



Evidence submitted by Chartered Institute of Housing Scotland: 08 July 2019

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world including over 2,000 in Scotland.

Further information is available at: www.cih.org

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1. General comments

- 1.1 CIH Scotland welcomes the opportunity to respond to the Scottish Government's consultation on adding new categories to the definition of a House of Multiple Occupation (HMO). It is vitally important that accommodation meets minimum standards to ensure the safety of residents and adequate living standards. We understand that this can be a particular issue for temporary, migrant or seasonal workers who may have little say over where they stay and may be more vulnerable to exploitation. However, it should also be noted that if the accommodation in question is not suitable for housing workers, it may not be suitable for housing tourists. We must ensure that all accommodation meets certain standards regardless of tenure or length of stay.
- 1.2 We also have some concerns about how the proposals will be interpreted, monitored and enforced. These are set out below.

2. Consultation Questions

Part One: Concerns regarding safety of contract and transient workers accommodation when staying away from home

Question 1: Should holiday lets, hostels or B&Bs be licensed as HMOs, when contract and transient workers are residing in them and special arrangements have been made for the workers?

- ☒ Yes
☐ No
☐ Don't know

Please explain your answer:

While we do agree with the principle of extending the definition of HMOs if this will improve the living condition of workers, our preference would be to ensure that all accommodation is of a suitable standard and is safe to live in no matter the length or purpose of the residents' stay. If accommodation is of a standard that is not safe or appropriate for workers, even for short periods of time, it should not be deemed acceptable for tourists or any other guest. We also have some concerns about how the proposals will be interpreted and enforced and the possibility that they could easily be avoided by owners who do not wish to comply with requirements or pay for an HMO license.

It is not clear why the proposed changes would only apply in cases where special arrangements had been made to accommodate workers which would not normally be made for tourists. In the examples given in the consultation document, it is suggested that workers



may be given special rates or allowed to access kitchen or cooking facilities. If other guests were offered the same rates and allowed access to these facilities it seems that owners would be able to avoid applying for an HMO license.

Question 2: Do you agree with the policy approach to change the focus from the only or main residence test to instead focus on the type of accommodation and its manner of occupation for contract and transient workers?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer:

We agree with the move away from the 'only or main residence' test. The focus should be on whether or not the accommodation is of a suitable standard for the manner in which it is being used. Again, it is not clear why this standard should be applicable for workers and not for any other guests residing in that accommodation.

Question 3: Do you agree with the types of living accommodation set out in article 2(1) of the draft Order?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer:

We agree that the accommodation types listed will cover most places where workers are housed. However, we have some concerns with what is meant by a 'physical and/or operational change' and how this will be interpreted and enforced.

As we acknowledge above, the consultation document sets out some examples including special rates being offered to workers for access to cooking facilities. It seems that if an owner wanted to avoid HMO licensing, they could offer use of the facilities to all guests or none. If the issue with workers using cooking facilities is one of health and safety and this option was offered to all guests in order for the owner to avoid HMO licensing requirements this may put more guests at risk.

It is not clear how these rules would be monitored or enforced.



Question 4: Do you agree with the policy approach outlined in article 2(2) of the draft Order?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer:

Again, while we agree with the principle of extending the definition of HMOs to improve standards for workers, it is not clear why this should only apply in cases where special arrangements have been made.

It is not clear how the term 'physical and/or operational change' will be interpreted, monitored or enforced.

Question 5: Do you agree with the manners of occupation set out in article 2(2) of the draft Order?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer:

As above, it is not clear how the term 'physical and/or operational change' will be interpreted, monitored or enforced.

Question 6: Are there other manners of occupation that should be described in the Order?

- ☐ Yes
- ☒ No
- ☐ Don't know

Please explain your answer:

No further comment

Question 7: Do you agree with the time pattern approach outlined in article 2(3) of the draft Order, whereby there does not have to permanently be 3 or more persons living in the accommodation?

Chartered Institute of Housing Scotland's submission on adding new categories to the definition of a House in Multiple Occupation



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- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer:

This approach would potentially help to avoid a situation where HMO licencing was not applicable to accommodation which housed small numbers of workers at different times throughout the year. However, the concerns outlined above relating to standards for other guests who are not workers and the interpretation, monitoring and enforcement of the proposed regulations still apply.

Part Two: Impact Assessments

Question 8: Are there any proposals in this consultation which impact on, or have implication for island communities?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer:

Island and rural communities across Scotland face housing pressures due to a lack of affordable homes and in some places, high concentrations of second homes and holiday accommodation. If the regulations restrict the way in which short term lets can be used and owners decide not to let to workers rather than comply with HMO licensing requirements, this could make it more difficult for workers to find accommodation in remote areas or increase pressure on other types of accommodation. Projects such as construction or retrofit often require workers from the mainland to stay on islands or in remote communities.

Question 9: Are there any proposals in this consultation which impact on, or have implications for equality groups?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer:

The proposals could potentially benefit minority groups who may be more likely to be exploited or trafficked for work and be subject to living in sub-standard or overcrowded

conditions. However, this benefit will only be realised if the proposed regulations are adhered to or properly enforced.

Question 10: Do any of the proposals in this consultation have financial, regulatory or resource implications for you and/or your business (if applicable)

- ☐ Yes
- ☐ No
- ☐ Don't know

Please explain your answer:

The proposals will not have any resource implications for CIH but there may be costs for the owners of accommodation that is used by workers if they need to apply for an HMO licence and if they are required to carry out any work in order to ensure compliance with HMO licencing requirements.

There are potential financial implications for local authorities in terms of resourcing enforcement activity.

Question 11: Over the coming months, would you be willing to take part in a short interview to expand further on your comments to Question 10?

- ☒ Yes
- ☐ No