

# **Shelter Scotland briefing: Coronavirus (Scotland) (No.2) Bill, Stage 3 Amendments**

Shelter Scotland welcomes the on-going work by the Scottish Government to put in place legislation to protect people from the impact of the Coronavirus pandemic. However, if we are to prevent a spike in evictions when the current emergency measures are lifted, tenants must continue to be supported, to prevent a sharp increase in homelessness. People who are currently homeless and in temporary accommodation must also be supported during and post pandemic.

## **Amendment(s) for introducing pre-action protocols for private landlords**

The Housing Minister mentioned during Stage 2, that he would 'lodge an amendment at stage 3 for a new regulation that will make a power to create private landlord pre-action protocols similar to those that are currently in place in the social sector'. In principle we are supportive of pre-action protocols for private landlords. We look forward to contributing to the detail of these protocols and how they will be enforced.

## **Changes to student residential tenancies**

We welcome the changes being brought in by this bill to support students in student accommodation. Proposed changes will ensure protection for all students who cannot remain in their student residential accommodation due to the coronavirus pandemic.

## **Amendments in the name of Andy Wightman MSP**

We have been clear throughout this crisis that tenants must be supported not just now, but in the many months to come. Shelter Scotland was therefore broadly supportive of the aims of Andy Wightman MSP's amendments at Stage 2, and continue to support the intention of them at Stage 3, as they seek to tackle a real anxiety, particularly in the Private Rented Sector on the affordability of rents and the prospect of significant debt building up in the emergency period. Tenants are in a uniquely precarious situation and we must do all we can to ensure they are not left facing large debts and eviction at the end of the emergency period.

## **Extend measures from the first Emergency Coronavirus Bill (1<sup>st</sup> April)**

While outwith the scope of this Bill, but relevant to how we protect tenants, we urgently call on the Scottish Government to extend the housing measures from the first Emergency Coronavirus Bill (1<sup>st</sup> April), to ensure that tenants cannot be evicted due to Covid-19 related rent arrears.

## **Notices to evict served before 7<sup>th</sup> April**

A related matter, although not in the second Bill, comes from the provisions made in the first Act to protect tenants from eviction. As it stands, tenants served with a valid notice before 7 April may still be subject to mandatory eviction orders granted before 30 September. The Scottish Government has said that legislation will ensure that no one is evicted for 6 months. The legislation presently does not satisfy that commitment. If so, we believe that ministers should take the opportunity to outline how they will address that.

## **Tenant Rent Support Fund (Pauline McNeill MSP)**

The guiding principle throughout this crisis and beyond must be to ensure that nobody is forced into destitution and homelessness, as a consequence of the pandemic. Tenants must be supported to be able to stay in their homes, or we risk facing a catastrophic humanitarian crisis once emergency measures are lifted.

While tenants can claim Universal Credit to help with paying their rent, due to limits on Local Housing Allowance and the Benefit Cap they will, in many cases, not be able to cover the full amount of their rent and risk building up debt and rent arrears. Further, some tenants are not eligible for these benefits.

Crisis payment such as the Discretionary Housing Payment can also be claimed to help with their rent payments, however these forms of support are already under significant pressure and are not always accessible or timely.

We therefore support the call for an emergency fund specifically for tenants, to ensure that tenants facing financial difficulty, who cannot access support elsewhere are able to access emergency funding.

### **Welfare benefit system must provide an adequate safety net**

In addition to changes to Scottish Legislation we are also calling on the UK Chancellor to lift the Local Housing Allowance to cover the average cost of rents and to remove the Benefit Cap.

### **Private Rented Sector Landlord Covid-19 Fund**

It is also essential in relation to the Private Rented Sector Landlord Covid-19 Fund that landlords in receipt of the fund do not pursue tenants for rent arrears.