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WRITTEN SUBMISSION

Call for views on the Housing (Scotland) Bill

(TIS
paper)
Jan 16 2014

The Infrastructure and Capital Investment Committee is seeking views on the general principles of the Housing (Scotland) Bill. A copy of the Bill and the accompanying documents can be found on the Scottish Parliament's website.

The Bill was introduced in the Scottish Parliament on 21 November 2013. The Infrastructure and Capital Investment Committee has been designated as the lead committee for Stage 1 consideration of the Bill.

Aims of the Bill

The Bill aims to make a variety of legislative changes relating to the social and private sector housing sectors.

Committee consideration at Stage 1

The Infrastructure and Capital Investment Committee expects to consider written submissions and to take oral evidence from mid-January to mid-March 2014, before reporting on the Bill's general principles in early April 2014.

The Committee therefore invites all interested organisations and individuals to submit written evidence on the Bill and its likely impact. In particular, the Committee would like to receive responses to a number of key questions that are set out below under each of the Bill's main headings.

Part 1: Right to Buy

This part of the Bill places abolishes the right to buy by making certain repeals. The commencement of the main section on repeals is prohibited for at least 3 years. The Bill will also make some amendments which it is intended will apply before the repeals are commenced.

Q1. What are your views on the provisions which abolish the right to buy for social housing tenants?

My view is that Right to Buy should be abolished as soon as possible to preserve as much social housing as possible. Tenants are still buying their homes in PRK - I know of 2 recently.

Q2. Do you have any views on the proposed 3 year timetable before these provisions come in to force?

Yes, my view is that 3 years is far too long, & that tenants in Scotland have already had plenty of time to get informed. Reduce the time to zero years or one year at the most.

Part 2: Social Housing

This part makes provisions which relate to social housing. The rules and procedures around the allocation of social housing will be adjusted as will the operation of short Scottish secure tenancies and Scottish secure tenancies.

Q3. In your view, will the provisions which are proposed to increase the flexibility that landlords have when allocation housing, allow them to make best use of social housing?

- I agree with most of it - the parts I understand anyway.
- My view is that every tenant should be under an initial tenancy for a period of time after signing for a house or flat.
- Prospective tenants should provide a 'CV' to LAs & RSLs & should have a variety of references.
- My view is that property owners should not have any opportunity to get a house or flat in the social rented sector, not even temporarily.

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work.

Q4. Will the proposals which will adjust the operation of short Scottish secure tenancies and Scottish secure tenancies provide landlords with tools that will assist them in tackling antisocial behaviour in an appropriate and proportionate manner?

As far as I can tell the new proposals to help deal with ASB are good. Only one I don't agree with & that is the proposed right to appeal. Give clear reasons to the ASB tenant as to why the property is being re-possessed so that he/she learns a hard lesson, only this will stop them being anti-social. A tough stance is needed so no right of appeal. The ASB tenant will spin things out as much as they can, causing continuous problems for neighbours & delays in use of flat or house.

Q5. Will this part of the Bill meet the Scottish Government's objective of providing further protection for tenants, particularly tenants with short SSTs, by strengthening their rights?

As said above the new proposals are good, but re ASB no tenant who is doing ASB should be given too much 'room' to move. (The change from 6 months to 12 months is OK). Scot. Gov. wouldn't want to strengthen the rights of tenants who commit ASB whilst that tenants neighbours & the wider community are made to suffer. This Housing Bill must have teeth!!

Part 3: Private Rented Housing

This part provides for the transfer of the sheriff's existing jurisdiction to deal with matters relating to private rented housing to the First-tier Tribunal (which is to be created under the Tribunals Bill, currently before the Parliament). In particular it transfers all non-criminal actions relating to regulated tenancies and some actions relating to the repairing standard, the right to adapt houses and landlord registration. Ministers are given a power to transfer certain actions relating to houses in multiple occupation. Part 3 also contains some further adjustments to private rented housing legislation, making changes to the landlord registration system and creating some third party rights in relation to enforcing the repairing standard.

Q6. Do you have any comments on the proposals for transferring certain private rented sector cases from the sheriff courts to new First-tier Tribunal?

I think this is a very good proposal, especially because it will be empowering to private sector tenants. The Tribunal should remove the fear of 'going to court'. Also 'student' accommodation will be better protected & landlords will learn not to take advantage of students & others.

Q7. Do you have any views on the adjustments to private rented housing legislation, which are intended to enhance local authorities' discretionary powers to tackle poor conditions in the private rented sector?

Re. students, LAs will be supporting them to stand-up to unscrupulous landlords; this is what is needed. More legislation is needed across the board to protect tenants in the private rented sector. Tenants who are not students need just as much support as they are often at the mercy of private landlords.

Q8. Do you have any comments on the Scottish Government's intention to bring forward provisions at Stage 2 to provide additional discretionary powers for local authorities to target enforcement action at an area characterised by poor conditions in the private rented sector?

I believe this will be a good move by Scot. Gov. If it doesn't happen, whole blocks of flats/tenements or houses will fall into disrepair. No-one will look after buildings. Poor land-lord practical need to be prevented by new legislation. Can legislation be included for people living in tied accommodation?
room, flat, house.

Part 4: Letting Agents

This part establishes a registration system for letting agents. As well as setting up a register, it sets out various offences, provides for the publication of a code of conduct and gives the First-tier Tribunal the power to issue letting agent enforcement orders in relation to breaches of that code. It also confers on Ministers a power to transfer the existing jurisdiction of the sheriff in relation to disputes between letting agents and landlords or tenants.

Q9. Do you have any comments on the proposal to create a mandatory register of letting agents in Scotland, and the introduction of statutory provisions regarding letting agents' practice?

All of this will be very good & should protect the tenant from unscrupulous practices done by letting agents.
The new registration system will be the start of improvements in the private sector along with registration of private landlords. But both must become statutory law.

Q10. Do you have any views on the proposed mechanism for resolving disputes between letting agents and their customers (landlords and tenants)?

I believe we need more legislation & regulation in the private rented sector so as to create order & remove the free-for-all practices which sometimes go on.
The proposed Tribunal Bill should provide a mechanism.

Part 5: Mobile Home Sites with Permanent Residents

This part creates a new licensing regime for mobile home sites with permanent residents. It inserts a new Part 1A into the Caravan Sites and Control of Development Act 1960.

Q11. Do you have any views on the proposed new licensing scheme?

New laws will bring better practices to these sites. Mandatory registration & industry standard will both be legal - this is excellent. Codes of Practice are usually just guidelines, so this is problematic - needs to be stronger than just codes. Dispute resolution ^{for sites} could be in the new Tribunal Bill.

Q12. What implications might this new scheme have for both mobile home site operators and permanent residents of sites?

There will be more controls on site operators & more order for residents — this is a good thing.

Part 6: Private Housing Conditions

This part includes a number of adjustments to the law as it relates to private housing including conferring on local authorities a power to pay a share of costs arising from the tenement management scheme under the Tenements (Scotland) Act of 2004 and modifying provisions relating to work notices, maintenance notices and maintenance orders under the Housing relating to work notices, maintenance notices and maintenance orders under the Housing (Scotland) Act 2006.

Q13. Do you have any comments on the various provisions which relate to local authority enforcement powers for tackling poor maintenance, safety and security work particularly in tenemental properties?

Is this to do with people who have bought their home under R to B?, & refuse to pay their share of works?
Anything that can be done to improve this problem of owner-occupied refusing to pay their share of maintenance works in tenement/multi-storey buildings will be much appreciated by tenants & Council Housing Services. If all the occupants are owners, the cost should not come out of the HRA.

Part 7: Miscellaneous

This part contains some miscellaneous housing provisions, including a power to exempt certain securities from the right to redeem after 20 years contained in section 11 of the Land Tenure Reform (Scotland) Act 1974, the conferral of power to delegate on the president of the private rented housing panel and homeowner housing panel, a modification of the Scottish Housing Regulator's powers and a repeal of certain enactments relating to defective designation.

Q14. Do you have any comments in relation to the range of miscellaneous housing provisions set out in this part of the Bill?

Other Issues

Q15. Are there any other comments you would like to make on the Bill's policy objectives or specific provisions?

I may be confused re. owner-occupiers. If a tenement has owner-occupiers & tenants, the LA or RSL needs help to get an owner-occupier to pay their share of maintenance works. Their share would go into the HRA, or RSL finances. If all the properties are owner-occupied & or sub-letted the LA or RSL should not be concerning themselves at all with the property, not in any sense.

Q16. Are there any other issues that the Scottish Government consulted on that you think should be in the Bill?

Did you consult on the use of the HRA in LA's or the finances of RSL's regarding tenements & multi-stories & people who refuse to pay their share of works & maintenance?
HRAs & finances of RSL's should not be used for private owners, owner-occupiers & sub-letting tenants.

Submitting your views to the Committee

The committee invites views from all individuals and organisations who have an interest in the issues covered by the Bill.

You may only have a view on certain provisions contained in the Bill, so please do not feel that you have to respond to all of the questions that are set out above. In addition, if you wish to provide comments on issues relating to the Bill that are not covered by the specific questions then the Committee invites you to submit these.

Before making a submission, please read the Parliament's policy on treatment of written evidence by subject and mandatory committees, which can be found on the Scottish Parliament's website (<http://www.scottish.parliament.uk/>).

Lynne Palmer

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