

GWSF

Housing (Scotland) Bill 2024

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WARNING !!!!!

- **This is a Bill**
- **It is not yet law**
- **Majority is aimed at private sector?**
- **All proposals could be amended/removed**
- **New matters could be introduced**
- **Even if passed it might never be brought into effect**

Housing (Scotland) Bill 2024

- PRS rent controls
- Evictions....duty on court to consider delay
- Keeping pets/alterations
- General tenancy related provisions (including delivery of notices in RSL cases by email)
- Homelessness provisions (including domestic abuse)
- Miscellaneous issues

Delays to Evictions

- **2001 Act to be amended**
- **Sheriff court must consider if it would be reasonable to delay the right to recover**
- **Will not apply if eviction based on certain grounds (not occupying/conviction/ASB)**

Factors to be considered

- (a) ..(i) cause the tenant or a member of the tenant's household to experience financial hardship,
- (ii) have a detrimental effect on the health of the tenant or a member of the tenant's household, or
- (iii) have another detrimental effect on the tenant or a member of the tenant's household due to the tenant or the member of the tenant's household having a disability,
- (b) whether a seasonal factor would contribute to any financial hardship or detrimental effect mentioned in paragraph (a)

Questions arising for court ?

- Would disruption be caused by the ending of a tenancy during exam periods for school-aged children or university students
- Would eviction during periods of religious observance/traditional festive periods result in a tenant or a member of the tenant's household experiencing heightened physical, emotional or financial stresses

Questions arising for court ?

- Would ending of a tenancy during/around any such period cause the tenant or a member of the tenant's household to experience financial hardship or have a detrimental effect on the individual's health
- Court may also decide that it is reasonable in the circumstances to delay the ending of the tenancy for other reason

Keeping Pets

- **Tenant may keep a pet at the house with the landlord's consent and this consent cannot be unreasonably withheld**
- **Consent to keep the pet may be subject to reasonable conditions**
- **Powers to Ministers to make regulations on all of the above**

Definition of “pet”

- **pet” means an animal kept by a person mainly for -**
 - (a) personal interest (including as regards its welfare, treatment or training),**
 - (b) companionship,**
 - (c) ornamental purposes, or**
 - (d) any combination of paragraphs (a) to (c)**

Definition of “animal”

- “animal” does not include a dangerous wild animal within the meaning given by section 7(4) of the Dangerous Wild Animals Act 1976
- Long list in schedule 1 of this Act!!
- Some interesting possibilities not excluded

Delivery of notices

- Amendment to rule on use of “recorded delivery letter”
- Can now use “a postal service which provides for the delivery of the notice or other document to be recorded”
- Delivery may be recorded in a way that evidences that the notice or document was delivered in a way that evidences this without need for the person to confirm the delivery

Delivery of Rent increase notices

- Notice of an increase in rent or other charges under section 25(1) of the 2001 Act may also be given by sending it to the tenant using electronic communications including, for example, by email
- Only allowed if the landlord and the tenant agree in writing beforehand that the tenant may be given the notice in this way and in an electronic form specified by tenant for the purpose

Homelessness prevention/duties

- “relevant body”, when assessing the needs of a person in the exercise of its functions, has reason to believe that the person may be homeless or threatened with homelessness, the body must ask the person if this is the case
- Must also ask if the person is aware of any application having been made for accommodation or assistance in getting this under section 28 of the 1987 Act, and whether the person consents to the body making such an application if appropriate

Homelessness prevention/duties

- Relevant body must also ask if the person is aware of any homelessness application having been made for accommodation or assistance and whether the person consents to the body making such an application if appropriate
- Must make an application to the appropriate local authority in respect of the person; but only if satisfied that this is appropriate and that it has the person's consent.

“Relevant Body”

- Health boards
- Integrated joint boards
- Local authorities
- Police
- RSLs
- Prisons service

Domestic abuse

- Definition of “domestic abuse” in allocation provisions will be as stated in of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021
- Pre-action requirement to consider if domestic abuse is reason for rent arrears
- Must prepare and publish a policy on domestic abuse with view to preventing homelessness

QUESTIONS?

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