

Housing (Scotland) Bill Stage 3 briefing

Our initial response to the stage 1 consultation broadly welcomed the Housing (Scotland) Bill but recommended several changes that were not incorporated into the Bill. Our response recognised that these changes may be better suited to secondary legislation or statutory guidance.

The Bill at stage 3 contains the high level that continues to require secondary legislation and statutory guidance to add the necessary level of detail need to fully protect women and children from domestic abuse.

Our focus has been on the key parts of the Bill that most directly impact on women and children:

1. Ending joint tenancies
2. Homelessness prevention Duties of relevant bodies – Intentionality
3. Homelessness prevention Duties of relevant bodies – “ask and act”
4. Homelessness prevention Tenants affected by domestic abuse
5. Review of Council Tax arrears: joint and several liability

1. Ending joint tenancies

SWA agrees with the provisions of s38 Private residential tenancies: ending a joint tenancy.

In a joint tenancy if one person leaves, they remain liable for rent, and if they end the tenancy to leave without liability it ends the tenancy for everyone. S38 provides protection to minimise liability for the rent of the person who leaves and protects the tenancy for those who remain.

Formalising the process, including using Sheriff's Officers, provides a security that it has been done correctly, and notification has been received, and means the woman doesn't have to be present when it happens. There may be a possibility that a perpetrator could use the provisions to perpetrate further abuse at the end of a relationship by ending the tenancy of the woman, but again, formalising this process, combined with the use of pre-action notice, provides some security.

However, there is a cost to using Sheriff's Officers to serve notice.

2. Homelessness prevention Duties of relevant bodies – Intentionality

SWA supports the Cabinet Secretary's proposal for further consultation on this provision.

3. Homelessness prevention Duties of relevant bodies – “ask and act”

S41(6) Duty to ask if a person is homeless or threatened with homelessness - the “ask and act provisions”. While extending the list of relevant bodies who have a duty to ask and act is positive, the concept of ask and act, without further protections, is flawed and potentially dangerous for survivors.

To be carried out well and to not place women leaving an abuser at further risk requires a level of both upfront resourcing to increase understanding and knowledge of local resources for signposting as well as an implementation structure that establishes ongoing support and monitoring.

Without further consideration of different relevant bodies having different interactions with a women, the differentiation of responsibilities of roles within relevant bodies, and the different needs of women and children using services, ask and act raises expectations and potentially puts survivors at risk.

Commitment to further consultation, guidance and resources is needed.

4. Homelessness prevention Tenants affected by domestic abuse

The provisions requiring local authorities and social landlords to consider domestic abuse, and for social landlords to have domestic abuse policies they must take into account is welcome. This reflects our [Domestic abuse: a good practice guide for social landlords](#).

SWA would like these provisions to be clarified for both social landlords and women experiencing domestic abuse, for instance to more clearly outline what social landlords' responsibilities are in relation to rent arrears accumulated as a result of financial abuse. We consider that statutory guidance or secondary legislation will be necessary.

The Bill does incorporate some of the key recommendations made in [Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse Report](#), and we're aware that further work is being done to make these recommendations a reality. However, we support Maggie Chapman's amendment 17 to put incorporation of the recommendations on a statutory footing.

We also support Meghan Gallagher's amendment 111.

5. Review of Council Tax arrears: joint and several liability

SWA welcomes the provisions in s51B on reviewing and reporting on council tax arrears where domestic abuse is present. However, further consideration is needed on how this data will be used to support survivors of domestic abuse. Public debt is often deliberately accrued by the perpetrator as a form of economic abuse; one form of what is known as 'coerced debt'. Currently, coerced public debt is not considered by local authorities and housing associations and victim-survivors are being held liable for the repayment.¹

We support Ross Greer's amendment 356 to reduce liability, including joint and several liability, where a person is experiencing or has experienced domestic abuse.

¹ Aberlour, Scottish Women's Aid and Financially Included. (2024). "We can't expect women to recover from trauma with the weight of coerced debt on their shoulders." Available from: <https://womensaid.scot/coerced-debt-joint-briefing-nov2024/>