

Tenancy Agreement Variation Consultation April 2025

Frequently Asked Questions

Why are changes being made to the Tenancy Agreement?

The terms and conditions of Kirklees Councils, Tenancy Agreement were last reviewed in 2016 and 2022. The variations made at that time were for the frequency of when rent payments should be made. The last variation in 2022 was for rent payments to be made weekly in advance rather than monthly.

The remaining terms and conditions have not been comprehensively reviewed for some time and not since Kirklees Neighbourhood Housing (KNH) the former Arms Length Management Organisation (ALMO) moved back into the control of Kirklees Council in April 2021. The proposed review will focus on whether clauses need adjusting, removing, or adding.

This also provides an opportunity to provide absolute clarity for tenants in some areas that add confusion, overlap between and, tenant responsibilities and, how we can improve our relationship with our tenants.

The changes are necessary to ensure the Tenancy Agreement reflects our responsibilities as a Landlord, and up to date policy and practice including our Statutory and Regulatory responsibilities. It needs to provide clarity about a tenant's rights and their responsibilities, and how we can improve our relationship

What do I need to do?

Read through the summary document which explains the proposed changes and if you have any comments, then contact us. Details of how to do this are outlined in the covering letter, in addition to this document, including who to contact should you require assistance with the letter and contents of the document.

Will this variation affect my tenancy?

Generally, no. We are proposing to change some of the terms and conditions of your existing Tenancy Agreement. The date you started a tenancy with us will remain the same. Your tenancy will not end and will continue with new conditions.

Will I have to sign another tenancy agreement?

No. We will send you the revised Tenancy Agreement with a covering letter once consultation is complete, this is called "serving". The letter will tell you the date the new conditions will be used from.

What about my rights?

Your rights will not change. They are set out in the new Tenancy Agreement.

Can the conditions be backdated?

No. We can only use the new terms from the date they are in force from.

Who will this affect?

Everyone who lives in or visits the property. The tenant (or where there are two people, both tenants) are responsible for making sure all terms and conditions in the agreement are kept to. This means that the tenant(s) is responsible for everyone who lives in the property. This includes family members, friends, and lodgers. The tenant is also responsible for the actions of any visitors to the property regardless of who they are visiting.

Does this mean that I will have to pay more rent?

The current text in the agreement is being changed to allow the council to introduce service charge payments at any point in the year for service charges not already claimed from tenants.

The Council is considering whether to apply a service charge to cover reasonable block and estate costs, such as communal cleaning, communal grounds maintenance and communal lighting etc, this is in addition to a separate charge for rent.

These proposed variations are necessary to provide clarity on how service charges will be applied and what tenants must pay for. The cost of delivering the services will be calculated by the Council and split on a fair and reasonable basis for those tenants that benefit from the services. Tenants will be required to pay the service charge in addition to their rent each week.

Should this tenancy variation be adopted then the Council intends to introduce a service charge for communal grounds maintenance that will be limited to a maximum amount of up to £1.00 a week in 2025/26 and tenants will be given at least 4 weeks written notice which will state the exact amount of service charge payable by each tenant. Information is included in the documentation on the arrangements in place to support tenants including help and advice on any benefits to claim, budgeting and referral to specialist money advice services.

What are the proposed changes?

Many of the conditions cover the same things as before, with any updates or new conditions added under each section of the Tenancy Agreement. Each section covers areas such as payment of rent, use of your home, keeping of animals, repairs and access to properties and anti-social behaviour. This makes it clearer for everyone in relation to tenant responsibilities and landlord obligations.

Where can I view a copy of the proposed full Tenancy Agreement?

The document enclosed describes the proposed changes. Following the consultation exercise and approval by the council's cabinet, the full new tenancy agreement will be made available.

What if I don't agree with some or all the proposed changes

You can have your say through the consultation. We value your views on the proposed changes and will look at all consultation comments and take these into account before we issue the final document.

How can I feedback my comments:

Information on how you can feedback your comments is outlined in the Preliminary Notice letter.

What happens next?

Once the consultation closes and any changes made, the Tenancy Agreement will be approved by the Council, we will then serve you with a formal Notice of Variation under Section 103 of the Housing Act 1985. This notice letter will tell you about the date on which the changes become effective.