NUS Scotland
1. NUS Scotland is a federation of local student organisations in Scotland, comprising over 60 local campus student organisations that are affiliated to the National Union of Students of the United Kingdom (NUS). NUS Scotland is an autonomous, but integral, part of the National Union of Students. The students’ associations in membership of NUS Scotland account for 85% of students in higher education and over 95% of students in further education in Scotland.

2. Students’ associations affiliated to NUS retain autonomy over all policy areas, and may choose to make individual students’ association submissions based on local policy. NUS Scotland operates a democratic forum for policy and debate on national issues affecting students, and NUS Scotland’s role is to reflect the collective position.

Housing (Scotland) Bill
3. NUS Scotland, through our students’ association members, represents over 500,000 students at colleges and universities throughout Scotland. Prior to giving this evidence, NUS Scotland consulted with members regarding the changes proposed for private sector housing. The vast majority of students living outside of institution accommodation live in the private rented sector in Scotland. Changes to landlord registration, repairs, and in particular, HMO licensing would therefore have a huge effect on students in Scotland and on Scotland’s college and university sector.

4. NUS Scotland supports proposals in the bill for changes to landlord registration and repairs. However, we are very concerned at the proposals to give local authorities the right to refuse to consider an HMO licence. The proposal would give local authorities the power to limit the number of safe properties in a given area, potentially creating a black market of unsafe properties, risking the wellbeing of tenants. The proposals, in limiting supply of HMO properties, could also force students to either pay higher rates of rent or to live further and further away from campus. Given we have already seen accommodation costs increase by nearly 20% in the last four years while student support has not increased in real terms, and given that student hardship levels and commercial credit levels are already through the roof, any proposal that would increase student living costs further could clearly have serious unintended consequences.

Landlord registration
5. NUS Scotland is fully in favour of attempts to regulate the behaviour of landlords. Unscrupulous landlords make up only a minority of landlords in the private sector, but unfortunately their behaviour impacts on students, tenants more generally, and good landlords alike. We therefore fully supported attempts to bring the standard of landlords up in Scotland through landlord registration and accreditation in principle, however we have been slightly disappointed with how landlord registration has worked in practice. Too often it is the good
landlords that adhere to the rules, leaving a black market of poor landlords with potentially poor standards of accommodation and practice.

6. NUS Scotland therefore fully supports moves to strengthen penalties for breaking landlord registration rules and to give greater power to tenants, prospective tenants, and the wider community to hold landlords to a high standard. Ensuring local authorities provide information on pending applications, and those landlords who have been de-registered, is a good step forward in modifying the original legislation. Increasing fines for non-compliance is a welcome move which cannot harm implementation of landlord registration in our view.

7. Landlord registration is the means by which to encourage good conduct from landlords (and punish poor behaviour), ensuring that landlords are fit and proper, pre-empting poor practice as far as possible, and providing a set of catch-all obligations which ensure that where landlords do not come up to standard, they are forced to improve or face being debarred from letting properties in the future. Properly enforcing landlord registration legislation should ensure that poor landlords, who disregard standards in letting properties, are punished and, if they continue to exhibit poor standards, ultimately prevented from letting properties. However, at the moment landlord registration is not enforced to the degree which is needed, with a combination of lack of strong implementation and lack of awareness among tenants, prospective tenants, and wider society leading to a significant proportion of landlords continuing to operate outside of the system. Furthermore, greater efforts need to be put into to ensure local authorities prioritise enforcement of landlord registration.

Repair enforcement
8. NUS Scotland is in favour of moves to better enforce repair orders in the private rented sector.

HMO System
9. NUS Scotland's major concerns around the Housing (Scotland) Bill centre on the proposals for reform for the HMO system. HMOs were introduced in the year 2000, less than a year after the tragic deaths of two Glasgow students in a flat fire. Some homes in the private sector had not been properly made safe, and minimum standards for tenants were not being enforced.

10. The paramount concern for NUS Scotland centres around proposals to mix safety and planning legislation. The proposal to give local authorities the power to refuse to consider an application for an HMO licence, if they feel that the occupation of the property as an HMO would be a breach of planning control, is very worrying. The key aim of HMO licensing is to protect tenants from harm and exploitation by ensuring HMOs are of a certain standard and tenants are treated fairly. By giving local authorities the ability to make HMOs secondary to planning legislation, tenants, including students, could be very vulnerable to decreasing levels of safety and to poor treatment in the private rented sector.
11. To consider reforming HMOs to include planning considerations is not in keeping with the main purpose of HMOs, which is to protect tenants from harm and exploitation. To reform HMOs in this manner would be taking a large risk with the safety and wellbeing of tenants. Restricting numbers of HMO licenses - in effect safety kite marks - in any particular area, risks reducing the supply of safe properties in that area. We believe this would be a very damaging unintended consequence of the proposed changes. Furthermore, planning legislation has been successfully implemented in a number of local authorities without resort to mixing safety and planning, and risking harm to tenants.

12. NUS Scotland believes whether a landlord chooses to break planning rules or not is an issue that should be dealt with through landlord registration, without risking harm to tenants. While there may be reasonable planning considerations and objections to an over dominance by certain populations, it is not appropriate or proportionate to use HMO legislation to do so.

13. We are also concerned at the potential retrospective aspect of these proposals in that they could see local authorities set quotas at below the current numbers of HMOs in a given area. While properties that have been HMOs for 10 years or more may not be affected, many have the potential to be.

14. Our primary concern for the HMO changes proposed is around safety. However, a secondary consideration is that by limiting the numbers of safe properties, rent costs could increase. Logic dictates that by restricting supply, prices of HMO properties will increase, giving students - living on fixed incomes below the poverty line - the choice of moving far away from their campus or turning to black market properties. We have already seen a 20% increase in accommodation costs over the last four years when student support has increased only with inflation. Moves to limit supply can only harm students financially, contributing to already high levels of financial hardship in Scotland and increasing pressure on students attempting to complete their courses without dropping out.

15. In conclusion, we support moves to strengthen landlord registration and repairs in the private rented sector. However, we are very concerned at moves to give local authorities the power to refuse to grant HMO licenses beyond planning quotas. HMOs serve the function of ensuring a property is safe and that tenants will be treated fairly. Bringing a landlord’s adherence to planning legislation into HMO licence considerations is a very worrying development which threatens to reduce the numbers of safe properties in Scotland, threatening harm to students and other tenants. Rather than mixing safety and planning issues, we believe current systems, such as landlord registration, should be where efforts are focussed to enforce planning quotas.

16. Nothing should be done to risk the safety of students or other tenants and we therefore believe changes to give local authorities the power to mix safety and planning in this manner should be reconsidered.