



Housing Renewal Area Policy

**Local Housing Strategy
2012 – 2017**

September 2012

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Introduction

- 1.1 This policy sets out how Aberdeenshire Council proposes to deal with sub-standard¹ housing. This policy ensures that Aberdeenshire Council meets the requirements of Section 10 of the Housing (Scotland) Act 2006 which specifies that local authorities must set out a policy for how it will identify parts of its area for designation as a Housing Renewal Area.
- 1.2 This policy fits in with Aberdeenshire Council's wider Scheme of Assistance and Below Tolerable Standard Policy of encouraging homeowners to take responsibility for the repairs and maintenance of their homes.

2. Background

- 2.1 The Scottish Government's Housing Improvement Task Force (HITF) was established in 2000 to review the national policy framework for housing improvement in private housing. The findings of the work from the HITF are embodied in the Housing (Scotland) 2006 Act. The aims of the Act are to improve the quality of private housing in Scotland.
- 2.2 The basic premise of the Housing (Scotland) Act 2006 is that owners are primarily responsible for the repairs and maintenance of their own homes. Over 83,000 houses in Aberdeenshire are owned by, and are the responsibility of private owners. Some of those houses are poorly maintained. The continuous Scottish House Condition Survey reported in November 2011 that approximately 56,000 houses or 67% of private sector housing in Aberdeenshire is in disrepair. Of these, 39,000 or 48% are in critical disrepair.

3. Strategic Outcome

- 3.1 The overarching aims of the Private Sector Housing Strategic Outcome Statement are to improve the quality of private sector housing. The Housing Renewal Area policy aims to:
 - Reduce the number of individual houses that are sub-standard by encouraging homeowners to repair, maintain and improve their homes through the Council's Scheme of Assistance, thereby negating the need to designate a Housing Renewal Area;
 - Prevent more houses from becoming sub-standard by encouraging homeowners to repair, maintain and improve their homes through the Council's Scheme of Assistance.

¹ Sub-standard housing is defined in Section 68 Housing (Scotland) Act 2006.

4. Lifespan of policy

- 4.1 The Housing Renewal Area policy forms part of the Local Housing Strategy 2012 - 2017. This strategy is subject to annual review, the outcome of which will be published as part of the Private Sector Housing Strategic Outcome Statement annual update. The Housing Renewal Area policy has been approved by Social Work & Housing Committee in September 2012 and will be reviewed in 2015. If significant changes are made, the policy will be submitted to Social Work & Housing Committee for further approval.

Policy Statement

The Housing (Scotland) Act 2006 stipulates that local authorities can designate Housing Renewal Areas to improve the quality of private sector housing.

Aberdeenshire Council will consider using these powers if:

- There is a significant number of sub-standard housing; **and/or**
- The appearance or condition of the housing is adversely affecting the area; **and**
- It is believed to be the most appropriate action to take to address these issues.

Supplementary Guidance

1. Criteria for determining a Housing Renewal Area

1.1 There are three criteria for determining whether a Housing Renewal Area can be designated. These are:

- A significant number of houses are sub-standard; **and/or**
- The appearance or state of repair of any house in the locality is adversely affecting the area; **and**
- It is believed to be the most appropriate action to take to address these issues.

1.2 In determining whether a number of houses constitute a “significant number”, this will be where:

- more than fifty per cent of the houses are sub-standard; or
- less than fifty per cent are sub-standard but there is evidence to show that these numbers are increasing.

1.3 A house is “sub-standard” if it:

- does not meet the Tolerable Standard²
- is in a state of serious disrepair, or
- is in need of repair and, if nothing is done to repair it, is likely to -
 - (i) Deteriorate rapidly into a state of serious disrepair, or
 - (ii) Damage any other premises.

1.4 “Serious disrepair” is not defined in the Housing (Scotland) Act 2006 or any other legislation. It is up to each local authority to determine whether a house is in a state of serious disrepair. Aberdeenshire Council intend to have regard to the definition for serious disrepair that is found in the Scottish Housing Quality Standard to determine if a house falls below that standard. The relevant Officers will use their professional judgement to determine if a house is in serious disrepair.

1.5 “In need of repair” is not defined in legislation either. Again, it is up to each local authority to determine whether a house is in need of repair. The relevant Officers will use their professional judgement to determine if a house is in need of repair.

1.6 Officers when determining whether a house is in serious disrepair or in need of repair will be consistent at all times and will ensure that evidence is collected and provided which demonstrates the reasonableness of the decision.

² Tolerable Standard is defined in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2006.

- 1.7 No legal definition of “appearance or condition of the housing is adversely affecting the area” has been provided. There is a wide range of factors that may be taken into account here. These factors will include:
- Impact on house valuations
 - Comparisons with other areas
 - Overgrown gardens containing rubbish
 - Resident’s views
 - Number of empty homes
 - The impact on taking no action to address this.
- 1.8 Where individual houses are sub-standard, the Council’s approach will be proactive to encourage the homeowner to take responsibility for the repairs and maintenance of their home. Information, advice and practical assistance will be offered through the Scheme of Assistance to facilitate the repairs. If this fails, then enforcement action through the use of Work Notices or Maintenance Orders may be used. Enforcement powers will only be used when all other avenues have been explored.

2. Identification of Housing Renewal Areas

- 2.1 At this stage it is believed that there are not a substantial number of sub-standard houses or houses in a state of serious disrepair in any localised area to warrant declaring a Housing Renewal Area within Aberdeenshire. However, this will be monitored and the position may change depending on if it is felt that this is no longer an accurate reflection of the situation.
- 2.2 The approach will be proactive and will be monitored through the Scottish House Condition Survey (SHCS) data, utilising local knowledge & expertise of staff, analysis of triggers for investigation and conducting drive by surveys of settlements within Aberdeenshire to ensure this position is still an accurate reflection of the situation. It is accepted that monitoring the situation through the use of the SHCS data may be difficult due to the fact that it does not report on sub-standard housing; however, it will be used as one of the triggers for investigation to assess if the levels of disrepair are significantly increasing.

2.3 Triggers for investigation for identification of Housing Renewal Areas will come from:

- Complaints/Queries to Environmental Health
- Complaints/Queries to Building Standards
- Complaints/Queries to Housing Service
- Data compiled in relation to housing that is below the Tolerable Standard
- Data compiled in relation to empty homes
- Information held by Aberdeenshire Care & Repair Project in relation to the quality of private sector housing
- A significant increase in the number of housing that is in disrepair based on the Scottish House Condition Survey key findings.

2.4 In addition to the proactive approach, awareness of the rights and responsibilities of homeowners will be raised through the Scheme of Assistance and will link in with any regeneration initiatives that are undertaken through the framework for Regeneration to improve the quality of private sector housing.

3. Assistance for dealing with sub-standard housing

3.1 Homeowners

3.1.1 The Council will seek to address sub-standard housing through the provision of information, advice and practical assistance. This will be delivered through the Council's Scheme of Assistance with the Aberdeenshire Care & Repair Project playing a pivotal role.

3.1.2 Improvement and Repairs Grants are not available in Aberdeenshire. However, the Aberdeenshire Care and Repair Project may be able to identify funding for persons over the age of 60 or who have a disability through charitable fundraising to address sub-standard housing.

3.2 Private Tenants

3.2.1 The Private Rented Housing Panel (PRHP) aims to address poor house condition in the private rented sector. All private rented properties must meet the "Repairing Standard." If a rented property does not meet the standard, and the landlord refuses to carry out the necessary repairs, the tenant can apply to the PRHP for a decision by a Private Rented Housing Committee on whether the landlord has failed to comply with that duty. The Committee can then order the landlord to carry out the necessary repairs. Various penalties apply if the landlord fails to do so. Compliance with the Repairing Standard will help reduce the risk of properties becoming sub-standard.

3.2.2 Landlords are required to ensure that their properties meet the Repairing Standard and are maintained in a reasonable state of repair. A house meets the Repairing Standard if:

- It is wind and watertight
- The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order
- The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order
- Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order
- Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and
- The house has satisfactory provision for detecting fires and for giving warning of fire or suspected fire.

4. Targets, Monitoring & Review

4.1 The private sector housing strategic outcome statement aims to assist the improvement of the quality of private sector housing by reducing the number of properties that have disrepair to critical elements by 350 per year and to improve the energy efficiency of 3,500 houses per year. This will be reported annually as part of the Local Housing Strategy. These targets will be monitored and reviewed each year to ensure they remain realistic and achievable.

4.2 IT systems will be developed through the course of 2012 / 2013 to assist in the identification of housing that is sub-standard or is likely to become sub-standard.

4.3 The Housing Renewal Area policy will be reviewed in 2015.

5. Resources

5.1 Resources are available to encourage homeowners to take responsibility for the repairs and maintenance of their homes through the Scheme of Assistance. Resources will be identified, as appropriate if a Housing Renewal Area is to be designated.

**Appendix 1
Points of Contact**

Service	Service provided	Website Address	Contact Details
Aberdeenshire Council Environmental Health Service	General advice on house condition, enforcement responsibilities and assessment of private water supplies.	http://www.aberdeenshire.gov.uk/privatehousing/index.asp	<p>Aberdeenshire Council Planning & Environmental Services Gordon House Blackhall road Inverurie AB51 3WA</p> <p>Tel – 01467 628153 For housing issues e-mail private.housing@aberdeenshire.gov.uk</p> <p>For private water supply issues e-mail environmental@aberdeenshire.gov.uk</p>
Aberdeenshire Care & Repair Project	A free service to owner–occupiers and tenants of private landlords who live within Aberdeenshire, offering information, advice and practical assistance with repairs, improvements and adaptations.	www.castlehillha.co.uk/carerepair_shire.html	<p>Aberdeenshire Care & Repair 3 Banavie Court Bridge Street Ellon AB41 9LA</p> <p>Tel - 01358 721672 E-mail - shona.milne@castlehillha.co.uk</p>