



Assignment Procedure

1. Introduction

1.1 Applications for assignment will be considered in the following circumstances:

- An assignment by way of mutual exchange (see mutual exchange procedure)
- An assignment where a court has made a property adjustment order in matrimonial proceedings
- An assignment to a potential successor (see succession procedure)

2. Policy

2.1 Co-op Homes does not have a policy on Assignment. This procedure applies to Co-op Homes short life and permanent tenants, as well as Co-ops tenants.

3. Procedure

3.1 Receive request in writing from tenant(s) that they wish to assign their tenancy or they provide proof that the tenancy has been assigned by the Court.

3.2 Where an application is made to assign to a potential successor check to find out whether the assignment is permitted within the terms of the tenancy agreement.

3.3 On receiving a request check our records and contact the tenant to find out:

- How long the potential assignee has lived at the property and has it been continuous. Where the proposed assignee is not the spouse of the tenant they will need to provide proof of continued residence for 12 months
- What their relationship is to the tenant
- Where the current tenant is or will be living
- Who else will be living at the property if the assignment is agreed
- Are there issues of under occupation or overcrowding? Where the assignment is to someone other than the spouse and will result in under occupation by more than one room it will not be agreed unless the assignee is willing as a condition of the assignment to move to smaller accommodation.
- Are there any rent arrears?
- Is there a current court order being served on the tenant?
- Whether they are aware of the implications of assigning their tenancy in terms of future re-housing.

3.4 Produce a report with recommendations to the Housing Manager for a decision.

3.5 If the assignment is refused write to the tenant with reasons. Where it is approved write to the tenant and arrange an appointment for the tenant and the assignee to sign the assignment form.



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- 3.6 When the assignee comes in to sign the deed provide them with a specimen copy of the tenancy agreement and make them aware of the terms and conditions.
- 3.7 Start a new account on Omni Ledger with new reference number. NB. this does not start a new tenancy

4 Guidance Notes

- 4.1 An assignment to a potential successor will be refused under specific grounds which include:
- The tenant holds a current starter tenancy
 - There are rent arrears that will not be cleared before the date of the proposed assignment
 - Proceedings have begun for possession of the tenancy
 - The tenant or proposed assignee is obliged to give up the property as a result of a court order
 - The assignment will lead to a worse housing situation (including statutory overcrowding)
 - The property was specifically adapted for the assignor or a member of the household who will no longer reside at the property
 - The property is in a sheltered scheme or is let specifically for persons with special needs
- 4.2 A transfer from sole to joint cannot be carried out by assignment and will result in a new tenancy being created.
- 4.3 A transfer from joint to sole is through operation of a deed of release.
- 4.4 Where the assignor was a successor there will be no further rights of succession.
- 4.5 If the assignor had the benefit of a preserved rent status this will transfer to the assignee.
- 4.6 The tenancy agreement only allows assignment to the husband or wife or someone who has lived with them as if they were married.