



MSP BRIEFING: SHELTER SCOTLAND RESPONSE TO THE COST OF LIVING (PROTECTION OF TENANTS) (SCOTLAND) BILL AT STAGE 3, 6 OCTOBER 2022

Shelter Scotland supports the intention behind this bill to provide short term protections for tenants to ensure they can keep their homes. The homelessness system is already overstretched and underfunded with a household becoming homeless every 18 minutes and over 8,600 children in temporary accommodation – an increase of 17% since last year.

That is why it is extremely important that, as well as supporting people to keep their homes in the short term, the structural cause of the housing emergency must be urgently addressed. We need **38,500 social homes** to be delivered by 2026 to ensure we can reduce housing need.

This is why there must be no unintended consequences and that, in particular, the bill should meet the following two criteria:¹

1. The measures should not impact on the delivery of new social homes, given this is the structural solution to the housing emergency to address the need for secure and affordable housing.

Specifically, the social housing rent freeze or cap measures must be fully funded. Any reduction in the rent revenues which are required to deliver the new social homes to reduce housing need must be provided by the Scottish Government to ensure the homes can still be delivered. Please see our Scottish Housing Emergency Action Plan for more details².

2. The measures should support tenants to keep their homes

This briefing sets out Shelter Scotland's view on selected amendments to the bill lodged at Stage 3 in relation to these criteria, with the caveat that we have had very limited time to scrutinise the amendments to the bill.

Group 5: Exemptions to eviction moratorium

Shelter Scotland strongly believe that this emergency legislation should protect tenants from eviction in all circumstances aside from anti-social or criminal behaviour.

We are strongly supportive of the following amendments 6, 10, 13 and 14 which seek to provide more protection for tenants from eviction and ensure tenants are not evicted if a lender repossesses a property. If this exemption is included, it will in effect keep tenants at risk of homelessness, contrary to the objectives of the bill. Instead we should be strengthening tenant rights and finding ways to enable tenants to remain in their home. In the event a landlord was in mortgage arrears and has their property repossessed, then these homes should be sold on to social housing providers with the tenant in situ. The national social housing acquisition

¹ Our Stage 1 briefing outlines further detail: Shelter Scotland, [MSP Briefing: Cost of Living\(Protection of Tenants\)\(Scotland\) Bill, Stage 1 debate](#), published 4/10/22

² [Scottish Housing Emergency Action Plan](#)

plan we have called for could support this process and would ensure that tenants were able to remain in their home with an affordable and secure tenancy³.

We are strongly supportive of amendment 8 which ensures that the amount of social sector rent arrears defined as substantial in the Bill is increased, as this is in line with evidence from independent research which shows that the average rent arrears for social tenants who were evicted in 2019/20 is **£9,687** for Housing Association tenants and **£8,786** for Local Authority tenants⁴. We believe this amendment will ensure that the bill will adequately protect tenants to remain in their homes.

There is also the potential for this £2,250 figure to create a perverse incentive for social sector evictions to be granted for far lower levels of rent arrears than previously. We also have serious concerns for the long-term implications of £2,250 being considered to be 'substantial rent arrears' in the social sector after this emergency legislation ends.

In addition, the independent research commissioned by Shelter Scotland into the cost of social sector evictions shows that it is far more costly to evict a social tenant than it is to support a tenant with rent arrears to remain in their home, while setting up a repayment plan and supporting them to access financial support.

The average total cost of evicting a single person with rent arrears of just over £9000 and low support needs into homelessness, with a not unusual 9 month stay in temporary accommodation, is nearly **£24,000**.⁵

We oppose amendments 7, 11 and 12, which seek an exemption to allow tenants to be evicted if their employment with their landlord ceases. This exemption, if included, will in effect keep tenants in tied tenancies at risk of homelessness, contrary to the objectives of the bill.

Group 6: Evidence of financial hardship 15, 16, 17, 18

We are **supportive of amendments 15, 16, 17 and 18** which seek to put additional evidence requirements on landlords seeking to evict due to financial hardship. This will help to prevent potential abuse of this exemption to the moratorium on evictions and ensure that the courts are able to make an informed decision on if eviction is appropriate and necessary.

Group 7: Information to be included in the Scottish Landlord Register

We **support amendment 19** which seeks to include regulations for landlords to provide data on rents to be added to the Scottish Landlord Register. This is something which Shelter Scotland has long called for. Having robust, detailed data on the actual rents that tenants pay is crucial to being able to tackle affordability in the private rented sector.

³ [Scottish Housing Emergency Action Plan](#)

⁴ [Shelter Scotland \(2021\) Understanding the True Cost of Evictions in Scotland](#)

⁵ [Shelter Scotland \(2021\) Understanding the True Cost of Evictions in Scotland](#)

If you require further information, please contact: debbie_king@shelter.org.uk

Previous Shelter Scotland briefings:

- [MSP Briefing: Cost of Living \(Protection of Tenants\) \(Scotland\) Bill, Stage 1 debate](#) (published 4/10/22)
- [MSP Briefing: Cost of Living \(Protection of Tenants\) \(Scotland\) Bill, Stage 2 debate](#) (published 5/10/2022)
- [Joint Briefing: Cost of Living \(Protection of Tenants\) \(Scotland\) Bill](#) (published 3/10/22)
- [Shelter Scotland's MSP Briefing: Emergency Measures on Rent and Eviction](#) (published 27/09/22)
- [Scottish Housing Emergency Action Plan](#)