



Housing Management | Assignments

Assignments



What is an assignment?

An assignment is the passing of a tenancy from one person to another. The person who assigns the tenancy is the 'assignor' and the person to whom the tenancy is assigned to is the 'assignee'.

The effect of an assignment is that the assignee becomes the tenant of the landlord under the same tenancy agreement.

By assigning your tenancy you will lose your security of tenure and could make yourself intentionally homeless. Any support would be dependent on your circumstances at the time and would not necessarily give you any priority for rehousing. You are also advised that this proposed voluntary assignment of tenancy could adversely affect your rights under the Housing Act 1980 to buy the property.

What if I am a Joint Tenant, can I assign my half of the tenancy to the other Joint Tenant?

An assignment in these circumstances can only be granted by a court with a Property Adjustment Order.

What is a Property Adjustment Order?

Under the Family Law Act 1996, on divorce, the termination of a civil partnership or if cohabitants cease to cohabit (live together), the court can order that the secure or Introductory Tenancy can be changed into the name of another. If you hold a demoted tenancy, this is not possible. A Property Adjustment Order can only be obtained through the courts, so you would have to consult a solicitor or approach the court directly yourself.

Please see the Fact Sheet on Joint Tenancies for further information.

Who can I assign my Tenancy to?

The person you pass your tenancy onto must be legally entitled to it and you **must** still be resident at the property to be able to assign. If you have left the property, you have lost the right to assign your tenancy as you are not using it as your principal and main home. You can only pass your tenancy on to one person who is an immediate family member (spouse, civil partner, cohabitating partner, brothers, sisters, adult children, and adult grandchildren) who have resided in the property continuously for the preceding 12 months. If the applicant is a spouse or civil partner 12 month residency is not required.

How many assignments can take place?

A tenancy can only be passed on once. An assignment to a potential successor is classed as a succession. This means if you assign your tenancy to another person the tenancy cannot be passed on again by way of a succession or assignment.

When will an assignment be refused?

An assignment will be refused if:

- You have obtained your tenancy by way of assignment or succession.
- The property type/size is not suitable for the needs of the assignee.
- The potential assignee is not eligible to take over the tenancy.
- You have left your property and lost the right to assign.
- The tenancy is Demoted, a Suspended Possession Order or Possession Order granted by the courts, or a Legal Notice has been served.
- You have rent arrears.

How can I apply for an Assignment?

You can apply to assign your tenancy by completing both of the following:

- Application for Assignment of Tenancy – for the assignee (applicant) to complete. The assignee (applicant) will need to provide evidence of residency and
- Voluntary Assignment of Tenancy Form – for the tenant to complete.

These forms can be collected from and returned to the St Leger Homes' reception point at the Civic Office, Waterdale, Doncaster, DN1 3BU or by ringing 01302 862862 and requesting that they be sent out to you in the post or by email.

If the application is refused and you leave your tenancy, you should give vacant possession as per the conditions of the Tenancy Agreement. If you leave your tenancy, anyone left in the property will be classed as unauthorised occupants. Possession proceedings could then be started to bring the tenancy to an end.

Further Information

If you have any further questions that are not answered in this fact sheet and to request the application forms, please contact us on **01302 862862**.