



## POSITION STATEMENT ON TENURE

March 2012

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### Introduction

We recognise the severe pressure which exists for social housing and we agree that it should be available to those in most need. As such we are supportive of the concept of flexible fixed term tenancies. Used well it can go a long way to alleviating the mismatch between over-crowded and under-occupied properties. It will also allow those who can afford home ownership an added incentive to move into this market as their need for social housing diminishes.

We feel however that the opportunities presented by flexible fixed term tenancies are not the same for landlords and residents of older person's supported housing as they are for general needs residents. In many ways the introduction of such a system of tenure could be harmful both to the support services provided and to the well-being of the residents.

This document sets out our position statement on tenure. It explains our rationale and how we can work with local authorities to help address the housing pressures they may themselves be facing. We hope it will be of use in helping our local authority partners pull together their tenancy strategies.

### Retirement housing and lifetime tenancies

Sheltered retirement housing promotes and sustains independence in older people. It does this in a number of ways;

- By providing low level support and/ or lifeline services which help residents to stay independent and receive help in an emergency.
- By fostering an active and supportive community environment in which residents are prevented from becoming socially isolated.
- Providing a secure and safe home environment

The benefits of a stable long term home for older people within such a setting are clearly recognised by the Government.

*Good housing for older people can enable them to live healthy, independent lives and reduces pressure on working families in caring for older relatives. It can also prevent costs to the NHS and social care<sup>1</sup>.*

and;

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<sup>1</sup> Laying the Foundations – page 48



**Martin Ling**

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**From:** Elliot, Stephen <stephen.elliott@riverside.org.uk>  
**Sent:** 28 September 2012 10:12  
**To:** Martin Ling  
**Subject:** Riverside's Response on Tenancy's Strategy  
**Attachments:** draft policy 21 feb 2012 FTT v6.docx

Good Morning Martin,

Please find my response, on behalf of Riverside, to Jackie Odunoye's letter dated September 18<sup>th</sup>, re. Tower Hamlets Tenancy Strategy.

I have attached our latest version that is still in draft given on going consultations.

I can confirm that locally we will not be issuing fixed term tenancies in Tower Hamlets. We operate starter tenancies for all tenancies across our stock in London however this fits within the guidance issued within Tower Hamlets and Riverside's strategies.

As Riverside is a national organisation sitting across many local authorities our strategy has been set up to offer the flexibility to divisions to fit the local authorities we work within. We deal with some of the most vulnerable households and our strategy helps protect these households.

Should you have any further queries please do not hesitate to contact me.

Yours sincerely,

Stephen Elliott

*Stephen Elliott  
Assistant Director*

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Note:  
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6. The opportunity to take the same or a different Riverside property on a shared ownership basis
7. The opportunity to take up an alternative Riverside home ownership scheme e.g. Ownplace
8. The option to buy the property under an approved voluntary purchase scheme (if applicable)

In addition to the above all fixed term tenants will be offered information advice and guidance on identifying future housing options at least six months before the expiry of the fixed term.

## **2.8 Policy on granting discretionary succession rights**

Riverside has a range of tenancy agreements which set out the rules for the granting of successions. In all cases these comply with the minimum legislative requirements. Our more recent assured agreements grant succession rights in excess of the statutory minimum giving parity between assured and secure tenancies. This means that succession rights will apply to:

- Spouses and partners
- Family members (as defined in the tenancy agreement) who have resided with the tenant for 12 months

For fixed term tenants the succession rights apply automatically to spouses and partners and would give rights to succeed to the tenancy for the remainder of the fixed term. Riverside will also allow successions by family members (as defined in the fixed term agreement) for the remainder of the fixed term.

**Martin Ling**

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**From:** Hooper, Dávid <David.Hooper@placesforpeople.co.uk>  
**Sent:** 12 October 2012 16:15  
**To:** Martin Ling  
**Subject:** Tenancy Strategy  
**Attachments:** Homes tenancy strategy final version.doc

Hi martin,

Just a quick note to let you know that I have reviewed the Council's draft Tenancy Strategy and I can confirm that it causes us know difficulties.

Please find attached a copy of our strategy.

Regards

David Hooper

**David Hooper**  
**Regional Manager, London & South East**  
**Places for People**  
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<<Homes tenancy strategy final version doc>>

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**Genesis**

typically afford to pay in each of the local authorities we operate in. As a result we have agreed affordable rent levels in each London borough, that mean a household with average earnings would not be paying more than 40% of their income on rent and service charges combined. In Tower Hamlets we have set the levels at 65% for studio and one bedroom units, and 55% for two bedroom units. Homes of three bedrooms and above will continue to be set at target rents.

**6.3** We believe that the strategic approach outlined in 6.1 and 6.2 above demonstrates our commitment to ensuring housing need is met in Tower Hamlets. The approach outlined above allows Genesis to meet its objective of ensuring good quality mixed tenure development in the areas in which it operates.



## **SOUTHWARK & LONDON DIOCESAN HOUSING ASSOCIATION**

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### **Southwark and London Diocesan Housing Association**

#### **Allocations and Lettings Policy**

This policy combines our existing policies on Allocations and Lettings, Transfers and Mutual Exchanges and the Nominations of Key Workers.

- 1.0 Southwark and London Diocesan Housing Association's main objective is to provide good quality homes at affordable rents for those in serious housing need. This policy describes how we aim to achieve that goal.
- 2.0 SLDHA's aim is generally to provide permanent rented accommodation. Like most Registered Providers (RPs) now, SLDHA works closely with the Local Authorities in the areas that it operates in order to assist them to meet their legal obligations and to comply with any local Nominations Agreements. SLDHA does not keep its own waiting list.
- 3.0 SLDHA has historically provided permanent rented accommodation. The current acute shortage of larger family homes has however led SLDHA to modify its historic policy. On letting all vacant 3 or 4 bedroom properties, a 5 year time-limited tenancy will be awarded. The tenancy will be reviewed in its final 12 month period and an assessment made as to whether such a large home is still needed. If the home is under occupied then an offer of an alternative, smaller home will be made before the expiry of the time-limited tenancy, bearing in mind all the known tenant's circumstances.
- 4.0 SLDHA will offer permanent tenancies on all 1 and 2 bedroom homes.
- 5.0 Any tenant of SLDHA can apply for a transfer to another SLDHA property or an appropriate mutual exchange with a tenant of another Registered Provider. Generally speaking, transfers or mutual exchanges will not be granted if a tenant is in rent arrears or if there are other outstanding breaches of the tenancy. Priorities will be given to those applicants who may be overcrowded, those who need to move on health grounds or those who may be suffering harassment.
- 6.0 Applicants for Housing generally now apply directly to the Council for property under a Choice-Based Lettings System (CBL). SLDHA collaborates with the Local Authority which advertises the vacant SLDHA property. Applicants can then in turn apply directly for a particular SLDHA property advertised by the Local Authority under the Local Authority's 'banding' criteria.
- 7.0 SLDHA also works with some referral agencies where residents on certain developments require care and support. These referral agencies in turn work closely with the Local Authorities in the areas they operate.

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WORKING IN PARTNERSHIP WITH THE CHURCH OF ENGLAND AND OTHER AGENCIES TO PROVIDE QUALITY AFFORDABLE HOMES

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DIRECTOR: STEVE JOYCE - (Email address: [steve.joyce@southwark.anglican.org](mailto:steve.joyce@southwark.anglican.org)) [www.southwark.anglican.org/sldha](http://www.southwark.anglican.org/sldha)  
CHAIR: THE VEN. MICHAEL IYGRAVE, ARCHDEACON OF SOUTHWARK  
HOUSING CORPORATION REGISTERED NO. LH 3934 INDUSTRIAL & PROVIDENT SOCIETY REGISTERED NO. 16905 R AN EXEMPT CHARITY

8.0 SLDHA is also committed to working closely with Churches to house those who may have a close link to a local Parish and who may be engaged in important work in the community. This will include retired Clergy. The Association has long-standing relationships with a number of Parishes over this. Where it has the scope to, it houses these Key Workers in specified properties as and when they become vacant. The Parishes who have such nomination rights are:

St Matthew at the Elephant	(1 St. Matthews's Court)
Christchurch, Camberwell	(59 Kings Grove)
Clapham Team Ministry	(59A Bromfelde Road)
St. Mary's, Lewisham	(36D Clarendon Rise)
St. Stephen's Lewisham	(36C Clarendon Rise)

9.0 Before any property is allocated, an applicant will normally be invited to view the accommodation. No decision is made at this viewing but an interview will follow at SLDHA's offices to ensure the nomination is appropriate and that prospective tenants and SLDHA understand their mutual obligations for each other. SLDHA reserves the right to refuse to house a Local Authority nominated tenant for reasonable cause, such as poor rental payment or a history of anti-social behaviour.

10.0 All decisions on the allocation of property are made by the Operations Manager and Housing Officer. Applicants do have the right of appeal to the Director.



## TOWER HAMLETS TENANCY STRATEGY: CONSULTATION RESPONSE

One Housing Group is encouraged by Tower Hamlets decision to make provisions for the use of fixed term tenancies. This will enable the creation of balanced communities with a mix of tenures and incomes and will also help address the issue of overcrowding within the borough.

One Housing Group will be offering fixed term tenancies to all tenants new to social housing. We understand the Council's concern that some tenant groups would benefit from receiving lifetime tenancies, but we would like to assure you that our fixed term tenancies will primarily provide a means of regularly checking that the household still requires the size and/or type of property they are occupying.

We anticipate offering a new tenancy for the same property at the end of a fixed term in the large majority of cases unless the tenant has committed a serious breach of tenancy, or where their individual or household circumstances have changed. We foresee that most fixed term tenancies will be renewed over the next 10 years as tenants' household circumstances are unlikely to change significantly in a relatively short amount of time. We will also actively encourage those residents who have secured employment or training to stay in their homes at the end of the 5 year term.

We strongly agree that an income cap should not be set within our policy. A key objective of One Housing Group's Corporate Plan is to promote aspiration within the communities we manage. We do not believe that applicants on low to middle incomes should be excluded from social housing registers. We would argue that these applicants should be offered an affordable rent in the aim of creating balanced communities. Tenants in employment, and those often referred to as the 'excluded middle' would provide positive role models within our estates and communities.

One Housing Group has an active development program and as such will be introducing affordable rents. We have entered into contract with the Homes and Communities Agency and will be using affordable rents for a proportion of our lettings. We are very aware of affordability issues, particularly in inner London for the larger units and will be working towards a percentage of market rent well below the permitted 80% and 'blended' according to unit size.

Unfortunately, we do not agree with point 6.5 of the Council's strategy. We believe that the rent must be rebased at the end of a fixed term to ensure that it remains related to the market value of the property. If we continue with the rent formula agreed at the point of issuing the initial fixed term tenancy, the rent will not be 'coherent' with the market value in 10 or 15 years time and will therefore no longer fit the affordable rent model.

One Housing Group will work with the Council to ensure that we provide clear advice and information to our tenants from the outset on the length of the fixed term and the circumstances under which it may not be renewed. Applicants will be given an information leaflet during the viewing process and our Housing Officers will ensure they understand the nature of the tenancy before signing the tenancy agreement. Fixed term tenancies will also undergo regular reviews allowing our housing officers to work more closely with residents to assist tenancy sustainment. We will also provide rehousing advice and support should we be unable to offer a new tenancy at the end of a fixed term.

In addition, One Housing Group would like to work closely with Tower Hamlets to agree local letting plans in the future in pursuit of our balanced and sustainable community objectives.

One Housing Group's Tenancy Policy is attached as requested for your information.





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Martin Ling  
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1<sup>st</sup> November 2012

Dear Martin

**Re: Tower Hamlets Tenancy Strategy**

Thank you for a copy of the Tenancy Strategy as part of the consultation process agreed by the Council's Cabinet on 5<sup>th</sup> September 2012. We have now had an opportunity to consider the Strategy and would comment as follows.

The Strategy at a very early stage sets out what Registered Providers are required to do in relation to the Localism Act. It may be useful if there is some initial introduction that talks about the Council's responsibilities as substantially this is a Council document with most RPs having their own policies. As a general comment the document as a whole seems to mainly relate to what the Council expects of others albeit at 1.1 there is a paragraph around the expectations of Tower Hamlets Homes. I think it may be useful as this will be a public strategy if there was more information at the start on what the Council overall is trying to achieve.

In relation to 2.1 second paragraph it may be useful to include some examples of where this exception to use flexible tenancies may apply.

In section 3.1 you are stating that people with long term illness or disability should be given lifetime tenancies. I think it might be helpful to be specific around the difference between tenants with a particular illness or disability whose adaptations will be specific to them for their lifetime and families where a member of the household may require either adaptations or specific local support packages where in fact the opposite of a fixed term tenancy may be more appropriate.

Under transferring secure tenants which is the final point on 3.1 we say that the secure tenants we transfer in order to meet their housing needs should always be offered a lifetime tenancy. Could we perhaps make it clear that from a legislative position this is expected anyway. This would then distinguish between the things that both RPs and the Council have to do in order to meet legislation rather than things that you may be asking RPs to do to meet the Council's objectives.

Number 4.5 – I think there may well be issues with all RPs being able to commit to this.

Under 5.2 once again we use language that says the Council's expectation is that Registered Providers will, this is also a requirement under the legislation and regulatory framework so it may be helpful to say that.

Finally under 8.1 we talk about the tenancy strategy of all Registered Providers, some may have strategies some may have policies so could we use both words. Are you confident at this stage that you can require all Registered Providers to actually provide this? Clearly current preferred partners will be happy with this approach but you are using the term all Registered Providers which would suggest non partners as well.

I hope this helps. I am more than happy to discuss my comments.

Many thanks and I hope overall the consultation has gone well.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Fawcett', written in a cursive style.

Sandra Fawcett  
Housing Director, London.

**Martin Ling**

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**From:**  
**Sent:**  
**To:**  
**Cc:**

ki; Paul

**Subject:**

Dear Martin,

I am the Chair of Columbia TRA and am submitting this response to the draft tenancy Strategy on behalf of the TRA. If this submission should be sent to another officer or office please could you forward this email accordingly.

Columbia TRA fully supports the Councils stance of continuing to grant tenancies for life and also that it's partners in housing provision do the same. In addition to saving administrative resources we believe that short term tenancies would lead to residents feeling less secure in their homes, cause people unnecessary upheaval in their lives and stress and worry about losing their homes. The TRA believes that there should be consistency between Social Housing Providers within Tower Hamlets and that the council should actively encourage all social landlords in the borough to continue to grant lifetime tenancies. The council may find it useful to liaise with the Tower Hamlets Federation of TRA's, of which I am Vice Chair, to encourage as many social landlords in the borough to follow suit.

If a housing association chooses to issue fixed term tenancies the TRA believes that they should be automatically be renewed irrespective of income or any other reason. The TRA believes that in keeping with the policy of lifetime tenancies, the tenancy should also be automatically renewable notwithstanding under occupancy or if no longer requiring disabled adaptations. However, the tenant has the option at the end of the tenancy to move to a more suitable property and the housing association may also offer an alternative property as an option to renewal.

The TRA agrees with the Council that landlords should not use fixed term tenancies as a means of removing tenants who have breached their tenancy conditions. The TRA believes that this is a matter for the courts to decide and landlords already have adequate legal remedies at their disposal.

The TRA agrees that where a housing association chooses to issue a fixed term tenancy it should be for a minimum of at least five years. It also agrees that where there are children in the household the tenancy should be for at least 15 years. This is to prevent upheaval in the children's lives and preventing the need to change schools. The TRA also believes that Housing Associations who grant fixed term tenancies should grant lifetime tenancies to elderly, disabled and other vulnerable residents as these residents are less able to cope with the uncertainty and distress of moving home.

