

# **Joint tenancies: Guidance**

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## **Joint tenancies**

A joint tenancy is where the claimant and other tenants all signed a single tenancy agreement with the landlord, and they are jointly and severally liable for paying the rent.

This means they are all equally responsible for the whole rent being paid.

### **More than one joint tenant resident in the property**

#### **Housing costs shared equally between resident joint tenants**

The total rental charge for the property will be apportioned equally between all the joint tenants who are resident in the property.

#### **Housing costs not shared equally between resident joint tenants**

The total rental charge for the property will initially be apportioned equally between all the joint tenants who are resident in the property.

If evidence is provided to show that the rent is split other than equally between the joint tenants living there, the total rental charge may be apportioned in any other way that is equal to the claimant's liability. This could be where there are different sized bedrooms or there is not equal use of the property between the joint tenants.

Example: How to calculate the housing costs when the rent is not shared equally

Warren and Jason are joint tenants of a three-bedroom property with a monthly rent of £725.00. Warren's daughter also lives with him. Initially, the decision maker divided the rent equally between Warren and Jason, giving each a core rent of £362.50.

Warren requested a review, stating that he pays two-thirds of the rent. The decision maker found this arrangement reasonable and revised Warren's core rent to £483.34.

## **Non-dependents**

When there is a joint tenancy, a non-dependent living in the property can only be linked to one Universal Credit award because they can only be part of one extended benefit unit.

## **Size criteria**

For Social Rented Sector cases (SRS), removal of the spare room subsidy does not apply if the tenancy is a joint tenancy and one or more of the joint tenants are not members of the claimants benefit unit.

## **Claimant has a joint tenancy with someone who is not their partner**

For claimants who have a joint tenancy with someone who is not their partner, the other joint tenant must not be included as part of the claimants benefit or extended benefit unit.

This can be where a claimant has a joint tenancy with an adult son or daughter. The adult child does not form part of the extended benefit unit, and no housing costs contribution is applied for them as a non-dependent.

## **Absent joint tenant: only one joint tenant resident**

Where the claimant has a joint tenancy but is the only joint tenant living in the property, the claimant is treated as liable for the total rent.

This can apply to both Social Rented Sector and Private Rented Sector cases. The declaration from the claimant is sufficient to satisfy the verification requirement.

This is an absent joint tenant case.

## **Permitted occupiers**

If someone is named on a tenancy agreement as a permitted occupier, they have permission to live at the property but are not responsible for paying rent or for looking after the property. The tenant takes full responsibility for them.

This can be when a claimant has an adult son or daughter who live in their home who is not a joint tenant.