

# TENANTS INFORMATION SERVICE (TIS)

## WRITTEN SUBMISSION

### 1.0 Introduction

- 1.1 The Tenants Information Service (TIS) is the national training, support and advice organisation working with tenants and landlord organisations. TIS is a member led organisation, with over 250 tenant and landlord members representing local authorities and Registered Social Landlords throughout Scotland.
- 1.2 TIS welcomes the opportunity to provide a written statement to the Infrastructure and Capital Investment Committee. We support the aims of the Bill and consider that many of the provisions will work towards achieving these.
- 1.3 We recommend that further consultation is required regarding the exception of the Scottish Housing Regulator to consult with tenants, as set out in Part 7 (section 79) of the Bill.
- 1.4 During January and February 2014, TIS organised a series of Housing Bill conference and briefing events throughout Scotland to seek tenants' views on these proposals. TIS have also provided evidence to the Infrastructure and Capital Investment Committee at a meeting held on February 24<sup>th</sup> 2014.
- 1.5 This submission sets out our views on the Housing (Scotland) Bill based on tenant feedback collated from our recent Bill consultation events.

### Part 1: Right to Buy

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

1. There is a great deal of consensus from tenants' organisations that the Right to Buy should be abolished to protect the future supply of much needed housing in the social rented sector. We support the rationale provided for the legislative changes as set out in the Housing Bill Policy Memorandum.

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

2. Tenant representatives have highlighted that a three year notice period is excessive. Concerns were raised that this timeframe might lead to tenants being pressured by companies to purchase homes, even when they are not in a position to maintain the property in the longer term. A

period of between 18 months to 2 years was recommended by tenant representatives. Tenant opinion supports the abolition of the Right to Buy for all tenants and that the pressured area status would remain in the period up to the abolition.

3. It is essential that tenants have clear and accessible information about the changes to the Right to Buy. We would therefore recommend that the Scottish Government provides guidance to landlords and an information leaflet to tenants to clarify the Right to Buy position as soon as the Bill is given royal assent.

## **Part 2: Social Housing**

*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?*

4. We welcome the principles of greater flexibility that underpins the Bill. Landlords will continue to be able to prioritise other groups to reflect local housing needs and circumstances, as long as the “reasonable preference” is given to the three statutory groups.
5. Tenants support the provision to be able to take age into consideration when allocating housing. Tenant representatives have often advocated the value of more sensitive lettings, for example; designating housing for the over 50’s and for families with children to ensure sustainable communities.
6. The definition of what is meant by “unmet housing need” in Section 3 of the Bill is not clear and requires further clarification.
7. We support the new requirement for social landlords to consult tenants on priorities within the allocations policies and to publish a report on the findings. Allocations is a key priority for many tenants. It is important that landlords and tenants meet to agree the type and level of consultation that tenants wish on this issue. This links to good practice being developed through tenant and service user scrutiny of landlord’s performance in relation to the Scottish Social Housing Charter. To participate fully tenants require access to adequate support, training and information.

**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?*

8. Antisocial behaviour is identified by most tenants groups as a key priority to tackle. Any consideration of antisocial behaviour measures should take into account the impact on the alleged perpetrator's rights, but also the impact on the rights of people to live in peace and in safety. There is tenant support for the provisions in the Bill which adjust the operation of short Secure tenancies and Scottish Secure tenancies as a tool to support landlords to address antisocial behaviour problems.
  
9. There is tenant support for landlords to have the power to convert Scottish Secure Tenancies to short tenancies, where there is clear evidence of antisocial behaviour. There is support for the provision to extend short SSTs to 12 to 18 months as long as there is adequate support in place for the tenant(s) to address the issues.
  
10. Clarity is required from Scottish Ministers to detail the maximum period that a suspension can stay in place.
  
11. Tenant representatives support the extension of the qualifying period to 12 months for succession, assignation and subletting as long as landlords have the ability to use discretion in individual cases, for example; in cases such as the death of a tenant.
  
12. The provisions will provide landlords with some flexibility to tackle antisocial behaviour but the Bill alone will not resolve the antisocial problems throughout Scotland. A commitment to funding and a multi-agency approach are pre-requisites to tackle this major problem.

**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?*

13. Yes there is support for a Right to Appeal.

### **Part 3: Private Rented Housing**

**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?*

14. There is tenant support for the introduction of a housing tribunal for the private rented sector as a means to have a less adversarial and more user friendly system in place. Tenants would also like to have an opportunity to discuss the feasibility of having a housing tribunal for the social rented sector.

**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?*

15. We support the provisions that give local authorities more tools to use in tackling poor standards in the private rented and owner occupied sectors. But we consider the Bill should go further to introduce and enforce higher standards and repair standards in the private rented sector and a framework to enforce these standards. The Scottish Housing Regulator (SHR) has expensive statutory powers to enforce standards in the social rented sector, but local authority powers in the private rented sector are more limited and operate under serious financial constraints.

16. In many communities, there are growing problems when improvement and regeneration work is hindered because owners are unable or sometimes unwilling to pay their share of this work. TIS have been involved in a number of initiatives to support the development of Owners Associations to seek to address these issues and to regenerate local communities. This is a model of working that we would encourage tenants, owners, social and private rented landlords to develop throughout Scotland.

**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?*

17. We support this in principle, but require further information about how this would operate and how it would be funded before we could give an informed view on this matter. Further consultation is required on this proposal.

#### **Part 4: Letting Agents**

**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?*

18. We support the principle of a statutory registration scheme and a code of conduct with statutory force.

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

19. No further comments.

#### **Part 5: Mobile Home Sites with Permanent Residents**

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

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

20. The new licensing scheme is welcomed by tenants as a means to improve living conditions to over 3,000 people living in mobile sites.

#### **Part 6: Private Housing Conditions**

**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 tenemental properties?*

21. These provisions are relatively minor adjustments to existing legislation. They should help those local authorities who take a proactive approach to supporting owners carry out repair works. Concerns were raised during our consultation that this might not be a high priority across all local authority areas.

#### **Part 7: Miscellaneous**

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

22. The Bill introduces an amendment to the Scottish Housing Regulator's powers under Section 67 of the Housing (Scotland) Act 2010. It proposes an exception to the requirement on the SHR to consult with tenants before it directs a transfer of an RSL asset to another RSL, when the RSL is in financial jeopardy. During our consultation, tenants raised serious concerns that this right to be consulted should not be removed. Tenants of an RSL who is facing insolvency should have the

right to be informed about the situation and to be consulted on the options that are available. While it is clear that the SHR must be in a position to respond effectively to exceptional circumstances, it is not clear why an RSL would be on the brink of insolvency without the SHR being aware of and intervening to address these issues. This provision has not been previously consulted on. We strongly recommend that tenants right to be consulted as set out in section 67 (4) of the Housing (Scotland) Act 2010 should remain.

23. The Housing (Scotland) Act 2010 requires tenant consultation and ballots to take place where an RSL decides to merge with another landlord. The 2010 Act does not make the same provision for tenants whose landlord joins a group structure. There are many RSLs looking to join group structures and tenants in the social rented sector should have the same right to consultation and ballots as tenants in a merger situation. To ensure parity and consistency tenants should be entitled to be consulted and to participate in a ballot for all proposals involving a merger of an RSL with another RSL or joining a group structure.

### **Other Issues**

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

24. No further comments.

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

25. During our tenant consultation consensus was not reached on the subject of Probationary Tenancies. Tenant's views were very polarised in terms of some supporting this as a means of addressing potential antisocial behaviour issues, while others see this as a direct erosion of tenants' rights.

**Tenants Information Service  
28 February 2014**