

Final Report Of The Housing Improvement Task Force - “Stewardship and Responsibility, a Policy Framework for Private Housing in Scotland”

I refer to the above final report and provide below Dundee City Council's comments.

Dundee City Council welcomes the opportunity to comment on the Final Report of the Housing Improvement Task Force and endorses the view that the impact of poor housing on individuals and households and the consequences of neglect of maintenance and repair for neighbouring owners and communities can be substantial.

Of the 37,200 flats in Dundee (2001 census), around 9800 are pre 1919 tenement flats. As the population has declined and consumer aspirations have increased, consumer demand for tenement flats has fallen. As a result, in specific areas, there has been a significant increase in private rented flats with the result that the stock suffers from poor maintenance and management. The consequence for these areas is a very poor local environment and quality of life for many.

It is worth noting however that very poorly maintained property is often mixed with well maintained and managed property. The negative impact of derelict and deteriorating property on the surrounding property is costly. Values fall and housing associations and other landlords find it difficult to let property creating a vicious circle.

Many of the recommendations contained in the final report would be extremely helpful in tackling the issues facing Dundee at this time.

1. The Council would respond to the specific aspects of the Final Report as follows.

1.1. **QUALITY STANDARDS FOR PRIVATE HOUSING IN THE 21ST CENTURY**

1.1.1. **Tolerable Standard**

The Council welcomes the proposals for modernisation of the Tolerable Standard and guidance on interpretation of the Standard which is seen as essential to the consistent application of the Standard. In particular the council support proposals in respect of a wholesome water supply and the inclusion of electrical wiring.

We would also support the view that modernisation of the Tolerable Standard will create a significant rise in the numbers of BTS properties. If Local Authorities are to prioritise the eradication of BTS properties, sufficient funding must be allocated both in respect of the work required to meet the standard and equally to help identify BTS properties. Current methods of identifying total numbers of BTS are very weak.

1.1.2. **Scottish Housing Quality Standard**

The introduction of a cross-tenure Scottish Housing Quality Standard would provide a consistent approach across all tenures. Of some concern however is the ability of owners within right to buy properties to prevent improvements being carried out.

The use of the Standard to provide meaningful information on stock as a whole implies a significant resource implication.

The Council consider that environmental quality and environmental management should be included in the Scottish Housing Quality Standard as we believe that the environmental area particularly that associated with the back courts of tenemental property can have a significant impact on the quality of the building. In terms of property management it is easily incorporated into a management scheme and can indeed be the simple foundation of a management scheme.

1.1.3. **Repairing Standard for Private Landlords**

The Repairing Standard for Private Landlords is also supported and reflects to a fair degree, this Council's required standards for licensed HMOs.

1.2. **IMPROVING THE OPERATION OF THE HOUSING MARKET**

1.2.1. **Improving Confidence in the Building Industry**

There is widespread demand from grant applicants and Care & Repair applicants for lists of "Approved Contractors" supported by comments in our customer satisfaction surveys. We note with interest the Scottish Construction Licensing Executive scheme and would support any independent scheme which encourages confidence in the building industry and overcomes some of the issues associated with Local Authority based Approved Contractor Schemes.

1.2.2. **Tax and Benefit Incentives**

Currently Private Landlords supported by the Housing Benefit system have little incentive to maintain or manage their property. The introduction of Mandatory HMO Licensing is limited in our ability to identify these properties, particularly the effects of data protection. The Council would therefore support a link between Housing Benefit payments and the standard of the accommodation including whether it is an unlicensed HMO.

1.3. **FACILITATING COMMON REPAIR AND MAINTENANCE**

The Tenements (Scotland) Bill makes a significant contribution to the issues discussed under this heading.

1.3.1. **Making Decisions on Communal Repairs and Maintenance**

The Council agree that it should be a requirement of all title deeds for new residential developments, where owners are subject to burdens relating to communal repairs and maintenance, to make provision for the establishment of an owners' association. Furthermore we support the view that Local Authorities should have the power to promote the establishment of owners' associations and maintenance plans, including the provision of set up grants, as a pre-condition of being declared a Housing Renewal Area and/or receiving grant assistance.

1.3.2. **Funding Communal Repairs**

The issue of recovery of costs from non-compliant owners remains a significant issue. The Council questions the practicality, for other owners in particular, of trying to recoup the costs through the Sheriff Court and debt recovery action.

Attaching debt to the property is of limited use. The turnover of ownership in tenemental property is significant with the difficulty of tracking the owners to whom the debt is due to ensure that they are reimbursed.

The Council would agree that it should have discretionary powers to require the establishment of a reserve or sinking fund, in support of a power to require the establishment of owners' associations and maintenance plans.

The use of the Local Authority as a "backstop" is accepted but with the qualification that sufficient funding is available to accommodate this position. The funding of this area might possibly be subject of separate allocation within the proposed new Private Sector Housing Grant. It is clearly likely to be much easier for the Local Authority to recover outstanding debt from non-compliant owners than for the remaining compliant owners.

1.3.3. **Managing Communal Repairs and Maintenance**

The proposal within the Title Conditions Bill to allow two-thirds of owners to dismiss the property manager could have a significant impact on the Council's status as deemed majority owner in mixed tenure blocks.

1.3.4. **Ensuring that Owners Understand their Responsibilities for Communal Repairs**

The Council consider that a duty to provide owners benefiting from Local Authority assistance with standard guidance on the management and maintenance of common property would support other proposals aimed at creating owners associations and maintenance plans.

1.3.5. **Identifying Owners**

The Council's experience with the Mandatory Licensing of HMOs has shown the benefits of neighbours being able to identify and contact non-resident owners, causes us to fully support the recommendation that there should be a duty on non-resident owners to provide contact details to other owners. The simple knowledge of who to contact in case of a problem can go a long way to an early resolution.

1.3.6. **Insurance**

We would suggest that it should be a pre-condition of any grant assistance or other form of assistance that the owner of any property should provide copies of current property insurance, as is the case in HMO Licensing.

1.4. **PUBLIC SECTOR INTERVENTION AND SUPPORT AT THE LOCAL LEVEL**

The view that it would be appropriate to set targets for the reduction of BTS housing will be dependant upon being able to accurately identify the numbers of BTS properties in a Local Authority area. We have little confidence in the ability of either the Local or National House Condition Surveys to provide accurate statistics.

1.4.1. **Providing Assistance to Owners**

In anticipation of providing a broader service to the private sector Dundee City Council's Housing Department have amalgamated the Private Sector Grants Unit and the Housing Action Area Team from the Area Renewal Unit to form a Private Sector Services Unit. There must be however a recognition that the provision of such services, whether in the form of advice and guidance, practical assistance, loans or grants, will bring training and resource implications which will require adequate financial provision.

The provision of a "Handy-man" service to complement the existing Care & Repair Service operated by Dundee City Council is desirable but again will be influenced by funding.

This Council have not offered loans as a form of assistance for some time and we are concerned about the administrative burden of loans, particularly small loans.

The Council also have some concerns in respect of the proposals for change of tenure. There is already a significant surplus of Local Authority properties in Dundee and the implications of this proposal particularly with Right to Buy ownership would have to be fully researched.

1.4.2. **Modernising Local Authority Powers**

The Council welcome all of the proposals within this section, seeing these powers as critical to adequately dealing with poorly maintained and managed property as

well as BTS property.

The creation of Housing Renewal Areas would be a significant tool in helping with the particular issue of surplus private sector stock in Dundee whilst allowing positive intervention to create quality neighbourhoods with a long term future.

1.5. **IMPROVING STANDARDS IN THE PRIVATE RENTED SECTOR**

The Council acknowledges the need to broaden the advice and information service provided to the private rented sector and would seek to build on experience gained in the mandatory licensing of HMOs.

1.5.1. **Regulation and Accreditation**

We agree that a new legislative framework should be developed for HMO Licensing which must incorporate effective sanctions against non-compliant landlords, including the ability to close a non-compliant property. The introduction of a Compulsory Registration Scheme may prove to be helpful in the identification of HMOs. Furthermore the Council would support the introduction of discretionary powers, subject to approval by the Scottish Executive, to introduce a regulatory scheme for the compulsory registration, certification or licensing of private rented properties other than HMOs, as appropriate.

**DIRECTOR OF HOUSING
DUNDEE CITY COUNCIL**