



HOUSING MANAGEMENT
ASSIGNATION POLICY
June 2026
June 2029

Policy:	Assignment Policy
Compliant with the Scottish Social Housing Charter:	Charter Outcome Ref No 1: Equalities Social Landlords perform all aspects of their housing service so that: "every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services". Charter Outcome Ref No 2: Communication Social landlords manage their businesses so that: "tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides." Charter Outcome Ref No 11: Tenancy Sustainment Social Landlords make sure that: "Tenants get the information they need on how to obtain support to remain in their home and ensure suitable support is available, including services provided directly by the landlord and by other organisations"
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standards 3, 4 & 7
Compliant with Connected Communities/Customer Involvement Strategy	Yes
Compliant with Equalities and Diversity:	Equalities Impact Assessment completed.
Compliant with Business Plan:	Responsive Services
Date previously approved: Date Update approved: Date for Review :	March 2023 June 2026 June 2029
Responsible Officer:	Director of Housing

1. INTRODUCTION

This policy sets out how Paisley Housing Association "Association" will manage requests and applications relating to Assignment of tenancy.

The policy ensures compliance with legal requirements while supporting effective use of housing stock to meet housing need. The Association's objective is to meet both its legal requirements and contractual tenancy responsibilities, whilst making best use of its property, which meets people's needs.

2. SCOPE

This policy applies to:

- All Scottish Secure Tenancies (SST)
- Applications to assign a tenancy to another member of the household

3. LEGISLATION

This policy takes into account of the following:

- The Housing (Scotland) Act 2001,
- Housing (Scotland) Act 2014
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Civil Partnerships Act 2004
- Equalities Act 2010
- Data Protection Act 1998, General Data Protection Regulation 2016

4. CONSENT

For the purpose of considering applications of assignment where the tenant is married, cohabiting or in a civil partnership, then the Association will need the consent of the spouse, Civil partner or cohabitee as is set out within the Matrimonial Homes (Family Protection) (Scotland) Act 1981.

If the tenancy is a joint tenancy, the consent of the other tenant is needed for the proposed change.

5. ASSIGNATION

5.1 Legislation

An assignation of tenancy is when a tenant intends to leave their property and transfer their rights and obligations to another person. A Scottish Secure tenant is not allowed to assign their tenancy without the written permission of the Association.

The Association will ensure that applications to assign a tenancy are processed in accordance with legal provisions set out in the Housing (Scotland) Act 2001, Section 32 and Part 2 of Schedule 5, and the contractual terms contained within

the Scottish Secure tenancy Agreement. The Housing (Scotland) Act 2014 Section 12(2) introduced a 12-month qualifying and notification requirement to allow an assignation to be considered.

The Association will accept written notification by letter/email. Notification should be made for the attention of the Housing Manager.

Where through notification the Association becomes aware of overcrowding it will write to advise the tenant that it does not give permission for the person to remain in the property.

5.2 Eligibility Criteria

- For a tenant to assign a tenancy the property must have been their only and principal home during the 12 months immediately before the date of their written request to assign their tenancy to someone else.
- The person the tenant wishes to assign the tenancy to must have been living in the house as their only or principal home for at least 12 months before the date of the tenant's written request.
- The tenant, joint tenant or person they wish to assign their tenancy to must have notified the Association of them moving into the property and the 12-month residency period does not start until the Association has been notified.
- The rent account of the principal tenant must be up to date and there should be no outstanding housing-related debt such as former tenant arrears, recharges or court expenses.
- The person the tenant wishes to pass their tenancy to must be at least 16 years old.

5.3 Grounds for Refusal

The Association will grant the assignation unless there are reasonable grounds not to do so. The following are reasonable grounds for refusal:

- A Notice of Proceedings has been served on the tenant that specifies any of the Housing (Scotland) Act 2001, Schedule 2 Grounds 1-7
- An order of recovery of possession has been made against the tenant
- It appears that a payment or an unreasonable rent or deposit is to be received by the tenant in consideration of the assignation
- Consent to the assignation would lead to overcrowding as per the Association's Allocations Policy
- The Association intends to carry out major repair work to the property which affects its accommodation
- The property is specifically designated to meet specific needs and the person the tenant wishes the tenancy passed to does not have these needs i.e. wheelchair and significantly adapted property
- Where either the tenant or the person the tenant wishes to give their tenancy to has given false or misleading information about their circumstances
- Where the proposed person the tenant wishes to give their tenancy to has pursued a course of Anti-Social Behaviour, or has been convicted of using a previous tenancy for illegal or immoral purposes or has had an Anti-

Social Behaviour Order granted against them or a member of their household within the last 3 years

- The person the tenant wishes to give their tenancy to has previously been evicted by the Association
- The Association has defined the property for future sale in its Buying and Selling Strategy
- The person the tenant wishes to pass the tenancy to would not get reasonable preference under the Association's Allocation's Policy
- Consent to the assignation would lead to under occupation
- Where the proposed assignee wishing to reside has had a previous tenancy with the Association and has monies due and no arrangement in place or an arrangement has not been maintained for a period of 3 months
- Where the property is subject to a letting initiative and the person the tenant wants to assign the tenancy to does not meet its requirements e.g. Oliphant Court
- Where the proposed assignee has not been living in the tenancy for the preceding 12 months and the 12-month residency period does not start until the Association has been notified.
- Where the tenant has not held the tenancy for the preceding 12 months prior to the assignation request

This list is not exhaustive, and each case will be considered individually on its circumstances.

The Association will advise the tenant of its consent or refusal and in the case of refusal, the reasons for the refusal, to the tenant in writing within one month of receipt of the application. Where the Association fails to inform the tenant within the 28-day timescale permission will be deemed to have been granted.

5.4 Complaints and Appeals

Tenants have a right of appeal. They can raise proceedings to the court by way of summary application.

Alternatively, a tenant can ask the Housing Manager to review the decision. Where the Housing Manager upholds the original decision, the tenant has redress through the Association's Complaints Policy.

6 . RESPONSIBILITIES

To ensure the Tenancy Policy is applied consistently and to ensure we provide a quality service for our customers, the Association's staff and Board members have clearly defined areas of responsibility.

The Board is responsible for:

- approving the Policy

The Director of Housing will be responsible for:

- Reviewing the Policy

- Monitoring the performance of the policy

The Housing Manager will be responsible for:

- Considering appeals
- Authorisation of tenancy changes
- Discretionary decisions
- Audit cases Monitor performance within timescales

The Housing Officers are responsible for:

- Processing applications for tenancy changes
- Recording notifications received on the Association's housing system

The Housing Assistants are responsible for:

- Sign up of any new tenancy agreements
- Amending tenancy details on the Association's housing system

7.0 DATA PROTECTION AND GDPR

When implementing the policies and procedures of Paisley Housing Association all staff and board members and contractors must adhere to and be aware of the requirements of the Data Protection Act 1998 and the General Data Protection Regulation (EU) 2016/679 (the GDPR).

8. EQUAL OPPORTUNITIES STATEMENT

This Policy complies with PHA's Equal Opportunities Policy and takes account of the Equality Act (2010). PHA recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.

The Association promotes equal opportunities and will not discriminate between persons on grounds of gender or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Further information can be found in our Equality & Diversity Policy.

9. MONITORING AND REVIEW

The Association will monitor the use of legal and discretionary powers to ensure:

- Fairness and consistency
- Compliance with legal requirements
- Positive outcomes for victims

This policy will be reviewed every **three years**, or sooner if required due to legislative or best practice changes.