



**OAK TREE HOUSING ASSOCIATION**

# **Property Management and Care Policy**

Adopted	January 2000	Last Reviewed	March 2022
Next Review Due	December 2026		

## **1.0 INTRODUCTION**

The Property Management & Care Policy will indicate the arrangements on which residential property will be let and provide guidelines for the provision of tenancy agreements in relation to people who require support to sustain a tenancy.

## **2.0 POLICY AIMS**

- To clarify the type of tenancy or lease agreement to be used in different circumstances.
- To provide guidance on the management and review of agreements.

## **3.0 POLICY PRINCIPLES**

- 3.1 The Association will seek to maximise the tenancy rights of individuals provided with housing by the Association. Applicants with in housing with support will be granted maximum tenancy rights according to their individual circumstances. This will normally mean that a Scottish Secure Tenancy will be granted, however in certain circumstances a Short Scottish Secure Tenancy may be appropriate.

The Housing (Scotland) Act 2014 introduced powers to:-

1. Convert an existing Scottish Secure Tenancy to a Short Scottish Secure Tenancy for a period of 12 months (with possible extension of 6 months)
2. Grant a Short Scottish Secure Tenancy (Antisocial Behaviour Grounds) for a period of 12 months (with possible extension for 6 months)
3. Grant a Short Scottish Secure Tenancy (non Antisocial Behaviour Grounds) for a period of either 6 or 12 months (no extension)

In shared flats an Occupancy Agreement mirroring the rights enshrined in the SST will be used.

- 3.2 A lease agreement will be considered in the following cases:-

- Where an applicant has been referred for re-housing under the referral arrangements developed with the Health & Social Care Partnership and does not have the legal capacity to be a party to a tenancy agreement.
- Where housing and support are inextricably linked so that the person cannot live in the accommodation without the support.
- Where the local authority wishes the association to assist in the provision of scatter flats for homeless people.
- Where accommodation is required for support staff.

- 3.3 The decision regarding whether to grant a lease arrangement will be taken by the Housing Services Sub-committee who will have reference to the following issues:-

- Confidence in the track record of the lessee including their financial viability.
- Approval of the assessment selection criteria.
- Approval of the terms of tenancy/occupancy agreements.
- Suitable arrangements for liaison being in place.

- 3.4 All lease agreements will be based on the SFHA Model Lease Agreement with relevant amendments to reflect the particular circumstances of the lease.

- 3.5 The rental arrangements for each lease will be set on a case by case basis depending on the assured rental level for the property and any services, which are provided or additional management costs which are incurred as a result of the arrangements. Yearly increases will be applied in line with the rent increases imposed by the Association's Rent Policy in April of each year.
- 3.6 Where an applicant for re-housing or a person referred under the referral arrangement agreed with Inverclyde Council has the legal capacity to accept a tenancy, but requires a high level of support the Association will liaise with HSCP staff from Inverclyde Council and other potential providers of support to attempt to secure the level of support required to allow the individual to sustain a tenancy in the community.

#### **4.0 REVIEW**

All projects will be subject to a regular annual review. Consideration will be given by the Housing Services Sub-committee, where relevant, to the following:-

- the terms of the agreements and the level of compliance;
- the existence of any breaches of tenancy;
- the changing needs of the individual residents and their views in relation to their tenancy;
- the aims of the lease or management agreement and whether these are being achieved;
- the quality of services offered by the care provider;
- the continuing viability of the parties to the agreement;
- the financial impact of the project
- changes to the level of demand for the property or alternative uses in line with the Association's Aims and Objectives.

#### **5.0 DELEGATED AUTHORITY**

Decisions about the project including the allocations, the agreements to be used, the services provided and charges imposed are to be agreed by the Housing & Technical Services Sub-committee at the inception of the project. The Housing Manager has delegated authority to carry out negotiations with the care provider and Inverclyde Council or other relevant body to agree the project management.

After inception, the future letting and management of the project will be delegated to the Housing Manager in line with the agreed format for agreements.

#### **6.0 POLICY REVIEW**

The policy will be reviewed on a five yearly cycle.