

Private Housing (Tenancies) Bill Stage 1 debate January 2016

The Stage One debate on the [Private Housing \(Tenancies\) \(Scotland\) Bill](#) takes place on Thursday 21 January 2016. The bill aims to replace the current short assured tenancy and assured tenancy with a new private residential tenancy which is “fit for purpose” and - the government claims – will provide improved security of tenure.

Its main provisions include the removal of the “no-fault” ground for repossession (i.e. removing the ability of a landlord to ask a tenant to leave a property because their tenancy agreement has come to an end) and the creation of 16 specific grounds for repossession; and some limited ministerial powers to establish “rent pressure zones” where private rents are increasing fastest.

The [Infrastructure and Capital Investment Committee](#) which is scrutinising the Bill published its [Stage One report](#) on 14 January 2016.

Security of tenure and removal of ‘no-fault’ repossession

In the [UNISON Scotland evidence to the Scottish Parliament Infrastructure and Capital Investment Committee](#) on the bill we argued that proposed new tenancy is a step forward from the current regime which would provide a simpler contract and could ensure security of tenure for private renters. UNISON believes that people renting in the private sector should have similar security to those in the social housing sector.

The removal of “no fault” repossession is especially welcome, but the new and extensive list of grounds proposed for landlord repossession is likely to tilt the balance of power further in favour of landlords and undermine security of tenure. For example a landlord would merely require to state an ‘intention’ to sell, or to refurbish in order to repossess.

Most of the grounds for repossession are mandatory and only three contain minimal tests of reasonableness which would protect the tenant. We believe all of the grounds should be discretionary and subject to tests of reasonableness, effective rights to appeal and adequate redress. In the absence of these safeguards, UNISON agrees with [the view of Govan Law Centre that the 16 grounds for repossession could form a kind of “zero-hour tenancy”](#) which landlords could apply at will, thus undermining the much needed move towards security of tenure in the private sector.

UNISON Scotland supports the simplification of private tenancies, the removal of “no fault” repossession as a move towards security of tenure, and the measures of rent control and regulation proposed in the Bill - with the strong reservations expressed above over the new list of grounds for repossession which could undermine security of tenure.

Rent levels and rent control

Private sector rent levels have been increasing at some of the highest rates in the UK and are now double the cost of social housing. This is particularly acute in some cities.

The proposed ministerial powers to establish rent pressure zones will be welcome if they are used to mitigate rent levels in the worst cases.

However, the growth of the private sector and the increases in rent levels is happening largely because the government has not supported the building of sufficient social housing.

Rent pressure zones are not a substitute for a proper system of rent control - along with improved regulation of landlords and decent housing standards. In [The case for greater security for private tenants in Scotland](#) (2013) Shelter Scotland has set out how a system of rent controls similar to those that operate in Germany might work in Scotland.

The housing minister told the Infrastructure Committee in November 2015 that she agreed that increasing housing supply across all tenures was the sustainable long-term solution to addressing the affordability of housing. She told the committee: "What we are currently doing to attract investment in the private sector and get more properties in the sector will make rents more affordable". UNISON Scotland believes that this is a less than adequate response to the problem of rising private sector rents and the housing crisis which we face.

Wider context of the housing crisis

We believe new legislation should take account of the context of our housing crisis – and the fact that we need more social housing. Scotland faces a massive crisis in the availability, the cost and the quality of our housing. There are more than 150,000 people on local authority housing waiting lists across Scotland in 2015, a level over 30% higher than in 2004. Yet the social housing stock has declined.

[Shelter has estimated](#) that we need to build at least 12,000 affordable houses each year to meet current and future need.

UNISON Scotland believes that housing has been left to the market for too long. The market has failed to deliver. The private owned and private rented sectors cannot address the shortage. This housing crisis requires a massive programme of social housing investment from the public sector. In our policy paper [Making Homes for a Fairer Scotland](#) we outlined a new housing programme for Scotland and we have showed how this could be funded, using some of the assets represented by public sector pension funds in our document [Funding and Building the Homes Scotland Needs](#).

Links to UNISON Scotland resources

- [UNISON Scotland website](#)
- [UNISON Scotland housing page](#)
- [UNISON Submission to Scottish Parliament Infrastructure and Capital Investment Committee](#)
- [Funding and Building the homes Scotland needs March 2013](#)
- [Making homes for a fairer Scotland June 2013](#)

Links to other resources

- [Shelter: Summary housing needs](#)
- [Shelter: The case for greater security for tenants in Scotland](#)
- [Private Housing \(Tenancies\) \(Scotland\) Bill](#)
- [Infrastructure and Capital Investment Committee scrutiny of Bill](#)
- [Committee Stage One Report Jan 2016](#)
- [Govan Law Centre evidence on removal of 'no fault' tenure Nov 2015](#)

For further information contact [Malcolm Burns](#) UNISON Scotland Bargaining and Campaigns Team on 0141 342 2883.

This UNISON e-brief is intended for Members of the Scottish Parliament. If you have received this email in error, or if your email address is changing, please [contact us](#).

**bargaining &
C campaigns
team**

Follow us on

