



Joint Tenancies Policy

Policy Statement

This policy outlines Somer's approach to the creation of joint tenancies.

Effective Date

September 2001

Scope

- A joint tenancy is one tenancy between a minimum of two and a maximum of four tenants.
- Each tenant is jointly liable for the tenancy, i.e. each tenant is responsible for all of the rent, a breach of tenancy is the responsibility of all, a notice served on one or by one applies to all.
- The Neighbourhood Services Teams have responsibility for assessing applications for joint tenancies.

Principles

- Somer will enable all Assured Tenants who wish to create a joint tenancy with another person to do so, subject to laid down criteria. Each application should be dealt with fairly and consistently and in line with this policy.
- Somer will ensure that applicants for its homes and existing sole tenants are made aware of the opportunity to apply for and have granted a joint tenancy.
- Housing Act 1988, Part 1, Section 1 under the definition of an Assured Tenancy makes reference to the ability of an Assured tenancy to be created as a joint tenancy or to subsequently become one.
- Somer will make sure that tenants who apply to create a joint tenancy and those individuals with whom it is proposed to be created with are aware of their obligations and responsibilities. These are as follows:

- Joint tenants have equal rights of occupation, this means that if one joint tenant dies or moves away the other person remains as tenant and continues to occupy the home. If two people share the home, but only one of them is tenant the other will only have protection if they have right of succession or the tenancy can be assigned to them. Spouses and cohabitantes may have additional rights under the provisions of the Family Law Act 1996.
 - Joint tenants have equal responsibility for paying the rent, for looking after the property and abiding by the tenancy conditions.
 - Either joint tenant can terminate the tenancy and individuals need to consider carefully the implications of this before making another person joint tenant.
 - If the tenancy reverts back to a sole tenancy in the future this will count as a succession of that tenancy.
- Somer will be mindful in the creation of joint tenancies that it is making best use of its housing stock and not prejudicing the position of those in housing need.
 - Joint tenancies can only be created with the agreement of the existing tenant(s) and Somer.

Application

- There is a procedure document attached to this policy which outlines the assessment criteria which should be used when deciding whether to grant a joint tenancy.