



UNISON Scotland response: Housing (Scotland) Bill May 2024

Introduction

UNISON is Scotland's largest trade union representing over 150,000 members. UNISON members deliver a wide range of services including the provision of social housing through councils and Registered Social Landlords, managing homes, housing advice, maintenance work and administrative support. They provide housing related social work and social care services and support to people facing problems arising from inequality, poverty, unemployment, insecure and low paid work, homelessness and other social issues, including many in the private rented sector.

We welcome the chance to provide our views on the Housing (Scotland) Bill to the Local Government, Housing and Planning Committee.

UNISON's response to the 2022 consultation, *A New Deal for Tenants*: the draft Rented Sector Strategy can be [found here](#).

Q1. To what extent do you agree that the measures in the Bill meet the Scottish Government's stated policy objectives and what are your main reasons?

We agree. The bill addresses the urgent need for long term rent controls in the private rented sector. Housing costs are a major cause of financial stress for working people. [Research with public service workers](#) undertaken for UNISON found that almost a third (32%) of respondents living in private rented accommodation spend 60% or more of their household income on housing costs.

Workers in the NHS, social care and schools are among those worst affected, according to the findings. UNISON is aware of areas where the unaffordability of private rented housing combined with the lack of social housing, is feeding into and exacerbating recruitment difficulties in public services including health and social care.

Omissions

Our welcome for the measures in the Bill is tempered by concern about the drastic cut in the Affordable Housing Supply Programme in the last two Scottish budgets. Rent controls *must* be accompanied by an increase in the supply of social rented homes to have any hope of addressing the housing crisis. As it is, statutory homelessness dominates new social housing lets and has a knock-on effect on those on waiting lists for social housing.

We also think the assessment of rent levels should be linked to housing quality, to incentivise landlords to invest in their properties.

The additional statutory duties on local authorities must be fully resourced by central government on an ongoing basis.

Finally, the bill does not address the main causes of rising rent levels in the social rented sector. We rightly have high expectations for housing quality in the social rented sector, but without government support the cost of heat conversion and retrofitting is borne by tenants, which is not a "just transition".

Q3. Do you support the proposals in Part 1 of the Bill allowing rent control areas to be designated?

Yes

Q4. Do you have any further comments to make on Part 1 of the Bill dealing with rent for private tenants?

It is important that rent restrictions will be carried forward between tenancies and that landlords will be required to advertise the previous rent. We strongly welcome these provisions in the bill which address the failings in the previous Rent Cap and the previous lack of publicly available rental information. However, we think a persuasive case for exemptions from rent controls is not made in the Policy Memorandum and as currently drafted this provides a loophole which may leave certain types of tenants vulnerable and may undermine the purpose of rent control measures.

The additional duty on local authorities to collect rental data and assess local conditions with regards to rent levels is key and we welcome the fact this will be carried out at a local level and give councils the ability to recommend a rent control area that may cover the whole of their local authority area and not just specific parts. There must be confidence that the rent control measures in the bill will be more successful than the Rent Pressure Zones in the 2016 Act. These proved impractical, with the burden of proof being too great for local authorities to demonstrate. It will be important to hear from local authorities regarding whether the rent control system outlined in the bill can in practice be implemented quickly and effectively and if not what kind of changes are required.

We strongly support the amendment to the rent adjudication framework to prevent a rent increase being determined which is above the level requested by the landlord. We agree this will encourage more PRS tenants to make use of the rent adjudication system.

Omissions

In our view local authorities' assessment of rent levels should also consider housing quality. Linking rent levels to housing quality and the required energy efficiency standards would incentivise PRS landlords to invest in their properties and raise standards. The system of rent regulation provides an important point of leverage which can be used alongside effective penalties for non-compliance.

It is disappointing that the measures do nothing to *bring down* rent levels in the private rented sector, in other words to address the housing crisis in areas where rent rises have been outstripping inflation and stand well above the Scottish average.

We are not sure that a maximum fine of £1000 is a sufficient penalty for failure to provide rental data. We also see a shortfall in that there is currently no penalty contained in the bill that might deter landlords from ignoring rent restrictions put in place, or to make excessive rent increases by landlords *automatically* unenforceable.

Q5. What are your views on Part 2 of the Bill that deals with evictions?

We strongly support the provisions in the bill for delaying evictions and, as a deterrent to landlords, for providing a means for tenants to be compensated following an illegal eviction.

While the bill addresses the issues around illegal evictions, we would like it to similarly act upon the evidence around the misuse of eviction grounds. A thorough review of the regulations around this is needed, as a prevention of homelessness measure, to help reduce the incidence of people presenting as homeless from the PRS.

Q6. Do you support the proposals in Part 3 of the Bill to strengthen the rights of tenants to keep pets and make changes to let property?

Yes

Q7. Do you have any further comments to make on Part 3 of the Bill dealing with keeping pets and making changes to let property? No

Q8. What are your views on Part 4 of the Bill that deals with how joint private residential tenancies can be ended?

We welcome the fact that joint tenants will have improved rights to leave a tenancy without the need to wait for the approval of the other joint tenants. In our view the bill could be strengthened by providing the remaining joint tenants with the right to propose another person to join the tenancy.

Homelessness prevention and domestic abuse

Q9: Overall, do you support the Bill's proposals in Part 5 of the Bill that deal with homelessness prevention?

Yes

Q10: What are your views on the 'ask and act duty' for relevant bodies in relation to preventing homelessness in Part 5 of the Bill?

We agree with the principle of collective responsibility to prevent homelessness. The question is how the aims that underpin the new statutory duty can be achieved in practice.

The main aim of the Ask and Act duty as proposed by the Prevention Review Group is to embed person-centred, relationship-based joined-up practice across services provided by relevant bodies including Police Scotland, health boards, local authorities, RSLs and prisons.

To achieve this requires not only training so that staff understand the new duty, but a public services workforce enabled with time, access to resources and supported by the systems they work in. After more than 15 years of austerity this is not the place we are in. We need to recognise the significant workload issues across our public service workforce and the reality that, in the context of austerity, finite resources will continue to be targeted at the most acute need.

While GPs have already been exempted from this duty for reasons of workload, the effectiveness in practice of this measure will depend upon investment in the workforce and in resourcing services. Integrated working across different services and sectors is essential to prevent homelessness and is undermined when services are hopelessly overstretched. Our members say that for tenancy sustainment efforts by RSLs and local authority housing officers to work best there must be an increase in resources and capacity within social work services, so that there are routes to support for everyone with underlying issues and vulnerabilities around tenancy management.

We are not confident these challenges are fully reflected in the bill's Financial Memorandum.

We hope the committee will refer to the many practical and systemic issues raised when the Prevention Review Group's recommendations were originally consulted on.

The effectiveness of the duty in achieving better outcomes for people will also be interdependent on other measures within the bill, as well as measures outside of the bill such as increasing the social housing supply including through allowing councils first right to buy back social housing previously in their ownership when returned to the market and addressing the misuse of eviction grounds.

Q11. What are your views on the requirement on councils to act sooner to prevent homelessness by taking reasonable steps in Part 5 of the Bill?

We fully support the agenda around prevention and early intervention and of acting sooner to prevent homelessness occurring.

However, without additional resource for local authorities the burden of work will fall on an already overworked and overstretched workforce, with staff feeling that they are being set up to fail. A key issue raised by UNISON members who work in homelessness services is the need for the new statutory duty to be fully resourced by central government and on an ongoing basis.

The same issues apply across local government housing services. UNISON housing members have described the difficulty of trying to maintain standards of service in the face of declining resources and staffing not just in enforcement but factoring and maintenance, lettings, rent teams, and housing officers of all kinds.¹ Housing departments and homelessness services must be resourced in line with need.

There are currently too few staff engaged in PRS inspection and enforcement activity within local authorities for this to be fully comprehensive. A UNISON FOI survey in 2023 found that across Scotland the average ratio was 1fte staff member to every 3,883 private rented sector properties, with a range from 1:500 to 1:10,000.

Summary

We strongly support the provisions in the bill for long term rent controls, to delay evictions and deter illegal evictions in the private rented sector. But it is the implementation that matters. For these measures to be effective they must go hand-in-hand with an expansion in the social rented housing that is desperately needed, whether through new-build, home purchase or returning empty homes to use. The budget for this must be prioritised along with investment in the local workforce and services needed to prevent homelessness.

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¹ <https://unison-scotland.org/open-the-door-the-homes-we-need/>