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<b>Policy:</b>	Assignment Policy
<b>Legal Requirements:</b>	Housing (Scotland) Act 2001 Housing (Scotland) Act 2014
<b>Regulatory Standards:</b>	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>Standard 5. The RSL conducts its affairs with honesty and integrity.</p>
<b>Notifiable Events Guidance:</b>	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
<b>Equality and Diversity:</b>	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
<b>Human Rights</b>	<p>In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
<b>Complaints:</b>	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
<b>General Data Protection Regulation (GDPR):</b>	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
<b>Policy Author:</b>	Kevin Freeman
<b>Policy Review:</b>	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of October.



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<b>Policy Approval:</b>	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 27th of October 2022.
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### Statement of Policy Aims / Principles

5 An assignation of a tenancy is when the tenant wishes to terminate their tenancy and pass all their rights and responsibilities under the tenancy agreement to another person.

The policy aims to ensure that applications received from tenants looking to assign their tenancy are treated in a fair and equitable manner and are processed in accordance with legislation, good practice and the contractual terms contained within the Scottish Secure Tenancy Agreement (SST) or Short Scottish Secure Tenancy Agreement (SSST).

### 10 Legal Requirements

The legal provisions that govern the right for a Scottish Secure Tenant or Short Scottish Secure Tenant to assign their tenancy are contained within the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.

### 15 Policy Details

#### Applying to Assign a Tenancy

20 Any Scottish Secure Tenant or Short Scottish Secure Tenant has the right to assign their tenancy to a person, aged sixteen or over, who has been resident in their home. The tenant must apply in writing to the Association for written permission to do so and must obtain the Association's permission.

In order for a tenant to assign their tenancy the following eligibility criteria must be met:

- 25 • The property must have been the tenant's only or principal home during the twelve months immediately before the tenant applies for written permission to assign their tenancy; and
- The person the tenant wishes to pass their tenancy to must have lived at the property as their only or principal home for the twelve months immediately before they apply; and
- 30 • The tenant, joint tenant or person they wish to assign the tenancy to must have notified the Association that the person they wish to assign to is living in the property. The twelve month period does not start until the Association has been notified that the person is living in the property as their only or principal home.

Where a joint tenancy exists, all tenants must apply to assign the tenancy. If one or more joint tenant fails to agree to the application then permission to assign the tenancy will not be granted.

#### 35 Grounds for Refusal to Assign a Tenancy

40 Applications to assign a tenancy will not be refused unless the Association has reasonable grounds for doing so. The legislation does not clearly define what is regarded as "reasonable grounds" for refusal. However, the following grounds are considered reasonable for refusing an application:

- 45 • The Association would not award the proposed assignee reasonable preference under the Letting Policy;
- The Association is of the opinion that the assignation would result in the property becoming under-occupied;
- The property has not been the tenant's only or principal home during the twelve months immediately before the application is received;
- The person the tenant wishes to pass their tenancy to has not lived at the property as their only or principal home for the twelve months before the application is received;
- The tenant, joint tenant or person they wish to assign the tenancy have failed to notify the Association that the person they wish to assign to is living in the property.
- 50 • A Notice of Proceedings for Possession has been served on the tenant specifying any of the 'conduct' grounds set out in paragraphs 1 to 7 of Schedule 2 of the Housing (Scotland) Act 2001;
- A Decree for recovery of possession has been granted by the court;
- 55 • The tenant has outstanding debts with the Association or other social landlord amounting to more than one month's rent and has not adhered to a reasonable repayment arrangement for a minimum of three consecutive months;



**Policy Details (Continued)**

Applying to Assign a Tenancy (Continued)

- 5 • The proposed assignee has outstanding debts with the Association or other social landlord amounting to more than one month's rent and has not adhered to a reasonable repayment arrangement for a minimum of three consecutive months;
- The tenant has been evicted for anti-social behaviour within the last five years (this includes eviction by other social landlords);
- The proposed assignee has been evicted for anti-social behaviour within the last five years (this includes eviction by other social landlords);
- 10 • An Anti-social Behaviour Order (ASBO) has been granted against the tenant or a member of the tenant's household;
- An Anti-social Behaviour Order (ASBO) has been granted against the proposed assignee;
- The approval of the application would lead to overcrowding;
- The Association has been provided with an incomplete application or false and misleading information about the application;
- In the case of a joint tenancy, one or more tenant(s) has not given consent to assign the tenancy;
- 15 • The Association believes that the tenant is to receive a payment, in return for making the application;
- The pre-termination of tenancy property inspection is unsatisfactory; and
- The Association proposes to carry out work to the house or the building and the proposed work would affect the accommodation that would be occupied by the proposed assignee.

20 The grounds for withholding permission are not exhaustive and the Association may refuse to grant permission where it believes that there are other reasonable grounds for doing so.

Notification of Decision

25 The Association will respond to applications to assign a tenancy within one month of the application being received.

Where approval is granted, the tenant will be notified of the decision in writing and an office appointment will be confirmed for the tenant(s) and assignee to attend in order to sign the relevant tenancy agreement and termination notice. This appointment date will normally be the new date of tenancy.

30 Where approval is not granted, the tenant(s) will be advised of the decision in writing and given the reason(s) for refusal. The letter will also contain details of the Association's appeals process.

35 Where the Association fails to provide a response to an application to assign a tenancy within one month of the application being received, it will be taken that approval of the application has been granted.

**Appeals**

40 Tenants wishing a review of the decision made to their request should write to the Association's Housing Services Department within fourteen days of the date of the decision letter giving their reasons for appeal. The application will then be reviewed by a staff member not involved in the original decision and a written response will be provided within five working days outlining any new decision. If the tenant is still dissatisfied then they should write to the Association's Director who will investigate all circumstances and will respond to the applicant in writing within five working days. If the tenant is still dissatisfied then the Association's complaints procedures will apply.

45 **Risk Management**

By having a written policy and procedures on assigning a tenancy, the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.

50 **Policy Reporting**

A report on the number of assignation applications received by the Association as well as outcomes will be submitted on an annual basis and contained within the Tenancy Management Report.