

REVIEW OF TENANCY POLICY

Report of the Head of Housing Options and Homelessness

1. SUMMARY

- 1.1 This report brings forward a refreshed Derby Homes Tenancy Policy for discussion, and subsequent recommendation to the Main Board in March 2022

2. RECOMMENDATIONS

- 2.1 To discuss the proposed refreshed Derby Homes Tenancy Policy and recommend approval by the Main Board in March 2022..

3. REASON(S) FOR RECOMMENDATION(S)

- 3.1 To ensure the Operational Board has input into the Derby Homes Tenancy Policy.

4. SUPPORTING INFORMATION

- 4.1 On 9th June 2021 the Council refreshed its Tenancy Strategy. The strategy sets out the councils position on tenancy use, providing the basis for action for the council's housing stock and also a steer to other register providers. To comply with the Localism Act 2011 the Tenancy Strategy sets out the matters that registered providers must 'have regard to' when drawingup their own policies relating to:
- The kind of tenancies they grant
 - The circumstances under which they will be granted
 - The granting of flexible tenancies
 - The circumstances under which further tenancies are granted upon the termination of an existing tenancy.
- 4.2 The Tenancy Strategy also sets out the Council's position on the use of affordable rents.
- 4.3 As a registered provider Derby Homes is required by the Localism Act to 'have regard to' the local authority tenancy strategy when drawing up our own tenancy policy.
- 4.4 The position of the council is that secure or assured lifetime tenancies are preferred in the majority of cases. They consider that these are the most supportive of their vision for housing and supporting communities.

5. FLEXIBLE TENANCIES

- 5.1 The refreshed Tenancy Strategy does however introduce the use of Flexible Tenancies specifically for accommodation in line with Derby's Homelessness and Rough Sleeping Strategy where grant funding is dependent on the offer of flexible tenancies.
- 5.2 The case for letting larger properties (4 bedrooms and more) and substantially adapted properties on flexible tenancies is considered in the refreshed Tenancy Strategy. Doing so would allow these properties to be made available for those in need when they become under occupied - if for example, when children grow up and move out - or when adaptations are no longer required, because for example the disabled person no longer resides at the property.
- 5.3 However, the Strategy specifically commits that should either of those scenario's be considered in future any proposed change/s will be subject to further consultation and formal approval processes. The Council is currently planning a consultation on the wider use of Flexible Tenancies.

6. NON SECURE TENANCIES

- 6.1 The refreshed Tenancy Policy now includes the use of Non-Secure tenancies to deliver Temporary Accommodation provisions on behalf of the Council. This enables the discharge of temporary accommodation duties under the Homeless Reduction Act 2017.
- 6.2 The use of this tenancy is not an Assured tenancy or an Assured shorthold tenancy and is exempt from security of tenure by virtue of section 209 of the Housing Act 1996.

7. FAMILY INTERVENTION TENANCIES

- 7.1 The use of Family Intervention Tenancies (FIT) is now included in the Tenancy Policy. These are used as a means of working with families that have been involved in antisocial behaviour or other significant issues that have affected their tenancy.
- 7.2 These are in circumstances where the tenant is likely to be evicted on the grounds of anti-social behaviour or in the opinion of the landlord could have been evicted. FIT tenancies are used to enable further support to be given to families with complex needs at an alternate address.

8. CONTRACTUAL TENANCIES TO DISCHARGE HOMELESS DUTIES

- 8.1 The use of contractual tenancies is now included in the Tenancy Policy. We may use Non-Secure Contractual tenancies under the direction of Derby City Council to discharge temporary accommodation duties under the Homeless Reduction Act 2017

9. DERBY HOMES OWNED PROPERTIES

- 9.1 Derby Homes owns a number of properties. These properties will initially be let on assured shorthold tenancies, which will become assured tenancies after six months if the tenant has complied with all conditions of the tenancy.

10. SUPPORT AVAILABLE TO TENANTS

- 10.1 The refreshed tenancy policy now includes information on how we support tenants. We provide several tailored services that help tenants who require additional support to maintain their tenancies, such as:
- Tenancy Sustainability Service
 - Tenancy Sustainment
 - Intensive Housing Management
 - Complex Needs Support
 - Intensive Intervention
- 10.2 We recognise that many issues can impact on a person's ability to manage their tenancy. This is why we offer a variety of comprehensive support services which are vital in assisting customers to sustain their tenancies.
- 10.3 It is essential that every customer is assessed and that any subsequent tailored support plan meets their individual needs.

11. SUCCESSION

- 11.1 The refreshed tenancy policy now includes information on succession. Under certain circumstances, when a tenant dies a tenancy can be passed on to The spouse, or civil partner, and in some cases, other family members and this process is called 'succession'.
- 11.2 The law only allows one succession to a tenancy and in these cases they will have the same type of tenancy as the person who died.

12. COUNCIL IMPLICATIONS

- 12.1 This is a matter which doesn't require the approval of the Council, however we must take into account the council's Tenancy Strategy when reviewing our Tenancy Policy..

13. LEGAL IMPLICATIONS

- 13.1 The policy complies with all elements of Housing legislation including the Homeless Reduction Act 2017.

14. EQUALITIES IMPLICATIONS

- 14.1 An Equality impact Assessment has been carried out and is attached as appendix one (available on CMIS only).

15. POLICY REVIEW IMPLICATIONS

- 15.1 This is a key policy of Derby Homes and is included in the Key Policy Review

Schedule. In accordance with Derby Homes Board Minutes this policy will be reviewed no later than 3 years from the date of this meeting.

The areas listed below have no direct implications directly arising from this report:
Financial

Risk
Environmental
Policy Review
Consultation

If Board Members or others would like to discuss this report ahead of the meeting please contact:
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Background Information:
Supporting Information: None