



Title of meeting: Housing Cabinet

Date of meeting: 11th March 2014

Subject: Exchange and Succession policy
Local Authority Housing Management

Report by: Nigel Selley.

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

The purpose of this report is for the Cabinet member to note and endorse the process for dealing with Exchange requests and Tenancy changes due to Succession that have been amended to reflect the removal of the Spare Room Subsidy and the Localism Act 2012.

2. Recommendations

That the Cabinet member notes and endorses the actions taken with the management of exchange requests and tenancy changes resulting from succession. That the Head of Housing and Property Services Manager continues to exercise delegated authority to manage exchanges and decide when to grant tenancies where no statutory right of succession applies.

3. Background

The Housing Committee on 8th October 1996 gave guidance on the way the Housing Act 1985 was to be applied and is attached as Appendix A.

An exchange is where 2 or more tenants 'swap' their homes and tenancies with each other. Secure tenants have a right to exchange but the City Council would have the power to refuse the exchange if certain conditions (such as rent arrears or under occupation) exist.

Prior to April 2013 it was usual for exchanges to be refused if there were rent arrears. Exchanges would also be refused if one person would under occupy the accommodation by 2 or more bedrooms, but approved if one bedroom only was under occupied.

The removal of the spare room subsidy has caused a change in the way we manage exchange requests.

Exchange requests from tenants who are in arrears and wish to 'trade down' are now considered and approved where there is a sustainable financial plan in place that shows the new rent and payment of any arrears are affordable.

Where exchange requests are received from tenants who wish to under occupy, Housing Officers will exercise their discretion and only approve requests where there is financial affordability and the future use of the property will be appropriate (e.g. the family might have young children under 10 who will need an extra bedroom in time.)

Succession is the way tenancies are transferred to another family member in the event of the tenants death. The Housing Act 1985 provided for a wide definition of 'family member' but the Localism Act has limited succession for all tenancies created after April 2012. Under the Localism Act only the tenant's spouse or partner will be entitled to succeed (regardless of the property being under occupied or not).

The City Council could widen the group of family members who could succeed to Tenancies after April 2012, (e.g.to sons/daughters, brother sisters, father mother) but this may result in possible under occupation or inappropriate housing being used at the expense of families on the Housing Waiting list.

Where other family members (not spouse or partner) who have been resident in the property for more than 1 year are left in a property following the death of a sole tenant, the Housing Options team are consulted to either offer a new tenancy at the current address or a transfer to more suitable property.

In making this decision the facts surrounding the family members length of stay and contribution to the home are taken into account. The financial situation of the household are also reviewed with the Housing Benefit regulations regarding spare room subsidy being taken into account, to ensure the future tenancies are sustainable.

Generally, where family members are left in a property following the tenant's death, they will be offered a tenancy but it may not be a tenancy to the property they are currently living in. The allocations policy will be used to offer a suitable sized home (the property sizes mirror those used by Housing Benefit for the 'spare room subsidy')

4. Current situation and reasons for recommendation

Guidance documents for staff are attached as Appendix B (succession) and Appendix C (exchanges) and these have been updated to reflect the changes in legislation. Both documents outline the preferred course of action in managing the City Councils Housing stock and have ensured that discretion is available in certain circumstances to take the appropriate action.

The Cabinet are asked to note and endorse the general principles around Exchanges and Succession.

5. Equality impact assessment (EIA)

The report has no recommendations that require an EIA

6. Legal Implications

There are no legal comments applicable to this report as the current policies reflect the amendments to the 1985 Housing Act. In addition the policies provide appropriate guidance and information to tenants and prospective tenants with particular reference to succession and mutual exchange within the Act (as amended)

7. Finance Comments

The costs of dealing with exchange requests and tenancy changes due to succession are contained within the HRA business plan as approved by the Housing Cabinet on 28th January 2014.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
|-----------------------------|--|
| Decision of 1996 committee | City Council Minutes |
| Process guidance Exchanges | Local Authority Housing Management records |
| Process guidance Succession | |
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The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on