

Tenancy Management Consultation

Involved Residents Group

April 2017

Tenancy Management

- Succession: 4 Successions in 2016/17: 3 Type 1 Successions and 1 Type 2 successions. No type 3 successions
- Assignment: The Association has permitted 4 requests in 2016/17.
- Subletting: The Association has not received any requests in the current year.

Succession Policy 2017

- Succession can only take place when the tenant has died
- The Housing (Scotland) Act 2014 amends Section 3 of the Housing (Scotland) Act 2001
- Requirement on tenants to notify the landlord of changes in the household
- 12 month residency qualifying period for members of the tenant's household and carers.
- Partners (not civil partners) who previously had a 6 month residency qualifying period must now meet a notification requirement and a 12 month residency qualifying period.

Succession Policy 2017

- No qualifying residency period for the tenant's spouse, civil partner or joint tenant, provided that the property was their only or principal home at the time of the tenant's death.
- The Association will accept notification in writing or by email. In the case of children in the household reaching the age of 16, who were part of the household when the property was allocated and it is their long term and principal home, no further notification is required.
- Consent will not be given in the case where a property is overcrowded as a result of their residency, and the person may not remain.

Assignment Policy 2017

- Assignment is passing of a tenancy one person to another
- That the tenant has been in occupation of the property as his/her only or principal home for at least 12 months prior to the proposal to assign.
- That the proposed assignee has been in occupation of the property, for at least 12 months prior to the proposal to assign
- That the 12 month period of relevant occupancy for the proposed assignee starts only when the landlord is advised of his/her occupancy.

Sub letting Policy 2017

The Scottish Government has set out in Guidance how landlords may now require a number of criteria to be met before a tenant may sub-let his/her home. These requirements are:

- That the tenant who proposes to sub-let their tenancy has been the tenant or resident for at least 12 months prior to the proposal to commence a sub-tenancy
- That the 12 month period of relevant occupancy for the tenant starts only when the landlord is advised of his/her occupancy.
- There are no residency requirements in respect of the proposed sub-tenant

Joint Tenancy 2017

- the proposed joint tenant must have lived at the property as their only or principal home for the 12 months before the tenant applies for them to become a joint tenant and
- The tenant, joint tenant or proposed joint tenant must have notified the landlord that the person they wish to become a joint tenant with is living in the house. The 12-month period does not start unless the landlord has been told that the person is living in the property as their only or principal home.
- The 12-month period applies to anyone wanting to be a joint tenant including the tenant's spouse, civil partner or co-habiting partner.

New Reasons for refusal

- The property was designed or substantially adapted for a person with special needs for example Wheelchair Adapted properties or Elderly Amenity properties as they are specially designed for persons over pensionable age and the assignee does not require this type of property.
- Assignment/subletting /Joint tenancy

Notification

- Must be in writing from tenant to Association