

# CANNOCK CHASE COUNCIL'S DRAFT NEW TENANCY AGREEMENT

## WHAT'S NEW AND WHAT'S CHANGED.

### **Introduction**

*What's changed* - NEW, Proposed Introduction.

Currently no introduction.

*Comments* - The introduction gives us an opportunity to introduce the Council, state the type of tenancy and provide some useful information.

### **Tenancy Agreement - Proofs**

*What's changed* - NEW, Proposed on Page 1 - Other proof of identity is accepted.

Currently Page 3 only requests National Insurance Number.

*Comments* - Some new tenants have struggled to provide National Insurance number and this change recognising other proofs can be provided.

### **Tenancy Agreement - Permitted number in the property**

*What's changed* - NEW, Proposed on Page 2 - confirmed the permitted number of people who can live in the property.

Currently not mentioned.

*Comments* - This avoids any confusion as to the type of property and the number that ought to be living in the property at the start of the tenancy. It also avoids problems with under and overcrowding.

### **Tenancy Agreement - Tenancy Type**

*What's changed* - NEW, Proposed on Page 2 - Stating the type of Tenancy.

Currently only implied in the title of the document.

*Comments* - The type of tenancy needs to be specifically stated because this is the start of a contractual agreement.

### **Tenancy Agreement - Notice of variation of Rent**

*What's changed* - NEW, Proposed on Page 2 - Tenancies starting in February and March to have a notice of variation of rent.

Currently there is no clause to cover this period.

*Comments* - Due to Rent Standards, notice of rent increases are required in advance of the rent changing. This explains what happens in February or March for affected tenants.

### **Tenancy Agreement - Former Tenancy debts**

*What's changed* - NEW, Proposed on Page 3 - New clause on repayment of former tenancy arrears.

Currently there is mention of charges on Page 4 but no details.

*Comments* - To acknowledge that debt management is part of tenancy management.

### **Tenancy Agreement - Occupiers List**

*What's changed* - NEW, Proposed on Page 4 - Requests a list of all occupants and their immigration status.

There is currently no provision to request this information.

*Comments* - To ensure the Council and the tenancy complies with the Right to Rent checks, we will need to know who is living in the property.

### **Tenancy Agreement - Declaration**

*What's changed* - Proposed on Page 4 and 5 - expanded declaration.

Currently on Page 4 but is limited.

*Comments* - To ensure the tenant has read the Tenancy Agreement and that there is no fraud or misrepresentation of information.

### **Section 1 - Standard terms in the agreement**

*What's changed* - Proposed on Page 1 to Page 4 (1.1 to 1.15) - expanded a quick summary of the tenancy.

Currently Page 6 to Page 9 (1.1 to 1.20) incorporated standard terms with conditions.

*Comments* - A summary of general terms, rights and obligations, including reserved rights, rent review and altering the terms of the tenancy.

### **Section 1 - Standard Terms and Conditions - Energy Efficient System**

*What's changed* - Proposed on Page 1(1.1) - Energy Efficiency System.

Currently none.

*Comments* - Confirming the landlords right to access to maintain and monitor equipment owned by the Council.

### **Section 1 - Standard Terms and Conditions**

*What's Changed* - NEW, Proposed on Page 3 (1.5 to 1.6) - Refusing a rent review or new terms to the tenancy.

Currently none.

*Comments* - Confirming a tenant's right to terminate the tenancy.

### **Section 2 - Our (Your Landlord's) Obligation - Landlord's Obligation**

*What's changed* - Proposed on Page 4 to 6 (2.1 to 2.4) - Clarification of the Landlord's obligation to the building.

Currently on Page 9 to 10 (2.2 to 2.12) - Limited to properties and Building.

*Comments* - This clause confirms that extension of the obligation to common parts and services.

### **Section 3 - Tenant's Obligation - Insolvency**

*What's changed* - Proposed on Page 8 (3.10) - New clause -Insolvency and debts.

Currently none.

*Comments* - So that targeted support can be offer to tenants who may be struggling.

### **Section 3 - Tenant's Obligation - Signs**

*What's changed* - NEW, Proposed on Page 9 (3.13) - Not to put up signs or advertise

Currently none.

*Comments* - To assist the Council with the management of the aesthetic look of buildings, by requesting permission to erect signage visible in or outside the property

### **Section 3 - Tenant's Obligations - Anti-Social Behaviour (ASB)**

*What's changed* - Proposed on Page 9 to 12 (Sections 3:15 to 3:18) - More details around what constitutes Anti-Social Behaviour, harassment and illegal, immoral and unlawful behaviour.

Currently on Page 11 to 12 (Sections 3.8 to 3.11) - The definition is limited and only covers racial & other harassment and employee harassment.

*Comments* - Linked to the types of case the Service covers and changes in legislation related to ASB.

### **Section 3 - Tenant's Obligations - Domestic Violence**

*What's changed* - Proposed on Page 12 (3.19) - To expand Domestic violence clause. Currently on Page 13 (3.12) - Limited to just tenant.

*Comments* - While the existing Tenancy Agreement covers domestic violence caused by all occupiers and toward non-occupiers. The new clause incorporates current domestic violence legislation to cover occupiers and visitors causing or threatening domestic violence in the property, building or on the estate owned by the Council.

### **Section 3 - Tenant's Obligations - Terrorism**

*What's changed* - NEW, Proposed on Page 13 (3.20) - Terrorism. Currently no provision.

*Comments* - To comply with the current Terrorism legislation and obligation on Local Authorities.

### **Section 3 - Tenant's Obligations - Tenancy Fraud**

*What's changed* - Proposed on Page 13 to 14 (3.21) - New Tenancy Fraud clause. Currently on Page 19 (4.12) - Limited to reference to false statement.

*Comments* - To comply with Local Authority public sector duty to investigate and eliminate fraud.

### **Section 3 - Tenant's Obligations - Pets and Wild Animals**

*What's changed* - Proposed on Page 13 to 14 (3.22 to 3.26) - Expanded clause of Pets and Wild animals.

Currently on Page 13 (3.14 to 3.19) covers only pets.

*Comments* - The proposed changes allow a more flexible approach, providing more discretion on how we manage and enforce this. We have clarified the conditions under which pets may be kept and made it easier to enforce the agreement where this is breached. The previous agreement was very prescriptive on the pets tenants could keep and their management, which made it difficult to enforce.

### **Section 3 - Tenant's Obligations - Health, Safety and Hygiene**

*What's changed* - Proposed on Page 14 to 17 (3.27 to 3.47) - New section Health, Safety and Hygiene.

Currently on Page 17 (3.42) limited reference to asbestos in terms of health and safety.

*Comments* - This is a new clause that sets out clear obligations on the tenant on various subjects such as fire safety and the responsibility for checking smoke detectors (including changing their batteries). There is also a section devoted to hoarding; and this is a completely new clause in the conditions of tenancy.

There is also a specific duty not to tamper or damage landlord installations.

### **Section 3 - Tenant's Obligations - Communal Facilities**

*What's changed* - NEW, Proposed Page 19 (3.55) - New clause on communal facilities. Currently none.

*Comments* - This details the communal facilities that can be used as part of being a tenant.

### **Section 3 - Tenant's Obligations - Garden**

*What's changed* - Proposed on Page 19 (3.56) - Expansion of garden clause to cover trees in tenanted gardens.

Currently on Page 15 (3.28 to 3.29) - Limited to keeping gardens and garages tidy.

*Comments* - The new clause covers gardens, drives, pathways, sheds, stores, green-houses and trees. It confirms what you can and cannot do.

### **Section 3 - Tenant's Obligations - Access**

*What's changed* - Proposed on Page 20 to 21 (3.58) - Expansion of access obligations and reduced urgency access to 24 hours' notice.

Currently on Page 16 (3.33 to 3.35) - Limited provision and urgency access after 48 hours' notice.

*Comments* - Although the existing Tenancy Agreement is comprehensive in its position on requiring the tenant to give access to the landlord. The clause makes it clear that failure to grant access as the result of a court order or for the landlord to carry out emergency works will result in forced entry.

### **Section 3 - Tenant's Obligations - Failure to carry out works**

*What's changed* - Proposed to Page 21 to Page 22 (3.63 to 3.65) - New Clause - Failure to carry out works.

Currently on Page 14 (3.23) - Minor repairs, an agreement for the tenant to carry out minor repairs.

*Comments* - The current agreement covers tenant responsible repairs. The new clause confirms recharging for works carried out because of a tenant breaching their tenancy.

### **Section 4 - Your Rights - Succession**

*What's changed* - Proposed on Page 25 (4.2) - The Right of Succession.

Currently on Page 24 to 25 (4.37 and 4.39) - The Right of Succession.

*Comments* - The existing Tenancy Agreement predates the Localism Act 2012. This changed and complicated succession rights significantly.

The new agreement sets out in detail succession rights, both for tenants whose tenancies began before 1 April 2012 and for those whose tenancies started on or after 1 April 2012.

The new Agreement reflects how Housing Services interpret the Legislation.

### **Schedule 1**

*What's changed* - NEW, Definition to Page 29 to 36

*Comments* - Definition of terms used in the document

### **Schedule 2**

*What's changed* - NEW, Services Page 37 to 38

*Comments* - Service that may be part of service charges.

### **Schedule 3**

*What's changed* - NEW, Contents Page 39 to 40

*Comments* - Services, Equipment, structures, fitting and fixtures.

### **Schedule 4**

*What's changed* - Gifted items Page 41 to 42

*Comments* - Items from the previous tenant.

### **Appendices**

*What's changed* - NEW, Appendix 1 - Page 43 and Appendix 2 - Page 44

*Comments* - To include photographs of your home and a plan.