



## **MSP BRIEFING: SHELTER SCOTLAND RESPONSE TO THE EMERGENCY MEASURES ANNOUNCED IN THE PROGRAMME FOR GOVERNMENT ON 6<sup>TH</sup> SEPTEMBER**

### **Structural solutions required to address the housing emergency**

On the 6th September 2022 the Scottish Government announced a range of temporary emergency measures to support tenants to keep their homes over the winter period. The First Minister during her speech said:

“Two of the most important and fundamental sources of security for any of us are a job and a home. In times of economic and financial crisis, these can be the foundations that help people through.”

We wholeheartedly agree that having a home is absolutely essential, as without a suitable home families will often struggle with access to work, education, their support networks and healthcare - impacting on their health and wellbeing with a likely long-term impact on many children’s wellbeing and life chances.

The housing emergency, which has now been exacerbated by the pandemic and cost of living crisis has already thrust over **8,600 children** into temporary accommodation (a 17% rise since last year), and nearly **14,000 households** are currently having to live in temporary accommodation. These families and children are already spending on average **nearly a year** trapped in temporary accommodation.

We recognise the need to support people to keep their homes over the winter and prevent more families becoming homeless, impacting on an already overstretched and underfunded homelessness system. We therefore welcome the emergency measures outlined in the Programme for Government. However, we wait to see the detail of how the rent freeze and evictions moratorium measures will be implemented and **resourced** to ensure there are no unintended consequences.

We also urge the Scottish Government to continue to prioritise addressing the structural causes of the housing emergency and to **ensure that the 38,500 social homes are delivered by 2026 to reduce housing need**. Buying and building these homes is crucial and we are therefore calling for a National Acquisition Plan and for the Affordable Housing Supply Programme subsidy grants to be redirected to only build social homes.

The rent freeze must not detract from the ability of social landlords to fund and deliver the new social homes which are so urgently needed. Providing supplementary funding will be required to address any shortfalls resulting from the rent freeze.

**Failure to deliver these homes by the end of this parliament will mean affordable housing need will increase.** These are the real-life consequences if challenges are not overcome and targets are not met.

## **Scottish Housing Emergency Action Plan**

Immediately prior to the Programme for Government, we published our [Scottish Housing Emergency Action Plan](#)<sup>1</sup>, which outlines actions which are within the current gift of the Scottish Government to take. We stand by these actions as being critical to navigating our way out of these unprecedented times and tackling the structural causes of the housing emergency which have left homelessness services at breaking point.

The delivery of social homes is the cornerstone of Scotland's fight for social justice – rebuilding Scotland's economy, invigorating our communities, creating more jobs, helping meet climate and child poverty targets and building a brighter future.

### **Buy and build 38,500 social homes by 2026**

- Redirect all subsidy from the Scottish Government's Affordable Housing Supply Programme exclusively to homes for social rent
- Undertake a national social housing acquisition plan to buy homes in areas of greatest need
- Force the reluctant owners of long-term empty homes to sell up or rent them out to people who are homeless or on the housing waiting list

### **Fully fund local authority homelessness services**

- Conduct an audit of all homelessness funding – national and local – to identify the true levels of investment and identify shortfalls
- Create a new 'homelessness emergency' fund to plug the gap in funding and direct additional resource where it is most needed

### **Guarantee the right to a home for everyone experiencing homelessness**

- Urgently prioritise action to address failures in the homelessness system ensuring appropriate redress for individuals where their rights have been breached
- Introduce tougher enforcement action against public bodies that repeatedly breach their legal duties

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<sup>1</sup> Shelter Scotland - Scottish Housing Emergency Action Plan  
[https://scotland.shelter.org.uk/professional\\_resources/policy\\_library/scottish\\_housing\\_emergency\\_action\\_plan](https://scotland.shelter.org.uk/professional_resources/policy_library/scottish_housing_emergency_action_plan)

## Questions about the emergency measures

While we welcome the measures announced we are concerned about unintended consequences and the lack of detail on some of the measures, which is causing anxiety for tenants who are unaware of their rights and what support is available for them. Urgent clarification on details would enable Shelter Scotland to provide accurate and timely advice to tenants and enable tenants to exercise their rights and access support as required to remain in their homes.

The emergency measures should meet the following criteria:

- The measures will support tenants to keep their homes
- That there are no unintended consequences
- The measures will not impact on the delivery of new social homes, given this is the structural solution to the housing emergency and reducing housing need

## Rent Freeze

**What we understand:** A freeze on rents in both the social and private sector will be in place until at least the end of March 2023. The rent freeze will effectively apply from 6th September.

### Key questions:

- How will the rent freeze for social landlords be resourced to ensure the continued delivery of 38,500 social homes required to reduce housing need?
- How will the Scottish Government ensure that the rent freeze policy is applied from the day it was announced, and how can this be enforced given the time between the announcement on 6<sup>th</sup> September and the emergency legislation?  
Shelter Scotland have had many inquiries from concerned tenants who are unsure about when and how the freeze will come into force, for example will rent increases communicated to the tenant prior to the announcement (but not yet in place) be allowed?
- What consideration has been given to when the rent freeze is lifted? For example, how do we prevent a surge on rents when the freeze ends?
- Will the rent freeze include service charges?
- Is there any protection for tenants who currently pay a set amount for rent which includes their bills, who have now been told by their landlord that their rent no longer includes the cost of bills and that these must be paid in addition?

## Evictions Moratorium

**What we understand:** A moratorium on evictions will be in for both the social and private sector until at least the end of March 2023.

### Key questions:

- Shelter Scotland housing advisers have reported that people have been served notice by their landlords since the ban was announced on 6<sup>th</sup> September. Urgent clarification is required on the rights of these tenants who are currently stuck in limbo.

- Does the moratorium on evictions apply only to new eviction cases or does it include cases already in the Tribunal system? The First-tier Tribunal has 17 hearing and 78 case management discussions relating to eviction scheduled for the next month. However, we understand that there have been no decisions made on eviction cases since the 9<sup>th</sup> September.
- Tenants must be supported to manage their rent arrears to ensure we don't see a surge in tenants being evicted once the eviction ban is lifted. This includes being supported to access the Tenant Grant Fund and Discretionary Housing Payments, which should both be topped up as required.
- The First-tier Tribunal will need to be properly resourced to deal with the increased caseload when the emergency legislation is lifted in April 2023.
- There may be an increase in illegal evictions, as experienced during the pandemic when the emergency Covid legislation was in place. The Scottish Government will need to work closely with Police Scotland to ensure that these cases are always treated as a criminal matter, not a civil one. Information on illegal evictions should be included in the rights awareness raising work the Scottish Government is planning.

## Tenant Grant Fund

**What we understand:** The Scottish Government has pledged to widen eligibility for the Tenant Grant Fund, to support those struggling with increasing costs. We understand this means it can be used for more recent rent arrears and they do not need to be Covid related arrears.

### Key questions:

- How much is left in the £10 million fund and how can the Scottish Government and local authorities ensure that private tenants are supported to access the fund? Previous reports show it was underused by private tenants. **A targeted awareness raising approach** is required to directly reach private tenants, such as a letter to all tenants.
- When will the new criteria apply and what the referral pathway will be for tenants to access the fund?
- What data will be collected on the fund to understand if it's reaching all communities in need or whether further awareness raising is needed?

## Discretionary Housing Payments

**What we understand:** The Scottish Government has pledged to increase the Discretionary Housing Payments (DHP) by £5 million and ensure tenants can access it to help pay for energy costs as well as rent payments.

### Key questions:

- How will the Scottish Government ensure that all tenants, including private rented sector tenants are aware of DHPs and can easily access them when required.

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