



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 3

OTHER PROVISIONS

CHAPTER 2

LANDLORD AND TENANT MATTERS

Family intervention tenancies

VALID FROM 01/01/2009

297 Family intervention tenancies: general

- (1) In Schedule 1 to the Housing Act 1985 (c. 68) (tenancies which are not secure tenancies) after paragraph 4 insert—

“Family intervention tenancies

- 4ZA (1) A tenancy is not a secure tenancy if it is a family intervention tenancy.
- (2) But a tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.
- (3) In this paragraph “a family intervention tenancy” means, subject to sub-paragraph (4), a tenancy granted by a local housing authority in respect of a dwelling-house—
- (a) to a person (“the new tenant”) against whom a possession order under section 84 in respect of another dwelling-house—

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- (i) has been made, in relation to a secure tenancy, on ground 2 or 2A of Part 1 of Schedule 2;
 - (ii) could, in the opinion of the authority, have been so made in relation to such a tenancy; or
 - (iii) could, in the opinion of the authority, have been so made if the person had had such a tenancy; and
- (b) for the purposes of the provision of behaviour support services.
- (4) A tenancy is not a family intervention tenancy for the purposes of this paragraph if the local housing authority has failed to serve a notice under sub-paragraph (5) on the new tenant before the new tenant entered into the tenancy.
- (5) A notice under this sub-paragraph is a notice stating—
- (a) the reasons for offering the tenancy to the new tenant;
 - (b) the dwelling-house in respect of which the tenancy is to be granted;
 - (c) the other main terms of the tenancy (including any requirements on the new tenant in respect of behaviour support services);
 - (d) the security of tenure available under the tenancy and any loss of security of tenure which is likely to result from the new tenant agreeing to enter into the tenancy;
 - (e) that the new tenant is not obliged to enter into the tenancy or (unless otherwise required to do so) to surrender any existing tenancy or possession of a dwelling-house;
 - (f) any likely action by the local housing authority if the new tenant does not enter into the tenancy or surrender any existing tenancy or possession of a dwelling-house.
- (6) The appropriate national authority may by regulations made by statutory instrument amend sub-paragraph (5).
- (7) A notice under sub-paragraph (5) must contain advice to the new tenant as to how the new tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations made by statutory instrument make provision about the type of advice to be provided in such notices.
- (9) Regulations under this paragraph may contain such transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- (10) A statutory instrument containing (whether alone or with other provision) regulations under this paragraph which amend or repeal any of paragraphs (a) to (f) of sub-paragraph (5) may not be made—
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament; and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

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(11) Subject to this, a statutory instrument containing regulations made under this paragraph—

- (a) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament; and
- (b) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(12) In this paragraph—

“appropriate national authority”—

- (a) in relation to England, means the Secretary of State; and
- (b) in relation to Wales, means the Welsh Ministers;

“behaviour support agreement” means an agreement in writing about behaviour and the provision of support services made between the new tenant and the local housing authority concerned (or between persons who include those persons);

“behaviour support services” means relevant support services to be provided by any person to—

- (a) the new tenant; or
- (b) any person who is to reside with the new tenant;

for the purpose of addressing the kind of behaviour which led to the new tenant falling within sub-paragraph (3)(a);

“family intervention tenancy” has the meaning given by sub-paragraph (3);

“the new tenant” has the meaning given by sub-paragraph (3)(a);

“relevant support services” means support services of a kind identified in a behaviour support agreement and designed to meet such needs of the recipient as are identified in the agreement.”

(2) In Part 1 of Schedule 1 to the Housing Act 1988 (c. 50) (tenancies which cannot be assured tenancies) after paragraph 12 insert—

“Family intervention tenancies

12ZA (1) A family intervention tenancy.

(2) But a family intervention tenancy becomes an assured tenancy if the landlord notifies the tenant that it is to be regarded as an assured tenancy.

(3) In this paragraph “a family intervention tenancy” means, subject to sub-paragraph (4), a tenancy granted by a registered provider of social housing or a registered social landlord (“the landlord”) in respect of a dwelling-house—

- (a) to a person (“the new tenant”) against whom a possession order under section 7 in respect of another dwelling-house—
 - (i) has been made, in relation to an assured tenancy, on ground 14 or 14A of Part 2 of Schedule 2;
 - (ii) could, in the opinion of the landlord, have been so made in relation to such a tenancy; or
 - (iii) could, in the opinion of the landlord, have been so made if the person had had such a tenancy; and

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- (b) for the purposes of the provision of behaviour support services.
- (4) A tenancy is not a family intervention tenancy for the purposes of this paragraph if the landlord has failed to serve a notice under sub-paragraph (5) on the new tenant before the new tenant entered into the tenancy.
- (5) A notice under this sub-paragraph is a notice stating—
- (a) the reasons for offering the tenancy to the new tenant;
 - (b) the dwelling-house in respect of which the tenancy is to be granted;
 - (c) the other main terms of the tenancy (including any requirements on the new tenant in respect of behaviour support services);
 - (d) the security of tenure available under the tenancy and any loss of security of tenure which is likely to result from the new tenant agreeing to enter into the tenancy;
 - (e) that the new tenant is not obliged to enter into the tenancy or (unless otherwise required to do so) to surrender any existing tenancy or possession of a dwelling-house;
 - (f) any likely action by the landlord if the new tenant does not enter into the tenancy or surrender any existing tenancy or possession of a dwelling-house.
- (6) The appropriate national authority may by regulations made by statutory instrument amend sub-paragraph (5).
- (7) A notice under sub-paragraph (5) must contain advice to the new tenant as to how the new tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations made by statutory instrument make provision about the type of advice to be provided in such notices.
- (9) Regulations under this paragraph may contain such transitional, transitory or saving provision as the appropriate national authority considers appropriate.
- (10) A statutory instrument containing (whether alone or with other provision) regulations under this paragraph which amend or repeal any of paragraphs (a) to (f) of sub-paragraph (5) may not be made—
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament; and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) Subject to this, a statutory instrument containing regulations made under this paragraph—
- (a) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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(12) In this paragraph—

“appropriate national authority”—

- (a) in relation to England, means the Secretary of State; and
- (b) in relation to Wales, means the Welsh Ministers;

“behaviour support agreement” means an agreement in writing about behaviour and the provision of support services made between the new tenant, the landlord and the local housing authority for the district in which the dwelling-house which is to be subject to the new tenancy is situated (or between persons who include those persons);

“behaviour support services” means relevant support services to be provided by any person to—

- (a) the new tenant; or
- (b) any person who is to reside with the new tenant;

for the purpose of addressing the kind of behaviour which led to the new tenant falling within sub-paragraph (3)(a);

“family intervention tenancy” has the meaning given by sub-paragraph (3);

“landlord” has the meaning given by sub-paragraph (3);

“local housing authority” (and the reference to its district) has the same meaning as in the Housing Act 1985 (see sections 1 and 2(1) of that Act);

“the new tenant” has the meaning given by sub-paragraph (3)(a);

“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996;

“relevant support services” means support services of a kind identified in a behaviour support agreement and designed to meet such needs of the recipient as are identified in the agreement.”

(3) This section does not apply to any tenancy granted before the coming into force of this section.

298 Certain family intervention tenancies: termination

(1) A local housing authority must not serve a notice to quit on the tenant of a family intervention tenancy unless—

- (a) the authority has served a notice under subsection (2) on the tenant, and
- (b) either—

- (i) the tenant has not requested a review of the kind mentioned in subsection (2)(e) within the period of 14 days beginning with the service of the notice,

- (ii) any such request has been withdrawn, or

- (iii) the authority has served a notice on the tenant under subsection (4)(b).

(2) A notice under this subsection is a notice in writing stating—

- (a) that the authority has decided to serve a notice to quit on the tenant,
- (b) the effect of serving a notice to quit,
- (c) the reasons for the authority's decision,

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- (d) when the authority is intending to serve the notice to quit, and
 - (e) that the tenant has the right to request, within the period of 14 days beginning with the service of the notice under this subsection, a review of the authority's decision.
- (3) Subsection (4) applies if the tenant requests a review of the kind mentioned in subsection (2)(e) within the period of 14 days beginning with the service of the notice under subsection (2) and the request is not withdrawn.
- (4) The local housing authority must—
- (a) review its decision to serve a notice to quit on the tenant, and
 - (b) serve a notice on the tenant informing the tenant of the decision of the authority on the review and the reasons for it.
- (5) The appropriate national authority may by regulations make provision about the procedure to be followed in connection with such a review.
- (6) Regulations under subsection (5) may, in particular—
- (a) specify the description of person who is to make the decision on a review,
 - (b) specify the circumstances in which the tenant is entitled to an oral hearing on a review,
 - (c) specify whether, and by whom, the tenant is entitled to be represented at such a hearing.
- (7) A notice under subsection (2), and a notice to quit, served by a local housing authority in respect of a family intervention tenancy must contain advice to the tenant as to how the tenant may be able to obtain assistance in relation to the notice.
- (8) The appropriate national authority may by regulations make provision about the type of advice to be provided in such notices.
- (9) In this section—
- “appropriate national authority” means—
 - (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers,
 - “family intervention tenancy” has the same meaning as in paragraph 4ZA of Schedule 1 to the Housing Act 1985 (c. 68),
- and other expressions used in this section and in paragraph 4ZA of that Schedule have the same meaning as in that paragraph.
- (10) This section does not apply to any tenancy granted before the coming into force of this section.

Commencement Information

- II** S. 298(5)(6)(8)(9) in force at 1.12.2008 for specified purposes by [S.I. 2008/3068](#), **art. 4(3)** (with [arts. 6-13](#))

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