

## Social tenants' rights and responsibilities

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 tenants or secure tenants. 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 a 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 tenancy agreement and tenant handbook explain the rights you have as a tenant.

But there are some rights that 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 also have the right to [buy your home](#) if you meet certain conditions.

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

## **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 must get written permission from your landlord before making 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 made big improvements to your home](#)

You cannot get 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 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're going to 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're planning to make any big 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 permission in writing 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 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 complaints procedures.

## **Complaining about the Housing Executive**

You can make a formal complaint about the Housing Executives' decisions, work or behaviour.

The formal complaints procedure starts with a 'first stage complaint'. If the problem is not resolved at this stage, you have a right to make a 'second stage complaint'.

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

- complain to the Ombudsman, or
- apply for a judicial review

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 complain if your complaint is about a member of Housing Executive staff.

## **Contact the District Office**

[Contact your District Office](#) to explain the problem. If they cannot sort out the problem, you can use the 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.

Call the Housing Executive. Get the name and address of the manager responsible for dealing with your complaint.

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

## **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 and any photos or paperwork you send with your complaint. Make a note of when you sent it.

## **Getting a response from the Housing Executive**

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

After you send the first stage complaint, the investigating officer must:

1. **contact you within three working days of getting the complaint** to let you know they got it and ensure they understand the problem
2. **investigate the complaint and respond within 10 working days** – this could take longer if they need more information from you or someone else, like 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 not happy with the outcome.

If a complaint is complex, the investigating officer may immediately move it to the second stage.

## **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 complaint letter 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

Housing Rights, or another advice agency, can help write your second complaint letter.

Send your second complaint letter by email to [centralcomplaints@nihe.gov.uk](mailto: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 sending your second stage complaint, a complaints officer should:

1. **contact you within three working days of getting 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 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

If you do not get a full response within 20 days, the complaints officer should send you a letter explaining the delay and giving you a new time frame for a full response.

## **Complaining about a housing association**

Your housing association has a complaints procedure that explains:

- how you 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**

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. Ask the association to read your complaint back to you if you complained in person or over the phone. 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 to five weeks.

Your housing association should tell you if they're going to 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 Northern Ireland Public Services Ombudsman

Your housing association should try to sort out your complaint at the first stage. But you can go to the next stage if you're not happy with the response.

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

The [Northern Ireland Public Services Ombudsman \(NIPSO\)](#) makes sure public bodies provide fair and efficient services. NIPSO can investigate social landlords such as housing associations and the Housing Executive.

You can complain to the Ombudsman if you feel your social landlord did not treat you well or handle your case properly.

## **Before contacting the Ombudsman**

Before you can complain to the Ombudsman you normally need to complete your landlord's internal complaints procedure.

You can complain to the Ombudsman if you:

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

The NIPSO 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 Commissioners' Office if your complaint is about:

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

If NIPSO cannot investigate and they reject your complaint, they should explain why.

## **Making a complaint**

The NISPO website has details on [how to make a complaint to the Ombudsman](#). Complaining in writing is more effective than 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**

NIPSO 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 NIPSO to complete a full investigation. Once the investigation is over, they'll contact you with their recommendations.

## **The Ombudsman's recommendation**

NIPSO 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

NIPSO 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.

## **More advice**

- [Changing your tenancy](#)
- [Applying for a transfer](#)
- [Swapping homes](#)

# Footnotes