

Assignment Of Your Tenancy

You may only assign your tenancy with our prior written consent, which will not be unreasonably withheld.

You would normally be expected to end your tenancy if you were leaving the property, so we will look at the reason why you are leaving and take this into account.

The person who you wish to assign the tenancy to must have lived in the property as their only or principal home for six months. They must agree to the assignment and that they will take on all the rights and responsibilities of the tenancy.

We will only agree to an assignment if:

It is ordered by a court or the proposed assignment is to a person who would have otherwise been entitled to succeed to your tenancy you died and it satisfies one of the following conditions:

- In the opinion of the Housing Services Manager, a valid management benefit exists from allowing the assignment or
- The assignment is proposed as a result of circumstances acting upon you and our refusal would lead to undue hardship to the person(s) involved.

We will not give approval if you voluntarily give up your tenancy without consideration of the needs of your family, except in the case of a relationship breakdown between spouses or co-habitees.



OTHA Tenant Information Leaflet

Assignations, subletting and lodgers

This leaflet tells you about how we deal with you wishing to sign your home over to someone else, to sublet or to take in a lodger

Taking in a Lodger?

When you were offered your tenancy, this was based on your family size and needs at that time. You may now have excess space. We will not unreasonably refuse your request to take in a lodger. We will also want details of all rent and other payments that you intend to charge. Any joint tenant will also have to agree.

You need OTHA's written permission prior to taking in a lodger.

To help us make a decision, you must provide a copy of the proposed agreement, which must be in writing. You need to let us know who the intended lodger is.

We will not allow you to charge a level of rent, which is in excess of your own rent charge. You may make additional charges for services provided, however, such as heating or telephone bills.

You may lose some or all of any Housing Benefit which you currently entitled to; and you must inform the Housing Benefit section know immediately of your intention to take in a lodger.

We will not allow overcrowding.

You will be responsible for the actions of your lodger just as if he was a member of your own household.

We suggest you discuss the issue with us at an early stage. However, if you submit a formal request in writing we will inform you of our decision within 1 month. Under your tenancy agreement, if we don't let you know within this timescale, your request is automatically approved.

If the application to take in a lodger is approved, they will not have any right to succeed to the tenancy in the future if you were to die.

Subletting

In general, the association is likely to discourage you from subletting your home. If you do not require to live in it, we would encourage you to end your tenancy unless the situation was very temporary.

We will not unreasonably refuse your request to sublet your home. However, we will expect that you intend to live in your home in the future. Sublets will not normally be allowed for longer than a six-month period or a year at most. If you were going to be away from home for a longer period, we would expect that the tenancy be ended.

You need OTHA's written permission prior to subletting. We will ask for a copy of the

proposed agreement, which must be in writing.

You need to let us know who the intended sub tenant is. We will want to have contact details for you – especially if you are going some distance away and cannot supervise what the sub-tenant is doing.

We will not allow you to charge a level of rent, which is in excess of your own rent charge. You may make additional charges for services provided, however, such as heating or telephone bills. You will need to make arrangements for payment of Council Tax.

You will lose all of any Housing Benefit which you currently entitled to and you must inform the Housing Benefit section of the date you leave the property so that your claim is cancelled.

We will not allow overcrowding.

You will be responsible for the actions of your sub tenant.

We suggest you discuss the issue with us at an early stage. However, if you submit a formal request we will inform you of our decision within 1 month. If we don't let you know within this timescale, your request is automatically approved.