

## Changing your tenancy

### Changing your tenancy

Over time you might want to make changes to your social tenancy. 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 to pass on your tenancy, you must meet certain conditions and follow the proper process.

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

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

To assign a tenancy to a former partner as part of divorce or separation proceedings, you'll need to speak to a solicitor.

Swapping your tenancy is also a form of assignment. You must have your landlord's permission before you swap your tenancy with someone else.

## **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.

## **Succeeding a tenancy after the tenant has died**

You may be able to take on a tenancy after a tenant dies. This is known as succession and it can usually only happen once.

You could take on 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 have an automatic right to live in the property if the tenant has died. Speak to our advisers if you think you have a right to inherit the tenancy of the property you're living in.

## Landlord refuses to let 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 this decision.

Housing Executive tenants have seven days to ask for this review.

Get advice as quickly as possible if your landlord refuses your request to pass on the tenancy. Speak to our advisers to see if Housing Rights can help you challenge the decision.

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.

If you get Universal Credit or Housing Benefit, you'll need to prove you're responsible for paying rent while the tenant isn't living in the property.

### Waiting for a decision on assignment or succession

Make arrangements to pay the landlord if you are living in a property while waiting to find out if the tenancy can pass on to you.

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

The landlord should confirm in writing that you're responsible for payment until they make a final decision about whether the tenancy can pass on to you.

### **When a court grants a possession order**

A possession order officially ends a tenancy and the tenant becomes an occupier.

As an occupier, you must still make payments to the landlord 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 into 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 look after the tenancy as a 'nominated occupant'. You can only be a nominated occupant if you were living in the property with the tenant before they 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 to your tenancy. But if someone else is living with you, you should tell your landlord. You should also tell Universal Credit or Housing Benefit.

If you want to add someone as a joint tenant:

- you need your landlord's permission, and
- your landlord can refuse

## **Making someone a joint tenant**

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

- are your husband, wife or civil partner, or
- could inherit your tenancy when you die, 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 refuse to help with your rent 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 changed your tenancy and need help to pay rent.

## **Ending a joint tenancy**

Joint tenants have equal rights to a property. If you want to remove someone from a joint tenancy, make sure you [follow the right process to end your 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 who is willing to swap or exchange tenancies.

## **Footnotes**