

GLC Parliamentary Briefing:

Housing (Scotland) Bill

Govan Law Centre welcome many of the reforms that are in place for the current Housing Bill going through Parliament. However there are some aspects of the Bill that we would like to see removed, modified or included.

1 Age/Allocation

There is no independent evidence that removing the ban on taking age into consideration in allocating social housing would serve any useful purpose. Moreover, the Scottish Government did not consult on this proposal, and it appears to have by-passed the normal democratic route for open scrutiny in the development of public policy in Scotland. History has shown that policy designed without evidence or consultation can often be unworkable and producing regressive outcomes. This is particularly true in this case when one considers that many organisations charged with meeting the needs of vulnerable people feel that this part of the legislation is poorly thought out and will impact adversely on young people.

We can understand why trade bodies representing social landlords are backing the right of their members to be able to refuse to allocate social housing to a tenant based on age, but unlike them we don't represent the interests of landlords; we only represent the best interests of tenants of all ages. Allowing discrimination based on age is a regressive and unnecessary step in Scottish housing law.

The trade bodies which support this part of the Housing Bill may well desire certain rules or regulations which make it easier for them to manage their tenants. However the job of government should be to listen to all stakeholders in relation to policy making, which in this case has not happened.

We urge the Scottish Parliament not to support this part of the bill.

However if the parliament must move forward at this stage we would request that there is a thorough and independent body which investigates this issue. GLC and the other charities who have taken a position against this aspect of the bill are trying to represent on this issue and who have thus far been excluded from this process.

2 Tenancy Support/Prevention of Homelessness

When a family or person becomes homeless there are support services put in place in order to help them through their homelessness journey. At GLC we do provide excellent interventions in relation to stopping evictions across Glasgow however we feel that there is more which can be done to help stave off homelessness. In terms of housing support, why doesn't the Scottish government provide assistance for families who are struggling before they become homeless in order to avoid

homelessness in the first place. This would deal with the "social" aspect of those who lose their home through anti-social behaviour or not engaging with their landlord when rent arrears accrue.

Many local authorities implement prevention of homelessness strategies through housing options. However in eviction cases for rent arrears there is much which can be done by a service dedicated to preventing eviction. Maximising incomes and stabilising tenants income is an important factor in many eviction preventions. In many cases tenants feel they cannot trust money advice services attached to their RSL so an independent service is crucial in getting a tenant to engage and thus stop an eviction.

The most recent government statistics indicate that 41% of those who have lost their home through lack of support. These same statistics report that 20% of those lost their home did so because of financial difficulties/debt/unemployment. These figures have had no significant change over the last three years.

Both of these preventative measures would make strong inroads into preventing homelessness and would save the Scottish Government significant amount of money as well as being more socially just.

Govan Law Centre believes there is considerable scope for requiring local authorities and registered social landlords to support and facilitate access to independent sources of advice and support for their tenants not only prior to court action but also during court proceedings. We believe such duties should be backed up by primary legislation.

3 Private Landlord Registration

The PLR scheme is a registration facility for private landlords. Currently it would appear that their main focus appears to be about registration with almost no enforcement powers at their disposal. Most PRS landlords that come to GLC attention are in fact registered but this does not modify their behaviour in acting poorly as a landlord with many cases showing they at times act illegally.

The PLR have a duty to only register those who are a fit and proper person. So they have the ability to strike someone off the register if not fit and proper. In addition to prescribed grounds such as criminal record etc, the legislation says that they must take into account 'all other information they hold about that person'. However we have been advised that there is no intelligence gathering/ database about the slum landlords. When we send intelligence on a landlord after our client has been illegally evicted/ living in conditions unfit for human habitation etc we invariably receive a lacklustre response asking us to contact the police or that there is difficulty in the PLR taking action.

Our problem with bad private landlords is that they act with impunity. We have found that they generally work in family networks, so for example, a father who is struck off the register and his son took over the tenancy.

We would argue that the PLR need more resources and restructuring so that they can combat the misery which bad landlords cause for tenants. It also reflects badly on the rest of the PRS with good landlords never receiving any media attention.

The PRS is part of Scotland's housing problem but it is also part of the solution. A robust, highly motivated and well resourced PLR would help to achieve this.

We believe there is scope for a national statutory body to be given additional powers and resources to regulate and better enforce and co-ordinate the PRS. It would be possible to give such a role to an existing national statutory body in Scotland in order to minimise cost implications. However, we believe our suggestion would ultimately lead to major cost savings on the public purse by preventing unlawful activity and homelessness in the PRS.

4 Private Rented Sector

We also believe that private rents are excessively high for tenants, particularly if they are on low or modest incomes.

For those renting in the PRS who are on low or medium incomes, rent takes up a disproportionate percentage of their housing expenditure compared to those who have a mortgage or are in social housing. A like for like house for a mortgaged property compared with someone renting privately is far higher. In the socially rented sector this difference is even more stark.

Due to a housing crisis in Scotland many of our citizens who are on low incomes are paying far more for their housing costs than those who are more affluent. We feel that this is unfair.

By creating fairer rents there would also be a significant saving to the taxpayer if the tenant is on benefits which pay for their housing.

Better tenancy agreements would also make a big difference for tenants who are looking for a more stable solution to their housing problem. Many tenancies across Scotland are for 6 months which creates instability for tenants and allows for landlords to evict a tenant very easily. GLC would like to see tenants being offered stronger tenancies, with more rights which are more in line with tenancies in the RSL sector.

The Scottish Government should carry out a review of the PRS in Scotland with a view to unaffordable housing and tenancy arrangements which create instability for those who are living with Short Assured Tenancies.

5 Recording those who disappear from the system.

The most recent report on homelessness carried out by the Scottish government show that between 9%-10% of all applications "lost contact before assessment, withdrew or was ineligible". GLC would like to see these figures recorded in a more accurate way so that a true picture of those who lose contact is recorded. There is the potential that a significant proportion of these people are lost in the system and are those who would be considered "hidden homeless". There may be reasons where the responsibility lies on the tenant for losing touch with the local authority however the responsibility could lie with how the LA carried out the homelessness assessment in which case the duty of care by the local authority has been breached.

The homelessness assessment should reflect the reasons why a person disengaged more accurately.

GLC call on the Scottish Government to carry out a review on this matter urgently so that LA are not failing in their statutory obligations and vulnerable people are having their rights met.

6 Private Hostels

Many of our most vulnerable and chaotic citizens are stuck living in squalid conditions in places like the Bellgrove Hotel in Glasgow.

This establishment is well known to those who live in Glasgow, particularly those who work in homelessness and it is a Victorian response to a homelessness problem in 2014.

There has been a shift in the correct direction by local authorities by shutting their larger scale hostels due to the events and behaviours which occurred in these places such as drug dealing, sexual exploitation, theft, assault, robbery, bullying, drug taking. Essentially our most vulnerable were placed in large hostels where their behaviours were not being challenged and their lifestyle choices and opportunities were regressing instead of improving. Places like the Bellgrove Hotel continue these practices because private profit is more important for the owners than supporting vulnerable people.

GLC calls on the Scottish Government to use the current Housing Bill to introduce a scheme of registration and regulation for these types of private hostels. At present these hostels do not come under the Care Commission's remit. We think they should. This would drive up standards in the sector, and ensure that those who were not fit to run such establishments were unable to do so.

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