

## EQUALITY IMPACT ASSESSMENT - RESULTS

<b>Title of Policy</b>	The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020
<b>Summary of aims and desired outcomes of Policy</b>	The objective of the Regulations is to encourage sustainment of tenancies during the COVID-19 outbreak by ensuring that, prior to seeking repossession of a property on the grounds of rent arrears, landlords make reasonable efforts to work with tenants to manage arrears.
<b>Directorate: Division: team</b>	Housing and Social Justice Directorate Better Homes Private Rented Sector Unit

### Executive summary

1. An Equality Impact Assessment (EQIA) was undertaken in connection with the development of the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 to consider potential impacts across the protected characteristics from the introduction of the requirements.

### Background

2. Under the terms of the Housing (Scotland) Act 1988 and the Private Housing (Tenancies) (Scotland) Act 2016, in relation cases for repossession on the grounds of rent arrears, the First-tier Tribunal for Scotland (Housing and Property Chamber) must find that the ground for repossession applies if the level of arrears set in the legislation is met.

3. The Coronavirus (Scotland) Act 2020 makes most grounds for repossession in the private rented sector discretionary, including those related to rent arrears. This changes the current position and ensures that the Tribunal considers the reasonableness of making an order during the Covid-19 outbreak.

4. The Coronavirus (Scotland) (No.2) Act 2020, provided Scottish Ministers with a regulation making power to temporarily introduce pre-action requirements that will apply where a landlord pursues a repossession order on the grounds of rent arrears, where all or part of these arrears have originated in the period during which paragraph 4 of schedule 1 of the Act is in force. It also includes a provision that requires the First-tier Tribunal for Scotland (Housing and Property Chamber) to take into account the extent to which a landlord has complied with these pre-action requirements when deciding whether it is reasonable to grant a repossession order.

7. The proposed Regulations will set the pre-action requirements that will apply in such cases, which will be taken account of by the First-tier Tribunal for Scotland (Housing and Property Chamber) when determining whether to grant a repossession order on the basis that the tenant is in rent arrears

### **The Scope of the EQIA**

8. The EQIA assess the potential for impacts and considers any areas where further consideration is required and where opportunities to promote equality exist.

### **Key Findings**

9. Initial consideration indicates that the introduction of the pre-action requirements will result in positive impacts across tenant groups. It will strengthen the protection for all private rented tenants and focuses on ensuring good communication and engagement between landlords and tenants to support a joint approach to managing arrears. This provides a stimulus for consideration of differential experiences among PRS tenants. There may be potentially for greater beneficial impacts on some people and/or communities, including people with protected characteristics.

### **Recommendations and Conclusion**

10. The Scottish Government has concluded that none of the proposals are discriminatory and that there are no significant issues that are considered would impact negatively upon the various groups.

11. As the EQIA process has not identified any issues which would have a detrimental impact on any of the protected groups, the recommendation is that the proposed Regulations are introduced in order to provide

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additional protection for private rented tenants during the period impacted by the COVID-19 outbreak.

12. The Scottish Government will keep the measures under review as part of the ongoing response to the COVID-19 outbreak.