

# LEASE AGREEMENT POLICY

NOVEMBER 2023



**LANARKSHIRE**  
HOUSING ASSOCIATION LTD



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191 Brandon Street  
Motherwell ML1 1RS  
Tel: (01698) 269119  
Fax: (01698) 275202



## **LEASE AGREEMENT POLICY**

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(\*Note Lanarkshire Housing Association hereinafter referred to as LHA)

### **1.0 INTRODUCTION**

- 1.1 LHA will always offer the most secure form of tenure to our housing applicants and this will normally be a Scottish Secure Tenancy (SST). This policy recognises there will be occasions where an SST will not be appropriate and a lease agreement may be required.
- 1.2 This policy defines circumstances in which we will lease properties to other organisations and this will generally be Local Authorities/charities to assist in the provision of temporary accommodation for homeless people or other vulnerable groups.
- 1.3 The Housing Services Director will have delegated authority to enter into lease agreements in accordance with this adopted policy.

### **2.0 LEGAL FRAMEWORK**

- 2.1 Section 107 of the Housing (Scotland) Act 2010 requires Registered Social Landlords (RSLs) to obtain consent from the Scottish Housing Regulator for certain disposals of land or property.
- 2.2 This policy will be used in line with LHA's General Consent Procedures (2017) which confirm that a general consent is required when approving a lease agreement for a residential property.
- 2.3 A 'Record of General Consent' form Section 107 will be completed and signed in order to certify that the conditions have been met. This will be recorded in the minute of a meeting and recorded in the Association's Register of Disposals.

### **3.0 AIMS AND OBJECTIVES**

- 3.1 We aim to meet our obligations in regard to security of tenure and supporting tenants in mainstream, self-contained housing, while recognising the need to support local authorities in providing temporary homeless accommodation and other organisation who support vulnerable individuals.

- 3.2 LHA will ensure that the granting of a lease for residential or non-residential purposes does not affect the quiet enjoyment of its residential tenants.

#### **4.0 CRITERIA FOR LEASING PROPERTIES**

- 4.1 LHA will follow good practice and use model leases where these are available, e.g. SFHA's Model Lease, Occupancy Agreement and Protocol.
- 4.2 When leasing property, LHA will ensure it represents the best use of the asset and that the arrangement is sustainable. Leases to local authorities for use as temporary homeless accommodation may be looked at on a longer term basis.
- 4.3 Where a property is being leased on a commercial basis, LHA will take legal advice and appoint a solicitor to draw up an appropriate lease agreement, to ensure risks are managed effectively. This will be done in accordance with our Commercial Leasing Strategy.
- 4.4 That standard period for a lease agreement will be 3-5 years, with any review of this period subject to Committee approval.

#### **5.0 EQUAL OPPORTUNITIES**

- 5.1 Leasing properties will be in compliance with LHA's Equality & Diversity Policy.
- 5.2 LHA will ensure fair and open access to our housing, whilst being responsive to individual support needs. We will ensure appropriate selection and assessment criteria are used by the lessees in line with agreed protocols.

#### **6.0 MONITORING AND REVIEW**

- 6.1 Leased properties will be reviewed annually through liaison meetings with the lessee.
- 6.2 This policy will be reviewed every three years.

## Lanarkshire Housing Association Equality Impact Assessment Tool



Name of the <b>policy / proposal</b> to be assessed	Lease Agreement Policy	Is this a <b>new policy / proposal or a revision?</b>	Revision
Person(s) responsible for the assessment	Craig Russell		
<b>1. Briefly describe the aims, objectives and purpose</b> of the policy / proposal	Section 3 of the policy document outlines this information		
<b>2. Who is intended to benefit</b> from the policy / proposal? ( <i>e.g. applicants, tenants, staff, contractors</i> )	<p>This policy will benefit staff by offering a clear indication of the Association's approach to the leasing of properties (and the criteria for doing so)</p> <p>It will also assist Local Authorities and other charitable organisations who are required to support individuals with particular vulnerabilities (or for temporary accommodation for homeless households)</p>		

	Applicants who require specific support from specialist agencies (and who may not necessarily have reached the top of our waiting list) will also benefit
<b>3. What <b>outcomes</b> are <b>wanted</b> from this policy / proposal ? (e.g. <i>the benefits to customers</i>)</b>	<p>The outcomes of this policy will be to improve our partnership working with North and South Lanarkshire Council's (and other charitable organisations) by offering accommodation that will help them to support vulnerable clients who are not necessarily ready for a full SST.</p> <p>This will assist us in our objectives/legal duty to prevent homelessness.</p>

<p><b>4. Which <b>protected characteristics</b> could be <b>affected</b> by the proposal? (<i>tick all that apply</i>)</b></p> <p> <input checked="" type="checkbox"/> Age      <input checked="" type="checkbox"/> Disability      <input checked="" type="checkbox"/> Marriage &amp; Civil Partnership      <input checked="" type="checkbox"/> Pregnancy/Maternity      <input checked="" type="checkbox"/> Race  <input checked="" type="checkbox"/> Religion or Belief      <input checked="" type="checkbox"/> Sex      <input checked="" type="checkbox"/> Gender Reassignment      <input checked="" type="checkbox"/> Sexual Orientation </p>
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<p><b>5. If the policy / proposal is not relevant to any of the <b>protected characteristics</b> listed in part 4, state why and end the process here.</b></p>
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<p><b>6. Describe the <b>likely positive or negative impact(s)</b> the policy / proposal could have on the groups identified in part 4</b></p>	<p><b>Positive impact(s)</b></p>	<p><b>Negative impact(s)</b></p>
	<p>All of the above groups could be affected by homelessness and therefore could be positively impacted by the provision of a property to the local authority for temporary accommodation.</p>	<p>By leasing a property to the Local Authority or organisation, it is also taking a property out of the letting pool that would otherwise have been allocated as a Scottish Secure Tenancy (SST).</p>

	<p>If the lease agreement is entered with a particular organisation (e.g Women's Aid, Capability Scotland etc.) then the particular group they support will have accommodation with support that meets their needs</p>	
<p><b>7. What actions are required</b> to address the impacts arising from this assessment? <i>(This might include collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</i></p>	<p>We will monitor the use of lease accommodation (in addition to the recording in the register of disposals) to ensure there is not an excessive use of leased accommodation to the detriment of other applicants.</p> <p>We will also carry out an assessment of the property being considered for leasing in terms of demand/turnover in the area to ensure any detriment to the general applicant pool is minimised.</p>	

Signed:



Housing Services Director

Date the Equality Impact Assessment was completed: 31/10/23

***Please attach the completed document as an appendix to your policy / proposal report***