

EDINBURGH UNIVERSITY STUDENTS' ASSOCIATION

WRITTEN SUBMISSION

Introduction

Edinburgh University Students' Association (EUSA) welcomes the opportunity to respond to the Infrastructure and Capital Investment Committee's call for evidence on the Housing (Scotland) Bill. In particular we strongly support provisions in the Bill which would improve the experience of tenants in private rented housing.

The Advice Place at EUSA often provides guidance to student tenants who have problems with their rented accommodation. It is one of the most common issues with which students visit The Advice Place for guidance. Too often students have problems with their letting agent or landlord and there is considerable dissatisfaction with current procedures for dealing with housing disputes.

We believe that creating a private rented sector tribunal and a regulatory framework for letting agents as well as new powers for local authorities to tackle poor conditions could greatly benefit tenants in the private rented sector.

However, we believe that the Bill could be strengthened to provide further protection for tenants in relation to electrical and carbon monoxide safety. We also think that the Bill could address rental costs and include measures to improve the energy efficiency of private rented accommodation.

Part 3 – Private rented housing

Tribunal

EUSA strongly supports the creation of a new housing panel to replace the court as the main forum for resolving housing disputes. Many tenants are currently reluctant to take forward cases to court, fearing repercussions from their landlord. A tribunal would be less formal than the court making it less daunting for tenants to access. It should also speed up the process of dealing with disputes.

Crucially the housing panel should be free to access and simple to use. To ensure that the housing panel operates in an equitable way free legal advice should be available to parties involved and resources must be available to ensure that there is enough provision for this. There may be an increase in the amount of usage of the system as tenants feel more empowered to take action. There should be no requirement for legal representation unless this is provided free of charge.

It is important that tenants feel confident in accessing the service. It must be clear to them that there would be no risk to their tenancy and no other negative implications should their claim be upheld or not. Many students are new to renting and are therefore unfamiliar with their rights as tenants. There

are over 11,000 international students at the University of Edinburgh who can find navigating the private rented sector difficult. They may have concerns, however unfounded, about potential negative effects of taking forward claims.

Repairing standard

EUSA supports the provision in the bill to enhance local authorities' discretionary powers to tackle poor conditions in the private rented sector. We hope that this would improve standards by tackling landlords who fail to maintain their property and carry out repairs.

Too often tenants find themselves struggling to make their landlord attend to repairs. This is an issue that student tenants raise often at the EUSA Advice Place. We know that some tenants are unwilling to take action to enforce the repairing standard because they are concerned that it could have a negative impact on the tenancy.

Enhanced enforcement areas

EUSA supports provisions to provide additional discretionary powers for local authorities to target enforcement action at an area characterised by poor standards and landlord practice in the private rented sector.

The high demand for student rented accommodation in the city of Edinburgh together with the fact that many student tenants are unfamiliar with their rights and responsibilities can mean that student tenants are vulnerable to rogue landlords and letting agents. Rogue letting agents and landlords may have various properties across the city, not just in one area. The provision for enhanced enforcement areas should allow for the local authority to take this into consideration and be able to deal with properties across several areas associated with one letting agency/landlord.

Part 4: Letting agents

EUSA strongly welcomes provision to create a mandatory register of letting agents and a statutory code of practice. The introduction of a regulatory framework for letting agents could lead to fewer tenants having negative renting experiences but only if the legislation is enforced effectively.

Whilst many letting agents provide a fair and satisfactory service to tenants, the Advice Place at EUSA talks to many students who have problems with their letting agent in Edinburgh. These problems can range from agents refusing or being slow to attend to repairs, charging arbitrary fees, being difficult to contact or refusing to pass over contact details of landlords.

It is crucial that the consequences for breaching a statutory code of practice or failing to meet requirements for registration are clear and are acted upon. Resources must be available to ensure that the regulation is enforced.

Furthermore, tenants must be informed about the dispute resolution process and how to use it. It must be free to access and simple to use.

Further proposals

Electrical and carbon monoxide safety

EUSA would encourage an addition to the Bill which would improve electrical and carbon monoxide safety in private rented accommodation. We believe that regular electrical safety checks in all private rented properties should be mandatory as well as a carbon monoxide monitor and alarm.

Energy efficiency

We would welcome a requirement for landlords to update their properties to perform at a minimum energy efficiency level by 2015. Poor energy efficiency performance in rented housing increases costs for tenants, increases the chance of fuel poverty and is harmful to the environment.

Rent costs

Rental costs have increased considerably along with the demand for private rented accommodation. For some tenants who are on low incomes, for example students, their rent takes up a large part of their income. We believe that the Scottish Government could explore options to reduce rental costs, for example limiting the level of rent increase that a landlord can introduce to tenants who continue to stay in the property.

Edinburgh University Students' Association
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