

Draft Housing (Scotland) Bill

Briefing on ...

Draft Housing (Scotland) Bill: a consultation

Introduction

This paper provides a brief guide to the proposals for a Housing (Scotland) Bill that the Scottish Government propose to introduce in 2010. The bill is split into two parts, one looking at reforming the right to buy while the second part highlights proposed changes to the regulation of social housing in Scotland. The full bill can be accessed online at: <http://www.scotland.gov.uk/Publications/2009/04/27095102/0>

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Changes to the Right to Buy

The Bill aims to reform the Right to Buy (RTB) policy. If these policies are implemented in full the Scottish Government estimate that between 10,000 and 18,000 houses will be retained that would otherwise be lost through RTB.

The main focus of the reforms would be ending the RTB to all new supply social housing. However other policy options include:

Ending RTB for new tenants

While not affecting the entitlements of existing tenants, this would mean that, in general, those becoming tenants for the first time, and those returning to social housing from other tenures, would no longer be entitled to RTB on any social housing.

Reforming Pressured Area Status

Changes to the pressured-area designation process would include increasing the maximum period of a designation from five to ten years and allowing particular types of housing, as well as areas, to be designated. It would also have the effect of making local councils responsible for designating pressured areas.

Developing guidance for Registered Social Landlords (RSLs) seeking extensions to the ten year suspension on RTB

RSLs are able to apply to Ministers to extend beyond 2012 the current suspension of RTB on their properties. The Scottish Government propose to develop new guidance for RSLs to use if they wish to make such applications. This guidance would be underpinned by criteria that reflect the importance of meeting housing need and safeguarding stock and take account of the effect of RTB on a landlord's ability to pay for other policy priorities.

Revising guidance on landlords' continuous occupation discretionary powers

This would encourage landlords to use their discretionary powers more widely to disregard short breaks between tenancies when the breaks are outwith the tenant's control. This should enable ex-service personnel to count the time they spent in armed forces tenancies towards their RTB qualifying period and their discount entitlement once they enter the social rented sector.

Modernising the Regulation

In this part of the paper the Scottish Government outline proposals for modernising the regulation of social housing to focus the efforts of social landlords on:

- meeting tenants' priorities;
- continually improving performance and value; and

- **commanding the confidence of public and private investors in social housing.**

The Bill aims to provide clarity of purpose for social landlords and would continue to provide independent assurance that landlords were giving their tenants good service. It would also continue the move away from inspection-based regulation towards greater use of other regulatory tools such as the Best Value regime and self evaluation. The Bill would also introduce a new legislative framework for a modernised Scottish Housing Regulator (SHR) to be responsible for regulating the performance of local authority landlords and RSLs on the basis of a risk-based and proportionate approach.

The Scottish Government also notes that the term ‘social housing’, though widely recognised, has negative connotations for many and wish to invite suggestions for a new term.

Under the draft Bill, these would be the key features of the new legislative framework:

The Scottish Social Housing Charter

This Charter would state the value – in terms of the outcomes and standards – that social landlords and homelessness services should be delivering for their tenants and other service users.

Some of these outcomes and standards could be national requirements on all social landlords, but the Charter could also require individual landlords to set local outcomes or standards after consulting their tenants and in light of local circumstances and priorities (and, in the case of council landlords, in line with their Single Outcome Agreements).

The Scottish Government would develop the Charter’s requirements in consultation with tenants, landlords, lenders and other stakeholders.

A modernised Scottish Housing Regulator (SHR)

The SHR would have statutory operational independence under its own Board; and have the objective of safeguarding and promoting the interests of tenants and future tenants of council landlords and RSLs and of people using homelessness and other housing services. The modernised SHR would have a range of functions which would enable it to achieve its objective proportionately, accountably and transparently.

Safeguards for RSLs and their tenants

Part 1 of the draft Bill includes the functions of monitoring and safeguarding the financial health and good governance of RSLs. Part 2 would require the SHR to continue registering RSLs against criteria that it would set. It would also give Ministers a new power to specify which types of body the SHR could register, so that if they thought it would help to improve the supply of social housing, they could permit bodies not currently eligible for registration to become eligible.

The Scottish Government recognise that many of the rules relating specifically to RSLs are complex and technical. They want to make sure they will serve their purpose of safeguarding the viability and good governance of RSLs. So they propose to convene a working group, whose members will include representatives of RSLs and their lenders, to consider how to improve these parts of the Bill before it is introduced in the Scottish Parliament.



Action for Branches

This briefing paper is for information purposes for branches and members. It is intended to raise awareness of the Draft Housing (Scotland) Bill and to seek discussion within branches on this issue. UNISON Scotland will be submitting a response to this consultation, if you have any comments on this issue please contact the P&I Team.

Further Information

UNISON Scotland
<http://www.unison-scotland.org.uk>

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