

From: {redacted}

Sent: 07 April 2020 12:41

To: {redacted} CAS, Shelter; Dundee City; propertymark; SAL; City of Edinburgh Council ; Galsgow City Council; Alacho; COSLA

Cc: {redacted}

Subject: Coronavirus (Scotland) Act 2020 comes into force

Dear Colleagues

CORONAVIRUS (SCOTLAND) ACT 2020 COMES INTO FORCE

The Coronavirus (Scotland) Act 2020 comes into force today (Tuesday 7th April) and, unless further extended, the measures will be in force until 30th September 2020. Please find below a link to guidance on the measures included within the Act that has been published for stakeholders, which I hope is helpful. We have been busy updating our online guidance for landlords to reflect the temporary measures introduced under the Act. Most of these go live today.

<https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-stakeholders-on-the-coronavirus-scotland-act-2020/>

Two specific pages for tenants have also gone live and a social media campaign aimed at raising tenants awareness of the additional protections has also been launched. These new pages can be found here:

<https://www.mygov.scot/private-rental-rights/>
<https://www.mygov.scot/social-rental-rights/>

We are also:

- sending information to highlight these changes to landlords and sign-posting them to relevant information as soon as we can;
- updating the Q&A for landlords and letting agents;
- asking the tenancy deposit schemes to help raise awareness of the changes amongst landlords and tenants.

I'd be grateful for your support in raising awareness through your own networks as well.

Thanks again to those who have managed to call in to our first PRS Resilience Group meeting last week and for agreeing to a meeting every two weeks. Hopefully you have all been sent a recurring diary request for the group for a Thursday morning. We will send out a brief draft note and action points from this soon in preparation for our call next week.

Kind regards,

{redacted} | Head of Private Rented Sector Team

Scottish Government | Better Homes Division | Private Rented Sector Policy Team | 2H North, Victoria Quay, Edinburgh, EH6 6QQ | {redacted}

Practical guides if you're renting or letting a property in Scotland – <https://rentingscotland.org/>
Guide for first-time tenants - <https://young.scot/campaigns/national/new-digs>

From: {Redacted} SG
Sent: 29 April 2020 15:48

To: {Redacted} SAL ; {Redacted} Glasgow City Council; {Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted}; {Redacted} Alacho ; {Redacted} CAS ; {Redacted} Shelter; {Redacted} Dundee City Council ; {Redacted}COSLa

Cc: {Redacted} SG officials

Subject: PRS Resilience Group: Meeting Three - 30 April at 10.30am

Dear All,

The third meeting of the PRS Resilience Group is due to take place tomorrow (30 April) at 10.30am, where we hope to cover the following agenda items (if you would like to add anything to the agenda, please do let me know):

- Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector
- Update on the Landlord Support Fund
- Consideration of post-Coronavirus (Scotland) Act 2020 protections
- PRS Resilience Group Action Log and Emerging Issues
- Stakeholder Issues/Concerns

Please also find attached a note of the last meeting and the latest Action Log/Emerging Issues document for the group:

See attachments

Finally, a reminder of the dial in details for the conference call can be found below:

{Redacted}

Regards,
{Redacted}

{Redacted}

|Housing and Social Justice Directorate | The Scottish Government | {Redacted}



PRS RESILIENCE GROUP VIRTUAL MEETING: 16 APRIL 2020

- Introductions
- Mortgage payment holidays for Buy to Let investors – update on current position
- Actions from the last meeting – update
- Landlord and letting agent guidance – update and current issues (gas safety)
- Landlord loan fund - update
- Emerging issues and current situation

In attendance:

- {Redacted}, CAS
- {Redacted}, Shelter Scotland
- {Redacted}, Shelter Scotland
- {Redacted}, Scottish Association of Landlords (SAL)
- {Redacted}, ALACHO
- {Redacted}, Propertymark
- {Redacted}, UK Finance
- {Redacted}, COSLA
- {Redacted}, Glasgow City Council
- {Redacted}, Scottish Government (SG)

Feedback on areas discussed:

1. Mortgage payment holidays for Buy to Let investors – update on current position

- UK Finance confirmed that Buy to Let mortgages were eligible for payment holidays similar to normal mortgages, with expectation used to help tenants
- Empty properties could also be covered by use of initial self cert process though still to be clarified / finalised.
- Payment holiday can be paid over the length of mortgage, Lenders are offering various option
- Concerns over tenant being expected to repay rent deferment quickly after initial period or possibly facing eviction, storing up debt issues. Landlords may increase rent to cover deferment
- Concerns that tenant may give legal 28 days' notice to avoid repayments
- SG expectation is that tenants pay rent and use available help if in difficulties, may need help in access some benefits and CAS would be able to advise. COSLA available to help if specific Local Authorities are difficult to access.
- Overall communications between Landlord and Tenant is key to accessing help and debt reduction.

2. Landlord Loan fund:

- Fund is progressing, hoping for final confirmation today
- Full communications next week with a start date 1st May
- Loan criteria will include being a registered Landlord and backdated to 31st March. Should be available for majority of Landlords

- Loans turnaround expected to be 7 / 10 days, with data sharing with Local Authorities
- Using legislation under Housing Act and will be via direct SG process.

3. Landlord and letting agent guidance:

- Guidance on SG website updated just before Easter, which included changes to Evictions and will be updated regularly
- SG will provide further update on Gas Safety Certificates in due course
- Plans for SG to bring all Housing guidance together as a central resource

Stakeholder top issues

1. CAS:

- Seeing a big rise in Employment advice requirement, will be publishing data on a regular basis and will share with group
- Looking medium to long term expect a rise in Debt advice

2. Shelter:

- Universal credit seen as major issue both applying and accessing money
- Overall lack of awareness by Tenant on rules and guidance
- Notice a number of ex ABB properties being used for longer term lets unregistered

3. PropertyMark:

- Seeing possible delays at end of tenancy with deposit schemes, issues include leaving belongings and storing items once tenancy ends, there are major difficulties moving items

4. Glasgow City Council:

- Concerned with the numbers of Landlord registrations, noticed large drop already in April.

New Actions

- Consider communicating using Tenant Deposit Scheme channels
- SG to investigate online model tenancy downloads / online version is up to date and are fully legal
- SG to update UK finance on Landlord loans and how it interacts with payment holidays

Action for Scottish Government

- Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted. – **response circulated to members**

- Highlight to UK Government the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc; - **contact UK Govt. action ongoing**
- Further clarity on inspections required for landlords and local authorities; - **online guidance updated, Minister has written to UK Govt.,(HSE issued update last week)**
- Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords; - **cleared covered within UK finance update**
- Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow; - **{Redacted} SG awaiting copies of correspondence from Glasgow city council, which will be circulated**
- Further consideration of council tax relief for empty properties; - **ongoing**
- Further consideration of financial support for tenants before UC kicks in; - **SG has written to UK Govt regarding flexibilities but repayments of advance can now be spread over 24 months**
- Investigate TDS approach to releasing deposits to cover rent payment issues; - **ongoing**
- and
- Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law. – **SG contacted PS highlighting concerns and provided additional information, PS will provide regular feedback. SG will provide update to group**

Future meetings

- Meetings to take place every 2 weeks; and
- Membership to ensure rural representation should be sought.

**PRS RESILIENCE GROUP
ACTION LOG**

Action	Raised By	Date	Leading	Progress/Update
<p>Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted.</p>	<p>Shelter CAS</p>	<p>Meeting One</p>	<p>SG</p>	<p>Response from Society of Messengers at Arms issued to group advising of latest position.</p>
<p>Highlight to UK Gov the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc.</p>	<p>SAL</p>	<p>Meeting One</p>	<p>SG</p>	<p>Issue raised with UK Government from MHCLG. Efforts being made to ensure information indicates clearly where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing.</p>

Further clarity on inspections required for landlords and local authorities.	SAL	Meeting One	SG	online guidance updated, Minister has written to UK Govt.,(HSE issued update last week).
Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords.	SAL	Meeting One	SG	UK Finance addressed this point during their update at meeting two of the PRS Resilience Group.
Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow.	SG	Meeting One	SG	Edinburgh Council were originally going to follow Glasgow's approach but have now indicated they think this is in breach of existing legislation. Awaiting SG legal advice.
Further consideration of council tax relief for empty properties.	SAL	Meeting One	SG	Ongoing.
Further consideration of financial support for tenants before UC kicks in.	Shelter CAS	Meeting One	SG	SG has written to UK Govt regarding flexibilities but repayments of advance can now be spread over 24 months.
Investigate TDS approach to releasing deposits to cover rent payment issues.	SAL?	Meeting One	SG	The current approach sets out that a landlord can claim a deduction for any unpaid rent from their tenant's deposit, as long as this is specified in the

				tenancy agreement. If the tenant disagrees with the landlords calculation of rent arrears they can refer it to the tenancy deposit schemes adjudication service.
Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law.	Shelter CAS	Meeting One	SG	Initial contact made with Police Scotland regarding further awareness raising work around illegal evictions. PS will also attempt to report on any increase in reports of illegal eviction.
Consider communicating using Tenant Deposit Scheme channels.	All	Meeting Two	SG	All 3 schemes have previously been extremely supportive and helpful in issuing information on behalf of the SG.
SG to investigate online model tenancy downloads / online version is up to date and are fully legal	Propertymark	Meeting Two	SG	Response issued directly, all forms. Changes made to all forms by Coronavirus (Scotland) Act 2020 are legally compliant.

**PRS RESILIENCE GROUP
EMERGING ISSUES LOG**

Issue	Raised By	Date	Leading	Update/Action
Concerned with the numbers of Landlord registrations, noticed large drop already in April.	Glasgow City Council	Meeting Two	SG/LAs	SG Landlord Registration Team currently investigating further.

From: {Redacted} SG

Sent: 07 May 2020 18:01

To: {Redacted} SAL ; {Redacted} SG >; >; {Redacted} Glasgow City council: {Redacted} Dundee City Council ; {Redacted} Propertymark; {Redacted} Shelter; ; {Redacted} alacho {Redacted} cas >;; {Redacted} Cosla

Cc: {Redacted} SG

Subject: In confidence¹: PRS Resilience Group Information

Sensitivity: ~~Confidential~~ (see conditions on publication of Bill)

Dear all

Thanks to all who managed to join the call this morning and particularly to {Redacted} for providing an alternative phone line! We will be in touch soon about next week's meeting and the possibility of changing the date/time of the call in case that helps resolve the problems we've been having.

I said on the call that I would e-mail you separately to advise you of the likely timings of the 2nd Coronavirus Bill. **Please treat this in confidence until they are made public.**²

Current proposed timings are:

- Committee Stage 1 on the morning of Tuesday 12th May;
- Parliamentary Stage 1 debate on the afternoon of Wednesday 13th May;
- Committee Stage 2 on the morning of Tuesday 19th May;
- Parliamentary Stage 3 on the afternoon of Wednesday 20th May.

I also wanted to inform you, **in confidence**³, about an additional measure that we are seeking to make through the 2nd Coronavirus (Scotland) Bill. You may recall that during the passage of the Coronavirus (Scotland) Act 2020 that Ross Greer MSP raised an amendment in relation to students tied into Purpose Built Student Accommodation and halls of residence contracts. While the amendment was not passed, the Minister for Local Government, Housing and Planning did commit to considering this issue further. Following this consideration we are taking forward an amendment through the next Bill. This will seek to introduce a:

- 7 day notice period for students currently tied to a contract in halls of residence or other purpose built student accommodation; and

¹ Treat in confidence until the bill has been made public

² Treat in confidence until the bill has been made public

³ Treat in confidence until the bill has been made public

- 28 day notice period for new agreements entered into by students, while the new Bill is in force. This will ensure that students entering into new accommodation contracts for the next academic year, but are then unable to take up the accommodation as planned due to the ongoing Covid-19 restrictions, will be able to give notice and not held liable for accommodation they are not using for the full contract term.

If you would like to discuss these measures further, please get in touch. Also, if there is anything you would like added to the agenda for the next meeting please let me, or one of the SG team know.

Many thanks

{Redacted} SG

Head of Private Rented Sector Team

Scottish Government | Better Homes Division | Private Rented Sector Policy Team | 2H North, Victoria Quay, Edinburgh, EH6 6QQ | **{Redacted}**

Practical guides if you're renting or letting a property in Scotland –

<https://rentingscotland.org/>

Guide for first-time tenants - <https://young.scot/campaigns/national/new-digs>

From: {Redacted}

Sent: 30 April 2020 17:54

To: {Redacted}SG; {Redacted} SAL; {Redacted} Glasgow city Council ;
{Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter
{Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA

Cc: {Redacted} SG

Subject: RE: PRS Resilience Group: Meeting Three - 30 April at 10.30am

Dear all,

Further to **{Redacted} SG** e-mail below just a couple of very short updates to let you know what we had in mind to discuss today and that we can get to next week on our re-arranged call.

- **Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector:**

Please see Catriona's draft paper sent separately. Please let **{Redacted}** have any comments by the end of next week.

- **Update on the Landlord Support Fund:**

We anticipate that the PRS Landlord Emergency loan will open for applications next week. We will let Resilience Group members know when we update Coronavirus (COVID-19) guidance for private landlords and letting agents to include the link to the loan application website and the details of the dedicated email address for any enquiries.

- **Consideration of post-Coronavirus (Scotland) Act 2020 protections**

The current provisions under the 2020 Act are due to expire on 30 September 2020 unless extended. As you know we are already thinking about the pathways back to functionality for the housing sector in general and circulated some initial thoughts for comment earlier today. As part of this work we will need to consider what arrangements maybe required in relation to the transition from the extended notice to leave periods that currently apply to the pre-Covid requirements and procedures. One potential option we are exploring is continuing the discretion provided to the First-tier Tribunal for Scotland (Housing and Property Chamber) in determining whether to grant and eviction order for longer e.g. after the extended notice periods end. I'd be grateful for your views on this and any other potential options for managing transition.

- **PRS Resilience Group Action Log and Emerging Issues:**

Please see the attached paper which updates the group on the number of landlord registrations (the final point on the action log for today's meeting).

See Annex A below

- **Stakeholder Issues/Concerns**

To note that the landlord and letting agent guidance page was updated this week to provide further advice around the evictions process:

<https://www.gov.scot/publications/coronavirus-covid-19-landlord-and-letting-agent-faqs/>

Look forward to discussing next week.

Kind regards,

Redacted}

From: {Redacted}

Sent: 30 April 2020 11:33

To: {Redacted} SG; Redacted} SAL; {Redacted} Glasgow city Council ; {Redacted} Dundee City Council; {Redacted} PropertyMark; {Redacted} Shelter {Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA

Cc: {Redacted} SG

Subject: RE: PRS Resilience Group: Meeting Three - 30 April at 10.30am

Dear all

As you have probably gathered, it hasn't been possible to find another conference call line at short notice. Sorry that the technology let us down on this occasion.

We will provide a written up date on the various agenda items as soon as we can, however, in relation to the first agenda item - Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector - please find attached a draft paper that **{Redacted} SG** has developed with some initial thoughts, which she would be grateful for your comments on by end of next week.

File: Framework for Decision Making - Housing Sector thoughts.docx

We will look to arrange another call next week, so can also discuss then. Please get in touch if there was a particular issue wanted to raise at the meeting or you'd like added to next week's agenda.

Apologies again.

{Redacted}

{Redacted} | Head of Private Rented Sector Team

Scottish Government | Better Homes Division | Private Rented Sector Policy Team |
2H North, Victoria Quay, Edinburgh, EH6 6QQ {Redacted}

Practical guides if you're renting or letting a property in Scotland –

<https://rentingscotland.org/>

Guide for first-time tenants - <https://young.scot/campaigns/national/new-digs>

from: {Redacted}

Sent: 29 April 2020 15:48

To: {Redacted} SAL; {Redacted} Glasgow city Council ; {Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter {Redacted} CAS; {Redacted} Alacho; {Redacted} COSLA

Cc; {Redacted} SG

Subject: PRS Resilience Group: Meeting Three - 30 April at 10.30am

Dear All,

The third meeting of the PRS Resilience Group is due to take place tomorrow (30 April) at 10.30am, where we hope to cover the following agenda items (if you would like to add anything to the agenda, please do let me know):

- Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector
- Update on the Landlord Support Fund
- Consideration of post-Coronavirus (Scotland) Act 2020 protections
- PRS Resilience Group Action Log and Emerging Issues
- Stakeholder Issues/Concerns

Please also find attached a note of the last meeting and the latest Action Log/Emerging Issues document for the group:

File: Coronavirus (Scotland) Bill - PRS Resilience Group - Note of meeting - 16 April 2020.docx

File: PRS RESILIENCE GROUP - Action Log - Updated 28 April 2020.docx

Finally, a reminder of the dial in details for the conference call can be found below:

Regards,

{Redacted} SG

{Redacted} | Housing and Social Justice Directorate | The Scottish Government | Telephone: {Redacted}

Annex A

Landlord Registrations

New / Renewal applications comparison

Mar-19				Mar-20				in month difference		
	Received				Received					
LA	New	Renew	Total	LA	New	Renew	Total	New	Renew	Total
								0	0	0
Total	2171	5743	7914	Total	1636	6017	7653	-535	274	-261

Apr-19				Apr-20				in month difference		
	Received				Received					
LA	New	Renew	Total	LA	New	Renew	Total	New	Renew	Total
								0	0	0
								-	-	-
Total	1958	5413	7371	Total	777	4404	5181	1181	-1009	2190

*April 20 information to 28th April

- All LA's have a reduction in New applications in April down 60%
- April Renewals overall down 19%
- Overall reduction 30% in April, 3% in March
- Edinburgh and Dundee though have a slight overall rise in April due to increased renewals
- Figures are subject to adjustment at month end

The maybe a number of contributing factors

- The sale of properties has all but ceased therefore new landlords can't complete a sale so don't need to register.
- A huge number of PRS properties were vacated early when the Universities shut as all the students went home, causing unexpected long void periods for landlords. This may put some potential new landlords off.
- A few landlords who have not renewed their registrations because their property has unexpectedly been vacated and there is little change of letting it again soon particularly when their target market is students.

From: {Redacted} SG

Sent: 12 May 2020 15:09

To: {Redacted} SG; {Redacted} SAL; {Redacted} Glasgow city Council ;
{Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter
{Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA

CC: {Redacted} SG

Subject: RE: PRS Resilience Group dial-in

Hi all,

We intend to go ahead with our PRS Resilience call tomorrow at p.m. as planned but as some of you will know the Stage One debate for the next round of legislation is also tomorrow so {redacted} will be tied up with that and {Redacted} has very kindly offered to chair the meeting for us.

On the assumption that our call goes ok tomorrow then please delete Thursday's PRS resilience meeting from your calendar. {Redacted} has very kindly joined our group to help organise the calls going forward and she will send new dates and details out but I would assume we will be back to every fortnight unless you hear otherwise.

Attached are the updated minutes and action log.

As it is only a week since we last spoke **the agenda** will look very similar:

- Note of last meeting
- Update on the Landlord Support Fund
- PRS Resilience Group Action Log
- Stakeholder Update - Issues/Concerns

Kind regards,

{Redacted} SG

-----Original Appointment-----

From: {Redacted} SG

Sent: 07 May 2020 14:57

To: {Redacted} SG; {Redacted} SAL; {Redacted} Glasgow city Council ;
{Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter
{Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA

CC: {Redacted} SG

Subject: PRS Resilience Group dial-in

When: 13 May 2020 14:00-15:30

Where:

Hi everyone,

We have managed to find another time that we thought we could try in order to see if that would help with some of the issues we have suffered the last couple of weeks. I am hoping this time suits everyone but obviously if it doesn't then please shout.

I will leave the old time on Thursday in our diaries for now in case we have to revert to it.

{redacted} – if all goes horribly wrong again can we use your number again as a standby?

Kind regards,

{redacted}

{redacted}

PRS RESILIENCE GROUP VIRTUAL MEETING: 7 May 2020

Meeting Agenda

- Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector
- Update on the Landlord Support Fund
- Consideration of post-Coronavirus (Scotland) Act 2020 protections
- PRS Resilience Group Action Log and Emerging Issues
- Stakeholder Issues/Concerns

In attendance:

- {Redacted}, Citizen Advice Scotland (CAS)
- {Redacted}, Shelter Scotland
- {Redacted}, Shelter Scotland
- {Redacted}, Scottish Association of Landlords (SAL)
- {Redacted}, Propertymark
- {Redacted}, COSLA
- {Redacted}, Dundee City Council
- {Redacted}, Glasgow City Council
- {Redacted} SG

Feedback on areas discussed:

Covid-19: A Framework for Decision Making: Considering pathways back to functionality for the housing services sector

1. {Redacted} talked through her paper (previously circulated)
2. Focus on how to manage face to face meetings, repairs, safety issues.
3. Wish to identify opportunities and risks and how the group can contribute to shaping way forward.
4. Comments from group were positive and there is a need to work out how to refill empty properties (there are many currently) and manage viewings.
5. Panic stage appears to be over with many landlords agreeing payment plans with tenants as financial positions become clearer.
6. The group discussed the need for revised and clear guidance to cover all aspects of a change in approach and to be aware of that being produced by others such as Housing Associations, British Association of Removers.
7. There was a desire amongst all sides to see some of the temporary accommodations be turned into longer term permanent moves.
8. Need to avoid cliff edge when current approach ends.
9. Still some non-compliance among landlords. There is already an SG action point around Police action which will be followed up.
10. Importance of considering compliance and enforcement framework and ensuring that some of the positive progress over the last few years is not lost.
11. Action Point for {Redacted} SG and the councils alongside COSLA and ALACHO to discuss further ideas around tenancies.

Landlord Loan fund:

12. Fund announced on Tuesday 5 May
13. SG Guidance updated.
14. Applications already being received with 14 completed and a further 50 partially completed.
15. Discussed Data Protection issues and also how to measure whether the scheme is being used properly.
16. Enforcement and compliance issues both for the loan fund and more generally were talked about and will require further consideration.

Consideration of post-Coronavirus (Scotland) Act 2020 protections:

17. SG thanked those who had already sent in thoughts and asked for those who had any further thoughts to please send them in.
18. A short discussion followed with a particular point being raised about the ability of tenants to access Discretionary Housing Payments (DHP) and time taken. SG asked for this issue to be put on the Action Log and said it would be referred to the relevant team.
19. **{Redacted} SG** indicated she would e-mail out separately details of the timescale for the next Coronavirus Bill which has now been done.
20. Action point – SG to add DHP issues raised by Shelter Scotland to action log.

Action Log

See accompanying document.

Other issues

CAS:

21. Continuing importance of ensuring tenants are aware of rights and are being signposted to support. Would like to explore other channels for distributing guidance for tenants e.g. more use of Tenancy Deposit Schemes.
22. CAS would like to see new guidance for tenants and for it to consist of headlines with links e.g. Have you lost your job? – follow this link.
23. SG to develop and share further tenant communication to continue awareness raising.
24. **Action point** - SG to draft further tenant communications and circulate to group for comment.

SAL

25. Concern over domestic rates. Difference between what is claimable in England and Scotland as a result of interpretation of the definition of retail.
26. This issue has been raised within SG for clarification and added to action log.
27. Concerns also raised around landlord council tax liability for empty properties and unfurnished requirements for relief. Issue has been raised with relevant colleagues, but a further update will be sought.

Annex B

**PRS RESILIENCE GROUP
ACTION LOG**

Action	Raised By	Date	Leading	Progress/Update	RAG Status
<p>1. Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted.</p>	<p>Shelter CAS</p>	<p>Meeting One</p>	<p>SG</p>	<p>Response from Society of Messengers at Arms issued to group advising of latest position.</p>	<p>Complete</p>
<p>2. Highlight to UK Gov. the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc.</p>	<p>SAL</p>	<p>Meeting One</p>	<p>SG</p>	<p>Issue raised with UK Government at MHCLG. Efforts being made to ensure information indicates clearly where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing where it applies to England only. Regular catch-up with MHCLG colleagues established to share information and inform response.</p>	<p>Complete</p>

3. Further clarity on inspections required for landlords and local authorities.	SAL	Meeting One	SG	online guidance updated, Minister has written to UK Govt.,(HSE issued update last week).	Ongoing
4. Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords.	SAL	Meeting One	SG	UK Finance addressed this point during their update at meeting two of the PRS Resilience Group.	Complete
5. Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow.	SG	Meeting One	SG	Edinburgh Council were originally going to follow Glasgow's approach but have now indicated they think this is in breach of existing legislation. Awaiting SG legal advice.	Ongoing
6. Further consideration of council tax relief for empty properties.	SAL	Meeting One	SG	Was reported at meeting 3 that some councils in England were writing off Council Tax in England but that this is not happening in Scotland.	Ongoing
7. Further consideration of financial support for tenants before UC kicks in.	Shelter CAS	Meeting One	SG	SG has written to UK Govt. regarding flexibilities but repayments of advance can now be spread over 24 months.	Completed

8. Investigate TDS approach to releasing deposits to cover rent payment issues.	SAL	Meeting One	SG	The current approach sets out that a landlord can claim a deduction for any unpaid rent from their tenant's deposit, as long as this is specified in the tenancy agreement. If the tenant disagrees with the landlords calculation of rent arrears they can refer it to the tenancy deposit schemes adjudication service.	Completed
9. Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law.	Shelter CAS	Meeting One	SG	Initial contact made with Police Scotland regarding further awareness raising work around illegal evictions. PS will also attempt to report on any increase in reports of illegal eviction. Further update is being sought.	Ongoing
10. Consider communicating using Tenant Deposit Scheme channels.	All	Meeting Two	SG	All 3 schemes have previously been extremely supportive and helpful in issuing information on behalf of the SG. Has now been used as a channel for some comms.	Complete
11. SG to investigate online model tenancy downloads / online version is up to date and are fully legal	Propertymark	Meeting Two	SG	Response issued directly, all forms. Changes made to all forms by Coronavirus (Scotland) Act 2020 are legally compliant.	Complete

Issue	Raised By	Date	Leading	Update/Action	
12. Concerned with the numbers of Landlord registrations, noticed large drop already in April. SG to do analysis.	Glasgow City Council	Meeting Two	SG/LAs	SG Landlord Registration Team produced statistics for meeting 3. Following feedback from Dundee LA further information being sought to establish extent of the issue..	Ongoing
13. More Guidance for Tenants needed	CAS	Meeting three	SG	SG to draft additional communications for comment.	Ongoing
14. Difference in interpretation of retail definition for claiming of domestic rate relief between England and Scotland.	SAL	Meeting three	SG	SG have referred to appropriate team for guidance and will update group.	Ongoing

15. Tenants need support in accessing Discretionary Housing Payments and quicker turnaround of claims.	Shelter	Meeting three	SG	SG raised with relevant teams and will feedback response to the group in due course.	Ongoing.
16. Further discussions to take place between SG and other interested parties over the next steps towards revised guidance when overall Covid-19 guidelines change.	SG	Meeting three	SG	SG to continue discussions	Ongoing

**PRS RESILIENCE GROUP
ACTION LOG**

Action	Raised By	Date	Leading	Progress/Update	RAG Status
1. Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted.	Shelter CAS	Meeting One	SG	Response from Society of Messengers at Arms issued to group advising of latest position.	Complete
2. Highlight to UK Gov. the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc.	SAL	Meeting One	SG	Issue raised with UK Government at MHCLG. Efforts being made to ensure information indicates clearly where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing where it applies to England only. Regular catch-up with MHCLG colleagues established to share information and inform response.	Complete

3. Further clarity on inspections required for landlords and local authorities.	SAL	Meeting One	SG	Online guidance updated, Minister has written to UK Govt., (HSE issued update last week).	Ongoing
4. Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords.	SAL	Meeting One	SG	UK Finance addressed this point during their update at meeting two of the PRS Resilience Group.	Complete
5. Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow.	SG	Meeting One	SG	Edinburgh Council were originally going to follow Glasgow's approach but have now indicated they think this is in breach of existing legislation. Awaiting SG legal advice.	Ongoing
6. Further consideration of council tax relief for empty properties.	SAL	Meeting One	SG	Was reported at meeting 3 that some councils in England were writing off Council Tax in England but that this is not happening in Scotland. Reported at meeting 4 that CT support is available for landlords of unfurnished properties for 6 months. Update provided to the group on current position, and changes to council tax resulting from amendments in the Coronavirus (Scotland) (No.2) Bill.	Complete

<p>7. Further consideration of financial support for tenants before UC kicks in.</p>	<p>Shelter CAS</p>	<p>Meeting One</p>	<p>SG</p>	<p>SG has written to UK Govt. regarding flexibilities but repayments of advance can now be spread over 24 months.</p>	<p>Completed</p>
<p>8. Investigate TDS approach to releasing deposits to cover rent payment issues.</p>	<p>SAL</p>	<p>Meeting One</p>	<p>SG</p>	<p>The current approach sets out that a landlord can claim a deduction for any unpaid rent from their tenant's deposit, as long as this is specified in the tenancy agreement. If the tenant disagrees with the landlords calculation of rent arrears they can refer it to the tenancy deposit schemes adjudication service.</p>	<p>Completed</p>
<p>9. Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law.</p>	<p>Shelter CAS</p>	<p>Meeting One</p>	<p>SG</p>	<p>Police Scotland have confirmed that the provisions within the emergency bill have been highlighted to local policing through Operation Talla.</p> <p>We are awaiting formal confirmation if there have been any incidents/occurrences relating to the change in legislation but an initial informal review suggests that there have been no landlords charged with any offences.</p>	<p>Ongoing</p>

10. Consider communicating using Tenant Deposit Scheme channels.	All	Meeting Two	SG	All 3 schemes have previously been extremely supportive and helpful in issuing information on behalf of the SG. Has now been used as a channel for some comms.	Complete
11. SG to investigate online model tenancy downloads / online version is up to date and are fully legal	Propertymark	Meeting Two	SG	Response issued directly, all forms. Changes made to all forms by Coronavirus (Scotland) Act 2020 are legally compliant.	Complete

Issue	Raised By	Date	Leading	Update/Action	
12. Concerned with the numbers of Landlord registrations, noticed large drop already in April. SG to do analysis.	Glasgow City Council	Meeting Two	SG/LAs	SG Landlord Registration Team produced statistics for meeting 3. Following feedback from Dundee LA further information being sought to establish extent of the issue.	Ongoing
13. More Guidance for Tenants needed	CAS	Meeting three	SG	SG to draft additional communications for comment.	Ongoing
14. Difference in interpretation of retail definition for claiming of domestic rate relief	SAL	Meeting three	SG	SG have referred to appropriate team for guidance and will update group.	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
between England and Scotland.					
15. Tenants need support in accessing Discretionary Housing Payments and quicker turnaround of claims.	Shelter	Meeting three	SG	Meeting 4 update: Update provided to the group. While local authorities are responsible for Discretionary Housing Payments (DHP) Scottish Government policy team will provide support where necessary due to increased demand.	Complete – sharing information on issues related to DHP and Welfare Fund to be ongoing.
16. Further discussions to take place between SG and other interested parties over the next steps towards revised guidance when overall Covid-19 guidelines change.	SG	Meeting three	SG	SG to continue discussions	Ongoing
17. Some landlords with more than five properties are having problems with rent payments and cannot access help.	SAL	Meeting four	SG	SG to pass address for PRS loan mailbox to SAL. Landlords with concerns can contact SG, allows SG to build a better	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
				picture of gaps in support. PRSLandlordCovid-19Loan@gov.scot	
18. Landlords are concerned about arrears rising when furlough ends. Empty properties are becoming more of a concern for landlords.	SAL	Meeting four	SG	SG and SAL to track changes on empty properties and arrears over the coming months. Home Moves in Scotland Restart and Recovery working group established to consider issues and develop guidance.	Ongoing
19. How the Coronavirus Act impacts on areas such as HMO licensing.	SG	Meeting four	SG	SG to circulate note with more detail on the Coronavirus Act to the group	Ongoing
20. How to raise awareness amongst tenants on their rights re landlord harassment	CAS	Meeting four	CAS/COSLA	CAS will feed into COSLA toolkit for tenant support (see 24)	Ongoing
21. Letting agent putting pressure on new tenants to sign agreement to pay re advertising costs if they end tenancy early.	Dundee City Council	Meeting four	Dundee/SG	Dundee will pass concerns about letting agent to SG letting agents team. (Shelter will share information with Dundee)	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
22. SAL raised concerns about lack of response from some local authorities to offers of housing from PRS landlords...	SAL	Meeting four	SG/COSLA	Further discussion proposed bringing together third sector groups like CAS and Shelter, SG resilience groups and local authorities	Ongoing
23. Concerns that rent guarantee insurance may be invalidated by extension of the Coronavirus Act.	Propertymark	Meeting four	SG	SG to discuss with insurance providers	Ongoing
24. COSLA is developing a toolkit for tenant support. COSLA would welcome any input from members.	COSLA	Meeting four	COSLA	COSLA will contact members with particular asks for case studies etc. COSLA circulated a scoping document for comments by Friday 22/5	Ongoing

From: {Redacted}
Sent: 21 May 2020 15:11
To: '{Redacted

Subject: Coronavirus (Scotland)(No.2) Bill – Update

Dear colleagues

Coronavirus (Scotland)(No.2) Bill – Update

As I'm sure you are aware, the Coronavirus (Scotland) (No.2) Bill was passed, unanimously, by the Scottish Parliament yesterday evening. I therefore wanted to send you an update on the housing related measures in the Bill.

Student Notice Periods

As you know we had included measures in the Coronavirus (Scotland) (No.2) Bill to introduce a 7 day and 28 day notice period for students living in PBSA and halls of residence. Following concerns raised about the clarity and drafting of the provision, an amendment was made, and agreed, at stage 3 so that:

- students who have already entered into a student residential tenancy agreement and have occupied the property, a 7 day notice to leave period; and
- for students who have either already entered into a student residential tenancy but have not yet occupied the property, and those looking to enter into an agreement while the Act is in force, they will benefit from having a 28 day notice to leave period.

Pre-action Protocols Regulations for the PRS

A new measure introduced through the Coronavirus (Scotland) (No.2) Bill following a stage 3 amendment yesterday is a regulation making power for Scottish Ministers to create private landlord pre-action protocols. These affirmative regulations will be used to specify certain actions to be taken by landlords to support their tenant when seeking to end their tenancy on the basis of rent arrears accrued due to the pandemic.

The amendment also means that the First-tier Tribunal for Scotland (Housing and Property Chamber) must take account of the extent to which a landlord has complied with the pre-action requirements before making an application to the Tribunal when determining whether to grant an eviction order.

To ensure the regulations will be effective and workable, we will work with you and other stakeholders to develop them. These measures will help to support private landlords and tenants to work together to manage any rent arrears caused as a result of the Coronavirus pandemic and ensure that the Tribunal consider the steps taken to resolve arrears should repossession proceedings take place.

Council Tax

Where that dwelling becomes empty it will usually qualify for empty property relief for 6 months, if unfurnished and unoccupied. If it is furnished and unoccupied, it will usually qualify for relief for up to 4 months if it has been most recently occupied by:

- students;
- a student's spouse or dependant(s);
- school leavers; or
- people under the age of 18.

These exceptions are set out in the council tax law (the Council Tax (Exempt Dwellings) (Scotland) Order 1997). At the stage 3 debate on the Coronavirus No.2 (Scotland) Bill Graham Simpson MSP put forward an amendment on this issue, which the Parliament voted to accept. This amendment means that properties that would in usual times be exempt due to being occupied by the groups above, and which are unoccupied on or after 17 March 2020 for a reason relating to coronavirus, are exempt from paying council tax until they are occupied or the provisions in the Act come to an end.

This measure will come into force when the Bill becomes an Act, which will anticipate will be in the next few days, though it may be longer. The Act is in force until the 30 September initially, though with scope for two 6 month extensions.

In relation to other unoccupied properties the Minister for Public Finance and Migration has written to all council leaders in Scotland encouraging local authorities to use existing powers to defer the payment of council tax where a property is unoccupied due to the impact of the pandemic, and the property owner is struggling to meet their council tax liability. Such deferred council tax can then be paid once a property owner's financial circumstances have improved, such as when the property in question is let or sold.

Support for tenants - Further funding

You will be aware that we have been looking closely at how to further support people during the crisis and that is why Ministers' announced yesterday that we are increasing the amount we have made available for other DHPs - those that are available outside of our full mitigation of the bedroom tax - by a further £5 million to almost £16 million. This will support tenants who are now under severe financial pressures and where the UK welfare state is not providing the safety net it should.

I hope these updates are helpful and we can discuss further at our resilience group meeting next week, but please get in touch today, or Tuesday (it's our long weekend), if you'd like to discuss before then.

Kind regards,

{Redacted}

{Redacted} | Head of Private Rented Sector Team

Scottish Government | Better Homes Division | Private Rented Sector Policy Team | 2H North, Victoria Quay, Edinburgh, EH6 6QQ | {Redacted}

Practical guides if you're renting or letting a property in Scotland – <https://rentingscotland.org/>
Guide for first-time tenants - <https://young.scot/campaigns/national/new-digs>

**PRS RESILIENCE GROUP
ACTION LOG**

Action	Raised By	Date	Leading	Progress/Update	RAG Status
1. Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted.	Shelter CAS	Meeting One	SG	Response from Society of Messengers at Arms issued to group advising of latest position.	Complete
2. Highlight to UK Gov. the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc.	SAL	Meeting One	SG	Issue raised with UK Government at MHCLG. Efforts being made to ensure information indicates clearly where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing where it applies to England only. Regular catch-up with MHCLG colleagues established to share information and inform response.	Complete

3. Further clarity on inspections required for landlords and local authorities.	SAL	Meeting One	SG	Online guidance updated, Minister has written to UK Govt., (HSE issued update last week).	Complete
4. Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords.	SAL	Meeting One	SG	UK Finance addressed this point during their update at meeting two of the PRS Resilience Group.	Complete
5. Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow.	SG	Meeting One	SG	Having taken legal advice, the SG position is that local authorities have powers to extend HMO licences beyond 3 years by varying the licence.	Completed
6. Further consideration of council tax relief for empty properties.	SAL	Meeting One	SG	Was reported at meeting 3 that some councils in England were writing off Council Tax in England but that this is not happening in Scotland. Reported at meeting 4 that CT support is available for landlords of unfurnished properties for 6 months. Update provided to the group on current position, and changes to council tax resulting from amendments in the Coronavirus (Scotland) (No.2) Bill.	Complete

7. Further consideration of financial support for tenants before UC kicks in.	Shelter CAS	Meeting One	SG	SG has written to UK Govt. regarding flexibilities but repayments of advance can now be spread over 24 months.	Completed
8. Investigate TDS approach to releasing deposits to cover rent payment issues.	SAL	Meeting One	SG	The current approach sets out that a landlord can claim a deduction for any unpaid rent from their tenant's deposit, as long as this is specified in the tenancy agreement. If the tenant disagrees with the landlords calculation of rent arrears they can refer it to the tenancy deposit schemes adjudication service.	Completed
9. Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law.	Shelter CAS	Meeting One	SG	Police Scotland have confirmed that the provisions within the emergency bill have been highlighted to local policing through Operation Talla. There have been no formal reports from Police Scotland, but informally there has been nothing to report. Shelter will forward any actions they become aware of.	Ongoing
10. Consider communicating using Tenant Deposit Scheme channels.	All	Meeting Two	SG	All 3 schemes have previously been extremely supportive and helpful in issuing information on behalf of the SG.	Complete

				Has now been used as a channel for some comms.	
11. SG to investigate online model tenancy downloads / online version is up to date and are fully legal	Propertymark	Meeting Two	SG	Response issued directly, all forms. Changes made to all forms by Coronavirus (Scotland) Act 2020 are legally compliant.	Complete

Issue	Raised By	Date	Leading	Update/Action	
12. Concerned with the numbers of Landlord registrations, noticed large drop already in April. SG to do analysis.	Glasgow City Council	Meeting Two Updated at meeting 5 Updated at meeting 7	SG/LAs	Landlord registrations are down in March and April from previous years. Could mean that landlords are not registering while a property is void or have left the market. May stats to be updated for meeting on 22 June Figures for May show that new applications are down 15%. Renewals holding up slightly. April and May have similar figures.	Ongoing
13. More Guidance for Tenants needed	CAS	Meeting three	SG	SG will redraft 'Key Information for tenants' taking account of feedback and arrange to distribute the leaflet via TDS. PRS Recovery and Strategy Team and Public Health	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
		Updated at meeting 7		<p>Scotland will meet on 11 June to discuss the toolkit for tenants in more detail and will report to next meeting on 22 June.</p> <p>Recent information was sent out on Friday. Would be helpful if could let members know of confirmed dates in future. It was also suggested be useful to know the number of bounce back emails.</p>	
14. Difference in interpretation of retail definition for claiming of domestic rate relief between England and Scotland.	SAL	Meeting three	SG	Advice issued by SG Local Taxation Policy and Business Rates Team has now been clarified to allow letting agents to be included	Complete
15. Tenants need support in accessing Discretionary Housing Payments and quicker turnaround of claims.	Shelter	Meeting three	SG	Meeting 4 update: Update provided to the group. While local authorities are responsible for Discretionary Housing Payments (DHP) Scottish Government policy team will provide support where necessary due to increased demand.	Complete – sharing information on issues related to DHP and Welfare Fund to be ongoing.

Issue	Raised By	Date	Leading	Update/Action	
16. Further discussions to take place between SG and other interested parties over the next steps towards revised guidance when overall Covid-19 guidelines change.	SG	Meeting three, updated at meeting 6	SG	All three resilience groups are now attending a weekly meeting with the Minister.	Ongoing
17. Some landlords with more than five properties are having problems with rent payments and cannot access help.	SAL	Meeting four	SG	SG to pass address for PRS loan mailbox to SAL. Landlords with concerns can contact SG, allows SG to build a better picture of gaps in support. PRSLandlordCovid-19Loan@gov.scot	Complete SG now receiving information and queries from landlords with more than 5 properties. Collating information and offering advice where possible.
18. Landlords are concerned about arrears rising when furlough ends. Empty properties are becoming more of a concern for landlords. Shelter and CAS noted ongoing concern about how to ensure tenants are protected after September when emergency measures protecting tenants from eviction are due to be lifted. Shelter Scotland are	SAL	Meeting four	SG	SG and SAL to track changes on empty properties and arrears over the coming months. Home Moves in Scotland Restart and Recovery working group established to consider issues and develop guidance.	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
calling for measures in the first emergency bill to be extended.					
19. How the Coronavirus Act impacts on areas such as HMO licensing. Also different approaches to HMO licensing across local authorities	SG/ Local authorities	Meeting four and meeting 6 Update meeting 7	SG/Glasgow	SG to circulate note with more detail on the Coronavirus Act to the group. Any additional issues to be picked up from meeting 6. Now that HMO position has been clarified, SG will disseminate via SHMONG GCC advised they have extended the time period to apply by another two months, taking it to five months in total. SG note to HMO Network members has issued.	Ongoing
20. How to raise awareness amongst tenants on their rights re landlord harassment.	CAS	Meeting four	CAS/COSLA	CAS will feed into COSLA toolkit for tenant support (see 24)	Complete
21. Letting agent putting pressure on new tenants to sign agreement to pay re	Dundee City Council	Meeting four	Dundee/SG	Dundee will pass concerns about letting agent to SG letting agents team. (Shelter will share information with Dundee). This	Complete SG will respond to concerns from Dundee

Issue	Raised By	Date	Leading	Update/Action	
advertising costs if they end tenancy early.				has now been passed to SG for investigation.	
22. SAL raised concerns about lack of response from some local authorities to offers of housing from PRS landlords.	SAL	Meeting four	SG/COSLA	Weekly liaison group meetings will help to make the relevant links with local authorities re void properties	Ongoing
23. Concerns that rent guarantee insurance may be invalidated by extension of the Coronavirus Act.	Propertymark	Meeting four	SG	<p>Rent guarantee insurance is a reserved issue. SG met with MHCLG. This has been raised with the Treasury who are looking into it. In general advice to landlords is to raise a complaint with the Financial Service Ombudsman.</p> <p>We note that Let Alliance have announced they are offering Rent Guarantee Insurance to letting agents with no Covid-19 restrictions.</p>	Ongoing
24. COSLA is developing a toolkit for tenant support. COSLA would welcome any input from members.	COSLA	Meeting four	COSLA	<p>COSLA will contact members with particular asks for case studies etc.</p> <p>COSLA circulated a scoping document for comments by Friday 22/5</p>	Complete COSLA has circulated the tenant support toolkit.

Issue	Raised By	Date	Leading	Update/Action	
25. Changes to notice periods for students in university halls of residence and purpose built accommodation.	SG	Meeting 5	SG	Overview of the student notice periods within the Coronavirus (Scotland) (No.2) Act 2020 has been issued to all members of the group.	Complete
26. Find out more about the types of properties landlords are requesting loans for.	SAL	Meeting 5	SG	EST has looked into information on loan applications, for example on number of bedrooms and property type. The statistics will be shared with the Resilience Group during the update on the loan scheme.	Complete
27. Amalgamate with no 19 – Agreed at meeting 7					Complete
28. Allowing people who need accommodation to move, for example construction workers returning to work.	SAL	Meeting 6 Updated from meeting 7	SG	Draft of {redacted} work is likely to be shared with the Housing Moves group this week. new guidance on moving home has been issued and the letting agent and landlord Covid – 19 guidance has been amended to reflect this.	Complete
29. Presentation on the route out of crisis from {Redacted} SG	SG	Meeting 5	SG	Slides were circulated	Complete

Issue	Raised By	Date	Leading	Update/Action	
30. Comments on HARSAG proposals	SG	Meeting 6	SG	Any comments or feedback to {redacted} }	Complete
31. Comments on pre action protocols	SG	Meeting 6	SG	Any comments to {redacted} by 17 June	Complete
32. Change of meeting dates	SG	Meeting 6	SG	Send new calendar request	Complete
33. First report on the Coronavirus Act has been published	SG	Meeting 6	SG	Send link to the report to the group	Complete
34. Request that {redacted} provides update on Empty Homes work at next meeting	SG	Meeting 7	COSLA		Ongoing
35. Contact {redacted} if you still want to provide feedback on Private Landlord pre-action protocols or to discuss further	SG	Meeting 7	SG		Ongoing
36. {redacted} will provide a further update on Private Landlord pre-action protocols in due course	SG	Meeting 7	SG		Ongoing
37. {redacted} – will liaise with SAL and provide copies of case studies to {redacted} PHS All – if anyone else has any case studies then please also send to PHS	PHS	Meeting 7	PHS		Ongoing

Issue	Raised By	Date	Leading	Update/Action	
38. To consider how this toolkit could be circulated out with social media channels	All	Meeting 7	SG		Ongoing
39. letter from Minister to all PRS tenants and the need to link up with the Social Housing Resilience Group on this		Meeting 7	SG		Ongoing
40. CAS will share information with the group from their monthly statistics	CAS	Meeting 7	CAS		Ongoing
41. Discuss tenancy sustainment further at next meeting		Meeting 7	SG and co-chairs		Ongoing
42. SG to arrange for appropriate policy leads to provide written update on regulations for short term lets		Meeting 7	SG		Ongoing
43. SG will feedback to Minister regarding suggestion on social media that tenant interests not represented on group	SG	Meeting 7	SG		Ongoing

From: {Redacted} SG

Sent: 18 June 2020 14:35

**To: {Redacted} SG; {Redacted} SAL; {Redacted} Glasgow city Council ;
{Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter
{Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA**

CC: {Redacted} SG

Subject: Coronavirus Acts: first report to Scottish Parliament

Afternoon

Please find attached a link to the first report to the Scottish Parliament on the use of the emergency powers contained within the Coronavirus Act 2020 and Coronavirus (Scotland) Act 2020, covering the reporting period up to 31 May 2020.

<https://www.gov.scot/publications/coronavirus-acts-two-monthly-report-scottish-parliament/pages/2/>

Kind regards,

{Redacted} SG

{Redacted} SG | Head of Private Rented Sector Team

Scottish Government | Better Homes Division | Private Rented Sector Policy Team |
2H North, Victoria Quay, Edinburgh, EH6 6QQ | **{Redacted} SG**

Practical guides if you're renting or letting a property in Scotland –

<https://rentingscotland.org/>

Guide for first-time tenants - <https://young.scot/campaigns/national/new-digs>

From: : {Redacted} SG

Sent: 18 June 2020 14:13

**To: {Redacted} SG; Redacted} SAL; {Redacted} Glasgow city Council ;
{Redacted} Dundee City Council; {Redacted} Propertymark; {Redacted} Shelter
{Redacted} CAS; {Redacted} Alacho: {Redacted} COSLA**

CC: {Redacted} SG

Subject: PRS Resilience group - papers for meeting - Monday 22 June

Hello

I've enclosed the agenda, action log and notes from the last meeting for the next meeting of the PRS Resilience group on Monday.

Please also see below, links to the restarting services guide and online space for information:

Restarting services guide

<https://www.sfha.co.uk/news/news-category/sfha-news/news-article/social-housing-resilience-group-publishes>

Open Space

<https://www.sfha.co.uk/news/news-category/sfha-news/news-article/new-platform-launched-to-facilitate-collaborative-learning>

Thanks

{Redacted} SG

{Redacted} SG | Policy Officer | Housing and Independent Living Team | Better
Homes Division

Agenda

PRS Resilience Group Meeting 7

22 June 2020

1. Welcome from the Chair and introductions
2. Note of previous meeting and action log
3. Feedback from ministerial meeting with resilience group chairs
4. Private Landlord Pre-Action Protocol update
5. Public Health Scotland Toolkit for tenants update
6. **Discussion Focus:** Tenancy Sustainment
7. Holiday lets/Airbnb
8. Any other business

PRS Resilience Group

10 June 2020

Note of Meeting

Meeting Agenda

1. Welcome and Introductions
2. Note of previous meeting and action log
3. Public Health Scotland – toolkit for tenants
4. Consideration of emerging proposals from HARSAG
5. Private landlord pre –action protocols
6. Key information for tenants
7. Future meetings
8. AOB
9. Date and time of next meeting

In attendance

Scottish Government

{Redacted} SG

{Redacted} SG - Shelter Scotland

{Redacted} SG – SAL

{Redacted} SG – Moore – Shelter Scotland

{Redacted} SG - CAS

{Redacted} SG – Property Mark

{Redacted} SG – COSLA

{Redacted} SG – Glasgow City Council

Apologies

{Redacted} SG – Dundee City Council

{Redacted} SG – Dundee City Council

{Redacted} SG – ALACHO

1. Welcome and introductions

{Redacted} SG opened the meeting and welcomed participants.

2. Note of previous meeting and action log

The group agreed to forward any comments on the note of the previous meeting to {Redacted} SG.

Action log:

Action point 9: There have been no formal reports from Police Scotland, but informally there has been nothing to report. Shelter will forward any problems they become aware of.

Action point 12: {Redacted} SG will report on May's statistics for landlord registration and report back to the meeting.

Action point 13: More guidance for tenants to be discussed as part of today's agenda.

Action point 14: Complete – local authority guidance has been clarified.

Action point 16: All three resilience groups are attending a new weekly call with the Minister (ongoing).

Action point 18: Shelter expressed ongoing concern about the future impact on rent arrears and how to ensure tenants are protected after September. Also noted CAS concerns about redundancies in the hospitality industry and the ongoing effects of these.

Action point 19: Effect of Coronavirus act on HMOs – SG to take forward

Action point 22: Weekly liaison group meetings will help to make the relevant links with local authorities re void properties – ongoing.

Action point 23: {Redacted} SG will highlight concerns about rent guarantee insurance at meeting with MHCLG.

Action point 27: Now that HMO position has been clarified SG will disseminate the information via SHMONG

Action point 28 Ongoing – Draft of {Redacted} SG work is likely to be shared with the Housing Moves group this week.

3. Public Health Scotland- Toolkit for tenants

The group heard from Public Health Scotland (PHS) about their plans to develop a toolkit to provide tenants with key information. The toolkit will highlight risks and access to support for tenants, both financially and more widely, for example, mental health support, food security and fuel poverty. The toolkit will also focus on tenants' rights, particularly in light of the coronavirus legislation. The Scottish Government and key members of the group will meet with PHS to feed into toolkit development and discuss the best way to disseminate the toolkit to tenants and raise awareness. The group also discussed the need to sustain tenancies and the need to spot early warning signs of potential homelessness and taking preventative action. Landlords are also keen to have information they can use to help support tenants.

PHS is looking to partner organisations to support the development of the toolkit and will pick up on contributions already made.

Action point 29: PHS and SG will feedback on the 11 June meeting to the next meeting of the PRS Resilience group.

4. Consideration of emerging proposals from HARSAG

{Redacted} SG updated the group on the recent meeting of the Homelessness and Rough Sleeping Action Group (HARSAG) convened by Mr Stewart, Minister for Local Government, Housing and Planning.

- HARSAG aims to learn from the response to the pandemic and work in partnership with the PRS.

- Priority given to meeting urgent needs.
- People in temporary accommodation to have a settled home as soon as possible.
- People not returning to rough sleeping after the pandemic.
- The approach is part of a wider public health approach including access to support.
- HARSAG would welcome any input early in week commencing 15 June for their next meeting on 18 June.
- HARSAG would welcome feedback from landlords, particularly on support they might need.

Shelter is preparing a detailed response and sits on HARSAG. CAS will copy their response to SG and Shelter. CAS noted that a preventative approach to homelessness to ensure tenancies are sustained by recognising early warning signs is important.

Action point 30: any comments can be passed to **{Redacted} SG**

5. PRS landlords pre action protocols

{Redacted} SG introduced the paper on pre action protocols for the private rented sector. The second coronavirus act included provisions for regulation making powers for Scottish Ministers regarding pre action requirements. The First Tier Tribunal would have to consider these before making an order to evict. The protocols have to be in place before any cases go through the tribunal. It is hoped that the regulations can be in place in two weeks. The team are working on a guidance note and communications in parallel with the regulations.

Action point 31: Any feedback to **{Redacted} SG** by 17 June if possible

6. Key information for tenants

The group discussed the paper on key information for tenants. Suggestions for improvements were to condense the various links and to include information on discretionary housing payments. Noted that the information should not duplicate the work of the toolkit for tenants and it would be good to have information available specifically for tenants available as soon as possible. SG hopes to disseminate the information via the tenancy deposit schemes.

7. Future meetings

Further to a recent meeting of the three Resilience groups with Mr Stewart, the group agreed that for consistency with other resilience groups the PRS should have an external Chair. SG will continue to provide secretariat and policy lead support to the group.

The group agreed that **{Redacted} SG** from CAS and **{Redacted} SG** from CAS should be joint Chairs. They will Chair the group on a rotating basis.

The group also agreed to continue to meet fortnightly and to move meetings to a Monday with effect from Monday 22 June. This will help the PRS resilience group to feed in to the weekly meeting with Mr Stewart as we move into a phase of forward planning and strategic decisions on issues.

Action point 32: SG will send out a new calendar request for the revised meeting dates.

8. AOB

{Redacted} SG confirmed that the first report on the Coronavirus Act has been published.

Action point 33: Send link to the report on the Coronavirus Act to the group.

9. Date and Time of next meeting

The next meeting will be held on Monday 22 June from 2 -3.30pm

PRS RESILIENCE GROUP

Last Updated: 16/06/20

ACTION LOG

Action	Raised By	Date	Leading	Progress/Update	RAG Status
1. Clarification on the approach being taken by Sheriff Officer for current cases where an eviction order has been granted.	Shelter CAS	Meeting One	SG	Response from Society of Messengers at Arms issued to group advising of latest position.	Complete
2. Highlight to UK Gov. the need to make clear who their landlord guidance comms relate to i.e. only landlords in England and Wales etc.	SAL	Meeting One	SG	Issue raised with UK Government at MHCLG. Efforts being made to ensure information indicates clearly where it applies to England only. Further contacts provided to follow up with other relevant UK Government departments e.g. in relation to Right to Rent - action ongoing where it applies to England only. Regular catch-up with MHCLG colleagues established to share information and inform response.	Complete

3. Further clarity on inspections required for landlords and local authorities.	SAL	Meeting One	SG	Online guidance updated, Minister has written to UK Govt., (HSE issued update last week).	Complete
4. Consideration of further letter on lenders being inflexible regarding mortgage breaks for landlords.	SAL	Meeting One	SG	UK Finance addressed this point during their update at meeting two of the PRS Resilience Group.	Complete
5. Contact all local authorities (via SHMONG) to request they advise on approach to HMO licensing and to highlight approach in Glasgow.	SG	Meeting One	SG	Having taken legal advice, the SG position is that local authorities have powers to extend HMO licences beyond 3 years by varying the licence.	Completed
6. Further consideration of council tax relief for empty properties.	SAL	Meeting One	SG	Was reported at meeting 3 that some councils in England were writing off Council Tax in England but that this is not happening in Scotland. Reported at meeting 4 that CT support is available for landlords of unfurnished properties for 6 months. Update provided to the group on current position, and changes to council tax resulting from amendments in the Coronavirus (Scotland) (No.2) Bill.	Complete

7. Further consideration of financial support for tenants before UC kicks in.	Shelter CAS	Meeting One	SG	SG has written to UK Govt. regarding flexibilities but repayments of advance can now be spread over 24 months.	Completed
8. Investigate TDS approach to releasing deposits to cover rent payment issues.	SAL	Meeting One	SG	The current approach sets out that a landlord can claim a deduction for any unpaid rent from their tenant's deposit, as long as this is specified in the tenancy agreement. If the tenant disagrees with the landlords calculation of rent arrears they can refer it to the tenancy deposit schemes adjudication service.	Completed
9. Engage with Police Scotland to highlight the need for officers to be aware of illegal evictions law.	Shelter CAS	Meeting One	SG	Police Scotland have confirmed that the provisions within the emergency bill have been highlighted to local policing through Operation Talla. There have been no formal reports from Police Scotland, but informally there has been nothing to report. Shelter will forward any actions they become aware of.	Ongoing
10. Consider communicating using Tenant Deposit Scheme channels.	All	Meeting Two	SG	All 3 schemes have previously been extremely supportive and helpful in issuing information on behalf of the SG.	Complete

				Has now been used as a channel for some comms.	
11. SG to investigate online model tenancy downloads / online version is up to date and are fully legal	Propertymark	Meeting Two	SG	Response issued directly, all forms. Changes made to all forms by Coronavirus (Scotland) Act 2020 are legally compliant.	Complete

Issue	Raised By	Date	Leading	Update/Action	
12. Concerned with the numbers of Landlord registrations, noticed large drop already in April. SG to do analysis.	Glasgow City Council	Meeting Two Updated at meeting 5	SG/LAs	Landlord registrations are down in March and April from previous years. Could mean that landlords are not registering while a property is void or have left the market. May stats to be updated for meeting on 22 June	Ongoing
13. More Guidance for Tenants needed	CAS	Meeting three	SG	SG will redraft 'Key Information for tenants' taking account of feedback and arrange to distribute the leaflet via TDS. PRS Recovery and Strategy Team and Public Health Scotland will meet on 11 June to discuss the toolkit for tenants in more detail and will report to next meeting on 22 June.	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
14. Difference in interpretation of retail definition for claiming of domestic rate relief between England and Scotland.	SAL	Meeting three	SG	Advice issued by SG Local Taxation Policy and Business Rates Team has now been clarified to allow letting agents to be included	Complete
15. Tenants need support in accessing Discretionary Housing Payments and quicker turnaround of claims.	Shelter	Meeting three	SG	Meeting 4 update: Update provided to the group. While local authorities are responsible for Discretionary Housing Payments (DHP) Scottish Government policy team will provide support where necessary due to increased demand.	Complete – sharing information on issues related to DHP and Welfare Fund to be ongoing.
16. Further discussions to take place between SG and other interested parties over the next steps towards revised guidance when overall Covid-19 guidelines change.	SG	Meeting three, updated at meeting 6	SG	All three resilience groups are now attending a weekly meeting with the Minister.	Ongoing
17. Some landlords with more than five properties are having problems with rent payments and cannot access help.	SAL	Meeting four	SG	SG to pass address for PRS loan mailbox to SAL. Landlords with concerns can contact SG, allows SG to build a better picture of gaps in support. PRSLandlordCovid-19Loan@gov.scot	Complete SG now receiving information and queries from landlords with more than 5 properties. Collating information and offering advice where possible.

Issue	Raised By	Date	Leading	Update/Action	
<p>18. Landlords are concerned about arrears rising when furlough ends. Empty properties are becoming more of a concern for landlords. Shelter and CAS noted ongoing concern about how to ensure tenants are protected after September when emergency measures protecting tenants from eviction are due to be lifted. Shelter Scotland are calling for measures in the first emergency bill to be extended</p>	SAL	Meeting four	SG	SG and SAL to track changes on empty properties and arrears over the coming months. Home Moves in Scotland Restart and Recovery working group established to consider issues and develop guidance.	Ongoing
<p>19. How the Coronavirus Act impacts on areas such as HMO licensing.</p>	SG	Meeting four	SG	SG to circulate note with more detail on the Coronavirus Act to the group. Any additional issues to be picked up from meeting 6.	Ongoing
<p>20. How to raise awareness amongst tenants on their rights re landlord harassment</p>	CAS	Meeting four	CAS/COSLA	CAS will feed into COSLA toolkit for tenant support (see 24)	Complete
<p>21. Letting agent putting pressure on new tenants to sign agreement to pay re</p>	Dundee City Council	Meeting four	Dundee/SG	Dundee will pass concerns about letting agent to SG letting agents team. (Shelter will share	Complete

Issue	Raised By	Date	Leading	Update/Action	
advertising costs if they end tenancy early.				information with Dundee). This has now been passed to SG for investigation.	SG will respond to concerns from Dundee
22. SAL raised concerns about lack of response from some local authorities to offers of housing from PRS landlords.	SAL	Meeting four	SG/COSLA	Weekly liaison group meetings will help to make the relevant links with local authorities re void properties	Ongoing
23. Concerns that rent guarantee insurance may be invalidated by extension of the Coronavirus Act.	Propertymark	Meeting four	SG	<p>Rent guarantee insurance is a reserved issue. SG met with MHCLG. This has been raised with the Treasury who are looking into it. In general advice to landlords is to raise a complaint with the Financial Service Ombudsman.</p> <p>We note that Let Alliance have announced they are offering Rent Guarantee Insurance to letting agents with no Covid-19 restrictions.</p>	Ongoing
24. COSLA is developing a toolkit for tenant support. COSLA would welcome any input from members.	COSLA	Meeting four	COSLA	COSLA will contact members with particular asks for case studies etc. COSLA circulated a scoping document for comments by Friday 22/5	Complete COSLA has circulated the tenant support toolkit.

Issue	Raised By	Date	Leading	Update/Action	
25. Changes to notice periods for students in university halls of residence and purpose built accommodation.	SG	Meeting 5	SG	Overview of the student notice periods within the Coronavirus (Scotland) (No.2) Act 2020 has been issued to all members of the group.	Complete
26. Find out more about the types of properties landlords are requesting loans for.	SAL	Meeting 5	SG	EST has looked into information on loan applications, for example on number of bedrooms and property type. The statistics will be shared with the Resilience Group during the update on the loan scheme.	Complete
27. Different approaches to HMO licensing across local authorities	Local authorities	Meeting 6	Glasgow	Now that HMO position has been clarified, SG will disseminate via SHMONG	Ongoing
28. Allowing people who need accommodation to move, for example construction workers returning to work.	SAL	Meeting 6	SG	Draft of {Redacted} SG work is likely to be shared with the Housing Moves group this week.	Ongoing
29. Presentation on the route out of crisis from {Redacted} SG	SG	Meeting 5	SG	Slides were circulated	Complete
30. Comments on HARSAG proposals	SG	Meeting 6	SG	Any comments or feedback to {Redacted} SG	Ongoing

Issue	Raised By	Date	Leading	Update/Action	
31. Comments on pre action protocols	SG	Meeting 6	SG	Any comments to {Redacted} SG by 17 June	Ongoing
32. Change of meeting dates	SG	Meeting 6	SG	Send new calendar request	Ongoing
33. First report on the Coronavirus Act has been published	SG	Meeting 6	SG	Send link to the report to the group	Ongoing

From: {Redacted} SG

Sent: 10 June 2020 10:14

To: {Redacted} shelter. {Redacted} CAS; {Redacted} Dundee City Council
{Redacted} Propertymark; {Redacted} Glasgow City Council;; John Blackwood
{Redacted}SAL; {Redacted} Cosla; {Redacted}; {Redacted} Alacho

Cc: {Redacted} SG

Subject: note of the meeting of the PRS resilience group 27 May

Dear All

Please find attached the note of the meeting of the PRS resilience group from our last meeting on 27 May. Apologies for not sending this with the other papers for the meeting

Regards

{Redacted}

Better Homes Division,
Scottish Government | Housing and Social Justice

{Redacted}

PRS RESILIENCE GROUP VIRTUAL MEETING: 27 May 2020

Meeting Agenda

- Note of last meeting
- Coronavirus (Scotland)(No.2) Bill – Update
- Update on the Landlord Support Fund
- PRS Resilience Group Action Log
- What does recovery look like
- Stakeholder Update - Issues/Concerns
- AOB

In attendance:

- **{Redacted}**, Citizen Advice Scotland (CAS)
- **{Redacted}**, Shelter Scotland
- **{Redacted}**, Scottish Association of Landlords (SAL)
- **{Redacted}**, Propertymark
- **{Redacted}**, Glasgow City Council
- **{Redacted}** Shelter Scotland
- **{Redacted}**, SG

Apologies

- **{Redacted}**, ALACHO
- **{Redacted}**, COSLA
- **{Redacted}**, SG
- **{Redacted}**, Dundee City Council
- **{Redacted}**, Shelter Scotland

1. Note of previous meeting

The group agreed to amend the note of the previous meeting as follows:

‘Noted some concerns being expressed by landlords with 6-10 properties and over 10 properties who are not eligible for funds. SG is keen to build up a picture of need in the sector, so any landlords that are outwith the scheme can contact the loan fund mailbox to set out their circumstances. **To add** ‘It was also noted that that only a very small number are likely to be affected while the Scottish Government is working hard to consider which issues to prioritise at this difficult time’.

Otherwise the group was content with the note of the meeting.

2. Coronavirus (Scotland) (no 2) Bill – update

The Corona Virus Scotland) (no 2) bill was given Royal Assent on 26 May 2020 and came into force on 27 May 2020.

The notice periods for student accommodation have been amended to seven days and 28 days respectively for University Halls of Residence and purpose built student accommodation from 27 May 2020.

There is a new measure in the Act allowing regulation making power to lay affirmative regulations for pre action protocols that PRS landlords should take prior to taking eviction action. SG is developing a timetable and will discuss with the group how best to engage with stakeholders.

Shelter requested as much notice as possible for stakeholder input.

{Redacted} SG confirmed that landlords do not need to follow pre action protocols yet as the regulations are not in place in response to a query from Propertymark. Transition arrangements where tenants have already been given notice will be considered as part of the regulations.

The Action log on Council tax has been updated. If the group has specific queries about Council Tax, SG can direct these to Council Tax colleagues.

{Redacted} SG will pass the Chair of the PRS resilience group to **{Redacted}** from the next meeting. Yvonne will also manage work related to the Fair Rents Bill. Any queries from the group can be directed to **{Redacted} SG** or {Redacted} SG .

Action 1: Charlotte will circulate wording on notice periods for student accommodation for the group to disseminate.

3. Landlord support Fund Update

{Redacted} SG updated the group on progress of the landlord support group. There were 49 completed applications being processed, four offers were issued and 3 loans were paid as at 22 May 2020. There were also 168 partial applications in the system.

Over 60% of applications are for void properties and a smaller amount are for rent issues. More than half the applications are from landlords with only 1 property. Overall 50% of applications come from Glasgow, Edinburgh and Aberdeen, but otherwise applications are from across the country.

The group discussed where vacancies arose, SAL thought that vacancies in PRS properties had occurred across the board.

Shelter thought that there could be a lag in rent arrears because of furlough, once furlough ends arrears could rise. Shelter will continue to feed in from their side.

SG has also received some feedback from landlords with more than 5 properties.

Action 2: **{Redacted} SG** to ask EST if they can drill down into the information on the application for a loan, e.g., number of bedrooms and property type.

4. PRS Resilience Group Action Log Updates

Action Point 3: There is a Home restart and recovery working group with a focus on getting the property market moving. The group is looking at what guidance might be needed going forward prior to phase 2 of lockdown. CAS asked whether links are being made between discussions on stimulus of the market and the social sector, particularly on vulnerable people. Agreed to ask a member of the homelessness team to the next meeting.

Action Point 5: HMO licensing – still waiting on legal advice on extensions to licensing. Glasgow noted that there is UK guidance but no current SG guidance on extending HMO licences and inspections. They are happy to share their information with other local authorities.

Action Point 9: SG will continue to engage with Police Scotland on any harassment issues and pass on any feedback from CAS and Shelter.

Action Point 12: **{Redacted} SG** updated the group on data from Registers of Scotland (RoS). Landlord registrations are down in March and April from previous years. This could mean that landlords are not registering while a property is void or that they have left the market. There is a small local authority working group, noted that most local authorities are working on PRS issued as normal, other than only visiting properties in an emergency.

Action Point 14: **{Redacted} SG** will circulate information on non-domestic rates and letting agents once he receives it. SAL has been in contact with SG non –domestic rates colleagues to discuss possible confusion in the guidance on the eligibility of letting agents for non – domestic rates relief.

Action Point 16: SG will continue to make appropriate links with other working groups on developing guidance as overall Covid -19 guidelines change.

Action Point 17: Complete. Access to the PRS landlord loan discussed in update.

Action Point 18: Ongoing concern about arrears and end of furlough in addition need to consider in the guidance how landlords can let a vacant room in shared accommodation (this is not covered at the moment). Consider what is required in the guidance to allow the most needy to be able to take up accommodation. For example, construction workers returning in phase 1 may need accommodation, whereas moving home is considered in phase 2.

Action Point 19: Discussed what specific information local authorities are looking for in the Guidance on HMO licensing. SG will seek a steer from lawyers and feed back to the group.

Action Point 20: Complete. Awaiting draft of the COSLA toolkit for tenant support.

Action Point 21: Complete. SG to respond to concerns raised by Dundee and Shelter on concerns about letting agents putting pressure on students to agree to pay re advertising costs if they give up a tenancy early.

Action Point 22: This will feed into the discussion on homelessness.

Action Point 23: Rent guarantee insurance is a reserved issue. SG will discuss with the UK government and consider our approach.

Action Point 24: COSLA has circulated the tenant support toolkit. Shelter noted that it was important for tenants to have parity of support and information. Look at how best to get information to tenants and in the best way. The group can look at this once we see the toolkit from COSLA.

5. What does recovery look like?

{Redacted} SG Deputy Director for Better Homes, spoke about the recently published routemap. SG is looking at what the recovery framework might look like in housing. There is a focus on housing resilience groups to inform Ministerial decision making.

The principles are:

- Suppression of the spread of the virus, and any changes should only have a minimal rise of R and also aim to minimise wider harms.
- Build back better – improve opportunities for example for homeless people and victims of domestic abuse.
- Clear consistent national structure with a consistent message that recognises local needs.

Priorities are to start letting and moving, wider housing support and to restart homebuilding. There will be progress towards guidance and a clear statement of intent as soon as possible.

Action 3: SG will circulate slides of **{Redacted} SG** presentation. **{Redacted} SG** would welcome written responses and comments on the presentation.

Stakeholder update

CAS reported that they are seeing more rent arrears cases from the PRS. Due to time constraints there were no further stakeholder updates, any emerging issues should be e mailed to the SG PRS team.

6. AOB

The next meeting will be held on Wednesday 10 June at 2 – 3.30 pm

Paper for Social Housing Resilience Group

Fire and Carbon Monoxide Detector Standard

Purpose

1. This paper summarises the Scottish Government's emerging thinking on a potential approach to addressing the difficulties faced by some social landlords in completing planned works to install new fire and carbon monoxide detector alarms (the alarms).

Background

2. Following the Grenfell Tower fire on 14 June 2017, the Scottish Government consulted on a new cross-tenure standard for fire and smoke alarms in all Scottish housing. The private rented sector had already been meeting that standard and the gaps were in the social and owner-occupier sectors.
3. In response to this, regulations were approved by the Scottish Parliament to introduce a new element in the Tolerable Standard (the minimum standard for habitable housing across all tenures). Consultation responses strongly favoured introducing this with a one year time limit for compliance. However, in response to concerns from social landlords, the Minister for Local Government, Housing and Planning agreed to a two-year lead in period and a loan fund to support the additional investment required in social housing.
4. The new standard was introduced on 1 February 2019. Statutory guidance sets out the specific types of alarms required. This new element comes into force on 1 February 2021.
5. Local authorities have a general duty to ensure housing in their area complies with the tolerable standard. Compliance with the tolerable standard is also part of the Scottish Housing Quality Standard (SHQS), and therefore also an element in social landlords performance reporting to the Scottish Housing Regulator (SHR).

Feedback from the Sector

6. The Scottish Government acknowledges that the current health crisis is likely to impact landlords' ability to carry out the planned works. It recognises the importance and necessity of taking a pragmatic and helpful approach to support the social sector. This however requires a delicate balancing act with the need to ensure the importance of fire safety is maintained especially as the Scottish Fire and Rescue Service has paused all but the most urgent physical home fire safety visits as well as carrying out inspections and high rise building checks only if they are deemed to be absolutely risk critical. The requirement to have appropriate functioning alarms so that people are protected is of, therefore, crucial importance during the pandemic.

7. The Scottish Government have sought views of social landlords through a number of routes. This has included the EESSH review group, from landlords who participated in the Scottish Government loan scheme to fund the alarms as well as Social Housing Resilience Group (SHRG) members. The Scottish Association of Housing Associations (SFHA), the Association of Local Authority Chief Housing Officers (ALACHO), and the Glasgow and West of Scotland Forum of Housing Associations (GWSF) had asked their members who had submitted information on the scale of the issue that landlords are likely to face in meeting the February 2021 deadline.
8. Over two thirds of the responses submitted highlighted there are likely to be difficulties in meeting the standard by 1 February 2021 based on a number of scenarios. Most organisations have implemented a programme of works based on completion of certain number of installations per month. As a result of the lockdown measures, these programmes are running behind by about two months.
9. A key issue that had also been highlighted was that once lockdown restrictions are eased, members anticipate that there will still be a number of issues impacting the programmes. These are likely to include enhanced health and safety requirements, PPE equipment, availability of contractors to complete works as well as landlords competing for contractors to meet deadlines once works are able to resume. There may also be reservations among tenants with regards to allowing contractors into properties to carry out works.
10. Feedback from AICO, one of the major suppliers of alarms, is that production is sufficient to meet the demand for alarms within the timescale.

Current Position

11. The current position is that Scottish Government is engaging with the SHR and representative organisations on the best way to deal with the situation where targets are at risk, to reflect best endeavours and support effective performance reporting. The SHR's current guidance to landlords advises that assessment of performance will take account of the impact of Covid-19.
12. The Scottish Government guidance on SHQS includes guidance on situations where landlords can report an exemption for houses that cannot meet standards for reasons outwith the landlord's control. Landlords can record the impact of Covid 19 on SHQS via the "Other Reasons" option in their Annual Return on the Charter to the SHR.

Options

13. The following options were considered:
 - A. Do nothing
 - B. Amend legislation
 - C. Amend statutory guidance
 - D. Agree compliance standard

Option A (do nothing)

14. This will result in some landlords being in breach of the tolerable standard and the SHQS, with a significant impact on performance, and potentially at risk of regulatory action from both local authorities and the SHR. There is some flexibility in the existing standards: the legislation includes provision for carrying out work “within a reasonable period”, and the SHQS allows for exemptions in circumstances beyond landlord’s control.
15. However, while a crisis of the order of Covid-19 must be expected to have some material impact on the work of social landlords, which would be reflected in performance data, this does raise practical issues about engagement with tenants and anxiety about being in breach of statutory and regulatory standards.
16. Taking these factors into account, doing nothing was considered not to be a viable option and was ruled out.

Option B (amend legislation)

17. There are a number of difficulties in trying to amend the legislation. A logistical difficulty is in trying to secure the necessary legal and parliamentary resources due to a number of competing priorities of Scottish Government legal colleagues as well as securing necessary Parliamentary time. Scottish Government would not be able to commit to or control the timetable for legislation. In practice, logistical challenges means this would not be a viable option.
18. Additionally, while this option would help some social landlords, it would also impact owner occupiers and to a lesser degree, private landlords. As the regulations were implemented as part of the Ministerial Working Group on Fire Safety’s work, there is a risk that any delay is likely to be mis-interpreted that fire safety is not an important element and is likely to send a mixed or confusing message.
19. Based on these practical and overarching considerations, extending the legislative date has been ruled out.

Option C (amend statutory guidance)

20. Officials have explored whether additional text in the statutory guidance on the tolerable standard could be taken forward. The legislation provides that local authorities should have regard to this guidance in construing the tolerable standard. The SHQS guidance also cross-references this guidance. The guidance already notes that any intervention by local authorities is “proportionate, rational and reasonable.”
21. Exploration of this option has considered the scope for Scottish Government’s competence for advising that the statutory provision for a reasonable period should include an additional period of time in the present circumstances.

22. However, having considered and tested this approach within the legal framework, the conclusion was that the purpose of the guidance is to provide the information and advice needed to carry out an assessment of the tolerable standard, but a change of the sort proposed would go too far in determining compliance with the standard, which is properly a matter for local authorities.
23. Under the Act, it is for a local authority to determine what is a reasonable period within which to bring a house up to the Tolerable Standard in all circumstances. This is beyond the scope of statutory guidance on the assessment of whether a house complies with the requirement to have interlinked smoke detectors and heat alarms, and to have carbon monoxide detectors.. Consequently, the conclusion was this is not a viable option.

Option D (agree compliance standard)

24. Having explored a number of options, which have presented a number of challenges on implementation, it may be helpful for the Scottish Government to set out clearly its position on compliance. A Ministerial letter would set out what best endeavours to meet the February 2021 deadline for the completion of the works to install fire and carbon monoxide detector alarms looks like. This would provide regulatory bodies and social landlords with reassurance about their response to the crisis, assist engagement with tenants, and build on existing principles of best endeavours.
25. If all parties were content with this approach, it would be possible to set out more specifically what action should be in place to recognise best endeavours. The emerging thinking and the proposal is that a landlord should fully aim to meet the requirement by 1 February 2021 through best endeavours. If it is not possible to carry out the work to meet the tolerable standards, then landlords should have in place a remedial plan for works and a timescale to ensure that fire and carbon monoxide detectors will be installed in all homes. We would expect any remedial timescale should not be more than three months (i.e. by 1 May 2021). This would ensure that in reporting or accounting to regulatory authorities it will be sufficient to note that this action has been taken due to the impact of Covid-19 on planned works.

Recommendation

26. Option D would be a proportionate and fair option that takes account of the difficulties caused by the pandemic. Although this would not be an extension, it would provide necessary space for a set period for social landlords to complete the works through best endeavours without the threat of regulatory action.
27. It is recommended that SHRG agrees with option D, which Scottish Government officials will take forward.

Scottish Government

June 2020