



# Housing (Scotland) Bill

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

## Key Issues

- The right to buy social housing in Scotland will come to an end in 2016.
- The Bill will help to improve housing conditions and put in place safeguards for social and private tenants.
- Introduction of a Private Rented Sector Housing Tribunal, providing access for tenants and landlords to specialist justice.
- Provisions in the Bill will strengthen mobile site licensing, improving the rights of over 3,000 households.

## 1.0 Introduction

The Housing (Scotland) Bill was passed by Scottish Parliament on Wednesday 25 June 2014. The Bill will make a number of changes to help the housing system in Scotland operate more effectively. It covers a wide range of housing issues, including those contained within the Scottish Government's 2011 strategy and 10 year action plan "Homes Fit for the 21<sup>st</sup> Century".

To view the full Bill please [click here](#)

## 2.0 Areas covered within the Bill

There are a number of areas covered within the Bill which provide legislative changes to protect consumers, improve quality and ensure better outcomes for communities. The following sections provide further information on these specific areas.

### Right to Buy

The Bill will prevent the sale of up to 15,500 social houses over the next ten years and will come into force from the date of the Bill's Royal Assent in 2016. The Right to Buy was introduced UK wide in 1980, with 455,000 tenants buying their homes in Scotland under this system. However with approximately 185,000 people on local authority and housing association waiting lists, it was overwhelmingly agreed that a safeguard on social housing stock was needed within Scotland. This policy will contribute to reducing these waiting lists.

During the two years leading up to the end of Right to Buy, tenants will be able to consider their options and seek financial advice before making a decision on whether to buy their home before the deadline date arrives.

### **Social Housing**

Housing legislation provides tight controls for the management of social housing e.g. with regards to housing allocations, tenancies and powers for landlords to deal with antisocial behaviour. The main aims of this section of the Bill are to:-

- Increase local flexibility for landlords when allocating houses
- Ensuring the best use of social housing
- Providing landlords with further tools to tackle antisocial behaviour
- Providing further protection for tenants by strengthening their rights, including those with Short Scottish Secure Tenancies
- Clarifying the existing legislation

### **Reform of the Private Rented Sector**

Within this section there are a number of changes intended to improve the quality of the private rented sector for both tenants and landlords. The changes include transferring private rented sector cases from the sheriff courts to the new first tier tribunal (Private Rented Sector Housing Tribunal). This should improve efficiency and consistency of decisions, allowing disputes to be resolved more effectively.

Local authorities will be able to inspect properties and report breaches of house condition standards in this sector to the Private Rented Housing Panel, helping them to enforce the Repairing Standard.

There will also be regulations in relation to letting agents, including a new Letting Agent registration system as well as a statutory code of practice which all letting agents must comply with. These new regulations will promote high standards of service within the industry and provide both landlords and tenants with mechanisms to access easily when a dispute arises.

As part of this section, enhanced standards within this sector will see provisions for landlords to fit carbon monoxide detectors as well as carry out electrical safety checks.

### **Mobile Home Site with Permanent Residents**

The Bill strengthens the current licensing for mobile home sites with permanent residents, providing local authorities with a range of tools to ensure all site owners comply and the sites themselves are of acceptable standards. With local authorities having the powers to more stringently manage licenses and where necessary revoke. With over 3,000 mobile homes across Scotland, many of whom with elderly residents, these provisions will increase their protection against those site managers who may try to take advantage of vulnerable residents.

These changes will not apply to mobile home parks which are used for holidays.

### **Private Housing Conditions**

The Bill enables local authorities to use discretionary powers to enforce repairs and maintenance in private homes, helping to tackle poor housing conditions in this sector.

### **Miscellaneous**

The Bill also contains a miscellaneous section which includes:-

- Right to redeem heritable security after 20 years: power to exempt

- Delegation of certain functions by the President of the Private Rented Housing Panel
- Scottish Housing Regulator: transfer of assets following inquiries
- Repeal of defective designation provisions

### **3.0 APSE Comment**

APSE recognises the level of undersupply of properties across the UK which is more severe in some areas than in others. Council owned, other social providers, the private rented sector and private developers need to be encouraged to build as many homes as are needed within local areas, maintain those already built and improve conditions within them in order to increase and extend the life of the entire stock. The solution to the current problems in the UK in terms of supply will only be solved by long term, consistent investment by all sectors and this needs to be led by local authorities. Their responsibilities in terms of local development planning, planning control, housing management and maintenance as well as community leadership mean they are able to take a leadership role which reflects their democratic mandate. The extra powers within the Bill will enable further action to be taken where necessary; however, local authorities must continue to be balanced in their approach to allocating progressively scarce resources across many areas of work, from reacting to anti-social behaviour through to new build and everything in between.

Scottish Government has also highlighted that although the option of Right to Buy is to be stopped, it would still support people's home ownership aspirations but only in ways that do not lead to the loss of social housing stock. Scottish Government has committed £275 million to the new Help to Buy (Scotland) shared equity scheme over the next year years and has also given financial backing for Homes for Scotland's mortgage indemnity scheme.

APSE's recent briefing 14/14 Scottish Housing Conditions Survey: Key Findings 2012 which can be accessed by [clicking here](#) highlights some of the areas which APSE hopes can continue to be improved by using the new powers contained within the Bill. Many APSE members have already implemented innovative ways to achieve some of their housing goals and it's hoped that the Housing (Scotland) Bill will provide further mechanisms for initiatives like these to continue.

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