

**Changes to a tenancy should not be undertaken lightly and have legal implications.**

**There are several ways in which a tenancy can be changed.**

## **Succession**

Succession is when a sole tenant dies and the tenancy passes to another.

Who can succeed depends on when the tenancy began. If the tenancy began before April 2012 the following people can succeed:

- The tenant's husband, wife or person living with the tenant as their partner at the time of death.
- Another family member or relative who has lived with the tenant for at least the previous 12 months.

If the tenancy began after April 2012 the only people that can succeed are the tenant's husband, wife or civil partner. This can only happen once – the law only allows one succession.

If the property is too big for those who are eligible to succeed, we would ask you to move. Unless you are the husband/wife or civil partner, we would expect you to move.

If you are not eligible to succeed and refuse to move we will have to apply to the courts to get a possession order for the property.

## **Sole to joint tenancy**

We will normally only allow a husband/wife or partner to join the tenancy. There are a few key things to note:

- they would need to show that they have lived at the property for 12 months prior to the application
- an application form must be filled and signed by both parties
- we must speak to you to make sure that you both understand you will be jointly responsible for the whole tenancy, including paying the rent and ensuring that there is no nuisance
- there must be no breaches of your tenancy such as rent arrears, nuisance or issues with the condition of the property
- we can refuse an application for someone to join the tenancy if they have been previously evicted from any accommodation or have a proven history of relevant criminal activity, anti-social behaviour or outstanding housing related debt (such as rent arrears or repair recharges) with any landlord
- we would not allow someone to join a tenancy other than a partner, where we have made major adaptations to the property and the person wishing to join does not have a need for these adaptations

## Joint to sole tenancy

A joint tenant can leave a tenancy by giving 28 days' notice in writing, after which the tenancy will end. We will then decide whether to grant a new tenancy to the remaining occupant if they request to become a sole tenant of the property in question.

If one joint tenant has left the tenancy without notifying us, we would ask the remaining tenant to make efforts to contact them if they wish to become a sole tenant. If we are happy that they have made an effort and the joint tenant cannot be traced, we may allow the amendment to a sole tenancy.

If one joint tenant agrees and is prepared to pass on their tenancy to the other joint tenant, we may agree to this, provided that there are no tenancy breaches such as rent arrears or anti-social behaviour. We will accept a termination of the existing tenancy and we will normally create a new tenancy.

We can refuse to offer a new tenancy at the existing property to the remaining occupant if the property would be under-occupied as a result of this change. In these circumstances we would seek suitable alternative accommodation for this person.

Telephone: 01904 551550  
Website: [www.york.gov.uk/Housing](http://www.york.gov.uk/Housing)  
Address: Housing Services  
West Offices  
Station Rise  
York YO1 6GA

**This information can be provided in your own language.**

Informacje te mogą być przekazywane w języku ojczystym.  
Polish

Bu bilgi kendi dilinizde almanız mümkündür.  
Turkish

此信息可以在您自己的语言。  
Chinese (Simplified)

此資訊可以提供您自己的語言。  
Chinese (Traditional)

**Large print, CD and other formats available on request**