

AFFORDABLE HOMES STRONG COMMUNITIES

A charter for housing association applicants and residents

April 2007



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A Charter for housing association applicants and residents

What is the Charter for?

The Charter is important.

You can use the Charter to find out what you can expect, and check that you are getting the service you should be getting from your housing association.

It also tells you what to do if you think your housing association is not honouring the Charter.

Who is the Charter for?

This Charter applies to you if you are applying for a home or are already a tenant, leaseholder, shared owner, or licensee of a housing association that is registered with the Housing Corporation and your home has been provided with the aid of public funding.

It may also apply to you if you live in other types of housing and have a housing association as a landlord or your home is managed by a housing association.

You should read the Charter all the way through and if you are not clear whether some parts apply to you, ask your housing association to explain it to you.

Why has the Charter been written?

There are over 2,000 housing associations in England that are registered with the Housing Corporation. Between them, they manage over two million homes. The Housing Corporation acts as the regulator for the sector and has published its regulatory requirements, which all registered housing associations must comply with. This publication is called *The Way Forward: Our Approach to Regulation* and is known as the Regulatory Code, which is accompanied by a series of documents called *How we Regulate* which provide further information on the way we go about our work. Copies of these documents can be downloaded from our website at www.housingcorp.gov.uk.

In keeping with our role as a regulator we have produced this Charter. Its purpose is to advise you about:

- what your housing association must do to comply with the Regulatory Code; and
- any additional standards that are considered to be good practice which your housing association should normally comply with.

Some housing associations may offer more than this Charter says they should, but none of them should offer less.

Inspections of housing associations are carried out by the Audit Commission's Housing Inspectorate. Inspections focus on things like how homes are let and maintained, how tenants are involved, what customers think of the services and how complaints are dealt with. The Audit Commission reports the outcome of its inspection of housing associations to the Corporation as the statutory regulator.

How will I know what to expect?

All housing associations must comply with the law and our Regulatory Code.

When we use the word 'must' in the Charter, it means you have rights either in law or your housing association must comply because of our Regulatory Code.

When we use the word 'should', it means housing associations will normally comply as a matter of good practice.

Your contractual rights are contained in your tenancy agreement, lease, licence or other written agreement that you sign when you move in to your home. You may also have additional legal rights that will be set out in various Acts of Parliament. **The Charter does not try to cover all these legal rights, but to highlight some important issues that affect your relationship with your housing association.** If you are unsure about your rights or responsibilities, ask your housing association for help or seek advice from a solicitor or an advice centre, such as a citizens advice bureau.

Your rights may vary depending on whether you are just applying for a home to rent or buy or whether you are already a tenant or leaseholder and, if so, what type of agreement you have. It is important to remember that you have responsibilities as a tenant or leaseholder, which, if you do not meet them, will affect your rights.

You will also find information about your rights and responsibilities in the agreement you sign when you move in, such as your tenancy agreement, licence or lease. Your housing association must give you a copy. You should also be given a handbook or information about your housing association and its policies and practices.

Some tenants may have a right to purchase their home. Your housing association should inform you whether you can do this.

What is in the Charter?

The Charter is set out in sections:

The way things are run

This tells you about who is in charge and the proper way things should be run.

Getting a new home

This tells you about your rights and what to expect when applying for a home to rent or buy.

You and your housing association

This tells you about your rights to live in your home, living with your neighbours, your responsibility to pay for rent and services and what to expect with repairs and improvements.

Information

This tells you about the quality of service you should expect, what information you should expect to receive, and the information that is held about you.

Consultation and involvement

This tells you how you can have your say and get more involved in the running of the housing association.

Making a complaint

This tells you what to do if you think the housing association is not doing things properly.

Finding out more

Some useful contacts if you wish to seek more help and advice.

The way things are run

Each housing association is run by a governing body that makes sure the association abides by the law and acts according to the Regulatory Code. It makes the key decisions about the policies that the housing association will work to. All housing associations **must** make sure they are financially sound.

Continuous improvement

Housing associations **must** aim to deliver continuous improvement and value for money in their services. This means that services **must** be reviewed on a regular basis and **must** take into account the needs and wishes of residents. You should be given information about the way your housing association is performing and the results of any inspections.

Equality and diversity

Housing associations **must** show a commitment to equal opportunities in all that they do and they **must** work to eliminate discrimination. They **must** be fair in their dealings with people, communities and organisations and take a fair approach to the rights and responsibilities of individuals. They **must** have a policy for promoting good relations between people of different racial groups and take into account the diverse nature of their culture and backgrounds.

Housing associations **must** have an equal opportunities and diversity policy that covers all aspects of equalities and includes race, religion, gender, marital status, sexual orientation, disability and age. You can expect to be treated fairly and without discrimination, and services should be accessible to all residents.

If you need certain care or support services, you should be given appropriate help to obtain them.

Getting a new home

Applying

Whether you are applying for a home to rent or buy, you can ask to see the details of the type of services your housing association will provide, who can apply and how they will consider your application. All housing associations must have these documents.

When you are applying for a home to rent, you may be able to apply directly to the housing association of your choice or you may be nominated by your local council. Many associations work together with local councils to provide more choice and offer a joint waiting list; this is sometimes called a common register. You should ask your chosen housing association how this works in your area.

You should be offered help to fill in forms if you need it. Housing associations should make sure that the forms and information can be understood by everyone. If you have difficulty with the forms and information and need assistance or need them in another language, you can ask the association for a translation or help in other ways.

Your application may not be considered in certain circumstances, for example if your previous behaviour is considered to be unacceptable and serious enough to make you unsuitable as a resident. You should be told about these rules when you apply. If you are accepted for a home to rent, the housing association should offer you a choice of suitable properties if it is able to do so.

You **must** give accurate information on your application form. If you deliberately give false information, the housing association can take action against you and could evict you from your home.

You should be given information about the rights and responsibilities that you would be signing up to and any other leaflets or information about the agreement you will be asked to sign. Read these carefully and consider if you want to take on this commitment. If you are not sure, you can seek advice from a solicitor or a local advice centre.

If you are applying to buy a home, your application may be subject to minimum and maximum income levels, which should be explained to you. Leaseholders including shared owners should be given information about financial rights and responsibilities and what the lease or agreement will bind you to. Consider carefully whether you want to make this commitment. Seek advice from a solicitor or your local advice centre if you are not sure.

You and your housing association

Moving in

You **must** be given a written copy of the agreement you have signed. Housing associations offer different types of agreement. They **must** offer you the most secure type of tenancy, having regard to the purpose of the housing.

Before you sign, the type of agreement and what it means for you should be explained to you.

The agreement is a legally binding contract between you and your housing association. It must clearly set out:

- what you are responsible for and your rights;
- your housing association's rights and responsibilities; and
- the rent, service charges and any other charges you may pay, including the way they will be reviewed.

If you need support to live in your new home and you make this known to your housing association, they should provide you with information about services that could help you and, wherever reasonable, help you get those services. These may be provided by the housing association or by other agencies or organisations. You can ask for information about the standard of service you can expect, the cost, and any help that may be available towards the cost.

If you share facilities with other people, such as kitchens or lounges, you must be told when these are open for you to use. If you have a shorthold tenancy, when your tenancy comes to an end, provided that you have not broken your tenancy conditions, your housing association should give you advice and information to help you to find somewhere else to live. If you have a starter tenancy, which is for one year only, your tenancy will normally be changed to an assured tenancy if you have kept to the terms of your tenancy agreement.

Living in your home

Generally, you have a right to live peacefully and quietly in your home and so do your neighbours. You have the right to stay in your home, whatever type of agreement you have, for however long the agreement allows, as long as you keep to the conditions set out in your agreement.

In the event of your death, it may be possible for your tenancy to be passed on to someone else who has been living with you as your partner or spouse. Ask your housing association whether this applies to your tenancy. Your housing association should also let you know their policy on giving joint tenancies.

In certain circumstances, you may have to leave your home. You will normally be given written notice and your housing association will have to apply to the Courts to evict you, unless you are occupying under a tenancy that is excluded from the requirement to obtain a Court Order. If you no longer occupy the property as your main home, you may lose your security and your housing association may apply to the Court to evict you. Your agreement will set out the circumstances in which your tenancy may come to an end. Examples include if you stop being a member of a fully mutual housing co-operative; or if you have broken any of the conditions in your agreement, such as not paying the rent or service charges or knowingly making a false statement.

Your housing association **must** only take action to evict you from your home as a last resort, when there is no reasonable alternative. You are entitled to know what your housing association's policies are and how eviction is dealt with.

If you also receive support and care and your housing association takes action to evict you, you must be offered advice and assistance. Your housing association should inform the agencies and organisations that provide the care about the action that is being taken.

Your housing association **must** publish a summary of its policies and procedures for dealing with anti-social behaviour. Tenancy agreements should have conditions in them about noise and nuisance, and these will apply to you and to people living with you and visiting you. You could be at risk of losing your home if your behaviour, the behaviour of a member of your family or a visitor to your home causes serious nuisance to people living around you.

If you suffer from noise, nuisance or anti-social behaviour, you can ask your housing association for help and advice. If you are a leaseholder, your lease will generally set out leaseholder obligations not to cause nuisance or behave in an anti-social manner. There are very few circumstances under which the housing association can force you to leave your home, and then only if you have broken and are continuing to break a term of your lease in the opinion of a court or tribunal, and the association has then undertaken legal action through the Courts to obtain possession.

Paying for your home

Rent

Housing associations must set their rents according to the Government's rent policy, which is based on the value of your home and the average income of people living in the same area. Rents will continue, on average, to be below those charged by private landlords.

There are different rules about how often your rent can be changed and how much notice you must be given. Your agreement should tell you or you can ask your housing association which rules apply to you. If you have transferred from a local authority to a housing association and were given a rent guarantee, your housing association must honour the rent guarantee.

Rent is normally payable in advance, but you should not be asked to pay more than one month's rent in advance. You must not be charged 'key money' or asked

for a deposit (unless your home is furnished). Different rules may apply if you are buying your home.

Your housing association **must** give you information about:

- the way your rent is set;
- the levels of rents across all of its homes and across the local area; and
- how good it is at collecting the rent.

You **must** be informed in writing, in advance about any changes in your rent. Rent should not be increased more than once a year unless by mutual agreement. Check your agreement to see how much notice you should be given or ask your housing association. Many housing associations where tenancies are shorter than one month (for example, weekly) set a fixed day for increasing rents.

Service charges

You may be asked to pay other charges as well as, or instead of, rent such as for the upkeep of communal areas. These services may be provided by your housing association or by other agencies or organisations.

If you are a leaseholder or shared owner, your lease will tell you which services you will have to pay for. They may include a reserve or 'sinking fund' for major repairs and maintenance. Any sinking fund contributions **must** be held in trust and the money used for the purpose specified in your lease.

Housing associations that own or manage leasehold schemes for older people should have regard to the Association of Retirement Housing Managers (ARHM) Code of Practice for this type of housing.

Your housing association **must** give you information about the type of charges you **must** pay, what costs you pay for and how they are set. In certain circumstances, you may be able to inspect the detail of the accounts that this

information is based on but you may be charged for this. You **must** be given written notice of any changes and increases to your service charge. Check your agreement or ask your housing association for the rules that apply to you. In some cases, you may have the right to appoint an independent surveyor to inspect documents and premises. You can ask your housing association whether you have this right.

If you are having difficulty paying your rent or service charges, you **must** be given information and assistance to find out about benefits that may help you.

What if I don't agree with the rent and other charges?

Your housing association **must** tell you about your rights to appeal about your rent and to challenge service charges; this information will usually be given to you when you are told about the increase. Your rights will depend on the type of agreement you have signed. You should look at your agreement and ask your housing association for information about your rights. You can also ask your local advice centre or a solicitor.

If you are a tenant and want to appeal about your rent, you may have the right to go to the Rent Officer or an independent body known as the Rent Assessment Committee which will look at how your rent is set, whether it has been set properly and consider if it is fair. It will apply different rules depending on the type of tenancy you have. Your housing association **must** abide by what the committee says, but this may mean that your rent could go up as well as down.

A similar right of appeal exists for some charges made for services. Ask your housing association for details or check with an advice centre.

If you are a leaseholder and you believe your housing association is charging for a service that it is not entitled to charge for, or that the level of charge is unreasonable, or the service has not been provided to a reasonable standard, then

you may ask a Leasehold Valuation Tribunal to decide what the level of charge should be.

You are at risk of losing your home if you do not keep up payments of rent or other charges.

If you are a shared owner, you can sell your share in your home and give up your lease. You **must** tell your housing association before you sell because there may be certain restrictions in your lease, which might prevent you selling on the open market.

Repairs and improvements

Tenants

Your housing association **must** make sure your home is in a suitable condition and the Housing Corporation expects it to keep your home in a condition that exceeds the minimum standards set by law. Your housing association **must** keep your home in good repair and ensure it is safe and fit to live in. Your housing association **must** have policies for maintaining your home and making sure it is working towards meeting Government standards. You can ask to see copies of these policies.

You will have some responsibility for keeping your home in good condition; your agreement and handbook will tell you what you are responsible for. If you are not sure, ask your housing association.

If you are a tenant, your housing association **must** keep the structure of your home in good repair and make sure it is well maintained. You are responsible for making good any damage that you cause. You will also have some other responsibilities, for example to decorate your home. Your tenancy agreement and handbook should tell you what you **must** do and what your housing association is responsible for.

If your home has been transferred from a local authority to a housing association as part of a voluntary stock transfer, you may have been given commitments about how the repairs and improvements that are needed across all the homes will be undertaken. Your copy of the formal offer document (you would have been given this before the homes were transferred) will give you details, or you can ask your housing association.

Your housing association **must** have a system for dealing with repairs, which meets the needs of residents. It should have deadlines for responding to emergency repairs, urgent repairs and routine repairs. You should be given information about how to report repairs, details of the deadlines and details of how well the targets are being met.

You should report repairs as soon as they are needed and must allow reasonable access for your housing association to inspect and carry out repairs. Your housing association should operate an appointment system. Ask for details.

Information should be given to you about any long-term plans for major maintenance work, such as double-glazing, re-roofing or external decoration. You should be consulted about the work. If the improvements will mean that you have to pay more rent or service charges, you **must** be told how it will affect you before the work begins.

Can I carry out my own improvements?

You may be able to make certain improvements to your home yourself, such as a new bathroom or kitchen. Your tenancy agreement or lease or handbook will tell you what you can do. Different rules apply to some tenants, such as those in special accommodation who receive support and care. You should check the position with your housing association before making any improvements.

Can I claim compensation?

You may be entitled to compensation if your housing association fails to carry out a repair that has been reported within a set timescale, and the repair affects your health, safety or security. Your housing association may set a maximum cost for an eligible repair. Ask your housing association for details or contact your local advice centre.

If you are a tenant and you have to leave your home temporarily while repairs or improvements are done, you **must** be offered alternative accommodation and may also be able to claim a disturbance allowance.

If you have to move out permanently, you may have the right to a home loss payment.

If you are a tenant and have carried out your own improvements, provided that you had written permission before you made them, you may be able to claim compensation for the work you have done when you give up the tenancy.

Your housing association **must** give you information about what you can claim and how.

Leaseholders and shared owners

If you are a leaseholder or shared owner, your responsibilities for repairs and improvements will be set out in your lease and you should be given a handbook for guidance.

If you live in a house, it is normally your responsibility to keep your entire home in good condition.

If you live in a flat, your housing association will normally maintain the outside, the shared areas and the structure, while you must maintain the inside of your home.

Leaseholders have legal rights to be consulted about major works, which they will have to pay for through service charges. You **must** be given information and asked for your views about any long-term plans for major maintenance work such as re-roofing or external redecoration. In some circumstances, your housing association may be able to reduce service charges for works that have been funded in certain ways. You may also have the right to a loan to pay for charges relating to repairs. You can ask your housing association for advice on this.

If improvements are proposed that mean you will have to pay more, you **must** be told how much.

Information

Housing associations **must** provide good quality services for residents and people applying for a home and must offer high standards of customer care. They are also expected to be open, honest and transparent in the way they operate.

This means they should give you information about the way they do things and the policies they apply. You may be given this in a handbook or guidebook or in leaflets written by your housing association. You can ask for copies if you have not already got them.

Housing associations **must** be accountable to their residents so you should expect to be given information about your housing association's activities, what it is doing for the local community and how well it is performing.

You should find this information in annual reports, performance and inspection reports, newsletters and promotional material.

All information should be in clear language and easy to read. It should be provided in different ways to make sure it is meaningful and can be understood by all residents.

If you want information about your rights as a tenant, a leaseholder or shared owner, what you can claim and how to exercise your rights, you should contact your housing association. The information may be in your tenancy or lease agreement, a handbook or guide or in leaflets and material provided by your housing association. Your rights will depend on the type of agreement you have and what type of accommodation you live in.

Information your housing association holds about you **must** be kept safe and secure. It **must** be kept up to date and deleted when no longer required.

If you wish to see information about your tenancy, you should ask your housing association. You may be asked to fill out a form and to pay a fee. Your housing

association should tell you how you can see your personal information and **must** provide it in a way that is clear. Your housing association may not give you access to certain information, for example if it has been received in confidence from a third party.

If your housing association refuses to give the information you ask for, you can contact the Office of the Information Commissioner for advice. (See page 24 for contact details.) If you disagree with any of the information, you have the right to correct it or to record your disagreement.

Housing associations can only pass on information about you to other people or organisations if you have consented or where the law permits them to do so.

Can my rights be changed?

Some tenancy agreements can only be changed after consultation and with the agreement of the tenants involved.

For leaseholders, generally, the terms of a lease can only be changed with your approval, although a court can impose the changes if you cannot agree changes with your landlord.

Consultation and involvement

Housing associations **must** make sure that services are shaped around customers' needs and **must** seek the views of their residents and respond to these views. Your housing association **must** consult you if it is considering changes to the arrangements for providing a housing management and maintenance service to your home, including any change of status (for example, changing from a non-charitable to a charitable association) or any activity which results in a change of landlord.

All residents **must** be allowed to play a part in decision-making and **must** be given opportunities to play a part in how services are run and how standards are set.

Housing associations should offer a range of ways in which residents can be consulted and give feedback. Your association should make sure you are given enough information about the issues it is discussing in a way that is clear, easy to understand and accessible to all residents. It should give you and other stakeholders opportunities to comment on its performance. Housing associations should offer residents the chance to have a say and get involved in whatever way suits them best.

Your housing association should give you information about how you can get involved and what the association does with the feedback you give. Your housing association **must** also seek to develop and make an agreement with residents about how you can get involved and be consulted, the way this will work and how the agreement will be monitored and reviewed to keep it up to date. You can ask your housing association for details.

You should be encouraged, supported and given advice to explore the options to help you obtain the knowledge and skills to play an effective part in the running of your home and neighbourhood.

If you are a tenant of a fully mutual co-operative, you have a responsibility to participate fully in discussions and decision making about the co-operative's homes. Your co-operative should do everything possible to enable you to take part.

Making a complaint

In the first place

If you are not satisfied with the way you have been treated or the service you have received, you can make a complaint to your housing association.

All housing associations **must** have an effective complaints and compensation policy.

You should be given information about how to complain, who to complain to and what is involved. This may be in your handbook or guidebook or in a leaflet that you can get from your housing association.

The policy and procedure should be clear and easy to follow and should allow you to take your complaint to the people who manage the association at a senior level, including the governing body.

What other things can I do?

If you have been through the stages of your housing association's complaints procedure and are still not satisfied, you can take certain complaints to the Housing Ombudsman Service.

All housing associations that are registered with the Housing Corporation **must** be members of the Service and should act on the Ombudsman's decisions.

The Ombudsman can consider different ways to deal with complaints and disputes, and make orders or recommendations when he finds shortcomings by housing associations. The Ombudsman also has discretion to intervene where, in his view, a housing association is taking an unreasonable length of time to deal with a complaint.

You can get more information on the Ombudsman Service from your housing association or your local advice centre or you can contact the Ombudsman Service direct. (See page 24 for contact details.)

If your complaint is about racial or sexual discrimination, you can also go to the Commission for Racial Equality or Equal Opportunities Commission for help. (See page 24 for contact details.)

Finding out more

Useful contacts

Housing Ombudsman Service

81 Aldwych
London WC2B 4HN
Tel: 020 7241 3800
LoCall: 0845 712 5973
Minicom: 020 7404 7092
E-mail: info@housing-ombudsman.org.uk
Web: www.ihos.org.uk

Commission for Racial Equality

St Dunstan's House
201-211 Borough High Street
London SE1 1GZ
Tel: 020 7939 0000
Web: www.cre.gov.uk

Equal Opportunities Commission

Arndale House
Arndale Centre
Manchester M4 3EQ
Tel: 0845 601 5901
Web: www.eoc.org.uk

From October 2007 the CRE and EOC will be replaced by:

Commission for Equality and Human Rights

Kingsgate House
66-74 Victoria Street
London SW1E 6SW
Tel: 020 7215 8415
Web: www.cehr.gov.uk

Information Commissioner's office

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 01625 545745
Web: www.ico.gov.uk

Association of Retirement Housing Managers

3rd Floor
Southbank House
Black Prince Road
London SE1 7SJ
Tel: 020 7463 0660
Website: www.arhm.org

National Association of Citizens Advice Bureaux

Myddleton House
115-123 Pentonville Road
London N1 9LZ
Tel: 020 7833 2181
Web: www.citizensadvice.org.uk

National Housing Federation

Lion Court
25 Procter Street
London WC1V 6NY
Tel: 020 7067 1010
Web: www.housing.org.uk

LEASE - The Leasehold Advisory Service

31 Worship Street
London EC2A 2DX
Tel: 020 7374 5380
LoCall: 0845 345 1993
E-mail: info@lease-advice.org

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Maple House
149 Tottenham Court Road
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