

# Fair Rents (Scotland) Bill

## Introduction

A proposal for a Bill to protect private sector tenants by introducing measures to limit rent increases and to increase the availability of information about rent levels. The consultation runs from 15 May 2019 to 6 August 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

## About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I would like this response to be published anonymously

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

I am responding as a member of the public

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

## Aim and approach - rent cap

Q1. Which of the following best expresses your view of capping private sector rent increases annually across Scotland at one percentage point above inflation (measured according to the Consumer Price Index (CPI))?

Partially supportive

**Please explain the reasons for your response.**

It would be preferable to cap it at inflation.

## Rent level appeals

Q2. Which of the following best expresses your view of providing that, when tenants appeal their rent, rent officers and the First-tier Tribunal would be able to either lower or maintain the rent but not increase the rent?

Fully supportive

**Please explain the reasons for your response.**

I worry that tenants are often not aware of their rights anyway, and unscrupulous landlords could give tenants the impression that their rent level would increase if they were to appeal, which would prevent vulnerable people from rightfully appealing predatory rent levels. When I was struggling to pay rent, the thought that my rent could be increased as a result of complaining about my rent level would have put me off trying to get it decreased. From the landlord's perspective, if they were charging below a fair level, this wouldn't stop them from being able to increase rent at the next renewal.

## Landlord registration scheme

Q3. Which of the following best expresses your view of expanding the landlord registration scheme so that landlords must input the rent that they charge when they register, and update the system when the rent changes?

Fully supportive

**Please explain the reasons for your response.**

This may be of great use for collating statistics on rental rates.

## Other options - Rent Pressure Zones

Q4. Which of the following best expresses your view of tackling the problem of rents rising significantly faster than inflation by making it easier for a local authority to apply to create a Rent Pressure Zone (RPZ)?

Partially supportive

**Please explain the reasons for this response.**

I think that this may need to be used in conjunction with measures to discourage or eliminate the use of properties for "airBnB" type usage, otherwise property owners will see that they can make much more money by renting out to holiday-makers than providing longer-term lets for locals. You can see this already with the rise of airBnBs in my area of Edinburgh (around Holyrood Park), which decreases the availability of private rentals. It is not just affordability but also availability which is an issue. When I have looked for rentals around the city, the good places get snapped up almost immediately and the ones left are the rents with dodgy unenforceable contracts (where not all tenants know enough to assert their rights) and the ones which are obviously badly maintained.

## Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
<b>Government and the public sector</b>						X
<b>Businesses (including landlords)</b>						X
<b>Individuals (including tenants)</b>						X

**Please explain the reasons for your response.**

I am not an economist

Q6. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

*No Response*

## Equalities

Q7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

**Please explain the reasons for your response.**

The most vulnerable people are often those who cannot advocate for themselves and don't know their rights. I'm well-educated, but I went through a period of extreme anxiety, stress, and depression, and I rented a flat which had a very dodgy contract. I'm a stubborn person with a very strong sense of fairness, and so I fought against the unenforceable contract where they tried to charge me for cleaning when I had left the flat in an acceptable state, and tried to charge an "inventory check fee" at the end of my contract. It was incredibly stressful for me to do this, even though I was sure I was right, there was still a small doubt that I would lose my money, and this was further detrimental to my mental health. This bill will provide more protections for vulnerable people who cannot advocate for themselves, by removing the stress of rent increases which would cause them to lose their homes, and will provide them with peace of mind. However I worry that "a lick of paint" or replacing grotty bathroom tiles could be an excuse for landlords to charge more than the 1% above inflation, and this will have to be regulated clearly. Additionally, if a rent appeal tribunal has the power to increase rent, this will discourage vulnerable people (particularly anyone with anxiety issues) from challenging an unfair rent, as I know from personal experience that anxiety can cause you to doubt that the sky is actually blue, and avoidance of uncertainty is preferable if there is the smallest possibility of a negative outcome.

Q8. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Do not grant rent appeal tribunals the power to increase rent as the result of an appeal. However if a landlord finds out that they are charging below the market level, they should be able to (separately) apply for an increase above the inflation+1%. But not by the tribunal in which a tenant complains that they are being charged too much.

## Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

**Please explain the reasons for your response.**

Current rent increases are unsustainable and are driving poverty as a result of increasing amounts of income being spent on rent.

## General

Q10. Do you have any other comments or suggestions on the proposal?

*No Response*