

## SECTION B: YOUR RIGHTS


This Section includes:

- ◆ Introductory Tenants Rights
- ◆ Secure Tenants Rights
- ◆ Succession
- ◆ Assignment
- ◆ Lodgers
- ◆ Sub-letting home
- ◆ Right-to-Buy
- ◆ Homebuy
- ◆ Tenant Improvements and compensation
- ◆ Right to view files and council information

### Secure tenants

If you had a council tenancy before 1 April 2006, or you have successfully completed the trial period as an introductory tenant you will be, or have become, a secure tenant. As a secure tenant you have several rights including:

- Right to repair
- Right to exchange with someone else
- Right to assign or Succeed to a Tenancy
- Right to apply to transfer to another home
- Right to buy your home
- Right to make improvements
- Right to compensation for improvements
- Right to take in lodgers
- Right to sublet
- Right to manage
- Right to be consulted

These are included in the tenancy agreement and are explained in the Department of Communities and Local Government leaflet “Your Rights as a Council Tenant – The Council Tenant’s Charter”. 

### Introductory tenants

Please note as an introductory tenant you have some of the rights only of a secure tenant. You do have the right to “Right to Repair” “Right to Succeed” and the “Right to be Consulted”.

But as an introductory tenant you do **not** have the right:

- To sublet part of your home
- Take in lodgers
- Improve your home

- Exchange your home with someone else (**See Section J moving home**)
- Buy your home (although if you become a secure tenant the trial period will count towards your discount)

## **SECURE TENANTS' RIGHTS**

### **Succession – What happens to people living with me if I die?**

It may be possible for members of your family to take over your tenancy when you die. This is called a succession.

A husband, wife, or person living with the tenant as a partner at the time of death can succeed to a tenancy. Other family members who have lived with the tenant for 12 months may also succeed to a tenancy.

Legally, only one succession may be granted during a Council tenancy. However in certain circumstances a new tenancy may be given when a succession has previously taken place. This tenancy may be of another property.

### **Assignment - Can I Give My Tenancy to Someone Else?**

If you no longer want to live in your home, you may be able to give your tenancy to another family member who could have succeeded to your tenancy. This is called an assignment.

You may also assign your tenancy to another Council tenant or sometimes a Housing Association tenant by doing an exchange (or swap) with them.

You must get the written permission of the Council, and any other landlord involved, before you assign your tenancy to another person.

### **Can I have lodgers?**

You have a right to take in lodgers, unless this would result in overcrowding, but you must tell us when anyone moves into or leaves your home.

If you receive housing benefit, you must also tell the Council's Benefit Services Section.

### **Can I sub-let my home?**

You may (if you are a secure tenant) sub-let part of your home if you ask for the Council's permission, but you cannot sub-let all of your home.

The difference between taking in a lodger and sub-letting part of your home, is that a lodger shares your house and will pay you for their meals and upkeep. A sub-tenant will have their own part of your home and will normally do their own cooking and cleaning.

If you are thinking of taking in lodgers, or sub-letting part of your home, please contact your Neighbourhood Housing Office.

### **What is the Right-to-Buy?**

As a secure tenant, you may have the Right-to-Buy your home. You must have been a

tenant for 5 years if your tenancy started after 18 January 2005 (for tenancies starting before 18 January 2005 the time limit was 2 years). You will get a discount on the valuation depending on the length of your tenancy. As at 2008 the maximum discount you can receive is £24,000.

Previous tenancies of any Council and some housing association properties may count towards the discount.

Most tenants have the Right-to-Buy, but some accommodation may not be included. For instance:

- some housing for the elderly;
- homes adapted for people with disabilities;
- properties being used as temporary accommodation.

### **I want to buy a private house, is any help available?**

The **Homebuy** scheme is designed to give people, including Harrogate Borough Council tenants an opportunity to buy a property on the open market who otherwise could not afford to buy one outright.

If you would like more information please contact your Neighbourhood Housing Office or the Housing Needs Centre.

## **WHAT IMPROVEMENTS COULD I DO TO MY HOME? WHAT PERMISSION DO I NEED?**

You have the right to carry out improvements or alterations to your home, but you must always get the Council's written permission first.

You must get planning and building regulations approval, where necessary, and meet any costs involved. Remember all work must always be done by a competent person; for example, gas fittings must be carried out by a CORGI registered person and electrical fittings and wirings must be carried out by a qualified electrician. You will usually have a responsibility to repair and maintain anything that you have had fitted yourself. If you have installed a gas cooker, gas heating or fire, (or any other gas appliance), you should arrange to have these serviced by a CORGI registered engineer each year.

Improvements you may do with permission include:


- internal layout changes
- building extensions
- erecting garages, sheds, or greenhouses
- installing a gas appliance
- installing central heating
- fitting a new bathroom
- fitting new kitchen units
- putting in a new fireplace

- installing extra electrical sockets
- erecting new fencing and gates

You do not need permission to install a cooker, but these must be fitted by either a CORGI registered person for gas cookers or by a qualified electrician for electric cookers.

For installation of a drive, or hardstanding, you may be able to get a grant from the Council - please ask at your Neighbourhood Housing Office.

## **WHAT IS THE RIGHT TO COMPENSATION FOR IMPROVEMENT WORKS?**

If you have carried out improvements since 1 April 1994 with the Council's permission, you may be able to get compensation at the end of your tenancy. The amount of compensation paid depends on the age and amount spent on the improvements. For more information see the booklet published by the Department of Communities and Local Government 'A better deal for tenants: Your right to compensation for improvements', which is available from your Neighbourhood Housing Office.  The improvements you have done will not increase your rent, or the purchase price of your home, if you decide to buy it.

## **CAN I SEE COUNCIL FILES AND RECORDS?**

You also have the right, under data protection legislation to see the Council file that contains information about your tenancy. Please note that certain information in your file is confidential - for instance complaints made about you by other people, or certain medical information. You may have to pay an administration fee (£10 maximum) for looking at your Council file.

Under the Freedom of Information Act you can ask to see any council policy or document that is in the public domain.

To look at your file or seek council information please contact your Neighbourhood Housing Office.