



1. Housing as a human right

- 1.1 The Covid-19 pandemic has shed light upon the inequalities that we continue to face as a society, and the vital need for targeted resourcing from the Scottish Government with regards to affordable housing. Whilst the Universal Declaration of Human Rights embodies a [human right to housing](#),¹ this right is yet to be fully realised in Scotland, to ensure that everyone has access to a safe, secure and affordable home that meets their needs.
- 1.2 Nonetheless, as part of its Housing to 2040 strategy, the Scottish Government has committed to implement a legal right to adequate housing. The commitment to embedding a human rights framework for adequate housing will prove vital in not only directing policy, but also directing investment from the Scottish Government into affordable housing. This will, we hope, ensure that the provision of adequate housing and appropriately targeted resources remain central to key budgetary decisions.
- 1.3 Whilst we fully support a human-rights approach to housing and believe that this can have a real impact in driving improvements in outcomes for tenants, the responsibility ultimately lies with the State. If the Scottish Government are serious about incorporating human rights into domestic law, including the right to housing, then we need to see this policy intention matched with resources. CIH Scotland will be publishing guidance in the autumn for landlords on how to adapt their policies to meet human rights obligations. Whilst we are already seeing advancements in terms of our policy development, such as the human rights approach to victims of domestic abuse in our domestic abuse guidance, these policy advancements can only go so far without human rights budgeting processes led by Scottish Government.

2. The Scottish Government's new human rights bill

Housing to 2040 and a legal right to adequate housing

- 2.1 The Scottish Government's Housing to 2040 route-map outlines their commitment to implement a legislative right to adequate housing, via the introduction of a new Human Rights Bill which will incorporate four United Nations Human Rights treaties into Scots law. Whilst this delivers an opportunity to provide everyone with a home which is affordable and meets their needs, the Scottish Government must ensure that adequate funding is both deliberated and channelled into social and affordable housing to fully realise this right.
- 2.2 We note that a recent [report](#) from ALACHO (Association of Local Authority Chief Housing Officers) which sought to outline the progress made (or lack thereof) surrounding how the right to adequate housing has been translated into housing policy and practice, including resource allocation. Importantly, the report notes that homelessness is not the only human rights failing in the context of adequate housing. Alongside a broad spectrum of unacceptable housing conditions, the report also highlights the poor energy efficiency of many homes, challenges surrounding affordability, and the extent of people trapped in unsuitable accommodation, including people with disabilities and those

¹ Universal Declaration of Human Rights, Article 25

facing domestic abuse. Whilst we welcome the recognition by the Scottish Government of human rights within Housing to 2040, it must act now to progressively realise the right.

3. The importance of adequate resourcing in realising housing as a human right

- 3.1 The right of all individuals to a safe, secure and affordable home can only be realised where there exists a commitment from the Scottish Government to provide adequate funding to achieve this vision. Whilst the incorporation of housing as a human right in Scots law forms a key component of embedding this legislative framework, this framework must be underpinned by sufficient resources to ensure that this right can be realised in practice for everyone in Scotland. We set out below four key areas of investment that will prove central to ensuring that this right to adequate housing is achieved

Investing in new affordable housing supply

- 3.2 The right to adequate housing can only be realised if the shortage in social and affordable housing supply is addressed. Despite attempts to eradicate homelessness, data from [Homelessness in Scotland: 2020 to 2021](#) shows that in the year April 2020 to March 2021, there were 33,792 homeless applications made and 27,571 households assessed as homeless. Whilst this represents a 13% decrease in the number of households assessed as homeless from the previous year, this likely reflects the impact of the Government's protection against evictions during the pandemic. Data from the Scottish Government's [Housing Statistics 2019](#) for Scotland show that at 31st March 2019, there were 158,439 housing list applications on local authority or common housing register lists, representing a 0.4% increase from 2018. However, we do note this is the first increase since 2008, with this latest figure of 158,439 representing a 22% decrease from 202,235 in 2008.
- 3.3 Whilst we welcome the Scottish Government's commitment to deliver 110,00 new affordable homes by 2032 and £3.5 billion in terms of funding, we are concerned that the funding allocated falls short of what is required. The rise in cost of building materials coupled with (welcome) higher standards regarding energy efficiency, accessibility and outdoor space will inevitably higher construction costs. Unless investment in affordable housing is matched with the actual costs of building, then these costs will impact on tenant's rents. We know that tenant's rents are already rising in the social sector, with a [Scottish Government report](#) from 2019 highlighting evidence to indicate a cumulative increase of 12.2% in social rent in Scotland over the five financial years from 2013/14 to 2017/18, equating to an increase of 6.9% in real terms (i.e., over and above the level of CPI inflation). We do note the recent [report](#) from the 2021 affordable housing investment benchmarks working group that has increased the level of investment per unit for affordable house building. However [feedback from social landlords](#) is it is likely that the majority of projects will not be delivered at or below this benchmark, thereby putting the target of 110,000 affordable and social homes at risk.
- 3.4 It is therefore vital that ongoing adequate funding is committed to the delivery of 110,00 homes that are affordable and meet appropriate standards.

Investing in the improvement of housing conditions

- 3.5 The right to adequate housing is not just about the availability of affordable housing, but also access to a good quality home that meets the individual's needs.
- 3.6 The Scottish Housing Quality Standard sets minimum requirements for social housing, including to meet the Tolerable Standard and be free from serious disrepair. Findings from the [SHR National Report on the Scottish Social Housing Charter, Headline Findings 2019/20 \(SHR 2020\)](#) show that 94% of registered social landlords homes and 95% of local authority homes met this standard. However, the [Scottish House Conditions Survey 2019](#) shows that around 40,000 homes were Below Tolerable Standard in

Scotland, 1 in 10 households were affected by dampness or condensation (or both) during this period, 613,000 households were in fuel poverty and 52,000 households were overcrowded.

- 3.7 Housing to 2040 outlines the Scottish Government's commitment to modernising standards of both new and existing homes across all tenures, including a new Housing Standard to replace the existing Tolerable Standard. However, it is crucial that these plans are underpinned by sufficient investment from the Scottish Government so that landlords can improve housing conditions without the cost of improvement falling on the tenant.

Investing in accessibility and adaptations

- 3.8 [Public Health Scotland's recent briefing paper](#) has outlined that availability of accessible housing in Scotland is limited. [Statistics](#) published by the Equality and Human Rights Commission in 2018 outlined a severe shortage of accessible homes across all tenures, with social housing having particularly long waiting lists. A 2018 report '[still minding the step](#)', supported by CIH Scotland, indicated that the number of wheelchair user households in Scotland with unmet housing needs was 17,226 (19.1% of all wheelchair user households). However, calculations based on health trends demonstrates an 80% increase in the population of wheelchair users by 2024, increasing this unmet need figure to 31,007 households by that date.

- 3.9 There currently exists a severe shortage of accessible housing across tenures. However, if Scotland is to fully realise the right to adequate housing, urgent action will be necessary to ensure that future housing supply is accessible and adaptable for all. Whilst we welcome the Scottish Government's commitment to reviewing Housing for Varying Needs, which we hope will set ambitious standards across all tenures that set accessibility as a default, this must be backed by funding to both support the design and delivery of new housing as well as utilising adaptations to make existing stock fit for purpose. As our population continues to age, so too will the demand for accessible housing and adaptations. However, there has only been a minor increase to the Scottish Government's adaptations budget last year, from £10million to £11million a year, despite [research](#) from the Scottish Federation of Housing Associations noting an annual funding shortage of £7million a year.

Investing in the decarbonisation of Scotland's homes

- 3.10 In order to meet the Scottish Government's commitment to reach net-zero emissions by 2045, housing will have to be more energy efficient, with the vast majority switching to low or zero-carbon heating. However, as we transition to new models of domestic heating, it is essential that all households can afford adequate heating without falling into fuel poverty.
- 3.11 The [Scottish Housing Condition Survey](#) show that in 2019, 613,000 households were already fuel poor in Scotland, which equates to a quarter of all households. The ALACHO human rights [report](#) also highlighted that of those 613,000, 448,00 were also income poor (73%). Within these figures, there are also 311,000 households in extreme fuel poverty (12.4%).
- 3.12 Whilst CIH supports the role that housing must play in tackling climate change, it is crucial that associated costs with moving to net-zero emissions homes are not passed to low-income households, otherwise we may risk pushing more people into poverty. As part of its draft Heat in Buildings Strategy, the Scottish Government estimates that the total investment required to decarbonise Scotland's buildings will be £33 billion+. Whilst the £1.6 billion investment pledged by the Government is welcome, we do not believe that this is enough to prevent the costs being passed onto low-income households, increasing the risk of poverty.
- 3.13 Despite this welcome commitment of £1.6billion to improve the energy efficiency in Scotland's buildings, this funding needs to be frontloaded and subsequently increased over time. The [Existing Homes Alliance Scotland](#) has noted that Scotland's energy efficiency and fuel poverty programmes will require nearly a doubling of investment, from the current budget of around £135million per year to at least £244million per year, with an upwards trajectory of £1.35billion over the parliamentary term. It is

vital that the Scottish Budget entails the necessary funding to ensure that we meet our ambitious climate change and fuel poverty targets, but the current draft Budget does not align with these targets. In order to tackle this issue, the Scottish Government must urgently review energy efficiency spending in upcoming budgets, to lift households out of fuel poverty and support a green recovery from the pandemic.

Who we are:

CIH is the professional body for those working within the housing sector, representing the independent voice for housing and home of professional standards. Our membership across the world is over 17,000, with 13,000 of these members in the UK and 2,000 in Scotland. Spanning all tenures of housing, our overall mission is to support housing professionals to help create a future where everyone has a place to call home.

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