

Harlow Tenancy Strategy

April 2025 to March 2030

1. Introduction

The Localism Act 2011 introduced the concept of “flexible tenancies” into the social housing sector. The Act gives providers of social housing the option to offer flexible tenancies to new social tenants. A flexible tenancy is a secure tenancy of a fixed term (not less than two years), rather than a “lifetime” tenancy, where the tenant may remain in the property for life, even if their circumstances change and they no longer need it.

Section 150 (1) of the Act places a duty on every local housing authority to publish a Tenancy Strategy. The strategy must set out, in high level terms, the matters to which all registered providers of social housing for its district should have regard in formulating their own tenancy policies relating to:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant tenancies for a term certain, the lengths of the terms and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

The strategy provides direction and guidance to Registered Providers who own and manage stock in the Harlow. It sets out the council’s expectations with regard to lifetime and fixed term tenancies. It informs residents what they might expect when they move into or between social housing properties in relation to their period of tenure. It sets out the criteria to which Registered Providers must have regard in relation to lifetime tenancies, fixed term tenancies and individual tenant reviews.

The council recognises that it has no regulatory powers to direct Registered Providers in their decisions about the tenancy terms (lengths) they may offer. However, the council expects that Registered Providers in Harlow will have regard to this Tenancy Strategy in their decision-making process, both at the point a property is let and when the tenancy is reviewed.

The Tenancy Strategy also determines the council’s position on issuing fixed term tenancies in its own housing stock. The council will not be making use of fixed term tenancies and will continue to issue lifetime tenancies on all properties it owns and manages.

2. Context

This strategy sits alongside, and is consistent with, the objectives of the Homelessness and Rough Sleeping Strategy 2025 to 2030. It fully supports the principles in the Corporate Plan 2024 to 2028.

The Tenancy Strategy has a number of important links to other key documents, strategies and policies.

LINKS

Housing Allocations Scheme (Allocations policy)

Information about how applicants are prioritised for social rented housing can be found in Harlow Council's Housing Allocations Scheme (Allocations policy). Monitoring the effectiveness of this Tenancy Strategy can help to inform how applicants are prioritised and the kinds of tenancies granted for social and affordable rented housing in the future.

Choice Based Lettings

Irrespective of tenure type, all properties will continue to be advertised through our Housing Allocations Scheme. The kind of tenancy will be clearly indicated on the property advert.

Homelessness and Rough Sleeping Strategy

Harlow Council's Homelessness Strategy seeks to prevent homelessness, help those who are homeless and support people to hold sustainable tenancies. Registered Providers should have regard to this Strategy in framing their Tenancy Policies.

Housing Strategy

Harlow's Housing Strategy sets out the detail of local housing supply, and demand and establishes how locally, these two will be matched. Registered Providers should also have regard to the councils Housing Strategy in developing and managing homes locally.

3. Objectives and key policy areas

The council recognises that Registered Providers will adopt their own approach to fixed term tenancies. However, Registered Providers are strongly encouraged to adopt the same approach as Harlow Council, alternatively their approach should:

- Make best use of social housing stock
- Address housing need
- Minimise and prevent homelessness
- Provide support for vulnerable groups
- Ensure that each case be treated on its merits
- Be fair and consistent

This strategy sets out the principles to which Registered Providers should have regard when developing and applying their tenancy policies in Harlow. In its strategic approach to meeting housing needs and tackling homelessness the council also sets out five key policy areas to which Registered Providers should give additional weight.

1) Homelessness prevention

Registered Providers should consider, when each tenancy comes up for review, the implications and consequences of their decision with regard to potential homelessness that may result. On review, before making a final decision, RPs should explore all possible housing alternatives with the tenant so that homelessness is avoided.

2) Vulnerable groups

In some circumstances, fixed term tenancies are not appropriate, and a lifetime tenancy should be awarded. The council expects that certain vulnerable groups should be protected, and for these groups, it is right and proper that lifetime tenancies should still be part of the social housing offer in Harlow. This will include:

- tenants with learning disabilities, or
- tenants with mental health issues, or
- tenants with other medical, health or behavioural conditions which are unlikely to improve and where moving home would adversely impact on that condition, or
- tenants living in sheltered, supported or extra care schemes.

3) Disabled adaptations

Where a Disabled Facilities Grant has funded a significant adaptation to a property (for example a through floor lift, level access shower, extension or stair lift) to meet the needs of one or both tenants, or a dependent / non-dependent child within the household, it is expected that the household may continue to live in that property for as long as there is a disabled household member who requires that adaptation still residing in the property.

4) Transfers and mutual exchanges

Where an existing tenant holds a lifetime tenancy and they transfer from one property in Harlow to another also in Harlow, it is expected that their lifetime tenancy will transfer with them. This applies for tenants transferring from one Registered Provider to another and transferring with the same Registered Provider. A tenant already covered by a lifetime tenancy who has to decant due to a regeneration scheme would be expected to retain their lifetime tenancy throughout the life of the regeneration programme

5) Under occupation

Where a household under occupies by two bedrooms or more then this would be a material factor in considering not to renew a fixed term tenancy as the household would be deemed to be in a property too large for their needs. This would free up property for families in housing need in overcrowded or unsuitable conditions who require a larger property. This also helps to improve the supply of family homes for which turnover and re-let rates are traditionally low.

4. Tenancy reviews

The default position for renewal of tenancy at the end of the fixed term should solely be based on the housing need of the current tenants and an affordability assessment taking account of the financial circumstances of the household whether they are able to afford rent or owner-occupation on the open market.

The review assessment should determine whether the household still requires a property of the same type and size, in the same location, at a lower than market cost, and that the current property remains suitable given these factors.

An assessment of affordability should also consider how much the rent may increase for that particular property over the next five-year term of the tenancy and whether likely increases in the rent may render it unaffordable. Where there is evidence to support a continuing need or an affordability issue, the council expects that the tenancy will be renewed.

Therefore, a tenancy should be renewed unless the housing need has been alleviated and there is evidence that:

- the housing need - based on the council's Housing Allocations Scheme (Allocations Policy) and reasonable preference categories and the household requirement for a property of that size, type and location - no longer exists, or
- that on affordability grounds, the household no longer requires a social housing property at that rent level, and
- where either points 1 or 2 apply, taking account of the local housing market, there is available and suitable and affordable property in the locality for the household to move to, and the tenant has sufficient "local connection" to be eligible to secure that property.

In relation to timescales, Registered Providers should:

- Ensure that tenancy reviews are started no less than nine months before the end of the fixed term – ideally beginning 12 months before the end of the fixed term.
- Work proactively with the local authority and advice agencies and partners to explore all housing options, contacting all such agencies no later than nine months before the end of the fixed term.
- Ensure that the timetable for review and appeal is such that, following any appeal that results in the tenancy ending, the tenant has six clear months from receiving the appeal decision before the tenancy ends. In relation to other key considerations:
- Set out and publish their policy and rationale for applying fixed term tenancies, under what circumstances and for how long they would be granted, any exceptions to this policy, where tenancies would be granted as lifetime.
- Set out the criteria that will be used at review to assess whether a tenant can remain in the property at the end of the fixed term, whether the tenancy will be renewed, or whether a tenancy will come to an end.
- Set out the review process, timescales, what advice the tenant might expect to receive, how the tenant is able to obtain advocacy, the agencies and partners that can provide additional advice and how the tenant may contact them, and how to appeal a decision.
- Exploring other housing options with the tenant, which must be reasonable, sustainable and settled housing solutions - there must be evidence that the tenant must be able to maintain these in the medium to long term.

- Not conduct the review as a desk-top exercise but must include at least one visit to the household and the collection of documentary evidence to verify the tenants circumstances: the decision should include a face to face interview with each of the adult members of the household (over the age of 16).
- The written decision should include how the decision has been made, and how the tenant`s individual circumstances relate to the Registered Provider`s policy.
- The written decision should include reference to the agencies contacted by the Registered Provider in reaching their decision.

5. The role of Harlow Council

The council recognises that it has no regulatory powers to direct Registered Providers in their decisions about the tenancy terms (lengths) they may offer. However, the council expects that Registered Providers in Harlow will have regard to this Tenancy Strategy in their decision-making process, both at the point a property is let and when the tenancy is reviewed so that the objectives (above) can be met.

Every advertisement that is made through the council`s Choice Based Lettings System shows the tenancy term, as set by the RP for each individual property. The council will continue to advise prospective tenants that properties on which they are bidding may not be lifetime tenancies.

The council will ensure that advice is given on the full range of housing options, the implications of flexible tenancies and will signpost tenants towards the relevant registered provider policies.

The council will work proactively with tenants and with registered providers to ensure that homelessness is avoided.

6. Monitoring and reporting

Each registered provider should monitor the effects of their policies and individual reviews on their tenants, the impact and implications of decisions made on individual households and on the availability of their stock. An annual report will be sought from each Registered Provider.