

INTRODUCTION

This document sets out the Associations policy on sole and joint tenancies.

POLICY STATEMENT

Tenants of Aragon and South Northants Homes may hold sole or joint tenancies. This policy outlines how the Associations will respond to requests from tenants to change their tenancies.

A sole tenancy is held by one person. An Assured Tenancy is capable of being placed in the names of more than one individual, which is referred to as a joint tenancy. The tenancy agreement is the same for joint tenants as for sole tenants and each tenant must sign the document. Joint tenants have equal rights of occupation of the dwelling and can only be excluded or evicted from the property by a Court Order. Each joint tenant is jointly and severally liable for paying the rent and is fully responsible for meeting the obligations of the tenancy. On the death of a joint tenant, the tenancy automatically continues for the surviving joint tenant.

OBJECTIVES

The objectives of the policy are to:

- Provide tenants with a high quality housing management service regarding sole and joint tenancies in accordance with best practice and the law.
- Clarify the terminology and difference between joint tenancy and sole tenancy.
- Explain when a joint tenancy can be granted to new tenants.
- Explain when existing tenants can request changes to their tenancy.
- Explain succession following the death of a tenant.

REGULATORY CODE AND GUIDANCE

3. Properly Managed
- 3.5 Housing Associations must provide good quality housing services for residents and prospective tenants.

RELEVANT KEY LINES OF ENQUIRY

- KLOE 4 . Housing Income Management
- KLOE 6 . Tenancy and Estate Management
- KLOE 7 - Allocations and Lettings
- KLOE 8 . Homelessness and Housing Needs
- KLOE 30 . Access and Customer Care
- KLOE 31 - Diversity

OTHER RELATED POLICIES

Equality and Diversity Strategy
Allocations Policy
Rent Arrears Policy
Starter Tenancy Policy

APPLYING FOR A TENANCY

In accordance with the Allocations Policy applications for housing can be made from sole or joint applicants and joint applicants (maximum of 2 persons) may be granted a joint tenancy.

Where a sole tenancy has been granted the Association will not consider requests from an existing tenant for a joint tenancy of the same property to be created.

JOINT TO SOLE (ASSIGNMENT)

With the written permission of the Association an Assured joint tenancy may be assigned to the sole name of one of the tenants by Deed. This does not apply to Assured Shorthold, Starter or Demoted Tenancies.

The Assured tenancy agreement also provides that with the written permission of the Association the tenancy may be assigned to a person who would be entitled to succeed to the tenancy on the death of the tenant. Again this does not apply to Assured Shorthold, Starter or Demoted Tenancies.

A joint tenant can only assign their tenancy to the other joint tenant, not to a person who would be entitled to succeed to the tenancy on the death of the tenant.

When considering requests for permission for assignment the Association will consider the following:

- Who will be residing in the property following the assignment.
- Will the property be of a suitable size and type for the person/people residing there following the assignment.
- If the property is not of a suitable size and type, the person/people should be advised about applying for a suitable property in accordance with the Allocations Policy.
- Has the tenant who is leaving the property secured alternative settled accommodation or received appropriate advice regarding this.
- There should be no rent arrears or other serious tenancy breaches.

If an assignment is completed without the prior consent of the Association, this will be legally invalid and the Association will consider taking possession proceedings against the occupants of the property.

A court may also order that a tenancy is changed from joint names to a sole tenancy.

TENANCY RIGHTS FOLLOWING ASSIGNMENT

Where an assignment takes place with the permission of the Association any preserved rights from the stock transfer will continue. This does not apply to assignments for mutual exchanges when tenancy rights can be affected.

The tenant will become a successor following the assignment, unless it was ordered by the court under Section 24 of the Matrimonial Causes Act 1973 and the other party to the marriage was not a successor.

SUCCESSION FOLLOWING DEATH OF A TENANT

The tenancy agreement details rights of succession following the death of a tenant.

Where succession occurs and the property is not suitable for the successor tenant the Association may consider asking them to move. Examples of where the property may not be suitable include the following circumstances:

- The property is too large for the successor tenant (unless the successor tenant is a spouse, civil partner or unmarried partners of either sex provided they have lived together for at least 12 months). This would be where there is more than one bedroom in excess of the household needs.
- The property has features which are designed to make it more suitable for occupation by a person with physical disabilities and no person residing in the property needs those features.
- The property is one of a group of properties let to people with special needs and there is a facility nearby to help the residents, for example a sheltered housing scheme, and no person residing in the property has those special needs.

When a tenant dies and there is a household member who does not have the right to succeed (e.g. where the deceased tenant was a successor tenant), the Association will consider a housing application from them in accordance with the Allocations Policy.

There is no right to a joint succession and the Associations will not consider a request from a successor tenant for a joint tenancy of the same property to be created.

MONITORING

A review of the contents of this policy will be undertaken as part of Association's policy review programme

Customer consultation: AHA Housing Needs & Management Panel Feb 10
SNH Customer Committee Jan 10
AHA Policy Reading Group Jan 10

Equality Impact Assessment: initial screen

Person responsible for review: Housing Manager/Housing Services Manager

Date drawn up: December 2009
Date of initial review: February 2010
Date next review due: February 2011