

LOCALISM ACT 2011

EXPLANATORY NOTES

COMMENTARY

Part 7: Housing

Chapter 2: Social Housing: Tenure Reform

Sections 150 to 153: Tenancy strategies

374. **Section 150** places a new duty on every local housing authority to publish a tenancy strategy setting out, in high-level terms, the matters to which all registered providers of social housing should have regard in framing their own tenancy policies.
375. **Section 151** sets out the procedure an authority must follow when preparing its strategy or making a modification to it that involves a major change of policy, and in particular its obligation to consult private registered providers on a draft of the strategy.
376. **Section 152** provides that the Secretary of State may direct the social housing regulator to set a standard on tenure. **Section 153** requires that a local housing authority, when formulating its homelessness strategy, must have regard to its current allocations scheme, tenancy strategy and, where the authority is a London borough council, the London housing strategy.

Sections 154 and 155: Flexible tenancies

377. **Section 154** gives local authorities the power to offer flexible tenancies to new social tenants and to family intervention tenants. A flexible tenancy is a secure tenancy of a fixed term (not less than two years). **Section 154** provides for the circumstances in which a new tenancy will be a flexible tenancy. It also provides for the process by which a landlord may offer and terminate a flexible tenancy as well as a tenant's right to terminate a tenancy or request a review of a landlord's decision with regard to the offer or termination process.
378. **Section 155** provides that certain statutory rights to improve and to be compensated for improvements will not apply to a flexible tenancy. The section also prescribes the circumstances in which an introductory tenancy will, on coming to an end, become a flexible tenancy. The section also prescribes that when a flexible tenancy is demoted, on successful completion of the period of demotion, the landlord may grant another flexible tenancy. These provisions will apply where prior written notice has been served on the tenant advising them that the tenancy will become a flexible tenancy.

Sections 156 to 166: Other provisions relating to tenancies of social housing

379. **Sections 156 and 157** provide that flexible tenancies and assured tenancies granted by private registered providers in England, except where they are long tenancies or shared ownership leases, do not have to be executed by deed or registered with the Land Registry

*These notes refer to the Localism Act 2011 (c.20)
which received Royal Assent on 15 November 2011*

380. [Sections 158 and 159](#) and Schedule 14 together provide that, subject to certain conditions, existing secure and assured tenants will be able to retain a similar level of security on exchanging their property with a social tenant with a less secure tenancy.
381. [Section 160](#) removes the statutory right of those other than spouses and partners to succeed to a secure tenancy. It also provides discretion for landlords to grant succession rights in addition to the statutory minimum of one succession to a spouse or partner. [Section 161](#) enables landlords to grant additional succession rights for assured tenancies. Tenancies commenced before these sections come into force are not affected by these changes.
382. [Section 162](#) provides that the court may direct that the period during which a local authority landlord in England or Wales can seek to recover possession of a property can run from six to twelve months after the landlord becomes aware of the previous tenant's death, rather than only from the date of death, where the landlord is: seeking possession because the previous tenant has died; a person other than the previous tenant's spouse or civil partner has succeeded to the tenancy; the property is too large for that person and the landlord proposes to move them to a smaller property. It also ensures that where an individual inherits the balance of a fixed term tenancy in England the landlord can recover possession.
383. [Section 163](#) provides that, where the tenant under an assured shorthold tenancy becomes the tenant under a family intervention tenancy, the landlord may subsequently convert the family intervention tenancy into an assured tenancy that is an assured shorthold tenancy. It also provides that, where an assured shorthold tenancy for a fixed term of at least two years is demoted, the landlord can secure that the tenancy reverts to being an assured shorthold tenancy in the event of the tenant successfully completing the demotion period.
384. [Section 164](#) provides that a court cannot make an order for possession of a property let by a private registered provider of social housing with a fixed term of at least two years, unless the landlord has given the tenant at least six months' notice in writing stating that they do not intend to grant another tenancy and informing the tenant how they can obtain help and advice.
385. [Section 165](#) provides that tenants of private registered providers with assured shorthold tenancies will have the right to acquire their property subject to the same conditions applicable to assured tenants and further exclusions made by way of regulation.
386. [Section 166](#) extends repairing obligations on the landlord to include flexible tenancies and assured tenancies granted by registered providers with a fixed term of seven years or more.