



## Housing Rights in Scotland

### **Renting Property: All EU/EEA/Swiss Citizens**

#### Can I rent property?

Yes. Everyone in Scotland can rent property in the same way as a UK<sup>1</sup> citizen from a private landlord or housing association. Landlords must not discriminate against you on the basis of your citizenship. Landlords cannot refuse to rent to you if you have an immigration status within the UK. If you are discriminated against you should seek advice on one of the helplines below.

#### Can I rent property if I am subject to immigration control?

You cannot rent property from a local authority landlord if you are subject to immigration control.

What if I am here without a legal immigration status?

- If you do not have an immigration status for example, you are an asylum seeker who has been rejected asylum, you may face challenges renting in Scotland. Landlords are not required to check your immigration status. However, they often request identity documents, for example, passports.
- If you are in this situation, you should contact the Scottish Refugee Council for free on 0800 085 6087 or follow this link to find more specialist advice:  
<https://www.scottishrefugeecouncil.org.uk/direct-support/destitute-asylum-seeker-service/>

What if I am not an asylum seeker or refugee?

- If you are not an asylum seeker or refugee, for example an EU citizen without valid proof of ID, or no immigration status, you should seek advice on one of the helplines listed below.

### **Housing Benefit**

#### What is it?

- Housing Benefit is a payment to help cover all or part of your rent depending on individual circumstances.
- This payment does not cover living costs such as, gas and electricity.

#### How much is the payment?

- The payment varies depending on where you live and how many rooms you need.
- If you have one or more spare rooms the amount of Housing Benefits may be reduced. This is often called the “Bedroom Tax”.

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<sup>1</sup> This includes Irish citizens



- If you are affected by the Bedroom Tax, you may be able to get a Discretionary Housing Payment. Follow this link to find out more about the Discretionary Housing Payment - **Error! Hyperlink reference not valid.**

#### Who can get it?

- You may have to claim Universal Credit instead. This will replace Housing Benefit for many people (follow [this link](#) for more information on Universal Credit)
- Housing Benefit is still an option for those that have reached state pension age or who are in supported, sheltered or temporary housing.
- Follow this link to find information on how to access Housing Benefit in your local council area - **Error! Hyperlink reference not valid.**

#### What if I rent from my local council or a Housing Association?

You can get Housing Benefit if you rent from a local council or a Housing Association.

#### What if I rent from a private landlord?

You can get Housing Benefit if you rent from a private landlord.

#### What if my claim is refused?

- If your housing benefit application is refused then you should request a reconsideration from your local council.
- If your application is still refused then you should request an appeal by writing a letter within one calendar month of your decision letter. This is called a revision.
- Follow this link for more information on how to appeal the decision [https://scotland.shelter.org.uk/housing\\_advice/paying\\_for\\_a\\_home/housing\\_benefit/c\\_hallenging\\_a\\_housing\\_or\\_council\\_tax\\_benefit\\_decision](https://scotland.shelter.org.uk/housing_advice/paying_for_a_home/housing_benefit/c_hallenging_a_housing_or_council_tax_benefit_decision)

### **Homelessness Assistance**

#### What does it mean?

If you are homeless and eligible for homelessness assistance then your local authority must:

- take a homelessness application
- make inquiries into the circumstances of your application
- provide you with temporary accommodation if needed

#### What will the local authority make inquiries about?

- If you are homeless and are eligible for assistance (check if you are eligible by following this link: [https://scotland.shelter.org.uk/housing\\_advice/homelessness/who\\_can\\_apply\\_as\\_homeless/immigration\\_exemptions](https://scotland.shelter.org.uk/housing_advice/homelessness/who_can_apply_as_homeless/immigration_exemptions)).
- How you became homeless.
- If you have a local connection to their area?



### What if I am refused homelessness assistance?

If your local authority refuses to provide you with homelessness assistance you should request a written explanation of their decision. You should ask for a review this decision within 21 days of receiving it. If you require help to review the decision and discuss what to do next you can contact one of the helplines listed below.

### Do I need to pay for temporary accommodation?

Your local authority will almost certainly request that you contribute towards the cost of the accommodation. You may be able to receive Housing Benefit to pay for that (see below for more information on Housing Benefit). If you cannot afford the charge, you may be able to challenge this request. For advice on doing this you can contact one of the helplines listed below. You do not need to be receiving benefits to access temporary accommodation.

### Who can access homelessness assistance?

#### EU Citizens with settled status

- If you have settled status and are habitually resident in Scotland, you can access homelessness assistance in Scotland.

#### EU Citizens with pre-settled status

- If you have pre-settled status and have another qualifying right to reside, you can access homelessness assistance in Scotland. Follow this link for more information on the right to reside - **Error! Hyperlink reference not valid.**

EU Citizens lawfully residing in the UK on the 31<sup>st</sup> of December 2020 who applied for the EUSS before the deadline on the 30<sup>th</sup> of June 2021

- You can access homelessness assistance in Scotland while waiting for a decision on your status until you are granted settled status, pre-settled status, or cannot appeal a refusal of your application any further.

What if I am not from the EU/EEA/Switzerland, (or I am, but don't qualify because I am not eligible for settled or pre-settled status)?

- Non-EU Citizens may qualify for homelessness assistance if they are settled here and if their immigration status allows for 'recourse to public funds'. Evidence of immigration status is required to prove the right to recourse to public funds. If you are unsure if your status allows recourse to public funds or do not have any proof of your immigration status you should seek advice on one of the helplines listed below.
- Refugees qualify for homelessness assistance if they have been granted refugee status and/or humanitarian protection. If their leave to remain has ended they will not qualify for help. If you apply to extend your leave to remain before it expires, you will qualify for assistance until the Home Office makes a decision.
- Asylum Seekers should follow this link to get specific advice **Error! Hyperlink reference not valid.**



## **Buying and Owning Property: All EU/EEA/Swiss Citizens**

### Can I buy and own property?

Yes. Everyone living in Scotland can buy and own property in the same way as a citizen of the UK.

### Are there potential challenges if I don't come from the UK?

Yes. There may be some practical challenges during the process of buying your own property for example, you may be asked to provide more information than a UK citizen when opening a bank account.

For more free help and information on any housing or homelessness issue, use the helplines or linked websites below:

- Citizens Support Service helpline (set up by Citizens' Advice Scotland) can be contacted for free on 0800 916 9847 (Monday-Friday 9am-5pm). If you are looking for in-person support, you can find your local Citizens Advice Centre by following this link: **Error! Hyperlink reference not valid.**
- Shelter Scotland Helpline can be contacted for free on 0808 800 4444 (Monday-Friday 9am-5pm). This service provides interpreters. Follow this link if you would like to find out further information about your housing rights in Scotland:  
[https://scotland.shelter.org.uk/housing\\_advice](https://scotland.shelter.org.uk/housing_advice)

**PLEASE NOTE:** this factsheet only gives a summary of the rights you might be entitled to. It does not give a full description of your legal rights and should not be regarded as legal advice. If you want more detailed information on your legal rights, and how it might affect your personal circumstances, you should take advice from a qualified lawyer or other advisor

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