https://www.housingrights.org.uk/housing-advice/social-tenants-rights/changing-your-tenancy

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Changing your tenancy

This information is for people living in Northern Ireland.

Changing your tenancy

Get advice if your landlord wants to make changes to your tenancy.

You might want to make changes to your social tenancy over time. This could include adding someone to your tenancy or passing it on to a family member.

For most changes, you must get your landlord’s permission beforehand.

Passing on your tenancy

Some social tenants can pass on their tenancies to another person. This means you are no longer the tenant, and the person who ‘inherits’ the tenancy becomes the tenant.

There are two ways you can pass on your tenancy:

- **assignment** is when you pass your tenancy on to someone while you’re alive
- **succession** is when your tenancy passes on to someone after you die

Social tenants have a legal right to assignment and succession. But for your tenancy to be passed on, certain conditions must be met, and the proper process must be followed.

Passing on your tenancy can be complicated. Speak to our advisers if you're unsure if you can do this or if your landlord has refused your request.

Assigning your tenancy to someone else

An assignment is when you pass your tenancy on to someone while you're alive.

You may want to assign your tenancy if you:

- left the property and someone else moved in to care for your children
- split up with your partner and want to change the tenancy into your name only

You may also wish to assign your tenancy to a former partner if you are divorcing or separating. Speak to a solicitor if this applies.

Swapping or exchanging your tenancy is also a form of assignment. You must have your landlord's permission before you swap your tenancy with someone else. You can not swap your tenancy if you or the person you wish to swap with are introductory tenants.

Assigning a tenancy because of health and care needs

You might want to assign your tenancy if you:

- cannot continue with the tenancy due to serious ill health, or
- have to move into residential care, sheltered or supported housing, and
- someone who has been living with you wants to stay in the property

You still must meet certain conditions.

Speak to our advisers if you want to know more about assigning your tenancy.

Following some changes to the rules, you might not be able to take on a tenancy even if you meet some of the criteria. In this case, you should still get one reasonable offer of accommodation elsewhere. Speak to our advisers to discuss your options.

Succeeding a tenancy after the tenant has died

A succession happens after a tenant dies. Their tenancy may be able to be passed on to someone else. It usually happens only once.

You could succeed to a tenancy if you are:

- the tenant's spouse or civil partner and you lived at the property, or
- the tenant's relative and you lived at the property with the tenant for at least one year, or
- a person who has moved in to care for the tenant's dependent children, or
- a person who gave up their own tenancy to care for the tenant at the address

You don’t automatically have the right to live in the property if the tenant has died. Get advice if you think you have a right to inherit the tenancy of the property you’re living in.

Changes to the rules mean that even if you meet some of the criteria, you might not be able to succeed in the tenancy. You may still be entitled to one reasonable offer of accommodation elsewhere. Speak to our advisers to discuss your options.

Landlord refuses to let the tenancy be passed on

You can only pass on a tenancy under certain circumstances. If your landlord refuses your request to assign or succeed to the tenancy, you can ask for a review of the decision. Get advice as soon as possible.

Housing Executive tenants have seven days to ask for this review. Housing Associations will have their own timescales.

Private tenants generally don’t have the right to pass on a tenancy unless they have a protected tenancy.

Paying rent when you’re not a tenant

Paying rent to a landlord is a basic responsibility for all tenants. But if the tenant’s situation changes, you may be responsible for paying rent on another tenant’s behalf.

This can happen if you're living in the property and:

- the tenant moves away or dies
- the tenancy officially ends, or
- the tenant is in custody

Even though you're not an official tenant, you may be responsible for paying rent. If you're in this situation, talk to the landlord and make a plan to pay rent and avoid getting into arrears.

It may be possible to receive Universal Credit or Housing Benefit to help with the rent. Get advice if this applies.

Waiting for a decision on assignment or succession

You must continue to pay rent while you're waiting for the landlord to either:

- make a decision on your assignment or succession request or
- review a decision if they have refused assignment or succession

Ask the landlord to confirm in writing that you're responsible for the rent while they make a decision. You will need this if you are going to apply for help through Universal Credit or Housing Benefit.

When a court grants a possession order

A possession order from the court officially ends a tenancy. Even though the tenancy has legally ended, you may be able to continue to live in the property as an occupier.

As an occupier, you must still pay the landlord rent until you leave the property. This payment is sometimes called 'use and occupation charges'.

You can get Universal Credit or Housing Benefit to help with these charges.

Looking after a tenancy while the tenant is in prison

If you live with someone who has gone to prison, you might be able to get help to pay rent while they're in custody. A tenant in custody for a longer period may not

qualify for this support.

The tenant must ask their landlord to let you act as the ‘nominated occupant’ for the tenancy. A nominated occupant:

- must have lived in the property with the tenant
- must have lived in the property before the tenant went into custody

If the landlord allows you to be a nominated occupant, you will not have the same rights as a tenant, but you:

- are responsible for paying rent
- can apply Universal Credit or Housing Benefit to help with rent

Adding someone to your social tenancy

You do not have to add people who live with you on to your tenancy. But you should tell your landlord, Universal Credit or Housing Benefit about them. Having other people living with you could affect your benefits.

If you do want to add someone to your tenancy, they will become a joint tenant. This will mean that they are an equal tenant to you. They will have equal rights and responsibilities, including paying rent.

To add a joint tenant, you need your landlord’s permission. The landlord may refuse your request.

Making someone a joint tenant

You can ask your landlord to add someone as a joint tenant if they:

- are your spouse or civil partner or
- could inherit your tenancy when you die under the succession rules or
- lived with you when you first moved into your home or
- have been living with you as part of your household for at least a year

Your landlord might ask for proof that the person has been living with you. You can use utility bills, bank statements and official letters to prove this.

Your landlord could refuse to add a joint tenant if they have evidence that you plan to move out soon. Speak to an adviser if your landlord refuses to let you add someone to your tenancy.

Video: How to add someone to your social tenancy

Video transcript

Let’s talk about how to add someone to your tenancy when you’re renting from a housing association or the Housing Executive. If someone is living with you, you don't have to add them to your tenancy. But you should let your landlord know they’re there.

Adding someone to your tenancy means you both become joint tenants. It’s not the same as passing your tenancy on to someone else. You need permission from your landlord to add someone as a joint tenant.

You can add someone as a joint tenant if:

- they're your husband, wife or civil partner, or
- they've been living with you as part of your household for at least a year, or
- they lived with you when you first moved into your home

Your landlord might ask for proof that the person has been living with you. You can use utility bills, bank statements or official letters to help prove this. Your landlord could refuse if they have proof you plan to move out soon. Contact us if your landlord doesn’t let you add someone to your tenancy.

Adding someone to your tenancy can impact your benefits. You must let Universal Credit or Housing Benefit know as the amount of help you with rent could change.

Contact Housing Rights if you have questions about adding someone to your social tenancy. You can call, email or chat to an adviser online.

Changes to benefits if you create a joint tenancy

Your benefits can change if you add someone to your tenancy. The other joint tenant will also be responsible for paying some of the rent.

Universal Credit and Housing Benefit can sometimes refuse to help with your rent. This can happen if they think you've changed your tenancy so that you can:

- claim benefits that you couldn't before, or
- claim extra benefits to help with rent

Get advice if you have changed your tenancy and need help to pay rent.

Ending a joint tenancy

Joint tenants have equal rights to a property. You must follow the proper process to end a joint tenancy.

Other options for changing your tenancy

You can apply for a transfer if your property no longer meets your needs. Or you can find another social tenant willing to swap or exchange tenancies.