

# Joint Tenancies



## Joint Tenancies

1. If you are applying to the Council for housing you are allowed to register for a joint tenancy. This could be with your husband, wife, partner or carer.

The advantage is that joint tenants have equal rights and security of tenure, providing that the conditions of the tenancy are met. If one of the joint tenants should die then the tenancy will carry on in the name of the other tenant (although this would count as a succession – for further information see our leaflet 'Succession to a tenancy'). But equal rights also mean equal responsibility so you should be very sure, before you apply for a joint tenancy, that it will be the right thing for you in the long term. **You should read this leaflet carefully.**

### So what is a joint tenancy?

2. A joint tenancy means that you and another person, or other persons, are 'jointly and severally liable' for the tenancy. You are all individually responsible for ensuring that your tenancy conditions are met. This could be a problem if any of you want to leave, or if you are in a relationship which breaks up and you want other joint tenants to leave. You must think carefully before you apply for a joint tenancy, particularly about the following points:-

- a. You will have to pay the whole rent if other joint tenants refuse to pay, or decide to move elsewhere and no longer make any payment.
- b. If other joint tenants leave, without giving up the tenancy, you will not be able to alter the tenancy in any way or be considered for a transfer or mutual exchange. In such circumstances a sole tenancy would only be granted in very exceptional cases, which could need to be determined by the County Court. Joint tenants who may have left will have the right to move back in at any time.



- c. Other joint tenants will have the right to give up the tenancy without your knowledge and you could find that you have no home. There will be no obligation on the Council to offer any new tenancy in such circumstances.
- d. You will all be responsible for making sure that the property is well maintained. If one of you breaks any tenancy condition the Council could repossess your property and you would all be forced to leave.
- e. You will all be responsible for the behaviour of any visitor or other person who moves in, even if that person was invited by a joint tenant against your wishes or while you were away.
- f. One of you may wish to purchase the property under the 'right to buy'. But this must be a joint decision and it will not be possible if the other joint tenants do not agree.
- g. Some people on the Housing Register are offered housing association accommodation if a council property is not available. You should be aware that housing associations have their own rules concerning joint tenancies.

### Can anyone apply for a joint tenancy?

3. Joint tenancies are offered to married or unmarried couples, or civil partners who apply to join the Housing Register. You are allowed to register for a joint tenancy with up to four other persons.

- a. Married Couples or Civil Partners will be offered a joint tenancy if both partners are named on the application form. A sole tenancy can be granted in only one name but both applicants must request this.
- b. Unmarried Couples wanting a joint tenancy must put both names on the application form and both partners should sign it.
- c. Live-in carers may be granted a joint tenancy but each case will be decided individually by Housing Services.

## Can existing tenants apply for joint tenancies?

4. It may be possible (subject to the conditions set out in Section 3 of this leaflet) for existing tenants to change their sole tenancy to a joint tenancy provided there has been no previous succession. But we will want proof that you have been living together for at least a year and you must have a clear rent account.

## How do we apply if we want a joint tenancy?

5. You should apply together to join the Housing Register. An application form must be completed naming one person as the lead applicant. If two or more names are given on the application form then any offer made to you will be as joint tenants. You will receive a registration card in the name of the lead applicant.

If you have separated before you receive an offer of accommodation you should inform the Housing Needs Section so that your application can be re-assessed.

We would expect couples and other joint applicants to join the list together at the time of application, but in some cases we will allow other persons to join the list at a later date.

## Important notes

6. It is very important that you understand what it means to be a joint tenant. Once you have taken on a joint tenancy it will be up to all the joint tenants to sort out any problems - the Council will not usually be able to help.

7. If two or more names are given on the application form you will be offered a joint tenancy. You must inform us if you have given two or more names but **do not** want a joint tenancy.

8. Applicants on the Housing Register can get further advice on joint tenancies from the Housing Needs Section. In addition, you may wish to seek independent advice from either a solicitor or a Citizens Advice Bureau.



## Useful Contact Details:

The Housing Needs Section  
Epping Forest District Council  
Civic Offices, High Street, Epping, Essex CM16 4BZ  
**Tel:** 01992 564000

Existing tenants who require advice on joint tenancies should contact their local Area Housing Office:

Area Housing Office (North)  
Civic Offices, High Street, Epping, Essex CM16 4BZ  
**Tel:** 01992 564000

Area Housing Office (South)  
63 The Broadway, Loughton, Essex IG10 3SP  
**Tel:** 01992 564000

Limes Farm Housing Office  
661a Copperfield, Chigwell, Essex IG7 5LA  
**Tel:** 020 8559 8883 (9am-12 noon)

For a large print copy of this leaflet please phone 01992 564292

Epping Forest District Council  
Housing Services, Civic Offices, High Street, Epping, Essex CM16 4BZ  
phone: Epping (01992) 564000 [www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing)

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