

## Response to the Local Government, Housing and Planning Committee on priorities for this parliamentary session (2021-2026)

18<sup>th</sup> August 2021



### Crisis in Scotland

Crisis is the national charity for people experiencing homelessness. Our Skylight in Edinburgh offers frontline services for people that need help, while we also work alongside partners across the country to offer our expertise and support wherever we can. But while our expertise stems from our experience of offering frontline support, we also campaign for the changes need to end homelessness altogether.

### Introduction

The causes of homelessness are a complex mix of systemic and individual circumstances, not all of which are housing related. Poverty is also a primary cause of homelessness, when low income and high living costs mean households struggle to meet housing costs. Poverty is often also the cause of severe and multiple disadvantage early in life, putting people at higher risk of homelessness.<sup>1</sup> Crisis therefore understands why homelessness would sit within the remit of the Social Justice and Social Security Committee (SJSSC).

However, housing plays an integral role in both preventing and responding to homelessness, as set out in this response, and the two cannot be disconnected. For these reasons, Crisis sees it as **vital that the Local Government, Housing and Planning Committee (LGHPC) works closely with the SJSSC to conduct joint inquiries into the causes of and solutions to homelessness, including playing a dual role in considering relevant legislation.** This should be seen as an opportunity for greater scrutiny of efforts to prevent and end homelessness, rather than homelessness falling through the gaps between other committee priorities.

In light of this, Crisis' suggested priorities for the committee are:

1. Consideration of the proposals for legislative changes to improve homelessness prevention, as set out in the final report of the Prevention Review Group.<sup>1</sup>
2. Ensuring people can have realistic choice over where they live, through a range of affordable housing options which meet their needs. Effective responses to homelessness are about supporting people into settled housing as quickly as possible. The design of the wider housing system – with respect to supply and demand – has a vital role to play in ensuring this access is possible.
3. Related to point 2 above, the Committee could play a valuable role in gathering evidence on the local and national housing market conditions which help or hinder the delivery of local authorities' Rapid Rehousing Transition Plans, and examine local authorities' progress in meeting the targets set out in these plans.

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<sup>1</sup> Fitzpatrick and Bramley (2019) *Hard Edges Scotland*. Available here: <https://lankellychase.org.uk/resources/publications/hard-edges-scotland/>

4. Scrutiny of delivery on aspects of policy set out in Housing to 2040 including: developing a shared definition of affordability and the implications for the new Rented Sector Strategy; changes to the legal grounds for eviction; and a review of social housing allocations.

### **The role of housing in preventing homelessness**

Many of the causes of homelessness are related to the extent to which housing demand matches supply in different tenures, and households' ability to afford that accommodation. Below are some ways in which the housing system can help prevent homelessness, and the role the LGHPC can play.

**Affordable housing supply:** Homelessness is intrinsically linked to housing supply. Corroborating other research which estimates the demand for affordable homes to be 53,000, including 37,100 for social rent, between 2021 and 2026,<sup>2</sup> Crisis commissioned research shows that to be effective at reducing poverty and homelessness, there needs to be at least 5,500 social rented homes delivered each year to 2031.<sup>3</sup> Sustained investment in affordable housing has wider economic benefits, including boosting the economy, proving higher disposable incomes for low income households, and contributing to prevention.<sup>4</sup>

But it is critical to ensure that future investment is effectively targeted, not only in localities with greatest need, but also providing homes which match the size requirements of households who are homeless. This means expanding provision of one-bedroomed homes in many parts of Scotland.

**Affordability:** To sustain tenancies, households need to be able to meet their housing costs without building up arrears. Housing to 2040 commits to developing a 'shared understanding of affordability.' Affordability is as much about rent-setting and housing costs as it is about incomes, and any new definition of affordability will have implications for both rent-setting in the social sector, and policy intended to control or stabilise rents in the private sector (Rent Pressure Zones, for example). Housing cost affordability should be a priority for the LGHPC this session.

**Evictions and the role of landlords in preventing homelessness:** Whether due to rent arrears or other grounds, when someone does face eviction, this does not have to mean they experience the trauma and indignity of homelessness. The Scottish Government is consulting on provisions to make permanent the temporary measures put in place to protect tenants from eviction, specifically: the provisions which provide the First-tier Tribunal with discretion to consider all matters relating to eviction and provisions that set out pre-action requirements for private landlords.

Crisis welcomes these proposed changes which will help protect some of the most vulnerable tenants, but these need to be integrated within a system which supports people to remain in their accommodation before they reach crisis point. The system we are proposing, based on the recommendations of the Prevention Review Group, is one where local authorities have a duty to work with other public bodies and landlords, to support someone who may be at risk of homelessness within the next six months. Under the proposals, the local authority would take reasonable steps to support that individual to remain in their accommodation or find a suitable alternative. The LGHPC should play a role in considering how tenants in both social and private rented housing can be protected from eviction before it reaches Tribunal.

### **Housing-led responses to homelessness**

International evidence shows that effective responses to homelessness are about supporting people into settled housing as quickly as possible.<sup>5</sup> For this to happen, housing in different tenures needs to be available. The design of the wider housing system – with respect to supply and demand – has a vital role to play in ensuring this access is possible.

**Rapid rehousing and housing first:** Everyone at risk of or experiencing homelessness should be supported quickly, to prevent long stays in temporary accommodation and the uncertainty it entails. Scotland has committed to this housing-led, 'rapid rehousing' response to homelessness, and every local authority now has a Rapid Rehousing Transition Plan in place.

Some people, with experience of trauma, addictions, and mental health problems, need more support than others, and this is what is provided through Housing First. International evidence shows that Housing First is effective sustaining people's housing and reducing repeat homelessness.<sup>6</sup>

Rapid Rehousing Transition Plans include consideration of the gap between homelessness demand and supply of settled housing in the local area. Unsurprisingly, the largest gaps are in the pressurised markets of Edinburgh and Glasgow.<sup>7</sup> RRTPs are integral to preventing and ending homelessness in Scotland; effective scrutiny and accountability is therefore crucial. The LGHPC has an important role to play in overseeing the delivery of RRTPs, particularly with respect to the wider housing market conditions which contribute to (or present a barrier to) their success.

**Maximal housing options:** Crisis advocates a housing-led approach to ending homelessness, moving people into settled mainstream accommodation as quickly as possible, which includes a range of housing options. As part of our proposals to prevent homelessness, Crisis is calling for the range of housing options that can be used to accommodate people under homelessness legislation to be widened beyond the current options, all protected through requirements for stability, defined as likely to be available for at least 12 months, and suitability.

Offering a range of housing options to those at risk of or experiencing homelessness gives people choice, control and flexibility over their housing journeys, allowing them the same experience as other members of the community but with additional protections to prevent future risk of homelessness. A maximal housing options approach also reduces pressure on social housing, allowing this to be prioritised for households in greatest need (although this does not diminish the need for long-term supply of social housing).

**Allocations:** Local authorities' social housing allocations play an important role in providing settled housing for those with experience of homelessness. In Housing to 2040, the Scottish Government committed to reviewing allocations policy, particularly with a view to "addressing any gaps in available housing options for vulnerable groups and those living in temporary accommodation."<sup>8</sup> Crisis' priorities for allocations policy in Scotland are:

- Create a regulatory requirement that all registered providers of mainstream social housing set an annual guideline target for the minimum proportion of social lettings to homeless nominees and report on this publicly.
- Ensure all social housing providers fulfil their responsibilities to cooperate with local authorities in meeting their homelessness duties and are encouraged to adopt best practice in supporting homeless people into social housing – including best practice in the use of pre-tenancy assessments.
- Ensure councils and housing providers monitor and report publicly on their performance in relation to providing settled homes for homeless people.<sup>9</sup>

**Temporary accommodation (TA):** TA takes a range of forms in Scotland. Most households are placed in furnished flats, like council or housing association tenants might have. Others live in accommodation or hostels that have support designed to help them with particular needs, such as mental health difficulties. This type of short-term accommodation is deemed as suitable for longer-term living if required.

However, many councils rely on the extended use of their emergency accommodation provision to fill their TA requirements. For example, hostels with no support included or B&B accommodation, with either shared or no basic living facilities, such as kitchens or laundry. This type of accommodation is not suitable for long-term living, and is what is meant by unsuitable temporary accommodation (UTA). The expanded UTA Order, which come into effect in September 2021 means that no homeless household should be placed in unsuitable accommodation for longer than seven days.

The context of the local housing market is a central driver behind the type of TA used in each council area, often in combination with other factors including local leadership and partnerships. Where there are highly pressurised housing markets, housing outcomes are generally worse for the most vulnerable people. Many councils who have historically relied more on the use of UTA, and who are at risk of breaching the new Order, operate in this context.

### **Proposals to strengthen the statutory framework around prevention**

Above, we have set out the key role that housing plays in both preventing and responding to homelessness. All these issues are reflected Crisis' proposals for legal changes that will help prevent homelessness.

At present, around 8% of the Scottish population, or 1 in 12 people, has experienced homelessness. That figure is far too high - that is why we are calling on every party to come together and make this the 'parliament of prevention', so we can end homelessness in Scotland.

Convened by Crisis, the Prevention Review Group, made up of experts from local government, the homelessness sector and academic, produced recommendations on how best to do this.

It recommended:

- Action to prevent homelessness should start up to six months before someone faces losing their home.
- Public bodies, such as health services, should ask about people's housing situation to identify any issues at an early stage and act where a problem exists.
- Public bodies should work together with housing professionals to ensure that people get help early and do not lose their home unnecessarily. The proposals, if implemented, would ensure that no one leaves an institution, such as prison or hospital, without somewhere to sleep that night.
- Clarifying the current law and requiring local authorities to take specific steps to prevent homelessness, building on recent developments in Wales and England. This would mean that once again Scotland has the strongest protections in Great Britain for people facing the prospect of homelessness.

The recommendations would mean that people facing homelessness should have greater choice and control in where they live and have access to the same options as other members of the public. They set out protections which must be in place to ensure that an individual's housing is stable and meets their needs, minimising their future risk of homelessness.

The Scottish Government has said it supports in principle these recommendations, and we expect next steps for these legal changes to be included in the upcoming Programme for Government. Given the scope of the proposals, if and when these legislative changes are brought to parliament, Crisis is of the view that both the SJSSC and the LGHPC should be involved in the scrutiny of draft legislation.

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<sup>1</sup> Prevention Review Group (2021) [Preventing Homelessness in Scotland: Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group](#). Online: Crisis.

<sup>2</sup> Dunning et al. (2020) *Affordable Housing Need in Scotland Post-2021*. Online: SFHA. Available here: <https://www.sfha.co.uk/mediaLibrary/other/english/62960.pdf>

<sup>3</sup> Bramley, G. (2018) *Housing supply requirements across Great Britain for low income households and homeless people*.

<sup>4</sup> Gibb, K. et al. (2020) *The Impact of Social Housing: Economic, Social, Health and Wellbeing*. Online: UK Collaborative Centre of Housing Evidence. Available here: <https://housingevidence.ac.uk/publications/the-impact-of-social-housing-economic-social-health-and-wellbeing/>

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<sup>5</sup> Homeless Network Scotland (2020) [Branching Out: A National Framework to start-up and scale-up Housing First in Scotland 2021-2031](#). Online: HNS.

<sup>6</sup> Johnson, S. (2018) [Why does Housing First work?](#) Online: I-SPHERE, Heriot Watt University.

<sup>7</sup> Dunn, L. (2020) [Rapid Rehousing Transition Plans, A Scottish Overview: With practice examples and ideas to share](#). Online: Crisis.

<sup>8</sup> Scottish Government (2021) [Housing to 2040](#). Edinburgh: Scottish Government.

<sup>9</sup> Downie, M. et al (2018) *Everybody In: How to end homelessness in Great Britain*. London: Crisis. Available here: <https://www.crisis.org.uk/ending-homelessness/the-plan-to-end-homelessness-full-version/executive-summary/>