



Housing (Scotland) Bill

Bill Number:	SP Bill 42
Introduced on:	21 November 2013
Introduced by:	Nicola Sturgeon MSP, Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities
Passed:	25 June 2014
Royal Assent:	1 August 2014 (asp 14)

Passage of the Bill

The Infrastructure and Capital Investment (ICI) Committee began taking Stage 1 oral evidence on the general principles of the Bill on 15 January 2014. The Committee's Stage 1 Report was published on 3 April 2014. The Stage 1 debate took place on 24 April 2014. Stage 2 proceedings commenced on 14 May 2014. The Bill was passed following the Stage 3 parliamentary debate on 25 June 2014, receiving Royal Assent on 1 August 2014.

Purpose and objectives of the Bill

According to the Bill's Policy Memorandum, the Scottish Government's vision is that all people in Scotland live in high-quality, sustainable homes that they can afford and that meet their needs. This Bill aims to contribute to that vision through its main policy objectives of:

- safeguarding the interests of consumers
- supporting improved quality
- delivering better outcomes for communities.

Provisions of the Bill

The Bill, as introduced, was in 7 parts and 2 schedules. The Bill was structured as following:

- Part 1 sought to abolish the right to buy.

- Part 2 sought to: amend provisions in the Housing (Scotland) Act 1987 that govern the requirements for social landlords to give certain people “reasonable preference” when they allocate housing and factors that may be considered in the allocation of social housing; make provision for the use of short Scottish secure tenancies where there has been a history of antisocial behaviour and for temporary lets to homeowners; extend the term of the short Scottish secure tenancy and introduce qualifying periods before tenants can exercise rights to assign, sub-let or request a joint tenancy.
- Part 3 and Schedule 1 proposed to transfer jurisdiction for civil cases relating to the private rented sector from the sheriff court to the First-tier Tribunal; introduce a time limit for determining applications for landlord registration; and allow local authorities to apply to the private rented housing panel for enforcement of the repairing standard
- Part 4 sought to provide for a registration system for letting agents. Letting agents would be required to register with the Scottish Government and adhere to a Letting Agent Code of Practice.
- Part 5 proposed to amend the site licensing requirements for mobile home sites with permanent residents.
- Part 6 sought to amend local authority powers to enforce repairs and maintenance in private homes. It proposed that local authorities could use repayment charges to recover the costs of paying missing shares from the owner on whose behalf the missing share was paid.
- Part 7 sought to make a number of miscellaneous amendments including to existing legislation, for example, regarding the Scottish Housing Regulator’s powers to transfer assets following inquiries.
- Part 8 made supplementary and final provisions.

Parliamentary consideration

SPICe briefings 14-02 and 14-45 provide more information on the Bill as introduced and as amended at Stage 2.

Stage 1: In their Stage 1 Report, the ICI Committee welcomed the Housing (Scotland) Bill as providing a package of measures which will contribute to the improvement of housing in the social, private rented and owner-occupied sectors.

The Committee made a number of recommendations. In particular:

- the Committee considered that the three-year notice period for the end of the right to buy was excessive and recommended that the notice period should be reduced to 1 year from the date on which the Bill receives Royal Assent (Alex Johnstone MSP dissented from this recommendation).

- the Committee noted the concerns of many stakeholders regarding the provision that would have allowed social landlords to take a housing applicant's age into account when they allocated housing. The Committee considered that the use of the provision should be monitored.
- in relation to the physical standard of private rented properties, the Committee supported the introduction of: mandatory five yearly checks of electrical appliances; the provision of suitable mains smoke alarms and the mandatory installation of carbon monoxide alarms.
- in relation to mobile home licensing, the Committee was concerned at the suggestion that financial lenders may withdraw support for sites on the basis of the introduction of fixed term licences.

Stage 2: At Stage 2, 155 amendments were lodged. All Government amendments were agreed to. The substantive amendments which were agreed at Stage 2 sought to:

Right to Buy: Reduce the notice period for the end of the right to buy from at least three years from the date of Royal Assent to at least two years.

Social Housing: Remove provision that would have removed the prohibition on social landlords taking age into consideration for the allocation of social housing.

Private Rented Housing

- Add the requirement for the installation of carbon monoxide detectors to the Repairing Standard. The Repairing Standard is a minimum standard that private landlords must ensure their properties meet (as set out in section 13 of the Housing (Scotland) Act 2006).
- Introduce a duty on private landlords to ensure regular electrical safety inspections are carried out on their properties at least every five years.
- Give local authorities a new power to enter any properties they suspect do not meet the Repairing Standard, for the purpose of making an application to the Private Rented Housing Panel to enforce the Repairing Standard.

Registration of Letting Agents

- Strengthen the provisions regarding enforcement of the proposed registration of letting agents scheme, including a power for the Scottish Ministers to inspect premises that appear to be used to carry out letting agency work.
- Provide the Scottish Ministers with a power to specify the training requirements that letting agents must meet to be registered.

Residential Mobile Home Licensing

- Provide that residential mobile site licences will last for five years, rather than three years, as the Bill as introduced proposed.

Scottish Housing Regulator - Transfer of Assets following inquiries

- Provide that the Scottish Housing Regulator must consider as two separate exercises whether there is time to consult a) tenants and b) lenders of a registered social landlord (RSL) before directing a transfer of assets where the RSL is in financial jeopardy (without the normal consultation requirements).

RSL Disposal and Restructuring

- Require that tenants of a RSL must be balloted before the RSL becomes a subsidiary, or part of group structure, of another body.

Stage 3: Amendments passed at Stage 3 included those that:

- make changes to existing powers for local authorities to issue repayment charges which previously had to be recovered in 30 equal annual instalments. Local authorities have the power to determine a reasonable repayment period of between five and 30 years.
- give Scottish Ministers the power to make regulations to allow registered social landlords to recover, by repayment charge, the costs of missing shares paid for repair and maintenance work on behalf of private home-owners in a tenement.
- provide that Scottish Ministers must make regulations for a scheme that would enable local authorities to apply to Scottish Ministers for additional discretionary powers to target enforcement in areas subject to poor housing conditions in the private rented sector. Such areas would be designated as Enhanced Enforcement Areas (EEAs).

The Bill, as amended at Stage 3, was passed following a division: For 93, Against 12, Abstentions 0).

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