



## **PROPERTY LEASING POLICY 2023**

### **1.0 INTRODUCTION**

- 1.1 The purpose of this policy is to clearly define the circumstances in which we will lease properties and the organisations we will lease to. Staff have delegated authority to enter into leasing arrangements in line with this policy but any proposal to lease which falls out with the terms of this policy must be referred to the Board of Management for a decision.

### **2.0 OBJECTIVES**

- 2.1 Our aim is to meet our obligations to promote equalities and contribute to meeting the needs of the wider community. To achieve this, we will make a number of properties available to organisations working with people with support needs and to local authorities where appropriate.
- 2.2 Where leasing is found to be the most appropriate option the Board of Management delegates authority to the Chief Executive and Director of Housing Services to enter into agreements on its behalf.
- 2.3 Ochil View will only lease properties to a third party on an exceptional basis. Our policy is to provide the most secure form of tenancy compatible with the purpose of housing an individual based on need. Therefore, wherever possible we will provide direct tenancies for individuals. For example, generally when the accommodation is self-contained and long term, we do not consider leasing to be appropriate.
- 2.4 When we lease property, we will ensure the lessee uses the appropriate model leases, tenancy and occupancy agreements currently available.
- 2.5 When we enter into a lease if we need to consider a variation on an existing model tenancy or occupancy agreement, we will seek legal advice to ensure that we are maximising the security of tenure for the individual. This may arise because of the design of the accommodation or the nature of the client group.

### **3.0 MEETING THE NEEDS OF OUR CLIENT GROUPS**

- 3.1 To meet our policy objectives we will lease properties for the use of temporary accommodation. This would generally be to the Local Authority to provide temporary homeless accommodation. There will be exceptions where the accommodation is a person's permanent home where, they may require support from a specific provider or if it is accommodation registered with the Care Inspectorate as a care home, for example, people with dementia would fall into this category.

3.2 We will lease properties to the following organisations where it is appropriate due to the client group being housed and the nature of the support being provided:

- Women's Aid: Accommodation for use as a refuge.
- Scottish Society for Autism: for the purpose of providing accommodation and support for people with autism.
- Local Authority: for the provision of temporary homeless accommodation

We may also enter into lease agreements with providers who support client groups such as people with learning difficulties, Asylum Seekers, or Refugees.

3.3 We will make every effort to safeguard our properties and the people living in them. In determining an organisation's suitability as a lessee, we will consider its track record including its financial position, except where the proposed lessee is a Local Authority.

3.4 If organisations not listed want to lease property from us the Director of Housing Services will present a report to the Customer Services Committee making recommendations as to their suitability.

3.5 If the Association enters into a lease with another organisation, then notification is required under the Regulatory Framework introduced in February 2019 and will therefore be subject to a Notifiable Event submission to the Scottish Housing Regulator.

#### **4.0 MANAGING EQUALITIES**

4.1 Our policy is to ensure fair and open access to our housing and to be responsive to people's individual support needs. We will therefore ensure that appropriate selection and assessment criteria are used by the lessee in allocating the properties.

4.2 We undertake to ensure that equal access to appropriate property types and locations across the range of our stock is given to lessees. Properties made available for leasing will not be confined to one particular area or to less desirable stock.

#### **5.0 AUDIT TRAIL**

5.1 We will maintain a clear audit trail showing that we have;

- Examined all other available options in deciding that leasing is the most appropriate arrangement.
- Ensured that the lessee has granted the most secure form of tenure compatible with the purpose of the housing.
- Demonstrated good reasons for departing from the terms of any model agreements. This will include where the:
  - Lease is for longer than three years.
  - SFHA Model lease is not used.

- Model is used but some clauses are omitted or amended.
- Appropriate model occupancy or tenancy agreement is not used.
- Managed risks, covered costs and taken steps to ensure sustainability where it is a commercial lease.

## **6.0 PERFORMANCE AND REVIEW**

6.1 We will review the management of leased properties regularly by holding liaison meetings with the lessee at least every six months or as appropriate to the project.

6.2 We will report at each review of the Leasing Policy to the Customer Services Committee setting out;

- ✓ the number of leases
- ✓ the organisations we have leased property to
- ✓ the expiry date for the lease
- ✓ any management issues relating to the conduct of the lease (this will include estate management issues, complaints made and received, financial issues and repairs) and
- ✓ whether we have renewed leases

## **7.0 POLICY REVIEW**

This policy will be updated as required and reviewed at least every 5 years.

Linda McLaren  
Director of Housing Services

**December 2023**

### **Policy Review Process and Consultation**

Considered by Senior Management Team	5 <sup>th</sup> December 2023
Recommended by the Customer Services Committee on	14 <sup>th</sup> December 2023
<b>APPROVED BY THE BOARD OF MANAGEMENT ON</b>	25 <sup>th</sup> January 2024
<b>Date of Next Review</b>	<b>December 2028</b>