



# **USE OF SHORT SSTs POLICY**

**This document can be made available in large print, on tape, in Braille or translated into another language.**

**Please contact the Association if you wish to discuss this.**

**Following the partnership with Caledonia Housing Association in April 2014, Cordale Housing Association has agreed a new policy review timetable for reviewing all its policies and introducing new policies that are required.**

**This policy is due for review in December 2015**

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## **1. INTRODUCTION**

This policy and procedure guide has been developed to offer guidance on how, and in what circumstances, a Short Scottish Secure Tenancy (SSST) should be offered to either existing or new Cordale tenants.

## **2. EQUAL OPPORTUNITIES**

In line with the Association's commitment to equal opportunities, this policy can be made available free of charge in a variety of formats, including large print, translated into another language or on audio tape.

## **3. BACKGROUND**

- 3.1 As a consequence of the Housing (Scotland) Act 2001, the Scottish Secure Tenancy (SST) was introduced on 30 September 2002, for all new Council and Housing Association tenants, signing for a new tenancy after that date.
- 3.2 In addition, the Short Scottish Secure Tenancies (SSST) was introduced, which can be used in specific circumstances. The statutory regime governing the use of the SSST is to be found in s34 to 37 of Schedule 6 of the Act.
- 3.3 The basic conditions for the SSST to apply are:
  - it would have been an SST otherwise
  - it is for 6 months or more
  - the landlord has served a notice on the prospective tenant that this type of tenancy will be offered.
- 3.4 It should be noted that the terms of the SSST are exactly the same as the SST with the exception of:
  - there is no right to buy or right to succession
  - security of tenure is limited, as the landlord has a right to recover the tenancy at the end of the term by issuing a Notice to Quit and a Notice of Intent to Recover the Property within a specific timescale and seeking court authority to repossess.

- 3.5 The circumstances in which a SSST can be used are as follows: -
- Lets to persons evicted for anti social behaviour from a tenancy in the UK in the previous 3 years
  - Lets to persons where they or members of their household are subject to an ASBO
  - Temporary lets to persons taking up employment in the area
  - Temporary lets pending development affecting the house
  - Temporary lets to homeless persons for tenancies of 6 months or more.
  - Temporary lets to persons requiring or receiving housing support services (as defined in s91 (8) of the Act)
  - Lets of houses leased by the landlord from another body where terms of the lease preclude the landlord subletting under an SST.

#### **4. ANTI SOCIAL BEHAVIOUR**

- 4.1 The current housing application form asks specific questions relating to anti social behaviour at current or previous addresses. If the applicant (or a member of their family) is subject to an ASBO, or if the family has been evicted within the last 3 years as a result of anti social behaviour then a SSST may be offered, subject to the history of the case and current situation.
- 4.2 At the point of selection, the applicant should be contacted to establish that an ASBO is still in effect, or that the 3 year period still applies. This information should be confirmed by the Housing Services Officer or the appropriate landlord, if not Cordale HA. This being the case the Depute Director should be informed and a SSST may be offered, subject to the history of the case. Otherwise, a SST should be offered.

#### **5. TEMPORARY LETS PENDING HOUSE DEVELOPMENT**

- 5.1 When a temporary let is being offered for a period of 6 months or longer, as a consequence of development work being carried out to a tenant's home, a SSST may be offered.

## **6. APPLICANT IN NEED OF HOUSING SUPPORT SERVICES**

- 6.1 It is anticipated that the majority of tenants receiving a SSST may be those applicants in need of, and receiving, housing support services.

Under s91(8) of the Act, Housing Support Services are defined as including any service which provides support, assistance, advice or counselling to any individual with particular needs with a view to enabling that individual to occupy, or continue to occupy, as the person's sole or main residence, residential accommodation other than excepted accommodation.

For the purpose of subsection 8, excepted accommodation means accommodation, or accommodation of a type, specified as such in regulations made by the Scottish Ministers.

- 6.2 There are a number of factors that could indicate whether a person requires to receive support. These include:
- No history of a tenancy
  - An unsustainable tenancy in the past
  - A history of homelessness
  - Currently intentionally homeless
  - Possibility of tenancy failure due to rent arrears or anti social behaviour
  - Mental health problems
  - Alcohol/substance misuse problems
- 6.3 If it is felt that an applicant may fall into one of these categories, WDC's Social Work team and/or Homeless Team must be alerted to ensure a Single Shared Assessment is completed. If the SSA confirms that housing support services are required, a SSST should be considered.
- 6.4 If it is determined that a SSST is required, it should be explained to the applicant that a SSST is to be offered because they have been assessed as requiring support services and that this will convert to a SST once it is clear that support is no longer required in order to sustain a tenancy.

## **7. PROCEDURE TO BE FOLLOWED FOR ALL SSSTs**

### **7.1 Updating the Housing Application**

- Before any tenancy is created staff must determine whether any of the criteria for granting a SSST apply. This determination should be made by the Housing Services Officer.
- A file note will be placed in the applicants file which will highlight that the applicant is to be offered a SSST.
- The applicant will be advised that their acceptance of support is a condition of their SSST.

### **7.2 Making an Offer of Housing**

- Housing Services Officer will issue SSST Schedule to applicant when they are selected for a property and prepare for accompanied viewing. 2 Copies should be prepared (both to be signed by applicant) one copy to be provided to applicant, other copy to be filed with SSST paperwork.
- It should also be noted that a SSST agreement must be for a minimum period of 6 months, and the period of the tenancy must be noted on the missive.
- The Housing Services Officer should record the date of expiry of SSST and key dates for review in their diary.

### **7.3 Tenancy Management**

- All SSSTs will have support as an integral part of the tenancy. At the start of each tenancy, the Housing Services Officer and relevant support worker will carry out a joint new tenant visit. At this stage all parties will collectively agree the objectives of the support required. This should be noted by the Housing Services Officer and kept in the house file for future monitoring.
- Throughout the term of the tenancy, a review will be carried out on progress made toward objectives on a monthly basis. This will be done by either the support worker or the Housing Services Officer.

If the tenancy is progressing satisfactorily, another joint visit will be carried out 4 months into the tenancy to allow both the support worker and Housing Services Officer to ascertain what options are available, namely: -

- Convert the SSST to a SST
- Extend the period of the Short SST for a further 6 months.
- ***NB: At the end of 12months, “probationary” tenants automatically receive SST unless action has been taken against them for recovery***
- Terminate the tenancy at the end of the 6 month period.
- Housing Services Officer will implement recovery procedures or advise arrange for an amendment to SSST who will prepare a new SST. All options are to be discussed with the Depute Director prior to implementation.

Whilst a joint visit is specified at the start of the tenancy, and at the 4 monthly review, if any tenancy issues are identified, i.e. arrears, neighbour complaints, then the Housing Services Officer and support worker should arrange a joint visit without delay to discuss with the tenant, and if necessary amend the objectives of the support plan.

Should Housing Officer and Support worker be unable to reach agreement, the case should be referred the Depute Director.

## **8. CREATION OF A SHORT SST FOR EXISTING TENANTS**

- 8.1 An SST can be converted to a short SST where a tenant or someone residing with the tenant is subject to an anti-social behaviour order (ASBO).
- 8.2 A tenancy will automatically convert to a short tenancy when the Association serves the notice of conversion to the tenant.

The notice will state that the SST will convert to a short tenancy and will state the tenant or the person staying in the tenant's household is subject to the anti-social behaviour order.

- 8.3 If the tenant is aggrieved by the conversion of the SST to a short tenancy, the tenant may raise proceedings by summary application to the sheriff court. If the court believes it has grounds for doing so, it can grant a declarator stating that the tenancy will remain an SST.

## **9. TERMINATION OF A SHORT SST**

### **9.1 Suspected non occupation**

- Housing Services Officer and Support Worker (if applicable) must communicate with one another if they suspect the property is vacant.
- Housing Services Officer will immediately implement Abandonment Procedures, including joint attempts with Support Worker (if applicable) to contact the tenant.
- Support Worker (if applicable) and Housing Services Officer will liaise regularly prior to final Abandonment Notice being served.

### **9.2 Breaches of Tenancy Agreement**

- The Housing Services Officer will take action at any time against the tenant should they default on the SSST in accordance with the relevant sections of Schedule 2 Part 1 of the Housing (Scotland) Act 2001 in accordance with existing recovery procedures. Housing Services Officer will advise Support Worker (if applicable) that action has commenced.
- Once decree granted, Housing Services Officer will carry out relevant post decree actions.

### **9.3 Expiry of Lease**

- Housing Services Officer will issue Notice to Quit and Notice of Intent to Recover Possession of the property 2 months prior to the date of termination of the tenancy.

- The NOIRP must state:
- The landlord requires possession of the house
- Specify a date, not earlier than .
- 2 months, or such longer period as the tenancy agreement may provide, from the date of service of the notice, or
- the date on which the tenancy could have been brought to an end by a notice to quit had it not been an SSST,
  - whichever is later, on or after which we can raise proceedings for recovery of possession.
- Housing Officer will thereafter follow the necessary procedures involving the Association's Solicitor, WDC and other agencies.

## **10. APPEALS**

Section 38 of the Act gives prospective tenants a right to appeal to the Court if they are not satisfied with the type of tenancy being offered. All prospective tenants should be made aware of this right of appeal when being offered the tenancy (although the notice does provide detail of this right of appeal).

## **11. POLICY REVIEW**

This Policy will be reviewed every three years.