

About the proposals in Ealing Council's Tenancy Strategy (consultation draft)

What used to happen	What do the changes in law & regulation mean?	What we are proposing
<p>Transfers</p> <p>Social housing tenants were generally issued with a lifetime tenancy- a Secure Tenancy for a council tenant or an Assured Tenancy for a housing association tenant.</p>	<p>Existing tenants with lifetime tenancies issued before 1st April 2012, that are transferring to a new social rented home will need to be offered the same level of security of tenure. Tenants with a lifetime tenancy issued after 1st April 2012 could be offered a flexible tenancy type if they move.</p>	<p>We are asking social housing providers to protect the security of tenure of all lifetime tenants, regardless of when their tenancy was issued.</p>
<p>Tenancy Types</p> <p>Most social housing tenants are issued with lifetime tenancies</p>	<p>Social housing providers will be able to widely offer a new Flexible Tenancy that generally has a fixed term of 5 years.</p>	<p>Ealing Council's preferred tenancy type is a lifetime tenancy.</p> <p>We are asking social housing providers who wish to use the new flexible tenancies to provide a minimum fixed term of 5 years.</p>
<p>Tenancy Types</p> <p>Most social housing tenants are issued with lifetime tenancies</p>	<p>The Localism Act requires local authorities to set out the circumstances that social housing providers will grant a tenancy of a particular kind in their tenancy strategy.</p>	<p>Flexible tenancies are most suitable for the following types of households:</p> <ul style="list-style-type: none"> • young people (under 25) • households moving into larger family units (3 & 4 bed properties) • households moving into an Affordable Rent property • Households with no adult in long-term employment (to incentivise work)
<p>Vulnerable tenants</p> <p>Most social housing tenants are issued with lifetime tenancies</p>	<p>Vulnerable tenants could be offered the new flexible tenancies, although regulatory guidance says landlord policies must provide a reasonable level of stability.</p>	<p>We are recommending social housing providers to offer lifetime tenancies to tenants with a long-term support or care need such as:</p> <ul style="list-style-type: none"> • Older tenants living in sheltered housing or extra care housing, • Disabled tenants with learning difficulties, enduring mental health issues or physical disabilities. • Tenants where a spouse or a dependant child is disabled or requires long term care • Ex-armed forces personnel who have been both medically and honourably discharged
<p>Regeneration</p> <p>Tenants who are moving as part of a regeneration are issued with lifetime tenancies at social rent at about a third of market levels</p>	<p>Social housing landlords will be required to offer the same level of security of tenure for tenants who have been required to move as part of a regeneration scheme.</p>	<p>Tenants who are moving as part of a regeneration scheme should be offered the same tenancy and rent terms for their new tenancy.</p>

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<p>Reviews of flexible tenancies</p> <p>N/a</p>	<p>Where flexible tenancies are used, social housing providers will need to undertake a tenancy review at least 6 months before the tenancy is due to end.</p>	<p>Social housing providers should use the tenancy reviews as a positive, supportive process and include an affordability assessment. In most cases, we expect that the tenancy will be extended. The types of circumstances where fixed term tenancies would not normally be extended are as follows;</p> <ul style="list-style-type: none"> • The household has a gross income more than £74,000 pa, or savings of £75k+ • A household member has been convicted of criminal activity in the vicinity of the property. • A breach of tenancy terms, for example, involving ASB. • The property is under-occupied by one bedroom or more. • The property has been extensively adapted for someone with a disability who no longer lives there.
<p>Ending a flexible tenancy</p> <p>N/a</p>	<p>Social housing providers are required to offer advice and assistance to help the tenant find alternative housing.</p>	<p>We are asking social housing providers to work proactively with tenants to support them to explore their options for alternative housing where the flexible tenancy is not being reissued. These options could include home ownership, a private rented home or a more suitable social rented property.</p>
<p>Succession</p> <p>If a joint tenant dies, the other tenant can automatically take over the tenancy. If there is one tenant, the law on succession determines if the tenancy can be passed on. Succession can only happen once, unless the landlord has a policy allowing more than one succession.</p> <p>Under succession law, a tenancy can be passed on to a spouse or civil partner, as long as they were living in the home at the time of death. Partners or another member of family can also take over the tenancy, providing they have been living in there for at least a year.</p>	<p>The Localism Act changed the law on succession for all tenancies issued after January 1st April 2012. New tenants have more limited succession rights under law. For existing tenants, the succession rules are unchanged.</p> <p>All new lifetime and fixed term tenancies issued after 1st April 2012 have a legal requirement to allow for one succession, which is limited to a spouse or partner of a tenant. Successions to a flexible tenancy 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.</p>	<p>Social housing providers can set out additional circumstances where they will allow a succession to take place over the requirements under law, known as a 'policy succession'.</p> <p>Ealing Council's Tenancy Strategy proposes to allow individual landlords to determine their own policy on succession and whether they decide to offer any additional circumstances on top of the legal requirements. Council tenants will be consulted on the Council's landlord policy.</p>

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<p>Social housing rents</p> <p>Tenants are issued tenancies at subsidised social rent (about a third of market level).</p>	<p>The government has introduced a new social housing product called Affordable Rent. Registered Providers can charge Affordable Rent of up to 80% of market rent for new and some existing homes as part of a funding agreement with the HCA to support their development programmes.</p>	<p>Social rent at around a third of market rent will continue to be offered. Registered providers may choose to charge Affordable Rent for certain properties, as part of their development programmes. Ealing Council are providing guidance on affordability for social housing providers to help ensure that Affordable Rent is reasonably affordable to both working and non-working households.</p> <p>The Council's preference is that social rent is charged for properties with 3 bedrooms or more. Where Affordable Rent is offered, we are asking social housing landlords to charge a maximum of £200 per week for properties with 3 bedrooms or more. This is to limit the impact of the household benefit caps being introduced from April 2013. For 1 & 2 bedroom properties, we are asking social housing landlords to cap rents at the current maximum Local Housing Allowance rate.</p>

The full consultation draft of the strategy will be published on Ealing Council's website, subject to Cabinet approval. The consultation is expected to start after 8th May for 6 weeks, provided the Cabinet report is not subject to Call-in.

Comments on the proposals can be emailed to: tenancystrategyconsultation@ealing.gov.uk

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