SUBMISSION FROM THE SCOTTISH COUNCIL FOR SINGLE HOMELESS

Introduction
1. The Scottish Council for Single Homeless (SCSH) is the national membership body in Scotland for organisations and individuals tackling homelessness. Our members include voluntary sector providers, housing associations, local authorities, academics and other professionals involved in homelessness prevention and alleviation.

2. SCSH supports many of the aims and proposals contained within the Housing (Scotland) Bill. We believe the Bill affords social landlords the opportunity to improve the value of social housing which will be delivered to tenants and taxpayers, but more importantly, to safeguard the supply of social housing for the benefit of future generations.

General Comments on Current Proposals

Right to Buy and Pressured Area Status
3. SCSH agrees with the proposals to remove the Right to Buy (RTB) for new supply social housing and for new tenants entering the social rented sector. Unfortunately, provisions still exist that may allow some tenants of Registered Social Landlords (housing associations) to buy their house post 2012. We believe this proposal is illogical given the Bill aims to safeguard good quality social rented housing.

4. SCSH backs the Pressured Area Status (PAS) proposals that extend the maximum designation period of it from five to ten years. We further approve of the accompanying proposals which will allow particular housing types (as well as areas) to be designated as pressured and for local authorities to make such designations.

Modernised Regime of Regulation
5. The consultation paper on the Bill published in April 2009 frequently referred to ‘meeting tenants priorities’ when describing the proposed modernised regime of regulation. SCSH welcomes changes to the Bill’s wording to incorporate concerns raised by ourselves that the objectives of the Scottish Housing Regulator (SHR) must meet ‘current and future tenants’ priorities. However, SCSH does not agree with Bill proposals that replace cyclical inspections of social landlord housing management and homelessness services with a more formal self assessment and enquiry based approach.

Protection of Unauthorised Tenants and Strengthening of Existing Legislation
6. SCSH agrees with proposals to include a section in the Bill, which will protect unauthorised tenants from private landlords who choose not to notify a creditor that they are continuing to let a property despite being in default of mortgage payment(s). We further support other proposals which strengthen existing legislation on private landlord registration and specific measures within the Housing (Scotland) Act 2006.

Specific Comments on Current Proposals
Reforming Right to Buy

7. SCSH does not agree with a current Bill provision which means that tenants who are entitled to RTB that move to a new supply social house (where they would not have RTB entitlements), then later move to a second older property, would still have the RTB over the second property. This ‘entitlement’ does not fit with the SCSH viewpoint that if the aim of the policy is to allow RTB to wither on the vine, then once lost; it should not be reinstated. SCSH understands, however, that exceptions to this could exist where someone was decanted or transferred compulsorily (for example, due to demolition reasons).

8. SCSH is concerned at proposals that mean some tenants of RSLs will be able to buy their house post 2012. We understand that RSLs are able to apply to Ministers to extend beyond 2012 the current suspension of RTB on their properties. While this is a useful measure to allow RSLs to potentially safeguard their stock, an alternative, more constructive and sensible approach would be to extend the current position indefinitely and to allow the RTB for RSLs simply to wither on the vine. SCSH believes this approach would allow housing associations better chances to plan strategically.

Regulation of Social Landlords

9. An independent regulator created to drive up standards across the social rented sector, and have particular responsibilities for regulation of homelessness services is welcomed by SCSH. Current Bill proposals would mean replacing cyclical inspections with self-assessment and enquiry based approaches. However, SCSH believe regulation of social landlords housing and homelessness functions should be risk based and centred around thematic (and cyclical) inspections.

10. We have particular concerns about the extent to which self-regulation will be used. SCSH’s experience in other fields (for example, when analysing take-up of the health and homelessness standards), is that the results of analysis of self-regulation did not always accurately reflect reality. Further to this, our understanding of previous inspection assessments has been that they have revealed significant areas where improvement is necessary – where quite often the housing management inspection results are far better than the results for homelessness inspections.

11. Given the significant changes in relation to homelessness which are still underway, and the crucial role of local authorities (and indeed RSLs) have in delivering this key government objective, we believe that regular inspections of homelessness services by the SHR should still happen. It would therefore seem a little premature to abandon inspections at such an important time where improvements in performance are also necessary.

Social Housing – An Agreed Role Set in the Scottish Social Housing Charter

12. SCSH understands from the present Bill that there was insufficient consensus on an alternative term for ‘social housing’ for it to provide a new term. Whilst we acknowledge this, SCSH believes that a new term for the sector should arise, in any case, from the agreed role of ‘social housing’ developed and set by the SHR in the Scottish Social Housing Charter.
13. SCSH finds it slightly surprising that despite the lack of narrative within the Bill on what the role of the sector will be (and its main purpose(s)); the Social Housing Charter has a number of draft principles that help to define its role, and with that, a number of draft outcomes following on from these principles.

14. Discussions at a local and central government level must consider the role of publicly subsidised housing in addressing those in greatest housing need, whilst considering widely believed aspirations making the notion of ‘council housing’ a tenure of choice.

**Additional Proposals for the Bill**

**Strengthening Protection from Evictions in the Social Rented Sector**

15. Homeowners faced with repossession will be given greater protection under the Home Owner and Debtor Protection (Scotland) Act 2010, passed in Parliament on 11 February 2010. SCSH believes the Housing (Scotland) Bill provides an opportunity to include similar protection for social housing tenants who are to be evicted because of rent arrears.

16. We understand that Shelter Scotland has included this additional proposal for consideration by the Scottish Parliament in its evidence submission. SCSH would support Shelter’s new proposal for this inclusion, but only under the understanding that it would only come into operation when all other reasonable steps had already been exhausted by local authorities to avoid eviction.

17. SCSH is happy to elaborate on any of the points raised and are happy for the contents of this response to be made publicly available.

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