

Local Government, Housing and Planning Committee
Tuesday 10 September 2024
23rd Meeting, 2024 (Session 6)

Housing (Scotland) Bill: Oral evidence

Introduction

1. This meeting is the final oral evidence session which will inform the Committee's scrutiny of the Housing (Scotland) Bill at Stage 1.
2. The Committee will hear evidence on the Bill from the following witnesses:
 - Paul McLennan MSP, Minister for Housing,
 - Laura Dougan, Head of Housing Strategy and Delivery,
 - Catriona MacKean, Deputy Director of Better Homes,
 - Craig McGuffie, Solicitor,
 - Charlotte McHaffie, Private Rented Housing Team Leader, and
 - Yvette Sheppard, Head of Housing Legislation and Reform Unit
3. The Bill and its accompanying documents are available [online](#).
4. A Bill briefing prepared by the Scottish Parliament Information Centre is also available [online](#).

Background

5. The Bill was introduced in the Parliament by the Cabinet Secretary for Social Justice on 26 March 2024.
6. The Committee is the lead committee for Stage 1 consideration of the Bill, with the Social Justice and Social Security Committee being designated as a secondary committee.
7. Under the Parliament's Standing Orders Rule 9.6.3(a), it is for the lead committee to report to the Parliament on the general principles of the Bill. In doing so, it must take account of views submitted to it by any other committee. The Social Justice and Social Security Committee will consider Part 5 (making provision about homelessness prevention) and Part 6 (where it relates to fuel poverty) of the Bill as these matters fall within its remit.
8. The lead committee is also required to report on the Bill's Financial Memorandum, and on its Delegated Powers Memorandum. Both the Finance and Public Administration and Delegated Powers and Law Reform Committees will

also give scrutiny to these documents before reporting any conclusions to the Local Government, Housing and Planning Committee.

What does the Bill do?

9. The Bill makes provision in relation to the protection of tenants, the prevention of homelessness, and other housing matters. A [detailed summary of the Bill](#) has been published by the Scottish Parliament Information Centre.
10. The Bill is in 7 parts.
11. Part 1 deals with rent for private residential tenancies. In particular, it requires local authorities (at least once every 5 years) to undertake an assessment of rent conditions in their area and make a recommendation to the Scottish Ministers as to whether any part of the area should be designated a rental control area. The Scottish Ministers are given the power to designate areas as rent control areas and to impose, within those areas, restrictions on rent increases by landlords.
12. Part 2 relates to evictions. It places duties on the First-tier Tribunal and the courts to consider a delay to the enforcement of eviction orders in relation to both private and social tenants. It also changes how damages for unlawful eviction are to be calculated.
13. Part 3 contains additional rights for tenants. Both private and social tenants will be given the right to request to keep a pet. And private tenants will be allowed to make changes to their property (with or without the consent of the landlord depending on the nature of the change).
14. Part 4 makes provision for other matters relating to tenants including:
 - allowing unclaimed tenancy deposits to be paid to the Scottish Ministers or another person, to be used to support all private tenants
 - minor modifications to the registration of letting agents
 - allowing a joint tenant to end a tenancy without the agreement of the other joint tenants
 - giving the Scottish Ministers the power to convert assured tenancies into private residential tenancies.
15. Part 5 relates to homelessness prevention. In particular, it introduces what is known as 'Ask and Act' – a duty on relevant public bodies (e.g. health boards and the police) to ask a person if they are homeless or threatened with homelessness and to take action if they are. Other provisions relating to homelessness include:
 - providing that a person will be considered as threatened with homelessness if they are likely to be homeless within 6 months (as opposed to 2 months under current law)

- requiring social landlords to support tenants who have rent arrears in part due to domestic abuse, before taking any action to recover possession of the property
 - requiring social landlords to have a domestic abuse policy setting out how they will support tenants at risk of homelessness due to domestic abuse.
16. Part 6 makes provision in relation to other housing matters including:
- changing the basis for uprating pitch fees for mobile homes from the Retail Price Index to the Consumer Price Index
 - changing the reporting and consultation requirements in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 and removing some limits on the operating costs of the Scottish Fuel Poverty Advisory Panel
 - allowing the Scottish Public Services Ombudsman (SPSO) to share information with the New Homes Ombudsman (established via UK legislation).
17. Part 7 makes provision for the usual ancillary provision, commencement etc.

Committee scrutiny of the Bill

18. The Committee issued a joint call for written views with the Social Justice and Social Security Committee with responses being received from 317 individuals and organisations (this number has increased due to late responses being received since the closing date). These responses are available [online](#).
19. A summary of the responses is available on the [Bill webpage](#).
20. In addition, Professor Ken Gibb and Professor Alex Marsh provided a submission which can be found on the [Committee's webpage](#).
21. In order to inform its consideration of the Bill the Committee established two lived experience panels, one of tenants and one of landlords. Both panels agreed recommendations to inform the Committee's scrutiny of the Bill, and these are available on the [Bill webpage](#).
22. At its [meeting on the 4th June](#) the Committee heard from Scottish Government officials about the Bill. At its [meeting on the 11th June](#), the Committee then heard from academics and researchers about the housing sector, and from a panel of witnesses incorporating Living Rent, Generation Rent, Citizens Advice Scotland, Age Scotland, and the NUS.
23. At its [meeting on the 18th June](#), the Committee heard from a panel of witnesses representing landlords, agents and investors, and then from a panel representing local authorities.

24. At its [meeting on the 25th June](#), the Committee heard from Engender, Mecopp, the office of the Children and Young People’s Commissioner, Ayr Housing Aid Centre, and the Link Group. It then heard from the Scottish SCPA, the Dogs Trust and Blue Cross.
25. At its meeting on the 3rd September, the Committee heard from the Convention of Scottish Local Authorities (Cosla), the Association of Local Authority Chief Housing Officers (ALACHO) and the Chartered Institute for Housing.
26. The Committee has also [written to the Minister](#) for Housing to request an update on whether any changes are planned to the Bill by the Scottish Government, in light of public comments made by the Minister suggesting changes are being considered. In the Programme for Government the Scottish Government committed to lodge amendments that “will clearly set out how rent increases will be capped in areas where rent controls apply, in a way that provides certainty for tenants, landlords and investors.”

Clerks to the Committee
September 2024