

Future developments for landlord registration in Scotland

Shelter Private Rented Sector Conference
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A brief history of landlord registration

- Introduced by the Antisocial Behaviour etc. (Scotland) Act 2004 (came into force April 2006)
- Original purpose – to require local authorities to maintain a list of private landlords – accessible by members of the public. Includes ‘fit and proper’ test.
- Private Rented Sector at that time accounted for around 8.6% of households in Scotland.



13 years on.....

- 263,000 landlords
- 436,000 properties
- 770,000 have their home in the sector
- 15% of housing in Scotland



13 years on.....

- Broader legal requirements on landlords to provide good quality homes that are managed professionally
- Greater expectations on local authorities to ensure that landlords meet the required standards and to take enforcement action where needed
- 2011 and 2014 Acts gave local authorities more powers to deal with poor standards of housing and service.



A Place to Stay, A Place to Call Home ...

A Strategy for the Private Rented Sector in Scotland

Revised purpose for landlord registration

- providing a register of all private landlords for public inspection, with the added assurance that the local authority has conducted a fit and proper person test;
- providing a regularly updated register that can be used to assist dialogue between local authorities and landlords, to disseminate best practice information;
- ensuring that enforcement action is targeted at the worst landlords in the sector.
- 2014 Act - new requirements, changes to the repairing standard
 - new tools, 3rd party reporting, Enhanced Enforcement Areas
- 2017 – Statutory Guidance on landlord registration for local authorities



Consultation, summer 2018

Proposals:

- To require applicants to provide information about their compliance with legal requirements in relation to property condition and property management, at the point of application.
- To review the fees, including:
 - The range of discounts that currently apply;
 - enabling a rate of inflation increase in fees; and
 - covering the support costs for the on-line system within the application fee.



What happens next?

Prescribed information

- SG has been refining the policy on what must be provided in an application for registration, including on:
 - Tolerable / repairing standard
 - Gas / Electrical / Fire / Carbon monoxide safety
 - Energy Performance Certificate
 - Common repairs / buildings insurance for tenement properties
 - House in Multiple Occupation Licence (HMO)
 - Legionnaire's disease risk assessment
 - Tenancy deposit protection
- Our aim is to lay regulations before Parliament to bring in these changes by Summer 2019.



What happens next?

Change to application fees

- Regulations laid ended the 10% discount for on-line applications from 1 December 2018.
- Annual review with potential to apply CPI increase
- Reviewing the fee to cover additional administration for new prescribed information requirements.
- Timescale - summer 2019.



What happens next?

Improving consistency

- SG recognises stakeholder concerns about the different levels of support provided to landlords across Scotland.
- SG working with local authorities to identify good practice and improve consistency in the way landlord registration is delivered.
- Agree key elements of the scrutiny of applications.
- Sharing good practice – good examples of how simple, cost-effective approaches can improve compliance.



Landlord registration and Regulation of letting agents

- Letting agent code of practice
- Mandatory registration
- Training and qualifications
- Client money protection and Professional Indemnity insurance
- Clear monitoring and compliance framework



The future

- *“A private rented sector that provides good quality homes and high management standards, inspires consumer confidence, and encourages growth through attracting increased investment”*
- Improving the quality of property management, condition and service
- Delivering for tenants and landlords, meeting the needs of the people living in the sector; consumers seeking accommodation; and landlords committed to continuous improvement; and
- Enabling growth, investment and increasing overall housing supply.



Further information

Statutory Guidance on Landlord Registration

<https://www.gov.scot/publications/landlord-registration-statutory-guidance-local-authorities-2017-statutory-guidance-local/>

Landlord registration consultation

<https://consult.gov.scot/landlord-registration/registration-fee/>

Letting agent register

<https://lettingagentregistration.gov.scot/>

Letting agent registration

<https://www.mygov.scot/letting-agent-registration/>

Private residential tenancy

<https://www.gov.scot/policies/private-renting/private-tenancy-reform/>

