

## TENANCY ASSIGNMENT POLICY



**MONITORING INFORMATION:**

<b>POLICY/PROCEDURE/STRATEGY:</b>	<b>TENANCY ASSIGNMENT POLICY</b>
<b>DATE APPROVED:</b>	<b>FEBRUARY 2025</b>
<b>EXPIRY DATE:</b>	<b>FEBRUARY 2028</b>
<b>OWNER:</b>	<b>COMMUNITIES AND COMPLIANCE MANAGER</b>
<b>APPROVAL ROUTE:</b>	<b>RESIDENTS' FORUM/ EXECUTIVE MANAGEMENT TEAM</b>

## Tenancy Assignment Policy

### Introduction

Assigning a tenancy is the legal way of a tenant passing their tenancy to another eligible person or 'assignee'. This can only be done with the consent of Teign Housing or by order of the court. Where a tenancy assignment occurs, the assignee takes on the rights and obligations of the assignor under the existing tenancy and no new tenancy is created.

This Policy outlines the circumstances in which tenants may assign their tenancy to someone else in accordance with relevant legislation and contractual rights.

### Policy – When Considering Eligibility for An Assignment

We will always check the tenancy agreement before determining eligibility for an assignment.

If a tenant loses their security of tenure before they die / wish to assign, for example by abandoning the property or subletting the whole property, there will be no right to assignment.

We will consider applications for assignment in the following circumstances:

- an assignment to a spouse or partner to add them as a joint tenant to their sole tenancy;
- an assignment to a spouse or partner which removes one party from a joint tenancy amending it to a sole tenancy;
- an assignment to a potential successor where the tenant is moving into residential care;
- an assignment to a family member which removes one party from a joint tenancy
- an assignment by way of mutual exchange (see separate mutual exchange policy and procedure)
- an assignment where a court has made a property adjustment order on matrimonial or similar proceeding

We will process an application where we receive a request for an assignment. We will need to obtain information to determine whether the applicant is eligible, and the property would

meet their needs. Failure to provide information reasonably requested will mean the assignment cannot proceed.

We will not accept an assignment of a starter tenancy.

Where there are outstanding arrears, we will agree with the tenant that they must clear these before proceeding with their application to assign their tenancy unless there are exceptional reasons.

We will make a decision on a request for assignment within 28 days of receiving all the information needed to assess the application.

#### **Review of the decision to refuse a tenancy assignment:**

Customers have the right to request a review of any decision we make regarding their application for assignment and will be expected to do so within 14 working days of our decision. The review will be undertaken by the Compliance Manager and a response will be issued to the customer within 14 working days.

#### **Monitoring and Performance Standards:**

On a quarterly basis the Compliance Manager and Independence, Wellbeing and Occupational Therapy Services Manager, in conjunction with the Senior Community Housing Officers, will conduct quality checks on at least 15% of assignments to ensure that the terms of this policy and procedure have been fully adhered to. Statistics relating to assignments will be included in the quarterly performance reports.

#### **Related Documents:**

- Tenancy Strategy
- Tenancy Assignment Procedure