

MARYHILL HOUSING ASSOCIATION

WRITTEN SUBMISSION

Introduction

Maryhill Housing Association welcomes the opportunity to respond to the Scottish Governments consultation regarding the Housing Scotland Bill 2013

Maryhill Housing Association manages over 2971 properties and acts as a property factor for 722 homeowners, throughout Maryhill and Ruchill, Glasgow.

Over the course of the last two months we have carried out consultation sessions with staff from the association ranging from the Chief Executive, Director of Housing Services, Housing Services Manager, Senior Housing Officers and the Customer Engagement Manager and Officer. We also consulted with 7 residents associations for their views on the bill; including items which they think should be removed, amended or items which could be included.

The Residents associations we consulted with were:

- Burgh Hall Village Residents Association,
- Cumloden Residents Association,
- Eastpark Residents Association,
- Glenavon Residents Association,
- Mini Multis Residents Association,
- Parkhill Residents Association,
- Lochburn Residents Association

During the consultation session we discussed some of the key issues which would mainly be faced by the tenants of the housing association.

1. Abolition of right to buy

Staff and local residents agreed that the Right to Buy should be abolished. However, it was felt that 3 years was too long and considered an excessive period of time. One year was suggested as a fair period of time for tenants to buy their homes. Unscrupulous businesses may use such a lengthy timeframe, such as 3 years to take advantage of vulnerable tenants by purchasing their homes, using their discount and then letting them remain there as tenants paying extremely high rents or worse still, evicting them.

Within the three year period, there may be a surge in people applying to buy their home. This may result in a substantial loss of local authority and housing association stock if people were to exercise their Right to Buy. Pressurised status should remain, as if this was removed local authorities and RSL's may lose housing stock in areas where there is already a high demand and low supply of affordable

social housing. Some tenants were concerned that if the RTB was not abolished, existing waiting list applicants may have to wait several years to secure an offer of accommodation from RSLs or Local Authorities.

One residents association had mixed views with some members in particular who felt that those who had lived in their properties for ten years or more should still have a Right to Buy. Another suggestion put forward was that tenants should continue to have the Right to Buy, however remove the discount or lower the discount applied.

2. Allocations

Part two of the bill appears to introduce more powers for landlords in relation to allocations within social housing which was met with enthusiasm by staff.

Section 3 amends section 20 of the 1987 Act which states that *“For the purposes of subsection (1ZA), persons have unmet housing needs where the social landlord considers the persons to have housing needs which are not capable of being met by **housing options** which are available.”* The definition requires clarification as is vague is to what unmet housing needs would be.

Not every housing association or council offers a housing options interview. An individual may have several issues with their current housing situation and that's why they are approaching a LA or RSL for housing. Although RSL and LA staff are fully aware of the lets and turnover available within their own stock, they may not be able to explore all the options available to someone, such as the availability of private lets in the area, other RSL stock turnover, affordability issues or prevention of homelessness. This may also include exploring someone's financial situation to assess whether or not they can afford to reside where they are. This may take housing staff more time to process applications as a result in order to appraise an individual's housing need. Funding may be required for local authorities/RSLs to recruit more housing options staff/prevention of homelessness/money advisers to determine those applicants who have unmet housing need.

There would be a requirement for the association to carry out a review of the existing allocations policy, which will require consultation sessions with tenants and residents. This will obviously require a vast amount of staff time and resources in order to revise the existing allocations policy.

Tenants felt that introducing an age restriction through allocations would be particularly useful for those areas populated by elderly people, families and those residents who live in sheltered accommodation. Staff felt it was important to ensure that MHA continued to comply with Part 2 of the Equality Act 2010. This may also improve tenancy sustainment as individuals may be offered properties appropriate to their needs. Careful consideration will be required as concerns were raised that this would be creating pockets of housing which certain individuals may be excluded from.

Staff felt that they should continue to have flexibility in accepting an application where the applicant or their family owns property. Homeowners should still be able to make housing applications and their applications should be assessed according to their individual needs.

Section 7 amends section 20 and inserts new section 20B in the 1987 Act to allow social landlords to impose a minimum period before the applicant is eligible for the allocation of housing, if certain circumstances apply. A minimum period requirement cannot be placed on homeless applicants to whom the local authority has a duty to provide settled accommodation. Staff felt that this requirement should also apply to section 5 referrals made from a local authority.

With this amendment of this section there may be an improvement in tenants' behaviour as they may then act more responsibly within their tenancy if they are looking for a transfer of property.

Staff and residents were disappointed that the proposal to include probationary tenancies within the bill has been removed. Tenants felt that landlords would have more control in ending tenancies, where it has been identified by housing staff, that a tenant is not adhering to the terms of their contract eg is acting in anti-social manner or has accrued rent arrears.

Anti-social behaviour: Many residents in Maryhill have ongoing issues with anti-social neighbours and the association receives several complaints relating to the behaviour of some of the tenants. Staff members and tenants felt that it was important that landlords have more powers with relation to anti-social behaviour and welcomed the proposed change of extending the initial period of a SSST from 6 months to 12 months. Staff had concerns that the right of appeal may be used as a stalling tactic for tenants, proving timeous and costly for landlords. Tenants also welcomed the proposals for landlords to have greater flexibility in creating SSSTs or converting existing SSTs to SSSTs. A currently theme from tenants during the consultations sessions were frustrations of the

Paragraph 4(b) of schedule 3 is amended to provide that a carer providing, or who has provided, care for the tenant or a member of the tenant's family where the house was the carer's only or principal home throughout the period of 12 months ending with the tenant's death is a qualifying person. This is a change to the existing requirement that such a carer is a qualifying person where the house was the carer's only or principal home at the time of the tenant's death and the carer had given up a previous only or principal home.

3. Private tenants

Section 3 of the new bill looks to introduce a tribunal for tenants within the private sector. This was a welcomed proposal during consultations and was felt that this was a positive change for private tenants and a huge benefit for those tenants who cannot afford to appoint a solicitor. A tribunal panel may have the added benefit of

having in depth specialist housing knowledge, which may then deliver consistent outcomes for both landlords and tenants.

It was felt that the introduction of local authorities having the option to make a complaint to the private rented housing panel on behalf of a tenant was also helpful and may give tenants more support when there is a significant issue with disrepair. Although, some concerns were raised, that local authorities may use this as a gatekeeping tool when private tenants present as homeless and require temporary accommodation. Many private tenants are living in substandard accommodation whereby the property doesn't meet the repairing standard and it is uninhabitable. Some tenants can be left without heating or hot water for weeks at a time and need somewhere to stay. Making an application to the PRHP can be a lengthy process, taking weeks if not months; whilst this is ongoing tenants would have to remain in uninhabitable properties. Rather than taking homeless applications and providing temporary accommodation, the local authority may take the approach of making an application to the PRHP instead. Meanwhile the tenant would then be forced to reside in accommodation which is uninhabitable and doesn't meet the repairing standard until their PRHP application is considered.

Another solution may be for local authorities to enforce the existing rights they already have under Sections 89 and 94 of the Anti-Social Behaviour Act 2004 and deregister a landlord where the property does not meet the repairing standing; the landlord would not meet the criteria of a "fit and proper person". Local authorities can issue a rent penalty notice, ensuring that the landlord cannot collect rent. A landlord in this situation may be more inclined to carry out repairs if they are unable to collect rent and it is a local authority is enforcing this.

It is appreciated that the aim of this provision is to stop landlords from evicting tenants rather than carry out a repair. However, even if a 3rd party make an application to the PRHP, a landlord in this position can still end a tenancy in some circumstances by issuing a section 33 notice if the tenant is a short assured tenant. Another possible solution is to make a notice to quit invalid if a tenant has reported disrepair to their landlord, the local authority and the PRHP. This procedure is currently used in England when a landlord has not registered a deposit with a protection scheme.

Through consultations the group felt that carers should be eligible to succeed the tenancy without a given timescale and RSLs and LA's should be given a degree of autonomy and decide on a case by case basis. With regards to the 12 month basis

4. SHR – Transfer of assets

The provisions amend section 67(4) of the Housing (Scotland) Act 2010 (—the 2010 Act)) to give the SHR the power to direct a transfer of all or part of a RSL's assets without a duty to consult where the RSL's viability is in jeopardy for financial reasons, there is a risk of imminent insolvency, the proposed transfer of assets would remove

the risk of insolvency and the need to direct the transfer is so urgent that it would not be possible to comply with the consultation duty.

Every resident group and staff member felt that this should not be introduced as tenants should always have the right to be consulted before assets are transferred to another landlord. It was felt that there would always be time to have consultation and information about the proposals for any new landlord, should be put to tenants beforehand. Tenants were deeply concerned that this might not happen if the new regulations provide for this. Residents felt uncomfortable at the thought that they could potentially have a new landlord with absolutely no say in the matter.

Maryhill Housing Association
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