

# Assigning a secure tenancy to another person



## ***What is Assignment?***

Assignment is a legal term used to describe when a secure tenant passes his or her tenancy to someone else. There are a number of ways a secure tenancy can be passed from the tenant to another person. When a tenant dies their tenancy can be passed to an eligible person called a “successor”. A court may order that a tenancy is passed from the tenant to another person. When tenants swap homes this is called a mutual exchange.

This fact sheet covers only requests from a tenant to sign over their tenancy to another person. We call the person you want to pass your tenancy to the “assignee”.

## ***Can I assign my tenancy to someone else?***

You can only assign your tenancy to someone else with Homes for Islington’s approval. There are a number of rules that an assignment request has to comply with before HFI can approve it. These rules are laid down in both law and HFI’s own policy.

There can only be one succession of a secure tenancy. 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 if they die or want to pass it on again.

You must not be a successor tenant. If you succeeded to your Islington tenancy following the death of the previous tenant or if the previous tenant assigned the tenancy to you it is unlikely you will be able to assign the tenancy to someone else.

The person you wish to pass your tenancy to must be eligible. A person is eligible if they would be entitled to inherit your tenancy if you died. You can only pass your tenancy to one person. The tenant and any potential assignee must be living at the tenant’s address using it as their only or main home. An eligible person includes:

1. the joint tenant
2. your husband/wife or civil partner

Other people may be eligible if they are able to prove they have been living with the tenant at their home for at least the past 12 months. These people are:

3. your partner (including same sex partner)
4. other family members:

- |               |          |                |
|---------------|----------|----------------|
| • Parent      | • Sister | • Half brother |
| • Grandparent | • Uncle  | • Half sister  |
| • Child       | • Aunt   | • Foster child |
| • Grandchild  | • Nephew |                |
| • Brother     | • Niece  |                |

### ***What happens if HFI approves an assignment request?***

HFI will write to both you and the assignee confirming its approval of the assignment request. Both the tenant and the assignee will need to attend an appointment to complete the necessary paperwork to formally pass the tenancy from the tenant to the assignee. The date the tenancy is passed to the assignee will normally be the following Monday. The assignee will become liable for the rent and all other tenancy conditions from this date.

### ***Circumstances in which we will not allow you to pass on your tenancy***

There are a number of reasons why we may not allow you to pass your tenancy to another person.

- You got your tenancy when the previous tenant died or if they passed it on to you.
- If you have a court order against you then you may have lost the right to pass on your tenancy to someone else, in addition to other tenancy rights.
- If you have a demoted tenancy you lose your right to pass on your tenancy. If you have a demoted tenancy this is usually because of unacceptable behaviour.
- If you or a member of your household has caused anti-social behaviour or harassment we might be in a position to refuse your request.
- If you are currently in the process of buying your home or moving to another HFI property or if you have been nominated by HFI to another landlord for housing or if you are in the process of doing a mutual exchange with another tenant.

### ***What if I have arrears on my rent account?***

If you apply to pass your tenancy to someone else we will ask you to clear your rent account.

If you are not able to clear your rent arrears we will only allow you to pass on your tenancy to someone else if you make an agreement with us to clear the debt by instalments or if the assignee gives written agreement to take responsibility for the rent arrears. When this happens the arrears are added to the assignee's new rent account.

### ***What will happen if I move out and leave someone in my home?***

If you leave your home and have no intention to return, the security of your tenancy is lost. If before you leave you give your keys to someone else HFI will consider this person to be an unauthorised occupier. This will be the case even if that person may have been eligible to take on the tenancy through assignment or succession. HFI will take legal action to evict the person and take back possession of the property. HFI will charge the person for their use and occupation of the property until we regain possession of the property. The person will also be liable to pay any court costs.

**For more information about assigning a tenancy and making an assignment request speak to the Tenancy Management Team at your local area housing office.**

#### **Central Street Area Housing Office**

Tel: 020 7527 6524

#### **Holland Walk Area Housing Office**

Tel: 020 7527 7497

#### **Lyon Street Area Housing Office**

Tel: 020 7527 6834

#### **Upper Street Area Housing Office**

Tel: 020 7527 5323

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