



Assignment Policy

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Next Review: May 2028



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Farsi این مطالب را می توانید به زبان های دیگر، به شکل چاپ با حروف درشت یا حروف بریل (برای نابینایان) و بر روی نوار صوتی درخواست نمایید. در صورتی آه مایل به دریافت این مطالب به یکی از شکل های فوق هستید لطفاً با دفت Cadder HA تماس تلفن شماره .آنید حاصل 0141 945 3282

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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 (assignor) 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 Legislation and Regulatory Requirements

- 3.1 In preparing this policy, the Association has given consideration to, and sought compliance with, the following:

3.2 Legal Framework:

- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981

3.3 Scottish Social Housing Charter:

- **Outcomes 7, 8, 9: Housing Options**

- Social landlords work together to ensure:
 - People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them
 - Tenants and people on housing lists can review their housing options

Social Landlords have a role to prevent homelessness and should ensure that people at risk of losing their homes get advice and information on preventing homelessness.

- **Outcome 11: Tenancy Sustainment**

- Social landlords ensure that:
 - tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

4. Equalities

- 4.1 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.
- 4.2 An Equalities Impact Assessment was carried out in conjunction with the preparation of this policy.

5. Eligibility Criteria

- 5.1 In order to qualify for assignation, the house must have been the existing tenant's only or principal home during the 12-months immediately before the assignation application is made.
- 5.2 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.

6. Assessing an Application to Assign a Tenancy

- 6.1 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.
- 6.2 The Association will not refuse an assignation of tenancy 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 or former tenant arrears of over one month rent, rechargeable repairs, or other monies owed to the Association by either the proposed assignor or assignee.
- Where the association would not allocate a tenancy to the proposed assignee for reasons set out in the association's Allocations Policy.

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

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

7. Assignation Process

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

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

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

7.4 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.

8. Appeals Procedure

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

6.2 The Head of Housing 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.

9. Tenancy Sustainment

- 9.1 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.
- 9.2 When an assignation application is approved then the assignee should be offered an appointment with the Association's Welfare Rights Officer to ensure that their income is maximised and they are fully aware of the financial obligations of taking on a tenancy.
- 9.3 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.

10. Policy Review and Consultation

- 10.1 This policy will be reviewed every three years or earlier if deemed appropriate due to legislative changes.
- 10.2 Consultation with the community and resident participation is one of the key aspects of the way in which the Association operates. We therefore welcome the statutory provisions in the Housing (Scotland) Act 2001 which require all social landlords to take tenants' views into account when formulating key service delivery policies.