

# 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 8 August 2019 (extended from 6 August). 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.

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Commercial organisation (company, business)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

Letting Agent

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

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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))?

Fully opposed

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

Private Housing (Tenancies) (Scotland) Act 2016 already contains a limit on rent increases and further rent controls exist by way of the Rent Officer. Existing Rent Pressure Zones should be trialled in the first instance as these exist within legislation but as yet have not been used.

## 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 opposed

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

The rent officer or First Tier Tribunal should be able to either lower, maintain the rent or increase the rent within their roles of ensuring both landlord and tenant act fairly.

## 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 opposed

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

The landlord registration is designed to check the landlord is adhering to required rules - this suggestion will bring a huge burden on local authorities in maintaining the records and they are already under pressure to meet the new requirements not yet implemented.

## 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)?

Fully opposed

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

The Rent Pressure Zone legislation effective since 1/12/17 has not yet been tested or given opportunity to test whether or not it works within the market.

## 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.**

The cost to Local Authority to manage this idea would mean ongoing management costs would rise and I would expect Landlords to sell and withdraw from the market due to these extra requirements. Rental property does not currently meet required supply due to a lack of new property and additional requirements impacting landlords this along with a lack of council/social housing due to the Scottish Government allowing and encouraging tenant buy schemes and across the board controls will not take into consideration varying areas and demand

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

I don't support this bill and think it is likely to alienate local authorities and inflict greater demands of them at a time when they are already under pressure to meet new targets and requirements. The costs to Landlords in time and updating information is likely to be another reason to increase rent. The Government need to use existing powers rather than building more complicated rules and allow time for the existing legislation to take hold and operate effectively. LHA should also be considered too as rates across Scotland are different and vulnerable groups are penalised EG (young people 16-24 can not access LHA for several weeks and blanket rent levels do not take into account this or varying wage levels.

## 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?

Negative

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

Landlords have to currently take on the best tenant for their property, which negatively impacts tenants on benefit, often minority groups, and vulnerable or low incomes this means they are more likely to accept rogue landlords operating outside of the law

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

The Government could stop wasting time and money considering more legislation and instead use the legislation already place and the data already available to concentrate on removing non registered or non compliant landlords and properties improving the sector. The Government could also use the existing legislation to focus on areas of significant rental costs.

## 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?

No

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

Landlords will be again targeted and the sector become unaffordable for some and demand for social housing will increase adding pressure to Local Authorities services and the management of the register will become significantly more expensive to the Local Authority.

## General

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

To introduce more legislation without ever having used the original legislation (Rent Pressure Zones & enhanced Landlord Registration requirements) seems both expensive and ill-considered and adding a further burden on Landlords, Agents and Local Authorities at a time of already squeezed costs and resources means the results could have the opposite effect from the intention. The reasons for housing poverty, are not usually the private rented sector but poor education, wages, health and social mobility alongside a reduction in social housing stock, Universal Credit and LHA delays have adversely affected those in receipt of benefit and disadvantaged low income families and individuals and changes to these systems have also affected more vulnerable groups. The idea to suggest further legislation is required to the PRS to control rents and provide even more information and the current enhanced landlord registration requirements farcical and irrational and illogical.