

KINGDOM HOUSING ASSOCIATION LIMITED

ASSIGNATION POLICY

1.0 Statement of Intent

- 1.1 The purpose of this policy is to outline the Kingdom's requirement to accept and consider any application for the assignation of a tenancy as set out in the Housing (Scotland) Act 2001.

2.0 Application to Assign a Tenancy

- 2.1 Kingdom will consider any application to assign a tenancy where the tenant has formally applied in writing for permission to do so.
- 2.2 Consent to assign a tenancy will only be given where it is reasonable to do so in consideration of the circumstances of the tenant and the assignee.

3.0 Assessment of an Application to Assign

- 3.1 In assessing an application, Kingdom will not withhold consent unreasonably.
- 3.2 The assessment process will take account of both the tenant's and the assignee's circumstances both of which should satisfy the criteria set down in Section 32 and Part 2 of Schedule 5 of the Housing (Scotland) Act 2001 regarding an application to assign a Scottish Secure Tenancy.

4.0 Reasons for which an Application to Assign a Tenancy may be Refused

- 4.1 Although the list is not exhaustive, some examples of the grounds under which consent to assign may be withheld are:-
- a) Where the assigning tenant has not used the property to be assigned as their only or principal home
 - b) The assignee has not shown that they have resided in the tenancy to be assigned for at least 6 months as their only or principal home prior to the application being received by Kingdom

- c) A Notice of Recovery of Possession has been served against the tenant.
- d) An Order for Recovery of Possession has been made against the tenant.
- e) The tenant has received a payment either, in cash or in kind, in consideration of the assignation other than a reasonable rent or deposit.
- f) The assignation would lead to an overcrowding situation.
- g) Kingdom intends to carry out substantial work on the property.
- g) The property in question has had substantial adaptation or has design features which are not required by the assignee or their household.
- h) Where there is substantial damage or disrepair to the property which has been caused by the tenant, a member of their household or a visitor to the property.
- i) Where a development has been specifically designated for a particular group of tenants such as Chinese people over 55 years of age, etc and the assignee does not meet the criteria for being housed in the development.
- j) The Assignor has outstanding debt owed to Kingdom in terms of their tenancy.
- k) Where either party has given false information in relation to the assignation, has distorted information or has given false information in order to bring about the assignation
- m) Where the proposed assignee has pursued a course of anti-social conduct, has been convicted of using a previous tenancy for illegal or immoral purposes, or has had an ASBO granted against them or a member of their household within the last three years

5.0 Civil Partnership Act 2004

Where applications are made to assign tenancies Kingdom will take into consideration the above legislation where couples register their partnership under the provisions of the Act.

6.0 Notification of Decision

- 6.1 Kingdom will notify the tenant in writing of our decision within 28 days of receiving their application. Where consent to assign has been refused we will advise the tenant of the reason/s for refusing consent. Where Kingdom has failed to reach a decision within 28 days of receiving an application on the prescribed form we will have been deemed to have consented to the assignation under the terms of schedule 5, Part 2 of the Housing (Scotland) Act 2001

7.0 Appeals Process

Any appeal on a decision where consent had been refused should be made initially to the Housing Manager. Where the Housing Manager upholds the original decision, the tenant can pursue any further grievance through the Kingdom's Complaints Procedure. This does not prejudice the tenant's right to raise a Court action under Part 2 of Schedule 5 of the Housing (Scotland) Act 2001.

8.0 The Role of Housing Services

The recording of requests to assign a tenancy is the responsibility of the Customer Services Team. The appropriate housing officer is responsible for processing all requests.

9.0 Review

This policy will be reviewed 5 years from the date of implementation, which will be the date the policy is approved by the Committee of Management or earlier if deemed appropriate.

KINGDOM HOUSING ASSOCIATION LIMITED

TENANCY ASSIGNATION POLICY

Policy drawn up with reference to:

Housing Scotland (2001) Act

Civil Partnerships Act 2004

Reference made to the following sources and other guidance:

Prepared by: Alex McLaren

Current Policy dated: December 2002

Draft 1 Circulated to Directors for review

Policy audited by Kingdom's solicitors October 2006

Sub Committee Review of Policy 12.2.07

Presented for approval to Committee of Management on 19.3.07

Policy Approved Yes

Next review date: December 2012