

Prevention of Homelessness Duties - A Joint Scottish Government and COSLA Consultation

Citizens Advice Scotland response – March 2022

Summary

- Scotland's Citizens Advice Network is an essential community service that empowers people through our local bureaux and national services by providing free, confidential, and independent advice. We use people's real-life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help, and we change lives for the better.
- Citizens Advice Scotland (CAS) welcomes the opportunity to respond to this consultation on prevention of homelessness duties.
- Advice on threatened homelessness as a proportion of all advice given by the network is on the rise; this type of advice rose by 14% in April to December 2021, compared to the same period the year before.
- As Scotland emerges from the pandemic, many households may be at risk of eviction due to the financial impact they've experienced during the pandemic. We must seek to avoid homelessness as a result of this by every means possible, and early intervention will be critical.
- CAS believes that solving homelessness is a shared responsibility among public bodies and is hopeful that this consultation can close some of the gaps in current service provision. We believe the proposals in this consultation are heading in the right direction, we caution however that much work needs to happen to support bodies to deliver on these.
- The consultation is wide-ranging and we do not have an answer for every question; thus we have only included the questions to which we are providing a response. We have also included "Citizens Alerts" which are real case examples provided by the network of Citizens Advice Bureaux throughout Scotland.
- To contribute to this consultation, CAS partnered with Crisis to carry out an analysis of six-months' worth of case studies where clients have experienced homelessness or been at risk of homelessness. The intention of this analysis is to inform each organisation's response to the Prevention of Homelessness Duties consultation and inform the design of a new system aimed at preventing homelessness before individuals reach crisis point. This paper is available on CAS' website.¹

¹https://www.cas.org.uk/system/files/publications/prevention_of_homelessness_duties_0.pdf

Response to questions

Section 2: [Principles of the Prevention Review Group - wider public bodies and landlords](#)

1. The Prevention Review Group (PRG) set out overarching 'foundational principles' in guiding its approach to providing recommendations for legislative changes on the prevention of homelessness. Do you agree that these are the right foundational principles?

- a. **Strongly Agree**
- b. Agree
- c. Disagree
- d. Strongly Disagree

Please say why.

CAS believes that everyone should have a safe and secure home and the prevention of homelessness is key in achieving this. We agree that it should not fall completely to homelessness services to ensure this and instead, addressing and preventing homelessness at an early stage should be a shared public responsibility. Public bodies should be equipped to recognise and refer people at risk of homelessness to the appropriate statutory services, as well as independent advice services. Additionally, homelessness services do not have the resources to prevent homelessness without the support of other bodies.

Earlier intervention is very much needed, especially in regard to the private rented sector. Feedback from CAB advisers has shown a trend of private renters requiring homelessness advice who have been turned away if their landlord has not yet started formal eviction action, or if the tenant has not been provided with the correct paperwork. If the tenant wants to remain in the tenancy, they should be urgently provided with advice, or signposted to independent advice to help them preserve their tenancy at an earlier stage, but this also relies on the willingness of the landlord to make the tenancy work as well.

We recognise that the affording choice to people about where they live is currently difficult to deliver especially in places of high demand; in this vein we emphasise the importance of adjunct actions such as a real move towards defining housing affordability, the development of well-served neighbourhoods and areas where people want to live (under the National Planning Framework 4 considerations) and of course the delivery of affordable homes.

2. Are there any other principles that should be included? If so, why?

- Yes
- No**

3. Do you agree with the proposals to introduce new duties on public bodies to prevent homelessness?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

4. Do you agree that public bodies should be required to 'ask and act' to prevent homelessness?

Yes

No

Please say why.

Discussions about housing and homelessness should become part of all public bodies' normal processes, given how important and intrinsic it is to people's health and wellbeing.

5. Which public bodies do you think a new duty to prevent homelessness should apply to and why?

All public bodies which come into contact with the public should have the duty to prevent homelessness, including but not limited to all departments within a local authority, health and social care services, and Police Scotland.

6. Do you agree to introducing a statutory duty on public bodies to prevent homelessness for anybody leaving an institution within six months?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

Please say why.

CAS agrees with the intention of this proposal, but we require more detail as to which public body takes the lead on co-ordinating intervention and has ultimate responsibility should the duty not be fulfilled, especially in instances where various public bodies are involved in a person's life. It is also essential that there is a "no wrong door" approach for individuals leaving institutions (as well as for any individuals seeking advice) and multi-lateral sharing of intelligence between stakeholders would help to ensure that emerging issues are identified and addressed at the earliest possible opportunity. We also require further information as to what would happen if a person leaving an institution were to initially refuse advice and support but require it at a later stage.

Citizens Alert: An East of Scotland CAB reports of a client who is a member of the Gypsy-Traveller community. He has had a drug dependency and depression for over 20 years, and was released from prison recently, after serving a short sentence. Someone from the housing support service assisted with a Housing Benefit application for accommodation but nothing else. Prior to living in temporary accommodation he was in [name of another temporary accommodation] but this did not work out.

7. What would help public bodies to meet this requirement and how might it work in practice?

This proposal requires much support to help it work in practice; clear guidance should be provided to public bodies, and there must be oversight of the process. Good practice already exists in some areas and should be drawn on to help the requirement to be met.

Section 2: Prevention Review Group proposed recommendations for a local authority duty to respond to referrals

38. Do you agree with the proposal that there should be a statutory duty on a local authority to accept a referral from a public body to prevent homelessness, as part of legislative change that places a duty on public bodies to 'ask and act'?

Yes, however we caution that local authorities must be properly resourced to deal with what will likely be a significant increase in referrals.

39. If a statutory duty on local authorities to accept a referral from a public body to prevent homelessness was introduced, what would be the primary advantages and challenges compared to existing arrangements?

See answer to Question 38.

40. Do you have a view on the issue of an individual's consent in this process?

An individual's consent must be at the forefront of the process, and support must be provided to the individual to be able to give informed consent. Again, independent advice and support can be critical in this regard to ensure that individuals are aware of their rights and how to access and exercise them.

Section 2: Prevention Review Group proposed recommendations for social landlords

44. Do you agree with the new legislative duties to ensure social landlords take specified reasonable steps to prevent homelessness where a risk is identified?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

45. Are there any other reasonable steps apart from those listed that a social landlord should be legally obliged to take to prevent homelessness?

We are not aware of other reasonable steps but do not think local authorities should be limited to just these steps if there are additional steps available to them.

46. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to domestic abuse?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

We agree with the proposal to establish protocols especially in relation to where domestic abuse is leading to a risk of homelessness. Access to safe housing is often of critical importance and can be a barrier to people feeling like they cannot leave an abusive situation. The choice and safety of the survivor of domestic abuse is paramount and the local authority must be open to supporting the options where the survivor feels safest. As is highlighted by cases reported by advisers, people leaving violent situations are often in a crisis situation and moving home in this circumstance with children can prove particularly challenging.

Citizens Alert: An East of Scotland CAB reports of a client who is currently going through a divorce with her ex-husband. The client has fled domestic abuse and is living in a refuge with her children. The client's ex-husband was in receipt of child benefit, and likely still is. The client is now having to weigh up if there is a risk to her and her family if she was to get the child benefit moved into her name. Having Child Benefit would be a 'significant help' to the family, and help her to settle into her new home, however as applying for it will likely notify the ex-husband and may stop his benefit, the client has to think about how much of a risk this is to her future safety.

Citizens Alert: A West of Scotland CAB reports of a client who is homeless due to relationship breakdown. The client has been physically abused and is staying with a friend at present. The client has no clothes or telephone as her ex-partner destroyed

these and some were in the car she left the house in. The client says she has been to the Council for help three times and turned to CAB to try to get help with a homeless application. The client is on a methadone programme and wants to stay in this area.

47. Do you agree with the proposal to legislate for the establishment of protocols by social landlords in relation to where tenants face court proceedings?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

While vague, we interpret this to mean that social landlords must take steps to try to preserve a tenancy in instances where tenants face court proceedings for alleged criminality. Such a protocol should give the opportunity for better communication between landlord and tenant and a plan to be made for the future. Evidence from advisers from across the network shows that where tenants face court proceedings, social landlords are often keen to end the tenancy, often unnecessarily as housing benefit can continue to be paid depending on the outcome of the court proceedings and if the person is convicted or on remand. This should limit the need to re-house people upon their release from prison. This should also limit the need for often substandard temporary accommodation to be used, which advisers agree is rarely a supportive or beneficial environment for people to be in straight out of prison.

48. Given that landlords are already expected to notify local authorities of raising proceedings for possession, do you agree with a new legislative provision to ensure it happens earlier than under current arrangements?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

While earlier notification is indeed required to allow local authorities to respond effectively, there should also be better communication procedures to inform the local authority of the outcome of a possession action, for example if the case was paused or dropped.

49. What further statutory measures beyond the existing Section 11 provision are needed so landlords notify and work with local authorities as soon as possible to prevent homelessness?

The existing Section 11 provisions should be urgently reviewed as it is unclear whether they are adequately fulfilling their intention and giving sufficient detail or notice to homelessness services about potential homelessness.

50. At how early a stage should a landlord be expected to notify a local authority about the risk of homelessness?

CAS believes that landlords should notify the local authority as early as possible and believes there is good practice to be drawn on from within the sector. At the very least, landlords should notify the local authority at the stage of an eviction notice being served, and before an eviction order is granted, however tenants may choose or feel pressured to leave before this point. Additionally, this process relies on landlords complying with the correct eviction procedures and indeed we have seen many examples of landlords following an incorrect procedure and undermining tenants' rights. Greater awareness of eviction proceedings among landlords and tenants is urgently needed to address this and to facilitate proper notification to the local authority.

Citizens Alert: An East of Scotland reports of a client who was given a notice to quit with 11 days' notice to leave by their landlord due to them selling all of their properties. The local authority has told the client that they must get an eviction order from the First Tier Tribunal before they can assist with homelessness.

Section 2: Prevention Review Group proposed recommendations for private landlords

51. Do you agree with the proposal to make pre-action requirements on private landlords in cases of rent arrears permanent in legislation?

- a. **Strongly Agree**
- b. Agree
- c. Disagree
- d. Strongly Disagree

CAS strongly believes that pre-action requirements should be retained in the private rented sector. We believe these measures have had a positive impact and provided opportunities to sustain tenancies through improved communications. The pre-action process requirements are a valuable opportunity for people to be linked up with independent advice and support services, who can help to ensure that households are accessing all monies they are entitled to, which may help to address any arrears. Retaining pre-action requirements on a permanent basis also brings the private sector into line with the social rented sector, where these requirements have been in place for a number of years.

However, analysis of private rented sector queries dealt with by CABs shows that there are still landlords operating in Scotland who do not follow pre-action

requirements and other tenant protections, and, similar to the point made in response to Question 50, still attempt to carry out illegal evictions. We would therefore welcome any strengthening of these provisions, for example, by imposing a presumption against evictions where the pre-action requirements have not been complied with. It is important that the First Tier Tribunal (FTT) plays a strong role in actively interrogating and enforcing the fulfilment of pre-action requirements, otherwise they will become nothing more than a superficial tick-box exercise. We would welcome the FTT producing clear and accessible guidance on the application of the protocols which can be made freely available to both tenants and landlords. Further, where a landlord has not complied with the protocols and where the tenant has not been directed to sources of support, we would wish to see the FTT providing this signposting and assistance to ensure that no one is left behind and that all tenants are able to access support, regardless of their landlord's compliance.

Lastly, we wish to highlight the issue of where pre-action requirements will sit in legislation, as it has already been proposed that they are included within the Coronavirus (Recovery and Reform) (Scotland) Bill. We suggest that this is instead included within the forthcoming Housing Bill planned for 2023.

52. How might a new legislative duty on local authorities to respond to referrals to prevent homelessness from private landlords work in practice?

The Section 11 process should be reviewed and amended to facilitate local authorities being able to respond in an effective and timely way to referrals to prevent homelessness. Landlord organisations such as SAL and Propertymark should work closely with COSLA and local authorities to develop the Section 11 process into something that works for all parties, and raise awareness of the process as part of this. Independent advice organisations such as the Citizens Advice network in Scotland also have a significant role to play in this awareness raising. We cannot overlook that responding to increased referrals will require greater resource, however we believe this investment into earlier homelessness prevention will represent a saving compared to the cost of homelessness.

In practice, this will also require a mindset shift for many landlords, as they should be open to the idea that homelessness prevention may mean stopping eviction action and finding a way for the tenant to maintain their tenancy. This could be by signposting the tenant with proper support if needed, and exploring grant and loans that may be on offer which could help preserve the tenancy if this has not already been done as part of the pre-action requirements process. Bodies such as the Scottish Association of Landlords can help their member landlords with these activities.

Citizens Alert: An East of Scotland CAB reports of a client with three children, who is in full time work, but been off with stress. The client moved into a privately rented property in February 2021 and was paying full rent for the first 3 months. In May 2021, the client fell behind on rent. The client has now accrued rent arrears of £300.

The client had contacted their landlord in May, as soon as they fell behind, and explained that they had depression, stress and anxiety and were struggling to meet the rent. The client asked landlord if they could come to some arrangement. Landlord was not helpful and said that client knew what they were signing up for when they entered into the contract. The landlord has now served client with a notice to leave. The client has contacted the Council homeless unit and has put in an application for housing. She was very worried about becoming homeless, before she and her family are allocated accommodation.

53. What sort of support do you think private landlords may need to ensure they meet this requirement?

We believe that landlords will need clear guidance from Scottish Government or COSLA, as well as advice and support from these bodies, as well as organisations such as SAL and Propertymark.

54. Do you agree with the proposal that a local authority should have a power to request a delay to eviction to allow time to secure a positive outcome for the tenant?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

This is a difficult proposal to imagine in practice. If a local authority needs to use this power, it suggests that the landlord is not involved or participating positively in the process, which is likely to make for a tense relationship between the tenant and landlord. In the best case scenario, this would happen because there is a delay in arranging alternative accommodation for the household, and in delaying the eviction it would reduce the need to use often substandard temporary accommodation. It may be appropriate for the LA to be able to enact this when certain criteria are met (or not met).

55. The Prevention Review Group propose that the homelessness advice and assistance is designed to meet the needs of people living in and seeking to access the private rented sector. Do you agree with this proposal?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

CAS believes that advice and assistance should be person-centred and responsive and rather confusingly, this proposal implies that people living in and seeking to access the private rented sector are a homogenous group. Data from the Scottish Government and across the network of bureaux in Scotland shows that many different household types live in the PRS, such as an increased number of families², with differing needs, for example, health conditions. The private rented sector must become a more secure and regulated sector to accommodate the needs of everyone living in the sector, and to make it a reasonable, affordable option for people who for various reasons cannot access the social sector or home ownership.

56. How would a specific legislative duty on local authorities to provide homelessness advice and assistance relating to living in and/or accessing the private rented sector work in practice?

In order for this duty to work in practice, better data must be collected about the private rented sector in order for local authorities to better understand how the private sector works in different areas across Scotland. Organisations including the Citizens Advice network already provide a huge amount of advice and assistance in this area; advice on private renting issues alone consistently makes up between 20-25% of all housing queries, making it the biggest type of housing advice. The work of the network already leads to improved outcomes for many tenants but if more knowledge was gained about the section, better informed advice can be provided to tenants and potential tenants.

Section 3: [Principles of the Prevention Review Group - reforming homelessness legislation to prevent homelessness](#)

57. Do you agree with these principles?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

58. Are there any other principles that should be included, if so, why?

No.

59. What outcomes do you foresee if the above principles were to be adopted to amend the statutory homelessness framework?

² Scottish Government (2021) Coronavirus (COVID-19): [Private Rented Sector Resilience Group](#)

We anticipate that broadly positive outcomes will be achieved if there is proper buy-in to these principles. We also foresee an increase in the amount and depth of work local authorities will be required to do with individuals facing homelessness, which again must be properly resourced. It is also possible that there would be an increased need for independent advice and support such as that provided by the Citizens Advice network in Scotland and a need for more resource to support this.

Section 3: Changing the current homelessness legislation - An extended prevention duty and duty to take reasonable steps to prevent homelessness

60. Do you agree with the recommendation that there should be changes to existing homelessness legislation to ensure that a local authority must assist somebody threatened with homelessness within the next six months to prevent homelessness?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

We agree that homelessness assistance must happen at an earlier stage and again reiterate the cases coming to bureaux, help is not offered until too late a stage either due to legislation, or misunderstanding of legislation, causing worry and anxiety for clients.

Citizens Alert: An East of Scotland CAB reports of a client living with her young daughter in private rented accommodation. She had been served with a Notice to Quit by her landlord who intends to sell the property. The client has been on waiting lists for council and Housing Association accommodation for many years, and does not want to move into another private let due to worries about long-term security and high costs. The worry over having to move out soon is impacting the client's studies and mental health and she is now on prescribed medication for anxiety. She had contacted her council for advice and they told her they would be unable to help until after a decision from the First Tier Tribunal.

61. How do you think a duty to prevent homelessness within six months would work in practice?

If homelessness assistance was offered at an earlier stage, it may be possible to explore a wider range of options which might include help to remain in the current accommodation if that suits the needs of the household.

62. How would an assessment be made to identify whether someone was at risk of homelessness within six months?

We believe that the intention of this proposal is to lengthen the period that a local authority can help to stave off the risk of eviction and that not so much emphasis should be put on the exact period of time. In the private rented sector, if a person is in 3 months' or more worth of arrears, they may be considered at risk of becoming homeless, whether or not their landlord has started eviction proceedings, but this indicates overall that intervention is needed to preserve the tenancy, or that alternative accommodation is needed. Similarly, a landlord may inform the tenant early that they are intending to sell the property (which could take a number of months to complete) and tenants may not be able to access homelessness assistance until much later. In instances of poor standards of repair and condition, an assessment could be made as part of an inspection of the property; households may have to move out as soon as possible in serious cases and should be helped to do so, but it could also be an opportunity for the local authority to put in place preventative measures such as effective mould treatment or engage with a private landlord to do so, which might save a tenancy. Local authorities may provide this support at their discretion, but the proposal is intended to end the postcode lottery whereby people may be turned away or offered help depending on their local authority and available resources.

Citizens Alert: A North of Scotland reports of a client, their partner and two young children who are currently living and sleeping in one room in their private rented accommodation due to damp and mould. This situation is affecting health of the family. The landlord is having to sell property as he has had financial difficulties and the client has been issued with a 3 month notice to leave. The client has applied to their local authority for housing and been advised that they have 40 points based on current circumstances and the homelessness team will not reassess until their notice runs out. They will then be awarded a further 100 points.

63. Building on the experience of housing options approaches in Scotland, do you agree with the proposal to regulate for making specific measures available or reasonable steps to prevent homelessness in legislation?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

64. Are there any other specific measures that should be made available or reasonable steps to prevent homelessness that should be included in legislation?

Yes
No

We are not aware of other specific measures but do not think local authorities should be limited to just these steps if there are additional steps available to them.

65. Do you think the specific measures made available, or reasonable steps duties outlined, are clearly and unambiguously set out so that it is possible to measure their achievement? Do they need to be more specific?

Yes

No

66. If you agree with these new duties, what processes or procedures do you think should be put in place to encourage local authority compliance?

Above all, local authorities will require adequate resources to comply with the new duties. As before, this change will lead to increased and more in-depth work with individuals requiring homelessness prevention advice and support. It's important that local authorities are bought into the new duties and believe that they will make a positive impact for people they serve and the service overall. Organisations which provide support and advice, such as Shelter, Crisis and the Citizens Advice network in Scotland will also need to be adequately resourced to support with these new duties.

A supportive approach should be put in place by COSLA and Scottish Government, as well facilitating the sharing of knowledge and best practice. Monitoring and evaluation must also be put in place and overseen by an appropriate body.

[Section 3: Changing the current homelessness legislation - Personal Housing Plans, support needs and reasonable steps](#)

72. What assistance should be provided to those who are defined as statutorily homeless but where it may be possible to prevent them from becoming homeless from their current accommodation (while ensuring it meets the definitions of suitable and stable)?

(This might include: people experiencing domestic abuse and who therefore have statutory homelessness status; people facing eviction from a PRS tenancy; and, people being asked to leave the family home).

Scotland has some of the strongest homelessness legislation in the world, and the duty to provide permanent accommodation to all those assessed as statutorily homeless is progressive and right. We understand that a tension exists between the volume of households being assessed as homeless, and the number of social sector homes which are available, and it is very difficult for local authorities to house everyone who requires a home, which often leads to long waits in insecure and often substandard accommodation. The urgent delivery of more social rented homes

is clearly the answer to this, but we recognise that this does not happen immediately. We are keen to stress that this failure to deliver enough suitable homes, or failing to prevent private rents escalating beyond what is affordable is not incumbent on the individual, and their homelessness rights should not be reduced as a result. In saying this, and with the full informed consent of the individual, finding accommodation in the private rented sector **without losing their homelessness status if this accommodation ceases to become available or affordable** may be an option for some. We do not particularly consider that remaining in the current accommodation in the private rented sector if eviction action has been taken will be favourable to either tenant or landlord, as it suggests that attempts to resolve the situation have failed. Until it is properly regulated, we cannot consider the private rented sector to guarantee a suitable and stable home for those who are likely to be experiencing one of the most difficult and anxiety inducing times of their life.

[Section 3: Changing current homelessness legislation - stability and suitability of accommodation](#)

77. Do you agree with the criteria proposed for the stability of housing outcomes?

- a. Strongly Agree
- b. Agree
- c. Disagree**
- d. Strongly Disagree

Whilst the majority of proposals appear reasonable, we reiterate again that alternative housing options as opposed to a full SST tenancy in the social sector must be freely chosen by the individual seeking assistance. Again, we emphasise that a person's homelessness status must be retained and will not require repeat assessment should this accommodation cease to become available.

78. Do you agree that 12 months is an appropriate minimum expected period for accommodation to be available (regardless of the type of tenure) for people who are threatened with homelessness or have become homeless?

- a. Strongly Agree
- b. Agree**
- c. Disagree
- d. Strongly Disagree

We agree that as an interim solution, 12 months appears to be a reasonable period, however we anticipate that this will be very difficult to enforce in the private rented sector (and indeed the open-ended nature of the PRT does not mandate a minimum period). Further, coupled with a lack of clarity about which body would enforce it and what the penalty would be, we think this proposal is good in theory but hard to envision in practice and local authorities should not consider to have discharged their

duty until permanent accommodation is found, and must treat with urgency any cases where interim accommodation has failed.

79. How do you see this working in a) a private tenancy; b) accommodation with an occupancy agreement; and c) those returning to the family home or to live with another relative?

See response to Question 77.

80. Are these the right grounds to consider in deciding on the suitability of housing outcomes?

Yes

No

We are concerned by the vagueness of the latter proposal around living with friends and family and consider that there must be an additional stipulation if a family is comprised of more than one individual, in that there should be sufficient bedrooms available for all members of the family before the local authority can consider it suitable.

Citizens Alert: A North of Scotland CAB reports of a client who rang the bureau stating that her partner had thrown her out of the house that came with his job. The client said that prior to their split her partner had been emotionally abusive towards her and that he had thrown her out of the house as he had found out that they had accumulated debts. The client said her partner had not been physically abusive and that she was not worried about her safety now she had left the property. The client was currently staying in her sister's two-bedroom flat with her daughter. The client and her daughter were sleeping on the couch. Client stated that she wanted to get back to [redacted] to live, the primary school there. When the client phoned the Council for assistance, instead of being transferred to the homeless team, the client was told to fill out a housing application form online.

81. Do you think the criteria/grounds proposed for both stability and suitability of housing outcomes would allow people a wider range of housing options to either prevent homelessness or rehouse someone who has become homeless, and that could lead to better outcomes for the applicant?

Yes

No

We consider that the criteria and grounds are useful for helping people to avoid using temporary accommodation, which is often expensive and not of a good standard. This approach could widen the options available to people, especially if

done at an earlier stage which other recommendations propose, which could lead to better outcomes. We highlight again however that a household with statutory homeless status has a right to permanent accommodation provided by the local authority, and this is most likely to be a secure social rented home. This approach should not seek to take away from or reduce this right, and any alternative accommodation must be by the choice of the individual seeking assistance, and they must be informed that their homelessness status remains valid should they opt to use alternative accommodation and it ceases to become available or affordable.

82. The Prevention Review Group suggested that accommodation not protected by other legal safeguards must have additional safeguards in place. When taken with the general criteria/grounds for stability and suitability, do the proposed additional safeguards provide the right safeguards to ensure these accommodation types (non-standard) are always suitable and stable? Are there any additional safeguards that could be put in place?

Yes

No

It is unclear from the proposals who would enforce these safeguards, but we assume this would rest with the local authority, who would need to be properly resourced to do so. The proposals also bring into question what would happen if one of the safeguards ceased, for example, if repairs were needed. In this vein it is unclear what would be included in a statement of rights and responsibilities, which in our view is a tenancy with no basis. The only obvious right would be for that tenant to exit the accommodation and seek to secure new accommodation with the local authority's assistance, but this appears to us as creating a drawn out and disruptive process for the individual. The Citizens Advice network already advises in cases of informal tenancy agreements, which more often than not result in detriment to the tenant as they are unclear as to what their rights are when things go wrong.

[Section 3: Changing the current homelessness legislation - Prevention Review Group proposed recommendations for enforcing people's rights](#)

85. Do you have anything to add to the proposal on the role of the Scottish Housing Regulator in relation to proposals for new legislative duties to prevent homelessness?

If the Scottish Housing Regulator is to assume an expanded role as a result of new legislative duties, it must be properly resourced to carry these out. The wider context of a new private rented sector regulator being proposed must also be borne in mind, as this remit could be assigned to the existing Scottish Housing Regulator.