



8 (a) Your Rights

Your Tenancy Agreement

Please make sure that you read your Tenancy Agreement.

Your Tenancy Agreement is a formal legal document. It tells you what you must do as a tenant, and what Eden Housing Association must do as your landlord.

Security of Tenure

You have the right to occupy your home as your 'only and principal' home.

If you break a condition of your tenancy, the Association has the right to act against you to repossess your home – this includes not paying rent, causing neighbour nuisance and not occupying the property as your principal home.

If this happens, we will contact you, and warn you of the risk to your tenancy. You will then receive a 'Notice of Seeking Possession' (NOSP).

If no improvement is made on your part, the Association has the right to apply to the County Court. The Court will decide if you can remain in your home, in line with the grounds set out in the relevant Housing Act(s).

Joint Tenancies

If you have a joint tenancy, you and the other joint tenant(s) are equally entitled to share possession of the whole of the property.

Rent: In the same way, you are **each** responsible/ liable for the **whole** rent of the home. The Association can therefore recover any rent arrears from either of the joint tenants.

Ending a joint tenancy: Either of the joint tenants could give notice and bring the tenancy to an end.

If you have a sole tenancy and someone comes to live with you who you want to make a joint tenant, you need to request this in writing to the Association. We normally ask that the person has lived with you for a year before we will consider making them a joint tenant.

Rights of Succession

If your partner dies, then you may have the Right to Succeed to the property (i.e. take on the tenancy) if:

- You and your partner lived in the property at the time of the death
- There has been no other succession to the property since 22 September 1997

If there is no partner, but another close family member has lived in the property for twelve months up to the date of the tenant's death, then they may be able to succeed to the tenancy.

If there is more than one relative who is eligible to succeed, then the Association will decide who the tenant will be, depending on the circumstances.

If the property you succeed to is:

- adapted for the disabled, or
- too large for your needs

We may ask you to move to more suitable accommodation, provided by us, so that the property can be used for its intended purpose.

The Right of Succession only applies once. For former Eden District Council tenants who transferred to Eden Housing Association however, the right to succession will begin afresh from 22 September 1997. Any successions before this date will be ignored. To apply to succeed to a tenancy, you must put your request in writing to the Association within one month of the death of the tenant.

Right to Take in a Lodger or Sub-let your Home

A lodger is someone who:

- has use of a bedroom in your house;
- is provided with meals and cleaning services;
- complies with the Association's conditions; and
- does not overcrowd your home.

To sub-let your home means to allow a person/s (a sub-tenant) to have exclusive use of part of your home, for example a bedroom, meals and other services will not be provided.

You must apply to us in writing for permission to have a lodger or to sub-let your home. You do not have a right to let your entire home to someone. This is a breach of your tenancy conditions.

If you want a lodger or sub-tenant to leave, you must arrange this yourself. If you were to leave your home, your lodger or subtenant must also leave.

Right to Carry out Improvements

Before carrying out any improvement or alteration to your home, you must obtain written permission from us. This is to ensure the work will:

- Not damage your home;
- Not have an effect on your neighbours; and
- Not break any planning or building regulations

There may also be potential issues with Asbestos in a small number of homes that were built before 2000. If Asbestos is suspected in your home it shouldn't be a problem if left undamaged, never disturb or try to remove any materials that may contain asbestos.

Before making any changes let us know via [MyAccount](#).

Provided any improvements you make have been approved, you may be entitled to compensation for them on giving up your tenancy. For further details please contact our office.

Right to Exchange

Did you know that all EHA tenants can access [HomeSwapper](#) FOR FREE to exchange properties?

Once your Starter Tenancy converts you have the right to seek an exchange of your home for another Eden Housing Association home, or for another Local Authority or Association home in the United Kingdom, through the [HomeSwapper](#). Sign up [HERE](#) to look at your options and to find out more.

Once you have found another tenant to exchange with, you should have a good look at each other's properties – Eden Housing Association will not carry out any decorating or repairs which are your responsibility. We will investigate each request for a mutual exchange by carrying out a home visit.

If you undertake a mutual exchange with the tenant of another Housing Association, you may lose certain rights that you have in your current home. This is because you take on each other's tenancies in a mutual exchange.

Should you decide to proceed, both you and the other tenant should apply in writing.

Each case will be looked at individually and a decision will be made within 42 days in writing. If you are in rent arrears or have any outstanding recharges, we will only approve a mutual exchange request once the debt is cleared. If your request is refused, you will be informed of the reasons why.

Right to Manage

If your home has communal areas, you can exercise your 'Right to Manage'. This means you, and the other tenants/ leaseholders of the building can request to take over the management of:

- service charges (collection and management)
- upkeep of communal areas (such as communal hallways and stairs)
- upkeep of the structure of the building (such as the roof)
- dealing with complaints about the building from other leaseholders

If you would like to exercise your right to manage, please contact us on 01768 861400.

Right to be Consulted

We must seek your views on any proposals we may have to change the way we manage your tenancy, home or estate. The views of tenants individually and collectively have to be considered before any changes are introduced. You can find out more under Chapter 7 of this [Tenants Handbook](#): 'To have your voice heard by your landlord'.

Right to Transfer

If you'd like to move to another Eden Housing Association home, you can complete a Cumbria Choice application, you can apply online at www.cumbriachoice.org.uk or from our offices.

To be considered for a move, it would need to be for one of more of the following reasons:

- If your home is overcrowded
- If you need to move for medical reasons
- If you need to move for social reasons
- If you need to move to smaller accommodation

- If you need to be nearer family or your job

Before a transfer takes place, you must show that:

- Your rent is paid up to date; and
- You have kept to the terms of your tenancy agreement

Under-occupation

If your home is too large for your needs, we may be able to assist you to move to a smaller sized property through our 'Incentive to Move' Scheme.

The scheme offers financial assistance to current tenants who wish to move to a smaller home, with a maximum payment of £750 (based upon individual circumstances). To qualify, you must:

- Have been an Assured Tenant for at least 1 year
- Have had a clear rent account for at least 3 months before applying for the scheme
- Have a clear rent account when an offer of new accommodation is made to you
- Have kept your home and garden in a clean and reasonable condition
- Have kept to the terms of your tenancy agreement
- Have not had a previous payment under the Incentive to Move Scheme
- Be under-occupying your current home by at least two bedrooms

Payment can be used towards:

- Furniture removals
- Disconnection and reconnection (telephones, computers, cookers, washing machines and other items requiring plumbing in)
- Redirection of mail (for first six months of the new permanent address)
- Removal and re-erection of TV aerials and satellite dishes (subject to any necessary planning permission being obtained)
- Removal, alteration and re-fitting/fixing of soft furnishings (e.g. flooring, curtains, blinds and curtain rails)
- Removal/refitting or replacement of personal support aids
- Replacement flooring and curtains in the new home (where these cannot be altered to fit the new home)
- Redecoration of the new home (using emulsion and paint only)

We will contribute costs to each household who moves using the 'Incentive to Move' Scheme. However, if the current property is left in a poor condition and we need to do work to bring it up to our 'minimum void' standard, the cost of this work will be deducted from this payment.

Eden Housing Association – Tenants' Handbook

Chapter 8 – To have a good quality home and neighbourhood to live in

Please contact us on 01768 861470 if you would like more information on our Incentive to Move Scheme.