

Information Sheet 4 Tenancy Rights



From 1 November 2019 there are significant changes to the rules which govern the following:

- Joint tenancies (adding someone to your tenancy)
- Subletting
- Assignment (transferring your tenancy to someone else)
- Succession (who can take over your tenancy after you die)

Members of your household (including children and carers) will be subject to a new 12-month qualifying period, meaning they must have lived with you for 12 months prior to making an application for any of the above. The qualifying period will only begin when the Association has received written notification that the person is living there.

Joint Tenancies

You have the right to apply for a joint tenancy. A joint tenant must be someone who is not already a tenant or owner of another property and who lives in the property as their only or principal home and has done so for the 12 months prior to the application being made.

We can only refuse your request for a joint tenancy where it is reasonable to do so, for example:

- The house would be overcrowded
- Another person's rights may be affected if the joint tenancy is agreed
- We have commenced legal action against you
- The prospective joint tenant is the subject of an Anti-social Behaviour Order

Applications for joint tenancies should be made in writing to your Housing Officer.

If you are a joint tenant and no longer intend to reside at the address, you should contact your Housing Officer to discuss relinquishing your tenancy rights.

Subletting

If you wish to sublet your house, you should make a written request to your Housing Officer confirming:

- The name of the proposed sub-tenant
- The rent you are intending to charge
- The reason for the sublet
- The proposed length of the sublet
- The proposed date the sublet would commence

The Association will only refuse your request to sublet your property where it is reasonable to do so.

Succession

When a tenant dies, another person living in the house may be able to succeed (take over) the tenancy as long as it is their only or principal home and has been for a minimum of 12 months. The law sets out who can qualify to succeed to the tenancy, who has priority to succeed and limits rights to 2 successions.

If the property is designed or has been substantially adapted for use by a person who has particular needs, the Association may ask the person who has the right to succeed to the tenancy to move to alternative accommodation if they do not require that type of property. Alternative accommodation would be made available by the Association.

Assignment

If you wish to assign (pass on) your tenancy to someone else, you should make a written application to your Housing Officer confirming the following:

- The name of the person you wish to assign to
- The proposed date for the assignment to take place

The Association will only refuse your request to assign your tenancy where it is reasonable to do so.

Mutual Exchanges

As a housing association tenant, you can apply for a mutual exchange (swap) with another social housing tenant eg housing association or local authority.

A standard application form should be completed (for both landlords, if different). You should have a clear rent account and your property should be in a lettable condition. A property inspection will be undertaken and you may be asked to carry out work before the application can be considered.

If a property has been adapted for people with particular needs, the Association would not grant permission for an exchange where the person wishing to move into the adapted property did not require a property of that type.

We will only refuse applications for a mutual exchange where it is reasonable to do so.

