Housing Rights

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Social tenants' rights and responsibilities

This information is for people living in Northern Ireland.

If you rent from the Housing Executive or a housing association, you have a social tenancy. It’s important to understand your rights and responsibilities as a social tenant.

Types of social tenancies

Social tenants can be introductory or secure. An introductory tenancy is a trial tenancy before you have all the rights of a secure tenant.

Introductory tenants

You’re an introductory tenant for the first year of your tenancy. If you stick to your tenancy agreement for one year, you become a secure tenant.

If you’re an introductory tenant, you cannot:

- apply for a transfer
- swap or exchange your home
- make big changes to your home
- get compensation if your landlord does not do repairs

A social landlord must follow the proper process to evict any type of tenant. But it’s easier for a landlord to evict an introductory tenant than a secure tenant.

Secure tenants

Secure tenants have lived in a social tenancy for at least a year. If you're a secure tenant, you have much stronger legal rights than an introductory tenant.

If you're a secure tenant and you transfer to another social tenancy, you're still a secure tenant.

Social tenants' rights

Your rights as a tenant should be in your tenancy agreement and tenant handbook. Some of your rights come from legislation. These are known as 'statutory rights'. Others are additional rights given to you by your landlord.

There is also a legal principle known as 'quiet and peaceful enjoyment'. All tenants are entitled to the quiet enjoyment of their homes. This means you control who can enter your home. Your social landlord cannot enter your home without your permission. However, there is an exception in an emergency.

Some rights apply to all social tenants, including the right to:

- have certain repairs done
- apply for a transfer to another property
- pass on your tenancy in specific cases
- take in a lodger or sublet part of your home
- swap your home with another secure tenant

If you're a Housing Executive tenant, you can buy your home if you meet certain conditions.

You have the right to information about your tenancy. Your landlord must tell you about any changes that affect your home or rights.

If your landlord plans to make changes to how they manage your tenancy, they must:

- give you information about the changes
- ask you for your opinion on their proposals
- explain how they take your views into account

Your right to quiet and peaceful enjoyment

As a tenant, you are entitled to quiet and peaceful enjoyment. This means that usually your landlord cannot enter your home without your permission.

There may be times when your landlord needs access to your home. This could be for the landlord's staff or a tradesperson to carry out a repair or an inspection. For example:

- to view the condition of the property
- to read, install, service, improve or remove a meter
- carrying out repairs that you have requested
- carrying out routine maintenance or improvement works, or
- to fulfil their legal requirements, such as a gas inspection

Your landlord will also need access to your home in the case of an emergency.

If work needs to be done at your home, it is in your best interests to allow access. Access should be pre-arranged and give you enough notice.

One of the Housing Executive's conditions of tenancy is that tenants must allow access in the circumstances outlined above. If you are a Housing Association tenant, the same requirement is likely to apply.

You should not refuse access unreasonably. If you do, it could be a breach of your tenancy agreement. Failing to allow repairs could cause the disrepair to worsen. This, in turn, could lead to a deterioration of your living conditions and the property. For example, failing to fix a bathroom leak could cause further damage if water seeps through the ceiling below.

Continuously refusing reasonable access could lead the landlord to take legal action. They could seek an injunction. An injunction is issued by the court. It can order a person to do or stop doing something. For example, it can order a tenant to allow access to the property. You may be liable for any legal costs resulting from them having to take this action.

If a landlord or their representative enters your home without your permission, it could amount to harassment.

Extra rights for secure tenants

If you're a secure tenant, you also have the right to:

- improve your home
- compensation from your landlord in certain situations

You'll need to get your landlord's written permission before making any improvements.

Compensation from your landlord

You can get compensation from your landlord if:

- they do not do certain urgent or emergency repairs
- they cause injury or damage while doing work in your home
- you're ending your tenancy and have made big improvements to your home

You cannot be compensated if you swapped, abandoned, or were evicted from your tenancy.

Social tenants' responsibilities

There are things you must do to keep your tenancy. If you do not, your landlord may try to evict you.

As a social tenant, you must:

- pay rent and rates
- look after your home
- stick to your tenancy agreement
- get permission for certain changes
- do repairs that are your responsibility
- report repairs to your landlord and replace items you damage
- make sure you and the people in your home do not cause antisocial behaviour
- leave the property in good condition at the end of your tenancy

You must live in your property as your main home and tell your landlord if you will be away for a while. Your landlord may think you've abandoned your home if

you’re not living there.

Your tenancy agreement and tenant’s handbook explain your responsibilities in more detail.

Getting permission to make big changes

You’re entitled to privacy in your home, but you should tell your landlord if you plan to make any major changes.

You must get written permission from your landlord to make changes, including:

- transferring to another social tenancy
- swapping your tenancy with someone else
- passing on your tenancy to someone else
- subletting part of your property
- keeping more than one pet

You also have to get permission if you plan to make big changes to your property, such as:

- decorating the outside of your property
- adding a shed or other type of outbuilding
- converting your attic or making structural changes

Get written permission and keep a copy of the letter or message from your landlord.

Making a complaint about your landlord

If you’re not happy with how your landlord treated you or if you have a problem in your home, you can make a complaint.

Sometimes an issue can be sorted out by talking to someone in your landlord’s office or a manager. If this does not work, you have the right to make a formal complaint. The Housing Executive and housing associations have different complaint procedures.

Complaining about the Housing Executive

You can formally complain about the Housing Executive's decisions, work or behaviour.

The formal complaints procedure starts with a ‘first stage complaint’. If the problem is not resolved at this stage, you can make a ‘second stage complaint’.

You can make a complaint if you think the Housing Executive:

- did not deliver a service on time
- gave you incorrect or not enough information
- provided you with poor service
- did not deal with your case properly

You can also make a complaint about a member of the Housing Executive staff.

Contact the District Office

In the first instance, you should contact your District Office to explain the problem. They might be able to resolve the issue. If they can't, you can use their formal complaints procedure.

Send your complaint to the right person

Make sure you send your complaint to the right person in the right office. Different managers deal with specific departments and areas within the Housing Executive.

Contact the Housing Executive to find out who is responsible.

You can send a complaint by post or email. But make sure you explain that this is a first-stage formal complaint. Ask for it to be passed on to the manager in charge of investigating these.

You can also use their online complaints facility.

It is important to include as much detail as possible about your complaint.

Writing your first stage complaint

Your complaint should include:

- your name, address and phone number
- why you’re complaining – include relevant dates, times and names

- why you believe the Housing Executive’s decision or actions were wrong
- how you want the Housing Executive to fix the problem

Keep a copy of your letter, along with any photos or paperwork you send with your complaint. Make a note of when you sent them. If you use the online facility, you should be notified when you submit the complaint.

Getting a response from the Housing Executive

The Housing Executive will appoint an investigating officer to look into your complaint.

The investigating officer must:

1. **contact you within three working days of receiving the complaint** to let you know they got it and ensure they understand the problem
2. **investigate the complaint and respond within ten working days** - this could take longer if they need more information from you or another party, such as a contractor.
3. **give you a written response** addressing each point in your complaint.
4. **tell you how to escalate your complaint to the second stage** if you’re unhappy with the outcome.

If a complaint is complex, it may be moved immediately to the second stage. The investigating officer will decide this.

Making a second stage complaint

If you’re not happy with the Housing Executive's response, you can start a second complaint. This is also called a final-stage complaint. You have three months to submit a second-stage complaint.

Your second stage complaint should:

- give your name, address and phone number
- explain what your original complaint was about
- say why you’re unhappy with the first stage complaint decision
- explain any circumstances the Housing Executive did not consider
- include any new evidence that may help your case

Get advice before writing your second complaint letter.

Send your second complaint letter by email to centralcomplaints@nihe.gov.uk or by post to:

Chief Executive's Office

Final Stage Complaint

Housing Executive

The Housing Centre

2 Adelaide Street

BT2 8PB

After submitting your second stage complaint, a complaints officer should:

1. **contact you within three working days of receiving the complaint** to confirm they got it
2. **investigate the complaint and respond within 20 working days.** This could take longer if they need more information or evidence from you
3. **give you a written response** addressing each point you made in your complaint
4. **tell you how to escalate your complaint to the Ombudsman** if you're not happy with the outcome

If you do not get a full response within 20 days, you should get a letter with:

- the reason for the delay, and
- a new time frame for a full response

Further complaint

If the Housing Executive doesn't change their decision at the second stage, you may be able to:

- complain to the Ombudsman, or
- apply for a judicial review, but you will need a solicitor to do this

Complaining about a housing association

Your housing association has a complaints procedure that explains:

- how to make a complaint
- how your landlord deals with it
- what you can do if you're not happy with their response

You can usually find the procedure on your landlord’s website or ask your housing officer for a copy.

Using the complaints process to complain

You can use the complaints process to complain about your landlord's actions. You can make a complaint if you’re unhappy about:

- how your housing association treated you
- a decision they made about your case
- the quality of service they provided
- how long it's taking them to do something

Making your complaint

You can complain in writing or by talking to your housing association.

Explain in clear terms:

- that you’re making a formal complaint
- why you’re complaining
- what you think your housing association did wrong
- what you've already done to try to sort out the problem

Keep a copy of your written complaint. If you complained in person or over the phone, ask the association to read it back to you. Make sure their notes match what you want to complain about.

Responding to your complaint

Your housing association should let you know:

- that they've got your complaint
- who will investigate your complaint
- when you’ll get a full response to your complaint

The complaints procedure should say how long it will take to get a response. It’s usually between three and five weeks.

Your housing association should tell you if they will miss this deadline. They should also explain why their response will be late.

Help if you're not happy with the response

There are usually three stages to the complaints process. You complain to:

1. the person responsible for the service, for example, a manager
2. the housing association's director or management board
3. the Ombudsman

Your housing association should try to resolve your complaint at the first stage. However, if you’re unhappy with the response, you can proceed to the next stage.

Talk to an adviser if your landlord didn’t fix the problem after your first complaint.

Taking your complaint further

If you’re unhappy with the outcome of the second-stage complaint, you may be able to:

- complain to the Ombudsman, or
- apply for a judicial review, but you will need a solicitor for this

You can complain to the **Ombudsman** if:

- you feel your social landlord did not treat you well
- you believe your social landlord did not handle your case properly

Before contacting the Ombudsman

You will need to complete your landlord’s internal complaints procedure first.

You can then complain to the Ombudsman if you:

- went through every stage of the internal complaints procedure, and
- did not get a satisfactory answer

The Ombudsman's website explains how you can make a complaint.

Issues the Ombudsman will not investigate

The Ombudsman will not investigate if:

- you complain more than six months after completing your landlord’s complaint procedure
- you could have gone to court or have already begun legal action
- you could take your case to a tribunal
- you make a complaint about government policy
- they believe the action or decision you are complaining about was reasonable

It may be better to complain to the Information Commissioner’s Office if your complaint is about:

- the Data Protection Act, or
- the Freedom of Information Act

If the Ombudsman cannot investigate your complaint, they should explain why.

Making a complaint

The Ombudsman's website has details on how to make a complaint. Writing a complaint is more effective than doing it over the phone.

In your complaint, include details of:

- the organisation you’re complaining about
- the incident you’re complaining about
- how the incident affected you

After you complain

The Ombudsman will investigate your complaint. They usually:

- write to the organisation involved
- summarise your complaint
- ask for the organisation’s comments on the matter

An investigating officer may interview you and anyone else involved in the complaint. They will write to you to let you know if the Ombudsman intends to look into the case further.

It can take months for the Ombudsman to complete a full investigation. Once the investigation is over, they'll contact you with their recommendations.

The Ombudsman's recommendation

The Ombudsman will recommend that your landlord works to solve the problem if they think:

- you've been treated unfairly, or
- your landlord did not act effectively

They could ask your landlord to apologise or pay money that you're owed because of their decision. You won't get any financial compensation for stress or other emotional trauma.

Repairs for social tenants

This information can be found here.

Problems with neighbours

This information is in our antisocial behaviour section.

More advice

- Changing your tenancy
- Applying for a transfer
- Swapping homes