

CAPABILITY SCOTLAND

WRITTEN SUBMISSION

Part 1: Right to Buy

This part of the Bill 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?*

We understand the rationale behind proposals to maximise supply in the social rented sector by ending the Right to Buy. We are pertinently aware that disabled people are over-represented in social housing and are therefore disproportionately disadvantaged by the shortage of available stock in the social rented sector in Scotland. The SHCS found in 2009 that 52% of disabled people live in their own home and 48% in rented accommodation, compared to 69% and 31% respectively for non-disabled people. This shortage often leads to disabled people living in completely inappropriate homes, sometimes unable to use the toilet, go outside or spend quality time with their family.

However we do not believe that this shortage, caused by the inability of housing providers to engage with the housing needs of disabled people, should be used to justify further limitations to disabled peoples' ability to secure suitable housing. It should instead be tackled head-on by building more accessible social rented accommodation suitable for disabled tenants of all ages, and maximising the current supply by improving the system for adaptations.

We have no firm position on proposals to end the Right To Buy, our central concern is that disabled people should not be singled out and disadvantaged by such measures. 52% of adults in social rented accommodation with an illness or disability have a preserved RTB compared to 40% of adults with no self-reported illness or disability and we have concerns that these proposals will create another barrier to disabled people who want to become homeowners. Disabled people, who are more likely to be living in poverty¹, face numerous barriers to home-ownership including the lack of suitable financial products, limited employment opportunities and a lack of suitable housing supply².

The Scottish Government must also appreciate that the ability of disabled people to become and remain homeowners has come under further pressure as a result of changes to Support for Mortgage Interest Payments (SMI)³.

¹ 20 per cent of individuals in families with at least one disabled member live in relative income poverty, on a Before Housing Costs basis, compared to 16 per cent of individuals in families with no disabled member .Source: Family Resources Survey 2010/1

² PRECiS (2004) A summary series of recent research from Communities Scotland *No 51 Mind the gap: evaluation of owner occupation for disabled people in Scotland*

Thus, in limiting the Right to Buy, the Scottish Government is closing off an important avenue to home ownership for disabled people on lower incomes. It is essential that the Scottish Government takes steps to mitigate this effect and ensure that disabled people have alternative means of becoming homeowners.

Abolishing the Right to Buy will increase the supply of temporary accommodation available to those classified as homeless. This is of particular importance to disabled people given that the Scottish Government's own statistics show that in 2012 -13, of 30,583 social housing applicants assessed as being in priority need, 4,165 required mental health support, 633 had a learning disability, 1,019 a physical impairment, and 2,240 a medical condition⁴.

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

We are unclear about the rationale behind a 3 year delay with these proposals and have concerns that this will simply complicate an already complicated system.

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.

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?

Disabled people awaiting adaptations in housing that does not meet their assessed needs constitute the 'hidden homeless'. Whilst they have a place to live it is recognised within housing law that 'it is not reasonable for them to continue to occupy this accommodation'. This cohort of people have the right to present as homeless but in general do not, either because they are unaware of homelessness legislation or have legitimate concerns that they might end up in unsuitable temporary accommodation.

Combined data from the 2005/06, 2007 and 2008 SCHS suggests that 137,000 dwellings in Scotland require adaptations and that "one in five disabled people requiring an adapted house live in a house that is 'not at all' or 'not very suitable' to their needs."

Capability Scotland's advice service has received hundreds of calls from disabled people who have been told their landlord does not have the money to carry out the adaptation which would allow them to use the toilet, wash, cook or spend time with their family. In one case an individual was told that it was unlikely that she would be given a wet room in the next three years as there was already a huge backlog for funding for adaptations in the Register Social Landlord sector.

⁴ <http://www.scotland.gov.uk/Resource/0043/00434119.pdf>

The right to adaptations and sufficient grant funding for adaptations is critical in addressing this problem. The Scottish Government and local authorities need to pool resources from health, housing and social care budgets to ensure that funding is made available for all housing providers to adapt properties to meet assessed needs.

Where houses cannot be adapted to meet the assessed needs of disabled tenants we would like to see landlords taking the opportunity provided by provisions to prioritise allocations to those living under 'unsatisfactory housing conditions' to provide support for disabled people whose assessed housing needs are not being met.

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.

Q7. Do you have any comments on the proposals for transferring certain private rented sector cases from the sheriff courts to the new First-tier Tribunal?

Section 52 of the Housing (Scotland) Act 2006 gives private sector tenants the right to carry out work to adapt their homes to meet the needs of a disabled occupant. This right is subject to the landlord's consent, which cannot be withheld unreasonably, and may be subject to reasonable conditions. At present the tenant can appeal to the sheriff against the landlord's refusal of consent or their response of unreasonable conditions.

Capability Scotland generally welcomes proposals to transfer cases involving adaptations to let property from the Sheriff Courts to the new First-tier Tribunal subject to this transfer enabling quick and responsive treatment of these cases. Given the implications to disabled people of unreasonable refusal to consent for an adaptation we would expect Tribunal Panels to be well trained in disability equality from a Human Rights perspective.

**Capability Scotland
28 February 2014**