



Policy Title:	Assignment Policy
Owner:	Housing Manager
Date Approved:	26th May 2022
Approved By:	Board
Next Review Date:	May 2025
Regulatory Standards:	Regulatory Standard 2: The RSL is open and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

1. Introduction

- 1.1. The purpose of this policy is to outline Cadder Housing Association's requirement to accept and consider any application to assign a tenancy as set out in the Housing (Scotland) Act 2001 and amended by the Housing (Scotland) Act 2014.

2. Definitions

- 2.1. Assignment describes the process that take place when a tenant (the principal tenant) transfers the rights and responsibilities of their tenancy to another person. It is not the formation of a new tenancy, as the other person will take over any issues associated with the tenancy, such as rent arrears.
- 2.2 The Association will ensure that the principal tenant and the person who will be assigned the tenancy (assignee) understand the implications of the assignment and of any tenancy problems which may be transferred, such as rent arrears.

3. Eligibility Criteria

- 3.1. In order to qualify for assignment, the house must have been the existing tenant's only or principal home during the 12-months immediately before the assignment application is made.
- 3.2 The person that wishes to be assigned the tenancy must have lived at the property as their only or principal home for at least 12-months before the date of the written

request and they must have notified the Association in writing of the person living in the property, as the 12-month residency period does not start until the landlord has been notified and has approved the residency.

- 3.3 The Association will accept notification in writing or by e-mail. We will not accept verbal notification.

4. Assessing an Application to Assign a Tenancy

- 4.1. The assessment of assignation applications will take account of both the tenant's and proposed assignee's circumstances and must satisfy the criteria set down in Section 32 and Part 2 of Schedule 5 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.
- 4.2 The Association will not withhold consent unreasonably, but may refuse to consent to assign the tenancy on the following grounds;
- Where the existing tenant has not used the property as their only or principal home for the preceding 12-month period.
 - Where the person to wishes to be assigned the tenancy has not used the property as their only or principal home for the preceding 12-month period and/or the Association has not been informed in writing of the residency.
 - A Court Order for Recovery of Possession has been granted against the tenant.
 - A Notice of Proceedings has been served on the tenant specifying one of the conduct grounds set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act e.g. rent arrears or anti-social behaviour.
 - There is significant damage to the property caused by the tenant, a member of the household or visitor to the property.
 - The Association has reason to believe that the tenant has received a payment in cash or in kind to affect assignation.
 - The Assignation would lead to over-crowding or under-occupation of the property in line with the Association's Allocations Policy.
 - The proposed assignee has been involved in anti-social behaviour as confirmed by another agency e.g., Police Scotland or Community Safety Glasgow or has had an ASBO granted against them or a member of their household within the last 3 years.
 - The property was designed or has been adapted for a person with additional needs (e.g., for wheelchair users) which are not required by the assignee.
 - The house is unsuitable for the prospective assignees needs.
 - Either party has given false or misleading information about the application.
 - The Association would not give the prospective assignee reasonable preference under our Allocations Policy.
 - There are current rent arrears or rechargeable repairs owed to the Association.

4.3 This list is not exhaustive and each application will be fully assessed by a member of the Housing Team before granting or refusing an assignment application.

4.4 In the case of a joint tenancy, we will require both tenant's written consent to the proposed change.

5.0 Assignment Process

5.1 Any tenant wishing to assign their tenancy must complete an Assignment Application form which is available on request from the office or on the Association's website.

5.2 On receipt of the application an acknowledgement letter will be issued to the tenant confirming that a member of the Housing Team will carry out all appropriate eligibility checks

5.3 The Association will notify the tenant of its decision within 28 days of receipt of the assignment application. If the request has been refused the reason will be outlined in the refusal letter.

5.4 If there is insufficient information available to allow a decision to be made, the request will be refused, with reason given and the tenant advised to re-apply when the relevant information is available.

6.0 Appeals Procedure

6.1 Any applicant unhappy about a decision relating to an assignment request may submit a written appeal to the Housing Manager within 28-days of receiving the decision.

6.2 The Housing Manager will review the appeal and provide the applicant with the result of their decision in writing within 14 days.

6.3 If the applicant remains dissatisfied, recourse can be sought via the Association's Complaints Policy.

7.0 Tenancy Sustainment

7.1 The Association is committed to providing a quality to service to all our customers and ensure that they have all the necessary information and assistance provided in order to thrive in their tenancy.

7.2 When an assignment application is approved then the assignee should be offered an appointment with the Association's Money Advice Officer to ensure that their income is maximised and they are fully aware of the financial obligations of taking on a tenancy.

7.3 Consideration should also be given to any unmet support needs and referral made to partner agencies to ensure that the assignee is fully supported in their new tenancy, e.g., Social Work or Energy Advice.

8.0 Equal Opportunities

- 8.1 Our commitment to equal opportunities and fairness will apply irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy and maternity. An equality impact assessment was carried out in conjunction with the preparation of this policy. It is deemed that this policy will not unduly affect under any person(s) with the above-mentioned characteristics.