The Housing (Scotland) Bill

Briefing paper from CIH Scotland

December 2013

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The Chartered Institute of Housing

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Introduction

This paper aims to provide a summary of the content of the Housing (Scotland) Bill as introduced to the Scottish Parliament in November 2013. This Bill comprises eight parts, with most (though not all) of the key changes having been subject to separate consultation exercises. As a consequence, this Bill will not be subject to further public consultation as it goes through its Parliamentary process. However, there will be opportunities for key stakeholders to influence the Bill’s passage through the Scottish Parliament by providing both written and verbal evidence and by seeking amendments where appropriate. The Committee considering the Bill is the Infrastructure and Capital Investment Committee.

We should emphasise that the provisions described in this briefing may be added to, removed or amended during the passage of the Bill.

The Bill includes the following:

- Changes affecting social sector tenancies, including how tenancies are allocated and managed, with some of the changes aimed at helping landlords tackle anti social behaviour
- Abolition of the right to buy
- Changes affecting the private rented sector including statutory regulation of letting agents, introducing a third party right to apply to the Private Rented Housing Panel, and the development of a housing tribunal for the private rented sector
- Strengthening the licensing regime for mobile home sites with permanent residents
- Strengthening local authority powers to pay missing shares where the majority of owners in a tenement block have agreed to carry out work but one or more of the owners has not paid their share
- Amending the ‘20 year rule’ on loans etc. so that it does not affect private housing such as the new Help to Buy (Scotland) shared equity scheme
- Strengthening the Scottish Housing Regulator’s powers to transfer the assets of an RSL without consulting tenants or lenders and at below market value
- Amending the 1987 Act so that pre-cast reinforced concrete houses are no longer classed as defective.
1 Changes affecting social sector tenancies and allocations

These changes have been the subject of consultation and then detailed discussion by the Scottish Government’s Affordable Rented Housing Advisory Group, of which CIH Scotland is a member. All minutes and other papers from this group can be accessed via the Scottish Government website.¹

‘Reasonable preference’ in allocations
The Bill replaces the existing reasonable preference categories which must be observed by social landlords when allocating a tenancy. After considerable deliberation, there is effectively just one significant change compared with the existing categories – that of tenants who are under occupying.

The other two categories are, as now, homeless people and people ‘living in unsatisfactory housing conditions’, which (though not specified in law) can be expected to continue to include a wide variety of circumstances including both physical housing conditions and other situations such as health issues, domestic abuse etc. In both these categories, the household must have ‘unmet housing needs’. This may seem a somewhat odd term but is presumed to be a way of clarifying that reasonable preference is intended to cover people in housing need.

As now, landlords will be able to prioritise other groups to reflect local needs and circumstances, as long as ‘reasonable preference’ (a term not yet tested in the courts) is given to the three statutory groups.

What might this mean?
In practice there is little change here other than the addition of under occupying tenants to the reasonable preference categories. The Policy Memorandum accompanying the Bill refers to replacing specified groups with a ‘broader definition of housing need’, with landlords then having to determine which groups they want to prioritise. But in the event, there are now three specific categories instead of four, and there is no change to the flexibility landlords already have to prioritise other groups as long as they comply with the reasonable preference provisions.

Consultation on allocations policies
There will be a new requirement for social landlords to consult on priorities within their allocations policies and then to publish a report on the outcome of that consultation. Landlords will also have to take account of the Local Housing Strategy and any guidance produced by the Scottish Government.

What might this mean?
This is probably a recognition that landlords have (and for some time have had) significant flexibility over allocations policies and so should consult on the policy when changes are being made. At this stage it is not clear what form such a consultation would take – for example how a landlord would be expected to consult with all housing list/common housing register applicants. The duty to consult applies where a landlord is making or changing its allocations policy. Given that all landlords will need to amend their policy to reflect the new reasonable preference categories

¹ http://www.scotland.gov.uk/Topics/Built-Environment/Housing/16342/management/ARHAG
and other Bill changes, it seems likely that the new duty would effectively apply as soon as the new provisions come into force.

**Taking age into consideration in allocations**
Currently social landlords can take age into consideration only when allocating to particular types of houses that have been designed or substantially adapted for people of a particular age group or who are in receipt of housing support services for a particular age group. The Bill will remove the prohibition on taking age into account. Landlords must, though, ensure that applicants are not the subject of unlawful discrimination on age grounds under the Equality Act 2010.

*What might this mean?*
CIH Scotland is pleased to see this addition to the Bill as we raised this at the consultation stage as a pragmatic way of addressing some particular issues that members and other professionals have faced. For example, it will mean that that, with the right reasoning and supporting evidence, landlords could designate a particular block or other small grouping of properties for adults over 50 or for families with older children.

Compliance with equalities legislation should not be a problem as long as any taking of age into account is proportionate. So, for example, using an age criterion for allocating a particular group of houses is likely to be a proportionate action, whilst using an age criterion more widely is not.

**Ownership of property**
This change will provide landlords, when determining whether to allocate a tenancy, with the power to take into account whether an applicant owns (or jointly owns) a property. There are exceptions, so ownership must be disregarded where, for example, occupying the property could lead to abuse or otherwise endanger health.

*What might this mean?*
This change is not in any way intended to herald a return to former practices of barring people in acute housing need even where it is unreasonable to expect the applicant to occupy the property. The 2001 Act provisions aimed at outlawing such practice have inadvertently stopped landlords taking *any* type of property ownership into account, including ownership for profit – hence the need for change.

Applicants who own homes that are suitable and available to them are unlikely to apply for social housing. However, there are rare occasions when landlords have been frustrated that they could not take property ownership into account and this change will provide them with a level of comfort. Provisions to enable the short Scottish secure tenancy to be used where an applicant is an owner and requires a short term housing solution (see below) will also be useful in this scenario.

The exceptions are quite tightly defined. There is nothing to prevent landlords from using sensible discretion to consider other ‘ownership’ circumstances on a case by case basis.
Short Scottish secure tenancy for homeowners
This provision will enable social landlords to give homeowners a short Scottish secure tenancy as a temporary solution whilst the applicant is ‘making arrangements’ to bring a property they own back into use as their home.

What might this mean?
When this is used in conjunction with the new power to take property ownership into account it provides social landlords with a pragmatic tool for helping owners without having to allocate a permanent social tenancy. This could be useful in a variety of difficult situations such as when an owner has rented out their property whilst they worked away but have returned and must give notice to their tenant before being able to reclaim their property.

Suspensions – determination of minimum period before applicant is eligible for housing
Up to now landlords have been relying on what is not said in the Housing (Scotland) Act 2001 to enable them to suspend applicants from an offer of accommodation in certain circumstances, for example where there are former rent arrears or previous anti social behaviour. The law will now be clear that suspending an applicant temporarily from receiving an offer is a legitimate response in certain prescribed circumstances listed in the Bill. These include anti social conduct affecting other residents or staff.

The maximum period during which a suspension can remain in force will be decided by Scottish Ministers through regulations, as will the previous time period that a landlord can take into account when considering an applicant’s behaviour. Coupled with this will be a new right for tenants to appeal a landlord’s decision.

These provisions specifically do not apply to lets made by a local authority discharging a homelessness duty, and effectively do not apply to RSL lets which are the subject of a Section 5 homelessness referral or other local authority nomination: this is because the provisions relate only to lets made to people applying through the housing list.

What might this mean?
For many landlords that already operate a suspensions policy in relation to lets made through the housing list, this change will have little impact other than confirming its legitimacy, providing that the landlord’s current grounds for suspension are included in the newly prescribed grounds and the policy complies with the regulations on maximum period etc. But the new right of appeal will effectively mean that all landlords will need to be very clear about why and for how long they intend to prevent an applicant from receiving an offer.

Short Scottish secure tenancy for antisocial behaviour
The existing power to provide an applicant with, or demote an existing tenant to, a short Scottish secure tenancy (SSST) for those who have behaved in an anti social manner only applies where the tenant or applicant has been evicted for anti-social behaviour in the last three years or has been subject to an ASBO in the last three years. The Bill provides for landlords to have the power to grant SSSTs (minimum 12 months – see below) where applicants or tenants have acted anti-socially in or near
their home within the last three years. As now, during the period of the SSST landlords must also ensure that appropriate housing support is available to facilitate the conversion from the SSST to a full SST.

What might this mean?
On the face of it this change would enable landlords to more closely manage the tenancies of those who have a recent history of anti social behaviour, with the ultimate aim of moving them into successful and sustainable Scottish secure tenancies. This chimes with the desire of tenants groups and others to see more action to deal with those who make the lives of their neighbours unbearable. However, this widened power raises issues about what constitutes anti social behaviour and how evidence is gathered etc.

Extension to the short Scottish secure tenancy minimum period
Currently the minimum period of the SSST is six months. For all ‘anti social behaviour SSSTs’ (i.e. those that are intended to convert to a full Scottish secure tenancy) the Bill increases the minimum period to 12 months. For all other SSSTs, the minimum period remains at six months.

What might this mean?
This change is one that will enable landlords and tenants to have a longer period of engagement before a decision is made on whether the SSST will convert to a full tenancy or be brought to an end. This seems to be a sensible approach to managing what can be very sensitive and challenging issues and provides a greater opportunity for a successful outcome.

Extension of term for short Scottish secure tenancy
Those Short Scottish Secure Tenancies which are intended to convert to a full SST after the 12 month minimum period will be able to be extended for a one off period of six months to enable further work with the household if they have not yet reached a position where they will be converted to permanent tenants. It will mean that SSSTs relating to anti social behaviour could last for up to eighteen months. The duty to provide or arrange the provision of housing support continues to apply during the six month extension.

What might this mean?
As with the revision above which extends the minimum period of the SSST from six to twelve months, this will enable a longer period of time in which landlords can secure support and work with the affected household. It is not intended to be used on a regular basis, with its driver being to provide an alternative to eviction where insufficient progress has been made during the initial 12 months to resolve the issues.

Recovering a short Scottish secure tenancy
This is a new requirement on social landlords to give tenants reasons why they are seeking to recover possession of a property let under a SSST where the SSST was given on anti social behaviour grounds (i.e. a SSST which would convert to a full SST after the minimum period) and the SSST has been breached. At the same time it introduces a statutory right of review, before court action is taken, for tenants whose SSST is not going to convert to a full SST.
What might this mean?
The introduction of the need to give reason stems from case law\(^2\) which suggests that in some cases reasons should be given when ending a SSST. The Bill helpfully specifies that this provision will apply exclusively to ‘anti social behaviour SSSTs’. On the face of it, giving an explanation to the tenant seems reasonable, though alongside the new statutory right of appeal, it could be seen as adding layers of bureaucracy which could clog up the process and may even leave landlords in the position of inadvertently allowing a SSST to convert to a full SST, so this will need to be managed carefully.

Changes to assignation, subletting and joint tenancies
There will be a qualifying period of 12 months before a tenant can apply to assign or sublet their home. Any prospective beneficiary of an assignation, sublet or application to join the tenancy will need to have lived in the property as their main home for 12 months. Currently, someone can benefit from an assignation if they have lived in the property as their main home for six months, but there is no current residence requirement in the case of applications for joint tenancies and subletting.

Importantly, in all cases of proposed assignation, subletting or application to join the tenancy, the prospective beneficiary must have notified the landlord at the point the home became their main home. Any period before that notification does not count towards the 12 month period.

The Bill provides two additional reasons to refuse an assignation, namely where the proposed assignee would not be given reasonable preference under the landlord’s allocations policy, or the assignation would lead to under occupation.

What might this mean?
The existing circumstances that apply for assignation, subletting and joint tenancy requests are inconsistent as well as, in the case of assignations in particular, contrary to the principle of providing social tenancies on the basis of need. This is an area that can cause frustration for landlords, some of whom have experienced tenants manipulating circumstances or even profiteering from the transfer of a Scottish secure tenancy to another person, often where the new tenant had little or no housing need.

The introduction of a twelve month qualifying period, and in particular the provision on notifying the landlord, will minimise contrived circumstances. Consideration will need to be given to what needs adding to tenancy agreements (and tenant handbooks etc.) to ensure that tenants make it clear to people moving into the property that they must notify the landlord that this is now their main home.

These are minimum rights for tenants: landlords will still of course have discretion to be flexible and pragmatic according to the particular circumstances in question. So, for example, there may be cases where a landlord is not unhappy that the result of

\(^2\) http://www.tcyoung.co.uk/blog/2012/social-housing/housing-law-scotland-significant-legal-judgement
an assignation is under occupation, depending on the household type and other circumstances.

CIH Scotland remains disappointed that the right to assign a tenancy has been retained. We had hoped to see it changed from being a tenant’s right to a landlord’s power to allow assignation where it fitted with making best use of stock. Nonetheless, the inclusion of stronger grounds for refusal based on lack of housing need is welcomed.

**Changes to succession**
At present the only qualifying period for succession is a six month one applied to co-habiting partners. This will change to 12 months. The Bill also introduces a 12 month qualifying period for all level 2 and level 3 successors, i.e. family members and carers.

Again, in all cases of succession, the person claiming succession must have previously notified the landlord at the point the home became their main home. Any period before that notification does not count towards the 12 month period.

*What might this mean?*
As with assignation and subletting etc., the law describes minimum rights of tenants: landlords have the discretion to be more generous if they decide that the circumstances of a particular case warrant it. Whilst it is relatively uncommon, some landlords have experienced family members moving into a tenancy immediately prior to the tenant’s death with the sole purpose of succeeding to the tenancy, giving up other suitable accommodation in the process. This change will mean that landlords can refuse succession in such cases if they so choose, whilst still enabling them to act sensitively and with compassion.

Again, tenants will need to make it clear to people moving into the property that they must notify the landlord that this is now their main home.

**Grounds for eviction after a criminal conviction**
This change introduces a requirement that a court grants an order for recovery of possession made within 12 months of the tenant’s conviction for using the property for illegal purposes or for an offence in or near the property that is punishable by imprisonment.

*What might this mean?*
There are existing grounds for possession of a Scottish secure tenancy on the basis of anti-social behaviour, but during the course of the original consultation process many landlords described the excessive cost and time involved in obtaining possession even where a court had already found the tenant guilty of activity which should have enabled them to do so more quickly. This simplified manner of evidencing that the anti-social behaviour has already been proven is one that should reduce the distress of the victims by reducing delays and costs. There is some uncertainty, though, in that whilst this removes the reasonableness test the tenant still retains the right to challenge the court action.
It is possible, of course, that some criminal convictions may not have caused harm or distress to other tenants, and so landlords would need to consider each case on its merits.

**Recovery of possession for adapted properties**
This change is one of clarification. Currently landlords are able to let an adapted property to a household that does not require those adaptations. Should the landlord wish to take possession of the property to enable it to be offered to a household that does require the adaptations this can currently be done only if the resident household ‘no longer’ requires the adaptations. This ground will be amended to apply equally to households who have never required the adaptations. The duty to provide suitable alternative accommodation remains.

*What might this mean?*
This relatively minor change applies to a very specific set of circumstances, but one that merits clarification in the light of landlords’ wishes to make best use of stock, minimise the incidence of under utilised adaptations and keep void periods down.

**Original proposals not included in the Bill**
Two measures have not been included in the Bill but were consulted on originally:

- Introductory tenancies, which would have enabled landlords to provide a short Scottish secure tenancy to all new tenants for a fixed period of 12 months
- The power for landlords to take income into account when allocating a tenancy.

**2 Abolition of the right to buy**
The Bill proposes that Scottish social housing tenants will no longer have any right to buy their home. Abolition will come into effect three years after the date the Bill is enacted, i.e. probably around summer 2017.

There is also a clarification of the limitation (in the 2010 Act) affecting ‘new tenants’. The 2010 Act required someone to be ‘in occupation’ prior to the cut off date of 1 March 2011, but it should have said ‘in occupation as a tenant’. These important three words will now be added.

*What might this mean?*
Right to buy entitlement in Scotland is a complex picture, but the majority of tenants who have the right to buy still enjoy the original, generous terms rather than the ‘modernised’ terms introduced by the Housing (Scotland) Act 2001. These are council tenants who have lived in their current home since September 2002 and many who stock transferred to a housing association and have retained their original right to buy.

In some areas pressured area status applies, which means that the right to buy is suspended for at least five years. The Housing (Scotland) Act 2010 further limited the right to buy, particularly in relation to new build housing and for people taking up a social housing tenancy for the first time.
The proposal to remove the right altogether has received wide ranging support as a way of reducing the loss of social housing.

On the proposed lead-in period, CIH Scotland recognises that when an existing right is being taken away, a reasonable lead-in period is appropriate. However, we believe that a three year lead-in period is unduly long, particularly if easier access to mortgages makes a significant spike in sales more likely prior to abolition.

3 Changes affecting the private rented sector

All the changes to the private rented sector were mooted in the Scottish Government’s Private Rented Sector strategy published in May 2013. The Group which oversaw the development of the strategy (it included CIH Scotland) has been re-convened, and new members asked to join, to review the tenancy regime for the private rented sector. Whilst the length and detail of the review means that any potential tenancy changes will not make it into the existing Bill, it is likely that some legislative change will be recommended at a future date.

Third party reporting to the Private Rented Housing Panel

The Private Rented Housing Panel (PRHP) is the judicial body with the function of dealing with breaches of the Repairing Standard in the private rented sector. At present it is only the tenant who can bring a case to the Panel (although if the tenant moves on before a case is concluded the PRHP can choose to continue with the case without the tenant continuing to be involved). The proposed change means that a third party – most obviously the local authority, rather than only the tenant – can bring a case to the PRHP. It is hoped that this will reduce the burden on tenants and enable local authorities to operate more strategically when dealing with disrepair in the private rented sector.

What might this mean?
This may help to give reassurance to tenants that they do not have to be seen to be in dispute with their landlord and will not be required to be directly involved. Of course, having a case being taken to the PRHP may still be the cause of anxiety and friction and may still lead to some landlords taking action to bring a tenancy to an end. The new provision will also help in situations where the tenant has already moved on but the local authority still wishes to take the case to the PRHP.

Regulation of letting agents

The Bill defines letting agency work, makes provision for a national scheme for the registration of letting agents, sets out the tribunal process for handling disputes between letting agents and landlords or tenants, and allows Ministers to set out a statutory code of practice for letting agents.

What might this mean?
At the present time there is no statutory regulation of letting agents, so anyone can call themselves a letting agent and charge landlords for their services. Whilst some letting agents choose to be members of various voluntary associations and/or codes, the introduction of a statutory code and requirement to follow it is something the
sector has not seen previously. This change will see a similar approach to that applied to factoring, with a centralised register and a requirement to comply with certain conditions through a code of practice.

The detail of what the code of practice will cover is still to be agreed. This will be subject to further consultation and is expected to consider the existing voluntary codes, such as those that members of the Royal Institute of Chartered Surveyors or the Association of Residential Letting Agents adhere to.

A housing tribunal for the private rented sector
Currently private rented housing cases are heard in a variety of forums, e.g. repairs issues are heard in the PRHP and cases related to possession are heard in the sheriff court. This change will see all civil private rented sector cases being transferred to a First Tier Tribunal for resolution. This will mean decisions will be made by three members as opposed to one sheriff, and these members will have specialist knowledge and operate in a less adversarial way. It is hoped that this in turn will lead to less of a need for lawyers, with litigants being encouraged to bring their own cases. Another benefit of a tribunal is that all decisions are published, leading the way to better learning, as opposed to the current position where sheriff courts very rarely report on their cases.

What might this mean?
Many changes are taking place in the judicial system in Scotland, with court reforms leading to closures and tribunal reforms leading to more standardised approaches. The development of a suitably resourced tribunal is not expected to happen very quickly, and transferring cases from the court to a tribunal will also take time. However, CIH Scotland is a strong supporter of the tribunal model and believes that the private rented sector is fortunate to be given the opportunity to have better access to justice.

We are very disappointed that the same opportunity has not been afforded to the social rented sector, which is a far greater user of the courts. Moving these cases into a tribunal system would have a much greater impact on reducing the current pressures on the courts. It remains to be seen whether forthcoming changes to the court system improve the way in which social sector cases are treated.

4 Regulation of mobile and park home sites
The Bill includes a number of measures aimed at improving and strengthening the licensing regime that applies to mobile/park home sites on which people live permanently. There are 92 such sites in Scotland, covering 22 local authority areas and housing 3,300 people, many of whom are older people.

The Bill introduces a new licensing system aimed at achieving greater standardisation across Scotland in the type of information councils require from site owners. A key change is the introduction of a ‘fit and proper person’ test.
The Bill provides that site licenses will be valid for three years: at the moment they have no expiry date. There is a new power for local authorities to charge fees for granting a site license – something councils cannot do at present.

There are a number of new enforcement powers, including:
- Increasing the fines for breaching license conditions and operating without a site license
- Giving councils the power to serve an improvement notice requiring a site owner to carry out work
- Allowing councils to suspend pitch fee payments where there is failure to comply with an improvement notice
- Allowing councils to revoke a site license in certain circumstances
- Making provision for an interim manager to take over the running of the site, for example where a license is revoked or renewal of a license is refused.

What might this mean?
The current site licensing regime does not include any assessment of the person who will be managing the site. As this is the person with whom residents have an ongoing relationship in terms of the provision of services and payment of pitch fees etc., the introduction of the ‘fit and proper person’ test addresses what the Scottish Government considers to be a significant failing.

In terms of retrospective application of the new measures, the Scottish Government’s intention is that current site license holders will have two years after implementation of the provisions to apply for a new licence and meet the new conditions.

The Scottish Government is keen to protect the interests of legitimate site owners by creating a system which brings greater penalties for poor site owners who give the industry a bad name.

The strengthening of the licensing regime is very welcome and will hopefully lead to improved standards. However, it remains to be seen how confident the 22 relevant local authorities are that they have the resources to adequately carry out their new powers and use enforcement to improve standards.

5 Private housing conditions – local authority powers

The Bill clarifies the existing power to pay missing shares on behalf of owners who are unwilling or unable to pay or where the owner(s) cannot be identified or found, in situations where the majority of owners in a block have agreed to carry out work.

There is a new power to allow councils to issue a maintenance order where they have issued a work notice or a previous maintenance order (currently this can be done only where the council believes the house has not been or will not be properly maintained).

There is to be an additional ground on which a work notice can be issued – where work is needed to improve the safety or security of any house, regardless of whether or not it is situated in a housing renewal area.
The scope of the power to impose a repayment charge is to be extended to include disrepair from owners of commercial property attached to housing blocks.

*What might this mean?*
These provisions are relatively minor adjustments to existing legislation. They should help those local authorities who take a more proactive approach to supporting owners to carry out repair works. However, a concern is that this may not be a high priority across all councils and so the impact of the changes may be modest in some areas.

### 6 The 20 year rule – shared equity schemes

The Bill makes a technical but very important amendment to the '20 year rule' to overcome a problem which would have prevented lenders participating in the new Scottish Government three year £220m Help to Buy (Scotland) scheme. This scheme helps buyers make a shared equity purchase using a 5% deposit.

The scheme was launched in September 2013 and so the Bill provisions could not come in time for this. So the Scottish Government has advised all potential participants of the intention to exempt the scheme from the 20 year rule and to apply the change to any agreements already concluded by the time the Bill provisions come into force.

*What might this mean?*
As well as needing to amend the 20 year rule to fit in with the Help to Buy scheme, these provisions are partly in response to the tougher conditions which lenders must apply to comply with the Financial Conduct Authority’s Mortgage Market Review Guidance which comes into force in April 2014.

The Bill’s provisions will also be used to facilitate the prospective new Scottish Government ‘Help to Adapt’ scheme whereby an equity loan for adaptations is not repaid until sale of the property.

### 7 Scottish Housing Regulator – transfer of RSL assets

The Bill introduces two amendments to the Scottish Housing Regulator’s powers under Section 67 of the Housing (Scotland) Act 2010. The first is an exception to the requirement on the SHR to consult tenants and lenders before it directs a transfer of RSL assets to another RSL. The SHR wants the changes in order to be able to act quickly where there is an imminent threat of insolvency and, in the SHR’s view, there would not be enough time to consult before directing the transfer. The exception would apply only in cases where a speedy transfer would avert insolvency.

The second amendment removes the duty on the SHR to (a) always obtain a valuation where a transfer of assets is being directed and (b) direct a transfer at an open market valuation. The SHR believes there may be circumstances where it would not make sense to get a valuation at a price that reflects an independent
valuation – for example pressure of time, or there is all-party agreement on a transfer value.

*What might this mean?*
These changes were not the subject of consultation, and so the sector has not had long to consider the implications. We do know, though, that there may be some concerns among lenders that an RSL's assets could be transferred without consultation with a lender who has a major interest in the assets, and at a price which is below open market value. One imagines that the SHR might contend that it would be in neither the tenants’ nor lenders’ interests to allow delays which could lead to insolvency.

### 8 Defective property designation – repeal

In the 1980s 12 types of PRC (precast reinforced concrete) houses were classed as defective in order for owners (who had bought through the right to buy) to qualify for grant assistance with repairs or to sell back to the council. As such assistance is no longer available, the designations are now obsolete and the Bill therefore brings them to an end.