



Frequently Asked Questions

From April 2013, Central Bedfordshire Council is introducing Introductory and Fixed-Term tenancies for new council tenants, instead of lifetime secure tenancies. To help you to understand these changes, we have produced the following Frequently Asked Questions guide.

What is an Introductory Tenancy?

An introductory tenancy is a one-year probationary council tenancy. It gives you most of the same rights as a secure council tenancy but you can be evicted much more easily.

New council tenants from April 2013 will at first be offered an Introductory Tenancy for one year. During this year, if the tenant fails to keep to their tenancy agreement, the council will be able to use an easier legal process to bring the tenancy to an end. At the end of the year, provided there are no problems with the conduct of the tenancy, the tenant will automatically move on to a Fixed Term Tenancy.

What is a Fixed Term Tenancy?

A Fixed-Term tenancy is a secure or assured tenancy which is for a fixed period of time. Council fixed-term tenancies will be for a period of 5 years. Towards the end of the 5 year period, there will be a review of the tenant's circumstances to find out if they are still in need of social housing. During the 5 year period, the council can only end the tenancy by seeking possession in court because the tenant has breached a condition of the tenancy.

What is a lifetime secure tenancy?

This is the kind of tenancy that most existing Council tenants have. The tenancy is not time limited and the council can only end the tenancy on certain legal grounds, by applying to the courts for possession. Most Housing Association tenants have a very similar life-long tenancy which is called an Assured Tenancy.

I am an existing social housing tenant. Will these changes affect me?

If you are an existing secure or assured tenant, these changes are unlikely to affect you. If you transfer to another council tenancy, regulations state that you must be given a tenancy with the same security of tenure, in other words another lifetime secure tenancy.

If you are an existing secure joint council tenant and the Council agrees to grant a sole tenancy of the property to one party (for example in the event of a relationship breakdown), the new tenancy will be a secure tenancy.

If in the future you decide to try to move home by seeking a mutual exchange, you will be entitled to take your security of tenure with you to your new council or Housing Association home, even if the person you swap with is a Fixed Term tenant.

However, if you are evicted at some point in the future, any future tenancy you are granted by the council will be an Introductory or Fixed Term tenancy.

Will Housing Associations be giving new tenants Fixed-term tenancies?

Some local Housing Associations will be offering their new tenants assured short-hold tenancies for 5 years; whilst other Housing Associations intend to continue offering lifetime assured tenancies to new tenants. Adverts on Home Finder will make clear whether the tenancy on offer is a Fixed-term or lifetime tenancy.

How will the Council respond if an Introductory Tenant fails to keep to their Tenancy Agreement?

Introductory Tenants will receive the same housing management service as other tenants. If there is a problem with their tenancy, for example a problem with the rent account or a report of anti-social behaviour, estates officers will work with the tenant to help them address the problem. However, if the tenant will not co-operate to address the problem the council will be able to use a simple legal process to end the tenancy. Before the council takes a decision to evict an Introductory Tenant, a review panel will consider the case and they will only recommend an eviction if they agree that eviction is a proportionate and reasonable response to the tenant's behaviour.

Why has the Council chosen 5 years for its Fixed-Term tenancies?

The Council believes that 5 years is a reasonable period to allow households to plan their future and feel more settled. It gives people time to look for employment or come to terms with specific health and support needs.

Will all new tenancies be Fixed-term?

In some exceptional circumstances the Council may use its discretion to grant a secure tenancy to a new applicant.

Will Housing Benefit still pay my rent?

Entitlements to Housing Benefit will be the same for existing and new Fixed-Term council tenants.

In order to check that Housing Benefit can pay some or all your rent, you must apply to the Council's Housing Benefit department, making sure you provide all the information they need on time.

Please contact the Housing Benefits team on 0300 300 8306.

What is a tenancy review?

A tenancy review takes place towards the end of the 5 year Fixed Term; usually around 6 months before the end of the tenancy. As part of the review process, your circumstances will be assessed to find out if your home is still appropriate for your circumstances.

If the outcome of the review is a decision to renew your tenancy, you will be granted a further 5 years.

If the outcome of the review is a decision not to renew your tenancy, you will be given support and advice to find alternative housing.

Why might the council decide not to renew the tenancy?

Tenancies **will usually be renewed**, unless the following apply:-

1. Your financial circumstances have substantially improved, and you have sufficient income or assets to secure alternative housing. Work is ongoing to establish how financial circumstances will be assessed. Whatever threshold is used to determine when someone has sufficient income or assets, it will be based on the cost of housing in the Central Bedfordshire housing market, and it will be based on the household's income over a period of time rather than a 'snapshot' of their income at a particular point in time. The threshold will be kept under review to take account of changes in the housing market.

The Council is keen to make sure that no-one is pushed into housing that they cannot afford. As part of its future plans, the Council will be developing the local housing market to include a better, more affordable range of low-cost home ownership options so that more people can move up the housing ladder.

The Council will be publishing information about this financial assessment later in 2013.

2. Your home has been adapted for particular needs, and your household no-longer needs the adaptations. If your household is still in need of social housing, you will be helped to find a transfer or a mutual exchange in this situation.
3. Your home is too small for your needs because there has been a change in your household composition, leaving you with a 'spare' bedroom'. If you household is still in need of social housing, you will be helped to find a transfer or a mutual exchange to a smaller property.

Grown-up children who have left home to go to university and return home during holidays will still be counted as part of the household.

4. Your home is much too small for your needs due to Statutory Overcrowding.
5. The tenancy has not been conducted well. There would be a review to ensure that any decision not to renew a tenancy on the grounds of the tenant's conduct is reasonable and proportionate. Public consultation showed that there was considerable support for the council to use tougher measures to force anti-social tenants to improve their behaviour or lose their tenancy.
6. There has been criminal misuse of the property.
7. The tenant has not engaged with the Council in the review process. The onus will be on the tenant to provide the information that the Council needs to review the tenancy, although the Council will provide extra support to anyone who needs it to engage with the process.

Can I appeal a decision not to renew my tenancy?

Whenever a decision is taken not to renew a tenancy there will be a right to an appeal. The appeal will be considered by a senior officer who was not involved in the original decision.

How will the Tenancy Review process consider the needs of children, older people, and people who are disabled or have another special need?

Families with children who have to move following the review of their tenancy will not be expected to move to a location that would require a child to change schools.

Older people will usually have their tenancy renewed once they are past state retirement age, in other words they would not usually have to move as part of this process, unless they are under-occupying a 3 or 4 bedroom property by two bedrooms or more.

People with special needs who have to move following the review of their tenancy will not be expected to move to a location where they cannot access support networks and services that they rely on.

Any other special situations will be considered on an individual basis as part of the Tenancy Review process. The Council will publish a detailed policy which will set out how the review process will be conducted.

Can I end the tenancy before the 5 years come to an end?

The tenant can end the tenancy at any time by giving at least 4 weeks written notice.

Do I have the right to a transfer or to mutual exchange during the 5 years?

Fixed-term tenants who need to move because they have a housing need that isn't met by their current home will be able to join the Housing Register and bid for new properties, provided that they are not in rent arrears.

Fixed-term tenants are entitled to exchange with other council and Housing Association tenants. If you exchange with another Fixed Term tenant, both tenants will remain as Fixed Term tenants. If you exchange with a secure tenant, it will depend on the policy of the new landlord whether you end up with Secure, Assured or Fixed-Term tenancy.

The rules around mutual exchange are complicated and you should ask for more detailed housing advice if you decide to seek an exchange at any point.

Do Fixed-term tenants have the Right To Buy?

Fixed-term tenants have the Right To Buy, and this will be an option for tenants who are not having their tenancy renewed on financial grounds.

What is Tenancy training?

From April 2013, all new Council tenants will be offered tenancy support to make sure that they have the information and life-skills required to sustain their tenancy in the long term.

What succession rights do Fixed-term tenants have?

Succession rights are the rights for someone else to take over your household if you die. The people who can succeed to a fixed-term tenancy (in other words take it over on the tenant's death) are limited to the tenants spouse, their civil partner, or someone who lived with them as a spouse or civil partner.

How can I find out more about the Council's approach to Fixed-Term tenancies?

The Council's Tenancy Strategy sets out the Council's approach in more detail, and explains the background to this new approach. It is available online at

<http://www.centralbedfordshire.gov.uk/home-and-housing/housing/housing-policies-strategies/housing-policies-strategies.aspx>