

Ealing Council Tenancy Strategy

Date: September 2021

1. Introduction

1.1 This strategy covers our obligations under the Localism Act 2011 to produce a Tenancy Strategy, setting out the broad objectives that all registered providers of social rented housing in the borough should have regard to when formulating their own tenancy policies for homes for low-cost rent. It replaces Ealing's previous Tenancy Strategy adopted in 2012.

1.2 Ealing Council continue to prefer the use of permanent, "lifetime" tenancies within the Borough under most circumstances as they support stable, cohesive and vibrant communities. We want our residents and their families to feel secure, with a long-term connection to their neighbourhoods. It is now several years after the introduction of flexible tenancies and there is no evidence that they provide any benefits. They are very rarely, if ever enforced, and cause unnecessary worry for tenants. We are pleased that a number of Registered Providers have, or are considering, scrapping the use of flexible tenancies.

1.3 The role of a tenancy strategy, as defined under the Localism Act 2011, is to set out:

- The kinds of tenancies the council and registered providers in the borough should grant;
- The circumstances in which social landlords should grant a tenancy of a particular kind;
- The length of any fixed-term tenancies;
- The circumstances in which a further tenancy should be granted when an existing fixed term tenancy comes up for review.

1.4 Additionally, we have also set out our local approach to rent levels for social rented homes. While Registered Providers do not have to follow this strategy, the Localism Act 2011 requires that they must have regard to this strategy when preparing their tenancy policies. Whilst the Council recognises that Registered Providers (RPs) are not bound by this strategy, in accordance with the Regulatory Framework for Social Housing, we would expect them to give strong consideration to its content to ensure consistency in meeting social housing needs in the district.

1.5 Ealing Council's Tenancy Strategy supports a number of strategies and policies:

- The vision and objectives set out in the Corporate Plan;
- Ealing over-arching Housing Strategy which sets out our vision for the borough;
- Our Allocations Policy, which sets out how we will prioritise and whom to offer social housing;
- Our Homelessness and Rough Sleeping Strategies, which set out our approach to preventing and tackling homelessness and rough sleeping.
- Is aligned to the GLA's London Housing Strategy and other housing policies and affordable homes delivery programmes.

2. Vision and Objectives

2.1 This Tenancy Strategy seeks to promote good quality, well managed, genuinely affordable social rented homes within Ealing. This vision is at the heart of Ealing Council's aims to help people improve their quality of life, through genuinely affordable homes, living incomes and making their neighbourhoods better places to live in.

2.2 Ealing Council's Tenancy Strategy offers guidance to registered providers who may manage social housing over a wide geographical basis. The aims of Ealing's Tenancy Strategy are to:

Enable Communities to Thrive

- Set out clear expectations and guidance for registered providers operating in Ealing for their tenancy policies
- Create and maintain thriving communities
- Ensure social housing is affordable for local residents
- Deliver the most efficient use of the borough housing stock

Put People First

- Help reduce poverty and inequality by supporting the provision of secure, genuinely affordable social rented homes
- Support residents into employment, training and education
- Provide the maximum security of tenure for vulnerable residents with enduring and long-term support and care needs

Fulfil the council's legal duties

- Including the Localism Act 2011, the Housing Act Part VI and VII (as amended by the Homelessness Act 2002), The Housing and Planning Act 2016 and the Homelessness Reduction Act 2017.

3. Local context

3.1 Ealing is the 4th largest London borough and eleventh largest in area, covering part of West London and a small part of north-west London. Ealing's population was 341,982 in 2018, an increase of 34,706 (11.29%) since 2001. Social housing, either owned by Ealing Council or a Private Registered Provider, makes up 17.5% of the housing stock. The remainder of the housing stock are privately owned or rented. Ealing Council has a stock of 11,643 homes let at social rent. There are more than fifty registered social housing providers operating in Ealing with a combined social rented housing stock of 12,171 (SDR, 2019). The registered providers with the largest social housing stock in Ealing are Catalyst (3,665), A2Dominion (2,242) and Notting Hill (1,838), SDR, 2019.

3.2 Ealing is an attractive, popular place to live and housing costs are high with average house prices (sales) standing at £520,674 in February 2021, compared to the national average of £250,341. Median house prices in 2020 were x13.2 times higher than median gross household incomes, limiting to those with the highest incomes (HPI, ONS). Rental prices are also high with average rents of £1,425pcm (median monthly rents recorded between 1 October 2019 to 30 September 2020, ONS).

3.3 Given the affordability challenges, it is not surprising that there is a high demand and long wait for social rented homes. As of March 31 2020, Ealing Council had 9,545 households on the general housing register waiting for social housing. There were 821 lets into social housing for the period 2019-20 (MHCLG, Local Authority Housing Statistics dataset). Of these lettings, 298 were to Ealing Council properties and 523 were to other registered providers of social housing.

4. About social housing tenancies

4.1 Issuing of tenancies

It is essential when granting tenancies that all tenants are told the type of tenancy they are being offered at the point of offer. This should also be clearly presented in the tenancy agreement along with any rights specific to the type of tenancy. An affordability assessment should be undertaken prior to sign-up and be included as part of any tenancy review process (where flexible tenancies are used).

4.2 Types of social housing tenancies

Social rented housing no longer has to be let on a tenancy for life. The Localism Act 2011 introduced 'flexible tenancies' for a fixed term. There are now a range of options available when issuing social housing tenancies in addition to the periodic (lifetime) tenancies traditionally issued by social housing landlords.

There are several tenancy types that can be used for social housing, depending on the approach adopted by the registered provider of social housing. The main types are:

- Secure "lifetime" tenancies (issued by local authorities who manage their own social housing stock)
- Secure tenancies with a fixed term (issued by local authorities who manage their own social housing stock)
- Assured "lifetime" tenancies (issued by registered providers, such as housing associations)
- Fixed term assured shorthold tenancies (issued by registered providers such as housing associations)
- Introductory (local authority) or Starter/Probationary (registered provider) tenancies- are a type of trial tenancy which can be issued to new tenants of social housing if the social housing landlord has a policy of using them. They have a probationary period of 12 months which can be extended up to 18 months. During the probationary period, the tenant has fewer rights and tenants and can be evicted more easily. After successful completion of the trial period, the tenant becomes a secure tenant or flexible tenant.

4.3 Types of tenancies issued in Ealing during 2018-19 (CORE lettings data):

Out of 491 RP lettings and 323 council lettings (Supported and General Needs):

- 25% of new social housing tenancies were starter or introductory tenancies
- 60% of social housing tenancies were lifetime tenancies
- 100% of council tenancies issued were secure, lifetime tenancies
- 41% of RP tenancies were Assured or lifetime tenancies
- 59% of RP tenancies were AST/fixed term tenancies

5. Statement on rent levels for general needs affordable rented homes in Ealing

Table 2: Average Rents for general needs social housing in Ealing (2019)

Landlord	Type of Rent	Average Weekly Rent
Council	Social Rent	£95.83 (ex service charge)
Registered Provider	Social Rent	£127.40 (incl SC £138.12)
Registered Provider	Affordable Rent	£190.61 (incl SC)

5.1 Low-cost social housing in Ealing can be offered at different rent levels by registered providers. The main rent level offered is for traditional Social Rent at approximately a third of market rent. In 2011, the government introduced Affordable Rent, with rents charged up to 80% of market rent. However, the London Mayor does not consider this to be affordable for most people and funded an alternative, London Affordable Rent (around 50% of market rents in Ealing).

5.2 As the GLA have introduced robust policy measures to maintain the affordability of rented social housing, including index linked benchmarks for London Affordable Rent, we do not intend to continue to provide additional guidance on rent levels to registered providers. Instead, we are issuing the following statement outlining the approach registered providers should have regard to in setting rents:

1. We support the provision of genuinely affordable homes. However, our preference is for Social Rent to be used where possible since this offers greater affordability than Affordable Rent.
2. We support the Mayor of London's view that Affordable Rent at 80% of market rent is not affordable and support the use of London Affordable Rent Benchmarks where the tenancy is offered under Affordable Rent terms.
3. Rents should be kept as low as possible to reduce welfare dependency and employment disincentives.
4. Registered provider's affordable housing development programmes will need to be in general conformity with the requirements set out in the Greater London Authority's Capital Funding Guidance, London Housing Strategy, London Plan and any other housing guidance.
5. Social Housing Providers should adhere to the current MHCLG's directions and Policy statement on rents for social housing and the Regulator of Social Housing's Rent Standard.

6. Probationary or Introductory Tenancies

6.1 If a registered provider of social housing chooses to offer Starter (RP) or Introductory Tenancies (Council), they should adhere to the current guidance provided by the Regulator of Social Housing. Both Starter and Introductory tenancies provide tenants with a trial period of 12 months (which can be extended to 18 months), during which time the tenancy can be terminated if the tenant proves unable to comply with their tenancy. A tenant has a right to review a decision to end or extend a trial tenancy. Upon successful completion of the trial period, tenants should graduate to the relevant tenancy as set out within the individual social housing provider's tenancy policy.

7. The use of Lifetime Tenancies

7.1 About lifetime tenancies

Most local authorities continue to offer secure “lifetime” tenancies, which can only be ended if the tenant breaches their tenancy conditions during the tenant’s lifetime, or one of the other statutory grounds for possession applies. Registered providers can also offer lifetime tenancies through an assured tenancy without a fixed term. These are similar to secure “lifetime” tenancies offered by local authorities.

7.2 Ealing Council’s approach to the use of lifetime tenancies

Social rented homes support Ealing Council’s aim to create thriving communities by providing residents with long-term, genuinely affordable homes. Lifetime tenancies continue to be our preferred tenancy type across the borough in most circumstances and we encourage social housing landlords to provide the maximum security of tenure available through the provision of either secure “lifetime” tenancies (defined under Part 4 of the Housing Act 1985) and assured tenancies (as defined by the Housing Act 1988) without a fixed term.

8. Vulnerable tenants

8.1 Approach to vulnerable tenants with long term support or care needs

We would expect lifetime tenancies to be used for vulnerable tenants with long-term support or care needs, as they would benefit from the additional security of tenure. Vulnerable tenants should be set in out in a social housing landlord’s tenancy policy and are likely to include:

- Older tenants living in sheltered housing or extra care housing;
- Tenants with learning difficulties, enduring mental health issues, or physical disabilities;
- Any other highly specialised supported housing, where there is little expectation for tenants to move on into unsupported accommodation;
- Tenants where a spouse or a dependent child is disabled or requires long term care
- Ex-armed forces personnel who have been both medically and honourably discharged
- Domestic abuse, a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) must be granted a new secure tenancy.

8.2 Approach to short term supported & transitional accommodation

For those vulnerable tenants with a need for move-on or short term supported accommodation, we consider a flexible tenancy (AST) of less than five years would be more appropriate. Short term supported accommodation typically provides meets the needs of the following groups prior to a move into longer term accommodation;

- People experiencing or at risk of domestic abuse;
- People experiencing homelessness with support needs;
- Vulnerable young people (such as care leavers or teenage parents);
- Offenders and ex-offenders;
- People experiencing mental health illness;
- People with drug and alcohol support needs;
- Vulnerable armed forces veterans; and
- Other groups with emergency or short-term transitional support needs (such as refugees with support needs).

8.3 Domestic Abuse

For cases involving domestic abuse, Ealing Council will support victims and comply with the relevant legal duties with regards to re-housing. Registered providers of social housing should work with local authorities to support victims of domestic abuse. All social housing landlords should have a policy

setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate.

9. Protecting existing tenants' rights

9.1 Existing social housing tenants with lifetime tenancies that were issued before the 1 April 2012, who have remained social housing tenants since that date, have their security of tenure protected by law through section 154 of the Localism Act 2011. Registered Providers of social housing will need to grant these tenants "with no less security where they choose to move to another social rented home". The Social Housing Regulator's Regulatory Standard on Tenancy states; "this requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms."

9.2 Ealing Council recommends that Registered Providers of social housing extend this protection to all tenants with lifetime tenancies, regardless of whether the tenancy is issued after the 1 April 2012. This will help ensure that all tenants holding lifetime tenancies have equal protection, regardless of when issued. It will help support mobility, so that tenants are able to move closer to work and family without giving up security of tenure. It also supports Registered Providers of social housing to address under and over-occupation as tenants will not occupy in unsuitable accommodation in order to retain their security of tenure.

9.3 Tenants moving as part of a regeneration scheme should be offered the same tenancy and rent terms for their new tenancy. Where possible, provision for existing tenants should be made for existing tenants who wish to be re-housed within the regenerated area.

10. Flexible Tenancies

10.1 About flexible tenancies

With effect from 1 April 2012, registered providers of social housing (councils, housing associations and other regulated social housing landlords) can grant tenancies with a fixed term. Flexible tenancies are a newer form of fixed-term secure tenancy. They are usually issued for a fixed term of at least 5 years, although in some cases they may be issued for a term of between 2 and 5 years. Although these tenancies do not offer lifetime security of tenure, in other respects tenants will have similar tenancy rights to lifetime tenants.

At the end of the fixed period the social housing landlord may decide to:

- offer another fixed-term secure tenancy
- offer a periodic secure tenancy
- not renew the tenancy
- They must explain their reasons if they decide not to renew the tenancy and provide an opportunity to challenge the decision.

10.2 Ealing Council's approach to the use of flexible tenancies

Ealing Council's preference is for lifetime tenancies to be offered in most circumstances. However, we recognise that some registered providers may still wish to offer flexible tenancies to make best use of their stock and reduce under occupation, particularly when letting properties at Affordable Rent. We also consider it more appropriate to offer flexible tenancies to those needing move-on or short term supported housing.

10.3 Length of flexible tenancies

The expectation of the Regulator of Social Housing is that the fixed terms of flexible tenancies should be for a minimum of five years. Where tenancies for less than five years are offered, registered providers must outline their justification for doing so in their published tenancy policy.

There are a number of circumstances where we consider offering flexible tenancies of less than five years would be more appropriate. Acceptable reasons for offering flexible tenancies of less than five years include the following circumstances:

- For designated short-term, supported move-on accommodation, where it is anticipated that the tenant will be able to live independently after a shorter period (please refer to 8.2 for a full list).
- Where the home is in a regeneration area and has been identified as having a limited life-span.
- Training flats provided under the Housing First model.

Flexible tenancies should not be used as means to deal with issues that could otherwise be resolved by good housing management.

10.4 The renewal of flexible tenancies

We expect fixed term tenancies to be renewed at the end of the fixed term, other than in exceptional circumstances. It would be acceptable to decide not to renew a tenancy in the following circumstances:

- Where the tenant wishes to end the tenancy
- Where the home is now larger than needed and has 4 or more bedrooms
- Where the home contains significant disabled adaptations which are no longer required by that household and the adapted home would meet the needs of another household on the housing register.
- Where the tenant is living in designated move-on accommodation and is ready to live independently in more permanent accommodation

Flexible tenancies should not be used as means to deal with issues that could otherwise be resolved by good housing management. Any decision to terminate a tenancy should not be taken lightly and should be considered in the same way decisions are made during probationary tenancies.

Ealing Council do not expect a tenant's employment status or income to be a consideration when deciding whether to renew a tenancy. It is our aim to maximise opportunities for social housing tenants to improve their circumstances through accessing employment, training and education to as this helps support mixed and vibrant communities.

11. Providing Advice and Assistance

11.1 If using flexible tenancies, social housing landlords must offer dedicated support and advice, including maintaining regular contact with tenants and help with finding suitable alternative accommodation.

11.2 The advice and assistance should be such that tenants will not need to approach Ealing Council for assistance, as tenants should not find themselves being placed at risk of homelessness at the end of their flexible tenancy. We expect registered providers to provide effective tenancy sustainment and have robust policies in place to support this.

12. Succession rights

12.1 The Localism Act has changed the law on succession, although it should be noted that it applies only to tenancies issued after this provision comes into effect on 1 April 2012. For tenancies issued prior to 1 April 2012, the succession rules are unchanged.

12.2 All new lifetime and fixed term tenancies issued after 1 April have a legal requirement to allow for one succession, which is now limited to a spouse or partner of a tenant. For tenancies issued prior to 1 April 2012, succession rights could be extended to other family members living at the property for a minimum of 12 months. Where a succession relates to a flexible tenancy, any succession granted will only be for the remainder of the life of that tenancy, and subject to a full review when the end of the tenancy is due.

12.3 Additional successions above the statutory requirements are discretionary, known as a policy succession. Individual social landlords should set out their own approach setting out whether they wish to offer discretionary successions and the circumstances when these will be considered in their landlord tenancy policy.

13. Landlord Tenancy Policies

13.1 The Regulator of Social Housing is a non-departmental public body that regulates Registered Providers of Social Housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.

13.2 Social housing landlords should fully comply with the Social Housing Regulator's Regulatory Framework, particularly section two of the Tenancy Standard.

Table 3: Excerpt from the Social Housing Regulator's Tenancy Standard

Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:

- (a) The type of tenancies they will grant.
- (b) Where they grant tenancies for a fixed term, the length of those terms.
- (c) The circumstances in which they will grant tenancies of a particular type.
- (d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- (e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- (f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.
- (g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- (h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- (i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

13.3 Individual social housing landlord policies will also need to pay due regard to the London specific housing and planning policies, as well as the local level guidance provided by this strategy.

14. Reviewing Ealing's Tenancy Strategy

There is no statutory time period for reviewing this strategy, but we will continue to monitor any changes in legislation along with government and GLA policy and guidance and update, where appropriate.

Appendix 1: Registered Providers with stock in Ealing, updated and published annually by the government using information from the Statistical Data Return

	Name of social housing landlord	Size	Number of additional LA's the RP has stock in	Total social housing stock in Ealing	Percentage of Social Housing stock in Ealing
1	A2Dominion Homes Limited	Large	46	2,604	17.8%
2	A2Dominion South Limited	Large	42	72	0.5%
3	Anchor Hanover Group	Large	268	35	0.2%
4	Apna Ghar Housing Association Limited	Small	5	7	6%
5	Bespoke Supportive Tenancies Limited	Large	101	5	0.0%
6	Birnbeck Housing Association Limited	Small	9	3	0.0%
7	Blue Square Residential Ltd	Small	15	300	2.1%
8	Catalyst Housing Limited	Large	60	4,404	30.2%
9	Central and Cecil Housing Trust	Large	16	158	1.1%
10	Centrepont	Small	18	17	0.1%
11	Chrysalis Supported Association Limited	Small	16	56	0.4%
12	Clarion Housing Association Limited	Large	176	80	0.5%
13	Co-op Homes (South) Limited	Small	9	8	0.1%
14	Fairplace Homes Ltd	Small	5	28	0.2%
15	First Priority Housing Association Limited	Large	42	12	0.1%
16	Golden Lane Housing Ltd	Large	185	20	0.1%
17	Habinteg Housing Association Limited	Large	83	15	0.1%
18	Hendon Christian Housing Association Limited	Small	1	5	0.0%
19	Home Group Limited	Large	205	71	0.5%
20	Housing For Women	Small	8	62	0.4%
21	Housing Pathways Trust	Small	1	130	0.9%
22	Inclusion Housing Community Interest Company	Large	104	17	0.1%
23	Innisfree Housing Association Limited	Small	11	17	0.1%
24	Inquilab Housing Association Limited	Large	9	313	2.1%
25	Kinsman Housing Limited	Small	3	1	0.0%
26	London & Quadrant Housing Trust	Large	101	629	4.3%
27	London Cyrenians Housing Limited	Small	5	24	0.2%
28	Look Ahead Care and Support Limited	Large	27	35	0.2%
29	Metropolitan Housing Trust Limited	Large	141	102	0.7%
30	Moat Homes Limited	Large	103	1	0.0%
31	Network Homes Limited	Large	35	526	3.6%
32	New Foundations Housing Association Limited	Small	22	5	0.0%

33	Notting Hill Genesis	Large	85	1,999	13.7%
34	Notting Hill Home Ownership Limited	Large	78	392	2.7%
35	Octavia Housing	Large	11	57	0.4%
36	Omega Housing Limited	Large	15	87	0.6%
37	One Housing Group Limited	Large	43	40	0.3%
38	Optivo	Large	64	12	0.1%
39	Origin Housing Limited	Large	33	1	0.0%
40	Paragon Asra Housing Limited	Large	71	305	2.1%
41	Peabody Trust	Large	39	487	3.3%
42	Places for People Homes Limited	Large	208	1	0.0%
43	Plexus UK (First Project) Limited	Large	63	207	1.4%
44	Polish Retired Persons Housing Association Limited	Small	-	42	0.3%
45	Sanctuary Housing Association	Large	231	134	0.9%
46	Shepherds Bush Housing Association Limited	Large	38	554	3.8%
47	Southern Housing Group Limited	Large	90	1	0.0%
48	St Christopher's Fellowship	Small	5	7	0.0%
49	Stonewater Limited	Large	79	17	0.1%
50	The Abbeyfield London Polish Society Limited	Small	2	8	0.1%
51	The Guinness Partnership Limited	Large	159	2	0.0%
52	Wandle Housing Association Limited	Large	13	2	0.0%
53	Water Tower Housing Co-operative Limited	Small	-	42	0.3%
54	West London YMCA	Small	2	241	1.7%
55	Westlon Housing Association Limited	Small	1	26	0.2%
56	Westmoreland Supported Housing Limited	Large	107	5	0.0%
57	Westway Housing Association Limited	Small	6	125	0.9%
58	Women's Pioneer Housing Limited	Small	7	37	0.3%

Appendix 2: Key changes since the 2012 Tenancy Strategy

The Housing and Planning Act 2016

- Mandatory Fixed Term tenancies: the requirement to only offer fixed term tenancies has been dropped. The Government has no current plans to end secure 'life time' tenancies. Research shows that the Government feels that to impose fixed term tenancies may affect the stability of households and have a negative impact on communities
- Regulations to reduce regulation of housing associations came into effect 16th November 2017
- Voluntary Right to Buy for housing association tenants is not fully in force and a pilot project is being undertaken before the Government makes a final decision, some of the funding elements are in place
- Higher Rent for higher income tenants: the Government has decided not to proceed with a compulsory approach.

The Welfare Reform and Work Act 2016 imposed a 1% reduction on rents from April 2016 for four years which affected investment in properties and development.

Social Housing Green Paper 2018

- Reversed the decision to phase out lifetime tenancies.
- Scrapped plans to require councils to sell their most valuable homes as they become vacant, in order to fund the extension of the right to buy to all housing association tenants

The Homelessness Reduction Act 2017 came into force on 3rd April 2018 and made a number of changes. It revised and placed a number of duties on local authorities including: the extension of time frame to assist those threatened with homelessness within 28 days to 56 days, the prevention and relief of homelessness even if applicant is not in priority need, a duty on public services to refer applicants suspected to be homeless or at risk of losing their home and to agree a personalised plan.

The Domestic Abuse Bill 2019-21 will place a duty on local housing authorities to offer a secure tenancy, which is not a flexible tenancy where:

- rehousing someone who holds or held a qualifying tenancy (solely or jointly), or when offering a new sole tenancy of their existing home to a lifetime tenant; and
- that person is or has been a victim of domestic abuse as defined by clause 1 of the Bill carried out by another person, and the new tenancy is being granted for reasons connected with that abuse.

The Social Housing White paper 2020- introduces a new charter for social housing residents which sets out what every social housing resident should be able to expect. The key changes planned are;

- An enhanced Regulatory Regime
- Improvements to building safety
- Increased performance management requirements & reporting
- More effective complaints resolution
- Strengthened consumer regulation
- Enhanced Resident Engagement
- Measures to ensure good quality homes & neighbourhoods
- Greater support into home ownership

The GLA has updated their housing guidance, investment programme and policies;

- publishing a new London Housing Strategy (2018)
- adopted a new London Plan (2021)
- launched several new Affordable Homes Programmes

The GLA provides more detailed guidance on housing affordability with London specific affordable housing products, including London Affordable Rent with index linked pan-London benchmark rents set annually by the GLA). London Affordable Rent (LAR) will not be funded by the new AHP 2021-26, although it will continue to be funded under the previous AHP 2016-23 which will overlap.

Over half of new homes funded by the new AHP 2021-26 will be for social rent, the remainder will be affordable home ownership products, primarily Shared Ownership and London Living Rent (a rent to buy product).

Appendix 3: The statutory position with regards to succession of social housing tenancies

Existing tenants at 1 April 2012	Tenancies issued after 1 April 2012
<p>The rights of existing occupiers of council housing as of 1 April 2012 to succeed to a secure tenancy in England are governed by sections 88 and 89 of the Housing Act 1985.</p> <p>One statutory succession is allowed to a surviving spouse (this includes civil partners) or a member of the deceased tenant's family. Where a tenancy was originally a joint tenancy and one of the joint tenants dies, or surrenders their interest, this counts as a succession and no further statutory successions will be allowed.</p> <p>The would-be successor must, at the time of death of the original secure tenant, occupy the dwelling house as their only or principal home and be either the deceased tenant's spouse (or civil partner) or another member of the deceased tenant's family. In the case of anyone other than a spouse/civil partner, it is necessary to show that the putative successor has been residing with the late tenant for at least 12 months before his/her death. "Residing with" means more than "living or staying at" the premises, although not necessarily so much as residing permanently or indefinitely.</p> <p>Section 113 of the 1985 Act defines members of a tenant's family for the purposes of succession and includes: spouses, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces; including step-relations, half-relations and illegitimate children and "persons living together as husband and wife."</p> <p>Where there is more than one qualifying person to succeed, the late tenant's spouse/civil partner takes precedence but otherwise the qualifying persons must agree amongst themselves who is to take over the tenancy. If they cannot agree the landlord is entitled to choose the</p>	<p>The Localism Act 2011 amended the statutory succession rights of new secure tenants.</p> <p>Statutory succession to a secure or secure fixed-term tenancy entered into after 1 April 2012 in England only applies to the spouse or civil partner of the deceased tenant. The council landlord may, at its discretion, offer more extensive succession rights in its tenancy agreements (contracts) through a policy succession.</p> <p>There is a right for the spouse/civil partner of a secure tenant to succeed to the tenancy on the death of the tenant (as long as certain conditions are fulfilled) and, in the absence of a spouse/civil partner, this right extends to a member of the deceased tenant's family (again, as long as certain conditions are fulfilled). The 2011 Act amended the Housing Act 1985 to limit the right of statutory succession to the spouse/civil partner of the deceased tenant (for new tenants).</p> <p>The rights of existing secure tenants at 1 April 2012 (and the succession rights of people living with them) are unaffected by this change.</p>

successor. There can be no joint succession.	
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Appendix 4: Glossary of Key Terms

Affordable Homes- These can be low cost rented (Social Rent, London Affordable Rent, Affordable Rent) and intermediate housing, provided to specified eligible households whose needs are not met by the market.

Affordable Homes Programme-the government's grant funding programme, administered by Homes England nationally, outside of London, and the GLA within London. The GLA's AHPs fund affordable homes for low cost rent and low-cost home ownership, including shared ownership and London Living Rent.

Affordable Rent: is a newer form of low-cost rental accommodation, defined in Section 69 of the Housing and Regeneration Act 2008 (HRA 2008). Rent is charged at up to 80% market rents. The London Mayor does not consider rents set at 80% of market rent to be genuinely affordable in most parts of London. Tenancies offered can either be flexible tenancies or lifetime tenancies.

Assured shorthold tenancies: an assured shorthold tenancy (AST) can be issued by an RP of social housing or a private landlord. It is recommended this type of tenancy is not used by RPs for Social Rent, London Affordable Rent or Affordable Rent properties. An AST is also the most common type of tenancy in the PRS for tenancies started on or after 15 January 1989. The property must be the tenant's main home and the landlord doesn't live in the property.

Assured tenancies: An assured tenancy can be granted either with or without a fixed period, similar to a secure tenancy or with a fixed period by an RP. An assured tenancy (of the type that is not an assured shorthold tenancy which is explained below) can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime if the tenancy has no fixed term and during the fixed term, if the tenancy has a fixed term.

Fixed term tenancy Applies to tenancies offered for a specific period of time rather than traditional "lifetime tenancies."

Flexible tenancy are a form of fixed-term secure tenancy generally offered for a minimum term of five years or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.

Flexible secure tenancies (fixed term tenancy): A flexible tenancy gives tenants the similar rights to a life-time secure tenancy, but only last for a fixed period of time. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council.

Genuinely Affordable Homes-A term defined by the GLA and London Mayor which includes "homes based on social rent levels for Londoners on low incomes, including London Affordable Rent; London Living Rent, homes aimed at average-income Londoners with discounted rents pegged to incomes, enabling them to save for a deposit; and London Shared Ownership, homes which allow Londoners who would otherwise struggle to buy to purchase a share in a new home and pay rent on the remaining share".

GLA: The Greater London Authority, the body directly responsible for strategic housing, regeneration and economic development in London. The London Mayor is awarded a separate allocation of funding from central government to administer grant funding to deliver an affordable homes programme.

Housing Association: Independent, not-for-profit organisation providing affordable housing. Although independent, they are regulated by the state and commonly receive public funding. They also sometimes offer quality homes to rent or buy at market rates. The rent and sale of these

homes help housing associations to provide social and affordable rented properties to those that need them, through a cross-subsidy model.

Introductory tenancies: New Council tenants may be offered an introductory tenancy lasting up to 12 months. Similarly, RPs may choose to offer a probationary tenancy or a starter tenancy. Tenancies remain introductory until the end of a “trial period” which lasts for one year after the date on which the tenancy was entered into, or the date on which the tenant was first entitled to possession, whichever is later. An introductory tenancy can be extended by a further six months.

London Affordable Rent (LAR): is a genuinely affordable form of “Affordable Rent” defined and funded by the GLA aimed at low income households, with rents based on social rent levels that are allocated through local authority allocation policies. The GLA have set pan-London benchmarks for LAR, which are reviewed annually. Rent levels are approximately 50% of market rent in Ealing.

Life-time tenancies: Either secure (council) or assured tenancies without a fixed term (registered provider).

Registered Provider (of social housing): a provider of affordable housing which is a registered social landlord or other body registered as a provider of social housing as defined by the Housing and Regeneration Act 2008 and which meets the requirements of the Regulator of Social Housing for the receipt of grant monies and the provision of Affordable Housing. All registered providers must be registered with the Regulator of Social Housing. The RSH ensures registered providers are financially viable, properly governed and provide decent, well-managed homes.

Secure flexible tenancy is a type of secure council tenancy with a fixed term which can be offered by councils. These are not currently offered by Ealing Council.

Secure tenancies: A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime. A secure tenancy can only be granted by Councils which are local housing authorities.

Social Rent- Homes provided to households whose needs are not met by the market, typically by local authorities or Registered Providers, with rents set within guidelines issued by the Regulator of Social Housing and allocated via local authority allocation policies. Social rented homes are let at social rent, based on a formula set by government. This creates a ‘formula rent’ for each property, which is calculated based on the relative value of the property, relative local income levels, and the size of the property. Social Rents are around a third of market rent in Ealing, depending on the number of bedrooms and location.