

ASSIGNMENT POLICY

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1 STATEMENT ON POLICY

- 1.1 There are limited circumstances that allow a secure tenant to assign their tenancy to another person. Under the council's existing Tenancy Agreement, tenants are required to seek the landlord's permission to assign their tenancy.
- 1.2 Tenants are advised to discuss any applications for assignment with their Housing Officer.
- 1.3 The City Council's Tenancy Agreement outline's tenant's rights to exchange by way of assignment.

2 KEY ISSUES FOR POLICY IMPLEMENTATION

- 2.1 Secure tenants (including fixed term secure tenants) can pass on (assign) their tenancy to another person in the following circumstances:
 - By mutual exchange, with the Council's permission
 - Under certain court orders
 - To a person who meets the eligibility criteria within Cambridge City Council's Housing Allocation Policy, and who would therefore be qualified to succeed to the tenancy if the tenant died immediately before the assignment.
- 2.2 Assignments may only be conducted in the following ways:
 - An assignment in connection with the right to exchange under section 92 of the 1985 Housing Act (does not apply to Introductory Tenancies)
 - An assignment made under certain court orders; Where a court makes a property adjustment order, under sections 23A or 24 of the Matrimonial Causes Act 1973, or under section 17(1) of the

Matrimonial and Family Proceedings Act 1984, or under paragraph 1, Schedule 1 to the Children Act 1989,

- An assignment to a person who would be qualified to succeed the tenant if the tenant died immediately before the assignment. For an assignment to a potential successor to be approved, conditions relating to the length of occupation by the potential assignee and to the suitability of the property must be fulfilled before the assignment is approved. Please refer to the Succession Policy for the detail of who would qualify.

- 2.3 An assignment must be executed before the assignor moves out of the property. If the assignor moves out before the assignment takes place the security of tenure will be lost and a Notice to Quit will be served to bring the tenancy to an end.
- 2.4 The right to assign a secure tenancy to a person who would qualify to succeed to the tenancy if the tenant died immediately before the assignment does not apply to a joint secure tenancy. A joint secure tenancy cannot be assigned to a potential successor. In the event of the death of a joint tenant, the remaining sole tenant will succeed to the tenancy by survivorship, not by statutory succession as defined in the Housing Act 1985.
- 2.5 In the case of an assignment by a secure tenant to a family member (other than an ex-spouse in divorce proceedings) the assignee is automatically a successor by section 88 of the Housing Act 1985 and on the assignee's death no further succession is possible. An assignment to a potential successor counts as a succession therefore there can be no further succession when the assignee tenant dies.
- 2.6 Details of the persons qualified to succeed the tenant are set out in section 87 of the Housing Act 1985 as amended by the Civil Partnerships Act 2004. This Policy does not currently reflect the amendments in the Localism Act 2011, which may be addressed in future iterations.

- 2.7 If an assignment takes place outside the specified circumstances in which assignment is permitted, without the approval of the Council, it will not result in the transfer of the tenancy. The tenancy will no longer be secure, and the assignee will not become a secure tenant. The Council will then be able to terminate the tenancy by service of a notice to quit.

Policy written: October 2018
To be reviewed by: September 2020