

Your new tenancy agreement

Issued September 2017

■ Introduction

We are committed to building the better homes Lambeth residents need, plus more new homes to help tackle Lambeth's housing crisis.

No one at Lambeth underestimates the stress that building works or moving into temporary accommodation while we rebuild your estate could cause. We want to help. We will give you all the information and support that you need to make the best choice for your and your family's future. Our Key Guarantees are an essential part of this. They mean that:

- Every council tenant will be able to move to a brand-new home at council level rent
- Resident homeowners can be helped to stay on the estate with affordable options
- All secure tenants and homeowners will have the opportunity to be involved in shaping the masterplan for each new estate

Homes for Lambeth will be offering new Lifetime Assured tenancies for your new home on the rebuilt estate. We want to hear what you think about the draft tenancies.

We have already talked with your Independent Resident Advisors. We have paid for them to get independent legal advice on the new tenancies. We have included most of the advice and you can see this in the new tenancies. You can read this independent advice on the link below:

estateregeneration.lambeth.gov.uk/tenancy

Copies are available in each estate's engagement hub if you don't have access to the internet.

Homes for Lambeth and your new Lifetime Assured tenancy

Your new Lifetime Assured tenancy agreement for your new home will be with Homes for Lambeth, not with the council. However, your rent will be set in the same way as it is now, based on a formula set for all councils by central Government.

Homes for Lambeth will sell and rent some homes at market rates. This will pay for new and better homes, and allow the council through Homes for Lambeth to reinvest the 15-20% development surplus (money that private developers normally make) back into more homes.

The structure of Homes for Lambeth puts its governance firmly within the council's democratic structures. All decisions made by the council's cabinet will be based on recommendations from a new 'Ownership and Stewardship' panel made up of 4 cabinet members and a tenant. Cabinet decisions will also be subject to the normal checks and balances of the council's constitution.

Each new estate can set up its own Tenants and Residents Association (TRA), which can engage with the estate's housing management services supplier.

■ Service charges

All secure tenants pay a service charge. Some pay service charges for the upkeep of communal spaces, gardens, lifts, caretaking, repairs, landscaping, and lighting combined with their rent. Some pay it as a separate item. The service charges for secure tenants are averaged across the borough.

Homes for Lambeth will set your service charges based only on the costs of maintaining the estate where you live. It is likely that there will be two parts to your service charge – one part for the wider estate and the second specific to the building you live in. Your service charges will be listed as a separate item in bills so you can see the costs.

We will be able to estimate the level of service charges for each estate when design work reaches an advanced stage. These will remain estimates until we have completed the design for each part of an estate, finalised the tenancy and selected a future housing management provider for the estate.

Having your say on your new tenancy agreement

The new Lifetime Assured tenancy agreement is very like your current Secure Tenancy Agreement. The comparisons tables in this booklet shows the key differences.

While Homes for Lambeth is wholly owned by the council, we've made changes to reflect the fact that the council will no longer be your landlord, and different legislation governs council and non-council tenancies. We understand how important security of tenure is for residents. Our draft of the new Lifetime Assured tenancy try to match the terms of old secure tenancies as closely as possible.

Copies of the new draft tenancy agreement can be found at:
estateregeneration.lambeth.gov.uk/tenancy

You can also find copies at your estates engagement hub or your local Independent Resident Adviser. Please read the summary of changes below and use the boxes to have your say. Please return your survey to:

FREEPOST PLUS RTTG-SZLT-RCZJ
Have your say – Tenancy
C/O Consultation and Engagement Team
Third Floor
Olive Morris House
Brixton Hill
London SW2 1RD

Or in the Freeport envelop in this mailing.

You can also complete the survey online at
estateregeneration.lambeth.gov.uk/tenancy

All feedback will need to be received by 5pm on the 3rd November 2017.

Comparisons tables

Section	Current Secure Tenancy	Draft Lifetime Assured Tenancy	Why are we changing this?
Introduction / Definitions	<p><i>Introductory</i></p> <p><i>Secure</i></p> <p><i>Demoted</i></p>	<p><i>Starter (Assured Shorthold)</i></p> <p><i>Lifetime assured</i></p> <p><i>Demoted</i></p>	<p>Names of the types of tenancies have been changed to reflect the different legislation for council and non-council tenancies. All current tenants with secure tenancies moving into newly built Homes for Lambeth homes will be offered Lifetime Assured tenancies.</p> <p>We have made changes to the definitions on service charges and fixtures and fittings to make things clearer, particularly where the existing council tenancy makes reference to a tenant's handbook. The Homes for Lambeth Handbook will be produced in due course in time for tenants moving into newly built homes.</p>
Changing this agreement (2.8)	<p><i>The Housing Act 1985 sets out a consultation and notice procedure which we must use to alter this tenancy agreement. You can get more details of this from your Housing Office.</i></p>	<p><i>This agreement can only be changed by agreement between the Landlord and Tenant</i></p>	<p>There is a specific process in law that allows councils to alter tenancy agreements. The same is not true for organisations like Homes for Lambeth. It means that Homes for Lambeth would be unable to force any changes on tenants in the future without their agreement.</p>
Access to information (2.14)	<p>You have the right to see information granted through the Access to Personal Files (Housing) Act 1989, the Data Protection Act and the Freedom of Information Act</p>	<p>Homes for Lambeth Tenancy deletes reference to the Access to Personal Files (Housing) Act 1989 as this has been superseded by the Data Protection Act.</p>	<p>To reflect the correct statute.</p>

Do you have any views on this?

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Section	Current Secure Tenancy	Draft Lifetime Assured Tenancy	Why are we changing this?
Complaints	<p>Outlines the complaints procedure: ultimately tenants contact the Local Government Ombudsman.</p> <p>This is changing though, and in future existing tenants will contact the Housing Ombudsman.</p>	<p>Outlines the complaints procedure: ultimately tenants contact the Housing Ombudsman</p>	<p>This reflects both the change in landlord, and the establishment of the Housing Ombudsman. For Homes for Lambeth the Housing Ombudsman rather than the Local Government Ombudsman will be final arbiter for complaints</p>
Rents	<p><i>Sets out that we can treat other charges as rent.</i></p> <p><i>We can change the rent and other charges but must give you notice before we do so.</i></p>	<p>Same as the existing agreement, although other charges will be separate.</p> <p>Confirms that rent will be set in the same way as council rents</p>	<p>Homes for Lambeth will not collect water charges on behalf of Thames Water, and energy bills will also be separate.</p> <p>Your rent, as a lifetime assured tenant living in a newly built Homes for Lambeth home, will be set in the same way as council rents.</p> <p>If you have to pay a higher rent as a result of moving to a newly built home, then that rent increase will be phased in over a five-year period.</p> <p>The draft agreement doesn't include any reference to the phasing in of rents because it represents a short-term measure only available for current secure tenants moving into new homes. We can confirm that the commitment still stands and will be addressed outside of the tenancy agreement.</p>

Do you have any views on this?

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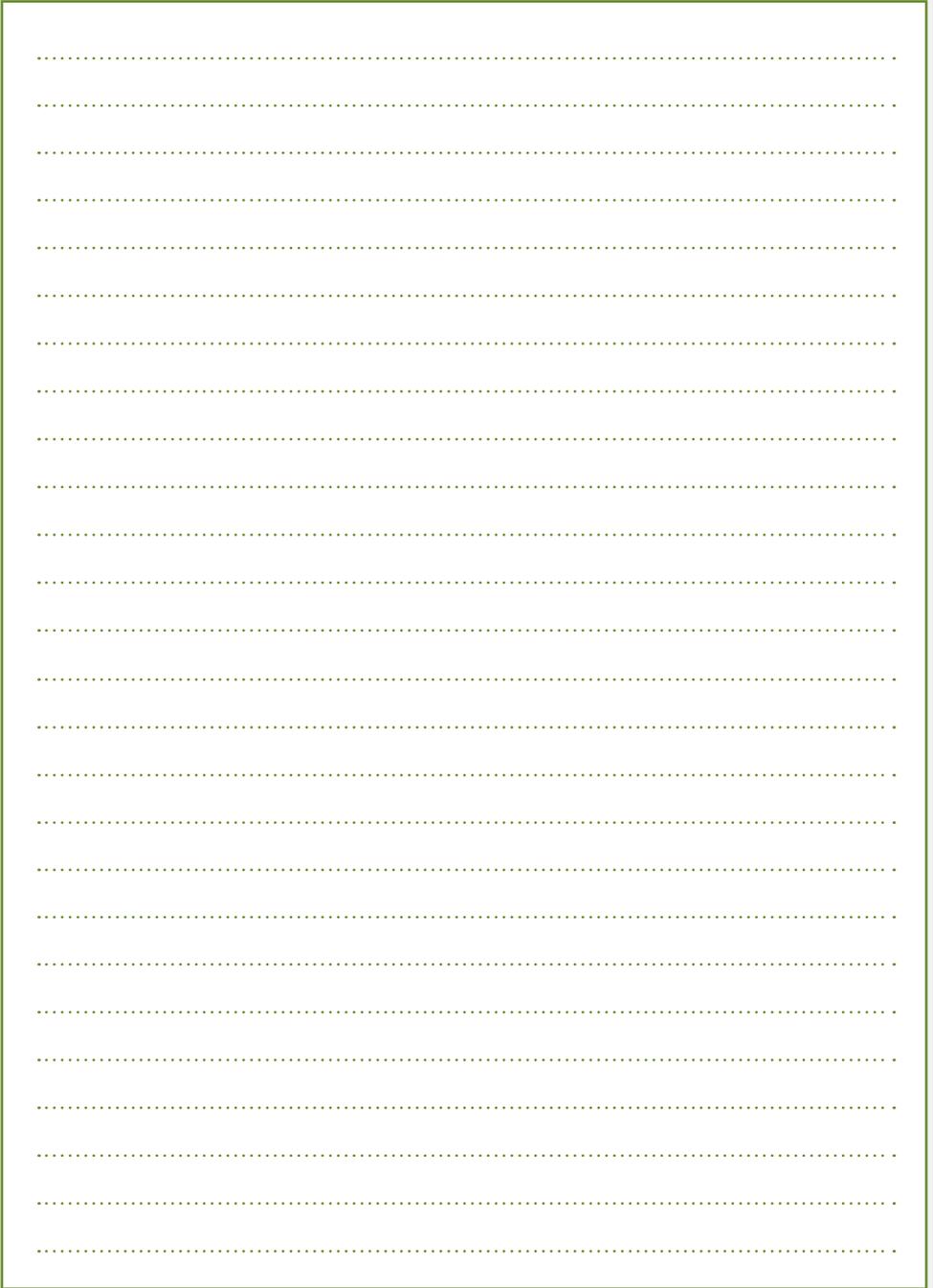
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Section	Current Secure Tenancy	Draft Lifetime Assured Tenancy	Why are we changing this?
Recharges	The current tenancy refers to the tenant's handbook for other occasions the council may recharge	Added specific mention of legal charges and abandoned vehicles.	Handbook follows later, so we need to make sure the agreement includes relevant sections. All other re-charges (repairs, rubbish removal etc.) are covered already in other clauses.
Your right to have sub-tenants or lodgers (17)	Secure tenants allowed to sub-let part of their home	<p>We've added a requirement that you must let Homes for Lambeth know who your tenant is, their name, age and sex.</p> <p>We are considering banning sub-letting to holiday lodgers (such as AirBnB).</p>	We want to be clear on who is living in Homes for Lambeth properties. We are also interested in your view on banning holiday lodgers (such as through AirBnB). Some people in London report that such tourists can cause a nuisance (returning late from drinking, noisy suitcases banging on floors, and damaging walls). We welcome your views.
Assignment, exchange, succession	Briefly sets out the rights	A much more detailed explanation of rights to exchange etc., including additional contractual right of succession for children	<p>The terms in the existing tenancy agreement were a little unclear and refer to the tenant's handbook. We think this is more detail than needed in a tenancy agreement. We welcome your views.</p> <p>We've added a contractual right for children to succeed to tenancies to bring them in line with council tenancies.</p>

Do you have any views on this?

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Section	Current Secure Tenancy	Draft Lifetime Assured Tenancy	Why are we changing this?
Our power to make a possession order	Relevant grounds listed (from the Housing Act 1985)	Relevant grounds listed (Housing Act 1988). Excludes certain grounds contractually	Homes for Lambeth would not be able to go to court on grounds 8 and 11 of the Lambeth council tenancy. (This would make it easy to evict you for non-payment of rent). We are changing this so you have the same security of tenure as council tenants.
Right to Buy	Secure tenants have the right to buy	No right to buy	<p>The Right to Buy is only for Council tenancies. Although Homes for Lambeth is wholly owned by the council, it can't offer secure tenancies and Right to Buy.</p> <p>Homes for Lambeth could provide what is known as a "contractual right to buy". This would only be for current secure tenants who are living on an estate which is going to be rebuilt and will be moving into a home built by Homes for Lambeth. The terms of any contractual right to buy could be based on current right to buy terms (or a variation of them). However, the point of rebuilding estates is to build more and better homes. A contractual right to buy could, over time, reduce the number of homes that Homes for Lambeth would be able to rent to people nominated by the council. We are minded not to offer a contractual right-to-buy</p>

Do you have any more comments on the points raised in this document or any other parts of the draft Lifetime Assured Tenancy ? If you do please use the space below and add in the section you are commenting on.

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More ways to have your say

More detail on the differences between your existing Secure Tenancy and the draft Lifetime Assured Tenancy can be seen at:

estateregeneration.lambeth.gov.uk/tenancy

You can also get in touch with your local Independent Resident Adviser, who will have copies. Their contact details can be found at:

estateregeneration.lambeth.gov.uk/estates

You can also visit your estates engagement hub to see all the supporting information.

All feedback will need to be received by 5pm on the 3rd November 2017.

Spanish

Si desea esta información en otro idioma,
rogamos nos llame al 020 7926 1369

Portuguese

Se desejar esta informação noutro idioma
é favor telefonar para 020 7926 1369

French

Si vous souhaitez ces informations dans une autre
langue veuillez nous contacter au 020 7926 1369

Bengali

এই তথ্য অন্য কোনো ভাষায় আপনার প্রয়োজন
হলে অনুগ্রহ করে ফোন করুন 020 7926 1369

Somali

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kale, fadlan annaga nagala soo xiriir lambarka 020 7926 1369

Polish

Aby otrzymać niniejsze informacje w innej wersji językowej,
prosimy o kontakt pod numerem 020 7926 1369

■ **W:** estateregeneration.lambeth.gov.uk

■ **E:** estateregeneration@lambeth.gov.uk

■ **T:** 020 7926 1369