

KNOWES HOUSING ASSOCIATION LTD	
Policy Name	Property Condition Policy
Policy Category	Housing Management
Policy Number	HM25
Date to Housing Management Sub-Committee	April 2023
Previous Review	May 2020
Next Review Date	April 2026
Links to other Policies	HM04 - Allocations Policy HM22 - Legal Action and Eviction Policy HM06 - Mutual Exchange Policy HM13 - Estate Management Policy
Consultation	Internal

1. AIMS & OBJECTIVES

1.1 This Policy highlights the need for the Housing Association to outline methods to effectively deal with a tenant who is not managing the condition of their home. The Policy is not just about ensuring a tenant abides by the legal requirement outlined in the Scottish Secure Tenancy Agreement where action can be taken when,

- **the condition of the house or common parts, or furniture we have supplied, has deteriorated because of the fault of you, your subtenant or somebody in your household.**

1.2 The Policy will also outline methods in which the Association can assist tenants to deal with issue around cleanliness, hoarding, and any other health issue that results in difficulties in looking after the internal condition of their home that result in a serious deterioration. (Problems concerning the external condition of a property are covered in the Estate Management Policy and Procedure).

2. RISK MANAGEMENT

2.1 By having a written detailed Policy & Procedure to deal with Condition of Properties the Association is able to ensure that a uniform and professional approach is adopted throughout the Association and the service delivered is compliant with law, best practice and internal policy.

2.2 The risk of not having this Policy in place is an absence of the above, and potentially having properties deteriorating and at risk of damage over a period of time. An additional risk would be neighbour disputes developing where the condition of one property impacts on another.

3. IDENTIFICATION OF POOR PROPERTY CONDITIONS

3.1 Knowes HA has 1048 tenants, many of whom have never had the need to contact their Housing Officer, and vice versa. This means Housing staff do not get the opportunity to visit all their tenants with the resource to do annual visits presently unmanageable. This may mean that unbeknown to the Association, some tenants may be struggling to keep the condition of their home at an acceptable level. However over the course of the year there maybe occasions when other individuals can report issues to us highlighting concerns about how a tenant is managing the internal condition of their home;

- Repairs contractor carrying out an internal repair
- Health visitor or GP
- Social Services
- Police

- Neighbours concerned or who report issues with smell or mess.
 - Family members concerned about the welfare of their relative.
- 4.2 Once we receive a report where an issue has been identified, the Housing Officer will follow the actions outlined in the Property Condition procedure. The actions taken and the tenants' response will have a bearing on the outcome. This can either be; the tenant shall receive help and assistance to manage the issue, or there will be action taken after our first response of assistance and support has proved unsuccessful or rejected and the only solution is taking action due to a breach of the tenants Scottish Secure Tenancy.
- 4.3 When assisting a tenant we will use external agencies to support us in managing the problem. The external agencies will be Local Authority Social Services, Environmental Health, and Strathclyde Fire Service. Each of these agencies have different skills that can be used to help and these are outlined in the procedure.
- 4.4 Should the Association take legal action based on a breach of the SST, a Notice of Proceedings will be served based on **Part 1 of Schedule 2 to the Housing (Scotland) Act 2001, Ground 3 –**

(1) the condition of the house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant (or any one of joint tenants) or any person residing or lodging with, or any subtenant of, the tenant; and in the case of acts of waste by, or the neglect or default of, a person residing or lodging with, or subtenant of, a tenant, the tenant has not, before the making of the order in question, taken such steps as the tenant ought reasonably to have taken for the removal of that person.

(2) In sub-paragraph(1), "the common parts" means any part of a building containing the house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other houses.

- 4.5 Legal action will be taken as a last resort and only when all other action has failed in trying to get our property back to an acceptable condition.

RECORDING AND MONITORING

- 4.3 Knowes Housing Association will place an alert on the housing management IT system, QL, so that all staff are aware of the issues. Logging the action on the notes within the system will allow us to keep track of the action we are taking. A report can also be taken from QL to allow suitable monitoring on the amount of cases we identify over the year and whether there is an increase in the issue and whether the action we take proves to be successful.

5. TENANTS' RIGHT OF APPEAL

5.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association's Complaints Policy which is available at the Associations Office. You also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

5.2 **Those tenants wishing to appeal should note that they do not need to necessarily go through the internal appeal process, as they have an external legal right of appeal and should obtain legal representation to assist them in this process.** Any tenant of Knowes Housing Association, whose tenancy is in jeopardy and could possibly be repossessed due to the reasons outlined in this policy, has a right to seek legal advice.

7. EQUALITIES COMMITMENT

7.1 Knowes Housing Association Ltd is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

7.2 Knowes' seek to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.