

Stop Winter Evictions!

The case for a winter break in Scotland

Summary

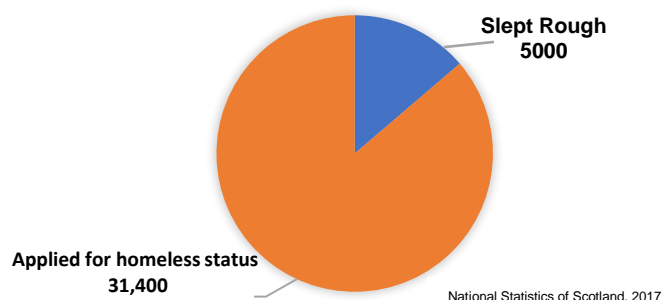
- A winter break is the suspension of all evictions during the winter period.
- The winter break is a humanitarian measure to prevent people from becoming homeless and sleeping rough at extreme temperatures.
- A winter break has existed in France since 1956. From the 1st of November to the 31st of March, no person with a legal tenancy agreement or living in makeshift accommodation can be evicted.
- A landlord may still serve notice of eviction during this time, but it cannot be enforced.
- A winter break would require amendments of primary legislation for social housing (Housing Scotland Act 2001) and for private housing (Housing Scotland Act 1998 and Private Rented Tenancies Act 2016).
- Evictions are the greatest single cause of homelessness.
- Studies suggest that accompanying people whilst they are still under a roof is an efficient method of preventing homelessness. This also greatly decreases the stress and associated impacts on the household.

Introduction

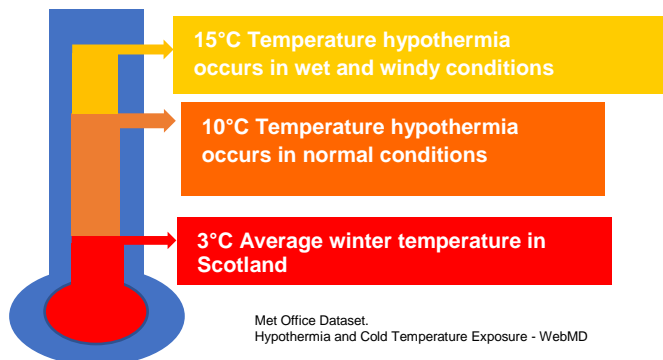
Due to the increased vulnerability of homeless people sleeping rough on the street in the winter Living Rent, Scotland's tenants' union, is fighting for Scotland to implement a winter break. Rough sleepers are especially at risk during the winter. Up to 5,000 people have slept rough between March 2016 and March 2017.¹ Housing is a human right, not a commodity. Suspending evictions during the winter months protects a person's human right to a home during a hazardous time of year. A winter break is a simple and effective way of reducing both the number of homeless and rough sleepers during the colder months. First, this briefing will examine the rationale for a winter break. The next section will outline statistics on the causes and demographics of homelessness in Scotland. The third section will summarise the cost, both financial and social, of homelessness.

¹ Shelter, 2017. Available at: https://scotland.shelter.org.uk/get_involved/campaigning/homelessness_far_from_fixed/why_this_matters

Number of people who slept rough or applied for homeless status 2016-2017



The danger of sleeping rough in winter



WINTER BREAK BASICS

What is a winter break?

A winter break is the suspension of all evictions during the winter period. Such a ‘break’ has existed in France since 1956. In France from the 1st November until the 31st March, no person with a legal tenancy agreement, in a mortgaged home, or living in makeshift accommodation can be evicted.² Evictions are a common occurrence in Scotland; local authority housing featured a 9% rise in tenancy terminations in 2016-2017.³ The end of a private sector tenancy – aka an eviction – is the greatest single cause of homelessness in England⁴ and ‘being asked to leave’ represents 25% of the homeless applications in Scotland⁵. Housing is not a commodity, it is a human right codified by the UN in 1948.⁶ No person should become homeless especially during the winter months. The UN’s Guidelines On Development-Based Evictions And Displacement also states “*Evictions must not take place in inclement weather*”.⁷

Where else has a winter break?

Even in the United States of America, where housing is treated as a commodity, some cities have implemented special controls on evictions. Washington DC’s Sheriff’s office “*prohibit[s] the execution of evictions when a 50% or greater*

*chance of precipitation is forecasted for the next 24 hours. Additionally, if the weather forecast calls for temperatures below [0 degrees Celsius] over the next 24 hours, evictions...will be cancelled.”*⁸ Chicago’s sheriff’s office also halts evictions if the weather is below -9 degrees Celsius.⁹ The sheriff usually also suspends evictions between Christmas and New Year. A person’s right to accommodation is even more important during the winter months.

The risks of sleeping rough increase during the winter

A winter break law would help reduce the risk of people sleeping rough during the winter and decrease winter deaths. In Glasgow alone, 39 people died between May 2016 and March 2017.¹⁰ The average temperature in Scotland between November and March is just 3.7° Celsius.¹¹ Adults are vulnerable to hypothermia at 10°C or even higher in wet and windy weather.¹² People sleeping rough are at even greater risk due to extended exposure to the cold, widespread ill health, unhealthy lifestyles, and a lack of access to healthcare. The risk of dying is far higher in the winter and is an avoidable situation.

A winter break would give people time to find a solution or apply for assistance.

² Since 2016, squats are also included.
http://www.lemonde.fr/societe/article/2017/11/01/des-bidonvilles-protoges-par-la-treve-hivernale-une-premiere-dans-l-hexagone_5208931_3224.html

³ <http://www.gov.scot/Publications/2017/09/4158/13>. Sadly there are no statistics for the private sector.

⁴ NAO, 2017, p6. Available at:
<https://www.nao.org.uk/report/homelessness/>

⁵ National Statistics of Scotland, 2017, p10. Available at:
<http://www.gov.scot/Resource/0052/00521186.pdf>

⁶ UN Universal Declaration of Human Rights, Article 25, available at:
<http://www.un.org/en/universal-declaration-human-rights/index.html>

⁷ UN Basic Principles and Guidelines On Development-based Evictions and Displacement, available at:
http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

⁸ District of Columbia, Superior Court Service of Writs of Restitution (Evictions) available at:

<https://www.usmarshals.gov/district/dc-sc/general/evictions.htm>

⁹ Cook County Sherriff Eviction schedule. Available at:
http://www.cookcountysheriff.org/courtservices/CourtServices_EvictionSchedule.html

¹⁰ The Herald, “*Death on the streets: Shock figures reveal horrifying extent of homeless fatalities in Scotland*”
Available at:

http://www.heraldsotland.com/news/15284726.Death_on_the_streets_Shock_figures_reveal_horrifying_extent_of_homeless_fatalities_in_Scotland/

¹¹ Met Office Dataset. available at:
<https://www.metoffice.gov.uk/pub/data/weather/uk/climate/datasets/Tmean/date/Scotland.txt>

¹² Hypothermia and Cold Temperature Exposure - Topic Overview. Available at: <https://www.webmd.com/first-aid/tc/hypothermia-and-cold-temperature-exposure-topic-overview#1>

Often, there is a gap between becoming homeless and making an application to the council. Nearly 8% of people making a homeless application have slept rough up to three months before applying.¹³ Further studies suggest that preventive measures and accompanying people whilst they are still under a roof is a more efficient method of preventing homelessness and leads to better results.¹⁴ This also greatly decrease the stress and associated impacts on the household.

A winter break does not stop evictions from happening. Instead, it suspends them and protects the most vulnerable people from losing their home in the winter and having to navigate temporary accommodation during a stressful time of the year.

HOMELESSNESS STATISTICS IN SCOTLAND

Evictions are the most common reason for homelessness

The most cited reason for homelessness was being “asked to leave” (25%); a further 11% of households reported becoming homeless after “other actions by landlord resulting in the end of tenancy”.¹⁵ Only 4% of applicants reported that their “accommodation was no longer available due to such things as rent arrears or mortgage defaults”.¹⁶

Visible homelessness is the tip of the iceberg

While approximately 5000 people have slept rough in Scotland between March 2016 and March 2017,

34,100 people have applied for homeless status.¹⁷ However, many people do not get in touch with their local authority when facing homelessness and the real number could be far higher.¹⁸

Private sector evictions are rising

The private rented sector is overrepresented in homelessness application. In 2016-2017, In Scotland, 15% of people live in the PRS but make up 19% of the applications.¹⁹ This is a substantial increase compared to 6% of applications in 2007/08.²⁰ Two-thirds of applications were from single person households. Of these: 46% were men and 21% were women. Around 28% of applications were from households with children. 21% of applications were from single-parent households of whom 80% of were women.²²

TEMPORARY ACCOMMODATION AND HOMELESSNESS PREVENTION

If under threat of an eviction and made involuntarily homeless, a household can make a homeless application. In 2016-2017, 38% of households who made an application for homeless status stayed in temporary accommodation provided by the Local Authority.²³ Of these households, 3,250 had children. This is an increase of 13% (367 households) compared to 2015-2016.²⁴ Though such safety net is vital, throughout the UK councils report “that the pressures on local authority finances and the increasing levels of homelessness applications are having a major impact on their ability to provide suitable housing.”²⁵

¹³ National Statistics of Scotland, 2017, p.9. Available at: <http://www.gov.scot/Resource/0052/00521186.pdf>

¹⁴ Under one Roof, DEMOS, available at: https://www.demos.co.uk/files/Under_one_roof_-_web.pdf?1338128231

¹⁵ National Statistics of Scotland, 2017, p.12

¹⁶ Ibid, p.12

¹⁷ Ibid, p.4

¹⁸ Scotsman: “Why are People homeless?”²³rd of Sept 2015. Available at: http://www.scotsman.com/giving-back/charities/shelter-why-are-people-homeless-in-scotland-in-2015-1-3896202_7

¹⁹ Scottish Household Survey, 2016. Available at <http://www.gov.scot/Publications/2017/09/9979>

²⁰ National Statistics of Scotland, 2017, p.10

²² National Statistics of Scotland, 2017, p.11

²³ Ibid, p.5

²⁴ Ibid, p.18

²⁵ Local Government and Social Care Ombudsman, October 2013, “No Place like home: Councils use of unsuitable bed& breakfast accommodation for homeless families and young people” Available at: <http://dera.ioe.ac.uk/18882/>.

A temporary accommodation is not a home

In some cities, the councils are increasingly using temporary accommodation due to the volume of applications. However, emergency accommodation is not a home. It is often cramped and severely disrupts the lives of occupants. According to the Local Government and Social Care Ombudsman, *“The use of bed and breakfast accommodation often leads to families and young people living in cramped conditions and sharing facilities with adults who may be vulnerable or have significant social problems.”*²⁶ Households can be relocated away from their social networks, the schools of their children or their place of work. This is even more stressful during the winter months where unsuitable accommodation can have an adverse effect on the occupants’ lives. A winter break would help reduce the strain on councils during the winter

Temporary accommodation is a spiralling bill for public authorities

Suspending evictions during the winter months would decrease the temporary housing bill and increase the time to implement preventative measures. Across the UK as a whole *“Homelessness in all its forms has significantly increased in recent years, and at present costs the public sector more than £1 billion a year.”*²⁷ Temporary housing ensures that people have a roof over their head. However, the Local Government Association said the costs were “unsustainable”.²⁸ In Scotland, temporary housing amounted to a £750m bill over the last 5 years and

has increased significantly in Scotland’s Central Belt.²⁹

Increasingly, money is being spent on temporary accommodation rather than homelessness prevention. According to the National Accounting Office, across the UK *“the single largest component of this spending was on temporary accommodation, which increased by 39% in real terms between 2010-11 and 2015-16, from £606 million to £845 million. The overall increase in spending on homelessness services has an impact on spending on other elements of housing services”*.³⁰ A winter break would ensure public funds are directed to services that prevent homelessness rather than paying the bill of temporary accommodation.

WHAT WOULD IT TAKE TO CHANGE THE LAW?

A winter break would require amendments of primary legislation for social housing (Housing Scotland Act 2001) and for private housing (Housing Scotland Act 1998 and Private Rented Tenancies Act 2016).

Contact

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Living Rent is Scotland’s tenants’ union.



²⁶ Local Government and Social Care Ombudsman,

²⁷ NAO, 2017 Available at:

<https://www.nao.org.uk/report/homelessness/>

²⁸ BBC, “Councils spent 3.5bn on temporary housing in last five years” 17th of November 2016, available at : <http://www.bbc.co.uk/news/uk-38016728>

²⁹ Ibid

³⁰ NAO, 2017 for England and National Statistics of Scotland, 2017, p4 available at : <http://www.gov.scot/Resource/0052/00521186.pdf>