



MSP BRIEFING: SHELTER SCOTLAND RESPONSE TO THE COST OF LIVING (PROTECTION OF TENANTS) (SCOTLAND) BILL AT STAGE 2, 5 OCTOBER 2022

Shelter Scotland supports the intention behind this bill to provide short term protections for tenants. We need to ensure that there are no unintended consequences and that, in particular, the following two criteria are met: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, any social housing rent freeze measures must be funded to ensure they do not impact on the delivery of new social homes required to reduce housing need.
- 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 2 in relation to these criteria, with the caveat that we have had very limited time to scrutinise the bill:

Schedule 2 – Protection from eviction

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

We therefore urge MSPs to **support amendments 37,38,41,42** which would remove the exemption to eviction for tenants with 'substantial rent arrears'. Our reasoning behind this are outlined in our stage 1 briefing.

We strongly oppose all amendments which seek to introduce further exemptions relating to other situations such as (but not limited to) requiring the property for religious purposes or for an employee – including **opposing amendments 34, 35, 36, 40, and 54.**

We have raised concerns about abuse of grounds and a rise in illegal evictions during this period and therefore **support amendments 45, 47, 49, 55-57, 64, 65** which seek to strengthen proof required from a landlord before evicting in any of the allowed exemptions, as well as clarifying in law circumstances which would be considered an illegal eviction and the support available to tenants in these instances.

Given the bill seeks to protect tenants more strongly from the cost of living crisis, should the exemption for eviction for substantial rent arrears proceed, then we **support the intent of amendments 53 and 63** which seek to strengthen pre action requirements to ensure tenants have been supported to exhaust all areas of financial support before an eviction on rent arrears might be allowed.

We **oppose amendment 64** which would enable evictions for tenants with just 3 months of rent arrears and **oppose amends 97,98,100** which seek to enable determinations on rent to be

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

based open market rent for a willing tenant, which goes against the intent of the bill to support tenants through a cost of living crisis.

We **support amendment 73** which places a duty to provide information to all landlords and residential addresses with information and advice.

We **support, for example, amendment 93** which seeks to ensure the First-tier Tribunal has adequate resources available.

Schedule 1 – Rent cap

Shelter Scotland are concerned about unintended consequences of the rent cap on social landlords and the pressures this may place on social landlords in delivering the 38,500 social homes required to start to reduce affordable housing need.

If **amendments 4, 5** which will exclude Registered Social Landlords from the rent cap are not accepted then we are calling for Scottish Government to fully fund the loss of rent revenue which will impact on the delivery of new social homes.

We **support the intent behind amendments 6, 16 and 24** which aim to address between tenancy rent increases.

We **strongly oppose amendments 8,11,12,13,18,19, 20** which would enable landlords to increase their rent in order to recover 100% of an increase in property costs.

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)
- [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)