



Tenancy Policy

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1.0 Aims of Policy

This policy sets out our approach to tenancy management including the use of flexible tenancies.

2.0 Who is this policy for?

Lambeth council tenants and housing officers involved in tenancy management.

3.0 Policy Statements

Use of flexible tenancies

- 3.1. In line with Lambeth's Tenancy Strategy 2020, Lambeth believes that the provision of lifetime secure tenancies is the best option for social housing. There are two types of tenancy that will be granted for Lambeth owned social housing: Introductory Tenancies and Secure (Lifetime) Tenancies.

Introductory Tenancy

- 3.2. The majority of new Lambeth Council tenants will be introductory tenants for the first 12 months of their tenancy, which can be extended by a further 6 months. On successful completion of this tenancy, by complying with the terms of the tenancy agreement, a secure (lifetime) tenancy will be granted.

Secure Tenancy

- 3.3. The Council lets homes within its permanent housing stock on a "tenancy for life" basis. We will not be issuing fixed term tenancies. Tenants with a secure (lifetime) tenancy can stay in their property unless they decide to move, or if the council seeks possession because of a breach of the tenancy agreement.

Succession

- 3.4. Succession is when a tenant dies, and the tenancy passes to a member of the family. There can only ever be one succession.

Tenancies let before 1 April 2012

- 3.5. The tenant's spouse or civil partner is legally entitled to succeed the tenant (takeover the tenancy) as long as they were occupying the property as their only or principal home at the time of the tenant's death.
- 3.6. If the deceased tenant did not have a spouse or civil partner who was occupying the property as their only or principal home at the time of the tenant's death, certain members of the tenant's family including partners (see below) qualify to succeed the tenant (take over the tenancy) as long as they were occupying the property as their only or principal home at the time of the tenant's death and had been living with the tenant for at least 12 months prior to their death.
- 3.7. However, where the property is larger than reasonably required by the successor tenant and / or it has been adapted for a disabled person, the successor tenant may be legally required to move to a smaller property.
- 3.8. The following people qualify to succeed the tenant (take over the tenancy) as long as the conditions outlined above are met:
- The tenant's partner i.e. a person with whom the tenant lived as if they were husband and wife or civil partners;

- The tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, niece or nephew

Tenancies let after 1 April 2012

- 3.9. The rules above apply, but succession rights will only be automatically afforded to children rather than all the additional family members. This right is not granted in law, but has been added to the Tenancy Agreement.

Where no one has the right to succeed

- 3.10. When a tenant dies and there is no one entitled to statutory succession (often the case where parents were joint tenants) the Corporate Director of Housing and Adult Social Care may at their discretion grant a tenancy to the person(s) that still reside in the property, either in the same home or in suitable alternative accommodation. In making this decision consideration will be given to how long they have been living there and their individual circumstances including their priority for housing under the housing allocation scheme. The decision to award a discretionary tenancy is balanced against other applicants' need for social housing.

Tenancy fraud

- 3.11. The council and its managing agents will take a proactive approach to tackling unlawful subletting and other instances of tenancy fraud, carrying out regular tenancy checks. Immediate action will be taken to evict those that have obtained Lambeth Council properties by the making of false or misleading statements.

Sustaining tenancies and preventing unnecessary eviction

- 3.12. The council will provide services that support its tenants, particularly those who are vulnerable. Eviction will only be used as a last resort where other interventions and support to address tenancy breaches have proved unsuccessful.

Equality Considerations

- 3.13. Those with protected characteristics are over represented within the council tenant population. We believe that providing secure tenancies gives important reassurance and peace of mind for current and prospective council tenants and that this policy has a positive impact.