

TENANCY ASSIGNMENT PROCEDURE



MONITORING INFORMATION:

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

Tenancy Assignment Procedure

1. Introduction

1.1 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 takes place the assignee takes on the rights and obligations of the assignor under the existing tenancy and no new tenancy is created.

2. Procedure

2.1 The circumstances in which we will consider applications for assignment are set out in the Tenancy Assignment Policy.

2.2 Changing a tenancy from sole to joint

- 2.2.1 A tenant wishing to add a person to their tenancy must complete an application form. A joint tenancy will generally be granted if:
- their starter period has been completed successfully;
 - both parties are in agreement to the joint tenancy being granted;
 - evidence is provided that the relationship is of a permanent nature. This can be demonstrated by providing a copy of a marriage or civil partnership certificate or by proving that they have been co-habiting for 12 months;
 - proof of identity is provided;
 - the rent account is clear;
 - no legal action is pending against the tenancy.
- 2.2.2 The application form together with evidence of the above will be passed to the Senior Community Housing Officer to approve or decline. The decision will be made within 28 days of receiving the application and the evidence required to assess and determine the application.
- 2.2.3 If approved the Customer First Team will draw up a deed of assignment and arrange an appointment with the Community Housing Officer/Independence and Wellbeing Advisor for both parties to sign the deed.

- 2.2.5 If a joint tenancy is not to be granted, the applicant will be advised the reason for this by the Community Housing Officer/Independence and Wellbeing Advisor.
- 2.2.4 The deed of assignment will be passed to the Customer First Team to update the housing management system.

2.3 Changing a tenancy from joint to sole

Where tenants are in agreement

- 2.3.1 If the joint tenants are in agreement the tenancy can be assigned into one sole name, they must **both** complete an application form declaring their intentions. When both forms are received, they will be passed to the Community Housing Officer/Independence and Wellbeing Advisor.
- 2.3.2 The Community Housing Officer/Independence and Wellbeing Advisor will generally give consent if:
- their starter period has been completed successfully;
 - the rent account is clear;
 - there is no legal action pending;
 - we are confident that neither party is being coerced into the assignment.
- 2.3.3 The Customer First Team will draw up the deed of assignment and arrange appointments for them to be signed with the tenants in the presence of a Community Housing Officer/Independence and Wellbeing Advisor. These can be done separately if necessary.
- 2.3.4 The deed of assignment will be passed to the Customer First Team to update the housing management system and ensure all parties involved receive a copy of the deed.
- 2.3.5 There may be instances where it is appropriate to exercise our discretion to facilitate a joint to sole tenancy assignment (where both tenants agree), for example in view of reports of domestic abuse. Any joint to sole assignments that fall outside of this procedure will be at the permission of the Compliance Manager.

Where one tenant is not in agreement

- 2.3.5 Where one tenant is not in agreement to the assignment or is uncontactable Teign Housing cannot agree to a tenancy assignment. The tenant seeking the assignment must seek legal advice with a view to applying to the court for a transfer of tenancy.
- 2.3.6 Where the assignment of tenancy is ordered by the court the tenant must supply us with the court order. Once provided the Customer First Team should update the housing management system and notify the remaining resident that this has been altered.

2.4 Assigning the tenancy when the tenant goes into residential care

- 2.4.1 Where a tenant goes into permanent residential care and has no intention to return, they may assign the tenancy to another household member **if** they meet the criteria for a succession (refer to the succession procedure).
- 2.4.2 An application form must be completed and proof of ID, residency for at least 12 months and income supplied. Once all information is supplied this should be sent to the Community Housing Officer/Independence and Wellbeing Advisor to complete the relevant checklist.
- 2.4.3 The Community Housing Officer/Independence and Wellbeing Advisor may refuse the assignment request in the following circumstances:
- the tenancy is in rent arrears;
 - there is legal action pending;
 - the applicant provides false information or withholds relevant information;
 - the property is too large or too small for the applicant's needs;
 - they do not meet the criteria for that specific housing i.e. any age restrictions in place;
 - the property has adaptations that they do not require;
 - the applicant does not meet the criteria set out in the Succession Policy and Procedure.
- 2.4.4 Where the property is deemed unsuitable for the applicant, we will serve Notice to Quit to bring the current tenancy to an end. The occupant will be placed on Use and Occupation whilst we try to support them to find alternative accommodation.

2.4.5 Where permission to assign the tenancy is granted, the Customer First Team will compile the deed of assignment and make arrangements for the tenant, the applicant and Neighbourhood Services Advisor to sign the deed.

2.4.6 Where permission is declined the Community Housing Officer/Independence and Wellbeing Advisor will inform the applicant.

2.5 Review of the decision to refuse a tenancy assignment

2.5.1 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 Customer First Team Leaders, in conjunction with the Senior Community Housing Officers and Senior Hub Co-Ordinator, will conduct quality checks to ensure that the terms of this policy have been fully adhered to. A report will then be produced for the Compliance Manager to consider.

Related Documents:

- Tenancy Strategy