

Homeing in

Newsletter of the Scottish Youth Housing Network

No 39 April 2002



Social Justice Minister Iain Gray launches publication of Watch This Space

Watch this space

The views of more than 70 young people with experience of housing crisis and homelessness were presented in February to Social Justice Minister Iain Gray in the report *Watch This Space - Young people's views on writing and designing an effective leaving home guide*.

Young people from across Scotland had given their views to the Scottish Youth Housing Network on what kind of leaving home, housing and homelessness information is most useful, and how that information can be best communicated.

Pointers

The report records strong views on how to communicate with young people and gives clear pointers on how to consult successfully. Those whose clear, thoughtful and enthusiastic participation led to this publication give lie to the myth that young people are not interested in getting involved.

Copies of the report cost £6 from 0131 226 4382. ▶

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HOUSING ACT DETAILS

inside

Young people must have strategy input

Local authorities must now develop strategies to prevent and tackle homelessness in their areas, thanks to the Housing (Scotland) Act 2001.

This should provide a real opportunity to rethink and reshape the way we all work together to prevent and respond to homelessness.

Guidance has been issued and work is now underway to develop the new strategies. But what role do those working with young people have and how can they ensure the new strategies meet the particular needs of young people?

The strategies must be a corporate responsibility, based on a partnership approach. Crucial is the recognition that the diffi-

culties people face in accessing and sustaining a home are rarely just housing problems. Initial guidance makes clear that specific attention must be paid to young people's needs.

We all now have the chance to influence the way local authorities and their partners respond to youth homelessness. Ensure that the experience and knowledge of your organisation and its clients is fed into the process.

Consultation

Ways of involving and consulting partners to develop strategies will vary, so find out what's happening in your area. Speak directly to the council officer responsible for co-ordinating its Homelessness Strategy.

Each council's homelessness

strategy must link in with its new Local Housing Strategy being developed. Again, it is vital that the needs of young people are recognised within it.

The Scottish Executive has endorsed the Homelessness Task Force recommendation that housing strategies must assess the availability of affordable housing for young people and address any shortfall that they find. This is to be welcomed.

With the commitment of all of those working with young people we can ensure that the new strategies are active, dynamic processes for achieving clear improvements on the ground, not glossy documents pulled together to meet regulatory demands which merely gather dust on the shelves. ▶

Housing Scotland Act comes into force

On 30 September two new tenancy types will be introduced in the socially rented sector under the Housing (Scotland) Act 2001. Here is what it means for young people.

SCOTTISH SECURE TENANCIES

TENANTS of local authorities and registered social landlords will switch to Scottish secure tenancies (SSTs). The term registered social landlords covers housing associations and housing co-ops. There will be exceptions, such as people living in homeless temporary accommodation. Joint tenancy requests cannot be unreasonably refused. Everyone will be given a new tenancy agreement setting out their rights and responsibilities.

Ending an SST

■ In addition to existing ways to end a tenancy, extra methods have been introduced:

- where the tenant or household member has an Anti-social Behaviour Order (ASBO) and the landlord takes action to turn it into a short SST;
- where a joint tenant has given four weeks' notice to the landlord and to each of the other joint tenants;
- where the landlord has reasonable grounds that one joint tenant has abandoned the tenancy h/she can end that person's share;

RSLs will now be able to use the same abandonment procedures as LAs. Any tenant affected by abandonment action by the landlord has the right of appeal to the sheriff court.

Assignment, sub-lets, exchanges

■ With the landlord's permission, tenants can sublet; take in a lodger; exchange their house with a tenant of another landlord; or assign (ie sign over to someone else) their house if the assignee has lived there for at least six months. Landlords should not refuse unless there are reasonable grounds. The tenant can go to the sheriff court to challenge a decision.

Succession rights in SSTs

■ If a tenant dies the tenancy can be passed on twice to those who qualify. First priority is the

surviving spouse, co-habitee of either sex if the house has been their home for six months plus, or joint tenant. Next are other family living there; then carers of 16+ living there when the tenant died who had given up their home to care for the tenant or a household member.

SHORT SCOTTISH SECURE TENANCIES

A SHORT Scottish Secure Tenancy must be for at least six months. Landlords can end the tenancy by two months' written notice or, alternatively, by taking further legal action to evict. Otherwise, the tenancy automatically renews itself for a further six months. Tenants may appeal to the sheriff court if they object to being given a short SST. If the court finds there are good grounds it can order the landlord to let the house to the person as a full SST.

When an SSST can be offered

- A short tenancy can only be offered :
 - to people evicted for anti-social behaviour in the last three years;
 - where the person or household member has an ASBO against them;
 - to those moving into the area to start work;
 - where development work affects the house;
 - to homeless people for lets of six months or more;
 - to those in need of housing support services;
 - in houses leased from another body where the lease does not allow a full tenancy.

Conversion to full SST

■ If a tenant has a short tenancy because of previous anti-social behaviour it automatically converts to a full SST after 12 months unless the landlord serves notice to repossess. This applies whether the short tenancy was converted from a full tenancy due to an ASBO, or let as a short SST because the person was evicted for previous anti-social behaviour in the last three years. The landlord must make sure the person gets housing support services so that it can eventually be converted to a full tenancy. ▶

Make sure you get it in writing!

All Scottish secure tenants must be given a written tenancy agreement detailing their rights and responsibilities.

Tenants must also be given information about the landlord's complaints procedure and how to make use of it.

On request, any tenant is entitled to ask for information on particular subjects such as the landlord's policy on setting rent.

Tenants must also be given at least four weeks' notice of any increase in rent or other charges. Where rents are to be increased landlords must consult tenants in advance and have regard to their views before making a decision.

Participation

All social landlords must prepare a tenant participation strategy covering Scottish secure tenants and short Scottish secure tenants.

The strategy must set out how they will take account of views of registered tenants organisations and individual tenants, how they will alert them to issues that are coming up, and how they will provide information about the proposals and their effects.

Social landlords must also keep a register of tenant organisations in their area. They must notify all tenants of the likely effect on them of proposals on housing management, repair and maintenance, standards of service, their tenant participation strategy and any plans to dispose of stock. Tenants must get the chance to make representations on any of these proposals.

Finally, all secure tenants will have the chance to set up management cooperatives and to manage their own homes. ▶



The **Network** and **Homing In** provide the ideal forum for news of youth housing initiatives, problems and events in your area. **All ideas and feedback welcome.**

Contact the **SYHN** c/o SCSH, 5th floor, Wellgate House, 200 Cowgate, Edinburgh EH1 1NQ, tel 0131-226 4382 fax 0131-225 4382.



getting on the network is easy!

SPECIAL FEATURE

New homelessness duties

The Housing (Scotland) Act 2001 received Royal Assent last July. It brings in new rights and responsibilities towards homeless people, new tenancy rights in the social sector, improvements in the rights of hostel dwellers, and changes in the way that houses are allocated.

Some of the changes are being phased in, and guidance and regulations are also being introduced to ensure that the details of the new responsibilities are clearly set out.

The new tenancy types – Scottish Secure Tenancies and Short Scottish Secure Tenancies – are covered on the opposite page.

The Homelessness Task Force has also completed its work and has published its findings. ([Noticeboard, Page 4](#)). These were recently endorsed by the Minister for Social Justice, Iain Gray.

Below we concentrate on the legal changes within the Act which relate to homelessness, and how they are likely to affect young people.

Homelessness strategies

■ Every local authority is now required to prepare and submit to the Scottish Executive a strategy for preventing and alleviating homelessness in its area. Homelessness strategies can be reviewed or revised by the local authority or under direction from the Scottish Executive.

Working with RSLs

■ Registered social landlords must now work in partnership with local authorities and will be contributing to the re-housing of homeless people by taking referrals for accommodation from the LA.

There is now a duty on an RSL to comply within a reasonable time period with a request from a local authority for accommodation for a homeless person unless the RSL has a good reason for not doing so.

In making such requests LAs must have regard to the availability of appropriate accommodation in the area.

Guidance will be issued on what constitutes a reasonable time period and what constitutes a good reason not to comply. If an RSL subsequently refuses to comply, it must be able to justify its actions. In the case of a dispute they will have to appoint an arbiter, whose decision will be final.

Key elements of the Act include:

- more comprehensive rights for homeless people, including the right to temporary accommodation for all homeless people, regardless of priority need status and to those who qualify, the right to permanent accommodation;
- the introduction of a new tenancy type, the Scottish secure tenancy and a time-limited version which is called the short Scottish secure tenancy;
- the right of tenants to go to court if dissatisfied about the type of tenancy given;
- succession rights on the death of a tenant extended to same sex partners and to certain carers;
- admission to housing waiting lists of local authorities and registered social landlords (RSLs) for any applicant aged 16+;
- streamlining of repossession rules for all social landlords dealing with abandoned tenancies;
- a statutory right for tenants to be consulted and their views taken into account.

Homelessness advice

■ Every council must make available free advice and information about homelessness, its prevention, and the services that are available free of charge in their area. Councils do not need to provide the advice themselves, but must ensure it is provided.

All applicants will have to be given advice and information to enable them to secure their own accommodation. The type of advice and information will be specified in guidance, which is currently out for consultation.

Threat of homelessness

■ The qualifying time period within which a person is to be treated as threatened with

homelessness has been extended from 28 days to two months.

Temporary accommodation

■ The Act creates a new duty on local authorities to temporarily accommodate anyone whom the LA has reason to believe is homeless, without taking into account whether they are in priority need.

Homelessness duties

■ Where a homeless person is in priority need, not intentionally homeless and with a local connection the LA must ensure that permanent accommodation is made available.

It must normally be a Scottish secure tenancy or an assured tenancy in the private sector (but not a short assured tenancy). However, a short Scottish secure tenancy can be offered if the prospective tenant or any prospective joint tenant has been evicted for anti-social behaviour within the last three years, or currently has an anti-social behaviour order granted against them.

The accommodation offered must meet any special needs in the household, and it must be reasonable for the applicant to occupy it.

LAs must look at the availability and appropriateness of their own stock before approaching an RSL to house the applicant. A local authority's duty will continue until permanent accommodation is secured.

Hostels and short-stay

■ The rights of people living in hostels and in short-stay accommodation are being strengthened. Regulations will be introduced which will set out the occupancy rights for hostel dwellers, and will specify the types of occupancy to which these rights apply.

There will be a minimum period of notice. This would not prevent a shorter period of notice being given where there is a serious danger to staff or to residents.

The basic terms of occupancy will also be specified, and it will be a criminal offence for the accommodation providers not to comply with these regulations when introduced. ▶

THIS LIST has been prepared to show the wide range of information and discussion that is now available in relation to the Housing (Scotland) Act 2001.

Legislation

THE Housing (Scotland) Act 2001, costs £12.05; The Guidance Notes to The Housing (Scotland) Act 2001, cost £6.20. Order both from The Stationery Office Bookshop, 71 Lothian Road, Edinburgh EH3 9AZ, tel 0870 606 5566, or email to: book.orders@theso.co.uk.

You can download the Act and the general guidance notes free from their website at www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2001/20010010.htm.

The Scottish Executive

ALMOST everything you ever wanted to know about the Housing Act's implementation can be found at the Executive's website.

You can keep up to date with press releases, consultation documents, deadlines, findings and various working group recommendations at www.scotland.gov.uk.

noticeboard

April 2002 benefits uprating details

IS and income-based JSA:

single person, under 18	£32.50/£42.70
single person, 18-24	£42.70
single person, 25+	£53.95
lone parent under 18	£32.50/£42.70
lone parent 18+	£53.95
lone parent family premium	£15.90
family premium	£14.75

Consultation

CONSULTATION documents have been issued on Tenant Participation provisions with a deadline of 17 May. The Guidance comes into force on 30 September.

Advice and Information provisions are also out for consultation. You can download both from www.scotland.gov.uk.

Task Force

YOU WILL find each of the reports which the Homelessness Task Force has published at www.scotland.gov.uk. Or order from The Stationery Office Bookshop. The final report

makes 59 recommendations to Ministers, and has now been fully endorsed by Social Justice Minister Iain Gray. The report is titled Helping Homeless People – An Action Plan for Prevention and Effective Response.

SCSH

SCOTTISH Council for Single Homeless have produced Briefing Notes on the Act and run regular seminars and briefings on various aspects of homelessness legislation, including the Act. For information contact SCSH, Wellgate House, 200 Cowgate, Edinburgh EH1 1NQ, or phone 0131 226 4382.

Shelter Scotland

YOU WILL find updates and commentary on the Act and its implications at their website: www.shelterscotland.org.uk. You can order their homelessness publications from Shelter Scotland, 6 South Charlotte Street, Edinburgh EH2, tel: 0131 473 7170.

CIH in Scotland

THE Chartered Institute of Housing in Scotland also produces Briefings on different aspects of the Act, and general Scottish Parliamentary Briefings. It also runs training sessions and seminars on different aspects of the Act and on housing management. To order publications or a programme of events and training contact 0131 225 4544

SYHN

THE Network has incorporated the changes brought in by the Act into its latest course A Beginner's Guide to Housing Law. This will run on 11 September. There will also be two seminars held in August to bring people working with young people up to date with the new legislation. Further details will be circulated soon. All bookings to 0131 226 4382. ▶

Waiting lists, allocations and repairs

THE Housing (Scotland) Act also brings in a raft of further measures relating to waiting lists, housing allocations, repairs and improvements, equal opportunities, fuel poverty and the right to buy.

New guidance

■ Ministers have said they will issue guidance on various aspects of housing management such as local housing strategies; the prevention of homelessness; the maintenance and repair of houses; the prevention of anti-social behaviour and harassment; tenant participation; and procedures for dealing with disputes between tenants and social landlords. Some consultation documents have already been issued for comments. (visit the web site – details above).

Allocating houses

■ Any applicant aged 16 or over is entitled to put their name on the

special briefing

housing list of a local authority or a registered social landlord. The rules in the Housing (Scotland) Act 1987 on housing allocation now apply to all social landlords, and have been substantially modified by the new Act.

■ A landlord cannot refuse to allocate a house on the basis of rent arrears which have either been paid off, or where the applicant owes one month or less, or where there is an arrangement to clear arrears which has been kept to for at least three months.

Repairing obligations

■ At the start of the tenancy landlords must ensure that the house is

wind and watertight and in all other respects reasonably fit for human habitation, and keep the house in such condition throughout the tenancy.

■ Landlords must inspect the house before the tenancy begins and must let the tenant know what repairs need to be done. Every landlord has the right to get access to the property to inspect or carry out repairs, as long as at least 24 hours' written notice is given to the occupiers.

■ Landlords must carry out repairs within a reasonable time and make good any damage caused when undertaking the work.

■ All social housing tenants will have the "right to repair". This means that if the landlord fails to carry out repairs the tenant can have them done and recharge the landlord. However, if this is the case, the tenant should get expert advice before beginning any repairs themselves. ▶