

Call for evidence Housing Bill

Response from Crisis



Crisis is the national charity for people experiencing homelessness. We help people directly out of homelessness, including through our Skylight service operating in Edinburgh and the Lothians, and we research and campaign for the social changes needed to solve it altogether.

Summary of key points:

- Crisis **strongly welcomes the homelessness prevention** aspects of Bill (Part 5), which are a key missing component of the Scottish system and will significantly increase Government's ability to ensure homelessness is rare, brief and nonrecurrent. Crisis been instrumental in the development of these proposals over several years.
- Homelessness is the most acute form of poverty and the best way to end it is to prevent it from happening in the first place. **These proposals are essential to ending homelessness in Scotland.** To date, these measures have received cross-party support, and strong support from local authorities and the voluntary sector through consultation process.
- Crisis believes that Scottish Government should set out a **clear vision of what homelessness prevention will look like in practice, and the implementation plan needed to transition away from a system designed around crisis response, to one focused on prevention.** This would enable the culture and behavioural change needed and would allow for the development of a coherent ecosystem of prevention and early action support for people facing housing precarity. It is against this vision that these duties would be best scrutinised.
- Crisis supports the policy objectives set out for Part 5. We believe there are additional objectives that should be included, based on the work of the Homelessness Prevention Review Group, which informed these proposals. These are;
 - **Putting people at the heart of the process**, through a more personalised assessment and ensuring accommodation options are safe, suitable and stable.
 - Ensuring the system is **fully accountable and rights based.**
 - Making **health and social care a key partner** in ensuring people have stable homes.
- The **"ask" and "act" duties provide a major opportunity to better integrate provision across different sectors** to support people before they reach housing crisis, if enacted well. If poorly implemented, there is a risk that pressure on local authorities could increase in an unsustainable way. We set out below the detail of what considerations are needed to avoid this, which include having maximum housing options in place and ensuing clarity is given to what the Act duty means in practice for other public bodies.
- We strongly support a **clearer framework of statutory support for preventing homelessness.** There are several **areas where the Bill could be tightened up**, including defining a threat of homelessness, and clarity on how the prevention duties are

discharged, including ensuring accommodation options are safe, stable and suitable. Crisis believes these points should be addressed in either primary or secondary legislation.

- **An implementation plan is required and should include a period of test and learn** before all duties are fully rolled out.
- To be effective these duties will need **adequate resourcing**. We do not believe the current allocation of £54,000 per year per local authority is likely to be adequate.
- Crisis believes measures in Parts 1 and 2 of the Bill require more detail and an assessment of risk, or **unintended consequences, on access and affordability of the housing market for those on the lowest incomes**.
- Crisis would strongly welcome the idea of Scottish Government setting out a **clear vision for what role the PRS** market can play in ending homelessness, and how this fits into a wider housing strategy for Scotland.

General

Q1. To what extent do you agree that the measures in the Bill meet the Scottish Government's stated policy objectives?

We answer this question in detail in relation to Part 5 of the bill below. With regard to other parts of the bill we are not able to comment on this in detail.

Q2. What are your main reasons for your views on Q1? (please note we have asked more detailed questions on the Bill below)

From Crisis point of view, the Bill contains essential measures to provide a legal framework to stabilise people's housing and prevent homelessness. Home is the foundation for many other aspects of life, as has been recognised recently through the proposal of a new National Outcome on home in the [consultation](#) currently before Parliament. Stability, affordability and availability of housing are crucial for the wellbeing of the Scottish population, and so measures to ensure this are strongly to be welcomed. We are less clear of the impact of other measures proposed in the bill, and therefore are less able to specify our level of support for these, as we discuss below.

Rent

Q3. Do you support the proposals in Part 1 of the Bill allowing rent control areas to be designated?

Crisis does not feel able to comment on whether we support the proposals in Part 1 of the Bill. The lack of detail, and the complexity of the housing market mean that the proposals could have unintended consequences which severely impact on people who are facing

difficulties accessing housing. We expand on this below, however, we believe **increasing housing supply across all tenures in the best measure to tackle the housing affordability crisis and prevent homelessness.**

Q4. Do you have any further comments to make on Part 1 of the Bill dealing with rent for private tenants?

Crisis' overarching concern is regarding the **availability of housing for people who need it. Housing needs to be affordable, accessible, and suitable to people's requirements.** In the context of a shortage of social housing, and major cuts to the affordable housing supply programme, the private rented sector (PRS) is an increasingly necessary source of housing. Authors of the [Homelessness Monitor Scotland 2024](#) point out that there is widespread support among local authorities for making much greater use of the PRS to prevent and alleviate homelessness, and any policy developments that could limit supply must be considered very carefully. At present, Crisis does not believe there is sufficient evidence to state what the long-term implications of the proposals in this part of the Bill will be.

This has direct implications for Part 5 of the Bill, and for homelessness more generally. Lack of move-on options will make it more difficult to prevent homelessness. Already lack of affordable housing supply is resulting in large numbers of people being stuck in the homelessness system, with thousands in temporary accommodation, and a very significant increase in the use of unsuitable accommodation, such as B&Bs, often for sustained periods.

Specifically, we must guard against:

- Depletion of supply of affordable housing options available to people most at risk of, or experiencing, homelessness.
- People on lower incomes, or otherwise most at risk of or experiencing homelessness, being locked out of the private market altogether.
- Creating the conditions for the emergence of a 'shadow' rental market acting outside of any regulatory regime (enforcement must be invested in to make regulations work).
- In any context in which rent regulation is being considered, the Scottish Government should have a **clear vision of the role they see a well regulated PRS playing in meeting current and future housing need.** Whilst the Scottish Government has a commitment to increasing overall housing supply, the headline targets are not accompanied by a long-term vision for tenure mix that is informed by a robust assessment of need. Given changing demographics and the integrated nature of the housing system, where dwellings shift across tenures in response to demand and investment opportunities, the Scottish Government needs to make explicit its strategy for housing provision which meets the needs of local/regional populations. This should specify targets for the proportion housed in different tenures, based on projections of population changes and the housing needs and aspirations of different groups. Without a vision for the size and role that the PRS should play in the future tenure-composition of housing, it risks remaining the 'residual' tenure which absorbs

demand from other tenures without being fit for purpose to meet the needs of those it is housing.

Scottish Government should do an **impact assessment to identify any unintended consequences related to affordability and access**. While people do become homeless from the PRS (although not necessarily because of being in this tenure- the most common reasons for homelessness being relationship breakdown and being asked to leave), it is also a valuable source of housing for people at risk of, or experiencing, homelessness. In Edinburgh Crisis ran a Help to Rent scheme on behalf of the council, demonstrating that it is possible to make PRS a more appropriate option for the people we work with. In the [Homelessness Monitor Scotland 2024](#), 23 out of 30 councils agreed or strongly agreed that more use should be made of private tenancies in preventing/alleviating homelessness in their area.

There is often significant competition for these properties, from students, low income earners, transient populations moving temporarily for work, people saving for home ownership etc, and people in this situation often have the fewest housing options available to them, especially in pressured markets where there is a lack of other options such as social housing. So, consideration should be given to how these proposals will impact on access challenges faced by people on the lowest income, and any impact these proposals will have on the willingness of private landlords to let to lower income tenants. An impact assessment on access should also take into account the impact of Local Housing Allowance rates, including the recent unfreezing of these rates. [Research](#) for the Scottish Property Federation suggests that there may also be an impact on investment in properties and in Build to Rent schemes, and the implications of this for housing supply need to be fully considered, including both short- and long-term effects.

The lack of detail is also potentially problematic in terms of creating uncertainty in the market, and we would urge more details and timescales to be published as soon as possible to manage this. Finally, we have concerns about impact at the boundaries of rent control areas, including where communities cross local authority boundaries.

Crisis is supportive in principle of limits on in-tenancy rent increases to protect people from the risk of homelessness because of unforeseen or excessive rent increases. But proposals to proceed with any other form of rent control need to be subject to detailed consultation and implemented with caution, ensuring that there are mechanisms in place to identify and iron out unintended consequences.

There are other aspects to the proposals that we are more confident to support. We welcome the requirements to collect better data on rents and rent changes. This is something Crisis has called for previously, for example in our 2018 [Plan to End Homelessness](#). There is an opportunity to make more effective use of the landlord register to gather this data, and it could have other benefits such as helping to establish more accurate Local Housing Allowance rates. The additional data gathering burdens on local authorities will not be without cost, and will need resourcing, particularly given the current financial pressures on local authorities.

Evictions

Q5. What are your views on Part 2 of the Bill that deals with evictions?

n/a

Keeping pets and making changes to let property

Q6. Do you support the proposals in Part 3 of the Bill to strengthen the rights of tenants to keep pets and make changes to let property?

We welcome these proposals and their intention to support people to make a better home within the private rented sector. Consideration needs to be given to unintended consequences, particularly for those at the bottom end of the housing market. For example, many people we engage with already struggle to afford the deposit at the beginning of a tenancy. These changes may have an effect on the size of deposit required, pricing some people out unless additional support is put in place such - as widening access to rent deposit schemes. Consideration needs to be given to how this will work in practice, particularly where there are pressures in the market and competition for tenancies, and where there is a considerable imbalance of power between the tenant and landlord / letting agent.

Q7. Do you have any further comments to make on Part 3 of the Bill dealing with keeping pets and making changes to let property?

Joint tenancies

Q8. What are your views on Part 4 of the Bill that deals with how joint private residential tenancies can be ended?

Part 4 of the bill deals with a range of matters including the transfer of unclaimed deposits to support tenants in the PRS and prevent people becoming homeless. Crisis strongly welcomes this proposal as it will aid the success of homelessness prevention measures, duties of which are set out in Part 5 of the bill.

Homelessness prevention and domestic abuse

Q9: Overall, do you support the Bill's proposals in Part 5 of the Bill that deal with homelessness prevention?

Crisis strongly supports the proposals in Part 5 of the Bill. Robust preventative systems are a key missing component of the Scottish system. Alongside the transition to rapid rehousing, it is a key building block necessary to ending homelessness and will allow for Scotland to move

away from a system that proudly manages homelessness after it occurs, to one that can actually achieve rare, brief, and non-recurring homelessness outcomes for society.

Yet, homelessness is back on the rise in Scotland, steeply, and unless there is a marked improvement in how we prevent homelessness it will soon become ingrained in society once again. The best way to end homelessness is to prevent it happening in the first place.

Crisis has played a major role in building the case for homelessness prevention legislation in Scotland. In 2018, Crisis chaired the Homelessness and Rough Sleeping Action Group (HARSAG) at the request of the then First Minister. Amongst the group's proposals it recommended the development of new duties to prevent homelessness. Subsequently, Crisis provided the secretariat to the Homelessness Prevention Review Group (HRPG), which developed detailed proposals that formed the basis of this prevention legislation. We supported the formation and work of the Prevention Commission, a group of people with lived and frontline experience, who informed the work of the Group. Crisis also co-chaired the Scottish Government's Task and Finish Group on Homelessness Prevention. In addition, Crisis was instrumental in the development on homelessness prevention legislation in England, resulting in the Homelessness Reduction Act being passed in 2018, and we are currently working on strengthening the Welsh legislation on homelessness prevention, first introduced in 2014.

The rationale for this legislation is set out very clearly in Bill's policy memorandum; including the imbalance within the current homelessness system between the strong statutory protection for those who have reached the crisis of homelessness, in comparison to the non-statutory entitlements for people before they reach crisis. The current legal framework means prevention support is not incentivised and help is often left to the last minute, at which point the intervention is more complicated, costly and detrimental to the wellbeing of those involved.

The provisions in the Bill, and the associated policy memorandum, both provide a useful indication and legal framework for what the Scottish Government is seeking to develop, in relation to homelessness prevention, recognising that this is subject to parliamentary scrutiny and public consultation. However, we would welcome a **clear vision statement from Scottish Government to outline the desired outcomes for this agenda, and how it envisages this legal framework to operate in practice**. This would allow for a shared understanding of what a new system based around prevention and early action would look like, and enable better scrutiny of how effective the proposals outlined in primary legislation, are in supporting this vision. It would also allow for improved scrutiny over elements related to transitioning to such a system, such as funding, and what ought to be in secondary legislation and what ought to be in statutory guidance.

To inform Crisis' response to this call for evidence, we did a rapid survey of local authority housing / homelessness staff, to which we received nine responses. We incorporate these findings below. All local authority respondents agreed this would be helpful.

Meeting the policy objectives

In relation to the specific policy objectives set out in the policy memorandum (Q1), Crisis strongly supports the policy objectives listed in paragraphs 244-247. If implemented well, these duties should provide much better outcomes for people with unstable housing. This should include a reduction of homelessness and housing crisis, a more efficient system, a more dignified, less traumatic and less stigmatising experience for people, and stronger protections for people in vulnerable housing situations.

Sharing responsibility for homelessness prevention amongst a range of bodies (paragraph 245), not just the housing and homelessness service, is essential and very welcome. The Hard Edges Scotland research (2019) highlighted that for people with complex needs, too often homelessness services “carry the can” due to the relative strength of the statutory homelessness framework, compared to other supports. HARSAG highlighted the importance of a “no wrong door” approach to support. It will be essential that these duties on wider bodies are effective in sharing that load and do not result in more work for local authorities.

Extending the prevention duty to six months and supporting it through advice and assistance, known as “reasonable steps”, to be set out in future regulations, is also strongly to be welcomed.

In addition to these policy objectives regarding homelessness prevention, we believe that there are others that should be incorporated into the legislation, in line with the recommendations of the Homelessness Prevention Review Group. These are:

- Putting the applicant at the heart of the process. Dignity, choice and control are important for people at risk of losing their homes.
 - A **clearer and more personalised assessment process**, taking into account the views and desired outcomes of the applicant would be more person-centred, and facilitate greater transparency and accountability. A person housing plan may be an appropriate vehicle for this.
 - Ensuring people are housed in **accommodation that is safe, stable and suitable for their needs**, minimising any future risk of homelessness.
- **Accountable and rights based**. Clear recourse for individuals, and systemic accountability through regulation or other mechanisms, create important failsafe mechanisms to ensure the duties are implemented as intended, and people get the support they are entitled to. Primary legislation should be supported by clear and effective regulations and statutory guidance, across local authorities and other relevant bodies. Consideration may need to be given as to whether statutory guidance is strong enough to ensure effective operation of the system, or whether more details may need to be contained within in regulations or even primary legislation.
- Making **health and social care a key partner**. Many people at risk of homelessness have health and social care needs: currently over half (51%) of homeless applicants have support needs, primarily health and social care related. The HPRG made a number of proposals in relation to health and social care, in order to ensure people

get the help they need and are able to remain in their homes when they have health and social care needs. We discuss the specifics in more detail below.

- Finally, we would query the use of the term “homelessness prevention”. As part of the breaking down of service siloes, we should also consider the language that is used. While these duties sit within the homelessness framework, it is more positive, more relatable to other services and less stigmatising for individuals to consider this support as “housing stability” or “housing assistance”. The Homelessness prevention Task and Finish Group recommended calling this part of the legislation “**Early Intervention and Housing Sustainability**”.

We strongly welcome the measures regarding domestic abuse (Paragraph 247), which were recommendations of the Homelessness Prevention Review Group.

Q10: What are your views on the ‘ask and act duty’ for relevant bodies in relation to preventing homelessness in Part 5 of the Bill?

We strongly support this measure. It could have the ability to be transformative by sharing the responsibility for homelessness prevention across a range of different public services. Home is the foundation for delivery and receipt of many public services and to engage effectively in society. Stabilising housing will benefit a wide range of public services, including health, social care, education, justice and so on. In many cases housing crisis interferes with people’s ability to make use of these services and engage in society more widely, for example through employment. Various studies have demonstrated the economic value to a range of public services of preventing homelessness (e.g. [Crisis \(2018\)](#), [Pleace \(2015\)](#)).

Homelessness is the most acute form of poverty and often a result of failed support further upstream. Even though people often have already had contact with public services, too often people reach crisis point and become homeless, at which point the burden falls to local authority homeless services to intervene. Housing stability needs to become everyone’s business, with all benefitting from people having stable housing situations.

How effective these proposed legal duties will be, is dependent upon the ability to effect a significant change in working culture across a number of public bodies, including housing and homelessness provision. Effective training and compliance with guidance issued under this part of the bill, alongside properly resourced services, will be paramount. A shared understanding of good outcomes that both stabilises housing and also facilitates an integrated approach to support wider needs will be necessary to stabilise someone’s situation. If this does not work as intended, there risks a much heavier burden falling on local authorities, and all “actions” by relevant bodies turning into referrals to the local authority.

We believe further clarity is likely to be needed in the legislation on:

- How the “ask” and “act” duties are discharged by relevant bodies: how relevant bodies will be able to state that they no longer have a duty to the individual
- How to ensure relevant bodies have sufficient expertise to assess and make the appropriate interventions. People’s circumstances are often complex, as is the support (e.g. housing law, benefits system, debt advice) they may require. One mechanism for this would be through clearer framework for partnership working with the local authority. This was recommended by the HPRG but is not contained in the Bill. Seven out of eight local authorities said that partnership links or requirements between local authority housing services and relevant public bodies (such as embedded housing workers or named points of contact) would be helpful, while one said it wouldn’t be necessary in areas which are too small for such arrangements. On the other hand, another wrote “The route to partnership links is critical to the efficient delivery of prevention activity and named contacts or embedded housing workers would be immensely helpful as would wider partnership input and activity to assist those who have multiple needs across the varying services.” [Lessons from England](#), with the Homelessness Reduction Act, suggest that local authority involvement is essential to effectively working of these types of duties.
- Clarity on what ‘Act’ entails for the different public bodies it will be applied to, and what accountability will be in place to ensure action taken under this duty is suitable and adequately provided - and can be challenged if it is not. Scrutiny will be needed to better understand how these duties will work effectively. One local authority wrote: “There needs to be clarity on what 'ask and act' means, combined with training, protocols and partnership arrangements. A better understanding is needed, in those public bodies, of what Housing Services actually do and what the legislative requirements are. If implemented badly this is a recipe for overwhelming housing services and driving professional housing staff out of their jobs, alongside frustrating a range of other public bodies who are already fully tasked with their own challenges.”

The current Bill only places the “act” duty on bodies where the individual is threatened with homelessness, not if they have already become homeless. This seems a missed opportunity to support a more holistic approach for people who are homeless. For example, if someone comes to a mental health service and is found to be homeless, then a referral should be made to the local authority as proposed in the Bill, but the service should also take action within their powers to address any relevant issues, such as providing support with their mental and referring to any other health services the person may need. All local authorities agreed that this would be valuable.

- How the bodies work together to provide holistic case management support to an individual – including making sure other public bodies work in partnership with the housing team, not as a linear process. Six out of nine local authorities said they believed a shared assessment and personalised housing planning process used across all relevant services would be helpful to prevent overburdening authorities, while one said it wouldn’t. For some, housing might be stabilised quickly, but other

support needs may take longer to resolve. And vice versa, on other occasions, other public bodies may have acted and achieved successful outcomes, but housing needs remain. It is unclear at what point the person's holistic support case is closed.

As mentioned earlier, we believe it would be helpful for Scottish Government to set out a vision of how they see these duties working in practice, to test the duties in the Bill against the vision, to identify the policy intention for each public body, and ensure the appropriate balance of duties on the face of the Bill, compared with what is proposed to be in guidance or regulations.

We note that the financial memorandum does not assess any financial costs for relevant bodies as a result of these duties. We believe this is unlikely to be the case if these duties are to operate effectively. There will need to be a further reassessment of the likely costs to relevant bodies of these duties as the bill progresses.

As mentioned above, the HPRG made some specific recommendations to strengthen the role of health and social care in supporting people who are homeless or at risk of homelessness who have relevant needs. These were:

- For the Health and Social Care Partnership (or Integrated Joint Board, or whatever replaces these in the future) to co-operate with the local authority to plan to meet relevant needs identified through a homeless assessment to mitigate future risk of homelessness
- To create a mechanism for co-ordinating support for people with complex needs requiring multiple services, to avoid gaps or duplication in provision.

We would welcome further discussion as to the role of health and social care in supporting homelessness prevention beyond the ask and act duties, and believe **consideration should be given to including these duties within the bill**, or being more prescriptive about that the "act" duty should entail in relation to health and social care bodies. One local authority wrote of the need for "recognition that homelessness is a health inequality and should be integrated more effectively within the HSCP framework or within the other statutory duties of a National Care Service."

We welcome the duty on relevant bodies to have regard to the prevention of homelessness (p55 of the bill, inserted in the 1987 Act as section 36D). We understand this to support strategic planning, including at community planning partnership level so that homelessness prevention is strategically integrated in the local actions across public bodies. The duty to assess housing support services (p56, section 42) is also very welcome, and should be used to inform the planning of homelessness and housing services, including housing supply.

Q11. What are your views on the requirement on councils to act sooner to prevent homelessness by taking reasonable steps in Part 5 of the Bill?

Crisis strongly welcomes the requirement to act sooner. A period of six months is groundbreaking in homelessness legislation. For those who know the potential signs of housing difficulties, these are often clear long before it becomes a crisis situation, and so

this will create many more opportunities to intervene earlier, which situations are often easier to resolve.

The change in legislation is also needed to rebalance the homelessness system in favour of acting early. This was highlighted by the Scottish Housing Regulator in its report on Housing Options in 2014, as highlighted in the policy memorandum.

Specific areas of focus

- **Definition of ‘threatened with homelessness’:** the bill extends the time period for when someone is considered statutorily threatened with homelessness from 2 to 6 months, but there is no further definition. More clarity will be needed to ensure people can access support when a problem is identified, and are not turned away and told to come back with the crisis is imminent, as sometimes happens currently, and to prevent variation in available support around the country. Six out of nine local authorities said this definition should be in primary legislation or regulations. In line with the HPRG we would recommend that certain notices, such as a notice to quit from a private landlord, and notices of proceedings should mean someone is threatened with homelessness and therefore entitled to statutory assistance. Further definition should be considered regarding people being discharged from institutions such as the armed forces, prison or hospital. Other scenarios that may benefit from definition (though not necessarily in legislation) would include where someone is in housing related debt or rent arrears but not yet received a notice, where a tenant wants to move due to harassment from a neighbour, and where there has been an informal request for the individual to leave for example by a partner, family member or landlord (prior to issuing a notice to quit).
- **Maximum Housing Options:** the duties, as drafted do not allow for a range of housing options to be made better use of. We recognise why Scottish Government has decided not to put housing outcomes under a prevention duty on a par with housing outcomes under the homelessness duty. However, as raised via the PRG, Crisis believes local authorities need to be given greater flexibility in discharging the duty in order to be able to scale up prevention duty in Scotland, and to allow greater choice and control for the individual on what housing outcome is best suited to their needs. Ensuring all suitable housing options are available to people was a key insight derived from the lived experience commission that fed into the PRG. It does not make sense to impose particular housing options on people when there are others available that might actually be more to their preference, or that they would prefer to remain in, provided they are deemed suitable. This would also ensure that experiencing homelessness does not become the default means to accessing social housing, a trend some local authorities believe is already happening. Six out of nine local authorities believed this may be a risk, and two local authorities commented that they are already seeing evidence of using the homelessness route to access social housing.

- As it stands there are **no protections regarding the accommodation** used to help individuals threatened with homelessness. Ensuring appropriate safeguards for people and preventing any future risk of homelessness was a core principle of the PRG, and the Prevention Commission who informed the PRG. These may include ensuring the accommodation has adequate facilities (access to a kitchen, bathroom, own bedroom etc), is suitable to the needs of the applicant and their household, and is expected to be available for the foreseeable future. There has been a suggestion that a weaker or poorer accommodation offer for those at risk of homelessness, may disincentivise people to engage in prevention work, as they will get a more secure housing offer if their situation is not resolved and they lose their accommodation.

Five local authorities said this clarity would be helpful in law or regulations, and another three out of nine believed it may be helpful. We understand that this may be addressed through regulations made under s41(4(2c)) as part of the advice and assistance that local authorities must provide. The framing of these regulations will be crucial in making sure that people’s current and future risk of homelessness is fully averted. We would hope that Scottish Government can provide some reassurances of how these may work during the parliamentary passage.

- We had hoped to see more details of the **assessment process** in legislation. The HPRG’s intention was that this would be a more person-centred process, giving people a greater say in what they wanted the outcome to be and ensuring their views regarding the cause of their difficulties were understood, with details agreed and shared with the applicant. Setting this out in legislation would also support accountability.
- **The intentionality test** assesses whether someone has deliberately done something which led to their current housing situation, and therefore whether they are entitled to full assistance. This test should not be applied where someone is threatened with homelessness, as this undermines the purpose of this part of the legislation.
- We believe greater clarity may be needed on **ending of the duty** to support someone threatened with homelessness, for example in actions taken fail to resolve homelessness, or the process of reassessment if someone becomes homeless. Without this, someone may become trapped in a cycle of unhelpful assistance while their circumstances deteriorate. Seven out of nine local authorities believed that having this clarity in law or regulations would be helpful. This point also relates to clarity on the definition of when someone is (or is no longer) threatened with homelessness.
- **Accountability.** Rights to review and appeal remain, but it may be appropriate to develop specific grounds for example regarding the advice and assistance / “reasonable steps” that local authorities take to address the housing issues, and the accommodation options used to resolve the housing issue.

- **Commencement.** It is widely recognised that there is a housing emergency which is stretching homelessness services, yet at the same time unless we stem the flow of people becoming homeless, it will be very difficult to move out of a crisis response. The timing of the introduction of these duties is really important. While much homelessness prevention work is already being done, it will take time to develop the necessary support for these duties through guidance, training, etc. A clear date should be identified in the commencement regulations for when these duties are to be fully enacted by. We believe that 2028 may be a reasonable time scale to fully implement these proposals. This was supported by six out of nine local authorities. (Two others were unsure, and one disagreed.) Prior to full implementation, it may be appropriate to phase the introduction of the legislation in order to test out how the duties work in practice and support the necessary shift in culture and practice, and this approach was supported by seven local authorities, with none dissenting.
- **Financial resourcing** for these duties is critical to their effective delivery, and there is a very strong invest to save case, particularly if the use of temporary accommodation can be reduced. We welcome the costings in the financial memorandum, and recognise that these are only an estimate of the potential costs of the duties, without wider context. Nevertheless, the funding for local authorities works out as only around £54,000 per local authority per year, and there is no funding ascribed to other relevant bodies. We understand that further costings are to be developed, but as an initial figure this seems a relatively low amount. Seven out of nine local authorities said this funding was inadequate (five saying severely inadequate, and the other two saying they weren't sure). They stressed the difficulties that short-term funding allocations create in terms of recruitment, retention and development of expertise, and the importance of funding for wider services such as mental health, money advice, family support, etc, as well as third sector partners.

Domestic abuse

Q12. What are your views on the provisions in Part 5 of the Bill that relate to domestic abuse?

Crisis strongly supports the widening of definition of domestic abuse in line with new legislation. This was a recommendation of HPRG.

We strongly support the requirement for social landlords to have domestic abuse policies. [Evidence from CIH and Scottish Women's Aid suggests](#) that where this is currently happening, in many cases the policies are poor, so guidance and quality control will be essential. There may be a role for the Housing Regulator in this.

With regard to the homelessness prevention duties, partnership working with specialist domestic abuse organisations will be essential to ensure that victim-survivors of domestic abuse are supported to be safe, whether they remain in their homes or are supported to move away from the perpetrator. There will also be a role for homelessness prevention for

perpetrators and specialist working will be required for this. We discuss partnership working in more detail above.

Mobile Homes

Q13. What are your views on the provisions in the Part 5 of the Bill relating to mobile homes pitch fees uprating?

n/a

Fuel poverty

Q14. What are your views on the provisions in Part 5 of the Bill relating to fuel poverty?

n/a

Other provisions in the bill and other comments

Q15. Do you have any additional comments on the other measures the Bill deals with or any other general comments?

While not directly contained within this Bill, housing supply is at the heart of all the issues addressed in it. We believe that Scottish Government needs to be a coherent long-term cross-tenure housing strategy to contextualise the provisions within this bill. This must have a strong focus on housing affordability and on social housing supply and investment.

In this context we strongly welcome the [proposed new national outcome](#) currently being consulted on in parliament that “*We live in safe, high-quality and affordable homes that meet our needs*”. We look forward to the implementation plan and development of national indicators, subject to the parliamentary consultation.

Availability

Would you be interested and available to give evidence to either the Local Government, Housing and Planning Committee or the Social Justice and Social Security Committee?

Yes.