

ASSIGNATIONS POLICY

1. Introduction

- 1.1 The Housing (Scotland) Act 2001 provides for the right for tenants to assign their tenancies to another person. This right is detailed in the Scottish Secure Tenancy Agreement
- 1.2 The Housing (Scotland) Act 2014 introduces changes to the eligibility criteria for persons who wish to assign (pass on) their Scottish Secure Tenancy to another person.

2. Application to Assign Tenancy to Another Person

Current Position

Before a tenant can assign their home to someone else they must apply in writing to the Ayrshire Housing (the association) for permission and get written consent from the association.

Permission will only be granted providing the house has been the assignee's only or principal home during the 6 months immediately before the application is submitted to Ayrshire Housing.

Position from 1 November 2019

- 2.1 Before a tenant can assign their home to someone else they must apply in writing to Ayrshire Housing (the association) for permission and get written consent from the association.
- 2.2 Permission will only be granted providing:

The house has been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to assign (pass on) their tenancy to someone else.

The person that the tenant wishes to pass on their tenancy to must have lived in the property as their only or principal home for the 12 months before the application is made.

The tenant, joint-tenant or person they wish to assign their tenancy to must have notified the landlord that the person the tenant or joint tenant wishes to assign the tenancy to is living in the house. The 12 month residency qualifying period does not start unless the landlord has been notified that the person is living in the property as their only or principal home.

3. Notification and Consent to Reside

3.1 The 12 month qualifying period (as detailed above) will not begin until the association has been notified and given consent for the person to reside.

Any period before we have been notified or after we have been notified but before we have given consent will not count as part of the 12 month qualifying period.

3.2 The association will accept notification in writing or by email or by the tenant updating their household information on My Home, their “tenancy portal”. Verbal notification will not be accepted. In the case of children in the household reaching the age of 16, who were part of the household when the property was allocated and it is their long term and principal home, no further notification is required.

3.3 The association will consider whether it is appropriate for that person to reside. Permission would not be given where the property became overcrowded as a result of their residency. There may also be other circumstances where the association might not consent and the applicant would be informed of those when they applied.

4. Conditions for Approval or Refusal of Consent to Assign the Tenancy

4.1 The association may refuse permission to the assignation request if it is considered reasonable to do so.

Grounds for refusing consent are listed in Section 32 of the Housing (Scotland) Act 2001 and as amended by Section 12 (2) of the Housing (Scotland) Act 2014, and include the following:

- A Notice of Recovery of Possession has been served on the tenant on any of the “conduct grounds” set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act 2001.
- An Order for Recovery of Possession has been made against the tenant.
- A payment has been received by the tenant, in cash or in kind, in consideration of the assignation request.
- Ayrshire Housing intends to carry out substantial work on the property.
- There is damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.

- The tenant has outstanding debt owing to Ayrshire Housing in terms of their tenancy being either arrears of rent, rechargeable repairs or any other debt related to their occupancy of the property.
- The association has been given incomplete or false information about the application.
- The house is unsuitable for the prospective assignee's needs.
- The prospective assignee has pursued a course of anti-social behaviour or has been convicted of using a previous tenancy for illegal or immoral purposes or has an Anti-Social Behaviour Order.
- The property was designed or substantially adapted for a person with special needs, for example Wheelchair Adapted properties or Elderly Amenity properties, and the assignee, or any other member of the household, does not require this type of property.
- There are current outstanding rent arrears or rechargeable repair charges outstanding to the association
- Where the association would not give the person the tenant wishes to pass the tenancy to "reasonable preference" under our Allocations Policy;
- Where, in the association's opinion and based on the occupancy standards set out in our Allocations Policy, the assignation would result in the home being under-occupied
- Where the association would not allocate a tenancy to the proposed assignee for reasons set out in the association's Allocations Policy.

5. Notification of Decision to Approve or Refuse Assignation Request

- 5.1 The association will notify the tenant in writing of the decision to approve or refuse consent to their application to assign the tenancy within 28 days of receiving the application. Where the decision is to refuse consent, the association will provide the tenant with the reasons for refusing consent.

6. Equality and Diversity

- 6.1 Ayrshire Housing is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of sex, marital status, family circumstances, race, ethnic or national origins, disability,

age, religion, political or sexual orientation. In delivering this policy, Ayrshire Housing's staff will comply fully with the requirements of the association's Equality and Diversity Policy.

7. Complaints

- 7.1 Any individual who is dissatisfied with the service experienced should be encouraged to provide feedback. Complaints regarding the implementation of this policy will be dealt with in accordance with the association's corporate Customer Complaints Policy and associated procedures.