

FORTH HOUSING ASSOCIATION LIMITED

JOINT TENANCY POLICY

Governance:	Housing Management
Code:	HM 31
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Guidance:	Housing (Scotland) Act 2014 Forth's Scottish Secure Tenancy Agreement
Regulatory Standards Of Governance and Financial Management	Standard 4 - 4.1, 4.2 Standard 7 - 7.5



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FORTH HOUSING ASSOCIATION LIMITED

Joint Tenancy Policy

1.0 Introduction

1.1 The purpose of this policy is to outline Forth's requirement to accept and consider any application from a tenant to have a joint tenancy with someone who is staying with them or intending to stay with them as set out in the *Housing (Scotland) Act 2001* and amended by the *Housing (Scotland) Act 2014*.

2.0 General Principles

2.1 The Association's tenants have the right to request a joint tenancy provided that the eligibility criteria are met, and they have the prior written consent of the Association.

2.2 The Association will ensure that the principal tenant and the person who will become the joint tenant understand the implications of the joint tenancy and of any tenancy problems which may be transferred such as rent arrears.

2.3 The Association will consider any application to have a joint tenancy where the tenant has formally applied in writing for permission to do so.

2.4 Consent to have a joint tenancy will only be given where it is reasonable to do so in consideration of the circumstances of the tenant and the proposed joint tenant.

2.5 To add a joint tenant to a tenancy, the person the tenant wishes to add as a joint tenant must have lived at the property as their only or principle home during the 12 months immediately prior to the application to add a joint tenant. We must have been notified in writing of the person living in the property, as the 12 month residency period does not start until we have been notified.

2.6 We will not unreasonably refuse permission to add a joint tenant. Reasonable grounds for refusing permission include the following:

- The 12 month residency period has not been met
- The proposed change would lead to an overcrowding situation;
- A notice has been served on the tenant to recover possession on grounds 1 to 7 of Schedule 2
- The landlord has already obtained an order for recovery of possession against the tenant
- The landlord is intending to carry out work to the property which would affect the

- occupation of the property
- Where the proposed joint tenant would not be granted a tenancy under the Allocations Policy for reasons such as anti-social behaviour or housing related debt;
 - Where the existing tenant has rent arrears and no suitable arrangement is in place for repayment
 - Where there is substantial damage or disrepair to the property which has been caused by the tenant, a member of their household or a visitor to the property;

These examples do not in any way alter our general right to refuse permission on reasonable grounds.

3.0 Appeals and complaints

This section summarises our appeals and complaints system; information on these procedures are available as requested.

3.1 Appeals

Any individual requesting a joint tenancy can appeal against a decision taken in line with this policy. They should appeal in writing to the Tenant Services Manager stating the grounds of their appeal.

If the individual remains dissatisfied with the decision, a written appeal can then be lodged with the Appeals Committee at the next appropriate meeting after the receipt of the appeal. This is subject to ratification by the Management Committee whose decision is final.

3.2 Complaints

Complaints are different from appeals. Any complaints are dealt with under our Complaint Policy.

For example, an individual may complain if we don't:

- apply the Joint Tenancy Policy properly; or
- provide services in line with our published organisational standards.

We give tenants a copy of our complaints policy and procedure when they sign their tenancy agreement. We inform all applicants in our general information pack.

This information includes details about the Scottish Public Services Ombudsman; this agency deals with complaints involving failure to implement services properly (maladministration).

Applicants must use our internal complaints system before contacting the Ombudsman.

4.0 Review Period

- 4.1 Management Committee will review this policy at least every 3 years, and staff are responsible for ensuring that they meet legal and good practice requirements