

Review of Housing Strategies Tenancy Strategy & Policy

October 2020

Part 1- approved Nov 2019:

- Housing Strategy
- Homelessness & Rough Sleeping Strategy

Part 2- December 2020:

- Housing Allocation Scheme
- Tenancy Strategy & Policy

- We previously consulted on:
 - The review and renewal of flexible/fixed-term tenancies
 - Succession.

- We are now consulting on:
 - The use of flexible/fixed-term tenancies.

During the last consultation we asked:

- Should we continue to offer succession over and above what the law requires to:
 - A family member living with the deceased tenant for at least 5 years before the date of death?
 - A live-in carer living with the tenant for 5 years and providing care for the deceased tenant for preceding 12 months and who gave up accommodation to provide care?
- Or should they make an application for a discretionary tenancy?

Outcome of consultation on succession:

- Source of worry for tenants
- Mixed response to options
- No change to policy.

Flexible tenancies in Harrow- for Harrow Council tenants

- All new social housing tenants (general needs) are given a 1 year introductory tenancy usually followed by a 5 year flexible tenancy.
- Harrow Council chooses to offer a 5 year fixed term for the initial term and any subsequent tenancies – it is not the law.
- A flexible tenancy is a type of secure tenancy which gives the tenant and the landlord rights and responsibilities.
- A flexible tenancy can only be ended by a court order.
- The flexible tenancy is reviewed prior to the end of the flexible tenancy and may be renewed for a further 5 years.
- There is no limit on the number of times a flexible tenancy can be renewed.

Review of Flexible tenancies in Harrow- for Harrow Council tenants

- All flexible tenancies are reviewed at least 9 months before they are due to end.
- This review meeting is carried out with the tenant in their home.
- The review is conducted initially by a Housing Officer.
- The review considers the tenant's housing needs, personal circumstances and any concerns regarding their tenancy such as rent arrears and anti-social behaviour.
- Following the review, a tenant can be awarded another 5 year tenancy at their current address, a five year tenancy at a different property to suit their household needs or may not be offered a further council tenancy.
- The outcome of the review is discussed and agreed with a manager.
- We expect most flexible tenancies to be renewed after review.

- We have a number of ‘automatic renewal’ categories, including:
 - tenants or a member of the household with a disability and receiving qualifying disability benefits
 - tenants with a member of the household with a severe learning disability or enduring mental health needs confirmed by Adult Social Care or Children’s Services
 - tenants receiving continued support from the Leaving Care team.
- This means that following a review meeting, Harrow Council tenants in the above categories will always be offered a further 5 year flexible tenancy.

- Flexible Tenancies were introduced by the Localism Act 2011.
- **Housing & Planning Act 2016**
- Intended to phase out lifetime tenancies and make fixed term tenancies compulsory.
- Would have allowed a fixed term of up to 19 years based on age of the youngest child in household.
- **Social Housing Green Paper 2018**
- Reversed decision to phase out lifetime tenancies.

Flexible Tenancies- challenges and disadvantages

- Some tenants are concerned about the lack of security if they only have a five year tenancy.
- Some tenants may not feel invested in their home, so may not decorate or maintain their home.
- So far there is no evidence of releasing larger properties, which was a key aim.
- If relevant dates are missed, a tenant becomes a secure (lifetime) tenant.
- Flexible tenancies are inconsistent with tenancy sustainability.
- Tenancy management methods and flexible tenancies are not readily compatible – they are not a suitable tool for resolving problems with rent arrears or anti-social behaviour.
- Open to legal challenge as legislation is very prescriptive.

1. We could continue to award flexible tenancies and consider any legal challenges as and when they arise.
2. We could offer flexible tenancies to those moving into larger family sized homes (such as 3+ bedrooms) and reconsider the length of tenancy awarded, reducing the stress on tenants and reducing staff workload.
 - This option would see Housing Officers working to different regimes for different homes and could be confusing for tenants or may restrict tenant mobility. The prescriptive legislative regime for flexible tenancies remains in place and it does not assist with issues arising over rent arrears or anti-social behaviour during the life of the tenancy.
3. We could phase out the use of flexible tenancies and revert to awarding lifetime tenancies. Existing flexible tenants would convert to a lifetime tenancy following a successful introductory tenancy.
 - This options allows Housing Officers to pursue effective tenancy management methods to promote tenant sustainability. In conjunction with this, the under-occupation scheme could be reviewed to promote tenant mobility and free-up larger homes.

Share your view on the use of flexible tenancies by answering the survey.

Please contact
housing.strategy@harrow.gov.uk with any queries.