

Consultation Response

CLG - Local Decisions: a fairer future for social housing

Question 1

As a landlord, do you anticipate making changes in light of the new tenancy flexibilities being proposed? If so, how would you expect to use these flexibilities? What sort of outcomes would you hope to achieve?

Due to the short timescales given to respond to the proposed changes, we have been unable to consult widely on the proposals.

We will be making a decision on how to proceed once full consideration has been given to the wider strategic needs of the area, including analysis of the social, economic and political issues.

Any changes will have to go through the due political process

Question 2

When, as a landlord, might you begin to introduce changes?

Once the strategic analysis has been completed and agreement has been reached with key partners.

Question 3

As a Local Authority, how would you expect to develop and publish a local strategic policy on tenancies? What costs would you expect to incur?

We would need to work with key partners including Registered Providers, stakeholders and elected members to agree common aims and criteria of the strategy. This should be based on local need evidenced by robust intelligence.

We would also need to consult with neighbouring housing authorities to try and get as much consistency as possible as many Registered Providers operate across housing boundaries. On this note, there is concern that as RPs operate nationally they may want to take a Corporate approach, as such the extent to which they have regard to local strategic policies may be limited.

The cost of devising and publishing a strategy include staffing resource, consultation exercises and cost of monitoring, reviewing and updating the policy.

Question 4

Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?

In order to try and bring some level of consistency across all tenures, we would advocate that the regulation of private rented tenancies should also be considered as part of the proposals.

- Registered Providers
- Parish Councils
- Private Sector Landlords
- Supported Accommodation Providers
- Applicants on the housing register
- Existing Council and RP tenants
- Voluntary and Community organisations
- Elected Members
- Strategic Partners including Warwickshire County Council - Adult health and, Children's services.
- Community Forums

Question 5

Do you agree that the Tenancy Standard should focus on key principles? If so, what should these be?

Yes the tenancy standard should focus on key principles. The Tenancy Standard should set out consistent standards to ensure fairness for tenants. The Tenancy Standard should also give the right for authorities to set local standards to reflect local need.

The standard should require that tenancy agreements for particular fixed term tenancies should be approved by the local housing authority to ensure compliance with the local strategic tenancy policy. This would lead to consistency between different landlords.

Question 6

Do you have concerns that these proposals could restrict current flexibilities enjoyed by landlords? If so, how can we best mitigate that risk?

No

Question 7

Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?

There should be a requirement for landlord policies to be developed in accordance with the local strategic policy on tenancies.

Question 8

What opportunities as a tenant would you expect to have to influence the landlord's policy?

There should be a reasonable expectation that existing tenants will be consulted. Feedback should be given on how their views have been taken into account.

Question 9

Is two years an appropriate minimum fixed term for a general needs social tenancy, or should the minimum fixed term be longer? If so, how long should it be? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be? Should the minimum fixed term include any probationary period?

Two years is not considered to be a sufficient period for a new tenant to establish themselves in a tenancy, become part of the community and in some cases find employment. There is concern that this it could lead to less personal investment in communities, undermining cohesiveness and sustainability.

We feel that 5 years would be a reasonable minimum period which would give greater stability to households, particularly those with young children.

There is some concern that if shorter fixed term tenancies had to be reviewed on a large scale, this would be an administrative burden, resource intensive and costly.

There is also concern that fixed term tenancies could act as a disincentive to finding work if they are reviewed according to income.

Furthermore, if tenants on higher incomes are required to leave the tenure, the concentration of benefit claimants is likely to increase on estates, creating "ghettos" of the past.

Tenancies for social and affordable rents should be the same and introductory tenancies should continue.

Question 10

Should we require a longer minimum fixed term for some groups? If so, who should those groups be and what minimum fixed terms would be appropriate? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rent? If so, what should this be?

No, it should be consistent across all groups. If different terms are applied an impact assessment would need to be undertaken to ensure certain groups were not adversely discriminated against.

There may be an argument for some for some groups, such as the elderly and those with long-term illnesses/disabilities to be granted life time tenancies.

Question 11

Do you think that older people and those with a long term illness or disability should continue to be provided with a guarantee of a social home for life through the Tenancy Standard?

Possibly yes. Although it would probably be more appropriate to make an assessment based on individual circumstances.

Question 12

Are there other types of household where we should always require landlords to guarantee a social home for life?

See response to question 11.

Question 13

Do you agree that we should require landlords to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home?

If this was to occur it would effectively create a two tier system and inconsistency. It could be perceived to be unfair and discriminatory.

However, if secure or assured tenants were not offered it may be a disincentive for households to move, making tackling issues such as under occupation more difficult. Though this could be counteracted through the provision of incentives.

Question 14

Do you agree that landlords should have the freedom to decide whether new secure and assured tenants should continue to receive a lifetime tenancy when they move?

Yes this should be the landlord's decisions and not that of central government. Decisions need to be made that reflect local policies and needs.

Question 15

Do you agree that we should require social landlords to provide advice and assistance to tenants prior to the expiry of the fixed term of a tenancy?

Yes this will be key to ensuring that tenants that move out of fixed term tenancies move into suitable and affordable housing that meets their households needs. This however has resource implications from reviewing and monitoring fixed term tenancies, training, capacity, partnership arrangements. The criteria for ending/renewing fixed term tenancies will be included within the Local Authority's Strategy, landlords will need to devise procedures and allocate the relevant resources.

Tenants must be able to access independent advice to ensure that they are able to make informed decisions.

Question 16

As a landlord, what are the factors you would take into account in deciding whether to reissue a tenancy at the end of the fixed term? How often would you expect a tenancy to be reissued?

The circumstance of the household including financial, social, medical and size and type of property required.

There should be a clear and transparent review against published standards.

Question 17

As a local authority, how would you expect to use the new flexibilities to decide who should qualify to go on the waiting list? What sort of outcomes would you hope to achieve?

Whilst this will be subject to consultation, initial thoughts are:

- Households with no housing need would not be able to register
- Financial resources of households would be taken into account, and those with the means or capital to resolve their own housing issues would be given advice and assistance to do so
- Unlikely that we would continue to hold an open register, it would be based on local connection.

Restricting housing waiting lists to households in housing need will reduce administrative costs and help to manage housing expectations.

It would mean better use of the limited housing stock to meet the needs of local people.

There are concerns however, that the flexibilities around the exclusion criteria, may make mobility more difficult.

Question 18

In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?

By restricting access to only those with a housing need, we would expect the waiting list to fall substantially. This would reduce administrative costs and, these savings could be re-invested to allow for a more detailed housing plan to be formulated for those on the waiting list

We could better manage housing expectations.

Waiting list data would be more useful for assessing need.

However, there could be increased cost from those appealing against decisions to exclude from the register.

Question 19

What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?

There would be extensive consultation with other accommodation providers, existing waiting list applicants, tenants and stakeholder to get their views.

Question 20

Do you agree that current statutory reasonable preference categories should remain unchanged? Or do you consider that there is scope to

clarify the current categories?

In the main we welcome the retention of the statutory reasonable preference criteria. There could be greater clarity around overcrowding, unsatisfactory or insanitary conditions, so that it reflects HHSRS.

However, as we are concerned that the current arrangements would mean that people who are intentionally homeless or non priority homeless may have to be given a higher priority than priority need cases that have been discharged in the PRS, and who are therefore no longer considered homeless.

It is debatable whether 'homelessness' should continue to give reasonable preference, as in some ways this influences and almost incentivises applicants to make a full application as homeless to the local council rather than accept assistance without making an application.

Question 21

Do you think that the existing reasonable preference categories should be expanded to include other categories of people in housing need? If so, what additional categories would you include and what is the rationale for doing so?

No.

Question 22

As a Landlord, how would you expect to use the new flexibility created by taking social tenants seeking a transfer who are not in housing need out of the allocation framework? What sort of outcomes would you hope to achieve?

We already give priority through the waiting list to those who are under occupying social housing in the District.

We may want to prioritise working households and households with good tenancy records

We would need to consider the merits of taking transfers out of the allocations framework and how allocation would remain open and transparent.

These proposals could go further by making it mandatory for those under occupying social housing by 2 or more bedrooms to downsize. This would assist in making better use of existing stock.

Consideration should also be given to revise the proposed HB restrictions for under occupiers. Under current proposals these will only apply to households of working age, so neither of these policies will help address the under occupation problem.

Question 23

What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?

Cost to subscribe to a scheme and costs of administration, as well as uncertainty around positive outcomes. Under the current proposals, the more local variation that is permitted the more complex the mobility system becomes.

Also under these proposals there would be tension between efforts to increase mobility for social tenants and the localism agenda in that it is likely that most authorities would want to restrict to its limited housing stock to its own existing residents.

Question 24

As a tenant, this national scheme will increase the number of possible matches you might find through your web-based provider but what other services might you find helpful in arranging your mutual exchange as well as IT-based access?

There should not be a reliance on IT based systems as not everyone will have access to such systems. Alternative formats such as paper information, and Digi TV would need to be considered.

Question 25

As a local authority, how would you expect to use the new flexibility provided by this change to the homelessness legislation?

Whilst this reduces the dependence on social housing, it is dependent on local authorities being able to readily access private rented accommodation that is of good quality and affordable. As stated earlier these proposals should include better regulation of the private rented sector. In our District PRS rents are unaffordable, particularly for working households and there has been a reluctance by private landlords to take the clients that housing authorities deal with.

There is also concern that the proposed changes to LHA allowance will impact on a households ability to access the PRS.

We think that housing authorities should be able to find people intentionally homeless if they refuse a suitable offer of any type of accommodation or assistance that would prevent their homelessness. At present households can turn down viable housing options and still proceed with their homeless application, without the refusal having an bearing on the final decision. Carrying out a full assessment and accepting a duty and then discharging it uses up more officer time unnecessarily. By making the suggested change, resources would be freed up and the administrative burden reduced.

Question 26

As a local authority do you think there will be private rented sector housing available in your area that could provide suitable and affordable accommodation for people owed the main homelessness duty?

We would have to build capacity within the private sector.

We would also need to consider the impact of the LHA changes, Universal Credit cap and the increase in single room restriction to under 35s.

We would also suggest that there need to be transitional arrangements or that this change is backdated, to prevent an increase in homelessness applications before the changes come in.

Question 27

Do you consider that 12 months is the right period to provide as a minimum fixed term where the homelessness duty is ended with an offer of an assured shorthold tenancy? If you consider the period should be longer, do you consider that private landlords would be prepared to provide fixed term assured shorthold tenancies for that longer period to new tenants?

Ideally it would either be for 2 years or granted in line with social and affordable tenancies in order to provide consistency and period of stability for the tenant.

Realistically, 12 months is the longest period that would work as a minimum fixed term, as landlords tend not to want to tie themselves into a 2-year tenancy with a new tenant.

Question 28

What powers do local authorities and landlords need to address overcrowding?

Additional powers to free up under occupied properties as well as new government initiative to increase the supply of larger properties in both the social and private sector.

Need resources to incentivise existing tenants who are under occupying to move to smaller accommodation.

Question 29

Is the framework set out in the 1985 Housing Act fit for purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?

New standards that are easier to understand, at the moment too many definitions and measures of overcrowding.

Question 30

Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords?

Possibly, however there are concerns this is open to interpretation.