

## RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name	Joint Tenancy
Policy Category :	Housing Management
Policy Number	HM5
Date approved/amended	June 21
Next Review Date	June 24

### JOINT TENANCY POLICY

The granting of a joint tenancy will be at the discretion of the Association who will not unreasonably reject such a request. Any prospective joint tenant(s) must intend to occupy the property as their only or principal home from the commencement of the joint tenancy.

The tenant and prospective joint tenant(s) must apply in writing to the Association. The Association will require full details of the applicant's current and previous housing circumstances, as checks will be made with previous landlords and other agencies. The Association will respond to the request within one calendar month of receiving the written application. If the Association fails to comply with this, it is to be taken to have consented to the application. If the Association does not have sufficient information on which to base a decision the application will be refused, however, applicants will be invited to make a further application when all information required is available.

The Association will refuse a joint tenancy application in the following circumstances:-.

- the proposed joint tenant must have lived at the property as their only or principal home for the 12 months before you apply for them to become a joint tenant (previously there was no qualifying period); and
- the 12 month period cannot begin unless we have been told in writing that the person is living in the property as their only or principal home. We must have been told in writing that by you, a joint tenant, or the person you now wish to become a joint tenant. If we have already been told in writing that the person is living in the property we do not have to be notified again.
- Anyone who has been violent or has used abusive, threatening or anti-social behaviour towards any of the Associations staff.
- Anyone who has been evicted by the Association or a previous landlord, or is the subject of an Anti Social Behaviour Order or involved in the harassment of others. These circumstances will be taken into account when assessing the Association's response to any application, though they will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to show the Association staff justification for these actions or that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate

agencies in developing a sound tenancy.

- Where Eviction or A.S.B.O's are an issue, a Senior Housing Officer will have discretion to consider a Short Scottish Secure Tenancy or supported accommodation in certain circumstances where appropriate to assist an applicants opportunity to obtain future rehousing.
- Repossession of a tenancy on grounds of damage to the property.
- The tenant or a member of their family has been convicted for past anti social behaviour in the vicinity of the property.
- Anyone or their spouse, partner or family members included in their application who have had previous convictions or have pending convictions for any offence in connection with the use or supply of any controlled drugs or for using the house for immoral or illegal purposes or offences punishable by imprisonment that were committed in the vicinity of the house.
- Anyone who fails to respond to two items of correspondence from the Association will have their application suspended until they make contact.
- Anyone who has more than one months rent arrears/former rent arrears, or other significant outstanding tenancy liability including service charges/repair recharges, or who has not maintained an arrangement to clear such charges for a continuous period of 3 months. Continuing indebtedness to a landlord, eg through an unpaid former rent arrears or rechargeable repair account, or a recent history of anti-social behaviour will be taken into account when assessing the Association's response to any application, though it will not necessarily prevent the applicant being rehoused by the Association. The applicant will however, require to satisfy the Association staff that despite the problems he/she has experienced in the past he/she will work with the Association and other appropriate agencies in developing a sound tenancy.
- Anyone who has given false or misleading information with relevance to the outcome of their application or withheld relevant information in order to obtain a tenancy will have their application suspended for a period of 6 months from the date of the disclosure.
- Failure to allow a risk assessment to be carried out(where appropriate) or where essential housing support is deemed necessary, but has been refused or not provided.
- The joint tenant has not been resident in the property for 12 months prior to the application. The 12 months residency period only takes effect from the date the Association was made aware of the individual joining the household.

A suspended application will remain suspended for 6 months or may be reconsidered during this time if the reason for cancellation has been fully addressed.

The Association will grant a joint tenancy unless it has reasonable grounds for not doing so. The Housing (Scotland) Act 2001 does not define what these reasonable grounds are, however, reasonable grounds for refusing permission include the following:

- The Association has served a notice on the tenant warning that we may seek an eviction.
- The Association has obtained an order for the tenant's eviction.
- The proposed change in tenancy would lead to the criminal offence of overcrowding.
- The Association has reason to believe that the prospective joint tenant(s) is unable to

sustain a tenancy to the satisfaction of the Association.

The above is not an exhaustive list of reasonable grounds for refusal but any additions would have to be deemed reasonable in respect of each individual application. Applicants will be advised of the reason for refusal, and attention will be drawn to the Association's appeal procedure.

In the event of a joint tenancy being granted, the Association will notify the appropriate benefit agencies.

### **APPEAL PROCEDURE**

Any applicant who wishes to have a decision reviewed has the right of appeal to a Senior Housing Officer, and thereafter to the Association's Housing Management Sub-Committee. Appeals should be made in writing within **10** working days of the notification, and should be responded to within a further **10** working days. A further final right of appeal is also available via the Association's separate complaints Policy, if any applicant feels they have been treated unacceptably or inappropriately by staff – details of the complaints policy are available from the office on request.

### **REPORTING**

Reporting of Joint Tenancy applications will be made to the Housing Management Sub Committee monthly.