

Making changes to let property

Equality Impact Assessment Results

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Title of Policy:

Part 3 Housing (Scotland) Bill (“the Bill”): Making changes to let property.

Summary of aims and desired outcomes of Policy:

Measures in the Bill are designed to create a framework to enable tenants with a private residential tenancy greater rights to make certain prescribed changes (category 1) without the consent of their landlord, and the right to request certain other prescribed changes (category 2) to their rented home that cannot be unreasonably refused. Category 2 request can only be made after a tenant has lived in the let property for more than 6 months; and landlords will be able to set reasonable conditions for approval.

This is intended to:

- improve the renting experience for private tenants with a private residential tenancy by giving them more control over personalising their home, supporting better mental health and wellbeing;
- more closely align the rights of private tenants with other tenures while continuing to take account of the differing legal frameworks; and
- seek to appropriately balance the strengthened rights for tenants with sufficient protections for landlords.

Directorate:

Directorate for Local Government and Housing: Better Homes Division: Housing Legislation and Reform Unit.

Executive summary

Scottish Ministers have committed to further reform of the rented sectors as part of delivering their vision and commitments for housing as set out in Housing to 2040¹ and consulted on as part of our New Deal for Tenants: Draft Rented Sector Strategy². The reforms were also developed as part of the Cooperation Agreement between the Scottish Government and the Scottish Green Party Parliamentary Group, which was ended on 25 April 2024. The 2023-24 Programme for Government³ commits to a Housing Bill that will help to deliver the legislative changes required.

¹ [Housing to 2040 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

² [Supporting documents - A New Deal for Tenants - draft strategy: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot)

³ [Delivering our National Missions - Programme for Government 2023 to 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

This document sets out the results of the equality impact assessment of the introduction of new rights for tenants with a private residential tenancy to make certain changes to their rented homes. It is one of a number of equality impact assessments carried out on the policy changes included in the Bill.

The analysis is presented below in the Key Findings section. The findings are based on stakeholder engagement and feedback, desk-based research and analysis of the responses to the New Deal for Tenants: Draft Rented Sector Strategy, the Landlord and Tenant Engagement Questionnaire and subsequent engagement discussion groups.

The EQIA is an ongoing process, and therefore will continually be amended as new evidence comes to light. We will continue to engage with our stakeholders and will regularly review the EQIA record and results following the data review and subsequent analyses.

Our assessment indicates the impact of this policy measure as neutral in relation to the elimination of discrimination, advancement of equality of opportunity, and fostering good relations for those with protected characteristics. We have identified this policy is likely to have an overall positive effect on all tenants with a private residential tenancy including those with protected characteristics, allowing them greater control over their home. This may be particularly beneficial for families with children.

Background

Scottish Ministers have committed to giving private tenants greater rights to personalise the home they rent. Currently the rights of private tenants to make changes to the let property will depend on terms of their tenancy agreement. The majority of private tenancies are Private Residential Tenancies (“PRT”) (tenancies that began on or after 1 December 2017) under the Private Housing (Tenancies) (Scotland) Act 2016⁴ (“2016 Act”), and unless otherwise agreed, changes to the let property are at the discretion of the landlord.

Measures under the Bill aim to provide all private tenants with a PRT with additional rights to make certain minor changes without consent (e.g. putting up pictures and posters), and the right to request to make certain other larger changes (e.g. painting walls and putting up wall shelves) that a landlord could not unreasonably refuse after they have lived in the property for over 6 months.

This would result in the following categories of changes that private tenants with a PRT could make to personalise their home:

⁴ [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/16/contents)

Category 1: No approval from landlord required - private tenants would be allowed to make certain minor modifications to the let property without prior agreement from their landlord. For example, putting pictures and posters on walls. The nature of such changes would be defined in secondary legislation.

Category 2: Right to request and landlord cannot unreasonably refuse – private tenants would have a new right to request to make certain larger changes to the let property and for their request to not to be unreasonably refused, where they had lived in the let property for a set period of time. For example, painting the walls inside the property a different colour. The nature of such changes would be defined in secondary legislation.

In agreeing to a change, a landlord would be able to set conditions for approval but only where it is reasonable for them to do so. Tenants would continue to be able to ask for more substantial modifications to the properties fixtures and fittings, but these would continue to be at the discretion of the landlord as is currently the case. This means the landlord could refuse modifications that did not fall into either category 1 or 2 above without any test of reasonableness.

The types of changes that would fall into each of the two categories will be set out in regulations and subject to consultation with tenants, landlords and other interested stakeholders. Scottish Ministers would also have powers to set out in regulations the information that must be included within a request for a category 2 change, the grounds for refusal and reasonable conditions for approval. This will assist in the effective implementation of the measures.

Tenants would need to make a request for a modification under category 2 in writing and meet any requirements set out in secondary legislation. Landlords would then need to respond to the written request within 42 days of receiving the request. If a landlord does not respond to the tenant within the set timescale, this would be treated as having refused consent.

Where the tenant thinks a refusal or condition for approval is unreasonable, they can appeal the landlord's decision through the First-tier Tribunal for Scotland (Housing and Property Chamber) (the Tribunal). Before making an application to the Tribunal a tenant must first notify the landlord of their intention to do so.

These new rights are in addition to existing rights for disabled tenants to request and not be unreasonably refused a request for adaptations, auxiliary aids or services under section 52 of the Housing (Scotland) Act 2006 or section 37 of the Equality Act 2010.

The Scope of the EQIA

This EQIA has considered the impact of the new rights for tenants to make changes to the let property on those with protected characteristics (age; disability; sex (including pregnancy and maternity); gender reassignment; sexual orientation; race; and religion or belief) in relation to the requirements of the public sector equality duty to eliminate discrimination; advance equality of opportunity, and foster good relations.

As part of our considerations and policy development of the measure, a formal public consultation was carried out as part of the Scottish Government's New Deal for Tenants: Draft Rented Sector Strategy⁵. Independent analysis of responses to the consultation⁶ was published in August 2022. Further targeted stakeholder engagement with tenants, landlords representative groups and other relevant stakeholders has taken place to inform the development of the measures, including a landlord and tenants questionnaire and subsequent discussion group events seeking views on particular aspects of the policy. Independent analysis of responses to the questionnaire⁷ was published on 8 March 2024.

Key Findings – Private Landlords

Little robust data is available on the demographic characteristics of Scottish private landlords as a group. One survey by Shelter and YouGov in 2016⁸ sampling from across the UK found that their respondents were approximately 45% female and tended to be older and more affluent than the general population, as well as less likely to have children living in the home with them. However it is not known whether this sample is representative of Scottish landlords more widely and the proportion of the overall sample drawn from Scotland is small.

Evidence from a 2013 study⁹ which carried out a secondary data analysis of the UK Wealth and Assets Survey found similar proportions of female landlords (46%) to the Shelter survey, which is slightly lower than the average for the UK population at the time. This study also found that, in terms of ethnicity private rented sector ("PRS") landlords were majority white (88%) which was broadly in line with the proportion of white adults aged 16 or more in the general population at the time (89%). Although this data is now older and may not reflect the current situation in the Scottish PRS, Evidence from the 2022 English Private Landlord Survey¹⁰, a repeat survey carried out by Department for Levelling Up, Housing and Communities, found that 44% of private landlords in England at that time were women, and in terms of ethnicity, 88%

⁵ See footnote 2

⁶ [A New Deal for Tenants: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/new-deal-for-tenants-consultation-analysis/pages/10.aspx)

⁷ [Rented sector reform: landlord and tenant engagement questionnaire - analysis report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/rented-sector-reform-landlord-and-tenant-engagement-questionnaire-analysis-report/pages/10.aspx)

⁸ [Research Report- Survey of Private Landlords - Shelter England.pdf \(ctfassets.net\)](https://www.ctfassets.net/54645678-9012-4567-8901-234567890123/research-report-survey-of-private-landlords-shelter-england.pdf)

⁹ [Understanding Landlords \(strategicsociety.org.uk\)](https://www.strategicsociety.org.uk/understanding-landlords/)

¹⁰ [English Private Landlord Survey 2021: main report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/english-private-landlord-survey-2021-main-report.pdf)

of landlords identified as White, with 4% Indian, 2% Black, 1% Pakistani or Bangladeshi and the remaining 5% Other. This was broadly in line with the 2011 Census statistics for England and Wales which found that 86% of the population identified as White, 3% Indian, 3% Black, 3% Pakistani or Bangladeshi and the remaining 5% Other¹¹. While this data does not all apply to Scotland directly, it may provide indicative information.

Broadly speaking, there is evidence from sector engagement and recent studies that some private landlords and landlord organisations have concern about the potential impacts of rent control and other regulations on their rental profits and willingness to remain in the market, but direct evidence has not been identified that indicates equalities characteristics will cause landlords to experience legislation differently.

However, it is possible that equalities characteristics may intersect with other socio-economic characteristics and behaviours (in particular the financial resources available to a landlord) in a way that affects landlords' resilience to change. For example, older, retired landlords with no pension/savings who depend on a few rental properties as their sole source of income may find it harder to adapt to regulatory change. The available data is insufficiently fine-grained to quantify how many landlords might fall into such groups, or whether there would be such an impact. The impact on such landlords may also depend on the way in which the policy is implemented/delivered.

In summary, the evidence base around equalities characteristics among private landlords in Scotland is limited. The data that exists is not strong in relation to what it can tell us about Scotland, but it may provide some indicative information about the Scottish sector. It is likely that the population of landlords within the PRS includes those with protected characteristics including ethnicity and gender which may potentially influence the way in which they are impacted by legislation. However, given the lack of recent, context-specific evidence in this area, additional research is required to address some of these data gaps, some of which could be incorporated into the evaluation strategy for the Bill.

¹¹ [Ethnicity and National Identity in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)
[Ethnic group, national identity, language and religion variables Census 2021 - Office for National Statistics \(ons.gov.uk\)](#) Please note that this comparison has not been tested for statistical significance

Key Findings - Tenants

The PRS is home to 341,000 households¹². Tenants are staying in properties longer. Data from the Scottish Household Survey¹³ indicates in 1999, 46% of households lived at their current address for less than one year, 25% for between 1 and 2 years, 11% between 3 and 4 years, 8% for between 5 and 10 years, 6% for 11 to 20 years and 5% for more than 20 years. This compares with 32% of households living in a let property for less than a year, 27% for between 1 and 2 years, 15% between 3 and 4 years, 18% for between 5 and 10 years, 7% for 11 to 20 years and 3% for more than 20 years in 2022.

There is no available data on current level of requests by tenants for changes to the let property and landlords responses. However, survey findings¹⁴ published in 2022 on private renters' experiences has provided some insight on the proportion of renters who feel their landlord would be open to them personalising the property (e.g. putting up pictures, changing curtains, painting a room). This found 45% of respondents strongly agreed that their landlord would be open to them personalising the let property, 35% tend to agree and 13% tended to disagree and 7% strongly disagreed.

It also found that of the renters surveyed 44% strongly agreed they feel at home in the property, 40% tend to agree, 10% tend to disagree and 5% strongly disagree. However, the research notes that 'home' is a complex concept with different meanings to different people.

The survey also asked about what renters find important in the PRS. 62% of those who responded identified being able to make the property a home by being able to decorate and keep pets as important.

An evidence review¹⁵ on the role of private landlords in making a rented house a home published in 2022 highlights evidence that allowing personalisation of a rented home offers tenants more stability, security of tenure and increases the likelihood that tenants will look after the property. It also highlights that where personalisation is not allowed, tenants lack autonomy and control has a negative impact on a tenants ability to feel safe, secure and settled in their rented home. Evidence from RentBetter¹⁶ research suggests that tenant awareness of the Tribunal system is low

¹² Scottish Government, [Housing statistics: Stock by tenure](#). Figures are estimated stock as at March 2022. In the Financial Memorandum, the number of private rented households is rounded to 340,000 when used in costings.

¹³ [Supporting documents - Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](#). There is evidence to suggest that social rented and private rented households may be slightly under-represented in the 2022 achieved sample. Users should take this into account when interpreting totals aggregated across all housing tenure groups.

¹⁴ [Living in Scotland's private rented sector: a bespoke survey of renter's experiences - UK Collaborative Centre For Housing Evidence](#)

¹⁵ [The role of private landlords in making a rented house a home \(stir.ac.uk\)](#)

¹⁶ [RentBetter Wave 2 Full Reports | Rent Better \(indigohousegroup.com\)](#)

and can be intimidating, particularly for low income tenants. Targeted awareness raising and support should therefore be considered in implementation of the measures to address these findings.

Changes that give private tenants additional rights to make changes to a let property will give greater control over making changes to their rented homes and have a positive impact for all.

Age

According to the Scottish Surveys Core Questions 2022¹⁷, 25.5% of those living in the PRS are 16-24, 35.3% are 25-34, 15.5% are 35-44, 10% are 45-54, 6.8% are aged 55-64, and 6.9% are 65 and above.

Scottish Government data on Poverty and Income Inequality in Scotland¹⁸ shows that in the last 15 years, the youngest households (household heads aged 16-24) have been consistently more likely to be in relative poverty compared to older households. In the period 2020-23, 39% of people in households with household heads aged 16-24 were in relative poverty after housing. In comparison, the age groups 25-34, 35-44, 45-54 and 55-64 all had lower poverty rates between 17% and 23%. Evidence¹⁹ suggests that younger tenants reported feeling discriminated against in engagement with their landlord. Being perceived as ‘children’ and ‘less responsible tenants’. This sense of a lack of control can negatively impact on younger tenants’ wellbeing. Evidence from a survey of tenants conducted as part of the RentBetter project²⁰ found that those who reported having less confidence to raise a dispute with their landlord tended to be those with less financial power, including those on lower incomes and in part-time work, or younger, inexperienced renters.

Research into the priorities for low income tenants also highlighted some of the difficulties private renters often face in personalising their home by redecorating and/or upgrading the property – for example, in cases where landlords did not allow drilling holes in the wall and/or painting the property. Being able to personalise and redecorate the home was particularly important to families with children, so they could create child-themed bedrooms and/or manage children sharing bedrooms²¹. A report²² by Independent Age about older renters in Scotland found that that 21% of older renters surveyed reported that they don’t know anything about their rights, with a further 36% saying they are unsure. This supports findings from earlier research²³

¹⁷ [Scottish Surveys Core Questions 2022](#)

¹⁸ [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#)

¹⁹ [The role of private landlords in making a rented house a home \(stir.ac.uk\)](#)

²⁰ [RentBetter Baseline Full Reports | Rent Better \(indigohousegroup.com\)](#)

²¹ [What do lower income tenants in Scotland’s private rented sector want to see from a new rented sector? - UK Collaborative Centre For Housing Evidence](#)

²² [Homing in, How to improve the lives of older renters in Scotland \(independentage.org\)](#)

²³ [Findings | Rent Better \(indigohousegroup.com\)](#)

as part of the RentBetter project which has shown a low awareness of tenancy rights more generally.

New rights to personalise a let property will benefit tenants of all ages, but may be particularly beneficial for tenants who live in the PRS for longer, and families with children helping to improve their renting experiences by giving them greater control to personalise their home.

Disability

According to the Scottish Surveys Core Questions 2022²⁴, the proportion of adults in the PRS who have a limiting long-term physical or mental health condition was 23.2%.

There is insufficient information about the experiences of disabled tenants to fully assess the impact of greater rights to make changes to their rented home. However, the changes will be beneficial for all tenants.

Evidence from the survey of renters²⁵ indicated that those respondents with a disability or longer-term illness were more slightly more likely to experience an issue with their landlord or letting agent (40% of respondents with a disability compared with 35% without). The same survey asked all renters who reported experiencing an issue about what steps had been taken to resolve it. The most common response (28%) was that they did not raise the issue for fear of what might happen. This, along with the general lack of awareness of tenancy rights indicated by RentBetter research²⁶, make clear the importance of awareness raising of new rights and the mechanisms for resolving disputes as part of the implementation of the new rights. To advance equality of opportunity, any guidance on the new rights or existing legislation should use more straightforward language, explanations, concepts and include images as well as text.

Sex (including pregnancy and maternity)

Experiences of renting can have a gendered dimension. According to the Scottish Core Questions 2022²⁷, an estimated 50.2% of those in the PRS are women. Women earn less on average than men²⁸, are less likely to be paid the Living Wage²⁹ and are more likely to not be working due to looking after children or home³⁰. This may lead to women having a lower independent income. Whilst there may be

²⁴ See footnote 17

²⁵ [Living in Scotland's private rented sector: A bespoke survey of renters' experiences](#)

²⁶ [Findings | Rent Better \(indigohousegroup.com\)](#)

²⁷ See footnote 17

²⁸ [Scotland's Gender Equality Index 2023 \(data.gov.scot\)](#)

²⁹ See footnote 28

³⁰ See footnote 28

income pooling within a couple with a high-income and low-income earner, there will be an unequal reliance on the sharing of income to maintain their standard of living³¹.

Over recent years, evidence shows that households with children under one are at a heightened risk of poverty, and that families with a new child are more likely to enter poverty, even when controlling for other factors³². Evidence from a recent focus report on poverty and households with babies³³ suggests that new mothers found Universal Credit payments helped to relieve housing costs by covering their rent. However most of the interviewees were in social housing and it was suggested that private rented accommodation is unaffordable. Many within the study mentioned that having a baby prompted a change in housing; often moving out of pre-pregnancy housing to avoid overcrowding. While rental costs were not a prominent concern, mothers highlighted the challenges of securing homes which suit their family's needs.

There is insufficient information about the experiences of male and female tenants to fully assess the impact of greater rights to make changes to their rented home. However, the changes will be beneficial for all tenants.

Evidence from the CACHE survey of renters³⁴ indicated that a higher proportion of female renters had experienced an issue with their landlord and letting agent³⁵. Of all respondents who had experienced an issue, 28% did not raise the issue for fear of what might happen. This, along with the general lack of awareness of tenancy rights indicated by RentBetter research³⁶, makes clear the importance of awareness raising of new rights and the mechanisms for resolving disputes as part of the implementation of the new rights.

Gender reassignment

Data around the prevalence and experiences of trans people in the Scottish private rental sector are limited. We do not have reliable estimates for the number of trans or non-binary people in Scotland at present, including those living specifically within the PRS. However, as the next section will detail, there is evidence that other members of the LGBTI community are more likely to live in the PRS and within urban areas in Scotland.

³¹ The low-income indicator measures the proportion of adults with an income below 60% of the UK median income, after equivalising for dependent children living with them. Due to limitations of the available data, we have assumed that costs related to dependent children are shared proportionate to individual income within a family. This indicator uses income before housing costs to avoid needing to make assumptions about how housing costs are split within a couple.

³² [Additional child poverty analysis 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/additional-child-poverty-analysis-2024/pages/1-to-4.aspx)

³³ [Tackling child poverty delivery plan: fourth year progress report 2021-2022 - focus report on households with babies under one - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/tackling-child-poverty-delivery-plan-fourth-year-progress-report-2021-2022-focus-report-on-households-with-babies-under-one/pages/1-to-4.aspx)

³⁴ [Living in Scotland's private rented sector: A bespoke survey of renters' experiences](https://www.gov.scot/publications/living-in-scotland-s-private-rented-sector-a-bespoke-survey-of-renters-experiences/pages/1-to-4.aspx)

³⁵ 41% of female compared with 32% of male respondents

³⁶ See footnote 16

A 2018 report by Stonewall³⁷ reported one in four trans people (25%) were discriminated against when looking for a house or flat to rent or buy in the last year. The same proportion had also experienced homelessness at some point in their lives, while one in five non-binary people (20%) had experienced discrimination while looking for a new home.

Reported findings from a 2022 UK study of housing discrimination³⁸ by Generation Rent and LGBTI homelessness organisation “akt” found that 43% of LGBTI respondents reported that they had been forced to live in unsuitable accommodation, compared with 29% of non-LGBTI participants. Insecurity and accessibility to affordable homes in the private rental market was raised as also an issue. However, limited information about the study or its underlying data were available so it is unclear as to how robust or representative these findings are.

In a published response to the recent consultation on A Human Rights Bill for Scotland³⁹, the Equality Network cited (yet unpublished) data from a survey undertaken by Scottish Trans which ran from March–June 2023 and surveyed 575 trans and non-binary people from across Scotland about their experiences of housing and the cost-of-living, among other topics. The findings report experiences of discrimination by private landlords, housing insecurity, and in the case of trans respondents, the cost of living crisis causing respondents to have to make choices between necessities and gender affirming purchases. Detail of survey results and methodology were not yet available for assessment at the time of drafting so it is not possible to comment on the robustness of these findings.

The consultation response also expressed that trans people may experience an additional layer of difficulty when seeking benefits via the Department of Work and Pensions due to administrative issues arising from either not having a GRC (gender recognition card), or due to issues caused by current and previous details such as names no longer matching on the system. According to the UK Government’s national LGBT Survey Report (2018)⁴⁰, only 12% of the trans men and trans women respondents who had either started or finished transitioning had obtained a GRC.

There is insufficient information about the experiences of transgender tenants and landlords to fully understand the impact of greater rights to make changes to their rented home. However, the changes will be beneficial for all tenants.

Sexual Orientation

There is insufficient information about the experiences of tenants and landlords of different sexual orientations to fully assess the impact of greater rights to make

³⁷ [Stonewall | LGBT in Britain - Trans Report \(2017\)](#)

³⁸ ["I didn't feel safe being my full self" - the LGBTQ+ experience of renting \(generationrent.org\)](#)

³⁹ [Equality-Network-Consultation-Response-A-Human-Rights-Bill-for-Scotland-4th-October-2023-.pdf](#)

⁴⁰ [National LGBT Survey: Research report - GOV.UK \(www.gov.uk\)](#)

changes to their rented home. However, the changes will be beneficial for all tenants.

The available evidence suggests that more cis lesbian, gay and bisexual people privately rent: people living in the PRS are more likely to identify as either 'lesbian, gay, bisexual or other' (LGB) than the population as a whole: 6.9% compared to 2.9%⁴¹.

A 2021 report by the Scottish Government on inclusivity in rural areas⁴² which drew on multiple data sources found that there is a higher prevalence of lesbian, gay, bisexual or 'other' people in urban areas, which may partially reflect experiences of LGBTI people of having moved to a different area due to their experiences as LGBTI.

Poverty and income inequality analysis data suggests the poverty rate has been consistently higher for LGBTI adults compared to straight/heterosexual adults. In the period 2020-2023 it is estimated that 25% of those identifying as LGB+ were in relative poverty after housing costs, compared to 19% of straight adults⁴³. However, it should be noted that the analysis flags that there were too few LGB+ identifying adults in poverty in the sample to produce a robust estimate of their population and measurement uncertainty is quite wide for this group.

Race

Recent data from the Scottish Surveys Core Questions 2022⁴⁴ indicate that just over half (52.3%) of adult respondents in the PRS recorded their ethnicity as 'White: Scottish', lower than all other tenures, and 16.5% recorded their ethnicity as White: British, and 2.5% as White: Polish. 6.8% recorded their ethnicity as White 'Other'⁴⁵ and 15.6% recorded their ethnicity as Asian⁴⁶, figures which are both higher than other tenures. All other ethnic groups make up 6.1% of the private rented sector⁴⁷.

In the social rented sector, the Scottish Surveys Core Questions 2022⁴⁸ indicate that the majority (79.6%) of adult respondents in the social rented sector recorded their ethnicity as 'White: Scottish', and 7.3% recorded their ethnicity as White: British, and

⁴¹ [Scottish Surveys Core Questions 2019 \(Last updated: January 2021\)](#)

⁴² [Inclusive Participation in Rural Scotland: A Preliminary Exploration \(www.gov.scot\)](#)

⁴³ [Poverty and Income Inequality in Scotland 2020-23 - Equality analysis](#). 21% of adults who did not answer the question about sexual orientation also reported being in relative poverty after housing costs.

⁴⁴ See footnote 17

⁴⁵ includes 'White: Irish', 'White: Gypsy/Traveller', 'Roma', 'Showman/Showwoman' and 'White: Other White Ethnic Group'

⁴⁶ 'Asian' includes the categories Asian, Asian Scottish or Asian British

⁴⁷ All other ethnic groups' includes categories within the 'Mixed or Multiple Ethnic Group', 'African', 'Caribbean or Black' and 'Other Ethnic Group' sections

⁴⁸ See footnote 17

1.9% as White: Polish. 2.2 % recorded their ethnicity as White 'Other'⁴⁹ and 3.2% recorded their ethnicity as Asian⁵⁰. All other ethnic groups make up 5.7% of the social rented sector⁵¹.

A Scottish Government analytical paper⁵² drawing together evidence about cost of living found that:

“[m]inority ethnic groups are significantly more likely to live in larger households⁵³, to be unpaid carers and live in private rented accommodation. Minority ethnic households are also more likely to have deeper levels of poverty⁵⁴ and so a greater proportion of their income is likely to be spent on essentials which are subject to inflation.”

As noted in a 2020 report of the Coalition for Racial Equality and Rights⁵⁵, within Scotland, black and minority ethnic (“BME”) groups are demographically younger than white ethnic groups. According to the 2011 Census⁵⁶, those identifying as white are most likely to be aged 45-59, whereas as BME groups are largely younger in profile (most likely to be aged 25-34) – with the exception of Caribbean or Black where it is 35-44. However, although there is evidence to suggest that younger people in Scotland may find themselves in the PRS due to a lack of other options (often referred to as the ‘generation rent’ phenomena)⁵⁷, there is a lack of evidence about how this applies to BME communities in Scotland.

A Scottish Government evidence review of the housing needs of minority ethnic groups⁵⁸ sought to uncover trends in housing for minority ethnic groups. The review found that multiple trends in housing for minority ethnic groups were present across the literature including those identified above. People from minority ethnic groups were more likely to be living in relative poverty after housing costs than people from the white Scottish/British group which is still the case⁵⁹, and some ethnic groups such as ‘African’, ‘White: Polish’ and the ‘Other ethnic’ group, were much more likely to be living in some of the most deprived areas in Scotland.

⁴⁹ includes ‘White: Irish’, ‘White: Gypsy/Traveller’, ‘Roma’, ‘Showman/Showwoman’ and ‘White: Other White Ethnic Group’

⁵⁰ ‘Asian’ includes the categories Asian, Asian Scottish or Asian British

⁵¹ All other ethnic groups’ includes categories within the ‘Mixed or Multiple Ethnic Group’, ‘African’, ‘Caribbean or Black’ and ‘Other Ethnic Group’ sections

⁵² [The Cost of Living Crisis in Scotland: An Analytical Report \(www.gov.scot\)](http://www.gov.scot) p.42

⁵³ According to [Census 2011 data](http://www.gov.scot)

⁵⁴ Scottish Government (2020). Poverty and income inequality in Scotland 2016-19 and [Additional poverty analysis 2018 - gov.scot \(www.gov.scot\)](http://www.gov.scot)

⁵⁵ [Ethnicity and Housing in Scotland](http://www.gov.scot), Coalition for Racial Equality and Rights, July 2020

⁵⁶ According to [Census 2011 data](http://www.gov.scot)

⁵⁷ [‘Generation rent’ and the ability to ‘settle down’: economic and geographical variation in young people’s housing transitions: Journal of Youth Studies: Vol 20 , No 1 - Get Access \(tandfonline.com\)](http://www.tandfonline.com)

⁵⁸ [Housing needs of minority ethnic groups: Evidence review \(www.gov.scot\)](http://www.gov.scot), January 2021

⁵⁹ [Scottish Government, Poverty and Child Poverty Data for Download](http://www.gov.scot)

The review also notes that it remains a partial view and that gaps in the data exist, given that the available evidence on the demographic and geographic profile of the population is often dated or limited in terms of sample size, and that this restricts the insight offered by the available evidence.

Research undertaken as part of the RentBetter Project in 2020⁶⁰ found that, of the non-white minority ethnic PRS tenants in Scotland sampled, just over a third found it difficult to find a place to rent, compared to one-fifth of all tenants in the sample. For non-white minority ethnic tenants, this difficulty in finding a place to rent was more commonly attributed to affordability or being on benefits than for other tenants⁶¹. This research also found that tenants from non-white minority ethnic groups were still less likely to feel confident in challenging their landlord and dealing with disputes compared to their white counterparts.

The 2021 Scottish Government evidence review⁶² noted that some families may choose to live in the PRS due to fear of discrimination or lack of culturally appropriate accommodation within the social sector, however:

“[s]ome studies presented a more complex view of over-representation in the PRS, where minority ethnic families chose to rent privately for the greater flexibility and choice it offered compared to other tenures, suggesting a more positive image of the sector (Netto & Abazie 2012; Strachan & Donoghue 2009). For some participants, the sector was seen as an attractive alternative to the social rented sector in terms of greater choice of properties and more attractive neighbourhoods for families (Netto & Abazie 2012), allowing them to live nearer to places of worship and other amenities such as halal shops and cultural centres (Netto et al. 2011).”

A 2023 report by Netto et al on work carried out by researchers at the Urban Institute⁶³ at Heriot Watt University in partnership with Shelter Scotland and Cemvo Scotland aimed to improve this gap in evidence⁶⁴. This was based on a systematic evidence review, an online survey with social landlords and interviews with a small sample of 30 minority ethnic (“ME”) and 10 white Scottish participants on low and middle incomes from urban and rural locations with a range of ages, household compositions, tenure and employment statuses.

Findings from this report included indications that, compared to white Scottish interviewees, a different set of drivers motivated ME interviewees to seek new housing, including changes to or difficulty in securing employment, fear of and experience of racial harassment including intergenerational impacts, poor housing

⁶⁰ [RentBetter Baseline Full Reports | Rent Better \(indigohousegroup.com\)](#)

⁶¹ See footnote 60

⁶² [Housing needs of minority ethnic groups: evidence review - gov.scot \(www.gov.scot\) p31](#)

⁶³ [The Urban Institute – Leading and sharing thinking in Urban Planning, Real Estate, and Urban Design. \(hw.ac.uk\)](#)

⁶⁴ [Minoritised ethnic access to social housing in Scotland at key transition points - Shelter Scotland](#)

conditions and lack of space. The report also found that the majority (95%) of ME interviewees found their current housing unaffordable. Affordability issues led to ME interviewees living in the PRS to seek social housing. However, the 2022 Scottish Household Survey⁶⁵ reported similar rates of difficulties in paying the mortgage or rent when comparing households where the person with the highest income was either white or minority ethnic.

In terms of intersectional experiences, the Scottish Government's Evidence review⁶⁶ found that for ME women, isolation, language difficulties and experiences of racism, may increase their risk of experiencing homelessness or prevent them from escaping domestic abuse.

Evidence has also identified language barriers⁶⁷ and lack of awareness of and confidence to act on rights⁶⁸ as potential issues for ME groups. To advance equality of opportunity in the implementation of these measures any guidance on the new rights or existing legislation should use a range of appropriate, accessible and inclusive means and methods, including internet and social by maximising understanding of changes.

Religion or belief

There is insufficient information about the experiences of tenants and landlords of different religion or belief to fully assess the impact of greater rights to make changes to their rented home. However, the changes will be beneficial for all tenants. According to the Scottish Surveys Core Questions 2022⁶⁹, the most common religious designation across all housing tenures is 'no religion'. People who live in the PRS and social rented sector are more likely to identify as being 'Muslim' or 'other religion'⁷⁰ compared to those who own their homes outright and those who own their homes with a mortgage.

In the period 2018-2023, Muslim adults and adults identifying as 'other religion' were more likely to be in relative poverty (61% and 31% respectively) than adults overall (19%) and adults belonging to the Church of Scotland (16%), after housing costs were taken into account⁷¹.

⁶⁵ [Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/data-tables/117) Data table 1.17. Rates of difficulty paying were 3% for White Scottish, 2% for White British, 4% for White Other, and 2% for Minority Ethnic Group HIH respondents.

⁶⁶ [Housing needs of minority ethnic groups: evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/evidence-review)

⁶⁷ See footnote 66

⁶⁸ [Housing needs of minority ethnic groups: evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/evidence-review) Wave-2-Tenant-qualitative-AE030522-for-publication.pdf (indigohousegroup.com)

⁶⁹ See footnote 17

⁷⁰ The 'Other' group includes Hindu, Buddhist, Pagan, Jewish, Sikh, and 'Another religion' responses

⁷¹ [Poverty and Income Inequality Statistics March 2024](https://www.gov.scot/poverty)

Recommendations and Conclusion

We recognise that the data available does not allow a complete picture of the needs of those with protected characteristics. However, this assessment has allowed the opportunity to consider the impact on these groups as fully as possible. Our assessment has identified that new rights to give tenants greater flexibility to make changes to their rented home will have a neutral impact on people with protected characteristics in relation to the three aspects of the public sector equality duty.

We have identified this policy is likely to have a generally positive effect on all tenants including those with protected characteristics, allowing them greater control over their home. It may be particularly beneficial for families with children. Research highlights the benefits that increased control to personalise their home can have on wellbeing and increasing the likelihood a tenant will look after the property.

As part of the implementation of new rights, any guidance on the new rights or existing legislation should be should use a range of appropriate, accessible and inclusive means and methods, including internet and social by maximising understanding of changes to advance equality of opportunity particularly for disabled people and those from ethnic minorities.



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-350-1 (web only)

Published by The Scottish Government, June 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1465678 (06/24)

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