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## POLICY

### Leased Property Policy

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# Wellhouse - The Place to Be

**Draft Policy Created: August 2024**

**Date of Last Review: N/A**

**Date of Current Review: August 2024**

**Date of Next Review: August 2025**

**Reviewed by: Housing and Customer Service Manager and Maintenance Manager**

**We can produce this document in different formats, for instance, in larger print, Braille or audio-format. we can also translate this document into specific languages, as appropriate.**

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## **1. Introduction**

This document outlines the Association's approach to the letting and management of leased properties. The Association will always offer the most secure form of tenure for our tenants, which in most cases will be a Scottish Secure Tenancy (SST). However, there will be certain occasions when an SST will not be appropriate and a lease may therefore be required, e.g. where the property is not for residential use, the period of use is temporary and/or the intended residents will vary from time to time. This policy clearly defines the circumstances under which we will lease properties and the type of organisations to which we will lease.

The Association owns residential properties which are leased to other agencies and sub-let. The Association is also part of a reciprocal agreement with other social landlords to provide decant properties in emergency situations.

## **2. Legal and Regulatory requirements**

The Association will seek to conform and comply with all legislation, performance standards, guidance and good practice that directly or indirectly affect the type of tenancy to be offered.

The 2010 Act also provides landlords with details of the 'Scottish Social Housing Charter' which sets out the standards and outcomes which all social landlords are expected to meet in the delivery of their services. This policy takes specific account of outcomes 1, 7, 9 and 11 as follows:-

Outcome 1 - Equalities: "every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services"

Outcome 7 & 9 - Access to Housing and Support: "people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them and "social landlords ensure that people at risk of losing their homes get advice on preventing homelessness"

Outcome 11 - Tenancy Sustainment: "tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations"

## **3. Aims and Objectives**

Our aim is to meet our obligations in regard to security of tenure and supporting tenants in mainstream, self-contained housing, while also recognising the benefits to the wider community and need to support local authorities in providing homeless accommodation.

To achieve this, we will make a number of properties available to organisations with the appropriate skills and expertise to support people in their own homes, e.g. as staff sleepover or office accommodation, or to give temporary or permanent support.

Examples of community benefit may include the lease of an accessible base from which people within the community can get information and advice. This could include advice, e.g. on welfare rights, disability rights or other support issues.

A residential or non-residential property may also be leased to allow staff from a project to deliver a service to the community. This base could be used as a drop-in centre, a training venue, or could provide residential accommodation for staff while on duty (e.g. when providing support to residents in dispersed flats in the area).

The Association will ensure that the granting of disposal by way of a lease for residential or non-residential purposes does not affect the quiet enjoyment of its residential tenants.

#### **4. Rent for Leased Residential Properties**

Rent for leased residential properties will be based on the equivalent social rent for that property.

#### **5. Managing Leased Properties**

Properties which are leased to other agencies will be managed by the Housing Officers and monitored by the Housing Managers and the Director of Operations.

We will have lease agreements in place for all properties which are leased to other agencies, with the exception of the Temporary Furnished Flats which are let to Glasgow City Council and are subject to a different agreement.

We will manage all leased properties in partnership with the agency which is letting the property. Clear guidance will be provided to Housing Officers on how to manage leased properties.

We will hold regular liaison meetings with all the other agencies to ensure that leased properties are well managed to ensure that tenants in neighbouring properties do not suffer disruption.

In the event of issues such as anti-social behaviour in leased properties, we will work closely with the agency involved to ensure that the anti-social behaviour is dealt with in a timely and appropriate manner.

Where issues cannot be resolved and the issue is impacting seriously on our tenants, we will take legal action to end the lease and recover the property. This will be considered only where it has been demonstrated that all other options have been exhausted and legal advice has been received.

Where a property is recovered due to serious anti-social behaviour, we will review whether to provide another property to the agency concerned. We will also take the opportunity to review our arrangement with the particular agency.

#### **6. Temporary Furnished Flats**

The Association has several properties which are leased to Glasgow City Council for use as Temporary Furnished Flats. These properties are currently on inherited lease from Glasgow Housing Association due to the terms of the stock transfer. We will aim to formalise this arrangement and introduce a lease for these properties.

Whilst no permanent leases are in place, these properties will be managed along the lines of our existing lease agreements with other temporary accommodation providers, and we will take appropriate action as outlined above to manage and resolve any issues such as anti-social behaviour.

## **7. Additional Leased Properties**

We will consider any opportunities for further leased properties where an appropriate opportunity arises.

We will retain the option of leasing flats to other bodies where this will further the aims of the organisation.

We will also consider leasing properties to Contractors where a programme of major repair works will be delivered, and it would benefit the delivery of the programme and customers to have an onsite presence. As the Contractor will be onsite for a relatively short period of time it may be appropriate to use a Licence agreement and legal advice will be sought on each occasion where this type of let is being considered. Any decision to enter into lease agreements with new providers, to increase the total number of properties leased by the Association or the total number leased to any single agency or to change the lease terms must be agreed by the Board and notified to the Scottish Housing Regulator.

## **8. Signing of Leases**

Lease agreements may be signed by the Housing and Customer Services Manager or a member of the Senior Management Team. As part of the signing process, the Housing and Customer Services Manager or member of the Senior Management Team will check that in signing the lease we do not exceed the total number of leased properties, or the number of leases held by each agency as agreed by the Board and as listed in Appendix A.

## **9. Equal Opportunities Statement**

We recognise our pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We will check this policy and associated procedures regularly for their equal opportunity implications, taking appropriate action to address inequalities likely to result or resulting from implementation of the policy and procedures. We are committed to providing fair and equal treatment to all applicants and tenants and will not discriminate against any on the grounds of race, colour, ethnic or national origin, religion, age, gender sex, sexual orientation, marital status, family circumstances, employment status or physical ability.

An Equality Impact Assessment (EIA) has been carried out when preparing this policy. In line with good practice the completed EIA will be published alongside this policy.

We do not see this policy as having any direct impact upon the protected characteristics contained within the Equality Act 2010.

## **10. Processing Information – General Data Protection Regulations**

Wellhouse Housing Association will process information and data received in accordance with its policies and procedures relating to General Data protection Regulations and all customers and service users will be issued with a Fair Processing Notice.

All members of staff will be made aware of their responsibilities in relation to General Data Protection Regulations and will be trained in the process the Association has introduced to ensure compliance with GDPR.

#### **11. Complaints**

Our aim is to get it right first time, however, the Association is aware that this is not always the case and tenants maybe dissatisfied with the service that they have received. Therefore, the Association has a Complaints Policy which should be referenced where there is dissatisfaction with this policy or its operation. The Complaints Policy is available as a separate document on our website, from the Association office and, as with all of our policies, can readily be made available on tape, in Braille, in large print or in translation.

#### **12. Policy Review**

This Policy will be reviewed on a 3 yearly basis or earlier if the legislation changes to ensure that its aims are being met.

Appendix A

Summary of Leased Properties

<b>Agency</b>	<b>Maximum Number of Properties</b>	<b>Use of Properties</b>
Community Lifestyle (KEY)	1	Property leased to Service Provider for on-site support
Women's Aid	6	Properties leased to Women's Aid for vulnerable persons.
Glasgow City Council (Temporary Furnished)	10	Temporary Housing for Homeless Families
Real Life Options	5	Properties leased to SAMH to house support workers that will deliver community-based support to clients