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## SCHEDULES

PROSPECTIVE

### SCHEDULE 7

#### SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

##### *Housing Act 1996 (c. 52)*

- 19 The Housing Act 1996 is amended as follows.
- 20 (1) Section 124 (introductory tenancies) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) When such an election is in force, every fixed term tenancy of a dwelling-house in England entered into or adopted by the authority or trust shall, if it would otherwise be a secure tenancy, be an introductory tenancy, unless section 124A(7) applies or immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them was—
- (a) a secure tenant of the same or another dwelling-house, or
- (b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.”
- (3) In subsection (2), in the words before paragraph (a), after “dwelling-house” insert “in Wales”.
- (4) In subsection (2A), for “subsection (2)(b)” substitute “ subsections (1A)(b) and (2)(b) ”.
- (5) In subsection (3), for “subsection (2)” substitute “ subsections (1A) and (2) ”.
- (6) After subsection (5) insert—
- “(6) In relation to a tenancy entered into or adopted by a local housing authority or a housing action trust before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force, this section has effect—
- (a) as if subsection (1A) were omitted, and
- (b) as if, in subsection (2), the words “in Wales” were omitted.”
- 21 After section 124 insert—

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#### **“124A New introductory tenancies in England: overall length**

- (1) A local housing authority or a housing action trust may enter into an introductory tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
  - (a) at least 2 years, and
  - (b) no longer than the permitted maximum length.
- (2) The permitted maximum length is 10 years, unless subsection (3) applies.
- (3) If the person entering into the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
  - (a) beginning with the day on which the tenancy is entered into, and
  - (b) ending with the day on which the child will reach the age of 19.
- (4) If a local housing authority or a housing action trust purports to enter into an introductory tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (5) In deciding what length of tenancy to enter into in a case to which subsection (1) applies, the local housing authority or housing action trust must have regard to any guidance given by the Secretary of State.
- (6) Subsections (1) and (4) apply only to tenancies entered into on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (7) A tenancy of a dwelling-house in England that is adopted by a local housing authority or a housing action trust does not become an introductory tenancy if—
  - (a) it is adopted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force, and
  - (b) the tenancy is a periodic tenancy or it is a tenancy for a fixed term of less than 2 years or more than 5 years.
- (8) Subsections (9) and (10) apply where a tenancy that has been adopted by a local housing authority or a housing action trust is not an introductory tenancy but would (on adoption or at any later time) become a secure tenancy but for subsection (7).
- (9) The local housing authority or housing action trust must, within the period of 28 days, make the tenant a written offer of an introductory tenancy in return for the tenant surrendering the original tenancy.
- (10) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the local housing authority or housing action trust must grant an introductory tenancy on the tenant surrendering the original tenancy.

#### **124B Review of decisions about length of introductory tenancies in England**

- (1) A person who is offered an introductory tenancy of a dwelling-house in England may request a review under this section.

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- (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of introductory tenancies it grants.
  - (3) The request must be made before the end of—
    - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
    - (b) such longer period as the prospective landlord may allow in writing.
  - (4) On receiving the request the prospective landlord must carry out the review.
  - (5) On completing the review the prospective landlord must —
    - (a) notify the tenant in writing of the outcome,
    - (b) revise its offer or confirm its original decision about the length of the tenancy, and
    - (c) if it decides to confirm its original decision, give reasons.
  - (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with a review under this section.
  - (7) The regulations may, in particular—
    - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
    - (b) make provision as to the circumstances in which the person who requested the review is entitled to an oral hearing, and whether and by whom that person may be represented.”
- 22 (1) Section 125A (extension of trial period by 6 months) is amended as follows.
- (2) In subsection (1), for “both” substitute “ each ”.
  - (3) After subsection (3) insert—
    - “(3A) The third condition must be met only if the introductory tenancy —
      - (a) is one to which section 124A(1) or (2) applies, or
      - (b) is adopted by a local housing authority or housing action trust on or after the day on which paragraph 4 of Schedule 7 came fully into force.
    - (3B) The third condition is that the new expiry date would be before the period mentioned in section 86A(3) of the Housing Act 1985 (review to determine what to do at end of fixed term secure tenancy); and for this purpose “the new expiry date” means the last day of the 6 month extension period mentioned in subsection (1).”
- 23 In section 128 (notice of proceedings for possession), in subsection (4), for the second sentence substitute—
  - “The date so specified—
    - (a) in a case where the introductory tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and

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- (b) in a case where the introductory tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 24 In section 137A (introductory tenancies that are to become flexible tenancies), in subsection (2), for “, before entering into or adopting the introductory tenancy” substitute “ the introductory tenancy was entered into or adopted before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force and, before entering into or adopting it, ”.
- 25 In section 143A (demoted tenancies), in subsection (1), omit “periodic”.
- 26 In section 143E (notice of proceedings for possession), for subsection (3) substitute—
- “(3) The date specified under subsection (2)(c)—
- (a) in a case where the demoted tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and
- (b) in a case where the demoted tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 27 (1) Section 143MA (demoted tenancies that are to become flexible tenancies) is amended as follows.
- (2) In subsection (1), for “section 107A of the Housing Act 1985” substitute “ section 115B of the Housing Act 1985 (certain tenancies granted etc before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 came fully into force) ”.
- (3) After subsection (3) insert—
- “(3A) If the notice is given on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force, the period specified under subsection (3)(b) must be no longer than the permitted maximum length.
- (3B) The permitted maximum length is 10 years, unless subsection (3C) applies.
- (3C) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period—
- (a) beginning with the day on which the tenancy becomes a secure tenancy, and
- (b) ending with the day on which the child will reach the age of 19.
- (3D) In deciding what length to specify in a notice under paragraph (3)(b) the landlord must have regard to any guidance given by the Secretary of State.”
- 28 After section 143MA insert—
- “143MB Default flexible tenancies when no notice given under section 143MA**
- (1) This section applies where—

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- (a) a landlord has the power to serve a notice under section 143MA on the tenant under a demoted tenancy but fails to do so, and
  - (b) the tenancy comes to an end on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.
- (2) On ceasing to be a demoted tenancy, the tenancy becomes a secure tenancy for a fixed term of 5 years that is a flexible tenancy.
- (3) The terms of the new tenancy are the same as those of the tenancy that it replaces, so far as those terms are compatible with—
- (a) a tenancy for a fixed term of 5 years, and
  - (b) the statutory provisions relating to flexible tenancies (within the meaning given by section 143MA(5)).”

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