

# You and your household

## Your rights and responsibilities as a resident



- The security your tenancy gives you
- Changing the named tenants
- Your rights
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- Our policy of fair treatment
- Ways to find a new home

# You and your household

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### Also part of the Residents' Handbook:

- You and your home
- You and your neighbourhood
- You and South Wight Housing Association
- You and your rent



# Your rights

## In this section:

- You have the right to live in your home for as long as your tenancy lasts (but it could end if you break the terms of your tenancy).
- Other members of your household can live with you as your guests, as long as you aren't overcrowded – it's up to you who stays or goes.
- You can take in a lodger if you are a secure or assured tenant.
- If you are a secure or assured tenant, you may be allowed to pass your tenancy onto somebody else.

## *What security do I have as a tenant?*

When you moved into your home, you signed a tenancy agreement. Have a look at the agreement to see what type of tenancy you have, because this affects your right to stay in your home.

## Tenancy types

If you are a **secure tenant**, your tenancy began before 15 January 1989. It is a weekly or monthly tenancy, but it can run for an unlimited time.

If you are an **assured tenant**, your tenancy began on or after 15 January 1989. It is a weekly tenancy, but it can run for an unlimited time.

# Your rights



If you are an **assured tenant with preserved rights**, your home transferred to us from another landlord. It is a weekly tenancy, but it can run for an unlimited time. Your assured tenancy agreement includes key additional rights – some that you had as the secure tenant of your former landlord and others that were agreed when your scheme transferred to us.

If you have a **garage** or **carport**, you have a licence which runs from week to week.

If you have a **starter tenancy**, you are a new resident. You have a weekly tenancy that will run for 12 months to start with. Providing you pay your rent and you don't break any other conditions of the agreement, after a year your tenancy will become an assured tenancy that can run for an unlimited time.

If you are an **assured shorthold tenant**, we are providing you with temporary accommodation. You have a weekly tenancy that will last for at least six months – your agreement sets out exactly how long. We can end your tenancy at the end of that period if we want to, or we could let it run for longer.



# Your rights

## Staying in your home

Under normal circumstances, you have the right to live in your home for as long as your tenancy lasts.

If you are a **secure or assured tenant**, we can only end your tenancy by asking a court's permission. We have to have a good reason, for example you owe us rent or have broken another term of your tenancy. If you are an assured tenant, we can also ask you to move to a different home. Or we can ask secure tenants to move if they are living in special accommodation that no-one in their household now needs (for example, a home adapted for the disabled). These reasons are set out in full in your tenancy agreement.

If you are an **assured shorthold tenant**, your tenancy can be ended after a set period of time. We will send you written notice telling you when this will be.

If you are a **starter tenant**, for the first year your tenancy can be ended if you don't pay your rent or keep to your agreement. But if you do keep to your agreement, you will go on to have the rights of an assured tenant after the year is up.

Whatever your tenancy type, if you leave your home empty for a long period, we will treat it as abandoned. That means you will lose your special rights under the tenancy and we will go to court to end your tenancy.

### Joint tenants

If your tenancy agreement lists more than one of you as tenants, you each have the same rights and you are each, individually, responsible for your tenancy.

# Your rights



If you hold a **garage** or **carport**, we can end the agreement immediately, providing we serve notice in the way set out in your licence.

## *What security does the rest of my household have?*

Before you moved in, we agreed who else would be living with you, including your pets. Our records will show this to be your household, unless you have been in touch to tell us about any changes.

Members of your household live with you as your guests. You decide whether they stay or go. However, someone married to a tenant also has the legal right to stay, even if they aren't the tenant. If you need more information about these rights, you need to seek independent legal advice, or speak to the Citizens' Advice Bureau or another local housing advice service.

Allowing people to live or stay with you means that you have to take responsibility for their behaviour in and around your home. We may have to insist that you take action if they break the terms of your tenancy.

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

### **During your lifetime**

You are not allowed to pass your tenancy on to someone else, unless you are an assured or secure tenant.



## Your rights

**Passing your tenancy to a new tenant.** If you are an assured or secure tenant then we may allow you to pass your tenancy on to a member of your household. Contact the Service Centre and ask for a request form. We may also ask the person who wants to be the new tenant to complete an application form. We will then consider whether the property is suitable and look at whether you have ever broken the terms of your tenancy.

**Adding someone to the tenancy.** If you want to add someone to your existing tenancy then we will consider this. Contact the Service Centre and ask for a request form. We may also ask the person who wants to become your joint tenant to complete an application form. We may refuse permission if we don't think it is in our best interest.

**Taking someone off the tenancy.** If you are joint tenants and one of you wishes to leave the property, you may ask for the tenancy to be put into the name of the remaining tenant/s. All tenants need to consent to this and complete all our paperwork. But we may have reasons for not agreeing this request and will refuse if there are any problems with your tenancy. If we do agree, then this change would usually mean the property can't be passed onto anyone else in the future, even if the tenant dies. If someone who was one of your joint tenants has already left the property and you can't contact them, call us to discuss your options.

**By order of a court.** A court could order that you pass your tenancy to your husband or wife if you are getting a divorce.

**By swapping homes.** If you are an assured or secure tenant you can also swap homes with another tenant. See page 15 for more details.

# Your rights



## When a tenant dies

If you are a secure or assured tenant, it is possible for your tenancy to be passed onto another member of your household if you die. This process is called **succession**. A tenancy may only be passed on once in this way.

The rules about succession are quite complex, so you need to refer to your tenancy agreement rather than relying on the simplified explanation we give here.

However, in summary, your tenancy will pass to any surviving joint tenant first. If there isn't one, then it can pass to your husband, wife or someone living with you as husband or wife.

Otherwise, providing they have lived with you for over a year, it could pass to a member of your family, your same-sex partner, someone who was your unpaid carer or who has taken responsibility for your dependants. This does not include someone who has been your lodger or that you have sub-let part of the property to.

In all cases, the successor must write to us to explain their claim within three months of the tenant's death. If you take over a tenancy in these circumstances then we will insist that you also take responsibility for any arrears or other breach of tenancy which needs to be put right.

## *Can I take in a lodger?*

If you are a secure or assured tenant, you have the right to take in a lodger or sub-let part of your home. But sometimes you need our written consent first. Any family members you allow to stay are guests, so they are not counted as lodgers or considered to be sub-letting.

# Your rights

A lodger is someone who can stay at the property just because you say they can – it is an informal arrangement. They don't have the right to exclude you from their room. They don't have a legal agreement with you or a rent book. If you want them to leave, they have to go. This gives you complete control.

It's a good idea to check with us first that you won't be overcrowding your property. We also need you to give us full details of the person moving in.

If you want to enter into a formal arrangement with a tenancy agreement then this will be sub-letting. It gives someone the sole right to use certain rooms and to share any other facilities you agree on. You may have to give them a certain number of weeks' notice before they have to leave. You don't have the right to sublet your entire home. If you want to sub-let part of it, you need our written consent, but we will only say no if we have a good reason.

## *What other rights do I have?*

Your tenancy agreement sets out your other rights and responsibilities. These can vary depending on the type of tenancy you have.

In this Handbook, we have covered some of the key rights, but your tenancy agreement and **The Residents' Charter** contain more information.

### **The Residents' Charter**

The Residents' Charter produced by the Housing Corporation sets out what you should expect from us as your landlord. We issue this to all tenants, but if you need a new copy, contact the Service Centre.

# Your rights



You will find more details in the **You and your home** booklet about:

- repairs that are our responsibility
- your right to make certain improvements to your home if you are a secure or assured tenant.

You will find more information in the **You and South Wight HA** booklet about:

- your right to information about your home and tenancy
- your right to be consulted if we are planning major changes to the way we manage or maintain your home
- our duty to keep your details confidential and give you access to your files if you ask us to.

See page 21 to find out more about your right to be treated equally and fairly.

## Our service promises

**We promise** that if we want to change your tenancy agreement (the rules of your tenancy), we will:

- write to you about the changes and consult you about your views, and
- give you written notice before the changes come into effect.



# Your responsibilities

## In this section:

Your main responsibilities are to:

- pay your rent on time
- look after the property
- be a good neighbour
- make sure you don't overcrowd the property
- take responsibility for your household and visitors.

Your tenancy agreement lists all the responsibilities you have as our tenant. We have just covered the most important ones in this booklet. If you don't meet these responsibilities, you could end up losing your home. Remember, these rules apply to your household as well.

**Paying your rent.** Your main responsibility as our resident is to pay your rent in full and on time.

**How you use your home.** You are renting a property for your household to live in. You can't run a business from it without getting our permission first. You aren't allowed to use your home for illegal or immoral purposes, or bring drugs into your home or to your scheme.

**Taking care of your home.** You are responsible for keeping your home in a good condition.

**Pets.** You aren't allowed to keep a pet without getting our written permission first. For more details, see the **You and your neighbourhood** booklet.

# Your responsibilities



**Being a good neighbour.** Many of your responsibilities as our resident are about being a good neighbour. You are also responsible for the behaviour of members of your household and your visitors. We will not tolerate residents who harass, attack or abuse other residents or members of their own household in any way.

**Overcrowding your home.** You must not allow your home to become overcrowded. You will find the maximum number of occupants for your home written on your tenancy agreement. If you are at all unsure about this, contact the Service Centre.

If you allow people to move in with you and this means that you are then overcrowded by law, we have to act or we will be in breach of the law as well. We may be forced to take legal action against you and you could lose your home if the people causing the overcrowding do not leave.

If your home becomes overcrowded because you have further children or your children are growing up, you must let us know. We will help you to look at your options for moving somewhere more suitable.



# How you can move

## In this section:

You can get a move:

- by registering on your local housing list, which is often held by the council
- by transferring to another of our properties if you are a secure or assured tenant
- by moving to one of our housing schemes for people over 60
- by swapping your home with another housing association or council tenant, if you are a secure or assured tenant
- by buying a home with a discount or with help from a grant.

## *How can I get a transfer?*

If you are a secure or assured tenant, we may be able to help you find another more suitable home with Southern Housing Group. Call the Service Centre tenancy team for an application form.

We will not offer you a transfer if you owe us rent or if you have broken the terms of your tenancy in some other way.

You need to give us as much information as possible about your reason for wanting to move. We may ask for evidence to back up your reason. We make offers to the household with the greatest need to move, according to our records.

# How you can move



In practice, we will prioritise residents who need to move because:

- we are going to demolish or carry out major repairs to their home (we call these moves 'decants')
- they are victims of harassment or domestic violence
- they are either overcrowded or need somewhere smaller
- they have someone in their household with a medical need for a move
- they need to move to take up a job.

For more details about moving home, look on line at [www.shgroup.org.uk](http://www.shgroup.org.uk) or call the Service Centre and ask for our 'Getting a Move' pack.

## Moving somewhere smaller

We give priority to people living in family-sized homes (with two or more bedrooms) who want to move somewhere smaller, because there are always waiting families who could make better use of the space. But we are also keen to see that under-occupiers get a new home that suits their needs.

## How long you will wait

Most of our empty properties have to be offered to people put forward by the local authority. Only some of our vacancies can be offered to residents on our transfer waiting list.

If your need to move is very urgent, your local authority may have a duty to help you. You should contact them direct to tell them your situation.



## How you can move

How long you wait will depend on the sort of property you need and the areas you want to move to. We regularly provide up-to-date information on lettings in *Open Door* residents' newsletter. To increase your chance of a move, ask about the areas that are less in demand. We also advise you to consider the other options detailed in this section.

### *How else can I move?*

#### Swapping your home

If you are a secure or assured tenant, you can swap your home ('make a **mutual exchange**') with the secure or assured tenant of another public landlord.

Before you move, you must get written permission from both landlords, but we are not allowed to refuse permission without good reason. We will not give you permission to move if you owe us rent. Some schemes built with planning conditions attached (for example, that residents must have a local connection or be key workers) do not allow exchanges.

Usually, an exchange means swapping tenancy agreements as well as homes. Before you agree to the swap, you should always check the terms and conditions of your exchange partner's agreement.

When you make a mutual exchange, we don't do the repairs or decorating we do when we re-let our vacant property. You will also be responsible for any damage, neglect or alterations made by the original tenant.

# How you can move



There are a number of ways you can advertise your home and find out about other tenants wanting to make a swap.

- Advertise in **Open Door** resident newsletter. Complete the form in the next issue or call the Service Centre to leave your details.
- Call the Service Centre, who have a list of residents looking for a mutual exchange.
- Put your details on your local authority mutual exchange register. Ask at your local council offices.
- Advertise locally, for example, in shop windows.
- If your home is disabled adapted, then you can register with Disabled Data Link at <http://web.ukonline.co.uk/ddlg.uk/index.htm>

## Transferring to another landlord

As well as being on our own transfer list, you can put your name down on the **local authority waiting list** for the area you want to move to (see page 14).

## Sheltered accommodation

If you are one of our older residents, you can apply for a home in one of our sheltered accommodation schemes.

If you live in one of these schemes, our staff will support you to live as independently as possible and will be available to offer advice and guidance. Call the Service Centre for more details.



# How you can move

## *Can you help me to buy a home?*

There are a number of schemes designed to make home ownership more affordable.

### Buying the home you live in

If we took over your home from another landlord, one of your 'preserved rights' may be the right to buy it from us, at a discount, under the **Right to Buy**. If your home was built using social housing grant after April 1997, you may have a similar right, called the **Right to Acquire**. To find out more, phone the Service Centre.

You may also be able to buy part or all of your existing home under the social homebuy scheme (see page 18).

### Homebuy

The Government has introduced a scheme called 'Homebuy' to help people get a foot on the property ladder. There are three parts to the Homebuy scheme.

- **New Build Homebuy** allows you to share ownership of your home with a housing association. You buy your home in stages and usually purchase an initial share of between 25 per cent and 50 per cent of the full cost of your home, using a conventional mortgage. You pay a subsidised rent on the remainder to the housing association running the scheme. After a year, you have the option of buying further shares, until eventually, you can own your home outright.

# How you can move



- **Open Market Homebuy** allows you to part-buy a property on the open market and get an equity loan from the Government for the rest.
- **Social Homebuy** allows housing association and local authority tenants to buy their existing home either outright or on shared ownership terms, if their landlord is taking part in the scheme.

To find out which Homebuy schemes are running in your area, contact the Service Centre.

## *What do I have to do when I move out?*

Whether you are moving to another of our properties or elsewhere, don't forget the following.

### **End your tenancy the way we ask you to**

- Give us four weeks' notice and provide us with a forwarding address
- Pay your rent up to the day you move and return the keys.
- We will inspect your home before you move out and tell you about any repairs that are your responsibility. If you don't do the repairs, we will charge you the cost of the work.

If you leave owing us money, we will still pursue you for it. We may also pass on your name to a debt collection agency, as well as telling credit reference agencies that you owe us money – which might stop you getting credit in the future.

- Make sure your home is in good decorative order. If it isn't, we may ask you to redecorate.



## How you can move

- We might ask you to let us bring people round to see the property, so that we can rent it out again without any delay.
- Leave your home clean and tidy, and get rid of rubbish. We can charge you for getting rid of things you leave behind.

### Get your meters read

- On the day you move get readings for any gas, electricity or water meters at your old address. Make sure all the meter companies know you are moving.
- Get the phone disconnected at your old address and arrange for connection at your new one (if you aren't moving far, you may even be able to keep your number).
- Turn off your water at the stopcock and gas at the meter before leaving. Switch off your electricity at the fuse box. But don't ask for these services to be disconnected.

### Tell everyone you're moving

Don't forget to tell:

- friends and family
- your contents insurers (see the [You and your home](#) booklet for more details about our scheme)
- your Housing Benefit department if you claim
- the Department of Work and Pensions if you get benefits
- your Council Tax office.

# How you can move



## Get ready to occupy your new home

- Contact the companies providing the gas, water and electricity supplies before you move in, to make sure you can use them as soon as you need to.
- Make sure the phone is connected.
- Get your new Housing Benefit claim form ready.
- Get the post office to forward your mail.

## Get to know your new area

- If you are moving to another of our homes, find out where you can pay your rent using the PayPoint or Payzone facilities at local shops and garages.
- Find new doctors and dentists.
- Find the most convenient public transport routes to where you want to go.

# Fair treatment for all



## In this section:

- We don't discriminate against anyone.
- Everyone can access our services.
- We give extra help if you are disadvantaged.

We value the many different people who make up our local communities.

We actively try to prevent anyone being discriminated against because of their sex, whether they are married, their race, colour, ethnic origin, religion, age, or because they are disabled, gay or lesbian.

We train our staff to be sensitive to the problems different groups of people might face.

## *What can I expect if I'm black or from an ethnic minority?*

We will:

- make sure that we get views from your community when we are consulting residents
- provide you with services that meet your needs
- provide you with translations and interpreters when necessary
- provide key information in several languages
- take action if you are being racially harassed.

# Fair treatment for all



## Our service promises

### We promise:

- to employ staff who reflect the communities we work with
- to make sure that our contractors and consultants treat people equally.

## *What can I expect if I'm disabled or vulnerable?*

### We will:

- make sure you can easily access our services and offices
- design homes and public areas that meet the needs of disabled people
- provide information in the form you need it, for example, in Braille, or on CD or audio tape
- carry out surveys to find out your views
- take action if you are being harassed or abused.



## Fair treatment for all

### *What extra support can you give me?*

If you need a little extra help to stay in your home, we may be able to assist.

- If you live in a sheltered scheme, your scheme manager is on hand to help you identify any support needs.
- If you live in our standard rented housing, our Community Support Service can help you.
- If you are disabled, we may be available to change things in your home to make life easier. There is more about this in the **You and your home** booklet.
- If you are disabled or vulnerable, we will try to both prioritise your repairs, and respond to other requests you make, more quickly than usual.

To find out more about these extra support services, call the Service Centre and explain which you are interested in. Alternatively, you can contact us directly via our Community Support Service on **01983 522 479**.

Phone us on **0300 303 1772**, 8am to 8pm, Monday to Friday (calls are generally charged at local rates)

Write to us at **Service Centre, Southern Housing Group, PO Box 643, Horsham RH12 1XJ**

Email us at **service.centre@shgroup.org.uk** or **service.income@shgroup.org.uk** or **swha.repairs@shgroup.org.uk** (but please phone instead if the matter is urgent)

In an emergency, call the Service Centre during opening hours. When the Service Centre is closed, phone Wightcare on **01983 821 030**

Visit our website at **www.shgroup.org.uk**

For help with translations or if a large type, Braille or audio summary would be useful, please contact the Service Centre.

### **Arabic**

لمساعدتك في الترجمة يرجى الاتصال بمركز الخدمة على هاتف 0300 303 1771.

### **Bengali**

অনুবাদ সাহায্য পেতে হলে সার্ভিস সেন্টারে 0300 303 1682 নম্বরে ফোন করুন।

### **French**

Si vous souhaitez recevoir de l'aide avec vos traductions, appelez le 0300 303 1771.

### **Somali**

Wixii ah caawimo turjumaan ka soo wac Xarunta Adeegga telefoonka 0300 303 1771.

### **Spanish**

Si necesita que le ayudemos con alguna traducción, llámenos al 0300 303 1771.

### **Turkish**

Tercüme konusunda yardım için 0300 303 1683 'den Hizmet Merkezi'ni arayın.