quality for tenancy renewal and does not wish to move to a more suitable property, notices will be served, the fixed term tenancy will end and the family will find alternative accommodation independently.

#### 5.5 Mutual Exchanges

Mutual exchanges involving a tenant, who has a fixed term tenancy

agreement, operate differently from exchanges between tenants who both hold ~~periodic~~permanent secure tenancy agreements.

Ordinarily, where there is a mutual exchange of properties, the tenancy issued remains with each property and is 'inherited' by the new occupant. In the case of a tenant with a periodic tenancy exchanging with a tenant of a fixed term tenancy, both parties will be issued with a periodic tenancy, assuming both sets of tenants meet the Council's qualification criteria.

Mutual Exchanges are processed in accordance with the legislative changes relating to the Localism Act, 2011, ~~has introduced a new process for dealing with exchanges/transfers.~~

## 6 APPEAL AND MONITORING

### 6.1 Appeals

The Government ~~has~~ introduced a procedure to review decisions relating to fixed term tenancies. There are only two circumstances in which a review can take place;

- a) An application can be made asking for a review of the length of tenancy offered but only if it does not comply with the Council's ~~own~~ tenancy policy, or
- b) An application is made for a review if, at the end of the fixed term tenancy, the Council refuses to grant a further tenancy

Full details of the review process ~~will is be~~ given to tenants when they are served with a notice granting, or ending, their fixed term tenancy.

### 6.2 Monitoring

~~In reality, fixed term tenancies issued in 2013 are unlikely to expire for over a decade. However, sensitively moving households who no longer need a 4+ bed roomed property to a smaller home will offer greater opportunities to manage council housing for the benefit of overcrowded families, at that time.~~

The Council is committed to ~~will closely monitoring~~ the impact of the use of fixed term tenancies. In conjunction with the affected household, the Council will seek to understand:-

- Whether the fixed term tenancy has affected commitment to the area
- ~~Monitoring will take into account the following areas;~~
  - The Council's

~~Impact on demand for larger family homes~~

~~The impact of fixed term tenancies on households' commitment to an area~~

- ~~RMBC's~~ ability to offer periodic tenancies when the fixed term tenancy

expires

- The outcome of the review and tenants' satisfaction with process
- Detrimental impact on groups with protected characteristics (via Equalities Impact Assessment)

As at January 2021 none of the 73 fixed term tenancies issued have come to an end so the review process has not been tested. By 2030, 19 of those tenancies will have been reviewed.

Monitoring information will be shared at Senior Management Team in 2030 when an adequate number of reviews will have taken place to give a reasonable picture of the impact and outcomes of issuing fixed term tenancies.

## **7\_\_-EQUALITIES**

An Equality Impact Assessment has been completed as part of the Allocations Policy Review.

## **8 CONSULTATION**

Consultation has taken place ~~in light of~~ took place in 2021 as part of a wider review of the Councils Allocation Policy.