

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name :	Assignment
Policy Category :	Housing Management
Policy Number	HM13
Date approved/amended	November 2021
Next Review Date	November 2024

Assignment

INTRODUCTION

The Association recognises that tenants may wish to Assign their tenancy (pass the tenancy to someone else) to another member of their household.

The opportunity to assign a property is defined in the Housing (Scotland) Act 2001, and detailed within section 4 of the Associations Scottish Secure Tenancy Agreement.

POLICY

It is the Association's policy to consider all requests from tenants to Assign their accommodation and not unreasonably withhold consent. You must first obtain the Associations written permission. To do this, you must tell us in writing:

- the details of the proposed change including who you want to assign to; AND
- when you want the assignment to take place.

The Association will aim to respond to any Assignment application in writing within 10 working days and we will endeavour to make our decision regarding an application within 28 days of receipt of the application. If an application is refused, the Association will advise the applicant of the reasons for refusal, what action should be taken to address the reasons for refusal and the applicants rights to appeal.

The Association retains the right to refuse an application if sufficient information is not provided by the applicant to allow a decision to be taken. In this situation the applicant can reapply at any time.

CONSENT TO ASSIGN

Consent should not be unreasonably withheld. Grounds for refusing consent include the following:-

- the house must have been your only or principal home during the 12 months immediately before you apply for written permission to pass your tenancy to someone else (previously there was no qualifying period); and
- the person you wish to pass your tenancy to must have lived at the property as

their only or principal home for the 12 months before you apply (previously the qualifying period was 6 months); and the 12 month period cannot begin unless we have been told in writing that the person is living in the property as their only or principal home. We must have been told in writing that by you, a joint tenant, or the person you now wish to pass the tenancy to. If we have already been told in writing that the person is living in the property we do not have to be notified again.

We can refuse permission to assign a tenancy if it is reasonable for us to do that. Two new reasons when we can refuse an application for assignation have been added to the existing list of reasons at section 32 of the Housing (Scotland) Act 2001. These new reasons are:

- where we would not give the person you wish to pass the tenancy to priority under our allocations policy;
- where, in our opinion, the assignation would result in the home being under occupied.
- Anyone who has been violent or has used abusive, threatening or anti-social behaviour towards any of the Associations staff.
- Anyone who has been evicted by the Association or a previous landlord, or is the subject of an Anti Social Behaviour Order or involved in the harassment of others. These circumstances will be taken into account when assessing the Association's response to any application, though they will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to show the Association staff justification for these actions or that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Where Eviction or A.S.B.O's are an issue, a Senior Housing Officer will have discretion to consider a Short Scottish Secure Tenancy or supported accommodation in certain circumstances where appropriate to assist an applicants opportunity to obtain future rehousing.
- Repossession of a tenancy on grounds of damage to the property.
- The tenant or a member of their family has been convicted for past anti social behaviour in the vicinity of the property.
- Anyone or their spouse, partner or family members included in their application who have had previous convictions or have pending convictions for any offence in connection with the use or supply of any controlled drugs or for using the house for immoral or illegal purposes or offences punishable by imprisonment that were committed in the vicinity of the house.
- Anyone who fails to respond to two items of correspondence from the Association will have their application suspended until they make contact.
- Anyone who has more than one months rent arrears/former rent arrears, or other significant outstanding tenancy liability including service charges/repair recharges, or who has not maintained an arrangement to clear such charges for a continuous period of 3 months. Continuing indebtedness to a landlord, eg through an unpaid former rent arrears or rechargeable repair account, or a recent history of anti-social behaviour will be taken into account when assessing the Association's response to any application, though it will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to satisfy the Association staff that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Anyone who has given false or misleading information with relevance to the outcome of their application or withheld relevant information in order to obtain a tenancy will have their application suspended for a period of 6 months from the date of the disclosure.

- Failure to allow a risk assessment to be carried out (where appropriate) or where essential housing support is deemed necessary, but has been refused or not provided.

A suspended application will remain suspended for 6 months or may be reconsidered during this time if the reason for suspension has been fully addressed.

- we have served a notice on you warning that we may seek eviction on certain grounds because of your conduct;
- we have obtained an order for your eviction;
- it appears that you propose to receive a payment or an unreasonable rent or deposit;
- the proposed change would lead to the criminal offence of overcrowding;
- we intend to carry out work on the house which would affect the part of the house connected with the proposed change.
- The house has not been the only or principle home of the person to whom the tenant wants to assign the tenancy for the past 6 months.

These examples do not in any way alter our general right to refuse permission on reasonable grounds. The following grounds relate to the incoming assignee and mirror the responsibilities that the Association places on applicants within our Allocations process:-

- Anyone who has been violent or has used abusive or threatening behaviour to an Association staff member.
- Anyone who has been evicted by a previous landlord, or is the subject of an Anti Social Behaviour Order. These circumstances will be taken into account when assessing the Association's response to any application, though they will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to show the Association staff justification for these actions or that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Where Eviction or A.S.B.O's are an issue, a Senior Housing Officer will have discretion to consider and offer advice on probationary or supported accommodation in certain circumstances where appropriate to assist an applicants opportunity to obtain future rehousing
- Anyone or their spouse, partner or family members included in the application who have had previous convictions or have pending convictions for any offence in connection with the use or supply of any controlled drugs or has been convicted of using previous accommodation for any immoral or illegal purposes.
- Anyone who has more than one months rent arrears/former rent arrears, or who has not maintained an arrangement to clear former tenant rent arrears for a continuous period of 3 months. Continuing indebtedness to a landlord, eg through an unpaid former rent arrears or rechargeable repair account, or a recent history of anti-social behaviour will be taken into account when assessing the Association's response to any application, though it will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to satisfy the Association staff that despite the problems he/she has experienced in the past he/she will

work with the Association and other appropriate agencies in developing a sound tenancy.

- Anyone who has given false or misleading information with relevance to the outcome of their application or withheld relevant information in order to obtain a tenancy will have their application suspended for a period of 6 months from the date of the disclosure.
- Failure to allow a risk assessment to be carried out (where appropriate) or where essential housing support is deemed necessary, but has been refused or not provided.
- The assignee has not been resident in the property for 12 months prior to the application. The 12 months residency period only takes effect from the date the Association was made aware of the individual joining the household.
- The Assignee does not meet the reasonable preference' grounds detailed in the Associations Allocations Policy:- "Persons who are homeless or threatened with homelessness and who have unmet housing needs, Persons living in unsatisfactory housing conditions and who have unmet housing needs and existing tenants who are overcrowded (unmet housing needs are defined by RCHA as needs which are not capable of being met by housing options which are available".
- The Assignee does not meet the Associations allocations priorities.
- The Assignment created under occupation within the property

REPORTING

Approvals and refusals given will be reported to the Housing Management Sub Committee as necessary. These reports will not reveal the applicant's name or address.

APPEAL PROCEDURE

Any applicant who wishes to have a decision reviewed has the right of appeal to a Senior Housing Officer, and thereafter to the Association's Housing Management Sub-Committee. Appeals should be made in writing within **10** working days of the notification and should be responded to within a further **10** working days. A further final right of appeal is also available via the Association's separate complaints Policy, if any applicant feels they have been treated unacceptably or inappropriately by staff – details of the complaints policy are available from the office on request.