



# Localism Act 2011

## 2011 CHAPTER 20

### PART 7

#### HOUSING

### CHAPTER 2

#### SOCIAL HOUSING: TENURE REFORM

##### *Other provisions relating to tenancies of social housing*

#### **158 Secure and assured tenancies: transfer of tenancy**

- (1) This section applies if the tenants (“the relevant tenants”) under two or more tenancies of dwelling-houses in England (“the existing tenancies”) make a request in writing to the landlord under each existing tenancy asking the landlord to—
  - (a) permit the relevant tenant or tenants under the existing tenancy to surrender it, and
  - (b) grant a new tenancy of the dwelling-house let under the tenancy to another relevant tenant or other relevant tenants.
- (2) The landlord must comply with the request if the following conditions are met.
- (3) The first condition is that at least one of the existing tenancies is—
  - (a) a secure tenancy that is not a flexible tenancy, or
  - (b) an assured tenancy—
    - (i) which is not an assured shorthold tenancy, and
    - (ii) under which the landlord is the Regulator of Social Housing, a private registered provider of social housing or a housing trust which is a charity.
- (4) The second condition is that at least one of the existing tenancies is—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a secure tenancy that is a flexible tenancy, or
  - (b) an assured shorthold tenancy under which the landlord is the Regulator of Social Housing, a private registered provider of social housing or a housing trust which is a charity.
- (5) The third condition is that the remaining existing tenancies (if any) fall within subsection (3) or (4).
- (6) The fourth condition is that at least one of the existing tenancies to which subsection (3) applies was granted before the day on which this section came into force.
- (7) The fifth condition is that none of the landlords under the existing tenancies has refused to comply with the request (and see further section 159).
- (8) Subsection (9) applies where a relevant tenant’s existing tenancy is—
- (a) a secure tenancy that is not a flexible tenancy, or
  - (b) an assured tenancy that is not an assured shorthold tenancy.
- (9) The new tenancy granted to the relevant tenant pursuant to this section must be—
- (a) a secure tenancy that is not a flexible tenancy, or
  - (b) an assured tenancy that is not an assured shorthold tenancy, according to the landlord’s capacity to grant a tenancy of either kind.
- (10) The Secretary of State may by regulations provide that this section does not apply in relation to an assured shorthold tenancy of a kind specified in the regulations.