

## Welfare Reform Committee

18th Meeting, 2013 (Session 4), Tuesday, 12 November 2013

### Written submission from ALACHO

1. As the representative body for Scotland's senior local authority housing professionals, the Association of Local Authority Chief Housing Officers (ALACHO) is pleased to have the opportunity to respond to Petition PE01468, which seeks legislative change to prohibit evictions for rent arrears arising solely from the under occupation penalty, or "bedroom tax".
2. ALACHO would wish to point out that no-one is more aware of the damaging impacts of the current welfare reforms than the local government officers who deal on a daily basis with the consequences of cuts to tenants' benefits. We have deprecated these reforms and their consequences from the outset, and continue to campaign with other organisations for measures which might mitigate their impact. Working in local government, ALACHO's members are also acutely aware of the imperatives of local democracy, which is why we are content to leave the details of eviction policy to individual councils. Where tenants seek to engage, we firmly believe that few if any councils would pursue evictions for arrears resulting from non payment of the under occupation penalty alone. We also understand why elected members might wish to provide a degree of comfort to tenants adversely affected by the under occupation penalty that, particularly in circumstances where they engage with their local authority, they would not be evicted for those arrears alone.
3. That said, as a professional representative body we would also wish to point out some issues and potential challenges should the Parliament be minded to approve this legislative amendment; in particular that :
  - although appearing to be straightforward in intent, the proposal could be complex and unwieldy to implement, and may require the allocation of significant resources (including possibly expensive IT system changes) to prepare cases for court which clearly and unambiguously identify "bedroom tax" arrears separately from other rent arrears.
  - the proposal is potentially unfair in singling out a particular group for special consideration, i.e. those affected by the under occupation penalty , when there are other groups equally adversely affected by aspects of welfare reform (single people, or those in temporary accommodation for example)who may merit assistance
  - the proposal is unfair to, and could penalise, those tenants who, despite financial hardship, do pay the under occupation penalty, thereby complying with their contractual commitment to pay rent (to the extent that bedroom tax arrears or any other debts are ultimately written off, the burden falls on those tenants who **do** pay their rent to make up the shortfall)

- the proposal has potentially risky consequences , in that its enactment could encourage a culture of non-payment of rent, which could potentially extend beyond non-payment of the under occupation penalty to non-payment of rent more generally (there is already some evidence to suggest that some councils who have already declared policies of non-eviction for bedroom tax arrears are experiencing higher than average arrears levels )
4. ALACHO is content for this matter to be decided by the Welfare Reform Committee on the merits of the arguments, and acknowledges that, with or without legislation, councils are broadly free to decide policy on rent arrears recovery (subject of course to satisfactory audit). In this context ALACHO believes that the best means of mitigating the adverse impact of welfare reforms is to ensure that tenants are given the support necessary to ensure incomes are maximised through access to appropriate benefits, the provision of employment advice and information where appropriate, alternative accommodation where possible, and in the creative use of other income support funding such as discretionary housing payments and the Scottish Welfare Fund.
  5. We are also confident that, notwithstanding the challenges and potential costs involved, should the Parliament decide to implement the legislative amendment, councils across Scotland will do what is necessary to comply with that legislation.

**Jim Hayton**  
**ALACHO Policy Manager**  
**November 2013**