



MSP BRIEFING: STAGE 1 DEBATE, CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) BILL, THURSDAY 12 MAY 2022

Introduction

Shelter Scotland exists to defend the right to a safe home and fight the devastating impact the housing emergency has on people and society. We work in communities to understand the problem and change the system. We run national campaigns to fight for home.

We are pleased to have the opportunity to contribute to this Stage 1 debate on the Coronavirus Recovery Bill, [following the consultation process in 2021](#)¹. The bill proposes making permanent some important, progressive housing measures which were introduced to Scotland's housing system during the emergency pandemic response. As a result, these progressive and positive measures strengthened rights and protected tenants and had a positive impact.

Strengthening the rights framework and ensuring that rights are upheld, together with ensuring that people can access secure, safe social homes if that is what they require, are both crucial if we are to effectively address the housing emergency.

As we emerge out of this pandemic we cannot afford to and should not take a step backwards and leave people with weaker rights and at greater risk of homelessness. Particularly as many households will continue to struggle with the long-term impact of the pandemic coupled with the cost of living crisis.

We strongly believe that the strengthening of housing rights that formed part of the emergency response should be made permanent to help fix Scotland's broken and biased housing system.

Key Messages

- **Shelter Scotland strongly supports:**
 - **all the grounds for eviction remaining discretionary on a permanent basis;**
 - **the Pre-Action Protocols (or PARs) being a permanent feature of the Private Rented Sector**
- **These are important and progressive measures which will help ensure tenants are supported to keep their homes wherever possible and prevent homelessness. By making these provisions permanent we will further strengthen housing rights in the private rented sector, bringing them more into line with the rights social tenants have**
- **It is also vital that enough social homes are built in the areas where they are required to ensure the housing emergency is addressed**

¹ Shelter Scotland response: Scottish Government's consultation "Covid Recovery: A consultation on public services, justice system and other reforms" (2021).

Recovery Bill proposals

Discretionary eviction grounds

Shelter Scotland strongly recommends that **all** the grounds for eviction in the Private Residential Tenancy (PRT) should remain discretionary.

By keeping the current protections in place through this Bill, the Tribunal will be able to continue to take all pertinent factors into account in their decision making. Balancing the needs of the tenant and the landlord in each individual case is vital when considering whether a tenant should lose their home and be at risk of homelessness.

The ability to exercise discretion is of particular importance for **the rent arrears ground**, which should be carefully considered within the context of adherence to the pre-action requirements and whether it is reasonable and fair to evict. Given the anticipated ongoing and long-term impact of Covid on finances, it is important that tenants are given every opportunity to access all the advice and support available to them to prevent eviction taking place.

Shelter Scotland believes the changes to the private residential tenancy (PRT) should go further than what is proposed. **The grounds for eviction should be reviewed through the lens of a human rights framework, with consideration as to how to ensure the right to adequate housing is fully realised in Scotland.** For example, the grounds relating to the landlord intending to sell the property and the property being sold by the lender should be removed, and instead consideration should be given to ensuring that where a landlord chooses to sell a property, they must do so with the tenant in situ, if that is the tenant's wish, so that we can prevent house transactions creating homelessness.

Pre-Action Requirements

The pre-action requirements (PARs) for eviction proceedings on the grounds of rent arrears introduce an important preventative measure for eviction and homelessness. This extra protection for renters against evictions should be made permanent. The PARs should ensure landlords carry out good practice and help their tenants access support and advice on rent arrears management before any eviction action is taken, thus helping the tenant to manage their debt and remain in their home. The PARs are also a step towards greater parity of protection for private and social tenants in line with the Scottish Government's commitments under the Housing to 2040 strategy.

It is also important that we ensure that the PARs are effective and working properly. The First-tier Tribunal has a key role to play in ensuring that landlords are adhering to this legislation and are making all reasonable efforts to support tenants to remain in their homes.

Alongside the PARs being made permanent we therefore believe PARs should be evaluated to ensure that they are robust, cover all reasonable steps landlords should take, and that they are working in-practice with the Tribunal ensuring that they are upheld.

Reporting from the Tribunal on the use of PARs is therefore required to ensure these measures can be monitored effectively.

Social Housing

We welcome the Scottish Government's commitment to deliver 110,000 new affordable homes by 2032, with at least 70% of these for social rent. Only by delivering the social homes required can we achieve the structural change needed to end the housing emergency, by reducing housing costs in the long term and ensuring everyone has a secure, warm and safe home –

making our recovery from the pandemic as fair and equitable as possible. Much was made throughout the early stages of the pandemic about the potential to do things differently as we recover. **Strengthening and upholding rights, together with delivering an adequate supply of social housing to ensure everyone has a warm, secure and truly affordable place to call home is vital for a successful recovery.**

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