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COVID-19: Support for tenants and landlords

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This briefing summarises the measures the Scottish and UK Governments have taken to assist tenants and landlords in Scotland during the Coronavirus pandemic. It covers the temporary changes to eviction law, financial support that has been made available to tenants and landlords and discusses what might happen when the temporary measures end.



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Contents

| | |
|--|-----------|
| Summary | 3 |
| Introduction | 5 |
| Summary of eviction process | 6 |
| Temporary changes in response to COVID-19 | 7 |
| Longer notice periods | 7 |
| Eviction grounds in private rented cases are discretionary | 9 |
| Rent arrears and pre-action requirements | 9 |
| Ban on enforcement of eviction orders | 10 |
| Support for tenants and landlords | 11 |
| Support for tenants | 11 |
| Support for landlords | 12 |
| What next? | 13 |
| Increasing rent arrears | 13 |
| A rise in evictions? | 15 |
| Sources of further information | 17 |
| Bibliography | 18 |

Summary

As part of the emergency response to the COVID-19 pandemic, both the Scottish and UK Governments have taken action to support tenants and landlords. Measures have been in place since the early days of the pandemic in 2020 and since then some of these measures have been amended and extended.

Temporary changes to legislation

In Scotland, emergency legislation (two Coronavirus Acts and associated regulations) introduced temporary measures that:

- protect tenants from eviction by lengthening the notice periods landlords need to give their tenants to end their tenancy. In many cases, including where eviction is sought for rent arrears, landlords need to give their tenants six months' notice.
- allow the First-tier Tribunal (Housing and Property) Chamber to use its discretion in deciding whether to issue an eviction order for private rented housing cases.

These changes apply where a landlord has served notice on their tenant between 7 April 2020 and 30 September 2021. Where a landlord served notice on their tenant before 7 April 2020, the changes in law do not apply.

Private landlords must also comply with pre-action requirements when they are seeking to end a tenancy due to rent arrears. These requirements apply where the landlord serves a notice to end a tenancy on, or after, 7 April 2020 and an application is then made to the Tribunal to repossess a property on the grounds of rent arrears from 6 October 2020 (where all or part of the arrears accrued on, or after, 27 May 2020). The requirements will end on 30 September 2021.

Since 11 December 2020, there has also been a ban on the enforcement of eviction orders (except where the eviction is because of antisocial or criminal behaviour). The ban remains in place in all Protection Level 3 and 4 areas until 30 September 2021. On 17 May 2021, most areas in Scotland, except Moray and Glasgow, moved to Protection Levels 1 or 2, meaning eviction orders can now be enforced in most of Scotland.

Support for tenants and landlords

Tenants are still liable to pay their rent and should do so where they can. Financial assistance for tenants to pay their rent has been provided by the Scottish Government through an increase in the Discretionary Housing Payments budget and the establishment of a Tenant Hardship Loan scheme. In addition to the furlough scheme, the UK Government also made temporary changes to the social security system, including how private tenants are supported with their housing costs.

Individual landlords may also have supported their tenants whose income may have been affected by the pandemic. For example, some private landlords have temporarily reduced rent for their tenants, and social landlords are experienced at offering tenants debt and money advice.

Private landlords with mortgages have been able to take time-limited mortgage payment holidays. The Scottish Government has also established a private landlord loan scheme.

These measures will have protected many tenants and landlords from the worst outcomes as a result of financial pressures caused by the pandemic.

What next?

There is some evidence of increasing rent arrears and landlords are concerned about the impact on their tenants' personal debt and their own business plans. A key question is what happens after the temporary measures end and whether this will lead to a spike in evictions and a rise in homelessness. This is difficult to predict and will depend on many factors including how successful the above measures have been and the wider economic situation. The Scottish Government is working with social and private rented housing resilience groups and is discussing potential measures to support renters when the temporary measures end.

Introduction

On 18 March 2020, the then Communities Secretary, Aileen Campbell MSP, set out a package of measures to support communities, including people renting their homes, during the pandemic. She stressed the need for landlords to be flexible to their tenants:

“ This is a time for all landlords – whether in social or private sector – to be flexible and adaptable to their tenants at a time of both national crisis and possibly personal crisis. Tenants, if you are experiencing issues paying your rent, please go straight to your landlord and explain them. Because we as a government, and society as a whole, need landlords to help their tenants immediately as part of an overall society response. We cannot have people being made or at risk of being made homeless at this difficult time”

Scottish Government , 2021¹

She also set out plans for changes to tenancy legislation to provide increased security for tenants who accrue rent arrears over a longer period. Two Coronavirus Acts were passed by the Parliament in April and May 2020.

The Coronavirus (Scotland) Act 2020, in force from 7 April 2020, contains provisions to amend the law on evictions to protect those renting their homes during the coronavirus outbreak. The aim of the measures was:

“ ... providing certainty for tenants who are concerned about paying their rent and supporting efforts to reduce the spread of the disease by keeping people in their homes, it will also ensure that tenants have time to apply for and benefit from the interventions available to support them to pay their bills before a landlord can take eviction action.”

Scottish Government , 2020²

The Coronavirus (Scotland) (No. 2) Act 2020, in force from 26 May 2020, amends private tenancy law to provide for the temporary introduction of pre-action requirements that will apply where a landlord pursues an eviction for rent arrears.

Various regulations have been made under these two Acts. In Session 5, the [COVID-19 Committee](#) was responsible for scrutinising these regulations. The Coronavirus Acts also require the Scottish Government to review and report to the Scottish Parliament on the measures every two months. The most recent report, the sixth report, was published in mid-April 2021. ³

Over the past year, the Scottish Government has published guidance for tenants and landlords, carried out social media campaigns and written to tenants in Scotland highlighting the extra protections in place. ⁴

In terms of developing policy and guidance related to the temporary changes, the Scottish Government works with both the [Social Sector](#) and [Private Rented Sector Resilience Groups](#). ³

Summary of eviction process

Before explaining in more detail the temporary changes to legislation this section provides a short overview of the eviction process.

To end a tenancy, landlords need to follow specific procedures including giving the correct notice period. The specific procedures will depend on the particular tenancy agreement in place and what the relevant legislation says about how those agreements should be ended.

If a landlord ends a tenancy without following the correct procedures or has harassed the tenant into leaving their home early this may be an illegal eviction which is a criminal offence.

Figure 1 provides an overview of the main tenancy arrangements. [Shelter Scotland has a useful tenancy checker](#) to help tenants work out which tenancy they are likely to have if they are unsure.

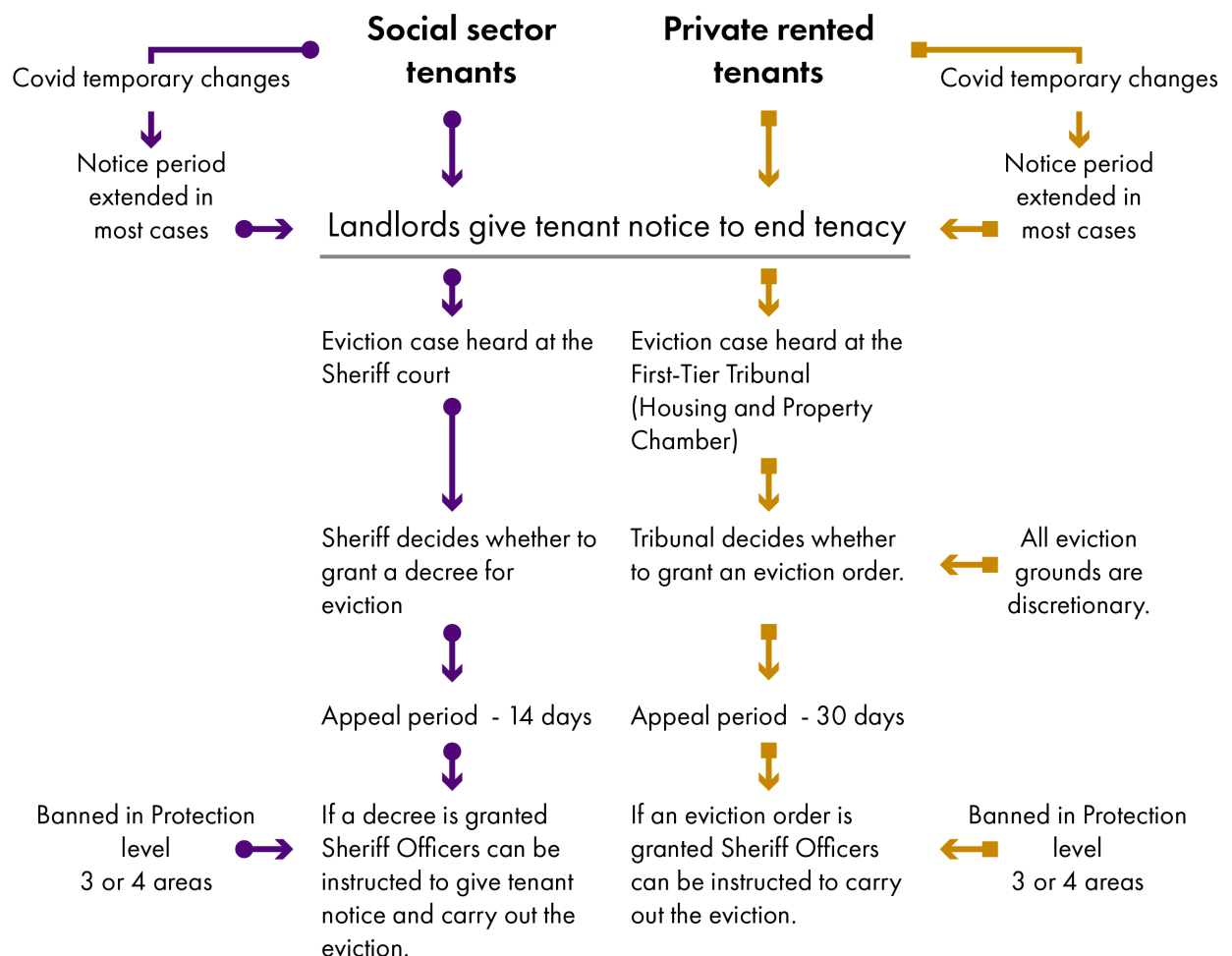
Table 1: Main tenancy agreements in Scotland

| | Tenancy agreement | Governing legislation |
|-------------------------------|---|---|
| Social housing | Scottish Secure Tenancy (SST) | Housing (Scotland) Act 2001 |
| | Less commonly, a Short SST. | |
| Private rented housing | Private Residential Tenancy (PRT) | Private Housing (Tenancies) (Scotland) Act 2016 |
| | Since 1 December 2017, most new tenancies will be a PRT. | |
| | Short assured tenancy. These were the most common tenancies prior to 1 December 2017. | Housing (Scotland) Act 1988 |
| | Less commonly, the assured tenancy. | |

Temporary changes in response to COVID-19

The temporary changes to legislation are explained in more detail in the rest of the briefing while Figure 1 illustrates how the changes fit with the current process for landlords to end a tenancy. Social sector landlords need to get approval from the sheriff courts to evict a tenant. In private rented cases, if a tenant does not leave at the end of the notice period the landlord would need to get an eviction order from the First-tier Tribunal (Housing and Property Chamber).

Figure 1: Simplified diagram of the eviction process for social and private rented sector tenants



Source: SPICe

Longer notice periods

How much notice a landlord needs to give their tenant to end the tenancy depends on the reason ('the ground') the landlord wants to end the tenancy. The specific grounds on which a tenant can be evicted are set out in the relevant legislation.

In many cases the notice period has been extended to six months. However, from 3 October 2020, the notice period for eviction cases involving antisocial and criminal behaviour reverted back to the original notice period. This change followed concerns by landlords about the impact of antisocial behaviour in the wider community.³

Tables 2 and 3 summarise changes to notice periods for the most common eviction grounds for the Private Residential Tenancy (PRT) and Scottish Secure Tenancy (SST). These temporary changes end on 30 September 2021. Information published by Shelter Scotland provides a summary of the notice periods for all grounds for eviction from a [PRT](#) and a [SST](#).

Landlords can end a short assured tenancy at the end of its term without having to state a relevant ground. However, in these cases the notice period has also been extended to six months.

Table 2: Private Residential Tenancy : temporary changes to notice periods for selected grounds for eviction

| Ground | Notice served before 7 April 2020 | | Notice served on, or after, 7 April 2020 |
|--|---|--|--|
| | Tenancy in place for less than six months | Tenancy started more than six months ago | |
| Landlord intends to sell | 28 days | 84 days | 6 months |
| Landlord intends to live in property | 28 days | 84 days | 3 months |
| . Family member intends to live in property | | | |
| Breach of tenancy agreement | 28 days | 28 days | 6 months |
| Rent arrears | 28 days | 28 days | 6 month |
| Tenant has a relevant conviction | 28 days | 28 days | 3 months |
| Antisocial behaviour | | | From 3 Oct 2020, the notice period was reduced back to 28 days |
| Association with person for conviction with antisocial behaviour | | | |

Shelter Scotland , 2020⁵

Table 3: Scottish Secure Tenancy : temporary changes to notice periods for selected grounds for eviction

| Ground | Notice served before 7 April 2020 | Notice served on or after 7 April 2020 |
|---|-----------------------------------|---|
| Rent arrears or other breach of tenancy | 4 weeks | 6 months |
| Criminal conviction using property for immoral illegal purposes | 4 weeks | 3 months |
| Antisocial behaviour or conduct amounting to harassment. | | From 3 Oct 2020 the notice period was reduced back to 4 weeks |
| Nuisance, annoyance or conduct amounting to harassment | | |

Shelter Scotland , n.d.⁶

Eviction grounds in private rented cases are discretionary

If a private rented tenant has not moved out their home at the end of the notice period, the landlord will need to get an eviction order from the [First-Tier Tribunal \(Housing and Property Chamber\)](#) ('the Tribunal').

Previously, some eviction grounds were mandatory, i.e. the Tribunal had to grant an eviction order if the grounds were established.

Now, the Tribunal can use its discretion in eviction cases (where the notice was served between 7 April 2020 and 30 September 2021) and decide if it is reasonable for an eviction to take place. This will allow the Tribunal to consider all the circumstances of the case.

All social housing eviction cases in the Sheriff Court, with the exception of streamlined cases for criminal conviction, are already subject to a reasonableness test.

Rent arrears and pre-action requirements

The temporary changes to legislation do not affect a tenant's liability to pay rent. If a landlord wants to end the tenancy for rent arrears, they can also pursue the tenant for payment of any outstanding rent arrears, so it's important for tenants to try and pay as much of their rent as they can. [Support may be available where tenants are finding it hard to pay their rent.](#)

Private landlord pre-action requirements

The [Rent Arrears Pre-Action Requirements \(Coronavirus\) \(Scotland\) Regulations 2020](#) introduced a new requirement for private landlords to make reasonable efforts to help tenants manage arrears before starting eviction proceedings against a tenant for rent arrears. Pre-action requirements already apply in social housing.

These requirements apply where the landlord serves a notice to end a tenancy on, or after, 7 April 2020 and an application is then made to the Tribunal to repossess a property on the grounds of rent arrears from 6 October 2020 (where all or part of the arrears accrued on, or after, 27 May 2020). The requirements will end on 30 September 2021.

Scottish Government guidance provides more detail about the requirements, for example, private landlords must:

- provide tenants with information about their rights
- provide details of free and independent sources of debt help and advice.

The guidance states that the measures

“... are intended to help landlords and tenants to work together to sustain tenancies, helping to make sure that tenants can stay in their homes and landlords benefit from long term, successful tenancies.”

Scottish Government , 2020⁷

The Tribunal will consider the extent to which the requirements have been complied with when they consider any eviction cases for rent arrears that fall within the relevant timescales described above.

In its recently published *Housing to 2040 strategy*, the Scottish Government confirmed its plans to introduce pre-action protocols on a permanent basis in the private rented sector.⁸ It is not yet clear when this will be made permanent.

Ban on enforcement of eviction orders

The temporary ban on the enforcement of eviction orders only applies to Protection Level 3 and 4 areas until 30 September 2021 (subject to review every 3 weeks).

In September 2020, the Scottish Green Party launched a campaign to end winter evictions arguing that the measures introduced did not solve the challenges faced by private renters during the pandemic.⁹

On 3 December 2020, the First Minister acknowledged opposition members' concerns that the temporary measures did not apply to eviction actions that were raised before the pandemic and that further changes were needed. She committed to introduce regulations to ban the enforcement of eviction actions.¹⁰

The effect of the [regulations](#) is to stop Sheriff Officers removing a household from a property after a court or Tribunal order has been made. There are exceptions where the eviction is taking place in the most serious of circumstances relating to antisocial or criminal behaviour or domestic abuse.

Other parts of the eviction process can still go ahead:

- landlords can still serve a notice to end a tenancy on tenants
- the Tribunal or courts can decide on eviction cases
- eviction orders can still be granted.

The ban was initially introduced from 11 December 2020 for a six week period. The aim was to reduce the burden on councils, who have a duty to rehouse people made homeless through evictions, and to make it easier for people to self-isolate if they chose to form extended bubbles during the relaxation of COVID-19 restrictions on Christmas Day.¹¹

Given the ongoing pandemic and restrictions on movement, the ban has since been extended twice. It will apply until 30 September 2021, but only in areas subject to Protection Levels 3 or Level 4 and subject to review every 3 weeks.

From 17 May 2021, the whole of Scotland, except Moray and Glasgow, moved to Protection Levels 1 or 2 meaning that eviction orders can be enforced in those areas. Eviction orders can only be enforced in Moray and Glasgow when they move below Level 3.¹²

Support for tenants and landlords

The Scottish and UK governments have both taken action to help [support tenants](#) and [landlords](#) during the pandemic.

Support for tenants

Measures to support tenants include:

- **Increase in the Discretionary Housing Payment (DHP) budget**

DHPs are funded by the Scottish Government and are available to people eligible for housing benefit/housing costs element of Universal Credit to help pay their rent. Councils are responsible for administering DHPs in their areas and decide how much to award an applicant and for how long.

The Scottish Government allocated an additional £5 million in May 2020 followed by a further £3 million in September 2020 bringing the total DHP budget (for non-bedroom tax support) to £19 million in 20/21.

DHP statistics indicate that cumulative applications to February 2021 were 8% higher, and the total actual or committed spend by the end of January 2021 was 14% higher, than in January 2020. ¹³

In 2021/22, the DHP budget for non-bedroom tax mitigation is £11 million. ¹⁴

- **Tenant Hardship Loan Fund**

In September 2020, the Scottish Government announced a new £10 million Tenant Hardship Loan fund which launched in December 2020. ¹⁵

It provides a zero interest rate loan to allow tenants to pay rent arrears that have arisen since 1 January 2020 and/or pay up to 3 months of future rent payments.

The loan is intended to provide support where other forms of financial support are unavailable to the tenant. Where a tenant is eligible for other forms of support, such as a DHP, they would be expected to take these up rather than apply for this loan.

As at 1 March 2021, there had been 678 applications to the fund. Of those applications, 113 were successful, 243 were unsuccessful, five were ineligible for support and 15 applications were withdrawn. The remaining 307 applications were still being processed. ¹⁶

- **Changes to welfare benefits and increase in Local Housing Allowance**

In addition to the furlough scheme, the UK Government made a number of changes to the social security system which may help tenants with their living costs. For example, in April 2020, the standard allowance in Universal Credit (UC) was increased by £20 per week (this temporary change is due to end in September 2021). ¹⁷

Changes were also made to the Local Housing Allowance (LHA) rate, the maximum

housing benefit / housing costs element of Universal Credit that can be paid to tenants living in private rented housing. LHA rates had been frozen for the four years prior to April 2020. This meant that in some areas, particularly where rents had increased markedly over the four years, there was an increasing gap between rental costs and benefit support for housing costs. In April 2020, the UK Government set the [LHA rates at the 30th percentile of local rents](#). In many cases, this will have increased the amount of benefit support for housing costs, although this still only covers the full cost of housing at the lower end of the market.

In [2021/22](#), [LHA rates](#) have been maintained at the same level as 2020/21.

Support for landlords

Measures to support landlords include:

- **Mortgage payment holidays**

Landlords with mortgages, including buy to let mortgages, have been able to apply to their lender for a mortgage payment deferral, commonly known as 'mortgage payment holiday.' These were initially available from March 2020 for a three month period. However, as the pandemic progressed, the UK Government announced in May 2020 that payment holidays could be extended to six months.¹⁸ The deadline for applying was also extended to 31 March 2021.

At the end of December 2020, 130,000 mortgage payment deferrals were in place across the UK, down from a peak of 1.8 million in June 2020. Approximately 8 in 10 had returned to making their mortgage payments.¹⁹

All mortgage payment deferrals will end on 31 July 2021. For borrowers who have already taken a total of six months of payment deferrals and continue to need additional assistance, lenders will offer tailored support.²⁰

Mortgage lenders (who are members of UK Finance and the Building Societies Association) also agreed to a moratorium on possessions to 1 April 2021. This means that lenders will not seek, or enforce, a warrant for possession before 1 April 2021, unless there are exceptional circumstances such as a customer requesting proceedings to continue or when the property is vacant.²⁰

- **Scottish Government landlord Covid-19 loan support scheme**

On 5 May 2020, the Scottish Government launched a landlord [Covid-19 loan support scheme](#) aimed at assisting landlords whose tenants are having difficulty paying rent during the pandemic and where other forms of financial support are unavailable to the landlord. It supports landlords who are not registered as businesses and have five or fewer let properties. The maximum loan an applicant can apply for is nine months agreed rent which can include up to three months of future rent.²¹

By 2 October 2020, 91 applications for a loan had been made. Of the 71 applications that were progressed, 39 were approved, 26 were rejected and 6 were awaiting processing. The average loan award was around £3,800.²²

What next?

As the COVID restrictions ease and the temporary support measures come to an end a key question is what happens next. There is some evidence of [increasing rent arrears](#) leading to concerns about how households can manage their debt, the impact on landlords' businesses and a [potential spike in evictions](#) resulting in increased homelessness applications being made to councils. These concerns are shared across Great Britain where other nations have also implemented measures to protect tenants and landlords.²³

Increasing rent arrears

Social landlord representative groups supported the measures protecting tenants from eviction when they were first introduced, although the Scottish Federation of Housing Associations (SFHA) highlighted the need for financial support for housing associations that experience income loss due to a reduction in rent payments.²⁴

As the pandemic has progressed, social landlords' rent arrears have increased. At the outset of the pandemic, the Scottish Housing Regulator started an additional monthly data collection to help monitor the impact of the pandemic on social landlords. Its February 2021 report shows that between the end of March 2020 and February 2021, rent arrears increased by 14% (£21 million) to £168 million. This equates to around 5.8% of total rental income due, however there are wide variations between landlords ranging from a high of 14% to a low of 0.2%.²⁵

Social landlords are concerned about the impact of increasing rent arrears on their tenants' personal debt and on their own business plans. Rather than extending the six month notice period for arrears cases until September 2021, SFHA and Glasgow West of Scotland Forum of Housing Associations (GWSF), both lobbied for the notice periods for arrears cases to be reduced to three months to support a phased return to the original position of one month. GWSF expressed its disappointment about the Scottish Government decision to extend the six month notice period arguing that:

“... extending notice periods helps only those tenants who aren't engaging with their landlord or who could pay the rent but are deliberately taking advantage of what they see as the lack of sanctions. The problem is that even where this measure (and the evictions ban too) is accompanied by messaging on the importance of paying rent and talking with your landlord if you're in difficulty, it invariably gives a message to some tenants that they don't need to pay rent and that no-one can do anything about it. And for those who are perhaps just sticking their head in the sand, the longer notice periods really don't help.”

Glasgow and West of Scotland Forum of Housing Associations, 2021²⁶

The situation in the private rented sector is less clear as there is not any consistent data on rent arrears in private rented housing. In September 2020, the Scottish Association of Landlords reported, from a survey of its members, that arrears were continuing to rise despite some landlords offering their tenants discounts on rents. Key findings from the survey included²⁷ :

- 66% of landlords have reported losing income, with an average of almost £5,000 each

- 44% of landlord and agent respondents have provided a discount for tenants
- the most common reduction percentage given by those reducing rents was 20%
- 96% of agents responding have had rental properties void as a result of the pandemic.

The Scottish Government's sixth report on the Coronavirus Acts cites data from an analysis carried out by PayProp, based on the data that it holds from the processing of rent payments from tenants in Scotland. This shows that the percentage of tenants in arrears, based on the sample of tenants paying rent across the January to May 2020 period, had increased from 8% in March, to 14% in May.³ More recent figures from PayProp indicate a fall in the proportion of tenants in arrears in Scotland in recent months, from 12% in September 2020, down to 9% in October, and then to 8% in November. However, Payprop don't expect this to last, partly because there tends to be a seasonal bump in arrears in January as people overspend in the run up to Christmas.²⁸

Research by the Resolution Foundation and Joseph Rowntree Foundation has identified that people who rent their homes have been disproportionately affected by the pandemic. Renters have fewer savings and are more likely to have lost their job and been on furlough compared to those with mortgages^{29 30}

A Resolution Foundation UK survey of working age adults found that despite renters employing strategies to prioritise paying their rent, arrears are increasing :

“ ... housing arrears have increased steadily over the pandemic period. In January 2021, we estimate that 9 per cent of families in the social rented sector were behind with their housing payments, alongside 6 per cent of those renting privately and 2 per cent of mortgaged home owners. Such rates stand considerably higher than the pre-Covid-19 'norm': across all three tenure groups, our January 2021 figures are at least twice the level of arrears observed going into the crisis. These percentages translate into significant numbers: we estimate that over 750,000 families were behind with their housing payments in January 2021, 300,000 of which contained dependent children.”

Resolution Foundation , 2021³¹

A recent report from the Joseph Rowntree Foundation, based on a poll conducted in February 2021, echoes these concerns around arrears and debts.³²

Evidence from Citizens Advice Scotland points to increasing demand for advice from private tenants and advice on arrears. Advice regarding private sector arrears as a proportion of all housing arrears advice has increased significantly from 6% in the period April to December 2019, up to 14% in the period April to December 2020.³

Shelter Scotland is also concerned about increasing pressures on household's housing costs. Giving evidence to the COVID-19 Committee in March 2021, on the topic of *COVID-19 next steps*, Alison Watt of Shelter Scotland said,

“ Just before Christmas, Shelter Scotland commissioned research that showed that one in four people who pay rent or a mortgage are really worried about how they will keep pace with that and are doing things such as skipping meals and leaving the heating off in cold weather so that they can continue to meet their housing costs.”

Scottish Parliament COVID-19 Committee, 2021³³

One potential option suggested by Shelter Scotland was the need for a non-repayable form of support—for example, a grant rather than a loan.

A rise in evictions?

It's difficult to predict whether there will be a spike in evictions once the temporary protection from eviction measures end. This will depend on a number of factors including how successful measures aimed at preventing rent arrears have been, landlords' strategies for dealing with those arrears and the wider economic environment.

Social landlords have still served notice of proceedings and initiated court actions for eviction although at much lower levels than before the pandemic.

With longer notice periods in place, it may be that, in some cases (particularly in private rented housing where rents are higher), tenants who were finding it difficult to afford their rent have already moved, or plan to move, to cheaper accommodation thus preventing the need for a landlord to end the tenancy. Some private landlords may decide to sell their property or move back into their let property, given changed circumstances.

As of 9 March 2021, the First-tier Tribunal (Housing and Property) Chamber ('the Tribunal') had received a relatively small number of eviction applications (163) that fall within the scope of the emergency legislation.³ Over the next few months applications may increase, given the extended notice periods in place. However, it is hard to predict and it assumes that private landlords follow the correct procedures and that tenants are aware of their rights.

Research has established that there is a relatively low awareness of tenants' legal rights.

³⁴ Furthermore, the Joseph Rowntree Foundation's poll in February 2021 identified that renters had very low awareness of the specific protections for renters in place. For example, just 29% of renters were aware that notice period had been extended to six months in most cases.³²

This low awareness of rights may result in an increase in illegal evictions. Citizens Advice Scotland data indicates a potential increase in issues relating to private rented sector harassment / illegal evictions, with the number of instances of advice provided in this category increasing from 166 in April to December 2019 up to 286 in April to December 2020, an increase of 120 (72%).³

How the Tribunal uses its discretion in eviction cases will also be an important factor, determining how many eviction orders are actually approved.

The Scottish Government's Private Rented Sector Resilience Group discusses issues arising from the Coronavirus outbreak, as well as assisting in monitoring the impact of, and continuing need for, these provisions. A key focus of the Group's work is on tenancy sustainment and raising tenants' awareness of their rights, as well as the advice and financial support available. In its sixth report on the operation of the Coronavirus Acts, the Scottish Government states:

“ The group will increasingly focus on examining potential measures to support renters as we move towards the temporary measures being removed at the end of September, with a clear focus on tenancy sustainment and preventing homelessness.”

Scottish Government, 2021³

The House of Commons Housing, Communities and Local Government Committee is undertaking an [inquiry into the impact of COVID 19 on homelessness and the private rented sector](#). The [written evidence to the inquiry](#) suggests further policies that could be pursued to prevent homelessness. In many cases, respondents to the inquiry have argued that the UK Government should make further changes to the social security system, such as increasing LHA rates or suspending the benefit cap. These changes would also apply in Scotland.

In its report, the Committee made recommendations to the UK Government, which included publication of an exit plan for the private rented sector from national and local restrictions and to:

“ ... review its decision to freeze Local Housing Allowance rates by maintaining the 30th percentile in cash terms only, and instead keep rates indexed at the 30th percentile long-term.””

House of Commons Housing, Communities and Local Government Committee, 2021³⁵

At the time of preparing this briefing the UK Government had still to respond to the Committee's report.

Other organisations have made specific suggestions about what should happen in Scotland. For example, in its recent report, the Joseph Rowntree Foundation argued the Scottish Government should:

“

- Establish a new hardship fund for tenants, offering non-repayable grant support to renters not covered by existing schemes.”
- Undertake a rapid review of the existing loan and grant funds to help shape and target the new fund, alongside those it will help, and ensure it is fit for purpose.”
- Support tenants seeking help to access independent advice, to ensure they get the most appropriate financial help and avoid eviction or homelessness”

Joseph Rowntree Foundation , 2021³²

Living Rent, a tenants' union has called for:

- an extension of the eviction ban in all areas in line with furlough
- permanent continuation of pre-action requirements and current eviction notice periods
- changes to how damages are calculated for illegal evictions
- a winter eviction ban for 2021. ³⁶

Sources of further information

MSPs dealing with constituency cases may wish to direct their constituents to the online advice and guidance available or seek specialist housing or legal advice. Online advice includes:

Scottish Government: *Coronavirus (COVID-19): guidance for private landlords and letting agents*. <https://www.gov.scot/publications/coronavirus-covid-19-landlord-and-letting-agent-faqs/>

Mygov.scot: *Renting a property*. Contains various information including renting rights during coronavirus. <https://www.mygov.scot/housing-local-services/renting-property/>

Shelter Scotland: *Eviction from your home*. https://scotland.shelter.org.uk/housing_advice/eviction

Citizens Advice Scotland: *Renting a home: your'e facing eviction* <https://www.citizensadvice.org.uk/scotland/housing/renting-a-home-s/>

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