

## RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LTD

<b>Policy Name</b>	Permission to Reside
<b>Policy Category :</b>	Housing Management
<b>Policy Number</b>	HM6
<b>Date approved/amended</b>	August 2021
<b>Next Review Date</b>	August 2024

### **PERMISSION TO RESIDE**

Any tenant, wishing another person to move into the property requires the written consent of the Association. The tenancy agreement states that permission will not be unreasonably withheld. Any application should be made on the appropriate form, along with documentary evidence confirming the applicant's current and previous addresses over the past 3 years. 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.

We will respond to applications within 14 days to either accept, reject or request further information relating to the application, and aim to conclude an application within 28 days of receipt.

We will not unreasonably refuse permission to reside. Reasonable grounds for refusing permission include the following:

- we have served a notice on you warning that we may seek eviction on certain grounds because of your conduct;
- Anyone who has been violent or has used abusive, threatening or anti-social behaviour towards any of the Associations staff.
- we have obtained an order for your eviction;
- Repossession of a tenancy on grounds of damage to the property.
- The tenant or a member of their family has been convicted for past anti social behaviour in the vicinity of the property.
- the proposed change would lead to the criminal offence of overcrowding. However, In the case of a person applying to move into a property to co-habit with the tenant and there is a child or children included in the application, the extent of any overcrowding will be taken into account and consent will only be given if it is considered reasonable. The Association will only consider a transfer to a larger property when the household has been static for 12 months after consent is given. (The Association will

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

- If it is established that false or misleading information has been provided or relevant information has been withheld.
- 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 using the house for immoral or illegal purposes or offences punishable by imprisonment that were committed in the vicinity of the house.

These examples do not in any way alter our general right to refuse permission on reasonable grounds. The following grounds relate to the incoming applicant and mirror the responsibilities that the Association places on applicants within our Allocations process:-

- 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 and offer advice on 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 the 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. 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.

In the event of permission being granted, the tenant will be held responsible for the conduct of all members of the household. The Association will take legal action if any terms of the tenancy agreement are breached.

It should be noted that permission to reside does not automatically hold succession rights. In the event of the death of the tenant, where there is no eligible successor, the Association will allow a reasonable period of time for any member of the household remaining to obtain alternative accommodation.

If the tenancy is terminated by any other means, the tenant will have responsibility for ensuring that the house is returned to the Association with vacant possession.

### **APPEAL PROCEDURE**

Any tenant who wishes to have a decision reviewed has the right of appeal to a Senior Housing Officer, and thereafter 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 tenant feels they have been treated unacceptably or inappropriately by staff – details of the complaints policy are available from the office on request.

### **REPORTING**

Reporting on Permission to Reside applications will be made to the Housing Management Committee.