



# Cassiltoun

## Housing Association

### ASSIGNATION POLICY

|   |                             |
|---|-----------------------------|
| <b>Date Approved</b>                          | <b>Proposed Review Date</b> |
| <b>November 2019</b>                          | <b>November 2022</b>        |
| <b>Chair Person/Office Bearers Signature:</b> |                             |

**CASSILTOUN HOUSING ASSOCIATION LIMITED**  
59 Machrie Road, Castlemilk, Glasgow G45 0AZ

**Registered Scottish Charity SC 035544**

## **Assignment Policy and Procedures**

### **1. Background**

Assignment describes the process that takes place when a tenant (the principal tenant) transfers the rights and responsibilities of their tenancy to another person (assignee). It is not the formation of a new tenancy, as the assignee will take over all matters relating to the tenancy, including arrears. It is, however, a permanent arrangement whereby the assignee has all the statutory and contractual rights and obligations of the tenancy adopted.

This Policy outlines Cassiltoun's requirement to accept and consider any application for the assignment of a tenancy as set out in the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014.

### **2 General Principles**

Tenants have the right to assign their tenancy provided the eligibility criteria outlined in this policy are met.

Consent to assign a tenancy will only be given by the Association after consideration of the circumstances of the tenant and the proposed assignee.

It is the responsibility of the principal tenant to advise the statutory authorities, including Council Tax, Housing Benefit, Department of Works and Pensions (Universal Credit), gas, electricity and telephone suppliers, of the assignment.

### **3. Eligibility Criteria**

The house must have been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to assign their tenancy and

The person that the tenant wishes to assign their tenancy to must have lived at the property as their only or principal home for the 12 months immediately preceding the application for assignment and

The tenant, joint tenant or person that they wish to assign their tenancy to must have notified the Association that the person they wish to assign the tenancy to is living in the house. The 12-month period does not start until the Association has been informed in writing that the person is living in the property as their only or principal home and that permission to reside has been requested and approved by the Association.

The Association will accept notification in writing or by e-mail. We will not accept verbal notification. In the case of children in the household reaching the age of 16, who were part of the household when the property was allocation and it is their long term and principal home, no further notification is required.

## 4. Assessing an Application to Assign a Tenancy

The assessment of applications for permission to assign a tenancy will take account of both the tenant's and the proposed assignee's circumstances and in all cases 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.

The Association will not withhold consent unreasonably, but may refuse consent to assign the tenancy on grounds which include: -

Where the existing tenant has not used the property as their only or principal home for the preceding 12-month period.

- Where the person that the tenant wishes to assign the tenancy to 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 their residency.
- A Notice of Proceedings for Recovery of Possession 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, anti-social behaviour.
- A Court Order for Recovery of Possession has been granted against the tenant.
- The Association has reason to believe that the tenant has received a payment in cash or in kind to affect the assignation.
- There is substantial damage to the property caused by the tenant, a member of the household or a visitor to the property.
- The Assignation would lead to overcrowding or under-occupation of the property in line with the Association's Allocation Policy.
- The Association intends to carry out substantial work on the property.
- The property was designed or substantially adapted for a person with additional needs (e.g. for wheelchair use) or additional services (e.g. sheltered housing) which are not required by the assignee.
- The proposed assignee has been involved in the perpetration of anti-social behaviour as confirmed by another agency e.g. Police Scotland or has had an ASBO granted against them or a member of their household within the last 3 years.
- The house is unsuitable for the prospective assignee's needs.
- Either party has given false or incomplete information about the application.
- The Association would not give the prospective assignee reasonable preference under our Allocation Policy.
- There are current outstanding rent arrears or rechargeable repairs charges owed to the Association.

This list, while comprehensive is not exhaustive and each application will be fully assessed by a member of the Operations Team before granting or refusing consent.

## **5. Assignment Procedure**

Any tenant wishing to assign their tenancy must complete an Assignment Application form which is available on request from this office. (Appendix 1 & 1A) and return it to the Operations Team. On receipt of the application and acknowledgement will be issued to the tenant confirming that a member of the Operations Team will carry out all appropriate eligibility checks including carrying out a house visit to discuss the implications of assignment to both the tenant and the assignee and to inspect the property.

Where the proposed Assignee has held a tenancy within the last 5 years, the Association will request tenancy references as appropriate, having first obtained the permission from the proposed Assignee to do so.

The Association will notify the tenant of its decision within 28 days of receipt of the Application. If the request has been refused the reason will be given. If there is insufficient information available to allow a decision to be made, the request will be refused, with reasons given and the tenant advised to re-apply when the information is available. (Appendices 3 & 4).

Where the request to assign is approved, the new tenant will acquire the rights and obligations of the previous tenant by a written assignment agreement referring to and invoking the original Tenancy Agreement. (A copy of which will be provided to you)

## **6. Appeals Procedure**

Any applicant unhappy about a decision relating to an assignment request must submit a written appeal to the Housing Manager (Services) within 28 days of receiving the decision.

The Housing Manager (Services) will review the appeal and provide the applicant with the result of their decision in writing.

If the applicant is still dissatisfied, recourse can be sought through the Association's Complaints Policy and Procedure.

## **7. Equal Opportunities Statement**

We recognise our pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We will check this policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from implementation of the policy and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

## **8. Processing Information – General Data Protection Regulations**

Cassiltoun Housing Association will process information and data contained within the Housing Applications in accordance with its Policies and Procedures relating to the General Data Protection Regulations and all applicants will be issued with a Fair Processing Notice.

All staff members will be made aware of their responsibilities in relation to the General Data Protection Regulations and will be trained in the process that the Association has introduced to ensure compliance with GDPR.

### **Policy Review**

This Policy will be reviewed on a 3 yearly basis or earlier if legislation changes to ensure that its aims are being met.

Our Ref: CHA/ASSIGNATION/01  
Your ref: «Tenant\_Number»

Date: XXXXXX

«First\_Occup\_Title» «First\_Occup\_Forenames» «First\_Occup\_Surname»  
«Unit\_Description»  
«House\_Code» «Address\_Line\_1»  
«Address\_Line\_2»  
«Postcode»

Dear «First\_Occup\_Title» «First\_Occup\_Surname»,

**REQUEST TO ASSIGN TENANCY**

Further to your letter requesting permission to assign your tenancy, please find enclosed application which you should complete and return to our office at your earliest convenience.

If you are having any trouble completing the form then please contact me at this office and I will be happy to assist.

I trust this is of assistance to you.

Yours sincerely

Name  
**Designation**

**Enc,**



## Application to Assign Tenancy

**Written Consent Must Be Obtained From Cassiltoun Housing Association Ltd Before You Can Pass Your Tenancy To Another Person**

| Tenant's Details      |  |                |  |
|-----------------------|--|----------------|--|
| Tenant(S) Name        |  | Tel. No.       |  |
| Address               |  | Post Code      |  |
| Property Type         |  | No of Bedrooms |  |
| Start Date Of Tenancy |  |                |  |

| Why Do You Want To Pass On Your Tenancy? |                             |                     |                                     |  |
|--|-----------------------------|---------------------|-------------------------------------|--|
|  |                             |                     |                                     |  |
| Who Do You Want To Pass Your Tenancy To? |                             |                     |                                     |  |
| Name(S)                                  | Date Of Birth<br>(DD/MM/YY) | Relationship To You | When Did They Move In<br>(DD/MM/YY) |  |
|  |                             |                     |                                     |  |
|  |                             |                     |                                     |  |

**NB : Please Enclose Proof Of Identity & 2 Forms Of Residency For Each Person Listed At Section 3**

| Provide Details Of Previous Addresses Over The Past 5 Years For All People Detailed At Section 3<br>(Continue On A Separate Sheet If Necessary) |         |  |           |         |                   |
|---|---------|--|-----------|---------|-------------------|
| Name  | Address | Landlords Name, Address And Telephone Number | Date From | Date To | Reason For Moving |
|   |         |  |           |         |                   |
|   |         |  |           |         |                   |
|   |         |  |           |         |                   |

|   |               |              |
|---|---------------|--------------|
| <b>Do Any Of The People Listed At Section 3 Own Or Rent Any Other Property?</b> | <b>Yes(✓)</b> | <b>No(✓)</b> |
|   |               |              |
| <b>If Yes Give Details (Names &amp; Addresses):</b>                             |               |              |
|   |               |              |
|   |               |              |
|   |               |              |

|   |                |                  |                |
|---|----------------|------------------|----------------|
| <b>Has Anyone Listed At Section 3 Ever Held A Tenancy With Cassiltoun Housing Association</b> | <b>Yes(✓)</b>  | <b>No(✓)</b>     |                |
|   |                |                  |                |
| <b>If Yes Please Give Details Below:</b>  |                |                  |                |
| <b>Name</b>   | <b>Address</b> | <b>Date From</b> | <b>Date To</b> |
|   |                |                  |                |
|   |                |                  |                |
|   |                |                  |                |
|   |                |                  |                |
|   |                |                  |                |
|   |                |                  |                |

|  |                                 |  |  |   |
|--|---------------------------------|--|--|---|
| <b>Who Will Live At The Tenancy Address?</b> |                                 |  |  |   |
| <b>Name</b>                                  | <b>Date Of Birth (DD/MM/YY)</b> |  |  | <b>Relationship To Person(S) Applying For The Tenancy</b> |
|  |                                 |  |  |   |
|  |                                 |  |  |   |
|  |                                 |  |  |   |
|  |                                 |  |  |   |
|  |                                 |  |  |   |
|  |                                 |  |  |   |

|   |               |              |
|---|---------------|--------------|
| <b>Are You Moving Out Of The Property?</b>    | <b>Yes(✓)</b> | <b>No(✓)</b> |
|   |               |              |
| <b>If Yes, When Will You Move Out? (Date)</b> |               |              |
| <b>Where Are You Moving To? (Address)</b>     |               |              |

|   |               |                 |
|---|---------------|-----------------|
| <b>Has Your Home Been Adapted In Any Way For Use By A Disabled Person?</b>                | <b>Yes(✓)</b> | <b>No(✓)</b>    |
|   |               |                 |
| <b><u>If Yes, Please Give Details</u></b>   |               |                 |
|   |               |                 |
| <b>Do Any Household Members Require G/Level Accommodation Or Special Adaptations? (✓)</b> | <b>Yes(✓)</b> | <b>7. No(✓)</b> |
|   |               |                 |
| <b><u>If Yes, Please Give Details</u></b>   |               |                 |
|   |               |                 |

|  |                                       |
|--|---------------------------------------|
| <b>Declaration (To Be Completed By The Existing Tenant/Joint Tenants)</b>  |                                       |
| <p>The information I have given in this form is true and accurate. I agree that Cassiltoun Housing Association can make any enquiries they need to confirm the details I have given.</p> <p>I/we understand that I/we will receive a written reply to this application within one month of receipt of this application, and that the change of tenancy <u>cannot</u> go ahead until Cassiltoun Housing Association's written consent has been given.</p> |                                       |
| <b>Tenant's Signature</b> _____  | <b>Joint Tenant's Signature</b> _____ |
| <b>Date</b> _____  |                                       |

|   |                   |
|---|-------------------|
| <b>Declaration Under The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (To Be Completed By The Existing Tenant(S) Spouse Or Partner If They Are Not Joint Tenant(s)).</b> |                   |
| <p>I _____ am fully aware of all the details of the application to assign the tenancy of _____ and give my consent to it. I confirm that the details given are true and accurate.</p> |                   |
| <b>Signed</b> _____   | <b>Date</b> _____ |
| <b>Witnessed</b> _____  | <b>Date</b> _____ |
| <b>Witnessed</b> _____  | <b>Date</b> _____ |

**NB : The Existing Tenant(S) Of The Property Should Not Witness Section 11**

**Assignee(S) Declaration  
(To Be Completed By The Person(S) Named At Section 3)**

The Information I Have Given In This Form Is True and Accurate. I Agree That Cassiltoun Housing Association Can Make Any Enquiries They Need To Confirm The Details I Have Given.

I/We Understand That I/We Will Receive A Written Reply To This Application Within One Month Of Receipt Of This Application, And That The Change Of Tenancy **Cannot** Go Ahead Until Cassiltoun Housing Association's Written Consent Has Been Given.

Assignee Signature \_\_\_\_\_ Date \_\_\_\_\_  
Joint Assignee Signature \_\_\_\_\_ Date \_\_\_\_\_

**Assignee(S) Declaration to obtain tenancy references**

As per Section 5.2 'Where the proposed Assignee has held a tenancy within the last 5 years, the Association will request tenancy references as appropriate, having first obtained the permission from the proposed Assignee to do so'

Therefore, this section must be signed to confirm that you allow the Association to obtain a tenancy reference from your previous landlord/s prior to approving any assignation application. If this section has not been completed then this application will be refused.

Assignee Signature \_\_\_\_\_ Date \_\_\_\_\_  
Joint Assignee Signature \_\_\_\_\_ Date \_\_\_\_\_

**If We Give You A Tenancy Based On False Or Misleading Information, We May Take Legal Action To Get Our Property Back.**

Our Ref: CHA/ASSG/02  
Your ref: «Tenant\_Number»

Date: XXXXXX

«First\_Occup\_Title» «First\_Occup\_Forenames» «First\_Occup\_Surname»  
«Unit\_Description»  
«House\_Code» «Address\_Line\_1»  
«Address\_Line\_2»  
«Postcode»

Dear «First\_Occup\_Title» «First\_Occup\_Surname»,

**ASSIGNATION**

I write to acknowledge receipt of your application to assign/sub-let your tenancy.

I will contact you again within twenty-eight days to advise you of our decision.

Yours sincerely

Name  
**Designation**

Our Ref: CHA/ASSG/03  
Your ref: «Tenant\_Number»

Date: XXXXXX

«First\_Occup\_Title» «First\_Occup\_Forenames» «First\_Occup\_Surname»  
«Unit\_Description»  
«House\_Code» «Address\_Line\_1»  
«Address\_Line\_2»  
«Postcode»

Dear «First\_Occup\_Title» «First\_Occup\_Surname»,

**REQUEST TO ASSIGN YOUR TENANCY**

Thank you for submitting the application to assign/ sub-let your tenancy to:

.....

I write to confirm that this request has been approved and I have made an appointment for you and ..... to see me on:

.....

If this appointment is not convenient please contact me to arrange a suitable alternative.

Yours sincerely

Name  
**Designation**

Our Ref: CHA/ASSG/04  
Your ref: «Tenant\_Number»  
Date: XXXXXX

«First\_Occup\_Title» «First\_Occup\_Forenames» «First\_Occup\_Surname»  
«Unit\_Description»  
«House\_Code» «Address\_Line\_1»  
«Address\_Line\_2»  
«Postcode»

Dear «First\_Occup\_Title» «First\_Occup\_Surname»,

**Request to Assign your Tenancy**

Further to your application to assign your tenancy to:

.....

I can confirm that this request has now been considered and unfortunately has been refused for the following reasons:

.....

.....

.....

If you wish to appeal against this decision you can in the first instance contact me within seven days regarding this. If you are still dissatisfied after this a copy of the Associations Complaints Policy and Procedure will be made available to you in order that you can raise this a complaint.

I trust all of the above is of assistance to you.

Yours sincerely

**Clare MacLean**  
**Housing Manager (Services)**