

# Renting Matters in Falkirk

No.4



# Welcome

## to the 4th edition of our Renting Matters in Falkirk

As the festive period and a New Year approach, this edition provides an update on the key developments that will affect private rented sector housing into 2024 as well as an update on the local issues and initiatives that have been and are being progressed within Falkirk.

This edition, we have partnered with Under One Roof Scotland, to provide updates on the common areas and repair developments they specialise in.

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# Update on Extension to Cost of Living Legislation

Following on from the Extension of Tenant Protection Legislation article in our [May 2023 Newsletter](#), the [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) has been extended, on the same basis, for the final time until 31st March 2024.

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## Housing Bill

[Equality, Opportunity, Community - Our programme of Government](#) was published in September 2023 and outlined the priorities for the year ahead. One area is to “introduce the Housing Bill to create powers for the introduction of long term rent controls - creating new tenants’ rights and introduce new duties aimed at the prevention of homelessness”.

The exact timing and specific content of the Bill is still under consideration. Final decisions will be taken by the Scottish Government Cabinet before it is submitted to Parliament.

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## RentBetter - Scottish private rented sector research

Indigo House have asked us to highlight this research to you. We believe the survey may close mid-January 2024.

Commissioned by the charitable Nationwide Foundation, the ‘RentBetter’ research is a 5-year research programme from 2019 to 2024 and this is the final wave of the research.

The research seeks to uncover the impact of the Scottish Private Residential Tenancy and will also examine the impact of rent controls, and restrictions on evictions introduced through the 2022 Cost of Living legislation. The Foundation wants to share the lessons from the Scottish experience to influence any other changes required here in Scotland, and to influence future agendas in the private rented sector reform across the UK.

The landlord and letting agent survey is available at: [Landlord & Letting Agents Survey Link](#), and should take about 15 minutes to complete.

The research is being undertaken by Indigo House. To find out more about the research and findings since 2019, please go to: <https://rentbetter.indigohousegroup.com>

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# EPC reform update

## Article by Under One Roof Scotland

The Scottish Government recently held a consultation which outlined plans to reform domestic and non-domestic Energy Performance Certificates (EPCs). The consultation has now closed and the responses are currently under review, with the results expected to be released in Spring 2024.

The consultation is intended to support the delivery of updates to the Heat in Buildings Strategy, and ultimately to legislation which is expected to introduce regulations for domestic and non-domestic buildings to meet minimum energy efficiency standards equivalent to EPC C. However, the Scottish Government did not list a Heat in Buildings Bill as part of their 2023-24 legislative programme, and it is not yet clear when it intends to do so.

EPCs play a crucial role in showing how energy-efficient a building is, helping owners to understand their property's performance. However, it is widely agreed that the current metrics used for EPCs are unsuitable for rating homes, especially those that aim to improve energy efficiency through measures like installing zero direct emissions heating systems, such as heat pumps.

The Scottish Government is proposing to reform EPCs to better reflect the energy efficiency performance of homes and buildings, including those that use heating systems in line with net zero targets. The proposed EPC reform would also provide more information on the fabric efficiency of buildings and be more user-friendly, so homeowners can easily understand how to improve their home's energy efficiency.

Under One Roof will be hosting a free online event on energy efficiency in tenement buildings, and providing updates on EPCs and the Heat in Buildings Strategy, on 31st January 2024. To stay up to date about when registration opens for this event, and other tenement-related information and news, [subscribe to Under One Roof's newsletter](#).

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# Tenement repair legislative update

## Article by Under One Roof Scotland

In 2019, the Scottish Parliament's Tenement Maintenance Cross-Party Working Group made three legislative proposals to Scottish Government: mandatory owners' associations, five-year building inspections, and building reserve funds. The Scottish Government agreed to these proposals, and the current Housing Minister reaffirmed just last month the need to implement these changes in order to tackle the issue of building disrepair.

Currently, the Scottish Law Commission is looking into various legal issues around creating legislation to make owners' associations mandatory, though they have delayed reporting back their findings to Government by six months; the report is now expected in Spring 2024. The Scottish Government has previously indicated that they will not be bringing forth legislation on these matters until after the next election, which means 2025-26 at the earliest.

In the meantime, the Tenement Maintenance Working Group is meeting to consider other proposals that would make it easier for owners to initiate and complete common repairs. A more detailed description of the recent legislative efforts and proposals focused on tenement maintenance can be found on [the Built Environment Forum Scotland website](#).

To stay up to date on legislative issues related to tenements, [subscribe to the Under One Roof newsletter](#). For support with tenement maintenance and repair management, check out the [Under One Roof website](#).

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# Repairing Standard Common Area changes from 1 March 2024

## Article by Under One Roof Scotland

Earlier this year, the Scottish Government announced [a series of updates](#) to the existing Repairing Standard that will be enforceable from 1st March 2024. The Repairing Standard covers the legal and contractual obligations of private landlords to ensure their property or properties meet the minimum physical standard of repair.

As landlords and letting agents get prepared to implement the new updates, there are important parts concerning common areas of buildings that will require collaboration and consent amongst owners to achieve.

The updates that apply to landlords of tenement flats include:

### Safe access to common parts

The tenant must be able to safely access and use any common parts of the tenement, such as common closes, common stairs, common lifts, bin stores, and drying areas. See [Repairing Standard: Statutory Guidance - Annex H](#) for more information.

### Safe and secure common doors

Common doors must be secure and fitted with satisfactory locks and must allow users to open them from the inside without a key so that they do not inhibit exit in the event of a fire. See [Repairing Standard: Statutory Guidance - Annex I](#) for more information.

### Consent to work on common parts

A landlord or letting agent will not fail the Repairing Standard if work otherwise needed to comply cannot be carried out because a majority of owners in the tenement have refused consent to carry out the work. See [Repairing Standard: Statutory Guidance - section 7](#) for more information.

All tenement flat owners, including landlords, have [maintenance obligations](#) to keep their building in reasonable condition. If you are struggling to get the co-owners in your building to agree to a common repair, find out about the steps you can take to [enforce the repair](#).

As always, it's important to follow [proper procedures](#) when organising common repairs, which includes informing owners, making decisions, and paying the correct share for work carried out. Following these procedures is imperative to achieving a safe and sustainable building and compliance with the Repairing Standard. To find out more about the Repairing Standard updates and for some top tips on how to be prepared, check out the full article on [the Under One Roof website](#).

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# Repairing Standard Internal Area changes from 1 March 2024

In addition to the Repairing Standard changes affecting common areas, the following changes to internal elements of a property, which make up the Repairing Standard, become a requirement and are enforceable from 1st March 2024.

This means that the properties that you rent should comply with all these elements in order to meet the Repairing Standard. If your property does not, your tenant will be able to apply to the First Tier Tribunal to enforce the Repairing Standard.

## 1. Safe Kitchens

The repairing standard will be amended to include a requirement to have safely accessible food storage and food preparation space in a private rented house. See [Repairing Standard: Statutory Guidance - Annex G](#) for more information.

## 2. Fixed Heating Systems

The existing duty to ensure that installations for the supply of heating are in a reasonable state of repair and in proper working order will be amended to specify that there must be a fixed heating system in a private rented house. See [Repairing Standard: Statutory Guidance - Annex D6](#) for more information.

## 3. Residual Current Devices

The existing duty to ensure that installations for the supply of electricity in a private rented house are in a reasonable state of repair and in proper working order will be amended to specify that these must include a residual current device (a device to reduce the risk of electrocution and fire by breaking the circuit in the event of a fault). See [Repairing Standard: Statutory Guidance - Annex D3](#) for more information.

## 4. Other Fuels

The existing duty to ensure that installations for the supply of gas and electricity in a private rented house are in a reasonable state of repair and in proper working order will be extended to any other type of fuel. See [Repairing Standard: Statutory Guidance - Annex D4](#) for more information.

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# Local Heat and Energy Efficiency Strategy (LHEES) Update

Falkirk Council is delighted to have published our Local Heat and Energy Efficiency Strategy and Delivery Plan (LHEES). The LHEES sets out a long-term plan for decarbonising heat in buildings as well as improving the energy efficiency across the local area. Ours LHEES Delivery Plan sets out a number of actions to deliver on Falkirk Council's LHEES. This working document will be updated regularly as we develop further projects and become aware of activities across the area, this includes how landlords are improving the energy efficiency of their properties or decarbonise their heating systems.

It is important that we work collaboratively across the Council area engaging with landlords, registered social landlords, our own social housing team, private owners, businesses and owners of other non-domestic properties.

Through research conducted as part of LHEES the areas of Falkirk with the lowest levels of energy efficiency are Bo'ness, Kinneil and Falkirk Grahamston. We need to target awareness raising in terms of actions to improve energy efficiency and the available financial support in these areas.

Private sector tenants can access Home Energy Scotland's Warmer Homes Scotland Scheme, if they are in receipt of certain passport benefits (e.g. Income Related and Employment Support Allowance). Tenants will need to seek permission from their landlord and will not be eligible to apply if there are measures that the landlord may be required to fund directly. More information can be found via the [Home Energy Scotland Website](#).

Home Energy Scotland also have a 'Private Rented Sector Landlord Loan' that helps landlords improve the energy efficiency of their properties and meet the planned minimum energy efficiency standards. With the Scottish Government's Heat in Buildings Strategy setting a target of all households achieving at least an EPC rating of C then this scheme could be helpful. Information about the landlord loan can be found [here](#).

# Update on Tenant Engagement Survey

We mentioned in our [Renting Matters in Falkirk \(May 2023\) Newsletter](#) that we were due to launch our Tenants Engagement Survey pilot. Its purpose was to:

1. Raise awareness of the Private Sector Team
2. Provide information on Property Conditions and ensure the relevant safety checks have been carried out
3. Provide Renting Rights information
4. Engage with private tenants to better understand the private rented sector

We wanted to provide feedback to you on its progress, success and findings to date. The pilot was launched in May 2023. It was initially rolled out to tenants using a randomised method to ensure we were getting a sample of properties across the area. We have since issued the survey directly to all registered private lets.

We have issued 6,488 surveys and now completed the pilot. Up until the beginning of December 2023, we had received 85 responses. 39 separate health and safety issues were highlighted: 8 Action Plans have been created to address these issues directly with landlords: 2 of these properties were found to be Below Tolerable Standard.

We also asked tenants to rate the condition of their Private Let, as part of the survey. We have detailed below the findings so far and have compared the feedback received with the LHS Consultation Private Sector Tenants survey - we hope you find this useful:

	Tenant Engagement Survey 2023	LHS Consultation Private Sector Tenant Survey 2022/23
	May 2023 onwards	October 2022 - January 2023
Very Good	46%	31%
Good	26%	42%
Fair	8%	22%
Poor	12%	5%
No answer	8%	0%
Responses received	85	85

Responses to this survey are still being received. We plan to give you a further update on this pilot in our next Newsletter.

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# Prescribed Information Pilot

The Private Sector Team started a pilot in March 2023, to verify that all landlords had the correct certification in place for all new and renewed registration applications. Only landlords without a letting agent were included in the pilot.

The landlord is contacted by email and asked to submit copies of the Electrical Condition Installation Report and Gas Safety certificates. They are also asked to confirm they have the required smoke, heat and Carbon Monoxide (CO) detection in place.

Where no contact is received a further email is sent. If contact is not received a Notification of Repair letter is issued. If the landlord still fails to engage, this is followed up by a 3rd party application to The Housing and Property Chamber, for enforcement action.

As at 1st December 2023, we have requested certificates in connection with 514 properties. Of the 479 cases completed, figures show that 43% of properties do not have valid certificates in place. As a result, we have created 130 action plans and have submitted 18 Housing Property Chamber applications to enforce registration requirements.

This pilot helps us enforce landlord registration requirements. It also helps us create a level playing field for landlords as well as safeguarding tenants' safety and interests.



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# Novoville Shared Repairs App

The Novoville Shared Repairs App is now live across the Falkirk Council area and is available for all homeowners to use. Please see our [Novoville Shared Repair app](#) page for more information.

If Falkirk Council owns a property in the block, please invite us into the virtual block so we are aware of repair discussions. You should be able to do this directly from the app or by emailing an invite code to [MixedTenureTeam@falkirk.gov.uk](mailto:MixedTenureTeam@falkirk.gov.uk).

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# Local Housing Strategy (LHS) 2023-2028

Our draft Local Housing Strategy (LHS) 2023-2028 was approved by our Executive Committee on 17 October 2023 and is available online at: [Local Housing Strategy 2023-2028](#). We have submitted our approved strategy to the Scottish Government to be assessed and hope to hear back and finalise our strategy by Spring 2024.

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# Summary Reports: LHS Private Sector Consultations

The Summary Reports for our three LHS, Private Sector Consultations (Landlord & Letting Agents, Private Sector tenants and our Scheme of Assistance) are now available to view online at: [Local Housing Strategy 2023-2028: Private Sector Housing Consultations - Summary Reports](#)

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# Renting Privately: rental information

2023, Quarter 2 information is now available on our [Renting Privately: rental information page](#). This page shares information collected through our Private Rent Database with you: we hope you find this useful.

- Average rents by size and housing market area
- Number of lets by size and housing market area
- Number of lets, by property type and housing market area
- Numbers of lets covered by the Local Housing Allowance (LHA) by housing market area.

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# Financial and practical support

Our [Financial and practical support webpage](#) provides information about available services and assistance. These include areas of financial support, practical support, advice as well as useful information which may help increase or manage income. This information may be of use to your tenants and help them manage their tenancy - please consider sharing this information.

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## Homeless Prevention Team

[Homeless Prevention Team](#) offers a range of assistance to help maintain private sector tenancies, this can include accessing Discretionary Housing Payments and tenancy sustainment to alleviate the threat of homelessness. Advice and help can be accessed:

- online at: [Housing Options and Homeless Prevention](#)
- by emailing: [preventionteam@falkirk.gov.uk](mailto:preventionteam@falkirk.gov.uk)
- by calling: 01324 503600

### Privacy Statement

The council must comply with Data Protection Legislation as defined by the Data Protection Act 2018. If you supply personal information to us you can find out how we handle personal data at [www.falkirk.gov.uk/privacy](http://www.falkirk.gov.uk/privacy)

If you would like this information in another language, Braille, LARGE PRINT or audio tape please contact the Private Sector Team.

If you have any queries regarding this newsletter, please contact the Private Sector Team:

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