

Ensuring fairness in social housing allocations

Social landlords (local authorities and registered social landlords) must follow certain rules in allocating houses to ensure fairness.

These rules are set out in the [Housing \(Scotland\) Act 1987](#), as amended by the [Housing \(Scotland\) Act 2001](#).

These rules mean that anyone aged 16 or over has the right to be admitted to a housing list.

They also set out the factors social landlords must, and must not, take into account in allocating their housing. But admission to a housing list does not mean that applicants have a right to be made an offer of housing.

Social landlords in Scotland are responsible for developing their own allocations policies and for making decisions within these rules.

Factors social landlords must take into account

Under Scottish housing law, social landlords must give reasonable preference to certain groups.

Reasonable preference refers to the priority given to applicants in the allocation of social housing. The groups' social landlords must give reasonable preference to are those who:

- live in a house which is does not meet the "tolerable standard"
- live in "overcrowded houses"
- have "large families"
- are "living under unsatisfactory housing conditions"
- are homeless or threatened with homelessness

While landlords must give reasonable preference to applicants in these circumstances, they could add other factors of their own.

For example, medical priority or housing key workers. However, these secondary criteria should not dominate a social landlord's allocations policy.

Factors social landlords must not take into account

The law also sets out those factors social landlords must not take into account in the allocation of their houses.

For example:

- the length of time you have lived in its area
- any outstanding debt at a house where you were not the tenant
- Any rent or other arrears you owed to a landlord for a previous house which you have now repaid
- any outstanding rent arrears which are less than one month's rent
- any outstanding rent arrears if you have arranged a reasonable repayment plan and have made payments for at least three months and are still making these
- any other debts that are not rent or service charges

A housing provider cannot refuse to allocate you a house just because you owe money that is not rent or service charges on a previous tenancy

Local authorities and RSLs must also not take into account:

- age if applicants are 16 years or over unless they are applying for certain sheltered housing, or housing for people who need special housing support services
- income of the applicant and their family, including benefits
- value of any property you or a family member owns

The law requires that each local authority and RSL in Scotland produce and publish rules concerning admission to their housing list, priority for allocation of housing, transfers and exchanges of houses.

A free summary of the landlord's rules must be available to all members of the public on request. Landlords are also required by law to consult their tenants on any changes to these rules.

Guidance on allocations that summarises the law and best practice is available in [SEDD Circular 1/2002 \(Housing Lists and Allocations\)](#).

The [Scottish Housing Regulator](#) is responsible for inspecting landlords' performance and publishes standards which landlords should follow.

If people have complaints about an allocation decision, they should complain directly to their landlord through their formal complaints procedure in the first instance.

If they have exhausted the landlord's complaints procedure and still feel they have not been treated in accordance with the landlord's published rules, then they may contact the [Scottish Public Service Ombudsman](#).

Details about the kind of complaints the SPSO investigate, and how to complain, are provided on their website.