



Glasgow City Council

**Economy, Housing, Transport and Regeneration
City Policy Committee**

**Report by George Gillespie, Executive Director of
Neighbourhoods, Regeneration and Sustainability**

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Item 6

4th June 2024

HOUSING (SCOTLAND) BILL

Purpose of Report:

The purpose of this report is to provide members with a summary of the Housing (Scotland) Bill which has been introduced by the Scottish Government.

Recommendations:

Committee is asked to note:

1. The introduction of the Housing (Scotland) Bill by the Scottish Government on 26th March 2024.
2. The next steps to be taken as the Bill progresses to the relevant next stages and considerations.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

1 Introduction

- 1.1 [The Housing \(Scotland\) Bill \(SP Bill 45\)](#) was introduced in the Scottish Parliament on 26 March 2024. The purpose of this paper is to provide an overview of the Bill in its current form. There are seven parts outlined in the Bill and the Scottish Government has developed these as a result of the need to:
- Improve the housing outcomes for people who live mainly in rented accommodation or face homelessness.
 - Safeguard the proportionate use of a landlord's property for rental purposes whilst seeking to deliver a fair balance between protection for tenants and the rights of landlords.
- 1.2 Parts of the Bill are aligned with the Housing to 2040 document, which sets out the Scottish Government's vision for Housing to 2040. It includes the ambition for everyone to have a safe, good quality, and affordable home that meets their needs in the place they want to be. The Scottish Government has outlined that further improvements are required to the way the rented sector operates for this to be achieved.
- 1.3 The content of the Bill has been informed by three public and stakeholder consultations undertaken by the Scottish Government:
- New Deal for Tenants – Draft Rented Sector Strategy consultation – Issued in December 2021 to seek views on a wide range of rented sector reform measures including the introduction of a national system of rent controls for the private sector.
 - Prevention of Homelessness Duties – Issued in December 2021 by the Scottish Government and the Convention of Scottish Local Authorities (COSLA) as a joint proposal on new measures.
 - Mobile Homes Act 1983 – Pitch Fee Uprating Consultation – Issued in January 2023.
- 1.4 Glasgow City Council and Glasgow City Health and Social Care Partnership (GCHSCP) responded to both the New Deal for Tenants and the Prevention of Homelessness Duties consultations.
- 1.5 Neighbourhoods, Regeneration and Sustainability (NRS) Housing continues to participate in working groups that consider and inform the policy proposals that are set out in the Bill (for example the Private Rented Sector stakeholder group, and the Local Authority Working Group on Rent Control). GCHSCP also continues to represent the city at various homelessness working groups (such as the Homelessness and Rough Sleeping Action Group, and Homelessness Prevention Task and Finish Group), which are chaired by the Scottish Government.

2 Structure and Content of the Bill

2.1 The Bill has seven parts that make provisions for:

1. Rent, including the designation of rent control areas.
2. Dealing with evictions, including duties to consider delaying evictions and the amount of damages for unlawful evictions.
3. Residential tenants keeping pets and making changes to let property.
4. Other matters relating to tenants including unclaimed tenancy deposits, registration of letting agents, ending joint tenancies, delivery of notices and converting assured tenancies into private residential tenancies supporting tenants affected by domestic abuse.
5. Homelessness prevention including duties of relevant bodies, assessment of housing support services and tenants affected by domestic abuse.
6. Other housing matters including mobile homes, fuel poverty and disclosure of information to the new homes ombudsman.
7. Commencement and other ancillary matters.

3 Rent (Part 1)

3.1 The Scottish Government has outlined its intention to create powers for the introduction of longer-term rent controls for the private rented sector.

3.2 The temporary rent cap and moratorium on evictions outlined in the Cost of Living (Tenant Protection) (Scotland) Act 2022 ended on 31 March 2024. The Rent Adjudication (Temporary Modifications) (Scotland) Regulations 2024 came into force on 1 April 2024 and temporarily amended the process of rent adjudication. When a private rented sector rent increase notice has been given to a tenant and the tenant refers the matter to a Rent Officer or to the First Tier Tribunal, a tapering approach will be applied. This seeks to protect tenants from the sharp increases in rent that some could experience if rents moved back to market level in one step, whilst allowing rent increases that support landlords to continue to invest in the rental property. These temporary measures are set to expire on 31 March 2025.

3.3 The Bill:

- Creates a power for Scottish Ministers to introduce rent control areas, which will be designated via secondary legislation to be approved by the Scottish Parliament.
- Imposes a duty on each Local Authority to carry out an assessment of rent conditions in its area relating to the level of rent and the rate of rent increases under relevant private sector tenancies and submit to the Scottish Government at five yearly intervals. The report must set out details of the assessment including any recommendation to designate all or any part of the area of the local authority as a rent control area.
- A new power for Local Authorities to request information from a registered landlord or tenant to support both Local Authority and Scottish Government functions. If a landlord either fails to provide all the information within 28 days or provides false information the Local Authority may then apply to the first-tier tribunal for an order requiring the landlord to pay the local Authority an amount not exceeding £1,000.
- A duty for prospective landlords to include information about rent when advertising a property for let in a rent control area.

3.4 Prior to laying a draft of a Scottish statutory instrument containing regulations designating a rent control area, Scottish Ministers must consult the Local Authority and persons who appear to them to represent the interests of tenants and landlords under relevant tenancies of properties in the proposed rent control area. The consultation will specify the proposed rent control area, the form of the rent control measure being considered, and the level of the rent control measure being considered for that proposed rent control area.

3.5 The Bill creates a power for Scottish Ministers to set out circumstances when a rent increase above the rent cap could be allowed. Both the circumstances and the process that landlords would require to follow to implement such an increase will be set out in secondary legislation.

3.6 At present, private landlords can set the level of rent increases within a tenancy in line with the market. Under the 2016 Act, a landlord can only increase rent for an existing tenant of the let property once in any 12 month period and they must give notice of at least 3 months before any increase can be applied to the rent. Landlords can re-set rent levels between tenancies. Tenants have the right to refer any proposed rent increase to a Rent Officer for determination.

3.7 The Scottish Government is proposing to modify requirements to ensure that the rent payable may not be increased during the first 12 months of the tenancy in order to provide tenants with security of knowing that the rent they have agreed to at the start of the tenancy will not increase during the first 12 months. The measures in the Bill also outline amendments to the rent adjudication processes in the 1988 and 2016 Acts to ensure that the rent set by the Rent Officer on referral or the Tribunal on appeal cannot be higher than the rent proposed by the landlord in the rent increase notice.

4 Dealing with Evictions (Part 2)

- 4.1 There are strict legal processes that a landlord must follow to lawfully end a tenancy. Measures in the Bill are intended to provide greater protection for tenants during the eviction process, except in limited circumstances, by introducing a requirement on the Tribunal (in private rented sector cases) and the Sheriff Court (in social rented housing cases) to consider whether a delay to the enforcement of an individual eviction should occur based on the circumstances of the case. This would allow for consideration to be given, for example, to any seasonal pressures or individual circumstances where it would be reasonable to give those being evicted additional time before the eviction could be carried out.
- 4.2 The Bill seeks to address concerns relating to the current process being a barrier to tenants seeking unlawful eviction damages, and the limitations of the current approach as a disincentive to landlords in terms of engaging in behaviour that would result in an unlawful eviction.
- 4.3 Provisions include amending the basis for assessment of damages for unlawful eviction, setting minimum and maximum levels of damages that the Tribunal (and Sheriff Court in social housing cases) can award, plus additional requirements on the Tribunal or Court to inform the relevant authorities where a tenant is found to have been unlawfully evicted and allow relevant authorities to consider whether any further action should be taken.

5 Keeping Pets and Making Changes to Let Property (Part 3)

- 5.1 The Bill outlines changes to the 2016 Act for a tenant under a private residential tenancy to request to keep a pet and for this not to be unreasonably refused. It also introduces a new statutory right in the Housing (Scotland) Act 2001 ("2001 Act") to allow social housing tenants the right to make a request to keep a pet and for this not to be unreasonably refused.
- 5.2 Scottish Ministers are required to consult private tenants, landlords and other relevant stakeholders as part of the development of secondary legislation on reasonable reasons for refusal and reasonable conditions for approval in relation to the private rented sector.
- 5.3 Under current legislative requirements, private landlords are usually responsible for the decoration of a let property and properties can be let furnished or unfurnished. The 2016 Act is silent regarding the decoration and personalisation of a property and landlords and tenants are free to negotiate and agree their own terms. The provisions included in the Bill will amend the 2016 Act to allow the tenant to make certain changes to the let property (category 1 changes) without the permission of the landlord, and to request certain changes (category 2 changes) that cannot be unreasonably refused, both to be prescribed by secondary legislation. Scottish Ministers are required to consult tenants, landlords and other relevant stakeholders in the use of powers to prescribe these changes.

- 5.4 The Bill also creates a power for Scottish Ministers to make the necessary amendments to tenancy deposit requirements in relation to a supplementary deposit and provides private tenants with a route of redress to the First-tier Tribunal for Scotland in relation to unreasonable refusal to allow a category 2 change to let property or unreasonable conditions for the making of any such change.

6 Other Matters Relating to Tenants (Part 4)

- 6.1 When a private landlord asks a tenant to pay a tenancy deposit, the deposit must be lodged with one of three independent approved tenancy deposit schemes. Despite work by each of the schemes to return unclaimed deposits, there is now around £4million of unclaimed tenant deposit funds between the three approved deposit schemes.
- 6.2 Provisions outlined in the Bill amend the Housing (Scotland) Act 2006 to:
- Create a legal definition of when a tenancy deposit can be considered unclaimed.
 - Set timescales by which former occupants can reclaim their tenancy deposit.
 - Enable approved tenancy deposit schemes to transfer unclaimed funds to Scottish Ministers or a fund administrator.
 - Set out the purposes for which unclaimed funds may be used to support private rented sector tenants.
 - Make powers for the Scottish Ministers to amend the purposes that unclaimed funds can be used for.
 - Place a duty on Scottish Ministers to report on the use of unclaimed tenancy deposit funds within a prescribed period after the transfer of unclaimed funds to Scottish Ministers or a delegated third party.
 - Enable the Scottish Ministers to repay an amount of a tenancy deposit.
- 6.3 The new Bill makes minor modifications to existing provisions arising from a review of the registration and regulation regimes within the private rented sector including clarification on information about ownership, control and governance.

- 6.4 In consultation responses, the ability to terminate an interest in a joint tenancy was highlighted as both an issue of individual choice for all tenants and also as an important protection for those experiencing domestic abuse. Where there is no agreement between joint tenants to allow one of them to leave the tenancy, the Bill sets out amendments to the Private Housing (Tenancies) (Scotland) Act 2016 to allow one joint tenant to be able to terminate a joint tenancy without the agreement of all joint tenants and:
- Require a departing tenant to give 2 months' notice to all other joint tenants of intention to serve a notice to terminate on the landlord.
 - Prescribe in regulations the form and manner of the 2-month notice.
 - Prescribe the content, form and manner of the evidence of service of the 2-month notice, which must accompany the notice of termination served by the departing joint tenant.
- 6.5 Provisions include making minor amendments to the 2001 Act to allow notices in connection with Scottish Secure Tenancies to be delivered in a way that does not require signature, or by electronic means provided the tenant has agreed. This would replace outdated recorded delivery and reflect modern communication methods, which will provide benefits for both tenants and landlords.
- 6.6 Subject to consultation with appropriate landlord and tenant representatives, the provisions in the Bill will enable Scottish Ministers to set a date in secondary legislation on which a tenancy under the Housing (Scotland) Act 1988 would convert to Private Residential Tenancy (PRT) under the Private Housing (Tenancies) (Scotland) Act 2016.

7 Homelessness Prevention (Part 5)

- 7.1 The Bill introduces 'Ask and Act', which will create a shared public responsibility to prevent homelessness. Relevant bodies will be required to ask people about their housing situations and act to provide support, where possible, to mitigate a risk of homelessness or refer the household to their Local Authority where deemed necessary. The relevant bodies include Health Boards, Integration Joint Boards, Local Authorities, the Police Service of Scotland, Registered Social Landlords and Scottish Ministers (relating to prisons and young offenders).
- 7.2 There is provision built into the Bill to modify the list of relevant bodies to which the duties will apply by way of secondary legislation. The relevant bodies will use their existing powers to focus on early intervention and prevention by proactively taking steps to mitigate a risk of homelessness and only refer to a Local Authority for assistance where it is not possible for them to do so. The upstream intervention and share responsibility will ensure that fewer people reach the point of housing crisis or become homeless.

- 7.3 Changes to existing legislation set out that local authorities support households threatened with homelessness up to 6 months before homelessness appears imminent rather than the current 2 months and will clarify what ‘reasonable steps’ are expected when supporting households that are threatened with homelessness.
- 7.4 The Bill makes amendments to the Housing (Scotland) Act 1987 (“1987 Act”), such that a relevant body will be required to make an application to a local authority under section 28 of the 1987 Act in respect of a person who they have reason to believe is homeless or threatened with homelessness, with the person’s consent. The Bill also amends Section 89 of the 2001 Act to require that an assessment of the needs of persons and the availability of housing support services including homelessness is incorporated in Local Housing Strategies.
- 7.5 Further changes to existing legislation will be made to update the definition of domestic abuse as it applies within a housing context and to require social landlords to develop and implement a domestic abuse policy to support their tenants who are at risk of homelessness as a result of domestic abuse.
- 7.6 The Bill seeks to protect the rights of women and children experiencing domestic abuse (financial control) living in social housing to remain in their home, or be re-housed if that is their wish and ensure arrears accrued because of domestic abuse are not a barrier to accessing social housing in the future. Provisions include amending the 2001 Act to place a duty on social landlords to comply with a new domestic abuse pre-action requirement where the landlord considers that domestic abuse is a factor in the accrual of rent arrears.

8 Other Housing Matters (Part 6)

- 8.1 Part 6 of the Bill outlines minor administrative updates for existing housing legislation and service provision relating to mobile homes, fuel poverty and the new homes ombudsman.
- 8.2 The provisions make changes to pitch fee uprating under the Mobile Homes Act 1983 (“1983 Act”) to ensure that increases remain fair, appropriate, and in line with the development of statistical measures of inflation.
- 8.3 The Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 (“2019 Act”) set targets relating to the eradication of fuel poverty, reporting provisions and includes the establishment of the Scottish Fuel Poverty Advisory Panel (“the SFPAP”). The Bill seeks to strengthen and improve the Scottish Ministers duties to consult and report under the 2019 Act and to remove budgetary limitations on the SFPAP.
- 8.4 The Bill makes a minor change to the UK Building Safety Act 2022 to enable the Scottish Public Services Ombudsman to share information with the new UK-wide NHO.

9 Considerations and Next Steps

- 9.1 The measures in the Bill will have a direct and indirect impact on Local Authorities in relation to prevention of homelessness and the creation of a mandatory responsibility for the council to assess and monitor rental conditions which will have resource and cost implications for the Council.
- 9.2 The Bill is a framework, and the real impact is dependent on subsequent secondary legislation.
- 9.3 Key areas of the Bill which will impact on local authorities in terms of statutory duties and resources include:
- Development of detail around rent control measures and the Local Authority's role in mandatory assessment of rent control areas, including the power to seek information from landlords and tenants. To note, there is no comprehensive national or local collection of private rented sector rental levels, and there are over 60,000 private rented properties and 40,000 private landlords in Glasgow.
 - Design of consultation processes, for example, those to be followed prior to laying of regulations designating an area as a rent control area or varying rent controls in an existing Rent Control Area. Consultation on properties exempt from rent control area restrictions where persons who appear to represent the interests of tenants and landlords must be consulted.
 - Measures in the Bill as they impact the preparation and content of the Local Housing Strategy.
 - Homelessness Services (GCHSCP), other Council services and key stakeholders particularly around the homelessness prevention duties of relevant bodies, assessment of housing support services and tenants affected by domestic abuse.
- 9.4 Officers are engaging on the Bill in a variety of ways.
- Ongoing and targeted engagement with national partners and local stakeholders to facilitate further understanding of potential impacts and definition of roles via existing meeting structures and attendance at one-off events.
 - The lead Scottish Parliamentary committee for the Housing (Scotland) Bill is the Local Government, Housing and Planning Committee. Following its meeting on 16 April 2024, the Committee agreed its approach to the scrutiny of the Bill at Stage 1 and agreed to issue a Call for Views. NRS Housing and GCHSCP Homelessness Services submitted a response to this Call for Views. A copy of the response is outlined as an appendix to this report.
 - Engagement with Scottish Government officials through a Private Rented Sector Working Group and individually, in respect of both operational impact and resourcing of additional Local Authority activities, particularly those associated with the mandatory assessment of rent conditions by local authorities, powers to seek information from landlords and tenants and the remedy proposed where a landlord fails to provide information sought or provides false information including use of orders.

- Officers will also attend Housing (Scotland) Bill sessions that are scheduled to take place on 28th May 2024 (Rent Control provision) and 5th June 2024 (Homelessness Prevention Duty provision). The sessions have been arranged by the Chartered Institute of Housing and the Association of Local Authority Chief Housing Officers (ALACHO).

9.5 NRS Housing will continue to work closely with other Council and GCHSCP Services to utilise existing data which gives insight into the impact of the introduction of the Bill and the enactment of the Bill when it passes. Relevant impacts to be monitored include the number of registered private landlords, available rent data, planning applications relating to Build to Rent housing developments, and homelessness presentations/prevention activities.

10 Policy and Resource Implications

Resource Implications:

<i>Financial:</i>	There are no direct financial implications arising from the report.
<i>Legal:</i>	There are no direct legal implications arising from the report.
<i>Personnel:</i>	There are no direct personnel implications arising from the report.
<i>Procurement:</i>	There are no direct procurement implications arising from the report.

Council Strategic Plan: The Housing (Scotland) Bill contains proposed measures that may impact the following Grand Challenges (GC) and Missions.

Grand Challenge 1 – Reduce poverty and inequality in our communities:

Mission 1 – End child poverty in our city using early intervention to support families.

Mission 3 – Improve the health and wellbeing of our local communities.

Grand Challenge 4 – Enable staff to deliver essential services in a sustainable, innovative and efficient way for our communities:

Mission 1 – Create safe, clean and thriving neighbourhoods.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

The proposed response to the Housing (Scotland) Bill supports Equality Outcome 4.

What are the potential equality impacts as a result of this report?

Scottish Ministers have committed to future publication of impact assessments that have been drafted specifically for the Housing (Scotland) Bill. Further impact assessments will be considered, if necessary, when secondary legislation is made under the Bill. Measures in

the Bill are intended to improve housing outcomes for people who live mainly in rented accommodation or face homelessness. As a result, the Bill is anticipated to have a positive impact on all equality groups. Key positive impacts will include the creation of a framework to deliver a nationally consistent approach to the consideration of the need for rent control. The introduction of rent control may be beneficial for certain groups of tenants with protected characteristics including older people, disabled people and women who may experience more difficulty in affording rent costs. Measures to improve tenants' rights may be particularly beneficial for certain groups with protected characteristics, for example families with children. Homelessness prevention measures will benefit all those facing homelessness, but disproportionately will impact specific groups have been identified as being at particular risk of homelessness, for example young people.

Please highlight if the policy/proposal will help address socio-economic disadvantage.

The rent control measures, measures to improve tenants' rights, and homelessness prevention measures in the Housing (Scotland) Bill will have specific impacts addressing socio-economic disadvantage in terms of potentially improved housing outcomes for those who rent their home.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

Not applicable.

What are the potential climate impacts as a result of this proposal?

No potential climate impacts identified.

Will the proposal contribute to Glasgow's net zero carbon target?

Not applicable.

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
Y/N

No privacy or data protection impact identified.

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

Not applicable.

11 Recommendations

Committee is asked to note:

1. The introduction of the Housing (Scotland) Bill by the Scottish Government on 26th March 2024.
2. The next steps to be taken as the Bill progresses to the relevant next stages and considerations.

Appendix 1 – Housing (Scotland) Bill Call for Views Response

Q1. To what extent do you agree that the measures in the Bill meet the Scottish Government's stated policy objectives?

Strongly Agree / Agree / **Neither Nor** / Disagree / Strongly Disagree

Q2. What are your main reasons for your views on Q1?

While we would agree with the stated policy objectives and acknowledge the intention in the Bill to address these policy objectives, it is unclear whether the measures as proposed will have the intended outcome.

On 30th November 2023, a report to Glasgow's City Administration Committee outlined the severe housing and homelessness pressures that Glasgow City Council and Glasgow City Health and Social Care Partnership (GCHSCP) are facing. As a result, Glasgow City Council's City Administration Committee formally declared a 'housing emergency' in the city.

The decision to declare a Housing and Homelessness Emergency was not taken lightly. However, the declaration seeks to recognise and reflect the scale of the challenges facing the city in relation to the accessibility of both temporary and settled accommodation for homeless households, in the context of our city's increasing need and demand for affordable housing options.

These challenges have been compounded by the Home Office's decision, in July 2023, to introduce an accelerated asylum decision making process. As the UK's largest dispersal area for asylum seekers outside of London, this acceleration has substantially increased the demand on Glasgow's Homelessness Service from both those who are granted leave to remain in Glasgow, and those who are granted refugee status elsewhere in the UK but who are choosing to travel to Glasgow and accessing homelessness services.

In relation to those granted leave to remain in Glasgow, the number of referrals received by the Asylum and Refugee Support Team from Mears in the calendar year of 2023 was 1,232 compared with 2022 where 669 referrals were received. This represents an 84% increase in the number of households being granted leave to remain in Glasgow with the majority of these referrals being made from July 2023 onwards. In addition to this, Glasgow continues to see increased demand from households who have been granted leave to remain out with the city, with specific pressures from households travelling from England and Northern Ireland. It is believed that the progressive homelessness legislation in Scotland (specifically the abolition of priority need) is a key driver of this demand.

Our data indicates that around 125 households, per month, are receiving a positive asylum decision out with the Glasgow area but are choosing to come to Glasgow, as is their right, to request homelessness assistance.

Glasgow City Council shares the ambitions and intentions set out in Scotland's long-term housing strategy, Housing to 2040, which have informed and shaped Glasgow's Local Housing Strategy 2023 to 2028. We recognise the intentions of the proposed Bill and support the policy objectives:

- To improve the housing outcomes in Scotland for people who live mainly in rented accommodation or face homelessness. And at the same time;
- To continue to safeguard the proportionate use of a landlord's property for rental purposes, seeking to deliver a fair balance between protection for tenants and the rights of landlords

However, there are significant challenges which have and will continue to have a substantial impact on the ability of Glasgow City Council to deliver on these shared ambitions and objectives. The Budget decision to reduce the Affordable Housing Supply Programme will have a detrimental impact on increasing supply of and access to affordable housing options that can meet identified housing and homelessness needs and demand, putting further pressure on the existing rental sector.

Glasgow City Council is the strategic housing and planning authority. We have extensive partnership and stakeholder engagement, including close working with the largest cohort of community based and controlled housing associations in Scotland. Through these embedded networks, the local authority is uniquely placed both to understand and assess local housing systems and pressures within and across our communities, as well as coordinate and deliver a major programme of housing led development and regeneration strategically targeted towards meeting the city's key priorities and outcomes.

Glasgow has an unparalleled track record for affordable housing investment, delivering on average around 1,000 additional affordable homes per year, since the Transfer Management of Development Funding (TMDF) arrangements were introduced in 2003. Glasgow is Scotland's most populous local authority and has the highest levels of need for additional affordable housing. As such, Glasgow constitutes a central pillar for delivering on national ambitions for increasing supply of affordable homes. However, there is clear evidence of greater need, and with appropriate resources and funding Glasgow can deliver in excess of this output.

To fulfil this core and unique role, Glasgow City Council requires long-term funding and resource commitments from Scottish Government, as well as continuation and extension of strong partnership working arrangements, such as Transforming Communities: Glasgow, which is central to delivering the city's vision for development, regeneration and renewal.

Glasgow's population is forecast to grow by 2.4% (15,255 people) between 2022 and 2032. However, the modelling does not take account of recent migration trends or changes in homelessness legislation (local connection). Glasgow's population demography is younger and more diverse than other local authorities. Since the mid-2000s, Glasgow's population has been growing. This is largely due to more people arriving or returning to settle in Glasgow. People come for study and for work and then are attracted to stay. Glasgow also has a proud tradition of supporting people seeking asylum and refuge from conflicts and danger overseas. Most commonly,

people look for available housing options in the rented sectors. From the mid-2000's, the number of privately rented homes increased significantly to reach around 60,000. In recent years, this figure has remained relatively static, however the demand for rented homes has continued to increase. Available data shows that that average listed rents of private rented properties in Glasgow increased by 92% from 2011 to 2023. The average number of listings decreased by 58% during this period. During 2023, the average rent in Glasgow was £1,142 per month, and there were 4,294 listings.

Glasgow is the location for five of the 19 higher education institutes across Scotland. Figures on student numbers published via the Higher Education Statistics Agency (HESA) indicate that across Glasgow's five higher education institutions, the number of enrolled students increased 41% from 2014/15 to 2021/22 (compared to 33% for Scotland). The increase in students correlates with a significant increase in demand for rental accommodation, as well increased inward investment in the housing market, contributing to increasing rents and market sales values. This growth in demand impacts on the availability of housing for private rent, which is affordable for lower income households in housing need and therefore have less access to rented housing options. This can increase pressures and risks of homelessness arising from unsuitable and unsustainable accommodation.

It is estimated that there are around 5,000 asylum seekers living in Glasgow at present. Mears, who deliver the Asylum Accommodation and Support Services Contract on behalf of the Home Office, manage around 2,200 properties in Glasgow. In the second half of 2023, the Home Office (UK Government) introduced a new process to streamline asylum claims to address the significant backlog of outstanding decisions and reduce the number of applicants living in contingency and dispersed accommodation. Long-term data trends indicate around 77% of households who receive a positive decision in Glasgow go on to make a homelessness application. Analysis undertaken to model the impact of the batch processing indicated over 1,100 additional homeless household could be made, placing acute pressure on existing temporary accommodation and permanent settled housing options.

Post-2020, reported data indicate that the total number of lets for Registered Social Landlords operating in Glasgow have reduced. Factors influencing this trend include pressures associated with the cost-of-living and households being reluctant to move alongside improvements in the way RSL/Homelessness Services deliver tenancy sustainment measures.

Glasgow incorporates a complex array of dynamic local housing systems and markets which function to meet the wide range of housing needs and demands of a metropolitan city region with global reach. Affordable housing supply is central to a well-functioning, balanced housing system. Across the wider rental sector, there is a core requirement for flexibility and adaptability to expand and adjust to contemporary needs and demand. It is unclear whether in its current iteration the proposal Bill achieves the necessary balance for introducing appropriate protections for tenants that need them whilst enabling proportionate scope for the rental sector to continue to adapt to meet the full range of housing needs and demand.

In addition, proposals within the bill if enacted are likely to place additional resource and financial burdens on GCHSCP and Glasgow City Council. The costs set out in the financial memorandum accompanying the proposed Bill are considered to be an underestimate of the likely one-off and continuing costs for local authorities. Therefore, further consideration is needed of the costs for meeting the policy objectives set out in the proposed Bill and these will be required to be reflected in future funding allocations.

Part 1 of the Bill makes provision about rent for private rented tenancies. It requires councils to undertake an assessment of rent conditions in their area and submit this to the Scottish Government along with a recommendation about whether a rent control area should be designated.

The Scottish Government can designate a rent control area with the approval of the Scottish Parliament.

Within a rent control area, restrictions on rent increases will apply both within and between tenancies. Further detail on the way rents increases can be restricted and any exceptions, will be set out in regulations.

The Bill also:

- provides powers for local authorities to ask tenants and landlords information about the property such as size and rent
- modifies the frequency with which rent for a private residential tenancy can be increased. Rents will not be able to increase during the first 12 months of the tenancy.
- Amends the rent adjudication process so that the Rent Officer or Tribunal cannot be set higher than the rent proposed by the landlord in the rent increase notice.

Q3. Do you support the proposals in Part 1 of the Bill allowing rent control areas to be designated?

Yes / No / **Don't Know**

Q4. Do you have any further comments to make on Part 1 of the Bill dealing with rent for private tenants?

We note the broad parameters and local authority obligation in carrying out a periodic assessment of rent conditions and making a recommendation to designate all or any part of the area of the local authority as a rent control area. We welcome the key role of Scottish Ministers in making a formal determination of a rent control area.

However, key detail is lacking regarding identifying potential area boundaries and scale. There is an underestimation of the likely need for continuous monitoring due to the nature and functions of Private Rented Sector within dynamic and complex urban housing systems. The conditions under which the Scottish Ministers may direct the local authority to carry out an interim assessment are also unclear.

We would consider the proposed date for the first report by each local authority to be submitted by no later than 30 November 2026 to be extremely challenging, given that guidance is still to be designed. This work will not be possible within existing resources,

and while the supporting financial memorandum outlines potential funding for local authorities, this requires to be tested. Consequently, we would welcome further engagement, including involvement in a pathfinder to establish realistic and costed processes.

Ministerial guidance on assessments of rent conditions is key to consistency on a national basis. We support further local government involvement in the development of guidance around rent control measures, particularly the local authority role in mandatory assessment of rent control areas, including the power to seek information from landlords and tenants. It is a concern that there is no comprehensive national or local collection of private rented sector rental levels. Inconsistency in available data around factors such as property size, type, density or condition may result in ill-defined rent control areas. Similarly, there is little systematic collection of data regarding private rented sector tenants and incomes at local authority and sub-local authority levels, which limits capacity to analyse and consider issues of rental affordability and where targeted interventions may be required.

Poorly conceived rent controls areas may have unintended consequences in areas neighbouring a rent control area, including across local authority boundaries. We would also recognise the potential interaction with the policy planning framework, for example in respect of developer contributions. There is a general risk that interventions may contribute to a reduction in supply of private rented accommodation options as landlords choose to withdraw from the sector.

The design and nature of consultation processes, for example, those to be followed prior to laying of regulations designating an area as a rent control area, or varying rent controls in an existing rent control area, are essential in achieving consistency.

There is a need to consider the issue of 'intermediate' housing options, specifically mid-market rented (MMR) homes that have been supported with public grant via the Affordable Housing Supply Programme. These MMR homes are let as private residential tenancies however they are provided by registered charities and social enterprises using different investment terms. As a condition of grant, rent levels for MMR homes are required to be indexed to local housing allowance rates. The capital investment business plans for MMR developments set out prudential borrowing arrangements with scheduled increases that are indexed to inflation (CPI). If MMR are subject to potential rent controls, uncertainty over future caps could impact on viability assessments and act as a constraint on new developments.

Part 2 of the Bill deals with evictions. It places a duty on the First-tier Tribunal and the courts to consider delays to carrying out an eviction for tenants living in private rented and social housing, except in limited circumstances. These measures are designed to provide greater protection for tenants. The Bill also deals with how damages for unlawful eviction are calculated.

Q5. What are your views on Part 2 of the Bill that deals with evictions?

We are broadly supportive of the provisions in Part 2 applying across tenancy types, though note that these offer what could be considered to be lesser protections than provisions in the Cost of Living (Tenant Protection) (Scotland) Act 2022 that ended on 31 March 2024

Part 3 of the Bill introduces new rights:

- for private and social housing tenants to request to keep a pet and for tenants' requests to not be unreasonably refused by the landlord
- for tenants with a private residential tenancy to make changes to the property they are renting.
- Tenants can make certain minor changes eg putting up pictures without the landlord's consent. Tenants can also request other changes eg. painting walls. Landlords cannot unreasonably refuse after they have lived in the let property for 6 months or more.

Q6. Do you support the proposals in Part 3 of the Bill to strengthen the rights of tenants to keep pets and make changes to let property?

Yes / No / Don't Know

Q7. Do you have any further comments to make on Part 3 of the Bill dealing with keeping pets and making changes to let property?

No further comment

Part 4 of the Bill changes how a joint private residential tenancy can end. It enables one joint tenant to end the tenancy for all the tenants where there is no mutual agreement between joint tenants to end the tenancy. The tenant seeking to end the tenancy would first need to give the other joint tenants appropriate notice.

This is intended to ensure that no joint tenant can be indefinitely held to a rental contract against their wishes and ensure a fair process for all joint tenants where one joint tenant wishes to leave the property.

Q8. What are your views on Part 4 of the Bill that deals with how joint private residential tenancies can be ended?

The 'Private residential tenancies: ending a joint tenancy' amendment to Section 48 of the 2016 Act, new section (3A) applies only where the landlord agrees to the request. To counter the risk that the landlord may refuse the request and force a new contract, we would suggest this be subject to a condition where agreement is not unreasonably withheld.

The interaction of these proposals with rent control may benefit from further exploration.

Clarity in the status of joint tenancies is essential where tenants are seeking housing support, for example in Universal Credit. Scottish Government should consider additional advice and guidance to support those tenants with housing support.

Part 5 of the Bill relates to homelessness prevention. The Bill Policy Memorandum states that, “the overarching policy objective is to shift the focus away from crisis intervention and towards prevention activity which can eliminate the need for a household to go through the trauma of homelessness in the first place, without diluting the existing rights of people who are assessed as homeless”.

The Bill gives relevant bodies such as health boards and the police, an “ask and act” duty. These bodies are required to ask if an individual is homeless or at risk of homelessness and to act if they are.

The Bill requires local authorities to act sooner to prevent homelessness by taking reasonable steps. An assessment can be made of whether a household is threatened with homelessness up to six months before homelessness is imminent – this is an increase from the two months required by current legislation.

Q9. Overall, do you support the Bill’s proposals in Part 5 of the Bill that deal with homelessness prevention?

In recent years GCHSCP and Glasgow City Council have developed an approach to homelessness prevention based on providing access to a range of advice and support to help sustain people in their accommodation. These services including funding for:

- Money & Debt Advice Services
- Flexible Housing Support
- Private Rented Sector Housing and Welfare Hub

GCHSCP have invested significant additional resources in homelessness prevention through the development of Health and Social Care Connect (HSCC) which commenced operation in November 2022. This has involved continuing to provide additional funding for money advice and debt management services which have been instrumental in preventing homelessness from occurring and ensuring that, where possible, households are supported to remain within their own tenancies. During 2023/24, Glasgow City Council’s Private Rented Sector Housing and Welfare Hub, which work with vulnerable households in the private rented sector at risk of homelessness, experienced a considerable increase in the number of families referred for support.

GCHSCP also have in place referral routes and joint working arrangements with housing associations in order that the partnership can intervene to offer advice and support to assist the household to sustain a tenancy. The approach is underpinned by the Section 11 notification process (section 11 of the Housing (Scotland Act) 2001 requires a landlord or mortgage lender to notify the Council when it intends to take proceedings to recover a property).

We broadly welcome the prevention proposals set out within the proposed bill and the potential for the proposed new prevention duties to improve outcomes for people at

risk of homelessness, reduce demand for temporary accommodation and address the wider housing crisis. We see the opportunity to enhance joint working arrangements across the public, private and third sector to improve prevention pathways. However, there is a risk that the proposed revised duties serve to draw additional households into the statutory homelessness system who would otherwise have been able to resolve their housing situation without any input from the local authority.

The expansion of prevention duties coupled with homelessness rights and entitlement to temporary accommodation support, in the context of increasing demand pressures for rental accommodation, may have the unintended consequence of increasing statutory homelessness and use of temporary accommodation as additional households are drawn into the system.

It is critical that the revised prevention duties are fully costed and funded by the Scottish Government. Any funding and implementation timescales need to be viewed in light of the unprecedented challenges facing local government and housing systems. Without a multi-year funding commitment which truly reflects the extent of the challenges, we will miss the opportunity of transforming how we deliver homelessness prevention services and how we improve outcomes for people in housing need.

We note that there is a view that investment in prevention activity will generate long-term savings in public expenditure. Whilst this policy goal is welcome, it is difficult to point to any sustained evidence of direct cash savings to Councils through prevention activity. We therefore suggest that any new funding available to Councils, beyond reflecting the actual cost of the new duties, needs to be a long-term commitment on the part of the Scottish Government.

The Scottish Government Rapid Rehousing Transition Fund commitment is up until 2025/26. Given that most Councils are struggling to progress their Rapid Rehousing Transition Plans it cannot be the case that RRTP funding is rebadged and redirected to the implementation of the Prevention Duties Act. Glasgow City Council remains committed to delivering an approach to homelessness services predicated on Rapid Rehousing for households where we are unable to prevent from becoming homeless, we have developed a Temporary Accommodation Strategy that reflects these goals. However, we require the continued commitment from the Scottish Government to enable us to implement the objectives of the strategy.

Across Glasgow, alongside public services there are 59 Registered Social Landlord (RSL) providers. Further consideration is required of how proportionate homelessness prevention and housing support services would apply. Scottish Government could consider a universal or centralised advice service, or shared materials, across local authorities as a model that could provide access via referral to appropriate supports at a point of identified need whilst avoiding potential duplication and inefficiencies.

Q10. What are your views on the ‘ask and act duty’ for relevant bodies in relation to preventing homelessness in Part 5 of the Bill?

Evidence from studies into the impact of the Homelessness Reduction Act 2017 which was implemented in England and Wales, indicate that ‘ask and act’ will place an additional burden on the specified public bodies. However, without specific details on the extent of the duty to ask and act, it is not clear at this time what additional resources will be required. There is a risk that without clearly defined roles for statutory bodies alongside adequate funding, ‘ask and act’ will become ‘ask and refer’ therefore increasing the number of households seeking support from the local authority’s Homelessness Service. Evidence from an evaluation of the HRA 2017, indicated that some local authorities referred to the ‘duty to refer’ under HRA as a ‘duty to dump’ with some authorities referring to the local authority and then withdrawing their services.

We agree with the belief that homelessness prevention is a shared public services responsibility, however homelessness and housing are complex issues with a great deal of knowledge required to provide advice and assistance to those experiencing housing crisis/homelessness. This is particularly relevant to a city such as Glasgow, which is a stock transfer authority, and has a substantial number of housing associations and private landlords operating in the city.

While new sections 36B and 36C define the relevant body “duty to act”, we would like to see additional Scottish Government advice and potentially statutory guidance to address concerns over increased levels of referral to local authority homelessness services, and guidance to ensure consistent interpretation across local authorities and relevant bodies.

There is a risk that individuals may disproportionally contact or seek advice from local or more readily accessible relevant bodies. Guidance should clarify whether the duty extends to direct clients/customers or service users of the relevant body, members of the household of a client/customer or service user, or whether the duty applies to all individuals in all cases.

There is potential to expand the definition of “relevant body” to additional agencies. For example, it may be appropriate to include private sector landlords. This would be an equivalent to the duty on banks to notify on mortgage repossession.

Further, we would expect that agencies that have benefited from Scottish Government funding for housing development, for example charities offering homes at mid-market rent levels, would have a duty to act.

We would consider a standardised approach to reporting on homelessness prevention actions of relevant bodies to be useful to facilitate benchmarking, good practice and consistency – perhaps a role for the Scottish Housing Regulator or central monitoring system.

Q11. What are your views on the requirement on councils to act sooner to prevent homelessness by taking reasonable steps in Part 5 of the Bill?

The expansion of the definition of 'threatened with homelessness' from 2 months to 6 months will likely see an increase in demand for homelessness assistance. This will increase the caseload of the local authority's service and will require an additional staffing resource (with a focus/specialism in homelessness prevention) in order to meet demand.

In relation to 'reasonable steps' to prevent homelessness, the introduction of an enhanced and clearly defined duty on local authorities to take such steps is a welcome measure to improve outcomes for homeless households. However, given the current housing market conditions (e.g., reduction in social housing turnover, increased private rented sector rents) coupled with a cost of living crisis, it is becoming more challenging for local authorities to prevent homelessness and the guidance must reflect this. We must also recognise that the extension is likely to place additional burdens on Local Authorities.

The Bill makes changes to update the definition of domestic abuse as it applies within homelessness legislation. It also requires social landlords to put in place support for tenants if they are overdue on rent due to domestic abuse and requires social landlords to have a policy which sets out how they will support domestic abuse.

Q12. What are your views on the provisions in Part 5 of the Bill that relate to domestic abuse?

We welcome this update in the definition of domestic abuse to include, for example, coercive control. It is not anticipated that this will have a significant impact on Homelessness Services given our current practice is to support all victims of abuse who require housing advice or homelessness assistance. GCHSCP is currently implementing a revised Domestic Abuse Strategy. The [Domestic Abuse Strategy](#) is the first strategy for GCHSCP that focuses on improving our services for people who are or have been affected by domestic abuse, and on improving our response to people who cause harm through domestic abuse. Through the delivery of our strategy we are aiming to ensure people affected by domestic abuse receive the best possible care, and how we will continue to seek the involvement of people with lived experience of domestic abuse in the design and evaluation of domestic abuse services.

While recognising that many organisations have already implemented such a policy, we welcome the requirement for social landlords to have a policy on how they will support the victims of domestic abuse.

The Bill makes changes to legislation setting out how pitch fees for mobile homes are updated. This means there will be a presumption that pitch fees will increase in line with the consumer price index rather than the retail price index. The intention is to ensure that increases remain fair, appropriate, and in line with the development of statistical measures of inflation.

Q13. What are your views on the provisions in the Part 5 of the Bill relating to mobile homes pitch fees uprating?

N/A

The Bill makes changes to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019. The Bill aims to strengthen and improve the Scottish Ministers' duties to consult and report under the 2019 Act and to remove budgetary limitations on the Scottish Fuel Poverty Advisory Panel. There is no change to policy.

Q14. What are your views on the provisions in Part 6 of the Bill relating to fuel poverty?

The Bill contains useful clarification to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 in respect of reporting periods.

Other provisions in the bill and other comments

The Bill also makes a range of other changes including:

- Allowing unclaimed tenancy deposits to be paid to the Scottish Ministers or into another fund so that they can be used to provide support to private tenants.
- Giving Scottish Ministers the power to convert assured tenancies into private residential tenancies.
- Technical changes to the registration of letting agents scheme.
- Converting assured tenancies into private residential tenancies.

Q15. Do you have any additional comments on the other measures the Bill deals with or any other general comments?

No further comment.