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The Housing (Scotland) Bill

Archie Stoddart
Scottish Executive

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Structure of the Bill (1)

Part 1 Housing Standards

Chapter 1 – Housing Renewal Areas

Chapter 2 – Strategic Housing Functions

Chapter 3 – The Tolerable Standard

Chapter 4 – The Repairing Standard

Chapter 5 – Repair, Improvement and Demolition
of Houses

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Structure of the Bill (2)

Part 1 Housing Standards

Chapter 6 – Maintenance

Chapter 7 – Right to adapt rented houses to meet the needs of disabled applicants

Chapter 8 – Supplemental provisions, including appeals

Chapter 9 – Interpretation

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Structure of the Bill (3)

Part 2 Scheme of Assistance for Housing
Purposes

Part 3 Provision of information on sale of a
house

Part 4 Licensing of Houses in Multiple
Occupation

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Structure of the Bill (4)

Part 5 Mobile Homes

Part 6 Amendment of criteria used to assess suitability to act as a landlord

Part 7 Rights of entry

Part 8 General and supplementary

Plus 6 schedules

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Part 1

Housing
Standards

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A definition

- Sub-standard =
 - Below Tolerable Standard
 - In a state of serious disrepair
 - In need of repair and if nothing is done will deteriorate rapidly into serious disrepair or damage other premises

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Housing Renewal Areas (1)

Housing Renewal Area may be declared by local authority if:

- A significant number of houses are substandard
- Appearance or state of repair of houses is damaging the amenity of the area

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Housing Renewal Areas (2)

- Policy set out in Local Housing strategy
- Resolution process similar to HAA
- Draft resolution – published and consulted on
- Scottish Executive approval
- Where work notice served these are the subject of individual appeal procedures

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Strategic Housing Functions

- LHS specific purpose ‘improves the standard of housing in the authority’s area’
- LHS must set out:
 - Strategy for BTS
 - Policy for identifying HRA areas

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The Tolerable Standard

Tolerable Standard amended to include:

- Basic thermal insulation
- Safe electrical insulation
- Waterless closet

Expert advisory group to draw up criteria

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The Repairing Standard (1)

- Applies to almost all tenancies apart from SST and short SST
- Combines parts of Schedule 4 of 2001 Act with extended current standard
- Landlord must meet standard throughout tenancy
- Tenants have right to enforce through Private Rented Housing Panel

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The Repairing Standard (2)

- PRHP based on Rent Assessment Panel
- Private Rented Housing Committees to hear cases
- Power to issue repairing standard enforcement order – work to be done and timescale
- Enforcement through rent relief order
- Offence to enter into new tenancy
- Local authority can enforce

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Repair, Improvement and Demolition of Houses (1)

- LA can issue work notice requiring owner to carry out work on house:
 - to implement an HRA action plan, or
 - to remedy the faults in a sub-standard house
- Notice includes work required and timescale and may specify steps to be taken
- Notice may be suspended for health reasons

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Repair, Improvement and Demolition of Houses (2)

- LA can serve demolition notice on a house in serious disrepair in an HRA
- LA can carry out work or demolition if owner fails to comply, including unforeseen additional work, and recover costs
- LA can require occupants to move. It is then an offence for new occupants to occupy or to permit this occupation

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Maintenance (1)

- LA may make maintenance order requiring owner of a house to prepare a maintenance plan lasting for up to 5 years
- Order can be served where
 - benefit from enforcement action reduced or lost because of lack of maintenance, or
 - house has not been, or is unlikely to be, reasonably maintained

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Maintenance (2)

- Maintenance plan may be required jointly from owners where there are two or more houses in premises, and may include common parts
- Such a plan may require a maintenance account and a property manager
- LA may approve or modify plan, require a new one, or draw up one itself
- LA may implement a plan if owners fail to do so

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Maintenance (3)

- Where one owner does not pay allocated share towards maintenance work (whether required by LA or agreed by majority of owners), the other owners can ask the LA to deposit the missing share

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Right to adapt rented houses to meet needs of disabled occupants

- Tenant may carry out work to meet needs of disabled occupant
- Applies to any tenancy other than SST
- Requires landlord's consent, which must not be unreasonably withheld
- Landlord may impose reasonable conditions, which may include reinstatement.

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Part 2

Scheme of Assistance for Housing Purposes

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Scheme of Assistance for Housing Purposes (1)

- LA may provide assistance for a range of work, repair, maintenance, and adaptation relating to houses
- Range of assistance, including
 - Advice or information
 - Practical assistance
 - Loans – standard or subsidised
 - Grants

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Scheme of Assistance for Housing Purposes (2)

- LA must publish criteria for what type of assistance will be provided when
- Ministers may issue directions and guidance

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Scheme of Assistance for Housing Purposes (3)

- LA must provide assistance
 - to carry out work when a work notice is served
 - to adapt a house to meet the needs of a disabled occupant
- LA must provide a grant to provide a standard amenity for a disabled person

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Scheme of Assistance for Housing Purposes (4)

- LA may make payments to a not for profit lender which will make loans to individuals
- LA has powers to improve the amenity of an area, including providing assistance

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Part 3

Provision of Information on Sale of House

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Provision of Information on Sale of House (1)

Aim to address:

- Quality of information to prospective buyers
- Multiple surveys
- Artificially low upset prices

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Provision of Information on Sale of House (2)

- A person who is responsible for marketing a house that is on the market must possess the prescribed documents for that house
- Those documents must be provided on request to a potential buyer
- Duty ends when house no longer on the market
- A seller is not responsible for marketing the house if an agent is doing so

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Provision of Information on Sale of House (3)

- Agent must have documents on telling any person that the house is or may be for sale, although it is not on the market
- Ministers may make regulations to prescribe documents – could be more than survey
- Regulations may exempt certain categories

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Provision of Information on Sale of House (4)

- Enforcement by weights and measures authorities
- Breach of duty will lead to service of penalty charge notice
- Regulations may prescribe additional information on house condition to be provided to RTB purchasers

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Part 4

Licensing of Houses in Multiple Occupation

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Licensing of Houses in Multiple Occupation (1)

- Re-enacts licensing system in primary legislation
- Ministers able to specify types of HMO that an LA can exempt from licensing
- Ministers able to specify licensing conditions
- Ministers may make provisions about fees

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Licensing of Houses in Multiple Occupation (2)

- Licences last for 3 years
- LAs can grant temporary exemption orders
- LAs can order that no rent payable in unlicensed property

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Part 5

Mobile Homes

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Mobile Homes

Amends existing legislation to extend protection for occupiers of mobile homes who let stances:

- Written statement before letting agreement
- Age of mobile home not to be regarded in itself as having detrimental effect on site
- Site owner to have 28 days to consider assignee
- Ministers can amend implied terms
- Harassment of occupiers an offence

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Part 6

Amendment to criteria
used to assess suitability
to act as landlord

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Amendment to criteria used to assess suitability to act as landlord

- Ministers will have power to issue Letting Code, setting out standards of management for landlords and agents
- LAs will take this Code into account in deciding if someone is a fit and proper landlord under the Antisocial Behaviour etc (Scotland) Act 2004
- Code only issued if existing powers not working.

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Part 7

Rights of Entry

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Rights of Entry

- Sets out rights of entry to land or premises for LAs, Private Rented Housing Committees, owners, landlords and the police
- Includes right to enter adjacent land and premises
- Sheriff or JP may issue warrant authorising exercise of right of entry

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Costs – Financial Memorandum

Estimated additional costs per annum

- Local Authorities - £3 million
- Private Sector panel – £700,000 to £800,000
- House Sales – up to £35 million (£22m surveys and £13m legal costs)

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Bill Progress

- Introduced 7 March 2005
- Communities Committee Evidence gathering – Minister gave evidence 25 May
- Stage 1 debate by July 2005 – before recess