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Dear Convener

Thank you for the Local Government, Housing and Planning Committee's report on the Housing (Scotland) Bill, published on 14 November, and for your letter of 21 November.

I am grateful to committee members for their careful consideration of the Bill, and for the Social Justice and Social Security Committee's consideration of the homelessness prevention and fuel poverty provisions. I have separately responded to them on 18 November. I am pleased that a majority of the members of the Committee support the general principles of the Bill, and I acknowledge that two members did not support that position.

I welcome the further scrutiny of the Scottish Government's revised approach to rent control measures ahead of Stage 2 proceedings on 28 January and will support that by lodging the proposed amendments as soon as possible. As you are aware, the amendment to the rent cap that I have announced was developed following stakeholder engagement and is key to providing further clarity on this aspect of the Bill. I remain committed to continuing to work with stakeholders throughout the Bill process to ensure the measures we bring forward works for all of Scotland.

Annex A sets out the Government's response to the recommendations made in the Committee's report, using the paragraph numbers in that report. I hope that the Committee will find these responses helpful.

I also extend my thanks for careful scrutiny and consideration of the Bill at Stage 1 to the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee. I am copying this letter to the Committee Conveners.

I look forward to continuing to work with the Committee and wider Parliament on the Bill.

Yours sincerely,

PAUL MCLENNAN
Minister for Housing

ANNEX A

Recommendation	Scottish Government response
Para 17 - The rental sector was described aptly to the Committee during its scrutiny of the Bill as a 'delicate eco-system'. That system has been negatively affected by uncertainty, including about how key parts of the Bill will operate in practice, in particular the Scottish Government's plans to amend the provisions on rent controls. The Scottish Government has only provided some degree of clarity on those amendments at a very late in the Stage 1 process, and decisions on the exemption of properties from rent control will not be made until after Spring 2025. Going forward there must be an emphasis on clarity as the legislation continues to proceed through the Parliamentary process and during the development of the secondary legislation needed to bring much of the Bill into force.	As confirmed in my statement to Parliament on 31 October, to develop the detail of how rent control will be implemented, the Scottish Government will consult in early Spring 2025. This consultion will support consideration of how powers in the Housing (Scotland) Bill that allow for certain types of property to be exempted from rent control and for rents to be increased above the level of the rent cap in some circumstances could be used. This consultation will seek views on how best to ensure that these powers can be used in a way that stabilises rents for tenants in rent control areas whilst continuing to deliver new and improved rented housing, through supporting investment in new housing built or developed specifically for private rent, including for mid-market rent. It will also explore circumstances where rent increases above the cap could be allowed – for example where there has been significant investment by landlords in the quality of a rented property. This consultation will inform the development of secondary legislation, which will be brought brought forward at the earliest opportunity after the Bill is commenced. To support the development of the consultation, the Scottish Government will continue to work with tenants, landlords, investors and developers over the coming months.
Para 47 - The introduction by the Scottish Government of temporary rent caps through emergency legislation sought to provide protections for tenants during the cost crisis. However, whilst these were well-intentioned and welcomed by tenants, the Committee heard they had unintended consequences for tenants and landlords in the private rental sector, ultimately resulting in many	The Cost of Living (Tenant Protection) (Scotland) Act 2022 limited rent increases for existing tenancies and offered protection for many tenants during the cost crisis but I would acknowledge the concerns of landlords and investors. The latest Scottish Landlord Register data shows the number of registered properties for rent in Scotland between August 2022 (339,632) and October 2024 (350,439) has increased by 3.2%.

cases in rent increases for tenants. As discussed in more detail below in this report, witnesses told the Committee that this experience has eroded confidence amongst landlords and investors, resulting in some cases in landlords withdrawing from the sector. That said, evidence of withdrawal from the sector is thus far largely anecdotal due to the three-year time lag in landlord registrations, and the Committee is keen to obtain a more informed understanding of the extent of withdrawals from the sector.	Over the same period, the number of registered landlords has decreased from 238,749 to 237,352, a minimal decrease of 1,397 (-0.6%).
Para 49 - Reflecting on the lessons of this previous legislation and experience of the housing sector more generally, a number of witnesses including Anna Evans from Indigo House, Deborah Hay from the Joseph Rowntree Foundation, and Aoife Deery from Citizens Advice Scotland described to the Committee the importance of careful and transparent design of the Bill in order to balance the rights of both tenants and landlords. The Minister for Housing made clear in his evidence to the Committee that considerable engagement is ongoing with the full range of stakeholders to achieve this balance. While the Committee welcomes this extensive engagement it would have been much more helpful if this had taken place before introduction to enable firm policy decisions to be reached, avoiding the current levels of uncertainty which is being experienced by tenants, landlords and investors and enabling more informed and effective parliamentary scrutiny.	The Bill content was informed by significant public and stakeholder engagement including with tenants, private and social landlords, housing investors, third sector oganisations, local authorities and public bodies. Ongoing engagement now is the normal process to ensure the Bill once passed can be delivered effectively.

Para 61 - However, from the evidence the Committee received, that power imbalance is exacerbated by a number of inequalities. A range of equality impact assessments have been published by the Scottish Government during the course of Stage 1 of the Bill, however much of the implementation of the Bill will be determined by secondary legislation and it will be critical that the Scottish Government carefully models the impact of that on equalities. In its subsequent scrutiny of any secondary legislation the Committee will be looking to the Scottish Government to demonstrate it has identified and addressed all equalities issues arising.	If passed by Parliament, the Bill will provide Scottish Ministers with powers to make regulations or take other steps, such as providing guidance, to support future implementation of the measures. Where the Scottish Government makes regulations and provides guidance to support implementation, there will be further consultation with stakeholders, and the impacts, including equalities impacts, will be considered in detail as part of that process. Following consultation, any such regulations will also subject to further scrutiny and, where appropiate, prior approval by Parliament.
Para 62 - However, the housing supply in the private rental and social sector needs to be addressed, thereby empowering tenants by way of giving them a choice of affordable alternative options.	We have set targets for the delivery of affordable homes that we have direct shared responsibility for delivering. We have also brought forward a review of the Affordable Housing Supply Programme, focused on deliverability, and the findings from this will further inform our work to boost affordable housing supply. Despite the difficult financial climate, we have allocated additional capital of £40 million to the Affordable Housing Supply Budget across each of the next two financial years, taking our investment in affordable housing in 2024-25 to nearly £600 million. In our 2024 Programme for Government, we made a longer term commitment of £100 million to create a new Mid-Market Rent Fund - over a number of financial years – to deliver more affordable homes with private investment. This enables the use of existing public funds more efficiently, creating structures that can attract higher levels of private investment and deliver homes that people want. It will form part of the Affordable Housing Supply Programme, which already supports the delivery of mid-market rent homes.
Para 68. The Committee therefore requests that the Scottish Government provides an implementation plan which sets out in detail how it intends to	The Scottish Government agrees with the Committee that legislation alone is not enough to ensure increased tenants' rights are delivered in practice.

redress the current lack of awareness and support for tenants to exercise their rights.	How best to raise awareness amongst all those affected, along with what information and tools will be needed to support the introduction of the new and amended protections for tenants will be considered as part of the detailed plans for implementation of the measures. We will work with tenants, landlords and housing rights organisations in developing these plans for implementation.
Para 78. There are clearly a number of additional levers available to the Scottish Government which may help sustain the private rented sector. As described earlier in this report the private rental sector is one part of a complex housing system and the provisions in the Bill only impact on particular factors within that system. The Committee asks the Scottish Government to comment on what plans it has to utilise these levers to the benefit of tenants and landlords	The Affordable Housing Supply Programme can support the following types of purchase where there is a strategic housing need as identified and agreed by the local authority: • Open market purchases with vacant possession • Off market purchases with vacant possession • Purchases where an owner occupier cannot afford the required maintenance or refurbishment of their home and therefore wishes to sell and remain in the home as a tenant in the social rented sector • 'Off the shelf' purchases from developers The range of homes that can be purchased by councils and registered social landlords with grant support through the Affordable Housing Supply Programme can also include the purchase of properties from landlords leaving the private rented sector with a tenant in situ – where this meets a clear strategic purpose and where the tenant is at risk of homelessness. We note the Committee's comments about the potential role of Land and Buildings Transaction Tax (LBTT), alongside other levers, in incentivising the purchase of buy to let properties with tenants in place. The Scottish Government concluded a review of the arrangements in place for the Additional Dwelling Supplement earlier this year and made a number of changes to the legislation as a result. We will however take account of the points raised in our ongoing consideration of the arrangements in place for LBTT.
Para 82. Students will comprise a significant proportion of tenants in the private rented sector. Whereas those who live in purpose built student accommodation will not be covered by the Bill there	We are aware of the concerns of students in relation to the rent sector provisions in the Housing (Scotland) Bill relating only to private rented tenancies, with university-owned student accommodation and private Purpose Built Student Accommdation (PBSA) not covered.

are nonetheless challenges for students across all tenures (as described above) and the Committee asks the Scottish Government to comment on what action it will take to address these.	PBSA is a unique market and for this reason it is not considered to form part of the mainstream private rented sector. PBSA providers effectively act as private providers of 'halls of residence' accommodation, renting exclusively to students with non-students not eligible to enter into a lease during the academic year. In addition, rental contracts are aligned with the academic year to support student needs and rents are set for that period, rarely increasing during that period. Rental costs also include more than just rent, with utility costs, broadband and other provisions generally included. As such, rental costs in PBSA are a matter for accommodation providers. The Review of PBSA looked at a number of issues creating challenges for students, and the Review Steering Group formulated 11 recommendations which were announced in response to parliamentary question - Written question and answer: S6W-25244 | Scottish Parliament Website. The recommendation relating to tenants' rights, specifically notice periods (recommendation 2) was for the Scottish Government to consider, including identifying under what circumstances termination would be appropriate and potential impact on investment and rent levels. The consultation has recently closed and responses are currently being analysed. Alongside the consultation, a Ministerial roundtable discussion was convened in August this year (as per recommendation 5) and this included representation from universities, students, developers, investors and local authorities. The purpose of this meeting was to discuss how best to work together to address student housing issues in PBSA. The discussions were positive and a further meeting has been arranged for December. In the understanding that the housing sector is complex and interlinked, representatives from the private rented sector have been invited to the next meeting so that all student housing issues can be considered.
Para 126. The Committee notes the concerns raised by the Delegated Powers and Law Reform	We agree that providing clarity at the earliest opportunity is crucial, including around the policy decisions on the use of secondary legislation. It is essential that these

Committee about the use of secondary legislation instead of provisions being put on the face of the Bill. It recommends that to avoid continued market uncertainty and in order for there to be proper scrutiny of policy decisions the use of secondary legislation should be limited and appropriate amendments brought forward at Stage 2 of the Bill by the Scottish Government to address this.	considerations are supported by full and open consultation, allowing for all of those affected to have their views considered. In respect of the rent control measures, we have set out our plans to consult in early Spring 2025 to support consideration of exemptions from or flexibility in rent control in certain circumstances. For example, newly built or developed private rented housing, including for mid-market rent, or where there has been significant investment by landlords in the quality of a rented property.
Para 127. Where secondary legislation is appropriate the Scottish Government should make draft secondary legislation available at the earliest opportunity during the Bill's progress through the Scottish Parliament.	It is our aim to ensure that regulations are brought forward at the earliest opportunity, subject to the Bill being passed by Parliament. These regulations will be subject to appropriate consultation and parliamentary scrutiny.
Para 133. The Committee notes the support amongst stakeholders for linking rent increases to inflation in order to provide certainty to both tenants and landlords, and that it is the Scottish Government's hope that its very recent announcement in this regard will provide that certainty. However the Committee further notes the benefits particularly of this link being to wage inflation rather than general inflation as it is concerned that in periods of high inflation, as seen in recent years, tenants could see substantial and unaffordable increases to their rent. The Committee would welcome more information from the Scottish Government of whether it has taken this into account and how it will mitigate against unaffordable rent increases during periods of high inflation.	We recognise that there are benefits in ensuring that any allowable increases in rent control areas are linked to increases in household incomes. However, wages are only one component of household income, which may also be affected by hours worked, and by other sources of income, such as benefits and income from assets. In addition, average wage inflation may not reflect differing trends experienced specifically by tenants across the workforce. The cost to landlords of offering a property for rent are also a crucial consideration and measures of wage growth are unlikely to fully reflect these costs. While some costs, such as management fees, may be partially linked to wage growth other costs such as the cost of materials would not be reflected in measures of wage inflation. Whilst there are various potential indicators of wage growth, we do not consider that any of these are robust enough to provide a reliable link between wages and tenants' income, to be sufficiently reflective of the costs of maintaining a household or provide clarity on the costs that tenants are likely to face.

	The Consumer Price Index (CPI), is a comprehensive measure of the trends in prices for goods and services experienced by consumers in the UK economy. The costs relating to running a home are included in the index (for example costs relating to maintaining a dwelling, as well as the items within a dwelling). It is widely referred to in relation to the relative costs of goods and services and is likely to be a broadly familiar terms to landlords and tenants who will be affected by rent control. The proposed stage 2 amendment will set out a cap on rent increases of CPI+1%, up to a maximum increase of 6%. This will provide protection for tenants in terms of limiting more significant rent increases during periods of high inflation and provide clarity for tenants costs. This cap will also offer more clarity to investors and landlords on the impact on rents where rent control is applied.
Para 138. The Committee is supportive of the principle within the Bill of allowing for exemptions to rent control to apply in some limited circumstances. However while there may be circumstances where a landlord's increased costs (for example to fund refurbishment of a property) could justify an increased rent, there should be a responsibility placed on landlords to provide sufficient evidence of the costs.	The Scottish Government has committed to consult in Spring 2025 to support consideration of circumstances where certain types of property may be exempted from rent control and where it would be appropriate for rents to be increased above the level of the rent cap in some circumstances. As part of this consultation, and as part of work to develop regulations, we will give full consideration to circumstances where landlord costs would justify increases above the rent cap and what the process would be to justify such increases.
Para 139. The Committee invites the Scottish Government to consider putting more detail on the face of the Bill about exemptions once its additional consultation process has concluded.	The rent control measures in the Bill create the enabling framework for the introduction of rent control areas and we have been clear throughout that some aspects will be subject to further consultation, to be carried out prior to any proposed area being designated as a rent control area We have already set out our intention to bring forward a Government-led Stage 2 amendment which will set out the form of the rent cap in the Bill. Our intention would be to use the powers, set out in the Bill with exemptions from rent

	control or modifications on how the cap will apply set out in Regulations. To inform these considerations, we have committed to bring forward our consultation in early Spring 2025. This will build on the work carried out to date to support the development of the rent control measures in the Bill. We will continue to engage with stakeholders to support the development of this consultation.
Para 143. The Scottish Government intends that its further consultation on the Bill during Spring 2025 will help it determine the circumstances in which types of properties might be exempt from rent controls. However the Committee notes there is an existing strong case for mid-market rent properties to be excluded from the rent control provisions in the Bill and recommends that the Scottish Government brings forward appropriate amendments at Stage 2. Once again, the Committee would reiterate the importance of providing certainty about the Bill's measures in order to mitigate negative consequences for the rental property sector, and ultimately tenants themselves. The Scottish Government should provide transparency about its policy decisions as soon as possible and not wait until Stage 2 or 3 of the Bill process.	The Scottish Government recognises the important role social housing providers play in offering properties at mid-market rent and we want to see continued investment in the private rented sector – including in mid-market rent property – to grow the supply of good quality rented property that offers choices for tenants. We have been engaging with the sector and understand their concerns in relation to the impact of rent controls on the potential to increase the supply of property for mid-market rent. It is crucial that the impact of any proposed exemptions is fully considered and the consultation we will take forward in Spring 2025 will seek views on how powers to allow for exemption could be used. This will include how rented property offered for social good with rents controlled below market value, including mid-market rent,should be treated.
Para 156. The Bill's provisions mean that local data will be vital to determining whether rent control areas are required. The Scottish Government should therefore give consideration to whether landlords should be required to routinely provide	The measures that we have set out in the Bill provide local authorities with the power to request data from landlords, in a way that support them to undertake robust assessment of rent conditions, taking into consideration the local circumstances. We will work closely with Local Authorities as part of developing the detailed approach to

data. Para 157. Comprehensive data collection at a local level will require resources which are already severely constrained in local authorities. It will also be important to ensure there is consistency of practice in order to help avoid legal challenge to rent control assessments. The Committee therefore recommends that there is a national approach to data collection, combined with local flexibility in how that data is used by local authorities in making their assessments of the local rental market. Para 167. Any robust assessment of rental conditions will be dependent on access to sufficient data on property rentals, and under the Bill's current provisions landlords' compliance with requests from local authorities for data will be essential to that. Whilst the Committee recognises that the majority of landlords meet their legal requirements, it is clear that a not insignificant minority do not, either wilfully or perhaps through ignorance. As described above, the Committee recommends that the onus should be put on landlords by creating a requirement for them to routinely provide data rather than only respond to requests from local authorities.	assessment of rent conditions as required under Section 1 of the Bill, including in relation to how they can use these powers. The assessment process will be supported by guidance and the Scottish Government will work with local authorities, through the Local Authority Working Group, to ensure development of this guidance is comprehensive and robust and delivers an approach that will support local authorities to adopt a consistent approach to meeting the new duty. It is intended the guidance will include a clear specification – that could include a "proforma" template if that is deemed helpful – to support local authorities to request information. This should help ensure all data collected is consistent, regardless of which local authority is issuing the request. Given the diversity of rent conditions across Scotland, the Bill allows flexibility for local circumstances, with local authorities taking the lead role in assessing conditions in their areas and making a recommendation as to whether all or part of the area should be designated for rent control. The collection of robust data is a complex task. Through the Bill we will give Local Authorities the power to collect data directly from landlords. We will liaise closely with Local Authorities on their experiences of collecting data from landlords for rent control assessment purposes. Engagement with Local Authorities will inform any necessary longer term data development work by the Scottish Government to ensure we are collecting the right data in a practical and cost effective way to support our long term aspirations It is not, however, clear that placing a requirement on landlords to provide data on an ongoing basis is required to be able to undertake a robust assessment of rent levels across the country.
Para 168. It will be important for there to be effective penalties to act as a deterrent to those landlords who do not comply with the legislation. The	The Scottish Government has given careful consideration to ensure that the proposed penalties provide sufficient deterrent and are appropriate to the situation. A civil penalty of £1,000 is considered to be an appropriate amount for the breach of a statutory duty to

Committee notes the concerns about whether a financial penalty is a sufficient deterrent, and therefore asks the Scottish Government to respond to the suggestion that in the event of non-compliance the removal of landlords from the landlord register would provide a more effective penalty than a fine. Similarly, the proposal that rent suspension orders could also be used may be effective, and again the Committee asks the Scottish Government to respond to that.	provide the requested information. Regarding the potential removal of a landlord from the landlord register as a direct penalty for non-compliance with a request for data on their rent, the landlord registration scheme is intended to allow for local authorities to make a holistic consideration as to whether a landlord is a fit and proper person to let houses. As it is an offence to let a property without being registered, removing a landlord's registration for any reason would likely lead to their tenants being evicted due to the landlord no longer being able to lawfully let out the property. This would result in a tenant then being required to leave a home in which they were settled and where they may have preferred to stay. It is, therefore, not considered appropriate or in the interests of tenants to remove a landlord's registration solely for not providing the requested information. In relation to rent suspension orders, although this was considered as an option, it was not assessed as the most favourable approach in terms of providing a deterrent to non-compliance with a landlords' responsibility to provide information. Rent suspension orders require action on the part of the tenant to withhold rent, which tenants may feel reluctant to do, and presents a risk that the tenant does not withhold the correct amount, having a potential impact on their tenancy. It was considered more effective and appropriate to place a penalty directly on landlords.
Para 169. To reduce inadvertent non-compliance by landlords the Scottish Government should also ensure that implementation of the Bill's provisions is accompanied by clear and accessible advice for landlords on their duties. The Committee recommends this is underpinned by a programme of awareness raising. Overall there is a need for improved levels of professionalism amongst	We agree that ensuring that landlords are aware of their obligations and can access information to support compliance is critical. How best to raise awareness amongst all those affected, along with what information and tools will be needed to support the introduction of the new requirements will be considered as part of the detailed plans for implementation of the measures. We will work with landlords and their representative organisations in developing these plans for implementation.

landlords.	
Para 170. The Committee invites the Scottish Government to respond to the suggestion that Ireland's Tenancies Board provides a good model of oversight and enforcement and whether it has considered this approach.	Engagement with the Residential Tenancies Board (RTB) was undertaken as part of developing the rent control measures that are included in the Bill. The RTB deliver a range of functions that support the rental housing market that are already delivered in Scotland through existing mechanisms. For example, the registration of private landlords is delivered through local authorities, maintaining a connection with local delivery of housing services, and tenants have access to adjudication of rent increases through Rent Service Scotland with the consideration of tenancy disputes being heard by the First Tier Tribunal (Housing and Property Chamber) of the Scottish Courts and Tribunal Service. In introducing rent control, there is no intention to make wholesale change to the mechanisms that support the delivery of the strong protections that tenants in Scotland already have. Instead, the Scottish Government has sought to build on the existing legal protections and systems that are already in place to support tenants.
Para 175. The Committee agrees that the landlord register provides a natural repository for collating significantly more information about properties and tenancies. This would provide a rounded picture of the rental market within a local context and enable robust assessments to be carried out of the need to create rent control areas. It therefore requests that the Scottish Government responds to the proposals made by witnesses on the range of information that it would be valuable to record.	The Landlord Register operates to deliver the obligations local authorities are under as a result of The Antisocial Behaviour etc. (Scotland) Act 2004. It does not currently operate as a register of properties, as information is requested at portfolio level to assess compliance with legislative requirements. Currently the register holds data largely provided by landlords in connection with the obligation to be registered. Much of the wider information suggested for inclusion in the register would not be available to landlords and obligations would require to be placed on a range of organisations if this information was to be collected in an ongoing, consistent way across all local authorities. In some cases – for example food bank referrals – it is not clear that there is an organisation that could consistently provide the information. For some of the other information highlighted - Scottish Index of Multiple Deprivation

	data, numbers of households receiving benefits, numbers of households in the private rented sector, average income, and average rent and mortgage costs in area – this is information that applies at an area level and it is not clear how this would directly translate to individual landlord registrations. In relation to information directly related to individual properties - starting rents, advertised and actual rents – it is acknowledged that this would be useful data to collect. Should the register be adapted to capture data additional to that required in connection with the registration of landlords, this would change the nature of the register in terms of its current purpose and would require significant additional legal obligations to be placed on landlords, in addition to representing new obligations for local authorities as the operator of the landlord register. Redevelopment of the register itself to allow for this would come at considerable cost. Consideration would also have to be given to the alignment between currency of any data provided and the three year life cycle of registration.
Para 176. The Committee also recognises the importance of transparency in the data used to establish whether rent control areas should be created, and recommends that it should be made publicly available.	The measures in the Bill place a duty on Scottish Ministers, having considered a report from a local authority, to prepare and publish a report detailing whether they intend to designate all or part of an area for rent control and the reasons for their decision. The report must also include an explanation of such other matters as the Scottish Ministers consider appropriate. As part of developing the approach to such reporting, consideration will be given to how best to ensure that the basis for any decision in relation to rent control is transparent.

Para 177. The Committee believes there is considerable merit in the proposal that a version of a 'home report' is made available for rental properties, to provide prospective tenants with full transparency about the condition of their home and its rental history. As witnesses proposed this could include information on energy performance, safety certificates, and maintenance undertaken by the landlord. The Committee asks the Scottish Government give this proposal further consideration.	We agree that there are merits in ensuring that prospective tenants are provided with information on the property that they will rent and there are already statutory requirements that landlords must meet to provide certain information. Landlords are already required to include the EPC rating for the property in property advertisements and a copy of a valid energy performance certificate must be made available to a prospective tenant free of charge. In addition, landlords must give their tenants a copy of the annual Landlord Gas Safety Record issued by a gas safe registered engineer, as well as copies of the required Electrical Installation Condition Report (EICR) on any fixed installations and the Portable Appliance Testing Report (PAT) on moveable appliances Landlords are also required to give tenants statutory information about their rights and responsibilities at the beginning of their tenancy, which includes information about the repairing standard – including about statutory safety testing requirements and cases where landlords are required to make copies of safety certificates available to their tenants. The measures in the Bill will require landlords of a property in a rent control area to make information about the previous rent for the property available to prospective tenants, to support compliance and to assist tenants in making an informed decision about taking on a tenancy. In knowing the most recent rent for the property, and when it the rent was last increased, a tenant in a rent control area can have clarity about when the rent may next increase, and how much the new rent could be. We do not have plans to include any further requirements for the provision of information to tenants as part of the Bill. Any future expansion of the information that landlords must provide to tenants would require to be given very careful consideration to ensure that the additional administrative burden placed on landlords has a clear benefit to tenants.
Para 192. The Committee finds the evidence provided about the risk of eviction for people who	There are existing protections in both the social rented (SRS) and private rented sectors (PRS) that provide important safeguards for tenants in these types of

are terminally ill and their families very persuasive. The Committee recommends that the Scottish Government brings forward amendments at Stage 2 in order to provide sufficient protections.	circumstances. These include the right of succession for qualifying occupiers where a tenant passes away including for partners, spouses, and family members where they have lived in the let property for 12 months prior to the tenant's death; and protections from unfair or unreasonable eviction. In the SRS, the rights of succession were reviewed and amended as part of the Housing (Scotland) Act 2014 to ensure transparency, minimise misuse of the housing system and support social landlords to make best use of their limited available housing stock for households in housing need. Additionally social landlords are expected to deal with these situations sensitively and consider the individual circumstances of each case. SRS landlords will have an exceptional circumstances clause in their allocation policy that enables them, where someone does not qualify to succeed to the tenancy to consider granting them a new tenancy for the existing property or that of another. The Bill also contains measures designed to provide greater protection for tenants during the eviction process, except in limited circumstances. The Bill does this by introducing a requirement on the Tribunal and the Sheriff Court to consider whether a delay to the enforcement of an individual eviction should occur based on the circumstances of the case. These provisions will give discretion to the Court and Tribunal to consider, amongst other things, the detriment to the health of the tenant or their household of enforcement and the length of the delay which would be appropriate in the individual circumstances of the case. This will strengthen existing protection for those who are terminally ill and their families. While sympathetic to the issues raised, the Scottish Government is not intending to bring forward amendments at stage 2 given the strong existing protections. However, we will consider what more can be done to raise awareness of these protections and provide guidance to landlords to support tenants in these difficult circumstances.

Para 195. The Committee invites the Scottish Government to confirm what consideration has been given to the implications of delayed evictions leading to tenants building up significant rent arrears, in particular what support will be provided to them and how the implications for landlords would be mitigated.	I can confirm that consideration was given to the implications of delayed evictions, relating to the further increase in rent arrears if a delay was granted, in the development of the new duty to consider delay to the enforcement of an eviction. Our analysis is set out in the Rented Sector Reforms Business and Regulatory Impact Assessment. In making a decision on whether to delay the enforcement of an eviction, the Tribunal or Court will take into account all the circumstances of the individual case, compliance with pre-action protocols/requirements for rent arrears, as well as the negative impact of any delay (such as additional rent arrears) on both the landlord and the tenant. It will not be in the best interests of a tenant or their landlord for the Tribunal or Court to allow rent arrears to continue to accrue by granting a delay to the enforcement of an eviction order, unless there are exceptional reasons for doing so. Landlords will be able to make representations on the impact and reasonableness of a delay as part of the process. To ensure that any negative impact on private landlords from a delay to enforcement is properly considered, and that the rights of tenants are appropriately balanced against the rights of landlords to recover the let property, the legislation sets out that the Tribunal should consider whether a period of delay in bringing the tenancy to an end would cause a private landlord to experience financial hardship. These will help to mitigate negative implications for landlords. In the social rented sector, where an eviction order is granted by the court on rent arrears grounds, or grounds including rent arrears, the current position is that the tenancy is not ended on a date appointed when the court grants an order. The order granted by the court specifies a maximum period of 6 months for which landlords have a right to recover possession of a house. During this period tenants existing tenancies continue to be in place. This period provides a further opportunity for tenants and landlords to agree a way to resolve the arrears and avoid eviction.
Para 201 - The Committee welcomes the Bill's intention to make the process of claiming for damages for unlawful evictions easier and fairer for	The Scottish Government acknowledges concerns regarding the misuse of repossession grounds highlighted by the Committee. In evictions cases that come before the Tribunal, the Tribunal will examine the evidence and make a determination on the basis of the

tenants. Para 202. There is evidence that a minority of landlords are willfully abusing their rights to evict tenants. The Committee believes there is therefore a case to be made for increasing the burden of proof on landlords and also for harsher penalties for willful misuse of grounds for eviction. It therefore invites the Scottish Government to set out what further measures it could take to protect tenants in this regard and to bring forward appropriate amendments to the Bill at Stage 2.	evidence provided on whether the ground for eviction has been established and an eviction order should be granted. There are already existing legislative protections for wrongful termination under the Private Housing (Tenancies) (Scotland) Act 2016. Where a tenant thinks a landlord has mislead them, or the Tribunal, in to ending a tenancy, they can make an application to the Tribunal for a wrongful termination order. Where such an order is granted the tenant can be awarded up to 6 times the monthly rent. The misuse of repossession grounds and the operation of wrongful termination orders are best considered as part of the Scottish Government's review of repossession grounds. The Scottish Government commits to considering these issues as part of that review (see also response to para 205).
Para 205. The Scottish Government has confirmed that there is an outstanding commitment to review the grounds for landlords' repossession of a property, and that a review will be carried out. The Committee welcomes this and asks that this is taken forward as soon as possible and that it is kept up to date with progress.	We recognise the importance of taking forward a review of repossession grounds. We will take this forward at the earliest opportunity when the measures in the Bill have been implemented and will keep the Committee updated.
Para 212 - The Tribunal is managing an increasing caseload and it is already taking steps to increase its resources accordingly which is welcome. With additional resources, efforts should be made to reduce the time it takes for the Tribunal hearings to take place. Reducing delays to the conclusion of cases will be to the benefit of both landlords and tenants. Para 213. It is clear however that there are barriers	We agree that it is important that tenants are aware of and empowered to use their rights to challenge poor or illegal practices where they occur. That is why the Scottish Government are providing up to £2 million this year to support the Early Resolution Advice Programme administered by the Scottish Legal Aid Board, which supports projects in the third sector. This provides assistance and representation for people at risk of, or facing court action related to debt and housing matters. We have also run a number of successful Renter Rights campaigns over the last few years' to raise awareness of rights and empower tenants to make use of them, but recognise we need to do more. I am therefore pleased to announce that we will be

to many tenants exercising their rights by taking their cases to the Tribunal, suggesting a need for greater access to advice and support for them. The Scottish Government is seeking to improve the balance of tenants' and landlords' needs and so it will need to ensure there are corresponding improvements to enabling people to exercise those rights. The Committee therefore invites the Scottish Government to set out how it will achieve this.	running another renters rights campaign in early 2025. Awareness of and ability to exercise rights are a vital part of the effective implementation of the new rights in the Bill and, as outlined in our response to para 68 of the Committee's report, we are committed to working further with tenants, landlords and housing rights organisations in developing our plans for implementation.
Para 225 - The Committee recognises that many landlords are already amenable to tenants' requests to personalise their homes but supports the Bill's provisions for this to be put on a statutory footing. Rental properties are primarily people's homes, and it is reasonable to expect tenants to be allowed to make reasonable changes to their homes as a property owner would ordinarily do. Para 226. The Committee does, however, suggest that the requirement for tenants to live in a property for six months before requesting to make 'category 2' changes is a long time period which should be reconsidered by the Scottish Government. This is particularly important in respect of adaptations which are needed by older and disabled tenants.	In developing these provisions the Scottish Goverment sought to strike the right balance between the rights of tenants and landlords. Setting a length of time that a tenant must have lived in the let property before they can make larger category 2 changes that cannot be unreasonably refused responds to concerns that tenants could make larger changes but only remain in the property for a short period of time before moving increasing re-letting cost for the landlord. We sought views as part of our landlord and tenant engagement questionnaire on the appropriate time period a tenant should have lived in the let property before they can request a category 2 change. Tenants' preference was generally for 3 months with landlord groups 12 months. We therefore sought to strike an appropriate balance between the views of tenants and landlords with a 6 months period. Tenants will be able to make a request for a category 2 changes within the first 6 months of the tenancy but approval would remain at the discretion of the landlord. These new rights are in addition to existing rights for disabled tenants to request and not be unreasonably refused a request for adaptions, auxiliary aids or services under section 52 of the Housing (Scotland) Act 2006 or section 37 of the Equality Act 2010. There is no timescale attached to these existing rights and therefore older and disabled tenants can already request any necessary adaptation from the very beginning of a tenancy.

	Given these factors we consider the current timescale of 6 months strikes an appropriate balance between the strengthened rights of tenants and the rights of landlords.
Para 227. If a landlord refuses consent or unreasonable conditions are attached to consent tenants would be able to appeal against the landlord's decision to the Tribunal. As described above though, tenants do find it challenging to engage with the Tribunal process. In that respect, the Committee's recommendation that the Scottish Government should make improvements to enabling people to exercise those rights is equally relevant here.	We will consider as part of the implementation of the measures additional practical support that can be given to tenants in exercising their new rights, for example a step by step guide for making an application to challenge a refusal or unreasonable condition. We will work with tenants and housing rights organisations as part of developing approaches to support tenants to exercise their new rights.
Para 229. The Committee would welcome the Scottish Government's views on ensuring that amenity blocks at travellers' sites are incorporated into the Bill's provisions for making changes to properties.	The provisions on making changes to let property in the Bill relate to Private Rented Tenancies established under the Private Housing (Tenancies) (Scotland) Act 2016. The situation for Gypsy/Traveller pitches varies depending on the type of site. On sites provided by Social Landlords, core rights and responsibilities for Gypsy/Traveller site tenants were developed and published in the Minimum Standards for Gypsy/Traveller Accommodation. Scottish Government Guidance on the Minimum Standards sets a general expectation that core rights and responsibilities reflect those of a Scottish Secure Tenancy (SST) where appropriate. Under an SST, tenants are required to obtain the written consent of their landlord before undertaking any work on their home, other than interior decoration. Social landlords will not however refuse permission to make alternations or improvements unreasonably but can set any reasonable conditions with respect to the work, including any standards that the work must meet.The Minimum Standards form part of the Scottish Housing Charter and are enforced by the Scottish Housing Regulator. Permanent residential Gypsy/Traveller pitch agreements also have the benefit of

	protections set out in implied terms for agreements under the Mobile Homes Act 1983 (the 1983 Act), whether they are provided privately or by a Social Landlord. The 1983 Act does not separately cover the provision of amenity blocks but does place requirements on the site owner relating to maintenance. Concerns about making changes to amenity blocks have not been raised with the Scottish Government before so we will continue to listen to feedback to understand the nature of the issue.
Para 239. The Committee supports the principle of tenants having a statutory right to request to keep a pet. The example provided above of there being an automatic right to have a pet, which landlords can appeal against, sits well with the idea that tenants should have similar rights to that of consumers. The Committee invites the Scottish Government to comment on whether it has considered that alternative approach.	An automatic consent model was considered, but has a number of complexities and risks and was therefore not pursued. For example, it is not clear how disputes in cases where a private landlord had not responded, or appeared not to have responded, to a request in the timeframe with a valid reason and the tenant had assumed consent and already obtained a pet could be remedied. Additional administrative steps and an appeal mechanism would be required to mitigate these issues adding further complexity. In developing the proposals we have also been clear on the need to strike the right balance between strengthening tenants' rights and the rights landlords have over how their property is used. We believe the current approach achieves this balance.
Para 240. The Committee recognises that Scottish Ministers will have powers to prescribe what constitute reasonable grounds for refusal or when it is reasonable to apply a condition to consent, and that it must consult with relevant bodies in developing those regulations. It notes however that the Delegated Powers and Law Reform Committee has concluded that it is essential there is more clarity on the face of the Bill, for example by providing illustrative lists. The Committee notes the views of the Delegated Powers and Law Reform Committee and recommends that the Scottish Government brings forward appropriate	In the response to the DPLRC the Scottish Government provided the following illustrative examples of reasonable conditions for approval and refusal of a pet request. Reasonable reasons for refusal could include the following: • The animal is a breed under the terms of Dangerous Dogs Act 1991. • Existing restrictions in the property's deeds. • The welfare of the animal is threatened by keeping it in the property. Reasonable conditions for approval could include the payment of an additional amount of deposit within certain limits in the private rented sector. However, we do not think it is appropriate to put these on the face of the Bill without consultation with tenants, landlords and other relevant stakeholders. Consultation is

amendments to the Bill at Stage 2.	essential to ensure that the detailed development of policy is supported by input from landlords and tenants in line with the requirements in the Bill that Scottish Ministers will consult.
Para 241. Further guidance will be required for landlords and tenants about which pets are suitable in particular instances (for example taking into account the size of a property) and the Committee recommends that the Scottish Government works closely with third sector organisations in developing this. In order to mitigate landlords' concerns there is merit in this guidance including the use of a 'pet CV' which provides detailed information about the particular animal.	Effective guidance will be essential to the successful implementation of these measures as will ensuring landlords are provided with sufficient information to inform their decision to approve or refuse a pet request. We will work with tenants, landlords and animal welfare organisations to develop the guidance required including considering the role of a 'pet CV' . In addition, provisions in the Bill provide Scottish Ministers with powers to set out further details that must be provided to the landlord in a request for keeping a pet. This will help to ensure that landlords have all the information they need to make a decision on a request. We will consult with tenants, landlords and other relevant groups in making use of this power.
Para 242. The Committee heard strong arguments as to why the proposed 42 days timescale for a landlord's consideration of a request to have a pet is too long. Whilst it does not have a view on how much that timescale should be reduced, it would suggest that 2-4 weeks would appear to be sensible. It recommends that the Scottish Government reconsiders this and brings forward amendments at Stage 2 of the Bill accordingly.	We consulted as part of our Landlord and Tenant engagement questionnaire on the appropriate timescale for response. We have tried to strike a balance between providing landlords with a reasonable timescale to consider a tenants request and respond, but which is not unreasonably long from a tenants perspective. The time scale of 42 days equates to 30 working days and is comparable with other timescales in the PRS, such as for lodging a tenancy deposit. Additionally, we have also aligned this with making changes to the let property. We are not intending to bring forward a stage 2 amendment to reduce the timescale landlords have to respond to a request.
Para 249 - The Committee welcomes the Bill's provisions to allow unclaimed deposits to be used to improve support and advice for tenants. As described elsewhere in this report, there is a clear	Under the existing Tenancy Deposit Schemes (Scotland) Regulations 2011, both the tenant or the landlord can commence the repayment process of a deposit on the date that the tenancy ends, or as soon as is possible after this date. There is no need for a tenant to wait for the landlord to start the process. The other party is then required to

need for improved guidance and support for tenants so that they are empowered to exercise their rights. The current funds available in unclaimed deposits would provide a significant resource to develop and provide that guidance and support. Para 250. The Committee is concerned to hear that tenants sometimes struggle to reclaim and retrieve their deposits and would suggest that improvements are needed to the current system. From the evidence the Committee received it appears that it is often landlords and their agents that are the barriers to receiving deposits in a fair and timely manner, and therefore the Committee can see merit in the suggestion that the deposit system would best work if tenants deal directly with the deposit schemes. The Committee invites the Scottish Government to consider how the tenancy deposit scheme could be made both more efficient and fairer to tenants.	accept the proposal, triggering a repayment within 5 working days to the tenant, or to provide a counter proposal. If there is no response to the proposal within 30 working days, the deposit will be paid in line with the original proposal. Similarly, when a landlord starts the process, a tenant has 30 working days to accept or provide a counter proposal. In our implementation of the changes and future awareness raising programme, we will seek to empower tenants with the knowledge that they can commence the reclaim process as soon as the tenancy has ended, to reduce the period of time that they wait for their landlord or agent to begin the process. In addition to the measures being progressed under the Bill, the Scottish Government intends to make use of existing regulatory making powers under the Housing (Scotland) Act 2006 to take forward changes to the tenancy deposit schemes to reduce the likelihood that tenants do not reclaim their deposit at the end of the tenancy. As part of exercising these regulation making powers, we will consult further with tenants, landlords and the tenancy deposit schemes as part of developing those changes and this would be the appropriate time to consider the issues raised further and any additional changes that could be usefully made to the way the tenancy deposit schemes operate.
Para 258. The Committee supports the Bill's amendment to the means by which joint tenancies can be ended, and understands that this provision in the Bill was determined after extensive consultation by the Scottish Government. There are though some legitimate concerns with a number of aspects in how it will impact on remaining tenants, and how the measure could be weaponised by abusive partners. It therefore requests that the Scottish Government responds to those issues and explains how they will be mitigated.	In the development of the provision we have considered concerns raised by stakeholders regarding other joint tenants and misuse of the the system. The new process should not be the default mechanism for ending a joint tenancy. Provision in the Bill provide powers for Scottish Minister to set out further details around the form and service of the pre-notice that must be met when seeking to end a joint tenancy under this new process. We intend to consult on the use of these powers further as part of our consultation in Spring 2025. We believe these regulations will support the effective operation of this new mechanism for ending a joint tenancy and encourage tenants to reach mutual agreement where possible. As in cases of domestic abuse, where a victim of domestic abuse has left the property and wants to exit the tenancy. This provision will help them achieve this.

	In addition, we are considering an amendment which would provide Scottish Ministers with powers to increase the pre-notice period should monitoring of the operation of the Act indicate that the notice period is too short in practice. Ability to lengthen the notice period could also provide an option to respond to concerns the mechanism being used as the default to end a joint tenancy. We understand the concerns raised regarding the potential for abusive partners to misuse the process as part of continued coercive control where they no longer live with their partner. The notice period will provide a remaining tenant time to liaise with their landlord and, where appropriate, agree to remain in the let property and to seek further support where necessary. We will work with relevant stakeholders to develop guidance for landlords to raise awareness of the issues for those experiencing domestic abuse and how they can support a tenant in these circumstances.
Para 262. The Committee agrees that linking mobile home pitch fees to the CPI is a fairer option for mobile home owners. It asks the Scottish Government to respond to the suggestion that any increases should also be linked to the percentage increase in social housing rents locally.	We are pleased that the Committee agrees that linking mobile home pitch fees to the Consumer Price Index (rather than Retail Price Index) is a fairer option for mobile home owners. On the suggestion that any increases should also be linked to the percentage increase in social housing rents locally, that the Scottish Government believes that the protections in the Mobile Homes Act 1983 in terms of annual pitch fee increases provide sufficient protection and that further requirements would add complexity without adding value. Social landlords already have obligations under the Minimum Standards for Gypsy/Traveller Accommodation in relation to consultation, ensuring value for money for tenants, and striking a balance on affordability. Data published by ALACHO for a survey of the figures used by Local Authorities in consultation with tenants on the rent rise for 2022-23 suggest that Local Authorities generally align consultation on the percentage change for pitch fees with that for housing already.
Para 265. In this report the Local Government, Housing and Planning Committee has made a number of references to the uncertainties about the Bill arising out of matters being left to secondary	We acknowledge the findings of the DPLR Committee's review of the measures in the Bill. We have set out our intention to bring forward a Government-led Stage 2 amendment

legislation. It has stressed the importance of the Scottish Government providing as much clarity as possible in order to avoid any further harm to the private rented sector. The Committee notes the DPLR Committee's conclusion that in the interests of transparency more detail should be provided on the face of the Bill and less reliance placed on secondary legislation. The Committee urges the Scottish Government to revisit the recommendations made in the DPLR Committee's report and brings forward appropriate amendments at Stage 2.	which will set out the form of the rent cap on the Bill. We have also committed to consult in early Spring of 2025 on how we might use the power to exempt properties from rent control and the power modify how the cap applies. This will build on the work carried out to date to support the development of the rent control measures in the Bill. Following consutlation, the use of these powers is subject to Parliamentary scrutiny and approval. For these and other delegated powers in the Bill, in deciding whether provisions should be specified on the face of the Bill or left to subordinate legislation, the importance of each matter was carefully considered with regard to the need to ensure sufficient flexibility in the future to respond to changing circumstances and to make changes quickly without the need for primary legislation, need to ensure proper use of parliamentary time, possible frequency of amendment and need to anticipate the unexpected, which might otherwise impact on the purpose of the legislation.
Para 276. The Committee notes the Social Justice and Social Security Committee's concerns and recommends that the updated FM is provided by the Scottish Government at least two weeks before the completion of Stage 1. It is disappointing that the Scottish Government has published the BRIA so late after introducing the Bill before Parliament. This has undermined the scrutiny which the Parliament's committees have been able to undertake, requiring Parliament to agree to the general principles of the Bill without fully understanding its cost. In addition, the Committee notes that due to the Scottish Government's intention to make amendments to the rent control provisions in the Bill (as outlined in the Minister for Housing's statement to the Scottish Parliament on 31 October 2024) the BRIA and FM may soon be out of date.	The Financial Memorandum which accompanied the Bill on its introduction to Parliament set out the Government's best estimates of the costs, savings and changes to revenues to which the provisions in the Bill would give rise as required by rule 9.3.2 of the Standing Orders. If the Bill is amended at Stage 2 so as to substantially alter any of these estimates, a revised or supplementary Financial Memorandum must be lodged in accordance with rule 9.7.8B. In the meantime, the Government will continue to keep costs to deliver the measures under review as the Bill progresses through parliament, particularly if stakeholders bring forward additional, robust evidence that clarifies costings or changes to the assumptions used to support the development of the costs in the Financial Memorandum. The BRIA will be kept under review and up-dated if necessary.

Para 285. The Committee considers that the Scottish Parliament will have an important role in holding the Scottish Government to account on the impact of the Bill, and therefore recommends that the Bill includes requirements for the Scottish Government to report to Parliament on the implementation of the first iteration of rent control areas, and at an appropriate later date (for example 5 years) on the impact of the legislation more broadly. Once a data collection system has been established the Scottish Government should also ensure that it publishes annual reports on the private rental sector.	Monitoring the implementation of the rent control, and the wider measures in the Bill, will be essential and we will give consideration to reporting on this as part of implementing the measures. We acknowledge the committees request that any data collection system established by Scottish Government should produce annual reports.