

REPORT ON THE COMMON HOUSING QUALITY STANDARD FORUM

1. Background

- 1.1 The Scottish Government's Sustainable Housing Strategy included a commitment to publish proposals for a common cross-tenure housing standard beyond the existing tolerable standard for housing. The Scottish Government set up a Common Housing Quality Standard Forum in 2015. The aim of the Forum was to enable discussion with and between stakeholders on key issues affecting house condition to inform recommendations by the Scottish Government for a new common housing standard.
- 1.2 This paper represents the view of the Scottish Government. Individual members of the Forum may take different views on these issues.
- 1.3 For people to live in warm, high quality, low carbon homes, action is necessary to improve the physical condition of housing in Scotland. The Scottish House Condition Survey shows a high level of disrepair in Scottish homes. Some kinds of disrepair do not require immediate action, although the total cost of repair can increase if they are left untreated. Some kinds of disrepair can make it harder to meet targets for fuel poverty and climate change because they prevent or reduce the value of energy efficiency improvements. Some kinds of disrepair affect the health and safety of occupiers.

2. Topics considered

- 2.1 The forum looked at a series of topic papers on key issues around housing standards. These papers are published on the Scottish Government website at <http://www.gov.scot/Topics/Built-Environment/Housing/sustainable/quality>. Key issues considered by the forum are:
 - The scope of housing standards
 - Essential fabric elements in standards
 - Safety elements in standards
 - Amenity elements in standards
 - Standards in rented accommodation
 - Standards in flats and tenements
 - Costs and prioritisation
 - Enforcement, funding and timescales
- 2.2 Summary charts and tables of key facts and figures are provided in annexes A to T at the end of this Report.

3. Scope of housing standards

- 3.1 The tolerable standard is the minimum standard for all housing in Scotland (Annex D). It was first introduced in 1969 and has been amended and extended on several occasions (Annex B). It is described as a “condemnatory standard.” A house that falls below this standard should not be used as living accommodation. There is a general duty for local authorities to improve, close or demolish housing in their area that falls below the tolerable standard, but there is no statutory responsibility for owners or landlords to carry out work unless specifically required to do so by a local authority.
- 3.2 Tolerable standard is not the only housing standard, but different standards have developed separately in different tenures and with differing aims (Annexes M and N), which can be a problem when we have, as is now common, a mix of tenure types often in the same building. Social landlords experience particular difficulties with private owners’ cooperation for works such as insulation which affect the whole block. Private landlords, who have a duty to ensure that houses meet a statutory repairing standard throughout a tenancy, face similar problems with elements of the standard which relate to common parts. There is a particular need for owners and landlords to cooperate in the work needed to keep tenements and flats in a good state of repair. In practice it is often difficult to carry out common works even where there is an obligation under title deeds.
- 3.3 The standards required of social and private landlords have developed separately with different aims, and there are differences between them (Annex O). For example, some of the safety elements required of private landlords are not set out in the same detail for social landlords, and some elements of the social housing standards on modern kitchens and common facilities are not reflected in private rented housing standards. There are also significant differences in rights of appeal and complaint and when tenants are allowed to carry out work (Annex P). Some of these differences might make it difficult to merge the standards for social and private rented housing. The standard for private rented housing does not cover agricultural tenancies and there are concerns about the condition of this housing, though more work is needed to establish the extent of this problem. It is also unclear how far this standard applies to holiday lets. The standard for social rented housing does not always cover temporary accommodation for homeless people.
- 3.4 The tolerable standard only applies to houses that are part of a building so does not include mobile homes or the amenity blocks that provide facilities for cooking, cleaning and daytime living for Gypsies and Travellers who live primarily in mobile homes. The Scottish Government published minimum standards for Gypsy/Traveller sites in 2015
- 3.5 We have also taken in account the recommendation of the Scottish Human Rights Commission that the tolerable standard should be reviewed to ensure that it complies with the habitability standard in the UN Committee on Economic, Social and Cultural Rights on the right to adequate housing (Annex F).

4. Essential fabric elements in standards

- 4.1 Essential fabric means those parts of the physical structure of the building which ensure its stability and resistance to the ordinary encroachments of weather, and it includes drainage and ventilation (see Annex J).
- 4.2 Essential fabric elements are part of the tolerable standard and apply to all houses. Very few houses are below tolerable standard (Annex H), though the impact can be serious where they are. We think that some changes to the tolerable standard could be made but that these are fairly minimal. It may be useful to specifically include wind and weather tightness and serious disrepair in the tolerable standard. It may also be useful to clarify that dampness and ventilation are important to both the integrity of the fabric and the health of occupiers.
- 4.3 One of the elements that should be considered for a cross-tenure standard in tenements is the impact of disrepair on adjacent housing. Local authorities can take action on substandard housing, which includes houses in serious disrepair. There are different definitions of disrepair used in the Scottish House Condition Survey (Annex I). An example of a similar provision which includes disrepair is in Annex E.

5. Safety elements in standards

- 5.1 Safety elements are intended to ensure that homes do not adversely affect the health and safety of their occupiers (Annex K). The physical safety of occupants is part of the human rights habitability standard. There are some safety elements that could be added to existing housing standards, for example water must be wholesome but only social housing should be free of lead pipes. Other measures could be considered to address risks from asbestos and radon. There are some essential fabric elements that also have a potential impact on health but this is not distinguished in the current standards.
- 5.2 There is an issue about inconsistency between safety elements in private and social rented housing, and also whether some safety elements should apply throughout tenements and flats because of the potential impact on other occupiers, for example measures to give warning of fires.

6. Amenity elements in standards

- 6.1 Amenity is a general term for a range of features that make property appealing or pleasant to live in and some of which may be considered essential for the proper enjoyment or use of a house. We have used this as a catch-all for elements of housing standards that are not covered by essential fabric, safety or energy efficiency (Annex L). This includes things such as access, adequate lighting, facilities for personal hygiene and for food storage and preparation. Other areas where an amenity element could be considered as part of a common standard include things like adequate living space, capacity for passive drying, refuse storage and digital inclusion. Some amenity elements would require housing to take account of needs of particular groups of occupants, such as children or disabled people.
- 6.2 Because of the range of elements considered here, the variation in existing housing, and the potentially significant cost and disruption, different approaches are appropriate for different types of amenity element. Some elements should be standard in all housing and most of these are already reflected in existing standards, with perhaps some additional duties in respect of common areas, such as lighting for closes. One additional amenity element that could be considered for a common standard is noise insulation.
- 6.3 Some elements are difficult to introduce retrospectively into existing housing, such as space for children and drying and internet access. They could be considered as matters which should be taken into account whenever possible and factored into improvements, or which should not be made worse, but should be subject to technical feasibility and reasonable cost. Finally, there are elements that address individual need and might be a duty to consider reasonable requests, such as a choice between a bath and a shower where this meets a personal need.

7. Energy efficiency

- 7.1 The Forum did not consider energy efficiency elements. This is because a new energy efficiency standard for social housing was published in 2014 with a first target for 2020, and Scottish Government is separately looking at the regulation of energy efficiency in private sector housing. We do think that there is a need for these standards to be able to converge, and this is a factor in the development of Scotland's Energy Efficiency Programme (SEEP). Practically, convergence of energy efficiency elements may have to be in the longer term because of the current differences between tenures.
- 7.2 The tolerable standard does not require homes to have central heating systems. The minimum requirement is loft insulation and an electric socket in each apartment capable of servicing a plug-in electrical heater. In the private rented sector any heating system must be in proper working order, but only if there is a heating system in the house; there is no requirement to provide a heating system. We could consider these definitions of adequate heating to ensure they are consistent with the expectations of new energy efficiency standards.

8. Standards in rented accommodation

- 8.1 Owner occupiers are in a stronger position to make informed decisions about acceptable risk levels whereas those living in rented accommodation could reasonably expect that housing standards ensure their homes are fit for human habitation and do not pose health risks. Consequently there are separate standards for homes that are rented that go beyond what is required of owner occupiers. This seems justifiable but there are two key issues affecting standards in rented accommodation. Firstly, the social and private rented sectors are subject to different standards and the duties placed on landlords are inconsistent. Secondly, there are gaps in the scope of these rented standards, affecting housing for agricultural tenants, temporary housing for homeless people and holiday lets. The Forum has also identified a few new elements that are not currently part of standards in either tenure.
- 8.2 It would be feasible to look at common rented standards separately from other changes. Different tenures also have different rules on the rights of tenants to carry out work or enforce work by landlords. This would make it more complicated to introduce a single rented standard, but this factor would not prevent changes to elements within existing standards to improve consistency.

9. Standards in flats and tenements

- 9.1 It is arguable that owner occupiers in flats should be expected to meet higher standards where there is a potential impact on other occupiers – an example would be standards for smoke and fire detectors. It would also be beneficial for standards to be consistent where there are common elements across tenures.
- 9.2 There are some potential elements that are not included in current standards and duties where it may be appropriate to set a standard for owner-occupiers in tenements that would go further than the standard required of owners in detached and semi-detached houses. This could be extended to cover non-residential property where an element has an impact on housing that is part of the same building.
- 9.3 Cooperation between owners and occupiers in different tenures is problematic when they are working to different standards and additional difficulties arise when owners are unable or unwilling to consent to work that is essential to protect and preserve property. There are challenges within the existing rights and responsibilities of owners in flats and the differences between standards in different tenures does not encourage cooperation between owners on common works or energy efficiency improvements.

10. Costs and prioritisation, enforcement and funding

- 10.1 Social landlords have spent £4 billion bringing their houses up to the Scottish Housing Quality Standard. As a rough estimate it could cost up to £10 billion to carry out all the work needed to repair and improve private housing (Annex Q). This is more than 100 times the level of resources currently available to local authorities to assist home owners and enforce compliance with existing standards (Annex R). Consequently, local authorities have to prioritise resources and can directly intervene in only the worst cases. Local authorities already have a wide range of enforcement powers (Annex S). Lessons can be learnt from the use of these powers to ensure that they can be used effectively, and to ensure that homes meet existing standards as well as any future ones. It may be more useful to look at the powers available to local authorities for recovering the cost of enforcement, for example through new local taxation powers.
- 10.2 About half of owners spend collectively around £2 billion a year on their homes. This is a considerable sum, and there is scope to encourage prioritisation to ensure that the investment brings the best benefit. More could be done to ensure that outstanding works affecting the building as a whole or which could become common responsibility are flagged clearly when any house in a tenement is sold (Annex T).
- 10.3 Another approach could be to presume consent if work is essential (or already required in existing standards), or to add a qualification that in such cases consent must not be unreasonably withheld (similar to rules in housing legislation for other kinds of work). A third option is to develop a model for typical maintenance costs, similar to the modelling used for energy performance, drawing on the experience of asset management by social landlords, and making this available to home buyers. This might also be useful to show the cost benefits of proactive maintenance over reactive repairs.
- 10.4 This also raises questions about the need to help owners manage maintenance costs, through better awareness of benefits of proactive maintenance or through voluntary or mandatory maintenance funds.

11. Timescales

- 11.1 Although some standards are set out in guidance and others can be amended by statutory instrument, we anticipate that any major change in existing standards would require primary legislation. In practice it usually takes at least two years from the introduction of a Bill to coming into force of new law.

11.2 The introduction of new standards is easier if owners and landlords are given a reasonable timeframe to carry out the work that is needed. Small scale relatively low cost changes could be brought in quite quickly, but a more complex range of new elements in housing standards would need to be managed as part of a programme of works by owners and would require a longer time to deliver. Conceivably, a very large scale change might need a period of up to 20 years before all housing could be expected to be up to standard. It would be sensible to link targets for new standards to other targets driving work on existing houses, in relation to energy efficiency and climate change.

11.3 Progress towards common standards, particularly a common rented standard, could be delivered through a sequence of harmonisations. This could be done in incremental stages with different timescales and costs. On this approach we consider that the safety element should be the first harmonisation.

12. Issues for consultation

12.1 We have identified the following issues as matters that could be the subject of a public consultation, or a series of consultations, to seek views on potential changes to existing standards.

A. Overall approach

- Amending standards to make them more consistent and to pick up any gaps in existing provisions
- Making rented standards consistent for private and social landlords
- Whether there should be a new standard for common parts and interest
- Views on costs – how much is reasonable and how this affects timescales
- Enforcement

B. Possible new elements in the tolerable standard

- A statutory responsibility for owners and landlords in addition to the existing duties of local authorities
- Wind and watertight
- If there is a damp proof course it should be intact
- Central heating
- Regular checks of gas and electrical safety
- Distinguish between the fabric and health factors in ventilation etc.
- Free of serious disrepair
- A requirement for properties to be free of lead from the boundary stop-cock to the kitchen tap (the supply pipe)
- Radon
- Internet connectivity
- Common lighting
- Remove provision on lack of alternative housing from the reasonable timescale for addressing tolerable standard failures
- Application of the standard (or some parts of it) to mobile homes

C. Changes to cross-tenure renting standards

- Additional safety elements in social housing
 - smoke detectors
 - carbon monoxide detectors
 - periodic electric safety inspections
- Additional elements in private rented housing
 - compliance with the tolerable standard
 - safety checks of oil heating systems
 - lead free pipes
 - safe kitchens
 - food storage
 - central heating
 - safe access to common facilities
 - secure entry doors
- Additional elements in both standards
 - thermostatic mixing valves
 - residual current devices
 - risk assessments for asbestos
 - water quality checks
- Agricultural tenancies
- Homelessness accommodation
- Holiday lets

D. A new common parts and interest standard

- Impact of disrepair in any part of building on adjacent houses
- Safety elements – impact on other occupiers
- Implementation of energy efficiency standards
- Noise insulation
- Refuse storage
- Appearance
- Keeping common areas clean
- Common entry
- Specific rule on cost and feasibility for some elements
- Building reserve funds
- Mandatory building condition surveys

E. At point of sale or rental

- Water quality test
- Advice for owners on value of maintenance and prioritising work
- Council tax penalties

ANNEXES

- A. Numbers of Houses
- B. The Tolerable Standard – a timeline
- C. Recommendation for a tolerable standard by the Cullingworth Committee
- D. The Tolerable Standard as currently in force
- E. Northern Ireland standard of fitness for human habitation
- F. UN Committee Economic, Social and Cultural Rights: the right to adequate housing
- G. The impact of the Tolerable Standard on Scottish housing
- H. Current estimate of housing below tolerable standard
- I. Current estimate of disrepair in Scottish housing
- J. Summary of essential fabric elements in existing standards
- K. Summary of current safety duties in different tenures
- L. Possible amenity elements in housing standards
- M. List of current standards in different tenures
- N. Graphic summarising the overlap between existing standards
- O. Differences between SHQS and the repairing standard
- P. Enforcement and improvement by tenants
- Q. Estimated cost of work needed on Scottish homes
- R. Local authority grants for repairs and improvements to private homes
- S. Enforcement powers of local authorities
- T. Looking after your home: What is most important?

Annex A: Numbers of Houses

Estimated stock of dwellings at March 2014

Housing Statistics for Scotland - Key Information and Summary Tables

Tenure	Number of homes (millions)	Percentage of Housing Stock
Owner-Occupied	1.47	58%
Privately rented or with a job or business	0.37	15%
Vacant private rented and second homes	0.10	4%
Rented from Housing Associations	0.28	11%
Rented from local authorities	0.32	13%
Total	2.53	100%

Numbers of tenements

Scottish House Condition Survey: Key Findings 2014 and Housing Statistics for Scotland - Key Information and Summary Tables

Numbers of tenements by type	Numbers of homes ('000s)
traditional tenement	579
houses converted into flats	33
high rise blocks	57
four in a block flats	239

Numbers of tenements by age	Numbers of homes ('000s)
pre-1919	270
1919-1944	152
1945-1964	180
1965-1982	132
post-1982	172

Numbers of tenements by location	Numbers of homes ('000s)
urban	876
rural	31

Numbers of tenements by tenure	Numbers of homes ('000s)
owner occupier	305
private rented	251
local authority	172
housing association	179

Annex B: The Tolerable Standard – a timeline

Date	Measures introduced	Legislation
1867	Defined unfit for human habitation as, “Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable water closet or privy accommodation, or other matter or circumstance rendering any house, building or part thereof injurious to the health of the inmates or unwholesome or unfit for human habitation.”	Public Health (Scotland) Act 1867
1962	Introduced matters which should be regarded in determining whether a house is unfit for human habitation.	Housing (Scotland) Act 1962
1967	Recommended that the standard of unfit for human habitation should be replaced by a clearer minimum tolerable standard.	<i>Scotland’s Older Houses</i> (see Annex B).
1969	Introduced the tolerable standard (9 original elements).	Housing (Scotland) Act 1969
1987	Repealed the 1969 Act, but re-enacted the tolerable standard except that it no longer allowed for homes in a shared building to have shared access to a water closet.	Housing (Scotland) Act 1987
2001	Requirement for a bath or shower added.	Housing (Scotland) Act 2001
2003	Waterless closets added.	Housing (Scotland) Act 1987 (Tolerable Standard) (Variation of Criterion) Order 2003
2009	Satisfactory thermal insulation and safe electrical installations added; Scottish Government guidance on the tolerable standard published.	Housing (Scotland) Act 2006
2015	Common Housing Quality Standard Forum set up.	

Annex C: Recommendation for a tolerable standard by the Cullingworth Committee

Scotland's Older Houses: Report by a Sub-Committee of the Scottish Housing Advisory Committee (HMSO 1967), paragraph 108

“To summarise our proposals we recommend that in order to qualify under the new Tolerable Standard a house should:

- (i) be in a satisfactory state of repair, in a stable condition and substantially free from rising and penetrating dampness;
- (ii) have adequate provision for natural and artificial lighting and ventilation, and for heating;
- (iii) have an adequate supply of wholesome water laid on inside the house for domestic purposes;
- (iv) (a) have a sink provided with both cold and hot water; or
(b) IF THE SECRETARY OF STATE SO DIRECTS: have a sink and fixed bath or shower, both provided with cold and hot water.
- (v) have a suitably located, ventilated, internal water closet for the exclusive use of the occupants;
- (vi) have an effective system for the drainage and disposal of foul and surface water;
- (vii) have adequate space for the storage, preparation and cooking of food;
- (viii) have satisfactory access to all external doors and outbuildings; and
- (ix) have adequate provision for the storing of refuse.”

Annex D: The Tolerable Standard as currently in force

Housing (Scotland) Act 1987, as amended

Definition of house meeting tolerable standard.

86. — (1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house—

- (a) is structurally stable;
- (b) is substantially free from rising or penetrating damp;
- (c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- (ca) has satisfactory thermal insulation;
- (d) has an adequate piped supply of wholesome water available within the house;
- (e) has a sink provided with a satisfactory supply of both hot and cold water within the house;
- (f) has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- (fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- (g) has an effective system for the drainage and disposal of foul and surface water;
- (ga) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
“the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
“the relevant requirements” are that the electrical installation is adequate and safe to use;
- (h) has satisfactory facilities for the cooking of food within the house;
- (i) has satisfactory access to all external doors and outbuildings;

and any reference to a house not meeting the tolerable standard or being brought up to the tolerable standard shall be construed accordingly.

(1A) In construing any such reference, regard shall be had to any guidance issued by the Scottish Ministers.

(1B) The Scottish Ministers must issue the guidance in such manner as they consider appropriate for bringing it to the notice of local authorities and other persons with an interest.

(1C) The Scottish Ministers may vary or revoke any such guidance.

(2) The Secretary of State may by order vary or extend or amplify the criteria set out in the foregoing subsection either generally or, after consultation with a particular local authority, in relation to the district, or any part of the district, of that authority.

(2A) An order under subsection (2) is to be made by statutory instrument, and no such order is to be made unless a draft of the order has been laid before and approved by resolution of the Scottish Parliament.

(3) This section shall be without prejudice to section 114 (certain underground rooms to be treated as houses not meeting the tolerable standard).

Annex E: Northern Ireland standard of fitness for human habitation

Housing (Northern Ireland) Order 1981, as substituted by schedule 5 of the Housing (Northern Ireland) Order 1992

Standard of fitness for human habitation

46.—(1) Subject to paragraph (2), a house is fit for human habitation for the purposes of this Order unless, in the opinion of the Executive, it fails to meet one or more of the requirements in sub-paragraphs (a) to (i) and, by reason of that failure, is not reasonably suitable for occupation—

- (a) it is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness prejudicial to the health of the occupants (if any);
- (d) it has adequate provision for lighting, heating and ventilation;
- (e) it has an adequate piped supply of wholesome water;
- (f) there are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (g) it has a suitably located water-closet for the exclusive use of the occupants (if any);
- (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- (i) it has an effective system for the draining of foul, waste and surface water;

and any reference to a house being unfit for human habitation shall be construed accordingly.

(2) Whether or not a house which is a flat satisfies the requirements in paragraph (1), it is unfit for human habitation for the purposes of this Order if, in the opinion of the Executive, the building or a part of the building outside the flat fails to meet one or more of the requirements in sub-paragraphs (a) to (e) and, by reason of that failure, the flat is not reasonably suitable for occupation—

- (a) the building or part is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness;
- (d) it has adequate provision for ventilation; and
- (e) it has an effective system for the draining of foul, waste and surface water.

(3) The Department may by order amend the provisions of paragraph (1) or paragraph (2) in such manner and to such extent as it considers appropriate; and any such order—

- (a) may contain such transitional and supplementary provisions as the Department considers expedient; and
- (b) shall be made subject to negative resolution.

Annex F: UN Committee on Economic, Social and Cultural Rights: the right to adequate housing

From E/1992/23

Legal security of tenure. All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.

Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.

Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.

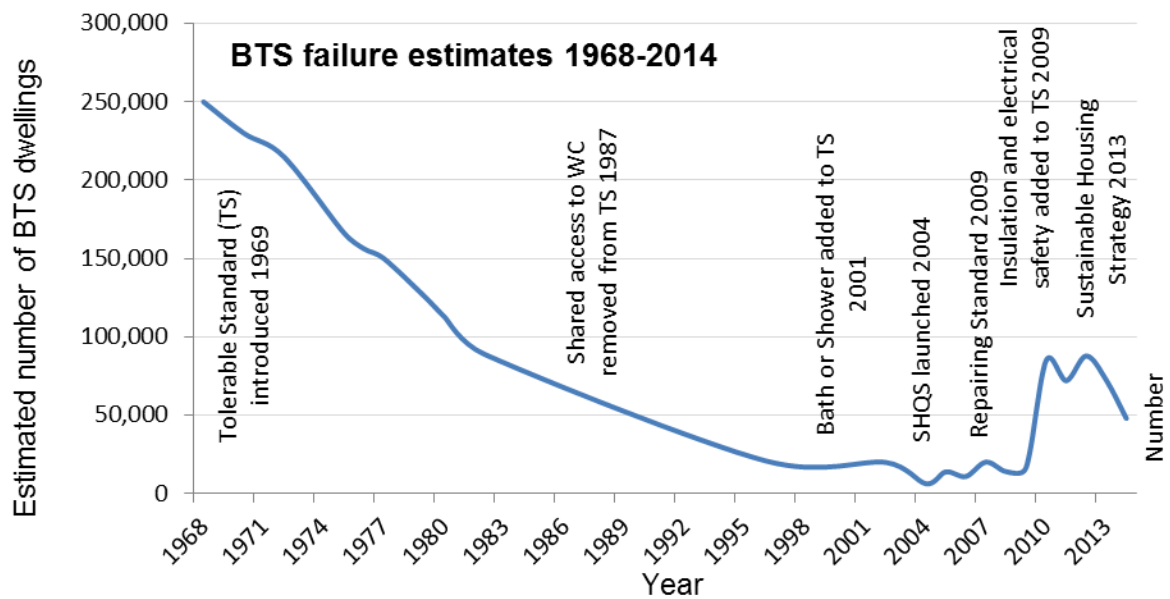
Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources.

Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.

Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

Annex G: The impact of the Tolerable Standard on Scottish housing

The following chart show estimates of the number of dwellings below tolerable standard (BTS) in Scotland between 1968 and 2014. Improvements and repairs reduced BTS housing to around 1% of homes by 1996. The changes brought in in 2009 to include adequate thermal insulation and safe electrical installations led to a rise in the number of homes failing the standard. The most recent estimate is that around 2% of all housing is BTS.



Annex H: Current estimate of housing below tolerable standard

Scottish House Condition Survey – Key Findings 2014, paras 239-243

1. BTS housing by tenure

Tenure	Number of BTS homes
owner occupied	34,000
private rented	10,000
all private housing	44,000
local authority	3,000
registered social landlord	1,000
all social housing	4,000
all housing	48,000

2. BTS housing by age

Age of dwelling	Number of BTS homes
pre 1919	29,000
1919-1944	9,000
1945-1964	4,000
1965-1982	6,000
post 1982	—
all housing	48,000

3. Most common reasons for BTS housing

Reason for BTS failure	Number of BTS homes
thermal insulation	21,000
rising/penetrating damp	12,000
lighting, ventilation or heating	9,000

Annex I: Current estimate of disrepair in Scottish housing

Scottish House Condition Survey – Key Findings 2014, para 213-217

Category of disrepair	Percentage of Homes
Any Disrepair: Any damage where a building element requires some repair beyond routine maintenance.	73%
Critical element disrepair: this refers to disrepair to building elements central to weather-tightness, structural stability and preventing deterioration of the property.	53%
Urgent disrepair: this relates to cases requiring immediate repair to prevent further damage or health and safety risk to occupants.	32%
Extensive disrepair: to be described as extensive, the damage must cover at least 20% or more of the building element area.	7%
Critical element, urgent <i>and</i> extensive disrepair	4%

Annex J: Summary of essential fabric elements in existing standards

	Tolerable Standard	Scottish Housing Quality Standard	Repairing Standard	Building Regulations
Stability	Must be structurally stable			Must not collapse or become unsafe
Wind and Watertight		<i>(Not in SHQS but required under the 2001 Act)</i>	Must be wind and watertight	Climatic conditions should be carefully considered in assessment of the structural design and rain penetration
Dampness	Must be substantially free from rising or penetrating damp	Damp proof course must be in good repair	Sanitary defects include dampness	Must not be a threat to the building or the health of the occupants as a result of moisture penetration or precipitation
Ventilation	Must have satisfactory provision for ventilation	Mechanical ventilation may be required if the house is damp	Sanitary defects include lack of ventilation	Must be designed and constructed in such a way that it can be ventilated to ensure that the health of the occupants is not threatened
Drainage	Must have an effective system for drainage and disposal of foul and surface water	Rainwater goods and underground drain must be in good repair	Drains, gutters and external pipes must be in a reasonable state of repair and in proper working order	Must have an appropriate surface water and wastewater drainage system, that will not threaten the health and safety of people in or around the building
Disrepair		Structure must be in a good state of repair and must be free from serious disrepair	The structure and exterior of the house must be in a reasonable state of repair	<i>Powers of local to deal with buildings they consider to be defective or dangerous</i>

Annex K: Summary of current safety duties in different tenures

	Social Landlords	Private Landlords	Owner Occupiers	New and Converted Buildings
Fire Detectors	Partial	Yes	No	Yes
Carbon Monoxide Detectors	No	Yes	No	Yes
Electrical Installations	Yes	Yes	Yes	Yes
Periodic Electrical Safety Inspections	No	Yes	No	No
Periodic Gas Safety Inspections	Yes	Yes	No	No
Oil Heating System	Yes	Yes	No	Yes
Wholesome Water	Yes	Yes	Yes	Yes
Lead Pipe Free	Yes	No	No	Yes
Safe Kitchen Space	Yes	No	No	Partial
Noise Insulation	Partial	No	No	Yes
Safe Environment	Yes	Partial	No	Partial
Secure Doors	Yes	Partial	No	Yes
Legionella	Yes	Yes	No	Yes
Damp Free	Yes	Yes	Yes	Yes
Overcrowding	Yes	Yes	Yes	No
Thermal Efficiency	Yes	Yes	Yes	Yes
Ventilation	Yes	Yes	Yes	Yes
Asbestos	Partial	No	No	Yes
Thermostatic Mixing Valves	No	No	No	Yes
Residual Current Devices	No	No	No	Partial
Sprinklers	No	No	No	Partial

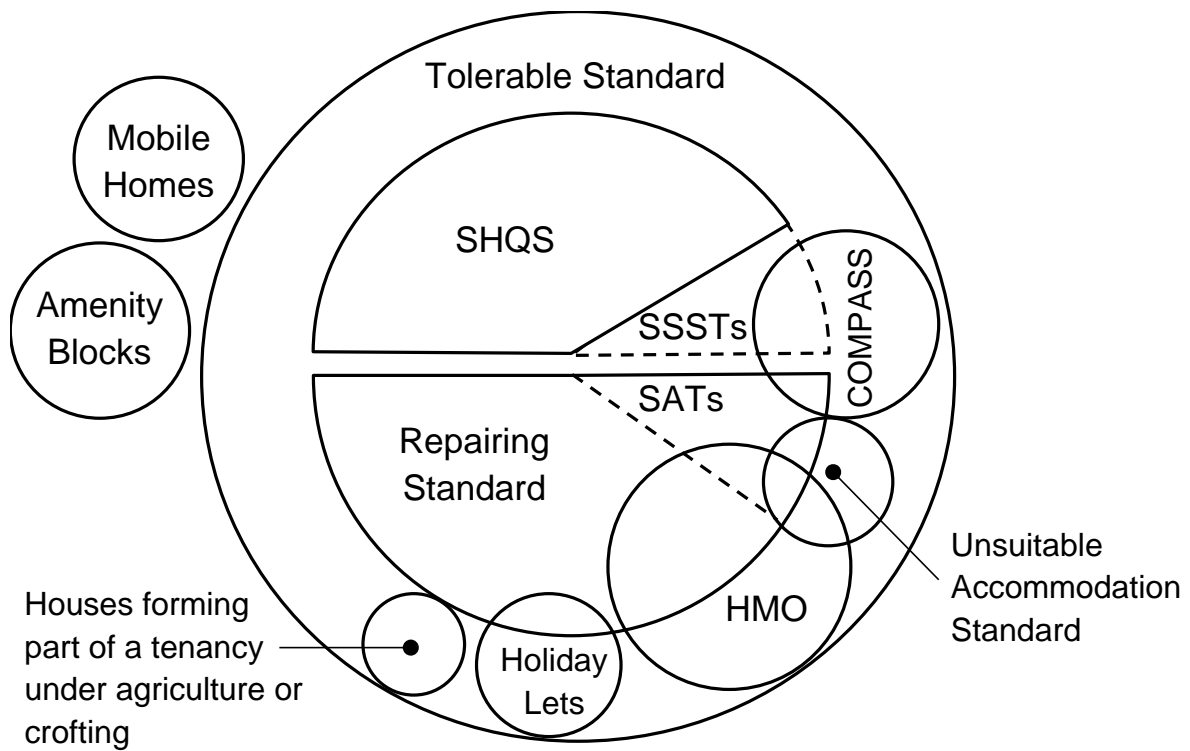
Annex L: Possible amenity elements in housing standards

Elements needed in all houses as standard	Elements that should be factored into improvements in existing buildings (future-proofing)	Elements where flexibility is needed to meet individual needs
<ul style="list-style-type: none"> • Lighting (including common areas and access) • Hot and cold water • Standard amenities • Cooking facilities • Good/reasonable quality bathroom and kitchens • Access • Space for anticipated occupants • Duties across all tenures for owners and tenants to keep common areas clean 	<ul style="list-style-type: none"> • Food storage space • Minimum number of electric sockets • Appearance • Space for future needs/accessibility • Suitable for children • Space for internal and external passive drying • Space for refuse storage • Access to the internet at home • Noise insulation 	<ul style="list-style-type: none"> • A bath rather than a shower and a shower rather than a bath (where this is practical) • Accessibility (where reasonably practicable) • Suitable and safe for children • Enhanced use of digital technology where this helps someone to stay in their own home

Annex M: List of current standards in different tenures

- The tolerable standard is the minimum standard for all living accommodation in buildings in Scotland.
- Sub-standard housing means any house which fails the tolerable standard or is in serious disrepair or likely to deteriorate into serious disrepair, and is a trigger for intervention by a local authority.
- The Scottish Housing Quality Standard (SHQS) is the minimum standard for housing let under a Scottish Secure Tenancy (SST), including sheltered housing and mortgage to rent homes. In practice the same accommodation is likely to be used for a Short Scottish Secure Tenancy (SSST). Social landlords also have a statutory duty to ensure that rented homes are wind and watertight and in all other respects reasonably fit for human habitation and to carry out any work necessary to comply with this duty within a reasonable time of the tenant notifying them.
- The repairing standard applies to most other kinds of tenancy except agricultural holdings, small landholdings, some tied housing, and crofts. In practice this principally means Assured Tenancies, Short Assured Tenancies and, in future, Private Residential Tenancies under the Private Housing (Tenancies) Scotland Act 2016. It may apply to some holiday lets.
- Accommodation that is occupied as a house in multiple occupation (HMO) must be licensed by the local authority and comply with standards in line with Scottish Government guidance.
- Housing to meet the temporary needs of homeless households with children and pregnant women must meet statutory standards for suitable accommodation.
- Shelter Scotland and the Chartered Institute of Housing have published an advisory standard for temporary accommodation.
- Short term housing for Asylum seekers should meet minimum standards set by the Home Office (COMPASS).
- Mobile Homes should meet standards set out in the Mobile Homes Act 1983.
- The Scottish Government has recently published minimum standards for amenity blocks for Gypsies and Travellers, (<http://www.gov.scot/Publications/2015/05/4938>).
- Building standards regulations set out the essential standards to be met when building work or a conversion takes place.

Annex N: Graphic summarising the overlap between existing standards



Any new building or work on existing buildings which requires a building warrant, must also comply with building standards regulations.

Annex O: Differences between SHQS and the repairing standard

Almost all rented housing in Scotland should comply with either the SHQS or the repairing standard, though no house will be subject to both. The following table compares these two standards:

	SHQS	Repairing Standard
Regulation	Set out in guidance, now included in the Scottish Social Housing Charter and monitored by the Scottish Housing Regulator	Set out in legislation and landlords “must have regard” to building regulations and government guidance
Relation to tolerable standard	The tolerable standard is incorporated in SHQS	Some overlap – e.g. structure must be in good condition but some elements, such as drinking water quality not included
Disrepair	House should be free of serious disrepair – defined areas, 20% requires repair or replacement	Structure and exterior, installations, fittings and fixtures should be in a reasonable state of repair
Energy efficiency	Must have prescribed measures and meet minimum standard – this will be superseded by the new Energy Efficiency Standard for Social Housing (ESSH)	No energy efficiency element but this will be an element of the Regulation of Energy Efficiency in the Private Sector (REEPS) standard
Modern facilities	Bathrooms and kitchens in good and usable condition, supply of hot and cold water, safe kitchen, minimum food storage	Supply of water, fixtures, fittings and appliances supplied by the landlord are in a reasonable state of repair and in proper working order
Furniture and appliances supplied by the landlord	Cookers, sinks and bath/shower covered, also central heating system – but not other furniture and appliances	Any appliances provided by the landlord are in a reasonable state of repair and in proper working order, any furnishings provided by the landlord are can be used safely
Smoke and carbon monoxide detectors	At least one battery smoke detector – and assessors are not required to check it is working (but liaison with sector and Scottish Fire and Rescue Service indicates that a higher standard is being met in practice)	Functioning hardwired and interlinked smoke detectors required in the living room and every hall/landing, heat sensor in kitchen and carbon monoxide detectors if there are carbon fuelled appliances or flues
Other health and safety	Lead free pipes; safe electrical, gas and oil systems; safe lifts, lobbies, paths, chutes and bin stores; common lighting, secure individual and common doors	Condition of doors and common parts affecting tenant included; regular electrical safety checks

Annex P: Enforcement and improvement by tenants

	Private Sector	Social Sector
Right to make alterations and improvements	Only with landlord's consent	Only with landlord's consent, but consent must not be unreasonably withheld
Compensation for improvements	At landlord's discretion	Compensation for qualifying work carried out with the landlord's consent, at end of tenancy and subject to depreciation
Timescale for repairs	Within a reasonable time of being notified	Some specified small repairs within a fixed number of working days, otherwise within a reasonable time of being notified
Choice about when work is done	At landlord's discretion	Tenants must be given reasonable choices about when work is done
Damage caused during repair work	No statutory duty but possibly common law liability	Right to reinstatement or compensation for damage to house or property in connection with inspections, repairs or improvements or entry
Right of appeal	Right to apply to the Private Rented Housing Panel for determination (and local authority has discretionary power to make third party applications on behalf of tenants)	Right of complaint to landlord and escalation to Scottish Public Services Ombudsman, in cases of significant performance failure can report to the Scottish Housing Regulator
Enforcement	Repairing Standard Enforcement Order, Rent Relief Order, referral to local authority to carry out work, statutory offence	There are no formal enforcement powers for complaints or the Ombudsman, but the tenant has the right to carry out repairs if the landlord fails to do them, and the Regulator has regulatory intervention powers in cases of serious performance failure

Annex Q: Estimated cost of work needed on Scottish homes

The last estimate of the overall cost of repairs and improvements across Scotland was carried out in 2002.

Tenure	Cost of comprehensive repairs (£bn)	Cost of improvements (£bn)	Total estimated cost (£bn)
Owner occupier	4.15	1.02	5.17
LA/other public	1.28	0.35	1.63
HA/co-op	0.27	0.99	0.37
Private rented sector	0.80	0.22	1.03
Total	6.50	1.69	8.19

Note the actual cost to social landlords to bring housing up to SHQS between 2004 and 2015 was around £4 billion, or double the 2002 estimate. A similar increase in the cost of work needed to owner occupied housing would exceed £10 billion (on the assumption that investment has contained rather than reduced disrepair). Total costs in the private rented sector will also be affected by the increase in the number of private rented homes, the sector has more than doubled in size between 2002 and 2014 (from 171,000 to 375,000 homes)

Tenure	Cost of repairs to common parts (£m, 2002)
owner occupier	257
private rented	98
local authority	181
housing association	63

Annex R: Local authority grants for repairs and improvements to private homes

The first table gives figures for assistance under the Housing (Scotland) Act 1987 and the second for the Scheme of Assistance under the Housing (Scotland) Act 2006 which replaced the 1987 Act provisions from 2010.

Value of grants paid to home owners for improvements etc. to private homes (£m)

Year	Improvements	Repairs	Other	Total
2005-06	15.5	31.9	0.26	47.6
2006-07	8.9	20.6	0.05	29.6
2007-08	9.5	28.1	0.03	37.7
2008-09	7.2	23.5	0.05	30.7
2009-10	7.6	16.2	0.00	23.8

Assistance with improvements and repairs 2010-2015

Year	No. grants	Loans	Missing shares (s. 50)	Value of grants (£m)
2010-11	3285	87	3	12.4
2011-12	3586	80	21	10.8
2012-13	2085	76	645	8.4
2013-14	2825	20	1130	8.6
2014-15	2739	1	811	7.3

Annex S: Enforcement powers of local authorities

Power	Legislation	Scope of Power
Notice to rectify building in need of repair	Civic Government (Scotland) Act 1982	The local authority may require the owner to rectify defects in order to bring the building into a reasonable state of repair.
Closing Order and Demolition Order	Housing (Scotland) Act 1987	The local authority may prohibit the use of a house for human habitation if it is BTS, and may require demolition of a building which consists only of houses that are BTS.
Statutory Nuisance Abatement Notice	Environmental Protection Act 1990	The local authority may require the execution of works needed to abate a statutory nuisance, which includes any premises in such a state as to be prejudicial to health or a nuisance.
Statutory Notice	City of Edinburgh District Council Order Confirmation Act 1991	(Only applies in Edinburgh) the Council may require the owner of a building to execute any works necessary for securing, restoring or repairing it.
Defective Building Notice and Dangerous Building Notice	Building (Scotland) Act 2003	The local authority may require the owner of a building to rectify defects to bring the building into a reasonable state of repair and may require the owner to carry out work (including demolition) on a building that appears to constitute a danger.
Missing Share	Tenements (Scotland) Act 2004 (inserted by the Housing (Scotland) Act 2014)	Where a majority of owners have agreed to carry out work under title deeds or the Tenement Management Scheme the local authority may pay a missing share on behalf of an owner who is unable or unwilling to pay their share of the costs.
Work Notice	Housing (Scotland) Act 2006	The local authority may require the owner to carry out work in a housing renewal area or to repair any house which is sub-standard or to improve safety or security.
Demolition Notice	Housing (Scotland) Act 2006	The local authority may require the owner to demolish a house in a housing renewal area which is in serious disrepair.
Repairing Standard Enforcement Order	Housing (Scotland) Act 2006	The Private Rented Housing Panel may notify the local authority that a private landlord is unable or has failed to comply with the repairing standard.
Maintenance Order	Housing (Scotland) Act 2006	The local authority may require the owner to prepare a maintenance plan if (1) lack of maintenance has reduced the benefit of work done under a work notice or repairing standard enforcement order, (2) the house is unlikely to be maintained to a reasonable standard, or (3) there is an outstanding work notice.
HMO Amenity Notice	Housing (Scotland) Act 2006	The local authority may require the owner to carry out work to make a house in multiple occupation reasonably fit for habitation by the occupiers.

Annex T: Looking after your home: What is most important?

The Scottish Government has prepared a checklist to help home owners and landlords prioritise how they invest in their properties.

The checklist is intended as a reasonable guide and home owners' priorities may be different in particular circumstances.

1. Make sure that your home is wind and watertight and that it is structurally sound. Make sure that it stays that way by carrying out regular maintenance
 - Essential maintenance should be prioritised over cosmetic or non-essential work
 - Make a maintenance plan for your home
 - One way to reduce the risk of unexpected expensive repairs is to get an annual inspection of your home's roof and gutters
 - Make sure that work is done properly because poor quality repairs may be ineffective and can cost more in the long run
 - Combine savings by carrying out any necessary repair work at the same time as energy efficiency improvements
 - If you are carrying out extensive works think about future-proofing your home so that it will meet your needs when you are older, or for young children or disabled people
2. Make sure that electrical and gas supplies are safe to use by arranging a regular inspection Gas installations should be checked annually and electrical installations every ten years (5 years for rented property). Installing residual current devices (RCDs) offers a level of protection that ordinary fuses and circuit-breakers cannot provide.
3. Make sure that your home is properly ventilated because this is essential to keep it healthy and contribute to the health and comfort of the occupants
 - Ventilation is the exchange of air inside a building with fresh air from outside – air is naturally ventilated through windows and vent spaces by changes in air pressure due to wind and temperature – this process is essential to maintain air quality inside the house, to reduce condensation, and to control the build-up of moisture inside the fabric of the building
4. Keep your home safe
 - Install carbon monoxide detectors and hardwired interlinked smoke alarms, and make sure that they are tested regularly
 - Consider other safety devices such as electrical residual current devices and thermostatic mixing valves
 - Make sure the water supply pipework into the property and any storage tanks are not of lead or other material that would cause the water supply to be unwholesome
 - If you live in a high radon area make sure that radon is not building up in your house – prolonged exposure to radon gas can cause damage in living tissues, increasing the risk of cancer (interactive radon maps and other information about radon is available at www.ukradon.org).
5. Make sure that your home is energy efficient
 - Install insulation, and carry out all other reasonable improvements such as draught-proofing and energy efficient glazing
 - Review your energy tariffs or use smart meters for the heating system
 - Ensure that your existing heating system is as energy efficient as possible and is being used cost effectively
 - If your heating system needs replaced, weigh up alternative options before deciding on new system (don't assume like for like)
6. Consider installing efficiency measures, but ensure that points 1-5 have been addressed before considering microrenewable technology (turbines, solar panels, heat pumps etc.). Contact Home Energy Scotland (<http://www.greenerscotland.org/home-energy/home-energy-scotland>) for advice on how to effectively control your energy use.