

RESPONDENT INFORMATION FORM



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Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Summary

Citizens Advice Scotland (CAS) welcomes the opportunity to participate in this consultation. The Citizens Advice network in Scotland gave over 54,000 pieces of housing related advice in the last financial year¹, and gathered qualitative data from individual Citizens Advice Bureau cases, known as Citizens Alerts². We use this data to track trends and patterns in the housing problems people face and develop policy recommendations to address these problems at source.

In general, CAS is supportive of the ambitions in the Housing to 2040 Draft Vision and Principles. However, they require significant changes to existing policy, practice and culture, in an increasingly short time. To achieve these ambitions, the Scottish Government must:

- Adopt a human rights approach to housing, following the guidelines set out by the UN Special Rapporteur³. Principle 15 should be the foundation of the Scottish Government's approach to housing, not the last poorly defined principle of a long list.
- Ensure these proposals align with and contribute to the National Outcomes of the National Performance Framework, particularly those on the Economy, Poverty, Communities, Fair Work and Business, Health, Environment, and Human Rights.
- Recognise the relationship between housing and other policies, including those reserved to the UK Parliament and devolved to local authorities. Our evidence suggests that social security, work, taxation, transport, energy, planning and health are particularly important, and will require radical action from government.
- Define affordability in relation to incomes, not the market.
- Provide measurable outcomes to align with the principles and vision so that government, parliament and civil society can track progress, and press for remedial action if it slows or stalls.
- Understand how existing shortcomings in the housing system affect different demographics including, but not limited to, geography, in different ways. Identifying which groups are furthest from embodying the vision and principles will help Ministers and other actors target policies and resources effectively.
- Provide adequate resources for enforcement and compliance across existing and new regulations and legislation. The current system is fractured, with different bodies responsible for different tenures, with differing levels of resource and different processes, none of which are easily navigable without extensive support or expertise.

¹ 41,553 pieces of non-debt related housing advice, and 12,585 pieces of advice relating to rent arrears in the year 2018-19.

² The Citizens Advice network operates a real-time case reporting system called Citizens Alerts. The system allows CAB to submit case evidence to CAS demonstrating the impact of policies and services which they feel are failing to meet their clients' needs.

³ [Guidelines for the Implementation of the Right to Adequate Housing – Leilani Farha \(UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context\), Dec 2019](#)

GUIDELINE QUESTIONS

Q1	<p>Earlier this year we published our draft vision and principles. A short and longer version are available here: www.gov.scot/housing2040. Do you have any comments on the draft vision and principles?</p> <p><i>Please be specific and identify what you would change and why.</i></p> <p>Principle 1 – that the housing system should supply high-quality affordable homes for living in, to shift the balance away from the use of homes as a means to store wealth.</p> <p>CAS is generally supportive of this principle. However, the Scottish Government’s current definition of affordable homes is much broader than CAS would consider appropriate, including Social Rent, Affordable Rent, and Affordable Home Ownership, as below:</p> <ul style="list-style-type: none">➤ “Social Rent includes Housing Association Rent, Council House Rent as well as Home Owner Support Fund Rent.➤ Affordable Rent includes Mid-Market Rent (MMR), National Housing Trust (NHT) Rent as well as other programmes such as the Empty Homes Loan Fund (EHLF) and Rural Homes for Rent (RHfR).➤ Affordable Home Ownership includes Open Market Shared Equity (OMSE), New Supply Shared Equity (NSSE), Shared Ownership (LCHO) as well as other programmes such as Home Owner Support Fund Shared Equity.”⁴ <p>None of these affordable home types define affordability in relation to income, only in relation to wider market rates.</p> <p>CAS recommends using “affordable” and “affordability” to describe housing costs – rent, mortgage payments, or purchase price - in relation to income, not market rates. CAS will use this definition throughout this response.</p> <p>Up until the financial crash, average house prices grew much faster than incomes (from £71,000 in 1999 to £165,000 at the 2008 peak⁵), with social and private sector rent increases more subdued. Since then, housing prices haven’t risen as quickly, but have continued to increase, reaching an average of £181,500 in 2018⁶, and generally require a much higher proportion as a</p>
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⁴ [Page 20, Housing statistics for Scotland Quarterly Update – Scottish Government, Dec 2019](#)

⁵ [Charts, House Prices: an observation, Value of Residential Property Transactions – Scottish Government, 2018](#)

⁶ *ibid*

deposit⁷; wages have only just surpassed pre-crash levels in real terms; and the average rent costs for those in the private sector - which in Scotland has almost tripled in size in the last 20 years⁸ - rose again above CPI in most parts of Scotland for most sizes of property in the last year⁹. In particular areas, such as Lothian, private sector rents have increased by over 120% more than CPI in the last 9 years¹⁰. The latest figures suggest 27% of Scottish private sector tenants' net income goes on rent on average¹¹ but for those on the lowest incomes private sector rents can be up to almost 60% of net household income¹². Basing commercial investment in the Private Rented Sector on rental income return (not capital appreciation), as suggested under this principle, risks inflating private sector rent levels further, when they are already unaffordable for many.

Similarly, average weekly social sector rents have increased more than twice as fast as inflation over the most recent five years that data is available for¹³. The growth in the private rented sector and short-term lets market; the number of empty homes; changes to housing benefit and a decrease in social housing stock from its peak all contribute to a squeeze on the affordable housing supply in many parts of the country¹⁴. Policy and action to increase the supply of affordable housing is therefore vital to achieve this principle in practice but affordability (defined in relation to income) is also affected by wages and levels of social security payments.

Unfortunately, inflation has outstripped wage growth for most of the last 10 years¹⁵, and the payment levels for working-age benefits have been frozen for the last five years¹⁶, equating to a significant real terms cut. Affordability defined in relation to the market, not rents, is increasingly redundant and true affordability cannot be sustained without considering both sides of the equation. Please see more detail in response to question three on this point.

While shifting the balance away from using homes to means to store wealth may be necessary to achieve the vision and principles, it implies a significant, if welcome, culture shift. This cannot be achieved in isolation and will require

⁷ [Page 6, Housing: Subject Profile - SPICe, Dec 2016](#)

⁸ [Page 85, Scotland's People Annual Report 2018: A National Statistics publication for Scotland – Scottish Government, Sep 2019](#)

⁹ [Pages 10-18, Private Sector Rent Statistics, Scotland, 2010 to 2019 – Scottish Government, Nov 2019](#)

¹⁰ Lothian incorporates City of Edinburgh, East Lothian and Midlothian. [Pages 10-18, Private Sector Rent Statistics, Scotland, 2010 to 2019 – Scottish Government, Nov 2019](#)

¹¹ [Page 5, Social Tenants in Scotland, 2017 – Scottish Government, Apr 2019](#)

¹² [Fig. 11, UK private rented sector: 2018 – Office for National Statistics, Jan 2019](#)

¹³ Page 82, *ibid*

¹⁴ [The cost of housing for low-income renters – Institute for Fiscal Studies, Oct 2017](#)

¹⁵ [Fig 2. Average household income, UK: Financial; year ending 2019 \(provisional\) – Office for National Statistics, Jul 2019](#)

¹⁶ [Benefits freeze to end in 2020, government confirms – BBC, Nov 2019](#)

changes to income levels, pension and investment options, the tax system, adult personal and social care.

Principle 2 – Government policy (including taxes and subsidies, for example) should promote house price stability, to help underpin Scotland’s standard of living and productivity and promote a Fairer Scotland.

In relation to principle 2, CAS would emphasise that some house prices are already too high in some areas or for certain demographics. Saving enough for a deposit can be a particular barrier. The CAS 2019 Tracker Survey found that close to a third of adults in Scotland are unable to save regularly, rising to 46% for those currently renting. House prices relative to income have almost doubled in the last 40 years¹⁷.

The Scottish Government should consider whether it is appropriate to pursue static prices, or even a decrease in those circumstances.

Principle 3 - Everybody should be able to save for the future (as well as be secure in their home and make significant changes to it) whether they rent or own.

CAS is generally supportive of principle 3. As mentioned above, some 30% of people in Scotland are currently unable to save regularly¹⁸, which results in lack of resilience to income shocks or unexpected expenses. This is demonstrated in a similar proportion (29%) telling us they would be unable to cover an unexpected but necessary expense of £500 (replacement of a white good, for example, urgent household repairs or car breakdown)¹⁹. Unaffordable housing costs make people increasingly vulnerable and more reliant on public/third sector services in the event of sudden other costs, as well as cutting back essential expenditure in other areas like food or energy consumption.

There is some early evidence that security may have increased as a result of the Private Residential Tenancy’s introduction among private renters²⁰, but evictions in the social rented sector, particularly among local authority tenants, have increased in the last five years by 44%²¹.

¹⁷ [Page 8, BBC Briefing: Housing - BBC](#)

¹⁸ CAS 2019 Tracker Survey

¹⁹ *ibid*

²⁰ After sustained increases in proportion of people applying as homeless who had previously been in the private rented sector, the last year saw a 2% decrease, coinciding with the introduction of the PRT: [page 41, Behind the statistics: an analysis of official homelessness statistics 2018/19 – Shelter Scotland, Nov 2019](#)

²¹ [Page 4, Evictions by social landlords in Scotland 2016-2018 – Shelter Scotland, Jul 2019](#)

Principle 4 - Housing provision should be informed by whole life economic costs and benefits in the round and help to address inequalities in health, wealth and education.

CAS is generally supportive of this principle. However, the additional text supplied focuses only on costs, and not benefits, and only new build homes. CAS would welcome more consideration of the benefits of good housing provision, including net positive impacts on public services and health. Housing provision should include new build homes and renovation and upgrading of existing homes. It is also important to consider the role of social security support for housing costs, as detailed in our response to question 2 below.

Principle 5 - Tenure-neutral space and quality standards for new homes (and existing homes where possible) should be set specifically to improve and protect quality of living and of place.

CAS would welcome more clarity on what is meant by "tenure-neutral". We are supportive of parity between different housing sectors (e.g. social housing, private rented sector long-term rentals, and short-term lets) when it comes to regulation, standards and enforcement, but it's unclear if this is what's meant. There also appears to be some duplication between this principle and principle 7. Space, quality, safety and consumer protection standards should encourage affordable housing supply and not create perverse incentives to use homes as short-term leisure rentals, capital storage or to leave homes empty or let them fall into disrepair.

The Scottish Government's analysis of the impact of Air BnB short-term lets on communities²² found that entire properties let out by non-resident owners, were more common than shared rooms or homes. The analysis also found that a change from long-term private lets and owner-occupier properties to short-term lets was reducing availability and affordability of housing where these properties are concentrated. The section on "Ease of entry and lack of regulation" compares regulation and taxation of short-term lets to the long-term rented sector, concluding that the comparatively "light-touch" regulation and generous tax treatment of short-term lets is an incentive for some landlords to switch use of their property²³.

²² Whose listings in Scotland have more than tripled in 3 years: [Page i, Research into the impact of short-term lets on communities across Scotland – Scottish Government, Oct 2019](#)

²³ Pages 26-28 *ibid*

The forthcoming changes to regulation of this sector should be monitored closely to assess its impact on housing more generally.

Principle 6 - Government policy should promote a greater diversity of home builders and broader availability of land for development to reduce prices and improve building quality.

CAS would recommend that the Scottish Government supports better availability of land and quality of development, rather than just “broader”. Some 83,000 homes were unoccupied in 2018²⁴, while another 25,000 properties were classed as second homes²⁵. Numbers of whole-property, year-round short-term lets are unknown. Applications for developments that do not provide long-term affordable housing should have to make an increasingly strong case to be successful. Developments of affordable long-term housing should be treated preferentially over purpose-built student accommodation²⁶, leisure, tourism and retail development where communities are already well-served.

Principle 7 - All tenures should apply the same high quality and safety standards and levels of consumer protection.

Everyone in Scotland has the right to a home that is warm, dry, and affordable to heat. While each tenure will have different consumer protection challenges, the same standard of protections should be applied to everyone.

The landscape of regulation as it currently stands is difficult to navigate and constantly changing. The Scottish Government has set, proposed, or is consulting on minimum standards of energy efficiency in every sector. Social housing is expected to meet EPC band B by 2032 under the Energy Efficiency Standard for Social Housing. As part of Energy Efficiency Scotland, the regulations to require EPC band E by 2022 and EPC band D by 2025 in the Private Rented Sector are expected to be passed by the Local Governments and Communities Committee in Spring 2020. The consultation on requiring owner occupiers to reach EPC band C by 2024 is currently open.

For the sake of clarity and consistency, CAS urges the Scottish Government to set the same standards for owner occupied and private sector housing, which

²⁴ [Page 2, Household estimates, Scotland 2018 – National Records of Scotland, 2018](#)

²⁵ *ibid*

²⁶ Students can be a vital and vibrant part of local communities and economies. However, purpose-built, particularly studio, accommodation segregates students from the broader community, is often affordable only to the wealthiest students and is limited in its suitability for other tenants.

we believe should be EPC band C by 2030. The past success of EESSH in upgrading social housing stock means the social housing sector is ready to go further faster; for this reason we believe EPC band B by 2032 is appropriate for social housing.

EPC band C by 2030 would not alter the proposed regulations in the private rented sector, but would instead clarify where the government is heading and encourage landlords to make more substantial improvements more quickly. The private rented sector is in urgent need of improvement: 39% of people in the private rented sector are in fuel poverty²⁷ and 10% of PRS properties were in EPC band F or G, twice as many as any other sector²⁸. Laying out a clearer route map for landlords will improve Scotland's housing stock, help lift people out of fuel poverty, and improve health and wellbeing of private rented tenants. Mandating the same standard at the same time for both sectors will encourage greater consumer confidence in navigating energy efficiency upgrades, making them more likely to follow through with meaningful (not just cheap) improvements and making them less susceptible to rogue traders.

Our 2016 report *Taking the Temperature: A review of energy efficiency and fuel poverty schemes in Scotland*²⁹ found that the complex delivery landscape of existing schemes hampered participation and made delivery more challenging and confusing for consumers. A universal standard of EPC band C by 2030 would allow homeowners and landlords to plan improvements and engage with support schemes earlier and more extensively. Moving the date of required minimum standards back six years for owner occupiers would give the supply chain, local authorities, and Scottish government crucial time to prepare and learn lessons from the private rented and social rented sectors, which will have standards phased in over time. Most importantly, it will allow the Scottish Government time to create a robust program of consumer protection, including a Scottish Quality Mark that will root out companies like HELMS before they cause widespread detriment³⁰.

People in every sector of housing deserve to live in a home that is warm, wind and water tight, and affordable to heat. To achieve this, the Scottish Government should set minimum standards of energy efficiency and equally high standards of consumer protection that function within a framework agile enough to respond quickly when consumers flag rogue traders or poor-quality

²⁷ [Page 5, Latest estimates of Fuel Poverty and Extreme Fuel Poverty under the proposed new definition – following Stage 2 of the Fuel Poverty \(Targets, Definition and Strategy\) \(Scotland\) Bill - Scottish Government, May 2019](#)

²⁸ [Page 52, Scottish House Condition Survey: 2018 Key Findings – Scottish Government – Jan 2020](#)

²⁹ [Taking the Temperature: A review of energy efficiency and fuel poverty schemes in Scotland - Citizens Advice Scotland, Jun 2016](#)

³⁰ For more information about HELMS, please see [Bad Company: Finding solutions for the people ripped off by HELMS – Citizen Advice Scotland, Dec 2018](#)

work, and with enough teeth to ensure compliance and redress. We set out more specific details, including our thoughts on the recommendations of the Scottish Government's Quality Assurance Short Life Working Group in our 2019 response to the consultation on further development Energy Efficient Scotland, accessible on our website³¹. Finally, there appears to be significant duplication between this principle and principle 5. CAS would recommend considering whether these two principles can be brought together.

Principle 8 - New homes for sale should be built to high standards, defects should be identified and remedied quickly and all owners should be required to maintain the condition of their home.

It is unclear what is meant by "condition" of a home in this principle. As discussed in response to principles 7 and 9, we believe that energy efficiency standards should be included in the quality standards we expect from our housing stock, as well as being safe, wind tight and watertight. This includes new build homes. However, a requirement to maintain "condition" beyond this could risk overstretching by the government into the private sphere. Indeed, even if condition at this level (warm, energy efficient, safe, wind tight and watertight) is not maintained by an owner-occupier, this is likely to be caused by a lack of means. In these circumstances, the owner may require additional support, rather than penalties.

For owners in the private rented sector, properties are the tenant's "home", rather than the landlord's, and this principle does not make clear whether the landlord is responsible for maintaining the home's conditions or if it just applies to owner-occupiers.

In terms of standards and conditions relating to climate change, improving the thermal efficiency of Scotland's housing stock will not be enough to reduce carbon emissions. Reaching net zero will require consumer behavior to change as well. To support this, a robust and energetic information campaign must accompany all of Scotland's energy efficiency and carbon reduction programs. As outlined in a 2019 report to the Committee on Climate Change,

"...it will be paramount going forward to make public engagement and shifts in behaviour more visible to all. This would leverage social influence and social proof to normalise participation, new behaviours and technologies, and thereby accelerate further behavioural and societal change. Seeing others' engagement, and the progress achieved in emissions reductions and co-benefits, should reinforce citizens' sense

³¹[CAS Response to Energy Efficient consultation – Citizens Advice Scotland, Mar 2019](#)

that taking action is possible and socially desirable and that everyone can, should, and is doing their part³²”

The climate emergency demands that we reimagine how we use energy and build and maintain our homes. New build homes should be built to the highest possible energy efficiency standards. Occupants should be supported and encouraged by the Scottish Government and their local authorities to maintain the condition of their homes, understand and use available low carbon heating systems, and engage with their community to normalise energy saving behaviours. However, we believe that a compassion exemption should be made available to owner occupiers who are vulnerable and unable to cope with the stress of having works done.

Principle 9 - Decisions around the quality, location and utilisation of existing stock and new build should be ambitious in enhancing biodiversity, promoting Scotland’s energy security, and be consistent with the target for Scotland’s emissions to be net zero carbon by 2045.

Scotland has set some of the most ambitious standards of carbon reduction in the world. To achieve this goal, energy efficiency and carbon reduction must be built into quality standards we expect from housing. New build housing should be built to high standards of quality and energy efficiency – in practical terms this means as close to EPC band A as technically possible. Existing homes should be retrofitted to meet *at least* EPC band C where technically feasible and cost effective.

The location, building material, and use of a building are obviously essential in determining what energy efficiency measures are appropriate. Buildings in conservation areas must be given particular care and the natural environment surround them should be conserved. This does not mean, however, that protecting local biodiversity or qualities of historic importance are a complete barrier to more efficient housing. Historic Environment Scotland offers a guide to improving the energy efficiency of traditional and historic buildings³³ and offers a wealth of case studies that demonstrate how, with creativity and careful planning, even our most unique and difficult to treat buildings can be made more thermally efficient³⁴.

³²[Page 22, Behaviour change, public engagement and Net Zero: A report for the Committee on Climate Change – Dr Richard Carmichael, Oct 2019](#)

³³[Short Guide: Fabric Improvements for Energy Efficiency in Traditional Buildings - Historic Environment Scotland Mar 2013](#)

³⁴[Case Studies – Historic Environment Scotland](#)

Ensuring new builds are the highest possible levels of energy efficiency does not have to radically more expensive. The Energy Savings Trust estimates that the additional cost of building a “2050 ready” home to be £2200-£2400 for a flat and £6700 – £7500 for a detached house³⁵ (see table). New build housing should be built to use as little heat and energy as possible and should be equipped with low carbon heat sources. Ensuring all new builds are EPC band A or B and will help reduce demand for heat, but behaviour change and consumer buy in is essential for Scotland to meet its decarbonisation targets. People who live in these homes should be taught by the builders or agents who sell them the property how to use their heating system and derive the greatest amount of benefit from the design of their home. If something goes wrong with the individual heat source (for example a heat pump) or communal heat source (like district heating) homeowners should have a source of redress that will solve the problem quickly.

Some homes will have to have electric heating to meet net zero targets. To ensure Scotland’s energy security alongside higher demand for electricity, innovative changes will have to be made at a household and network level. In a promising pilot, Warmworks is trialling electric heating with domestic storage batteries in 150 off grid homes in Dumfries and Galloway in partnership with SP Energy Network’s Green Economy Fund and Dumfries and Galloway Housing Partnership³⁶. CAS urges the Scottish Government to learn from the lessons pilots like these offer and encourage innovation from community housing partnerships and network companies.

³⁵ [The Clean Growth Plan: A “2050-ready” new-build homes policy - Energy Savings Trust, May 2017](#)

³⁶ [Domestic Battery Storage – Warmworks, 2020](#)

Table One: Estimated additional cost of building to Zero Carbon standard.

	Estimated additional cost of building to Zero Carbon standard	Average purchase price of this type of home 2014 ⁵	% of 2014 purchase price represented by additional zero carbon cost
Detached home	~£6,700-7,500	£280,675	2.5%
Semi-detached	= ~£3,700-4,700	£163,172	2.6%
Flats (low rise)	~£2,200-2,400	£151,433	1.5%

Energy Savings Trust (2017)

Principle 11 - Local communities should be empowered to respond to housing need in their area, as part of a coherent regional economic approach (creating and maintaining jobs) and supported by provision of the right infrastructure.

Local Authority budgets have fallen 4% in the last five years real terms³⁷. Supporting infrastructure in terms of expertise and guidance is important to empower local communities, but ultimately, funding is required to respond to housing needs, and this should be as devolved as far as possible through, not past, local authorities.

CAS particularly supports the principle (13) that Scottish Government should ensure that there are high quality, affordable housing options for households at all income levels.

Indeed, because affordability of housing across all tenures is a key concern for many clients presenting at Scottish CAB, CAS believes that there is both a necessity for and clear benefits of intervention in this area. This is evidenced in a number of ways, as detailed in response to question three.

Principle 14 - Housing and the housing market should be highly flexible to enable people to meet their changing needs.

The Citizens Advice network in Scotland sees cases where this is currently not true, which can have significant negative impacts on people's health and quality of life. As such, we are supportive of this principle. Crucially, this principle should apply to changing needs in terms of household size over time (e.g. single-person, couple, young family, older person) as well as individual changing needs, such as the onset of a health condition or disability.

Tied to principle 11 and the funding required for local authorities to make all these principles a reality, 55% of councils have said that lack of funding for adaptations was a challenge (a higher proportion than in England and Wales)³⁸. The Citizen Alerts below shows how this a lack of flexibility in housing and funding for local authorities and housing associations has affected some Citizens Advice Bureau (CAB) clients.

The logo consists of an orange exclamation mark to the left of the word 'Citizens' in orange, and the word 'ALERT' in orange below it.

The Citizens Advice network operates a real-time case reporting system called Citizens Alerts. The system allows CAB to submit case evidence to CAS demonstrating the impact of policies and services which they feel are failing to meet their clients' needs. This briefing is based on **Citizens Alerts** concerning the five-week wait for a first payment of Universal Credit (UC).

 **Citizens Alert:** A north of Scotland CAB reports of a client presently living in a local authority rented house. The house has several issues related to its condition and its accessibility for the client, but the local authority advises that not cost-effective to carry out repairs/adaptations. Therefore, a disabled client with physical and mental health conditions must go through the process of applying for and moving to a new local authority property (at a cost to client and to the local authority). This increases the pressures on the client and on all the present services that support her - and that will increase in the process of her preparing to move house, moving house and settling into a new house. The local authority has known for many years about issues with present accommodation but has not attended to these or maintained the house until it is now in a very poor condition for any tenant to live in, regardless of their

³⁸ [Page 2, Housing and disabled people: Scotland's hidden crisis – Equality and Human Rights Commission Scotland, May 2018](#)

	<p>circumstances. If the local authority had taken care of the house over time it would not have become so unsuitable.</p> <p>Citizens Alert: An east of Scotland CAB reports of a client who moved from a refuge to a house she had an obligation to accept as it was “deemed suitable”. However, there is a lack of understanding about the impact of health conditions on someone's ability to do 'routine' things. An assumption was made that a wet room is accessible for all but the client’s medical condition can make her unsteady on her feet and her pain/discomfort can be eased by a bath much more than a wet room or shower. She now has the added stress of trying to negotiate with the housing association to have the room adapted.</p> <p>Citizens Alert: A north of Scotland CAB reports of a client with a diagnosis of Multiple Sclerosis who lives in local authority housing. She has an over bath shower and due to her health condition has difficulty getting in and out of the shower. The bathroom is up a set of stairs which she accesses using a stairlift. She approached the local authority for assistance to remove bath and insert shower tray but as her bathroom is upstairs, the local authority deemed the client capable of ascending stairs and therefore not eligible for financial assistance.</p> <p>In line with other recommendations, the Scottish Government should consider how the route map can best support those for whom the impact of unsuitable housing, like disabled people, is “particularly acute”³⁹.</p>
<p>Q2</p>	<p>Do you have any comments on the scenarios and resilience of the route map or constraints?</p> <p><i>These are set out in sections 3 and 4 of Annex C.</i></p> <p>CAS notes the labour market constraints identified as well as the economic drivers of change. However, the labour market’s role in housing is broader than just providing the skills for new build construction or existing home maintenance. Low wages and hours across the still-burgeoning gig economy can constrain housing affordability. Our data shows that almost 1 in 4 Scottish adults find it difficult or very difficult to get by on their current income, with 25% of all those in work running out of money before pay day “always” or “most of the time”⁴⁰.</p> <p>A crucial factor affecting the affordability of housing is social security support for housing costs. Whilst most housing-related aspects of social security are reserved to the UK Government, it is important to fully consider the impact of social security support, the effect of any changes, and to what extent the</p>

³⁹ Pg.4 ibid

⁴⁰ CAS 2019 Tracker Survey, 15% find it difficult, 9% very difficult.

Scottish Government can prevent, mitigate or offset any negative effects or gaps in developing a housing strategy to 2040.

According to the most recent official statistics, 139,922 households in Scotland receive support to pay rent through Universal Credit and 323,038 through Housing Benefit.⁴¹ Evidence from Scotland's CAB network has shown that the most common cause of rent arrears have been related to changes to the social security system.⁴² These include scenarios where the social security support people receive does not cover their full housing costs, and they lack sufficient income to cover the shortfall. This includes:

- The introduction of the underoccupancy charge ('Bedroom Tax').
- The introduction and reduction of the Benefit Cap⁴³.
- Changes to Local Housing Allowance, resulting in the value of the benefit being insufficient to cover private rents.
- Full rental costs of temporary homeless accommodation in the private rented sector not being covered in full by housing benefits⁴⁴.

The introduction of Universal Credit has also had a significant impact on the level of rent arrears in Scotland. This due to the five week wait for a first Universal Credit payment, issues relating to paying housing costs directly to landlords, unaffordable levels of direct deductions to repay debt, together with administrative problems.^{45 46}

This represents a significant constraint on the ability of the Scottish Government to successfully implement a long-term housing strategy – it is possible that positive measures introduced to improve the affordability of rented accommodation and to increase the supply of social housing⁴⁷ could be offset by issues related to the reserved social security system.

⁴¹ [DWP Stat-Xplore - Nov 2019](#)

⁴² [Rent Arrears: Causes and Consequences for CAB Clients – Citizens Advice Scotland, Oct 2018](#)

⁴³ [The Impact of Reducing the Benefit Cap – Citizens Advice Scotland, May 2017](#)

⁴⁴ [Pages 21-22, Rent Arrears: Causes and Consequences for CAB Clients – Citizens Advice Scotland, Oct 2018](#)

⁴⁵ Pages 11- 18, Ibid.

⁴⁶ [Making Universal Credit Work – Citizens Advice Scotland, January 2020](#)

⁴⁷ Part of the rationale for the introduction of Housing Benefit was to give social landlords a stable and predictable rental income to allow them to invest in new stock. This has not entirely happened in practice. For more, see [The Devolution of Housing Benefit and Social Security: Rebalancing Housing Subsidies in Scotland – Shelter Scotland, March 2015](#)

	<p>CAS recommends the Scottish Government fully consider the impact of social security on housing as part of the development of the 2040 strategy.</p> <p>We also recommend that, as part of the actions to achieve the strategy, the Scottish Government should conduct a comprehensive review of the use of devolved social security powers, such as the use of Discretionary Housing Payments and the ability to vary certain aspects of Universal Credit, to ensure that any negative effects of the reserved social security system are mitigated.</p>
<p><i>For questions 3 to 7 below, when making proposals, please be as specific as you can about:</i></p> <ul style="list-style-type: none"> • Who needs to make it happen and what type of action is required? E.g. facilitation, regulatory, financial, infrastructure, training etc. • How much it costs and who will pay? • Who is needed to do the work (workforce)? • How long the proposal would take to implement and whether it is a temporary or permanent measure? • When in the period 2021 to 2040 should it begin and does anything need to be done first? • Who will benefit (who is it for)? And who might lose out and how could this be mitigated? (Think about equality groups and different types of organisation and geography and the impact on the wider community.) • How does it help deliver the draft vision? Does it align with the draft principles? <p>We recognise you may not be able to answer all of these questions – please do not let that put you off responding to us with your proposals.</p>	
<p>Q3</p>	<p>Do you have any proposals that would increase the affordability of housing in the future?</p> <p>For housing to be truly affordable, the Scottish Government must consider affordability in relation to income levels, not the market, and make policy decisions on that basis. There remains a shortage of social housing, although supply is increasing, and even some social rent rates may be unaffordable to those on a particularly low income.</p> <p>Increasing the supply of social housing is vital, and significant steps have already been taken in this area through delivery of new homes in particular.</p>

However, the Scottish Government may want to consider more radical steps to increase supply across all tenures, including reviewing Land and Building Transaction Tax, and the Local Government Finance (Unoccupied Properties etc.) (Scotland) Act 2012 to further disincentivise second and unoccupied homes.

This radical approach could also extend to supporting the conversion of empty non-residential buildings into new homes. The Minister for Housing has recognised that abandoned buildings are a “blight” to communities, potentially requiring compulsory sales orders⁴⁸. This, combined with support for residential redevelopment, could be another way of addressing the supply shortage.

Increasing the affordability of housing is most important for those who find current housing most unaffordable. The Scottish Government should ensure it identifies those groups and takes action accordingly. For example, although housing clients were not overall likely to be younger than CAB clients as a whole, those who received advice on rent arrears - for both private and social rented sector - were likely to be younger than CAB clients as a whole, as were those seeking any kind of homelessness advice.

The demographic data we hold on clients from 2018-19 suggests that those receiving advice on rent arrears are:

- Almost twice as likely to be in single parent households compared to CAB clients in general (23% receiving rent arrears advice vs. 12% receiving any kind of advice).
- Most likely to be in local authority rented properties (65% of rent arrears advice is given on local authority rent arrears vs. 11% of advice for private rented sector rent arrears and 31% for other registered social landlord rent arrears)
- More likely to be in part-time employment or unemployed (likely linked to caring responsibilities as in first bullet).

The large proportion of those in social sector homes who are seeking advice on rent arrears, are likely to be affected by the negative impact of welfare reform, as well as depressed wages or hours.

Advice provided on rent arrears has grown by 25% since 2012-13 (10,101 pieces of advice in 2012-13 to 12,585 in 2018-19), while debt advice overall has

⁴⁸ [Written Answers \(S55W-19082\) – Kevin Stewart Oct 2018](#)

gone down by 55% (from 240,867 in 2012-13 to 109,440 in 2018-19). This means that rent arrears advice as a proportion of all debt advice, has gone from making up only 4.2% in 2012-13 to 11.5% in 2018-19. For example, in 2018-19, there were 7,361 issues related to local authority rent arrears and 4,148 new issues related to registered social landlord rent arrears (increases of 33% and 25% on 2012/2013, respectively). This stands out in sharp contrast to the steady decline of debt-related advice as a proportion of all advice during the same period (debt advice as a proportion of all advice given almost halved between 2012-13 and 2018-19 from 30.4% of all advice to 15.6%).

It is notable that this considerable growth in advice related to arrears has coincided closely with changes to the social security system, particularly the advent of welfare reform in 2010. Even in the private rented sector, where the absolute number of pieces of advice has fallen since 2012-13 (from 1,261 to 1,076), there has still been growth as a percentage of all debt advice given, with private rent arrears advice doubling as a proportion of all debt advice between 2012-13 to 2018-19. The urgency and need for affordable housing is further highlighted by CAB evidence showing that clients facing arrears often spend less money on food or essentials to pay arrears. Additionally, although not the only driver of homelessness, rent arrears are a significant cause of homelessness⁴⁹.

The urgency of and need for affordable housing should also be considered and understood within a wider context of an increasing number of clients who seek advice in CAB because they are facing income crisis. This both underscores the need for affordable homes and supports the principle that housing provision should be informed by whole life economic costs. For instance, ongoing analysis of CAB case evidence over the last four years has shown that more and more clients are experiencing periods of no income, and are unable to afford essentials, including food, gas and electricity to heat their homes, as well as priority payments such as rent. More worryingly still were the numbers who presented at CAB having not eaten in a number of days. Indeed, in 2018-19, CAB advised on 5,985 issues related to the Scottish Welfare Fund Crisis Grants and 13,208 related to food banks and food parcels. These concerns, together with the high occurrence of benefit sanctions, the rise in zero hours contracts and the most recent poverty estimates revealing rising numbers of households in Scotland below the poverty line, including a majority from in-work households, further emphasise the necessity for housing that is affordable in relation to income.

This can be achieved by house prices and rents lowering, but also by boosting incomes through wage increases or uplifts in social security payment rates.

⁴⁹ [Page 20 Rent Arrears: Causes and Consequences for CAB clients, Citizens Advice Scotland, Oct 2018](#)

That said, within the private rented sector, social security and income top-ups can accumulate as wealth for private landlords – either through repaying mortgages sooner or by providing additional income. The Scottish Government should consider how public money used to cover housings costs can be better channelled towards investment in existing or new social housing or other public services. With any changes, Scottish Government must ensure that costs are not passed on to tenants who would find them unaffordable.

To ensure that PRS stock is and remains affordable, Scottish Government should also work with Local Authorities to gather the data required to apply for Rent Pressure Zones.

At the time of writing, no rent pressure zones had yet been introduced in Scotland, although they appear to be under active consideration by a number of local authorities. This appears to be due to RPZs requiring data that does not exist or that is not collected at present, and that could be expensive to collect (i.e. to fulfil criterions 3 and 4).

Implementing this measure has the potential to impact on the number of lets that are affordable to people on the lowest incomes, as well as helping to address the issue of rents increasing whilst benefit support (in the form of the Local Housing Allowance) remains frozen⁵⁰. However, RPZs do not address existing rent levels being unaffordable, nor rent levels for new tenants being unaffordable. The Scottish Government may need to consider other interventions to address the unaffordability of the PRS in these terms.

Recently announced increased regulation aimed at short-term lets may stem the flow of previously long-term PSR properties into that sector in certain areas, but should be carefully monitored. Parity in these two economically critical sectors is crucial to prevent perverse incentives arising that will lead to a decrease in the supply of long-term, secure, affordable homes.

In relation to our support for principle 13, CAS notes that affordability is not just affected by supply side factors or the absolute “cost” of property prices or rents, but also income levels, whether from employment or social security payments. Wages have only just surpassed pre-crash levels and working-age social security levels have been frozen, resulting in a real-terms cut, since 2016, until only this year. The difficulties people can face in finding an affordable home are exemplified by the Citizen Alerts below.

⁵⁰ Page.23, ibid



Citizen Alert: A west of Scotland CAB reports of a client who is fleeing domestic abuse. She made an appointment with the homeless team at her local authority but was discouraged from making a homeless application as she had already been looking at private lets, and does not appear to have been offered temporary accommodation. The client is having difficulty finding an affordable private let in the area and a landlord/agent who is willing to take on a tenant through the Rent Deposit Scheme and whose only income is from benefits. The local authority had referred the client to the CAB to discuss the Rent Deposit Scheme which we will help the client to explore, but we have referred her back to the local authority to make a homeless application as this may be her only/quickest option. This has delayed the homeless process by over a week.

In this instance, the lack of available social housing or affordable private rented sector housing has prevented someone accessing a new, safe home after facing domestic abuse.



Citizen Alert: An east of Scotland CAB reports of a client who works frequently and as a result the housing element he receives from his UC is very little to cover his rent. However, as he works for an agency, he cannot say when he will have shifts or not. As a result of this he is in rent arrears because in the last four weeks he has worked only once. This is causing financial hardship to the client, who now requires a food parcel.



Citizen Alert: An east of Scotland CAB reports of a client living in a 2 bedroom privately let house with a 3-year-old child and another couple, one of whom is pregnant. The accommodation is overcrowded. The client is a student but also works part-time and receives child benefit and student bursary. However, the client is unable to find an affordable private let, which is causing her significant stress.



Citizen Alert: A West of Scotland CAB reports of a client who has been served a notice to quit her privately rented 3-bedroom property as the landlord wishes to sell. The client has been accepted as unintentionally homeless by the local authority, but no local authority or housing association properties are available yet. She works full time, earning well above minimum wage, but cannot find another private let in the area with space for her four children that she can afford. If the client wants to find a private let that is affordable, she will likely have to move a significant distance, meaning her children facing disruption from moving school.

<p>Q4</p>	<p>Do you have any proposals that would increase the accessibility and/or functionality of existing and new housing (for example, for older and disabled people)?</p> <p>Inaccessibility is not purely physical. The reluctance, or in many cases outright refusal of private landlords to let to tenants in receipt of Housing Benefit or Universal Credit ('No DSS' advertisements) can make it extremely difficult for people in receipt of these benefits to find somewhere to live. This approach has also been found to indirectly discriminate against women⁵¹ and could be found to indirectly discriminate against disabled people, who are three times more likely than non-disabled people to receive housing benefit. Indeed, with a total of 132,000 applicants on waiting lists for local authority housing in Scotland⁵², it is not possible to accommodate all people in receipt of housing benefit or the housing element of Universal Credit in this type of tenure. The PRS therefore needs to be an affordable <i>and accessible</i> option for people too. The Scottish Government should therefore consider measures, including legislation, to prevent landlords and letting agents from excluding recipients of benefits when advertising lets.</p>
<p>Q5</p>	<p>Do you have any proposals that would help us respond to the global climate emergency by increasing the energy efficiency and warmth and lowering the carbon emissions of existing and new housing?</p> <p>CAS believes that a warm, dry, energy efficient home that is affordable to heat should be the standard in Scotland, not a privilege. Scotland has already set ambitious energy efficiency targets in its twenty year Energy Efficient Scotland (EES) program. We have welcomed the proposed regulation of energy efficiency standards in Scotland's housing in principle, but we believe that they should be accompanied by a robust framework of general consumer principles that offer support, advice, protection and redress for homeowners and tenants.</p> <p>Neglecting to keep a property in good repair, or choosing not to install energy efficiency measures can cause serious detriment such as unaffordable energy bills or unhealthy air quality. Upgrading the energy efficiency of a home can not only save money on bills⁵³, it can have a knock on effect of improving health, saving public services like the NHS money every year⁵⁴, and make occupants more conscientious of the ways they use energy⁵⁵. The private rented sector, social housing sector, new build sector and owner occupied sector all have different needs, and we have separated our proposals by sector accordingly.</p>

⁵¹ [Legal victories over 'No DSS' letting agents – BBC, Feb 2020](#)

⁵² [Housing Statistics: Management of local authority housing for Scotland: Housing lists – Scottish Government, Sep 2019](#)

⁵³ [Page 5, Nest Annual Report – Warm Homes Nest, 2018](#)

⁵⁴ [Housing and Health Inequalities - NHS Scotland Nov 2016](#)

⁵⁵ [Nest Annual Report – Warm Homes Nest, 2018](#)

More generally, CAS believes the Scottish Government should match its ambitious targets with sufficient resources to achieve them. We estimate that the total investment required to bring the energy performance of homes in Scotland up to at least EPC C in the 20 years to 2040 is in the region of £11.1 billion, or £555 million per year. **We believe that the Scottish Government contribution towards this cost should be at least £256 million in 2020/21, and remain at a similar level for every year of EES⁵⁶.** This represents a doubling of the current EES budget.

Private Rented Sector

The PRS historically has had below average standards of housing quality and energy efficiency and above average levels of fuel poverty⁵⁷. Landlords and tenants do not communicate well about what repairs are needed or wanted in a property⁵⁸, and tenants are sometimes unaware of the rights they have⁵⁹. Early and effective engagement with tenants, especially young tenants, will ensure that landlords can confidently leave their properties in the hands of tenants who know how to take care of it, and vulnerable tenants will not be subject to the stress of renovations if they cannot manage it.

We support mandatory standards of energy efficiency in the Private Rented Sector, provided that there are no rent increases above the lifetime cost of the energy efficiency measure per month over the lifetime of the measure, that landlords that cannot retrofit their property to EPC C are still required to install all improvements that fall within the £5000 cap, and that there are technical, cost, and compassionate exemptions for tenants that are too vulnerable to cope with renovations in their home.

We believe that the best trigger point for regulation is landlord registration. As we outlined in our consultation response to Energy Efficient Scotland (March 2019), we believe that point of new tenancy is an opportunity for advice, signposting, and support, not regulation⁶⁰.

The Energy Efficient Scotland programme should be supported by an in-depth program of public information and guidance that encourages and supports early engagement with the regulations.

⁵⁶ [The Estimated Cost of Improving the Energy Efficiency of Scotland's Homes – Citizens Advice Scotland, Dec 2019](#)

⁵⁷ [Scottish House Condition Survey: 2018 Key Findings – Scottish Government, Jan 2020](#)

⁵⁸ [Pages 369-378, Attitudes and behaviours of private sector landlords towards the energy efficiency of tenanted homes. Energy Policy. 75 - Alex Hope and Alexander Booth, Dec 2014](#)

⁵⁹ [Scottish Government Consultation on Energy Efficiency: The Views of Private Tenants – Shelter Scotland, Jun 2017](#)

⁶⁰ [CAS Response to Energy Efficient Scotland consultation - Citizens Advice Scotland, Mar 2019](#)

It is essential that tenants are protected as Scotland upgrades its housing stock and works towards reaching its carbon targets. The biggest threats that tenants face are being decanted from their property in the name of energy efficiency improvements, and rent being increased to unaffordable levels to pay for the new measures.

To avoid the new minimum standards from causing detriment to tenants, the group of people they aim to help, we have four proposals:

- (1) **We think that there should be a compassion exemption for tenants who are vulnerable and cannot manage the stress and discomfort of having works done to their home.** This should be an informed decision- in the case of a tenant refusing access, we believe that the landlord should also make a reasonable effort to prove that they provided relevant, unbiased, and easy to understand information about the nature of the works, the length and level of disturbance installation would cause, and the potential benefits the tenant could gain from the improvement. A compassion exemption should be attached to the tenant, and the landlord should be required to install any required energy efficiency upgrades when the tenant leaves the property.
- (2) To ensure best outcomes for all parties involved, including the properties, **we believe that there needs to be a partnership between landlords and tenants, and that landlords should be allowed some degree of flexibility in deciding what is feasible for the property or not.** 63% of the private rented sector are flats in multiple occupancy and/or mixed tenure buildings, making securing permissions for retrofits from other homeowners (where applicable) a significant potential barrier⁶¹. The definition of technically feasible must be flexible enough to work across the many types of property owned and let by private landlords.
- (3) To make sure energy efficiency upgrades have the most positive impact possible, **landlords and tenants should both be involved in the retrofit process**⁶². Private landlords with a small portfolio or single property could help tenants with new heating systems and controls, both at handover and throughout the tenancy as needed. Letting agencies could create or appoint a dedicated member of staff to help tenants understand their heating and metering systems at property

⁶¹ [Scottish House Condition Survey 2017 - Scottish Government, Dec 2018](#)

⁶² For more information, please refer to: [Sustainable Renovation: Improving homes for energy, health, and environment – The Pebble Trust, 2018](#)

handover and throughout their tenancy, or refer tenants to an advice organization such as Home Energy Scotland or Citizens Advice Bureau.

Social Rented Sector

We support the ambitious target of EPC Band B by 2032 in Social Rented Housing as proposed by EESSH 2. To meet the potential for improvement in the social rented sector, it is essential that Local Authorities are adequately funded and resourced.

Any installation of new technologies, such as upgrading heating systems, should be accompanied by an appropriate level of advice and guidance for tenants. When used improperly, new heating systems, especially electric ones, can cause high fuel bills that may be unaffordable for tenants. Like private landlords, social landlords should ensure they thoroughly explain and demonstrate a new heating system's controls to tenants. Complimentary support, such as tariff or benefit checks, should also be offered to ensure tenants receive maximum benefits from the upgrades⁶³.

Owner Occupied Sector

The Scottish Government is currently in consultation about proposed minimum standards of energy efficiency in the owner occupied sector. We cautiously support a minimum standard of EPC band C by 2030 for owner occupiers, as long as any regulation is matched by an appropriate level of funding and support for fuel poor and vulnerable homeowners. We believe that a compassion exemption should be made available to owner occupiers who are vulnerable and unable to cope with the stress of having works done. We have four proposals to help encourage and support homeowners to make energy efficiency improvements in their homes and support them along the way⁶⁴.

- (1) The proposed timescales of EES put owner occupiers under a lot of pressure to have works carried out, both financially and in terms of time needed to arrange for the work. As such, **we suggest an expansion of the role of Home Energy Scotland, above and beyond a national advice service, to include a source of quotes, project management of jobs for vulnerable householders, and the central point of contact for complaints and redress.**
- (2) Loft insulation and cavity wall insulation are relatively easy ways to make a home more energy efficient, and they have had wide uptake across Scotland. However, in past years rates of installation have

⁶³ For more information, please refer to [Consultation Response: The Energy Efficiency Standard for Social Housing post 2020 - Citizens Advice Scotland, Jul 2018](#)

⁶⁴ For more information, please refer to [CAS Response to Energy Efficient Scotland consultation - Citizens Advice Scotland, Mar 2019](#)

decreased⁶⁵. **We recommend that the Scottish Government undertakes further analysis of the types / geographies / tenures / groups of consumers needing more insulation. This would help show whether there are any patterns which could then be targeted.**

(3) To reach net zero, domestic heat will have to be decarbonised. While there are market ready technologies, such as heat pumps, readily available, these are not always the best options for homeowners. Homeowners need clear signals to decide if they should invest in efficient electric heating (such as high efficiency storage heaters or heat pumps), connect to the gas grid in anticipation of hydrogen in the network, or invest in biomass or district heating. **We therefore highlight the need for the Scottish Government to commit to a clear route map regarding their intentions for the future of the Scottish energy network.**

(4) Many householders simply do not have the disposable income to afford energy efficiency measures, even though they are not defined as being fuel poor. Currently, securing an interest-free loan under HES requires a householder to have enough money to put down a deposit. **We think it is fair to expect the Scottish Government to subsidise capital costs for fuel poor homes (contributing at least 90%), and also offer financial support (maximum 10% contribution) to non-fuel poor, often referred to as “able to pay or self-funded.”** This is not a concrete position, however we believe it would encourage uptake and ensure good quality works are installed. Our omnibus survey 2019 showed that 62% of owner occupiers said they would be incentivised to install measures if a grant was available, 49% would be motivated if a council tax rebate of £500 was offered in the first year after the installation, followed by 26% who said they would be if a council tax rebate of £1000 was offered over ten years after upgrading their home by two EPC bands.

New Build Housing

In light of Scottish Government targets, we think new build housing should be built to the highest possible energy efficiency standards. New build housing should be a minimum of EPC band B and EPC band A where technically feasible. High standards of energy efficiency should be matched by strong enforcement to ensure equally high standards of quality.

The UK government has banned gas connections in new build housing from 2024 in line with net zero targets. In new build housing where low heat is installed, **homeowners should be provided with information and advice about how to best use their heating system. Tariff and metering**

⁶⁵ [Scottish Housing Condition Survey 2018 – Scottish Government, Jan 2020](#)

	<p>checks should be included, so that homeowners are using the best meter and tariff for their household. Electric heating is more expensive than gas heating⁶⁶, and homeowners should not be financially penalised by investing in a new build.</p>
<p>Q6</p>	<p>Do you have any proposals that would improve the quality, standards and state of repair of existing and new housing?</p> <p>CAS recommends the Scottish Government invests in compliance to improve the quality, standards and state of repair of existing and new housing. Citizens Alerts from CAB all over the country demonstrate that some tenants have low awareness of their rights and how to enforce them. In addition, a CAS commissioned survey suggested that the majority of people in Scotland know very little or nothing about their rights as tenants⁶⁷. It's also clear from the number of clients receiving advice on repairs/maintenance issues, that some landlords are either unaware of their responsibilities or consciously neglecting them.</p> <p>Although housing clients were not overall likely to be younger than CAB clients as a whole, those seeking advice with private sector rented property in 2018-19 were likely to be younger than CAB clients as a whole, with advice on maintenance and repairs the most frequently sought. Improving compliance with existing regulations and legislation will raise quality, standards and state of repair. This requires prevention of non-compliance, enforcement action when non-compliance occurs and adequate independent advice for anyone suffering detriment.</p> <p>A preventative approach should encompass awareness-raising and information campaigns for tenants, landlords and owner-occupiers on rights and responsibilities. Better informed tenants, landlords and homeowners, who are confident in their rights and responsibilities and how to enforce them, can be an effective deterrent against poor practice in repairs and maintenance. Moreover, informed tenants can help (to an extent) to address bad practice by challenging it individually when they encounter it.</p> <p>The (real or perceived) risks of challenging bad practice as an individual (such as eviction, non-compliance with duty to make essential repairs, legal action against the tenant, etc.) are a significant restriction in doing so in the current housing environment, much more so than in almost any other (essential) good or service. The Scottish Government could therefore consider options to raise awareness and education amongst renters, which could include working with specialist organisations and considering how it might be taught in schools as</p>

⁶⁶ [Is electric heating more expensive than gas? - Home Owner's Alliance, Accessed Feb 2020](#)

⁶⁷ [Page 24, Rent Arrears: Causes and Consequences for CAB clients – Citizens Advice Scotland, Oct 2018](#)

part of the toolkit committed to through the PSE review. This is particularly relevant if we consider the younger age of PRS tenants, and that CAB clients seeking PRS advice tending to be younger. School-age education could help renters to assert their basic human rights.

In terms of enforcement, whilst the majority of properties let on the PRS market are fit for rental, CAS is alarmed at some of the quality and upkeep of private stock that is being let. The maintenance and repair of properties is the second most common type of issue in the advice given by CAB on the private rented sector. Advice on deposits is the most common, making up 31% of advice of this type, but advice relating to repairs and maintenance issues still counts for 20% of private rented sector advice. Such properties are often let by 'persistent offenders' and tend to be focused in urban areas, especially Scotland's inner cities. CAS has a volume of evidence of poor quality repair standards in the PRS, as well as non-compliance with, for example, the deposit scheme regulations. This is exemplified in the cases below.

 **Citizens Alert:** A west of Scotland CAB reports of a client living in a private rented property whose cooker had to be disconnected several months ago after filling her home with fumes. The landlord has not replaced this. The client's Carbon Monoxide detector went off several months ago as well and her central gas was turned off. The landlord has not repaired this yet so the client has been without heating or hot water for approximately 3 months, exacerbating the client's health conditions. The landlord wants the client to leave the property while repairs are carried out but has not given a timescale for the repairs.

 **Citizens Alert:** An east of Scotland CAB reports of a client with an enquiry about a private rent housing deposit that the landlord hasn't returned. The client moved into council rented accommodation after being told by her landlord that he was selling the property they were in. Client and her grandmother cleaned the property and as far as she was aware it was left in a good standard. Now when trying to contact the landlord, or his wife who latterly was dealing with them, they cannot reach them. Neither the landlord nor wife are answering any messages left nor replying to their calls. Client has also contacted all the deposit schemes in Scotland and none of them have her money.

 **Citizens Alert:** An east of Scotland CAB reports of a client who lives in a private rented property. When the client had first moved in, they had raised maintenance issues and no action had been taken. The client's maintenance issues included; damp in property, fly infestations, smell of defecation in plumbing, lack of insulation. Client has tried to get the letting agent and landlord to take action to rectify the problems with no success, five times over

the course of a year. Client said they had considered moving properties, although they would find it difficult to find the money for a first month's rent and deposit. Client wished to know what action they could take.

In this case, the property clearly falls well below the tolerable standard and should not have been rented in the first place until the issues were resolved.

Many of these issues occur not because the legislation is insufficient but because enforcement is lacking with no-coordinated way to tackle poor practice. The current system is fractured, with different bodies responsible for different tenures, with differing levels of resource and different processes. The tribunal system is also complex and lengthy, with limited accessible guidance or information available.

As such, we would welcome more co-ordinated and proactive enforcement of the regulations, such as through a national taskforce that focuses on clamping down on rogue landlords and malpractice. This would ensure better standards and remove persistent and sometimes criminal elements from the market. They would also help the rented sector as a whole to achieve the high standards that many of its landlords already achieve; ensuring that renters across the board get the best quality of living conditions and help meet Scotland's housing needs.

Part of this rights-based approach could involve ensuring that tenants receive the best advice and support when faced with housing-related issues, in particular when faced with arrears and proceedings to evict them from their homes. In this situation, good quality, independent advice can make all the difference between someone being made homeless and negotiating a plan to pay off their arrears. Particularly when tenants are at risk of eviction, people often require holistic advice on a range of issues, incorporating help with housing issues, money and debt advice, income maximisation and welfare rights advice. If proceedings are taken against the tenant, then they may need in-court advice and lay representation. The CAB network in Scotland is in the unique position of being able to provide all of these as part of a holistic package.

Funding for quality, independent holistic advice should be a priority for local authorities and the Scottish Government. This should include suitable provision of in-court advice.

<p>Q7</p>	<p>Do you have any proposals that would improve the space around our homes and promote connected places and vibrant communities?</p> <p>CAS ran the Your Bus Your Say survey in 2017 and found that 16% of respondents could not reach their GP surgery or local hospital by bus, and 13% could not reach their work by bus⁶⁸. One year earlier, the Round the Bend report⁶⁹ analysed bus journeys in mostly rural and remote parts of Scotland, which found that:</p> <ul style="list-style-type: none"> ➤ 38% of locations surveyed had no Sunday service connecting them to local hospitals ➤ In remote rural areas, the median cost of a return ticket to the nearest Job Centre was £9. ➤ Consumers in rural areas surveyed faced an average 40 minute round trip to access their nearest bank branch and college students in remote areas on average face journey times of over an hour and a half, and a median cost of £10 return. <p>The Scottish Government should ensure that local public transport is accessible, affordable and connects people to essential services, particularly for those on the lowest incomes and in remote and rural areas.</p>
<p>Q8</p>	<p>Any other comments?</p> <p>CAS hopes to see more concrete targets within Housing to 2040. The measurability of the principles and vision are limited, but this could be easily rectified by linking to existing national performance outcomes and indicators.</p> <p>Given Scottish Government’s current work on human rights leadership and the planned incorporation of human rights into Scots Law the new strategy should promote the right to housing. This should involve involving communities in the development of the strategy, and ensuring people are empowered to understand and access their housing rights.</p> <p>Scottish Government should also ensure that that strategy meets the needs of groups vulnerable to discrimination including recipients of social security, Gypsy/Travellers and migrants. Monitoring and accountability are also central to a human rights based approach and therefore appropriate targets must be set, and there should be greater transparency about housing budgets at a local authority and national level. The UN’s Special Rapporteur on Adequate Housing makes many recommendations on the more practical steps that governments can take to ensure the right to adequate housing is fully realised.</p>

⁶⁸ [Your Bus, Your Say: Creating Better Journeys – Citizens Advice Scotland, Mar 2018](#)

⁶⁹ [Round the Bend – Citizens Advice Scotland, Jun 2016](#)

