



Housing (Scotland) Act 2014

Social Housing Provisions

HOUSING (SCOTLAND) ACTS

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Background and context.....

- **Supports landlords to make the best use of social housing**
- **Gives landlords more tools to tackle antisocial behaviour**
- **More flexibility in use of short SST's and further protection for tenants**
- **Clarifies existing legislation on how short SSTs operate**

What it covers.....

- **The legal framework for allocations**
- **Assignment, subletting, joint tenancies and succession**
- **Recovery of adapted properties**
- **Short SST for Homeowners, Short SSTs for antisocial behaviour and miscellaneous changes to short SSTs**
- **Streamlined eviction process**

Allocations.....

- **Changes to Reasonable Preference Categories**
- **Specific requirement to consult on changes to Allocations policy and report on how this was done**
- **Property Ownership/value of property can be taken into account**
- **Suspensions-sets existing practice in legislation**

Revised Definition of Reasonable Preference.....

Applicants who must be given reasonable preference:

- **People who are homeless or threatened with homelessness and who have unmet housing needs;**
- **People living under unsatisfactory housing conditions and who have unmet housing needs;**
- **Social housing tenants who are under-occupying**

Property Ownership.....

Property Ownership can be taken into account in allocations – except:

- **where the owner cannot secure entry to the property or**
- **where doing so would put the owner at risk of abuse or**
- **where it would endanger their health.**

Landlords can choose whether or not they will take property ownership into account in allocations

Assignment, Subletting and Joint Tenancies.....

New residency and notification requirements:

- **Proposed assignee, subtenant or joint tenant must have notified landlord when the house became their only or principal home (prior notification by tenant also counts)**
- **12 month residency requirements for assignment, subletting and joint tenancies- only starts when landlord has been notified**

Succession.....

New residency and notification requirements:

- **12 month residency requirement for all levels except spouse/civil partner/joint tenant**
- **Landlord must have been notified that they were living in the property and the 12 month residency period starts when the landlord is notified**

Recovery of adapted properties.....

- Gives landlords more flexibility to recover adapted properties where occupants no longer need them, where they refuse to move out voluntarily
- Recovery will now be allowed even if the house originally let to person/family who did not have the “special needs” to require that accommodation
- Landlords still need to provide alternative accommodation

Short SST for Homeowners.....

Short SST can be given to a home owner who cannot live in their own home

For example where:

- adaptations are being carried out to the property to enable the home owner and family to live in it
- repairs are being carried out to make the property habitable

Gives the homeowner time to make arrangements for occupying their home

Short SSTs for Antisocial Behaviour.....

- Short SST can be given where there is evidence of ASB within the previous 3 years- reasons must be given
- No need for there to be a previous eviction for ASB or an ASBO
- Increase in initial term of short SST from 6 to 12 months (ASB cases only)
- Short SST for ASB will convert to full SST at end of 12 months unless action taken to evict tenant or extend short SST for further one-off period of 6 months

Short SSTs for ASB.....

- **One-off extension of 6 months can only be made where tenant is in receipt of housing support services**
- **Eviction process strengthened:**
 - **Has to have been a breach of tenancy;**
 - **Landlords will have to specify the alleged breach in the Notice of Proceedings;**
 - **Tenant can ask landlord to review a decision to seek eviction under s36 of 2001 Act**

Protection for tenants/applicants

- Landlords must give tenants reasons for converting a tenancy to a short SST on antisocial behaviour grounds
- Landlords must give reasons for seeking repossession of a tenancy (all types of short SST)
- Tenants with all types of short SST have a right (within 14 days of notice of proceedings being issued) to ask landlord to review decision to pursue eviction

Eviction – Criminal Convictions

- **New streamlined eviction process for certain cases where there has been a criminal conviction**
- **Conviction has to be for serious criminal or ASB behaviour in or around social housing and have a serious impact on neighbours/local community**
- **Has to be a conviction for using house illegally or for an offence punishable by imprisonment committed in or in locality of house**
- **Tenant has a right to challenge court action (proportionality grounds)**

When the provisions come in.....

- **Allocations and suspensions, short SSTs, streamlined eviction and recovery of possession of adapted properties (Sections 3–11 and 14-15)**
 - coming into force date 1 May 2019
- **Assignment, subletting, joint tenancies and succession (Sections 12,13)**
 - coming into force date 1 November 2019

Support for Implementation.....

- **Guidance**
- **Training toolkit**
- **Sample template letters for notifying tenants**
- **SSIs amending current statutory notice forms**
- **Revised Model SSTs**
- **Revised Allocations Practice guide being finalised**

What you will need to do.....

- **Publicise the changes**
- **Formally notify tenants**
- **Revise tenancy agreements**
- **Review policies and procedures, application forms and tenancy information**
- **Amend statutory notice forms for SST and short SSTs**
- **Involve and consult tenants and applicants when reviewing policies and procedures**
- **Train staff and tenants on the changes**
- **Establish a review procedure for short SSTs**

Reviewing your Policies and Procedures.....

- **Allocations**
- **Antisocial behaviour**
- **Succession, assignation, sub-letting and joint tenancies**
- **Short SSTs**
- **Tenancy Agreement**
- **Tenants Handbooks, information leaflets and website**

Reviewing your Allocation Policy

- **Planning the review**
- **Training and support-Information and understanding the Allocations Policy and processes**
- **Consultation**
- **Analysis, feedback and reporting**
- **Implementation**
 - IT changes and applicant profiling?
- **Publicity**

What will you review.....

Just the new provisions?

- **Reasonable preference categories**
- **Unsatisfactory housing conditions**
- **Unmet housing need**
- **Under-occupation**
- **Do you want to take Home Ownership into account- and how will this work in practice?**

Or a more comprehensive review?

What will be included.....

- **The Allocation Policy itself**
- **Allocation procedures**
 - application checks?
 - offer process?
 - empty house standard?
- **Application form and letters**
- **Tenant and applicant information**
- **Training**

What the Policy should cover.....

- **What outcomes Landlords want to achieve**
- **Weighting for preferences**
- **Targets, quotas (if relevant)**
- **Practical matters – suspensions, review etc**
- **Local lettings initiatives**
- **Exceptional circumstances**
- **Appeal and complaints**

Consultation- who to involve.....

- **Have to consult with:**
 - Tenants and applicants on the housing list
 - Registered tenant organisations
 - Any other person landlords see fit to consult with
- **Common Housing Registers**
 - Reasonable sampling
 - Work with other landlords on best approach
 - Identify applicants who are likely to become tenants

Consultation- Key Principles

- **Involve tenants and others from the start**
- **Having a wide range of ways to get views in a way that people are comfortable with**
- **Training and support**
- **Involving all**
- **Feedback and implementation**

Reporting on the Review.....

- Legal requirement to prepare and publish a report on the consultation
- Agree with the tenants, tenant groups and applicants involved in the review how this will be done and in what format.
- **Make it easy!** website, newsletter or simply include in the final allocation policy itself.

Policies, Procedures and other information.....

- **Involve tenants and others in the content, design, language and format**
- **Keep it simple – Plain English**
- **Make it easily available in various formats, on request**

**Are you getting ready for
commencement?.....**

Over to you!