

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name :	Assignment
Policy Category :	Housing Management
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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.

If you want to assign your tenancy, the house must have been the only or principal home of the person to whom you want to assign the tenancy for at least 6 months before the date of your written request.

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. Possible grounds for refusing consent include the following:-

- 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.

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 feels aggrieved by their treatment under the Assignment policy 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. Another right of appeal is available to the courts if the applicant deems a decision to be unreasonable and a further right of appeal to the Housing Association Ombudsman is also available.