

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name	Allocations
Policy Category :	Housing Management
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ALLOCATION POLICY

The legal framework for the allocations policies of social landlords is set out in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, governing who can apply for housing and priorities in relation to the allocation of housing.

AIMS AND OBJECTIVES OF THE POLICY

Rutherglen and Cambuslang Housing Association aims to provide high quality affordable housing in our community and to endeavour to alleviate poverty through our housing and associated activities.

SCOPE OF THE POLICY

This policy covers the permanent letting of all the Associations' housing stock. It does not cover allocation of decant accommodation. It is the intention of the Association to make allocations in a fair and unbiased way making the best use of the houses available, to assist in the objective of achieving balanced and stable communities. This objective will be pursued by suiting particular properties i.e. adapted properties to the particular needs of applicants.

Rutherglen & Cambuslang Housing Association is an equal opportunities organisation and will not discriminate in the allocation of our housing stock on grounds of race, colour, culture, ethnic or national origin, religion, gender, age, disability, sexual orientation, family circumstances, marital status, language, social origin, other personal attributes, beliefs, political opinions, residence or immigration status. Therefore, to encourage equality of opportunity to all groups of applicants, targets may be set within existing quota groups (i.e. for homeless applicants) to address issues where demand within a particular area or client group threatens to adversely effect the social balance within the area.

The Association allocates all properties in line with its Allocation policy and no other factors are taken into consideration in this process.

Schedule 7 of the Housing (Scotland) Act 2001 states that a housing association may grant a tenancy, transfer of tenancy or mutual exchange to an employee, former employee, committee member or former committee member providing that the person:

- fully meets the housing association's published allocations criteria, and
- has had no involvement in or influence over the process by which the housing association allocated the tenancy in question.
- the granting of the tenancy is approved by the committee or delegated sub-committee.

REVIEW OF THE POLICY

This policy has been determined by the Association's Management Committee, and will be reviewed and updated on a regular basis as necessary. Monitoring of allocation trends will be carried out monthly at the Sub Committee meeting and any amendments required will be made following discussion with the Committee.

PRIORITY IN ALLOCATIONS

The Association has a low turnover of properties, and therefore must make effective use of our housing stock, minimising the void period. Accordingly, we observe the following provision in allocating our vacant houses: On an annual basis;

1. 40% of Applicants from the Association's Waiting List
2. 35% of Applicants nominated from South Lanarkshire Council
3. 10% of existing tenants of the Association, providing there is housing need
4. 5% of existing tenants of the Association wishing to move on aspirational grounds .
5. 5% of referrals from Homes.
6. 5% of referrals from other agencies e.g. Social Work Dept.

* Up to 10% of Waiting List applicants(4% total) will be Homeless applicants.

There are situations where Association staff will be able to exercise discretion in the allocation of properties and can therefore deviate from the formal order within a particular waiting list. One example is noted above (Scope of the Policy) in achieving balanced and stable communities, where particular properties (i.e. adapted or ground floor properties) will be suited to best reflect the particular needs of applicants.

Another example is in the allocation of properties defined as "Difficult to let". These properties will include a small number of properties defined at the beginning of each year as historically "DTL" or those properties where staff have encountered 3 or more refusals during the allocation process – In this situation staff will use discretion to allocate according to demand to speed up the allocation process to limit unnecessary rent loss.

ACCESS TO WAITING LIST

The Association has an open waiting list and invite applications from households over the age of 16. Priority is given to applicants who demonstrate an element of housing need as determined by our points system. The Association will publicise our open waiting list and encourage applicants to apply to us, however, anyone applying for housing who is assessed as having a zero points allocation will not be held on the active list but will be held on the deferred housing list and given appropriate rehousing advice by staff. There may be some circumstances where the Association will suspend an application and these are detailed later in this policy.

Association staff will discuss housing prospects with applicants, assist in the completion of forms, and will provide details of other housing providers in the area. This policy document can be produced in Braille, audio tape, and other language formats on request. The Association will provide a sign or language interpreter, or any other representative requested to assist the applicant in completing an application. The Association can also arrange interpretation and translation services on request to ensure our policies, leaflets, application forms etc are understandable and accessible to all applicants.

The issue of an application form should not be taken as an indication that a house will eventually be offered to the applicant.

A recent SFHA Information note details that “There are no restrictions in the Housing (Scotland) Act 1987 as amended by the 2001 Act on the grounds of nationality, residence and/or immigration status to any individual or household making an application to a housing association. All applicants on a housing list are entitled to an assessment of housing need. Associations have no requirement to make enquiries about immigration status when accepting someone onto the housing list” (SFHA March 2007).

However, the Association draws applicants attention to the wording later in this note which details “The issue for applicants is not whether they have a right to access housing association tenancies but whether, if they are not employed and have no independent funding, they can meet their contractual obligation to pay rent” (SFHA March 2007). This situation, and the applicants ultimate ability to uphold their full responsibilities towards a tenancy will be assessed within the Risk assessment procedure detailed below, prior to any offer of accommodation being made.

RISK ASSESSMENT

There may be limited occasions where the Association need to undertake a Risk Assessment before an application can be assessed. If permission to proceed with this assessment is refused, this will constitute grounds to suspend an application for a period of 6 months, or until such time as agreement is reached with the applicant.

Risk Assessment will include cases where an individual has indicated that they have been

convicted relating to Sexual offences or where they must register with the Police under the Sexual offences Act 2003.

In all cases where an individual from the above group is made known to the Association, through an application for housing or general visit/phone-call to the office a referral will be made to the relevant officer, employed by South Lanarkshire Council to manage these cases in co-operation with the Police. A list of the relevant persons in SLC is contained within the Associations staff procedure note. In these cases the Association will be part of a wider Risk Assessment process and will not be wholly or directly responsible for assessing the risk posed by an individual.

A recent Scottish Executive circular(JD/15/2006) detailed that “social landlords should make clear that not all sex offenders present a risk to the community and, that, in general, the housing needs of sex offenders will be assessed in accordance with the published rules. But the rules should also make clear that where a risk assessment indicates that a sex offender poses a medium or high risk to the community, then that person's housing needs will be assessed in the light of that risk. Any accommodation offered will be appropriate to that risk both in terms of house type and location and the sex offender will be managed and monitored by the Police and CJSW, as appropriate”.

The circular also makes clear that “Social landlords must also ensure that all tenants are treated equally irrespective of their sex, marital status, age, race, ethnic origin, sexual orientation, disability or religion” contained within Section 106 of the Housing (Scotland) Act 2001.

The Association will ask on our Housing Application form whether someone has been convicted relating to Sexual offences or where they must register with the Police under the Sexual offences Act 2003. If the applicant refuses to complete this section of the form the above rule on suspension of the application will apply. The applicant will be made aware that strict confidentiality of the content of their form will be observed at all times but that the necessary transfer of this information will be made to the Councils designated officer, in charge of monitoring and Liaison with the Police relating to this group.

Assessment of support needs may also be necessary before the Association formally make an offer of accommodation, for example where Social Work support is necessary. Any such care or support packages will be defined before any formal offer is made.

NOMINATIONS

The Association is required to accept nominations from South Lanarkshire Council, and will endeavour to reach the figure agreed. However, failure by the Council to provide details within the agreed timescale will result in the nomination being withdrawn, and the house being allocated from the Association's waiting list. Applicants nominated from the Council will be pointed according to the Association's points system, and must be in

housing need. Any failed Nominations will count towards the annual quota figure.

HOMELESSNESS

Due to the low turnover in the Association's stock it is virtually impossible to provide access to emergency accommodation for homeless applicants. The Association will however, work closely with the Local Authority to alleviate homelessness, and will give consideration to homeless applicants nominated to us through the Homelessness Protocol(Section 5) arrangement which is in place. In order to maintain a balance in the household types we rehouse, the Association will set a quota for homeless cases, details of which will be outlined in the annual Lettings Plan(See "Priority in Allocations" section detailing quota).

The Association will take a sympathetic approach to dealing with homeless or potentially homeless applicants and will offer appropriate advice as required where no immediate offer of accommodation is possible by the Association due to low turnover of our housing stock.

Homeless applicants will include those in temporary accommodation, institution, hostel, refuge, bed and breakfast/hotel arranged via Council homeless presentation. Also people leaving supported accommodation, with the support of the project concerned.

Potentially Homeless/Threatened with Homelessness will include Mortgage reposessions, Notices to Quit (subject to verification), short leases or leases not being renewed, tied housing being withdrawn, marital break up(subject to proof of separation or relinquishment of interest in property), forced sale of property(e.g. financial difficulties or marital break up) and Demolition Cases(subject to proof of demolition being received from landlord).

Both these lists are not exhaustive-each application will therefore be assessed individually.

The Matrimonial Homes (Family Protection) (Scotland) Act 1981 protects a person's right to live in the family home. Where one partner is the sole tenant, the other (non-entitled spouse) will have statutory occupancy rights to the home. (Please see Appendix 2 for further details about rights)

A recent Scottish Executive circular (JD/15/2006) detailed that "the rules should make clear that homeless sex offenders will be considered under the homelessness legislation in the same way as other homeless persons, and that sex offenders may need to be treated as homeless if they cannot return to their home because it is unreasonable to occupy, either because of risk to the sex offender or to the wider public or because of proximity to the victim"

REFERRALS

We will accept referrals from certain recognised organisations approved by the Housing Management Sub Committee in line with the quota agreed for that year.

Any allocation will be determined by the suitability of the applicant to the property available, and the number of allocations under this quota already made in the year. Only one offer of housing will be made.

MUTUAL EXCHANGE

A Mutual Exchange is where two households can switch properties to assist both households move to more appropriate accommodation. There are certain conditions attached to a mutual exchange, including both households qualifying for the size of house applied for, the condition of the properties being acceptable or ensuring that excessive rent arrears do not exist. Anyone wishing a move of home should note that the Association has a logbook within our reception area where people can record their details or view other information if they wish to apply for a mutual exchange with another household.

Home-Swapper is a service which allows social landlord tenants opportunities for mutual exchange with other tenants on a national and local basis. Tenants can contact the Housing Association for further details or register for the scheme by contacting www.HomeSwapper.co.uk. direct.

MEDICAL CASES

The Association has very few properties suitable for disabled applicants. We will accept applications, and ask applicants also to complete the medical questionnaire. We will attempt to rehouse as many cases as possible, but will provide advice about other housing agencies in the area who may have more suitable accommodation.

In certain circumstances we may request an independent medical assessment to be carried out to assist us in the allocation of houses which have been built or adapted for the needs of disabled households. Independent medical assessment may also be used by staff where necessary to assist in the assessment of certain medical applications including those indicating mental health or psychological issues as reason for the application.

INTERNAL TRANSFER APPLICANTS

The Association will allow a total of 15% of lets each year to existing tenants. 10% of these will go to tenants who have an element of housing need.

Tenants of the Association who require a move due to overcrowding, under-occupation or a disability are invited to apply for a move to a more suitable property. Before rehousing is obtained tenants must have;

- carried out the tenancy to the Association's satisfaction. (i.e there is no Notice of Proceedings outstanding)
- held a clear rent account for a twelve month period prior to the allocation.
- have no rechargeable repair accounts outstanding.

(The Association will exercise discretion in these requirements to ensure that the tenant is not unreasonably restricted from applying for and obtaining rehousing).

Tenants will be advised of the above criteria when they request an Internal Transfer Application Form. Transfer applications will be suspended where a Right to Buy application has been received from the tenant.

CHOICE BASED TRANSFERS

The Association will allow 5% of lets each year to existing tenants wishing to exercise their wish to move through choice. This is in acknowledgement of the fact that the majority of our stock is tenemental, and it is reasonable that some tenants may wish to be considered for a move to a house despite having no obvious housing need. Tenants wishing to move to another property of the same size in other areas within the Association's stock will also be considered in this category. Tenants will be expected to;

- qualify for the size of property requested. Where a larger house, than that which is required by the tenant is requested, clear evidence of the need for this larger property should be detailed within the application(See next section for further details).
Permission will not be withheld unreasonably, but supporting documentation may also be necessary, eg in cases of requests for future foster care provision before permission is granted to apply for a larger house.
- have kept their present property in a reasonable condition
- have sustained their tenancy to the Association's satisfaction
- have held a clear rent account for a twelve month period prior to the allocation
- have no rechargeable repair accounts outstanding

Tenants will be advised of the above criteria when they request an Internal Transfer Application Form. Tenants applying for a move on aspirational grounds will be adequately housed, with no defined housing need and will therefore be loaded onto computer with a zero points allocation. Applicants must indicate an interest for a particular street/house type as it is envisaged that only one offer will be made.

Where there is more than one household interested in a particular property, the allocation will be made to the tenant who would reach the housing need criteria earliest or where this would not apply, to the tenant who has sustained the longest tenancy with the Association.

Refusal of an offer of an aspirational move will result in a one year suspension of the application from the aspirational waiting list.

SIZE OF HOUSE WHICH WILL BE OFFERED.

The Association has a low turnover in housing and therefore must make best use of the stock available. We will not normally offer accommodation where overcrowding will result. We will not normally offer housing which would be underoccupied, however exceptions to this may be, where the child density in an area is already felt to be too high,

or a property has proven to be difficult to let. e.g. refused by 3 applicants. or in certain medical situations. Applicants requesting an additional bedroom on medical grounds will require to provide independent medical evidence that the extra bedroom would be essential for that applicant or their family's needs. Examples of where an additional bedroom may be required could be, where one member of a couple is a wheelchair user, or where a single person has support and care needs on a regular basis .

In cases where an applicant has access, but not legal custody of a child, it is unlikely that we would be in a position to allocate a house larger than that for which the applicant would normally qualify. Expectant mothers will be awarded overcrowded points following the birth and after birth certificate details have been provided.

TIME ALLOWED TO ACCEPT OR REFUSE AN OFFER

An applicant will be allowed **24, or in exceptional circumstances 48 hours following receipt of an offer** to accept or refuse the property, and, if no decision has been reached at the end of this period, the offer will be withdrawn.

NUMBER OF OFFERS WHICH CAN BE MADE

A maximum of three offers of housing will be made. An applicant refusing two offers without good cause, will be interviewed to have their housing requirements re-assessed and made one further offer. Refusal of the third offer will result in their application being suspended for a period of 12 months. The applicant will be invited to reapply during this period if their circumstances change. Once an offer has been accepted, the applicant will be removed from the waiting list. In no circumstances, will an applicant be permitted to retain an option on more than one house at any one time.

THE POINTS SYSTEM

Applications will be pointed according to the attached system(Appendix 1). Changes of circumstances may alter an applicant's points entitlement. Applicants must ensure that the Association is notified of any change – Failure to notify of changes in circumstances which adversely affect an applicants points entitlement will mean any offers of accommodation being withdrawn and the application deferred from the list until the necessary amendments to their circumstances have been made.

Evidence of status, under any points category may be required and it is the applicant's responsibility to provide adequate and satisfactory evidence within a reasonable timescale.

All applications will be awarded points, if appropriate and a home visit will be made to verify the situation of applicants who have a reasonable chance of being offered housing.

Points will not be awarded for the length of time an applicant has been on the Association's list, however a one off award of 3 points will be awarded to any applicant

who has been in housing need for a continuous 3 year period, reflecting time in housing need.

Where two applicants have an equal number of points, date of application will be used to determine which application takes priority.

HARASSMENT

The Association recognises applicants rights via our Allocation Policy to a life free from violence, harassment and abuse, be it Domestic, Racial or otherwise. The Association will investigate the possibility of reciprocal transfers with South Lanarkshire Council and other local housing providers to facilitate emergency rehousing for tenants experiencing severe harassment. The Association will also accept Nominations from the Council of persons experiencing harassment.

The Association will always pursue the perpetrators of harassment in the first instance where possible, however, where this is not possible one of two categories of points(A; 25 points, B; 10 points) can be awarded. It should also be noted that in serious(Category A) cases emergency rehousing options will be looked at initially, where appropriate(see section on harassment) before an award of 25 points is considered. This reflects the Association's limited turnover and subsequent ability to respond to emergency requests for rehousing.

One offer of equivalent accommodation will be offered to applicants qualifying for a move under the harassment category. However, if no equivalent properties are available the applicant will be offered the first available property due to limited turnover within the Association.

CONFIDENTIALITY AND DATA PROTECTION

The applicant will give the Association staff written consent to make all necessary enquiries associated with their application.

Information provided in the application form is treated as strictly confidential and will not be passed to any other party without the applicant's consent.

The Association will respond to requests for personal data in accordance with the Data Protection Act 1998, within 40 days of the request being made. A Senior Housing Officer will deal with such requests and will ensure that any data released relates only to the data subject. A signed mandate will generally be required before the Association will release allocations or tenancy information about an individual following a request from a third party. There are legal exemptions to this principle, contained within the Act relating to Crime, Taxation data etc and staff will have regard for these exemptions if such a request is made.

SUSPENSION OF APPLICATION

There are certain circumstances where an application may be suspended for a period of six months; Thereafter the applicant will be invited to attend an interview to discuss any changes that should be taken into consideration to allow a reassessment of their suspended application. Failure to attend, or no effort on the part of the applicant to address the issues surrounding the suspension will be grounds to invoke a further suspension period.

- Anyone who has been violent or has used abusive or threatening behaviour to an Association staff member.
- Anyone who has been evicted by a previous landlord, or is the subject of an Anti Social Behaviour Order. 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
- 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 has been convicted of using previous accommodation for any immoral or illegal purposes.
- 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 who has not maintained an arrangement to clear former tenant rent arrears 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.

Suspensions are not regularly used by staff and any potential suspension will be discussed fully within the Housing Management Team once all the relevant background information has been assessed. Authorisation will then be sought from the Director before proceeding with any suspension. Applicants will be advised of the reason for suspension in writing and attention will be drawn to the Association's appeal procedure.

EXCLUSION FROM THE HOUSING LIST

The Housing (Scotland) Act 2001 does not allow Associations to excluded applicants from the housing list except in the following circumstances:

- 1 the applicant has requested in writing that their application be removed from the housing list.
- 2 the death of the applicant.
- 3 the failure of the applicant to respond to the annual review (please see "Annual review of the waiting list") .

FALSE INFORMATION

The attention of all applicants is drawn to the declaration on the application form concerning false or misleading information. If it is established that false or misleading information has been provided or relevant information with-held, this may lead to the application being suspended. The Association will make enquiries to verify information provided.

If a tenancy has been offered, the offer will be withdrawn. If the tenancy has been taken up then the Association will take legal action to re-possess the property.

This situation also covers a failure to notify of relevant information (See the section entitled The Points System).

ANNUAL REVIEW OF THE WAITING LIST

The Association will carry out an annual review of the waiting list to ensure that the list is fully maintained to allow the efficient allocation of void properties. Applicants will be invited to respond to an initial letter, returning the tear off slip provided to the office as evidence of their desire to remain on the waiting list. Failure to respond within 21 days will prompt another letter to be sent by the Association allowing a further 7 days to respond, and advising that if no response is received the application will be removed from the Housing List. Applicants removed from the Housing list in this way can reapply at any time or they can appeal against the decision, with a view to reinstating the original application (please see the following section), if appropriate.

APPEAL PROCEDURE

Any applicant who wishes to have an allocations decision reviewed has the right of appeal to a Senior Housing Officer, and if not satisfied, 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 to the Housing Association Ombudsman is also available.

The Association has a 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/MONITORING OF POLICY

Detailed reporting on Allocations made, suspensions, numbers of refusals and reasons will be made to the Housing Management Sub Committee monthly. We will also monitor the quotas agreed and endeavour to achieve them. The waiting list will be reviewed annually and a report on the outcome will be made to the Housing Management Sub Committee. Regular meetings will also be held with staff from South Lanarkshire Council to monitor the provision of the Nomination Arrangement.

PERFORMANCE TARGETS

- **Reletting Target** - The emphasis should always be to relet properties at the earliest opportunity to ensure the most effective use of the stock and that rent loss is minimised. The target for reletting will be within 6 working days although it should be noted that these targets may not always be achievable due to individual circumstances associated with each property. This situation will be particularly relevant during bereavement, where a family home is being returned to the Association. Normally it will be expected that the keys should be returned to the Association within 2 weeks of the death. If however this time-scale is not met, a Senior Housing Officer will ultimately decide on what time-scale for return of keys is appropriate, having weighed Association concerns about rent loss against the sensitivities of the families situation.
- **Void Inspection** – This should usually be carried out as soon as the keys become available with the tenant in attendance. A member of the maintenance team will be in attendance so that any repairs can be organised as soon as possible.
- **Applicant Selection** – This process should start as soon as notice has been given on a property.
- **Accompanied Viewing** - An accompanied viewing should be arranged as soon as a suitable applicant has been identified. Tenanted viewings should be encouraged wherever possible to try to relet the property prior to the existing tenant moving so that void loss is minimised. These arrangements will be at the discretion of the Housing Officer after discussion with the incoming/outgoing tenants.
- **New Tenant Visit** – This should usually be carried out within 4-6 weeks of the tenant moving in.

Appendix 1

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION - POINTS CHECKLIST

1. **Homeless Category** (Applicants must be registered with the local authority or satisfy the Association as to their situation before acceptance of any application. For definitions of categories a & b please see section in policy)
(if applicable exclude categories 2 and 4)
 - (a) Homeless/Temporary Accommodation 18
 - (b) Potentially Homeless/Threatened with Homelessness
 - Within 2 Months 15
 - Within 3 – 6 Months 8
 - (c) Split-up families – one off award at point of application 2

2. **Inadequate Standard of Accommodation**
 - (a) Declared Unfit, or BTS, or dangerous BY ORDER 8
 - (b) Lacking any standard amenity, or poor repair 4

3. **Density Within Present Accommodation**
 - (a) No separation of sexes over 10 years - not couples 6
 - (b) Sleeping accommodation shared with first child 4
 - (c) Shared with each additional child - per child 2
 - (d) General overcrowding, bedroom standard - per unit 2
 - (e) General under occupation - per unit 1
 - (f) for each person verified as sharing bedroom with applicant - 2

4. **Shared Use Accommodation**
 - (a) No exclusive use of living accommodation or facilities 7
 - (b) As above with exclusive use of livingroom 4

5. **Accommodation but Lack of Security** 4

6. **Health**
 Medical cases will be considered when a medical condition can be improved or alleviated by rehousing to Association property.
Category A medical cases, where the applicant or a member of the household is completely housebound and rehousing is essential to property at ground level. 20
Category B cases, where the applicant or a member of the household’s mobility is severely restricted due to their current accommodation. 15
Category C cases, where the condition is less severe than A or B 10

7. **Violence/Harassment/Domestic Abuse**
 This category can include racial harassment, abuse or violence from within the

home or from neighbours. These problems should be independently verified, where possible.

Category A - Life threatening or serious threat to applicant/families safety . 25

Category B - Where situation is detrimental to health of applicant/family. 15

8. Time in housing need – A one off award of 3 points will be awarded to any application in housing need at the appropriate revision time following the third anniversary of the application.

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MATRIMONIAL HOMES

The Matrimonial Homes (Family Protection) (Scotland) Act 1981 protects a person's right to live in the family home. Where one partner is the sole tenant, the other (non-entitled spouse) will have statutory occupancy rights to the home. These occupancy rights to the family home arise automatically from marriage (co-habitees have to go to court to have their occupancy rights granted).

Amongst the rights introduced by the above Act for the non-entitled spouse are:

- (i) a right to remain in the family home.
- (ii) a right to return to the family home if excluded from it, to enter and occupy the family home.
- (iii) a right to pay rent and require a landlord to carry out his duty to maintain the home.
- (iv) the consent of the non-entitled spouse must be sought for any transaction which would affect his/her occupancy rights - eg a termination of tenancy.
- (v) a right to defence against repossession if the tenant fails to do so himself or herself.

Applicants in this position may wish to consider taking legal advice to protect their rights.