

Lambeth Tenancy Policy

February 2013

Context

The Localism Act 2011 requires housing authorities to publish a tenancy strategy by 15 January 2013. Tenancy strategies must set out matters to which registered providers of social housing, including the Council itself should have regard to in relation to the use of flexible tenancies.

Lambeth's Tenancy Strategy was agreed in July 2012 and is published on our website at www.lambeth.gov.uk.

The Tenancy Strategy gives a general overview of the approach we believe provides the best balance between achieving stable communities and maximising the use of the limited stock we have to benefit as many people as possible. It supports the use of secure lifetime tenancies in Lambeth in most instances, to contribute to building stable and cohesive communities. The use of flexible tenancies* by registered providers is supported only in the case of larger family homes (properties with four or more bedrooms) and specially adapted properties, which are in very short supply in the borough, and for a proportion of bed-sit and one-bed properties. As set out in this Tenancy Policy, all Lambeth owned social housing will continue to be let on lifetime tenancies.

The Regulatory Framework for Social Housing in England 2012 requires that all social landlords publish tenancy policies, that outline their approach to flexible tenancies and other tenancy management policies for their own stock in more detail. This document is Lambeth's Tenancy Policy.

The Tenancy Policy has been the subject of wide-ranging consultation with key stakeholders including over 1,200 local residents, housing associations, other public bodies and third sector providers. It has been developed alongside Lambeth's Allocations Policy and Homelessness Strategy.

** A flexible tenancy is a form of secure tenancy and generally, tenants with a flexible tenancy have the same rights as other secure tenants, including the Right to Buy, the Right to Repair, and a right of succession. The only difference is that the tenancy is time limited. The same grounds for possession are available and can be used during the fixed term, for example if there are rent arrears or a breach of tenancy. Flexible tenancies are only used where local authorities choose to do so.*

What tenancies will Lambeth grant?

There are two types of tenancy that will be granted for Lambeth owned social housing: Introductory Tenancies and Secure (Lifetime) Tenancies.

All Lambeth Council tenancies will be let at a social rent.

Introductory Tenancy

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 (Lifetime) Tenancies

The Council will continue to let 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.

Housing Management Policies

Succession

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

No change on previous arrangements

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.

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. 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.

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

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

When a tenant dies and there is no one entitled to statutory succession (often the case where parents were joint tenants) the Executive Director of Housing, Regeneration and Environment 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. Further details are provided in Lambeth's Allocation Policy.

Tenancy fraud

The council and its managing agents will take a proactive approach to tackling unlawful sub-letting 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

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.

Monitoring and review of this policy

This policy will be reviewed one year after its adoption.