

# Southampton City Council

## Landlord Tenancy Policy



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<b>Landlord Tenancy Policy</b>			
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## 1. Introduction

- 1.1. The Landlord Tenancy Policy sets out Southampton City Council's approach to granting and managing tenancies within its own housing stock. The policy has been drafted in the light of the Tenancy Strategy 2020 - 2025 which sets out the city council's vision in relation to tenancies for all social housing in the city.

## 2. Legal context

- 2.1. In developing this policy the relevant legislation and codes of guidance have been considered, in particular:
  - Housing Act 1985
  - The Housing Act 1996
  - Homelessness Act 2002
  - Housing Act 2004
  - Allocation of Housing and Homelessness (eligibility) (England) Regulations 2006 (as amended)
  - Regulations made by the Secretary of State sets out persons who may be eligible despite being a person from abroad subject to immigration control
  - Localism Act 2011 (as amended)
  - The Housing and Planning Act 2016
  - The Homelessness Reduction Act 2017
  - The Homes (Fitness for Human Habitation) Act 2018
  - The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 (Statutory Instrument: 2006 No. 3190)
  - The Equality Act 2010
  - Human Rights Act 1998
  - Housing & Regeneration Act 2008
  - Secure Tenancies (Victims of Domestic Abuse) Act 2018

## 3. Tenancies

### **Secure Tenancy**

- 3.1. Southampton City Council will continue to use mainly secure tenancies for tenants. A secure tenancy gives additional rights to the tenant and usually allows them to live in the property for the rest of their life, so long as they do not break the conditions of the tenancy. The council will generally offer a secure tenancy on successful completion of the introductory period (below).

### **Introductory Tenancy**

- 3.2. An introductory tenancy is a trial tenancy. The council will offer Introductory Tenancies of one year to new tenants moving into social housing for the first time. Where the council offers a tenancy to an applicant who is not already a secure or assured tenant, it will always offer an introductory tenancy. Following this, the vast majority of tenants will be granted secure tenancies. Where a tenancy is not managed properly during the introductory period the council may seek to end it during that term or to extend the period of the introductory tenancy.

- 3.3. Where an applicant is already a secure or assured tenant then the council will grant the equivalent degree of security to them, such as a secure tenancy, unless the tenant refuses or requests a different type of tenancy.
- 3.4. Where needs are identified, the council will attempt to provide or facilitate appropriate support to help tenants maintain their Introductory Tenancy.

### **Flexible (Fixed Term) Tenancy**

- 3.5. Southampton City Council will retain the option to use flexible (fixed term) tenancies and the terms of this tenancy will be set out in the tenancy agreement. The Head of Stronger Communities, Neighbourhoods and Housing has discretion to offer flexible tenancies where individual circumstances warrant that offer and the council's overall policy objectives support that approach.
- 3.6. Flexible or 'fixed term' tenancies can be granted for a minimum period of two years or more as an alternative to 'lifetime' secure tenancies. Flexible tenancies are intended to grant a tenancy for as long as someone is assessed as needing it, rather than being offered a home for life.
- 3.7. Flexible Tenancies may also be used in the case of properties which could be made available for a short term period (subject to the two year minimum). This is most likely to be the case where properties are vacated prior to the commencement of a regeneration scheme. In this situation, the use of flexible tenancies will enable the authority to provide additional short term housing opportunities rather than leave properties vacancy, whilst not creating longer term housing obligations which would compromise the overall scheme.
- 3.8. The majority of fixed term tenancies will be renewed at review stage unless the household's circumstances have altered significantly, or the circumstances of the scheme (for example, a special letting scheme) prevent renewal.
- 3.9. In the case of Flexible Tenancies granted to facilitate short life use of properties in regeneration areas, these will be renewed only if there are unforeseen circumstances which significantly extend the time during which the property is likely to vacant prior to regeneration works and if a further award of tenancy will not compromise the viability of the scheme.

### **Special Lettings Schemes**

- 3.10. The council will retain the right to make use of Special Lettings Schemes. Special lettings schemes and sensitive lettings will only be made where they do not compromise the council's ability to achieve its overall policy aims. Where a Special Lettings Scheme is deemed necessary the additional eligibility criteria will be listed in the Homebid property advertisement.

### **Kanes Hill Caravan Site**

- 3.11. Pitches at the Kanes Hill Caravan Site will be allocated under the councils Gypsy and Traveller Site Allocation Policy.

### **Victims of Domestic Abuse**

- 3.12. The council will operate in line with current legislation in relation to accommodating victims of domestic abuse and ensure that, when re-housing an existing lifetime tenant who needs to move, or has recently moved from their social home to escape domestic abuse, a lifetime tenancy is to be granted for their new home. This will ensure that the victims will not fear losing security of tenure and will provide their families stability and security in their new home.

## 4. Other types of affordable housing

### **Affordable Rent**

- 4.1. Southampton City Council encourages Social Rent as a default position, but will also make use of Affordable Rent to ensure that housing applicants and existing social housing tenants have access to a wider range of tenures to meet a range of needs. Properties let under the Affordable Rent model can be let at up to 80% of market rent.
- 4.2. The council will only make use of Affordable Rent as an alternative to the default Social Rent after careful consideration, on a scheme by scheme basis, of the impact on the Housing Register as well as Local housing Allowance rates and affordability.
- 4.3. The council will ensure that any homes developed as part of affordable rent schemes are development in line with the Rent Standard Guidance 2015 and/or any subsequent legislation and guidance and in alignment with Homes England terms and guidance where applicable.
- 4.4. The rent amount will be calculated in line with the Rent Standard Guidance, at no more than 80% of market value and no less than the formula rent amount. The 80% market rent maximum includes service charges.
- 4.5. The use and numbers of Affordable Rent properties will be made in alignment with the council's Local Plan.

### **Shared Ownership**

- 4.6. Southampton City Council offer shared ownership on new properties built by the council to provide a broader housing offer to local people and to have a more diverse housing portfolio.
- 4.7. The council will consider the number of homes to be made available as Shared Ownership properties on a scheme by scheme basis.
- 4.8. The terms of the shared ownership will be set out in the lease agreement and schemes will be delivered in line with relevant legislation and guidance.
- 4.9. The use and numbers of Shared Ownership properties will be made in alignment with the council's Local Plan.

## 5. Tenancy management and sustainment

- 5.1. Southampton City Council recognises that social housing is a valuable public resource and as such will take decisive action to deal with instances of tenancy fraud and anti-social behaviour. The council will also manage tenants and their requests for tenancy changes, mutual exchanges, and the Right to Buy with the aim of managing any impact of changes on the local community.
- 5.2. Mutual exchanges will be supported by the council where appropriate, unless there are reasonable grounds to refuse the exchange and/or statutory grounds for refusal as set out in the Housing and Planning Act 1985 (Schedule 3).
- 5.3. Southampton City Council will continue to offer support to tenants where appropriate in order to help sustain their tenancy. The council recognises the council's role in supporting

vulnerable households to sustain their tenancy and will always seek to balance the interests of individual residents with the needs of the wider neighbourhood, community and Housing Revenue Account.

## 6. Tenancy end and succession

- 6.1. Details of how a tenant can end their tenancy are set out in the Tenancy Agreement. This may vary depending on the type of tenancy.
- 6.2. For tenancies granted prior to 1 April 2012 (where there has been no previous succession) succession rights will continue as under the Housing Act 1985, before amended by the Localism Act 2011. Therefore, a person may be able to succeed to the tenancy if they are living in the property as their only or principal home at the time of the tenant's death and they are either:
  - The tenant's spouse or civil partner, or
  - Another member of the tenant's family who has lived with the tenant throughout the period of twelve months ending with the tenant's death.
- 6.3. For tenancies granted on or after 1 April 2012 the only person entitled to succeed to a tenancy is the spouse, partner or civil partner. This reflects the changes made by the Localism Act 2011.
- 6.4. Southampton City Council will retain the discretion, following the death of the tenant, to offer a new tenancy of the same property, or an alternative property, to a family member left in occupation. When deciding whether to offer a new tenancy the council will take account of the individual circumstances of the case as well as the need to make good use of the housing stock and to meet overall housing demand.

## 7. Complaints, appeals and reviews

- 7.1. Complaints will be managed in accordance with Southampton City Council's normal complaints policies and processes.
- 7.2. Statutory reviews and appeals will be managed in line with the rights of appeal as detailed in the Housing Act 1985 and other relevant legislation and guidance.

## 8. Further information

- 8.1. More information about housing policies and procedures is available on the council's website at <https://www.southampton.gov.uk/>

## 9. Governance

- 9.1. This document will be reviewed after 5 years, or more frequently as required by changes to local need and/ or national legislation.

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