



Exeter City Council Housing Services

Tenancy Strategy 2023 – 2027

1. Introduction

There have been many changes in the national housing landscape since Exeter City Council last published its previous Tenancy Strategy. In 2012, there was a drive from the Government to ensure that social housing tenants would not benefit from greater tenancy security than tenants in the private rented sector, introducing the use of discretionary fixed term tenancies for social housing landlords.

In 2016, the Government introduced the Housing and Planning Act 2016 with the intention of phasing out the award of lifetime tenancies, but landlords would still be able to offer tenancies lasting up to the 19th birthday of the youngest occupant.

These provisions were not implemented, and the events at Grenfell Tower in 2017 changed the national housing landscape and the Government approach to policy. In the social housing green paper 'A New Deal for Social Housing' the Government explained that they would not implement compulsory fixed term tenancies, while in the private sector, there have been policy decisions taken to extend the length of tenancies offered by landlords, and the removal of 'no fault' evictions.

The Secure Tenancies (Victims of Domestic Abuse) Act 2018 recognised that where a secure (lifetime) tenant was offered a new tenancy when moving due to domestic abuse, they should retain their existing security of tenure and not be offered a fixed-term tenancy.

2. Strategic overview

Exeter City Council recognises that it may have limited influence over decisions made by other social landlords within Exeter, many of whom will operate across multiple local authority areas. The changes in housing policy have meant some landlords have removed the use of fixed term tenancies, returning to issuing lifetime tenancies in the process. Exeter City Council expects social landlords within Exeter to have due regard to this strategy, so that tenants and applicants in the city understand the types of tenancy available.

The Localism Act of 2011 requires every local authority to publish a Tenancy Strategy, which contains provisions on expectations for all social landlords in the area in relation to:

- The types of tenancies that will be granted
- The length of fixed term tenancies where these are granted
- The circumstances under which a particular type of tenancy will be granted
- The process for reviewing tenancies at the end of the fixed term and the circumstances under which a tenancy may or may not be renewed either in the same property or in a different property
- All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:

- The length of the fixed term
- The type of tenancy offered
- A decision not to grant another tenancy upon the expiry of the fixed term

3. Strategy Statement

Exeter City Council expects all social housing providers to produce and publish a Tenancy Policy, which addresses all of the items listed above in section 2. Exeter City Council sets out our strategy below relating to those items, and expects social landlords operating within Exeter to have due regard to these strategic objectives.

3.1 What types of tenancy will be granted?

The Council expects that social landlords will offer either fixed term tenancies or lifetime tenancies (secure or assured) and that these tenancies may be preceded by an introductory or probationary 12 month tenancy.

3.2 If fixed term tenancies are offered, how long will they last?

Exeter City Council does not support the granting of fixed term tenancies for less than five years. Exeter City Council would expect that fixed term tenancies, where granted, would be for a minimum period of five years or longer, or up to the 19th birthday of the youngest occupant.

3.3 Under what circumstances will a particular tenancy be granted?

Where social landlords offer introductory or probationary tenancies, it should be offered to all new social housing tenants.

Existing social housing tenants should not lose their security of tenure, or other tenancy rights following a move to a different social housing tenancy where there has been no break in tenancy.

Social landlords may wish to offer a fixed term tenancy to existing or new tenants moving to a new build affordable rent property.

Social landlords may wish to offer a mix of fixed term and lifetime tenancies depending on various circumstances, for example:

- Offering lifetime tenancies to people over pensionable age, or those with physical or mental disabilities
- Fixed term tenancies to tenants moving to certain types or size of home

3.4 What process will be used to review tenancies at the end of the fixed term?

Social landlords must have a clear policy for reviewing a tenancy prior to the end of the fixed term. This should include details of any financial limits relating to arrears that would prevent the award of a further tenancy, and how a landlord will decide if a property continues to meet the needs of the household.

The tenancy review should be an opportunity for both the landlord and the tenant to consider whether the property still best meets the tenant's needs and how it might meet the tenant's future housing aspirations.

Where the review is carried out with a tenant who may be vulnerable, we expect social landlords to take all reasonable steps to ensure that the tenant can fully participate in the review hearing.

We would expect the review to take place at least nine months before the tenancy is due to end to allow the tenant time to find suitable, alternative accommodation if the tenancy is not renewed and alternative accommodation will not be provided.

3.5 Under what circumstances will a tenancy not be renewed either in the same property or a different property?

Given that Exeter City Council has a strategic responsibility to prevent homelessness where possible, and to ensure that realistic housing options are available to those in housing need, it would be damaging for landlords not to renew tenancies unless they have carried out a thorough review, including offering appropriate advice and guidance to find alternative accommodation.

Under the Localism Act 2011, it is the responsibility of the landlord to provide such advice. However, Exeter City Council can provide support to all applicants for social or affordable housing, including options within the private rented sector.

As Exeter City Council retains the statutory responsibility to provide housing for homeless households in priority need, we want to ensure that a robust approach is taken to the provision of advice and assistance where a tenancy is not renewed, and we would ask all landlords in Exeter to:

- Notify the Council when a tenancy is not to be renewed, and the agreed alternative housing arrangements
- If the landlord is not making use of the Council's advice and assistance service (which is our preferred option) provide details of the advice and assistance given

All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:

- The length of the fixed term
- The type of tenancy offered
- A decision not to grant another tenancy on the expiry of the fixed term

The Council expects social landlords to ensure their Tenancy Policies contain the following information:

- How and whom review requests should be made, including timescales for making the request
- How any review panel will be made up and implemented
- Provision of timescales for administering the review

Tenancy Policies should be widely publicised and accessible for tenants and prospective tenants.

3.6 The Tenancy Standard

The Regulatory Framework for social housing in England sets out the specific standards that Registered Providers (RP's) must meet. The Tenancy Standard requires RP's to let their homes in a transparent and efficient way and to take account of the housing needs of tenants and potential tenants. They must demonstrate how their tenants:

- Make the best use of available housing
- Are compatible with the purpose of the housing
- Contribute to local authorities strategic housing functions and sustainable communities

RP's are also expected to co-operate with local authorities strategic housing functions and their duty to meet identified local housing need. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements.

The standards in the Regulatory Framework are currently under review, with a refreshed set of obligations to be launched on the 1st April 2024. Once these are launched, we will refresh this strategy and our own Tenancy Policy to ensure ongoing compliance with the new Regulatory Framework.

As Exeter City Council owns and manages its own social housing, we will produce our own Tenancy Policy which will adhere to the principles in this strategy.