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Dear All

MEETING STATUTORY AND REGULATORY TARGETS FOR SOCIAL HOUSING DURING THE PANDEMIC

During these unprecedented times we are facing, the Scottish Government understands the difficulty that the current Covid-19 crisis has caused for the works planned by landlords. I know landlords are considering how best they can comply with their statutory duties whilst ensuring public health protection principles are maintained and the spread of Covid-19 is contained. I am grateful for your efforts to meet these two important objectives.

As announced by the First Minister on 18 June, we have now moved gradually and carefully into Phase 2 of the Routemap out of the lockdown. This phase allows for a wider range of activity to be undertaken as long as physical distancing and hygiene requirements are followed.

Whilst some impact on social landlords' performance during the current reporting year is expected due to the pandemic, ensuring homes are maintained to the Tolerable and the Scottish Housing Quality Standard (SHQS) remains a necessary obligation. I also recognise the importance and necessity of taking a pragmatic and helpful approach to support the social sector. I expect landlords to be making best endeavours to comply with statutory and regulatory standards, and to recover their position as soon as possible when this crisis is fully past or when work can be safely taken forward as we move through the various phases out of the lockdown.

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This letter is intended to provide regulatory bodies and social landlords with reassurance about their response to the crisis, assist engagement with tenants, and build on existing principles of what best endeavours to meet statutory and regulatory standards looks like.

Fire and Carbon Monoxide Detector Standard by 1 February 2021

A landlord should aim to fully meet the requirement by 1 February 2021. If it is not possible to carry out the works, as a consequence of covid-19 restrictions to meet the tolerable standards despite best endeavours to do so, then landlords should have in place a remedial plan for works and a timescale to ensure that fire and carbon monoxide detectors will be installed in all homes. My expectation is that any remedial timescale should not be more than three months past the deadline (i.e. by 1 May 2021).

Energy Efficiency Standard for Social Housing (ESSH) by 31 December 2020

I am aware that landlords have already met the ESSH milestone for 85% of homes, and had anticipated achieving this for at least 89% by 31 December 2020. This is an excellent position to be in and whilst ESSH2 milestones are due to be achieved over a much longer timescales, I would expect the remaining landlords who are impacted by Covid-19 to undertake to meet the December 2020 milestone. Where they are unable to do so despite their best endeavours, then as part of their remedial plans they should set out how any missed works will be recovered.

The Scottish Government's guidance on ESSH provides that it may be appropriate to report an exemption where investment has to be rescheduled to ensure compliance with the 2032 milestone. This approach may be appropriate for works that are difficult to achieve due to Covid-19 impacts but which can be demonstrated to be the most cost-effective approach within an overall programme of work to improve the energy efficiency of the landlord's housing stock as part for ESSH2.

SHQS

In a similar manner, work needed to keep houses compliant with the SHQS should be taken forward to the best of landlords' ability in the context of the current restrictions.

Electrical Safety

The SHQS guidance was recently amended to include an explicit reference to the recommended practice in BS7671 of carrying out electrical safety inspections by a qualified electrician at intervals of no more than five years. In recognising the changes to the SHQS guidance, the impacts of Covid-19 and to help support landlords to achieve full compliance, I would expect electrical safety inspection obligations to be met by the end of March 2022 reporting year.

I fully appreciate that the current Covid-19 crisis will restrict capacity for electrical safety inspections. If there is evidence of existing defects or concerns about individual properties, these should be rectified as soon as possible. However, as routine electrical safety inspections require access throughout the whole house, these should not be carried out in occupied homes until at least Phase 3 of the release from lockdown and that it is safe to do so in line with public health guidance.

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Compliance

Given the situation we have faced due to the health emergency, I am strongly of the view that where a landlord can demonstrate best endeavours to comply with their legal responsibilities as set out in this letter, they should report elements of SHQS that cannot be met as exemptions. This would ensure that in reporting or accounting to regulatory authorities it will be sufficient to note that an exemption is required for these elements due to the impact of Covid-19 on planned works.

This approach is subject to progress in the Scottish Government's phased approach to lifting lockdown and current expectations for the restart of normal business activities. I intend to review the situation on an ongoing basis and, if necessary, reconsider whether any additional time is needed for landlords to bring compliance back on track.



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