



IMPORTANT
YOUR RIGHTS AS A SCOTTISH SECURE
TENANT ARE CHANGING

As a tenant of Charing Cross Housing Association, you have a Scottish Secure Tenancy Agreement. The rights you have under this tenancy agreement will be changed by the Housing (Scotland) Act 2014.

This leaflet tells you about these changes and what you need to do to protect your tenancy rights. It is therefore important that you read it carefully and that you keep it in a safe place in case you need to refer to it in the future.

CHANGES COMING INTO EFFECT FROM 1ST MAY 2019

ENDING A SCOTTISH SECURE TENANCY AGREEMENT BY COURT ORDER

Committing serious antisocial behaviour or certain crimes are a breach of your tenancy agreement and can lead to your eviction.

If you or anyone living in the house as part of your household or anyone visiting you are convicted of using the house or allowing it to be used for immoral or illegal purposes, or of an offence punishable by imprisonment committed in or in the locality of the property, we can take action to get a court order to evict you from your home.

Before we start the court action for eviction, we will serve a Notice of Proceedings on you giving notice that legal action may be instigated.

Under the Housing (Scotland) Act 2014 getting an eviction will be easier by removing the need for the Court to consider whether it is “reasonable” to make an order for eviction where we are using this ground for eviction.

The court will be required to grant the eviction order if we have served the Notice of Proceedings within twelve months of the date of the conviction (or within twelve months of the conclusion of an unsuccessful appeal against the conviction)

ADAPTED PROPERTIES

Some of our properties have been specially adapted to meet the specific needs of a tenant or a member of their household. In some cases, the person the adaptations were made for either moves to a different house, moves into care or sadly dies.

From 1 May 2019, we will be able to apply to the Court to recover the property if it is not being occupied by anyone who needs the adaptations.

BUT it is important to note that we would:

- Only do this if we need the property for someone who needs the adaptations.
- Give you notice before applying to the court to do this
- Offer you suitable alternative accommodation.

Also, you have the right to ask the Court to consider whether our actions were reasonable and challenge the suitability of the alternative accommodation.

CONVERSION TO A SHORT SCOTTISH SECURE TENANCY FOR ANTISOCIAL BEHAVIOUR

In certain circumstances, we can change your tenancy agreement to a different type of tenancy agreement called a Short Scottish Secure Tenancy (SSST) agreement, which gives you fewer rights and less protection from eviction than a Scottish Secure Tenancy (SST).

From 1 May 2019, these circumstances will now include any situation where a tenant or someone living with the tenant has acted in an antisocial manner in or around the property.

If we choose to convert your tenancy we will serve a Notice on you which will detail the actions of the person who has behaved in an antisocial manner and our reasons for converting the tenancy. You will have the right to appeal the conversion to the Sheriff Court.

CHANGES COMING INTO EFFECT FROM 1ST NOVEMBER 2019

CHANGES TO YOUR HOUSEHOLD & TENANCY RIGHTS

Under your current tenancy agreement here are a number of changes to your tenancy.

From 1 November 2019, new rules mean that there will be a 12-month qualifying period before you can apply for permission to make any substantial changes to your tenancy. **This 12-month qualifying period only begins on the day we receive written notification from you of any changes.**

To protect your tenancy rights, it is important that you let us know **in writing**, by no later than 1 November 2018, of changes that have already happened. It is also very important that you tell us immediately of any change which occurs after 1 November 2018.

This is particularly important if someone has given up their own home to move in with you to care for you.

If you let us know after 1 November 2018, the 12-month qualifying period will begin on the day you let us know.

For example:

If you notify us in writing on the 5 November 2018, the 12-month qualifying period will end on the 5 November 2019.

If you notify us in writing on 5 April 2020, the 12-month qualifying period will end on the 5 April 2021.

APPLYING TO ADD A JOINT TENANT TO YOUR TENANCY AGREEMENT

You may have a new partner or family member living with you who you wish to become a joint a tenant with you.

From 1 November 2019, proposed joint tenants will need to have lived at the property as their only or principal home for 12-months before you can apply for them to become a joint tenant.

The 12-month period only starts when we receive **written notification** from you that the proposed joint tenant is living there, and you wish to apply to add them as a joint tenant.

TRANSFERRING YOUR TENANCY TO SOMEONE ELSE (Assignment)

There can be a number of reasons why you would want to move out of your home and pass your tenancy to a member of your household that lives with you.

Under the new Act, before you can this both, you AND the person you wish to pass the tenancy to must have lived in the property as your only or principal home during the 12 months immediately before you apply to assign your tenancy.

The 12-month period only starts when we receive **written notification** from you that the other person is living in the property as their only or principal home.

We can refuse permission to assign a tenancy if we have reasonable grounds to do so.

SUBLETTING YOUR PROPERTY

You may wish to sublet all or part of your home.

You need our consent to do this.

From 1 November 2019, before you apply for consent to sublet your property, you must have been the tenant of the house throughout the 12 months immediately before you apply to sublet.

We can refuse to give permission for you to sub-let your property if we have reasonable grounds to do so.

TAKING OVER A TENANCY AFTER THE TENANT'S DEATH (Succession)

There may be someone living with you that you would want to get the tenancy for the house after you die, such as a partner, son or daughter. If they are not a joint tenant with you they would need to apply to 'succeed' to the tenancy.

To protect their right to 'succeed to your tenancy', you must tell us in writing that the person you wish to take over your tenancy has moved in with you at the time they do so.

If someone has already moved in and you have not told us, it may affect their right to succeed to your tenancy.

To succeed to your tenancy if you die after 1 November 2019, any person who is not your lawful spouse or civil partner must have lived in the property as their only or principal home for at least 12 months immediately prior to the tenant's death.

The 12-month period only starts when we receive **written notification** from you that the other person is living in the property as their only or principal home. This is very important if someone else has given up their own home to care for you.