

## Housing Service Strategy On Under-Occupation

### **1 Introduction**

- 1.1 This Housing Service Strategy relates to the Council's approach to minimising under-occupation within its housing stock.
- 1.2 Given the existing demand for Council accommodation as demonstrated by the numbers on the Housing Register, it is essential that the Council does all that it can to maximise the use of its housing stock.
- 1.3 This Strategy sets out the steps that the Housing Directorate will follow in order to achieve this aim.
- 1.4 This Housing Service Strategy was formulated in consultation with the Tenants and Leaseholders Federation and the Housing Scrutiny Panel and was approved by the Housing Portfolio Holder on 31 March 2009.

### **2 Background to the Service**

- 2.1 The Allocations Team within the Housing Options Section of the Housing Directorate ensure that all offers of accommodation are in accordance with the applicant's housing need.
- 2.2 The Housing Options Section, in accordance with the Council's Allocations Scheme, encourages people to move to a smaller property by providing both generous financial incentives and highest Band priority to those who wish to downsize.
- 2.3 Housing Management staff deal with all matters relating to succession and assignment of tenancies. This includes administering the provisions of the Housing Act 1985, and doing as much as the legislation permits to encourage people to move to smaller accommodation when they are under-occupying a property. The approach taken to prevent under-occupation in such circumstances is set out in Section 8.2 (a) of this Housing Service Strategy.
- 2.4 Council properties can become under-occupied during the course of the tenancy as family compositions change. The Housing Directorate, in accordance with this Strategy, will make every effort to discourage under occupation in these circumstances.

### **3 Coverage**

- 3.1 This Housing Service Strategy covers the Council's approach to;
  - a) Identifying under-occupying tenants.
  - b) Reducing under occupation by offering tenants incentives to downsize.
  - c) Encouraging successor tenants (but not spouses nor civil partners) to downsize even when they have a right to remain in accordance with legislation.
  - d) Ensuring that, in accordance with legislation, under occupation of more than one bedroom does not take place as a result of any mutual exchange.
  - e) Promoting the HomeSwapper mutual exchange scheme.

- f) Ensuring that all allocations are either in accordance with the Allocations Scheme or one bedroom below the applicants need.
- g) Placing tenants who request a transfer, and are under occupying, in Band One of the Allocations Scheme.
- h) Working with In Touch Support to provide vulnerable tenants with assistance with moving to smaller accommodation.

#### **4 Relationship to Other Documents**

- 4.1 Summary Information on under occupation is contained within the Council's main Housing Strategy.
- 4.2 The Allocations Scheme sets out the size of accommodation offered to applicants, Band One priority for tenants wishing to transfer to smaller accommodation and incentives for downsizing.
- 4.3 The law relating to succession is set out in the Council's Tenancy Agreement.
- 4.4 The legislation and the Council's policy on succession to a secure tenancy is explained within the Tenants Handbook.
- 4.5 The Housing Directorate has individual leaflets available for the public giving advice on mutual exchanges, the Allocations Scheme and succession.
- 4.6 Information is also published periodically in "Housing News" and on the Council's website, [www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing).
- 4.7 The Housing Charter sets out the Housing Directorate's commitment to the public.

#### **5 Aims and Objectives**

- 5.1 The aim of the Council's Housing Service Strategy on Under occupations is:

"To ensure that the under-occupation of the Council's housing stock is kept to a minimum."

- 5.2 This will be met by;

- (a) Ensuring that the Housing Allocations Scheme gives a higher priority to those tenants who under-occupy property and wish to move to a smaller dwelling.
- (b) Ensuring that all allocations make full use of the dwelling.
- (c) Allowing a maximum of only one spare bedroom as a result of any mutual exchange.
- (d) Encouraging any tenants under-occupying a Council property to consider a mutual exchange through the HomeSwapper Scheme.
- (e) Providing financial incentives to encourage tenants of larger Council properties to move to smaller accommodation.
- (f) Applying the legislation and the Council's policy relating to under occupation following successions and assignments.
- (g) Continuing to work with In Touch Support to provide assistance to vulnerable tenants transferring from larger to smaller properties.

## **6 Statutory Requirements**

### **6.1**

- (a) Succession and assignment: Housing Act 1985 Part IV Sections 87 – 89 inclusive.
- (b) Assignments by way of Mutual Exchange: Housing Act 1985 Part IV Section 92.
- (c) Allocations: Housing Act 1996. Section 167 (as amended Homelessness Act 2002).
- (d) Data Protection Act 1998,
- (e) Race Relations Act 1976.

## **7 Client Consultation, Information and Involvement**

- 7.1 Any changes in policy are considered by the Tenants and Leaseholders Federation, prior to any decision being taken by the Housing Portfolio Holder or the Cabinet. Furthermore, the Housing Portfolio Holder attends all meetings of the Federation and can therefore take their views into account.
- 7.2 Publicity and general information is provided within the Council's publication "Housing News" which ensures that as many tenants are involved as possible. This is delivered to all Council dwellings and, when appropriate, all housing applicants and is available on the Council's website [www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing).
- 7.3 Tenants who are directly involved with issues relating to under-occupation are kept fully advised of their entitlements and are given the maximum possible information to allow them to make choices.

## **8 General Principles**

- 8.1 The Housing Directorate will seek to identify tenants who are under-occupying Council accommodation, through recent data obtained under the Census of all tenants. Those who are under-occupying will be notified in writing of the financial incentives available when downsizing.
- 8.2 As much as possible will be done, within the legislation, to encourage people to move when they are under-occupying property. This is seen as a clear benefit to the Council and to those on its Housing Register.
- 8.3 The Council's policy encourages successor tenants, other than spouses or civil partners, to move to smaller accommodation if they are under occupying. However, where only one bedroom is under occupied, a successor tenant will be allowed to remain if;
  - (a) They have resided in the property for more than 10 years continuously immediately prior to the former tenant's death; or,
  - (b) They are over 60 years of age; or
  - (c) Following an assessment, it is found that significant financial or other support was given by the successor tenant to the previous tenant.
- 8.4 Where the Council's policy does not apply, unless there are exceptional circumstances, officers will insist that occupiers move to smaller accommodation and if necessary take enforcement action.

- 8.5 Under the Allocations Scheme, priority is given to those who are downsizing to smaller accommodation, by placing them in the highest band (Band 1).
- 8.6 Where an Epping Forest District Council tenant moves to any smaller property from a larger property, both owned by the Council, they will be offered £500 to cover removal costs plus £500 for each bedroom “released”, subject to the tenant having a housing need for the downsized property, and a maximum payment of £2,000 being made.
- 8.7 All applicants will be encouraged to arrange a mutual exchange through the HomeSwapper Scheme as an alternative means of resolving their accommodation difficulties. Staff will provide tenants with relevant advice and assistance.

## 9. Future Developments

- 9.1 The following “SWOT” analysis identifies the strengths, weaknesses, opportunities and threats for the areas covered by the Service Strategy.

<p><b>Strengths</b></p> <p>Established work instructions          Incentive scheme          HomeSwapper Mutual Exchange Scheme          Allocations Scheme Priority          Census identifying under occupation          HomeOption Scheme</p>	<p><b>Weaknesses</b></p> <p>Limited supply of suitable accommodation to create choice for tenants to move to smaller accommodation</p>
<p><b>Opportunities</b></p> <p>Writing to all tenants who are under-occupying following the recent Census of all tenants</p>	<p><b>Threats</b></p> <p>Increased demand from homeless applicants for accommodation          Increasing numbers of applicants on the Housing Register</p>

## 10. Action Plan

10.1 The following specific actions are planned by the Council relating to under occupation;

Action	Lead Officer	Timescale	Resource Implications
To monitor the recent increases in incentives encouraging tenants who are under-occupying to move to smaller Council accommodation to measure its effectiveness.	Housing Options Manager	April 2010	Within existing resources
To write to tenants who are under-occupying accommodation notifying them of the incentives available to tenants who move to smaller accommodation.	Housing Options Manager	April 2009	Within existing resources
Review the success of the Relocation Scheme following its transfer to In Touch Support.	Housing Options Manager	April 2010	Within existing resources

## 11. Resourcing the Strategy

11.1 The current budget for incentives to encourage tenants move to smaller accommodation is £12,000.

## 12. Reviewing the Strategy

12.1 This Housing Services Strategy will be reviewed in consultation with representatives of the Epping Forest Tenants and Leaseholders Federation no later than April 2012.