

WESTCOUNTRY HOUSING ASSOCIATION

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business to support people



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A Member of the National Housing Federation.**

Your Rights as a Secure Tenant



WESTCOUNTRY
Housing Association



YOUR RIGHTS AS A SECURE 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 specifically about the rights and responsibilities of **secure** tenants. We have a separate leaflet for **assured** tenants.

Look at the front of your tenancy agreement to confirm that you are a secure 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 homes before 15th January 1989 are **secure** tenants. Most residents who moved in after that date are **assured** tenants.

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



Secure tenancies are controlled by the Housing Acts 1985 and 1996 which set out in law the rights and responsibilities of secure tenants. As a summary, secure tenants have the right to:

- Security of tenure
- Take in lodgers
- Exchange with another tenant
- Assign their tenancy to someone who would be entitled to inherit it by “succession”
- A statutory right to repair
- Make improvements to their homes
- Inherit the tenancy
- Consultation
- Access to personal information
- Equal opportunities.

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

Whenever we change the tenancy agreements for secure tenants, we will give you at least one month 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 the exceptions outlined overleaf apply. 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 gives the date when we could begin court action and describes our reasons for going to court.

We are likely to use these procedures if you have:

- Not kept up your rent payments
- 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
- Used the property for illegal or immoral purposes
- Damaged the property or allowed your family to do so

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 (suitable alternative accommodation will be provided)
- 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 the 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 to help. There is no guarantee that the Council will rehouse you as this will depend upon all the circumstances of the situation.

Your right to take in lodgers or part sublet

You must get our written permission before you take in lodgers. We will need 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 is entitled to a separate room which is not shared with anyone in your household will be a sub-tenant. 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 will lose your right to live there.

Your right to buy

As Westcountry is a charitable organisation, our tenants do not have the 'Right to Buy'. However we have given an undertaking to allow tenants who were secure tenants of the Association on or before the date we became a charity (16.07.97) to apply to purchase. This voluntary sales scheme runs on an identical basis to the 'Right to Buy', and your eligibility to buy and entitlement to discount will be based on the 'Right to Buy' legislation. Some secure tenants who live in sheltered or short-term accommodation may not be able to buy their homes.

We sell flats on a 125-year lease and make a service charge to cover the maintenance of communal facilities, buildings services and the external structure of the building.

Discounts

- If you sell your home within a certain time after buying it, you will have to pay back all or part of your discount
- The current maximum discount that can be given for homes in our area is £30,000
- If your home is less than eight years old, then you will not get a discount on the purchase price

The rules about buying your home are subject to change. If you would like to know more, then ring or write to us, and our Home Ownership Services Team can talk to you about the next step.

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 could change when you exchange with another tenant. The leaflet called *Moving Home* in your handbook contains more information or you could ask your Housing Officer for details.

Your right to repair

As a secure tenant, you have the right to carry out minor repairs that we would normally look after. You can recover part or all the cost of doing this, as long as you follow certain procedures, which include filling in some forms and checking the cost of the work. Works that cost under £20 or over £200 are not eligible under the right to repair.

If we say that we will do the work within 28 days, then you will not have the right to carry out the repair yourself.

If you would like more information about this, then ask us for the leaflet on '*The Right to Repair*'. You might also want to read about our repairs default scheme, which you will find in the '*Repairing, Maintaining and Improving Your Home*' leaflet in your handbook.

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* you may be entitled, at the end of your tenancy, to compensation for improvements. 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. Your married partner may inherit the tenancy without the need of a 12 month residency period.

We strongly advise you or your family members to ask us for information about this right if you are concerned.

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.

