



Glasgow and West of Scotland
Forum of Housing Associations

Stage 3 of the Housing (Scotland) Bill – who’s trying to amend it, why, and what’s GWSF’s view?

GWSF membership briefing, September 2025

Introduction

The Housing Bill started out with two particular priority aims of the Scottish Government – to introduce private sector rent control and to bring in new duties on homelessness prevention.

But MSPs have been seeing the Bill as an opportunity to introduce legislation on pretty much anything which is a significant issue for them and their parties. As at the Committee stage (Stage 2), the final Stage 3, debated by the whole Parliament (starting on Tuesday 23 September) has also seen hundreds of amendments proposed both by the Scottish Government and all other parties. The full listing of amendments [can be seen here](#).

This briefing looks at some of the key amendments – not because we think they’ll all accepted, but because we think they tell us a lot about what individual MSPs and their parties are thinking and what issues are priorities for them.

In this briefing we focus on those amendments which would have a direct impact on member associations.

The general assumption is that most SG-sponsored amendments are likely to succeed, and most opposition amendments to fail, but nothing is entirely predictable.

The key amendments affecting GWSF member associations

1 Efforts to exempt RSL mid-market rent from the private sector rent control provisions

Amendment 106 from Graham Simpson (Reform) seeks to exempt mid market rent from private sector rent controls – on the face of the Bill rather than waiting for it to be listed in exemptions set out in subsequent regulations. **From the Cabinet Secretary’s recent announcement, we know that the Scottish Government does intend to exempt RSL mid market rent from the proposed PRS rent controls.**

However, the SG wants exemptions to be specified in future regulations rather than on the face of the Bill. GWSF (along with SFHA) would still like to see the exemption specified on the face of the Bill, in case there is a change of approach (for example from a new government next year). We are therefore supporting this amendment.

Amendment 176 from Maggie Chapman (Greens) seeks to commit the SG to setting out in regulations a definition of mid market rent – one that relates to rent levels rather than who may be managing it. **This may be an attempt to ensure that MMR not managed by RSL subsidiaries is not treated any differently: we do not support this amendment.**

2 Scottish Secure Tenancies

[Note – although not the subject of significant amendment at Stages 2 or 3, the original Bill set out provisions for the courts to consider delaying evictions in certain circumstances, for example where financial hardship may be caused. These factors can already be considered by the courts but the new Act will make it a duty to consider this.]

Amendment 193 from Edward Mountain (Conservative) seeks to stipulate that in cases where decree is granted, the recovery date must be no longer than four months from the date on which proceedings were raised. His further **amendment 395** seeks to set out that this should be just two months in anti social behaviour cases. **GWSF doesn't understand these amendments – albeit they may be well intentioned – as most cases have gone well past those timescales before they get anywhere near the courts.**

Amendment 44 from Maggie Chapman seeks to prohibit evictions between 1 November and 31 March unless they involve criminal or anti social behaviour. **GWSF does not support this as we believe the courts already have sufficient discretion to delay eviction in any cases.**

Amendment 302 from Mark Griffin seeks to increase from three to six months the amount of time someone can remain in a property where they do not wish to exercise their right to succeed to the tenancy. **GWSF neither supports nor opposes this, and notes that rent of course remains payable within this period. We would, though, argue that in the context of a housing emergency, social landlords would be keen to relet property which someone doesn't wish to succeed to as quickly as possible.**

There are a host of further amendments to the provisions on the keeping of pets, but we do not think there will be any significant departure from the current position whereby the landlord's consent is required but cannot be unreasonably withheld.

Amendment 305 from Mark Griffin seeks to limit a social landlord's grounds for refusing an exchange between two households. The main aim is to stop a landlord using arrears as a ground for refusal where there are children in the household. GWSF believes it is important for social landlords to be able to manage tenancies sensibly and effectively and that there is no need to fetter the use of reasonable discretion, whether for transfers, mutual exchanges or housing list lets. GWSF does not support this amendment.

3 Repairs in the social rented sector

[Note: After amendment by the Scottish Government at Stage 2, the Bill now stipulates that future regulations will set out the timescales in which social landlords must inspect property to determine whether a 'qualifying repair' is reported, and the period within which work to carry out the repair must be started. Regulations will also set out an appeals process for tenants, and a scheme for compensating tenants in the event of failure to meet the prescribed timescales. These provisions are being informally referred to as 'Awaab's Law']

Amendment 294 from Mark Griffin (Labour) seeks to require the SG to stipulate the qualifications required by social landlord representatives inspecting property after a report of damp/mould. GWSF does not support this as (a) we do not believe this is a matter for central government to prescribe, and (b) the issue here is the degree of experience that staff/contractors have, not formal qualifications. Social landlords should be trusted to ensure that staff or contractors inspecting properties have sufficient skills and experience to do so competently.

4 Accessible Homes Standard

Amendment 351 from Pam Duncan-Glancy (Labour) would compel the Scottish Government, within two years, to put in place a new Accessible Homes Standard to apply to new homes across all tenures. GWSF supports this in-principle, as issues around design and quality can easily be lost in arguments about numbers of homes delivered. We do have some concern, however, that particular, additional standards should continue to apply to new housing funded through the Affordable Housing Supply Programme, as has been the case with the long-standing Housing for Varying Needs standards. A new standard applying across all tenures carries the risk of 'dumbing down' the standards applying to the AHSP.

Amendment 352 from Pam Duncan-Glancy would compel the Scottish Government to introduce a national adaptations scheme to apply across all tenures. We very much recognise concerns around the need to reinforce the critical importance of adaptations and around arguments that entitlement/eligibility can vary greatly from one area to another and one tenure to another. One non-negotiable for GWSF and the wider housing association sector will be that the dedicated adaptations funding which has long been allocated to associations cannot be lost in

any circumstances, even if this does complicate the notion of the tenure-blind approach being advocated in the amendment.

5 Domestic abuse

Amendment 328 from Katy Clark (Labour) seeks to compel the Scottish Government, within a year of the Bill being enacted, to commence the long-awaited (2021) legislation on ending a perpetrator's interest in a joint tenancy. This much-welcomed legislation has suffered serious delays, without adequate explanation from the Scottish Government, and so GWSF strongly supports the amendment.

The amendment also introduces a right for a domestic abuse victim to end their interest in a joint tenancy without giving notice to the other joint tenant(s) and with one week's notice to the landlord. This is a new area and we have not yet heard the background reasoning, but in principle it seems reasonable and recognises that there will always be cases where an abuse victim has to be the one that needs to leave the tenancy.

Amendment 329 from Katy Clark would require guidance to be produced on the steps a social landlord could take to write off some or all of the arrears in cases where domestic abuse has been a factor. GWSF would not oppose this as long as the guidance was not prescriptive, as discretion will always be necessary to respond to the particular circumstances in each case.

Amendment 111 from Meghan Gallagher (Conservatives) would require guidance to be produced on what support a social landlord should provide to tenants suffering domestic abuse. We would be cautious about being overly prescriptive about what support should be provided when this could place an inappropriate burden on the landlord when other parties such as the police and social work also have (arguably greater) responsibilities to deal with domestic abuse.

6 Homelessness

Amendment 326 from the Cabinet Secretary (Mairi McAllan) would pave the way for subsequent regulations amending how intentional homelessness is dealt with. As we understand it, the aim is not to get rid of the IH test altogether but to restrict the circumstances in which it can be used. **Amendment 110 from Maggie Chapman** aims to outlaw the use of the IH test altogether. GWSF does not support a blanket ban on applying the test, and will be keen to see what changes the Scottish Government has in mind to restrict the circumstances in which it can be applied.

Amendment 333 from Maggie Chapman seeks to give homeless households assessed as having complex needs a legal right to a Housing First tenancy. GWSF does not support this amendment, firstly because we see no justification for holding up Housing First as some kind of panacea to dealing with complex needs, and

secondly because Housing First can be subject to the same resource pressures as other housing and support provision and there is a risk of legislating for yet another legal right which cannot be met.

7 Major structural changes for RSLs

Amendment 101 from Paul Sweeney (Labour) seeks to specify a two-thirds majority in the tenant ballot before a Transfer of Engagements process can go to the next step, i.e. the ballot of shareholding members. This would mean the requirement for a two-thirds majority would apply to both ballots. GWSF is happy to support this amendment. Most transfer ballots in the past have resulted in very big majorities in favour of transfer, so when a significant minority – say 40% – of tenants oppose the transfer, this should be seen as highly significant. It is right that for such a major change, a convincing majority of tenants are in favour for the process to continue, and we consider a two-thirds majority to be the appropriate threshold.

Amendment 338 from Paul Sweeney seeks to require SHR, when directing a Transfer of Engagements, to initially aim to direct the ToE to a community based housing association, which the amendment then seeks to define. It is possible that the original intention of this amendment was to apply it to all ToEs, not just to the rare occasions when a ToE is being directed by SHR. In GWSF's view it would not have been appropriate to place a requirement on, and fetter the discretion of, a disposing landlord by compelling it to have to accept a bid from a neighbouring association, regardless of its view of that association's capacity and competence to take over the stock.

In terms of directed transfers, there has not been one for some years. It could be argued that because the circumstances around a directed transfer can be particularly urgent and challenging, with potentially few 'takers', it would not be appropriate to fetter SHR's decision making here. However, we would always strongly encourage SHR to proactively consider the option of a local association if there was a willing one in a position to be the transfer partner.

8 Housing co-operatives

Amendment 304 from Paul Sweeney would require SHR to encourage a diversity of social housing models, including 'housing co-operatives'. **Amendment 337 from Arianne Burgess** (Greens) is worded along similar lines. The reference to co-ops, we understand, relates quite specifically to what we know as fully mutual co-ops, and – certainly in the case of Paul Sweeney – reflects strong links with the Co-operative movement across the UK. GWSF's main observation would be that to a significant degree, the horse may have bolted on this, with a number of former fully mutual co-ops having demutualised in recent years, mainly as a result of wanting to remove the restriction on where committee/board members can come from. We think it's highly unlikely any existing associations would consider converting to a FMC, and also, in

the context of the very demanding regulatory framework *and* the challenges of populating a governing body exclusively with tenants, find it hard to imagine a surge in new FMCs wishing to go through the process of seeking registration as a new RSL.

9 Local authority/housing association purchase of poorly let property

Amendment 115 from Paul Sweeney would give private renting tenants the right to ask their local authority to purchase poorly managed property in the private rented sector and sell it to a local housing association, which would repay the purchase cost over a period of time. This amendment raises an intriguing concept of being proactive around poorly managed property in the private rented sector, and may be well worth continuing to explore even if it is not passed as part of this Bill. *In practice we suspect that for resource reasons councils may be reluctant to enter into compulsory purchase on any significant scale, and even then, before doing would have to have 'lined up' a housing association willing and able to purchase the property – something that would be highly unlikely without appropriate funding being in place. This issue requires more detailed consideration and eventual consultation – indeed it is one we see as the possible subject of one or more party manifestos for the May 2026 Election, we imagine.*

10 Tenement owners – buildings insurance

Amendment 336 from Paul Sweeney would place a duty on all owners in a tenement block to jointly make arrangements for a common insurance policy. *This raises the very important issue of the failure of some owners of tenement flats to take out buildings insurance. It is nonetheless a complex area in which to get things right in legislative terms. Even if this were passed, where a housing association owned some but not all flats in a block, it would have to ensure it had buildings insurance regardless of whether other owners were agreeing to participate.*

Also, it is perhaps not clear from the amendment who would enforce the duty, especially in blocks with only a minority of flats in social landlord ownership, or with no flats in social landlord ownership.