



Your tenancy

February 2015

Harlow Council
Civic Centre, The Water Gardens,
Harlow, Essex CM20 1WG

Tel: 01279 446655
www.harlow.gov.uk

Harlow
Council
Working together for Harlow

Your tenancy

Secure tenancy

This gives you the right to use and enjoy your home for as long as you want, unless you have broken your conditions of tenancy. If you are a secure tenant you also have other rights including:

- the right to buy
- the right to repair
- to improve the property
- to exchange your home
- transfer to another property
- to assign your tenancy
- to succeed to a tenancy
- to take in lodgers
- to be consulted on housing management issues
- to vote prior to transfer to a new landlord
- to be consulted on a decision to appoint a Managing Agent
- to participate in housing management monitoring where housing management is undertaken by a Managing Agent

Taking in lodgers

A lodger is someone who shares your home with you. You do not need our permission to take in a

lodger. A lodger does not have the same rights as you, and if you move, we will not allow him or her to stay in the property. If you apply for a transfer to move home, you cannot include a lodger in your application.

If you are receiving any amount of Housing Benefit, you must inform the Housing Benefit department. Taking in a lodger will probably affect the amount of Housing Benefit you are paid.

Subletting your home

Subletting means that someone pays you rent to have the private use of part of your home. You must not sublet or rent out your entire home to anyone else. You need to get written permission before you sublet part of your home.

Passing on your tenancy

Succession

You may be able to pass your tenancy on when you die if you are the original tenant; this is known as succession. A wife/ husband or civil partner can succeed along with a close family member. This can be a

parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece if they have been living with you continuously for the last 12 months. Proof of occupation will be required.

If the person taking over your tenancy is not your husband wife or partner and the home is too large for them, we can ask them to leave that home and we will offer them another property suitable for their needs.

You may be able to pass your tenancy on to your husband or wife when you die. This is known as succession. Your tenancy can also be succeeded by a close family member who has lived with you for the past 12 months and it must be their only home at the time that you die.

A tenancy can only be succeeded to once.

Assignment

In general, we will allow a tenancy to be assigned to a potential successor. A tenancy can also be assigned under a court order after a relationship breakdown.

If you have a joint tenancy with your spouse/partner or a relative, you share the tenancy, and the tenancy conditions apply to both of you equally. This means that you are both responsible for paying the rent, and for any rent arrears or for breaking any of the other tenancy conditions. **If one of you ends the tenancy, this will end the tenancy for both of you.**

Right to Buy

You can apply to buy your home at a price lower than the full market value under the Right to buy scheme. For more information visit www.harlow.gov.uk/right-to-buy or call Contact Harlow on **01279 446655**.

Changes to your home

If we want to make changes to your home or surroundings, we will consult you.

We will explain the changes we wish to make and tell you how it is likely to affect you. You will be invited to make any comments or suggestions. After we have considered your comments, we

will inform you of the changes to be made and when they will become effective.

For information on what to do if you wish to make changes to your home, please see information in the leaflet '*Your Responsibilities*'.

Ending a tenancy

Secure tenancies

Your tenancy can only be ended in one of the following ways:

- If we give you four weeks' written notice because you no longer live in your home as your main home
- If you give us four weeks written notice for your tenancy to end on a Monday. (**Joint tenants please note:** a written notice from one of you will end your tenancy)
- A Court order for your tenancy to be transferred from one person to another as a result of a domestic dispute or marriage breakdown
- We are granted a County Court order to evict you (see below for further details)

Examples of when we may try to evict you

We can seek to end your tenancy if you have broken one or more tenancy conditions such as:

- If you get seriously behind with your rent
- If you or anyone living in your property causes a serious nuisance
- If you or anyone living with you has an antisocial behaviour order in force against them and the order is breached
- If you or anyone living with you has been convicted of using your home for illegal purposes
- You seriously neglect or damage your property or shared areas
- You have been violent or have threatened violence to your partner or member of your family
- You got your tenancy because you deliberately gave us false information

We must give you four weeks notice before applying to the Court.

If we seek to end your tenancy for any of these reasons, and the Court agrees with us, we do not have to offer you another suitable home.

There are other circumstances when we can seek to end your tenancy, but must offer you another suitable home. These include for example:

- If your home is statutorily overcrowded
- If we need to demolish,
- carry out major repairs or improvements which we cannot do with you living there
- If you are able-bodied but are living in a home that has been adapted for someone with special needs and there is no longer anyone with special needs living with you
- You succeed to the tenancy from a close relative but the property is too big for you

What must happen before we repossess your home?

We must give you written notice. The notice will be given to you personally, or by leaving it at

your home or last known address, or by sending it by recorded delivery to your home or last known address.

The notice must give the reasons for seeking to evict you. You must be given 28 days notice of the commencement of court proceedings and the date that the court proceedings can begin.

However, we can take action immediately if we want to evict you for nuisance, illegal use or if you have been convicted of an arrestable offence. At the end of the notice period we can apply to the County Court for a date when your case can be heard. You can go to the court and make your views known. The court will decide if we can repossess your home.

Introductory tenancy

An introductory Council tenancy gives you many of the same rights as a secure Council tenancy, but you can be evicted more easily. In addition, introductory tenants cannot:

- Exchange their tenancy with any other tenant



- Transfer the tenancy, unless they are ordered to by a court.
- Exercise the right to buy
- Take in lodgers or sublet all or part of the property
- Make improvements to the property without the Council's permission



All new tenants of the Council will be offered introductory tenancies. This tenancy will exist for 12 months, during which time the Council will ensure that the tenant follows and adheres to the terms of their tenancy agreement. If there are no problems within that time then the tenancy will automatically become secure after 12 months.

The Council will terminate an introductory tenancy if any of the tenancy conditions are broken. The Council may then apply to the County Court for immediate possession. If that happens, an introductory tenant may lose their home and risks receiving no further help with their housing from the Council.

Visit www.harlow.gov.uk/tenancy for more information.

Your details

We keep details about your tenancy in a tenancy file. In order to comply with the requirements of the Data Protection Act 1998, the information we keep must be no more than we need to enable us to do our job.

Where can I get more information about data protection?

The Data Protection Officer
Harlow District Council
Civic Centre
Harlow
Essex
CM20 1WG

Tel: 01279 446655
www.harlow.gov.uk/data-protection

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