

REGISTERED TENANT ORGANISATION (RTO) REGIONAL NETWORKS

WRITTEN SUBMISSION

1. Overview and background to the Regional Networks

The 9 Regional Networks of Registered Tenants Organisations (RTOs) were formed in 2008 with the support from the Scottish Government and cover the length and breadth of Scotland. The networks comprise of 98 committee members elected annually from the 600 RTOs across Scotland to represent the views of their tenant and resident members.

We work with Scottish Government officials in developing and influencing national housing policy on issues important to tenants and the wider community and we feed in tenants and residents views to Scottish Government Housing Strategy and Housing Policy.

The Networks have been involved in the development of “Firm Foundations”, the Housing (Scotland) Act 2010, the Scottish Social Housing Charter (which was drawn up in conjunction with tenants), new guidance on the use of Housing Revenue Accounts and the Housing Bill 2013.

We have also contributed to Policy Sounding Boards and Advisory Boards such as the Housing Policy Working Group, Affordable Rented Housing Advisory Group and the Housing Benefit Reform Stakeholder Advisory Group.

The Networks also have liaison meetings with senior Housing Policy staff from time to time, and regularly relay views on Policy either directly or through the Scottish Government Tenant Priorities Team.

Currently we have regular discussions at senior level, primarily, with the Minister for Housing and Welfare, as well as with Housing Supply Section, the Scottish Housing Regulator and have regular training and/or information sessions with other Stakeholders involved in the Housing field, including CIH, TPAS, TIS and others.

2. General comments on the Bill

Overall there is much to welcome in this wide-ranging Bill. The networks have been represented on a number of key Scottish Government working groups involved in the development of the Bill. The networks were also pleased to be involved in the extensive consultations which were held on many of the proposals included in the Bill. We particularly welcome the proposals to abolish the Right to Buy and the provisions on social sector allocations and tenancies.

3. Issues not included in the Bill

We are, on the whole, disappointed that the proposal to create a Housing Tribunal for the social rented sector and the introduction of Probationary Tenancies are not included in the Bill.

4. The Bill

4.1 Right to Buy (RTB), Part 1

The Networks welcome the proposal in the Bill to abolish the RTB and thank the Scottish Government for listening to tenants views on this issue.

The Regional Networks view, however, is that the proposed transitional period of 3 years is too long and feel that this should be reduced to a period of one year. This shortened period of notice would still likely be within the rules of European Human Rights legislation.

Based on diminishing house sales over the years, we believe that there is not going to be a rush from existing tenants to exercise their right to buy at the last minute and conclude that one year notice should be stipulated from the date of Royal Assent.

4.2 Social Housing (Part 2)

Allocations

The Bill presents a proposal to increase flexibility for Landlords in allocation of tenancies, including “reasonable preferences” to those who wish to be considered for Social Housing. This also takes account of age, and whilst Landlords must take account of the 2010 Equalities Act, Networks feel that this will assist to protect sustainability.

Sustainability of communities and a sensitive lettings framework will ensure that there are balances when introducing younger tenants. Often younger people have tenancies which are short-lived and sustainability has to be of importance if Landlords are to have viable mixed communities.

Networks believe that giving this flexibility to landlords will allow them to allocate tenancies sensitively as appropriate and make best use of their housing stock.

Probationary Tenancies (Initial tenancies)

When tenants and other stakeholders were consulted on this proposal in 2012, the majority of all respondents to the consultation favoured the introduction of initial (or probationary) tenancies.

Initial tenancies would have been applied solely to all NEW tenants and would have introduced a statutory 12 month period of a Short Scottish Secure Tenancies

(SSST), which would then be automatically reverted to a Secure Scottish Tenancy (SST) once the probationary period had elapsed.

The Networks broadly support the introduction of initial tenancies and feel that this should have been included in the Bill. We understand that the Minister for Housing and Welfare feels that it is not a good time to introduce it as welfare reforms were leading to uncertainty and initial tenancies could increase that uncertainty for some.

There is strong support for introducing Initial Tenancies as a means of helping to identify tenancy problems (including anti-social behaviour) at an early stage and ensuring that tenants are given access to appropriate support to enable them to sustain their tenancy and be a good neighbour.

Networks are generally supportive of the introduction of initial tenancies for all new tenants and feel this would result in a higher level of sustained tenancies.

Short Scottish Secure Tenancies (SSST)

It is to be recognised that the Bill also proposes extended powers to convert tenancies to a SSST from an SST where there are violations of the tenancy agreement and extensions of this power can be applied to a tenant but is subject to the right of appeal.

Such a policy, in some cases, is not always applied by landlords, particularly in cases of Anti-Social Behaviour (ASB) which can take up so much time and resources with which to authenticate such instances.

The networks generally welcome the introduction of this SSST extended power.

4.3 SHR Amendments.

The Bill proposes to remove the requirement for the SHR to consult with tenants prior to the removal of Assets of a Registered Social Landlord (RSL) where there is immediate threat of Insolvency.

The Networks strongly disagree with this provision and would like to see this removed from the Bill and that the consultation with tenants' clause is retained.

We feel that tenants should always be consulted on issues as important as this and that consultation could be carried out quickly without jeopardising any actions that the SHR takes or requires the RSL to take to protect the interests of tenants and their homes.

4.4 Private Rented Sector, Parts 3 & 6

We are pleased to see the focus on the Private Rented sector and making it fairer and safer for the growing number of tenants relying on the sector. The difficult

financial situation and the growing waiting list have made renting in the Private Sector the only housing option for many families and individuals, yet despite this growth there continue to be a lack of protection for tenants in this sector.

The Regional Networks feel that the regulation of the private sector still does not give adequate protection for tenants in this sector.

Letting Agents

We are disappointed that the proposed regulatory framework for letting agents falls far short of proper and full regulation similar to the way the social rented sector is regulated. We would like to see a mandatory set of professional standards for letting agents introduced and monitored. This will ensure proper checks and balances where there are disputes between Agents and Landlords/Tenants.

Tackling poor housing standards in the Private Rented Sector

We also are aware that the Bill gives Local Authorities new discretionary powers in relation to tackling poor standard housing by private landlords. The regional networks feel the Bill does not go far enough and want effective and transparent mechanisms in place to ensure that Private Landlords adhere to the new legislation and that they will be monitored for compliance with the legislation.

4.5 Housing Tribunal

Regional Networks welcome the First Tier Tribunal system (Housing Tribunal) for the private sector which should give added protection to both tenants and landlords. Similarly, we welcome the Private Rented Housing Panel which will allow Local Authorities to bring cases on behalf of tenants.

Regional Networks feel that this Panel system should also cover disputes in the Social rented Sector. The impact on Social Housing Tenants waiting on resolution of disputes with their landlord, and the fact that most are through the judicial system, with long waiting periods before their dispute is heard, does not inspire good faith on behalf of the courts. A team of Housing experts would be preferential for tenants in the Social rented sector, rather than a prolonged court system decided by one Sherriff.

**Central Regional Network on behalf of the Registered Tenant Organisation
Regional Networks in Scotland.**

18 February 2014.