

Scottish Women's Convention response to:

The Scottish Parliament Local Government and Communities Committee

Private Members Bill "Fair Rents (Scotland)"

December 2020

Introduction

A Bill to impose caps on rent rises for private residential tenancies, allow private residential tenants to ask for a "fair open market rent", and require private landlords to enter information about the level of rents they charge in a public register.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

The Member in Charge thinks there is a need to make private rents fairer for tenants and to create a better balance of power between private landlords and tenants. Do you agree with this overall policy aim? If so, do you think the Bill will help achieve this outcome?

Given the scale of societal inequalities, it is highly likely that such a Bill to ensure a fairer judgement of private rents will impact on women in a positive way and seeks to create a model by which women can be in secure homes. Housing, and a lack thereof, is a major indicator of growing socioeconomic inequalities within our society. Women are thus overwhelmingly in favour of any legislation which seeks to provide greater protection for those in the privately rented sector. We have continued to hear views that legislative mechanisms must be in place to recognise the effect that a lack of quality and affordable housing has on women. Failure to do so can open up a number of other issues for themselves and their families.

Women suffer disproportionately at the hands of rising poverty, inequality, and austerity. This coupled with issues such as violence against women and caring responsibilities coalesce to impact on women's accessibility to housing. Given the scale of this, women across Scotland should not have to face further barriers in order to have safe, sustainable and affordable homes.

The private rental sector has continued to see price hikes which has had a negative impact on women. This is particularly the case in more urbanised areas with landlords exploiting the demand for properties as well as a severe lack of social housing and lengthy waiting periods. This should be seen in conjunction with a number of other issues from before the onset of the Covid-19 pandemic, including welfare reform, the move to Universal Credit and the rise in precarious job contracts.

The lack of social housing, for instance, has seen an upsurge in younger women within the private rental sector with few safeguards. Rent arrears and the threat of eviction is a very real threat for many who have begun to see debt accumulate. Much of the legislation laid to offset the worst impacts of the pandemic has simply acted as a delay to many of these pressing issues. Solutions such as this Bill may provide some form of reprieve rather than a temporary fix to such problems. Other issues that have been raised regarding the private rental sector include:

- Rent increases in larger homes which may be needed for accessibility issues for women with disabilities. It is imperative that there are protocols in place which can stop the exploitation of such vulnerable tenants.
- A sharp rise in mental health issues for women regarding the unaffordability of rent.
- Concerns over the risk for women in unsuitable rented accommodation where problems such as housing damp may be common and lead to severe respiratory issues if exposed to Covid-19.

Section 1 of the Bill prevents a landlord of a private residential tenancy from increasing rent in any year by more than the Consumer Price Index plus 1%? Do you agree with this? Section 1 also gives the SG a power to vary the cap by order. Do you agree with this?

Rent increases, particularly over the next few years as economic recovery takes place, tend to be unfair in general. Some form of control over just how much of a rise can occur is to be commended. This is a key priority that the SWC and women across Scotland have advocated for.

The ways in which women's experiences of the private rented system are shaped tends to be around affordability and location. Many have spoken to the SWC about issues where rents have been raised within their own private lets but they have simply had to contend with this due to the property being suitable for their own specific needs or their children. This often means that women will stay in rented accommodation that puts their own health at risk, due to it being all they can afford.

Women have reiterated to the SWC that housing is a basic human right and laws need to be in place to recognise it as such. With this in mind, it is imperative that any redress for rises within the private rental sector accounts for these issues and funding is made available for third sector organisations that can help women with this. Continuous monitoring and analysis to understand how this is working in practice has also been suggested.

Section 2 allows a tenant in a private residential tenancy to apply to have a "fair open market rent" determined by a Rent Officer. Do you agree with section 2?

Determinations must be undertaken in such a way that recognises the effect of inequalities on women as well as the issues of the past year and what this means for private tenants' income. Given the scale of this inequality, policies which aim to ensure women and their families do not face further barriers to sustainable housing and can have their rent determined by an impartial adjudicator are to be welcomed. Processes by which women can appeal rental rises to an Officer must be timely and proportionate to ensure they are not left waiting lengthy periods for an answer. Women have also noted that this may go some way to augmenting the large anxiety and duress placed on individuals in these circumstances during an already stressful time.

There are a number of reasons why tenants may not appeal rental rises, however, even where there is a procedure in place to do so. This tends to be because they have not been informed they can take this route or they are worried about the lack of support that may be in place for them. Others noted that a major reason as to why they would not appeal is a worry about going against a landlord and what this may mean for them in future in terms of their home. The determination process should also account for:

- Guidance that notes the impact of welfare reforms for those in the private rental sector in both a UK and Scottish social security context.
- Due regard where rental arrears have occurred from women suffering financial abuse at the hands of a partner.
- Recognition of the acutely different challenges faced by younger women and those with intersectional characteristics in accessing housing.
- Ensuring support from relevant organisations and advocacy services is signposted to for women.
- Ensuring ongoing promotion of funding sources for women to access help for housing costs, including the Scottish Welfare Fund and Discretionary Housing Payments.
- Accounting for other financial implications regarding housing, such as Council Tax.

Section 3 requires the following to be entered into the Scottish Landlord Register: the monthly rent charged for a property, the number of occupiers, and the number of bedrooms and living apartments. The MSP who introduced the Bill thinks this change will help ensure we have more public data about private rent levels. Do you agree with section 3?

Any mechanism which seeks to provide maximum data to gain a more robust picture and response to how the private rental sector is working is to be welcomed. This would also allow for more detailed analysis of local populations and the impact on individuals with protected characteristics. Using rigorous Equality Impact Assessment procedures to account for women's inequality within the housing process and what further solutions can be put in place to account for this should also be undertaken.

Conclusion

The SWC is grateful for the opportunity to respond to the Scottish Parliament's Local Government & Communities Call for Views regarding the proposed Free Rents (Scotland) Bill. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to housing and the effect of such policies on equality at both a reserved and devolved level.

For further information, please contact
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