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Ariane Burgess MSP  
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Local Government, Housing and Planning  
Committee

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4 February 2025

Dear Ariane,

## **RENTERS RIGHTS BILL**

Thank you for inviting my officials and I to give evidence at your recent session on the Legislative Consent Motion being sought by Scottish Government to address rental discrimination via the UK Government's Renters Rights Bill.

I welcomed the feedback from Committee at that session and the points it has since made in its report which recommends that the Scottish Parliament consents to the UK Parliament legislating for the relevant provisions in this Bill. As noted by Committee, these provisions will help to reduce discrimination against vulnerable groups in the rental sector by improving their access to rental properties. I will now move to lodge the Motion on Legislative Consent in Parliament.

The Committee highlighted the enforcement of these provisions as being critical to their success. As I outlined at the session, I agree with this assessment. My aim is that introduction of these provisions act primarily as a deterrent, driving behavioural change, and that enforcement will be deployed as needed. As noted by the Scottish Association of Landlords, the majority of landlords would already consider such practices as unacceptable and so we are seeking to target those landlords acting unfairly in the market. It is important to note that, as well as attracting a criminal sanction and a fine, the fit and proper person test conducted by local authorities as part of landlord registration considers any breaches of housing law and criminal convictions. This means that a conviction under these provisions would be a material consideration of an individual's fitness to operate as a landlord in Scotland. Additionally, the Scottish Ministers also conduct a similar fit and proper person test as part of letting agent registration which considers any breaches of housing law and criminal convictions. This means that a conviction under these provisions would be a material consideration of a letting agent's fitness to operate in Scotland.

In my evidence at Committee, I agreed with members that the complexity of the benefits system is a consideration as we look towards commencement of these provisions. I will

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consider this in our work around implementation and the guidance we develop for landlords, letting agents and prospective tenants. Lastly, as I confirmed at our session, I will keep the Committee updated with commencement plans.

I am copying this letter to the Convenor of the Delegated Powers and Law Reform Committee and express my thanks for its consideration of these provisions.

Yours sincerely,

**PAUL MCLENNAN**

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