

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

Policy Name	Joint Tenancy
Policy Category :	Housing Management
Policy Number	HM5
Date approved/amended	October 2007
Next Review Date	October 2010

JOINT TENANCY POLICY

The granting of a joint tenancy will be at the discretion of the Association who will not unreasonably reject such a request. Any prospective joint tenant(s) must intend to occupy the property as their only or principal home from the commencement of the joint tenancy.

The tenant and prospective joint tenant(s) must apply in writing to the Association. The Association will require full details of the applicant's current and previous housing circumstances, as checks will be made with previous landlords and other agencies. The Association will respond to the request within one calendar month of receiving the written application. If the Association fails to comply with this, it is to be taken to have consented to the application. If the Association does not have sufficient information on which to base a decision the application will be refused, however, applicants will be invited to make a further application when all information required is available.

The Association will not grant the joint tenancy in the following circumstances:-.

- If the applicant 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 probationary 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 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 may have their application refused. 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 application being considered 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 refused.

The Association will grant a joint tenancy unless it has reasonable grounds for not doing so. The Housing (Scotland) Act 2001 does not define what these reasonable grounds are, however, reasonable grounds for refusing permission include the following:

- The Association has served a notice on the tenant warning that we may seek an eviction.
- The Association has obtained an order for the tenant's eviction.
- The proposed change in tenancy would lead to the criminal offence of overcrowding.
- The Association has reason to believe that the prospective joint tenant(s) is unable to sustain a tenancy to the satisfaction of the Association.

The above is not an exhaustive list of reasonable grounds for refusal but any additions would have to be deemed reasonable in respect of each individual application. Applicants will be advised of the reason for refusal, and attention will be drawn to the Association's appeal procedure.

In the event of a joint tenancy being granted, the Association will notify the appropriate benefit agencies.

APPEAL PROCEDURE

Any applicant who feels aggrieved by their treatment under the Joint Tenancy policy 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. Applicants also have a right of appeal to the Scottish Public Services Ombudsman or via the Courts if they feel the Association has acted unreasonably with regard to their application.

REPORTING

Reporting of Joint Tenancy applications will be made to the Housing Management Sub Committee monthly.