

# **Briefing on the Cost of Living (Protection of Tenants) (Scotland) Bill**

## **October 2022**

This briefing is intended to express the signatories' support for the spirit and principles of the bill. It also aims to highlight key elements that we feel the bill must address if it is to genuinely fulfil its aim of alleviating the impact of the cost-of-living crisis on tenants, especially those on the lowest incomes, and protect them from losing their homes.

Without sight of the detail of the draft legislation at the point of writing, as organisations, we believe that the legislation must:

### **1. Protect all tenants from rent increases and eviction (except in cases of antisocial or criminal behaviour)**

The legislation must ensure that all tenants, regardless of tenancy type, are protected against rent increases and eviction. Further, the rent freeze must be applicable to all tenants regardless of method by which they are informed of a rent increase. We understand the exemption in regard to the eviction moratorium for proven antisocial and criminal behaviour given the impact on neighbours and the community, but do not believe exemptions should be given in cases of repossession or selling. Instead, the bill should look at finding other ways of keeping tenants in their homes, such as advice and support for landlords, or making it easier to sell with a sitting tenant to ensure tenants are able to remain in their home.

### **2. Recognise and address unintended consequences, for both tenants and landlords**

In our understanding of the likely detail of the legislation, we are concerned that a number of unintended consequences could arise, which could negatively affect how the rented sector functions. As a result of low public awareness coupled with the accelerated nature of the emergency legislation, there runs the risk of increased numbers of illegal evictions and unlawful rent increases, with unclear options for redress. This is why the bill must have clear options for redress. We are also concerned about surges in evictions and rent levels when the legislation times out in March 2023, and consideration should also be given to the impact of between-tenancy increases. Such surges will have a knock-on impact on resourcing for bodies including the First Tier Tribunal, the sheriff court, advice and support organisations, and others. As such, careful consideration must be given to how and when these measures are removed, with efforts made to avoid an increase in homelessness, unmanageable debt and poverty levels, including potential additional resources.

The bill's impact on homelessness legislation also requires clarification, including the right to make a homeless application if the tenant wants or needs to leave during the period. Further, 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 to reduce housing need. Providing supplementary funding will be required to address any shortfalls resulting from the rent freeze.

### **3. Incorporate a robust plan for monitoring impact**

As a precursor for future rented sector policy developments, it is imperative that there is a framework for monitoring the impact of the measures laid out in the bill. We understand that there may be options for extending the measures if it is deemed proportionate and reasonable to do so and therefore the collection of appropriate data to evidence this will be critical. This data is likely to incorporate information from the First Tier Tribunal, local authorities and landlords and tenants themselves via membership bodies and tenant unions. With this in mind, the Scottish Government should work to establish a rent database in parallel with the emergency measures.

### **4. Be accompanied by an immediate plan to raise tenant and landlord awareness of the changes and the financial help on offer to households who are struggling**

As outlined above, it is a key concern of the signatories that a lack of awareness of the measures risks undermining the policy aims of the bill. To address this, steps must be taken to increase awareness among landlords and tenants about the changes, as well as information on accessing financial support and independent advice. The additional measures of increased funding for Discretionary Housing Payments and expanded eligibility for the Tenant Grant Fund will be critical to supporting people to sustain tenancies. We therefore call on the Scottish Government to commit to writing to all landlords and tenants (via such conduits as the landlord register and deposit guarantee schemes), if the bill passes, including details on how to apply for the above financial support in every local authority.

This briefing does not negate additional briefings by member organisations which may highlight further areas of support, concern or consideration, but seeks to provide a clear message on key principles and outcomes the signatory organisations expect.

Signatories:

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