

SCOTTISH FEDERATION OF HOUSING ASSOCIATIONS

ADDITIONAL WRITTEN EVIDENCE

(Received further to evidence offered at Infrastructure and Capital Investment Committee meeting on Wednesday 22 January 2014)

Please find attached [link inserted: http://extra.shu.ac.uk/ppp-online/wp-content/uploads/2013/06/consequences_local_housing_allowance.pdf] the report I referred to during the session, (Sprigings, N. and Smith, Duncan H (2012), *Unintended Consequences: Local Housing Allowance meets the Right to Buy*), which tracks what happened to properties purchased under Right to Buy, and suggests that up to £2billion per year is paid out in excess Housing Benefit on ex RTB properties now rented out, at higher rents, in the private sector.

As for the reasonableness versus proportionality remark, this might be best addressed by a lawyer, but my understanding of how the Bill would work in practice is that the reasonableness test for evictions currently embedded in statute will not need to be met under the streamlined evictions process for ASB within 12 months of a criminal conviction contained in the Bill.

However, there will still be a proportionality test applied by sheriffs, in relation to Human Rights legislation (Article 8; European Court of Human Rights). Perhaps Scottish Government lawyers would be able to pick the bones of that one?

I hope this clarifies the two points I made, and we will include reference to both in the SFHA written submission, which will be made before the closing date. Please do not hesitate to contact me should the Committee require any further clarification.

Andy Young
SFHA
27 January 2014