



GLASGOW'S HOUSING STRATEGY

LEGAL CHANGES SINCE 2010



INTRODUCTION

This Housing Issues factsheet describes legal changes, in the last five years, which have an impact on the city's housing strategy.

CLIMATE CHANGE (SCOTLAND) ACT 2009

Under the [Climate Change \(Scotland\) Act 2009 Act](#) we, as a public organisation, must produce a plan to reduce our carbon emissions by 80% for 2050 and 42% by 2020.

Changes in the Act include the following:

- Scottish Ministers must produce a plan to promote and improve energy efficiency and heat from renewable sources, for example sunlight, wind, biomass, rain, tides, waves and geothermal heat.
- We must produce regulations to assess and improve energy efficiency in non-domestic buildings and living accommodation.
- A climate change burden that can be added to a property's title deeds to specify the mitigation or adaptation standards that must be met when a property is developed.
- The establishment of Tenement Management Schemes
- Changes to the Town and Country Planning (Scotland) Act 1997. Development plans will contain policies for reducing greenhouse gas emissions in new buildings

HOUSING (SCOTLAND) ACT 2010

The main changes to the [Housing \(Scotland\) Act 2010](#) are modernising the regulation of the social rented sector by:

- Establishing the independent Scottish Housing Regulator;
- Reforming the Right to Buy (RTB) scheme; and
- Improving local authority powers when dealing with disrepair in privately owned homes.

HOMEOWNER AND DEBTOR PROTECTION (SCOTLAND) ACT 2010

The [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) states all repossession cases must go to court except when there is voluntary surrender. This means when the householder can't pay their mortgage; they leave and give their keys to their lender.

It sets out pre-actions for creditors. This includes providing debtors with information and taking all reasonable steps to avoid repossession.

PRIVATE RENTED HOUSING (SCOTLAND) ACT 2011

The purpose of the [Private Rented Housing \(Scotland\) Act 2011](#) is to support responsible landlords. It also addresses the problems caused by landlords who act unlawfully, by strengthening the regulation of the Private Rented Sector.

The Act provides for changes to the registration of landlords and licensing of Houses in Multiple Occupation (HMOs).

It also has conditions for overcrowding and improvements for the private renting tenancy system.

PROPERTY FACTORS (SCOTLAND) ACT 2011

The [Property Factors \(Scotland\) Act 2011](#) states property factors must be registered on a property factors register.

We must establish a homeowner housing panel and homeowner housing committee to deal with disputes between property factors and homeowners.

The register will be managed and maintained by the Scottish Government.

Each property factor on the register has a registration number which must be used in its business activities.

The Act provides for a Code of Conduct that property factors must obey.

When property factors act as agents for owners, the Act aims to improve the repair and maintenance standards of common parts of properties or open spaces for homeowners in flats or open spaces.

LOCAL GOVERNMENT FINANCE (UNOCCUPIED PROPERTIES) (SCOTLAND) ACT 2012

The [Local Government Finance \(Unoccupied Properties \) \(Scotland\) Act 2012](#) has made changes to legislation for non-domestic rates and council tax for unoccupied properties.

The Act allows changes, including increases to council tax for unoccupied households; and amends powers for local authorities looking for information. The Housing Support Grant to local authorities is abolished.

The purpose of the Act is to bring unoccupied properties back into active use.

WELFARE REFORM (FURTHER PROVISION) (SCOTLAND) ACT 2012

The [Welfare Reform \(Further Provision\) \(Scotland\) Act 2012](#) gives powers to Scottish Ministers to, make provisions to reduce the impact of the UK Welfare Reform Act 2012 , for example the introduction of spare room subsidy.

LAND AND BUILDINGS TRANSACTION TAX (SCOTLAND) ACT 2013

The [Land and Buildings Transaction Tax \(Scotland\) Act 2013 \(LBTT\)](#) is one of three pieces of legislation which has come about as a result of tax raising powers being transferred to the Scottish Parliament as a result of the Scotland Act 2012.

The other Acts are:

- The [Landfill Tax \(Scotland\) Act 2014](#) and
- [Revenue Scotland and Tax Powers Act 2014](#).

LBTT replaced the UK Stamp Duty Land Tax on 1 April 2015.

LBTT has a progressive tax-structure, which means it can increase similar to income tax, rather than a slab tax structure, which characterised the Stamp Duty Land Tax.

The progressive tax structure avoids sudden increases in charges that structures have and which can create market distortions.

BUILDINGS (RECOVERY OF EXPENSES) (SCOTLAND) ACT 2014

The **Buildings (Recovery of Expenses) (Scotland) Act 2014** amends the Building (Scotland) Act 2003 to provide for expenses incurred by local authorities in connection with serving notices or work carried out under that Act to be recovered by way of charging order.

HOUSING (SCOTLAND) ACT 2014

The **Housing (Scotland) Act 2014** legislates across a wide range of social and private housing issues.

The Act:

- abolishes the Right to Buy scheme
- increases the flexibility social landlords have when allocating housing
- provides social landlords with more ways to tackle anti-social behaviour
- provides additional protection for tenants, particularly those with a Short Scottish Secure Tenancy
- transfers jurisdiction for civil cases relating to the private rented sector from the sheriff court to a First Tier Tribunal
- increases regulation in the private rented sector through landlord registration, Houses in Multiple Occupancies (HMOs) and the introduction of Enhanced Enforcement Areas
- strengthens enforcement of the Repairing Standards through Third Party reporting
- establishes a registration system for letting agents
- amends the site licensing regulations for mobile homes with permanent residents
- amends local authority powers to enforce repairs and maintenance in private houses

PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

The [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) sets out the legal framework for bringing together adult health and social care services.

It has two approaches for this joint working to be governed – a lead agency model or, as in Glasgow, an Integrated Joint Board under a corporate model.

In Glasgow it is called the Glasgow Health and Social Care Partnership and it was established on 1 April 2015.

The Act prescribes that certain housing functions are mandatorily transferred to these new bodies for example, aids and adaptations. Other functions may be transferred.

In Glasgow the preparation of the homelessness strategy has transferred to the new partnership.

WELFARE FUNDS (SCOTLAND) ACT 2015

The [Welfare Funds \(Scotland\) Act 2015](#) places the Scottish Welfare Fund into law.

The Act places a duty on local authorities to deliver welfare funds, in line with regulations and guidance that will be issued by Scottish Ministers.

This follows the abolition of the discretionary Social Fund by the Department for Work and Pensions.

Local authorities have been delivering the fund temporarily, under a voluntary agreement between the Scottish Government and COSLA, since April 2013.

The Act will come into force from April 2016.

The Fund, through the provision of Crisis Grants or Community Care Grants, provides a safety net for vulnerable people in an emergency, when there is an immediate threat to health and safety.

It allows people to continue to live independently, preventing the need for institutional care.

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

The [Community Empowerment \(Scotland\) Act 2015](#) aims to implement the policy principles of, community empowerment, including decisions being made at a local level to improve results.

It provides a framework to:

- empower community bodies through ownership of land and buildings and strengthening their voices in decisions that matter to them, and
- support an increase in the pace and scale of public service reform by cementing the focus on outcomes and improving the process of community planning

LAND REFORM (SCOTLAND) BILL

The [Land Reform \(Scotland\) Bill](#) was introduced into the Scottish Parliament on 22 June 2015.

The Bill is the latest stage of the Scottish Government's land reform programme and contains provisions that aim to:

- Guarantee the development of an effective system of land governance and ongoing commitment to land reform in Scotland
- Address barriers to sustainable development in relation to land and improve the transparency and accountability of land ownership; and
- Demonstrate a commitment to effectively manage land and rights in land for the common good. This includes modernising and improving specific aspects of land ownership and rights over land

EQUALITY ACT 2010

The **Equality Act 2010** legally protects people from discrimination in the workplace and wider society. It replaces previous anti-discrimination legislation into one Act, making the law easier to understand and strengthening protection in some situations.

It is against the law to discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being pregnant or having a child
- Disability
- Race including colour, nationality, ethnic or national origin, religion, belief; or
- Lack of religion or belief, sex or sexual orientation.

Other provisions include a public sector Equality Duty. This means public bodies have to consider all individuals when carrying out their day-to-day work.

ENERGY ACT 2011

The Energy Act 2011 has three main aims.

- To tackle barriers to investment in energy efficiency
- To Improve energy security; and
- To allow investment in low carbon energy supplies

The Act introduced the Green Deal, a new financing framework, to enable energy efficiency improvements to households and non-domestic properties.

A Green Deal Finance Company was established to support this work.

These improvements were funded by a charge on energy bills so there were no upfront costs to consumers.

The Energy Company Obligations (ECO) replaced existing utilities' obligations. On 23 July 2015 the Department of Energy and Climate Change (DECC) announced there would be no more funding for the Green Deal Finance Company. This effectively ended Green Deal.

DECC also stated the future of ECO from 2017 would be part of discussions around a new, better integrated policy for home energy efficiency.

SCOTLAND ACT 2012

The [Scotland Act 2012](#) changes the devolution settlement for Scotland giving effect to many of the recommendations set out in the Commission on Scottish Devolution's Calman Commission report 2009.

The Act provides the structure for the Scottish Parliament to legislate on tax.

The Act provides for the Scottish Parliaments to set a rate of income tax for Scottish taxpayers; devolves stamp duty land tax and landfill tax; and makes provision for new devolved taxes.

WELFARE REFORM ACT 2012

The [Welfare Reform Act 2012](#) provides the legal framework for Welfare system reform following two stages of consultation including a White Paper.

The major proposal is the introduction of Universal Credit, a single benefit, which replaces existing in and out of work benefits including Housing Benefit.

Disability Living Allowance (DLA) is replaced by a new benefit, personal independence payment (PIP).

The Act also includes a yearly cap on the amount of benefits that can be received and introduces direct rent payments to tenants.

Younger people will receive lower rates of benefit and people who under occupy will be particularly affected since benefit will not be paid for a spare room. More Welfare Reform changes are expected following the elections in May 2016.

SCOTLAND BILL 2015

The [Scotland Bill 2015](#) follows on from the recommendations of the Smith Commission and the UK Government's Command Paper.

It sets out the powers being transferred to the Scottish Parliament and, or Scottish Ministers.

The Bill increases the financial accountability of the Scottish Parliament. It transfers tax raising powers for rates and bands of income tax, Air Passenger Duty and the Aggregates Levy, and assignment of VAT revenues.

It devolves welfare powers such as Universal Credit with respect to housing costs and disability and carers benefits. It also increases the ability of the Scottish Government to design schemes relating to energy efficiency and fuel poverty.

A new fiscal framework will be agreed for Scotland to accompany the devolution of powers to set and co-ordinate sustainable fiscal policy for the UK as a whole.

IMMIGRATION BILL 2015

The [Immigration Bill 2015](#) is currently before Parliament.

The Bill aims to tackle illegal immigration by making it harder for illegal immigrants to gain employment and access to services.

The Bill contains measures to:

- tackle illegal working,
- enhance the enforcement of labour market rules,
- deny illegal migrants access to services, including housing and banking,
- provides new powers for immigration officers and other measures to improve the security and operation of the immigration system.

Access to private rented accommodation is restricted by the terms and conditions of the Immigration Act 2014 referred to as the right to rent scheme.

Private landlords must confirm the lawful immigration status of an individual before entering into a tenancy agreement. The scheme also makes provision for a civil penalty regime to penalise landlords who do not comply with the scheme.

The scheme was brought into force on 1 December 2014 in parts of the West Midlands and the intention is to extend it to the rest of the United Kingdom.

