

Housing (Scotland) Act 2014

New framework for Social Housing Allocations

Overview

- ▶ Background
- ▶ Key Changes
- ▶ Changes to the Scottish Secure Tenancy (SST)
- ▶ Changes to Short Scottish Secure Tenancy (SSSTs) - Antisocial Behaviour
- ▶ New Reasonable Preferences in the allocating homes
- ▶ Property Ownership
- ▶ What needs to be Reviewed
- ▶ Consultation Process

Background

- ▶ The Right to Buy was abolished for all social housing tenants in Scotland by **Part 1** of the [Housing \(Scotland\) Act 2014](#) on 21st August 2016. This is already implemented and will preserve housing stock for the future.
- ▶ **Part 2** of the Act makes significant changes to some aspects of the law on social housing allocations and management including terms of the Scottish Secure Tenancy Agreement. These new provisions will come into force in **May and November 2019**.
- ▶ It also allows landlords to issue Short Scottish Secure Tenancies (Short SSTs) to address antisocial behaviour, and help homeowners in genuine housing need.

Key Changes -

- ▶ Priority for homeless applicants, households who are under occupying their homes and those living in poor quality accommodation.
- ▶ Landlords will be allowed to take home ownership into account when assessing a housing application.
- ▶ Stronger rules around suspending housing applications linked to anti-social behaviour, abandonment of tenancies and evictions.
- ▶ A standard qualifying period of 12 months for succession, assignments, joint tenancies and subletting.
- ▶ Increased rights for a landlord to take possession of an adapted property where the property is no longer required.

Changes to Secure Tenancy Agreements

- ▶ The Act introduces a number of significant **changes to the rights tenants** have under the terms of their tenancy agreement for both new and existing tenants.
- ▶ From 1 May 2019 onwards landlords will need to use revised tenancy agreements which include the changes made by the Act.
- ▶ Existing tenants prior to May won't need to sign a new agreement - the 2014 Act amends their current Agreement.
- ▶ In the meantime all tenants will receive a copy of the document provided in your pack.

Changes to Secure Tenancy Agreements -

Assignment is one of the ways a tenancy can be legally transferred from one person to another

Subletting - in some circumstances a tenant may let all or part of their home to someone else

Joint Tenancies - including spouses, civil partners and co-habitees

Succession - is the right for someone to inherit a tenancy when the tenant dies

From November 2019 there will be a 2-part test for ALL these requests :

1. The person taking on the tenancy (or wanting to sublet the tenancy) must have lived there for **12 months** prior to the application (*previously 6 months*)
2. The 12 month residency period only starts when the landlord **has been notified in writing**

Changes to Short SSTs - Antisocial Behaviour

From 1st May there is a new ground a for a short SST

- ▶ Landlords will be able to grant a short SST to a new **or existing** tenant if there has been antisocial behaviour within the *previous 3 years*
- ▶ The new ground can be used to convert an existing full tenancy to a short SSST
- ▶ Initial term of 12 months
- ▶ No need for any criminal conviction or other court proceedings
- ▶ Landlords in consultation with tenants will set their own criteria of what type of antisocial behaviour could result in a tenant being given a short SST.

Changes to Short SSTs - Antisocial Behaviour

What type of antisocial behaviour may result in a short SST

- Should be relatively serious Antisocial Behaviour
- Could be persistent low level breaches of tenancy
- Should not be used for minor/one-off incidents
- Work through other methods of managing Antisocial Behaviour first
- Granting the short SST for Antisocial Behaviour is not mandatory

New Reasonable Preference categories to be prioritised in Allocation Policy

Current position

5 categories

- Homeless/threatened with homelessness
- Unsatisfactory housing conditions
- Below tolerable standard
- Overcrowding
- Large family

New position

3 categories

- Homeless or threatened with homelessness
- Unsatisfactory housing conditions
- Under-occupying existing tenants - **New**

And in the first 2 categories, the applicant must have unmet housing needs

Reasonable Preference

Applicants who must be given reasonable preference and prioritised in the Allocation Policy

▶ Homeless or threatened with homelessness with unmet housing needs

(Defined term - someone who has no accommodation in the United Kingdom or elsewhere or who has such accommodation but it is not reasonable for him or her to occupy it)

▶ Unsatisfactory Housing Conditions with unmet housing needs

(Undefined term but intended to cover both:

- *The physical condition of the property*
- *The suitability of the property for the applicant)*

▶ Under-occupying existing tenants - *entirely new category*

(Undefined term - Landlords to set their own standard)

Allocations - Property Ownership

- ▶ The 2014 Act removes the restriction on taking home ownership into account in assessing an application for housing.
- ▶ Landlords will need to decide whether they want to take property ownership into account. If they decide to do so, they will need to set their own criteria within their allocations policy on how they will do this.
- ▶ This can be property owned by the applicant or another member of their household who is currently living with them or someone who is intending to live with them.
- ▶ This is not restricted to property in Scotland or even the UK, but could be any property which is owned by the applicant or person residing with them and includes land (and anything built on that land) as well as actual property itself.
- ▶ There are some circumstances where landlord **cannot** take account of property ownership

What needs to be reviewed?

- ▶ The Allocations Policy and other related policies
- ▶ The Reasonable Preference Categories - what weighting? Can have additional categories but need to justify why.
- ▶ Determine key criteria for the undefined terms
 - ▶ Unsatisfactory housing conditions - *given the removal of the specific tolerable standard and overcrowding categories*
 - ▶ Under-occupying tenants - May wish to link to Universal Credit/housing Benefit standards? Allow a spare room ? In all or in specific situations?
 - ▶ Unmet housing need - 2 elements to this
 - ▶ The circumstances of the applicant
 - ▶ The existing housing options which are available and accessible to the applicant

Allocations Policy

Policy should still contain

- ▶ What outcomes Landlords want to achieve
- ▶ Weighting for preferences
- ▶ Targets, quotas (if relevant)
- ▶ Practical matters - suspensions, review etc
- ▶ Sensitive lettings/local lettings initiatives
- ▶ **Exceptional circumstances**
- ▶ Arrangements for transfer tenants
- ▶ Appeal & complaints

Consultation Process

- ▶ By May 2019 RSL's have to have consulted with:
 - ▶ Applicants on the housing list
 - ▶ Tenants
 - ▶ 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
- ▶ Have to prepare and publish a report on the consultation
- ▶ Have to take account of Local Authority's Local Housing Strategy
- ▶ Have to take account of guidance

The next stage...

If you'd like more information

- ▶ Check the Homes for Life website www.homesforlife.co.uk

There you'll find a Guide for Tenants to the Housing (Scot) Act 2014 and a copy of the changes to the terms of your Tenancy Agreement

or if you'd like to be part of the group of tenants looking at the necessary changes to our Allocation and other policies :

- ▶ Come and speak to me after
- ▶ Drop me an email
- ▶ Give me a ring