

# Change In Circumstances





## LODGERS AND SUBLETTING

If you take in lodgers or wish to sublet part of your dwelling, you must inform the Association of the names of the persons involved and the rents you are charging. You may take in lodgers providing this does not result in overcrowding and you should also remember that a lodger is treated as a member of your household under the terms of your Tenancy Agreement and therefore may affect your entitlement to Housing Benefit.

You may only sublet part of your property but not your whole home if you have been given written permission from Ark Housing. Permission will only be given if you can prove you have a vacant room and subletting will not cause overcrowding. The sub-tenant will not gain any rights or security of tenure by living there.

Permission may be refused if you are planning to carry out any work that would affect the property to be occupied by the sub-tenant or if your house has been designed for a special use (for instance, sheltered housing).

If the Association decides not to grant permission to sublet, you will be informed of the reason in writing.

## SUCCESSION OF TENANCY

We understand and fully appreciate that coping with the death of a friend or relative is never easy and trying to deal with their affairs can be complicated and upsetting. If you are unsure how to bring the tenancy to an end in this circumstance, please contact the Housing & Customer Services team, who will provide you with assistance and advice on how to proceed.

It is important that we receive notice of ending the tenancy in the event of a death in writing. We will confirm the date when the tenancy will be ended. The weekly rental charge will continue to be charged until the tenancy has been ended and the property has been cleared of all possessions.

Please note that Housing Benefit/Universal Credit will cease to be paid once the tenant has died and will be recouped by the Northern Ireland Housing Executive (NIHE) if overpaid. If you are entitled under the rules of succession to take on the tenancy, you should contact us, and we will advise you on actions required.



## ASSIGNMENT OF TENANCY

Under no circumstances are you permitted to give or sell your tenancy to someone else. If you do this, your secure tenancy will no longer exist, and we will recover possession of the dwelling through the Courts.

If you leave your property, the secure tenancy also ceases, and any remaining resident will be treated as an unlawful occupier unless they have legal right to the tenancy.

An assignment of tenancy is where tenants have the right to transfer the tenancy to a member of the family who would be qualified to succeed them. For this to be granted, the following criteria must be met:

- ★ The person to whom the tenancy will be transferred must be a qualifying member of the family with the appropriate residency pre- conditions;
- ★ The assignee must pay the rent and keep all the terms and conditions of tenancy;
- ★ If the secure tenant wishes to assign their tenancy, they must seek and get written approval from Ark Housing who will not unreasonably withhold its consent.

## TRANSFER

Any tenant may apply for a transfer. If you wish to transfer to a different property or scheme of the Association or to another landlord, you must complete a Transfer Application Form, which can be provided by the Association.

Once a transfer application is received your Housing & Customer Services Officer will visit you to carry out an assessment of your housing need and rank your application against the Common Selection Scheme criteria.

To qualify for a transfer, you must:

- ★ have held a secure tenancy for at least 2 years;
- ★ have a clear rent account, (arrears to be less than 4 weeks gross);
- ★ maintained your property in accordance with the conditions of tenancy;
- ★ not be guilty or suspected of any serious breaches of the tenancy conditions.

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Under some circumstances, the qualifying criteria for a transfer may be waived. These include:

- ★ where you have been deemed to be a Full Duty Applicant as assessed by the NI Housing Executive;
- ★ where you are eligible for points within a Health and Social Well Being criteria;
- ★ where it makes good housing management reasons to do so;
- ★ where you are required to be decanted due to major works;
- ★ where the current accommodation no longer meets the tenant's family needs;
- ★ where there is under-occupation by 2 or more rooms and there is substantial demand for this type of accommodation.

## EXCHANGE

A direct or mutual exchange is where you mutually agree to exchange property with another tenant from Ark Housing, NIHE or another Social Landlord. If you wish to exchange your home, you must first obtain written permission from the Association as well as the other tenant's landlord. Ark Housing will not unreasonably withhold permission to exchange, although we will need to be satisfied that the accommodation is suitable for the incoming tenant.

Should you wish to exchange, you must apply in writing to the Association giving details of the property to which you want to move. Exchanges by mutual consent are treated legally as 'Agreed Assignments'. This means that no new tenancies have been created but only the names on the tenancies have been swapped or exchanged.

Each exchanging tenant inherits the others' rights and responsibilities. This may include security of tenure, liability for any damage and arrears.



## HOUSE SALES

Ark Housing operates a statutory house sales scheme which provides secure tenants, in certain circumstances, with the opportunity to purchase their property.

### Update

On 28 August 2022, the statutory House Sales Scheme for Ark Housing tenants will permanently close. This change reflects legislation passed by the NI Assembly on 30 June 2020 and given Royal Assent on 28 August 2020.

Applications to the House Sales Scheme can be made **before midnight on 27 August 2022** and will be processed, and the sale may complete after this date.

Further information from the DfC is available on [www.nidirect.gov.uk/articles/house-sales-scheme](http://www.nidirect.gov.uk/articles/house-sales-scheme)

### Purchasing Your Home

If you want to purchase your home, you must have held a social housing tenancy for at least 5 years tenancy, either with Ark Housing, the Housing Executive or another qualifying landlord.

If you hold an Introductory Tenancy, you cannot apply to purchase until such time as you move onto a Secure Tenancy. Time spent as an Introductory Tenant may count towards the discount entitlement.

### Properties Exempt from Entitlement to Purchase

Any Ark Housing property may be sold except for:

- ★ Sheltered dwelling units;
- ★ Dwellings which are part of a Group Housing Scheme;
- ★ Any single storey or ground floor (other than a flat) with no more than 2 bedrooms.

### Tenants Exempt from Entitlement to Purchase

Under the statutory House Sales Scheme, you will be ineligible to buy if any of the following circumstances apply:

- ★ The Association has served a Statutory Notice Seeking Possession at any time in the last 12 months;
- ★ The tenant is under investigation for Anti-Social Behaviour;
- ★ Any tenant who is obliged to give up possession of the dwelling in pursuit of a Court Order;
- ★ Any tenant who holds an Introductory Tenancy.

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## How to Apply

Applying to buy your home is easy. Just contact our office in writing and we shall send you an application form which you should complete and return to us. We will then register your application, assess your entitlement to buy and advise you in writing if you are eligible to purchase your home under the scheme.

If you are eligible and wish to proceed with your application, you will be asked to confirm your intention in writing. Once your confirmation is received, we will assess your application, determine your discount entitlements, arrange a valuation and calculate your purchase price. You should note that you will be required to pay the valuation fee in advance to Ark Housing, which is refundable once the sale is completed.

## How is the Sale Price Calculated?

There are several factors which are considered when calculating the offer price of your home. The price will be the current market value as determined by an independent, professionally qualified Valuer, less any entitlement you may have to discount. The level of discount will be restricted if the sale price is below the 'Historic Cost' value.

The Historic Cost is the actual cost of providing the dwelling, including the costs incurred by the Association on improvement work during the last ten years.

## What Discount will I be entitled to?

- ★ Discount is calculated on the following basis:
- ★ After five years, 20%
- ★ Discount increases by 2% each year up to a maximum of 60% (for both flats and houses)
- ★ Discount is 'capped' at £24,000

You should note that any discount granted is repayable should you re-sell your dwelling within 5 years of the original purchase date.

## Can Joint Tenants Purchase their Home?

If you are joint tenants, you can purchase your home. However, special rules apply to joint purchasers. Discount will be calculated based on the longest tenancy period of one of the joint tenants only.



### **What if I Do Not Agree with the Valuation?**

If you do not agree with the valuation of your home, you have the right to a revaluation. All such requests must be confirmed in writing and the costs of all revaluations shall be paid by the purchaser to Ark Housing Association in advance of the survey taking place. All revaluations shall be carried out by the District Valuer from the Valuation and Lands Agency. The District Valuer's assessment will be final and there will be no further valuations made. You should remember however, that valuations can go up as well as down and you may wish to discuss the offer price with an Estate Agent or other such person, before deciding on whether a revaluation is required.

### **Legal Advice**

Buying your home is a complicated matter and because it is a legal transaction, you must ensure that you have engaged a solicitor to deal with your house purchase.

### **Mortgage Advice**

If you require financial assistance to purchase your home, you should contact a mortgage advisor who will assist you to arrange the best financial package for your circumstances. Banks, Building Societies and other financial institutions are available to assist you.

### **Insurance Advice**

You will need to consider adequate insurance cover when purchasing your home. This may include life insurance, building insurance, occupier liability insurance, and many other aspects of insurance cover. You should seek advice from a qualified insurance broker or other financial adviser.

### **How Long will it take to Purchase My Home?**

Buying a property is a complicated matter and involves financial and legal issues and sometimes problems do arise. Because of this it is difficult for us to determine the actual time it will take to complete a sale. However, we are committed to ensuring the best standards of service possible and would expect that completion of your application could be made within 3 - 4 months of receiving your initial application.