

Proposed changes to the Tenant Policy for Housing Renewal Areas



City of Westminster

City
for
All

In 2015 the council published its Tenant Decant Policy for Renewal Areas. This sets out the general support, financial compensation and rehousing options for council tenants where their homes need to be acquired in order to successfully regenerate an estate or area. It also covers what other tenants living in housing renewal areas can expect.

The council is now consulting on a new Policy for tenants. Until **8th February 2019**, we are asking for your views on how the Policy can be improved. The rehousing options promised to council tenants are not changing, but we want to improve the Policy and make it clearer. This leaflet summarises the new proposed Policy, highlights the main changes and tells you how to respond to the consultation.

The current Housing Renewal Areas are:

The Church Street Area

The Ebury Bridge Estate

The Tollgate Gardens Estate.



Indicative image of the Tollgate Gardens Estate, one of the council's Housing Renewal Areas

Summary of the new proposed Tenant Policy for Housing Renewal Areas 2018 for consultation

Who the Policy applies to

The Policy applies to any tenant living in a Housing Renewal Area.

Council tenants

There are different types of council tenants:

- **Introductory tenants** – those who have a one year trial tenancy.
- **Flexible tenants** – those who have a fixed term tenancy. At the end of the term a decision is made about whether the tenancy is renewed in line with the council's policy (most flexible tenancies will be renewed).
- **Secure tenants** – those who generally have a secure home for life.

Council tenants can either be “**general needs tenants**” living in housing for people of any age or “**community supportive housing tenants**” that are living in sheltered housing for older people aged 60 or over.

Other tenants

These can be:

- **Private tenants** – those who rent from private landlords.
- **Temporary Accommodation tenants** – these are homeless households living in temporary housing offered to them by the council. They may be private tenants or tenants of the council.

The financial compensation and rehousing rights and options only apply to council tenants and they are set out in the following section. The help and support available for other tenants is on page 5.

The offer to council tenants in housing renewal areas

General approach

All council tenants will be supported through the whole process of moving. There will be a named officer to answer queries and advise tenants about their rehousing rights and options. Tenants will also be able to speak to an independent advisor. Every effort will be made to come to an agreement with tenants about their preferred rehousing option.

Financial compensation

Every council tenant that has been living in their home for twelve months before they have to move is entitled to a:

- **Home loss payment.** This is to compensate tenants for having to move. The amount is set by government and is currently £6,300 per household.
- **A disturbance payment.** This is to cover all the reasonable costs of moving such as removals, redirection of post, disconnections and reconnections, the refitting of curtains and carpets etc. In many cases the council will arrange these services, so tenants will not have to organise them directly. Additional help, such as packing, will be provided where it is needed.

Appeals

- There is an appeals process for anyone that is dissatisfied with the way the Policy has been applied to them. Appeals must be made in writing within 21 days of any decision and the outcome will generally be decided within 21 days.



Rehousing rights and options for “general needs” council tenants

In all of the housing renewal areas there will be new “general needs” social housing and tenants will have the right to one of these new homes. Their options are to:

- 1** Move straight into one of the new social homes, if this is possible.
- 2** Move into another social home for a temporary period, and then move into one of the new homes when they are ready.

Tenants who don't want to move into one of the new homes can:

- 3** Move into another social home. This could be in the local area or in another part of Westminster. It could also mean moving into “community supportive housing” (sheltered) if tenants prefer this and are 60 or over and eligible.

Tenants who want to become home owners can:

- 4** Have high priority to buy one of the new “intermediate” homes that may be for sale in the Housing Renewal Area. Intermediate housing for sale is cheaper than buying on the open market. It might include shared ownership for example, where a percentage of a home is bought and rent is paid on the rest. An income assessment would need to be done before this option could be agreed to ensure it is affordable.

Rehousing rights and options for “community supportive housing” council tenants

The options for older tenants living in “community supportive housing” are different as it may not always be possible to build new housing of this type in a Housing Renewal Area.

If there are new “community supportive homes”, tenants can:

- 5** Move straight into one of the new “community supportive homes”, if this possible.
- 6** Move into another “community supportive home” in Westminster for a temporary period, but then move into one of the new “community supportive homes” in the Housing Renewal Area when they are ready.

If there are no new “community supportive homes”, tenants can:

- 7** Have priority to move to alternative “community supportive housing” in Westminster.

More information about these options

The type of tenancy

The type of tenancy offered will generally be the same as the one tenants have now. If tenants choose to move to a housing association property, a different type of tenancy will be offered, as housing associations and councils have to offer different types of tenancies by law, although there is much in common between the two.

The rent and service charges

The rent will be set in line with a national formula set by the government. It may be different than it is now, but it won't be significantly so. The service charges may also be different.

The size and type of the new home

This will be the size that is needed, so it might be bigger or smaller than the tenant's current home. Overcrowded tenants will be offered larger homes and tenants that have bigger homes than they need, will be offered smaller ones. An assessment will be done to establish the size and type of home needed (see Stage 2 on page 4).

The rehousing process

Once it has been decided that rehousing should start there will be three stages:

Stage 1: The Housing Needs Survey

The council establishes who is in the household, the type of new home needed and any particular needs the tenant and their household has. At this stage the tenant also considers their rehousing options and can discuss them with an independent advisor.

Stage 2: The Assessment

The assessment will first look at the household members that can be included. In line with the council's Allocations Scheme the following people can be included:

- Secure/joint tenants of the council.
- Household members, who were originally housed with the tenant by the council.
- Adult relatives who, were originally housed with the tenant by the council (such as grown up sons and daughters of the tenant) and their dependent children who normally reside with them. See the information box across for more information.*
- The long-term, co-habiting partner of the tenant.
- Carers, where it has been agreed they need to be rehoused with the tenant.
- Dependent children of the tenant who normally reside with them on a permanent basis.

Household members who are excluded from being rehoused with the tenant/s are:

- Friends, lodgers and sub-tenants living with the tenant.
- Anyone else that moves in that did not form part of the original household, including relatives.
- Children of the tenant whose main/principal home is elsewhere.
- Any other person the council in its discretion deems ineligible.

Some flexibility may be applied to the criteria on who is excluded for older family members living with the tenant. Decisions about this will be made on a case by case basis and will take into account the length of time the older family member had been residing in the household and whether other housing is available to them.

*Adult relatives who were originally rehoused with the tenant

Where these adult relatives have moved away and returned, they will only be included in the assessment if they have been living in the home continuously for 5 years. Exceptions to this are below, but there has to be an intention to return:

- Students living away on a temporary basis.
- Those detained in an institution or hospital.
- Those in the armed forces.
- Those serving a custodial sentence.

Where the spouse or partner of these residents has come to live in the household, they will only be included in the assessment if they did not cause overcrowding when they moved in.

Once it has been established who can be included in the assessment, the size of the new home can be determined. Single people are eligible for a studio, although there may not be any studios in the redevelopment and in these cases they will be offered a one bedroom home. Couples are entitled to a one bedroom property.

The following table shows how the number of bedrooms other households are entitled to:

Each of the following will be offered ONE BEDROOM

Adults

- The tenant and any spouse or partner
- Adult household members and their spouses or partners (unless they are brother or sister)
- Brothers and sisters of the same sex where the age gap between them is ten years or less. (Where there is more than a ten year age gap two bedrooms will be offered)

Children

- Two children of the opposite sex under 10
- Two children of the same sex under 16
- Two children of the same sex where one or both is over the age of 16 and where the age gap is 10 years or less
- One child (that is not included in the categories above)

In some cases, households needing homes with two bedrooms or more might be offered separate properties. This is known as “splitting” the household. Where this is agreed, only the original tenant will be offered a right to return and a secure tenancy (if they had one already), whilst everyone else will be offered a flexible tenancy.

An assessment will also be done to establish if the tenant or a member of their household needs any adaptations in the new home or if they need it to be wheelchair accessible.

Stage 3: The rehousing process

Priority for the new homes

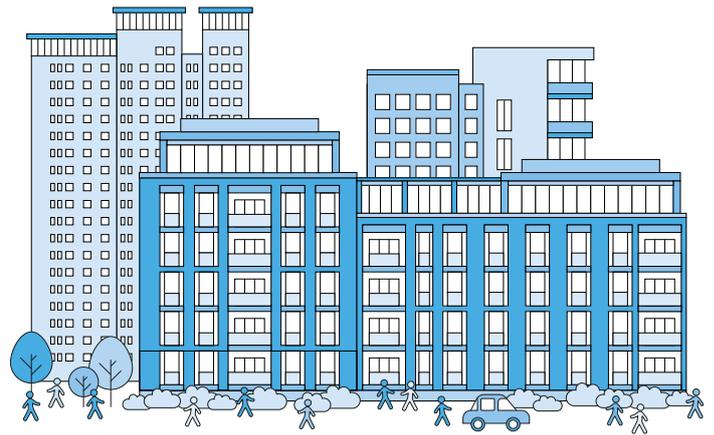
Returning tenants that have had to move away temporarily will have the first priority for the new homes (i.e. those choosing Option 2 or 6). Other households that need to move will have second priority (i.e. where Option 1 or 5 is possible). If more than one tenant wants the same property it will be offered to the household that has lived at their original home the longest.

Priority for other moves

Tenants will generally have the highest priority to move, ahead of other groups that need housing.

Where Options 2 or 6 are chosen, tenants will firstly move into temporary housing until the new homes are ready. Where Options 3 or 7 are chosen there will only be one move. In both these circumstances, tenants may want to live locally. Because the supply of local properties might be limited however, certain households will be prioritised for it, and this will be where:

- An application has been made to a primary or secondary school for a member of the household, and a move away from the local area could result in them not being chosen for it (this only applies where the current address is in the catchment area).
- A member of the household is receiving a specialist medical service and would be unable to continue to travel there due to their age, vulnerability and/or a disability.
- The tenant is in “community supportive housing” and is particularly vulnerable due to their age or health.
- There are other exceptional reasons.



The lettings process

Whichever rehousing option is chosen, there will be a “bidding period” during which tenants can bid for another home through choice based lettings. During this period some direct offers might also be made because it has been identified that a property best meets a tenant’s needs. Where this is the case, tenants don’t have to accept the offer if they prefer to carry on bidding through choice based lettings. Once the “bidding period” has ended, if the tenant has not moved, a reasonable direct offer will be made. One further direct offer might be made in exceptional circumstances.

Certain tenants, such as those who need the sort of home that is in very short supply, will not be able to bid for properties. This will apply where a wheelchair accessible home is needed or one with four bedrooms or more.

Other tenants in the housing renewal area

Homeless households in temporary accommodation

All temporary accommodation households will be visited and advised when they need to move. They will be prioritised for alternative temporary accommodation in Westminster, if they meet the criteria, or in London.

Private tenants

Private tenants will be visited at least once and will be advised where they can get support and advice if they are at risk of homelessness. Additional support will be offered to anyone that is vulnerable.

What has changed in the new Policy

In summary the main changes to the proposed Policy are:

For all tenants:

- **It is simpler to understand** and there are less detailed processes which can go out of date quickly.

For council tenants:

- **The appeals process is different.** In the current Policy appeals have to be made within seven days of any decision and will be considered by a panel of three people, not involved in the original decision. In the new proposed Policy, tenants have 21 days to make an appeal and the council has 21 days to make a decision about it. The decision will also be made by the Director, rather than a panel. The change is proposed to make the appeals process simpler, to give more time and to make it more like other policies. Another option would however be to make no changes, so appeals are dealt with quickly and they can still be looked at by a panel.
- **It is clearer that there are different options for households in “community supportive housing.”**
- **There is more flexibility on who can be considered part of a tenant’s household and included in the assessment, for older family members.** The change is proposed as it is recognised that some households are looking after elderly relatives. Another option would be to make no changes and for the same rules to apply for tenants moving due to housing renewal as they would for all other moves.
- **The Policy clarifies that adult household members, that formed part of the original household, have to have been living with the tenant for five years to be included in the assessment if they have moved away and returned.**
- **Tenants needing to move due to housing renewal will have the highest priority to do so, ahead of all other groups (currently downsizers have the highest priority).** This change is proposed to help enable regeneration to happen quickly and for the new homes to be built. Another option would be for those downsizing to continue to have the

highest priority to move, as their move releases a larger home for other households.

- **There are changes to the way homes will be let.** Although choice based lettings will still be used, it will be for a specific “bidding period”, after which direct offers will be made. In certain circumstances direct offers will also be made during this “bidding period”, although tenants do not have to accept them. These changes are proposed to speed up the rehousing process and because some tenants have told us they prefer direct offers. Other options could be for all homes to be let by direct offer as this could speed up the whole process of moving, or for choice based lettings not to be limited to a period.
- **Flexible tenancies will be offered to some where there are “family splits”, rather than secure tenancies (although the original tenant will be offered a secure tenancy).** This is proposed as it is in line with the council’s Tenancy Policy which says that new tenants will generally be offered flexible rather than secure tenancies. Another option would be to make an exception to the Policy and offer secure tenancies to everyone as they offer more stability.

For other tenants

- **There is more help and support for private tenants** for example they will be referred to a special project for people at risk of homelessness.
- **Homeless households in temporary accommodation will be prioritised for alternative accommodation in Westminster (depending on their circumstances) or London.** This is an exception to the current Policy, as depending on the situation, temporary accommodation can also be offered outside London, as it is in such short supply in London. Another option would be to make no exceptions to the Policy for homeless households in renewal areas.

Where to find more information

The proposed Tenant Policy for Housing Renewal Areas is being consulted on until **8th February 2019**. This leaflet only provides a summary of the Policy and the full Policy and the original one published in 2015 can be found at:

westminster.gov.uk/housing-strategies

If you require support understanding this document or would like a second copy of the consultation materials, please visit:

The Ebury Bridge Regeneration Base

📍 The Ebury Bridge Regeneration Base
15 – 19 Ebury Bridge Road,
London SW1W 8QX

🕒 **Monday to Friday, 10am to 4pm**
Evenings: Wednesday 5pm to 7pm

☎ 0800 011 3467

✉ eburybridge@westminster.gov.uk

🏠 eburybridge.co.uk

The Church Street Regeneration Base

📍 The Church Street Regeneration Base
99 Church Street,
London, NW8 8EY

🕒 **Monday to Friday, 9am to 5pm.**

☎ 020 7641 2968

✉ churchstreet@westminster.gov.uk

🏠 westminster.gov.uk/church-street-renewal

How to respond to the consultation

Please tell us what you think of the proposed changes to the Policy and let us know if you think any other changes are needed by **8th February 2019**. You can either complete the enclosed Feedback Form and return it to:

FREE POST WCC OPEN FORUM

Westminster City Hall
London, SW1E 6QP
(Tenant Policy Consultation)

Or write to us at the above address, or email your comments to: tenantpolicy@westminster.gov.uk



