

HOUSING IMPROVEMENT TASK FORCE
SUMMARY OF CONSULTATION RESPONSES
Last updated January 2002

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Introduction

This paper provides a summary of the responses to the initial consultation which mapped out the first part of the work plan for the Housing Improvement Task Force (HITF).

The Consultation

The Secretary of the HITF wrote to the following organisations seeking their comments on the Scoping Paper:

Caledonian University	Scottish Federation of Housing Associations
The Chartered Institute of Housing	Scottish House Builders Association
Citizens Advice Scotland	The Scottish Law Agents Society
City of Edinburgh Council	Scottish Tenement Group
Clyde Properties	Shelter Scotland
Glasgow City Housing Service	Sheltered and Retirement Housing Owners Confederation
Heriot-Watt University – Scottish Borders Campus	Surveys OnLine Ltd
Kincardine Estate	University of Aberdeen
Michael A. Brown Solicitors & Estate Agents	University of Abertay Dundee
National House-Building Council	University of Dundee
National Union of Students Scotland	University of Edinburgh
Queen Margaret University College	University of Glasgow
The Royal Incorporation of Architects in Scotland	University of Paisley
The Scottish Association of Chief Building Control Officers	University of St Andrews
Scottish Consumer Council	University of Strathclyde

Respondents

There were twenty-three responses, twenty of which are on the HITF website. Some organisations wrote to the HITF offering their views out of their own interest.

Most welcomed the work of the HITF but offered recommendations to be considered as part of the HITF's remit and discussions. Some responded to the Task Force as a whole and others responded to individual sub-groups within their interest area.

RESPONDENTS TO THE CONSULTATION

Citizens Advice Scotland	Royal Incorporation of Architects in Scotland
City of Edinburgh Council	Scottish Building Society
Clyde Properties	Scottish Consumer Council
Common Repairs Working Group	Scottish Housing and Disability Network
Friends of the Earth	Scottish Law Agents (University of Abertay)
Glasgow City Housing Service (2 responses)	Scottish Tenement Group
Kincardine Estate	Shelter Scotland
Michael A. Brown Solicitors	Surveys OnLine Ltd
Morton Fraser Solicitors	University of Glasgow
National House-Building Council	University of Strathclyde
Contributions from members of the public (2 recorded)	

SUMMARY OF RESPONSES

Sub-group A – Owner-occupiers resident in housing that requires improvement or repairs

The specific remit of this sub group is to examine and report on the following:

- The extent of disrepair and obsolescence in the owner-occupied sector
- Local authority responsibilities and powers
- Incentives/disincentives for owner-occupiers to make repairs
- Arrangements for financing improvements and repairs
- Awareness and attitudes towards improvement and repairs

The following comments/recommendations on Sub-Group A were provided by:

City of Edinburgh Council	RIAS
Common Repairs Working Group	Scottish Consumer Council
Friends of the Earth	Scottish Housing and Disability Network
Glasgow City Council	Scottish Tenement Group

The extent of disrepair and obsolescence in the owner-occupied sector

- Many owner-occupiers cannot afford to maintain and repair their property. *City of Edinburgh Council*
- 19% of the owner-occupied sector have some form of dampness (includes condensation dampness). *Friends of the Earth*
- Higher building costs, lower incomes, remoteness and climate all play a part in differentiating between urban and rural issues and solutions. *Kincardine Estate*

Local authority responsibilities and powers

- Local authorities have a statutory duty to interpret the Tolerable Standard and this has been and continues to be addressed via Building Professionals and training personnel such as surveyors, architects, Building Control and Environmental Health Officers. Application of a constrained definition as in the 1996 SHCS will simply create continued confusion and lose the opportunity to create a sound statistical basis on which future action can be based. *Glasgow City Council*
- Need for local authorities to establish profiles of purpose built and adapted private dwellings (not just those which have received public sector investment). *Scottish Housing and Disability Network*
- Recalcitrance of one owner can prevent a common repair scheme progressing – helpful if local authorities had some powers to enforce the majority view. *City of Edinburgh Council*

- Would welcome consideration of powers in relation to abandoned properties, which are a small but emerging problem in ex-RTB properties. *City of Edinburgh Council*
- Considerations regarding requirements for local authorities to reach HECA targets, rather than merely produce reports, would be welcome. *Friends of the Earth*
- Index of Housing Quality - requirement for all local authorities to deliver on a national priority. *Friends of the Earth*
- Local authorities should be encouraged to take their factoring role seriously in respect of ex-RTB stock. *Common Repairs Working Group*

Incentives/disincentives for owner-occupiers to make repairs

- There is no market force incentive to maintain property – should be some statutory requirement, particularly where public funds have been invested. *City of Edinburgh Council*
- Incentives for owners, and the position of marginal owners particularly but not solely RTB owners requires some consideration. Many owner-occupiers cannot afford to maintain and repair their property. Clarity on powers to grant aid in these circumstances would be helpful. *City of Edinburgh Council*
- Opportunity to address social inclusion issues via a robust grants and incentive scheme for owner-occupiers. *City of Edinburgh Council*
- Insurance, linked to incentives to take account of work done specifically in the property. This could also link into the issue of insurance of licensed HMOs. *City of Edinburgh Council*
- In terms of the tax and benefit system, the possibility of incentives via rebates on Stamp Duty should be considered. *Friends of the Earth*
- More information required for those buying a property, particularly in respect of future repair and maintenance obligations. *Common Repairs Working Group*
- There is a disincentive for anyone on Income Support, or who fears they may be in future, to save for running or future repairs. *Scottish Housing and Disability Network*
- Need to provide stronger maintenance and management regimes in the private sector, particularly in multi-owned properties and tenements. *RIAS*
- Difficulties in engaging with owner-occupiers in a collective way and the need to create opportunities for owners to influence the property reform agenda. *Common Repairs Working Group*

- Recent changes in the tax regime and the way it is applied now discourages repair and maintenance. *Kincardine Estate*
- There is no grant system to help the PRS deliver quality affordable housing. *Kincardine Estate*

Arrangements for financing improvements and repairs

- Major investment in social rented housing is required. *Glasgow City Council*
- Funding availability for adaptations in owner occupied or private rented homes varies considerably across local authorities. *Scottish Housing and Disability Network*
- Any grant aided repair or improvement should be linked to a requirement for a robust maintenance agreement and, where there are absentee landlords, evidence of proper management. *City of Edinburgh Council*
- Need to consider factoring or support systems covering whole property maintenance and available to any individual household, designed in such a way that they enable people on benefits to provide for maintenance without financial penalty. *Scottish Housing and Disability Network*
- Need to consider flexible tenure in relation to release of funding for repairs and adaptation. *Scottish Housing and Disability Network*
- The grant system should be simplified into one overall grant mechanism, merging the categories of Repair/Improvement into a “Renovation” grant which would address elements of disrepair to ensure freedom from rising/penetrating damp and structural stability, while having the facility to upgrade amenity-deficient houses. *Glasgow City Council*
- A revised grant system must take account of overall circumstances, property type, and common responsibility as well as age of the applicant and income, if it is to be a tool to facilitate repair and improvement work. *Glasgow City Council*
- It may be necessary to establish an interim period to address serious outstanding issues such as amenity deficiency, Declared Housing Action Areas and leadpipe water supplies, prior to the introduction of a fully revised grant system. *Glasgow City Council*
- Pilot scheme whereby finance for home repair and improvement is made readily available, and take-up could be monitored. *Scottish Consumer Council*
- Initiatives such as sinking funds, targeted improvement and repair grants, equity release and monthly payment schemes in advance of major works should be considered. *Common Repairs Working Group*
- Grants for repairs and improvements are important. *RIAS*

- Remove individual financial means testing to facilitate common repairs. *Scottish Tenement Group*
- There may be a need for more guidance to ensure that the management fees charged by landlords cover the costs incurred. *Common Repairs Working Group*

Awareness and attitudes towards improvement and repairs

- Consideration needs to be given to developing a policy framework for assessing ‘fitness’ in relation to the needs of the occupying household. *Scottish Housing and Disability Network*
- Analysis of quantity and quality of adaptation improvements for disabled people and assessment of scale of current unmet need/backlogs/under-investment. *Scottish Housing and Disability Network*
- Consideration of planning and design issues to incorporate design features which will reduce future costs in adapting property to meet needs in new build and rehabilitation property. *Scottish Housing and Disability Network*
- Opportunity to bring fuel poverty within the remit of the Building Standards. *Friends of the Earth*
- Important to differentiate the types of household rather than attempting to apply an analysis to a homogeneous group. *Scottish Consumer Council*
- Look at stages of home ownership (from pre-purchase to being resident) and the implications for dealing with disrepair. *Scottish Consumer Council*
- Restrictions faced by RTB owners compared with others. Local authorities can hamper owners’ efforts to maintain their property and alternative mechanisms need to be sought. *Scottish Consumer Council*
- Lack of awareness amongst owners of the role and obligations of a factor or managing agent in respect of their property. *Common Repairs Working Group*
- Environmental or Energy performance appraisal at point of sale has been supported. *RIAS*
- Flat owners should take more responsibility for their own buildings. *Scottish Tenement Group*
- Longer-term view of property maintenance needed. *Scottish Tenement Group*
- ‘Right to Buy’ flat owners – preparation for Home Ownership is needed. *Scottish Tenement Group*

- Preventative maintenance/cyclical maintenance - owner's ability to trust contractors. ***Scottish Tenement Group***
- Property management – Common Buildings Insurance; easy to dispute resolution system; log books of work on property. ***Scottish Tenement Group***
- Property Managers (traditional private sector) – raising of standards; regulation/accreditation should be considered. ***Scottish Tenement Group***
- Property Managers (ex-LA, now private sector) – choices to be offered to private flat owners; quality of repair/maintenance/improvement work to be raised. ***Scottish Tenement Group***
- Property managers (traditional private sector and ex-LA, now private sector) to operate within the same system of professional regulation. ***Scottish Tenement Group***
- Landlords should be encouraged to extend consultation policies and processes to owners living in their estates, on matters which affect them. ***Common Repairs Working Group***
- The new regulator working with the Scottish Executive should develop more tailored advice to landlords involved in factoring and establish clear standards against which performance will be reviewed. ***Common Repairs Working Group***
- The Scottish Executive and the HITF should consider how best to take account of the views and interests of individual owners in the current debate. ***Common Repairs Working Group***
- Early consideration should be given to the production of specific guidance on owner consultation, drawing on the best practice available from the development of tenant participation. This guidance should underpin the new regulatory framework. ***Common Repairs Working Group***

Sub Group B - Individuals buying and selling property

The specific remit of this sub group is to examine and report on the following:

- Costs and delays for house purchasers as a result of the house buying process in Scotland
- The information available to intending purchasers about the condition of the property and its likely future maintenance
- The scope for reducing multiple surveys and valuations
- The role of lenders in encouraging owners to maintain and improve the condition of their properties

The following comments/recommendations on Sub-Group B were provided by:

Citizens Advice Scotland	NHBC
Clyde Properties	RIAS
Common Repairs Working Group	Scottish Housing and Disability Network
Friends of the Earth	Scottish Tenement Group
Glasgow City Council	Surveys Online
Michael A. Brown Solicitors	The Scottish Law Agents Society
Morton Fraser Solicitors	A member of the public

Costs and delays for house purchasers as a result of the house buying process in Scotland

- Almost none of the schemes of the last 18 years promoting or assisting people to buy their own home addressed the particular needs of disabled people or enabled them to participate in an area of tenure growth being made available to non disabled people. ***Scottish Housing and Disability Network***
- Abortive cost is an issue in its own right and should not be dismissed by the conclusion that it does not act as a barrier to the expansion of the owner-occupied sector. ***Friends of the Earth***
- Caveat Emptor should have a greater prominence given the remit of the HITF. ***Friends of the Earth***
- Major uncertainty due to abortive costs caused by multiple surveys/valuations. ***Friends of the Earth***
- The inclusion of hidden defects insurance policies to save consumers the time, effort and expense of trying to sue for negligence if things go wrong, when a simple procedure can actually correct any defects without resort to legal sanctions. ***Surveys Online***
- Conditional offers and/or contractual conditions can only delay the house buying and selling process and lead to more complicated missives. Potential buyers often demand more warranties because of their fear of increased costs to them once they have bought a property. Independent, pre-sale surveys will give both buyers and sellers peace of mind

in the process and encourage more people to benefit from a Scheme 2 survey. *Surveys Online*

- Setting Standard Terms for the cost of the legal requirements would avoid the ability to stretch the costs of the process. At the moment, Surveys Online publishes its fees in advance. There is no reason why legal firms should not do the same wherever possible. *Surveys Online*
- More customer-focused approach can significantly reduce costs and delays for the homeowner. *NHBC*
- EcoHomes is a voluntary certification scheme that gives developers a simple means of promoting the environmental credentials of housing projects. Such an initiative focuses on transparency of costs in running a home. *NHBC*
- Concerns about the practices of some companies that have been established to ‘assist’ former council tenants to buy their property under the right to buy scheme. Many of these companies approach clients who are not in a position to purchase their property, with some clients being told that the Benefits Agency will meet their mortgage payments. Other clients have complained that they have had unsolicited visits and been pressurised into signing documents although they are confused about what they have signed up to. *Citizens Advice Scotland*
- CABx also regularly receive complaints about lawyers acting on behalf of clients during the purchase or sale of their property. Clients can end up incurring additional expenses because of lack of communication or other problems. *Citizens Advice Scotland*
- The use of closing dates where a bid is submitted is a useful way in which to market property. *The Scottish Law Agents Society*
- Many cases where delays do occur in the conclusion of missives occur after the issue of a qualified acceptance by the seller and delay is on the part of the purchaser. *The Scottish Law Agents Society*
- The paper on caveat emptor fails to address what is the fundamental issue - what should be the relationship between purchaser and seller. The transaction fails the basic test of consumerism, that is that one person is buying goods or services not in the course of business from another who is acting in the course of a business or profession. *The Scottish Law Agents Society*
- The caveat emptor rule is thus well established in relation to private sales in relation to both goods and heritable property. It is in our view the correct rule to apply to a transaction between private individuals. *The Scottish Law Agents Society*
- Solicitors should be under a duty to ensure that buyer has the funds to buy the property so that sale doesn’t fall through at the end of the process. *A member of the public*
- The Government requires to reduce its own costs and taxes if it wishes to reduce overall costs for the house buying public. *Michael A. Brown Solicitors & Estate Agents*

The information available to intending purchasers about the condition of the property and its likely future maintenance

- No agreed mechanism in the house selling process to identify properties which have been built or adapted to accessible standards or which are adaptable. *Scottish Housing and Disability Network*
- At the stage of new developments being planned and marketed, there are missing links between the potential market of disabled people and families, the planning brief and conditions, including planning gain, the developer's design and marketing process, and the systems of grant or loan support to bridge funding gaps. *Scottish Housing and Disability Network*
- Need for improved information and matching systems and greater understanding by the statutory sectors (at all levels) of the opportunities within the private sector and the need to assess and articulate market demand. *Scottish Housing and Disability Network*
- There are currently insufficient incentives to ensure buyers are supplied with adequate information. The operation of the current system does indeed serve as a disincentive to the commissioning of scheme 2 surveys, due to the incidence of multiple surveys and the possibility that the buyer may choose not to move to offer. *Friends of the Earth*
- Need to better inform prospective purchasers of the obligations of ownership and educate on the role and responsibility of factors or managing agents. *Common Repairs Working Group*
- The development of Home Log Books. *RIAS*
- A House Maintenance Logbook to give a clear history of any problems and maintenance work over a period of time, allowing people to make informed choices about what they are buying. *Surveys Online*
- We consider that the idea of a log book proposed by the Scottish Consumer Council is a good idea but impractical. *The Scottish Law Agents Society*
- Greater information available to buyers and sellers on favoured service providers within the process. *Surveys Online*
- Very disappointed to see that this section no longer raises the issue of one survey and valuation per property (as contained in the second draft of this paper). At that time, the paper stated that there were no substantial barriers to put in place such a system. However we noted that the group had not discussed this issue in depth. *Surveys Online*
- There must be a way to ensure that potential purchasers are made aware of the responsibilities that ownership entails and an enforcement process which can deal quickly with disputes where they arise. Lawyers and Surveyors must recognise that

simplification and clarification on the law in this area is long over due. *Glasgow City Council*

- Improvements in the home buying and selling process and the ability of consumers to have quality information before they purchase must be linked to the quality of building control services and to the production of condition reports. *NHBC*
- CAB clients have also complained about the quality of the surveys that have been undertaken on their property prior to the purchase. Surveys which fail to point out serious problems with the accommodation have resulted in clients ending up with significant bills when problems are later discovered and need repaired. *Citizens Advice Scotland*
- Former tenants are not made aware of the long-term expenses associated with owner occupation. Those who bought their former council property then find that they cannot afford to pay for common repairs, or dispute liability for these bills. *Citizens Advice Scotland*
- Review of current conveyancing practices. *Citizens Advice Scotland*
- Pre-purchase information for flat owners and post-purchase information for flat owners re property management and maintenance. *Scottish Tenement Group*
- The seller's survey is relied upon for condition of the property by other surveyors who carry out a valuation without incurring liability. From a professional indemnity perspective carrying out a seller's survey may become very unattractive which will be reflected in the costs involved. *The Scottish Law Agents Society*
- We consider that it is reasonable that the seller should be asked for information about the condition of the property which may be known to him and which falls outwith the terms of any survey report. *The Scottish Law Agents Society*

The scope for reducing multiple surveys and valuations

- The operation of the current system does indeed serve as a disincentive to the commissioning of Scheme 2 surveys due to the incidence of multiple surveys and the possibility that the buyer may choose not to move to offer. We would suggest this is a central issue for the task force and deserves more emphasis. *Friends of the Earth*
- The problem of multiple surveys, which has led to calls for a system of sellers' surveys to be introduced, is not nearly so prevalent as press reports might suggest. *Morton Fraser*
- Independent pre-sale surveys to end the misery and expense of multiple surveys. *Surveys Online*
- The speeding up of the introduction of the on-line Land Registry to reduce costs and increase transparency. *Surveys Online*

- All the major lenders in Scotland accept the surveys and the valuations commissioned by Surveys Online. RICS has confirmed that there is no conflict of interest using one, independent, pre-sale survey. One independently commissioned survey means that a conflict of interest is less likely to arise, as neither the buyer nor the seller is able to influence the survey. *Surveys Online*
- Full Scheme 2 survey to be made available to all parties involved in the purchase of a property. The surveyors fees would be paid by the successful purchaser only, except where a sale was not completed in which case the vendor would be responsible for an administration charge of £75 plus VAT. *Clyde Property*
- There is a danger that Scotland seeks to imitate English reform for the sake of fashion rather than any fundamental reasons. There is in our view therefore no problem which requires the introduction of sellers' packs into Scotland. *The Scottish Law Agents Society*
- We do not consider that sellers should be legal obliged to obtain a survey over their property which conflicts with the basic principle of caveat emptor. Multiple surveys are seen as a bad thing. In our view they are not. *The Scottish Law Agents Society*
- The absence of standardisation of missives might lead to a problem with the introduction of sellers' surveys and sellers' packs and that is that missives become far shorter with fewer protections for purchasers built in. The alleged multiple survey problem will be replaced by a multiple title examination process which is likely to be more expensive for unsuccessful offerers. *The Scottish Law Agents Society*

The role of lenders in encouraging owners to maintain and improve the condition of their properties

- Need for mortgage and insurance products which recognise the particular financial circumstances of disabled people; and financial services staff need an improved understanding of disability issues and of benefits as the primary income source for many disabled people or carers. *Scottish Housing and Disability Network*
- Keen to see the issue of 'House values are not sufficiently linked to condition and long term running costs' expanded and given greater prominence as it is central to the stated aims of the HITF. *Friends of the Earth*
- Suggest that lenders have a role in ensuring sufficient funds are available for the maintenance and sustainability of a property. *Friends of the Earth*
- The important roles of mortgage lenders and, in particular, valuation surveyors, has been alluded to in the past by the Incorporation. Their close involvement in current work is vital. *RIAS*
- The introduction of standard terms for those involved in providing services as part of the house buying process (lawyers and surveyors) to make the process more open and predictable for buyers and sellers. *Surveys Online*

- Mortgage Lenders should have a more positive attitude towards long-term property maintenance. *Scottish Tenement Group*

General issues for sub-group B

- The key issues paper for sub-group B fails to tackle the remit adequately. *Friends of the Earth*
- Concerned that energy efficiency of properties is not touched upon at all. Jackie Baillie and Margaret Curran have stated in Parliament that the HITF would be looking at energy audits. *Friends of the Earth*
- The Common Repairs Working Group recommends that a review of the role of other professional interests in the home buying process be undertaken to ensure consistent advice to prospective purchasers. *Common Repairs Working Group*

Sub Group C - Landlords renting property in the private sector (and the interests of tenants who occupy these properties)

The specific remit of this sub group is to examine and report on the following:

- The extent of disrepair and obsolescence in the privately rented sector
- Local authority responsibilities and powers including HMO licensing
- Incentives and disincentives to investment in stock by private landlords
- The impact of other forms of regulation (health and safety, delict) on private landlords
- The impact of tenancy legislation on investment in the privately rented sector

The following comments/recommendations on Sub-Group C were provided by:

Citizens Advice Scotland	Scottish Housing and Disability Network
Friends of the Earth	Scottish Tenement Group
Scottish Building Society	University of Glasgow
University of Strathclyde	

The extent of disrepair and obsolescence in the privately rented sector;

- Many complaints received from CAB clients include:

Clients concerned that their accommodation is unsafe or uninhabitable
Landlords failure to deal with dampness, gas safety etc.

Citizens Advice Scotland

- We would suggest that the terms “much worse” and “worst conditions” are excessive. *University of Strathclyde*
- It is clear that some private landlords evade their statutory duty to provide safe accommodation and are willing to risk the health and safety of their tenants. *Citizens Advice Scotland*
- Clients who have rented private accommodation through letting agencies find that this does not give any guarantee that repairs will be undertaken. *Citizens Advice Scotland*

Local authority responsibilities and powers including HMO licensing

- A duty should be placed on landlords above a certain size to make reasonable adjustments to their stock of housing to make it accessible in a similar approach to the duty being placed on the transport providers to make transport accessible under the DDA. *Scottish Housing and Disability Network*
- Local authorities have a lack of knowledge, resources and powers in relation to the PRS. *Friends of the Earth*

- LAs should review their powers to ensure that buildings do not fall into serious disrepair. ***Scottish Tenement Group***

- Conflicts of interest to be addressed:

LA as landlord versus LA as property manager in mixed tenure tenements

LA serving repairs notices versus LA funding repairs grants

Scottish Tenement Group

- We agree that the HMO Unit in Glasgow, similar to many other local authorities seems to lack whatever skills and resources are necessary to monitor or influence the worst excesses of the most unacceptable landlords in the city; (but of course these landlords are deliberately evading such monitoring/influencing). ***University of Strathclyde***
- The practical and financial implications of the licensing requirements for HMOs appear to be extremely onerous. ***University of Glasgow***
- The administrative and physical demands on Council resources are likely to fall well below those associated with the comparative disparate (and often inconsistent) private sector. On this basis the University would seek to secure a considerable reduction in the financial and administrative burden associated with compliance. ***University of Glasgow***
- With no external subsidies, licensing fees are recoverable from the rental charges. This will directly increase the financial burden on student residents and may ultimately inhibit the ability of the institutions to attract the widest possible range of students. ***University of Glasgow***
- There is a possibility of students being tempted to pursue lower cost, non-compliant property in the private sector in direct conflict with both the institutions' aim and that of the Council to grant the best possible support and protection to a potentially vulnerable group. ***University of Glasgow***
- It is inevitable that a single number of private landlords may seek to withdraw from the sector with the properties reverting to standard domestic use. ***University of Glasgow***
- The University of Glasgow has found enormous benefit in establishing a Private Accommodation Database (PAD) in conjunction with the other educational institutions in the City. This database provides a comprehensive and up-to-date listing of private sector accommodation which private providers wish to make available to students. Since the scheme has been in operation we have noted a significant decline in complaints from students about properties they have either viewed or entered into contractual arrangements for in the private sector. ***University of Glasgow***
- It is clear that significant gaps still persist in landlord awareness of relevant legislation. ***University of Glasgow.***

Incentives and disincentives to investment in stock by private landlords

- One of the main incentives to invest in the private rented market would appear to be the high demand for rented accommodation in some areas. Many clients who do not qualify for a mortgage are unable to find suitable accommodation in the social housing sector have no option but to rent in the private sector. *Citizens Advice Scotland*
- Given the high demand for rented accommodation in some areas, the private rented market can command high rents, particularly since rent regulations have been abolished. Rents in the private sector are invariably significantly higher than in the socially rented sector and many clients find they are charged high rents for poor quality accommodation. *Citizens Advice Scotland*
- A further incentive for private landlords is that many high rents can, at least in part, be covered by Housing Benefit. Currently 11% of Housing Benefit claimants in Scotland live in privately rented accommodation. Citizens Advice Scotland is concerned that Housing Benefit may be exploited by some private landlords, who are charging high rents for poor quality housing. *Citizens Advice Scotland*
- High rent is often a problem raised by clients on Housing Benefit who are unable to claim their full rent paid and are forced to make up the shortfall in their rent on low incomes. *Citizens Advice Scotland*
- While there is evidence to suggest that some landlords may be exploiting the Housing Benefit system, other private landlords explicitly state that they do not want tenants who are claiming Housing Benefit. *Citizens Advice Scotland*
- Given the notorious delays in the processing of Housing Benefit in many local authority areas it is understandable that private landlords may be reluctant to give Housing Benefit tenants. Many CAB clients on Housing Benefit end up with extensive rent arrears because of administrative errors and delays. *Citizens Advice Scotland*
- The encouragement and promotion of best practice and improved housing quality in the private rented sector requires financial assistance and can also be provided in terms of access to guidance, help and information. *Scottish Building Society*

The impact of other forms of regulation (health and safety, delict) on private landlords

- CABx have ample evidence of private landlords ignoring tenancy legislation to the detriment of their tenants. CAS suggests that limited regulation and enforcement of private tenancy legislation provides further incentives for landlords to invest in this sector. Currently private landlords are able to exploit tenants by commanding high rents for unsafe and uninhabitable accommodation, and can act unlawfully towards tenants without any come back. *Citizens Advice Scotland*
- Some clients are not provided with a written lease when they rent private accommodation. In the case of a dispute, clients can suffer financially if there is no written contract to protect them. *Citizens Advice Scotland*

- Private tenancy agreements (usually short assured tenancies) do not generally offer the security of tenure that is available to social housing tenants. CABx regularly assist clients who have been evicted from private accommodation where the landlord has not gone through the correct eviction procedure. *Citizens Advice Scotland*
- The failure of landlords to return deposits without good reason – usually a substantial sum of money (at least one month’s rent) which is often needed as a deposit to secure other privately rented accommodation. Where landlords fail to respond to CAB requests to return deposits, the only course of action open to clients is the small claims court. *Citizens Advice Scotland*
- Private landlords should be encouraged to improve:
 - Lead tank and pipe replacement
 - Central heating installation
 - Thermal efficiency improvements

Scottish Building Society

- Consideration should be given to Scottish Homes along with Housing Associations providing a management/repair scheme for the private sector. *Scottish Building Society*
- We would agree that *many* tenants and landlords are poorly informed about their rights and responsibilities in relation to housing quality under Health and Safety legislation. *University of Strathclyde*

The impact of tenancy legislation on investment in the privately rented sector

Sub Group D - Common or shared obligations in respect of property

The specific remit of this sub group is to examine and report on the following:

- The extent to which disrepair and poor maintenance is greater in properties with common or shared obligations
- Current arrangements in place for the management of communal repairs and shared areas
- Current arrangements for funding communal repairs and maintenance work, including sinking funds
- The role of local authorities and other bodies in encouraging communal repair and maintenance

The specific remit of this sub group is to examine and report on the following:

Common Repairs Working Group	Scottish Housing and Disability Network
Friends of the Earth	Scottish Tenement Group
A member of the public	

The extent to which disrepair and poor maintenance is greater in properties with common or shared obligations

Current arrangements in place for the management of communal repairs and shared areas

- Block insurance for private blocks of flats should be considered. *A member of the public*
- Changes are needed which increase the rights of the disabled person when adaptations to a property requiring access to or changes to an area in common ownership is blocked by a neighbour. *Scottish Housing and Disability Group*
- The Common Repairs Working Group concluded that Title Conditions had not been applied consistently within and between social landlords. *Common Repairs Working Group*
- The need to regulate and set standards for factors should be a priority. *Shelter Scotland*

Current arrangements for funding communal repairs and maintenance work, including sinking funds

- Information and advice for flat-owners appears to be poorly developed in Scotland compared to other developed countries. Consideration should be given to a national service, part-funded by Government and by leading industry players. *Shelter Scotland*
- The future of repair and improvement grants is something which sub-group D should also look at. *Shelter Scotland*

- Major repairs sinking funds have been standard practice in the RSL sector since the Housing (Scotland) Act 1988 funding changes. The sub-group might wish to consider their application in the private sector. *Shelter Scotland*

The role of local authorities and other bodies in encouraging communal repair and maintenance

- There should be default standards governing management of newly built blocks of flats. *Shelter Scotland*

GENERAL AND CROSS GROUP ISSUES

- There is a need to consider how best to encourage or require use of planning powers to address shortfalls in housing required for wheelchair users, linked to improved matching systems and information and advice for disabled people. *Scottish Housing and Disability Group*
- Education, training and qualifications for professionals re private sector. *Scottish Tenement Group*
- Consideration should be given on how existing good practice and advice be made more widely available by the use of web based solutions. *Common Repairs Working Group*
- It is deeply unfortunate that property law reform should be proceeding quite separately from the work being carried out by the Housing Improvement Task Force. The process leading to the 3 main property law bills – Feudal Reform; Title Conditions Bill; and Tenements Bill – has been highly unsatisfactory. *Shelter Scotland*