

**SCOTTISH PARLIAMENT – LOCAL GOVERNMENT, HOUSING AND PLANNING
COMMITTEE: HOUSING (CLADDING REMEDIATION) (SCOTLAND) BILL**

**SUBMISSION FROM THE SCOTTISH FEDERATION OF HOUSING ASSOCIATIONS
(SFHA)**

JANUARY 2024

Introduction

SFHA is the membership body for, and collective voice of, housing associations and co-operatives in Scotland.

We exist to represent, support and connect our members. Our purpose has never been as important as we work together following the coronavirus pandemic.

In these unprecedented times, our vision is that our members are central to Scotland's social and economic recovery and renewal. It is everyone's right to live in a safe, warm and affordable home, in a thriving community. Our members are uniquely positioned as community anchors across Scotland, supporting people and their communities.

Our mission is to sustain and strengthen the impact our members have on people and communities across Scotland.

Response

The Scottish Federation of Housing Associations (SFHA) welcomes the opportunity to respond to the Scottish Parliament's Local Government, Housing and Planning Committee's consideration of the Housing (Cladding Remediation) (Scotland) Bill.

Following comments made at the Committee's session on Tuesday 23 January and to reflect the feedback received from SFHA members on the Bill, we would like to draw the Committee's attention to a number of areas which may require greater scrutiny.

While SFHA welcomes this Bill and understands the rationale for expediting it, one consequence of the lack of public consultation is that the Bill has been introduced without first establishing the extent to which it will impact on different housing tenures. The social housing sector will be affected, and SFHA members will feel this to different degrees depending upon whether they are owners of entire blocks within the scope of the remediation programme, as part-owners of buildings containing shared ownership properties, or as factors in mixed tenure or predominantly owner-occupied buildings. Some may also be affected as minority owners of individual properties within blocks that are within scope of the Bill.

Our members have sought to be proactive and operate in the best interest of tenants. However, they have also highlighted the difficulties they have faced in navigating changing guidance and advice. As a result, SFHA members are not all confident that the full consequences of the Bill on the social housing sector – whether intended or otherwise – have been fully considered in advance of its introduction.

Overall, SFHA believes that greater direct engagement with RSLs – particularly those who have interacted with the pilot schemes – is needed to ensure that there is clarity on what the Bill will mean for the social housing sector; and the responsibilities and obligations the Bill will place on RSLs (whether as owners, part-owners, or factors) to ensure compliance.

SFHA understands the aims and intentions behind the Single Building Assessment (SBA) and Cladding Assurance Register proposals, and is supportive of these. However, SFHA members have raised concerns about the lack of transparency around the SBA pilot programme and have reported inconsistencies in the treatment of social housing stock compared to other tenures. In particular, SFHA members have highlighted difficulties in knowing what is required from them with regard to mixed tenure blocks and where they have factoring responsibilities.

Another key concern is around how the Register will operate and the risk of unintended consequences on social housing mortgages and lending should properties be included on the Register. As has already been raised with the Committee, SFHA members also have questions about whether the SBA and Register will be restricted to cladding-related issues, or if they will take a broader scope. In instances where other works are uncovered through an SBA that are not covered by this legislation, restrictions on duty to maintain standards and costs liability should not delay cladding remediation work.

Finally, SFHA would like to see greater consideration given to the treatment of orphan buildings. As mentioned above, SFHA members have sought to act in the best interest of their tenants and, where needed, have undertaken remediation works as swiftly as possible. However, members have also reported a lack of clear and consistent advice on the treatment of orphan buildings, with specific concerns raised about the financial implications for RSLs who are already facing challenging budgetary constraints. For one of our members, the lack of clarity around orphan buildings has contributed to them incurring costs of approximately £2 million.

Overall, SFHA welcomes the aims and intentions of this Bill, but would like to see more detailed consideration given to its impact and consequences for the social housing sector. SFHA members feel that a greater level of stakeholder engagement is needed, and this is something that we hope can be addressed.