

Your Rights as an Assured Tenant

WESTCOUNTRY HOUSING ASSOCIATION

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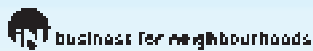
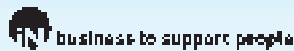
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WESTCOUNTRY
Housing Association



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YOUR RIGHTS AS AN ASSURED TENANT

Your tenancy agreement is a very important document because it describes your rights and responsibilities as a tenant and ours as the landlord. This leaflet explains the rights and responsibilities of **assured** tenants. We have a separate leaflet for **secure** tenants.

Look at the front of your tenancy agreement to confirm that you are an **assured** tenant. If you are unsure about the type of tenancy you have, then your Housing Officer will be able to tell you.

The legal background



Most residents who moved into their Westcountry Housing Association homes *after* 15th January 1989 are assured tenants. Secure tenants are mainly those residents who moved into their homes before that date.

Exceptions: Assured tenants who exchange their homes with secure tenants, or who inherit their homes from secure tenants, may become secure tenants.

Assured tenancies are controlled by the Housing Act 1988 & 1996 and any subsequent Acts. The Residents Charter, which is produced by the Housing Corporation, contains a full description of all your rights. Please ask your Housing Officer if you would like a copy.

As a summary, our assured tenants have the right to:

- Security of tenure
- Take in lodgers and sublet
- Acquire their homes in limited circumstances
- Exchange with another tenant
- Carry out repairs
- Make improvements to their homes
- Inherit the tenancy in certain circumstances
- Consultation
- Access to personal information
- Equal opportunities.

Although we want to make sure that you have as many rights as possible, the law gives **secure** tenants these extra rights that **assured** tenants do not have:

- The right to buy
- The statutory right to repair
- The right to have their rent set by the Rent Officer.

Rent setting

We set rents for *assured* tenancies, in accordance with Housing Corporation guidelines, and review them every year. The Rent Officer sets 'fair rents' for *secure* tenancies every two years. For this reason, you and your neighbour in identical properties might pay different rents.

Whenever we change the tenancy agreements for assured tenants, we give you at least 4 weeks to consider our proposals and make a response.

Your security of tenure

You have the right to stay in your home, unless you break the rules in your tenancy agreement or in certain other situations. If there is a problem, we will discuss it fully with you first and try to find a solution.

We use eviction procedures only when all other steps have failed. The first stage of the process is that we will issue a Notice of Seeking Possession, which describes our reasons for going to court and gives the date when we could begin court action.

We are likely to use these procedures if you have:

- Not paid your rent regularly
- Broken the rules in your tenancy agreement
- Been a nuisance to your neighbours / Westcountry Housing Association staff or contractors (this includes the behaviour of your family and visitors in and around your home)
- Been violent towards your partner or your family and forced them out of the home
- Been convicted of using the property for illegal or immoral purposes
- Damaged the property or allowed your family to do so
- Obtained your tenancy using false information or by paying someone money for it
- Been given a 'shorthold' tenancy, which has expired
- A tenancy that went with your job, and you have left or are leaving the job.



Other reasons for asking you to move

We can also ask you to move if:

- We need you to leave your home so that we can carry out major improvements
- Your home was specially designed for a person with special needs (for example, a bungalow that was adapted for a person with disabilities) and is no longer needed for that purpose
- You inherited a tenancy, and the property is larger than you need. (Spouses and permanent live-in partners may be exempt from this.)

In these cases, we will always discuss the situation with you first, but in most circumstances we can ask the court to evict you if you refuse to move.

You cannot be evicted without a court order.

If we decide to ask for a court order to evict you, we will keep you informed about what we are doing. You have the right to go to court to put your side of the story to a judge who will make the decision about the eviction. If the judge decides that you have to leave the property you can ask the Council's Homeless Persons Unit to help. There is no guarantee that the Council will rehouse you. It depends on whether or not they think you have made yourself intentionally homeless.

Your right to take in lodgers or sublet

You must get our written permission before you take in lodgers. We want you to write and tell us the name, age and sex of the person who wants to move in, so that we can be sure that your home is not overcrowded.

You must also get our written permission before you sublet part of your home. A person who sublets your home becomes a sub-tenant who is entitled to a separate room, which is not shared with anyone in your household. You may share your kitchen or bathroom, but it is unlikely that you will provide meals or other services to a sub-tenant.

When you write to us for permission to sublet, we will need to know the name, age and sex of the person who wants to move in. We will normally agree to the arrangement, unless it would make your home overcrowded or we are planning to do some work to your home that would affect the sub-tenant's accommodation.

Remember that you can only sublet part of your home. If you sublet all of it, you could lose your right to live there.

If you take in a lodger or sub-let it may affect your entitlement to any welfare benefits you may receive.

Your right to acquire your home

If you moved into a new home built with public money from 1998 onwards, you may have the right to buy the property at a discount. Please ask your Housing Officer for further details.

Your right to exchange homes

You have the right to exchange your home with another tenant, which we call an 'assignment' of your tenancy.

Make sure that you find out how your tenancy might change when you exchange with another tenant. Please ask for our leaflet, called *Moving Home* or talk to your Housing Officer.

Your right to repair

You have the right to carry out repairs in some circumstances. Please read our leaflet on *Repairing, Maintaining and Improving Your Home* for details of the repairs default scheme.

Your right to make improvements

You have the right to improve your home, but we need to approve your plans before you carry out the work. You can find out more about this in our leaflet *Repairing, Maintaining and Improving Your Home*.

Your right to compensation for improvements



If we agree *in advance* to the improvements that you want to make to your home, you may be entitled to compensation if you move. Please ask your Housing Officer for more information about how to make a claim.

The right to inherit a tenancy

If you die, a member of your family may have the right to become the tenant of your home. The family member must have lived with you for twelve or more months before your death, and you must not have gained the tenancy by inheriting it on the death of someone else.

If you believe you may have a right to succeed you should contact Westcountry Housing Association within one calendar month after the date of death.

Because the rules are quite complicated, we strongly advise you or your family members to contact us for detailed information about this right.

The right to consultation

We will ask your opinion about the management of your home and about issues that might affect your tenancy or life in your neighbourhood. We use different methods, depending on the type of issue and how many people it affects. These might include:

- Residents' meetings
- Exhibitions
- Home visits
- Letters
- Discussions with residents' association representatives.

For example, if we plan to improve your property, we might visit you at home to explain the proposals, or if the improvement scheme affects a neighbourhood, we could arrange a meeting and exhibition. If we want your views about the management of your home or communal facilities, we might write to you and ask for your comments.

Residents' Associations

Westcountry Housing Association actively supports the development of Residents' Associations. We can provide support, advice and hands-on help by offering:

- Start-up grants
- Training in committee administration
- Help with writing constitutions
- Finding meeting places
- Access to photocopying and typing facilities.

Your right to see your housing file

You have a legal right to see the information that we have about you, which is either stored on computer or in paper files. We cannot show you any information that was provided by someone else, such as a doctor or social worker, unless that person gives us written permission.

If you would like to see your housing file, please contact your Housing Officer.

Your right to equal opportunities

We have an equal opportunities policy, which we will be pleased to give you if you contact us.

Your right to complain

We use a formal procedure for dealing with complaints, which is based on the Housing Corporation's guidelines. If you would like to know more, please ask for a leaflet called, *Complaints and Appeals*.

If you or someone you know would like this document translated into another language, or on audio tape, in large print, or in Braille, please contact our Communications Officer on 01803 200300.

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如果您或您认识的任何人希望将此文件翻译成另一种语言，或在音频带、大字印刷或盲文上，请联系我们，电话：01803 200300。

آپ کوئی شخص یا کسی شخص کو بتائیے کہ اس معلومات کو دیکھنا یا سنا کر، یا اسے کسی اور زبان میں پڑھنا یا اسے کسی اور طریقے پر لکھنا چاہئے تو یہ 01803 200300 پر رابطہ کریں۔

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