

Factsheet 11: Tied accommodation

Tied accommodation is housing provided to you by your employer. There are two different in which it is possible for you to live in tied accommodation:

1. Service occupier
2. Service tenant

Service occupier:

A service occupier is whereby housing is provided with your employment and it is essential for you to reside in that property to do your job or your employment contract states that you must do so

Service occupiers can include:

- If you are employed as a live in nurse, carer, nanny, au pair or housekeeper
- Work in a nursing home or sheltered housing
- Are members of a clergy
- Work in a pub, hotel or restaurant and live on the premises
- Are caretakers, park or ground keepers or gardeners

If you need to leave your accommodation as your employment has ended, you should be given notice to leave your accommodation. The amount of notice you are given may be specified in your employment contract.

If you are an excluded occupier your employer will only be required to give you at least four weeks notice. You are likely to be an excluded occupier if you:

- Share accommodation with your landlord
- You live in the same building as your landlord and share accommodation with a member of your landlord's family
- You are living in your accommodation for your holiday
- You do not pay any rent for your accommodation

Your tenancy will continue until it is ended by you or your landlord either by:

- you and your landlord agreeing to end the tenancy (known as surrender)
- you serving a valid notice
- your landlord taking action to evict you

If you are an excluded occupier you have very few tenancy rights. As an excluded occupier your only right is to stay until your landlord asks you to go, or for as long as your written agreement says. Your landlord can evict you by giving you reasonable notice (which can be verbal) and doesn't need a court order.

If you have a written agreement with your landlord it may state how much notice the landlord has to give you. If that is the case then this is the minimum notice required. If you have lived in your home for a long time it may be possible to argue that it would be reasonable to give a longer period of notice.

If you don't have a written agreement with the landlord you may still have agreed with your landlord about the length of notice before you leave. If not the landlord has to give reasonable notice.

There are no set rules about what is reasonable. It depends on:

- The length of time you have been living there
- The length of time between rent payments
- Whether you have been getting on with your landlord
- How quickly the landlord needs someone else to move in

Once your landlord has given reasonable notice and it has ended you can be evicted. Your landlord has the right to change the locks while you are out or may remove your belongings and place them outside to persuade you to leave.

If you are serving in the Armed Forces, you will be provided with accommodation in barracks (single accommodation) or in Services Families' Accommodation. If you or your partner are in or have just left armed forces, for more information please contact the Joint Service Housing Advice Office (JSHAO), Soldiers, sailors, airmen and families association (SSAFA) Forces Help or the Army Families Federation (AFF).

Service tenant:

A service tenant is whereby you live in housing provided to you by your employer but it is not essential for you to reside in the accommodation in order to do your job and your employment contract does not require you to live there

If you have a service tenancy, you should have the same rights as other tenants. These rights will depend on:

- Who your employer is
For instance, if your employer is a private company or individual, you will most likely have an assured shorthold or an assured tenancy, unless you moved into the accommodation before 15 January 1985 in which case you will have a regulated tenancy
- What kind of accommodation you are living in
For example, if you live in council accommodation you will probably have a secure tenancy, if reside in a housing association property you will most likely have an assured shorthold or an assured tenancy, unless you moved into the accommodation before 15 January 1985 in which case you will have a regulated tenancy or if you have a service tenancy, and you live with your employer, you will probably be an excluded occupier
- What kind of tenancy agreement you have
- How long you have lived there for

If you are a service tenant and you are dismissed or resign from your job, then your employer will probably ask you to leave your accommodation. In all situations, your employer must follow the proper procedures for evicting you. In some circumstances you may be able to stay in the accommodation or be entitled to an offer of alternative accommodation.

If you have an assured shorthold tenancy you will not be able to stay in the accommodation. However, your employer must:

- Send you a formal notice telling you when you have to leave
- Give you the correct amount of notice before you have to leave
- Get an eviction order from the court if you do not leave in accordance with the notice. However, in this situation, you are likely to have to pay your landlord's court costs in getting the eviction order

If you have a regulated, assured or secure tenancy you may be able to stay in the accommodation or at least be offered alternative accommodation. The law is complex in this area and you should get legal advice immediately.

Agricultural accommodation:

If you are a farm worker, this type of accommodation is referred to as an 'agricultural tenancy' or an 'agricultural occupancy'. There are different kinds of agricultural tenancy, or occupancy, each of which gives you different rights.

Please note that not all farm workers who live on agricultural land are agricultural tenants. If you live on land which you rent and farm yourself, then you may well have an agricultural holding and not an agricultural tenancy. If you are in this situation, you should get advice about any problems you are having from a local advice centre or solicitor.

In order to be an agricultural tenancy, your tenancy and job will need to meet the following conditions:

- You must live in a self contained home
- Your employer must own the property you live in , or have arranged for you to live there so that you can do your work
- You must work for at least 35 per hours per week (unless to have a permit to work shorter hours as a result of an industrial injury
- You must work for at least some of the time on maintaining crops, livestock, forestry, or tractors, and other equipment (market gardens and plant nurseries are also included)
- You have been employed in agriculture for 91 weeks of the last 104, this includes time from previous employment, as well as paid holiday and sick leave

If you are an agricultural tenant, the type of tenancy you have will depend on when your tenancy started:

- If your agricultural tenancy started before 15 January 1989 you will have a regulated tenancy. This is also known as a 'statutory' or 'protected' agricultural tenancy. If you have a regulated tenancy, your right to live in your home does not end even if you lose your job, retire, or if the property is sold. After you die, your tenancy can even be passed to your spouse/partner, or a member of your family in certain circumstances. In most cases, the only way that your landlord can evict you from your home will be to supply you with suitable alternative accommodation. Accommodation will only be considered 'suitable' if the new tenancy is another regulated tenancy, or a secure tenancy provided by a local council.
- If your agricultural tenancy started after 15 January 1989 you may have an assured agricultural tenancy. Alternatively, you may have a shorthold agricultural occupancy which is similar to an assured shorthold tenancy and gives you fewer housing rights. You will only have a shorthold agricultural occupancy if your landlord/employer gave you a written notice saying that the occupancy was a shorthold at the start of your tenancy. The rights and the grounds for possession of an assured agricultural tenancy are similar to those for assured tenancies, except that unlike assured tenancies the right to live in the accommodation does not end when the job comes to an end in the case of an agricultural tenancy. Once you become an agricultural tenant, you keep that tenancy even if you lose your job. If you have an agricultural tenancy, then you will have the right to stay in the property unless a court makes an eviction order against you.

If you are an agricultural tenant and you retire, or you lose your job, then you will still keep your tenancy and the housing rights of that tenancy. If you are an agricultural worker but you do not have an agricultural tenancy, you will have less protection from eviction. However,

your landlord will probably still need a court order to evict you, unless you live as a lodger in her/his home.

You can pass an agricultural tenancy on to your husband, wife, or partner if s/he is living with you when you die, but you can only do this once. If you are not married and you do not have a partner, you can pass the tenancy on to a member of your family, provided that they have been living with you in the property for at least two years.

If you have an assured or regulated agricultural tenancy you will only have to leave your property if a court issues a possession order against you telling you to leave. Your landlord will only be able to get a possession order against you in certain circumstances, including:

- If you do not pay the rent (there may be rules on how much and for how long)
- If you break a condition of the tenancy
- If you cause a nuisance
- If you damage your home
- If your landlord or local council provide suitable alternative accommodation for you

If you are threatened with eviction for any other reason please seek legal advice.

If you are asked to leave your tied accommodation and are unsure of your rights, you will need to get legal advice from a solicitor. An adviser at the Citizens Advice Bureau can also tell you about your rights as an employee. Please contact your nearest branch or visit. To find out more about these rights you can also visit www.direct.gov.uk or www.acas.ecgroup.net