

Shelter Scotland response to “Paws Clause” stakeholder consultation

September 2018

Key Points

- Shelter Scotland and our service users believe that tenants in the private and social sectors should be able to own a pet¹, with the correct protections and responsibilities in mind.
- Through consultation with our service users, it appears that there is a gap in both the social and private rented sectors between the demand and supply of accommodation which welcomes pet-owners.
- We know that pets can be extremely important to people and their wellbeing, yet the lack of pet-friendly temporary accommodation provision in most of the country prevents people who are in the homeless system from keeping a pet. This has directly led to people resorting to rough sleeping to avoid being separated from their pet.
- The private rented sector has grown substantially in Scotland in recent years yet many private landlords do not allow tenants to keep pets, and some landlords enforce blanket bans.

“As far as I am concerned having a pet or not having a pet does not make me any less of a responsible tenant.” (Diane)

Introduction

Shelter Scotland welcomes the opportunity to respond to the “Paws Clause” stakeholder consultation on the inclusion of companion animals in housing, care homes and hospitals, and where a person is fleeing domestic violence.

Shelter Scotland is the national housing and homelessness charity and helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. We acknowledge and value the consideration given to this little-recognised area of policy and practice, but an area which has significant effects on the households involved.

In our work, we have come across many people experiencing barriers to keeping their pet with them in periods of their lives where they most need the company and comfort provided by their pet, such as during homelessness. The distinct lack of temporary accommodation

¹ For the avoidance of doubt, we understand pets in this context to mean domestic dogs and cats, and not smaller animals such as rodents and fish, which in our experience are not usually subject to the same restrictions by landlords.

which accepts pets is problematic for many people while they are homeless and we know of many who have slept rough rather than be separated from their pet. And we know that many private tenants are barred from keeping a pet in their tenancy. For the avoidance of doubt, we understand pets in this context to mean domestic dogs and cats, and not smaller animals such as rodents and fish.

Shelter Scotland's recent Living Home Standard report² showed that members of the public believed that the ability to keep a pet in the home or garden if wanted was something that people should expect to do in their own homes. Yet it was found that 48% of private renters were not able to have a pet, compared to 11% of social tenants and 3% of homeowners. Shelter Scotland believes that with the correct protections and awareness of responsibilities, tenants should not be unreasonably barred from owning a pet, regardless of their tenancy type, and should have the same pet owning rights as those who own their home.

For this consultation, we asked our service-user groups for their input and expertise and they have directly informed our response. This included our Time for Change group in Dundee which is made up of volunteers with lived experience of homelessness, and our Private Tenant Panel. We picked out the relevant policy proposals and questions from the consultation for each group to answer. Both the Time for Change group and the Private Rented Panel highlighted the importance of pets to wellbeing and the need for change in this area and we wish to thank them for sharing their views with us.

A number of practical suggestions have been made, both by Scottish Labour with the policy proposals from other countries and by those who gave their views to us, including introducing "pet deposits" and insurance for damage caused by pets for the private rented sector, and helping hostels to become more dog friendly through widening access to the array of schemes provided by Dogs Trust. Shelter Scotland feels that if a pet deposit was to be explored, this should be lodged properly in one of Scotland's deposit schemes and subject to the same rules.

Pets in temporary and social rented accommodation

Shelter Scotland has worked with many people with pets who are faced with a stark choice of having to give their pet up to access temporary accommodation (especially hostel options) or sleeping rough. According to mapping carried out by Dogs Trust³, there are only two dog-friendly hostels in Scotland, both of which are in Edinburgh. While this may not be up to date or reflective of flexible practices across the country, this does suggest that there is a distinct lack of accommodation for people with dogs during one of the most difficult times of their lives, and work must be done to understand why this is and how this can be improved. Further work should also be done to understand what happens to other pets, such as cats.

² Shelter Scotland (2018); [Living Home Standard](#)

³ Dogs Trust, Hope Project: [Help with Finding Accommodation tool](#)

We spoke to three members of our Time for Change group in Dundee for their views. None of the respondents owned a pet while they were in temporary accommodation, however one woman chose to stay with her ex-partner after their relationship broke down as she didn't think there would be any other option but a homeless hostel for her if she moved out, and she was sure that a homeless hostel would not accept her dog along with her.

“My dog is my life, I would need to sleep in the streets if this [homelessness] happened to me” (Elaine)

In terms of social rented accommodation, most of the group did face problems in their permanent council accommodation such as with blanket bans on pets and knew of others with the same problems.

Responses to specific policy proposals and questions

Our Time for Change group did not have any strong feelings on which of the specific policies proposed in the consultation⁴ may work. However, they generally felt that, given the importance of pets to people and the comfort they brought in times of difficulty, progress had to be made on changing perceptions of pets, treating pets as equals in the household and removing blanket bans.

The consultation also posed the following questions;

- 1) In terms of how the Scottish Government could improve accommodation access for dog owners to ensure there is pet friendly hostels across all housing options and need to be legislated for?
- 2) How could Scottish Labour improve access to all short-term and permanent accommodation providers for pet owners once they move on from a hostel?
- 3) How could Scottish Labour ensure that the socially rented sector adopt positive pet policies to enable their residents with dogs to transition to permanent accommodation with their pet?
- 4) How would Scottish Labour encourage dog friendly / dogs allowed policies in day centres, winter shelters, detox and rehab centres?

⁴ The proposed policies are;

- Carry out an audit of temporary accommodation and hostels to determine what level of pet friendly accommodation is available
- Provision of further dog spaces with other short-term accommodation providers
- Publish further guidance on landlords on adopting pet friendly policies, including the promotion of responsible dog ownership for residents, and providing access to vet schemes (via Dogs Trust)
- Pet friendly clauses could be added into Scottish secure tenancy agreements
- Provide incentives or criteria to encourage more hostels to accept dogs to address homelessness and entrenched rough sleeping
- Clarify the legal obligations of housing associations and social landlords on pet ownership

Participants suggested that the Scottish Government should be more compassionate and introduce legislation which would treat pets as equals. Also, one participant felt there was work to be done around raising public awareness that “having pets is not a problem and they have the same rights and options as everyone else.” Respondents felt that the answer to improving access was straightforward: to simply find a way of allowing pets in accommodation across the board. Respondents were unsure as to how this would work in practice and did not suggest any alternatives.

According to the Code of Guidance on Homelessness⁵, local authorities should consider providing assistance with the kennelling of any pets if they can't be accommodated along with their owner in temporary accommodation. Through our services, Shelter Scotland feels that the provision of both kennelling options and temporary accommodation which accepts pets is low and local authorities should better consider in their commissioning processes the needs of people with pets.

Pets in private rented accommodation

We know that many tenants find it difficult to find private rented accommodation which allows pets, and this is an experience shared by many members of our Private Tenants Panel. The size of the private rented sector has tripled since 1999 and with this is the likelihood of there being many more households looking to rent who already own or want to own a pet. It is not fair that those in the private rented sector are denied the right to have a pet when it's likely that many live in the private rented sector due to the lack of other affordable housing options and do not have the option of other tenures open to them.

Private tenants told us about their experiences owning a pet in private rented accommodation in an online survey. Two out of seven respondents wanted to but could not have a pet while in private accommodation, while four out of seven did own a pet while living in temporary accommodation. It appears that the people who did have a pet faced difficulty in finding accommodation due to their pet. Respondents with experience of owning a pet overwhelmingly expressed frustration at blanket “no pets” policies, even in unfurnished properties and felt that landlords should be at least willing to consider pets on a case-by-case basis.

“Some landlords have a totally negative reaction to folks who have pets.” (Diane)

One respondent even had experience of being asked to leave a property which they attributed to wanting to keep a pet and felt that they were unable to broach the subject with their landlord without fear of such reprisals.

*“I once got evicted from a tenancy because I ****asked**** if I might keep a cat. I didn't actually have a cat, and up til that point I had had a very good relationship with my landlord.” (Diane)*

⁵ Scottish Executive (2005); [Code of Guidance on Homelessness](#)

Dogs Trust has produced good practice guidelines⁶ for letting agents on letting to renters with pets and suggest that elements such as asking for a higher deposit or advising the landlord to take out additional insurance for accidental pet damage can be helpful. Again, Shelter Scotland believe that with the right procedures and protections, there should be no impediment to renters having pets.

Responses to specific policy proposals and questions

- 1) In Ontario, Canada, the Residential Tenancies Protection Act only permits pet owners to be evicted if their animal affects the wellbeing of other tenants. Would such a piece of legislation be applicable to Scotland?

Most respondents appreciated the negative impact that a pet might have on the wellbeing of other tenants in a block and thought it was reasonable for a landlord to evict on this basis.

"I could understand someone who is allergic or is scared of dogs living in [the] block, not wanting to be affected by your pet in communal living spaces." (Vicki)

Some respondents interpreted this question as meaning that the landlord could only evict on the basis of wellbeing and would not be able to evict for damage. As a result, the respondents were concerned that limiting landlords' power to evict pet owners if their animal affects the wellbeing of other tenants, rather than allowing landlords to evict for damage to the property, would put off landlords from letting to these households.

"No, it would only discourage landlords from renting out their properties, further reducing the already limited stock of properties on the rental market. If a pet was obviously causing damage to a property which wasn't being repaired, a landlord should be well within his rights to end a tenancy." (Sam)

"Seems a reasonable approach, but what about damage as well as wellbeing?" (Anon)

It was highlighted by respondents that they felt that most pet-owners were also responsible tenants and would not allow their pet to cause a nuisance.

"I think the matter concerning pets is the mess they may make of a home, and I think this is seriously over rated. From my own perspective I would not want to keep a pet somewhere where it would impact negatively on others or where I could not manage it properly." (Diane)

- 2) How could Scottish Labour ensure that landlords in the private sector adopt positive pet policies to enable their residents with dogs to transition to permanent accommodation with their pet?

⁶ Dogs Trust; [Lets with Pets Good Practice Guidelines](#)

Some respondents felt that there was an over-emphasis on dogs, as cats and other animals should also be included in positive pet policies.

"It's not just dogs, I have an outdoor cat. So it should cover both" (Vicki)

The idea of pet deposits was suggested by several respondents. Shelter Scotland feel that it may be reasonable to explore the idea of a pet deposit but that this must be protected by deposit schemes in the same way as a mainstream deposit.

"Allow landlords to charge pet deposits which aren't subject to the same rules as deposits lodged with a holding scheme. That will give them assurances that the condition of the property can be maintained despite the extra wear and tear experienced with pets. As a pet owner I would be more than happy to pay this." (Sam)

"I do think a 'pet deposit' to cover any additional cleaning required might be necessary." (Susan)

"Other states in the USA demand a 'pet deposit' in addition to the normal security deposit, which would be used in cases of 'accidents' needing extra cleaning of the accommodation" (Susan)

Additionally, some felt that legislation should go further and pet-owners should be more proactive and responsible in order to encourage landlords to be more pet-friendly for example dealing with barking or noise from pets and cleaning up after dogs in communal or public areas.

"Dog excrement is a perennial complaint throughout the UK and it should be mandatory that dog owners clean up after their dogs. This would be especially important in the case of communal gardens etc. And incessant barking is not acceptable. In the case of dangerous dogs, e.g. pit bulls, there should be a mandatory requirement that these are not allowed outside without a muzzle" (Susan)

Other respondents felt that an outright ban preventing landlords from not renting to tenants with pets was what was needed.

"By making it illegal for landlords to stipulate 'no pets'" (Anon)

"Legislate. After all that's what politicians do" (Anon)