

RUTHERGLEN & CAMBUSLANG HOUSING ASSOCIATION LIMITED

Policy Name	Short Scottish Secure Tenancy Policy
Policy Category :	Housing Management
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SHORT SCOTTISH SECURE TENANCY POLICY

Short Scottish Secure Tenancies are used in exceptional circumstances and will be reported to the Housing Management Sub-Committee prior to implementation. The Association's Short Scottish Secure tenancy agreement is based on the S.F.H.A. Model Short Scottish Secure Tenancy Agreement.

The Circumstances where a Short Scottish Secure tenancy could be used are set out in the Housing(Scotland) Act 2001. In summary they are:

- ◆ lets to persons evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a short SST will be offered;
- ◆ lets to persons where they or other members of their household are the subject of ASBO granted on or after 30 September 2002 under s 19 of the Crime and Disorder Act 1998;
- ◆ temporary lets to persons moving into the area in order to take up employment;
- ◆ temporary lets pending development affecting the house;
- ◆ temporary lets to homeless persons for tenancies of 6 months or over (lets to homeless persons of under 6 months are covered by Schedule 1 to the Act, tenancies which are not SSTs);
- ◆ temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Act (N.B. permanent lets to persons requiring or receiving housing support services should be Scottish secure tenancies);
- ◆ lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

Scottish Ministers, under section 34(3) of the Act, may modify this list by order.

Conversion to a Short Scottish Secure Tenancy for Antisocial Behaviour

Section 7(2) of the 2014 Act extends the circumstances when we could serve you with a notice converting your Scottish Secure Tenancy to a Short Scottish Secure Tenancy. This means that in certain circumstances we can change your tenancy agreement to a

different type of tenancy agreement called a Short Scottish Secure Tenancy which gives you fewer rights and less protection from eviction than a Scottish Secure Tenancy. A Short Scottish Secure Tenancy has a fixed duration, unless we agree to extend it or convert it back to a Scottish secure tenancy.

The circumstances now include any situation where a tenant or someone living with the tenant has acted in an antisocial manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the house occupied by the tenant and it must also have happened in the 3 years before the notice is served.

Section 7(2) of the 2014 Act also places new requirements on social landlords when issuing a notice to a tenant converting a tenancy to a short Scottish secure tenancy as a result of antisocial behaviour. In cases where no antisocial behaviour order has been granted by the court, the landlord must include in the notice the actions of the person who has behaved in an antisocial manner, the landlord's reasons for converting the tenancy and details of the tenant's right of appeal to the sheriff.

The Association can still take eviction action against the tenant during the 12-month period (18 months where an extension applies) if it becomes necessary. The tenancy will convert automatically to a full SST after 12 months (18 months where an extension applies), unless the Association has served a notice of proceedings for recovery of possession on the tenant before the end of the 12-month period (18 months in the case of an extension) and the notice is still in force

The 2016 Act also creates a new ground that enables the granting of a SSST for a temporary let to a homeowner while they sell their house or have adaptations carried out to it.

Owner Occupiers can apply to the Association for rehousing where their property has become unsuitable for their needs through a medical condition. The property must however be relinquished by the owner, a Short Scottish Secure Tenancy(SSST) will be offered until sale of the owned property is confirmed. Failure to sell the property within a reasonable timescale may lead to the Association recovering possession of the SSST.

The Association will provide the tenant of a SSST specific reasons/grounds if the Association wishes to recover possession of a SSST at any time during its term. Where a SSST is not going to convert to a SST the Association will review the decision prior to taking legal action for recovery of possession.

The Act allows social Landlords to extent an SSST for antisocial behaviour by an additional six months. This means that SSSTs due to antisocial behaviour could last up to 18 months. The Landlord can however still take action against the tenant during this period if it becomes necessary. Where the landlord is considering extending the duration of an SSST for an additional six months, the tenant has to be given 2 months notice and informed of the reasons for the extension. The Tenant will have to be in receipt of Housing support services before a landlord can use this extension.

THE RIGHTS OF A SHORT SST

The rights under a short SST are identical to the full SST except that:

- there is no provision for succession; and
- security of tenure is limited.

Rights to assign, sublet, etc. under a short SST are limited to the period of the short SST.

Tenants on a short SST should not feel that they are on “probation”, as in most circumstances a full SST will be offered at the end of the period (minimum 12 months). This 12 Month period can be extended for a further period of 6 months to allow further monitoring of an anti social case by the Association. There are however special arrangements applying to short SSTs (offered on certain of the grounds in Schedule 6) to facilitate their use as probationary style tenancies designed to help tackle anti-social behaviour.

APPEAL PROCEDURE

Any applicant 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 is also available via the Association’s 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.

A provision also exists within section 38 of the Housing(Scotland) Act 2001 that gives tenants a right of appeal to the courts if they are not satisfied with the type of tenancy or occupancy offered by the landlord, for example where the tenant has been offered a short SST and thinks he is entitled to an SST.