

TENANCY CHANGES POLICY (SOLE TO JOINT & JOINT TO SOLE)

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1 STATEMENT ON POLICY – SOLE TO JOINT

- 1.1 There is no right to the granting of a joint tenancy, nor to add a tenant to an existing tenancy. If a tenant requests a joint tenancy this is a matter which is at the discretion of the landlord. For housing applicants where the proposed joint tenants are both eligible for social housing as defined by legislation, the tenants could be granted a joint tenancy; a joint tenancy will NOT be granted where the proposed joint tenant does not have recourse to public funds.
- 1.2 Existing sole tenants can request a joint tenancy be created at the landlord's discretion, where:
 - The proposed joint tenant is married to or is a civil partner of the existing tenant
 - The proposed joint tenants live together as a couple and the relationship is an established one i.e. evidence is produced showing they have lived together for at least 12 months prior to the application.
- 1.3 If the sole tenant is in breach of any of the tenancy conditions the joint application will be refused.
- 1.4 The City Council do not normally agree to joint tenancy requests between generations – to a person who is entitled to succeed to that tenancy (e.g. mother and daughter) as this could compromise its ability to make the best use of its housing stock.

2 STATEMENT ON POLICY – JOINT TO SOLE

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- 2.1 Joint tenants are responsible individually and together for keeping to the tenancy conditions and making sure that rent and other charges are paid.
- 2.2 It is not possible for a joint tenancy to be passed on by deed of assignment or deed of release except in the case where it is required by a court order under the matrimonial legislation or the Children' Act.
- 2.3 If the joint tenants and the landlord agree, another way of transferring a joint tenancy into the sole name of a remaining tenant is for the joint tenancy to be terminated by a Notice to Quit given by one of the tenants, and then for a new tenancy to be granted by the landlord.
- 2.4 Where one of the joint tenants may wish to remain in the property the request for a sole tenancy will be considered by the Housing Services Manager before the remaining tenant is required to give Notice To Quit.
- 2.5 A sole tenancy request will be refused where the applicant does not have recourse to public funds.
- 2.6 Where the Council has evidence that a joint tenant is the perpetrator of domestic abuse on the other and that the victim of abuse wishes to remain in the tenancy, it will allow the victim of abuse to be re-instated as a sole tenant following a notice to quit as long as there no other reasons which prevent the Council from offering the tenancy in this way.
- 2.7 In the event that there are other reasons preventing the Council offering the tenancy in domestic abuse cases, as outlined in 2.6 above, officers will refer the case to the Senior Officer Review Panel (SORP) to make a decision as to whether an exception should be made or whether alternative accommodation should be offered.

3 KEY ISSUES FOR POLICY IMPLEMENTATION

- 3.1 Housing Officers will process tenancy changes following decisions made in Court.
- 3.2 When one tenant in a joint tenancy serves a Notice to Quit, the other tenant will be notified in writing as it will end the tenancy for both joint tenants - see the Use and Occupation Policy for more information.
- 3.3 A request for a change from a joint to a sole tenancy will be referred to the Housing Services Manager, or with delegated authority to a Housing Officer.
- 3.4 Before considering a request for a sole to joint tenancy the Housing Officer must confirm the details of the new tenant.
- 3.5 A Notice to Quit is required to end the sole tenancy before a joint tenancy is offered.
- 3.6 As long as one joint tenant lives in the property the tenancy is secure and the tenancy will continue as long as the rent is paid and the Tenancy Agreement is adhered to.

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