

Dear Housing Committee,

Regarding your call for further evidence to inform the Local Government, Housing and Planning Committee's review of the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Date) (No. 2) Regulations 2023.

Earlier this year, we shared [evidence](#) that highlighted

- the ongoing impact of the cost of living crisis on tenants across private and social and council housing. Private, council and social housing tenants are often people who have lower incomes and as a result are facing financial hardship giving rising costs of food, energy and everyday items. We highlighted the threat of rising rents on top of all other costs.
- We raised issues of existing loopholes: joint tenancies, old tenancies, and Purpose Built Student Accommodation.
- We raised concerns about social and council housing where rent increases were not capped and continue to hear from social/council tenants struggling with the increases.
- We shared experiences of tenants facing illegal evictions and being blackmailed into accepting rent increases, for fear of being evicted.

Current update, it remains our members' experiences that these protections are necessary and appropriate.

- The cost of living continues (whilst inflation has decreased, it remains high at 8.7%, ONS May 2023) and tenants continue to need further protections against rent increases, especially as more and more landlords are complaining about mortgage cost increases and wishing that they could pass on these costs to tenants.
 - From anecdotal evidence in England, many tenants are facing 20-40% rent increases as landlords seek to pass on mortgage increases to tenants. This is leading to people having to leave their home or face even greater financial insecurity.
 - Given that new rents are not capped, we are seeing fastly rising new market rents, which is continuing to incentivise landlords to evict tenants (regardless of protections) and/or use loopholes such as joint tenancies.
 - Both the experiences of England and the discourses of landlords in the media inform Living Rent's strong view that these threats are very real and that is exactly **why the Government should step in to protect tenants.**
 - In the long run, this shows **the need for the reform of the rent adjudication system before March 2024 and the introduction of permanent rent controls.** There is a high risk of a cliff edge scenario which needs to be treated extremely seriously and addressed properly. Furthermore, it raises questions regarding whether the private rented sector is a sustainable sector, given that it seems to rely/landlords are suggesting that it is only a 'viable' sector if tenants face unaffordable rents.

- Tenants are continuing to contact Living Rent because landlords are using the loophole of joint tenancies to impose rent increases way above the 3 or 6% rent cap. We had had a number of people coming with potential rent increases of 20-30% following a change of tenancy situation. **This shows the necessity to close the loophole and reform joint tenancies which create a lot of insecurity and loss of rights for joint tenants.**
- In the last month (June), many tenants have gotten in touch regarding threatened evictions, mentioning that many landlords were seemingly abusing grounds for eviction in order to raise rents. **They were reassured by having still the greater protection regarding the enforcement of eviction order, however this shows the need to review grounds for eviction and introduce greater penalties for landlords abusing grounds for eviction and shifting the burden of proof on landlords rather than tenants.**
- There seems to be no increase or decrease of repair issues, though these remain at a high level. This suggests that housing quality issues remain frequent and need further intervention to ensure that tenants have access to quality housing.

We appreciate that these suggestions/concerns cannot all be answered by the Cost of Living (Tenant Protection) (Scotland) Act 2022 (Amendment of Expiry Date) (No. 2) Regulations 2023. However we raise them here as a way to inform the Committee's overall strategy to improve the rented sector ahead of further legislation being introduced to provide greater protections for tenants.

Overall, our members' experience suggests that it is crucial that there is no gap between the emergency legislation and upcoming permanent legislation, as otherwise tenants will be hit by unaffordable rent increases and evictions. It also suggest that upcoming permanent legislation should consider the need for greater protections against evictions (reviewing grounds for eviction and the burden of proof), as well as greater regulations to ensure quality homes.