



Right to Take in Lodgers and Sublet

Lodgers

A lodger is someone who lives with you as part of your family and receives some services, e.g. meals or laundry, in return for a charge that you make.

If you wish to take in a lodger then you must first obtain CHISEL's written permission; and you should let us know the name, age and sex of your lodger. We need to ensure that you are not breaking your tenancy agreement by overcrowding your home. You should also inform us of the charge you make. We will not unreasonably withhold permission.

Subletting

A sub-tenant is someone who lives separately to your family, receives no service from you, has exclusive rights to part of your home and pays rent to you. As long as you continue to live in your home you can sublet part of it, but you must obtain CHISEL's written permission first. You will need to provide the same information as for lodgers. CHISEL will not unreasonably withhold permission.

You do not have the right to leave your home and rent it to another person, nor give up your keys to someone else. CHISEL has the right to take legal action to repossess your home if this happens. However, in special circumstances, we will agree to your allowing someone else to occupy your home if you have to be away for a temporary period of up to 6 months. You must first get written permission from us and you must make it clear to the person staying at your home that they do not have a tenancy nor any of the rights that go with a tenancy.

If you take in a lodger or sublet and you claim Housing Benefit and/or Income Support, you are obliged to inform the council and/or Department of Work and Pensions, as this is a change in circumstances. Your benefits may be reduced because of the income you receive. CHISEL carries out tenancy audits from time to time. We will investigate any unauthorised lodgers or sublets and inform the relevant parties including the Department of Work and Pensions.

If you are subletting or taking in lodgers because your house is too big for you to manage alone, perhaps you would like to consider applying for a transfer to smaller accommodation. Please speak to the housing manager about this.

Succession

There is a legal right to take over, or 'succeed' to a tenancy in certain circumstances. This right can only be used once on any tenancy.



Succession of joint tenants

If a joint tenant dies, the tenancy automatically passes to the surviving tenant. This counts as succession. It only applies if neither of the joint tenants has already succeeded to the tenancy.

Succession of husband, wife or partner of sole tenant

A husband, wife or partner of a sole tenant has the right to succession. This means that if the tenant dies they can claim the tenancy, provided they were living with the tenant immediately before his/her death as their only or principal home, and provided the tenant had not already succeeded to the tenancy.

Succession of other members of the family

Members of the family, other than husband, wife or partner do not have a legal right to succeed to the tenancy if the tenant dies. However, CHISEL will consider granting the tenancy to other members of the family who either:

- had been living with the tenant for the year before the tenant's death; or
- had been looking after the tenant; or
- had accepted responsibility for the tenant's dependants; or
- would be made homeless if required to leave the accommodation.

This will be at the discretion of CHISEL. If the tenant dies and there is no husband, wife or partner, then anyone else living as part of the household should get in touch with the Housing Manager immediately.

Joint tenancies

We normally grant joint tenancies when two adults have applied together for housing - usually this will be you and your partner. Both joint tenants have equal rights, and both are equally responsible for fulfilling the conditions of tenancy - paying the rent, reporting repairs to us etc.

If one joint tenant decides to move out, he or she should inform us in writing so that the tenancy can be transferred to the tenant who remains.

Relationship breakdown

If a relationship breaks down, one partner often decides to move out. Before doing so you may want to consider talking to the housing manager or to a solicitor or the Citizens Advice Bureau, to make sure you fully understand the implications of what you are doing.

In some cases the courts (as part of the judicial separation or divorce proceedings) make an order as to which joint tenant should be given the tenancy - normally such orders go in favour of the partner who is looking after any children.



If there is no direction by the courts, we cannot transfer the tenancy from joint names to the sole name of a partner remaining in the property unless the partner who has left has given notification in writing that he or she is giving up their rights in favour of the other.

Passing on your tenancy (assignment)

You are not normally permitted to pass on (assign) your tenancy to anyone else. Passing on your tenancy without our written consent will normally result in CHISEL treating the new occupiers as unlawful occupants (squatters), and taking action to evict them.

There are two exceptions, when you can assign your tenancy:

- following a court order as part of divorce or judicial separation proceedings;
- where CHISEL has consented to a mutual exchange.

Mutual exchange

CHISEL encourages tenants to enter into a mutual exchange with other tenants.

Transfers

We operate a transfer waiting list. If you are interested in transferring to a different property, please see further details on pages 39-40 of the tenants hand book.

Other rights

You have more rights than the ones stated here. Please refer to your tenancy agreement and, if you need further information please talk to the housing manager.