

Housing rights in Scotland during the coronavirus crisis

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**CITIZENS
RIGHTS
PROJECT**

Structure of presentation

Principal focus:

Additional housing rights for tenants in Scotland

- Evictions
- Temporary accommodation

In brief:

Position of landlords

Assistance for homeowners

Residential tenancies in Scotland

Additional rights during coronavirus crisis:

- Period of notice for eviction extended – in most cases to 6 months, but in some cases for a shorter period (details vary for different tenancy types)
- Tribunal and courts now exercise discretion in almost all cases: must consider “is it reasonable to grant eviction?”

The temporary legislation

Coronavirus (Scotland) Act 2020*, (s. 2, Sch 1)

New rules on eviction apply where a landlord serves notice on tenant on or after 7 April 2020

Changes are temporary: new rules on eviction will expire on 30 September 2020, but period can be extended, or ended earlier

Eviction is still possible

*Note: Coronavirus (No 2) Act (Scotland) 2020

Unsuitable temporary accommodation

- Scottish Government has also changed rules on 'unsuitable temporary accommodation'.
- All homeless applicants now entitled to suitable temporary accommodation within 7 days (in some cases immediately)
- This change is permanent, not just temporary

Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

Assistance to landlords

- May qualify for general business assistance offered by UK and Scottish Governments
- Scottish Government has also introduced the “Private Rent Sector Landlord COVID-19 Loan Scheme”
- Offers eligible landlords up to 100% of lost rental income for a single property
- Aimed at supporting private rented sector landlords who are not classified as businesses, have five or less properties to rent and have lost rental income due to tenants unable to pay rent as a result of the pandemic

Homeowners

- Mortgage lenders have promised ‘payment holidays’ of up to three months where this is needed because of hardship related to coronavirus
- Homeowners facing threat of repossession may be able to benefit from ‘reasonableness’ provisions in (i) Conveyancing & Feudal Reform (Scotland) Act and (ii) Home Owner & Debtor Protection (Scotland) Act 2010.

Remember!

New rules on evictions will help many tenants

Courts and tribunals are likely to be sympathetic
BUT tenants still have obligations to landlords

Important to get financial assistance if needed

TALK – to landlord, to tenant, to bank/lender

Useful links

<https://www.gov.scot/publications/coronavirus-covid-19-landlord-and-letting-agent-faqs/>

<https://scotland.shelter.org.uk/>

<https://citizensrightsproject.org/>



<http://citizensrightsproject.org>



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Thank you



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