

EAST FIFE FEDERATION OF TENANTS AND RESIDENTS ASSOCIATIONS

WRITTEN SUBMISSION

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?

EFFTRA is in favour of the abolishment of the right to buy. Whilst we understand why it was introduced, giving people the chance to own their own home, we feel that in reality there was mismanagement i.e. often it was the families of tenants, not the tenants themselves who financed the house purchase.

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

Three years is too long. EFFTRA feel that 18 months would be an adequate timescale. This will allow tenants to exercise the right to buy and will allow landlords to review their business plans accordingly.

EFFTRA are very worried about how the abolishment of RTB is communicated to tenants. There is a worry that there will be “panic buying” by tenants or their families and also “rogue lenders” will prey on vulnerable tenants.

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?

In principle EFFTRA agree with the provisions proposed to increase flexibility in the allocation of housing. Although we would like to state that we do not see much change to current arrangements apart from under occupancy. Homes would still have to be allocated based on need which meant that people without defined need would spend a long time waiting on an offer. As landlords operate open and transparent allocation policies, EFFTRA feel that should suffice.

EFFTRA are supportive of the proposal to allow the landlord to take into account whether an applicant owns property.

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?

EFFTRA welcomes any approach which supports landlords in reducing anti-social behaviour (ASB). There is a worry however; that the problem of ASB will not be removed and local communities will continue to suffer.

Some perpetrators of ASB do and will continue to behave appropriately within the timescale of any SST.

Q6. 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?

EFFTRA are supportive of this proposal as long as there is the fall back of civil court review.

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?

This makes sense for tenants and landlords. It is the EFFTRA belief that the new First-tier Tribunal will deal with non-criminal cases. Is there the possibility to widen scope of current Private Rented Sector Panel to deal with disputes?

Q8. 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?

EFFTRA welcome the adjustments to private rented housing legislation, however are unclear how local authorities will be in a position to exercise these discretionary powers to tackle poor conditions in the private rented sector without there being a drain or pressure on existing resources.

Q9. 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?

EFFTRA is concerned that local authority statutory repairs will raise community expectations. For some Councils Power the exists already through charging orders.

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.

Q10. 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?

EFFTRA are in favour of a mandatory register of letting agents in Scotland. The challenge will be ensuring that letting agents register and follow an agreed practice standard. EFFTRA feel that there are practice failings in the Private Landlord Register and these need to be addressed also.

Q11. Do you have any views on the proposed mechanism for resolving disputes between letting agents and their customers (landlords and tenants)?

EFFTRA feel unable to comment as we would like to know more about the proposed 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.

Q12. Do you have any views on the proposed new licensing scheme?

EFFTRA support the proposed new licensing scheme. We are concerned that the lack of affordable housing may force people of all ages into mobile

home sites. Our worry is that some are poorly managed and there are no minimum standards.

Q13. What implications might this new scheme have for both mobile home site operators and permanent residents of sites?

EFFTRA are concerned that the tenants will bear the brunt of any associated costs. Although this is acceptable if standards and services on sites remain high.

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 2004 and modifying provisions relating to work notices, maintenance notices and maintenance orders under the Housing (Scotland) Act 2006.

Q14. 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 tenement properties?

This is long overdue and welcomed by EFFTRA. However we would like to stress that we have concerns about how the Local Authority will allocate resources if any to these provisions.

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 a 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.

Q16. Do you have any comments relation to the range of miscellaneous housing provisions set out in this part of the Bill?

No comment

Other Issues

Q17. Are there any other comments you would like to make on the Bill's policy objectives or specific provisions?

No comment

Q18. Are there any other issues that the Scottish Government consulted on that you think should be in the Bill?

No

**East Fife Federation of Tenants and Residents Associations
28 February 2014**