



Housing (Scotland) Bill

The UNISON Scotland Submission on Housing (Scotland) Bill

February 2014

Introduction

UNISON is Scotland's largest public sector trade union representing over 160,000 members delivering services across Scotland. UNISON members deliver a wide range of services in the public, community and private sector - including in the provision of social housing through councils and other social landlords. We welcome the opportunity to participate in this call for evidence on the Housing (Scotland) Bill.

Response

Part 1: Right to Buy

This part of the Bill places abolishes the right to buy by making certain repeals. The commencement of the main section on repeals is prohibited for at least 3 years. The Bill will also make some amendments which it is intended will apply before the repeals are commenced.

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

UNISON Scotland believes that investment in social housing is the key to solving Scotland's housing crisis. In our housing policy document *Making Homes for a Fairer Scotland* in June 2013 we argue that there is an acute shortage of homes - with official figures showing 335,000 households on social housing waiting lists across Scotland and 71,000 overcrowded households - 65 per cent of which included families with children.

Shelter Scotland estimated a need to build a minimum of 10,000 affordable homes a year, almost twice the current level of social house building.

The shortage of housing was exacerbated over the period of the Right to Buy as quality social housing was transferred to the private sector. UNISON has a long standing policy to end the Right to Buy, in order to protect vital social housing stock.

The level of demand to buy remaining stock is now low and ending the Right to Buy will not in itself provide any new homes - but would stop further transfers of stock out of social housing. We therefore strongly support this part of the Bill.

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

We note that the majority of respondents (74%) who commented on the consultation recommended a period of two years or less on the basis that this would minimise potential stock loss and allow social landlords to get on with strategic planning. We would support this view.

Our members also report a significant increase in adverts from lending firms leading to more inquiries regarding the current Right to Buy scheme. Elsewhere in the UK there has been an increase in private landlords buying up properties on a two stage move via Right to Buy. This further removes social housing from the rented sector.

Part 2: Social Housing

This part makes provisions which relate to social housing. The rules and procedures around the allocation of social housing will be adjusted as will the operation of short Scottish secure tenancies and Scottish secure tenancies.

Q4. 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?

Our housing policy document *Making Homes for a Fairer Scotland* in June 2013 is clear that as well as a massive increase in building of social housing that "we do need to make better use of current housing stock."

Under the current criteria social landlords must give "reasonable preference" to person who are:

- occupying houses which do not meet the tolerable standard or
- occupying overcrowded houses or
- have large families or
- are living under unsatisfactory housing conditions and
- to homeless persons and persons threatened with homelessness.

The proposed new criteria would be:

- those who are homeless or threatened with homelessness
- those who are living under unsatisfactory housing conditions and in each of these cases the person must have unmet housing needs and
- tenants of houses held by the social landlord which the social landlord considers to be under-occupied.

We believe the criteria on 'tolerable standard' and 'overcrowding' should remain in order to safeguard quality of housing and tackle overcrowding which is a problem in both private and social housing.

We would also support the inclusion of a 'local connection' criterion which is not in the proposed Bill as it stands.

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?

We believe the changes will assist in tackling anti-social behavior.

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?

We believe these proposals get the balance between rights and landlord flexibility about right.

Part 3: Private Rented Housing

This part provides for the transfer of the sheriff's existing jurisdiction to deal with matters relating to private rented housing to the First-tier Tribunal (which is to be created under the Tribunals Bill, currently before the Parliament).

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?

There has been a significant increase in private landlord accommodation in Scotland. This sector has a number of challenges that need to be addresses. Anything that makes it easier and cheaper for tenants to get legal redress is to be welcomed. However, this is only meaningful if tenants have real rights to enforce. See Q18 below.

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?

and

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?

UNISON supports strong and enforceable regulation for local authorities to tackle poor conditions in the private rented sector. Regulations must cover: property standards, safety, occupancy rates, tenancy agreements and repairs.

Standards must also include investment in the upkeep of communal areas in flats. Standards and registrations need to be monitored and enforced. This should be the responsibility of local authorities.

Part 4: Letting Agents

This part establishes a registration system for letting agents. As well as setting up a register, it sets out various offences, provides for the publication of a code of conduct and gives the First-tier Tribunal the power to issue letting agent enforcement orders in relation to breaches of that code.

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?

UNISON supports the mandatory registration of letting agencies. Landlords themselves will also benefit from regulation of letting agencies.

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

No

Part 5: Mobile Home Sites with Permanent Residents

This part creates a new licensing regime for mobile home sites with permanent residents. It inserts a new Part 1A into the Caravan Sites and Control of Development Act 1960.

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

and

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

We support the strengthening of the current arrangements

Part 6: Private Housing Conditions

This part includes a number of adjustments to the law as it relates to private housing including conferring on local authorities a power to pay a share of costs arising from the tenement management scheme under the Tenements (Scotland) Act 2004 and modifying provisions relating to work notices, maintenance notices and maintenance orders under the Housing (Scotland) Act 2006.

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?

see response to Q9 above. We support the 'missing share' proposals so long as they are properly funded. We also believe that local authorities should have the power to go further than the bill in ordering improvements to property.

Part 7: Miscellaneous

This part contains some miscellaneous housing provisions, including a power to exempt certain securities from the right to redeem after 20 years contained in section 11 of the Land Tenure Reform (Scotland) Act 1974, the conferral of a power to delegate on the president of the private rented housing panel and homeowner housing panel, a modification of the Scottish Housing Regulator's powers and a repeal of certain enactments relating to defective designation.

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

No.

Other Issues

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

see response to Q18 below

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

Funding and building the homes Scotland needs

The main issue for housing in Scotland remains the shortage of homes. In our document *Funding and building the homes Scotland needs* (March 2013) UNISON Scotland has outlined a proposal developed with assistance from the Scottish Federation of Housing Associations to finance social housing in Scotland with investment from local authority pension funds.

Rent control

In order to ensure that private sector tenants can have secure and affordable homes, a proper system of rent control - along with improved regulation of landlords and decent housing standards - is required.

Devolution of Housing Benefit

UNISON Scotland supports the devolution of Housing Benefit, along with Council Tax Benefit, which should be administered through local authority housing departments. It is difficult to fully influence housing policy without control over housing benefit.

Conclusion

Improving our housing requires more than just the regulatory reform as proposed by the current bill. The housing crisis requires a massive programme of social housing investment from the public sector. UNISON Scotland has made a series of recommendations in our recent housing policy publications *Making Homes for a Fairer Scotland* June 2013 and *Funding and building the homes Scotland needs* March 2013 which we urge the committee to consider.

For further information, please contact:

Dave Watson: d.watson@unison.co.uk

Malcolm Burns: m.burns@unison.co.uk

Mike J Kirby, Scottish Secretary
UNISON Scotland,
UNISON House,
14, West Campbell Street,
Glasgow
G2 6RX