

A Shelter guide

Housing association tenancies

Understanding
your rights and
responsibilities

Shelter



Housing association tenancies

Our guide will give you information about tenancies provided by housing associations that are registered with the Housing Corporation. It also applies to people whose homes have been transferred from the council to a registered housing association.

If you buy a home from a housing association (eg as part of a shared ownership scheme) you have very different rights, which are not covered in this guide. Contact an adviser if you're having problems.

This guide is only an introduction to the law in England and Wales. If you live in Scotland or Northern Ireland, some laws are different. You should contact Shelter Scotland or the Housing Rights Service (see 'Useful organisations' on page 22).

If you want more detailed information or need to speak to an adviser, you should contact your local Shelter advice service or citizens advice bureau. To find the nearest Shelter advice service to you, call 0845 458 4590 or visit www.shelter.org.uk and click on 'Search the directory' on the 'Get advice' page. To find a local citizens advice bureau, visit www.citizensadvice.org.uk or look under 'C' in your local phone book.

If you live in England and Wales, you can also contact Shelter's free housing advice helpline on 0808 800 4444 (charges may apply to mobile phone calls) from 8am to 8pm, seven days a week or, visit www.shelter.org.uk/adviceonline

If you live in Scotland, you can contact Shelter's free housing advice helpline on 0808 800 4444 (charges may apply to mobile phone calls) from 9am to 5pm, Monday to Friday, or you can visit www.shelter.org.uk/adviceonline

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What are housing associations and how do they work?

Housing associations provide homes for people on low incomes. Some housing associations specialise in accommodation for particular groups of people, such as older people, disabled people and younger people.

Many housing associations are registered with the Housing Corporation, an organisation that ensures they act fairly and follow the law. Housing associations registered with the Housing Corporation are sometimes called 'registered social landlords'. They may also call themselves a 'housing trust' or a 'housing society' – this doesn't make any difference, so long as they are registered.

If your housing association is not registered with the Housing Corporation, you may have different rights, so it's very important to know this. To find out whether your housing association is registered, contact the Housing Corporation, or use the online directory on its website (see page 22 for contact details).

Where can I get help if I'm having problems?

This guide is only an introduction to the law. If your problem isn't covered here, or you are having problems

with your housing association, you'll need to contact an independent adviser to discuss your situation.

They may be able to help by:

- explaining complicated legal issues and how these affect your rights
- negotiating with the housing association on your behalf
- helping you with practical issues, paperwork and court hearings.

There are several ways to get in touch with an independent adviser:

- call Shelter's free housing advice helpline on 0808 800 4444
- look through the advice pages of our website by visiting www.shelter.org.uk/adviceonline
- contact a local Shelter advice service, citizens advice bureau, law centre or other advice agency in your area
- find a solicitor specialising in housing – you can get details of suitable solicitors from the Community Legal Service (see page 22)
- Contact one of the organisations listed on pages 22–23.

If your housing association has threatened you with eviction, make sure you contact an adviser as soon as possible.

What if I need housing immediately?

If you don't have anywhere safe to stay, you should go to the housing department of your local council as soon as possible and tell them that you want to apply as homeless as well as applying for a permanent home. See Shelter's guide *Homeless?* *Read this* for information on the rules and how the council should help you. If it won't let you apply, or says that you are not entitled to emergency help, don't be put off. Contact an independent adviser to check whether the council has followed the rules.

How can I get a housing association place?

If you want to get housing association accommodation, you will have to apply to go on a waiting list. In most areas, there is a central waiting list for all council and housing association homes, but some housing associations also keep their own separate waiting lists. Contact housing associations in your area to find out whether you can apply directly. You can get a list from the Housing Corporation – contact details are on page 22.

But make sure you apply to have your name put on the council's housing register (also known as an allocations scheme) as well, because most places will go to people it puts forward. You can get application forms and information from the housing department of your local council. For more information about applying for housing through the council, read Shelter's guide *Council tenancies*.

How long will I have to wait?

Most people have to wait a long time to get a housing association place. You may not get one at all, particularly if you are childless, able-bodied and healthy. Your chances of getting a place and the length of time you may have to wait depend on:

- your personal circumstances (eg if you have children, health problems, or special needs)
- the type of property you need
- how many properties the association has
- the number of people on the waiting list
- how the association decides who gets a place first.

Remember: if you need a place immediately, you may be entitled to emergency housing from the council, and should consider applying as homeless, even if you're on the waiting list for a permanent home.

Contact an independent adviser if you need help making an application.

What types of tenancy do housing associations provide?

It's very important to check exactly what type of housing association tenancy you have, especially if you are having problems. The type of tenancy you have will affect:

- whether you can take in lodgers or sublet part of your home (see page 10)
- how and when your housing association can evict you (see page 12)
- whether you can pass your tenancy on (see page 17)
- whether you can buy your home (see page 20)
- whether you can get a transfer or exchange (see page 18).

The easiest way to find out what type of tenancy you have is to check your tenancy agreement. All housing associations should give you a written agreement. The type of tenancy you get usually depends on when your tenancy started and/or the type of accommodation you have:

- most tenants who moved in after 15 January 1989 are assured tenants (see page 7)
- if your tenancy started on or after 27 February 1997 and your tenancy agreement doesn't say

it is assured, you are probably an assured shorthold tenant (see page 7)

- if your tenancy started before 15 January 1989, you are probably a secure tenant (there are some exceptions, however, see page 8)
- if you live in a hostel, temporary accommodation arranged by the council when you made a homelessness application, or housing where support is provided, you could be either an assured shorthold tenant (see page 7), an occupier with basic protection, or an excluded occupier (see page 9).

If you work for a housing association and have to live in one of its properties in order to do your job (for example, as a caretaker), you may be a service occupier. Your right to live in your home will normally end if your job does, eg if you leave or are made redundant. If you have an employment contract, check to see if it says anything about your accommodation, and get advice.

Your tenancy could be in one person's name only (a sole tenancy) or shared with someone else (a joint tenancy). Joint tenants have equal rights in the property:

- each person is responsible for paying the whole of the rent – even if the other person does not pay their share

- if one person ends the tenancy, it might end for everyone (see page 19). The law in this area is changing, so if you want to remain in the property you should alert your housing association immediately and contact your local Shelter advice service.

If you are not sure what type of tenancy you have, contact the housing association or get advice. The rights of different types of tenant are explained below.

Assured tenancies

Most housing association tenants have an assured tenancy. Assured tenants have strong rights and can only be evicted in certain circumstances. You can take in a lodger with the housing association's written permission, and may be able to pass on your tenancy, give your tenancy to someone else, exchange your home with other tenants, or buy property with the help of the housing association. More information about these rights is provided later in this guide.

You should also check your tenancy agreement to make sure of your rights, because different housing associations give different rights. You could also lose some of these rights if your tenancy is demoted (see page 8).

Assured shorthold tenancies

Housing associations often provide assured shorthold tenancies if the tenancy is temporary, or it's a starter or demoted tenancy (see next page).

Assured shorthold tenancies are similar to assured tenancies, but you can be evicted from them much more easily. They can be either fixed term (valid for a set period of time, such as six months), or periodic (rolling from week to week or month to month). Once a fixed-term tenancy comes to an end it will automatically become a periodic tenancy if it is not renewed. At any time during the periodic period of an assured shorthold tenancy, you can be given two months' notice to leave your home. Your housing association shouldn't evict you without a good reason – such as breaking one of the terms of your tenancy agreement. If you think your housing association doesn't have any reason to evict you, contact an independent adviser immediately.

Your other rights are similar to those of assured tenants except that you don't usually have the right to exchange your home, to sublet it or take in a lodger, or to get help with buying the property. Check your tenancy agreement to make sure of your rights, because different housing associations give different rights.

Secure tenancies

You are probably a secure tenant if your tenancy started before 15 January 1989. However, there are some exceptions, such as if you live in a hostel or supported housing run by a housing association, or if you work for the council and your home comes with the job.

Your tenancy is probably also secure if you moved into your current home after 15 January 1989 but had a secure tenancy in a different property owned by the same association before that date.

Secure tenants have very strong rights and can only be evicted if the housing association gets a court order – the court will only grant one in certain situations. You can usually also leave your home to a spouse, civil partner, partner or family member after you die, and you may be able to assign your tenancy to someone else, exchange your home with other tenants, or buy your home.

Always check your tenancy agreement to make sure of your rights, because different housing associations give different rights. You could also lose some of these rights if your tenancy is demoted.

Starter tenancies

A starter tenancy is a trial tenancy. It is likely to give you the same legal status as an assured shorthold tenant (see the sections on assured shorthold tenancies for more

information on your rights). You can be evicted quite easily, so you should contact an adviser straightaway if your housing association threatens to evict you.

Some housing associations give new tenants a starter tenancy for the first year. After this time, you should automatically become an assured tenant if your housing association does not take steps to evict you, but this depends on the terms in your tenancy agreement.

If you have a joint tenancy, the trial period ends as soon as one of the joint tenants has completed the trial period. Any time you have spent as a starter tenant with another housing association or the council immediately before the start of your current tenancy should count towards the trial period, but check to see if it says otherwise in your tenancy agreement.

Demoted tenancies

A demoted tenancy is a one-year probationary tenancy. It gives you the same status as an assured shorthold tenant. Your rights will be more limited than with a secure or assured tenancy, and you can be evicted much more easily. You will also temporarily lose the right to transfer, exchange, or pass on your tenancy during the demotion period, and it's unlikely that you will be allowed a lodger or to sublet your home.

Your housing association has to get a court order to downgrade your tenancy in this way. It has to give you at least two weeks' written notice before it can apply to court. Contact an adviser as soon as you receive a notice to see if you can stop the demotion from going ahead.

The court will only agree to demote your tenancy if you have:

- behaved antisocially or caused nuisance in the area, or
- threatened to do so, or
- used your home for illegal activities such as drug dealing.

Demotion will last for one year from the date the court order was made, unless the housing association takes steps to evict you. It is very important that you stick to the conditions of your tenancy agreement while your tenancy is demoted. If you don't, you could lose your home very easily. If, after one year, you haven't broken the conditions of your demoted tenancy, you should automatically be given an assured tenancy, even if you had a secure tenancy before the demotion.

If you experience any problems during the demotion period, you should get advice straightaway. Don't wait, because you could risk losing your home.

I live in supported housing

If you live in supported housing, check your tenancy agreement to

see if it says what type of tenancy you have. However, if you're having problems, it is a good idea to get independent advice on what your tenancy type is, because it might not necessarily be what it says on your agreement and you might have more rights than you think.

If you pay rent for specific periods of time (eg weekly or monthly) and you have your own room or rooms in the property, then you may have a tenancy, and this could mean you have more rights. Your tenancy type could be assured, assured shorthold, or secure. If you don't pay rent for specific periods and share your room with other people, your rights may be more limited.

I live in temporary accommodation or a hostel

If you live in a hostel or temporary accommodation, you are likely to be known as either an excluded occupier, or an occupier with basic protection. This will mean that you don't have very strong rights, so if you are having problems you should contact an adviser straightaway. See the section on eviction (page 12) for more information.

What information should the housing association give me?

Your housing association should give you a written tenancy

agreement explaining the rights and responsibilities you have as a tenant. It should also explain your rights with regard to eviction, repairs, rent or rent increases, and service charges. You should also get a copy of the Housing Corporation's *A charter for housing association applicants and residents*. This has information about your rights and the standards of service you should expect from your housing association. If you haven't already got one, you can get a copy from the Housing Corporation – or download one from its website.

Can I take in a lodger or subtenant?

If you are an assured or an assured shorthold tenant you may be able to take in lodgers or sublet part of your home (such as a bedroom) if you get the housing association's written permission first. As a secure tenant, you automatically have the right to take in a lodger and can probably sublet part of your home; but, again, you need written permission from the housing association. The association can't refuse either type of tenant without a good reason (eg because your home would be overcrowded if someone else moved in). If you have a demoted or starter tenancy, you may not have the right to take in a lodger or sublet part of your home. If you do so without written permission

from the housing association, you can be evicted very easily.

If you move out and sublet the whole of your home to someone else, you will lose your original tenancy status and the housing association will be able to end your tenancy very easily. You could lose your home altogether and anyone living there would be evicted. However, it is possible to spend time living somewhere else and still keep your tenancy. To do this, you must be able to show that you are planning to return (eg by leaving your personal belongings at home). If you need to spend time living elsewhere, contact a local advice service about it before you move out.

If you are claiming benefits, the amount you get could be reduced, even if your lodger or subtenant doesn't pay you any rent. This also applies to partners or adult family members who move in with you.

How should repairs be carried out?

Your housing association should give you information about what repairs you are responsible for, which usually includes internal decoration and putting right any damage you cause. You may also have the right to make improvements, such as fitting a new bathroom, but you should always get permission in writing first.

You may, in some cases, be able to claim compensation for improvement costs when you move out.

Whatever type of tenancy you have, the housing association is usually responsible for keeping the structure and exterior of the property in a state of good repair. This includes:

- keeping drains, guttering, and external pipes in good condition
- making sure your plumbing, gas, and electricity are working safely
- maintaining shared areas of the building, eg stairwells and lifts.

Housing associations must have a system for dealing with repairs, and should provide you with information about how to report them and when they should be dealt with. You should always report problems to the housing association by writing a letter that is dated, and make sure you keep a copy of it.

If it's an emergency, note down what you reported, to whom, and when. Most housing associations have separate time limits for emergency, urgent, and routine repairs, but you must allow access to your home, if necessary, in order for these to be carried out.

If the housing association has not dealt with the repair, or you are not satisfied with the action it has taken, get advice from a local Shelter advice service, law centre, citizens advice bureau, or housing solicitor.

You need to be very careful when taking action to sort out disrepair problems. Don't stop paying the rent, or you could be evicted. Depending on the situation, your options may include:

- using the housing association's complaints procedure, or, failing that, complaining to the Housing Ombudsman (see page 21)
- getting the council's environmental health department involved
- taking the housing association to court – you may be able to get compensation and/or an order forcing it to do the work
- arranging the repairs yourself and recovering the cost from future rent – but be careful – you must use a special procedure if you want to do this. Contact your local Shelter advice service for details.

What are the rules on rent and rent increases?

All housing association tenancies should work out cheaper than renting the equivalent property privately. Different tenancies have different rules about when and how you should pay your rent, so check to see what it says in your tenancy agreement. The amount of rent you pay should not go up more than once per year, unless by mutual agreement, and you

should always be given at least four weeks' written notice. You may also have to pay service charges to maintain communal areas and, again, you must be given details about what these charges cover and how much they are, as well as being given written notice if they are due to increase.

If you were a council tenant and your home was transferred to a housing association, you may have been given a rent guarantee. In this situation, your housing association cannot put your rent up above the amount specified in the guarantee for a certain amount of time.

If you think your rent has been increased unfairly, you may be able to appeal to the rent assessment committee (RAC). You must apply for an appeal before the date that your rent is due to increase. However, the RAC can put rents up as well as down if it considers your rent is too low. An advice service can tell you if it is worth appealing and they may be able to help you put your case to the RAC.

Your rent should always be your top financial priority – even if you have other debts – because you could lose your home if you get into rent arrears. Make sure you tell your housing association immediately if you are having difficulty with either rent or service charges, because it should give you help and information

about benefits that you could be eligible for. If you are claiming benefits or are on a low income, you may be eligible for housing benefit to help you pay the rent. See Shelter's guides *Housing benefit and local housing allowance* and *Rent arrears* for more information.

Can my housing association evict me?

Whatever your tenancy type, housing associations should only evict their tenants as a last resort. Providing you don't break the rules of your tenancy, you have the right to stay in your home for as long as stated in your tenancy agreement. If you are threatened with eviction for any reason, you should contact an independent adviser straightaway (see page 4). Even if the bailiffs are about to come, it may be possible to stop or delay the eviction. The housing association may not have a good enough reason to evict you, or you may be able to put things right by claiming benefits or settling a neighbour dispute. The eviction procedure your housing association will have to follow depends on the type of tenancy you have.

Demoted and starter tenancies

People with demoted and starter tenancies can be evicted much

more easily than assured and secure tenants. Housing associations don't have to prove a legal reason in court – if they follow the correct procedure, the judge will have no choice but to order an eviction. Your housing association must give you at least two months' written notice that it is going to ask the court to evict you, and explain the reasons why.

Contact an adviser as soon as you receive this notice. Do not wait. An adviser may be able to help you by:

- talking to the housing association on your behalf
- sorting out any problems with your housing benefit claim
- arranging help with personal problems
- helping you to settle a dispute with neighbours (see page 16).

Secure and assured tenancies

A housing association can only evict an assured or secure tenant if it has a legal reason (known as a ground) to do so. These reasons can include:

- not paying the rent
- causing nuisance to neighbours
- not living in your home.

Your housing association must also follow the correct procedure – in most cases you will be entitled to written notice and a court order. See page 14 for more information.

Assured shorthold tenancies

Housing associations don't need to prove a reason (or ground) in order to evict assured shorthold tenants, but they must follow the correct legal procedure. You will be entitled to written notice and a court order. See page 14 for more information.

Temporary accommodation, supported housing, and hostels

If you are living in temporary accommodation, supported housing, or a hostel, and you are being threatened with eviction, get in touch with your local Shelter advice service straightaway. Advisers can check the type of tenancy you have and explain what your rights are. You may not be entitled to a court order, or even to written notice. It's very important to speak to an adviser as soon as you can. Don't assume that the local council will have to rehouse you. If you are evicted, you may find it very difficult to find alternative housing. Depending on the reasons for the eviction, the council may decide that you made yourself homeless intentionally.

If you receive support and care and your housing association gives you notice of eviction, the housing association is meant to offer advice and assistance and inform other agencies involved of the action being taken. You should take advantage of any help these

agencies can provide, because your other options will be very limited.

Please note if you live in temporary accommodation, supported housing or a hostel, the following two sections, 'What notice will I get?' and 'What orders can the court make?' are unlikely to apply to you.

What notice will I get?

Before the housing association can apply to the court, it has to give you a written warning, called a **notice seeking possession**. It normally has to give you either two weeks' or two months' notice of the court hearing, depending on the reasons for the eviction. The only exception is if the housing association wants to evict you because it says you have been involved in serious nuisance, antisocial behaviour, or domestic violence. In these cases, it may not have to give you any notice at all. In either situation, you must be given a notice that explains the reasons for the eviction.

In most cases, the notice will be valid for 12 months. If the housing association doesn't start court action before the end of that time, it has to begin the process again. Get advice from your local Shelter advice service at this stage, if possible. You may be able to deal with the problem, eg by agreeing to pay rent that you owe, or getting involved in mediation.

If you don't respond to the notice, or if the housing association isn't happy with your response, the next step it will take is to apply to court. You will receive papers from the court. These will tell you:

- that the housing association is applying for 'possession' of your home (ie to evict you)
- what grounds, if needed, the housing association is using for the eviction (the grounds it can use will depend on the type of tenancy you have)
- when the court date is.

What orders can the court make?

You should have arranged advice before the court hearing. If there has not been enough time to prepare, your adviser may write to the court asking for more time or tell you to ask for more time. If you have no adviser, some courts have a duty adviser who may be able to help you on the day. But don't take any chances – get advice as soon as you can.

The judge will make a decision at the court hearing. If you do not understand what it means, consult an adviser immediately. The judge has a number of options available.

- **Strike out the housing association's claim.** This means that the housing association hadn't followed the proper procedure and it has to begin the process again if it wants

to evict you. It is unlikely that the court will do this unless legal reasons are provided. For more information, contact an independent adviser or solicitor.

- **Adjourn the hearing to another date.** This is usually to give you more time to prepare your case. You should not rely on the court doing this, and should always contact an adviser as soon as possible.
- **Adjourn the hearing on a condition.** (For example that you regularly pay your rent and something towards the arrears). If you stick to the conditions it will probably not go back to court.
- **Make a suspended order for possession.** This allows you to stay in your home as long as you stick to certain conditions. The conditions will be set out in the order. For example, you might have to pay the rent plus the arrears in instalments, or ensure your children don't cause nuisance. If you break the conditions, you could be evicted quickly and without another court hearing. A suspended order is meant to be a last chance.
- **Make an outright possession order.** This means that the property will be given back to the housing association on a certain date. If you don't leave, the housing association can

ask the court to send a bailiff to remove you and your belongings from your home. You should be sent a letter first, but you will only have a few days in which to leave. The bailiffs can use reasonable force if necessary.

- **Make a money judgment.** This means that you have to pay the rent arrears, regardless of whether you are evicted. This will affect your credit rating, which could make it difficult to find a new home.

Even if the court makes an outright possession order and the housing association asks the bailiffs to remove you, it may still be possible to stop or delay the eviction. Contact an adviser immediately.

What if I'm having problems with neighbours?

Many disagreements between neighbours can be sorted out by talking. But if you are having serious problems, contact an adviser as soon as you can.

How can mediation help?

Problems between neighbours often start with disagreements about property boundaries or noise. Although these disputes can be distressing, it's often possible to

sort things out through mediation. Mediation helps both sides to listen to each other and find a solution that everyone is satisfied with – it isn't about working out who's right and who's wrong. Many housing associations can arrange mediation services for their tenants. If yours doesn't, contact Directory of UK Mediation or the National Mediation Centre (see pages 22–23).

What can the housing association do about antisocial behaviour?

In recent years, most housing associations have been getting much tougher on people who behave antisocially, or threaten to do so. They will usually investigate the complaint first, and attempt to resolve the problem informally. This can take some time. Although, if the housing association is satisfied that there is a serious problem, there are several things it can do, such as:

- getting an Anti-social Behaviour Injunction (ASBI) or an Anti-social Behaviour Order (ASBO) – this could order the person to stay away from a certain area, or to stop doing certain things
- prosecuting the people involved for nuisance – this often happens where there is noise nuisance or trouble involving animals
- demoting the person's tenancy – this makes it much easier to evict the person if the behaviour continues (see page 13)

- evicting the person – this will usually only happen as a last resort. It is much easier if the person has a starter or demoted tenancy (see page 13)
- getting a closure order – this means that the property is secured and only authorised people can enter it. It can only happen if the police believe that the property has been used in the production, supply, or use of Class A drugs.

What should I do if I've been accused of behaving antisocially?

It's very important to talk to an adviser as soon as possible, particularly if you have a starter or demoted tenancy. Contact your local Shelter advice service, citizens advice bureau, law centre, or solicitor. They may be able to help you by:

- arranging mediation to help sort out disagreements with family or neighbours
- referring you to an organisation that can help if you need help with drugs or alcohol, mental health problems, or a learning disability
- helping you to negotiate with the housing association if it is planning to take action against you (see page 12)
- helping you prepare if you have to go to court.

It doesn't make any difference whether the person causing

problems is you, a member of your household, or even a visitor to your home. For example, if one of your children is causing a nuisance, you can be held responsible.

If you do nothing and are evicted because of your behaviour, you will probably find it difficult to get another tenancy. People with a history of antisocial behaviour may be barred from council waiting lists (see page 5), and if you apply as homeless the council may only have limited duties to help you. You may be able to get a private tenancy, but this would probably be much more expensive. Also, most private landlords ask for references and aren't keen to rent to people who've been antisocial in the past.

Can I pass my tenancy on if I die?

If you have a joint tenancy, the other joint tenant will automatically take over the tenancy if you die. But, if you are the sole tenant, there are rules about who the tenancy can be passed on to. The legal process is called succession, and it can normally only happen once.

If an assured or assured shorthold tenant dies, the tenancy can pass to their spouse, civil partner or partner. This can only take place if the tenancy has not previously been passed on in this way, the tenancy was not held jointly with other

people, and the spouse, civil partner or partner, was living at the property at the time of the tenant's death. Some housing associations may agree to grant a new tenancy to other family members.

If a secure tenant dies, the tenancy can also be passed to a spouse, civil partner, or another member of the family. Other family members can only succeed to the tenancy if there is no spouse or civil partner, and if the other family member has been living with the secure tenant at the property for the 12 months before the death of the secure tenant.

If you have a tenancy that is not an assured, assured shorthold, or secure tenancy, you probably don't have the right to pass on your tenancy.

Can I pass on my tenancy during my lifetime?

This process is called assignment. Secure tenants can normally assign their tenancy to anyone who would be able to take on the tenancy by succession (see previous section).

Most assured and assured shorthold tenants can only assign their tenancy if the housing association agrees to it. If your tenancy agreement doesn't say anything about assignment, you probably need permission from the association. If you want to assign your tenancy, get advice first. If the

correct procedure isn't followed, you could still be legally responsible for paying the rent and the person who stays on could be evicted.

Can I get a transfer or exchange?

If you want to move, and you are an assured or secure tenant, it may be possible to get a transfer to another property owned by your housing association. Most housing associations have a waiting list. You are more likely to be offered another property if your home isn't suitable for you. Even if this is the case, you may have to wait a long time until a suitable property is available, particularly if you need a large property.

Alternatively, you may be able to swap homes by mutual exchange with someone who rents from the same housing association, a different housing association, or a local council. It may be possible to exchange with someone in another part of the country. There are a number of organisations arranging swaps – ask your housing association or local advice service for information. If you live in London and would consider moving to another part of the UK, you could make use of the Lawn scheme or the Seaside and Country Homes

mobility scheme (contact Housing Moves on page 22 for details).

You must both have permission from your landlords and the exchange must be arranged properly. Otherwise, you could both lose your homes. The landlords can only withhold permission for certain reasons. It's essential to get advice about the paperwork and check whether you would have a different type of tenancy (which might affect your rights) after the exchange.

If you are a demoted or starter tenant you will not be able to exchange or transfer your home. If you are an assured shorthold tenant, look at what it says in your tenancy agreement or ask your housing association.

What if I want to leave?

You must end your tenancy properly if you want to leave. If you don't you may still be liable to pay rent, even after you've moved out. You normally have to give at least four weeks' notice to end your tenancy. The notice must be in writing and must end on a day when the rent is due, or the day before. It is a good idea to discuss your plans with your housing association, to make sure that you give them the right notice and that everything goes smoothly.

If you have a joint tenancy, the actions of each individual person will affect all of your rights. For instance:

- if one of you gives notice to quit to the housing association, the tenancy may end for everyone.

The law in this area is changing so if you want to remain in the property, you should alert your housing association immediately, and contact Shelter

- if one of you leaves without giving notice, the whole rent will still be due and the other(s) will have to pay the missing person's share.

If you're a joint tenant and thinking about leaving, discuss it with the other joint tenant(s) before you take any action.

It is not enough to hand back the keys or walk away. It may be possible to end your tenancy without giving notice if you can come to an agreement with the housing association. This is called surrender. If you have a joint tenancy, all of the joint tenants must agree for the surrender to be valid. It's always best to put what's been agreed in writing so everyone knows where they stand.

Homes transferred from councils to housing associations

Sometimes councils transfer their housing stock to a housing

association. This is called voluntary transfer. If a council wishes to do this, it must hold a ballot of its tenants. A majority of the tenants have to be in favour before the sale can go ahead.

After a voluntary transfer takes place, all of the council's secure tenants become assured tenants of the housing association. However, they keep the right to buy their home (the preserved right to buy). Other tenants of the same housing association will not have this right. Transferring tenants may also be allowed to keep other rights they had as secure tenants, in order to get them to vote in favour of the voluntary transfer. These tenancies are often called enhanced assured tenancies.

Buying a property

Only certain housing association tenants have the right to buy. You may qualify if you are a secure tenant or:

- you used to be a council tenant
- your home was transferred to a housing association
- your tenancy has not been demoted at any time.

If you don't have the right to buy, there is a similar scheme for some other housing association tenants (the right to acquire), although only a few tenants are eligible.

Alternatively, you may be able to buy a home through a number of other home-ownership schemes designed to help tenants get on the property ladder (see across the page). Ask your housing association and the local council what schemes are available in your area.

If you qualify, you will only be able to buy your home after you have been a housing association (or council) tenant for at least five years, or since before 18 January 2005. When you buy the property you get a discount, which can vary depending on how long you have been a housing association or council tenant.

HomeBuy

HomeBuy is a scheme to allow housing association tenants to buy a home privately. It works by lending you 25 per cent of the purchase price. The remaining 75 per cent is paid for by your mortgage or savings. There are no monthly repayments on the HomeBuy loan, but when the property is sold, 25 per cent of the sale price is paid back to the housing association. HomeBuy is not available through all housing associations, and it is mainly in areas where housing is very expensive. Funds for the scheme are limited.

On 1 April 2008, two new equity loans became available under the Government's shared equity Open Market HomeBuy scheme. The new

loans – MyChoiceHomeBuy and Ownhome – will improve affordability for purchasers and provide more choice in the mortgage which purchasers can take out.

Key worker schemes

Some housing associations may offer affordable properties for sale to key workers such as nurses or teachers (also called starter homes initiative). Contact your local advice service or the Housing Corporation for details of a scheme in your area.

Shared ownership

Shared ownership schemes allow you to part-buy and part-rent your home. It is a way for people who can't afford to buy a home outright to buy a share of a home and pay rent on the rest. It is usually possible to buy further shares of the property and eventually to own the whole property. As a shared owner, you will be a leaseholder.

Leasehold schemes for the elderly

Many housing associations manage groups of flats for older people. These have shared facilities and a warden or manager who may live on the premises. If you buy a flat in one of these schemes you will be a leaseholder. The housing association is responsible for repairs and maintenance, but you will have to pay a service charge to cover these

costs. You will also have to pay for any other services that are provided (eg the warden).

Can I get involved in the management of my home?

Your housing association is required to consult and involve all tenants in decisions that are likely to affect you. You might be able to join a tenants' committee and help in the running of the housing association. Ask the housing association for more information if you want to get involved.

How do I make a complaint?

Your housing association must have an official complaints procedure, which tenants can use if the services provided are not satisfactory.

If you want to make a complaint, ask the association for its complaint form. Fill it in, return it, and keep a copy. Each housing association has a different complaints procedure, but normally the housing association has to investigate your complaint and respond to it within a certain time. You may be able to meet with senior staff or committee members to discuss your complaint.

If you have exhausted the complaints procedure and are not

satisfied with the outcome of your complaint, you can complain further to the Housing Ombudsman Service (see 'Useful organisations' on next page). The Housing Ombudsman will investigate your complaint, and can recommend that the housing association pays compensation or takes specific action. Although the housing association can't be forced to follow the Ombudsman's recommendations, it usually does.

Useful organisations

Advice UK

12th Floor
New London Bridge House
25 London Bridge Street
London SE1 9SG
020 7407 4070
www.adviceuk.org.uk

Citizens Advice

Myddelton House
115–123 Pentonville Road
London N1 9LZ
020 7833 2181
www.adviceguide.org.uk

Community Legal Service Direct

0845 345 4 345 (legal advice)
0800 085 6643 (general enquiries)
www.clsdirect.org.uk

Communities and Local Government

020 7944 4400
www.communities.gov.uk

Directory of UK Mediation

www.intermedial.org.uk

Housing Corporation

149 Tottenham Court Road
London W1T 7BN
0845 230 7000
www.housingcorp.gov.uk

Housing Moves

(administers the Lawn and Seaside and Country Homes housing mobility schemes)
1st Floor
242 Vauxhall Bridge Road
London SW1V 1AU
0845 0 21 20 20
www.housingmoves.org

Housing Ombudsman Service

81 Aldwych
London WC2B 4HN
0845 7125 973
www.ihos.org.uk

Housing Rights Service

4th Floor
Middleton Buildings
10–12 High Street
Belfast BT1 2BA
028 9024 5640
www.housingrights.org.uk

Law Centres Federation

293–299 Kentish Town Road
London NW5 2TJ
020 7428 4400
www.lawcentres.org.uk

Leasehold Advisory Service (LEASE)

31 Worship Street
London EC2A 2DX
020 7374 5380
www.lease-advice.org

National Housing Federation

Lion Court
25 Procter Street
London WC1V 6NY
020 7067 1010
www.housing.org.uk

National Mediation Centre

23 St James Gardens
Ffynone
Swansea SA1 6DY
01792 469626
www.dispute.co.uk

**Residential Property Tribunal
Service**

(administers Rent Assessment
Committees)
0845 600 3178
www.rpts.gov.uk

Shelter (England and Wales)

Free helpline open from 8am to 8pm,
seven days a week (some mobile
phone networks charge for calls to
this number) – 0808 800 4444
www.shelter.org.uk/adviceonline

Shelter (Scotland)

Free helpline from 9am to 5pm,
Monday to Friday (some mobile
phone networks charge for calls to
this number) – 0808 800 4444
www.shelter.org.uk/adviceonline

Everyone should have a home

We are one of the richest countries in the world, and yet millions of people in Britain wake up every day in housing that is run-down, overcrowded, or dangerous. Many others have lost their home altogether. Bad housing robs us of security, health, and a fair chance in life.

Shelter helps more than 170,000 people a year fight for their rights, get back on their feet, and find and keep a home. We also tackle the root causes of bad housing by campaigning for new laws, policies, and solutions.

Our website gets more than 100,000 visits a month; visit www.shelter.org.uk to join our campaign, find housing advice, or make a donation.

**We need your help to continue our work.
Please support us.**

88 Old Street
London EC1V 9HU

0845 458 4590
www.shelter.org.uk

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and in Scotland (SC002327).

Shelter