

Briefing for Stage 1 debate of the Housing (Scotland) Bill

Shelter Scotland supports the Housing (Scotland) Bill and its aim of improving the value of social housing and safeguarding its supply. But we also think the Bill should be strengthened to improve the way homeless households are supported to maintain their tenancies.

In 2003, the Scottish Parliament made a commitment that anyone who is unintentionally homeless will have the right to a permanent home by 2012. With less than three years to go this Bill offers the last major legislative opportunity to ensure that we deliver that internationally acclaimed commitment.

Shelter Scotland believes that giving the groundbreaking right to keys to a home by 2012 should be accompanied by access to the necessary support to keep that home. Shelter Scotland is calling on the Scottish Government to amend this Bill to ensure that people who are assessed as homeless have their housing support needs assessed and receive the support they require.

Better Support

- Shelter Scotland proposes that the Bill be amended to allow for better support for homeless people with the aim of sustaining tenancies. This means that anyone who registers as homeless should receive a simple assessment of their support needs. They would then be directed towards relevant advice and support services to meet their support needs to prevent repeat homelessness and minimise the impact of homelessness.
- This amendment would ensure equal treatment of homeless households no matter where they are housed. There is already legislation in place for homeless households housed in the private rented sector which states that their support needs must be met. There is also a statutory definition of housing support services in section 90(8) of the Housing (Scotland) Act 2001.
- This proposal is supported by organisations including Capability Scotland; Barnardo's Scotland; Scottish Churches Housing Action; Quarriers and Quarriers VIP group; SAMH; One Parent Families Scotland; Scottish Youth Parliament; Impact Arts; Scottish Veterans' residences on behalf of Veterans Scotland; Tenants Information Service; and Scotland's Commissioner for Children and Young People.
- Housing support makes a difference and is cost effective. Scottish Government funded research on Fab Pad in North Ayrshire, a project to help young homeless people to settle and keep their home, found that for every £1 invested in the project, a social return of more than £8 was realised. Shelter Scotland recognises the pressure that local authority budgets are under but believes that this proposal can be implemented by getting better value for money from existing support budgets.
- This is the last legislative opportunity to ensure that Councils are doing all they can to meet the 2012 commitment.

A more detailed Shelter Scotland brief on Better Support is available [here](#).

Additional Shelter Scotland proposals

Shelter Scotland has also set out a series of proposals for the Bill which we believe would improve the way that homeless households are referred for housing between local authorities and RSLs; ensure evictions for rent arrears happen only as a last resort; and protect tenants of private landlords. Shelter Scotland will look for the Bill to be amended as it progresses.

Homelessness referrals

Shelter believes that all statutory homeless referrals to registered social landlords should be dealt with on the same basis using the powers within the 2001 Act. More information is available [here](#).

Pre-action requirement for evictions

Social landlords should have to demonstrate that they have complied with certain requirements before being granted a decree for eviction of a tenant for rent arrears. This would give tenants of social landlords the same protection as home owners have been given in the Home Owner and Debtor Protection (Scotland) Act 2010. More information is available [here](#).

Unauthorised tenants

Shelter believes that if a private tenant is paying rent in good faith then they should not lose out as result of failures on the part of their landlord to a) inform their lender that the property was being let and b) to pay the mortgage. Shelter supports action to ensure that when repossession is sought in these circumstances, the tenant is given due notice under tenancy law to end the tenancy. We support the recommendations of the Scottish Government Working Group. More information is available [here](#) and the working group's report can be accessed [here](#).

Right to Buy

Shelter Scotland strongly supports the reform of Right to Buy in this Bill - that all new tenants and newly acquired or built houses should be exempt from Right to Buy. These measures are necessary and timely. Scotland has 155,700 households on waiting lists across Scotland and 40,000 households registered as homeless last year. We need to pursue all solutions which will protect and create more affordable homes.

Scottish Housing Regulator and Scottish Housing Charter

Shelter Scotland is pleased that the new Scottish Housing Regulator will still be responsible for the standard of homelessness services. But we believe that regulation must be used to drive up standards in local authority homelessness services. We support the recommendation in the Committee's stage 1 report for further explanation from the Scottish Government on how this will be achieved with a system of regulation that relies heavily on self assessment.

For more information please contact **Debbie King**, Public Affairs Officer, 0344 515 2447, debbie_king@shelter.org.uk or **Murdo Mathison**, Campaigns & Public Affairs Manager, 07917 603009, murdo_mathison@shelter.org.uk