



WILLIAMSBURGH

HOUSING ASSOCIATION LTD

Lease Policy

Presented to Management Committee	30 March 2022
Presenting Officer	Lesley Ferrie
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This policy is available in different languages and other formats such as braille or tape on request.

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1. Introduction

The Association is committed to working in partnership with various external agencies (e.g. voluntary organisations, health authorities other housing associations, local authorities) assisting them with the provision of accommodation to individuals or families who require support. In these circumstances, the most appropriate way of providing accommodation for this purpose is through a leasing arrangement.

2. Equal Opportunities

We aim to ensure that equal access to appropriate types and locations across the range of our stock is given to lessees. Properties made available for leasing should not be confined to one area.

3. Scottish Social Housing Charter and Legal Framework

3.1 Scottish Social Housing Charter

The Association, in preparing this policy has given consideration to and sought compliance with, the following:

Scottish Social Housing Charter, as defined by The Scottish Housing Regulator – the regulatory body for housing associations. The relevant Charter Outcome numbers 1, 13, 14 and 15 state:

1: Equalities

Social landlords perform all aspects of their housing services so that:

- 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.

13: Value for money

Social landlords manage all aspects of their businesses so that:

- tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

14 and 15: Rents and service charges

Social landlords set rents and service charges in consultation with their tenants and other customers so that:

- a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and other customers can afford them
- tenants get clear information on how rent and other money is spent, including any details of individual items of expenditure above thresholds agreed between landlords and tenants.

3.2 Good Practice Guidance

- Model Lease (Revised December 2003) – Scottish Federation of Housing Associations

3.3 Legal Framework

The disposal of land or other assets was initially covered by Section 9 Consent under the Housing Act 1985, which was updated by Section 66 Consent under the Housing (Scotland) Act 2001 and more recently by Section 107 of the Housing (Scotland) Act 2010, (The Act). This requires social landlords to seek consent from the Scottish Housing Regulator (SHR), to dispose of land or to dispose of any other assets by granting security over them (referred to as disposals), unless the disposal is one that does not require SHR consent.

The SHR gives General Consent to certain disposals, while other disposals need Specific Consent for particular purposes, as set out in the Framework noted at 2.2:-
'Leasing – both residential and non-residential - to non-profit making (and in specific instances, profit making) bodies subject to conditions' are covered by General Consent.

4. Aims and Objectives

This leasing of properties policy aims to clearly define the circumstances in which we will lease properties and the organisations we will lease to.

Staff have delegated authority to enter into leasing arrangements in line with this policy, but any proposal to lease which falls outwith the terms of this policy will be referred to the Committee for a decision.

Where leasing is found to be the most appropriate option the Committee delegates authority to the Chief Executive and Housing Manager to sign agreements on its behalf.

- Properties will only be leased to third parties on an exceptional basis. Our policy is to provide the most secure form of tenancy compatible with the purpose of the housing. Wherever possible, therefore, we will provide Scottish Secure Tenancies for individuals.
- We will ensure that when a property is leased, the lessee uses the appropriate model leases, tenancy and occupancy agreements currently available.
- When we enter into a lease where we need to consider a variation on an existing model tenancy or occupancy agreement, we will seek legal advice to ensure that we are maximising the security of tenure of the individual. This may arise because of the design of the accommodation of the nature of the client group.

5. Meeting Needs

We will only lease property for use as temporary accommodation.

We will lease properties to the following organisations where it is appropriate due to the client group being housed and the nature of the support being provided.

- Renfrewshire Council – for use as temporary accommodation for homeless people/households.
- Blue Triangle Housing Association – for use as temporary accommodation for homeless people/households.
- Kibble Education and Care – Young people coming through care receiving support.

In certain exceptional circumstances we may also lease properties on a short term temporary basis to other housing associations where the property is for the purposes of decant accommodation and type of property required is not currently available within their stock, or in the event of a natural disaster.

We will make every effort to safeguard our properties and the people living in them. In determining the suitability of an organisation as a lessee we will consider its track record and its financial position.

Where an organisation not listed above wishes to lease a property from us, the Chief Executive or Housing Manager will present a report to the Committee making recommendations as to their suitability.

6. Audit Trail

Where a lease is considered to be the most appropriate arrangement, we will maintain a clear audit trail demonstrating how the decision was reached. In addition we will ensure that the lessee has granted the most secure form of tenure compatible with the purpose of the housing.

Any departure from the terms of the model agreements will be explained and justified.

7. Reporting

We will review the management of the leased properties regularly by holding liaison meetings with the lessee as defined within the lease.

On a quarterly basis, we will report to the Committee any leases renewed or new leases signed.

On an annual basis, we will report to the Housing Management Sub Committee the following:

- Number of leases in operation.
- The organisations we have leased property to.
- The purpose for which the property is being used.
- The expiry date of the lease.
- Any management issues in relation to the conduct of the lease.
- A summary of leases granted, renewed and ended throughout the year.

8. Data Protection

The Association will store personal information provided on both our computer and filing systems. At all times we will act in compliance with the Data Protection Act 1998 and 2018 (GDPR). Customers may request copies of the information that the Association holds on file. All such requests will be processed in accordance with the Association's Data Protection Policy.

9. Review

This policy will be updated as required, and reviewed by the Management Committee every three years to ensure that it responds to any changing circumstances.