

ALMOND HOUSING ASSOCIATION

WRITTEN SUBMISSION

Part 1: Right to Buy

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

Almond Housing Association has charitable status so it is only our tenants with the Preserved Right To Buy who would be affected by these changes, a total of 355 as at February 2014. There have been many changes to RTB following the Housing (Scotland) Act 2001 and the situation throughout Scotland is confused. RTB is no longer equitable, as neighbours can have differing entitlements - from a Preserved Right to Buy with high discounts, to none at all.

Almost half of our tenants with the preserved right are past retirement age and the property is being bought on their behalf by family members. Since 2007 three of the twenty-seven properties we have sold are now in the private rented sector.

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

Three years is too long. When the 2001 Housing (Scotland) Act was going through the legislative process with the modernised RTB being introduced, there were agencies 'cold calling' and encouraging tenants to exercise their RTB whether they had a right or not. We have no reason to believe that will not be repeated.

Since the proposed change to RTB was announced we have seen an increase in the number of RTB applications from our older tenants. In one case the family were blatant in their intention to purchase the property (extract from e-mail below):

"I am making an enquiry into buying my mothers house, she lives in Manitoba Ave, Howden, and has been in the house for 40 years, she has stayed in Livingston for over 45 years and just want to find out information about this".

A three years timescale will just give a longer period for families who see RTB as an investment to pressurise tenants to exercise their right to buy, whether it is appropriate for them or not. The intention to end the right to buy has been well publicised in the media. One to two years should be sufficient to give any who wish to purchase time to seek financing. This will also protect rented stock for future applicants.

Part 2: Social Housing

Q4. *In your view, will the provisions which are proposed to increase the flexibility that landlords*

have when allocating housing, allow them to make best use of social housing?

Reasonable preference

On under occupancy Section C states “tenants of houses held by the social landlord which the social landlord considers to be under occupied”. The statement could be widened to include tenants of houses held by social landlords in general. This would allow priority to be given to the tenants of any social landlord who are under occupying a property and want to move to a smaller home. This could free up larger homes for waiting list applicants.

Age

There may be instances where it will benefit applicants to take into account their age. We appreciate that there may be concerns that this will be used to disadvantage younger applicants. However there will be instances due to location, or other issues such as ongoing antisocial behaviour issues, where it is more appropriate to let a property to a younger applicant.

Ownership of Property

We do not see this as being much of an issue. In order to be considered for housing there would have to be an established housing need which could not be met in the current property. There are safeguards in place for applicants who cannot occupy the property. If the applicant was unwilling to sell their house it could lead to questions being asked as to their needs.

Suspensions

This provision could allow for the greatest flexibility and protection for other residents, but that is tempered by the insertion of the line “*a minimum period cannot be placed on a homeless applicant to whom the Local Authority has a duty to provide settled accommodation*”.

Unless there is new guidance issued regarding homeless assessments this is going to perpetuate the two tiered system of access to housing that currently exists, where homeless applicants bypass the sanctions placed on non-homeless applicants (see: Tensions between Allocations Policy and Practice, Scottish Government (2007)).

The Association receives requests from the Local Authority to house homeless applicants who we have suspended under the terms of the Housing (Scotland) Act 2001 from receiving offers. While the homeless assessment will take into account intentionality when assessing a homeless applicant it is only concerned with the reason for the immediate homelessness. We do not think the current system is equitable nor will the new housing bill address the inequalities.

For example, a tenant who is evicted for Anti-Social behaviour or rent arrears and who applies to the LA would likely be assessed as intentionally homeless, but if they go to stay with a relative or friend who later asks them to leave, the assessment takes no note of the earlier anti-social behaviour or tenancy debt, focusing only on the recent relationship breakdown, and this would likely result in an unintentionally homeless decision.

Amended guidance to the 2003 Homelessness etc. (Scotland) Act would allow the LA to look at the housing history over a longer period for intentionality. This would go some way to meet the aims of the Housing (Scotland) Bill to give greater protection to existing communities.

In addition, once the Homelessness assessment is made that decision cannot be revoked until permanent secure move-on accommodation is provided. Homeless applicants evicted by the Local Authority from temporary tenancies for rent arrears or other breaches of tenancy still have to be housed, but this is not equitable with other tenants who lose their home for breaches of tenancy conditions and would be assessed as intentionally homeless.

These are not one-off incidents. There is often a history of failed tenancies and the tenant is also often refusing to engage with support. In these circumstances a different tenancy model needs to be found which will allow for the Homelessness duty to be discharged, protects communities from the cost of tenancy failure and works with the tenant to achieve a sustainable tenancy

Assignment, Sublet

Extending the period to 12 months that a person has to have occupied a property as their only or principal home, and placing a responsibility on the person seeking the property to inform the landlord at least 12 months before making an assignment or sublet request that they were living in the property, should help to protect the rights of waiting list applicants.

Succession

Successions are more emotive. The proposed changes will address the issue we often find where a family member claims to have been living at an address at the point of the tenant's death.

Q5. 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?

We cannot see any instance where issuing a tenant with a short Scottish Secure Tenancy would be of advantage.

**Almond Housing Association
28 February 2014**