

COMMUNITY & HOUSING OVERVIEW AND SCRUTINY COMMITTEE

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| Date of Meeting | Wednesday 12 th July 2023 |
| Report Subject | Housing Management Policy |
| Cabinet Member | Cabinet Member for Housing and Regeneration |
| Report Author | Chief Officer (Housing & Communities) |
| Type of Report | Strategic |

EXECUTIVE SUMMARY

The Council is committed to providing an effective and efficient Housing Management service that reflects best practice, complies with legislation and protects the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.

The Renting Homes (Wales) Act 2016, which came into effect from the 1st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties.

The Renting Homes (Wales) Act 2016 aim is to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act is now partially in force, for the purpose of making regulations and issuing guidance.

The implementation of the significant changes brought about by the Act, has made it necessary to review and draft revised policies and procedures.

The report provides an overview of the changes that have been made to the Housing Management Policy.

RECOMMENDATIONS

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| 1 | That the Committee support the Housing Management policy. |
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REPORT DETAILS

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| 1.00 | EXPAINING THE TENANCY MANAGEMENT POLICY |
| 1.01 | The Council is committed to providing an effective and efficient Housing Management service that reflects best practice, complies with legislation and protects the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation. |
| 1.02 | The Renting Homes (Wales) Act 2016, which came into effect from the 1 st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties. |
| 1.03 | The Renting Homes (Wales) Act 2016 aim is to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act is now partially in force, for the purpose of making regulations and issuing guidance. |
| 1.04 | <p>Some of the key changes in the Act to be aware of in the updated policy are the changes to the tenancy agreements. These have been replaced by occupation contracts and tenants are now referred to as contract holders.</p> <p>Tenancy Agreement > Occupation Contracts</p> <p>Tenants and Licensees > Contract Holders</p> <p>Contracts will fall into two types > ‘Secure’ for the Social Rented Sector and ‘Standard’ for the Private Rented Sector.</p> |
| 1.05 | <p>Within occupation contracts there will be four types of terms that should and can feature within them:</p> <p>Key matters: The names of the parties and address of the property. These must be inserted in every contract.</p> <p>Fundamental Terms: Cover the most important aspects of the contract, including the possession procedures and the landlord’s obligations regarding repair.</p> <p>Supplementary Terms: Deal with the more practical, day to day matters applying to the occupation contract, for example, the requirement for a contract holder to notify the landlord if the property is going to be empty for four weeks or more.</p> <p>Additional Terms: Addresses any other specifically agreed matters, for example a term which relates to the keeping of pets.</p> |
| 1.06 | There remains some difference in treatment for private landlords and social landlords, though the distinction between local authority and housing association landlords is largely gone – they are all now “community |

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| | landlords” and treated the same. Community landlords will usually have to give secure contracts and private landlords will usually give standard ones. |
| 1.07 | <p>Other key changes are in relation to the increased security for contract holders as eviction notice periods have increased from two months to six months, as long as the contract has not been breached.</p> <p>However, for landlords, the changes in law also mean that it will be easier to repossess abandoned properties, without needing a court order. In relation to property safety standards, all landlords should ensure homes are fit for human habitation this includes working smoke alarms, carbon monoxide detectors and electrical safety testing.</p> |
| 1.08 | In relation to the Housing Management Policy, a summary of the main changes are as follows: |
| 1.09 | <p>Adding and removing contract holders</p> <p>New procedures will now allow for some occupiers to leave without prejudicing the others.</p> <p>This simplifies the process in cases of domestic abuse, or where there is a relationship break down and one person wishes to remain in the property One contract holder will no longer be able to end the agreement for everyone else without their consent, a notice seeking to do so will only bind themselves.</p> <p>Whilst landlords will still have some control over people being added or removed from the contract, they will have to act reasonably (whether in withholding consent or imposing conditions), and unreasonable actions can be directly challenged in Court.</p> |
| 1.10 | <p>Abandonment</p> <p>The process of excluding an absent contract holder is now significantly easier whether against a sole or joint contract holder.</p> <p>A landlord can do so without a Court order and one joint contract holder can exclude another by an application to the Court.</p> <p>There will always be a mandatory investigation period and opportunity to challenge the outcome, but new strict deadlines will ensure that properties are not left unoccupied for lengthy periods.</p> |
| 1.11 | <p>Succession rights</p> <p>These are considerably enhanced in many cases. Most notably, survivorship falls outside of the succession rules, which has previously created real difficulties when children have been unable to succeed to a tenancy after the death of both parents.</p> <p>There will also in many cases be two opportunities to succeed to a contract following the death of sole contract holders – first from a spouse,</p> |

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| | <p>civil partner or similar relation, if there is one, and then to other close family members.</p> <p>As independent living has become increasingly more difficult for many young people still living at home (whether by rising rents or inability to buy), this will be a welcome development in creating secure long-term living conditions for families in the rental sector.</p> |
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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | None. |

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| 3.00 | IMPACT ASSESSMENT AND RISK MANAGEMENT | | | | | | | | | | | | |
| 3.01 | <p>If the Council does not provide a robust and efficient service in managing its estates, then the housing service will be at risk of:</p> <ul style="list-style-type: none"> • Long term voids • Increase in anti-social behaviour • An increase in litigation • Poor reputation • Having inadequate resources <p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td>Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.</td> </tr> <tr> <td>Prevention</td> <td>Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.</td> </tr> <tr> <td>Integration</td> <td>Positive – Increased integration between services and partner organisations.</td> </tr> <tr> <td>Collaboration</td> <td>Positive – Increased collaboration between services and partner organisations.</td> </tr> <tr> <td>Involvement</td> <td>Positive – Service user involvement to help shape effective services so that support is timely and person centred</td> </tr> </table> <p>Well-being Goals Impact</p> <table border="1"> <tr> <td>Prosperous Wales</td> <td>Positive – providing good quality and affordable homes</td> </tr> </table> | Long-term | Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods. | Prevention | Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs. | Integration | Positive – Increased integration between services and partner organisations. | Collaboration | Positive – Increased collaboration between services and partner organisations. | Involvement | Positive – Service user involvement to help shape effective services so that support is timely and person centred | Prosperous Wales | Positive – providing good quality and affordable homes |
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| Prevention | Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs. | | | | | | | | | | | | |
| Integration | Positive – Increased integration between services and partner organisations. | | | | | | | | | | | | |
| Collaboration | Positive – Increased collaboration between services and partner organisations. | | | | | | | | | | | | |
| Involvement | Positive – Service user involvement to help shape effective services so that support is timely and person centred | | | | | | | | | | | | |
| Prosperous Wales | Positive – providing good quality and affordable homes | | | | | | | | | | | | |

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| | Resilient Wales | Positive – Creating services that are prevention focused and build resilience to avoid households becoming homeless specifically vulnerable persons |
| | Healthier Wales | Positive – Reduction in homelessness and increase in targeted support for mental health |
| | More equal Wales | Housing service is delivered in a way that is inclusive for all |
| | Cohesive Wales | Positive – Safer and well-connected neighbourhoods |
| | Vibrant Wales | Positive – encourages tenants to be more involved in their community |
| | Globally responsible Wales | Neutral |

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| 4.00 | CONSULTATIONS REQUIRED/CARRIED OUT |
| 4.01 | This report forms part of a wider consultation programme. |
| 4.02 | <p>Consultation has already commenced, and this process will run throughout the summer. It includes:</p> <ul style="list-style-type: none"> • Draft policy being shared with residents' groups and the Tenants Federation • Workshop session for resident groups who request this • Attendance at resident group meetings • Other groups as identified following the first stage Integrated Impact Assessment |
| 4.03 | Following the completion of the consultation, the Policy will be brought back to this committee to be adopted later in the year. The final completed Integrated Impact Assessment will be included as this will be updated during the consultation period. |

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| 5.00 | APPENDICES |
| 5.01 | Appendix 1 – Housing Management Policy. |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | https://www.gov.wales/housing-law-changed-renting-homes |

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| 7.00 | CONTACT OFFICER DETAILS |
| 7.01 | Contact Officer: Jen Griffiths – Service Manager, Housing; Welfare and Communities Telephone: 01352 702929 E-mail: jen.griffiths@flintshire.gov.uk |

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| 8.00 | GLOSSARY OF TERMS |
| 8.01 | None. |