

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name :	Sub Letting
Policy Category :	Housing Management
Policy Number	HM10
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SUB-LETTING

INTRODUCTION

The Association recognises that tenants may wish or need to leave the property (for example for employment reasons) but intend to return at a future date. During the time of their absence, the property can be sub let to another individual.

The Associations tenants have a right to sublet their property(subject to permission being granted), as defined in the Housing (Scotland) Act 2001, and detailed within section 4 of the tenancy agreement.

During a sub-let, the original tenant remains responsible for all conditions of the tenancy, including rent payment, during the time they are absent from the property. The Association will take action against the tenant if the sub-tenant or members of their household breach tenancy conditions such as causing a nuisance to neighbours.

POLICY

It is the Association's policy to consider all requests from tenants to sub-let part or all of their accommodation and not unreasonably withhold consent. You must first obtain the Associations written permission. To do this, you must tell us in writing:

- the details of the proposed change including who you want to sub-let to; AND
- the amount of rent and any other payments (including a deposit) you propose charging (if any); AND
- when you want the sub-letting change in tenancy to take place.
- the tenancy/occupancy terms on which you intend to sub-let (prior to granting consent, we will require that sub-leases are provided by you with a written agreement and that the terms of this agreement are acceptable to us).

The Association will aim to respond to any Sub-Letting application in writing within 10 working days and we will endeavour to make our decision regarding an application within 28 days of receipt of the application. If an application is refused, the Association will advise the applicant of the reasons for refusal, what action should be taken to address the reasons for refusal and the applicants rights to appeal.

The Association retains the right to refuse an application if sufficient information is not provided by the applicant to allow a decision to be taken. In this situation the applicant can reapply at any time.

CONSENT TO SUBLET

Consent should not be unreasonably withheld. Possible grounds for refusing consent include the following:-

- you must have been the tenant of the house throughout the 12 months immediately before you apply for written permission to sublet your home (previously there was no qualifying period), or
- if you were not the tenant throughout the whole of that period, the house must have been your only or principal home during those 12 months; and the tenant must have told us in writing that you were living there prior to the start of those 12 months.
- we have served a notice on you warning that we may seek eviction on certain grounds because of your conduct;
- we have obtained an order for your eviction;
- it appears that you propose to receive a payment or an unreasonable rent or deposit;
- the rent or deposit that you propose to charge (in the case of sub-letting or taking in a lodger) is unreasonable;
- the proposed change would lead to the criminal offence of overcrowding;
- we intend to carry out work on the house which would affect the part of the house connected with the proposed change.

These examples do not in any way alter our general right to refuse permission on reasonable grounds. The following grounds relate to the incoming sub-let and mirror the responsibilities that the Association places on applicants within our Allocations process:-

- 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.

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

The Association will agree to subletting for a maximum period of 26 weeks at any one time, although the tenant may apply for a further period of subletting at the end of this time. Any changes to the occupants details must be reported to the Association and approved. The existing tenant must keep the Association informed of any change in their temporary address and must give the Association notice of their proposed return date to the property when available. If we give permission, you cannot increase the rent or other payments made to you by the other person unless we give our permission.

REPORTING

Approvals and refusals given will be reported to the Housing Management Sub Committee as necessary. These reports will not reveal the applicant's name or address.

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.