

## **Tenant Question Time- Understanding your tenancy**

### **What is a Tenant Question Time event (TQT)?**

This was the seventh in a series of TQT events organised by the Gateway Membership Team (GMT).

The TQTs give tenants the opportunity to ask questions to a panel of specialist staff on a specific topic. The session is facilitated by an Independent Tenant Advisor, Tim Morton.

The next TQT will be on **Wednesday 23<sup>rd</sup> January 2019** at Watford Community Housing main offices on Clarendon Road. The GMT welcomes ideas from tenants for future events, which you can submit by emailing [gmt@wcht.org.uk](mailto:gmt@wcht.org.uk).

The GMT would like to thank everyone who attended the TQT and for the respectful way that it was conducted. However, members of the audience did explain that at times they found it difficult to hear the panel and asked for everyone attending to agree to not have more than one person speaking at a time.

### **The panel:**

**Amy Willcox-Smith** – Head of Customer Relationships

**Jagruti Gopal** – Senior Housing Options Officer

**Tim Morton** – Gateway Membership Team Independent Tenant Advisor

**Andrea Loomes** – Neighbourhood Services Team Leader

The panel began by explaining that due to various changes in legislation over the years, there are lots of different types of tenancies. Which type you have depends on when you joined up and whether it was social or affordable rent. Amy emphasised that it is crucial to remember that, with each of the questions tonight, it will often depend on your personal circumstances. If you have specific questions relating to your circumstances, please contact us on 0800 218 2247.

### **Q. How do you add a person to live in your property?**

To change a sole tenancy (one person) into a joint tenancy, the tenancy needs to be clear of rent arrears. Once that person is added you get a new tenancy. A tenancy audit would need to be carried out and ID of the person being added provided to your Neighbourhood Officer.

Another option is to add a person to the property, instead of adding them to the tenancy. In order to add people as living at the property, ID would need to be provided.

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The panel then explained the reverse situation. A change from joint to sole tenancy would be classed as an assignment and this could count towards a succession, depending on your specific tenancy. An example was given of a relationship breakdown and one person leaving the property giving up their share of the tenancy to make one sole tenancy for the person who remains. We can add additional people but they will need to show some ID.

**Q. Does the rent cost increase when another person is added to the tenancy?**

This depends on whether you are on a social, affordable or market rent tenancy. If you make a change to an affordable tenancy, this can happen. This is part of housing law and isn't something that we have any discretion over. If you would like to check your tenancy type please contact Neighbourhoods on 01923 209227.

**Q. Do we undertake any checks on people who want to become a joint tenant?**

The panel emphasised that all concerns regarding vulnerable people should be reported. We do not run DBS checks on residents coming into properties or living within them. The Neighbourhood Officers do undertake audits which are an opportunity to flag up these concerns around safeguarding. We do ask tenants to let us know if they have any concerns about their neighbours or their neighbour's behaviour.

**Q. Is my tenancy transferable to my children? What happens in the event of mine or my partner's death? Would the children be evicted? (Does it matter how old they are?)**

It really does depend on the specifics of your tenancy. Older tenancies usually include more succession rights, as changes in legislation have tended to make tenancies more restrictive over time. Generally speaking, if one partner dies, the tenancy would be automatically succeeded to the other joint tenant. Then, if the other partner dies, there would be no succession rights for the children.

Sometimes in the event of the death of a tenant, the right to succession is to a tenancy but not necessarily to that specific property. This is to ensure that people are allocated a property that is the right size for their needs. It would be allocated based on their specific housing need and only for one person. The person would need to be able to prove that they have been living at the property for the last 12 months as their main home.

Tim explained that the housing crisis is a factor in some of these restrictions. He also reminded the audience that sometimes people don't want to accept what has been offered.

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A member of the audience gave an example of someone that lost both parents and has remained in their family home with their partner and child. The panel emphasised that staff understand how difficult bereavement can be and that evicting people is a last resort. We would always encourage people to access support. Within the restrictions of the law, we do what we can to help support those affected.

**Q. If you are a sole tenant and the only person living there and you pass away, how long would family have to clear the property?**

The family or next of kin would have 4 weeks to empty the property. Anyone can ring up and let us know that a tenant has passed away but we would need to see a death certificate and there always needs to be an executor to the will. If there is no executor then it will need to go to the public trustee.

Amy explained that we are looking at how we can support our tenants to access support to set-up a will, as this is very important.

**Q. What opportunities are there for young people in regards to tenancies?**

Watford Community Housing do not have a younger persons service, so it would be the same process of going to Watford Borough Council and being assessed based on the need of the individual. It would then depend on the nominations and allocations policy. The council would assess your need against their housing policy. The audience asked if we could consider this as an option moving forward. This is not currently part of our business plan as a separate offer as young people can apply via the usual routes.

**Q. Do I still have a right to buy? (I've been a tenant for over 18 years)**

If it is a secure tenancy then the answer is yes. You can visit: [www.wcht.org.uk/right-to-buy](http://www.wcht.org.uk/right-to-buy) to see all of the information on Right To Buy. The maximum entitlement for Right To Buy in Watford £80,900.

**Q. What is the difference between Right to Buy and Right to Acquire?**

Right to Acquire is for those people that are on assured tenancies. The maximum entitlement is £16,000. More information can be found here: [www.wcht.org.uk/right-to-acquire](http://www.wcht.org.uk/right-to-acquire)

**Q. Can we add the children to the tenancy?**

You can't add children/grandchildren onto the tenancy jointly with you, but you can add them onto the household.

**Q. Is it true that someone can be asked for a £300 deposit when they are allocated a property?**

It depends on what property you are moving into. We do ask for one week of full rent in advance when people are moving in and, if paying monthly, sufficient payment to ensure the account remains clear until the first direct debit is taken. For monthly tenancies we also request that a tenant is paying monthly or in advance. If this is something that people cannot afford, the team will support people to pay a small additional amount so that in time they will be paying in accordance with their tenancy conditions. This would depend on whether it is social, affordable or market rent but helps to protect the tenant from rent arrears.

**Q. In the case of a joint tenancy in which the couple are claiming Universal Credit, if one of them leaves does Watford Community Housing assist the lone person to claim 100% payment of the rent entitlement?**

We had a case like this very recently and our Tenancy Support Officers worked extensively with the tenant to secure the 100% payment. It was not easy to secure but we work hard to support our tenants to access this. We have so far dealt with around 4-5 cases like this.

**Q. If a tenant has lived in a property for over 40 years on a secure tenancy, then adds their partner onto their tenancy, do they keep the secure tenancy?**

You would keep the secure element of the tenancy and it would just be a case of adding the person. You would need to ensure that the rent account is clear and provide evidence that the person to be added has been living in the property as their main home for at least 12 months.

**Q. If you add a person on to your tenancy does it change your tenancy start date?**

No, the tenancy start date would remain the same.

**Q. If you are in a three bed property with no family, can you downsize to a 2 bed or must it be a 1 bed property?**

There are two ways you can downsize, so it depends on which route you take:

1. Homeswapper – This is a national house moving database that links tenants together to swap their properties. This is free for our tenants and allows them to take ownership of the process and even move nationally. If you were downsizing via this route you can have an extra bedroom, if this is something you could afford. In addition, checks need to be undertaken to ensure the rent account is clear and there are no anti-social behaviour or tenancy issues.

2. Home Connections – Register and fill in an application to say that you want to downsize. The council assesses the application and you would be given a preferential banding. You would only be given housing suitable to your needs in accordance with the council process.

The GMT have recently reviewed and agreed a paper around rightsizing. This is in response to feedback on the process that we have received and this should be launching in April.

**Q. Do you have to pay bedroom tax if you keep an extra bedroom on the downsizing?**

Tenants will only pay bedroom tax if they are working age and receiving benefits.

**Q. Can I use Homeswapper to switch to a property near to the seaside?**

Homeswapper is only available for general needs properties, not for Independent Living tenancies. You would need to register with the Local Authority in the area you would like to move to, although it is worth bearing in mind that they will often ask for a local connection. A local connection could be that you have family in that area and you are looking to move nearer to them.

**Q. Would Watford Community Housing allow someone to downsize if they have rent arrears from the bedroom tax?**

Under the new rightsizing scheme you would be eligible for an interim payment that you could use to clear the arrears that you have built up as a result of the bedroom tax.

**Q. When you downsize, does a secure tenant take all current tenancy agreements with them?**

This would depend on whether it is affordable or social rent. If you are moving from social rent to social rent you should keep your secure tenancy. Tenancies after April 2012 have added complications due to the introduction of the Localism Act. In some cases, properties have been converted from social to affordable rent as per funding requirements and this adds a further layer of complication. Amy emphasised that we are currently looking at building

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more social housing and are not looking to convert many properties. We are governed by legislation that does restrict our options with regards to grants for building new homes but we are about to start a new programme of Social Housing.

**Q. Can I take in a lodger?**

Tenancies do state that you have the right to take in a lodger but this depends on whether you have a spare room. If you are on benefits a lodger would affect your housing benefit entitlement. Tenants looking to explore this option would need to ask permission from Watford Community Housing and we would ask you for details. For example, we would need to make sure that the lodger has the right to remain here. Some places cannot take in a lodger, for example our 50+ schemes.

**Q. What is the difference between subletting and taking in a lodger?**

You cannot sublet your entire property as this is a criminal offence. A lodger rents a furnished room in your home and has access to shared rooms such as bathroom/kitchen. A subtenant has exclusive use of a room in a property. You would need permission to enter the room and they may put a lock on the door. When we audit properties we are looking out for people subletting. The panel shared an example of subletting that was successfully prosecuted. If tenants become aware that a tenant is not living in their property, the panel urged the audience to report this to us.

**Q. Can you become an Air BNB host?**

No, this would be classed as running a business from your property.