

REPORT TO: HOUSING COMMITTEE - 23RD APRIL 2012

REPORT ON: SCOTTISH GOVERNMENT CONSULTATION ON AFFORDABLE RENTED HOUSING : CREATING FLEXIBILITY FOR LANDLORDS AND BETTER OUTCOMES FOR COMMUNITIES

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 153-2012

1. PURPOSE OF REPORT

- 1.1. The Report contains the Council's response to the Scottish Government's consultation on 'Affordable Rented Housing: Creating Flexibility for Landlords and Better Outcomes for Communities'.

2. RECOMMENDATIONS

- 2.1. Committee is requested to approve the response to the consultation, set out at Appendix 1, for submission to the Scottish Government.

3. FINANCIAL IMPLICATIONS

- 3.1. None.

4. MAIN TEXT

- 4.1. Within 'Homes Fit for the 21st Century', the Scottish Government stated that it would consult on the way social housing is allocated and managed.

- 4.2. The Scottish Government is seeking to introduce more flexibility in the ways social landlords allocate and manage their houses. The consultation sets out changes which could create better outcomes for communities. It contains the following ten proposals:

- (i) create more flexibility for social landlords to decide who should get priority for their housing;
- (ii) create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing;
- (iii) create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing;
- (iv) change the law to stop living rooms being considered as rooms available for sleeping in;
- (v) create a qualifying period before anyone can succeed to the tenancy;

- (vi) create the flexibility for social landlords to consider previous anti social behaviour when deciding an applicant's priority for housing;
- (vii) create the flexibility to allow Short SSTs to be granted in more cases of anti social behaviour;
- (viii) simplify the eviction process where another court has already considered anti social behaviour by a tenant or their household;
- (ix) create an initial tenancy for all new affordable rented housing tenants; and
- (x) allow social landlords to use Short SSTs to let intermediate rented housing.

4.3. The Council's response to consideration of the issues and the questions within the consultation are set out in the consultation response contained in Appendix 1.

5. **POLICY IMPLICATIONS**

5.1. This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Risk Management and Equality. There are no issues to report.

6. **CONSULTATIONS**

6.1. The Chief Executive, Director of Corporate Services, Head of Democratic and Legal Services and all other Chief Officers have been consulted. No concerns were expressed.

7. **BACKGROUND PAPERS**

7.1. None.

Elaine Zwirlein
DIRECTOR OF HOUSING

March 2012

**DUNDEE CITY COUNCIL RESPONSES TO CONSULTATION ON AFFORDABLE
RENTED HOUSING : CREATING FLEXIBILITY FOR LANDLORDS AND BETTER
OUTCOMES FOR COMMUNITIES**

Proposal 1 : Create more flexibility for social landlords to decide who should get priority for their housing

1. Do you think social landlords should have the flexibility to decide who gets priority for their housing? YES / NO / NOT SURE

Yes, providing as stated in the consultation that there are powers which determine priority groups every landlord must include e.g. those who are homeless/threatened with homelessness. There needs to be genuine flexibility i.e. not just replacing one group with another.

2. What do you see as the benefits of this proposal?

This would allow priorities to change over time and perhaps reflect the needs within local communities.

3. What do you see as the problems with this proposal?

A requirement on all social landlords to give reasonable preference to people whose needs are not met by the private housing market could perhaps lead to stigma or social housing being perceived as 'welfare housing'.

4. What can we do to overcome these problems?

The reasonable preference definition could perhaps be more widely drawn.

5. What housing needs do you think should be protected nationally?

The needs of those who are homeless/threatened with homelessness.

Proposal 2 : Create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing

6. Do you think income should be taken into account? YES / NO / NOT SURE

No, not for access to social rented housing. Household's financial circumstances can change and this should not impact on the security of their home. As the consultation states that 97% of lets are made to those with lower than average household incomes. Considering applicant's income may create stigma and perceptions of social housing as 'welfare housing'. Access to social rented housing should be on the basis of housing need.

7. What do you see as the benefits of this proposal?

N/A

8. What do you see as the problems with this proposal?

See 6 above.

9. What can we do to overcome these problems?

No comment.

Proposal 3 : Create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing

10. Do you think social landlords should have the flexibility to consider whether an applicant or their family owns property when deciding their priority for affordable rented housing? YES / NO / NOT SURE

Yes.

11. What other situations are there, if any, when an applicant owns property but is genuinely unable to access it?

The definition contained within the consultation as set out in section 24(3) of the Housing (Scotland) Act 1987 is reasonable since this covers domestic abuse, etc.

12. What do you see as the benefits of this proposal?

This would ensure that applicants who have access to a property suitable for their needs does occupy their home and are ineligible for social rented housing. It would be helpful to understand how many applicants fall into this category.

13. What do you see as the problems with this proposal?

Care may need to be exercised to ensure that applicants with physical disabilities who own properties which are unsuitable for their disability are not adversely affected.

14. What can we do to overcome these problems?

Possibly exclude such applicants from not being able to apply for social rented housing.

Proposal 4 : Change the law to stop living rooms being considered as rooms available for sleeping in

15. Do you think living rooms should be counted as being available for sleeping in? YES / NO / NOT SURE

No.

16. What do you see as the benefits of this proposal?

It seems reasonable that households should have living space which does not have to be used as sleeping accommodation.

17. What do you see as the problems with this proposal?

N/A

18. What can we do to overcome these problems?

N/A

Proposal 5 : Create a qualifying period before anyone can succeed to the tenancy

19. Do you think there should be a qualifying period before succession to a tenancy?
YES / NO / NOT SURE

Yes. There should be no lessening of current rights. There are potentially so many different situations which can arise. Perhaps a minimum qualifying period should be considered with discretion for landlords to allow succession within this period where there are exceptional circumstances.

20. Who do you think that qualifying period should apply to? Tick all that apply.

A husband, wife, civil partner or joint tenant	No
X A partner	Yes
A family member aged 16 or over living at the property	No
A carer who lives in the property	No

21. How long do you think this qualifying period should be?

6 months.

22. What do you see as the benefits of this proposal?

This should ensure that succession occurs in genuine circumstances.

23. What do you see as the problems with this proposal?

None if discretion applies, see 19 above.

24. What can we do to overcome these problems?

See 19 above.

Proposal 6 : Create the flexibility for social landlords to consider previous anti social behaviour when deciding an applicant's priority for housing

25. Do you think social landlords should have the flexibility to consider previous anti social behaviour by an applicant or their household when deciding their priority for affordable rented housing? YES / NO / NOT SURE

Yes.

26. What do you see as the benefits of this proposal?

Contributing to creating stable attractive neighbourhoods not blighted by anti social behaviour.

27. What do you see as the problems with this proposal?

The appropriate indicators for the level of unacceptable behaviour would have to be defined and applied consistently. How would a previous ASBO measure against statutory homeless priority?

28. What can we do to overcome these problems?

See 27.

Proposal 7 : Create the flexibility to allow a Short Scottish Secure Tenancy to be granted in more cases of antisocial behaviour

29. Do you think Short SSTs should be an option for social landlords in tackling anti social behaviour? YES / NO / NOT SURE

Yes.

30. Do you think housing law should continue to focus only on anti social behaviour which occurs in and around a tenant's property? YES / NO / NOT SURE

Not necessarily, depending on the anti social behaviour it may be relevant even if it happens elsewhere. Landlords' remit should however concentrate on housing management and hence in the main this will be linked to behaviour related to the tenancy/property. Interesting issues arose surrounding these issues after the riots in England.

31. What do you see as the benefits with this proposal?

Contributing to creating stable attractive neighbourhoods not blighted by anti social behaviour.

32. What do you see as the problems with this proposal?

The appropriate indicators for the type and level of unacceptable behaviour would have to be defined and applied consistently. If support is mandatory within the SSSTs and tenants refuse to engage with support what would the resolution be?

This may in effect be using civil law to mask the failings of criminal law.

33. What can we do to overcome these problems?

See 32.

34. What do you think all social landlords should take into account when considering whether or not it is reasonable for them to grant a Short SST or convert a Scottish Secure Tenancy to a Short SST?

Individual tenant's circumstances, previous history including anti social behaviour and support needs.

35. What more could we do to help social landlords tackle anti social behaviour by their tenants?

Speed up court processes.

Proposal 8 : Simplify the eviction process where another court has already considered anti social behaviour by a tenant or their household

36. Do you think we should examine ways of making evictions simpler where another court has already considered serious anti social or criminal behaviour committed in the tenant's home or its locality? YES / NO / NOT SURE

Yes.

37. What do you see as the benefits of this proposal?

Speeding up the process in dealing with anti social tenants. Reducing legal costs for landlords.

38. What changes do you consider might be appropriate?

Remove the need for a proof hearing in respect of the eviction.

39. What do you see as the problems with this proposal?

N/A

40. What can we do to overcome these problems?

N/A

Proposal 9 : Create an initial tenancy for all new affordable rented housing tenants

41. Do you think all new affordable rented housing tenants should be allocated housing using an initial tenancy? YES / NO / NOT SURE

Yes.

42. What do you see as the benefits of this proposal?

This could create probationary tenancies so that landlords have the flexibility to end a tenancy where the tenant breaches the tenancy conditions. It could create an incentive towards 'good' behaviour and adherence to the tenancy agreement.

43. What do you see as the problems with this proposal?

None.

44. What can we do to overcome these problems?

N/A

Proposal 10 : Allow social landlords to use Short SSTs to let intermediate rented housing

45. Do you think the law should be changed to allow social landlords to grant Short SSTs for intermediate rented housing? YES / NO/ NOT SURE

Many such lets are made via subsidiaries of housing associations on short assured tenancies, the NHT model uses short assured tenancies and therefore this may be of limited use. However this may provide flexibility for councils to provide innovative forms of rented housing going forward.

46. If yes, how might we restrict the flexibility to only intermediate rented housing?

This would have to be explicit within changes to the legislation.

47. If you are a social landlord would you use the proposed flexibility? YES / NO / NOT SURE

N/A

48. What do you see as the benefits of this proposal?

N/A

49. What do you see as the problems with this proposal?

N/A

50. What can we do to overcome these problems?

N/A

Equalities impact assessment

51. (a) Which equality groups, if any, do you think will be disproportionately affected by each of the proposals in this consultation paper?

Potentially those with disabilities.

- (b) How do you think they will be affected by each proposal (positively or negatively)?

What changes could we make to each of the proposals to address any adverse effect on the equality groups you have identified?

Finally

52. Do you wish to add anything that has not already been covered?

No.

MARCH 2012