

Tenancy Management

Transferring your tenancy to another person (by assignment)

If you have any queries or require more information, please contact

Babergh & Mid Suffolk District Councils

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Introduction

If you can't live in your home anymore but want someone else who lives with you to become the tenant, you may be able to pass your tenancy on. This is called an assignment. An assignment is when a tenancy is legally transferred into someone else's name. For an assignment to be legal, the original tenant must have the right to assign her/ his tenancy, permission is needed from the Council and the tenancy must be transferred using a 'deed of assignment'. You lose all your right as a tenant after you assign your tenancy to someone else.

The Council is not obliged to amend the names on a tenancy unless there is a court order. There are limited circumstances in which a tenant can pass their tenancy to someone else. We will not unreasonably refuse permission for an assignment to take place.

How to pass your tenancy to another person

To be able to pass your tenancy to another person the following criteria must be met:

- You must hold a Secure Periodic Tenancy
- The assignee/prospective tenant must be a spouse, partner, civil partner or family member, as long as they would have qualified to succeed to the tenancy under the Housing Act 1985
- There must have been no previous succession or assignment to the tenancy
- The rent account must be clear
- There must be no other outstanding charges against the address such as court fees or recharges
- No damage has been caused to the tenancy address
- There are no unauthorized tenant alterations at the tenancy address
- The assignee/prospective tenant must have lived at the property for one year minimum as their principal home
- The assignee/prospective tenant must not hold another tenancy elsewhere or own any other property
- The assignee/prospective tenant must not have savings in excess of £60,000 (for those under 60 years of age) and £150,000 (for those over 60 years of age)
- There must be no valid legal notices, court orders or breaches of tenancy against the address
- The size of the property must be suitable for the prospective tenant
- If the property has been adapted for a person with disabilities, the prospective tenant must have a need for the adaptations
- The prospective tenant has indefinite leave to remain (ILR) in the UK with recourse (right) to public funds

To apply to assign your tenancy you need to complete an application form which must be returned to the Council offices along with any relevant supporting documentation.

Once we have received your completed application, we may need to see both parties to the assignment to ask further questions before we agree to proceed.

Once all is in order, we will make an appointment for a deed of assignment to be completed which both tenants must sign.

Important information

If you move out of the property and allow someone else to live in it without us making that person a tenant, they will have no right to stay in the property and may be evicted.

You will not be able to seek alternative Council accommodation whilst you remain named as a tenant on another tenancy.

We always recommend you seek independent legal advice prior to assigning your tenancy as an assignment may limit our duty to re-house you if you give up secure accommodation.

Contact us

If you would like further information or advice, please contact Customer Services by telephoning 0300 123 4000 and ask to speak to a Housing Officer.