

MAIN PROVISIONS OF THE ACT

1 Housing Standards

Housing Renewal Areas

Housing Renewal Areas may be declared by local authority if:

- A significant number of houses are substandard
- Appearance or state of repair of houses is damaging the amenity area
- Policy set out in Local Housing Strategy
- Process includes public consultation and Scottish Executive approval
- Where work notice served these are the subject of individual appeal procedures.

Strategic Housing Functions

- LHS specific purpose “improve the standard of housing” in the authority’s area
- LHS must set out
 - Strategy for dealing with houses below the Tolerable Standard
 - Policy for identifying where to use Housing Renewal Area powers.

The Tolerable Standard

Tolerable Standard updated and amended to include

- Basic satisfactory thermal insulation
- Where a house has an electrical supply, it must be adequate and safe
- Waterless closet in addition to water closets

Criteria to be drawn up by Advisory group and then brought in by regulations

The Repairing Standard

- Applies mainly to private sector tenancies
- Extends existing landlord obligations to include fixtures fittings and furnishings supplied under the lease
- Tenants have right to enforce through Private Rented Housing Panel
- Private rented Housing Committees to hear cases
- Power to issue repairing standard enforcement order – work to be done and timescale
- Enforcement through rent relief order
- Offence to enter into new tenancy
- Local authority can carry out work and recover costs if owner fails to comply

Repair, Improvement and Demolition of Houses

- Local authority can issue work notice requiring owner to carry out work on house to implement an HRA action plan, or to remedy the faults in a substandard house.
- Notice includes work required and timescale and may specify steps to be taken
- Notice may be suspended for health reasons
- Local authority can serve demolition notice on a house in serious disrepair in an HRA
- Local authority can carry out work and recover costs if owner fails to comply
- Local authority can require occupants to move. It is then an offence for new occupants to occupy or to permit this occupation.

Maintenance

- Local authority may make maintenance order requiring owner of a house to prepare a maintenance plan lasting for up to 5 years
 - Order can be served where
 - Benefit from enforcement action reduced or lost because of lack of maintenance or
 - House has not been, or is unlikely to be, reasonably maintained
 - Maintenance plan may be required jointly from owners where there are two or more houses in premises, and may include common parts.
 - Such a plan may require a maintenance account and a property manager
 - Local authority may approve or modify plan, require a new one, or draw up one itself
- Local authority may implement a plan if owners fail to do so
- Where one owner does not pay allocated share towards maintenance work the other owners can ask the local authority to deposit the missing share

Right to adapt rented houses to meet the needs of disabled occupants

- Tenant may carry out work to meet needs of disabled occupant
- Applies to any tenancy other than Scottish Secure tenancy
- Requires landlord's consent, which must not be unreasonably withheld
- Landlord may impose reasonable conditions, which may include reinstatement

2 Scheme of assistance for Housing Purposes

Grants, Loans, practical assistance

- Local authority may provide assistance for a range of work, repair, maintenance and adaptation relating to houses
 - Range of assistance, including
 - Advice and information
 - Practical assistance
 - Loans – standard or subsidised
 - Grants
 - Local authority must publish criteria for what type of assistance will be provide and when

- Ministers may issue directions and guidance
- Local authority must provide assistance
- To carry out work where a work notice is served
- To adapt a house to meet the needs of a disabled occupant
 - Local authority must provide a grant to provide a standard amenity for a disabled person
 - Local authority may make payments to a not for profit lender which will make loans to individuals.
 - Local authority has powers to improve the amenity of an area, including providing assistance.

3. Provision of Information on Sale of House

Aim to address

- Quality of information to prospective buyers
- Multiple surveys
- Artificially low upset prices
- A person who is responsible for marketing a house that is on the market must possess the prescribed documents for that house
- Those documents must be provided on request to a potential buyer
- Duty ends when house no longer on the market
- Ministers may make regulations to prescribe documents – could be more than survey
- Regulations may exempt certain categories
- Enforcement by Weights and Measures authorities
- Breach of duty will lead to service of penalty charge notice
- Regulations may prescribe additional information on house condition to be provided to RTB purchasers.

4. Licensing of Houses in Multiple Occupation

- Re-enacts licensing system in primary legislation
- Ministers able to specify types of HMO that a local authority can exempt from licensing
- Ministers able to specify licensing conditions
- Ministers may make provisions about fees
- Licences last for 3 years
- Local authority can grant temporary exemption orders
- Local authority can order that no rent payable in unlicensed property

5. Mobile Homes

Amends existing legislation to extend protection for occupiers of mobile homes who let stances

- Written statement before letting agreement
- Age of mobile home not to be regarded in itself as having detrimental effect on site
- Site owner to have 28 days to consider assignee
- Ministers can amend implied terms
- Harassment of occupiers an offence

6. Amendment to criteria used to assess suitability to act as landlord

- Ministers will have power to issue Letting Code, setting out standards of management for landlords and agents.
- Local authority will take this code into account in deciding if someone is a fit and proper landlord under the Antisocial Behaviour Scotland Act 2004.
- Code only used if existing powers not working.

7. Rights of entry

- Sets out rights of entry to land or premises for Local authorities, private Rented Housing Committees, owners, landlords and the police
- Includes right to enter adjacent land and premises
- Sheriff or JP may issue warrant authorising exercise of right of entry