

Housing, Regeneration and Planning

Scottish Government Consultation on Affordable Housing Analysis of Consultation Responses

A report by ekosgen for the Scottish Government, July 2012

This provides a summary of research undertaken to analyse the responses to the consultation “*Affordable Rented Housing: Creating flexibility for landlords and better outcomes for communities*”. The consultation is based around ten key proposals aimed at creating more flexibility for social landlords to decide who should get priority for housing. The consultation document set out 54 questions on ten proposals, with a mixture of qualitative and quantitative questions. The analysis of these responses has been undertaken by ekosgen on behalf of the Scottish Government Communities Analytical Services. The consultation ran from 6 February to 30 April 2012. It received responses from 237 individuals or organisations, as well as feedback from a series of regional events and a facebook page. The report has attempted to provide a balance between summarising the key themes from the consultation responses as well as highlighting the range of views expressed.

Main Findings

- Feedback was positive across most of the proposals. Over 50% of respondents who provided a response to the relevant questions supported the implementation of proposals 1 and 3–9.
- The exceptions to this were proposal 2 (considering an applicant’s income when deciding on priorities for housing) and 10 (allowing the use of Short SSTs to let intermediate rented housing), both of which received 40% support or less from those who responded to the questions.
- There were some variations in responses by respondent group. Landlords and landlord groups were the most supportive of the proposals reflective of the greater flexibility which it would provide for them. Tenant groups, individuals or other groups tended to be less supportive, in part due to some potential negative impacts for tenants and particular groups.
- There were exceptions to this as follows: proposal 4 where responses were similar across the groups; proposal 6 where the proportion of tenant groups supportive was similar to those of landlords and landlord groups but the proportion of supportive individuals was lower; proposal 7 where the proportion of individuals supportive was lower than landlords and landlord groups but tenant groups were similar; and proposal 9 where individuals and tenant groups were more supportive than landlords or landlord groups.
- A number of improvements or issues were suggested for each of the proposals which should be taken on board by policymakers in taking forward these proposals. The suggested improvements vary by proposal, although there were some common themes, which include:
 - The need for greater clarity in certain instances, e.g. with regards to the implementation of the proposals and some of the definitions used with regards to key terms;
 - Some of the difficulties with investigating issues such as previous antisocial behaviour, income and homes and the potential impact on other areas of legislation; and
 - The need to ensure that a consistent and fair approach is maintained despite granting greater flexibility for landlords.

Proposal 1 – giving social landlords more flexibility to decide who should get priority for their housing.

This proposal involves providing greater flexibility for social landlords regarding who should get priority for their housing. The majority of respondents who responded to this question, around 57%, were in agreement with the proposal, while 16% disagreed. A series of issues were raised as follows:

- The proposed benefits suggested by respondents included helping to meet the needs of local communities; improving and making more efficient use of existing housing stock; helping housing allocations to better meet the needs of individuals; and benefits to social landlords themselves through enabling greater flexibility.
- The main problems suggested included the potential confusion that it may cause regarding who should have priority to housing; the lack of transparency and clarity associated with proposals; and the potential marginalisation of social groups/individuals.
- A number of key actions to overcome these problems were suggested, notably: a need for greater clarity, guidance and monitoring of social landlords; the need to take greater account of specific local/community needs; and to work closely with local communities.
- The key housing needs to be protected nationally suggested by respondents included the homeless; sub-standard housing; vulnerable groups/individuals; and older people.

Proposal 2 – Income consideration

This proposal involves creating the flexibility for social landlords to consider an applicant's income when deciding their priority for housing. The majority of respondents who responded to this question (44%) disagreed with the proposal, while only 36% agreed. Key issues raised included:

- The key benefits suggested were that it helps to identify those most in need of housing; it creates sustainable communities; and may assist with mid-market rentals.
- The main problems with the proposal were that consideration of income could stigmatise less fortunate social groups; income is a subjective measurement and definition; and it could lead to communities having people solely from similar income bands rather than mixed or sustainable communities.
- A number of actions were suggested to minimise these problems including introducing greater clarity and guidance regarding the proposal; providing more support to encourage development within the housing market; and embracing other factors and not merely income.

Proposal 3 – Property Ownership

This proposal involves giving social landlords the power to consider whether an applicant owns property when deciding their priority for housing. The majority of respondents who responded to this question (66%) agreed with the proposal, while 12% disagreed. Key issues raised included:

- The other situations considered by respondents where this proposal may be inappropriate is where the property is unsuitable to applicant for health or disability reasons; financial reasons; and cases of abuse, violence or mistreatment at the owner's other property.
- The key benefits were that it would provide housing for those with no other housing options; it could stop the system being abused; and reduces the unfairness in relation to current allocations policy.
- The main problems suggested were that this proposal requires greater clarity and to be well-defined; the proposal may potentially not account for individual circumstances and needs; it may lead to time and resource constraints for social landlords; and may impact on the wider housing market.
- The key actions to overcome these problems are to provide tighter guidelines and clarification in relation to geography and definition of family; provide guidance to homeowners and landlords to help them understand criteria; and to ensure that landlords take individual circumstances into account.

Proposal 4 – Living Rooms/Overcrowding

This proposal involves changes to the current law, putting a stop to living rooms being considered as room available for sleeping in. The vast majority of respondents who responded to this question (82%) agreed with this proposal, while just over 10% disagreed. Key issues raised included:

- The key benefits are that this proposal would help alleviate overcrowding and subsequent issues relating to health and safety, privacy and social well-being; and that it would bring the statutory provision into line with common practice amongst social landlords and will help to modernise and simplify the definition of overcrowding.
- The main problems with this proposal were: the pressure on the housing stock and waiting lists; impacts on other housing sectors, in particular the private rented sector; and that the proposal lacks clarity in certain areas.
- The key actions to overcome these problems were identified as increasing the supply of housing stock and leading further consultation with tenants to gauge any potential impacts.

Proposal 5 – Qualifying period

This proposes to change the current law to create a qualifying period before anyone can succeed to the tenancy. This proposal was welcomed by 63% of respondents who responded to this question, while 17% were against the proposed changes. In total, 58% of respondents felt that it should apply to all categories listed in the consultation document. Respondents were asked about the length of the qualifying period and the majority who responded to the question felt that it should either be 6 months or 6–12 months. Other key issues raised in relation to this proposal included:

- The key benefits were that it prevents abuse of the system; gives security for carers and family members and can often highlight tenant suitability.
- The key problems emerging from the consultation were that it fails to take individual circumstances into account; it does not suggest how proof of residency can be verified; and it could potentially lead to poor management of housing stock.
- The key actions to minimise these issues were to provide greater clarity for both landlords and tenants; grant greater flexibility for landlords; and improved/stricter checks.

Proposal 6 – Considering previous antisocial behaviour

The vast majority of respondents who responded to this question (76%) agreed with this proposal, while just 4% disagreed. Key issues raised included:

- The key benefits were that it sends a clear message regarding antisocial behaviour; it has wider community benefits; provides clearer guidance for landlords; and would help stop the “movement” of antisocial behaviour.
- The main problems were that it has the potential for discrimination and is inflexible; there are issues with evidence of antisocial behaviour; and that a lack of clarity and transparency and could lead to “problem areas”.
- Respondents suggested that these issues could be addressed by providing clearer guidance and definitions; adopting a more harsh approach to antisocial behaviour; and through use of conditional leases/probationary tenancies.

Proposal 7 – enabling a Short Scottish Secure Tenancy to be granted in more cases of antisocial behaviour.

This proposal involves granting a Short Scottish Secure Tenancy in more cases of antisocial behaviour. The majority of respondents who responded to this question (84%) were in favour of the proposal, with just 4% disagreeing. Key issues raised included:

- The key benefits were that it may lead to improvements in the behaviour of an individual; landlords will have greater jurisdiction over their tenants; it may create an improved environment for all; and that legal issues such as eviction, are generally made easier.
- The main issues suggested included time and resources; landlords not taking a holistic and transparent approach to granting Short Scottish Secure Tenancies and legal challenges.
- The key actions necessary to overcome these problems were identified as providing clear and established guidance; and enforcing more rigid conditions such as repercussions where tenancies are breached.

- The key issues which were suggested should be taken into account were behavioural attitudes towards others and their tenancy; previous tenancy history; financial issues and tenancy conditions. The introduction of a “fast-track” method of securing eviction; provision of more resources to sustain and create healthy tenancies; and stricter enforcement of current legislation were referenced as potential actions to help social landlords tackle antisocial behaviour.

Proposal 8 – Simplifying the eviction process

This proposal involves simplifying the eviction process where another court has considered antisocial behaviour by a tenant or their household. The vast majority of respondents to this question (80%) were in favour, while just 6% of respondents against these proposals. Key issues raised included:

- The key appropriate changes were faster processes; and the use of previous antisocial behaviour convictions as grounds for eviction.
- The main benefits suggested were faster and more efficient eviction process; safer and happier communities; and that this send a clear message regarding antisocial behaviour.
- The key problems identified were a lack of clarity regarding key terms such as “simplifying the eviction process”; human rights issues; and that the proposal does not consider individual circumstances.
- These problems could be alleviated by actions such as providing clarity on the proposals; providing support to tenants and an inter-agency approach; and creating a clearly structured set of protocols which a landlord would have to adhere to.

Proposal 9 – An initial tenancy

This proposes to create an initial tenancy for all new affordable rented housing tenants. These proposals were welcomed by 62% of respondents who answered this question, whilst 16% disagreed. Key issues raised included:

- The main benefits were that it would enable an assessment period for tenants to prove themselves; it would enforce the value and importance of housing to tenants; and would provide security and benefits for tenants.
- Key problems identified include the potential for good tenants to be unfairly treated; the increased time and resource pressures for social landlords; and that proposals could result in insecurities for tenants and social instability.
- Key actions identified to overcome these problems included: greater guidance and consistency; and embracing a streamlined procedure to negate resource issues and simplify the transition for tenants moving from Short SST to SST.

Proposal 10 – Short SSTs to let intermediate housing

This proposal involves allowing social landlords to use Short SSTs to let intermediate rented housing for which 40% of respondents who answered the question were in favour and 17% were against. Key issues raised included:

- Respondents suggested that flexibility could be restricted by changes to housing legislations or provision of clear guidance; greater clarity on the definitions and circumstances in which Short SSTs can be used; and greater consultation with stakeholders.
- Of the social landlords who responded, 31% reported that they would use the proposed flexibility, whilst 25% said they would not.
- The key benefits suggested were that the proposals would provide a greater choice or broader range of housing choice across the sector; social landlords would not have to establish a subsidiary to let intermediate housing, reducing time and costs; and the flexibility and control which it provides for landlords to allow tenancies to be tailored to meet different circumstances.
- The main problems identified were that it could blur boundaries across different market tenures; it could result in a lack of security and not create sustainable communities; and it could lead to discrimination against certain groups.
- Actions suggested to overcome the problems included: the improved management of housing stock and tenants; increased resources to encourage the creation of social housing; and effective communication with tenants.

Equalities and Business and Regulatory Impact Assessment

Respondents were asked about the impact of the proposals on equality groups to help inform the Scottish Government's equality impact assessment of the proposals. Of those that responded, the most common groups identified were younger people, disabled people, older people or homeless people. Some people felt that local communities may benefit positively if the proposals lead to a reduction in antisocial behaviour. Within these responses, some changes were suggested to address any adverse impacts, including a need to have safeguards, limitations, checks and balances; specify what proportion of lets in any area are to different groups; and providing the flexibility to create initial or starter tenancies and greater support to tenants. Social landlords were also asked about the business and regulatory impacts of the proposals. The main organisational benefits suggested included: being able to chose the tenants to fit in with the local area (develop locally responsive allocations policies); greater flexibility to manage housing stock and meet the housing needs of customers; and potential cost, time and resource savings in tackling antisocial behaviour.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 7560.



Social Science in Government

ISBN: 978-1-78256-003-6

APS Group Scotland
DPPAS13264 (08/12)