



Private Rented Housing (Scotland) Bill

| | |
|----------------|--------------------------------------|
| Bill Number: | SP Bill 54 |
| Introduced on: | 4 October 2010 |
| Introduced by: | Nicola Sturgeon MSP (Executive Bill) |
| Passed: | 17 March 2011 |
| Royal Assent: | 20 April 2011 |

Passage of the Bill

The Private Rented Housing (Scotland) Bill [SP Bill 54] was introduced in the Parliament on 4 October 2010. The Local Government and Communities Committee was designated as the lead committee. The Stage 1 (general principles) debate took place on 27 January 2011 and the Bill was passed following the Stage 3 parliamentary debate on 17 March 2011.

Purpose and objectives of the Bill

The principal policy objectives of the Bill, as introduced, were to, "...improve standards of service for consumers in private rented housing and enable continued sustainable growth in the sector".

Provisions of the Bill

The Bill, as introduced, was structured into four main parts. Part 1 proposed amendments to the private landlord registration system, as set out in the Antisocial Behaviour etc (Scotland) Act 2004, with the aim of supporting and assisting local authorities to enforce the system. Part 2 proposed some changes to the HMO licensing regime, as set out in the Housing (Scotland) Act 2006, with the aim of improving the effectiveness of the regime. Part 3 proposed to introduce a new statutory overcrowding notice that local authorities could serve on a landlord of a privately rented house where overcrowding is linked to an adverse effect on the health or wellbeing of the occupants, neighbours or others or on the amenity of the locality. Finally, Part 4 proposed some miscellaneous provisions that related to the private rented sector tenancy regime, for example, a provision proposed that landlords must provide tenants with specified documents (a tenant information pack) at the start of the tenancy.

Parliamentary consideration

The Local Government and Communities Committee, in its Stage 1 Report, supported the general principles of the Bill but expressed some concern about the practical application of the proposed overcrowding statutory notice. The Committee was concerned that it was difficult to predict the likely consequences arising from the provisions in relation to levels of homelessness and the impact on housing stock.

Thirty-three amendments were lodged at Stage 2, of which eighteen were agreed. Most of the amendments agreed were lodged by the Scottish Government and the majority of those related to the provisions on overcrowding statutory notices (OSNs) (with a smaller number relating to landlord registration). Amongst the amendments agreed were those that sought to ensure that tenants in properties affected by an overcrowding statutory notice receive appropriate assistance, by changing the power for a local authority to provide information and advice to occupants of a house, where a notice is served, to a duty to do so.

The two non-Government amendments that were agreed sought to facilitate increased institutional investment in the private rented sector through amendments to the Land Tenure Reform (Scotland) Act 1974. A non-Government amendment was lodged that would have required Scottish Ministers to report regularly on the use of overcrowding statutory notices. The Minister was supportive of the principle of the amendment but suggested that the drafting could be improved. A revised version of the amendment was brought forward at Stage 3 and was agreed.

A number of non-Government amendments relating to HMOs were lodged at Stage 2. Some of these sought to address the perceived negative impact of large concentrations of HMOs in certain localities. This gave rise to a debate about the extent to which the Bill could, or should, address these issues. None of the amendments in relation to HMOs were agreed at Stage 2.

However, at Stage 3 amendments relating to HMOs were agreed. One of these amendments gives local authorities powers to refuse to grant an HMO licence if it considers that there is (or as a result of granting the licence there would be) overprovision of HMOs in the locality. Another amendment extends the list of factors that local authorities must consider when determining whether a property is suitable for occupation as an HMO to include whether any rooms have been subdivided or whether rooms have been adapted so as to result in an alteration to the situation of the water and drainage pipes in it.

Most of the other amendments agreed at Stage 3 were minor or of a technical nature.

Kate Berry

Senior Researcher