



**Service Delivery
Committee**

**Tuesday, 17 January
2017**

**Matter for Information
and Decision**

Title: Fixed-Term Tenancies

Author: Steve Nash (Housing Services Manager)

1. Introduction

- 1.1 To update Members on the latest proposals and implementation of Fixed-Term Tenancy provisions in the Housing and Planning Act 2016.

2. Recommendations

- 2.1 Members are asked to note the latest position in terms of Fixed Term Tenancies
- 2.2 Members are invited to agree the maximum 10 year term for all lettings affected by the changes.

3. Information

- 3.1 The Housing and Planning Act 2016 contains provisions on the mandatory granting of fixed term secure tenancies.

It had been hoped to bring a full report to Members following the publication of the required regulations which had been promised for winter 2016. At the time of writing the government had not published the regulations.

Whilst the commencement regulations have not yet been published a decision must be made in advance to define the Council's policy in respect of the planned changes.

The latest position is as described below. However, draft regulations have not yet been issued and a further update report will be brought to this committee at a later date..

- 3.2 From 1 April 2017 secure or so called "life time" tenancies will be replaced with secure tenancies for a fixed period of time for all new tenants. The new provisions will not apply retrospectively to existing tenants before April 2017.

Councils have some discretion over the length of the fixed terms to be offered but there is a minimum of two years and maximum of ten years term except where there are children in the household.

Councils can issue different length tenancies to different groups so long as they identify this within their tenancy policy.

An individual may seek a review of the length of tenancy offered to them.

Where the Council receives written notification that there are children in the household under the age of 9 years when the tenancy starts, the fixed term can be extended so that it ends on the 19th birthday of the youngest child.

- 3.3 During the fixed term period tenants will have similar rights as current lifetime tenants, with the following exceptions:

They will not have the right to claim compensation for any improvements they have carried out at the property.

In relation to tenancies granted before 1 April 2012, Councils will have a discretion to grant family members succession rights (spouses, civil partners, and those living together have absolute succession rights), but those family members will be ineligible for a lifetime tenancy but instead will be offered a fixed term tenancy.

- 3.4 Between nine and six months before the end of the fixed term the Council must review the tenancy and determine one of the following:

- To offer a further fixed term tenancy in the same property;
- To offer a fixed term tenancy in an alternative property;
- To end the tenancy and offer advice on buying a property or other housing options

- 3.5 The Council will continue to issue Introductory tenancies – the fixed term tenancy will start immediately after the introductory tenancy, provided the introductory tenancy has not been extended or possession proceedings started.

- 3.6 Existing old style secure tenants who transfer to alternative properties will receive a new fixed term tenancy except in limited circumstances. Those circumstances will be provided in the Statutory Code of Guidance but are generally expected to include:

- people who are required to move by the Council (decants)
- where the move is due to domestic abuse
- moving via a mutual exchange

The Code of Guidance will also provide other limited grounds where discretion can be used to issue a further old style “life time” tenancies.

- 3.7 Criteria for determining the initial tenancy length and outcomes at the end of the fixed term must be contained within the council’s Tenancy Policy which is the subject of another paper before this committee.

4 The Case for a 10-Year Term

- 4.1 Granting the maximum 10 year term in all cases (save where young children are involved where it would be extended until the youngest child’s 19th birthday) will remove the need to undertake reviews of decisions.

- 4.2 The longer length of time will give tenants the best possible opportunity to contribute to their community and to value their property.

Background Documents:-

None

Email: steve.nash@oadby-wigston.gov.uk

Tel: (0116) 257 2662

Implications

Financial (CR)	CR1 Decreasing Financial Resources due to increased administration.
Legal (AC)	No significant implications as the Council is complying with the new legislation.
Risk (SG)	CR4 Reputation Damage - The new policy will impact on tenants as they reach the end of the fixed term.
Equalities (SG)	Initial Screening attached.
	Equality Assessment:-
	<input checked="" type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input type="checkbox"/> Not Applicable