

Appendix 1

Portsmouth Tenancy Strategy

Background

Clause 150 of the Localism Act 2011 places a duty on every local housing authority to publish a tenancy strategy. All registered providers of social housing should then have regard to this tenancy strategy in framing their own tenancy policies.

The tenancy strategy must summarise the policies relating to tenancies or explain where they may be found.

The act states that a local housing authority must have regard to its tenancy strategy in exercising its housing management functions.

A local housing authority must publish its tenancy strategy before the end of the period of 12 months from the commencement of the Act and the Localism Act 2011 (Commencement No. 2 and Transitional and Saving Provision) Order 2012 provides for a year from 15 January 2012.

It must keep its tenancy strategy under review, and may modify or replace it from time to time.

The required Contents from the 2011 Act are:

- a) The kinds of tenancy that should be granted
- b) the circumstances in which a tenancy of a particular kind will be granted,
- c) where tenancies are granted for a term certain, the lengths of the terms, and
- d) the circumstances in which a further tenancy will be granted on the coming to an end of an existing tenancy.

Access to the strategy

A local housing authority must:

- (a) make a copy of the strategy (i.e. everything published under the specific section of the act) and make it available at its principal office for inspection at all reasonable hours, without charge, by members of the public, and
- (b) provide (on payment of a reasonable charge, if required by the authority) a copy of anything so published to any member of the public who asks for a copy.

Strategy Preparation

Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must—

- (a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- (b) give the private registered provider a reasonable opportunity to comment on those proposals.
- (c) consult such other persons as the Secretary of State may by regulations prescribe, and

The authority must, in preparing or modifying a tenancy strategy, have regard to—

- (a) its current allocation scheme under section 166A of the Housing Act 1996, &
- (b) its current homelessness strategy under section 1 of the Homelessness Act 2002

The Portsmouth Tenancy Strategy

Providers of non market housing in Portsmouth are expected to use their new powers based upon what they have learnt about the demand upon their stock in Portsmouth. This process should determine how the Portsmouth properties are managed and will form the basis of discussions with the local authority when certain tenancy issues are discussed.

a) The kinds of tenancy that should be granted

Local Authorities will be able to offer fixed term secure tenancies, usually for 5 years or more (for only 2 years in exceptional circumstances) which will be called `flexible tenancies`. Housing Associations will be able to offer fixed term assured shorthold tenancies (ASTs) usually for 5 years or more (for 2 years only in exceptional circumstances). These types of tenancies are additional to the existing types which registered Providers will be able to continue to grant. The table below explains the differences

Tenancy Type	Key Points	Tenancy Type	Key Points
Introductory	<ul style="list-style-type: none"> a) Enable local authorities to give tenants a `trial period` b) No statutory grounds required for eviction 	Starter	<ul style="list-style-type: none"> a) No statutory grounds required for eviction b) Enables housing associations to give tenants a `trial period`
Secure	<ul style="list-style-type: none"> • `Lifetime` tenancy • Grounds required for eviction 	Assured	<ul style="list-style-type: none"> • `Lifetime tenancy` • Grounds required for eviction
Flexible (new)	<ul style="list-style-type: none"> • Fixed Term (minimum of 2 years but 5 years expected) • Grounds required for eviction, but (in theory) easier process 	AST (new)	<ul style="list-style-type: none"> • Fixed term (minimum of 2 years but 5 years expected) • Tenant can be evicted with S21 Notice

Portsmouth City Council considers that Lifetime tenancies should be the usual type of tenancy that should be granted.

In order for the City Council to support the use of tenancies other than on a Lifetime basis the providers must explain the particular circumstances which have led to Lifetime tenancies not being utilised.

Providers must ensure that their actions concerning tenancies do not undermine individual tenancy, social or community sustainability.

All landlords will be expected to provide advice and assistance to tenants about their housing options and the type of tenancy they hold before taking the tenancy and when carrying out a review at the end of any fixed term period

b) The circumstances in which a tenancy of a particular kind will be granted, Landlords can have the flexibility to determine the type of tenancy they offer to new tenants

All landlords will be expected to grant Lifetime tenancies unless there are particular reasons why this should not be the case. In determining whether to grant a Lifetime tenancy both the Housing and Support needs of the tenant or prospective tenant should be considered

c) Where tenancies are granted for a term certain, the lengths of the terms, Landlords have the flexibility to determine the length of tenancy that they offer to new tenants

Portsmouth City Council consider that where fixed term tenancies are to be offered then these should be for a minimum of 5 years, excluding any probationary period. Any period of less than 5 years (i.e. between 2 years and 5 years) will not be supported unless the circumstances have been agreed by the local authority

d) The circumstances in which a further tenancy will be granted on the coming to an end of the existing tenancy.

On coming to the end of a fixed term tenancy, Registered Providers are able to:

- (a) provide another tenancy
- (b) give advice or assistance into an alternative housing tenure
- (c) Seek possession
- (d) Do nothing (in which case the tenancy will revert to a periodic secure in the case of a local authority or a periodic AST in the case of housing association)

Portsmouth City Council presumes that there will be the provision of another tenancy. The possible exceptions to this are:

- (a) Where a household is under occupying and possession would provide an opportunity to make best use of the property in question, and suitable alternative accommodation is available*
- (b) Where there are significant breaches of tenancy which would warrant` outright possession` and where eviction proceedings are underway*
- (c) Where there is an adaptation that is no longer required and possession would provide an opportunity to make best use of the property in question and suitable alternative accommodation is available*
- (d) Where the property is not suitable to meet the needs of the tenant and a suitable alternative property is available for their occupation*

(e) Where a tenants financial circumstances have changed significantly to enable access in the private sector whether through renting or home ownership

e) Expectations of providers both at the end of a tenancy and pre-tenancy

Portsmouth City Council expects providers to proactively advise tenants prior to tenancy sign up. This advice should particularly focus on the implications of signing for the tenancy and information about ending the tenancy. This advice should be made available to those who are seeking a transfer or mutual exchange as well as new tenants.

Registered Providers should ensure that tenancy reviews are undertaken at least 6 months prior to the end of the fixed term. This time period will allow appropriate advice to be given and any move-on to be facilitated.

Registered providers should ensure that advice at both the beginning and at the review of tenancy is written into their tenancy policy.

It is expected that providers will have a clear written process to allow for appeals from residents relating to the granting of tenancies

f) Conversions and Disposals - Some Registered Providers have the ability to convert tenancies from socially rented properties to an affordable rental model. There may also be an ability to dispose of stock in order to make best use of assets

Portsmouth City Council accept that the use of these powers of conversion and disposal will be necessary in order to fund the development of new housing.

Providers should however ensure, especially with regard to conversions, that:

i) Homes remain affordable and do not exceed Local Housing Allowance levels

ii) Providers should consider individual tenancy and social and community sustainability issues when exercising their powers

iii) Providers should ensure that there is not a concentration of conversions in one particular area.