

1. Introduction:

This procedure applies from 1 November 2019. Section 11(5) of Housing (Scotland) Act 2001 (the Act) gives the tenant of a Scottish secure tenancy (SST) or a Short SST an entitlement to a **joint tenancy** with one or more individuals, subject to the conditions set out below.

2. Process:

A request for a joint tenancy must be made, in writing, by the current tenant **AND** the proposed joint tenant together. Such a request needs ACHA's consent as the landlord. Section 12(1) of the 2014 Act makes the following changes to the Act:

- The proposed joint tenant must have lived at the property as their only or principal home for the 12 months before the date of the application for them to become a joint tenant, **and**
- the 12 month period cannot begin unless ACHA has been told that the person is living in the property as their only or principal home. ACHA must have been told this by the tenant, a joint tenant, or the person the tenant now wishes to become a joint tenant. If ACHA has already been told that the person is living in the property we do not have to be notified again.

If the proposed new joint tenant is the spouse or civil partner of the tenant, they are treated no differently than any other applicant. Therefore, the 12 month requirement will apply.

3. Grounds for refusal:

ACHA can refuse permission for a joint tenancy if it is reasonable to do so.

Some examples of reasonable grounds to refuse a joint tenancy are:

- The proposed joint tenant has not lived at the property as their only or principal home for the 12 months before the application is received;
- ACHA was not advised that the proposed joint tenant was living in the property at least 12 months prior to the application;
- The change would lead to overcrowding;
- A Notice of Proceedings has been served on the tenant in relation to one of the conduct grounds;
- An order for recovery of possession (a Decree) has been granted against the tenant;
- If the proposed joint tenant is the tenant of one of ACHA's properties (and therefore not occupying it as their only or principal home);
- The potential joint tenant has an outstanding liability to ACHA.