

Written submission on housing regulations from the Association of Local Authority Chief Housing Officers (ALACHO), 12 February 2026

Introduction

As the representative body for Scotland's Local Authority chief housing officers, ALACHO welcomes the opportunity to support the Local Government, Housing and Planning Committee in its consideration of:

- The proposals to introduce Awaab's law in Scotland;
- Minimum Energy efficiency standards for the private rented sector;
- Exemptions to rent control powers set out in the Housing Scotland Act 2025; and
- Devolving powers to vary council tax on empty and second homes.

ALACHO members have an active interest in these issues arising from the strategic role of local authorities in understanding and responding to changes in local housing markets, housing need, housing conditions, and reducing fuel poverty. ALACHO members have been actively involved in many of the discussions about these proposed changes and look forward to continuing that involvement as these proposals progress to implementation. We have already responded to previous consultations on these issues and the views expressed here reflect those submission.

Our advice to the committee

The introduction of Awaab's Law in both the social and private rented sector.

ALACHO members are supportive of the proposed changes and appreciate the lengths that Scottish Government officials have gone to to involve our members and others in the housing sector in preparing the legislation. Our view is that it has been carefully drafted to reflect the specific legal position in Scotland, building on that framework rather than simply seeking to import an approach from another jurisdiction. The timescales for both the private and social landlords seem appropriate and the compensation arrangements for social landlords are proportionate.

We have some concern that extending these provisions to other housing conditions or hazards, as was suggested during the passage of the Housing (Scotland) Act 2025 will stretch the underlying legislation to a point where it may not offer an effective or appropriate framework within which to improve standards, remove hazards and protect tenants. The Tolerable Standard is, by its nature, inflexible and may need to be reviewed before the law can be extended to cover other risks.

The work to develop the guidance is already underway and local authority landlords are actively reviewing their practises, procedures, and resource allocations to ensure that they can meet the requirements of the new law once it is in place. Whilst our members have expressed some concern about their ability to complete this work by 6 October this year, they are making every effort to do so.

How effective the legislation will be in practice will depend on the quality of the guidance, the confidence that tenants have in using the new laws and, in the case of the PRS, the capacity of the First Tier Tribunal to respond quickly when issues are referred to it. In this context we share the concerns that have been expressed by advice agencies about the lack of support for private tenants when seeking to raise significant service failures with their landlord or using the FTT to challenge these failures.

We would, however, go a little further and note that none of the impact assessments published with the legislation, and in particular the [Business and Regulatory Impact Assessment](#) and the [Child Rights and Wellbeing Impact Assessment](#) make any reference to the risk that some landlords will seek to disinvest because of a concern about the additional risk and administrative burden that these regulations will bring.

Our view is that this risk is significant and may be compounded by other changes currently underway including the minimum energy efficiency standards for the PRS, the revised EPC requirements that will come into effect later this year and general concerns about rent controls.

The committee will be aware that a desire to sell is a ground for eviction. One that is being used increasingly in actions to remove tenants over the past two years. And, whilst this is now a discretionary ground and the FTT has to be satisfied that it is reasonable in all the circumstances to grant an eviction order, tenants are often unaware of their rights, lack the knowledge to mount an effective defence and often simply conclude that it's the landlord property so it's their right to evict them in order to sell.

We are not suggesting that this risk is such that the Awaab's law should not cover the private rented sector. In 2016 we argued before this committee's predecessor that ground 1 and ground 2 (lender intends to sell) should not have been included in the Private Housing (Tenancies) (Scotland) Act 2016 in the first place. Our position now is that they should both be abolished as a matter of urgency. But in the absence of that the Scottish Government should have properly identified the risk and set out how it intends to mitigate it particularly where children and vulnerable adults are affected.

Minimum Energy efficiency standards for the private rented sector

ALACHO has been consistent our support for clear minimum energy efficiency standards for all rented homes in Scotland and we welcome the progress that has been made to introduce them for the private rented sector. In this context EPC C is lower than that required in the social sector and is a compromise position that falls short of establishing a single, cross tenure standard based on best practice. It will not have the impact on fuel poverty that a higher standard would provide, and it will leave many tenants living in homes that are unreasonably expensive to heat.

It is unfortunate that delays in progressing the Scottish Government's Heat in Buildings bill and related proposals has created a situation where it is not now possible to require compliance with this standard for new lets by 2028. We are, however, supportive of 2030 as the target date for compliance for all private rented tenancies. It is also our view that the standard should apply to houses and flats in uses as short term lets.

We would also repeat our concerns and earlier comments about the risks of disinvestment, consequent evictions, and the harm that this will do to tenants and their families.

Exemptions to rent control powers set out in the Housing Scotland Act 2025

In our response to the consultation on exemptions, we expressed the view that they made sense in the case of mid-market rent (MMR) but not for build to rent BtR). This was on the basis that those representing the build to rent sector had made the case that rent controls per se are not necessarily a concern. What the sector needs, they argued, is a degree of confidence in the stability and impact of any rent control regime.

They also argued that a "cap and collar" arrangement of CPI+1% with a 6% maximum would, in their view, be acceptable and would meet the requirement for clarity and consistency¹. This committee heard evidence to that effect at its earlier consideration of the housing act and approved the amendment to give it effect.

In these circumstances the proposed exemption looks like a case of BtR landlords and investors having their cake and eating it, or, eating the tenants' cake, as well.

This point aside, our view is that the definitions of both MMR and BtR are fit for purpose and provide the necessary safeguards to ensure that the scope of the exemptions, if they are to be allowed, are properly limited and, in the case of MMR, will be lost if the property is let at rents above the accepted definition of "mid-market".

Devolving powers to vary council tax on empty and second homes

The Scottish Government consulted on matters relating to council tax and second homes and empty homes between April and July 2023. In our response to that consultation, we argued that decisions on setting Council Tax premiums on these properties should be devolved to local authorities.

We argued that a tax of this sort is more about regulating the market and diss/incentivising particular behaviors (in this case the ownership of second homes or leaving homes empty for extended periods), as it is about raising revenue.

In many communities second homes have little impact on the overall functioning of the housing system. However, there are clearly some areas, particularly in popular tourist and holiday locations where the balance between second homes and those permanently occupied by local residents is more important.

¹ [Housing \(Scotland\) Bill update - Scottish Association of Landlords \(SAL\)](#)

Getting that balance right will ensure that local communities can thrive and grow, those that live and work in the area can find and afford the home they need and local business can access the workforce they need. Good local knowledge is required to make good decisions when it comes to intervening in these sensitive housing markets.

Local authorities are best placed to understand the pressures and the likely impact of these sorts of decisions as well as being accountable to local communities for the outcomes.

Long term empty homes are likely to be an issue in any community, but we would make the same case about who is best place to make decisions on applying a council tax premium.

We also argued that the principle of "subsidiarity" and the, then recently signed, Verity House Agreement support an approach based on local decision making as the default.

We still consider these arguments to be persuasive, and we are pleased to see that this change is being made.

We hope that these comments are of help to the committee and look forward to discussing them in more detail at your meeting on 17 February 2026