

Appendix 2

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

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1 INTRODUCTION

Rotherham Metropolitan Borough Council (RMBC) is committed to improving access to suitable accommodation. The Council tries to make the best use of its housing stock and ensures that vulnerable tenants live in suitable accommodation. This Strategic Tenancy Policy sets out how the Council 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 will implement and gives guidance to 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

Government has introduced a series of changes to the way in which affordable housing is managed in England, in legislation such as the Localism Act, and more recently, the Housing White Paper; a Charter for social housing residents. This included 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 housing tenancy agreements, 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 majority of tenancies issued by social landlords are either assured tenancies, issued by registered social landlords, or periodic (also known as lifetime) tenancies, issued by local authorities. Provided that 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.

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 whilst continuing to support sustainable communities.

3 STRATEGIC CONTEXT

3.1 National

The Government has introduced several 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 housing
- 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 Housing Strategy, 2019 - 2022:
 - o Theme three - Improving Health.
Improving people's health, wellbeing and independence through housing

4 HOUSING IN ROTHERHAM

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

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

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.

Table: waiting list by band;

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

*data correct as of 2020

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 periodic (lifetime) or 'long term' tenancies and currently issues 4 types of tenancy agreement:

- a) 12 month introductory tenancies to new housing tenants
- b) Periodic, lifetime 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 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) Fixed term tenancies, to new tenants of adapted homes which 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 help 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.

New RMBC tenants are initially issued with the standard, one year introductory tenancy which automatically becomes a 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 landlords 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 explicit in the advertisement for the property so applicants are aware of the fixed term nature of the tenancy prior to bidding. Applicants perceive this as a reasonable and fair approach.

- The length of the fixed term tenancies issued to new tenants of larger family homes is 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 would be issued with a tenancy which would expire when that young person reaches 21 years of age; therefore, a 16 year fixed term tenancy 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 would be issued a 3 year, fixed term tenancy. This is reviewed in accordance with 5.4, 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

Twelve months before the fixed term tenancy is due to expire, a review 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 ceases and the tenants will be offered a periodic tenancy for a property which better suits the needs and size of the household
- b) **Fixed term tenancies issued to families in larger family homes.** If the household remains unchanged tenants are offered another, shorter, fixed term tenancy (3 years).
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 qualify 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 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.

5.6 Existing tenants transferring to adapted properties or larger family homes

Fixed term tenancies should be issued to new Council tenants only. Where an existing tenant transfers to a larger family home or an adapted property, the tenant should be issued with the same tenancy type which they held for their previous property.

5.7 Tenants fleeing domestic abuse

The Domestic Abuse Act received Royal Assent in April 2021. In November 2021 secure tenancy provision for those fleeing domestic abuse will be brought into force.

The secure tenancy provision in the Act (s.79) ensures that, where the Council grants a new tenancy to a victim who has or had a lifetime tenancy (whether with a local authority or housing association landlord), the new tenancy must also be a lifetime tenancy if:

- the local authority is satisfied that the person is or was a victim of domestic abuse, and
- the new tenancy is granted for reasons connected with that abuse.

The provision also protects victims of domestic abuse who have a joint lifetime tenancy and wish to remain in their local authority home after the perpetrator has left. It will ensure that, where a local authority decides to grant a new sole tenancy to the victim in connection with that abuse, it must be a further lifetime tenancy.

6 APPEAL AND MONITORING

6.1 Appeals

The Government 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 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 is given to tenants when they are served with a notice granting, or ending, their fixed term tenancy.

6.2 Monitoring

The Council is committed to 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
- The Council'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, at least 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 2021, as part of a wider review of the Council's Allocation Policy.

Amendment	Reason	Authorised
06.07.21 Inserted paragraphs: <ul style="list-style-type: none"> • 5.6, and • 5.7 	to give clarity that FTTs apply to new tenants of the Council, not existing tenants who move to (become new tenants of) 4+ bed/adapted properties, and to capture legislative changes brought about by the Domestic Abuse Act.	Interim AD, Housing informed and briefing note for Cabinet Member for Housing,