

EAST AYRSHIRE TENANTS AND RESIDENTS ASSOCIATION

WRITTEN SUBMISSION

Introduction

In order to respond to the Scottish Government's Housing (Scotland) Bill East Ayrshire Tenants and Residents Federation organised an information and discussion session on the document's content for members of all tenants and residents associations in East Ayrshire and staff representatives from East Ayrshire Council. This session was facilitated by the Tenants Information Service.

Part 1 – the Right to Buy

We consider that:

- The Right to Buy (RTB) should now be abolished in order to safeguard and protect the limited social housing resource that we currently have in Scotland.
- The timetable for abolishing the RTB should be less than 3 years and we would propose 12 months or less. We consider that people who currently have the RTB, have had this right for a significant number of years and have not exercised it in these years and may now be unlikely to do so.
- The RTB should be abolished for all tenants at the same time, including areas with pressured area status. We do recognise that this may seem unfair to the people affected as it is not the fault of these tenants that their RTB has been suspended. However with the aim of retaining as much social housing stock as possible and ensuring everyone is treated the same that it does need to stop for all tenants at the same time.

It should be noted that we have some concern that abolishing the RTB:

- Will lead to an increase in applications at a time when demand for housing is high and needs to be protected.
- Some tenants may feel pressured into exercising their RTB before it is abolished, but may not really be able to afford the repayments or property upkeep in the future.
- Some unscrupulous companies will target tenants to encourage them to exercise their RTB prior to the abolition of the right being implemented.

Part 2 – Social Housing

a) Allocations

In terms of the allocation of social housing we agree with the reasonable preference categories of:

- Living below the tolerable standard
- Overcrowding and large families
- Unsatisfactory housing conditions and homelessness

However we consider that landlords should be enabled to allocate housing in a “common sense approach” in order to sustain tenancies, protect the interests of existing tenants in terms of their right to live in a safe and secure environment and allocate tenancies in a sensitive manner with regard to the demographic of other people living in neighbouring properties, with particular regard to areas or property types that are more suitable for or already have older people living in them.

Landlords should be able to take an applicant’s previous Antisocial Behaviour (ASB) into account when considering whether or not to offer them a house. This should also include homeless applicants previously evicted for ASB.

Landlords must consult tenants and tenants’ organisations on any proposals to change allocations policies and procedures.

b) Succession

We consider that the current rule of 6 months in terms of succession usually works well in terms of people being able succeed the tenancy of the family home and propose this remains the same as long as it has been the person’s only and principle home for 6 months or more.

c) Joint tenancies

We consider that joint tenants should be able to succeed the tenancy as at present.

d) Assignment

We consider that tenants should only be able to assign a tenancy to a person who has lived in the house as their only home for the increased 12 months as proposed and that this person should only be allocated this house, if they would be normally allocated this type of property under the landlord’s allocation policy. We consider this should prevent people from moving into a tenant’s home with the intention of being assigned the house in order to “queue jump”.

e) Sub letting

Similar to assignment, we consider that tenants should only be able to sub let their home to a person has lived in the house as their only home for the increased 12 months as proposed and that this person should only be allocated this house, if they would be normally allocated this type of property under the landlord’s allocation policy. We consider this should prevent people from moving into a tenant’s home with the intention of sub letting the house in order to “queue jump”.

We also consider that the principles around assignment and sub letting require further explanation and guidelines.

f) Short Scottish Secure Tenancies

We consider that:

- Short Scottish Secure Tenancies should be increased to 12months
- People who own their own homes should only be allocated a Short Scottish Secure Tenancy in order to allow them time to make their own home suitable for their needs or make alternative arrangements. People fleeing violence and own their own home should also be given a Short Scottish Secure Tenancy to allow them to be safe and make alternative arrangements where possible.

Under no circumstances should people be allocated a social rented house and continue to keep their own home elsewhere.

- Landlords should be able to allocate Short Scottish Secure Tenancies to allow them to work with people with a previous history of ASB, but whom landlords are required to house as per legislation.

g) Antisocial Behaviour SSST's

With regard to our feedback detailed below, it should be noted that we understand that landlords have a duty to house people and that eviction can just move the problem of ASB from one place to another. However as previously stated we consider that landlords have a duty to their other tenants in terms of ensuring people live in safe and secure homes and environments.

Therefore we consider that:

- Landlords should be able to give all new tenants Short Scottish Secure Tenancies where there has been previous ASB
- Landlords should be able to convert full Scottish Secure Tenancies to Short tenancies where they are dealing with a tenants ASB to allow them to work with the tenant to try to improve the behaviour or stop the tenancy where the ASB continues
- Increasing the timescale of a Short Scottish Secure Tenancy should allow landlords additional time to monitor tenancies and provide tenancy support. This should be an increase to 12 months with potential to extend to 18 months if things improve. However it should be noted it is vital that this does not mean that other tenants suffer ASB in their communities for a longer period of time
- Landlords should be able to continue to extend Short Scottish Secure Tenancies until they are convinced that the tenancies will not cause problems to neighbours and / or the wider community
- Landlords should continue to provide tenancy support whilst tenants have a Short Scottish Secure Tenancy and there needs to be powers for landlords to make sure that the ASB can be addressed or tenancy terminated

Part 3 – Private Rented Housing

In terms of the private rented sector, we agree that there needs to be increased powers and measures to deal with this sector, and that this is required in relation to:

- Ensuring private tenants have up to date and accurate information on their rights and responsibilities
- Protecting the rights of private tenants
- Protecting the rights of the private landlords and
- Protecting the rights of other tenants and residents in communities where:
 - Private tenants are the cause of ASB, damage to the property of other tenants and residents in the block, street or community
 - Ensuring common repair and investment work is carried out that social landlords need to or want to do for their tenants and properties
 - Private landlords lack of care or investment in properties causes problems for social housing tenants or landlords

a) The Tribunal

We agree that the introduction of the private sector housing tribunal is positive **HOWEVER** it should be noted that we are disappointed that this has not been included in the Bill for the social rented sector as per our response to the Dispute Resolution Consultation in 2013. In addition it should be noted that:

- Further information and clarification is required on the operation and enforcement powers of the Tribunal and that the Tribunal needs to “have clout and teeth” or it will not be worth the bother
- The Tribunal needs to be able to “streamline” the disputes process and make it easier and quicker than the current operation via the Sheriff Court system

b) Private Rented Housing Panel

We consider that:

- Local Authorities should have increased powers to enforce the repairing standard
- That evidence in relation to private landlords not meeting the standard should not just have to come from tenants and that neighbours, fire and rescue services, police, others and the local authority itself should be able to provide this evidence
- Where appeals are made by the private landlord, the funding required from the Local Authority to defend their position / action should not come from Housing Revenue Accounts (HRA's)
- The Private Rented Housing Panel should make the process simpler and more streamlined and that the Panel should have “teeth” and be a less onerous process than using the Sheriff Court system

- Local Authorities will require enforcement powers to ensure the repairs and maintenance work is carried out
- All Private Lets should meet the repairing standard and Local authorities should have increased powers to enforce this

Part 4 – Letting Agents

We consider that:

- Letting Agents should be subject to a robust and effective registration scheme
- Local Authorities should have additional enforcement powers in areas where there are issues with management of all stock owned by a particular landlord
- Local Authorities should have increased powers to deal with private landlords where there are issues in relation to:
 - The behaviour of the tenant living in their property
 - The lack of repairs and maintenance of the property and any common areas, especially where there are social housing tenants and / or properties
- Letting Agents should be required to meet and sign up to a Code of conduct
- Guidelines need to be developed
- Letting Agent Registration and Code of conduct “needs to have teeth”
- Disputes between agent and landlord should be addressed by Trading Standards
- The Bill and the Scottish Government needs to look at “beefing up” existing systems and ensure Local Authorities and other involved implement the use of the full powers already available rather than adding new things

Part 5 – Mobile Home Sites with Permanent Residents

In terms of protecting the rights of tenants living in these sites or parks we agree that:

- Mobile and Park Home sites should be licensed and meet with the new standards to be introduced
- Managers should be fit and proper persons
- Local Authorities should have new powers to grant and revoke licences
- Local Authorities should have powers to ensure sites are maintained, repaired and improved to a high standard

Once again it should be noted that we do have concerns regarding where Local Authorities will acquire the funding to do this and want guarantees that this will not come from HRA funding

Part 6 – Private Housing Conditions

As above, we consider that Local Authorities should have powers to enforce private landlords to carry out repairs and improvement to their properties. In addition in properties where social landlords own some of the properties, social landlords should have additional powers to enforce repairs and easier mechanisms to encourage private landlords to contribute their share of improvement works required.

Consideration should be given to developing a private rented housing standard, similar to the Scottish Housing Quality Standard.

Others

a) SHR Transfer of Assets

It is our view that if the SHR is “doing its job properly”, that evidence of potential insolvency will be known in ample time to ensure the RSL tenants are consulted on any proposals to transfer to or merge with or be taken over by another landlord, therefore we do not agree that the requirement to consult should be removed.

For the reasons outlined above, we also do not consider that the duty on the SHR to always obtain a valuation of assets or direct a transfer at an open market valuation should be removed. The value of assets should always be known.

East Ayrshire Tenants and Residents Association
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