

Allocations Policy

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PART 1 – GENERAL

1.1. Introduction

This document sets out Clyde Valley Housing Association's (CVHA's) policy on the Allocation of our properties, approved by the Board of Management and available in other formats upon request.

The policy will be subject to review every 3 years, unless legislative changes, regulations or good practice require an earlier review.

1.2. Aims and objectives

Our Allocation Policy aims to help us create stable and sustainable communities and ensure that we treat everyone who applies to us for housing in a consistent, accountable, fair and transparent manner.

The majority of our stock is in North and South Lanarkshire. We are partners in both North and South Lanarkshire's Common Housing Registers (CHRs). This means that we adopt the policy principles and practices of our local authority partners. The policy sets out how we allocate our properties in accordance with the policies of our local authority partners. We allocate properties in a way that gives reasonable preference to those in greatest housing need, makes the best use of available stock, maximises choice and helps sustain communities.

Links to the Allocation Policies of our local authority partners are detailed below:

[North Lanarkshire Council](#)

[South Lanarkshire Council](#)

[East Dunbartonshire Council](#)

Our objectives include:

- providing a customer-focused allocations service that is transparent, consistent, accountable and fair
- providing appropriate advice and assistance to customers on their housing prospects so that they can make informed choices in relation to requesting specific allocation areas, house types, etc.
- working in partnership with our local authority partners to meet their statutory duty to those who are homeless or at risk of homelessness
- allocating our houses principally based on need, giving those in greatest need, in particular those who are homeless, the highest priority for housing
- making the best use of our housing stock, including seeking to match applicants with particular needs to vacant houses that are designed or have been adapted and specifically meet their needs
- minimising the time taken to allocate empty properties and thereby minimising void rent loss; and
- monitoring and reviewing housing needs data, including developing appropriate strategies for proactively tackling any concentrations of emerging low demand or unsustainable housing stock

1.3. Legislation and Regulatory Framework

The policy complies with the following legislation:

- The Housing (Scotland) Act of 1987, 2001, 2010, 2014.
- The Homelessness etc. (Scotland) Act 2003.
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981.
- The Disability Discrimination Act 1995.
- The Civil Partnerships Act 2005.
- The Data Protection Act 2018.
- The Privacy and Electronic Communications (EC Directive) Regulations 2003: The General Data Protection Regulation (EU) 2018 (the “GDPR”).
- The Access to Personal Information (Housing) (Scotland) Regulations 1993. The Human Rights Act 1998
- Management of Offenders etc. (Scotland) Act 2005 (Multi Agency Public Protection Arrangements – MAPPA).
- Immigration and Asylum Act 1999
- The Equality Act 2010
- Domestic Abuse (Scotland) Act 2018

1.4. Equality, Diversity, and Inclusion

At CVHA we value people and their diversity and strive to be inclusive. We respect others, regardless of personal differences, and we listen to people to understand their needs and tailor our service accordingly. We will strive to promote equal access to our service for all members of the community and provide fair and equal treatment, promoting human rights in line with our Equality, Diversity and Inclusion Strategy and Policy.

1.5. Decision-Making and Delegated Authority

The below table outlines the delegated responsibility for the tasks outlined in this policy.

Function / task	Responsibility
Housing Allocation Policy – review, amendment, and approval including establishment of local letting initiatives)	Board for approval.
Assessment of applications	Housing Officers and CHR partners.
Authorisation of allocations, mutual exchanges, joint tenancy applications, successions, and assignments	Customer Services Manager or Senior Housing Officer (except those which relate to cases, such as allocations to staff/Board members which require Board approval).
Monitoring of Lets and Housing Lists	Customer Services Manager or Senior Housing Officer.
Appeals relating to assessment of applications or offers of accommodation	CVHA’s Formal Complaints Procedure.
Periods of suspension in relation to antisocial behaviour	Customers Services Director or Customer Services Manager
Special circumstances	Customer Services Director or Customer Services Manager recommendation to Board with clarity on the relevant point of policy.

Board will receive performance information relevant to this policy area in line with their stated requirements.

1.6. Confidentiality and GDPR

CVHA recognises that confidentiality is important to applicants and tenants and will treat their application and tenancy information in the strictest confidence in line with all applicable data protection legislation.

We will not pass on or discuss with any third party any information provided by any applicant without their written permission, except for the purposes of processing the application through CHRs or as may be required by law. If there is personal information about someone other than the applicant on the application, we will not release that information unless we receive written permission from that other person.

To ensure an applicant's own confidentiality within their household, we can, if instructed, contact the applicant at an alternative address, if we receive full details and the instructions in writing with the application, or later.

Except as may otherwise be required by law, we will allow only the applicant access to their file, unless we have a signed mandate from the applicant authorising us to allow another named person access to the file and we are able to satisfy ourselves as to the identity of that other named person.

1.7. Involving and informing Stakeholders

We will promote our Allocation Policy through our website for both our customers and applicants. We are able to provide applicants with copies of this policy and any other associated documents on request, including in other formats and languages.

Customers will be consulted on any changes that are made to the policy and the point of the 3-yearly cyclical review of the policy.

1.8. Granting Tenancies to Staff, Board members or any other Associated Party

To ensure that we comply with the statutory requirements regarding granting of benefits to CVHA Board members and staff, or to their close relatives, we will ask all applicants to state whether, to their knowledge, they are related to a Board or staff member in line with our Payments and Benefits Policy.

The offer of a tenancy or lease in one of our or any of our subsidiaries' properties to one of our employees, Board members or to a relative of one of our employees or Board members is permitted as long as:

- it is in accordance with our published allocations policy and
- neither the applicant or anyone connected to the applicant is involved in any way or in any part of the allocation process and
- the offer is approved by the Board in advance and
- the tenancy is recorded as an interest in the appropriate register at the point of allocation once approved by the board

Board member must declare an interest and leave the meeting when the issue is being discussed.

1.9. Our Minimum Lettable Standard

Our minimum lettable standard is contained within our Void Management Policy which can be found on our website www.cvha.org.uk.

We seek to allocate all our houses in good order and in line with our minimum lettable standard. On occasion, some minor repairs or upgrades may be carried out through our repairs service or investment programme after a new tenant moves in.

If the applicant is a current CVHA tenant, we will expect them to have maintained their current house to a good standard. If they have not, we will require them to rectify any defects that we believe are their responsibility before we consider them for an offer of housing.

1.10. Homeless Lettings Targets

Any targets for Homeless Lets will be agreed with our Board and with our local authority partners each year. We work in partnership with our local authorities to give priority to applicants assessed as homeless.

We allocate properties to homeless applicants throughout the year, seeking to ensure that the target percentages are broadly achieved on an ongoing basis. However, quotas achieved may vary depending upon a variety of circumstances such as turnover, external circumstances out with our control and local letting initiatives.

1.11. Lettings Initiatives

In specific areas, such as where we have new build or low demand properties, we may introduce local letting initiatives to achieve best use of housing stock, balanced communities, and sustainable tenancies.

In cases where there is an individual property that presents as having a low demand through high refusal rates or lack of a waiting list, a targeted approach to allocating it may be necessary to minimise void loss and help to create balanced and sustainable communities. Our Housing Officers may request discretion (from the Senior Housing Officer/Customer Service Manager) in the allocation of properties. When considering such a request, we will consider factors such as the size of the waiting list, number of refusals of reasonable offers and the length of time the property has been void.

For local areas that are experiencing low demand across all properties, it may be necessary to consider a local letting initiative. CVHAs Board will authorise all local letting initiatives. When making their decision the Board will take account of the following:

- justification for the initiative
- identification of the area to which the initiative will apply
- confirmation of the time during which the initiative will apply; and
- confirmation of arrangements for monitoring, reviewing, and evaluating outcomes

The Customer Service Director will monitor and review the implementation of local letting initiatives, making recommendations as appropriate in relation to any suggested policy changes.

PART 2 – ACCESS TO HOUSING

2.1. Applying for Housing

Anyone can apply for housing with us if they are aged 16 years and over.

Applicants must give us all the information and supporting evidence we need to assess their housing application. It is also critical that applicants provide accurate information and advise us of all changes of circumstances that may affect their housing application.

People subject to immigration control must declare this when completing their application. Eligibility for housing must be assessed in terms of the Housing (Scotland) Act 2010 and asylum and immigration legislation. People may remain on the housing list but will be asked to provide evidence of their immigration status before we can confirm if they are eligible for an offer of housing.

How to apply for housing

As CVHA operates within several local authority areas, specific details are provided below for each local authority area.

North Lanarkshire Area - Application forms for North Lanarkshire are available on the North Lanarkshire Council [website](#) by contacting our office, North Lanarkshire Council or a partner landlord involved in the CHR.

South Lanarkshire Area – you can apply online at [HomeOptions - South Lanarkshire Council](#). If you are unable to access the online application, please contact our office.

East Dunbartonshire Area – Applications forms for East Dunbartonshire are available on their website to download or by contacting East Dunbartonshire Council. Please note CVHA are not a partner landlord in East Dunbartonshire, any vacant homes within this area are let via a nomination agreement, this means that if a property becomes vacant, we request a nomination from the list that EDC operates.

We can only consider people for housing if they complete an application form fully and provide all the information we need. Incomplete application forms will not be processed and will be returned to the applicant.

2.2. Homelessness

If an applicant believes they are homeless or at risk of being homeless, they should contact their local authority who will assess whether they are statutory homeless and award housing points accordingly.

PART 3 – PRIORITISING APPLICATIONS FOR HOUSING

3.1. Waiting List Categories

North Lanarkshire

Within North Lanarkshire there are the following categories:

Homeless

This includes people who have applied for housing through a homeless assessment process, and it has been decided they are homeless (homeless through no fault of their own).

Transfer

This includes people who are currently CVHA tenants or joint tenants and who have a need to move, for example because their house is too big or too small for them or because they need to move for health reasons.

A separate group within the transfer group is the ‘aspirational transfer’ group for people who do not have a housing need. For example, this would be for people who do not need to move for health reasons and their home is not overcrowded or underoccupied, but they still want to move to be in a different area or to live in a different type of house.

An existing CVHA tenant looking to transfer must carry out any repairs that are the responsibility of the tenant prior to the exchange and clear any outstanding debt on their account.

General

This includes everyone who has not applied or who does not qualify to be included on the homeless list, and who are not looking for a transfer. For example, this group could include people who are renting a house from a private landlord or people applying for their first tenancy

South Lanarkshire

Within South Lanarkshire there are the following categories:

Urgent Homeless

If someone presents themselves to the local authority as homeless, the Council will assess their needs using homelessness assessment procedures.

If accepted onto the homeless list, the applicant will receive one reasonable offer of housing before the Council discharge their legal duty. If the duty is discharged an applicant can request that their application be reassessed to queue on the general waiting list.

Urgent Medical

Applicants (or a member of their moving household) with a medical condition who are unable to occupy their present accommodation because it is wholly unsuitable considering their medical needs and cannot be adapted to suit those needs. If an applicant wishes to be considered for a property or area which does not meet their medical needs, they will be

considered for housing in one of the other categories that most closely matches their need for rehousing.

Only one reasonable offer of housing will be made to an urgent medical or urgent homeless applicant. If a reasonable offer is refused, their circumstances will be reassessed and the applicant will be considered for housing under one of the other lists, rather than the urgent medical list, where they will be eligible for two further offers of housing,

Transfer list

An applicant will be considered on the transfer list if they are:

- a tenant of CVHA; or
- a tenant of South Lanarkshire Council; or
- a tenant, living in South Lanarkshire, of a Registered Social Landlord; or
- a tied tenant of South Lanarkshire Council or a Registered Social Landlord (living in South Lanarkshire)

There may be circumstances under which we may take the decision to allocate a property to an existing CVHA tenant as a transfer, classed as an 'aspirational transfer.' This type of let would not be based on the applicant's placement on the CHR transfer list. This would be in exceptional circumstances and approved by the Customer Services Manager.

An existing CVHA tenant looking to transfer must carry out any repairs that are the responsibility of the tenant prior to the exchange and clear any outstanding debt on their account.

General Waiting list

An application will be placed on the general waiting list if the applicant is not statutorily homeless, nor meets any of the above criteria for a transfer or urgent move.

Other categories

An application will be held on this list in exceptional circumstances when their housing need cannot be effectively met through any of the other lists. Examples of applicants who may be eligible to be held within this list include:

- applicants with significant community care needs, such as those returning to the community from long stay residential care/prison
- applicants who have been in the local authority's care
- applicants living in accommodation which does not meet the tolerable standard; and
- applicants who require to be re-housed as part of a regeneration programme.
- CVHA transfer applicants who have an immediate need to move, and the case has been reviewed by a manager. This is a management transfer and will only be considered in exceptional circumstances

To assist us to make a suitable offer of housing within six months, an applicant who requires an urgent move cannot be unreasonably restrictive in terms of the area or property choices, and these preferences will be regularly reviewed to ensure that they are reasonable.

Only one reasonable offer of housing will be made to a high priority applicant. Where a reasonable offer is refused, the applicant's circumstances will be reassessed and may be removed to one of the other lists, where they will be eligible to receive a further two offers

of housing.

In each of the above lists, the waiting list is sorted into those with the highest combined points (most need). Where more than one applicant has the same level of points, the date of application for housing will be used to determine their priority placing on the list.

East Dunbartonshire

Within East Dunbartonshire we operate a nominations agreement where they will nominate an applicant from their waiting list in line with their policy - [East Dunbartonshire Allocation Policy](#).

3.2. House Size Eligibility

We try to make the best use of the housing stock available. An applicant will be eligible for a particular size of house based on the size of their household. An applicant may be considered for a property smaller than they require if that move would benefit their current circumstances. For example, an applicant that currently lives in a two-bedroom house and needs a four-bedroom house may be considered for a three-bedroom house to reduce the overcrowding in their current home.

Single applicants may apply for a two-bedroom property. However, we will always consider the best use of the property when allocating. For example, if a family who requires two-bedroom property is second on the list behind a single person with similar housing points, we would be most likely to offer the property to the family.

An example of the house size we will consider applicants for is set out below, however, please check each local authority Allocation Policy for their individual position on eligibility for property size.

Household Size	Accommodation Size
Single person	one or two-bedroom property
Couple	one or two-bedroom property
Single parent or couple with one child	two-bedroom property
Single parent or couple with two children of the same sex: <ul style="list-style-type: none"> • both aged under 16 • both aged under 16, but with more than six years' age difference between them • if one child or both children are aged 16 or over 	two-bedroom property three-bedroom property three-bedroom property
Single parent or couple with two children of the opposite sex: <ul style="list-style-type: none"> • if the children are both aged under 8 • if one child or both children are aged 8 or over 	two-bedroom property three-bedroom property

Household Size	Accommodation Size
Single parent or couple with three children: <ul style="list-style-type: none"> if two children can share a room (for example if they are aged under 16 years and are of the same sex, or aged under eight and of the opposite sex) 	three-bedroom property
<ul style="list-style-type: none"> if no children can share a room (for example because they are all over 16 years of age) 	four-bedroom property
Single parent or couple with four children: <ul style="list-style-type: none"> if all children can share rooms if two children can share a room if no children can share a room 	three-bedroom property four-bedroom property five-bedroom property

There are a number of circumstances where we may offer an applicant a bigger house. Some of these are listed below.

- Where there is a health reason for needing another bedroom – for example, where a member of the household uses special medical equipment at home, and it would be unreasonable for them to share a room while they use this equipment. We will consider their health needs in line with the outcome of the applicants' medical assessment form.
- Where a person has access rights to their child or children – if an applicant is separated from someone who they have children with and the children stay overnight with them, we would normally include the children when we work out the size of property required. If an applicant's current house is too small and they need an extra room/s to accommodate their children, we may award additional points.

3.3. How Points are Awarded

The majority of our stock is in North and South Lanarkshire. We are partners in both North and South Lanarkshire's CHRs. This means that we follow their policies in how points are allocated. These points are allocated to reflect the housing need of the applicant. Please refer to their policies for the most up to date points values.

When working out an applicant's group and points, we will not discriminate against any protected characteristics or take account of any of the following when we allocate our housing:

- whether an applicant lives in the area they want housing in.
- the length of time someone has lived in the area.
- any debts that are not related to a current or former tenancy.
- any debts already repaid.
- an applicant or their household's income (including any benefits).
- the value of any property an applicant may own

3.4. Abuse and Harassment

If an applicant or a member of their household is being abused or harassed and it means

they cannot stay in their home, they can apply to the local authority for a homelessness assessment. The Council will give them the help and support required to do this (for example, they could provide temporary housing and put the person in touch with independent support agencies such as Women's Aid).

If the applicant chooses not to apply through the Council's homeless process, they will go into one of our other groups to be rehoused.

We also recognise that if an applicant is suffering domestic abuse within their current household, it may be important that they are removed from this situation as quickly as possible. Because of this we will make sure that the options available for rehousing are maximised and the applicant is recorded on our waiting lists for as many types of housing and areas of housing as would be suitable. We will allocate in line with the Association's Domestic abuse Policy which adheres to the Domestic Abuse (Scotland) Act. This policy can be found on the associations website.

We recognise that there may be exceptional circumstances where, in line with the Domestic Abuse (Protection) (Scotland) Act 2021 that we may need to remove the perpetrator from the property, and we will work with individuals and our local partners in these circumstances for the best outcome for those involved.

3.5. Applicants Leaving the Armed Forces

Applicants leaving the Armed Forces and losing tied accommodation will be prioritised using the criteria set out in the pointing frameworks of the relevant local authority. We require to see a copy of the applicant's discharge papers along with their application for housing and any other evidence that would be required to allow us to assess the level of housing need.

PART 4 – OFFERS AND REFUSALS

4.1. Matching an applicant to a property

When we have received a tenancy termination notice which lets us know that a property will soon become available, we will begin the matching process of allocating that property.

The Housing Officer will decide which applicant group the property will be offered to following our procedures. This helps us to make sure that all waiting lists have equal access to different types of property in each local area.

We will then pull a shortlist of the applicants with the highest points from the relevant waiting list. The Housing Officer will carry out an interview with the person with the most points on that list and, if references are satisfactory, the property will be offered to that applicant. However, as outlined in the policy, there may be exceptions to this. This could include but is not limited to situations where the applicant who is best suited to a property type is not top of the list, or a victim of domestic abuse would be moving to an area in too close proximity to a perpetrator.

4.2. Adapted properties

We want to make sure that we make best use of our adapted properties and properties specifically designated as 'Amenity Housing'. This means they have been specifically built or adapted to make them suitable for people with particular needs. If a property has been adapted or specifically designated as Amenity Housing, we will aim to allocate this to an applicant who requires this type of property to meet their housing needs. There may be occasions where this is not feasible.

4.3. Making an offer

Our aim is to match an applicant to a property and make an offer prior to the property being available to let (i.e. within the notice period of the previous tenancy). We will make contact with applicants by telephone or email. Only where we cannot contact via telephone or email will we issue a letter to the address noted on the CHR application. We will follow up the offer in writing.

The identification and selection of potential applicants to be offered accommodation is delegated to specific staff who have a detailed knowledge and understanding of the Allocation Policies and CHRs as well as the associated procedures. However, all offers must be checked and authorised by the Customer Services Manager or Senior Housing Officer before a written offer is made. Applicants will have 48 hours to confirm acceptance of a written offer.

4.4. Refusal of offers

We will do our best to match applicants to a house that meets their requirements and criteria as set out in the CHR. However, penalties can be applied for refusal of reasonable offers of housing. This is to discourage applicants from refusing any reasonable offer. We define a 'reasonable offer' as one that meets the needs and reflects the choices of the applicant, including the area(s) they wish to be housed in and the size and type of property required.

In North Lanarkshire, if an applicant refuses a reasonable offer of housing by any CHR partner, this will count as a refusal. To help ensure that future offers are more suitable, we will check the applicant's housing preferences (areas and property types) are up to

date.

If an applicant then refuses a second reasonable offer matching their choices, they will be suspended from the housing list for three months from the date of the second refusal. As with the first offer we, or the CHR partner, will discuss housing options and may remove any higher level of priority points awarded.

If the applicant is statutory homeless and refuses two reasonable offers of housing, the Council will discharge its duty and their application will be removed from the homeless list to one of the other categories, depending on their circumstances. Their application may be suspended for up to three months.

In South Lanarkshire applicants will be eligible to receive two reasonable offers of housing which meet the preferences stated in their housing application.

One reasonable offer will be made to homeless applicants. Homeless applicants have the right to appeal against an offer of housing, the appeal must be submitted to South Lanarkshire Council.

East Dunbartonshire Council makes one reasonable offer only. If a homeless applicant refuses their offer, the council will discharge duty. For applicants within other groups, a refused offer will result in a six-month suspension.

4.5. Tenancy References

When considering an applicant for an offer of housing, we will seek references from the applicant's previous landlords over the past 5 years.

If a current or former landlord tells us that the applicant has breached a former tenancy, such as by owing rent or behaving antisocially, we may temporarily suspend the applicant from our housing list with the expectation that they will clear any outstanding balances if owed.

We will not make an offer of housing if a tenancy reference is unsatisfactory.

- If the tenancy reference is unacceptable because of rent arrears, it is the applicant's responsibility to advise us when the account is clear or that the applicant has kept to an agreed repayment plan in respect of the arrears for a continuous period of 3 months.
- If the tenancy reference is unacceptable because the applicant or a member of the applicant's household is subject to an Antisocial Behaviour Order (ASBO) under relevant legislation, we may consider making an offer of housing with a Short Scottish Secure Tenancy (SSST).

Where we suspend an application because we are not satisfied with a tenancy reference, the applicant can request to see the reference. We will deal with the request under the relevant Data Protection Legislation.

4.6. Tenancy conditions

When an applicant accepts an offer of accommodation, they will sign a Scottish Secure Tenancy (SST) agreement or a Short Scottish Secure Tenancy (SSST) agreement, which is a legally binding contract between them, and CVHA.

4.7. Applicants with Pets

An applicant who wishes to keep a pet in a CVHA property must get permission in line with the Scottish Secure Tenancy Agreement. Our Housing Officer will provide advice and information during the allocation process that will depend on the type of pet they wish to keep and the type of accommodation they are being offered.

4.8. False or misleading information

We will take all reasonable steps to investigate any information we receive which affects an application. It is important that applications are completed carefully and with as much detail and information as required. The information provided must be accurate and up to date.

Paper forms submitted to our office will be returned if not fully completed and signed.

Applicants must notify us of any changes to their information as soon as the change is known.

Applicants must co-operate fully with any reasonable investigations to confirm the details of an application and must allow our staff access to their home to inspect if required and they wish to be considered for one of our properties

If we suspend an application, we will not make an offer of housing. However, we will advise the applicant in writing of our decision and the reasons for our decision.

4.9. Applications which may be removed or suspended

There may be circumstances where we will remove or suspend an application and therefore do not make an offer of housing.

We will remove an application from our housing list if:

- an applicant has asked to be removed from the list
- an applicant has failed to respond to a review of the housing list or letter to request contact
- The applicant's housing need has been met by the completion of a mutual exchange
- an applicant has died

In certain circumstances it may be appropriate to suspend an application for housing for a period of time. This will be dependent on the local authority policy concerned and the reasons for the suspension. Where an application has been suspended, the applicant will not be considered for or receive an offer of housing during the suspension period.

If CVHA removes or suspends an application for housing, we will contact the applicant to confirm the removal and the suspension reason and timescale.

PART 5 – CHANGES TO EXISTING TENANCIES

5.1. Joint Applications

We will consider an application from more than one person where the applicants wish to live together as joint tenants in a property where one or more of the joint applicants is already a tenant of CVHA. We will consult all applicants who have requested a joint application, providing the number of people who apply to be housed together does not overcrowd the property. Applicants with ongoing tenancy action being taken in respect of arrears, antisocial behaviour or other breaches of tenancy will not be considered.

When we offer housing to joint applicants, we will create a joint tenancy in respect of each applicant. This will help protect the rights of each joint tenant, while making them jointly and severally responsible for maintaining their conditions of tenancy.

The Allocation Policy applies to joint applicants jointly and severally. This means that even if only one applicant is in breach of any of the sections of this policy, we can hold all applicants to be in breach of the policy.

5.2. Successions

If a tenant dies and a member of the household applies for the tenancy, we will consider them for the tenancy under the provisions of the Housing Scotland Act 2014. This means that Applicants must complete and return the succession application form.

Requirements that must be met for someone to inherit a tenancy are set out below:

- The person applying to succeed to the tenancy must be aged at least 16 at the date of the death of the current tenant and
- The property must have been their only or principal home for at least 12 months immediately before the tenant's death
- The 12-month period begins at the point we are told in writing that the individual is living in the property as their only or principal home

There are three levels of priority:

- Level One: Joint Tenant, Spouse or Civil Partner, Co-habiting Partner
- Level Two: If nobody qualifies on the first level of priority, or if a qualified person in this group declines the tenancy, then the second level of priority would go to a member of the tenant's family who is at least 16 years old
- Level Three: If nobody in the first two priority groups qualifies, or if a qualified person in either group declines the tenancy, then the third level of priority would go to a carer who is aged at least 16 and who had given up their only or principal home to care for the tenant or a member of the tenant's household

Where a property has been designed or significantly adapted for a person, we will still grant a succession of tenancy to a member of the household who qualifies. However, if they do not require an adapted property, we will seek to find them an alternative suitable home so that we can offer the adapted property to someone who specifically requires that type of home to meet their needs.

The tenancy can only be inherited twice under the provisions of the Scottish Secure Tenancy Agreement. If the tenancy has already been inherited twice, the third death will

normally end the tenancy. This will not happen if there is a surviving joint tenant, whose Scottish Secure Tenancy would continue. However, if there is still a person in the house who would otherwise qualify to inherit the tenancy under the above paragraphs, the tenancy will continue for a maximum of 6 months after the last death. The tenancy will not be either a Scottish Secure Tenancy or a Short Scottish Secure Tenancy for that period.

If someone qualifies for the tenancy but does not want it, they should tell us in writing within four weeks of the death and leave the house within three months. A charge equivalent to rent will be due for the actual period of occupation.

We have 28 days to confirm our decision on the outcome of a succession request. If an application has been unsuccessful, an appeal can be submitted in writing within 7 days of our decision. We will always provide an unsuccessful applicant with Housing Options advice and information in the first instance. If the applicant refuses to vacate the property, we may raise a court action to remove them from the property.

5.3. Assignations

If a tenant wishes to move out of their home and would like a household member to remain in the property, we can consider assigning the tenancy to a member of the household. An assignation application must be completed.

The tenant must complete the assignation form and the assignee must meet the following conditions:

- the applicant will be homeless if we do not transfer the tenancy to them
- the applicant is over 16 years of age at the time of the application
- the applicant has lived continuously with the tenant throughout the tenancy for at least 12 months prior to the date of the application as their only or principal home
- these 12 months will be from the date we received written notice of them living in the property
- we are satisfied that the applicant will be a suitable tenant
- transferring the tenancy to the applicant makes best use of the house
- there are no outstanding arrears balances or actions for breaches of tenancy such as antisocial behaviour

We will inform the applicant of the application's outcome within 28 days of receipt of the request. If an applicant is unhappy about the decision, they may submit an appeal in writing within 7 days of our decision.

5.4. Mutual Exchange

We will encourage mutual exchanges between tenants where both households would benefit from the exchange and be housed in appropriately sized accommodation.

Any CVHA tenant may request a mutual exchange with another CVHA tenant or with a tenant of another social landlord. Tenants must apply for permission to exchange by completing a Mutual Exchange Application. The form is available on the association's website.

We will not normally permit mutual exchanges during the first year of a tenancy. However, there may be exceptional circumstances, such as medical cases or to make best use of the housing stock, where there may be justification for approving a mutual exchange within this timescale.

To qualify for a mutual exchange applicants must:

- obtain our written consent and the written consent of any other landlord involved in the exchange
- have a clear rent account or have a repayment arrangement for rent arrears which they are keeping to for more than 3 months. Where both parties are tenants of CVHA, both parties must have a clear rent account
- have a Scottish Secure Tenancy (SST)
- have an acceptable tenancy reference, which will include the condition of the house and garden
- not have a live Notice of Proceedings for anti-social behaviour or an active Anti-Social Behaviour Order against them or a member of their household
- agree to reinstate any unauthorised alterations made to their property, prior to the exchange being approved
- carry out any repairs that are the responsibility of the tenant prior to the exchange
- must not overcrowd the property
- must not under occupy the house by more than one bedroom
- if the property is adapted it must meet the medical needs of the applicant

5.5. Sublet

Tenants may sublet their property, providing that our prior written permission has been granted (we will not unreasonably withhold our consent). A property can be sublet for a period of up to one year when the tenant is going to be absent on a temporary basis (e.g. working/training/studying away, prison, extended holiday).

CVHA tenants wanting to sublet all or part of their house must have resided in the property as their only or principal home for at least 12 months immediately before the date of a written request to sublet the house to someone else.

They don't have to have been a tenant for this period of time, but we must have received formal notification that they have been living in the property and their residency is calculated from the date of that notification.

A sublet property will remain in the tenant's name and the person subletting the property cannot succeed to the tenancy and the tenancy cannot be assigned to the subletting tenant. The tenant will continue to be legally responsible for ensuring adherence to the conditions of tenancy, including payment of rent, not causing nuisance, etc. If there are any breaches of tenancy, we will take legal advice and may take steps to remove the person subletting the property. Should the tenant fail to return to the property, the subletting tenant has no right to remain and will be required to vacate the property at the point of termination.

5.6. Lodgers

Tenants may take in lodgers providing that our prior written permission has been granted. We will not unreasonably withhold our consent; however, we will not permit lodgers to move in if:

- overcrowding results
- the proposed lodger has an outstanding Anti-Social Behaviour Order
- they owe the Association in relation to rent arrears and/or rechargeable repairs; or
- they have been evicted for anti-social behaviour in the past 3 years

Lodgers have no rights of succession, nor can the tenant assign the tenancy to a lodger.

PART 6 - APPEALS

6.1. Appealing against a decision made

If an applicant is unhappy with a decision or an offer, they may appeal to the Customer Services Manager in the first instance who will deal with the appeal and advise the applicant of the decision taken. If the applicant is unhappy with the decision made by the Customer Services Manager, the applicant can appeal to the Customer Services Director. All appeals must be made in writing. We will be happy to assist applicants with this if they require and request assistance.

6.2. Appealing about the way we have handled an application

If, at any time, anyone feels that we have not dealt with their application in a fair and consistent manner and in accordance with the written policy or that our staff have not treated them reasonably, they may register a complaint through our Complaints Policy. A copy of this is available at our offices or on our website.

6.3. Appealing to the Scottish Public Services Ombudsman (SPSO)

If an applicant has followed our complaints procedure, and remains unsatisfied with the outcome, they have the right of appeal to the SPSO.

The address is:

SPSO, Freeport, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS.

Telephone: 0800 377 7330, E-Mail: ask@spsso.org.uk Website: www.spsso.org.uk

Policy Change History

Version No:	Substantive Change	Author of Change	Approval	Date	Website
1.0	Formatting sorted & version history applied	A Cavinue		02/07/24	Y
2.0	Updates to content and formatting. No substantive changes on policy position.	Caroline Hotchkiss		15/08/24	Y
3.0	Minor amendments to the Policy are: <ul style="list-style-type: none"> • Clear guidance on our position on allocating properties to staff, Board Members and their close relatives • Clarity around 'aspirational transfers'. • Recognition that under the Domestic Abuse (Protection) Scotland Act 2021 • Guidance on applicants with pets. 	Caroline Hotchkiss	Board	26/08/24	Y