

A TENANT GUIDE TO TENANCY ASSIGNATION



1. INTRODUCTION

An assignation is a means that allow tenants to pass the tenancy to someone else if they are leaving the tenancy and have no intention of returning to it.

Every Scottish Secure Tenant (SST) and short SST has the right to seek their landlords permission to pass (assign) their home to a qualifying person and landlords have 28 days to make a decision and tell the tenant of the outcome.

Landlords can only refuse permission if it is reasonable to do so. Examples of these reasons are outlined in housing legislation.

2. HOW TO APPLY

Tenants who wish to pass their tenancy to someone else (the assignee) should complete and return an Assignation Request Form. This form is available on request from RCH.

Once we receive this we will check that the applicant is a qualifying person against our criteria and arrange for a survey of your home. If appropriate, we may seek references from another landlord.

We will then write back to you advising if your application has been approved or not. We must do this within 28 days of receiving your application.

3. APPROVING PERMISSION

If permission is being approved, the assignee is being assigned the full tenancy rights and conditions of the existing tenant. A new tenancy agreement is needed to ensure that we have the new tenants signature but the change is considered as continuing tenancy and not the end of one and start of another. The original tenancy start date is retained on our records.

This means that the assignee is responsible for all existing tenancy condition which includes repayment of any arrears of rent and any other tenancy breaches.

The Housing Officer shall make arrangements for the assignee to sign a tenancy agreement and explain in fuller detail what the changes mean. Both tenant and applicant should complete the on-line change of circumstances on any rehousing applications.

4. GROUNDS FOR REFUSAL

River Clyde Homes will not unreasonably refuse permission for an applicant to take over the tenancy. However, the grounds under which we may refuse permission include the following:

1. you have not completed the application correctly or provided the necessary information within 7 days of request.
2. You are looking to charge the assignee an unreasonable rent, deposit or other charge in relation to the tenancy. RCH will consider any additional charge as unreasonable.
3. **FROM 1/11/19**, you have failed to notify RCH that the assignee was resident in the property and/or the assignee has not resided at the property a minimum of 12 months.
4. we have served you with a Notice of Proceedings warning you that we are seeking to have you removed from your home under Schedule 2, grounds 1-7 of the Housing (Scotland) Act 2001
5. we have obtained an order against you for recovery of possession of the property (eviction)
6. you have rent arrears equivalent to three month's rent charge and an arrangement to repay this debt has not been kept for a period of three months.
7. your house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and if this changes takes place, there would no longer be a person with such special needs occupying the house.
8. the accommodation within the property is not suitable to the needs of the assignee and their family and/or **(FROM 1/11/19)** they would not qualify for reasonable preference per RCH Allocations policy.
9. this change would result in the property becoming overcrowded or under occupied following the definition found in RCH Allocation Policy.
10. your house is included in a River Clyde Homes sensitive lettings initiative and the assignee does not meet the entry criteria.
11. We are intending to carry out work to the property which would affect the assignees occupation of the property
12. We have discovered an issue related to your proposed assignee and have advised them separately of this.

The above examples do not in any way alter our general right to refuse permission on reasonable grounds and we will consider every case in its own merits. If refused and the change has already happened without our approval, the applicant and their family must vacate the house within 28 days to avoid RCH taking further action to repossess the home.

Once our decision has been made, the application is closed and any future request for permission shall be treated as a new application.

5. APPEAL PROCESS

You have 7 days to appeal any decision and should do so in writing stating the reason for the appeal and enclosing any new information that is relevant.

The Housing Team Leader shall review the grounds for appeal against the qualifying criteria and make the decision to uphold or not uphold the appeal. You shall be advised of this decision within 14 days of receiving your appeal.

This decision is final and completes the appeal process. If refused and the change has already happened without our approval, the applicant and their family must vacate the house within 28 days to avoid RCH taking further action to repossess the home.

Please make any enquiries to River Clyde Homes 24/7 Customer Experience Team, full contact details can be found on our website www.riverclydehomes.org.uk.

- Telephone 0800 013 2196
- Email customerexperience@riverclydehomes.org.uk
- Visit River Clyde Homes Customer Hub, Clyde Square, Greenock

THIS INFORMATION LEAFLET IS AVAILABLE IN A VARIETY OF OTHER FORMATS SUCH AS LARGE PRINT, TAPE AND IN OTHER LANGUAGES. PLEASE DO NOT HESITATE TO CONTACT US IF YOU FEEL THAT YOU WOULD BENEFIT FROM THIS.