

## What does it mean to be a secure tenant?

Being a secure tenant means that you can keep your home for as long as you want unless there is a legal reason for us to take possession and the court agrees.

We cannot take back your home and end your tenancy without first getting a Court Order for Possession. We would do this if you have broken the tenancy conditions you agreed to when you signed the Tenancy Agreement, and we are unable to sort the problem out together.

## What action is taken if someone breaks their tenancy agreement?

If any of the rules in the tenancy agreement are broken we can take action. Your Housing Management Officer will visit and/or write to you if you have broken one of the rules. You will normally be given an opportunity to put the situation right.

If you continue to break the rules we will serve you with a Notice of Seeking Possession, this is the first legal step we take to repossess your home.

If we apply to the court for possession of your property we have to prove to the court you have broken the rules and that repossessing your home is reasonable.

## Can someone else join my tenancy?

We would normally only allow a husband, wife or partner to join a tenancy. Your rent account must be clear. Contact your Housing Management Officer for an application form.

Joint tenants are equally responsible for keeping the tenancy conditions. Either joint tenant can apply for Housing Benefit.

If one joint tenant dies the tenancy is automatically transferred to the surviving tenant or tenants. You must inform your Housing Management Officer.

If a relationship breaks down, neither joint tenant can evict the other. Contact your Housing Management Officer to get advice; in some cases, you may need independent legal advice.

If one joint tenant leaves and wants to give up their share of the tenancy, they must contact the Housing Management Officer.

## Succession: Can anyone inherit my tenancy when I die?

It may be possible for members of your family to take over your tenancy when you die. This is called succession. If your tenancy started **prior to 1 April 2012** the following people may be able to succeed to the tenancy:

- a husband, wife or person living with the tenant as their partner at the time

- of death
- another family member or relative including parents, grandparents, children, grandchildren, brothers, sisters, aunts, uncles, nephews and nieces, adopted children, step children and people who are relatives by marriage

Any relatives wanting to inherit the tenancy must have lived with the tenant for at least 12 months before the death of the original tenant. You may be asked to prove this.

If the property is too large or has been adapted and you are not a husband, wife, or civil partner, you may be able to succeed to the tenancy but not the property. In these cases we would find suitable alternative accommodation.

If your tenancy started **after 1 April 2012** succession is limited to the following people:

- a husband, wife or civil partner

## **What happens if there is more than one person able to inherit?**

If family members or relatives cannot agree who should take over the tenancy, the Council will decide. We may offer a joint tenancy to protect the family's security.

## **Assignment: Can I give my tenancy to someone else?**

If you no longer wish to live in your home we may, in some cases, let you give your tenancy away to a family member who could have succeeded. This is called an assignment. Contact your Housing Management Officer for more information.

Otherwise you can only assign your tenancy to someone else if you exchange with another tenant or following a court order after the breakdown of a relationship.

## **Can I take in lodgers or sub-let part of my home?**

With permission from us, you can take in lodgers or sublet part of your home. However, you must not overcrowd your home. If you are in receipt of benefits, you must inform the Benefits Team immediately. You cannot sub-let your entire home; if you do, you will lose your secure tenancy.

## **What is the difference between sub-letting and taking in a lodger?**

A lodger usually shares your house and may have meals with you. They will pay you for food bills and upkeep. A sub-tenant has their own use of part of your house, where you need their permission to go. They would normally do their own cooking and cleaning.

## Can you change my tenancy conditions?

Yes, the terms of your Secure Tenancy Agreement can be changed. If we intend to change your tenancy conditions, we will send you a Notice of Variation telling you what the changes are and when it will apply, giving you at least 4 weeks during which you can comment on the proposals.

Residents' groups will also be consulted about major changes to policies and the way we deliver our services. We will listen to your views before we make any decisions.

## Your right to buy your home

Under the 'Right to Buy' scheme, some tenants have the right to buy their council home. If your secure tenancy started before 18 January 2005, you can apply after 2 years. If your secure tenancy started after 18 January 2005, you can apply after 5 years. Sometimes, time spent with another social landlord can count if it has been continuous. Please see the Right to Buy website for more information: [www.righttobuy.gov.uk](http://www.righttobuy.gov.uk)

## Your right to carry out improvements to your home

Every secure tenant has the right to improve their home. You need permission from your Housing Management Officer in writing and the work must be carried out to the guidelines given.

Permission will be denied if the work could cause us expense or difficulty letting the home in the future, or is a potential safety risk.

Telephone: 01904 551550  
Website: [www.york.gov.uk/Housing](http://www.york.gov.uk/Housing)  
Address: Housing Services  
West Offices  
Station Rise  
York YO1 6GA

### This information can be provided in your own language.

Informacje te mogą być przekazywane w języku ojczystym.  
Polish

Bu bilgi kendi dilinizde almanız mümkündür.  
Turkish

此信息可以在您自己的语言。  
Chinese (Simplified)

此資訊可以提供您自己的語言。  
Chinese (Traditional)

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