

# **KINGDOM HOUSING ASSOCIATION LIMITED**

## **JOINT TENANCY POLICY**

### **1. Statement of Intent**

The purpose of this policy is to outline Kingdom's requirement to accept and consider any application for a joint tenancy as set out in the Housing (Scotland) Act 2001.

### **2. General Principles**

#### **2.1 Application for a Joint Tenancy**

Kingdom will consider any application for a joint tenancy where the tenant and prospective joint tenant have formally applied in writing.

The creation of a joint tenancy will only be approved where it is reasonable to do so in consideration of the circumstances of the tenancy and the prospective joint tenant.

#### **2.2 Assessment of an Application for a Joint Tenancy**

In assessing an application, Kingdom will not withhold approval unreasonably.

The assessment process will take account of both the tenant's and the joint tenant's circumstances both of which should satisfy the criteria set down in Section 11 of the Housing (Scotland) Act 2001 regarding an application to create a joint Scottish Secure Tenancy.

#### **2.3 Reasons for Which An Application May Be Refused**

Although the list is not exhaustive, below are some of the grounds under which an application for a joint tenancy may be refused:

- a) A Notice of Recovery of Possession has been served against the tenant on any of the "conduct grounds" set out in paragraphs 1-7 of Schedule 2 of the Housing (Scotland) Act 2001
- b) An Order for Recovery of Possession has been made against the tenant.
- c) Where the tenancy will not be the only or principal home of the joint tenant.
- d) The joint tenancy would lead to an overcrowding situation.
- e) Kingdom intends to carry out substantial work on the property.

- f) Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.
- g) Where a development has been specifically designated for a particular type of tenant such as elderly Chinese, sheltered housing, over 55 year olds and the joint applicant does not meet the criteria.
- h) The current tenant has a debt attributable to their tenancy which exceeds 1/12<sup>th</sup> of the annual rent and has not maintained an agreement to repay this debt for more than 3 months.
- i) The joint applicant has a debt attributable to a tenancy within 5 years of the application which exceeds 1/12<sup>th</sup> of the annual rent and the applicant has not maintained an agreement to repay this debt for more than three months.
- j) The joint applicant has deliberately omitted, distorted or given false information on their application.
- k) The joint applicant has been evicted in the last 3 years for anti social behaviour or the joint applicant or a member of their household has had an ASBO granted against them in the past 3 years.
- l) The house is unsuitable for the joint applicant's needs.
- m) We have clear evidence that the applicants have caused problems in their tenancies in the 5 years prior to application.

In most instances the application will be suspended for 12 months and will be reviewed at the end of this period.

#### 2.4 Notification of Decision

Kingdom will notify the tenant in writing of its decision within 28 days of receiving their application. Where an application for a joint tenancy has been refused we will advise the tenant of the reason/s for the refusal. If Kingdom has not made a decision to refuse or to consent to a joint tenant within 28 days of receiving the written application Kingdom will be deemed to have consented to the same under and in terms of Schedule 5, Part 2, Para 12 of the Housing Scotland 2001 Act.

### 3. The Role of the Housing Services Department

The recording of applications for a joint tenancy is the responsibility of the Customer Services team.

The appropriate Housing Officer is responsible for the processing of all applications for a joint tenancy.

**4. Appeals Process**

Any appeal on a decision where an application had been refused should be made to the Housing Manager. Where the Housing Manager upholds the original decision, the tenant can pursue any further grievance through the Kingdom's Complaints Procedure. This does not prejudice the tenant's right to raise a Court action under Part 2 of Schedule 5 of the Housing (Scotland) Act 2001.

**5. Civil Partnership Act 2004**

For the purpose of a joint tenancy Kingdom will take into consideration the above legislation where a civil partnership has been registered in the terms of the Act.

**6. Review**

This policy will be reviewed 5 years from the date of implementation, which will be the date the policy is approved by the Committee of Management or earlier if deemed appropriate.

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Policy drawn up with reference to:

Housing Scotland (2001) Act  
Data Protection Act (1998)  
Civil Partnership Act 2004

Reference made to the following sources and other guidance:

Prepared by: Linda Hamilton

Current Policy dated December 2002

Draft 1 Circulated to Directors for review

Policy audited by Kingdom's solicitors October 2006

Sub Committee Review of Policy 12.2.07

Presented for approval to Committee of Management on 19.3.07

Policy Approved Yes

Next review date: December 2012