



LONDON BOROUGH OF BRENT

# Tenancy Strategy

2020–2024



# 1.0 Introduction

The Localism Act 2012, was instrumental in empowering Councils to influence how social housing is offered and managed in the local area.

The Act removed the requirement for Registered Providers (RPs) and Councils to offer the most secure tenancy possible and introduced a new type of tenancy for Councils known as a fixed term tenancy. The aim of this was to allow social housing landlords to review a tenant's circumstance at the end of a tenancy and if improved support the household into alternative tenures such; as the private rented sector (PRS) or affordable home ownership.

The duty however, remained with the responsible Council to produce a tenancy strategy for social housing providers that communicates local housing need and how social housing should be offered in keeping with the Council's vision for residents.

In the London Borough of Brent, we have worked with partners, researchers and Brent residents to build a clear understanding of local housing need and how these needs can be met through;

- the types of tenancy granted
- how a person's circumstance should be considered when deciding the type of tenancy to grant
- the length of time a tenancy will be granted for
- and how tenancies will be managed towards the end including the offer of a new tenancy

We know there is a shortage of genuinely affordable homes across London, including Brent. The lack of genuinely affordable homes has resulted in households living in temporary accommodation for long periods of time. In some cases, up to 27 years. Brent also has the highest number of residents receiving housing benefit within the PRS.

We want all residents to fully benefit from moving into a home that is affordable so they can feel settled, build relationships and be a part of their local community. Developing a guaranteed level of security for all, is our priority.

The importance of security and stability is essential in all tenures. This has led the Council to extending the requirement outlined by the Localism Act 2011 to include the private rented sector (PRS).

This strategy will set out a vision and a set of desired outcomes that we will deliver over the next four years so all Brent residents who are renting whether this is social or private rented housing will feel secure in their homes.

All social housing landlords will be expected to review their tenancy policies to help us to deliver this strategy.

This strategy should be read alongside the Council's [Rent Guide](#), [Allocations Scheme](#) and [Homelessness and Rough Sleeper strategy](#) as well as the [London Housing strategy](#).

## 2.0 Vision

Our borough plan, sets out a clear commitment to make Brent a great place to live and work, where people feel that they have opportunities to change their lives for the better 'Building a better Brent together – Borough Plan'.

To achieve this, our vision for this strategy is for all Brent residents who are renting, to have a clear understanding of their tenancy, their rights and a guaranteed level of security in their home.

## 3.0 Equality and Diversity

Brent is the second most culturally diverse borough in the United Kingdom (UK).

This strategy supports the Council's commitment to championing equality and ensuring procedures are in place so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

To develop this strategy, an equality impact assessment was undertaken.

## 4.0 National and Local Context

To inform the content of this strategy, a range of sources were used to develop a comprehensive evidence base. This includes:

- The London Housing Strategy
- The London Borough of Brent 2016 Strategic Housing Market Assessment (SHMA)
- Findings from Cambridge University commissioned study 'Affordable housing products and their affordability to target client groups'
- Analysis of rents against Local Housing Allowance rates

### National context and policy

The regulator for social housing requires landlords to grant tenancies that are compatible with:

- The purpose of the accommodation;
- needs of individual households;
- sustainability of the community and;
- efficient use of housing stock.

Since the Localism Act 2011 was introduced, a range of legislation and policy decisions have shaped the housing sector and the approach to delivering against these requirements.

### Context: Social housing

Previously, RPs were required to offer tenants the “most secure” form of tenancy, meaning the majority of tenants were offered assured tenancies, sometimes described as ‘lifetime’ tenancies (*for more details on tenancy types see section 5.0*). The Localism Act 2011 made changes to this requirement and introduced the option for Councils to also grant new tenants ‘flexible tenancies’. Like the majority of Councils, Brent encouraged all social housing landlords to utilise fixed terms tenancies where appropriate.

In 2016, the Housing and Planning Act set out to make fixed term tenancies mandatory. This decision was reversed and confirmed in the government’s green paper ‘A new deal for social housing’ 2018. This reversal was a catalyst for some large RPs and Councils to evaluate the benefits of fixed term tenancies and as a result ending the offer of fixed term tenancies entirely. Grand Union Housing Association reported that to review their 1,000 fixed term tenancies cost £36,000 in officer time and none were eligible to end and be moved into an alternative housing tenure.

Another significant move towards championing security was the Secure Tenancies (Victims of Domestic Abuse) Act 2018. This introduces the requirement for Councils to grant secure ‘life time’ tenancies to “*a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant), and the Council is satisfied that (i) the person or a member of the person’s household is or has been a victim of domestic abuse carried out by another person, and (ii) the new tenancy is granted for reasons connected with that abuse*”. This Act also provides a requirement for Councils that are local housing authorities to grant a life time secure tenancy of a dwelling where the tenant had been previously a joint tenant of that dwelling under a life time secure tenancy and the

Council is satisfied that (i) the person or a member of the person's household is or has been a victim of domestic abuse carried out by another person, and (ii) the new tenancy is granted for reasons connected with that abuse. However, these provisions of the 2018 Act are not currently in force yet.

### Context: Private Renting

In April 2019, the government announced plans to stop landlords from being able to evict PRS tenants from their homes at short notice or without good reason. The amendment seeks to bring to forward new legislation abolishing the use of section 21 of the Housing Act 1988 (no-fault evictions) to terminate assured shorthold tenancies. Under the proposals, landlords would have to provide evidence and grounds already specified in law for bringing tenancies to an end. This is a significant change from the current rules which allows landlords to evict tenants at any time after the fixed-term contract has come to an end, and without specifying a reason. At the point of writing this strategy, the government are still in the process of developing the proposed legislation.

Another key factor to the insecurity felt by PRS tenants is affordability. Homes in the PRS that have rents set at Local Housing Allowance (LHA) are scarce. The Council has had to think differently to support people into the PRS and has established a wholly owned subsidiary company i4B. i4B has specifically purchased PRS homes so households, who would have been living in temporary accommodation, can access good quality homes the PRS. Alongside this, the Council offers financial incentives to landlords in return for setting rents at LHA level.

Shelter has launched a campaign calling on government to end the freeze and return LHA rates to the lower quartile of market rents. Lack of access to private sector renting has increased removing the sense of security for thousands of individuals and families. This combined with difficulties in sustaining tenancies has resulted in more people at risk or experiencing homelessness. This has influenced the Council’s decision to include PRS in the scope of this strategy.

## Housing need in Brent

This number of people living in temporary accommodation in Brent has reduced significantly. Between December 2018 and October 2019 this has reduced by 270 households.

The table below shows the full breakdown of housing needs for these 2,075 households.

Table one: household need in Temporary Accommodation (October 2019)

Bedroom need	Number of households
One bedroom	448
Two bedrooms	786
Three bedrooms	1156
Four bedrooms	401
Five bedrooms	78
Six or more bedrooms	11

The majority of households are in need of a family sized home, with our greatest demand being for 3-bedroom homes. The current waiting

time on the housing register is dependent on the size of the property, however the average waiting time is 14 years.

As well as understanding housing need, what Brent residents could afford was another important factor. Cambridge University undertook research, of the affordable housing in Brent found over half of current working single people or couples allocated social housing cannot afford the rent for 1 bedroom flats, and 90% of families with 2 children cannot afford the rent for a 3 bed property. This shows the likelihood of the housing needs changing so significantly they no longer need social housing to be highly unlikely.

There are many other factors that impact Brent residents housing needs. The 2016 SHMA and Public Health reported 32,688 households in Brent are overcrowded by at least one bedroom. According to Public Health analysis of Brent, 12,900 households are living in fuel poverty.

The current national housing context has prompted a response from the Greater London Authority on how to increase housing supply and affordable homes in London.

The Mayor of London wants to increase the supply of low-cost homes throughout the city. This is to ensure that London’s neighbourhoods are good places to live and that everyone has a place that feels like home. We want as many of these new homes as possible be in Brent.

Working in partnership with RP and private developers, we have a target for 1,000 new affordable homes to be built in the borough every year for a period of five years. Of these 1,000 new homes 700 each year will be for affordable rent and up to 300 will be shared ownership. The Council is has also committed to an ambitious house building programme which will see 1,000 new Council homes built as part of this target.

This strategy, will play a key part in ensuring Brent residents feel the maximum benefit of these new homes. We will become less reliant on the PRS, protect those who are living in a home that is affordable but are concerned they will be forced to move on and ensure people living in temporary accommodation are able to move into a suitable home in a reasonable amount of time.

## 5.0 Types of Tenancies

It is essential when granting tenancies, all tenants are told the type of tenancy they are being offered at the point of sign up. This should also be clearly presented in the tenancy agreement along with any rights specific to the type of tenancy.

There are several tenancy types used for affordable housing in Brent, this varies depending on the landlord.

This section outlines the different types of tenancy under the Housing Act 1980, 1988, 1996 and Localism Act 2011. These are:

**Introductory tenancies:** New Council tenants may be offered an introductory tenancy lasting up to 12 months. Similarly, RPs may choose to offer a probationary tenancy or a starter tenancy. Tenancies remain introductory until the end of a “trial period” which lasts for one year after the date on which the tenancy was entered into, or the date on which the tenant was first entitled to possession, whichever is later. An introductory tenancy can be extended by a further six months.

**Secure tenancies:** A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant’s lifetime. A

secure tenancy can only be granted by Councils which are local housing authorities.

**Assured tenancies:** An assured tenancy can be granted either with or without a fixed period, similar to a secure tenancy or with a fixed period by an RP. An assured tenancy (of the type that is not an assured shorthold tenancy which is explained below) can only be ended if the tenant breaches their tenancy conditions during the tenant’s lifetime if the tenancy has no fixed term and during the fixed term, if the tenancy has a fixed term.

**Assured shorthold tenancies:** an assured shorthold tenancy (AST) can be issued by an RP of social housing and a private landlord. It is recommended this type of tenancy is not used by RPs for Social Rent, London Affordable Rent or Affordable Rent properties. An AST is also the most common type of tenancy in the PRS for tenancies started on or after 15 January 1989. The property must be the tenants main home and the landlord doesn’t live in the property.

**Demoted tenancy:** If a tenant has been involved in antisocial behaviour and they are a secure tenant, RPs can demote the tenancy for 12 months. This is achieved by obtaining a court order. A demoted tenancy reduces a tenant’s rights and facilitates the eviction process if required. At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert back to a secure or fixed term tenancy.

**Flexible secure tenancies (fixed term tenancy):** A flexible tenancy gives tenants the similar rights to a life time secure tenancy, but only last for a fixed period of time. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council. It is recommended if

using this type of tenancy, it is offered for a minimum of 5 years following the completion of an introductory tenancy.

The Council encourages all landlords operating in the borough to offer the most secure tenancy possible. This can be assessed on an individual household.

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**We want all Brent residents who are renting; to have a clear understanding of their tenancy, their rights and a guaranteed level of security**





## 6.0 Strategy commitments

### Commitment one: When moving into a new home, Brent residents are offered the longest tenancy possible

This strategy has presented a range of information showing how many households are forced to wait for a home they can afford. Commitment one of this strategy sets out the importance of granting Brent residents the longest possible tenancy so households feel safe to establish roots in their community and build lives knowing they will be there for a long period of time.

#### To achieve this commitment, we will:

- Review the use of fixed term tenancies for Council tenant and prioritise security of tenure
- Encourage RPs to offer secure tenancies to Brent residents
- Work with RPs allocations and lettings team to highlight any members of the household who would be considered vulnerable so they can be granted a longer tenancy
- Maximise the use of incentives for private landlords to encourage longer tenancies and rents at Local Housing Allowance levels.

### Commitment two: Brent residents understand their tenancy agreement and how long the tenancy is for

All Brent residents who are renting should be provided with a legal tenancy agreement which includes how long the tenancy is for. Commitment two in this strategy seeks to make the information within a tenancy agreement as accessible as possible.

#### To achieve this commitment, we will:

- Proactively promote this strategy so residents understand what the Council expects from landlords in Brent
- Champion the use of interpreters at the point of sign up and the publication of tenancy agreements in other languages
- Signpost to services in Brent who can offer independent advice to renters on their tenancy agreements
- Encourage all social housing landlords to publish template tenancy agreements online including easy read versions
- Encourage all social housing providers of supported housing to regularly audit themselves against the 'real tenancy test' to ensure Brent residents living in supported housing are receiving their full tenancy rights.

## Commitment three: Brent residents are supported to stay in their home and or tenancy for as long as it remains suitable for them

The role of a landlord is to provide a safe and secure place to call home. Some tenants may require extra support to sustain their tenancy whether this is ongoing or a one off intervention. Commitment three aims to encourage all landlords to approach tenancy issues with a 'what can I do to help' mind-set, so, Brent residents can stay in their homes and landlords avoid costly and unnecessary evictions.

### To achieve this commitment, we will:

- Challenge RPs to keep Brent residents in their tenancy if they are forced to leave their home (e.g. fear of violence) by enabling a transfer or reciprocal arrangement
- Support people at risk of homelessness to sustain their tenancy through the Homelessness Prevention service.
- Improve self-help resources on our website so Brent residents or landlords know who to contact if they are worried about their tenancy and can access this information 24/7
- Work with Central Government to introduce the end of section 21 (no fault) evictions and challenge landlords who repeatedly use them.
- Facilitate downsizing initiatives with RPs through nomination agreements and support RPs to use new smaller homes built in the borough

## Commitment four: Brent residents are supported if, or when their tenancy ends to avoid homelessness

Throughout this strategy, the focus has been to help keep Brent residents who are renting in their home. This may not always be possible. Commitment four acknowledged the importance that residents to know what their housing options are and what support they can access if they do need to find a new home.

### To achieve this commitment, we will:

- Ensure RPs fulfil their responsibilities under the Homelessness Reduction Act 2017 and work with the Council at the earliest possible point if a tenancy is likely to end
- Offer training and publish information for RPs on what advice to provide if someone is at risk of a tenancy ending
- Ensure every Brent resident whose tenancy is ending is given a personalised housing plan so they understand their housing options and relieve their homelessness before their tenancy is comes to an end
- Influence RPs reviewing fixed term tenancies and discourage ending tenancies unless a tenants circumstances have significantly improved financially
- Promote the offer of a deposit guarantee scheme to help people in the PRS start a tenancy whilst a deposit is being held by another landlord.

## 7.0 Local Tenancy Policies

Every RP operating in Brent should publish a tenancy policy outlining their approach to the requirements set out in the strategy. These policies should be available online or provided on request to any resident. The Council will also publish its own tenancy policy.

Tenancy policies should include;

- The different types of accommodation offered and their purpose.
- The types of tenancy offered and how this links to different types of accommodation.
- How a household's needs are considered when granting a tenancy including vulnerable groups.
- The landlords approach to targeting social and affordable housing to those most in need whilst supporting sustainable communities.
- The approach to tackling tenancy fraud.

If a landlord has chosen to adopt Flexible Tenancies, it should also include the following:

- How tenancies will be reviewed and any criteria a household would be assessed against.
- How to appeal against the type of tenancy granted or ending of tenancy.
- Support available when ending a tenancy.

## 8.0 Monitoring and delivering this strategy

The Localism Act 2011, requires the Council to take on the strategic responsibility of tenancies for the borough of Brent. There is however no requirement for RPs to adopt the content set out within this strategy.

We recognise however to successfully achieve our vision "*Brent residents who are renting; to have a clear understanding of their tenancy, their rights and a guaranteed level of security in their home*", we need the support of our RP partners and PRS landlords.

The Council has invested in a dedicated Housing Supply and Partnerships Service to continue developing the right relationships and identify even more opportunities to work together. Continuing to build on these partnerships and pooling knowledge and resource will ensure we can collectively deliver the affordable housing and services Brent residents want and need. So this can be effectively monitored, the Council's Housing Strategy and Delivery Board which includes representatives from most RPs will take on the operational responsibility for monitoring delivery of this strategy and feeding back to members. This strategy will expire in 2024. There is no statutory time period for reviewing this strategy but we will continue to monitor it specifically against any changes in legislation.