



LONDON BOROUGH OF ENFIELD

HOUSING REVENUE ACCOUNT (HRA) TENANCY POLICY

October 2015

Introduction

The purpose of this policy is to explain the types of tenancy that the London Borough of Enfield (the Council) will offer in the future on its Housing Revenue Account properties (Council Homes).

Scope

The policy applies to Council Homes either already accounted for within the Council's Housing Revenue Account or to be added to it in the future.

The policy excludes tenancy, leasehold or licence agreements applying to other Housing Revenue Account property, for example, garages and shops. It also excludes General Fund property such as Temporary Accommodation.

A separate policy document will be developed to cover shared ownership and shared equity products, which will be offered by the Council in the future.

Context

Why do we need a Tenancy Policy?

The Council provides homes to over 11,000 households in the Borough. Each year, on average, we let around 500 homes to new tenants. It is important for everyone who would like to rent their home from the Council to know what type of tenancy the Council will offer them. This will enable them to plan ahead for the way they make their home in Enfield, as they will know how long they can stay in the property they rent.

Currently, the Council offers all new tenants a one year Introductory Tenancy followed by a Secure Tenancy. The Localism Act 2011 introduced some additional options that the Council could use (fixed term tenancies), but has chosen not to adopt. Enfield wants to be clear about what types of tenancies it will offer to people. This means that, when people apply for a Council Home, they know in advance the rights and obligations they will have for their future home. For the same reason, each Housing Association working in Enfield will also have its own Tenancy Policy.

Enfield's Tenancy Strategy

Both the Council's and Housing Associations' Tenancy Policies will have taken into account Enfield's Tenancy Strategy. The Council published its Tenancy Strategy in January 2013. This document specifically required Registered Providers "who have not written their Tenancy Policy to have regard to Enfield's Tenancy Strategy as required by the Localism Act 2011". This Tenancy Policy is written in response to that requirement.

A strong theme running through Enfield's Tenancy Strategy is that "longer term tenancies are the best approach for addressing housing need and building strong neighbourhoods".

Policy Statement

The London Borough of Enfield's Tenancy Policy will therefore be to continue to offer tenancies on the same basis as at present:

- all current Council tenants with a secure tenancy will remain secure tenants for as long as they remain Council tenants. This will only change if a tenant opts for a different type of tenancy - a dwelling offered by a Registered Social Landlord on a fixed term tenancy, for example.
- all new Enfield HRA tenants will be introductory tenants unless they were already a secure tenant of a local authority or an assured tenant of a registered provider at a previous property. Introductory tenancies last for a 12 month trial period after which they automatically become secure tenancies if the tenant does not break any of the tenancy conditions during this time.

The Council does not currently propose to offer fixed term tenancies to its tenants.

Introductory Tenancies

New tenants to the Council will be granted an Introductory Tenancy (unless they were already a secure tenant of a local authority or an assured tenant of a registered provider at a previous property). This lasts for one year but may be extended for a further six months. During this time, the tenant has fewer rights than they do under a Secure Tenancy. For example:

- Their home is at much higher risk of repossession if they do not keep to the Tenancy Agreement as the level of security of tenure is less than secure tenancies
- They cannot buy their home
- They cannot exchange homes with other tenants
- They cannot take in lodgers or sublet part of their home (no tenancy allows full subletting of the home)
- They cannot vote for a change to a new landlord
- They cannot make any major alterations or improvements

During the first few weeks of an Introductory Tenancy, the Council conducts a new tenant visit in the home. This is so that the Council can find out whether or not a tenant is successfully keeping to their Tenancy Agreement. The tenant will be provided with advice and assistance to help them if problems are emerging or the Agreement is being breached, after which the tenancy will continue to be monitored.

Introductory Tenancies are weekly tenancies, running from Monday to Sunday.

If, during an introductory tenancy, a tenant breaks any of the tenancy conditions, or is found to have made a false or misleading statement to obtain the tenancy, the Council may take action to end the tenancy.

Secure Tenancies

Secure Tenants have a full set of tenancy rights. These include:

- The right to buy their home (except Sheltered Accommodation tenants, who do not have the right to buy)
- The right to exchange their home with another tenant, for example, if they need to move to be closer to work or to get a smaller or larger home to better accommodate their family
- The right to take in lodgers or sublet part of their home with the permission of the Council (no tenancy allows full subletting of the home)
- The right to vote for a change to a new landlord
- The right to make any major alterations or improvements with the permission of the Council
- A Secure Tenant can only be evicted from their home if the Council is able to secure a possession order from the County Court, for which it needs to show clear evidence that the tenant has breached their tenancy conditions

Secure Tenancies are weekly tenancies, running from Monday to Sunday.

Demoted Tenancies

If tenants breach the condition of tenancy concerning conduct and behaviour, the Council can apply to the courts for a "Demotion Order".

This creates a new type of tenancy, called a demoted tenancy. This means that secure tenants lose certain rights, giving them a weaker tenancy. For example, demoted tenants do not have the Right to Buy. Time spent as a demoted tenant will not count towards any future Right to Buy.

Otherwise, rights are similar to those of introductory tenancies, so that the tenant does not have, for example, the right to vote for a change to a new landlord, the right to exchange, to take in a lodger, to sublet part of their home, or to improve the property.

The Council can apply for a demoted tenancy at any time during a secure tenancy.

Once a demoted tenancy is granted, if there is a breach, the Council may apply to the court for possession of the property which it cannot refuse unless procedures have not been carried out properly. These procedures are similar to those involving introductory tenancies.

A demoted tenancy lasts for 12 months, unless the Council applies to the court for a possession order. If there are no further problems with anti-social behaviour, so that eviction does not have to be sought, then the tenancy will automatically become secure at the end of the 12-month period.

Succession

With regard to succession, the Council will continue to operate as at present. It does not propose to tighten criteria in line with the Localism Act 2011. Full details on who can succeed to a tenancy and how succession works are set out in the Tenancy Agreement Conditions.

Supporting Tenants

Supporting tenants to sustain their tenancy

Every effort is made to support tenants to sustain their tenancies. Only where a tenant fails to engage with support services or the service is unable to provide a solution will possession action be taken. Ending a tenancy and seeking possession for a breach of tenancy conditions is always a last resort after pre-action protocols have been complied with.

Support available

Support for tenants includes:

- Information at the outset on what is expected of a tenant throughout their tenancy
- Welfare benefit and debt advice
- Visits to new tenants within four weeks of the start of their tenancy to ensure they have settled into their new home and to provide more detailed information on available services
- Tenancy support
- Floating support
- A major adaptations scheme so that disabled tenants can remain in their own home
- Referrals to appropriate agencies for tenants with social or mental health issues to help them to live independently
- Specialist accommodation for older people

Tenancy Fraud

The Council takes tenancy fraud seriously, not only because it can result in the unlawful occupation of council housing, but also because it deprives legitimate applicants, in many cases, families, of a home and results in them staying in costly temporary accommodation. There are three main types of tenancy fraud:

- Obtaining a tenancy by deception
- Subletting the whole of the property
- Fraudulent succession or assignment claims

The Council provides a free phone number where all types of fraud can be reported anonymously.

To prevent tenancies being obtained falsely, photo ID is required as part of the housing application process.

The Council encourages reporting of suspected tenancy fraud from members of the public including neighbours. Since the introduction of the Prevention of Social Housing Fraud Act 2013, the Council has relied on the powers in the Act to prosecute tenants in appropriate cases of housing fraud. In addition, cases are publicised to raise awareness of fraud and to act as a deterrent.

We also seek to identify tenancy fraud through:

- Unannounced tenancy checks
- Data matching exercises
- Investigations by our a specialist fraud team
- Referrals from government or other local Revenue departments

Once social housing fraud is identified a variety of approaches may be taken, depending on the particular circumstances of the case, but including possession action, other enforcement action or criminal proceedings.

Other Related Documents

This policy should be read in conjunction with:

- The Council's Allocations Scheme
- Enfield's Tenancy Strategy
- The Tenancy Agreement Conditions, which give much more detailed information on the Council's tenancy conditions
- The Rent Setting Policy
- Tenancy Audit Policy

Review Period

This policy will be reviewed on an annual basis or whenever a significant change occurs, whichever is the sooner.