



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—

Changes to legislation: *Localism Act 2011, Section 158 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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.

Modifications etc. (not altering text)

- C1** S. 158 excluded (E.) (1.4.2012) by [The Transfer of Tenancies and Right to Acquire \(Exclusion\) Regulations 2012 \(S.I. 2012/696\)](#), regs. 1(1), **3**
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Commencement Information

- I1** S. 158 in force at 15.1.2012 for specified purposes by [S.I. 2012/57](#), **art. 4(1)(q)** (with arts. 6, 7, arts. 9-11)
- I2** S. 158 in force at 1.4.2012 in so far as not already in force by [S.I. 2012/628](#), **art. 6(a)** (with arts. 9, 11, 14, 15, 17)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 158(3)(a) words substituted by [2016 c. 22 s. 121\(2\)\(a\)](#)
- s. 158(4)(a) words substituted by [2016 c. 22 s. 121\(2\)\(b\)](#)
- s. 158(6) omitted by [2016 c. 22 s. 121\(2\)\(c\)](#)
- s. 158(7) word substituted by [2016 c. 22 s. 121\(2\)\(d\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)