

Assignment Policy consultation results

Do you support the Assignment Policy?		
Response	Number	%
Yes	50	63.29
No	9	11.39
Don't know	20	25.32
Don't want to answer	0	0
Total	79	100

Did you find the Assignment Policy easy to read and understand?		
Response	Number	%
Yes	59	74.69
No	7	8.86
Don't know	6	7.59
Don't want to answer	7	8.86
Total	79	100

Is there a section of the Assignment Policy that you would like to see reworded?		
Response	Number	%
Yes	4	5.06
No	45	56.97
Don't know	16	20.25
Don't want to answer	14	17.72
Total	79	100

Comments returned	Response to comments received
The complete Policy to be worded in a fair manner to human beings.	The Assignment Policy is based on housing legislation and therefore it is out with the Council's remit to make any amendment to certain parts of the policy. We would need clarity on which specific part of the policy the consultee suggests should be reworded in order to consider the request.
The whole thing.	
The whole policy.	

Is there something that we've missed from the Assignment Policy that you think should be included?		
Response	Number	%
Yes	5	6.33
No	35	44.30
Don't know	20	25.32
Don't want to answer	19	24.05
Total	79	100

Comments returned	Response to comments received
An actual fair process of allocation or assignation policy for vulnerable people and people with disablement. That feeling is considered.	The Assignation Policy is based on and complies with housing legislation.
Family members should be allowed to take over the tenancy if they are supporting the current family member tenant in a care capacity if they are not living there permanently but do have to sleep there on occasion. With a view to living in that home if the family member ends up in care or if passes away.	<p>The eligibility criteria applied in the Assignation Policy is defined in housing law - Section 32 and Schedule 5, Part 2 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014. The residency requirement is not a new prerequisite. However the existing residency requirement for assignations is extended from 6 months to 12 months and the landlord must also have been informed that the person the tenant wants to assign the tenancy to has moved into the property.</p> <p>The Assignation Policy is not used to determine who may be eligible to live in a house following the death of a tenant. This process is called succession. The criteria that the Council will consider for succession is defined in Section 22 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014. This includes the eligibility criteria applied to family members taking over a tenancy in the event of a tenant's death.</p>
To be given help with housing if you give up a tenancy.	As part of the application assessment, officers would consider if giving up the tenancy is in the best interests of the tenant and would provide support to the tenant.
You should be able to pass to a family member even if they don't live with you.	In administering rights to assign tenancies, the Council must comply with housing legislation. The primary legislation governing assignations is contained within Section 32 and Schedule 5, Part 2 of the Housing (Scotland) Act 2001 as amended by Section 12 of the Housing (Scotland) Act 2014. This states that the assignee must be 16 years of age or over and have lived in the house as their only or principal home for 12 months or more prior to the application to assign the tenancy.
That any young person 16 or above should be entitled to stay in the property if the named person on the tenancy decides to move.	

Is there something that you think should be removed from the Assignment Policy?		
Response	Number	%
Yes	6	7.59
No	38	48.11
Don't know	14	17.72
Don't want to answer	21	26.58
Total	79	100

Comments returned	Response to comments received
I don't think that it is fair to tenants and their families that houses that are adapted, that families will be turfed out of their homes that they may have been in for years. When I signed my tenancy, I was told that my children would be entitled to stay in our home when I died. I feel that this should be included, as it doesn't take in to account how an upheaval like a loss of home would impact the mental health on top of a loss of a parent/tenant on those family members, especially those with a mental health condition. Whilst I feel that under occupancy is an issue, it should be a choice for those tenants not forced upon them like this is doing. It is bad enough that we don't have the right to buy anymore to create security and increase the councils funding, but to take away tenants choice and control too, is undermining tenants further.	<p>This is not the intention of the policy. Assignations are voluntary requests made by tenants who want to give their tenancy to somebody else. The Council is not asking or forcing the person to give up their tenancy.</p> <p>In the event that the tenant died, the right of family members to continue living the property would be determined by a separate process called succession. Again this right and the criteria are specified in housing law (section 22 and Schedule 3 of the Housing (Scotland) Act 2001 as amended by Section 13 of the Housing (Scotland) Act 2014).</p>
The policy needs to be rewritten.	The Assignment Policy is based on housing legislation and therefore it is out with the Council's remit to make any amendment to certain parts of the policy. We would need clarity on which specific part of the policy the consultee suggests should be reworded in order to consider the request.
12 month living with current tenant.	This is as stated in housing law (Section 32 and Schedule 5, Part 2 of the Housing (Scotland) Act 2001 as amended by Section 12 of the Housing (Scotland) Act 2014) which the Council must adhere to.
I am not convinced that 16 should be the minimum age to be assigned a tenancy. I don't believe a 16 year old is mature	In Scotland any person aged 16 years or over has the right to be on the Housing List and to have a tenancy. This is

<p>enough to live in a property by themselves. Especially as we have insufficient Council housing in Moray, such a property is more likely to be wrecked or severely deteriorated with such a young person or persons living in it on their own. Therefore, I think the minimum age should be raised to 18.</p>	<p>stated in housing law – Section 9 and 10 of Housing (Scotland) Act 2001. The Council must adhere to this.</p> <p>There is no evidence to suggest that a property may be physically at risk due to the age of the tenant. The Council will ensure that in the event a young tenant needs support to manage their tenancy, support will be provided.</p>
<p>I think it is unfair to only be able to pass the tenancy over to someone who has lived in the tenancy for twelve months.</p> <p>It should be available to close friends and family, only after close scrutiny by the housing dept.</p>	<p>As detailed above this criteria is defined by housing legislation which the Council must adhere to. The rationale for introducing restrictions on assignation, subletting, joint tenancies and succession is to help social landlords to make best use of their stock.</p> <p>In the past, social landlords have expressed concern that existing rules did not do enough to prevent scarce social housing stock from being handed over to people who did not genuinely need it.</p>

Additional comments returned:

Comments returned	Response to comments received
<p>The policy is very unfair to people in a vulnerable position, who have experienced a death in the family, or to a family member who is caring for an elderly family member, who is about to die. There is no time limit to life of death.</p> <p>The policy does not take into account vulnerable people with disabilities. Some of these houses have been family homes for many years and should consider direct family. Instead of assigning a new citizen to the tenancy. The year period is very long, especially in the case of looking after an elderly person. By caring for them at home, the council is saving £100s of pounds a week. And therefore a family carer who is looking after a family member over a long or short period,</p>	<p>Assignations are voluntary requests made by tenants who want to give their tenancy to somebody else. The Council is not asking or forcing the person to give up their tenancy.</p> <p>The council wrote to all tenants last year to inform them of these changes and to encourage tenants to update the Council on any changes to their household. We regularly advise tenants to do this for example on our website and in the Tenants' Voice newsletter.</p> <p>In the event that the tenant died, the right of family members to continue living in the property would be determined by a separate process called</p>

<p>should have automatic right to the tenancy if agreed by present tenant. There has to be no time limit as death comes at any time.</p> <p>The year limit you have dictated can cause a lot of mental and physical upset to direct family members who would like to carry on the family home but not directly move in, or give up their present property. But will give up tendency on activation of assignee transfer. Basically, A HOUSE FOR A HOUSE, which is very fair.</p>	<p>succession. Again this right and the criteria are specified in housing law (section 22 and Schedule 3 of the Housing (Scotland) Act 2001 as amended by Section 13 of the Housing (Scotland) Act 2014).</p> <p>The timeframes included in the Policy are as defined in legislation which the Council must adhere to.</p>
<p>You state in one section that an applicant may assume consent given if they don't hear from you within one month. That could happen for any reason, so this shouldn't be a guarantee of your consent!</p>	<p>This is as stated in the Housing (Scotland) Act 2001 (Schedule 5, Part 1, paragraph 4) which the Council must adhere to.</p>
<p>Don't know if I have missed it, but should there be checks put in place on the person taking over the tenancy, I said no, but if it was family etc then I'm all for it, but there are more deserving people in need of a house.</p>	<p>As part of the assessment process, the Council will undertake checks to ensure that the person fulfils the criteria as stated in the policy. This will include assessing extent of the assignee's housing need (please refer to Section 7.4 of the Assignment Policy).</p>
<p>Not too sure about the assignee having to take on the tenant's debt, surely it would be better and fairer to chase the tenant for the debt?</p>	<p>The tenant is passing on the tenancy to another party and ending their interest in the tenancy and this would include their liability for any debt. The assignee will be aware of the any housing related debt. As part of the assessment of the application, the Council will consider if any housing related debt is outstanding and how much. Housing related debt can be a reason for refusing an application. However, in some cases the housing related debt may be small. All parties involved must have agreed that the assignee will be responsible for this debt before the assignation is approved.</p>
<p>Everything is easy to understand.</p>	