

# Tenancy Assignment

## A Guide for Tenants



This guide explains the conditions around assignment of tenancy and explains the process that Wigan Council follow when dealing with a request to assign a tenancy.

### **What is tenancy assignment?**

Assignment is the when a tenant wants to pass his or her tenancy to somebody else. You have the right to assign your tenancy if you are a Secure or Introductory Tenant, although you are not normally allowed to do this if you intend to remain living in the property. The Council's policy on assignment reflects the legal position and the rights of tenants as laid out in the Housing Act 1985.

### **Who can I assign my tenancy to?**

You can only assign your tenancy to a family member and not to friends who are living with you. You can assign to the following family members. Once you have assigned your tenancy you will no longer have the right to occupy the property.

Husband/Wife

Uncle/Aunt

Civil partner (civil partners are same-sex couples who have formally registered their relationship under the Civil Partnership Act 2004)

Unmarried heterosexual partners

Niece/ Nephew

Same-sex partners

Grandfather/Grandmother

Father/Mother

Brother/Sister

Daughter/Son

Stepson/Stepdaughter

Adopted child

Grandson/Granddaughter

As well as the person being a family member, there are other conditions that must be met before we will approve for an assignment to take place.

### **What conditions must be met to allow an assignment to take place?**

- The tenant must be living in the property and using the property as their only home before the assignment.
- The person wishing to take over the tenancy must be a partner or one of the family members outlined above.

- The person wishing to take over the tenancy must have lived with the tenant for a minimum of the 12 consecutive months before the assignment.
- If a husband/wife or civil partner wishes to take over the tenancy they must be living with the tenant at the date of the application. The 12-month residence period will not apply in this case. .

When dealing with an application to assign a tenancy we will ask you to provide evidence of any relationship to the tenant and also the length of residency at the property.

## **Do I need permission to assign my tenancy?**

Yes you **MUST** get permission from Wigan Council before you assign your tenancy. If you pass your tenancy to anyone without our permission your tenancy will no longer be secure.

You **MUST** make your request in writing. You can either complete the Application to Amend Tenancy Form or write to us at  
Tenancy Services, Wigan and Leigh Homes, PO Box 48, Wigan, WN3 4WY

Or e-mail to [housingtenancyservices@wigan.gov.uk](mailto:housingtenancyservices@wigan.gov.uk)

You cannot move out and leave family or friends living in your property, if you do they will be seen as unauthorised occupants and we will take steps to evict them and end your tenancy.

## **Can you refuse my application to assign my tenancy?**

We can refuse your application if:

- there is any legal action being taken against your tenancy or
- there has been a previous succession or assignment of the tenancy or
- you have outstanding rent arrears
- the property is adapted

## **Visiting you at home.**

When we receive your application we will carry out checks to make sure that you meet the criteria described above and there are no reasons to refuse the application. The Tenancy Management Officer will then make an appointment to visit you at your home. At this visit the officer will

- ask to see the evidence/documents to support your application (like a marriage certificate or proof that the assignee has been living with you for 12 months if they are not your spouse or partner)
- check who would be living at the property if the assignment took place - we can refuse to give permission to assign the tenancy if the property would be under occupied or over crowded as a result of the assignment
- make sure you understand the consequences of assigning your tenancy and answer your questions

Following the visit the Tenancy Services Manager will make a decision on whether to approve your request and we will confirm our decision in writing within 10 working days of your visit.

### **What will happen if I am allowed to assign my tenancy?**

If Wigan Council is able to approve your request to assign your tenancy you will be sent a letter of confirmation. We will then arrange the following:

- The Tenancy Management Officer will contact you within seven days to sign the necessary tenancy paperwork.
- You will need to sign an 'Deed of Assignment' You and the person you are assigning the tenancy to will need to sign this at the same time.
- The existing rent account will be transferred into the name of the person you assign to and they will be provided with a rent payment card.
- If you they are on a low income, you may need to apply for Housing Benefit and Council Tax Benefit.

### **What will happen if I am not allowed to assign the tenancy?**

If Wigan Council is unable to approve your request, you will be sent a letter to advising you of this decision. If you think our reasons are unfair you can ask us to review our decision. Our letter will explain how to do this

