

EAST DEVON DISTRICT COUNCIL TENANCY STRATEGY

This document sets out East Devon's approach to tenancy issues, and reflects the housing needs and priorities for the district. It sets out the parameters that Registered Providers of social housing working in the district should have regard to. It should be considered in conjunction with our other housing strategies and policies including our Homelessness Strategy and Allocations Policy.

1. The local housing market within East Devon

The main housing issues and challenges within East Devon are:

- A need for more affordable housing (demand far exceeds supply)
- The high cost of owner occupation and renting in the private sector affecting the ability to secure suitable housing
- Low wages in the district as compared to the national average
- Poor housing conditions in the private sector
- Fuel poverty and affordable warmth
- The lack of suitable housing for young people.

2. Definitions

2.1 Affordable Housing: We have adopted the definition of affordable housing (or subsequent updates of that definition) as set out in the National Planning Policy Framework and its future amendments which states that affordable housing is;

'Social rent, affordable rent and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.'

2.2 Affordable rent: 80% of market rents.

2.3 Fixed term tenancies: The term 'fixed term tenancies' is used to apply to all tenancies that are offered for a specified period of time, as opposed to traditional 'lifetime tenancies'. For Local Authority landlords these are known as flexible tenancies.

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- 2.4 Social Rent: Guideline target rents determined through the national rent regime.
- 2.5 Sheltered accommodation: Accommodation specifically suitable for people who have a support need or disability and will benefit from the assistance of a mobile support officer and alarm service.
- 2.6 Intermediate housing: homes for sale and rent provided at cost above social rent, but below market levels subject to the criteria in the affordable housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

3. Affordability and a 'base-line' rent

- 3.1 EDDC's preferred base-line is that rents should be set at the level of social rent but we recognise that Registered Providers may wish to charge affordable rents, and these should not exceed Local Housing Allowance levels.
- 3.2 Registered Providers should have regard to local policies on affordability and any requirements of Section 106 agreements.
- 3.3 The base line rent will be used to inform ongoing debate between Partners and Stakeholders on rent, affordability and viability.
- 3.4 We will encourage Registered Providers to carry out some form of assessment of affordability at the point of letting, particularly where rents are at or close to Local Housing Allowance levels.

4. Length of tenancy

- 4.1 Fixed term or flexible tenancies are expected to be for a minimum of five years. If a Registered Provider wishes to provide a tenancy for less than 5 years, but more than 2 years, it must demonstrate valid reasons for the shorter period, which must be agreed with East Devon District Council.

Valid reasons could include:

- Applicants who have too much equity or savings or assets to be eligible for social housing but who are unable to access this due to their current circumstances, for example relationship breakdown, fleeing domestic violence
- Allocations into empty or void properties which are being used as a housing solution for applicants for a fixed term until the property can be developed, refurbished or regenerated.

4.2 Any 'introductory tenancy' period (including any extensions) will be regarded as being in addition to the minimum length of tenancy.

4.3 Registered Providers will have to demonstrate how any tenancy of less than five years can be managed in order to minimise adverse impact on local community cohesion and the sustainability of that community. An equality impact assessment will also be required to show how any adverse impact on equality groups will be prevented.

4.4 The length of tenancy offered may be amended in future to reflect any changes to government legislation or guidelines.

5. **Types of tenancy**

5.1 We recognise that there are a variety of types of tenancies that Registered Providers will use. The choice of which type of tenancy to use should be made so as to maximise the suitability and sustainability of the tenancy taking into account:

- The security of the current tenancy and its affordability
- The need for transferring tenant to be no worse off with regard to their security of tenure after a move (unless the tenant has made an informed choice to move to a property with less security of tenure)
- The need to make good use of existing stock by incentivising 'downsizing' from larger under-occupied properties to smaller properties
- The age and frailty of the prospective tenant
- The vulnerability of the prospective tenant and their household.

6. Tenancy reviews and provision of advice and assistance at the end of a tenancy

- 6.1 The legal requirements to end the tenancy will be a matter for the Registered Provider.
- 6.2 We expect Registered Providers to adopt any common procedures and/or policies with regard to advice and assistance at the end of a tenancy. To help with this Devon and Cornwall Housing Options Partnership has produced an 'ending flexible tenancy protocol' between Devon registered providers and local authorities. This sets out the expectations of both registered providers and local authorities.
- 6.3 Registered Providers must set out in advance their criteria for renewing a tenancy. Criteria for not renewing a tenancy will be limited to:
- Size: tenancies should not normally be granted for properties that are significantly larger than the household requires unless set out in Local Lettings Policies.
 - Income: tenancies should not be granted if the income of the household is above the income limit as set out in Devon Home Choice Policy.
 - Extensive adaptations: Tenancies should not be renewed if the properties include the provision of extensive adaptations that are no longer required
 - Possession proceedings: breach of tenancy conditions can only be used as a ground for non-renewal of the tenancy if possession proceedings have already been started ie where a notice has been served
 - The rent account is in arrears at the time of the review or has been in arrears for at least six out of the last twelve months. Exceptions can be made for tenants getting assistance with their rent from Housing Benefits, for those who are considered to only have minor rent arrears, or those who have made, and kept to, an agreement to pay
 - Properties that are due for redevelopment, disposal or demolition within the next five years.

7. **Disposal of social rented housing stock and conversions to affordable rent**

- 7.1 We expect Registered Providers to consult with us on the details of any conversion to affordable rent or major disposal requirements. Any such decisions must align with local housing need.
- 7.2 Registered Providers should have regard to the following when considering the proportion of properties which will be re-let at an affordable rent:
- The pattern of re-lets by location, property size and type
 - The need to ensure that under-occupiers wishing to downsize are not put off by having to pay a higher rent or being given reduced tenancy rights
 - The need to ensure a reasonable supply of family-sized accommodation at social rents
 - The need to ensure that properties in rural areas can be let to those working in the area on low wages
 - The shortage of wheelchair accessible accommodation.
- 7.3 We will not support the conversion or disposal of the following types of housing without the support of a very strong business case:
- Larger homes (for example three bedroom homes with potential for use as four bedroom homes, or homes capable of accommodating 6 people or more)
 - Properties suitable for 'downsizing' initiatives
 - Homes in smaller, rural settlements
 - Supported or specialist housing
 - Properties that have been extensively adapted (see Section 12)

8. **Mobility**

- 8.1 The Government is committed to increasing mobility for social tenants to enable tenants to meet their aspirations and to support them to work. We

want to ensure that tenants are not prevented from taking up an employment opportunity because they cannot find a suitable place to live.

- 8.2 We expect Registered Providers with stock in the district to promote tenant mobility through the use of Homeswapper and other home swap initiatives.
- 8.3 We also expect Registered Providers to follow government legislation on the Right to Move and the rights of the armed forces community.

9. **Transfers**

- 9.1 Where contractually feasible, Registered Providers should offer a transfer of tenancy on the same or similar rent levels to the property from which the tenant is transferring. If required there could be a conversion of the property the tenant is transferring from to Affordable Rent, subject to 6.3 above.
- 8.2 Registered Providers must take into account the need for the transferring tenant to be no worse off with regard to their security of tenure after a move.

10. **Downsizing and under occupation**

- 10.1 Downsizing in this context means tenants of properties which the tenant under-occupies, moving to a smaller home as part of a 'downsizing' initiative. Typically these are older people but can include households who have experienced reduction in household size for a number of reasons or households affected by Housing Benefit changes.
- 10.2 We encourage Registered Providers to review under-occupation at the end of Fixed Term tenancies, and offer financial incentives and/or support to help tenants downsize.
- 10.3 We will work with Registered Providers to establish a profile of those tenants under-occupying homes in order to target incentives more effectively.

11. **Choice Based Lettings**

11.1 We remain committed to using Devon Home Choice for lettings of both social and affordable rented properties. We expect Registered Providers to use Devon Home Choice for all lettings, including transfers.

12. **Requirements for Vulnerable Groups**

12.1 We expect Registered Providers to take regard for the specific needs of vulnerable tenants when deciding on the type of tenancy which will be allocated.

12.2 In most circumstances we would wish to see tenants going into sheltered accommodation being given the most secure form of tenancy agreement.

12.3 We would expect tenants going into general needs accommodation to be given more flexible types of tenancy unless there are exceptional circumstances.

12.4 However there may be some circumstances where it is judged that, due to their individual circumstances, a tenant going into a general need property should be granted a more secure form of tenancy. These circumstances may include learning disability, chronic physical disability, severe sight impairment, and those with a severe and enduring mental health problem.

13. **Properties with Adaptations**

13.1 For existing tenants where adaptations to properties are no longer required we expect Registered Providers to consider using the discretionary grounds for possession but only on a case by case basis where adaptations are extensive and where suitable alternative accommodation can be provided, taking into account the:

- circumstances of the tenant(s) and their entire household
- needs of dependent children
- disruption that could be caused, its effect on the emotional stability of the household and likely effect on the sustainability of the tenancy of proposed alternative accommodation.

13.2 For new tenants of an adapted property, Registered Providers should ensure that when tenants are allocated the property they are notified of the possibility of being required to move to alternative accommodation should the tenant's household no longer require the adaptations. This requirement should be properly addressed as part of any tenancy review at the end of a fixed term.

14. **Consulting with EDDC**

14.1 Where we ask Registered Providers to consult with us on various requirements all queries should be made to the Housing Needs and Strategy Manager, EDDC, Housing Service, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ.

15. **Tenancy Policies**

15.1 East Devon District Council's tenancy policy can be viewed on its website at www.eastdevon.gov.uk. We expect RPs to make their own tenancy policies available on their websites and to make a written copy available on request. If you require a copy of the tenancy policy for a Registered Provider with housing stock in East Devon please contact them directly.

16. **Assessment of Risk**

16.1 We acknowledge that there will be risks, both to ourselves and to tenants, associated with certain aspects of this strategy. The Devon Home Choice Management Board will develop and regularly review a risk map and coordinate the implementation of any shared solutions. We will work with them to help identify any potential risks and solutions to these.

17. **Equalities**

17.1 We will carry out an Equalities Impact Assessment for this strategy, using the Framework template (Appendix 2)

18. **Reviewing this policy**

18.1 We will review this policy in line with any reviews of the EDDC Homes and Communities Plan (Housing strategy) or current guidance or legislation.