

Kensington and Chelsea

Tenancy Strategy 2024

**Housing
Needs**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Contents

1. Introduction	3
2. Council Plan 2023 – 2027	5
3. Why do we need a Tenancy Strategy?	6
4. Our four priorities	7
5. The wider strategy and policy context	17
6. The main types of tenancies	19
7. Succession rights	21
8. Delivering the Tenancy Strategy	22

1. Introduction

The Localism Act 2011 requires local housing authorities in England to prepare and publish a Tenancy Strategy setting out the matters to which the social housing providers in its borough are to have regard in formulating their tenancy policies.

The new **Tenancy Strategy** reflects the statutory and regulatory changes introduced since the Grenfell Tower tragedy including fire and building safety regulation, and social housing regulation.

Social housing providers included the Council as well as housing associations/private registered providers in the borough.

Since publication of the Royal Borough of Kensington and Chelsea (RBKC) Tenancy Strategy 2013, we have seen significant housing challenges in Kensington and Chelsea and there have been multiple changes within the housing sector.

Kensington and Chelsea will always be shaped by the Grenfell tragedy, which has profoundly affected the borough, our communities and the Council. We are committed to ensuring that the tragedy is never forgotten and nothing like it happens again.

The Council updated its Tenancy Policy, which explains how the Council manages its own tenancies, in 2020 following invaluable feedback from our residents and partners. Having listened to residents following the Grenfell Tower tragedy, we recognised the importance that ‘lifetime’ tenancies play in providing stable homes, so that our communities can grow and thrive. We now grant lifetime tenancies rather than flexible (fixed-term) tenancies and we encourage social housing providers in the borough to grant these tenancies too.

The Council has developed a new Housing Allocation Scheme 2023, which sets out how residents qualify for social housing, how we prioritise residents for rehousing, and how we let social housing in the borough.

This includes how social housing providers in the borough can make the best use of a limited supply of social housing. Helping residents who are under occupying their homes, or living in accessible homes they do not need, to voluntarily move to alternative suitable housing – thereby freeing up in-demand homes for other residents who need them – is a main focus of the Housing Allocation Scheme.

There is a significant housing challenge in the borough where demand for social housing far outstrips supply. This is illustrated by the fact that we have over 3,000 households waiting to be rehoused through the housing register, including a significant number of households in temporary accommodation.

In 2022/23, 401 social housing properties were let through the housing register, which equates to approximately 12 per cent of households on the housing register being rehoused, and it took households on average four years to be rehoused.

Kensington and Chelsea is the fifth most densely populated of London's 33 local authority areas. Combined with the size of the borough, this means that it is very difficult to find suitable space to build new homes.

Kensington and Chelsea also has the highest median house price across all London boroughs, with 50 per cent of houses priced over £1.3 million – in March 2024, the average house price in the borough was £1.2 million, while in London this was £0.5 million and in England it was £0.3 million.

We therefore want social housing providers to make the most appropriate use of the housing and tenancy options available to them, to provide safe and stable homes to residents, and prevent homelessness where they decide to end a tenancy.

This Tenancy Strategy sets out our objectives and expectations for social housing providers in the borough when granting and reviewing social tenancies.

It aims to provide guidance and support to social housing providers in letting social housing, developing housing policies, and supporting residents to live independently and sustain their tenancies. This Strategy applies to the Council and the other social housing providers in the borough.



2. Council Plan 2023 – 2027

The Council Plan 2023 – 2027 sets out our ambition of becoming the best Council for our residents. It focuses on improving outcomes across three key themes to help us achieve this ambition: greener, safer, fairer.

RBKC will always be inextricably linked with the Grenfell tragedy. The Council is committed to accepting the challenge from bereaved families, survivors and residents to learn from the Grenfell tragedy and ensure that nothing like it happens again. We want to build a legacy from Grenfell within our housing services, which will help us to achieve our ambition of becoming the best Council.

The Council Plan includes a number of housing-related commitments to make the borough a fairer place and improve outcomes for our residents.

These include:

- Prioritise social housing for those that need it most
- Continue to deliver 600 new homes with at least 300 for social rent
- Provide a wider choice of good quality specialist housing
- Deliver key worker housing
- Be a good landlord – investing in and maintaining housing and targeting support
- Learn lessons from our pioneering Lancaster West Neighbourhood Team on the Lancaster West Estate – and pilot a similar approach on the World's End Estate
- Maximise homeless prevention outcomes
- Work in partnership with social and private landlords to improve the standard of rented housing owned by others
- Involve residents in decisions we make about housing

- Continue to make our housing estates safer
- Ensure that residents who most need our support, including those who live in social housing and temporary accommodation, benefit from our services
- Create more hubs for people to access the support they need
- Trial a 'no wrong front door' approach so that our services are focused on people, and residents do not have to speak to lots of different departments
- Transform how people can access advice across the borough.

The Tenancy Strategy will contribute towards some of the overarching strategic objectives within the Council Plan, including prioritising social housing for those that need it most and maximising homeless prevention outcomes.



3. Why do we need a Tenancy Strategy?

The Localism Act 2011 requires local authorities to develop a Tenancy Strategy that sets out the matters to which social housing providers must have regard when formulating policies relating to:

- the types of tenancies they grant
- the circumstances in which they will grant a particular type of tenancy
- where they grant a tenancy for certain terms, the lengths of the terms
- the circumstances in which they will grant a further tenancy when an existing tenancy comes to an end

All social housing providers, including councils, are required to develop a Tenancy Policy. This Tenancy Strategy will help social housing providers in our borough to update their existing policies accordingly. The Council expects all social housing providers in RBKC to update and publish their policies online and make copies available to anyone who may request it.

Where a social housing provider does not publish a Tenancy Policy or publishes a policy which is not consistent with this Tenancy Strategy, we will work with the social housing provider to address this issue and ensure that they publish a policy which has sufficient regard to this Strategy.

The Tenancy Strategy applies to the granting of ‘social rent’ tenancies, including social rent, London Affordable Rent and Affordable Rent. It does not cover intermediate rent tenancies (we have a separate **Intermediate Rent Tenancy Policy** and **Key Worker and Intermediate Housing Policy**), or where we provide supported housing or temporary accommodation.



4. Our four priorities

The Tenancy Strategy is framed around four key priorities:

1. Promoting lifetime tenancies
2. Supporting tenancy sustainment and making the best use of housing stock
3. Preventing homelessness
4. Making rights and responsibilities clear

Priority 1: Promoting lifetime tenancies

Lifetime tenancies are the preferred option in the borough

RBKC believes that a safe, secure and affordable home is vital for giving people the best possible chance in life, making the borough fairer, and meeting residents' needs – health and wellbeing, social inclusion, and the development of children.

We believe that lifetime tenancies provide a home for life and the security and peace of mind we know that residents want, enabling them to build a long-term future within their communities without having to undergo the uncertainty of a tenancy review at the end of the fixed-term.

The Council's Tenancy Policy, introduced in February 2020, re-introduced lifetime tenancies for Council tenants, and states that existing tenants with flexible tenancies would be converted to lifetime tenancies when their fixed-term expired (unless they had breached their

tenancy agreement) — although tenants still have a 12-month introductory tenancy before moving onto a lifetime tenancy. Prior to this, the Council offered flexible tenancies for five years (two years in exceptional circumstances).

The Council decided to refresh its Tenancy Policy before the Tenancy Strategy so that we could bring the changes requested by residents into effect promptly. Refreshing the Tenancy Strategy will ensure that the Tenancy Policy and Tenancy Strategy are aligned.

The proposed Renters (Reform) Bill may end the use of fixed-term assured tenancies (as well as assured shorthold tenancies and section 21 notices). Social housing providers (and private rented landlords) would instead issue periodic assured tenancies with no fixed-term. These changes would not apply to councils, however, who grant secure tenancies.

What the Council does

- RBKC no longer grants flexible secure tenancies. The Council's Tenancy Policy confirms our decision to end the use of fixed-term tenancies and revert to issuing lifetime tenancies.
- Flexible secure Council tenants (with either five-year or two-year tenancies) have been granted a lifetime tenancy at the end of their fixed-term, providing they have not breached their tenancy agreement.

Recommendations for social housing providers

1. Offer lifetime tenancies

- The Council recommends that all social housing providers in the borough offer lifetime tenancies rather than fixed-term tenancies.
- We acknowledge, however, that social housing providers may choose to precede lifetime tenancies with a 12-month starter tenancy for new social housing tenants — and this may be extended to a maximum of 18 months in certain circumstances, and where reasons for this are given.
- Where tenants currently have a fixed-term tenancy, we recommend that social housing providers put in place a process for transitioning them onto lifetime tenancies.
- Where an existing social housing tenant is moving to another property (whether with the same or another social housing provider), for example, because their home is no longer suitable, we recommend that the social housing provider grants them a lifetime tenancy and at least a tenancy with no less security than they currently have. Existing social housing tenants should not lose their security of tenure or other tenancy rights following a move to another home.

- Social housing providers shall grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

2. Length of fixed-term tenancies

- Where a social housing provider decides to issue a fixed-term tenancy rather than a lifetime tenancy, we recommend that this should be for a minimum term of five years — unless there are exceptional circumstances which warrant a tenancy for no less than two years, such as a history of tenancy breach, although a blanket approach should not be adopted for granting such tenancies.
- Social housing providers should clearly advertise the length of any fixed-term tenancies used, the assessment criteria used when granting fixed-term tenancies for less than five years in exceptional circumstances, and the assessment criteria and review process used when the tenancy is coming to an end.
- Social housing providers should set out their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, when deciding whether to grant a fixed-term tenancy (and the length of such a tenancy) rather than a lifetime tenancy.

3. Domestic Abuse Act 2021

- Section 79 of the Domestic Abuse Act 2021 amends Part 4 of the Housing Act 1985 (secure tenancies and rights of secure tenants) so that where a local authority grants a new tenancy to a social tenant who had or has a lifetime secure or assured tenancy, and the new tenancy is granted as a result of the tenant or a member of their household being a victim/survivor of domestic abuse, the authority must grant a new lifetime secure tenancy rather than

a flexible tenancy — this includes when granting a sole tenancy to a tenant in their current home.

- We expect social housing providers to adopt this approach for victims/survivors of domestic abuse — including where a resident is rehoused through our Housing Register.
- We would strongly recommend that social housing providers do not issue a starter tenancy in such instances — and the victim/survivor of domestic abuse is offered a lifetime assured tenancy without any introductory period.

4. Market and intermediate market rent

- We acknowledge that social housing providers may offer a range of market rent and intermediate market rent products (up to 80% of market rents), including for key workers — and such properties are ordinarily let under an assured shorthold tenancy agreement.

- We promote the use of fixed-term tenancy agreements for longer than six or 12 months where possible, and for rents to be set at genuinely affordable levels — we want to ensure that any affordable rent tenancies are not set at rent levels which will prevent household members from taking up employment.
- We expect social housing providers to set intermediate market rents at the lowest level of London Living Rent in the borough, as set out in the Council’s Intermediate Rent Tenancy Policy and Community Housing Supplementary Planning Document. The Council’s Intermediate Rent Tenancy Policy sets out that we will ordinarily offer a three-year assured shorthold tenancy.



Priority 2: Supporting tenancy sustainment and making the best use of housing stock

Residents are supported to live in their homes for as long as it remains suitable and social housing providers make the best use of housing stock.

We believe that social housing tenants should be supported to live in their homes for as long as possible – and a tenant should only have to move home where it has become unsuitable for them and they cannot reasonably remain living there, or where they wish to move to free-up an in-demand home.

What the Council does

- The Council is committed to assisting residents to live in their homes for as long as they remain suitable for them — this is underlined by our commitment to grant lifetime tenancies rather than flexible tenancies.
- The Council assists tenants, including vulnerable residents, to access the support they need to be able to successfully sustain their tenancies and live independently — including through our care leavers standard, a commitment to supporting care leavers moving into their new homes with a full decoration of each room, flooring, blinds or curtains, white goods and access to our handyperson service.
- Where a tenant's home becomes unsuitable for them following a change in circumstances, we will look at supporting them to remain living independently in their home if possible, or assisting them to move to alternative settled housing in a planned way where this is not possible.

- The Council is committed to making the best use of social housing stock in the borough. We award a high priority on the housing register to tenants who are under-occupying their homes, or living in accessible homes they do not need, to help them move to alternative suitable housing. This helps to free-up larger sized homes and accessible homes for residents who need them.
- We also award a high priority on the housing register to residents who need to move due to a serious risk to their welfare (including domestic abuse), medical needs and severe overcrowding.
- We have developed a Housing, Adults and Mental Health Joint Working Protocol, and a Domestic Abuse Policy and Procedure.

Recommendations for social housing providers

1. Tenancy sustainment support

To support this objective and ensure that tenants are given the help they need to successfully sustain their tenancy, social housing providers are encouraged to:

- Publish clear and accessible policies which outline their approach to providing interventions to sustain tenancies and prevent unnecessary evictions — this includes a policy for how they respond to cases of domestic abuse.
- Identify the support needs of vulnerable tenants (including households with children, disabilities or illness, old age, substance misuse issues, care leavers, domestic abuse victims/survivors, former rough sleepers and residents rehoused through a special rehousing pathway), and offer appropriate support to them, including at the beginning of a tenancy, through in-house services or external specialist services.

- Establish working protocols with other services, such as Adult Social Care, Family and Children’s Services and mental health services, to ensure that vulnerable residents receive the support they need.
- Have a proactive approach to the early identification of tenants facing financial difficulties in terms of income, expenditure and debt issues, and arrange necessary support for them — including in-house support and referrals to specialist services.
- Signpost and refer tenants to services which can provide employment, training and learning opportunities, to promote tenancy sustainment, social inclusion and thriving communities — this could also mitigate the effects of the benefit cap and bedroom tax.
- Take an active role in the updated Pathways to Work Charter — to facilitate partnerships and joint working between housing providers and community services in order to help tenants progress towards and into work.
- Establish procedures and protocols to demonstrate homelessness prevention support prior to any eviction. Eviction from social housing should always be the last resort after all other options have been exhausted.
- Create effective policies and procedures for proactively dealing with antisocial behaviour to maximise tenancy sustainment, support vulnerable residents, and minimise eviction from social housing — including exploring an antisocial behaviour protocol in partnership with the Council’s Housing Management department, and providing appropriate support and proactively monitoring tenancies for residents with a history of antisocial behaviour or criminal convictions.
- Where a tenant’s home becomes unsuitable for them following a change in circumstances, we expect social housing providers to explore all options for making the home suitable to enable the tenant to continue living there

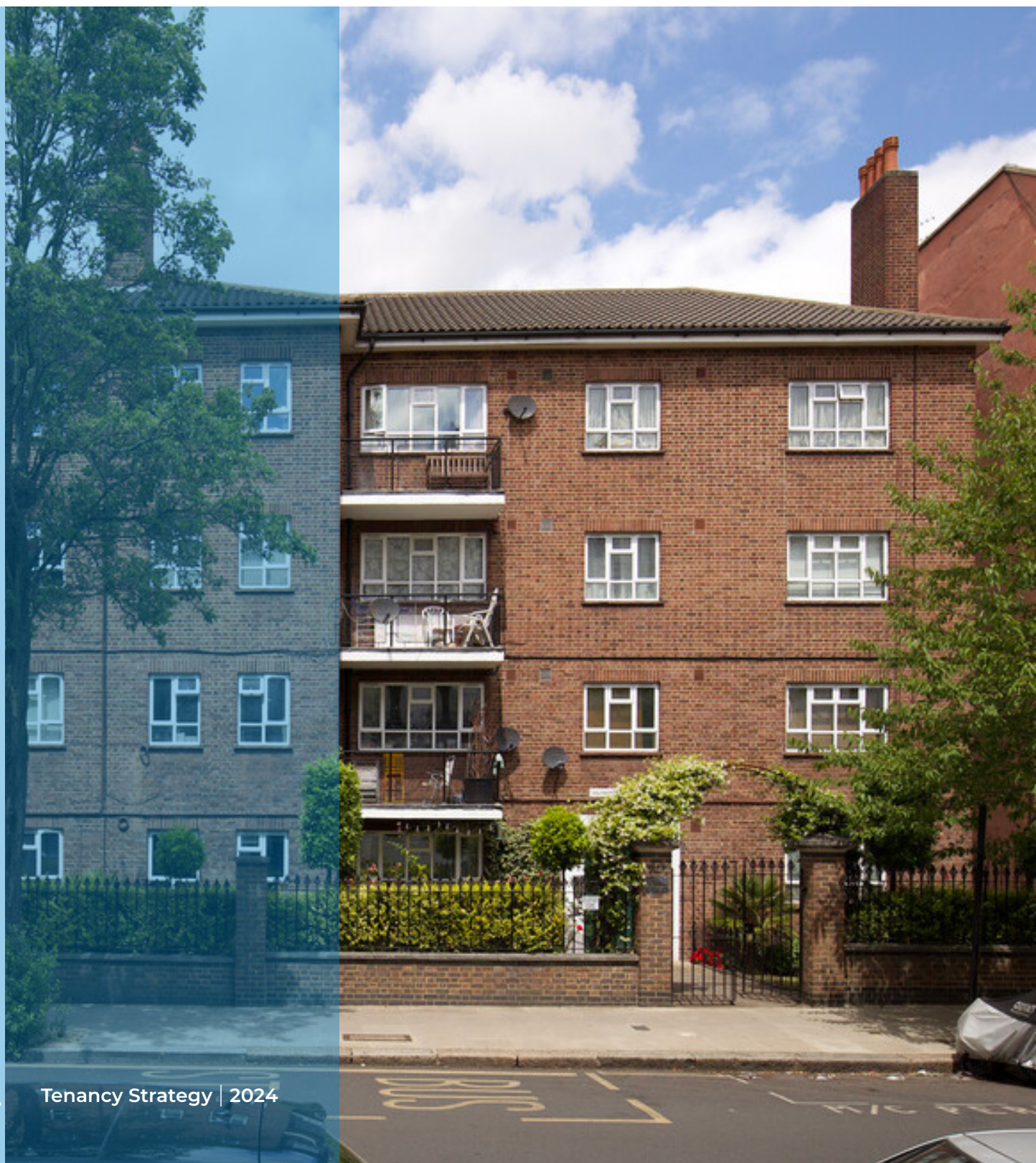
independently — such as through aids and adaptations, and care and support through specialist services including Adult Social Care.

2. Make the best use of housing stock – planned moves to alternative settled housing

- We recommend that social housing providers make the best use of their housing stock and help tenants to move to alternative housing where their home becomes unsuitable for them, or where they wish to move to another home and free-up an in-demand home.
- Where it is not possible for the tenant to continue living in their home — such as where the home is no longer suitable for them or they are at risk of harm in their home — social housing providers should assist them to move to alternative settled housing in a planned way.
- Social housing providers should consider how they can assist residents who are under-occupying their homes, or living in accessible homes they do not need, to voluntarily move to alternative suitable housing — thereby freeing-up these valuable homes for residents who need them.
- Social housing providers should also consider how they can assist other residents who need to move to alternative housing, including those who need to move on medical grounds and households who are severely overcrowded.
- Residents could be assisted to move to alternative housing within the social housing provider’s own housing stock, or through the Council’s Housing Allocation Scheme where the tenant meets the criteria for one of the priority categories.

3. Mutual exchange

- Social housing providers should offer a mutual exchange service which allows relevant tenants potentially eligible for mutual exchange, whether through a statutory right or the social housing provider's policy, to easily access details of available matches without payment of a fee.
- The availability of any mutual exchange services offered to relevant tenants should be published by the social housing provider — and support and helpful information should be provided to relevant tenants to help them access mutual exchange services where they may otherwise be unable to use them.



Priority 3: Preventing homelessness

Social housing providers take a proactive approach to preventing homelessness where they decide to end a tenancy

Where a social housing provider decides to end a tenancy, they must take a proactive approach to preventing homelessness – they should support the tenant to access the help they need to prevent a crisis situation.

What the Council does

- A priority for the Council is to prevent homelessness, reduce rough sleeping, and ensure that our residents are receiving housing-related support to promote tenancy sustainment and their welfare.
- The Council Plan 2023 – 2027, Housing Strategy, and Homelessness and Rough Sleeping Reduction Strategy set out our commitment to homeless prevention in the borough and achieving positive outcomes for our residents.
- We will only look to evict a social housing tenant where there have been serious breaches of their tenancy agreement and all possible options have been explored for preserving the tenancy, including providing support to the tenant.

Recommendations for social housing providers

1. Process for reviewing circumstances towards the end of a tenancy

- The Council expects social housing providers to have clear policies and procedures in place for reviewing a tenant's circumstances prior to their fixed-term or starter tenancy coming to an end – and for assessing whether the tenant will be offered a further tenancy, either in the same home or in a different home.
- Before a fixed-term tenancy ends, social housing providers shall provide notice in writing to the tenant stating either that they propose to grant another tenancy on expiry of the fixed-term or that they propose to end the tenancy.
- Where there have been breaches of the starter tenancy, we encourage social housing providers to extend the starter tenancy, rather than looking to evict the tenant – with the aim of addressing the tenancy breaches and supporting the tenant to enable them to remain in the home in the long-term and avoid the need for eviction.
- It is good practice for social housing providers to monitor tenancies during the probationary period, including a home visit to conduct a settling-in appointment, particularly where the tenant has vulnerabilities. It is expected that social housing providers conduct a further full tenancy review towards the end of the starter tenancy to decide whether to terminate the tenancy, extend the probationary period or continue to a full lifetime/fixed-term assured tenancy.
- The social housing provider should notify the tenant in writing after the full tenancy review of any decision to extend the probationary period or end the tenancy – and the reasons for this should be explained in detail.

2. Preventing homelessness when a further tenancy is not offered

- Where the social housing provider decides not to offer a further tenancy, they should have exhausted all other options to try to preserve the tenancy and avoid the need for eviction and homelessness. This will include identifying underlying issues contributing to the breach of tenancy and offering appropriate support to address these.
- Social housing providers should be aware of the requirements of Part 7 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017), particularly responsibilities to prevent homelessness. Social housing providers should work with the Council as early as possible where they believe that a tenancy is likely to end.
- Social housing providers are expected to provide reasonable information, advice, support and assistance about suitable housing options and finding alternative accommodation — in the case of dependent children in the household, the family should be offered a referral or advised to refer to RBKC’s Family and Children’s Services.
- If a social housing provider is satisfied that a tenancy should not be renewed, they should provide the tenant with notice of their intention and written reasons for this — it is expected that a tenant will be given a reasonable amount of notice where the social housing provider decides not to grant a new tenancy.



Priority 4: Making rights and responsibilities clear

Residents understand their rights and responsibilities in relation to their tenancy, appeals and complaints

We believe that residents, including vulnerable tenants, should be able to clearly understand their rights and responsibilities in relation to their tenancy agreements – and how to appeal certain decisions and make formal complaints.

What the Council does

- We will keep our tenancy policies up-to-date, setting out our approach to granting tenancies for our social homes.
- The Council will have an up-to-date Tenancy Strategy to help social housing providers formulate their own tenancy policies.
- We also ensure that tenants are aware of their rights to appeal decisions made in relation to their tenancies and how they can make a formal complaint.
- We have developed a residents' charter — a two-way commitment between the Council's Housing Management service and its tenants.
- Our Housing Investigations Team tackles social housing fraud to ensure that our homes are allocated to those who genuinely need them, and recovers unlawful profit and compensation from fraud, prosecuting cases for unlawful sub-letting. We are developing a tenancy fraud policy.

Recommendations for social housing providers

1. Accessible and available tenancy agreements

- We encourage all social housing providers to make their tenancy agreements as accessible as possible — and to make these available to tenants, including vulnerable residents.
- Social housing providers should help tenants understand both their own responsibilities and those of their landlord in relation to their tenancy.
- Explore the development of a tenants' charter so tenants know what they can expect from their landlord and to encourage a culture of mutual trust, respect and partnership working.

2. Appeals process

Social housing providers should have comprehensive policies in place explaining how a tenant can appeal against a relevant decision – and have clear, fair, reasonable and accessible procedures for dealing with these appeals.

This includes a decision:

- About the type of tenancy offered, including a notice that the tenancy will become fixed-term on the expiry of a starter tenancy
- Relating to the length of the fixed-term tenancy offered
- To terminate a tenancy or not to grant another tenancy on expiry of the fixed-term
- To extend a starter tenancy or probation period.



3. Formal complaints

Social housing providers should have clear processes and guidelines on how current or prospective tenants can make a formal complaint if they are dissatisfied with the service or response they have received, or the way in which their case has been handled.

The Council expects social housing providers to have sufficient policies and procedures in place, including:

- Published complaint and appeal policy and procedures
- Provide service standards for dealing with complaints and appeals
- Provide information on how tenants can take it further, with reference to the Housing Ombudsman and any other dispute remedies available
- Where to seek independent legal advice
- Publish clear details on how councillors or other advocates can raise casework with social housing providers on residents' behalf.

4. Social housing fraud

- The vast majority of social housing tenants do not commit tenancy fraud. However, we want to ensure that the Council and social housing providers protect the precious resources of social housing in the borough by providing social housing to residents who are genuinely in need of this — we therefore want to prevent and tackle tenancy fraud when it does occasionally happen.
- This is especially important as there is a significant shortage of social housing in the borough comparative to the significant demand for this. If we can prevent and tackle social housing fraud when it does happen, we can make sure that the homes we recover are let to residents waiting to be rehoused through the housing register.
- We encourage social housing providers to take action to prevent and tackle tenancy fraud — including through developing robust, clear and accessible policies/procedures, using the full force of powers available to recover homes, and working in partnership with the Council where appropriate.

5. The wider strategy and policy context

Following the Grenfell tragedy, the Government undertook a review of the failings and a wide consultation with the social housing sector, and published the **Social Housing Green Paper: a new deal for social housing** and **Social Housing White Paper: the charter for social housing residents** in August 2018 and November 2020 respectively.

- **The Social Housing (Regulation) Bill 2022-23**, introduced in October 2022, provided the legal basis for many of the measures set out in the 2020 Social Housing White Paper. **The Social Housing (Regulation) Act 2023** received Royal Assent in July 2023. This aims to facilitate a new, proactive approach to regulating social housing landlords on consumer issues such as safety, transparency, standards on the competency and conduct of staff, and tenant engagement, with new enforcement powers to tackle failing landlords.
- The purpose of the Act is to reform the regulatory regime to drive significant change in landlord behaviour to focus on the needs of their tenants and ensure landlords are held to account for their performance.

The Act includes a commitment to new consumer standards and a code of practice, a review of the Decent Homes Standard, and Awaab's Law in memory of two year old Awaab Ishak, who tragically died from exposure to damp and mould in his home – this requires social landlords to fix hazards, such as damp and mould, in their homes within strict time limits.

Many provisions within the Act require regulations before they can come into force – these are expected to be published in 2024 with the implementation of these regulations to follow.
- The Regulator of Social Housing implemented a new set of consumer standards from April 2024 as part of the new regulatory regime for social housing providers being introduced through the Social Housing (Regulation) Act 2023. The new consumer standards are: **(1) the Safety and Quality Standard; (2) the Transparency, Influence and Accountability Standard; (3) the Neighbourhood and Community Standard; and (4) the Tenancy Standard.**

We expect social housing providers to comply with the new consumer standards, in particular the Tenancy Standard.
- **The Fire Safety Act 2021**, introduced in May 2022, amended the Regulatory Reform (Fire Safety) Order 2005. It clarifies that the responsible person for multi-occupied, residential buildings must manage and reduce the risk of fire posed by the building's structure – most notably external wall systems, including windows and balconies, and individual occupants' entrance doors.
- **The Fire Safety (England) Regulations 2022** have since been introduced – these represent the practical implementation of the majority of recommendations made to Government that required a change in the law from the Grenfell Tower Inquiry Phase 1 report. The Regulations were introduced under Article 24 of the Fire Safety Order and came into force on 23 January 2023. They are intended

to strengthen fire safety in multi-occupied residential buildings, including the introduction of requirements to regularly check fire doors and key fire-fighting equipment, and share fire safety information with the Fire and Rescue Service (FRS).

- **The Building Safety Act 2022** sets out safety requirements for landlords of higher-risk buildings (defined as those that are more than 18 metres or seven storeys high, containing two or more residential units). At the heart of the change is the legal obligation for all individuals and organisations to comply with the Building Regulations in both design and construction. Section 156 of the Building Safety Act 2022, which came into force on 1 October 2023, makes a number of amendments to the Regulatory Reform (Fire Safety) Order 2005 to improve fire safety in all buildings regulated by the Fire Safety Order.
- **The Renters (Reform) Bill**, introduced to parliament in May 2023, proposes to change the law about rented homes, including abolishing assured shorthold tenancies and section 21 ‘no fault’ evictions. Under current proposals, there will be no more fixed-term assured tenancies – social housing providers will grant periodic assured tenancies, although this does not apply to secure tenancies, such as council tenancies. It also sets out proposals to introduce a Private Rented Sector Ombudsman and Private Rented Property Portal to improve standards within the private rented sector.

The Tenancy Strategy has regard to the statutory and regulatory changes introduced since the Grenfell Tower tragedy and considers the further legislative and regulatory changes due to be introduced in relation to fire and building safety, and housing regulation.



6. The main types of tenancies

These main types of tenancies are used in the borough for rented homes:

Introductory and starter tenancies

- The Council ordinarily offers new social housing tenants a 12-month introductory tenancy with a view to this becoming a lifetime secure tenancy if there are no significant issues during the introductory period.
- Social housing providers ordinarily issue a 12-month starter tenancy to a new social housing tenant. Where a tenant successfully completes a starter tenancy, they are issued with an assured tenancy.
- Introductory and starter tenancies can be extended where there has been a breach of tenancy during the first 12 months, as an alternative to ending the tenancy.
- Where a resident is currently a social housing tenant (and has already completed a starter/introductory period), they will not need to complete another starter/introductory tenancy if they move to another social housing property. The Council's Tenancy Policy states that residents who have completed a 12-month introductory or starter tenancy, or who are existing social housing tenants, will be given a lifetime secure tenancy rather than an introductory tenancy.

Lifetime secure and assured tenancies

- Local authorities are able to issue lifetime secure tenancies (sometimes called periodic secure tenancies). Social housing providers can issue lifetime assured tenancies (sometimes called periodic assured tenancies).
- A lifetime tenancy has no fixed-term to the tenancy agreement – a tenant can live in the home for as long as they need to, providing they do not breach their tenancy agreement.
- Where a current social housing tenant was granted their tenancy prior to 1 April 2012, they are entitled to another lifetime tenancy if they move to another social housing property.



Flexible secure and fixed-term assured tenancies

- The Localism Act 2011 introduced a power for local authorities to offer “flexible tenancies” to new social tenants after 1 April 2012. The Act also allowed social housing providers to offer fixed-term tenancies to all new tenants after 1 April 2012.
- Previously, local authorities and social housing providers were required to offer tenants the “most secure” form of tenancy, meaning the majority of tenants were offered ‘lifetime’ secure or assured tenancies.
- Flexible and fixed-term tenancies are ordinarily offered for five years (or two years in exceptional circumstances). At the end of the fixed-term the landlord can offer a further tenancy or end the existing tenancy.

Assured shorthold tenancies

- These tenancies are used for properties in the private rented sector. They are granted for a fixed-term – commonly six or 12 months, but sometimes for longer than this.
- A landlord must issue a valid notice to end the tenancy and apply to court for possession of the property if necessary.



7. Succession rights

Succession is a legal term used when a person takes over a tenancy following the previous tenant's death.

- Within the current statutory framework there can only be one statutory succession to a council or housing association tenancy in England.
- Council tenants are likely to have a secure tenancy. The rights of existing occupiers to succeed to a secure tenancy are set out in the Housing Act 1985.
- Housing association tenants who entered into their tenancy agreements prior to 15 January 1989, and who have remained living in the same property, are secure tenants. The same rights to succeed apply as in the case of secure council tenants.
- Housing association tenants who entered into their tenancy agreements after 15 January 1989 are likely to be assured tenants. The Housing Act 1988 sets out the requirements for someone to succeed an assured tenancy.
- Where a secure tenancy started prior to 1 April 2012 (the date that the Localism Act 2011 was introduced) one statutory succession is allowed to a surviving spouse/civil partner or a member of the deceased tenant's family. However, the Localism Act 2011 amended the succession rights of people living with secure council tenants where the tenancy was created after 1 April 2012. In these cases, a statutory right to succeed is limited to the spouse/partner of the deceased tenant.
- The statutory right to succeed to an assured housing association tenancy has always been limited to the surviving spouse/partner.
- Social housing providers (councils and housing associations) may offer discretionary 'non-statutory' successions – local rules that will allow a family member to take over the tenancy when the tenant dies, even if Government legislation does not give them that right – and may include express provisions in their tenancy agreements for granting additional succession rights.
- At the time of introducing this Strategy, Kensington and Chelsea Council's policy on discretionary tenancies is that they will be considered on an exceptional, case-by-case basis.
- Social housing providers may want to offer discretionary succession. They should publish a clear and accessible policy on granting discretionary succession rights, taking account of the needs of vulnerable household members – we encourage all social housing providers to have in place robust policies in relation to succession and assignment.



8. Delivering the Tenancy Strategy

A key part to the success of this Strategy is having a solid working relationship with the social housing providers in the borough.

We are committed to strengthening our relationships with social housing providers in the borough with the aim of providing good quality housing and services to our residents – including supporting residents to remain in their homes for as long as reasonably possible and preventing residents from becoming homeless.

With a significant number of social housing providers with housing stock in the borough, it is important that we clearly set out how we will monitor that they have regard to the contents of our Tenancy Strategy, and how we monitor the letting of social housing tenancies in the borough.

We have a long tradition of working closely with our local social housing providers. We have established the Registered Provider Strategic Group and Registered Provider Relationship Manager post to ensure that this Strategy is being implemented effectively and will monitor compliance with it.

Together, we have identified key areas where we can share best practice, including in relation to making the best use of housing stock; resident engagement and customer service; fire and building safety; stock condition; tackling damp and mould; social impact (such as financial inclusion, wellbeing and employment/training); and establishing clear rights and responsibilities, including on data sharing and dealing with antisocial behaviour.

We will also work with social housing providers in relation to investigations undertaken by the Housing Ombudsman to ensure that we learn from complaints and take appropriate action.

The Strategy will be kept under review to take into account changes to the Council's strategies and policies – and changes to national legislation, regulation and guidance. We will aim to review the Tenancy Strategy within two years from the date it is introduced.

We expect social housing providers in the borough to review their own tenancy policies following the introduction of this Tenancy Strategy.

Our Guide to the Nominations Agreement sets out how many properties we expect to be able to nominate households on our Housing Register to, expected nomination timescales and information we expect to be provided with to ensure we continue to let social housing to those in need. It also outlines the information we expect on voids and returns, and a timetable of this process.

A copy can be found on our website at www.rbkc.gov.uk

Notes

