

Consultation response

Response to proposals for a private sector housing bill

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Shelter

Response to proposals for a private sector housing bill

Shelter welcomes the proposals for legislation covering the private sector in Scotland. Since devolution the legislative focus has overwhelmingly been on changes to the landscape of social housing, with little attention paid to the private sector. While this may suggest an assumption among policy makers that the operation of the private sector has been unproblematic in recent times, the profile of the sector shows this is not the case. The Scottish House Condition Survey (SHCS) shows a sector containing physical and management standards falling far short of standards needed for people in Scotland in the 21st century. The 2002 survey found that approximately 20,000 houses in Scotland (1% of the total) fall below even the very dated Tolerable Standard, and about 494,000 (32%) require at least one urgent repair. The SHCS therefore highlighted that there are significant issues around defects and disrepair in Scotland's housing stock. It also showed that the majority of homes in both the public and private sectors would not meet the new Scottish Housing Quality Standard.

Our response focuses largely on proposals to improve physical standards across the sector; to enhance the operation of the private rented sector and proposals relating to mobile homes. However, we make points relating to the impact of introducing sellers' surveys on those who may wish to exercise their Right to Buy.

The following principles are fundamental to developing proposals for a Private Sector Housing Bill:

- A healthy private sector is important for the functioning of the housing market as a whole. It should be easy to enter and remain in the private rented sector, and the sector should be recognised as providing an opportunity to house those who cannot access social housing or buy their own home.
- Policy makers have by and large viewed the private rented sector as a small sector that provides for households on a transitory basis, before they enter owner-occupation. In contrast to England, the private rented sector has not increased in size, with the only real growth in the last ten years being in the major cities. However, the lack of affordable housing in the social rented sector, and the increase in house prices have meant that many more people are turning to the private rented sector to be housed. These fairly recent trends have increased the need for more active government engagement to create a thriving private rented sector.
- The continuation of an unregulated private sector throughout the late 1990s resulted in a weakening of the relationship between private landlords and the public sector. Landlords viewed regulation as a threat to business opportunities and there was a continuing perception of landlords as being purely motivated by making money. The

evaluation of the HMO Licensing scheme by the Communities Committee has shown that many landlords are suspicious of plans to regulate as a result of their experiences of licensing. Of course neither caricature is wholly accurate, but a debate on the private rented sector must respond to landlords' concerns; balancing that with the legal rights of tenants and the long-term health and reputation of the sector.

- Physical conditions within the private sector should not be viewed in isolation from broader housing policy. Concentrations of disrepair can lead to abandonment of properties, low demand and market failure. This housing bill could include a number of provisions to prevent and respond to these housing problems. A focus on area renewal, the introduction of Compulsory Leasing for Empty Homes, and the creation of a thriving private rented sector could provide many areas of Scotland with a new lease of life.
- For over a generation, people living in mobile homes have had far less security than those living in permanent structures. However, current legislation makes a distinction in rights between those who own and those who rent their mobile homes. Public policy must accept the principle that anyone who rents a mobile home should have the same rights as those who rent permanent structures.

Defects and disrepair

Shelter welcomes the policy focus on the physical standards of owner occupied accommodation. There is a welcome recognition that while owners possess capital in the form of a home, they may not have funds readily available to maintain that home. The measures proposed also reflect the reduction in the level of money spent by councils on grants to private owners following the removal of ring fencing of the Non Housing Revenue Account in 1996. The steps proposed are practical alternatives to the current system, which has, in effect, been unworkable for some time.

Under the current system, mandatory entitlement to financial assistance from the local authority creates a perverse disincentive for local authorities to apply notices, as well as for owners to carry out work by their own means. Removing the mandatory entitlement to assistance will establish a system that more accurately reflects need, both in terms of the nature of that need, financial or otherwise, and who should receive it. We also welcome the emphasis given to the provision of advice for homeowners.

However a balance must be maintained between compelling owners to maintain their home when they have simply refused to keep up with repairs, and introducing proposals that could force households into debt, potentially resulting in people losing their home. Shelter supports in principle the proposal to introduce Maintenance Orders; preventing disrepair will have a significant impact on the physical standards within future housing stock. However, we are concerned that the proposals do not contain sufficient safeguards

for those households who simply cannot afford repair work to be carried out on their home. Rising house prices have forced many households to take out large mortgages, and an increasing amount of their income will be spent on housing costs. Less may therefore be available for maintenance of housing. In this situation, the serving of a maintenance order would place the household in further debt. **Shelter recommends that, subject to a means test, mandatory assistance in the form of loans is made available to those households with maintenance orders.** The loans will ensure that work is carried out, and disrepair is prevented, without the household entering into more commercial debt, or possibly losing their home in the future.

Empty Homes

Focusing on prevention and resolution of disrepair will have a positive impact on future standards in owner-occupied accommodation. However there are still a large number of properties that, for various reasons, are already beyond use. At present there are 87,000 empty homes in Scotland; 23,000 are long-term vacant, 41,000 are transitionally vacant, and little information is known on the rest. So while the majority of empty properties are empty for weeks or months, there is a significant number that are beyond use for long periods. There have been a number of schemes in recent years such as the Empty Homes Initiative that were somewhat successful at responding to the issue of empty properties, but they have not given local authorities the kind of statutory powers they require to bring a property back into use. **A legislative opportunity exists with the private sector housing bill, to make it easier for local authorities to bring private sector properties back into use.** Bringing empty homes back into use should be part of a wider programme of government initiatives that includes tackling low demand and market failure, ensuring all homes meet a decent standard, and increasing the availability of affordable homes.

A concentration of empty homes in a community represents waste in terms of unmet housing need. Even in small pockets of one or two properties, empty dwellings represent a very visible sign of policy failure and can undermine the credibility of the local housing strategy. Preventing such concentrations is particularly pertinent given the shortages of affordable housing across parts of Scotland. Properties lying empty for long periods of time can also attract acts of vandalism or antisocial behaviour. Large concentrations of empty homes, as is the case in some parts of Glasgow, can rapidly turn an area perceived to be attractive into one in which no one wants to live. **The Scottish Executive should use this legislative opportunity to give local authorities the power to compulsorily lease empty properties that owners are unwilling or unable to bring back into use.** The orders would not give the local authority an interest in the ownership of the property, but rather allow them to control how they are brought back into use. They would give the local authority management and maintenance responsibility for the property for a set

period. This would allow the authority to use the property to accommodate a household in priority need, or on its housing waiting list. Later in the paper Shelter proposes that the number of empty homes in a given area should act as one of the criteria for triggering a Market Renewal Area. This approach would allow local authorities to monitor and respond to concentrations of empty homes in a strategic manner.

The Tolerable Standard

Shelter welcomes the proposed changes to the Tolerable Standard. The following points relate to the detail of the proposals:

- The consultation does not propose adding the criterion of serious disrepair to the new Tolerable Standard, despite the proposals on Area Renewal rightly taking into account the concentration of homes in serious disrepair. Serious disrepair can cover a large number of situations and can include dangerously damaged staircases, masonry which is likely to fall off and injure someone, and surfaces that are incapable of being cleaned to a satisfactory standard. Shelter questions the logic of having a policy focus on the issue of serious disrepair, yet omitting the criteria from the new standard. Housing policy must accept that if a home is in serious disrepair, it is below a standard that is viewed as tolerable in the 21st century. The English Fitness Standard does include this criterion, and it has had a significant impact in the level of serious disrepair in the overall housing stock in England. According to the English House Conditions Survey, 45.5% of homes that fail the fitness standard have serious disrepair. 24% of homes fail the standard on the basis of serious disrepair alone. If a similar figure were to be evident in Scotland it would result in 5000 additional homes failing the standard. It would be helpful if the Scottish House Condition Survey database could be interrogated more fully to produce estimates of how many homes might fall below the standard if serious disrepair were to be introduced. **If the Scottish Executive genuinely wants to tackle disrepair in Scotland's housing stock, the appropriate policy response would be to add serious disrepair to the criteria making up the new Tolerable Standard.**
- The new tolerable standard based on the Executive's proposals, would result in a number of new properties falling below the standard. It is vital that the Executive continues to measure those homes that fall below the current standard, so that there is an ongoing onus on improving those properties.

Area Renewal

Shelter welcomes the proposal to replace Housing Action Areas with Housing Renewal Areas, and the acknowledgement in the consultation of the link between concentrations of poor housing quality, falling house values and low demand.

- While we welcome the proposal for Housing Action Areas, lessons must be learned from the establishment of Housing Market Renewal Pathfinder areas in England. Accepting that the pathfinders were set up to tackle much broader problems within areas, along with a budget of £500 million, there are still a number of problems that could be replicated in the establishment of Housing Renewal Areas. A climate of speculation has developed in the pathfinder areas, resulting in private investors buying up large number of properties, and an increase in the number of households exercising the Right to Buy. While such market activity may be welcomed in areas of low demand, it has had the effect of artificially inflating house prices, and making properties less affordable in a given area. It has also resulted in an increase in the number of homeless applications from former tenants in the private rented sector who have been evicted by private sector landlords wishing to sell the property. Local authorities have also reported lower turnover in housing stock, as those who may have left this sector for owner occupation can no longer afford to do so. Housing Market Renewal Areas, while being set up with the laudable goal of improving standards in an area, could ironically result in a decrease in the affordability of homes, and outward migration of current residents. In addition to Local Housing Strategies, steps should be in place in to regularly monitor changes in housing affordability in Housing Renewal Areas.
- As Housing Market Renewal areas are to be established with a genuine focus on area renewal, additions are required to the set of criteria that could act as a trigger for Housing Renewal Area status. The first relates to a concentration of abandoned (long-term empty) properties. The consultation recognises that the presence of these properties is a symptom of concentrations of poor quality housing. Adding abandoned properties to the criteria would significantly contribute to area renewal and as mentioned earlier, alongside local authority powers to compulsorily purchase, would allow for a more strategic approach to long-term empty properties. The second criteria relates to the physical condition of the external environment in which properties are located. Shelter proposes that where there is a concentration of properties the *immediate* external environment of which is in disrepair, Housing Area Renewal status should be presumed. The criteria should include disrepair in the immediate external environment of properties, e.g. communal areas, such as gardens, stairwells, play areas.

Sellers' Surveys

Shelter welcomes the proposals to increase the information available to house buyers. However, we oppose the proposal to exempt houses being sold under the Right to Buy. Households exercising their Right to Buy are often unaware of the costs associated with maintaining a house, and inadvertently get into debt when they discover after the sale that a level of structural maintenance is required. Furthermore, research carried out by Scottish Homes in 1999 predicted problems with the condition of Right to Buy properties

in the future, as social landlords give less priority to the process of ensuring that these properties are maintained, and owners have little knowledge about the condition of the property¹. Ensuring that houses sold under the Right to Buy are included in the proposals will meet the policy objective set by the Scottish Executive; to increase the information received by home buyers. It is our view that households exercising the Right to Buy require as much information as possible on the home they are purchasing, and for this reason Shelter opposes the suggestion of exemptions for this group.

Improving Standards in the Privately Rented Sector

The repairing standard for private landlords

The rights and responsibilities of both tenants and landlords in relation to disrepair lie in common law, statute and in the lease or contract. The proposals in the consultation paper will place existing common law obligations on private landlords into statute, as well as expanding some of the provisions of Schedule 4 of the 2001 Act so that they apply to landlords in the private rented sector. Shelter welcomes this focus on standards in the private rented sector. However, these new obligations largely embed in statute what is already in common law, and while they will increase the repairing obligation, they may not, in themselves make radical improvements to standards in the private sector. At present, private tenants are usually in the weakest bargaining position of all tenants; and face difficulties in getting landlords to carry out repairs. Many tenants are afraid that requests for repairs will result in an end to their tenancy. In practice, the success of the new statutory structure therefore depends on the capacity of tenants to hold landlords to account if repairs are not carried out. For this reason, the success of the Private Sector Housing Tribunal is paramount in ensuring that landlords meet basic repairing standards in the private rented sector.

However the question remains as to what measures are required to radically increase physical standards in the private rented sector. As physical and management standards are inextricably linked, Shelter believes that the answer lies in:

- Ensuring greater management standards
- Giving tenants greater redress

¹ Leather, P. and Anderson, K. *The Condition of Former Right to Buy Properties*, Scottish Homes, 1999.

Ensuring greater management standards

Extending some of the provisions of Schedule 4 of the Housing Act 2001 to private landlords will ensure that landlords carry out repair obligations, and will prevent disrepair by ensuring a repair inspection is carried out before the tenancy begins. In many ways, these provisions relate as much to increasing management standards, and to how a property is run, as they do to ensuring better physical standards. This is a key point; **improving physical standards cannot, and should not, be looked at in isolation from how properties are managed.** A property in poor physical condition is very often a poorly managed property.

The Housing Improvement Task Force felt limited by its remit to include only issues of physical improvement; the Housing Bill faces no such constraint and should view improvement of both physical standards and management standards as part of the same thrust. If it is possible to insert a national registration scheme for private landlords into a bill on anti-social behaviour, it is surely possible for the proposed housing bill to consider issues of management in private rented sector.

Greater management standards would also ensure that the new repairing obligations on landlords actually work. Statutory standards for repair should be coupled with minimum standards of management; this is why we would welcome the introduction of legislation that would require landlords to include a statement of repairing obligations in a written lease.

The challenge facing policy makers is how best to secure these management standards, making them workable for both tenants and landlords.

- HMO licensing has clearly had a positive impact on the physical condition of many HMOs, as well as on management standards within these HMOs. However, standards are inconsistent across the country because local authorities can apply the Scottish Executive Benchmark Standards as they wish. HMO licensing aside, there is still a significant part of the private rented sector without a basic standard for physical condition or management. The Antisocial Behaviour Act has to some extent plugged the gap by establishing a registration scheme that requires all landlords to be a 'fit and proper person' in order to trade. However, the test relates mainly to the landlord's previous criminal record, and does not relate to how he has previously operated as a landlord (with the exception being that he should not have broken any housing laws²), nor does it set standards for how the individual should operate as a landlord in the future.

² It remains to be seen if the application of the 'fit and proper person' test actually contains a meaningful assessment of the landlord's ability to manage property.

So we now have one system (HMO licensing) that requires some landlords to meet basic standards, and another that will ensure that all landlords pass a criminal check in order to trade. Moreover, the proposals regarding HMOs will increase the disparity between the nature of HMOs and other private rented properties, because the Scottish Executive could replace the current Benchmark Standards with minimum mandatory standards by regulation.

Added to this are the voluntary accreditation schemes through which some landlords are encouraged to increase standards, and in return, can advertise to potential consumers (tenants) that they meet these standards. While public policy is slowly moving in the direction of better management standards within parts of the private rented sector, the various initiatives imply a piecemeal approach in response to various different policy objectives. There is a real risk that unless a single approach is applied across the sector, the system for operating physical and management standards will become unwieldy. In such a system, offending landlords could fall through the gaps between schemes.

The registration scheme for private landlords has provided local authorities with a mechanism for contacting every private sector landlord in the area. Policy development on the bill must therefore consider how to best use the registration scheme for achieving other private rented sector policies. Shelter believes that the system of registration can be built on to introduce a basic physical standard and minimum standard of management for private sector properties. We have been developing our more detailed proposals so that the new system of standards, including management standards, will dovetail with the enhanced consumer rights offered through the Private Rented Tribunal. We intend to submit fuller proposals to the Executive but would also welcome the opportunity to talk them through first.

Building on the registration scheme would bring about a private rented sector with a minimum management standard (which the vast majority of landlords would already meet); a basic physical standard, and better conditions over time due to the new repairing obligations, with legal redress for tenants through the Private Rented Sector Tribunal.

We are also keen to exploit the opportunities that registration might bring to collect more comprehensive data about rents in the sector. This will be essential if the UK government is to roll out its current pathfinders on local housing allowances in the sector. If such allowances are to become the norm they need to be based on accurate information about rents in quite specific market areas.

Some landlords may wish to increase physical and management standards further. In these situations, accreditation schemes will allow landlords to increase standards and advertise their improved service as a result. Accreditation works on the assumption that market forces provide incentives for landlords to increase physical standards, and that landlords will view the scheme as a way to market properties to tenants requiring certain standards. However, many cities have an undersupply of various forms of private rented housing. Landlords in these areas will not be financially rewarded for increasing standards as the lack of supply means that their properties will be rented anyway. We strongly support accreditation schemes, but see them as a tool for improving property of an already average standard rather than driving up standards at the bottom end of the market.

Giving Tenants Greater Redress

Shelter welcomes the policy principle in the consultation that tenants should have better legal redress in situations where landlords evade their repairing obligations. Shelter supports the development of the Rent Assessment Committee model, but has a number of concerns about how it would work in practice. Firstly, the remit of the Tribunal under the consultation's proposals would only cover instances where the landlord has not met repair obligations. Shelter fails to see the logic here; the improvement of physical standards is so dependent on good management standards that the powers of the Tribunal would be severely restricted under the current proposals. It would create a situation where a tenant approaches the Tribunal because her landlord had failed to repair a broken gutter, and was also refusing to give her a written lease. In such a situation, the landlord's behaviour in relation to the refusal to carry out repairs could be dealt with, but the serious tenancy related issue would be left alone because of the limited remit of the Tribunal. If situations like this become the norm, the work of the Tribunal will be undermined in the eyes of tenants. **We strongly recommend that the Tribunal cover management as well as physical standards on grounds of effectiveness. In practice this would mean expanding the Repair Standard to become a Management Standard.**

Secondly, the level of knowledge both among the public and among housing practitioners regarding the Rent Assessment Committee is low. Significant resources are therefore required before a developed RAC could meet the level of service required. Part of these resources should be set aside to publicise the new Tribunal. One of the benefits of registration is to open up a possible avenue of communication with all landlords: this could be used to publicise the Tribunal as a whole but also the decisions it takes- thus ensuring that the relatively small number of determinations that the Tribunal will take will have a much bigger impact on practice. The Tribunal itself will need to draw on a bigger pool of suitable qualified people to act as members.

Thirdly, the success of the Tribunal depends on the tenants' bargaining power within the lease. Many tenants on a short assured tenancy may be fearful of losing their tenancy if they complain about their landlord, and as a result will not consider taking their landlord to a Tribunal. An opportunity is being missed to look at the operation of the short assured tenancy; a policy focus on this tenancy coupled with the Tribunal would give tenants the greater bargaining power they need.

Introducing a national custodial scheme for holding rental deposits, and resolving disputes

The consultation rightly recognises the need for a thriving private rented sector for Scotland. Shelter believes that for this to happen, entry to the private rented sector should as straightforward as possible. Research has shown that there are two main inhibitors to entering, and staying in, the private rented sector.

- The first relates to the financial inability of prospective tenants to pay a rental deposit. This was recognised by the Homelessness Task Force that recommended that each local authority in Scotland develop a scheme to provide low-income tenants with a cash deposit or a guarantee of payment of a rental deposit. Rental deposit schemes have increasingly been recognised by policy makers as a useful way to help local authority and housing association tenants obtain other accommodation when necessary. Many local authorities have included provision for rental deposit schemes in their local homelessness strategies. However, the success of these schemes is not assured, as they are dependent on landlords agreeing to take part in the scheme, and on local authorities or voluntary agencies being able to provide funding. They are also generally operating on a very small scale.
- Many households are inhibited from staying in the sector because of the potential for disputes over non-return of rental deposits. A household living on a low income could face homelessness if the rental deposit is not returned. Research has shown that the majority of households are unaware of their right to take a landlord to court over this issue, and even when they are aware, are unwilling to do so³. This is compounded by a lack of legal clarity over the issue of rental deposits. Shelter views this bill as a major opportunity to rectify and improve the law in this area.

³ Buck, B. *Access to Lets: A Future for Rent Deposit Schemes in Scotland* Shelter Scotland, 2002.

We recommend that an approach be developed on the basis of the well-established scheme in New South Wales, Australia.

In 1977, the New South Wales Bond Board was set up to administer a national custodial scheme for rental deposits. All bonds, or deposits, are lodged with the Board within seven days of the start of the tenancy, with non-compliance punishable by fines. The Board is self-financing from the interest made on the bonds held; funds are also available from interest to help finance dispute resolution. At the end of the tenancy, either or both parties can apply to the board for the return of the deposit. Where there is agreement, payment is made immediately. Where the parties disagree, the matter is referred to a tribunal that meets within two weeks. The Board makes payment on the basis of the decision of the tribunal.

The New South Wales Scheme has been extremely successful and has been adopted in other parts of the world. The government in Westminster is currently considering introducing of such a scheme as part of the English Housing Bill.

We recommend that the bill:

- Introduces a national custodial scheme for Scotland that would hold rental deposits, and resolve disputes over rental deposits. There may be scope for the Private Rented Sector Tribunal to develop its role to resolve disputes. The success of the Australian model is based on the short length of time it takes (a matter of weeks) to resolve disputes over deposits. The Tribunal or other mechanism for resolving disputes must have sufficient capacity to meet demand in a short time period.
- Provides a definition of a deposit, which would reduce the number of disputes at the end of a tenancy over whether the deposit should be kept by the landlord or not.

It is clear that more funding is required for local authorities to develop schemes that would provide cash deposits or guarantees to help households enter the private rented sector. However, this issue is outwith the scope of legislative proposals. What the bill could do, however, is establish a scheme that would help people *stay* in the private rented sector; preventing homelessness by decreasing the number of households who are unable to find a home because they have lost their deposit illegally. It would also increase confidence in low-income families in the sector, giving them, and landlords, the protection they need by setting up a dispute resolution system over the issue of rental deposits.

HMOs

Previous research into the discretionary HMO Scheme has expressed doubts about civic government legislation setting out procedures to deal with HMOs⁴. When the mandatory scheme was introduced, the Scottish Office consultation recognised that future legislation may be required. Shelter welcomes the intention of the Scottish Executive to legislate specifically for a HMO scheme, rather than the current system that licenses the activity of letting property. However, it is unclear from the consultation whether the bill is viewed as an opportunity to review how the HMO licensing system works in practice and rectify some operational problems. It is our view that the new legislation should cover the following:

- Resolve the problems faced by local authorities in identifying HMO landlords operating without a licence. Shelter has always considered arguments regarding the need for risk assessments of HMOs rather than an inspection regime as useful to the debate. However, we have been restricted in providing a detailed view on whether risk assessment is a way forward, because of the previous remote possibility of primary legislation for HMOs. Shelter recommends that regulations arising from the legislation should give local authorities greater powers to identify landlords who are not complying with the scheme. It may also be worth viewing this as an opportunity to consider how to better encourage landlords to operate within the scheme, and whether incentives could be built in to the scheme. Legislation should also include provision to increase awareness among tenants of their tenancy rights.
- Use the regulations arising from legislation to set out management or physical standards, in effect ensuring that each local authority applies the Benchmark Standards produced by the Scottish Executive consistently.
- The legislation should give the Executive, rather than local authorities, the opportunity to set fees. Shelter supports this view, as local authorities have felt the tension between the need to set high fees in order to put systems in place to ensure landlords comply, and the need to keep landlords within the market.

In general, Shelter supports the proposal to develop HMO specific primary legislation but seeks clarification on what regulations arising from legislation would cover. We would like clarification from the Scottish Executive on:

- Whether it would use this legislative opportunity to extend the range of properties exempt from the scheme

⁴ Currie, H. Third, H. and Satsangi, M. *Good Practice in the Use of Licensing Schemes for Houses in Multiple Occupation*, Central Research Unit, 1998

- Why the decision regarding which category of HMO property should be licensed is being given to local authorities, when currently the decision rests with the Scottish Executive and it is not clear that this system causes any problems. We would also ask for more information relating to the proposal that the Scottish Executive be given the power to prescribe mandatory conditions of a license.

Mobile Homes

The issue of mobile homes is pertinent within this consultation as, like the private rented sector, they are a form of accommodation often used by households as a last resort, when they cannot secure housing either in the social housing or private sectors. We have a number of comments to make:

- Shelter is concerned that the proposals in the consultation are based on the Park Homes Working Party that has covered England and Wales. A profile of mobile homes use in England shows a sector of high quality and well-maintained sites. Basing proposals on the Park Homes Working Party report does not generally reflect the differences in Scotland; climate, the age profile of residents, the different tenure split, the differences in quality of units and in particular the prevalence of mobile home use in the crofting counties.
- We welcome the proposal to give ministers the power to add vary or repeal Schedule 1 of the 1983 Act. We believe that this should be used to scrap the rule arising from the 1983 legislation that gives site owners entitlement to 10% of the sale of a mobile home on their site. Such a rule would be inconceivable on bricks and mortar homes and increases the possibility of homelessness for a household on a low income.

Our major concern regarding the proposals relate to their limitations. The consultation, like the most recent legislation in 1983, relates narrowly to those who own a mobile home and let a space, and not to those who live in a mobile home that is rented. Mobile home renting is quite common in the historical crofting counties. Shelter proposes that the bill also covers these households, and makes a number of proposals to strengthen their rights.

The most recent legislation covering mobile homes in Scotland dates back to 1983. However, like this consultation, it did not provide for households renting mobile homes. Security of tenure for households to rent mobile homes falls far short of that for those in bricks and mortar homes, and is covered by legislation dating back to 1975. That, coupled with the low level of knowledge among residents of their legal rights, puts households in a very weak bargaining position. For this reason, a policy focus is required which would finally provide legal protection for the thousands of households in Scotland renting a mobile home as their primary residence. The private sector housing

bill should rectify the legal disparity between those renting mobile homes, and those who own them. It should ensure that households renting mobile homes have defence against eviction, are afforded protection under the Rent Acts, and are given the same security of tenure as those renting permanent structures.

Almost ten years ago, Shelter Scotland and CoSLA hosted a seminar on the issue of mobile homes, in which Shelter called for three changes to the legal framework on mobile homes:

1. That the provision of the 1960 Act should be made mandatory. This would ensure that model standards on mobile homes, which were then issued by the Scottish Office, were mandatory.
2. That those renting mobile homes should have security of tenure equivalent to those renting permanent structures.
3. That the anomalies of the 1983 Act for owners are rectified. The provisions of the 1983 Act are those that the Scottish Executive has proposed to reform in this consultation.

Only one of the recommendations made ten years ago would be met by the proposals for this private sector housing bill. A bill for the private sector provides an opportunity to meet the other two recommendations, and bring mobile homes legislation up to date for the thousands of people living in this form of accommodation in Scotland.

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