

SCOTTISH GOVERNMENT RESPONSE TO RECOMMENDATIONS IN THE FINAL REPORT OF THE SCOTTISH PARLIAMENTARY WORKING GROUP ON TENEMENT MAINTENANCE

1. We agree that action is needed to improve the condition of our tenements to ensure that our buildings can provide good quality, safe and sustainable homes in the future.
2. Any change needs to be delivered in a way that engages people, and the burden of increased costs must not fall on those least able to pay. We must not address poor housing condition at the cost of pricing out some of the most vulnerable in society from their homes.
3. The maintenance of common property is an important issue and owners in tenements, both homeowners and landlords, need to fully accept their shared responsibilities for maintaining their property. It is important that where there are powers under existing legislation, these are being used appropriately.
4. We will engage with the Scottish Law Commission on the three recommendations, with a view to referring these matters to the Scottish Law Commission to carry out a law reform project and provide a report with recommendations and a draft Bill that would implement the reforms. We will also include ongoing fire safety and energy efficiency considerations as part of this engagement.
5. The Report's recommendations involve a fundamental change to property rights for owners in tenements, so we need to ensure that what we put in place works. Further research is necessary to determine how elements of the recommendations can be made to work in practice.
6. The Report's aspiration for an Act of Parliament in 2025 is ambitious, and may not be achievable. The Scottish Law Commission is already committed to a full Programme of work and we need to take account of their existing priorities and resources, and also the processes required for a law reform project.
7. Whilst legislation is being considered and in development, we will seek to support voluntary and incremental change, including:
 - commissioning research to determine the proportion, geography, and tenure mix of relevant buildings, and how this may affect the viability and establishment of owners' associations;
 - supporting development of good practice to encourage owners to set up their own associations, including considerations on condition reports;
 - the development of a form for a tenement condition report and a framework for recognised professionals to complete it;
 - the development of proposals for a publically accessible online platform to support access to tenement condition reports, so that people are able to complete them and share them on a voluntary basis and to facilitate a mandatory system;
 - for tenement condition to be included as part of ongoing considerations on improvements to Home Reports;

- convening a forum of finance professionals to advise on a building reserve fund, initially available on a voluntary basis;
 - commissioning research to evaluate what factors affect repair costs and how to set a level of expected contribution for a building reserve fund; and
 - consideration of what an affordable, viable compulsory factoring service might look like, and engage with property factors on this;
8. Members of the Working Group are commended for their efforts and the production of their Report. This response recognises the importance of their recommendations and commits this Government to take action to deliver the changes needed to support owners and ensure common property is protected and preserved for the benefit of future generations. A programme for the actions identified above will be developed and published in the New Year.