

**Sent:** 30 September 2022 16:12  
**To:** Cabinet Secretary for Social Justice, Housing & Local Government;  
Minister for Zero Carbon Buildings, Active Travel and Tenants'  
Rights; Minister for Parliamentary Business  
**Cc:** Deputy First Minister and Cabinet Secretary for Covid Recovery;  
Minister for HE, FE, Youth Employment and Training; Permanent  
Secretary; Lord Advocate; Solicitor General; DG Communities;  
Director for Local Government and Housing; FM Policy Team  
Mailbox; SGLD Head of Economy & Social Protections; SGLD  
Emergency Bill Team; Legal Secretariat to the Lord Advocate;  
Campbell J (Jeanette) (Special Adviser); Corbett GN (Gavin);  
McAllister C (Colin); Communications Social Justice, Housing &  
Local Government; MacKean C (Catriona)  
**Subject:** ROUTINE: Cost of Living (Tenant Protection) (Scotland) - Potential  
change to introduction and publication date

**PS/Cabinet Secretary for Social Justice, Housing and Local Government**  
**PS/Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights**  
**PS/Minister for Parliamentary Business**

Cc: As above

**ROUTINE: Cost of Living (Tenant Protection) (Scotland) - Potential change to  
introduction and publication date**

This is to make you aware of a potential change to the Cost of Living (Tenant Protection) (Scotland) Bill timetable that would see the introduction and publication of the Bill brought forward.

As you will be aware, we were working on the basis that the Bill, Accompanying Documents and Impact Assessments would publish at 8.30am on Tuesday 4 October, at the same time as the Bill is introduced. Parliament clerks have now asked the views of the Bill team regarding the possibility an earlier introduction date of the Bill of late Monday afternoon (along with publication) should the Parliamentary authorities be in the position that the Bill and all accompanying documents (including the legislative competence certificates) are ready at that point. The clerks have advised that it's unlikely that they will be in a position to know whether this achievable until late Monday morning/early Monday afternoon.

It should be noted that this will not change the remainder of the timings for stages 1-3.

Whilst an earlier introduction and publication would make the timescales policy, legal and comms officials are working too even more restricted, we do believe that there is presentational merit in enabling members to have more time to consider the Bill, which has been a key criticism to date. It would also enable stakeholders, who are due to give evidence to the Committee at 9am on the 4 October, more time to consider the Bill and – in particular, the safeguards which may help alleviate a number of their concerns.

Should Ministers be content with an earlier introduction and publication of late afternoon on Monday 3 October – noting that this is contingent on Parliament being ready to publish the Bill at this time – officials will proceed on that basis.

Regards,

[REDACTED]

[REDACTED] - Housing Services and Rented Sector Reform Unit | Better Homes  
Division | The Scottish Government | Telephone: [REDACTED]



**KNOWN SUPPLEMENTARY**

**Graeme Dey: I wonder if the Cabinet Secretary would agree with me that when it comes to the halting of evictions, there should be a distinction drawn between a situation where someone who can afford to pay their rent but is refusing to do so, accruing substantial arrears in the process, and those who simply cannot afford to pay, especially where a single property landlord is dependent on the income to perhaps meet mortgage payments? And might this be reflected in the draft legislation?**

**A.** Tenants should, of course, continue to pay their rent and those who have difficulty paying their rent should speak immediately to their landlord who should support them to access all the help and advice available.

There are pre-action requirements for landlords and it is in everyone's interest to address any rent arrears, rather than letting them build up.

We recognise that the cost crisis affects everyone and safeguards in the emergency measures will allow for consideration of landlord circumstances.

## **POSSIBLE SUPPLEMENTARY QUESTIONS**

**Q. What is the Scottish Government doing to safeguard social landlords?**

**A.** It is fair that these measures are applied to both social and private rented sectors, but they operate in different ways. We have to take account of those differences in taking these measures forward.

The rent caps in both sectors are to be separately variable. We are committed to working with the social sector to discuss the cap on social rents after 31 March 2023 and will involve the sector well ahead of any decision.

**Q. Will these measures also apply to those in student accommodation?**

**A.** All students who are renting in the private rented sector will benefit from the protections we are putting in place.

For those students in university and college halls of residence or purpose built student accommodation, the structure of contracts is different. Our intention is to ensure parity of protection for those students.

**Q. Will the Scottish Government consider backdating the rent freeze measures further?**

**A.** The rent cap is intended to operate so as to prevent rent increases taking place as a reaction to the Programme for Government announcement on 6 September 2022. Seeking to backdate beyond this would not be proportionate and would carry risks of challenge to the entire bill which could prevent it from providing protection to tenants this winter as fuel bills rise.

However, we are taking other action to support tenants who are experiencing high costs, to help household budgets including help with the pressures of rent and fuel costs.

**Q. How do you respond to stakeholders who say the rent freeze will not impact on the social sector as rents have already been set until April?**

**A.** This has informed our announcement in confirming a rent freeze up until at least 31st March 2023. We are working in close partnership with the sector to determine the best way forward from 1st April. This include monitoring what is happening in the coming months to determine what action will be appropriate, including clear messaging for tenants to ensure they know what this will mean about the rent they pay. The first meeting of a short life task and finish group involving stakeholders and officials was held on Tuesday.

## **BACKGROUND NOTE FOR S60-01411**

**Graeme Dey** (SNP member for Angus South) sits on the Education, Children and Young People Committee and the Constitution, Europe, External Affairs and Culture Committee.

### **LINES TO TAKE**

**These are exceptional measures developed to respond to the cost crisis – if approved by the Scottish Parliament they will increase protection for tenants from eviction and rent rises.**

- They will apply until at least 31 March – in both the social and privately rented sectors – and we will keep them under review, including whether they need to be extended beyond March and in what form.

**We are engaging with landlords in both the social and private rented sectors, as we develop our temporary emergency measures, and safeguards:**

- We want to work with landlords going forward. We will ensure our approach includes appropriate safeguards, just as we did during our Covid response. Equally, we want this to be a proportionate response to the cost crisis.

**We recognise the huge pressures the cost crisis is placing on households, particularly on those who rent their home. The recent announcement by the UK Government will not halt the rise in prices and people will still pay more for their energy from October.**

- That is why we are proposing to protect tenants by effectively freezing in-tenancy rents and imposing a moratorium on evictions – except in a number of specified circumstances - at least until 31 March with options to extend beyond then if necessary.
- Our intention is for the cap to apply to rent increases initiated on or after the announcement was made on 6 September.
- We are working at pace to agree expedited processes to deliver the legislation necessary to achieve this with the Scottish Parliament and the UK Government, to ensure these crucial changes are brought about as soon as possible.
- We will engage with stakeholders and others, as we implement the emergency legislation.
- We are taking urgent action in Scotland, well ahead of rest of UK on protecting tenants. Our PfG announcements for emergency legislation,

is part of our ambitious reform programme for the New Deal for Tenants.

- Sadiq Khan, Mayor of London, tweeted QUOTE: “This bold action from the Scottish Govt will support thousands of households during this national crisis. I'll continue to call on the UK Govt to grant me the power to freeze rents in our capital. Londoners face record rents at the worst possible time.”

**The emergency legislation will introduce exceptional measures for exceptional pressures to try and ensure that people can remain living in their home.**

- We fully recognise the unique contribution of the social housing sector and that these are significant steps to be taking.
- As the vast majority of social sector rents are already set until 1st April 2023 and will not increase before then – this has informed our announcement whereby we have confirmed a rent freeze up until at least 31st March 2023.
- We will work in very close partnership with the sector to determine the best way forwards from 1st April onwards. This will be about monitoring what is happening in the coming months to determine what action will be appropriate.
- This will include ensuring there is clear messaging for tenants to ensure they know what this will mean for the rent they pay.
- We will be discussing with social landlords whether a cap should be applied on social rents and at what level any, time limited, emergency rent cap should be.
- It is fair that this applied to both the social and private rented sectors, but they operate in very different ways, and we have to take account of that in taking these measures forward.
- We are fully aware that a potential rent cap may have consequences for social landlords.
- As such, we will also carefully consider what safeguards can be put in place for social landlords who are struggling financially.

**The amendment put forward by Labour back in June was not workable and would have been at much higher risk of legal challenge.**

- We have taken the time needed to ensure that the legislation we bring forward to freeze rents and introduce a moratorium on eviction is legally robust and will ensure tenants are protected.
- Our emergency legislation must, by definition, be temporary. But given the huge uncertainty as to what the next 6 months holds, we intend to

review very carefully whether and how any measures might be extended; and how what we do now paves the way for longer term reform – which we have already committed to.

- A Housing Bill in the year ahead will give new and strengthened rights to tenants, improve affordability, and deliver key policies relating to short term lets and the prevention of homelessness.
- Meanwhile, in Wales, the one part of the UK where Labour could actually act as the Scottish Government is acting, we see very little sign of the ambition we have outlined or indeed of the ambition to reform renting as we have in Scotland over the last 10 years.

**Tenants should, of course, continue to pay their rent and those who have difficulty paying their rent should speak immediately to their landlord who will support them to access all the help and advice available.**

- There are pre-action requirements for landlords, whether in the social or private rented sector, and it is in everyone's interest to address any rent arrears, rather than letting them build up.
- For tenants who are struggling to pay their rent, we are putting in place flexibility around the Tenant Grant Fund.
- We are expanding the Discretionary Housing Payments, the Fuel Insecurity Fund, all of which helps household budgets and will help to deal with the pressures of rent.

**We also recognise the huge pressures the cost crisis is placing on students.**

- All students who are renting in the private rented sector will benefit from the protections we are putting in place.
- For those students in University and College Halls of Residence or Purpose Built Student Accommodation, the structure of contracts is different but our proposals seek to ensure parity of protection for those students.

**We recognise the huge pressures the cost crisis is placing on renters in different types of accommodation:**

- Gypsy/Travellers on public sites should have equality with other tenants. We will work in partnership with COSLA to ensure parity of protection for them.
- We have heard the concerns of residents of residential mobile homes in relation to pitch fee increases and are reviewing what can be done to improve protections.



**We are providing £88.2m housing support this year, building on the £39m of additional funding already provided to protect tenants as a result of the pandemic.**

- And we will broaden the scope of our £10m Tenant Grant Fund so that it can also support people who are struggling with the rising cost of living.
- Scotland is significantly ahead of anywhere else in the UK in the protections it provides for private tenants.
- There are already strict legal processes a private landlord must follow to increase rent, including only being able to raise once a year and providing three months' notice, and tenants can challenge any unfair rises through Rent Service Scotland.
- We are undertaking a further awareness raising campaign over the coming months to ensure more tenants know about these rights and how to use them and our New Deal proposals reinforce our determination to do more.
- We have also taken other action to support tenants with their housing costs, helping to safeguard tenancies, providing a total of £88.2m for Discretionary Housing Payments this year, building on the £39m of additional funding already provided to protect tenants as a result of the pandemic.
- This includes £68.1m to mitigate the bedroom tax helping over 91,000 households in Scotland to sustain their tenancy.
- And an additional £15.1m has been made available to mitigate against the impact of other UK Government welfare cuts, including to mitigate the Benefit Cap as far as we can within our powers, and changes to the Local Housing Allowance rates.
- We will be investing a further £5m in Discretionary Housing Payments, subject to the emergency budget review, so that local authorities can help people on low incomes who are struggling with rising energy bills.
- This additional funding will help local authorities deal with increased demand for Discretionary Housing Payments and will be a lifeline for those who need help to heat their homes.

**PROTECTION AGAINST EVICTIONS**

**There are already significant protections in place for private and social tenants in Scotland but we are going further in recognition of the costs crisis.**

- Whilst eviction actions initiated in court by social landlords have increased [by 54% in Q4 of 2021/22 to 629 actions], this is still substantially below pre-pandemic levels. A court order is also required before an eviction can be carried out.

- Social landlords have already said they will only take eviction action as a last resort. Supporting tenants remains core to what they already do by providing them with advice and support to help them sustain their tenancy and to access benefits.
- Unfortunately some tenancies will no longer be sustainable and landlords must be able to deal with serious cases such as antisocial behaviour or where a tenant refuses to engage in rent payments and high levels of arrears are accruing.
- With the Private Residential Tenancies introduced in 2017, Scotland already has the most protections for renters from eviction anywhere in the UK.
- And through the Coronavirus (Recovery and Reform) Act, we are ensuring that further protections from eviction – introduced on a temporary basis during the pandemic – are made permanent from October.
- This means private landlords should continue to follow the pre-action protocol in respect of any rent arrears cases – and the Tribunal will retain its discretion to decide whether an eviction case is reasonable or not.
- Quote: The former head of the civil service has warned of a looming “catastrophic” homelessness crisis caused by the cost of living unless the (UK) government reintroduces the eviction ban that protected tenants during the Covid-19 pandemic. Sir Bob Kerlake, who chairs the Kerlake Commission on Homelessness and Rough Sleeping recommended, “Reintroducing a temporary ban on evictions, as seen during the pandemic, to ensure that no one is made homeless as a result of the cost of living crisis – mirroring what was announced in Scotland earlier this month.( A New Way of Working: Ending Rough Sleeping Together – Progress Report 21 September 2022)

**There are strict legal processes that private landlords must follow to evict a tenant – failure to do so is a criminal offence that should be reported to the police.**

- We have worked directly with Police Scotland on illegal evictions and understand that they have made operational changes to ensure call handlers are fully briefed on the law relating to this matter and able to advise officers attending any such situations.
- We have strong homelessness legislation in place to support households facing eviction and people should contact their local authority for advice and support.

## **NEW DEAL FOR TENANTS AND RENTERS' RIGHTS**

### **Our 'New Deal for Tenants' proposals show our determination to continue to strengthen the position for tenants**

- It sets out our commitment to deliver robust rent controls; to review the current grounds for possession; introduce greater flexibility to personalise a rented home and keep a pet; and to establish a Tenant Participation Panel to ensure tenants' voices are at the heart of developing and implementing national policy.
- We published the independent analysis of our New Deal for Tenants' consultation on 23 August. In total, 8346 responses were available for analysis and we are currently considering those views as we take forward this important work.
- Our consultation showed that the issue of rent control is highly topical with sharply contrasting views for or against. In taking forward our commitment to rent controls we will consider these views carefully.
- I believe it is crucially important to view the rented sector as a whole but acknowledge that the private rented sector has further to travel to reform.
- However, this does not mean we can't continue to improve outcomes for social tenants alongside reforms for private tenants.
- Indeed, in their response to the consultation the Chartered Institute for Housing stated [QUOTE]: "The rented sector strategy is an opportunity to improve standards and tenant experiences across both the private and social sector".
- The New Deal for Tenants work supports our progress towards the human right of an adequate home for all.

### **We have committed to introducing rent controls in a housing bill and to do so in a way which is robust and provides lasting benefit to tenants.**

- Through the Private Residential (Tenancies) (Scotland) Act 2016, Scotland has the strongest tenancy protections in the UK.
- Landlords are already limited to no more than a single rent increase in a year, for which they must give 3 months' notice and such a rise must be fair or the landlord can be subject to a rent adjudication ruling.
- We are introducing a Housing Bill next year which will further strengthen these existing rights by improving rent adjudication and sets out the framework for the delivery of new rent controls in the private rented sector by 2025.
- The introduction of rent controls will need to be carefully considered alongside our emergency response for the rented sector to the costs crisis.

- We will also continue to explore what further action we can take to ensure rents in the social rented sector are affordable.

**The principle of introducing rent controls is supported by a majority of MSPs.**

- Scotland is leading the way within the UK, with Wales saying that it wants to follow Scotland's example – and Scotland is doing more on rent controls than any part of the UK for over 30 years.

**Keeping rents affordable is a principal objective of all social landlords.**

- We welcome the timely publication of the review of “Rent increases by Scottish social landlords”. This will form part of our considerations as we develop proposals for the time limited rent freeze.
- Social Landlords are independent not for profit bodies. The Scottish Housing Regulator monitors rent levels and rent affordability and social landlords have a legal requirement to consult tenants on rent levels.
- It is right that social landlords should be mindful of the extra pressures their tenants are facing, whilst supporting investment in their homes including on energy efficiency measures that help to address the cost of living crisis and climate change.

Contact Name:

Ext:

## **COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL: OVERVIEW**

This note is intended to provide an overview of the Cost of Living (Tenant Protection) (Scotland) Bill 2022 as introduced. The specific provisions in the Bill are subject to change as a result of any amendments during passage through the Scottish Parliament.

### **Why is this Bill needed?**

People who rent their homes are more likely to live in poverty, be financially vulnerable and live on low incomes compared to those who own their home either outright or with a mortgage. Households in the rented sector (especially those on lower incomes) generally pay more of their income into housing costs than owner occupiers. The cost crisis is placing exceptional financial pressure on households, exacerbating existing inequalities, with the risk that more people could face hardship, especially this winter.

If no action was taken to support tenants, rents could increase, leaving many struggling to cope. At the same time, the risk of eviction can have serious implications for tenants' health and wellbeing and potential employment prospects, which in turn could further exacerbate their situation.

### **What is the Cost of Living (Tenant Protection) (Scotland) Bill 2022 intended to do?**

The Cost of Living (Tenant Protection) (Scotland) Bill 2022 has been introduced as part of the Scottish Government's overall response to the emergency situation caused by the impact of the cost crisis. The temporary measures are intended to:

- protect tenants by stabilising their housing costs;
- where possible, reduce impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless by giving them more time to find alternative accommodation; and
- seek to avoid tenants being evicted from the rented sector by a landlord wanting to raise rents between tenancies, and reduce unlawful evictions, via a moratorium on evictions and by raising the level of damages that may be awarded.

### **What are the key measures included in the Bill?**

If passed, the Bill will introduce a temporary freeze on in-tenancy rent increases and a temporary moratorium on evictions which is expected to continue until at least 31 March 2023. In addition it will provide increased damages for unlawful evictions until at least 31 March 2023. It also introduces additional powers to temporarily reform rent adjudication in order to support the transition out of the emergency measures. This overall package of measures is designed to offer increased protection for tenants, whilst balancing safeguards for landlords. More information on these measures is set out below.

### **What will happen beyond 1 April 2023?**

There will be the option to extend the measures for two further periods of six months with Parliamentary approval, this means that the measures are time bound and could not be extended without proper Parliamentary scrutiny. In addition, the Bill contains provisions that require the measures to be reviewed, and reported on, every 3 months, and for the Scottish Government to expire or suspend any provision that is no longer necessary or proportionate.

Together these measures provide certainty on the overall duration that the restrictions in the Bill can be in force, and ensure that they will be kept under review to make sure that they continue to fulfil their purpose and that they reflect the evolving context of the cost crisis.

# COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL: OVERVIEW

## RENT CAP

### **How will the rent cap work?**

The emergency measures will set a maximum permitted rate of rent increase ('the cap') in rent in the majority of tenancies private and social rented sectors, and for college and university halls of residence and Purpose Build Student Accommodation (PBSA). The cap will be set at zero and is expected to remain at that level for the period to 31st March 2023. It will be possible for the Scottish Government to vary the cap whilst the emergency measures are in force if necessary, to respond to changes in wider economic circumstances.

The cap will apply to any rent increase proposed on or after 6th September 2022. It will not be possible to give notice of a rent increase whilst the cap is at zero.

For the period the measures are in force, landlords will not be able to increase rents for existing tenancies, other than in line with the cap, but the measures do not restrict rent changes between tenancies.

There are several categories of tenancies to which the emergency measures will not apply, including regulated tenancies and certain other tenancy types where rent increases are governed by contract terms.

### **Are there circumstances in which Private Sector Landlords will be able to increase rents?**

Recognising the impact the cost crisis may also be having on certain landlords, the legislation includes safeguards for private sector landlords, allowing them to apply to a Rent Officer (part of Rent Service Scotland) to increase rent to partially cover an increase in the preceding six months of prescribed costs.

These prescribed costs include: mortgage interest payments on the property they are letting, landlords' insurance or service charges paid for by the landlord but which the tenant is responsible for in accordance with the terms of the tenancy.

Where evidenced, a Rent Officer may order that a landlord would be able to increase rent by the lower of: 50% of the increase in these prescribed costs in the preceding six months, or, 3% of the existing rent level. If the Rent Officer's decision is disputed there would be a route of appeal for landlords and tenants to the First Tier Tribunal.

### **How will a rent cap impact on those resident in the Social Rented Sector?**

The majority of rents in the social sector are raised from 1 April each year, therefore, it is not anticipated that the cap would have an immediate impact on the levels of rent charged by local authorities or Registered Social Landlords. However, it will provide certainty to social sector tenants that their rent cannot increase while the cap is at zero.

The Scottish Government will work closely with the sector to determine the best way forward from 1 April 2023 and further detail will be confirmed in due course.

### **What does this mean for Private Residential Tenancy tenants that received a rent increase notice before 6 September 2022?**

Where a rent increase notice was issued prior to 6 September 2022 in a private residential tenancy, the 0% cap will not apply and the proposed rent will be applied after 12 weeks

## **COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL: OVERVIEW**

unless the tenant has made an application to Rent Service Scotland to challenge it (under section 24 of the Private Housing (Tenancies) (Scotland) Act 2016 ).

### **MORATORIUM ON EVICTIONS**

#### **Why has a moratorium on evictions been included in this emergency legislation?**

The moratorium will prevent enforcement action for individual evictions for a maximum of six months in the private and social rented sector, college and university halls of residence and PBSA except in a number of limited circumstances. This maximum of six months' delay will apply to individual cases, unless the emergency legislation itself ceases to be in place before the end of the 6 months.

It is anticipated that a temporary moratorium on evictions will help to reduce the negative impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless during the cost crisis. It will provide more time for people to seek support and to find alternative accommodation that meets their needs at an affordable rent.

#### **In what circumstances will the moratorium on the enforcement of evictions not apply?**

A number of safeguards have been put in place to allow evictions in limited circumstances. This includes cases of anti-social behaviour and criminality, to protect other tenants and the local community, cases of abandonment, to avoid empty properties and additional exemptions to support landlords who find themselves in financial hardship.

This also includes cases where there is substantial rent arrears, to prevent tenants building up unmanageable debt they will continue to owe and to support the landlord's ability to continue to offer the property for rent.

Where an eviction order or decree was granted before the legislation comes into force or where the landlord raised eviction proceedings before the legislation comes into force and served an eviction notice before the announcement on 6th September 2022, the case will not be caught by the moratorium and will still be able to be enforced in line with current legal requirements.

As set out above, where a landlord is prevented from enforcing an order for eviction while the moratorium is in effect, the enforcement of that order can only be delayed for a maximum period of 6 months.

#### **Why is the definition of substantial rent arrears six months' worth of rent?**

We don't want to leave tenants owing unsustainable levels of rent to their landlords, which would then risk affecting their ability to secure housing in the future, so our Bill contains a safeguard allowing evictions to proceed where the total owed at the point the order or decree is issued is at least six months' worth of rent (defined as £2,250 for the social rented sector as this equates to 6 months' worth of average rent).

### **INCREASED DAMAGES FOR UNLAWFUL EVICTION**

#### **Why has the Scottish Government introduced changes to the damages awarded for unlawful eviction?**

These measures change the way civil damages can be awarded for unlawful eviction and are intended to make it easier and more meaningful for tenants to challenge an unlawful eviction and receive appropriate damages. The changes will also help to discourage

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landlords from carrying out such evictions. If passed as introduced, damages for unlawful evictions will be increased to a maximum of 36 months' worth of rent. The Tribunal or Court will have discretion to award a lower amount if appropriate in the circumstances of the case.

The Court and Tribunal will also have a duty to inform relevant authorities such as the Police and local authority (the Scottish Housing Regulator in social landlord cases) where an order has been made so that they can take appropriate action. Landlords who conduct evictions lawfully will not be affected by these measures.

### **POWERS TO TEMPORARILY REFORM RENT ADJUDICATION**

#### **Why have these powers been included?**

These measures will allow Scottish Ministers to temporarily reform the rent adjudication process to support the transition out of the emergency measures at such time when this is the appropriate course of action. For example, this power could be used to amend the process to ensure that rent increases remain reasonable when the rent cap is lifted.

Any regulations made under this power will be subject to consultation and will be made through the affirmative parliamentary procedure, ensuring that appropriate scrutiny is given to the necessity for any temporary changes proposed.

### **WIDER SUPPORT**

#### **What other support is available for households struggling with the cost of living crisis?**

The Scottish Government has allocated almost £3 billion to a range of supports this year that will contribute to mitigating the impact of the increased cost of living on households. This includes investment to strengthen support for households who are struggling to meet essential costs, including:

- £20 million for the Fuel Insecurity Fund in 2022-23, to help households at risk of self-disconnection or self-rationing energy use;
- £88.2 million for Discretionary Housing Payments this year, including £68.1 million to mitigate the bedroom tax helping over 91,000 households in Scotland to sustain their tenancy;
- £10m for the Tenant Grant Fund, for which changes in eligibility were announced in September 2022 so that the fund can also support people who are struggling with the rising cost of living.

#### **How can individuals find out about support available to them?**

The Scottish Government has recently launched a new website to help those struggling with the cost of living crisis: <https://costofliving.campaign.gov.scot/>

The website includes information on help available for households to meet rising energy, housing and other costs. It also provides details on accessing Scottish and UK social security payments, including online benefit calculators, as well as wider health and wellbeing information.



## STAGE ONE: CLOSING SPEECH

Thank you Presiding Officer, I welcome the chance to close today's Stage One debate on the Cost of Living (Tenant Protection) (Scotland) Bill.

This has been an interesting and passionate?] debate and one that highlights the wide range of diverging views that exist when it comes to the rented sector.

For some in the Chamber today, the provisions in the Bill do not go far enough. Whilst for others, it is claimed that the provisions go so far that they will signal the end of private renting in Scotland.

***[Drafting Note –*** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is clear the cost crisis is being felt acutely by people who rent their home. We cannot sit by and watch people struggle to keep a roof over their head during a crisis that has not been caused by them. That is why we are taking emergency action - using the powers that are available to us –through the challenging months ahead.

## **STAGE ONE: CLOSING SPEECH**

Presiding Officer, the Bill we have introduced finds the middle ground. It offers important increased protection to tenants, more vulnerable to the impact of the cost crisis than others, and recognises that landlords can be impacted by the cost crisis by including safeguards for them that address specific, defined and limited circumstances.

This approach creates balanced, robust and workable legislation.

The Bill also builds on the significant protections that are already in place for people who rent their home in Scotland and the Chamber will be aware that over and above this, we have already committed to delivering a New Deal for Tenants during the course of this Parliament.

### **Conclusion**

Presiding Officer, many important points have been made in today's debate, and I am grateful to members for the thought that they have given to the matter and the points that they have raised.

## **STAGE ONE: CLOSING SPEECH**

I am also extremely grateful for the time the Local Government, Housing and Planning Committee took to consider the Bill this morning and of course to the range of stakeholders from across the rented sector who have joined meetings over recent days to discuss this important legislation.

I look forward to continuing these important discussions over the course of this week, as we seek to move towards these important protections becoming a reality for the millions of tenants across Scotland who are suffering due to the impact of this cost crisis.

**ENDS**

## A1: TOP LINES

- Despite the decision of the UK Government to introduce the Energy Price Guarantee from 1 October – which capped the typical household energy bill at £2,500 for the next two years – this represents a further increase from the £1,971 cap in April 2022, and an even larger increase from the October 2021 cap.
- Therefore increases in energy bills this coming winter will still be substantial pushing many renters in to fuel poverty and extreme fuel poverty. And we know that households in the rented sector generally pay more of their income on housing costs, have higher rates of income poverty and child poverty, and have less financial resilience to cope with cost of living shocks.
- It is clear the cost crisis is being felt acutely by people who rent their home. We cannot sit by and watch people struggle to keep a roof over their head during a crisis that has not been caused by them. That is why we are taking emergency action - using the powers that are available to us –through the challenging months ahead.
- A temporary rent freeze and moratorium on evictions will protect tenants by putting in place measures to stabilise immediate housing costs and enable them to stay in their homes for longer.
- The intended effect of the Bill is :
  - i. To protect tenants by stabilising their housing costs by initially freezing rents;
  - ii. To reduce impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless – by giving them more time to find alternative accommodation, through a moratorium on evictions and
  - iii. To avoid tenants being evicted from the private sector by a landlord wanting to raise rents between tenancies during the temporary measures and reduce unlawful evictions, through the complementary measures of a moratorium on evictions and raising the level of damages that may be awarded.
- ~~The primary aim of the Bill is to protect tenants at this difficult time. However, we recognise that landlords are may also being impacted by the cost crisis, and that is why the Bill seeks to strike a fair balance, through the inclusion of certain safeguards for landlords.~~
- ~~That is why within the overall freeze and the moratorium there are safeguards for landlords to address specific, defined and limited circumstances, reflecting the circumstances that some might face.~~
- We know that many will claim the inclusion of safeguards ~~does not provide enough~~ erodes protection for tenants - but the provisions in this Bill aim to work in the real world. ~~It is vital we strike the right balance.~~
- The legislation must be fair, balanced and as robust against legal challenge as possible. If we did not take this approach, it is highly likely the Bill would fail and we would end up in a situation where we could provide no additional protection for this vulnerable part of the population – something I hope no-one would want to see.
- I am also aware of concerns from the social sector in particular. ~~I want to be clear that we intend to work with landlords over the coming months – as the impact of the cost crisis~~

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**ANNEX A – CORE BILL BRIEFING**

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~~Cost of Living (Tenant Protection) (Scotland) Bill continues to unfold. We have already started that constructive dialogue and I look forward to continuing our partnership working.~~

However, in our conversations with social landlords, they have understood the importance of our focus on rent affordability. In turn, they have highlighted how rents support services and investment in new homes and improved quality. Our commitment is to work with social landlords to find the best ways of meeting all three priorities.

However, in our conversations with social landlords, they have understood the importance of our focus on rent affordability. In turn, they have highlighted how rents support services and investment in new homes and improved quality. Our commitment is to work with social landlords to find the best ways of meeting all three priorities.

- We also intend to work will all stakeholders, landlord and tenants groups, to understand how the cost crisis is impacting people to inform the extension of measures if that is necessary.
- As this is emergency legislation, we have set out our intention that a reporting requirement be included – similar to the approach we took in the Coronavirus legislation - to demonstrate the need for provisions to either continue or expire, where appropriate and based on the evidence at the relevant time.

**[To be agreed]** Through our emergency budget review I will consider what additional financial support may be available to help tenants, for example as we have done with local authorities through our £10m Tenant Grant Fund. This will be informed by further engagement with partners around what is required to ensure that meaningful support is available for those who need it most.

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As part of our Cost of Living Campaign we are raising awareness of existing protections and support for renters. If approved by this Parliament, this information will be updated to reflect the additional protections for tenants under the emergency measures. This will help tenants find information on their rights and the support available in one place.

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## **A2: AIMS AND RATIONAL FOR INTERVENTIONS**

### **AIMS OF THE INTERVENTIONS**

**The purpose of the Cost of Living (Tenant Protection) (Scotland) Bill is to respond to the emergency situation caused by the impact of the cost crisis on those living in the rented sector in Scotland.**

- The overall package of measures provided for in the bill seeks to:
  - protect tenants by stabilising their housing costs;
  - prevent negative impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless at a time when they are already struggling as a result of financial stress resulting from the cost of living crisis.
- These aims are being achieved through a **temporary restriction on rent increases, temporary moratorium on evictions, increased damages for unlawful evictions and additional powers to temporarily reform rent adjudication.**

**Scope - college and university halls of residence and in Purpose Built Student Accommodation and being included as students need help too.**

- Students renting in college and university halls or Purpose Built Student Accommodation way did not receive the £400 energy cost support and – although they may be eligible for support from other routes, such as hardship funds – these are already under significant pressure and that is why our emergency legislation includes this type of student accommodation.
- A significant number of students in Scotland live in college and university halls of residence and in Purpose Built Student Accommodation. Data shows us that in a typical year, there is just over 47,000 students residing in this sort of rental accommodation.

**A temporary restriction on rent increases supports these aims by:**

- reducing the risk that a rent increase will result in a tenant being unable to meet the cost of their rent during the cost crisis or build up substantial rent arrears resulting in a risk of eviction.
- The purpose of the rent cap is to stabilise certain costs at a time of volatile and escalating cost of living crisis for tenants that have less resilience against rising costs than other groups

**The temporary moratorium on evictions supports these aims by:**

- preventing landlords ending tenancies in order to circumvent the rent freeze and increase rents for a new tenant; and
- preventing the negative impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless.
- Providing more time for people to seek support and to find alternative accommodation that meets their needs at an affordable rent.



**Temporarily improving the way in which compensation can be awarded and the method of calculating the level of compensation increasing damages for unlawful evictions supports these aims by:**

- reducing the risk of unlawful evictions being carried out during the moratorium on evictions by making it more expensive and risky for a landlord to pursue an unlawful eviction than going through the correct routes, acting as a potentially strong disincentive.
- making it easier and more attractive for tenants to challenge an unlawful eviction and receive compensation where an unlawful eviction is found to have occurred.

**Temporary powers to change the rent adjudication process are also being included to support transition away from the emergency measures once the rent restrictions are lifted and landlords are able to increase rent, should these be needed.**

***BENEFITS OF THE OVERALL PACKAGE***

**With the measures set out within this Bill we expect to benefit tenants by:**

- Reducing the number of evictions across the winter months during the emergency.
- Stabilising the rents through a 0% cap over the winter, allowing them more capacity to deal with other bills especially energy bills. This cap can be varied to respond to ongoing economic pressures if necessary with the option to have different levels of cap for social and private rented sectors.
- Providing tenants with additional protection from unlawful evictions and disincentives for landlords by substantially increasing the civil damages associated with it.

**For landlords a number of protections in place will:**

- Allow private landlords to enforce an eviction in certain circumstances including where there are substantial rent arrears, or the landlord needs to sell, or live in the let property due to financial hardship, in cases of anti-social behaviour or criminality and where the property has been abandoned.
- Limit the moratorium on eviction to 6 months to ensure all landlords are able to plan and have certainty.
- Work with social landlords to explore options and understand the impact of any cap from 1 April onwards and what support may be needed by them.
- Allow private landlords to apply to increase rent in respect of limited, prescribed, legitimate costs associated with offering the property for rent.

**The provisions strike a fair balance with the individual rights of landlords because:**

- The provisions are time limited (even if extended by regulations under s6(3))
- The provisions can be suspended under s5
- The provisions can be expired early (s7(1)) and must be expired early if no longer necessary or proportionate (s7(2))
- Ministers must review whether the provisions are necessary under s8
- The rent cap can be adjusted to a rate higher than 0% by regulations in respect of each sector to which it applies – with the possibility of different rates applying to different sectors
- There are sufficient safeguards in place to allow landlords to increase the rent payable where prescribed property costs have increased over the relevant period by up to 50% of any prescribed property costs or 3% of the rent payable – when taken with the other measures above this strikes a fair balance.



### A3: CORE BILL - LINES OF ATTACK AND REBUTTALS

**This Bill will have a devastating impact on the wider property market. It will reduce the supply of homes, push rents up further and stop the social sector housing developments.**

- If approved by the Scottish Parliament the provisions within this Bill will increase protection for tenants from eviction and rent rises at a time when the cost crisis is having a devastating impact on household finances for many.
- They are also temporary - our intention is that they will apply until 31 March next year. We will keep their impact on the wider property market under review and we are engaging with stakeholders as part of that process.
- Since 1999, the number of homes rented privately to households in Scotland has grown from 120,000 to 340,000, at a time when there have been a range of new regulations brought into place. Regulation to improve quality and accountability is not at odds with increased supply.
- We recognise that where rental income goes is a critical difference between the private and social rented sectors – for social landlords, rents are channeled directly back into the quality of homes and services for tenants and that rent in the social sector supports public investment in housing. That is why we have set out to work in partnership with the social sector to consider the implication of rent controls after 31 March.
- Scotland is also ahead of the rest of the UK in providing affordable housing, **[to be updated after quarterly stats on Tuesday]** having delivered almost 112,000 affordable homes since 2007, over 78,000 of which were for social rent. We have now started progress against our commitment to deliver 110,000 affordable homes by 2032, of which at least 70% will be available for social rent.”

**The Bill doesn't protect social tenants as rents won't rise again in that sector until 1 April – it is a token gesture.**

- Landlords in the social sector usually only increase rents once a year, in April, although they are not prevented from increasing them more frequently. There is not a mechanism for social sector tenants to challenge a proposed rent increase, as there is for private tenants.
- We recognise there are critical differences in how rents are consulted on and agreed in the social rented sector. The vital importance of tenant participation and consultation in that rent setting is a hugely valuable part of our current system.
- We have set out our intention to work in partnership with the social sector over the coming months to consider the implication of rent controls after 31 March.

**During the previous eviction ban some tenants used it as an excuse to stop paying rent, leaving landlords in a terrible financial situation – this Bill will cause that to happen again.**

- We know some landlords are also feeling the effects of this crisis themselves, and we've added safeguards for those in the private rented sector to mitigate the increased costs they will be seeing, provided they are directly related to their activities as a landlord.



- Tenants will continue to accrue rent arrears while the evictions moratorium is in force, and our Bill allows evictions to proceed where the amount owed becomes unmanageable, as this could in turn affect a tenant's ability to secure housing in the future. As such we would strongly encourage tenants to continue paying as much of their rent as they can.
- Anyone who is experiencing difficulties should contact their landlord or an advice agency to get help as early as possible. The Scottish Government has allocated almost £3 billion in this financial year to contribute towards mitigating this crisis, and have just launched a new website providing information on the wide range of advice and financial support available for those who are struggling.

**This is not a rent freeze – landlords can still increase rents.**

- We recognise that the cost crisis is also impacting on some landlords and while the primary purpose of this legislation is about protecting tenants, it is also important to ensure it strikes a fair balance.
- Therefore, for private landlords, there will be a route they can use, where necessary, to apply to increase an in-tenancy rent for limited, prescribed, legitimate costs associated with offering the property for rent – where those costs have increased.
- For example, costs caused by increased mortgage rates. We have proposed this can cover up to 50% of increased costs up to an overall maximum limit of up to 3% of rent.
- This Bill provides an important balance between providing the strongest protection for tenants whilst also recognising the property rights of landlords and the hardship they may face in some circumstances, particularly small scale landlords who rely on the income.
- The inclusion of safeguards in the Bill seeks to strike the right balance between the rights of tenants and landlords to ensure a proportionate approach overall.
- Although the full powers needed to address the cost crisis do not lie with this Parliament, this Bill represents a comprehensive package of carefully considered measures to provide additional protection to tenants at this exceptional time.

**There is no ban on evictions, landlords can still evict their tenants while this emergency legislation is in place.**

- The provisions introducing a moratorium on evictions prevent the enforcement of eviction action in the private and social rented sectors, and in college and university Halls of Residence and Purpose Built Student Accommodation – except in a limited number of specified circumstances.
- It is vital that this emergency legislation achieves an appropriate balance between the rights of tenants and landlords. It is also vital for tenants that landlords continue to offer properties for rent in the private rented sector.
- For example, landlords must be able to take action where there are grounds for eviction due to antisocial behavior or criminality due to the hugely detrimental impact such behavior can have on communities.
- It is also imperative that we don't leave tenants owing unsustainable levels of rent to their landlords, as this would risk affecting their ability to secure housing in the future. As such, our Bill contains a safeguard allowing evictions to proceed where the total owed is at least

six months' worth of rent at the time the eviction order is issued. We would encourage tenants to continue paying as much of their rent as they can. Anyone who is experiencing difficulties should contact their landlord or an advice agency to get help as early as possible.

**These measures are temporary – landlords will simply hike their rents en masse when the legislation comes to an end**

- We agree that is a concern. That is why the Bill contains provisions to support a transition away from the emergency measures, when we hope the worst of the cost crisis has passed.
- Therefore, the Bill contains a regulation-making power to temporarily reform the existing rent adjudication process to support this transition and to mitigate any unintended consequences from the end of the rent cap.
- This power will be subject to Affirmative procedure, ensuring that appropriate Parliamentary scrutiny is given to the necessity for any temporary changes proposed.

**Why has this been rushed through Parliament/why has there been so little consultation – are you trying to avoid scrutiny?**

- This is the worst cost of living crisis in living memory. We know that people who rent their homes are more likely to live in poverty, be financially vulnerable and to live on low incomes compared to those who own their home. As such they are particularly vulnerable to rising prices, so it is imperative that these protections are brought in as quickly as possible.
- MSPs and stakeholders will have the opportunity to consider and scrutinise the Bill this week, and we will carefully monitor the impacts of the legislation while it is in force.

**What about longer term protections for people who rent their home?**

- We remain committed to implementing an effective national system of private rent controls by the end of 2025, while exploring what further action we can take to ensure rents in the social rented sector are affordable.
- However, given the huge pressures rented households are facing right now, it is imperative that we bring in measures urgently to increase protection for tenants from eviction and rent rises. This puts Scotland far ahead of anywhere in the UK in responding to the hardship which many tenants face.
- Our New Deal for Tenants also sets out proposals to raise quality and standards in renting – aiming to make sure all tenants enjoy a good experience and recognising the good work of those landlords who provide it.



## A4: SHORT BILL HANDOUT

### BACKGROUND AND NEED FOR MEASURES

#### The cost crisis is having a significant impact on households in the rented sector

- Energy prices mean that, despite the UK Government's Energy Price Guarantee, there will be significant increases in fuel poverty rates this year, particularly in the private and social rented sectors, with around half of households in these sectors being in fuel poverty compared to a fifth of mortgaged households.
- Households on pre-payment meters will be particularly affected by the increase in energy prices, as around 80% of annual household gas consumption falls within the winter months. The share of households on pre-payment meters is much higher in the social rented sector (43%) and private rented sector (22%) than in the owner occupier sector (6%).
- Students renting college and university and PBSA accommodation did not receive the £400 energy support and will not be eligible for the household energy price cap.
- The Joseph Rowntree Foundation recently highlighted "there is around an £800 (£783) gap on average between the overall rise in the cost of living and the support package for families on means-tested benefits to address it". [8 Sep]
- CPI inflation, which averaged 4% in 2021/22, has accelerated to nearly 10% in August 2022. Increases in wages and benefits are not keeping pace with the higher inflation rate.
- In data from letting agents for the latest quarter (Apr-Jun 2022), Citylets have reported that advertised rents in the private sector have increased by 15.1% in Edinburgh and 13.0% in Glasgow. Rightmove have reported that advertised rents in Scotland have increased by 12.5% over the same time period – above CPI inflation.
- The latest figures from ONS (Office for National Statistics) show overall rent increases in the private rented sector, which includes increase for both new and existing tenants, increased by 3.6% in August 2022.
- Results from the Nationwide Rent Better Research show that about a half of landlords never increase rents or only on a change of tenancy, about 15% increase rents annually and 35% increase less frequently or take another approach.
- Joseph Rowntree Foundation's Poverty in Scotland 2022 report, published this week [3 Oct], highlighted that renters feel much more insecure than home owners, with one in five people that own with a mortgage reporting that they felt financially very insecure compared to almost one in three private renters and two in five social renters. [based on Aug 2022 survey]

#### Poverty, housing costs and financial insecurity

- Since 2006/07, households in the private rented and social rented sectors have been spending on average much more of their income on housing costs, 26% and 24% respectively, compared to owner occupiers with a mortgage, where the rate fell to 7% in 2019/20.
- Over a third (37%) of households in the PRS have a household income of £20,000 or less and the lowest income quintile were paying an average of almost half (47%) of their household income on housing costs (2017-20).
- Those living in rented sectors are at greater risk of poverty and more likely to be financially vulnerable than owner occupiers and those who own with a mortgage (Table below):

	All individuals in Relative Poverty (2017-20)	Children in Relative Poverty (2017-20)	Financially Vulnerable households (2018-20) <sup>1</sup>	Fuel poverty Rate under Energy Price guarantee <sup>2</sup>
All households	19%	24%	30%	35%
Social Rented Sector	39%	47%	63%	54%
Private Rented Sector	34%	40%	40%	48%
Owned outright	14%	18%	9%	28%
Owned with mortgage	7%	10%	24%	19%

#### Key facts on rented sector in Scotland

- As of 2019 it is estimated that 930,000 households and 1.85 million people lived in either the Social or Private Rented Sectors – this accounts for around 37% of all households in Scotland.
- Of these, 590,000 households and 1.17 million people lived in the social rented sector. A further 340,000 households and 680,000 people lived in the Private Rented Sector.
- The PRS has grown in size by more than 2 and a half times over the last 20 years, from 120,000 to 340,000 households.

<sup>1</sup> This means they have savings which would cover less than one month of income at the poverty line.

<sup>2</sup> These estimates account for the support for households that was announced by the UK Government at the end of May and the Scottish Government's £150 Council Tax rebate for households in bands A to D or in receipt of Council Tax Reduction. They do not account for the £100 payment for off grid households announced in September.



## ANNEX A – CORE BILL BRIEFING

### COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL 2022

#### OVERVIEW

The Cost of Living (Tenant Protection) (Scotland) Bill 2022 has been introduced to offer increased protection to tenants as part of the Scottish Government's overall approach to tackling the cost crisis. Those who rent their homes are more likely to live in poverty and be financially vulnerable, and have lower incomes overall, compared to those who own their home either outright or with a mortgage. Even prior to the cost of living crisis, low income households in the rented sector generally paid more of their income on housing costs than owner occupiers. The cost crisis is increasing the financial pressure faced by households, exacerbating existing inequalities.

The Bill, if passed, will introduce a temporary freeze on rent increases, a temporary moratorium on evictions, increased damages for unlawful evictions until at least 31 March 2023, and additional powers to reform rent adjudication. This will help to stabilise housing costs for tenants and, where possible, reduce negative impacts on the health and wellbeing of tenants caused by being evicted and/or being made homeless at a time when they are already struggling financially as a result of the cost of living crisis.

The measures are designed to offer increased protection to tenants who may be more vulnerable to the impact of the cost crisis, whilst also including safeguards designed to recognise that there are also impacts on landlords, to create balanced and robust legislation.

#### RENT CAP

The emergency measures will set a cap on the maximum permitted rate of increase in rent in the private and social rented sector and for college and university halls of residence and purpose built student accommodation. The cap will be set at zero for the period to 31st March 2023 but this can be varied whilst the emergency measures are in force, to respond to changes in wider economic circumstances.

The cap will apply to any rent increase proposed on or after 6th September 2022. For the period the measures are in force landlords will not be able to increase rents for existing tenancies, other than in line with the cap. Rent setting between tenancies is unaffected.

The legislation includes a safeguard for private sector landlords, allowing them to apply to a rent officer to raise rent by the lower of: up to 50% of the increase in the preceding six months on a limited number of prescribed costs, or, 3% of overall rent.

As social landlords set their rent levels from 1 April we anticipate that the immediate impacts on the sector will be limited, albeit the rent cap will provide certainty to tenants that their rent cannot be raised in excess of the cap i.e. not at all while the cap is at zero. The Scottish Government will work together with the sector to determine the best way forwards from 1st April 2023 onwards.

#### MORATORIUM ON EVICTIONS

The moratorium will prevent enforcement action in the private and social rented sector, college and university halls of residence and purpose built student accommodation in respect of evictions where proceedings are raised after the legislation comes into force and proceedings raised before the legislation comes into force provided that the an eviction notice was served on or after 6<sup>th</sup> September except in a limited number of circumstances.

A number of safeguards have been put in place to allow evictions in cases of anti-social behaviour and criminality, to protect other tenants and the local community, cases of abandonment, to avoid empty properties and additional exemptions to support landlords who find themselves in financial hardship. This also includes where there is substantial rent arrears, to prevent tenants building up unmanageable debt they will continue to owe and support the landlord's ability to continue to offer the property for rent.

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## ANNEX A – CORE BILL BRIEFING

### **INCREASED DAMAGES FOR UNLAWFUL EVICTION**

These measures are intended to make it easier and more meaningful for tenants to challenge an unlawful eviction and receive appropriate damages. The changes will also help to discourage landlords from carrying out unlawful evictions by increasing fines to a maximum of 36 months' worth of rent. The tribunal or Court will have the discretion to award an lower in appropriate circumstances, and will have a duty to inform relevant authorities such as the Police and local authority, and in cases relating to a social landlord, the Scottish Housing Regulator where an order has been made.

### **POWERS TO TEMPORARILY REFORM RENT ADJUDICATION**

These measures will allow Scottish Ministers to temporarily reform the rent adjudication process to support the transition out of the emergency measures.



## ANNEX A – CORE BILL BRIEFING

### A5: FMQ (AS OF 3 OCTOBER )

**3 Oct:** Cost of Living (Tenant Protection) (Scotland) Bill introduced to the Scottish Parliament. Formatted: Font: Arial

**3 Oct:** Douglas Ross announces a Rent To Own policy today at Conservative party conference.

**30 Sep:** Joseph Rowntree Foundation published Tenants' Insight Project Report on the experiences of lower income tenants in PRS who want action to improve affordability and fairness, property conditions, better information sources and improved access to low-cost, high-quality homes across all tenures.

**26 Sep:** Herald: Scottish Housing Regulator claim rent freeze "won't work" as rents in the social sector already set until 31<sup>st</sup> March. Shelter calls for clarity on how rent freeze will work as housing advisers can't answer questions from tenants who have received rent rise notices.

**23 Sep:** Daily Mail reports that Fraser of Allander Institute said they expect the SNP's rent freeze to exacerbate problems in the rental market.

**21 Sep:** Mercedes Villalba calls for SG to backdate rent freeze to June.

**20 Sep:** Glasgow and West of Scotland Forum of Housing Associations have written to you asking that SG does not impose rent controls over the social housing sector after 31 March 2023.

**18 Sep:** Sunday Times report private landlords may take legal action against SG over rent freeze, and report pausing of developments in build-to-rent sector.

**14 Sep:** ONS private rental index figures to Aug 2022 show that annual rental cost growth in Scotland to Aug-22 (3.6%) remains above the growth rate in England (3.4%) and Wales (2.5%).

**6 Sep:** PfG published, setting out our commitment to protect tenants by freezing rents and imposing a moratorium on evictions until at least 31 March 2023. Living Rent call for this to include student accommodation. The Scottish Association of Landlords claim SG is "attacking landlords for political reasons".

**31 Aug:** [Inside Housing] Scottish Housing Regulator reports the highest level of rent arrears (£169m at 31/3/22 up 6.1% from the previous year) since reporting against the Scottish Social Housing Charter began in 2010.

**31 Aug:** [Financial Times] UK Government issues consultation on capping social sector rents at 3,5 or 7% to provide security and stability to tenants.

**30 Aug:** [Housing News] Shelter call for new Scottish Housing Emergency Action Plan to prepare for the impact of covid-19 related rent arrears and spiralling energy bills.

#### TOP LINES

We are taking urgent action in Scotland, well ahead of rest of UK on protecting tenants.

- These are exceptional measures in the Bill developed to respond to reflect the cost crisis – if approved by the Scottish Parliament they will increase protection for tenants from eviction and rent rises.



## ANNEX A – CORE BILL BRIEFING

- They will apply until at least 31 March – in both the social and privately rented sectors – and we will keep them under review, including whether they need to be extended beyond March and in what form.

Tenants Union Living Rent, the Scottish Trades Union Congress and other groups have welcomed the announcement of the rent freeze and other measures.

- Living Rent have said [QUOTE]: “as skyrocketing rents continue to pile on top of out of control energy bills, this will have a massive impact”.
- The Scottish Trades Union Congress said [QUOTE] “The Scottish Government is to be commended for freezing rents. If implemented correctly [...] this will help thousands of households across Scotland when they need it most.”
- Age Scotland have said that [QUOTE]: “for the growing number of older people living in rented accommodation [the rent freeze announcement means] one less thing for them to worry about over winter”.
- Sadiq Khan, Labour Mayor of London, said [QUOTE]: “This bold action from the Scottish Govt will support thousands of households during this national crisis. I’ll continue to call on the UK Govt to grant me the power to freeze rents in our capital. Londoners face record rents at the worst possible time.”
- In my recent (7 Sep) visit to Shelter Scotland, I heard directly from advice workers on the challenges tenants are experiencing day to day and the urgent need to support tenants in difficulty, and discussed the measures we have announced.
- Deborah Hay, senior policy adviser for JRF in Scotland said [QUOTE]: “Even before the recent cost-of-living crisis, tenants in this study were calling for urgent action to boost the supply of good quality, low-cost homes and offer tenants a fairer deal.
- “So, while we await further detail about how the proposals will work in practice, we welcome the Scottish Government’s intention to limit rent increases, boost cash support for those struggling and ensure no one is evicted for being poor this winter.

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We recognise the huge pressures the cost crisis is placing on households, particularly on those who rent their home. The recent announcement by the UK Government will not halt the rise in prices and people will still pay more for their energy from October.

- That is why we are proposing in the Bill to protect tenants by effectively freezing in-tenancy rents and imposing a moratorium on evictions – except in a number of specified circumstances - at least until 31 March with options to extend beyond then if necessary.
- Our intention is for the cap to apply to rent increases initiated on or after the announcement was made on 6 September.
- We are working at pace to agree expedited processes to deliver any legislation necessary to achieve this with the Scottish Parliament and the UK Government, to ensure these crucial changes are brought about as soon as possible.
- We are engaging with stakeholders and others as we develop and implement the emergency legislation.

## ANNEX A – CORE BILL BRIEFING

### LANDLORD CONCERNS

#### We are engaging with landlords in both the social and private rented sectors, as we develop our temporary emergency measures, and safeguards.

- We will work with landlords to ensure appropriate safeguards, just as we did during our Covid response. Equally, we want this to be a proportionate response to the cost crisis.
- While the primary purpose of our emergency proposals is to protect tenants during this cost crisis, a number of safeguards will be built in to ensure that the circumstances of landlords are appropriately reflected.

#### The number of private tenancies has grown dramatically since devolution, through a period of increasing regulation and market intervention, more than doubling in size.

- Recent research from the ongoing Rent Better study highlighted a possible increase in number of landlords seeking to leave the sector but there is no strong quantitative evidence on whether that is occurring or at what scale.
- Between 1999-2000 and 2019-20 the Scottish Household Survey shows that the number of households renting privately in Scotland has more than doubled from 120,000 to 340,000.
- We will continue to learn from the experience of others and consider international evidence, as we work closely with a range of stakeholders to understand their perspectives.
- We will engage with landlord groups further as we develop these temporary emergency measures.

#### We will work with the private rented sector as we seek to develop and implement these measures.

- We are aware that some investors in build to rent have signalled a pause to pipeline projects.
- However, Springfield Properties have said that they recognise that the measures announced are “a temporary measure designed to support families facing fuel poverty this winter”, and that the group “continues to believe that the delivery of PRS housing offers a viable revenue stream in the longer term”.
- Our emergency legislation has been developed at pace.
- We intend to release more details next week, including around the safeguards for landlords which we are putting in place.

### SOCIAL RENTED SECTOR

#### The emergency legislation will introduce exceptional measures for exceptional pressures to support people to remain living in their home.

- We recognise that the cost crisis impacts on many households but even more so on renters, right across the board.
- So it is right that the measures apply to both the social and private rented sectors.
- But they operate in very different ways, and we are taking account of that in taking these measures forward.
- We are carefully considering what safeguards can be put in place for social landlords who have competing pressures in a difficult financial climate
- We also recognise the significant challenges faced by social landlords in increasing housing supply, improving quality and maintaining affordable rents.



## ANNEX A – CORE BILL BRIEFING

- In its thematic study on 8 September, the Scottish Housing Regulator said: **[QUOTE]:** “Keeping rents as affordable as possible for their tenants is a principal objective of all social landlords. In a context of rising inflation and significant pressures on the household finances of tenants, this objective has never been more important.”

### **The vast majority of social sector rents are already set until 1st April 2023 and will not increase before then.**

- This has informed our announcement and confirmation of a rent freeze up until at least 31st March 2023 at this stage.
- We will work in very close partnership with the sector to determine the best way forwards from 1st April onwards, monitoring the situation in the coming months to determine what action will be appropriate.
- A Short Life Task and Finish Working Group, bringing together leaders from across the Social Rented sector, had its first meeting on Tuesday (27 Sept).
- This group will help bring together evidence from across the sector to identify and consider the options available to support households and minimise the impact of rent increases on tenants next year.
- We will ensure there is clear messaging for tenants to ensure they know what this will mean for the rent they pay.

### **Affordable housing is a clear and long standing priority for the Scottish Government.**

- Scotland has led the way in the delivery of affordable housing across the UK with more than 111,750 affordable homes delivered since 2007, over 78,000 of which were for social rent.
- We also brought the right to buy to an end in 2016, ensuring homes remain in the social sector.

### **LABOUR AMENDMENT**

#### **The amendment put forward by Labour back in June was not workable and would have been at much higher risk of legal challenge.**

- We have taken the time needed to ensure that the legislation we bring forward to freeze rents and introduce a moratorium on eviction is legally robust and will ensure tenants are protected.
- Our emergency legislation must, by definition, be temporary. But given the huge uncertainty as to what the next 6 months holds, we intend to review very carefully whether and how any measures might be extended; and how what we do now paves the way for longer term reform – which we have already committed to.
- A Housing Bill in the year ahead will give new and strengthened rights to tenants, improve affordability, and deliver key policies relating to short term lets and the prevention of homelessness.
- Meanwhile, in Wales, the one part of the UK where Labour could actually act as the Scottish Government is acting, we see very little sign of the ambition we have outlined or indeed of the ambition to reform renting as we have in Scotland over the last 10 years.

### **ADVICE FOR TENANTS**

**Tenants should, of course, continue to pay their rent, and those who have difficulty paying their rent should speak immediately to their landlord who will support them to access all the help and advice available.**

## ANNEX A – CORE BILL BRIEFING

- There are pre-action requirements for landlords, whether in the social or private rented sector, and it is in everyone's interest to address any rent arrears, rather than letting them build up.
- For tenants who are struggling to pay their rent, we are putting in place flexibility around the Tenant Grant Fund.
- We are expanding the Discretionary Housing Payments, the Fuel Insecurity Fund, all of which helps household budgets and will help to deal with the pressures of rent.
- We have just launched a new website providing information on the wide range of advice and financial support available to people in Scotland.
- This includes information on help available for households to meet rising energy, housing and other costs.
- It also provides details on accessing Scottish and UK social security payments, including online benefit calculators, as well as wider health and wellbeing information.

### **STUDENTS**

#### **We also recognise the huge pressures the cost crisis is placing on students.**

- All students who are renting in the private rented sector will benefit from the protections we are putting in place.
- For those students in University and College Halls of Residence or Purpose Built Student Accommodation, the structure of contracts is different. We will, therefore, work to ensure parity of protection for those students.

### **SG SUPPORT FOR TENANTS**

#### **We are providing £88.2m housing support this year, building on the £39m of additional funding already provided to protect tenants as a result of the pandemic.**

- And we will broaden the scope of our £10m Tenant Grant Fund so that it can also support people who are struggling with the rising cost of living.
- Scotland is significantly ahead of anywhere else in the UK in the protections it provides for private tenants.
- There are already strict legal processes a private landlord must follow to increase rent, including only being able to raise once a year and providing three months' notice, and tenants can challenge any unfair rises through Rent Service Scotland.
- We are undertaking a further awareness raising campaign over the coming months to ensure more tenants know about these rights and how to use them and our New Deal proposals reinforce our determination to do more.
- We have also taken other action to support tenants with their housing costs, helping to safeguard tenancies, providing a total of £88.2m for Discretionary Housing Payments this year, building on the £39m of additional funding already provided to protect tenants as a result of the pandemic.
- This includes £68.1m to mitigate the bedroom tax helping over 91,000 households in Scotland to sustain their tenancy.
- And an additional £15.1m has been made available to mitigate against the impact of other UK Government welfare cuts, including to mitigate the Benefit Cap as far as we can within our powers, and changes to the Local Housing Allowance rates.
- We will be investing a further £5m in Discretionary Housing Payments, subject to the emergency budget review, so that local authorities can help people on low incomes who are struggling with rising energy bills.

## ANNEX A – CORE BILL BRIEFING

- This additional funding will help local authorities deal with increased demand for Discretionary Housing Payments and will be a lifeline for those who need help to heat their homes.

### **PROTECTION AGAINST EVICTIONS**

**There are already significant protections in place for private and social tenants in Scotland but we are going further in recognition of the costs crisis.**

- Whilst eviction actions initiated in court by social landlords have increased [by 54% in Q4 of 2021/22 to 629 actions], this is still substantially below pre-pandemic levels. A court order is also required before an eviction can be carried out.
- Social landlords have already said they will only take eviction action as a last resort. Supporting tenants remains core to what they already do by providing them with advice and support to help them sustain their tenancy and to access benefits.

**Unfortunately some tenancies will no longer be sustainable and landlords must be able to deal with serious cases such as antisocial behaviour or where a tenant refuses to engage in rent payments and high levels of arrears are accruing.**

- With the Private Residential Tenancies introduced in 2017, Scotland already has the most protections for renters from eviction anywhere in the UK.
- And through the Coronavirus (Recovery and Reform) Act, we are ensuring that private landlords must continue to follow the pre-action protocol in respect of any rent arrears cases – and the Tribunal will retain its discretion to decide whether an eviction case is reasonable or not.

**There are strict legal processes that private landlords must follow to evict a tenant – failure to do so is a criminal offence that should be reported to the police.**

- We have worked directly with Police Scotland on illegal evictions and understand that they have made operational changes to ensure call handlers are fully briefed on the law relating to this matter and able to advise officers attending any such situations.
- We have strong homelessness legislation in place to support households facing eviction and people should contact their local authority for advice and support.

### **NEW DEAL FOR TENANTS AND RENTERS' RIGHTS**

**Our 'New Deal for Tenants' proposals show our determination to continue to strengthen the position for tenants.**

- It sets out our commitment to deliver robust rent controls; to review the current grounds for possession; introduce greater flexibility to personalise a rented home and keep a pet; and to establish a Tenant Participation Panel to ensure tenants' voices are at the heart of developing and implementing national policy.
- We published the independent analysis of our New Deal for Tenants' consultation on 23 August. In total, 8346 responses were available for analysis and we are currently considering those views as we take forward this important work.

**We have committed to introducing rent controls in a housing bill and to do so in a way which is robust and provides lasting benefit to tenants.**

- We are introducing a Housing Bill next year which will further strengthen these existing rights by improving rent adjudication and sets out the framework for the delivery of new rent controls in the private rented sector by 2025.

## ANNEX A – CORE BILL BRIEFING

- The introduction of rent controls will need to be carefully considered alongside our emergency response for the rented sector to the costs crisis.
- We will also continue to explore what further action we can take to ensure rents in the social rented sector are affordable.

### **The principle of introducing rent controls is supported by a majority of MSPs.**

- Scotland is leading the way within the UK, with Wales saying that it wants to follow Scotland's example – and Scotland is doing more on rent controls than any part of the UK for over 30 years.

## **D1 – AFFORDABLE HOUSING SUPPLY**

### TOP LINES

**NB – Statistics will be updated when published on Tuesday 4 October (am)**

**Scotland has led the way in the delivery of affordable housing across the UK with 111,750 affordable homes now delivered since 2007, over 78,000 (78,174) of which were for social rent, including 19,339 council homes.**

- Over the 14 years between 2007-08 and 2020-21, the supply of affordable housing per head of population in Scotland has been 41% higher than in England and 71% higher than in Wales (an annual average of 13.6 homes per 10,000 population in Scotland, compared to 9.6 in England and 8.0 in Wales).
- In the four years to 2021 we delivered over nine times more social rented homes per head of population than England, and our per capita spending on affordable housing is more than three times higher than the UK Government's.

**£3.6bn funding is being made available in this Parliamentary term towards the delivery of affordable homes – so we can continue the important work we started in 2007, of ensuring that everyone in Scotland has a warm, safe and affordable place to live.**

- The Scottish Government per capita spending on affordable housing is more than three times higher than the UK Government.

### QUARTERLY HOUSING STATISTICS

**The previous 50,000 affordable homes target was met during March 2022, a year later than planned, after delays caused by COVID 19 pandemic and global issues around supply and workforce affected the pace at which homes could be delivered.**

- Of the 50,000 affordable homes completed (between 1 April 2016 and 23 March 2022), 34,405 homes (69%) were for social rent, 6,245 (12%) were for affordable rent, and 9,350 (19%) were for affordable home ownership.
- The 34,405 social homes delivered were 69% of the overall 50,000 target and 595 homes short of the 35,000 (70%) social homes target.
- The 50,000 affordable homes target couldn't have been achieved without the hard work, investment and expertise of all our RSL, local authority, community and construction sector partners through what have been challenging times.

**And we have now started to deliver against our commitment to 110,000 affordable homes by 2032, of which at least 70% will be available for social rent and 10% will be in our remote, rural and island communities.**

- A total of 1,119 homes have been delivered during March 2022 towards the 110,000 target, of which 1,057 (94%) are homes for social rent.
- Progress to end June 2022 is due to be published in official statistics on 4 October.
- Delivering this ambitious 110,000 affordable homes target would support a total investment package of around £18bn and up to 15,000 jobs each year.

## **D2 – STUDENT ACCOMMODATION – FUTURE PLANS**

**22 Sep:** Murdo Fraser tweeted that Mairi Spowage, Director of the Fraser of Allander Institute said that plans for a rent freeze will exacerbate supply issues in the mainstream private rented sector.

**22 Sep:** Glasgow University advising students without accommodation not to enrol unless they have secured accommodation.

**21 Sep:** Universities Scotland writes to Cab Sec for Education outlining what unis are doing to support students in response to the cost of living crisis. US calls for SG to ensure that student support and student hardship funds are sufficient to meet increased financial pressures and to use the forthcoming EBR to ensure that universities have core funding to enable them to meet the increased needs of students.

### **TOP LINES**

#### **STUDENT ACCOMMODATION**

**The Scottish Government has no direct role in the provision of student residential accommodation, however, the Scottish Government is committed to delivering a Student Accommodation Strategy for Scotland.**

- The Student Accommodation Strategy will be informed by a review of Purpose Built Student Accommodation (PBSA), with a Review Group due to submit recommendations to Ministers shortly.
- The Purpose Built Student Accommodation Review is being taken forward in parallel with the New Deal for Tenants which will address rent affordability and improving standards across the private rented sector.
- And as regards the cost of living crisis, all students who are renting in the private rented sector will benefit from the protections we are putting in place. For those students in University and College Halls of Residence or PBSA the structure of contracts is different and often includes energy costs. We will, therefore, work to ensure parity of protection for those students.

**There is no evidence that new protections for tenants will reduce supply in the mainstream private rented sector. The number of private tenancies has grown dramatically since devolution, through a period of increasing regulation and market intervention, more than doubling in size.**

- Recent research from the ongoing Rent Better study highlighted a possible increase in number of landlords seeking to leave the sector but there is no quantitative evidence on whether that is occurring or at what scale.
- Between 1999-2000 and 2019-20 the Scottish Household Survey shows that the number of households renting privately in Scotland has more than doubled from 120,000 to 340,000.

#### **COST OF LIVING CRISIS**

**Clearly this is a challenging time for many students. We expect institutions to prioritise hardship funds towards those most in need as a result of the cost of living crisis.**

- We have provided £16.8m in hardship funding to colleges and universities for the current academic year to support HE students experiencing financial hardship.
- The Minister for Further and Higher Education has written to College and University Principals urging them to continue to prioritise the allocation of hardship

## ANNEX D – WIDER HOUSING BRIEFING

funds to those students most in need, and to take account of the impact of rising energy bills.

### STUDENT SUPPORT

#### **This year we will invest almost £350 million in student support, including free tuition and cost-of-living support for students across Scotland.**

- We will continue to make a significant investment in student support supporting tuition fees, bursaries for the poorest students and for groups such as care experienced students, supporting our principle of access to education being based on ability to learn, not pay. In 2022-23, this is expected to be £349 million.
- We have implemented a £350 loan uplift for 2022/23 for higher education students. This means that the most disadvantaged students can access £8,100 per year through bursary and loan and is the first step in our commitment to provide student support in line with the living wage.
- We've committed that the total student support package reaches the equivalent of the Living Wage over the next three years, including for estranged students.
- We will also introduce a special support payment so that students on benefits do not lose out because they are in receipt of, or entitled to, student support.

### **D3 – HOMELESSNESS FMQ**

#### TOP LINES

#### **We are working tirelessly with our local government and third sector partners to end homelessness and rough sleeping in Scotland.**

- Our 2020 *Ending Homelessness Together* action plan renewed our commitment to ending homelessness, and our last annual progress report (published 7 Oct 2021) showed that, with the right approach and funding, local councils and third sector partners have the means to end rough sleeping in Scotland.
- On top of funding provided through the local government settlement, we are providing a total of £100m from our Ending Homelessness Together Fund.
- We are extending the eligibility criteria for the Tenant Grant Fund for local authorities, to prevent homelessness for those who have built up recent arrears.
- We will be investing a further £5m in Discretionary Housing Payments so that local authorities can help people on low incomes who are struggling with rising energy bills. In total, we will be investing up to £88.2m in DHPs in 2022-23.
- This additional funding will enable local authorities to deal with increased demand for DHPs and will be a lifeline for those who need help to heat and light their home.

#### ENDING HOMELESSNESS TOGETHER ACTION PLAN

#### **Our National Strategy, the ‘Ending Homelessness Together’ action plan, is strongly supported by the sector.**

- Our aim is to prevent homelessness from happening in the first place, and we are introducing new legal duties on public bodies, landlords and local authorities to act sooner to prevent people from becoming homeless.
- However, when homelessness does occur, we adopt a housing-led response, supported by funding local authorities to provide settled homes.
- We are providing local authorities with £52.5m for rapid rehousing to ensure people are given a settled place to live as soon as appropriate.
- Due to continued partnership working with local government and the third sector, the number of people engaging in rough sleeping remains low. We continue to monitor the situation carefully.

#### TEMPORARY ACCOMMODATION

#### **We know the number of households in temporary accommodation is too high and we are firmly committed to reducing it.**

- We have already legislated to improve the quality of temporary accommodation and we will continue to do all we can to improve people’s experiences and to support local authorities to reduce the use of temporary accommodation.
- The Housing Secretary has asked an expert group, chaired by Shelter Scotland and the Association of Local Authority Chief Housing Officers, for an action plan to reduce the numbers of people in temporary accommodation, with a strong focus on households with children. The group will report initial recommendations early next year.

#### UKRAINIAN DISPLACED PEOPLE

#### **The Scottish Government is working closely with local authorities and COSLA to explore solutions to bring forward long-term accommodation.**



## **ANNEX D – WIDER HOUSING BRIEFING**

- We have set up a fund of up to £50m for social rented housing providers to bid into to bring empty properties back to use to house Ukrainian Displaced Persons.
- We are reviewing the operation of our Warm Scottish Welcome to ensure we can provide appropriate and sustainable longer term support to displaced Ukrainians.

## **Introduction**

Good morning Convener. Thank you for the opportunity to speak on the Cost of Living (Tenant Protection) (Scotland) Bill, introduced to Parliament yesterday – and for agreeing to take evidence at such short notice.

As members will be aware, this emergency Bill aims to provide critical temporary protection for people who rent their home.

We know renters have lower household incomes, higher levels of poverty and are more vulnerable to economic shocks. 63% of social rented households and 40% of private rented households don't have enough savings to cover even a month of income at the poverty line, compared to 24% of households buying with a mortgage and 9% of households owning outright.

## **Bill Overview**

With this context in mind, the Bill has 3 key aims:

- to protect tenants - stabilising their housing costs by freezing rents;

**COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL  
LGHP COMMITTEE – STAGE 1 OPENING SPEECH**

- to reduce the impacts of eviction and homelessness – through a moratorium on evictions; and
- to avoid tenants being evicted from the rented sector by a landlord wanting to raise rents between tenancies during the temporary measures and reduce unlawful evictions

Provisions are intended to be in place until 31 March in the first instance. Scottish Ministers can – with approval by Parliament – extend for two further periods of six months, should circumstances and evidence show this to be necessary.

Similar to the approach to the Coronavirus emergency legislation, the ongoing necessity and proportionality of the provisions will be reviewed and reported on. Regulations to suspend or expire any provision that is no longer appropriate must be brought forward.

Convener, as time is limited I will provide a brief overview of the main provisions within the Bill.

## **Rent Freeze**

Firstly, we intend to achieve the rent freeze by provisions that will set a variable cap on the level of increase in rents - initially set at 0% until 31 March 2023.

Operating separately for the social and private sectors, this will apply to all rent increase notices served on or after 6 September 2022.

To reflect the various circumstances that landlords might face – we have allowed for applications to increase rent for prescribed and legitimate costs associated with offering the property for rent that have increased. Rises are restricted to a maximum of 3% of rent, although this can be varied as necessary.

Recognising that some of the most economically vulnerable people reside in the social rented sector, it is vital that these protections cover both sectors. However, in light of the critical differences in the nature and structure of the social rented sector. We are working closely with the sector to consider what should happen after 31 March.

## **Moratorium on evictions**

Turning now to the moratorium on eviction provisions - we intend to prevent the enforcement of eviction action in the private and social rented sectors, and in college and university Halls of Residence and Purpose Built Student Accommodation.

These restrictions will apply to all eviction orders issued in proceedings raised after the moratorium comes into force. It will also apply to proceedings raised before the moratorium comes into force where the eviction notice was served on or after 6 September 2022.

The moratorium will not apply to eviction orders granted in proceedings before this legislation comes into force.

This will ensure that no-one is evicted in a case started after, or as a result of, the PfG announcement.

Recognising again that the cost crisis is also impacting on some landlords, we have allowed for limited, specified exceptions - to deal with serious cases of antisocial or criminal behaviour; substantial levels of rent arrears; or a property being repossessed and sold by a mortgage lender.

## **Unlawful Evictions**

Convener, we know the vast majority of landlords are law abiding and are appalled and frustrated at those landlords who might try underhand tactics to evict at this time.

To guard against this the Bill also makes important changes to the way in which civil damages can be awarded for unlawful evictions, making it easier for tenants to challenge them and less attractive for landlords to carry them out by substantially increasing potential damages.

## **Rent Adjudication**

Finally, the rent adjudication provisions in the Bill, which look ahead to a time when we will transition out of the emergency measures.

## **Conclusion**

To summarise Convener, the legislation we are proposing will keep people in their homes and help stabilise housing costs during this extraordinary cost crisis.

**COST OF LIVING (TENANT PROTECTION) (SCOTLAND) BILL  
LGHP COMMITTEE – STAGE 1 OPENING SPEECH**

We believe the package of measures strikes the right balance between this aim and ensuring landlords can continue to offer properties for rent.

I look forward to discussion.

**[Ends]**

*Word Count: 764 (around 5 minutes)*