



## Policy on Short Scottish Secure Tenancy Agreements

POLICY IMPLEMENTATION CHECKLIST	
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## **POLICY STATEMENT: SHORT SCOTTISH SECURE TENANCIES**

### **1.0 Short Scottish Secure Tenancies**

1.1 The Association's general policy is to offer a full Scottish Secure Tenancy (SST) wherever possible, to maximise the rights which tenants enjoy. However, in very limited circumstances it may be necessary for Caledonia to issue a Short Scottish Secure Tenancy (SSST) under the terms of the Housing (2001) Act and the Housing (Scotland) Act 2014.

1.2 Schedule 6 of the 2001 Act specifies that the only grounds on which this can be done are:

1. 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;
2. 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;
3. Temporary lets to persons moving into the area in order to take up employment;
4. Temporary lets pending development affecting the house;
5. 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);
6. 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);
7. Lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

### **2.0 Anti-Social Behaviour Cases**

#### **New Tenants**

2.1 Where grounds (1) or (2) above apply, Caledonia will act (in the case of a new tenant) to give a SSST. In order to cover situations where the Association becomes aware that:

- an applicant who is about to be housed by Caledonia has been evicted for anti-social behaviour in the previous three years;
- an applicant who is about to be housed by Caledonia, or any other household member, is the subject of an ASBO

The Association will seek to confirm with applicants and with Common Housing Register partners at the time of offer of housing that the declarations made on housing registration forms (including those relating to previous tenancy breaches and ASBOs) are correct.

## **Conversion of existing tenants SST to a SSST**

2.2 Section 7(2) of the 2014 extends the circumstances under which Caledonia can serve a notice converting a SST to a SSST.

2.3 The circumstances now include any situation where a tenant or someone living with them has acted in an anti-social manner, or pursued a course of conduct amounting to harassment of another person. This conduct must have been in or around the property occupied by the tenant and it must also have happened in the 3 years before the notice is served. There is no need for there to be an ASBO in place.

### **3.0 Decant Situations**

3.1 Where a Scottish Secure Tenant moves for a temporary period into an alternative property prior to moving back into their original home, the SST continues and a SSST would not be competent.

3.2 Where, however, the tenant will not be moving back into their original home, for example because it is being demolished, and the move to alternative housing is temporary prior to finding suitable permanent accommodation, then they will be given a SSST in their temporary home.

### **4.0 People with Support Needs**

4.1 Where a let is to be made to someone requiring or in receipt of housing support services, and the accommodation is NOT to be the tenant's permanent home, for example where it is designated supported accommodation where individuals are expected to stay for around 6-12 months before moving to completely independent housing, a SSST can be given.

4.2 However where the let is intended to be the tenant's permanent home (likely to be in mainstream housing) there are no grounds for giving a SSST in this situation. It may be that the support is intended to be only temporary but the let itself is intended to be permanent so a SSST cannot be given.

### **5.0 Interim Lets to People Under Section 5 of the Housing (Scotland) Act 2001**

5.1 Occasionally a local authority making a Section 5 referral or other referral under the homeless regulations on "interim accommodation" may ask Caledonia to give a SSST.

5.2 The Council's duty to offer permanent accommodation will remain until a full SST has been given; it may not necessarily be Caledonia which is asked to provide permanent accommodation.

## **6.0 Notices**

- 6.1 Prior to the issuing of any SSST or conversion of a SST to a SSST, Caledonia will issue the appropriate prescribed notice and will do likewise where a SSST is to be ended.
- 6.2 The Association has detailed procedures which provide a guide to staff and outline the processes relating to the commencement and ending of SSSTs.

## **7.0 The Rights of a Short SST**

- 7.1 The rights under a SSST are identical to the full SST except that:
- there is no right to buy;
  - there is no provision for succession; and
  - security of tenure is limited.
- 7.2 Rights to assign, sublet and/or add a joint tenant under a SSST are limited to the period of the SSST.

## **8.0 Appeal Procedure**

- 8.1 If an applicant is unhappy with their treatment under the SSST policy they can appeal in writing to the Housing Manager within 28 days of receiving the decision. The Housing Manager will review the decision and may reverse any aspect which is felt to be unfair or contrary to this policy.
- 8.2 If the decision remains the same, the applicant will be provided with a written explanation. If the applicant is still dissatisfied they may revert to Caledonia's formal complaints procedure, which is available at any of our offices.
- 8.3 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 SSST and thinks they should be entitled to an SST.

## **9.0 Review**

- 9.1 This policy will be reviewed 3 years from the date of implementation, which will be the date the policy is approved by the Board of Management or earlier if deemed appropriate.